

**Healthy Families and Communities Subcommittee,
U.S. House of Representatives Education and Labor Committee
joint hearing with the
Crime, Terrorism and Homeland Security Subcommittee
U.S. House of Representatives Judiciary Committee**

**The Juvenile Justice and Delinquency Prevention Act (JJDP):
Overview and Perspectives**

2175 Rayburn H.O.B.

July 12, 2007, 2:00 pm

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INTRODUCTION

Good afternoon. I am honored to have been asked by Chairwoman McCarthy to speak on behalf of the Juvenile Justice and Delinquency Prevention Act , better known as the JJDP.

My name is Derrick Johnson and I am Vice-Chair of the Arizona Juvenile Justice Commission, which is Arizona's State Advisory Group on Juvenile Justice as required by the JJDP and which comprises 24 members appointed by the Governor, each of whom has training, experience and special knowledge concerning the prevention and treatment of juvenile delinquency and the administration of juvenile justice. Our membership includes representation from juvenile justice agencies, other child- and family-serving agencies, private nonprofit organizations, locally elected officials, citizen-volunteers and youth. Through the Arizona SAG, I am also a member of the Coalition for Juvenile Justice (CJJ), which is the national leadership association of State Advisory Groups under the JJDP.

I have been a member of the Arizona SAG since 1998. I also serve on the Governor's Taskforce on Juvenile Corrections Reform and previously served as Governor Napolitano's appointee to the Juvenile Justice Federal Advisory Board from 2003 - 2006. My background, however, does not begin in juvenile justice.

I am currently a Captain and Paramedic with the Phoenix Fire Department where I have served for 24 years in the central/downtown areas of the city. As a firefighter in Phoenix's inner city, I found myself responding to homeless children and families in crisis. I would soon learn that there were an estimated 5,000 children who were not in school because of homelessness, leading me to become involved with an organization that serves homeless children. Beginning in the 1990s, I also found myself responding to a number of homicides of children and youth that were linked to gang violence. This experience led me to begin looking at gangs and ways to prevent gang violence.

Thus, in addition to my service with the Arizona SAG, I have been extensively involved in children's issues such as the development of the Thomas J. Pappas (Public) School for homeless children in Central Phoenix, gang prevention and youth mentoring programs, the Arizona Governor's School Readiness Board and early childhood development non-profit organizations. I bring my experiences and perspectives on all of these issues with me as I talk to you about the importance of the JJDPA and its reauthorization.

REAUTHORIZATION OF THE JJDPA

Established in 1974 by bi-partisan legislation and most recently reauthorized in 2002, the Juvenile Justice and Delinquency Prevention Act (JJDPA) embodies a partnership between the federal government and the U.S. states, territories and the District of Columbia ("the states").

For more than 30 years, the JJDPA has provided protection to children and youth who come in contact with the juvenile and criminal justice systems, transformed the lives of young people and contributed to historic lows in juvenile crime and delinquency rates nationwide.

Unfortunately, the federal government's wavering commitment to this partnership—evidenced by a 55% decrease over the last five years in federal funding to the states for

improvement of their juvenile justice systems—may undo the good work that we have accomplished together and hinder future advancements and achievements for young people, their families and our communities.

Therefore, as the 110th Congress approaches the 2007 reauthorization of this important legislation, the Arizona Juvenile Justice Commission and the Coalition for Juvenile Justice (CJJ) look to you to affirm the federal-state partnership around juvenile justice and delinquency prevention and strengthen that partnership so that together the federal government and the states more effectively prevent and reduce juvenile delinquency. In doing so, the Arizona Juvenile Justice Commission and the Coalition for Juvenile Justice, along with 150 organizations under the Act 4 Juvenile Justice Campaign, urge Congress to adhere to the following four principles:

1. Prevent juvenile delinquency and keep children and youth out of the juvenile and criminal justice systems;
2. Reduce racial and ethnic disparities at all points with the juvenile justice system;
3. Provide age- appropriate and developmentally-appropriate sanctions and interventions for young people who come into contact with the juvenile justice system; and
4. Invest adequate financial resources in evidence-based programs and practices that yield immediate and long-term results.

BRIEF HISTORY AND OVERVIEW OF THE JJDP

As early as 1909, Congress recognized a role for the federal government in supporting and improving juvenile justice systems at the state and local level. This role, which would evolve over the next 60 years, culminated with the enactment of the Juvenile Justice and Delinquency Prevention Act (JJDP) in 1974.

