



Federal Policy Trends in Juvenile Justice Reform

**Federal Advisory Committee
on Juvenile Justice
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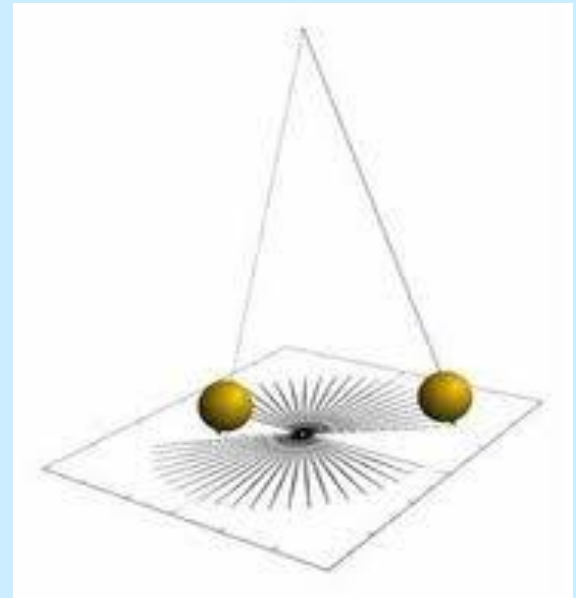
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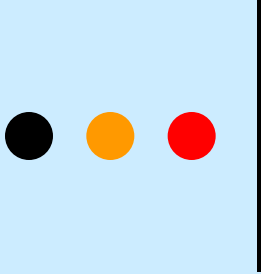
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Swings in federal policy outlook

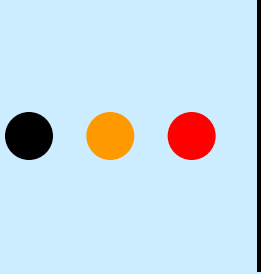
- Punitive vs. **Rehabilitative**
- Adult time for adult crime vs. **Recognizing developmental and other differences between youth and adults**
- Criminalizing adolescent behavior vs. **Service, supports and interventions**
- Institutional vs. **Family and community connected care**
- National policy leading and spurring states forward vs. **national policy following on state/local innovations.**





Limited federal role in juvenile justice and delinquency prevention

- **Congress regards juvenile justice and delinquency prevention to be chiefly the responsibility of states and localities.**
- **1970s: Marked a change:**
 - **First steps to enact federal standards re: care and custody of juveniles in detention and incarceration, aimed at preventing unnecessary , dangerous and counterproductive jailing of children and youth.**
 - **1974: Juvenile Justice and Delinquency Prevention Act (JJDP) marked an historic change. Still most meaningful and comprehensive federal juvenile justice and delinquency prevention statute.**
 - **Created distinct home for juvenile justice within Department of Justice (OJJDP).**



Expanding federal role in juvenile justice and delinquency prevention

- **Congress in 1980s and 1990s created new requirements and authorizations in abundance in juvenile justice**
- **Notable among the changes**
 - **DMC (confinement) requirement**
 - **VCO exception**
 - **Juvenile Accountability Block Grant**
 - **Violence Against Women Act**
 - **New programs and highest levels of funding for juvenile justice: broad initiatives in training, research and program models; special caucuses were formed including youth leadership; many publications and robust OJJDP presence.**



Where are we now with JJDPA?

Challenges:

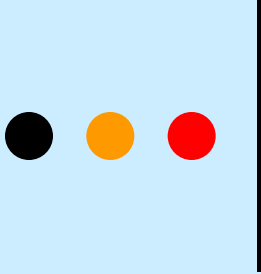
- Last reauthorization in 2002 took six years.
- Began on controversial and destructive footing:
“The Chronic and Violent Super-predator Act ”
 - ended with a non-controversial, watered down bill.
 - DMC expanded in scope but hobbled by lack of metrics and definition.
 - Title II and Title V purposes expanded (appropriations followed suit).



