



A CAMPAIGN OF THE NATIONAL JUVENILE JUSTICE & DELINQUENCY  
PREVENTION COALITION

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## Overview of S. 1169

### The Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015

On April 30, 2015, Senators Grassley and Whitehouse introduced S. 1169, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015. The bill builds on legislation (S. 678) reported out of the Senate Judiciary Committee in the 111<sup>th</sup> Congress (December 2009) and S. 2999, a bill introduced at the end of the last Congress (December 2014). S. 1169 strengthens and updates the Juvenile Justice and Delinquency Prevention Act (JJDP), which has provided States and localities with federal standards and supports for improving juvenile justice and delinquency prevention practices, and contributed to safeguards for youth, families and communities for more than 40 years.

On July 23, 2015, S. 1169 was considered by the full Senate Judiciary Committee. Several improvements were incorporated through a managers' substitute amendment which was approved by voice vote. The revised version reported out by the Senate Judiciary Committee includes additional provisions to address the needs of system-involved girls and to encourage the use of evidence-based practices to reduce recidivism.

Below please find highlights from the bill as reported by the Senate Judiciary Committee:

#### Core Protections:

- Strengthens the Deinstitutionalization of Status Offenders (DSO) core protection: Under current law, non-delinquent status offenders, such as children who are truant, runaway, or violate curfew, alcohol and tobacco laws, may be held in juvenile lock-ups under the Valid Court Order (VCO) exception, which allows judges to issue detention orders. The practice persists despite evidence that securely detaining status offenders is harmful to youth development and is costly, especially when compared to more effective responses including shelter care, crisis counseling, family support, and/or community and school based interventions. The bill requires States that still permit the use of the VCO exception to phase out its use within three years. Until VCO elimination, it provides extra safeguards for status offenders in locked facilities, including limits on how long status offenders may be detained.
- Strengthens core protection requiring states to reduce Racial and Ethnic Disparities: Research has documented that youth of color are disproportionately over-represented and subject to more punitive sanctions than similarly-charged/situated white youth at all levels of the juvenile justice system. The bill gives clear direction to States and localities to plan and implement data-driven approaches to ensure fairness and reduce racial and ethnic disparities, to set measurable objectives for disparity reduction, and to publicly report such efforts.
- Improves the Jail Removal and Sight and Sound core protections: Research shows youth confined in adult jails and lock-ups are more likely to re-offend upon release and while confined are at pronounced high risks for suffering assault and committing suicide. The bill extends the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult lock-ups and to ensure sight and sound separation in the limited circumstances where they are held in adult facilities.

## **Overall Delinquency Prevention and Juvenile Justice System Improvements:**

- Strengthens commitment to educational progress for system-involved youth: The bill allows for easier transfer and application of education credits earned for system-involved youth across school systems and calls for individualized case plan to help youth reentry their communities, including education and job training assistance, among other things.
- Recognizes the impact of exposure to violence and trauma on adolescent behavior and development: The bill includes definition of ‘trauma-informed’ and encourages States to ensure that programs and practices designed to address the needs of system-involved youth are both evidence-based and trauma-informed.
- Provides comprehensive services and supports for youth: The bill promotes community-based alternatives to detention; encourages family engagement in design and delivery of treatment and services; and improves screening, diversion, assessment, and treatment for mental health and substance abuse needs.
- Strengthens incentives for investment in evidence-based practices: The bill strengthens provisions to promote interventions with a proven impact on reducing recidivism based on research that shows that community-based alternatives can have better outcomes for youth, protect public safety and cost less.
- Improves conditions of confinement in juvenile facilities: The bill calls for the OJJDP Administrator to report annually on State data regarding the uses of isolation and restraints in juvenile detention and corrections facilities, and encourages training of facility staff to eliminate dangerous practices. The bill also calls for States to develop policies and procedures to eliminate the use of dangerous practices and unreasonable use of restraints and isolation, through the use of alternative behavior management techniques.
- Addresses the needs of system-involved girls: The bill includes significant updates and improvements to address needs and circumstances around girls, including better screening of and alternatives to detention for girls who have been trafficked or experienced sexual violence. There is also a provision to eliminate the use of restraints on pregnant girls in custody.
- Promotes fairness: The bill supports State efforts to expand youth access to counsel and to inform youth of opportunities to seal or expunge juvenile records once they have gotten their lives back on track.
- Reauthorizes the Juvenile Accountability Block Grant (JABG) program: JABG helps states and localities reduce juvenile offending by providing judges and other juvenile justice officials with a range of age/developmentally-appropriate options to both hold youth accountable and get them back on track so they are less likely to reoffend.

## **Oversight & Accountability:**

- Increases Accountability: The bill includes several provisions to ensure effective use of resources, to provide greater oversight of grant programs, and to ensure state compliance with federal standards.
- Promotes transparency: The bill requires that a state plan be posted online within 60 days of its approval and that OJJDP annually publicize a plan outlining program goals.
- Non-Compliance Penalty: States found out of compliance with a core protection will lose 20% of its Title II formula grant. Of these monies, 50% will be reallocated to compliant states and 50% will be available to the Administrator to provide technical assistance to states on compliance issues.
- Regulatory Action: Calls on the Attorney General to issue regulations no later than 90 days after enactment of the Act.

## **Funding Levels:**

- Sets overall authorization levels for juvenile justice funding: The bill provides \$160 million for Fiscal Year 2016 to implement the bill, with a 2 percent increase each fiscal year for the five year term of the reauthorization.