



Safeguarding the Future:

Federal Juvenile Justice Leadership for
America's Youth, Families and Communities



Recommendations for the
112th Congress and the
Obama Administration

Introduction

As the 112th Congress and current Administration tackle issues of utmost importance to our nation's immediate and long-term future, it is imperative that our nation's youth, families and communities remain a priority. In support of this goal, the Coalition for Juvenile Justice (CJJ) – comprising more than 2,000 juvenile justice practitioners, law enforcement officials, youth development experts, community service providers, youth, families and legislative leaders throughout all U.S. states, territories and the District of Columbia – has prepared this forward-thinking policy agenda, grounded in widespread public opinion and science, to support prevention, early intervention, family empowerment, and age-appropriate rehabilitative approaches to reclaim and rebuild the lives of court-involved youth.

Established almost 40 years ago, the federal-state partnership on delinquency prevention and juvenile justice has achieved much to benefit youth, families and communities across the nation. With leadership from the federal government in areas of research, evaluation, training and technical assistance and promoting standards of practice, states have been inspired to:

- Develop, incubate and improve policies, programs and practices that reduce delinquency;
- Reform juvenile justice systems; and
- Increase public safety at the local, state and tribal levels.

Thanks to leadership provided by the President, the U.S. Department of Justice and the Congress, strategic investments in federal programs, and the adoption of federal policies and approaches proven to prevent and reduce youth delinquency, have helped our nation make progress over nearly four decades.

These achievements, however, are at risk. Federal budget appropriations for delinquency prevention and juvenile justice improvements have declined by more than 50 percent in the last decade. As a result, states report that it is increasingly more difficult to meet federal standards designed to safeguard youth and communities. In addition, federal legislation, passed or introduced in the last decade, mandates prosecution and sentencing of youth in the adult criminal justice system, despite clear evidence that these practices actually *decrease* public safety.

To preserve progress already made, safeguard the future for everyone and continue federal leadership in the diminution of crime and delinquency, the Coalition for Juvenile Justice calls on the 112th Congress to:

- **Affirm its commitment to high standards of practice to protect and serve vulnerable and troubled youth and families who come into contact with the courts;**
- **Ensure federal investments to leverage, inspire and support state and local improvements as essential to increasing youth success and community safety, even in times of budget cutting; and**
- **Strengthen the federal government's juvenile justice infrastructure, via the Office of Juvenile Justice and Delinquency Prevention (OJJDP), to maximize resources and leadership.**

By taking deliberate and decisive action on this agenda, which in many ways already has the benefit of wide bipartisan support, the President and Congress can exercise true leadership to secure community safety, invest public monies wisely and safeguard the future for youth, families and communities nationwide.

Protect Vulnerable Youth

When youth come into contact with the juvenile justice system, our priority must be: “First, do no harm.” This means protecting them from physical and emotional harm. It also means identifying areas of opportunity and need, and providing treatment and other supportive services to youth and families in family- and community-based settings. Finally, where necessary, it means holding youth accountable in developmentally- and age-appropriate ways, in keeping with findings of adolescent brain science that not only seek to correct their present conduct, but also to provide stepping stones for their future.

RECOMMENDATIONS:

Reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDP A)

First enacted in 1974 and most recently reauthorized in 2002, with bipartisan support, the JJDP A sets forth federal standards for the custody and care of court-involved youth – voluntarily accepted and valued by the states – and establishes a federal-state partnership designed to reduce delinquency, uphold community safety and prevent victimization. **Reauthorization of the JJDP A presents the President and Congress with an opportunity to affirm high standards and the federal-state partnership that undergirds their success.**

Legislation to reauthorize the JJDP A was approved, with bipartisan support, by the Senate Judiciary Committee in both the 110th (S. 3155) and 111th (S. 678) Congresses. CJJ supported both of these bills, as we believe that JJDP A reauthorization legislation must build on more than 30 years of research and practice to meet contemporary needs and further reduce delinquency, promote youth and family success, and ensure community safety.

In support of JJDP A reauthorization, CJJ co-convenes and joins more than 300 other organizations in the Act 4 Juvenile Justice Campaign, an initiative of the National Juvenile Justice and Delinquency Prevention Coalition, to advocate the following principles for reauthorization of the JJDP A:

- Keep children and youth out of the justice system;
- Ensure equitable and competent treatment for all justice-involved youth;
- Ensure responses appropriate to a young person’s age and stage of development; and
- Strengthen the federal partnership with state and local governments to prevent and reduce youth delinquency.

