

# Federal Policy Trends in Juvenile Justice Reform

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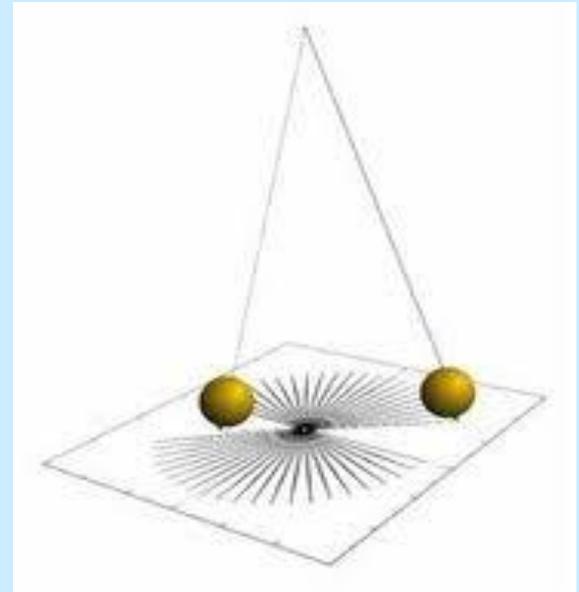
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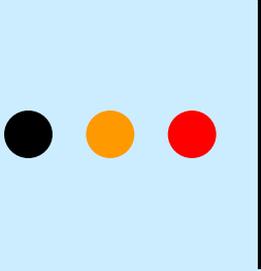
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# Swings in federal policy outlook

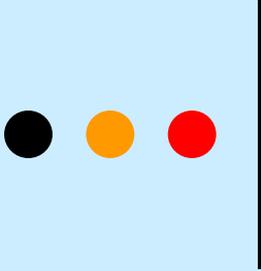
- Punitive vs. **Rehabilitative**
- Adult time for adult crime vs. **Recognizing developmental and other differences between youth and adults**
- Criminalizing adolescent behavior vs. **Service, supports and interventions**
- Institutional vs. **Family and community connected care**
- National policy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





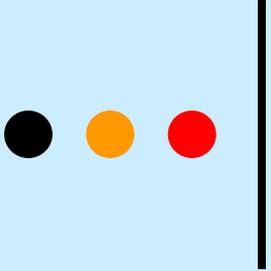
# Limited federal role in juvenile justice and delinquency prevention

- **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**

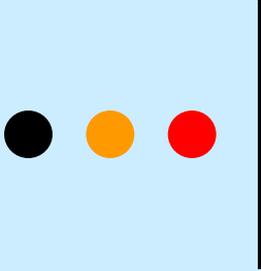
- **Congress in 1980s and 1990s created new requirements and authorizations in abundance in juvenile justice**
- **Notable among the changes**
  - **DMC (confinement) requirement**
  - **VCO exception**
  - **Juvenile Accountability Block Grant**
  - **Violence Against Women Act**
  - **New programs 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:*

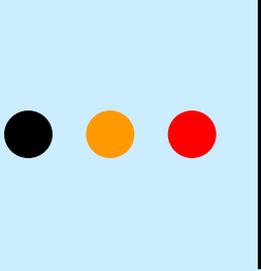
- Last reauthorization in 2002 took six years.
- Began on controversial and destructive footing:  
“The Chronic and Violent Super-predator Act ”
  - ended with a non-controversial, watered down bill.
  - DMC expanded in scope but hobbled by lack of metrics and definition.
  - Title II and Title V purposes 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 110<sup>th</sup> and 111<sup>th</sup> Congress. No reauth. bill in the 112<sup>th</sup> 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.**

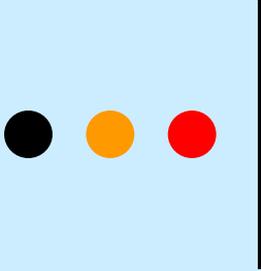


# Last 10-15 years – expanded legislative efforts in related areas

- **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-**

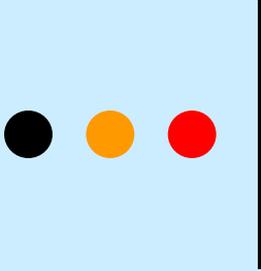
- **Adam Walsh Act**



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

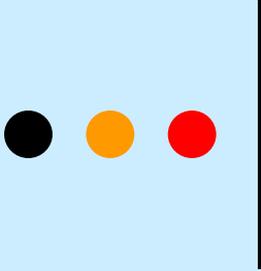
## Message bills re:

- 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)



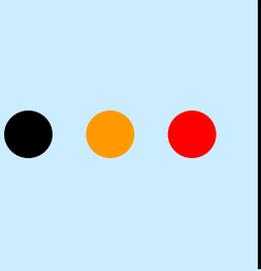
## **Last 10+ years – administrative actions had major impact**

- **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**

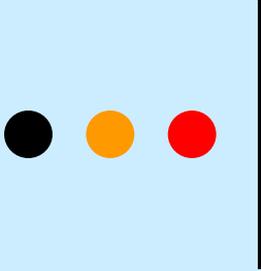
- **Abolished the juvenile death penalty**
- **Recent rulings on limiting some juvenile life without parole sentences**



## 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  
more information at any time:**

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