

The Juvenile Justice and Delinquency Prevention Act (JJDP A): Investing in What Works



First enacted in 1974, the JJDP A is and was a bi-partisan response to the ills that exist within our juvenile justice systems.

In the United States, there is no national, centralized juvenile justice system. Rather, there are more than 56 different juvenile justice systems independently operated by the U.S. states, territories, the District of Columbia, and local governments. Consequently, policies and procedures vary widely from state to state and among local jurisdictions. Too often, the result is a patchwork quilt of juvenile justice systems that has the potential to produce inconsistent outcomes for youth, families, and communities, and expose youth to physical, mental, and emotional injury.

In the absence of a centralized system, the federal role in juvenile justice prior to the 1960s was limited and had little impact on the way states dealt with youth at risk of delinquency or accused and adjudicated for a delinquent offense. To address these inconsistencies and to improve outcomes for youth and community safety, in 1974 Congress passed the Juvenile Justice and Delinquency Prevention Act (JJDP A). The JJDP A changed the way states approach juvenile justice.

What is the JJDP A?

The JJDP A was last reauthorized in 2002. Bi-partisan legislation to update and reauthorize the Act was introduced by Sen. Sheldon Whitehouse (D-RI) and Sen. Charles Grassley (R-RI). The measure, S. 1169, is currently before the full Senate.

The JJDP A

The current law includes **four core requirements** that help protect some of our most vulnerable youth:

- One Youth cannot be incarcerated for non-delinquent behaviors.
- Two Youth must be removed from adult jails and lockups.
- Three Youth who, under rare exceptions, are housed in adult facilities, must be separated from adults by sight and sound barriers.
- Four States must address disproportionate minority contact within their systems.

To learn more about the JJDP A visit:
www.juvjustice.org

Sen. Grassley and Sen. Whitehouse's bill would strengthen the core protections afforded under the JJDPA and add common sense provisions, such as measures that ensure that girls are not shackled while giving birth.

The JJDPA creates a federal-state partnership for the administration of juvenile justice and delinquency prevention. The JJDPA also sets forth federal standards to ensure a minimum level of safety and equitable treatment for youth who come into contact with the juvenile justice system. To be eligible for the funds provided under the JJDPA, each state must comply with four core requirements/protections.

The JJDPA also established the Office of Juvenile Justice and Delinquency Prevention (OJJDP). In order for the federal government to function as a responsive and responsible partner with all states under the JJDPA, it is critical that juvenile justice have a dedicated focus and a "home" within the federal government, distinct from a larger focus on criminal justice. OJJDP is the only federal agency charged solely with fulfilling this role.

The benefits of the JJDPA

Prevent and reduce delinquency. Advances in adolescent brain science demonstrate that children and youth are different from adults and that they should be held accountable in different ways. The Supreme Court has also affirmed the differences between youth and adults in recent decisions: *Roper v. Simmons* (2009); *Graham v. Florida* (2010); *J.D.B. v. North Carolina* (2011); and *Miller v. Alabama* (2012). S. 1169 further encourage states to invest in evidence and research-based programs that promote accountability and are proven effective.

Strengthen the protection of youth. Youth incarcerated in juvenile facilities are at serious risk of physical and emotional injury. Youth of color continue to receive disparate treatment at every point along the juvenile justice continuum. Girls are the fastest growing segment of juvenile justice system populations and these facilities are not designed to effectively respond to their behaviors and needs. Other special populations, such as lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth, homeless youth, and youth with mental health needs, are also at increased risk of harm in the juvenile justice system.

Build safe communities for children and families. By preventing and reducing delinquency, the JJDPA invests in communities. The JJDPA plays a critical role in public safety. In a time of economic restraint, the JJDPA provides states with leverage to obtain additional public and private investments to promote the best outcomes for youth.

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