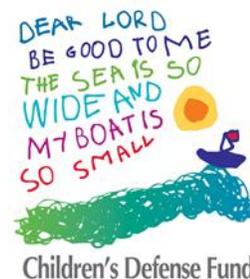


June 2018

The Juvenile Justice and Delinquency Prevention Act (JJDP A) Reauthorization



The Children's Defense Fund Cradle to Prison Pipeline® campaign shines a light on a crisis in America at the intersection of race and poverty. The juvenile justice system resides near the end of the prison pipeline, and it offers a critical intervention point to get children on a more positive track toward college, career, and success in life with the support of family and community. It is in need of urgent reform!

First enacted in 1974, the Juvenile Justice and Delinquency Prevention Act (JJDP A) established national standards for the administration of juvenile justice, including four core protections, as well as assistance for state and local governments. The JJDP A has been reauthorized and updated over the years. However, the JJDP A has not been reauthorized since 2002, and it is long overdue for new updates consistent with positive youth development, including a continuum of evidence-based programs and promising practices.

On May 23, 2017, the U.S. House of Representatives passed the Juvenile Justice Reform Act of 2017, H.R. 1809, which was a reauthorization of the 2002 law. H.R. 1809 was a bipartisan effort, co-sponsored by Rep. Jason Lewis (R-MN) and Rep. Bobby Scott (D-VA), as well as 22 other bipartisan co-sponsors. On August 1, 2017, the U.S. Senate passed a similar bill called the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, S. 860, co-sponsored by Sen. Chuck Grassley (R-IA) and Sen. Sheldon Whitehouse (D-RI). Both bills would strengthen the core protections, make important improvement, and reauthorize the JJDP A for five years. The lead co-sponsors of the bills have been working to get a joint bill across the finish line and to the President's desk to be signed into law.

Core Protections Strengthened

- **The Deinstitutionalization of Status Offenders (DSO):** H.R. 1809 and S. 860 both make efforts to reduce the number of status offenders,¹ such as children who are truant,² runaway, violate curfew, or who violate alcohol and tobacco laws, that are detained by encouraging the use of more effective solutions instead. Under the current Valid Court Order (VCO) exception, a judge can detain status offenders for violating a court order despite research that shows that detaining juveniles is harmful to their development. H.R. 1809 requires states to phase out the VCO exception within three years, but it allows for states to apply for one-year hardship extensions if necessary. The phase-out language was included in S. 860, however, it was removed before S. 860 passed.
- **Reduce Racial and Ethnic Disparities:** Due to extensive racial and ethnic disparities present at all levels of the juvenile justice system, H.R. 1809 and S. 860 include directions to state and local governments to identify such problems and implement practices that reduce these disparities. Moreover, the bills provide measurable objectives and require public reports to increase accountability and transparency.
- **Adult Jail Removal – and – Sight and Sound Separation:** Since research has demonstrated that recidivism is more likely when children are confined in adult jails and/or experience contact with adult inmates, H.R. 1809 and S. 860 expand the requirements of jail removal and sight and sound separation. Both bills aim to keep children out of adult jails and prevent contact with adult inmates.

¹ The term *status offender* refers to someone charged with an offense that would not be a crime if committed by an adult.

² The term *truant* refers to actions such as skipping school, missing school, or an unexcused absence from school.

Delinquency Prevention and Juvenile Justice System Improvements

- **Definitions:** H.R. 1809 and S. 860 both add key definitions, based on research, such as isolation, evidence-based, promising, screening, assessment, and trauma-informed.
- **Emphasizes education for system-involved youth:** H.R. 1809 and S. 860 recognize the importance of education for system-involved youth. Both bills include provisions that would make it easier for youth to transfer education credits and reenter the community.
- **Relies on evidence-based practices:** H.R. 1809 and S. 860 seek to meet the needs of the at-risk youth who come into contact with the juvenile justice system by supporting evidence-based programs and practices, which are trauma-informed and use the science of adolescent development.
- **Improves confinement conditions:** Both H.R. 1809 and S. 860 include a requirement for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to issue an annual report on the uses of isolation and restraints in juvenile detention and correction facilities. Additionally, both bills encourage facilities to begin to eliminate the use of practices such as unreasonable restraints, including chemical agents, and isolation.³ Facilities also must increase screening and assessments to better identify and address mental and behavioral health needs and substance abuse problems. Additionally, facilities must develop a plan to engage family members in the design and delivery of services and treatment to youth.
- **Addresses access to counsel and sealing and expunging records:** H.R. 1809 and S. 860 require states to ensure that youth have access to publicly supported, court-appointed legal representation. Additionally, both bills mandate that states create projects and programs to inform youth of the opportunities for sealing and expunging their records.
- **Focuses on the needs of system-involved girls:** H.R. 1809 and S. 860 encourage states to establish programs that address the needs of girls in, or at risk of, entering the juvenile justice system. These programs will especially target these needs of trafficked youth who have been induced to perform commercialized sex acts by providing home-based or community-based services and treatment for those in need of mental health, substance abuse, and other services.
- **Ends the use of certain restraints on pregnant youth:** Both bills move to eliminate the use of restraints of known pregnant youth during labor, delivery, and post-partum recovery unless there is an immediate threat of harm to self or others.
- **Adds protections for Tribal youth:** H.R. 1809 and S. 860 seek to improve the treatment of Tribal youth who come into contact with the juvenile justice system. Both bills require the OJJDP Administrator, alongside Native American tribes, to develop a policy for collaborating with representatives of tribes to implement the JJDPA. Additionally, OJJDP must create Tribal Delinquency Prevention and Response Programs that assist tribes as they care for Tribal youth who come into contact with the justice system.
- **Juvenile Accountability Block Grant (JABG) program:** While only S. 860 includes a provision to reauthorize the JABG program, this program would help state and local governments reduce offending. The JABG program would provide juvenile justice officials with age-appropriate discipline options that hold youth accountable, while also attempting to reduce the likelihood of reoffending.

³ Isolation is considered to be any instance in which a youth is confined alone for 10 minutes (H.R. 1809) or 15 minutes (S. 860) in a room or cell. This does not include confinement during regularly scheduled sleeping hours, separation based on a medically approved treatment program, confinement or separation that is requested by the youth, or the separation of the youth from a group in a non-locked setting for the purpose of calming.