

## COALITION FOR JUVENILE JUSTICE (CJJ)

# Unlocking the Future of Juvenile Justice: A Policy Agenda for the 111<sup>th</sup> Congress

## Summary of Recommendations

### **FOCUS ON LEADERSHIP:**

- Appoint a Strong and Visionary Leader to Head OJJDP
- Restore OJJDP Capacity to Spur Evidence-Based Practices
- Strengthen OJJDP Capacity to Reduce Racial and Ethnic Disparities Nationwide
- Restore the Statutory Functions of a National Organization of State Advisory Groups

### **FOCUS ON APPROPRIATIONS:**

- Restore Appropriations for Juvenile Justice Programs
- Restore Appropriations for OJJDP
- Eliminate Earmarks on JJDPA Programs
- Fully Fund the Runaway and Homeless Youth Act
- Fully Fund the Second Chance Act

### **FOCUS ON PREVENTION, TREATMENT AND SAFEGUARDS**

- Reauthorize the Juvenile Justice and Delinquency Prevention Act
- Enact the Youth PROMISE Act
- Amend the SORNA Title of the Adam Walsh Act and Related Guidelines
- Reauthorize the Juvenile Accountability Block Grant (JABG)
- Enact the National Criminal Justice Commission Act

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## INTRODUCTION

As the 111<sup>th</sup> Congress and the new Administration tackle a range of issues that are of upmost importance to our nation's immediate and long-term future, it is imperative that our nation's youth, families and communities remain a priority. Increased and strategic investments in federal programs and the adoption of policies and approaches proven to prevent and reduce youth delinquency will affirm and further advance the progress that we have made over the last 30 years to ensure the success of our youth and the safety of our communities.

Federal investments in delinquency prevention and juvenile justice programs have declined by more than 60 percent in the last decade. Youth arrested for "status offenses," or behaviors that are not considered unlawful when committed by adults, such as running away, skipping school or breaking curfew, are increasingly held in locked facilities and denied the supportive services they need because programs have lost funding and disappeared. Federal legislation continues to call for the increased, even mandatory, prosecution and sentencing of youth in the adult criminal justice system, despite clear evidence that the practice jeopardizes public safety.

The federal government, via the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the Office of Justice Programs within the U.S. Department of Justice and other youth-serving agencies, is uniquely positioned to help states leverage the federal funding streams available for delinquency prevention and juvenile justice reform and to generate investments of state and local resources. In addition, because it operates away from the day-to-day operations of state and local systems, the federal government is well-positioned to provide national leadership on proven policies and practices, and national coordination among diverse prevention and intervention programs aimed at youth and families. Furthermore, while individual states focus on improving systems within their own borders, the federal government has the ability to monitor and inform challenges and opportunities on a national, even global, scale.

The Coalition for Juvenile Justice (CJJ) – comprising juvenile justice practitioners, law enforcement officials, youth development experts, community service providers, youth, families and legislative leaders throughout the nation – has prepared a forward-thinking policy agenda, one grounded in widespread public opinion and science that supports prevention, early intervention, family support and age-appropriate rehabilitative approaches to reclaim and rebuild the lives of court-involved youth.

By taking deliberate and decisive action on this agenda, which already has the benefit of wide bipartisan support, President Obama and Congress can exercise true leadership to serve youth and families at risk, secure community safety, invest public monies wisely and unlock the future for juvenile justice nationwide.

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## FOCUS ON LEADERSHIP:

### The Federal-State Partnership on Juvenile Justice and Delinquency Prevention

Critical to delinquency prevention and the fair and effective administration of juvenile justice is the federal-state partnership established by the federal Juvenile Justice and Delinquency Prevention Act (JJDP). The governor-appointed State Advisory Groups on Juvenile Justice (SAGs) chartered under the JJDP support states' voluntary involvement in coordinating state and local efforts in delinquency prevention and in improving standards and safeguards for the care and custody of court-involved youth. In turn, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides the technical, research-related and financial resources states need to comply with the JJDP, replicate evidence-based practices and achieve meaningful reductions in juvenile offending.

#### RECOMMENDATIONS:

#### Appoint a Strong and Visionary Leader to Head OJJDP

To optimize the federal role in delinquency prevention, **it is imperative that the President appoint, and that Congress confirm, a seasoned OJJDP Administrator.** The appointment of the next OJJDP Administrator should be premised on a belief in the value and effectiveness of working in partnership with the states to maximize the impact of the federal role in juvenile justice and delinquency prevention. Given the unique relationship the members of the Coalition for Juvenile Justice (CJJ) have with OJJDP and the Administrator, 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 will 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;
- A desire and ability to foster cross-disciplinary and interagency collaborations; and
- Proven leadership and management skills that can be brought to bear to restore OJJDP's capacity to provide effective oversight and support to the states.

