

**Side-by-Side - 2002 JJDP A / 2008 Senate Bill 3155, as introduced / CJJ Approved Platform on JJDP A**

Current Law: JJDP A, Reauthorized 2002.	Senate Bill S 3155, as introduced June 18 2008.	CJJ’s JJDP A Platform Position Approved by the Council of SAGs.
<p><b>Title II Sec. 299. Authorization of appropriations</b></p> <p>(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2003, 2004, 2005, 2006, and 2007 -</p> <p>(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E) -</p> <p>(A) not more than 5 percent shall be available to carry out part A;</p> <p>(B) not less than 80 percent shall be available to carry out part B; and</p> <p>(C) not more than 15 percent shall be available to carry out part D.</p> <p>(b) Authorization of appropriations for part C - There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2003, 2004, 2005, 2006, and 2007 2009, 2010, 2011, 2012, and 2013.</p> <p>(c) Authorization of appropriations for part E - There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2003, 2004, 2005, 2006, and 2007.</p>	<p><b>Cites amount based on 2002 levels for Title II and Title V funding.</b></p> <p><u>Title II: Amends 299(a) to read “Authorization of appropriations for subchapter II (excluding Parts C, E, and F)”</u></p> <p>(1) There are authorized to be appropriated to carry out this title—</p> <p>(A) \$196,700,000 for fiscal year 2009;</p> <p>(B) \$245,900,000 for fiscal year 2010;</p> <p>(C) \$295,100,000 for fiscal year 2011;</p> <p>(D) \$344,300,000 for fiscal year 2012; and</p> <p>E) \$393,500,000 for fiscal year 2013.</p> <p><u>Title V: Amends 505 to read as follows—with a specific reference to new mentoring grants:</u></p> <p>There are authorized to be appropriated to carry out this title—</p> <p>(1) \$272,200,000 for fiscal year 2009;</p> <p>(2) \$322,800,000 for fiscal year 2010;</p> <p>(3) \$373,400,000 for fiscal year 2011;</p> <p>(4) \$424,000,000 for fiscal year 2012; and</p> <p>(5) \$474,600,000 for fiscal year 2013.</p>	<p><b>Plank I. Authorizations are in keeping with the Platform Position by increasing funding authorization levels and actually citing them in statute.</b></p> <p>“Federal authorizations and appropriations for OJJDP and the Title II and Title V grants programs under the JJDP A should be restored to at least 2002 levels to preserve and advance best practices in juvenile justice and delinquency prevention, and to assist the states in achieving and maintaining compliance with the core protections and other related goals of the of the JJDP A.”</p>

<p><b>Title V Sec. 505. Authorization of appropriations</b></p> <p>There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008.</p>		
<p><b>There is no equivalent or similar language in the current JJDP.</b></p>	<p><b>Creates a new “Incentive Grants” in Section 271 of Title II as follows:</b></p> <p>SEC. 271. INCENTIVE GRANTS.  (a) Incentive Grant Funds- The Administrator may make incentive grants to a State, unit of local government, or combination of States and local governments to assist a State, unit of local government, or combination thereof in carrying out an activity identified in subsection (b)(1).  (b) Use of Funds-  (1) IN GENERAL- An incentive grant made by the Administrator under this section may be used to--  (A) increase the use of evidence based or promising prevention and intervention programs;  (B) improve the recruitment, selection, training, and retention of professional personnel (including in the fields of medicine, law enforcement, judiciary, juvenile justice, social work, and child prevention) who are engaged in, or intend to work in, the field of prevention, intervention, and treatment of juveniles to reduce delinquency;  (C) establish a partnership between juvenile justice agencies of a State or unit of local government and mental health authorities of State or unit of local government to establish and implement programs to ensure there are</p>	<p><b>Plank II. Matches up with Platform Position in part. Incentive grants are included and provided with \$60 million under Title II, but are not included in Title V.</b></p> <p>“Establish Incentive Grants Programs under Title II and Title V of the JJDP, and award such grants to States that (1) adopt empirically-supported/evidence-based or promising approaches to juvenile justice reform and (2) demonstrate results or show progress toward implementing best practices, such as effective community-based alternatives to detention. Moreover, funds for the Incentive Grants Programs should not diminish the base funding for Title II and Title V, but only be appropriated as additional dollars.”</p> <p><b>Also supports Plank XI of the Platform on mental health and substance abuse services.</b></p>

	<p>adequate mental health and substance abuse screening, assessment, referral, treatment, and after-care services for juveniles who come into contact with the justice system;</p> <p>(D) provide training, in conjunction with the public or private agency that provides mental health services, to individuals involved in making decisions involving youth who enter the juvenile justice system (including intake personnel, law enforcement, prosecutors, juvenile court judges, public defenders, mental health and substance abuse service providers and administrators, probation officers, and parents) that focuses on--</p> <p>(i) the availability of screening and assessment tools and the effective use of such tools;</p> <p>(ii) the purpose, benefits, and need to increase availability of mental health or substance abuse treatment programs (including home-based and community-based programs) available to juveniles within the jurisdiction of the recipient;</p> <p>(iii) the availability of public and private services available to juveniles to pay for mental health or substance abuse treatment programs; or</p> <p>(iv) the appropriate use of effective home-based and community-based alternatives to juvenile justice or mental health system institutional placement; and</p> <p>(E) provide services to juveniles with mental health or substance abuse disorders who are at risk of coming into contact with the justice system.</p> <p>(2) COORDINATION AND ADMINISTRATION- A State or unit of local government receiving a grant under this section shall ensure that--</p> <p>(A) the use of the grant under this section is developed as part of the State plan required</p>	