In short, the JJDPa provides for:

- 1) A state-level juvenile justice planning and advisory system via the establishment of governor-appointed State Advisory Groups (SAGs) comprised of volunteer citizens in all U.S. states, territories and the District of Columbia to determine state needs, craft state juvenile justice and delinquency prevention plans and meet federal mandates;
- 2) Federal funding for delinquency prevention and improvements in state and local juvenile justice programs conditioned upon the states' compliance with four core requirements/protections (explained in further detail below); and
- 3) Operation of a federal agency—the Office of Juvenile Justice and Delinquency Prevention (OJJDP)—dedicated to training, technical assistance, model programs, and research and evaluation to support state and local juvenile justice and delinquency prevention efforts.

Core Requirements/Protections

To be eligible for the Title II state formula funds provided under the JJDPa, each state must comply with the following core requirements/protections:

1. **Deinstitutionalization of Status Offenders (DSO).** Under Sec. 223(a)(11) of the JJDPa, status offenders—children under the age of 18 who commit acts that if done by an adult would not be considered crimes such as skipping school, running away, breaking curfews and possession or use of tobacco and/or alcohol—may not be held in secure detention or confinement, with a few exceptions. The DSO provision seeks to ensure that status offenders who have not committed a criminal offense are not held in secure juvenile facilities for extended periods of time or in secure adult facilities at all.

2. **Adult Jail and Lock-up Removal (Jail Removal).** Under Sec. 223(a)(13) of the JJDPDA, youth may not be detained in adult jails and lock-ups with limited exceptions. However, the “jail removal” provision does not apply to children who are tried or sentenced in adult criminal court. This provision is designed to protect children from psychological abuse, physical assault and isolation.
3. **Sight and Sound Separation (Separation).** Under Sec. 223(a)(12) of the JJDPDA, when children are placed in an adult jail or lock-up for any period of time, not matter how limited, "sight and sound" contact with adults is prohibited. This “separation” provision requires that children cannot be housed next to adult cells, share dining halls, recreation areas or any other common spaces with adults, or be placed in any circumstance that could expose them to threats or abuse from adult inmates.
4. **Disproportionate Minority Contact (DMC).** Under Sec. 223(a)(22) of the JJDPDA, states are required to assess and address the disproportionately high contact of youth of color with the juvenile justice system at all points of contact – from arrest to detention to confinement. The DMC provision requires states and local jurisdictions to gather data to determine whether and what extent DMC occurs and to address the reasons for disproportionate minority contact and racial/ethnic disparities.

Funding

Under the JJDPDA, three major streams of funding support the federal-state partnership:

1. The State Formula Grants Program, authorized under **Title II** of the JJDPDA, supports state efforts to implement comprehensive state juvenile justice plans based on detailed studies of needs in their jurisdictions and achieve compliance with the core requirements of the JJDPDA.

2. The Incentive Grants for Local Delinquency Prevention Program, commonly known as the Community Prevention Grants Program and authorized under **Title V** of the JJDPA, provides funding to the locals for collaborative, community-focused and community-based delinquency prevention efforts to reach youth in high-risk situations before they make poor choices.

3. The Delinquency Prevention Block Grant Program (**DPBG**), created during the 2002 JJDPA Reauthorization, but only funded for one year, was meant to provide funding directly to the local jurisdictions in order to prevent and reduce juvenile crime including projects that provide treatment to juvenile offenders and juveniles who are at risk of becoming juvenile offenders.

In addition, the Juvenile Accountability Block Grant Program (**JABG**), authorized under the Omnibus Crime Control and Safe Streets Act of 2002 and administered by OJJDP, supports state and local units of government, particularly law enforcement, in their efforts to support the state plan and strengthen their juvenile justice systems. JABG provides funding for a variety of different programs, including but not limited to, gang prevention and anti-bullying initiatives; graduated sanctions programs that include counseling, restitution, community service, and supervised probation; substance abuse programs; mental health screening and treatment; reentry; and restorative justice programs.

THE IMPORTANCE OF THE JJDPA

The JJDPA has always enjoyed bi-partisan support and is viewed as legislation that benefits children and youth, families and communities. At its heart, the JJDPA is a prevention Act. What the JJDPA has accomplished, it has accomplished quietly. The accomplishments themselves, however, speak volumes and underscore the importance of the Act.