In 2008, the CJJ Council of State Advisory Groups (SAGs), comprising Chairs/Chair-designees of the SAGs that hold CJJ membership, developed and approved a Platform of Position on the Reauthorization of the JJDP A. Each position was approved by a two-thirds majority of the 42 CJJ member states present and voting. Informed by the collective expertise and professional experiences of CJJ’s more than 2,000 members nationwide, the Platform sets forth thirteen (13) planks or recommendations on JJDP A Reauthorization written as guidance to members of Congress. All 13 recommendations articulated in the CJJ Platform were reflected in S. 3155 and S. 678, either in whole or in significant part.

The Act4JJ JJDP A Statement of Principles can be viewed in its entirety at http://www.act4jj.org/media/factsheets/factsheet_11.pdf. The CJJ Platform on Reauthorization of the JJDP A can be viewed in its entirety, go to: http://www.juvjustice.org/media/resources//resource_146.pdf.

Amend the SORNA Title of the Adam Walsh Act and Related Guidelines

Enacted into law in 2006, the Adam Walsh Child Protection and Safety Act (“the Walsh Act”) aims to better safeguard children and youth from sex offenders. Yet, at the same time, Title I, the Sex Offender Registration and Notification Act (SORNA), includes mandatory provisions that target certain youth and do not comport with research and evidence-based practices. Chief among these provisions is a mandate that youth adjudicated within the juvenile court for certain sex-based offenses be required by their state to register with a national public sex offender registry for a period of 25 years to life. Under the Walsh Act, states, territories, and tribes who fail to amend their laws to comply with the mandates of SORNA are subject to a 10 percent withholding of their federal Byrne Justice Assistance Grant funds.

Youth are different from adults. The National Center of Sexual Behavior of Youth (NCSBY), a training and technical assistance center developed by OJJDP and the Center on Child Abuse and Neglect at the University of Oklahoma Health Sciences Center, found that youth are more amenable to treatment than adults and less likely to re-offend in the future when held accountable and treated in ways that are appropriate to their developmental stage.¹ Moreover, sex offender registrants confront a number of direct and collateral consequences, including numerous restrictions on where they can reside, work and go to school. These restrictions pose particularly disturbing realities for youth who must register and be publicly reported, and their families, including barriers to the youth and siblings receiving an education and obtaining employment. Such restrictions have been shown to limit access to affordable housing for entire families.

For these and other reasons, states have resisted exposing youth to the mandates of SORNA. As of May 2011, only eight of 56 U.S. jurisdictions have been deemed compliant with the Walsh Act. More than half of the jurisdictions that have not been deemed substantially compliant with SORNA cite the juvenile mandate as a primary concern.²

To ensure that *all* youth are protected from victimization and receive the evidence-based treatment that they need, CJJ and a growing number of national, state and local organizations, including state and local governments, strongly recommend that the President and the Congress:

- **Amend SORNA to exclude mandatory registration for juveniles adjudicated within the juvenile court; and**
- **Extend, or call upon the U.S. Department of Justice to extend, the SORNA compliance deadline to July 2012.**

On May 3, 2009, at its Annual Meeting, the CJJ Council of State Advisory Groups (SAGs) approved a formal position recommending that the Adam Walsh Act be amended to remove the federal mandate that certain youth adjudicated within the juvenile court for a sex-based offense be required to register as a sex offender on a national public registry. To view the formal position statement in its entirety, go to:

http://www.juvjustice.org/position_10.html.

¹ Zimring, F.E. (2004). *An American Tragedy*. University of Chicago Press.

² Information presented to the U.S. House Committee on the Judiciary by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) at the U.S. Department of Justice. To view the chart, go to http://juvjustice.org/media/resources/public/resource_573.pdf.

Invest in What Works

Federal appropriations to the states are critical to sustainable reductions in juvenile delinquency, safeguard youth in local and state custody, and ensure the fair and effective administration of juvenile justice. When coupled with state, local and private dollars, these modest federal investments seed and support the development, implementation, and sustainability of optimal juvenile justice and delinquency prevention systems and practices in all 56 U.S. states, territories and the District of Columbia, as well as in local jurisdictions.