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	<p>under section 223(a); and</p> <p>(B) not more than 5 percent of the amount received under this section is used for administration of the grant under this section.</p> <p>(c) Application-</p> <p>(1) IN GENERAL- A State or unit of local government desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.</p> <p>(2) CONTENTS- In accordance with guidelines that shall be established by the Administrator, each application for incentive grant funding under this section shall--</p> <p>(A) describe any activity or program the funding would be used for and how the activity or program is designed to carry out 1 or more of the activities described in subsection (b);</p> <p>(B) if any of the funds provided under the grant would be used for evidence based or promising prevention or intervention programs, include a detailed description of the studies, findings, or practice knowledge that support the assertion that such programs qualify as evidence based or promising; and</p> <p>(C) for any program for which funds provided under the grant would be used that is not evidence based or promising, include a detailed description of any studies, findings, or practice knowledge which support the effectiveness of the program.</p> <p><b>Authorizes \$60 million for Part F:</b></p> <p>(d) Authorization of Appropriations for Part F.— There are authorized to be appropriated to carry</p>	
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	<p>out part F, and authorized to remain available until expended, \$60,000,000 for each of fiscal years 2009, 2010, 2011, 2012, and 2013. Of the sums that are appropriated for a fiscal year to carry out part F, not less than 50 percent shall be used to fund programs that are carrying out an activity described in subparagraph (C), (D), or (E) of section 271(b)(1).</p>	
<p><b>Title II. Sec. 222(b).</b></p> <p>(b) Reallocation of unobligated funds</p> <p>If any amount so allocated remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Any amount so reallocated shall be in addition to the amounts already allocated and available to the State, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands for the same period.</p>	<p><b>Improvement Grants are added:</b></p> <p><u>A new 222(c) is added:</u></p> <p>(c)(1) If any amount allocated under subsection (a) is withheld from a State due to noncompliance with the core requirements, the funds shall be reallocated for an improvement grant designed to assist the State in achieving compliance with the core requirements.</p> <p>(2) The Administrator shall condition a grant described in paragraph (1) on—</p> <p>(A) the State, with the approval of the Administrator, developing specific action steps designed to restore compliance with the core requirements; and</p> <p>(B) submitting to the Administrator semiannually a report on progress toward implementing the specific action steps developed under subparagraph (A).</p> <p>(3) The Administrator shall provide appropriate and effective technical assistance directly or through an agreement with a contractor to assist a State receiving a grant described in paragraph (1) in achieving compliance with the core requirements.</p>	<p><b>Plank III. S. 3155 amendment on improvement grants matches with Platform Position.</b></p> <p>“If and when a State is found to be out of compliance with any one of the core protections of the JJDP, any and all funds withheld from the State should be made available to that State and re-allocated to that State as an Improvement Grant, conditioned on a corrective action plan, to assist the willing State to regain compliance.”</p>

<p><b>Title II. Sec. 207. Annual report.</b></p> <p>Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains the following with respect to such fiscal year:</p> <p>(1) A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence--</p> <p>(A) the types of offenses with which the juveniles are charged;</p> <p>(B) the race and gender of the juveniles;</p> <p>(C) the ages of the juveniles;</p> <p>(D) the types of facilities used to hold</p>	<p><b>SEC. 203. ANNUAL REPORT.</b> S 3155 amends the law to specify that the Administrator of OJJDP must produce an annual report to Congress, `each fiscal year' and includes the following new items for reporting:</p> <p>(G) a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government;</p> <p>(H) the number of juveniles released from custody and the type of living arrangement to which each such juvenile was released; and</p> <p>(I) the number of status offense cases petitioned to court, number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention'; and</p> <p>(3) by adding at the end the following:</p> <p>(5) A description of the criteria used to determine what programs qualify as evidence based and promising programs under this title and title V and a comprehensive list of those programs the Administrator has determined meet such criteria.