Fast Forward: Where are we now with JJDPA?

Challenges:

- **Favorable Senate bills to reauthorize the JJDPA (due in 2007) died post Judiciary Committee-approval in the 110th and 111th Congress. No reauth. bill in the 112th Congress.**
 - S. 3155 (Leahy, Kohl, Specter)**
 - S. 678 (Leahy, Kohl, Durbin)**
 - [Library of Congress bill locator: http://thomas.loc.gov/home/thomas.php](http://thomas.loc.gov/home/thomas.php)
- **The House failed to act on the JJDPA or any other juvenile justice policy in the past six years.**



Last 10-15 years – expanded legislative efforts in related areas

- **Over time, federal legislative activity in areas such as:**
 - **Runaway and Homeless Youth (RHYA)**
 - **Re-entry: Second Chance Act**
 - **Violence Against Women Act**
 - **Mental health screening and assessment (MIOCRA)**
 - **Prison Rape (PREA)**

Also-

- **Adam Walsh Act**



Policy innovations in addition to JJDPA to explore in past 5 years

Message bills re:

- Prohibiting transfer of juveniles to criminal court (Leahy, Murphy)
- Re-classifying status offense cases as non-offenses (children in needs of services (Murphy)
- Prohibiting isolation, seclusion and restraint in schools (Casey, Miller)
- Expanding federal support for detention reform (Ellison)
- Hotline for families and others to report dangerous or counter productive conditions in detention and corrections facilities (McCarthy)
- Prohibiting juvenile life without parole sentences for youth under federal jurisdiction (Scott)



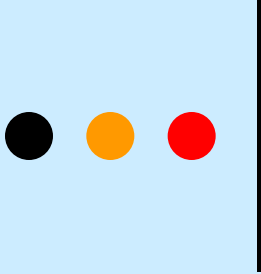
Last 10+ years – administrative actions had major impact

- **U.S. DOJ Civil Rights of Institutionalized Persons Act (CRIPA) investigations, consent decrees, monitoring and settlements addressing cruel and inhumane conditions in juvenile facilities in several states.**
- **DOJ rulings on the juvenile sex offender registry requirements**
- **DOJ ruling on “adult inmate” definition in JJDP A**
- **U.S. DOJ Civil Rights Division investigations and findings of Title VI civil rights violations, as well as due process and constitutional violations in Shelby Cty., Tennessee and Lauderdale Cty., Mississippi.**



Last 10+ years – Supreme Court has had major impact

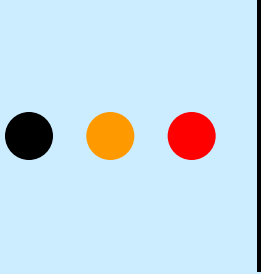
- **Abolished the juvenile death penalty**
- **Recent rulings on limiting some juvenile life without parole sentences**



Cont. ...Where are we now with current federal policy reforms?

Opportunities in need of input:

- Youth PROMISE Act stalled
- Chopped Appropriations -- Value of Formula Fund Programs Questioned
- Push to pass unfunded policy
- Juvenile Accountability Block Grant attracting amendments
- JJDPA dormant, yet:
 - Strengthened core requirements
 - Expanded purposes for Title II to support detention reform and attention to conditions of confinement
 - Expanded Part D to address development of data/evidence informed approaches



Cont. ...Where are we now with current federal policy reforms?

Opportunities in need of input:

- **Emphasis on evidence-based practices**
 - **Caution: limiting impact on innovation and needed adaptations for race/ethnicity, gender, rural areas, etc.**
 - **Recognition that some safeguards and positive practices are not “evidence-based” in keeping with the current, traditional definitions.**
- **Real progress is fragile in key areas**
 - **Racial/ethnic disparities**
 - **Status offender reforms**
 - **Consideration of age and stage of development**



**Please feel free to contact me for
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