



A CAMPAIGN OF THE NATIONAL JUVENILE JUSTICE
& DELINQUENCY PREVENTION COALITION

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Juvenile Justice and Delinquency Prevention Act (JJDP A) Policy Recommendations

The Act 4 Juvenile Justice campaign of the National Juvenile Justice and Delinquency Prevention Coalition—composed of national, international, state and local organizations—believes that it is time for Congress to reauthorize and strengthen the JJDP A.

Reauthorization of the JJDP A is currently more than seven years overdue. Congress can and should use the reauthorization of the JJDP A as an opportunity to strengthen accountability, restore federal investment in juvenile justice, help states protect public safety, hold delinquent youth accountable, protect our children from harm, and provide rehabilitation services to prevent future delinquency. This landmark law was last reauthorized in 2002, but few substantive changes were made at that time. Since the last major reauthorization of the JJDP A nearly two decades ago, much more is known about what works and does not work to keep our communities safe and put youth on a better path.

The most recent, bipartisan proposal to reauthorize the JJDP A was introduced in 2014,¹ and builds on legislation originally reported out of the Senate Judiciary Committee in the 111th Congress.² This latest proposal includes provisions to strengthen the law's core protections by reducing the placement of youth in adult jails pre-trial, providing more structure to the law's requirement to decrease racial and ethnic disparities, and phasing out exceptions that allow the detention of youth who have engaged in status offense behaviors. The bill also promotes the use of alternatives to incarceration, improves conditions and educational services for incarcerated youth, and increases accountability.

Congress should reintroduce this legislation, hold hearings, and pass a final JJDP A reauthorization bill that will:

- Extend the Jail Removal and Sight and Sound separation core protections to all youth under the age of 18 held pretrial, whether charged in juvenile or adult court.
- Codify current state flexibility for housing youth convicted in adult court in juvenile facilities rather than adult prisons by modifying the definition of "adult inmate."

- Strengthen the Deinstitutionalization of Status Offenders (DSO) core protection, which prohibits the locked detention of status offenders, by removing the valid court order (VCO) and Interstate Compact exceptions.
- Strengthen the Disproportionate Minority Contact (DMC) core protection by requiring States to take concrete, measurable steps to reduce racial and ethnic disparities in the juvenile justice system.
- Provide safe and humane conditions of confinement for youth in state or local custody by prohibiting use of JJDP funds for dangerous practices, encouraging states to adopt best practices and standards to eliminate dangerous practices, and clarifying that isolation of longer than a few hours is a dangerous practice.
- Provide a research-based continuum of mental health and substance abuse services to meet unmet needs of court-involved youth and their families, including diversion and re-entry services.
- Ensure that programs and practices designed to address the needs of system-involved youth are both evidence-based and trauma-informed and reflect adolescent development principles.
- Ensure that confined youth receive high quality education aligned with state and local curricula, and that they receive supports for successful re-entry to school.
- Assist states in compliance with the JJDP by establishing incentive grants to encourage states to adopt evidence-based and/or promising practices that improve outcomes for youth and their communities. For states that are deemed to be out of compliance with any of the core protections, Congress should require any JJDP funds withheld for non-compliance to be set aside and made available to those states as improvement grants to help them with those particular protections.
- Enhance the partnership between states and OJJDP by expanding training, technical assistance, research and evaluation. Of particular importance is training to enhance the capacity of state and local courts, judges, and related judicial personnel to more effectively improve the lives of system-involved children and those at risk of becoming involved in the juvenile court system.
- Enhance the partnership between OJJDP and Congress by encouraging transparency, timeliness, public notice, and communication.
- Incentivize juvenile justice systems to ensure that all policies, practices, and programs recognize the unique needs and vulnerabilities of girls.
- Incentivize states to reduce the number of child welfare involved youth who cross over into the juvenile justice system by implementing best practices for cross-system communication and collaboration between child welfare agencies and juvenile justice systems.
- Update provisions to ensure that all policies and practices protect youth from discrimination based on actual or perceived sexual orientation, gender identity, and gender expression, and incentivize juvenile justice systems to increase cultural competency to serve LGBT youth.

¹ See S. 2999, Juvenile Justice and Delinquency Prevention Reauthorization Act of 2014, introduced December 11, 2014.

² See S. 678, Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009, introduced March 24, 2009.