</p> <p>(6) A description of funding provided to Indian tribes under this Act, including direct Federal grants and funding provided to Indian tribes through a State or unit of local government.</p>	<p><b>Plank IV. S 3155 amendments are in keeping with the Platform Position.</b></p> <p>“Amend the JJDPA to (1) affirm that the rule making functions of the OJJDP Administrator are subject to the Administrative Procedures Act of 1946; (2) require the OJJDP Administrator to issue an annual findings and planning report to the U.S. Congress; (3) require the OJJDP Administrator to investigate and make compliance determinations in a timely manner; and (4) require the OJJDP Administrator to issue reports on the Office’s official determinations and make such reports publicly available. Similarly, the JJDPA should be amended to require that States make publicly available their State JJDPA Plans and the status of their compliance with JJDPA core protections.”</p>
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<p>the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;</p> <p>(E) the number of juveniles who died while in custody and the circumstances under which they died; and</p> <p>(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school.</p> <p>(2) A description of the activities for which funds are expended under this part, including the objectives, priorities, accomplishments, and recommendations of the Council.</p> <p>(3) A description, based on the most recent data available of the extent to which each State complies with section 5633 of this title and with the plan submitted under such section by the State for such fiscal year.</p> <p>(4) A summary of each program or activity for which assistance is provided under part C or D of this subchapter, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replicating such program or activity in other locations.</p>	<p><b>In the State Plan section, Sec 223(a) is amended by adding the following sentence at the end of the paragraph to require that states post their state plans and compliance determinations publicly:</b></p> <p>“Not later than 30 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on a publicly available website.”</p> <p><b>In the State Plan section, the bill strikes the current 223(f) and substitutes the following:</b></p> <p>“(f) Compliance Determination.—Not later than 60 days after the date of receipt of information indicating that a State may be out of compliance with any of the core requirements, the Administrator shall—</p> <p>“(1) determine whether the State is in compliance with the core requirements;</p> <p>“(2) issue a public report describing the determination described in paragraph (1), including a summary of the information on which the determination is based and the actions to be taken by the Administrator (including a description of any reduction imposed under subsection (c)); and</p> <p>“(3) make the report described in paragraph (2) available on a publicly available website.</p>	
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<p>(5) A description of selected exemplary delinquency prevention programs for which assistance is provided under this title, with particular attention to community-based juvenile delinquency prevention programs that involve and assist families of juveniles.</p>		
<p><b>Title II. Sec. 251. Research and evaluation; Statistical analyses; Information dissemination.</b></p> <p>(a) Research and Evaluation-</p> <p>(1) The Administrator may--</p> <p>(A) plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and</p> <p>(B) conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to--</p> <p>(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;</p> <p>(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;</p> <p>(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;</p> <p>(iv) successful efforts to prevent recidivism;</p>	<p><b>Under Research and Training functions the language has changed from “may” to “shall” to confer a greater obligation on OJJDP and the Administrator to conduct these functions, and includes the following topics:</b></p> <p><b>SEC. 207. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.</b> The following topics are added:</p> <p>(iii) successful efforts to prevent status offenders and first-time minor offenders from subsequent involvement with the criminal justice system;”;</p> <p>(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement when held in the custody of secure detention and corrections facilities, including an examination of the effects of confinement;</p> <p>(ix) training efforts and reforms that have produced reductions in or elimination of the use of dangerous practices;</p>	<p><b>Plank V: S 3155 significantly enhances the research, training and technical assistance responsibilities of OJJDP in keeping with the Platform position.</b></p> <p>“Strengthen the research and technical assistance functions of OJJDP to ensure a major federally-supported focus on (1) research designed to reveal harmful and best practices in juvenile justice; (2) intensive technical assistance to the States to help them achieve compliance with the core protections of the JJDP; and (3) intensive training and technical assistance to assist in development and replication of empirically-supported/evidence-based, emerging and promising juvenile justice and delinquency prevention practices.”</p>