RECOMMENDATIONS:

Restore Appropriations for Juvenile Justice Programs

Research shows that prevention works. For every \$1 invested in community-based youth development and prevention efforts, we dramatically reduce delinquency and save taxpayers up to \$8 in future costs.³ In addition, community-based treatment for youth has been shown to be far more effective and cost-efficient than incarceration. Finally, research shows that system-involved youth are at risk of emotional and physical injury unless systems invest in options and alternatives that keep youth separate from adult offenders and prevent/limit the use of locked confinement for less serious offenders.⁴

Yet, federal appropriations to states, localities and tribes for key federal juvenile justice programs have been cut dramatically in the last decade.

Federal juvenile justice appropriations in millions:

	FY02	FY03	FY04	FY05	FY06	FY07 CR	FY08	FY09	FY10	FY11	FY02/ FY11 +/-
Title II	\$88.8	\$83.3	\$83.2	\$83.3	\$79.2	\$79.2	\$74.3	\$75	\$75	\$62.3	-30%
Title V	\$94.3	\$46.1	\$79.2	\$79.4	\$64.4	\$64.4	\$61.1	\$62	\$65	\$54	-43%
JABG	\$249.5	\$188.8	\$59.4	\$54.6	\$49.5	\$49.5	\$51.7	\$55	\$55	\$45.7	-82%
Demonstration Programs (earmarks)	0	0	\$78.8	\$101.4	\$105	\$105	\$93.8	\$82	\$91	0	N/A
Mentoring	\$16	\$15.9	0	\$14.9	\$9.9	\$9.9	\$70	\$80	\$100	\$83	+519%
Other Programs	\$91.5	\$110.5	\$2.5	\$9.9	\$30	\$30	\$32	\$20	\$37.5	\$31.2	-66%
TOTAL	\$546.9	\$451.4	\$306.7	\$346.5	\$338.7	\$338.7	\$383.6	\$374.7	\$423.5	\$276	-50%

³ Small, S.A., Reynolds, A.J., O'Connor, C., & Cooney, S.M. (2005). *What Works, Wisconsin: What science tells us about cost-effective programs for juvenile delinquency prevention*. Madison, WI: University of Wisconsin–Madison

⁴ Forst, Martin, Jeffrey Fagan, and T. Scott Vivona. (1989) "Youth in Prisons and Training Schools: Perceptions and Consequences of the Treatment-Custody Dichotomy." *Juvenile and Family Court Journal* 39:1.

- The JJDPA Title II State Formula Grants Program, which supports state efforts to comply with federal standards for the care of youth in the justice system, **has been cut 30 percent.**
- The JJDPA Title V Local Delinquency Prevention Grants Program, the only federal program designed to prevent delinquency at the local level in coordination with a statewide prevention plan, **has been cut 43 percent.** Of the Title V funds appropriated over the last nine years between 53 and 97 percent have been earmarked for non-JJDPA programs.
- The Juvenile Accountability Block Grant Program (JABG), the only federal program designed to provide local judges, law enforcement officers, corrections officials and providers with a range of graduated sanctions to address the needs and behaviors of court-involved youth, **has been decimated by 82 percent.**

Mentoring is the only program that has seen an increase in federal support. All other federal juvenile justice programs, including programs aimed at reducing gang violence or improving school safety, have been reduced or eliminated all together. Not even mentoring, however, was spared in the FY 2011 cycle, taking a 17% cut along with all juvenile justice programs.

Federal funds to support state and local juvenile justice standards and improvements protect the public's safety and must be considered essential investments, even in times of budget cutting. Both the JJDPA and JABG are scheduled for reauthorization in the 112th Congress, and states are eager to leverage these programs to prevent delinquency in the first instance, safeguard and effectively respond to court-involved youth, and achieve sustainable community safety. States, and the youth they serve, however, need the federal government to reaffirm its commitment to helping states achieve these goals. Restoring juvenile justice appropriations to the FY 2002 level would demonstrate this reaffirmation. **At a minimum, Congressional appropriators should:**

- **Provide \$80 million for the JJDPA Title II Program** to support a reauthorized JJDPA and ensure state compliance with accepted standards of care and advancement of juvenile justice reforms;
- **Provide \$65 million for the JJDPA Title V program, with no earmarks,** to prevent delinquency at the local level in coordination with a local investment strategy and statewide plan; and
- **Provide \$55 million for JABG** to preserve and support a continuum of evidence-informed supervision and graduated sanctions, including cost-efficient confinement alternatives, for youth involved with the courts.