First, justice-involved youth are safer because of the core requirements/protections in the JJDPA. Under the DSO core requirement/protection, Sec. 223(a)(11), youth charged with non-criminal status offenses, such as skipping school, running away or breaking curfew, are kept out of secure facilities, which should be reserved only for those youth who pose a direct safety risk to themselves and the community. Furthermore, under the Jail Removal and Separation core requirements/protections, Secs. 223(a)(12) and (13), youth who are detained in secure facilities are protected from the psychological abuse, physical assault and isolation of adult jails where they have been found to be eight times more likely to commit suicide,¹ two times more likely to be assaulted by staff² and 50 percent more likely to be attacked with a weapon than children in juvenile facilities.³

Second, the disparate treatment of minority youth is assessed and addressed because of the JJDPA. Youth of color make up one-third of the general youth population but two-thirds of youth who come into contact with the juvenile justice system.⁴ Moreover, studies indicate that youth of color receive tougher sentences and are more likely to be incarcerated than white youth for the same offenses.⁵ Under the DMC core requirement/protection, Sec. 223(a)(22), states are required to assess and address the disproportionate contact of youth of color at all points in the justice system – from arrest to detention to confinement and re-entry.

Arizona is a good example of what this core requirement/protection can accomplish. Between 1991 and 1995, Arizona was one of five pilot sites to receive training, technical assistance and financial assistance via an OJJDP-sponsored demonstration project designed to address disproportionate minority contact with the juvenile justice system.

Through this partnership, Arizona found evidence of DMC at several points within our juvenile justice system. We also identified several potential sources of DMC, including system barriers to effective parental advocacy on behalf of system-involved youth; inadequate cultural knowledge and skills among juvenile justice personnel; and limited communication between minority neighborhoods and juvenile justice system agencies.

Armed with this information, Arizona has implemented a number of programmatic and policy changes aimed at addressing the state's identified DMC challenges. Arizona used grant funds administered through the Arizona SAG to host mini-conferences geared towards creating integrated systems across five different agencies. All of this was accomplished as a result of the guidance, funding and technical assistance provided under the JJDP.

Third, under Sec. 201, the JJDP provides a critical "home" for juvenile justice within federal government for purposes of informing national policies, objectives, priorities and plans via OJJDP, which provides guidance, support and oversight to states/territories in implementing the JJDP via research, policies and grants to states and localities to assist in planning, establishing, operating, coordinating and evaluating projects for the development of more effective intervention, prevention and systems improvements.

Finally, Sec. 223(a)(3) of the JJDP helps the states collaborate with the federal government and across various state agencies to reduce juvenile crime and delinquency via the State Advisory Groups (SAGs). The majority of SAGs serve multiple functions, coordinating other federal and state funding streams for the benefit of children and youth. For instance, the Arizona Juvenile Justice Commission also serves as Arizona's Juvenile Accountability Block Grant State Advisory Board as required under the Omnibus Crime Control and Safe Streets Act of 2002, and is responsible for establishing a coordinated plan for reducing juvenile crime through accountability-based programs.

In addition, the SAGs, individually and collectively, embody models for collaborative systems change, serve as incubators for cost-effective innovations that produce optimal outcomes for the prevention of delinquency and help states develop strategies that work across various state agencies to meet state and local needs.

For example, in May 2006, the Arizona SAG and the Governor's Division for Children jointly held a Child Welfare Juvenile Justice Summit. In Arizona, Mental Health, Behavioral Health, Housing and Education as well as Child Welfare and Juvenile

Justice are major systems that impact children and families, and are impacted by children who have suffered maltreatment. Research shows that greater cross-system coordination and integration is more effective and in the long term, costs state and local governments and agencies fewer financial resources.

At our invitation, multidisciplinary teams from each Arizona county and a state-level team—totaling nearly 250 attendees—gathered together to participate in a learning and planning Summit to help promote greater integration in the provision of services to children and families in their communities. The Summit, supported by funds administered by the Arizona SAG, led to the official establishment of the Interagency Coordination and Integration Initiative, which is currently working to (1) identify youth and families at-risk for multiple systems involvement earlier, (2) provide more comprehensive and effective services, and (3) cultivate improved outcomes for children and youth who are at-risk for, or who have experienced maltreatment. A blueprint for action will be completed by August 2007.