<p>(v) the juvenile justice system;</p> <p>(vi) juvenile violence;</p> <p>(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;</p> <p>(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups;</p> <p>(ix) evaluating services, treatment, and aftercare placement of juveniles who were under the care of the State child protection system before their placement in the juvenile justice system;</p> <p>(x) determining--</p> <p>(I) the frequency, seriousness, and incidence of drug use by youth in schools and communities in the States using, if appropriate, data submitted by the States pursuant to this subparagraph and subsection (b); and</p> <p>(II) the frequency, degree of harm, and morbidity of violent incidents, particularly firearm-related injuries and fatalities, by youth in schools and communities in the States, including information with respect to--</p> <p>(aa) the relationship between victims and perpetrators;</p> <p>(bb) demographic characteristics of victims and perpetrators; and</p> <p>(cc) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the</p>	<p>(x) methods to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency;</p> <p>f) National Recidivism Measure.—The Administrator shall—</p> <p>(1) establish a uniform method of data collection and technology that States shall use to evaluate data on juvenile recidivism on an annual basis;</p> <p>(2) establish a common national juvenile recidivism measurement system; and</p> <p>(3) make cumulative juvenile recidivism data that is collected from States available to the public.”.</p> <p>(1) In general.—The Administrator shall conduct a study and publish a report on the differences between male and female juvenile offenders that includes analyses of—</p> <p>(A) risk factors specific to the development of delinquent behavior in girls;</p> <p>(B) the mental health needs of delinquent girls and girls at risk of delinquency;</p> <p>(C) delinquency prevention and intervention programs that are effective among girls; and</p> <p>(D) how prevention and intervention programs for delinquent girls and girls at-risk of delinquency can be made more effective.</p> <p>(2) Assessment of treating juveniles as adults.—The Administrator shall—</p>	
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<p>Federal Bureau of Investigation; and  (xi) other purposes consistent with the purposes of this subchapter and subchapter I of this chapter.  (2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.  (3) Nothing in this subsection shall be construed to permit the development of a national database of personally identifiable information on individuals involved in studies, or in data-collection efforts, carried out under paragraph (1)(B)(x).  (4) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall conduct a study with respect to juveniles who, prior to placement in the juvenile justice system, were under the care or custody of the State child welfare system, and to juveniles who are unable to return to their family after completing their disposition in the juvenile justice system and who remain wards of the State. Such study shall include--  (A) the number of juveniles in each category;  (B) the extent to which State juvenile justice systems and child welfare systems are coordinating services and treatment for such juveniles;  (C) the Federal and local sources of funds used for placements and post-</p>	<p>(A) not later than 3 years after the date of enactment of this Act, assess the effectiveness of the practice of treating juveniles as adults for purposes of prosecution in criminal court; and  (B) not later than 42 months after the date of enactment of this Act, submit to Congress and the President, and make publicly available, a report on the findings and conclusions of the assessment under subparagraph (A) and any recommended changes in law identified as a result of the assessment under subparagraph (A).   (3) Outcome study of former juvenile offenders.—  The Administrator shall conduct a study of adjudicated juveniles and publish a report on the outcomes for juveniles who have reintegrated into the community, which shall include information on the outcomes relating to family reunification, housing, education, employment, health care, behavioral health care, and repeat offending.  (4) Definition of administrator.—In this subsection, the term “Administrator” means the head of the Office of Juvenile Justice and Delinquency Prevention.   <u>SEC. 208. TRAINING AND TECHNICAL ASSISTANCE.</u>  <u>Section 252, here, again, the “may” is changed to “shall” and the following topics are added:</u>   (3) shall provide technical assistance to States and units of local government on achieving compliance with the amendments made by the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008; and   (4) shall provide technical assistance to States in</p>	
