

# ACT 4

## JUVENILE JUSTICE

### **A CAMPAIGN OF THE JUVENILE JUSTICE & DELINQUENCY PREVENTION COALITION**

—the collective voice of more than 80 national organizations—

### **JJDPA Statement of Principles**

We, the undersigned, urge the Congress to adhere to the following four principles in approaching the Reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA). These principles are grounded in research and their efficacy underscored by the fact that the JJDPA has for more than 30 years provided direction and support for juvenile justice system improvement and, thereby, significantly contributed to the diminution of juvenile crime and delinquency.

\*\*\*\* Please sign on by April 6, 2007—confirm by email to [info@juvjustice.org](mailto:info@juvjustice.org)

- I. **Keep children and youth out of the justice system:** Whenever possible, keep children and youth out of the juvenile and criminal justice systems by addressing their needs and those of their families early and effectively.
  
- II. **Ensure equity and competence:** Do everything possible to ensure equity and competence with regard to race, ethnicity, culture, language, gender and sexual orientation, in legal representation before the courts and throughout all system practices and policies.
  
- III. **Ensure responses appropriate to a young person's age and stage of development:** Do everything possible to ensure that children and youth in the justice system are treated in an age-appropriate manner and provided with developmentally appropriate, evidenced-based services and supports. Ensure, when needed, that sanctions are appropriate to a youth's age and offense.
  
- IV. **Strengthen the federal partnership with the states:** Strengthen the federal role in supporting state and local needs by providing sufficient resources and appropriations for jurisdictions to effectively implement the JJDPA, to fully comply with its core requirements/protections and to ensure state and local adherence to high standards of performance.

## ***What is the JJDPA?***

In 2007, the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) will likely be considered for reauthorization by Congress. The JJDPA, established in 1974 and most recently reauthorized in 2002, provides for:

- a juvenile justice planning and advisory system spanning all states, territories and the District of Columbia;
- federal funding for delinquency prevention programs and initiatives to improve state and local juvenile justice systems;
- operation of a federal agency (the Office of Juvenile Justice and Delinquency Prevention within U.S. Department of Justice) dedicated to training, technical assistance, model program development, as well as research and evaluation, to support state and local efforts.

Under the JJDPA, all states and jurisdictions must comply with the following federal Core Requirements/Protections:

- Deinstitutionalization of Status Offenders (DSO)—prohibiting youth from secure confinement when their offenses result from their minor (under age) status, such as truancy, curfew violations, alcohol and tobacco violations, etc.
- Jail Removal—requiring the speedy removal of children and youth from adult jails and lock-ups.
- Sight and Sound Separation of children and youth from adult inmates in secure confinement settings.
- Reduction of Disproportionate Minority Contact (DMC) along the full spectrum of law enforcement and juvenile justice contact with children and youth.

For more than 30 years, the JJDPA has been repeatedly reauthorized with bipartisan support based on the broad public consensus that children, youth and families involved with the juvenile and criminal justice systems should be safeguarded by federal standards for care and custody, while also upholding the interests of community safety and prevention of victimization.

## ***Why care?***

Each year, juvenile courts handle an estimated 1.6 million delinquency cases and adjudicate youth delinquent in nearly 7 of every 10 petitioned cases. The daily census of youth under age 18 who are incarcerated is 97,000—yet, it is estimated that 25 percent of them are detained while awaiting placement or court proceedings. Many youth who are confined are nonviolent and highly amenable to the benefits of rehabilitative services and supports provided in non-institutional home and community based settings. Juveniles in the courts have been shown to suffer from higher than average incidence of mental/behavioral health problems, learning disabilities and school failure, as well as under-addressed family intervention and support needs.

Additionally, some researchers estimate as many as 200,000 youth have their cases processed in adult criminal court each year as a result of prosecutorial or judicial waiver, statutory exclusion for certain offense categories, or because they reside in states with a lower age of criminal jurisdiction (age 16 or 17). On any given day, an estimated 7,000 youth under the age of 18 are inmates in adult jails, of these 90% are being held “as adults.” Youth who are

not under the jurisdiction of the juvenile court are not covered by the JJDPAs core requirements/protections.

Right now, juvenile arrest rates are at historically low rates—lower than any levels recorded since the 1980s. Nationwide, law enforcement agencies arrest approximately 2.2 million persons under the age of 18 each year, yet in nearly half of all cases the most serious charges are larceny-theft, simple assault, a drug abuse/liquor law violation or disorderly conduct.

The continuing success of effective juvenile crime prevention and deterrence depends on Congress strengthening both the provisions of the JJDPAs, as well as the funding resources needed to fulfill such provisions to the greatest possible extent.