STRENGTHENING THE JJDPA

The last reauthorization of the JJDPA occurred over a six-year period between 1996 and 2002, and resulted in a few substantive changes to the Act. It did not, however, fully address continuing and contemporary challenges and opportunities presented by youth and the environments in which they are growing up.

As important as it is to reauthorize the JJDPA again, it is as important to preserve the spirit of the Act and strengthen the Act in order to sustain and build upon past successes. The challenge is to develop and diligently administer age-appropriate, developmentally-appropriate, gender-appropriate and culturally and linguistically competent interventions and sanctions that truly help young people avoid and reject risky and harmful behavior and that are adequately supported with federal funds.

A complete overhaul of the Act is neither desirable nor necessary. Rather, as the 110th Congress approaches the 2007 reauthorization of the Act, there are particular strengthening amendments that it should concentrate on:

First, Congress should place a premium on primary prevention efforts that proactively and positively shape and develop the character and choices of children and youth before they are tempted or pressured to make bad decisions by providing more opportunities for primary prevention programs and initiatives within the Act and providing the funding necessary to identify, implement, evaluate and sustain these programs and initiatives.

The Title V Incentive Grants for Local Delinquency Prevention Programs, commonly known as the Community Prevention Grants program, is the only federal funding source dedicated solely to the prevention of youth crime and violence. The grants can be used to fund a wide range of programs, including mental health assessment and treatment, after-school activities, mentoring, and tutoring, as well as drop-out, gang, and substance abuse prevention.

Prevention activities such as those supported by Title V, however, remain so woefully under-funded that they can reach only a fraction of the kids who would benefit from them. For example, because of lack of funding for after-school programs, more than 14 million children and teens go home from school to an empty house each week. Research shows that these children are much more likely to drink, smoke, use drugs, commit a crime, and become a victim of a crime. In FY 2002 and prior years, Title V received \$95 million. In FY 2007, Title V received only \$64 million. While some funding is better than none, a long-term and sustainable reduction in juvenile crime and delinquency requires greater, sustained investments.

Second, Congress should strengthen protections for children and youth under the age of 18, regardless of whether they are in the juvenile justice system or the adult criminal justice system. Youth who are charged as adults are not covered by the core

protections provided in Secs. 223(a)(12) and (13)—Jail Removal and Separation—of the JJDP. Studies, however, show that regular contact with adults can result in serious physical and emotional harm to children and youth.

Instead of adult jails, states and counties could place children and youth, if they pose a risk to public safety, into juvenile detention facilities where they are more likely to receive developmentally-appropriate services, educational programming and supports by trained staff.

Finally, Congress should motivate the states to build upon what they have learned about DMC and take steps to not only address the disparate treatment of youth of color who come into contact with their juvenile justice system but also reduce racial and ethnic disparities at all points along the continuum, from arrest to detention to adjudication to reentry.

The current JJDP supports states in gathering the data necessary to determine whether and to what extent minority youth suffer disparate treatment within the system. The next iteration of the JJDP must direct major resources to states and localities to implement strategies with measurable outcomes designed to reduce those disparities. In turn, OJJDP and the states should report the progress they are making in reducing such disparities.

CONCLUSION

The continuing success of effective juvenile crime and delinquency prevention and intervention depends on Congress strengthening the provisions of the JJDP and providing the financial resources needed to fulfill these provisions to the greatest extent possible. The best JJDP for children, youth and communities is a JJDP that provides the states, through their respective State Advisory Groups, with the guidance, training, technical assistance and resources they need to sustain and create innovative practices that effectively address and prevent juvenile crime and delinquency.

The Arizona Juvenile Justice Commission and the Coalition for Juvenile Justice and its national and local partners stand ready to provide further information, background and input as you deliberate reauthorization of the JJDPA. As a starting point, I have attached to my testimony of copy of the “JJDPA Statement of Principles” referenced at the beginning of my presentation.

Thank you for the opportunity to speak with you today about this important piece of legislation.

¹ Michael G. Flaherty, *An Assessment Of The National Incidence Of Juvenile Suicide In Adult Jails, Lockups And Juvenile Detention Centers*, The Community Research Forum of the University of Illinois 10 (1980).

² 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.

³ Ibid.

⁴ Snyder, H., & Sickmund, M. (1999). *Juvenile offenders and victims: 1999 National Report*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

⁵ Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 2006 National Report*, Washington, DC, 2006.