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<p>placement services;  (D) barriers faced by State in providing services to these juveniles;  (E) the types of post-placement services used;  (F) the frequency of case plans and case plan reviews; and  (G) the extent to which case plans identify and address permanency and placement barriers and treatment plans.</p> <p>(b) Statistical Analyses- The Administrator may--  (1) plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and  (2) undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consistent with the purposes of this subchapter and subchapter I of this chapter.</p> <p>(c) Grant Authority and Competitive Selection Process- The Administrator may make grants and enter into contracts with public or private agencies, organizations, or individuals and shall use a competitive process, established by rule by the Administrator,</p>	<p>support of efforts to establish partnerships between the State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency.'; and</p> <p>(3) by adding at the end the following:  (d) Technical Assistance to States Regarding Legal Representation of Children- <b>See Plank XII below.</b></p> <p>(e) Training and Technical Assistance for Local and State Juvenile Detention and Corrections Personnel- The Administrator shall coordinate training and technical assistance programs with juvenile detention and corrections personnel of States and units of local government to promote evidence based and promising methods for improving conditions of juvenile confinement, including those that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation.</p> <p>(f) Training and Technical Assistance To Support Mental Health or Substance Abuse Treatment Including Home-Based or Community-Based Care- <b>See Plank XI below.</b></p>	
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<p>to carry out subsections (a) and (b).</p> <p>(d) Implementation of Agreements- A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.</p> <p>(e) Information Dissemination- The Administrator may--</p> <p>(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;</p> <p>(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and</p> <p>(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public</p>		
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<p>and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.</p>		
<p><b>Title II. Sec. 223 (f). State Plans. Technical assistance.</b></p> <p>(f) Technical Assistance-</p> <p>(1) In General- The Administrator shall provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under subsection (a)(3) to assist such organization to carry out the functions specified in paragraph (2).</p> <p>(2) Assistance- To be eligible to receive such assistance, such organization shall agree to carry out activities that include-</p> <p>(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;</p> <p>(B) disseminating information, data, standards, advanced techniques, and program models;</p> <p>(C) reviewing Federal policies regarding juvenile justice and delinquency prevention;</p> <p>(D) advising the Administrator with</p>	<p><b>New Section 223(g) replaces 223 (f) as follows to support an organization of State Advisory Group Members:</b></p> <p>(g) Technical Assistance.—</p> <p>(1) ORGANIZATION OF STATE ADVISORY GROUP MEMBER REPRESENTATIVES.—The Administrator shall provide technical and financial assistance to an agency, institution, or organization to assist in carrying out the activities described in paragraph (3). The functions and activities of an agency, institution, or organization under this subsection shall not be subject to the Federal Advisory Committee Act.</p> <p>(2) COMPOSITION.—To be eligible to receive assistance under this subsection, an agency, institution, or organization shall—</p> <p>(A) be governed by individuals who—</p> <p>(i) have been appointed by a chief executive of a State to serve as a member of a State advisory group established under subsection (a)(3); and</p> <p>(ii) are elected to serve as a governing officer of such an agency, institution, or organization by a majority of the member Chairs (or the designees of the member Chairs) of all State advisory groups established under subsection (a)(3);</p> <p>(B) include member representatives—</p>	<p><b>Plank VI. Is closely aligned with the Platform Position for support of an organization of SAG representatives.</b></p> <p>“Amend Sec. 223(f) to confirm and restore the advisory and training and technical assistance functions of an independent, non-partisan, nonprofit and representative organization of State Advisory Group members and to retain the duty of the OJJDP Administrator to provide technical and financial assistance to this organization.”</p>

<p>respect to particular functions or aspects of the work of the Office; and (E) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.</p>	<p>(i) from a majority of the State advisory groups established under subsection (a)(3); and (ii) who are representative of regionally and demographically diverse State jurisdictions; and (C) annually seek advice from the Chairs (or the designees of the member Chairs) of each State advisory group established under subsection (a)(3) to implement the advisory functions specified in subparagraphs (D) and (E) of paragraph (3) of this subsection. (3) ACTIVITIES.—To be eligible to receive assistance under this subsection, an agency, institution, or organization shall agree to— (A) conduct an annual conference of the member representatives of the State advisory groups established under subsection (a)(3) for purposes relating to the activities of such State advisory groups; (B) disseminate information, data, standards, advanced techniques, and program models; (C) review Federal policies regarding juvenile justice and delinquency prevention; (D) advise the Administrator regarding particular functions or aspects of the work of the Office; and (E) advise the President and Congress regarding State perspectives on the operation of the Office and Federal legislation relating to juvenile justice and delinquency prevention.</p>	
