

# #JJDPAmatters in ARKANSAS

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**First passed in 1974, the Juvenile Justice and Delinquency Prevention Act (JJDP A) is the only federal statute that sets out national standards for the custody and care of youth in the juvenile justice system and provides direction and support for state juvenile justice system improvements.**

- Most recently reauthorized in 2002 with bipartisan support, this landmark law provides critical federal funding to states that comply with a set of best practices designed to protect children from the dangers of adult jails and lockups; keep status offenders out of locked custody; and address the disproportionate treatment of youth of color in the justice system.
- The law also calls on states to make use of research-based effective practices and programs to reduce reliance on incarceration, to implement effective, community-based alternatives and to help youth get their lives back on track.

**In April 2015, Senator Charles Grassley, R-Iowa and Senator Sheldon Whitehouse, D-RI, introduced S.1169, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015. The bill has broad bi-partisan support and builds on the current law by:**

- Strengthening the Deinstitutionalization of Status Offenders (DSO) core protection, which prohibits the locked detention of status offenders, by removing the Valid Court Order and Interstate Compact exceptions.
- Extending 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.
- Strengthening the Disproportionate Minority Contact (DMC) core protection by requiring States to take concrete steps to reduce racial and ethnic disparities in the juvenile justice system.
- Providing safe and humane conditions of confinement for youth in state and/or local custody by restricting use of JJDP A funds for dangerous practices and encouraging States to promote adoption of best practices and standards.

**In February 2016, Senate leaders attempted to pass the bi-partisan measure by unanimous consent. Only Senator Tom Cotton (R-AR) objected based on opposition to the provision in the bill that calls on states to stop using violations of court orders to lock up runaways and truant.**

- To date, the bill's bi-partisan cosponsor include: Senators Ayotte (R-NH), Blumenthal (D-CT), Blunt (R-MO), Booker (D-NJ), Coons (D-DE), Cornyn (R-TX), Durbin (D-IL), Ernst (R-IA), Feinstein (D-CA), Franken (D-MN), Hatch (R-UT), Klobuchar (D-MN), Leahy (D-VT), Murray (D-WA), Rubio (R-FL) and Shaheen (R-NH).
- A coalition of over 100 nonprofit organizations have endorsed the bill including the Campaign for Youth Justice, Coalition for Juvenile Justice, Fight Crime: Invest in Kids, Boys Town, Rights4Girls, the National Criminal Justice Association, the National Council of Juvenile and Family Court Judges, and the National District Attorneys Association. In Arkansas, support includes: the Arkansas State Advisory Group, Arkansas Advocates for Children and Families, and the Arkansas Division of Youth Services.
- Law enforcement leaders from Arkansas who support this bill include chiefs of police from the Mayflower Police Department, the Ward Police Department, the Judsonia Police Department, the Lowell Police Department, the Bryant Police Department, the Benton Police Department, the Glenwood Police Department, the Dardanelle Police Department, and the sheriff of the Lafayette County Sheriff's Office.

**Research tells us that incarcerating status offenders is both costly and ineffective. It also increases the likelihood that a young person will be further disconnected from school and the community, and more likely to engage in more serious, risky behavior.**

- An estimated 50% of Arkansas' incarcerated children are locked up for status offenses at a cost of nearly \$70,000 per year, per child.<sup>i</sup>
- Last year alone, status offenders entered youth lockups anywhere from 500 times to 1,000 times according to information from the Division of Youth Services, booking sheets and interviews with juvenile court judges in Arkansas.<sup>ii</sup>
- Kids as young as 9-years-old have reportedly been placed in lock-ups for maybe nothing more than being hard to control.<sup>iii</sup>
- Maltreatment in Arkansas juvenile facilities has been documented since the late 1990s, including reports of verbal, physical and sexual abuse; harsh physical restraints and staff encouraging youth to assault other youth.<sup>iv</sup>

## **Voices from the Field:**

"...Arkansas has lagged behind in reducing commitments compared with other states, including neighboring states like Texas and Tennessee as well as Georgia, which she said had seen "enormous success." - *State Youth Services Division seeks oversight of youth lockups*, [Arkansas Democrat-Gazette](#), October, 2015.

"They still are forming their brains and their ways of thinking, and [when] you introduce them to this sort of thing early on, we're making our future criminals. No matter how great the facility." - Jean E. Mack, director of the Washington County Juvenile Detention Center in Fayetteville. - [Jury's still out on jailing truants](#), [Arkansas Democrat-Gazette](#), December, 2015.

"In roughly two-thirds of Arkansas counties last year, children went to youth lockups for skipping school, disobeying their parents, running away from home. In the other 27 counties, children who did the same things remained free....But in Arkansas, whether the youths go to jail depends largely on the philosophies of their judges and the abilities of their counties to pay for them to be locked up. The disparity is a little known truth about the juvenile justice system in Arkansas.... "It is a problem because you're not really getting the same shake....the pattern of inequality is "troubling." - Jerald Sharum, adjunct professor at the University of Arkansas School of Law. [Locking up unruly youths in state depends on judge](#), [Arkansas Democrat-Gazette](#), December 2015.

"Over the past several decades, the Arkansas Division of Youth Services (DYS) was...awash in chaos and controversy....As a headline in the Arkansas Democrat-Gazette warned in 1991: 'Stacked in centers, youth in trouble fall through the cracks.' [A] consultant warned in 1989, 'Too many youths who could better be served in community-based treatment were being inappropriately and unnecessarily held in state confinement.'" - Pat Arthur and Christopher Hartney, [Arkansas Youth Justice: The Architecture of Reform](#), February 2012.

## **Arkansas can do better. The JJDPa can help.**

To protect all Arkansas' children, Congress should pass legislation to reauthorize and strengthen the Juvenile Justice and Delinquency Prevention Act (JJDPa).

**Tell Senator Cotton to RELEASE HIS HOLD and do what's right for kid; pass JJDPa TODAY!**

For more information go to: <http://www.act4jj.org/> or <http://sparkaction.org/jjdpamatters>

<sup>i</sup> *Lockup youths up for second year*, Arkansas Democrat-Gazette, March 8, 2016.

<sup>ii</sup> *Jury still out on jailing truants*, Arkansas Democrat-Gazette, December, 2015. Available at: <http://www.arkansasonline.com/news/2015/dec/20/jurys-still-out-jailing-truants/?latest>

<sup>iii</sup> Ibid.

<sup>iv</sup> *Maltreatment of Youth in U.S. Juvenile Correctional Facilities: An Update*, Annie E Casey Foundation, June 2015. Available at: <http://www.aecf.org/resources/maltreatment-of-youth-in-us-juvenile-corrections-facilities/>