## ***How could adherence to these principles guide JJDPAs reauthorization?***

**I. Keep children and youth out of the justice system: Whenever possible, keep children and youth out of the juvenile and criminal justice systems by addressing their needs and those of their families early and effectively.**

- **Continuum of Care:** Support an array of prevention and intervention strategies for court involved children and families in collaboration with providers of educational, medical, mental/behavioral health, workforce development services, and others, utilizing theory- and evidenced-based practices.
- **Detention Alternatives:** Develop and sustain community- and family-based alternatives to locked detention, both pre- and post-adjudication.
- **Effective Re-entry and Re-connection:** Help young people leave the system, return home and stay home. Provide for effective reconnection to schools, families, community-based family support and/or counseling, jobs, and housing, upon release from confinement.

**II. Ensure equity and competence: Do everything possible to ensure equity and competence with regard to race, ethnicity, culture, language, gender and sexual orientation, in legal representation before the courts and throughout all system practices and policies.**

- **Eliminate Racial Disparities:** Given the disproportionately high contact youth of color have with law enforcement and the justice system, as compared with their white counterparts, it is imperative that federal policy require jurisdictions to demonstrate and report actual reductions in the numbers of youth of color in contact with the justice system at all stages, from arrest to re-entry.
- **Due Process Rights:** The promise of due process rights for juveniles remains largely unfulfilled. Jurisdictions should ensure that youth have timely access to competent and qualified defense counsel and are required to consult with counsel prior to waiving their constitutional right to such counsel.
- **Cultural and Linguistic Competence:** At all system contact points, services and supports given to children, youth and families, as well as institutional conditions, must be linguistically and culturally competent.
- **Ensure Safety:** All populations of youth, especially those who have proven susceptible to harm such as girls, lesbian, gay, bisexual and transgender youth, and children with serious mental/behavioral health concerns, must be safe when in the care or custody of the justice system.

**III. Ensure responses appropriate to a young person's age and stage of development: Do everything possible to ensure that children and youth in the justice system are treated in an age-appropriate manner and provided with developmentally appropriate, evidenced-based services and supports. Ensure, when needed, that sanctions are appropriate to a youth's age and offense.**

- Incentives: Provide incentives to state and local jurisdictions to develop and implement developmentally-appropriate services and supports for children and families that emphasize limited system contact and research-driven approaches to youth development.
- Normal Adolescent Behavior vs. Delinquency: Guard against juvenile and criminal justice system responses that are unduly punitive, criminalize normal adolescent behavior or assume that youth competence and culpability equals that of adults.
- Restorative Justice: In response to offending, implement policies, programs and practices that seek to restore the victim and the community and hold the youth offender accountable.
- Extend Federal Core Requirements to All Youth Until Age 18: Extend the four JJDP Core Requirements/Protections to apply to all youth until the age of 18, whether they are handled by the juvenile justice system or the adult criminal justice system.

**IV. Strengthen the federal partnership with the states: Strengthen the federal role in supporting state and local needs by providing sufficient resources and appropriations for jurisdictions to effectively implement the JJDP, to fully comply with its core requirements/protections and to ensure state and local adherence to high standards of performance.**

- Optimal Funding: Ensure that funding authorizations in the JJDP are provided at optimally effective levels to fulfill the all of the mandates of the JJDP, as well as those contained in related juvenile justice programs, such as the Juvenile Accountability Block Grant (JABG) program.
- Grants for State-Identified Needs: Ensure that the federal role under the JJDP is responsive to state-identified needs and the State Plan process, including field-based and field-strengthening research and evaluation to refine and expand the array of best and evidenced-based practices.
- Performance Measures: Establish and support states and local jurisdictions to set, implement and monitor performance measures for achieving the highest possible standards for safe, effective and competence-building systems, programs, policies and practices. Provide resources to support training, technical assistance and information dissemination in line with state needs.

**We, the undersigned organizations and leaders, seek the support of Congress to see the aforementioned principles are assured in the Reauthorization of the federal Juvenile Justice and Delinquency Prevention Act (JJDP):**

**American Psychiatric Association  
Campaign for Youth Justice  
Center for Children's Law and Policy  
Child Welfare League of America  
National Collaboration for Youth**

**National Juvenile Justice Network**

**National Network for Youth**

**National Parent-Teacher Association**

**National Partnership for Juvenile Services, Earl Dunlap, CEO**

**Justice Policy Institute**

**Youth Network Council**

-- as of 3/20/2007

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Data sources: Snyder, Howard N. and Sickmund, Melissa. 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. [www.ncjj.org](http://www.ncjj.org); Coalition for Juvenile Justice, 2005. *Childhood on Trial: The Failure of Trying and Sentencing Youth in Adult Criminal Court*, Washington, DC. [www.juvjustice.org](http://www.juvjustice.org)