<p><b>Title II. Sec. 103(22) and (26). Definitions.</b></p> <p>(22) the term “jail or lockup for adults” means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or</p>	<p><b>Adult Inmate definition changed, to allow for extended juvenile jurisdiction:</b></p> <p>(22) the term "jail or lockup for adults" means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adult inmates.</p>	<p><b>Plank VII. Amendment is in keeping with the Platform Position.</b></p> <p>“Amend the definition of “adult inmate” to allow States to continue to serve youth convicted in adult court in juvenile facilities, rather than in adult facilities,</p>

<p>confine adults--  (A) pending the filing of a charge of violating a criminal law;  (B) awaiting trial on a criminal charge; or  (C) convicted of violating a criminal law.</p> <p>(26) the term “adult inmate” means an individual who  (A) has reached the age of full criminal responsibility under applicable State law; and  (B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense.</p>	<p>(26) the term “adult inmate”–  (A) means an individual who–  (i) has reached the age of full criminal responsibility under applicable State law; and  (ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense; and  (B) does not include an individual who–  (i) at the time of the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and  (ii) was committed to the care and custody of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law.</p>	<p>until they reach the maximum age of the States’ extended juvenile jurisdiction.”</p>
<p><b>Title II. Sec. 223(a)(11).  Deinstitutionalization of Status Offenders.</b></p> <p>(11) shall, in accordance with rules issued by the Administrator, provide that  (A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding -  (i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;  (ii) juveniles who are charged with or who have committed a violation of a valid court order; and  (iii) juveniles who are held in accordance</p>	<p><b>New qualifiers added to structure the use of the VCO exception to the DSO core requirement, added in section 223 (A)(24):</b></p> <p>(iii) if such court determines the juvenile [status offender] should be placed in a secure detention facility or correctional facility for violating such order, the court shall issue a written order that–  “(I) identifies the valid court order that has been violated;  “(II) specifies the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order;  “(III) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile; and</p>	<p><b>Plank VIII. S 3155 adds some procedural safeguards and limits the length of a detention order to 7 days under the Valid Court Order (VCO) exception, but does not match the Platform Position by phasing out the VCO.</b></p> <p>“Amend the DSO core protection to phase out over a three-year period any exceptions related to use of a Valid Court Order, and to bolster efforts to expand and raise the profile of community-based alternatives to detention (including non-secure, structured residential care) designed to meet the unique needs of this population. Increase congressional appropriations and expand the training and research functions of OJJDP to support the refinements to the DSO core</p>

<p>with the Interstate Compact on Juveniles as enacted by the State; shall not be placed in secure detention facilities or secure correctional facilities; and</p> <p>(B) juveniles --</p> <p>(i) who are not charged with any offense; and</p> <p>(ii) who are -</p> <p>(I) aliens; or</p> <p>(II) alleged to be dependent, neglected, or abused; shall not be placed in secure detention facilities or secure correctional facilities.</p>	<p>“(IV) specifies the length of time, not to exceed 7 days, that the juvenile may remain in a secure detention facility or correctional facility, and includes a plan for the juvenile’s release from such facility.</p> <p><b>Plus 223 (a)(24)(D):</b></p> <p>“(D) there are procedures in place to ensure that any juvenile held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter.”</p>	<p>protection.”</p>
<p><b>Title II. Sec. 223(a)(12) and (13). Jail Removal and Sight and Sound Separation.</b></p> <p>(12) provide that -</p> <p>(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have contact with adult inmates; and</p> <p>(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;</p> <p>(13) provide that no juvenile shall be detained or confined in any jail or lockup for adults except -</p>	<p><b>Strengthens the Jail Removal and Sight and Sound Separation requirements to apply to all juveniles, including those awaiting trial in criminal court.</b></p> <p><u>Adds new 223(a)(14) that reads as follows:</u></p> <p>(14) require that—</p> <p>(A) not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—</p> <p>“(i) shall not have contact with adult inmates; and</p> <p>“(ii) may not be held in any jail or lockup for adults;</p> <p>“(B) in determining under subparagraph (A) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have</p>	<p><b>Plank IX. Extends Jail Removal and Sight and Sound Separation to Juveniles Awaiting Trial in Criminal Justice Facilities, in keeping with the Platform Position.</b></p> <p>“Amend the sight and sound separation and jail removal core protections of the JJDPa to phase in over a three-year period removal and separation protections for all pre-adjudicated youth under the age of 18 and to ensure that in the limited cases where it is allowable under JJDPa to hold youth in adult lock-ups that they have no sight or sound contact with adults pre-trial. Increase congressional appropriations and expand the training and research functions of OJJDP to support the refinements of the sight and sound separation and jail removal core protections.”</p>

