ABA Urges Enactment of Strengthened JJDPA

The federal Juvenile Justice and Delinquency Prevention Act (JJDPA) established in 1974 and last reauthorized in 2002, provides crucial support for state programs that assist communities to take a comprehensive approach to juvenile crime prevention and to address the needs of vulnerable youth and those of their families early and effectively. The JJDPA supports delinquency prevention programs to improve state and local juvenile justice systems; a juvenile planning and advisory system in all states; and operation of the Justice Department’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) dedicated to training, technical assistance, model program development, research and evaluation, and support of state and local efforts. Its reauthorization is currently more than seven years overdue. Since the last major reauthorization of the JJDPA nearly two decades ago, much more is known about what works and does not work to keep our communities safe and put youth on a better path.

While juvenile crime rates in the United States are at low levels and stable, youth in America - including youth charged with non-criminal misbehavior - are processed in the criminal justice system, locked-up and imprisoned at much higher rates than in other comparable nations. Youth of color are significantly over-represented at all stages of the juvenile justice system.

The ABA urges early action on bipartisan legislation like that introduced in the 114th Congress as S. 1169 by Senators Chuck Grassley (R-IA) and Sheldon Whitehouse (D-RI), to reauthorize the JJDPA and strengthen the Act’s core protections for youth that states must implement, including to:

- **End Detention or Jailing of Non-Criminal Status Offenders**: The reauthorization legislation will fully phase-out over three years and eliminate the Valid Court Order exception states have used to jail large numbers of non-delinquent status offenders, such as youth who are truant, runaway, or violate curfew, alcohol and tobacco laws. Shelter care, family support and community or school-based interventions are less costly and less harmful to youth development.

- **Reduce Racial and Ethnic Disparities**: Youth of color are disproportionately over-represented and subject to more punitive sanctions than similarly-charged/situated white youth at all levels of the juvenile justice system. Legislation should require States and localities to plan and implement data-driven approaches, set measurable goals for disparity reduction, collect data and publically report on progress each year.

- **Improve the Jail Removal and Sight-and-Sound Core Requirements**: Youth confined in adult jails and lock-ups are more likely to re-offend upon release and while confined are at pronounced high risks for suffering assault and committing suicide. The bill extends the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult lock-ups and to ensure sight and sound separation in the limited circumstances where they are held in adult facilities.

Other juvenile justice improvements:

- JJDPa reauthorization should include provisions that promote fairness through support for State efforts to expand prompt youth access to qualified counsel and support programs that inform youth of opportunities to seal or expunge juvenile records once they have gotten their lives back on track.

- JJDPa legislation should also promote community-based alternatives to detention; improve screening, diversion, assessment and treatment for mental health and substance abuse needs; and require greater accountability in the use of resources, oversight of grant programs, and compliance with federal standards.

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