Enact the Youth PROMISE Act

First introduced in 2007, the Youth Prison Reduction through Opportunity, Mentoring, Support and Education ("Youth PROMISE") Act is bipartisan legislation to reduce gang violence and crime. It is grounded in the counsel of more than 50 juvenile and crime policymakers, researchers, practitioners, analysts and law enforcement officials across the political spectrum. As enacted, the Youth PROMISE Act will provide for targeted federal investments and coordination to support evidence-based efforts at the local level, in the form of mentoring initiatives, after-school programs, family strengthening services, youth leadership development, etc., to reduce victimization, keep children involved in pro-social activities and provide for cost-effective use of public resources.

CJJ supported the Youth PROMISE Act in the 110th and 111th Congresses. The legislation received strong bipartisan support, garnering 233 co-sponsors in the House, and 16 co-sponsors in the Senate. **We strongly recommend the passage of the Youth PROMISE Act as a means of protecting community safety while building productive futures for youth at risk of delinquency and crime.**

Lead with Strength

Youth are different from adults. They have different needs, and different capacities for transformation and development. Thus, it is critical that juvenile justice have a distinct “home” within our nation’s government, separate from a larger focus on criminal justice issues. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the U.S. Department of Justice has served as this “home” for almost 40 years. To safeguard progress made and successfully meet emerging challenges, it is imperative that OJJDP maintain the capacity to provide the technical, research-related and financial resources state and local jurisdictions leverage to keep youth safe, replicate evidence-based practices and achieve meaningful reductions in juvenile offending.

RECOMMENDATIONS:

Appoint a Strong and Visionary Leader to Head OJJDP

It is critical – and urgent – that federal leaders appoint a seasoned professional as OJJDP Administrator. We are more than two years into the current Presidential term, and the reauthorization of the JJDPA that guides and empowers OJJDP is four years overdue. To optimize the federal role in delinquency prevention, OJJDP must have leadership that prioritizes what works, pursues innovation and partners with the states to maximize resources and lessons learned. Given the unique relationship CJJ members have with OJJDP, coupled with our members’ experiences working in close collaboration with every OJJDP Administrator appointed since 1975, CJJ firmly believes that the next successful OJJDP Administrator shall need to possess and demonstrate:

- A commitment to prevention and fair, effective intervention;
- First-hand knowledge of juvenile justice practice;
- A commitment to serve as a strong champion for OJJDP and federal investments;
- A willingness to be transparent and to support the statutory functions of the SAGs individually and collectively;
- A desire and ability to foster cross-disciplinary and interagency collaborations; and
- Proven leadership and management skills that can be brought to bear to enhance OJJDP’s capacity to provide effective oversight and support to the states.

Strengthen OJJDP Capacity to Champion Evidence-Based Practices

States look to OJJDP to identify, evaluate and help states replicate practices and policies that produce the best outcomes for youth, families and communities. Thus, it is critical that OJJDP drive and support research, replication, and high fidelity adaptation of evidence-based/evidence-informed practice and policy models, across a wide range of racial/ethnic, geographic and societal circumstances. It is likewise essential that such research and findings be made widely available to the public and reinforced with training and technical assistance to all parties principally charged with JJDPA implementation – the SAGs, state planning/administering agencies, state juvenile justice specialists, state DMC coordinators and JJDPA compliance monitors.

To sustain and ensure community safety and cost-effective investment of federal, state and local resources, we recommend that the President and Congress:

- **Restore and clearly identify within the federal budget funding for OJJDP, which was cut by 90% between FY 2002 and FY 2009 and is not detailed in monetary terms in the federal budget; and**
- **Provide, as part of the financing of OJJDP, capacity to research, evaluate and disseminate information and spearhead ongoing technical assistance and training about evidence-informed practices.**



CJJ is a true coalition. We are concerned individuals, practitioners, advocates, and youth, who voluntarily serve at the state and national levels to prevent children and youth from becoming involved in the courts and to uphold the highest standards of care when youth are charged with wrongdoing and enter the justice system. For more than 25 years, CJJ has supported this broad and active coalition of more than 2,000 members across all 56 U.S. states, territories and the District of Columbia, as the national nonprofit association of Governor-appointed state juvenile justice advisory groups, as well as allied individual and organizational members.

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