<p>(A) juveniles who are accused of nonstatus offenses who are detained in such jail or lock-up for a period not to exceed 6 hours --</p> <ul style="list-style-type: none"> <li>(i) for processing or release;</li> <li>(ii) while awaiting transfer to a juvenile facility; or</li> <li>(iii) in which period such juveniles make a court appearance;</li> </ul> <p>and only if such juveniles do not have contact with adult inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates in colocated facilities have been trained and certified to work with juveniles;</p> <p>(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup -</p> <ul style="list-style-type: none"> <li>(i) in which -</li> <li>(I) such juveniles do not have contact with adult inmates; and</li> <li>(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates in colocated facilities have been trained and certified to work with juveniles; and</li> <li>(ii) that -</li> <li>(I) is located outside a metropolitan statistical area (as defined by the Office</li> </ul>	<p>contact with adult inmates, a court shall consider--</p> <ul style="list-style-type: none"> <li>“(i) the age of the juvenile;</li> <li>“(ii) the physical and mental maturity of the juvenile;</li> <li>“(iii) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;</li> <li>“(iv) the nature and circumstances of the alleged offense;</li> <li>“(v) the juvenile’s history of prior delinquent acts;</li> <li>“(vi) the relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile and to protect the public;</li> <li>“(vii) whether placement in a juvenile facility will better serve the long-term interests of the juvenile and be more likely to prevent recidivism;</li> <li>“(viii) the availability of programs designed to treat the juvenile’s behavioral problems; and</li> <li>“(ix) any other relevant factor; and</li> </ul> <p>“(C) if a court determines under subparagraph (A) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have contact with adult inmates--</p> <ul style="list-style-type: none"> <li>“(i) the court shall hold a hearing not less than frequently than once every 30 days to review whether it is still in the interest of justice to permit the juvenile to be so held or have such contact; and</li> <li>“(ii) the juvenile shall not be held in any jail or lockup for adults, or permitted to have contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation.</li> </ul>	
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<p>of Management and Budget) and has no existing acceptable alternative placement available;  (II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed 48 hours) delay is excusable; or  (III) is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;</p>		
<p><b>Title II. 223(a)(22). Disproportionate Minority Confinement.</b></p> <p>(22) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system.</p>	<p><b>Strengths the DMC core requirement:</b></p> <p><u>Adds new 223(a)(15) that reads as follows:</u></p> <p>(15) implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by—  (A) establishing coordinating bodies, composed of juvenile justice stakeholders at the State, local, or tribal levels, to oversee and monitor efforts by States, units of local government, and Indian tribes</p>	<p><b>Plank X. The new DMC language in S 3155 is a close but not exact match with the Platform position—missing is specific language regarding disaggregation of data and requiring evaluation.</b></p> <p>“Amend the disproportionate minority contact (DMC) core protection of the JJDPa to require States to 1) establish coordinating bodies to oversee efforts to reduce disparities; 2) identify key decision points in the system and criteria by which decisions are made; 3) create systems to collect and analyze local data (disaggregated by descriptors such as race, ethnicity and</p>

	<p>to reduce racial and ethnic disparities;  (B) identifying and analyzing key decision points in State, local, or tribal juvenile justice systems to determine which points create racial and ethnic disparities among youth who come into contact with the juvenile justice system;  (C) developing and implementing data collection and analysis systems to identify where racial and ethnic disparities exist in the juvenile justice system and to track and analyze such disparities;  (D) developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraphs (B) and (C); and  (E) publicly reporting, on an annual basis, the efforts made in accordance with subparagraphs (B), (C), and (D).</p>	<p>offense) to identify where disparities exist, with financial and other incentives from the federal government to help jurisdictions create these systems; 4) develop and implement a plan to address disparities that includes measurable objectives for change; 5) publicly report findings; and 6) evaluate progress toward reducing disparities. Increase congressional appropriations and expand the training and research functions of OJJDP to support refinements to the DMC core protection.”</p>
<p><b>There is no equivalent or similar language in the current JJDP.</b></p>	<p><b>Improves supports for mental health and substance abuse assessment, treatment and diversion.</b></p> <p><b>Adds to composition of the State Advisory Group:</b></p> <p>(IX) persons with expertise and competence in preventing and addressing mental health or substance abuse problems in juvenile delinquents and those at-risk of delinquency.</p> <p><b>State Plan language is added:</b></p> <p>Section 223(A)(7) (B) now also includes language to provide for:</p> <p>(iv) a plan to provide alternatives to detention,</p>	<p><b>Plank XI. New provisions support the Platform position.</b></p> <p>“Expand allowable (not mandatory) uses of Title II and Title V funds under the JJDP to encourage and incentivize states to ensure access to empirically-supported and evidence-based family strengthening, diversion and home and/or community-based behavioral health resources that provide youth with safe, supportive and least-restrictive environments that are competent with regard to race, culture, ethnicity, gender and sexual orientation.”</p>

	<p>including diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;</p> <p>(v) a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs;</p> <p>(vi) a plan to engage family members in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement; and</p> <p>(vii) a plan to use community-based services to address the needs of at-risk youth or youth who have come into contact with the juvenile justice system.</p> <p><b>Title II purpose areas are expanded to include:</b></p> <p>(32) provide mental health and substance abuse screening, assessment, referral, and treatment for juveniles in the juvenile justice system.</p> <p><b>Section 207 Training and Technical Assistance (by OJJDP and its contractors) also has this part added:</b></p> <p>(f) Training and Technical Assistance To Support Mental Health or Substance Abuse Treatment Including Home-Based or Community-Based Care.— The Administrator shall provide training and technical assistance, in conjunction with the appropriate public agencies, to individuals involved in making decisions regarding the disposition of cases for youth who enter the juvenile justice</p>	
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	<p>system, including—</p> <ul style="list-style-type: none"> <li>(1) juvenile justice intake personnel;</li> <li>(2) probation officers;</li> <li>(3) juvenile court judges and court services personnel;</li> <li>(4) prosecutors and court-appointed counsel; and</li> <li>(5) family members of juveniles and family advocates.</li> </ul>	
<p><b>Title II. Sec. 223(a)(3)(A)(ii). Composition of State Advisory Group.</b></p> <p>(ii) which members include--</p> <ul style="list-style-type: none"> <li>(I) at least 1 locally elected official representing general purpose local government;</li> <li>(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;</li> <li>(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;</li> <li>(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for</li> </ul>	<p><b>Effective assistance of counsel is supported.</b></p> <p><u>Expands the SAG composition language</u> by striking “counsel for children and youth” and inserting “publicly supported court-appointed legal counsel for children and youth charged in delinquency matters.”</p> <p><b>Added under section 223(A) State Plans:</b></p> <ul style="list-style-type: none"> <li>(I) expanding access to publicly supported, court-appointed legal counsel and enhancing capacity for the competent representation of every child.</li> </ul> <p><b>Also adds in Sec 207 Training and Technical Assistance (by OJJDP):</b></p> <ul style="list-style-type: none"> <li>(d) Technical Assistance to States Regarding Legal Representation of Children.—The Administrator shall develop and issue standards of practice for attorneys representing children, and ensure that the standards are adapted for use in States.</li> </ul>	<p><b>Plank XII. S 3155 is well aligned with the Platform Position.</b></p> <p>“Expand allowable (not mandatory) uses of Title II and Title V funds under the JJDPa to ensure that youth in all court proceedings where children are entitled to counsel are represented by well-trained attorneys with cultural understanding, ongoing training, and manageable caseloads. Further, expand the allowable uses of JJDPa funds to put in place the highest national standards to protect youths’ right to counsel.”</p>

<p>children;  (V) volunteers who work with delinquents or potential delinquents;  (VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;  (VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and  (VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;</p>		
<p><b>No penalty structures or specifications appear in the JJDPa as reauthorized in 2002.</b></p>	<p><b>No penalty enhancements are added by S 3155.</b></p>	<p><b>Plank XIII. S 3155 support the Platform position.</b></p> <p>“Ensure that the JJDPa reauthorization bill does not include and is not linked to new provisions, amendments and/or other forms of federal legislation that introduce new federal categories of juvenile crime, new or enhanced federal penalties affecting juveniles, or incentives for states to advance new or enhanced penalties for juveniles. As is done now, CJJ will evaluate any other federal legislation addressing juvenile crime and delinquency for its merits and drawbacks.”</p>

	<p><b>Additional Amendments by Topic:</b></p> <p>Activities to implement policy and practice changes to reduce/eliminate dangerous practices in juvenile facilities cited as a new area under State Plans.</p> <p>Discharge planning and re-entry case management cited as new area under State Plans.</p> <p>Child welfare and juvenile justice integration enhanced as a core purpose under State Plans.</p> <p>Specific references added to encourage involvement of family members/parents of court involved youth and persons with knowledge of disabilities and special needs.</p> <p>Expanded definition for Tribes, in keeping with the American Indian Self-Determination Act.</p> <p>Title II allocations are sensitive annually to ongoing changes in the State census for juveniles.</p>	
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