#### Restore OJJDP Capacity to Spur 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 and empirically-supported 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 JJDP implementation – the SAGs, state planning/administering agencies, state juvenile justice specialists, state DMC coordinators and JJDP 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 OJJDP's operational budget, which has been cut by 90% since FY 2002; and
- Provide within appropriations for OJJDP the capacity to research, evaluate and disseminate information, technical assistance and training about evidence-based/empirically-supported and promising practices.

## **Strengthen OJJDP Capacity to Reduce Racial and Ethnic Disparities Nationwide**

For more than 20 years, CJJ has shined a spotlight on the need to resolve racial/ethnic disparities and the overrepresentation of minority youth in juvenile justice. In 1988, CJJ informed and encouraged enactment of the DMC (disproportionate minority contact) core requirement of the JJDPA, which has helped to advance DMC research and resources at the state and local levels. Yet, a notable lack of measurable progress in DMC reduction leads us to conclude that we must be more strategic, efficient and effective to truly resolve racial and ethnic disparities in juvenile justice.

To eliminate the disparate treatment of youth of color, and **to ensure that youth of every race, ethnicity and creed are treated fairly at every level of the juvenile justice system**, CJJ recommends that the President and Congress:

- Adopt the elimination of racial and ethnic disparities in the juvenile justice system as a national priority;
- Designate and embrace OJJDP as the federal leader and purveyor of critical knowledge, funding and other resources needed to eliminate DMC; and
- Resource OJJDP to build greater capacity, in terms of dedicated staffing and resources, to effectively engage with and further support the DMC reduction/elimination efforts of state and local DMC coordinators, SAG members, and juvenile justice professionals.

## **Restore the Statutory Functions of the National Organization of SAGs**

As reflected in Sec. 223(f) of the JJDPA, **it is the intent of Congress that states, through a representative organization of SAGs, be able to freely and consistently communicate their experience and wisdom** to the President, Congress and OJJDP, convene at least annually for training and information sharing, create a mechanism for federal partners to respond to state and local needs, and saturate the field with best practices. In recent years, however, these advisory, training, technical assistance and information dissemination functions have been transferred away from a national organization of SAGs and diffused through multiple bodies that cannot effectively fulfill Congress' intent.

It is imperative that OJJDP honor the wisdom and the ingenuity of Congress when it gave an explicit role and enumerated functions within the JJDPA to a free-standing organization of the SAGs to serve as a third-party partner to the legislative and executive branches in delinquency prevention and juvenile justice reform efforts, and to represent the views and needs of the states. To this end, we strongly recommend that Congress:

- Amend the JJDPA to affirm and restore the original statutory functions of an eligible representative organization of SAGs as originally intended by Congress; and
- Ensure that the OJJDP Administrator recognizes, supports and sustains an effective working relationship with the states and SAGs via this representative organization.

For a fuller listing of CJJ's recommendations regarding the administration and priorities of OJJDP, see CJJ's Memorandum to then President-elect Barack Obama, "Recommendations for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and its Administrator," which can be viewed in its entirety at [http://www.juvjustice.org/media/resources//resource\\_225.pdf](http://www.juvjustice.org/media/resources//resource_225.pdf). For a fuller listing of CJJ's recommendations to the U.S. Department of Justice to reduce racial and ethnic disparities, , see CJJ's letter to the Attorney General, the Acting Assistant Attorney General for the Office of Justice Programs and the Acting OJJDP Administrator at [http://www.juvjustice.org/media/resources//resource\\_237.pdf](http://www.juvjustice.org/media/resources//resource_237.pdf).

## FOCUS ON APPROPRIATIONS:

### Federal Investments in Delinquency Prevention and Juvenile Justice Reform

Critical to sustainable reductions in juvenile delinquency, the safeguarding of youth in local and state custody and the fair and effective administration of juvenile justice are federal appropriations to the states. 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 U.S. states, territories and the District of Columbia, as well as in local jurisdictions.

#### RECOMMENDATIONS:

#### Restore Appropriations for Juvenile Justice Programs

The **JJDPA Title II State Formula Grants Program** provides essential support for state and local agencies to develop and strengthen juvenile justice systems to reduce youth offending, meet vital standards for care and custody of juvenile offenders, and ensure community safety. As a complement, the **JJDPA Title V Local Delinquency Prevention Grants Program** supports community-based youth development and prevention efforts which have been shown to dramatically reduce delinquency and save \$4-\$7 for every \$1 invested. Finally, the **Juvenile Accountability Block Grant Program (JABG)** provides states and local governments with funds to develop programs to promote system improvements and greater accountability in the juvenile justice system, including proven strategies for rehabilitating adjudicated youth and reducing juvenile recidivism rates.

Despite a universally recognized need to further reduce delinquency and improve juvenile justice systems, federal appropriations for key federal juvenile justice grantmaking programs have suffered in the last decade:

- The JJDPA Title II State Formula Grants Program **has been reduced 16 percent**, from \$88.8 million in FY 2002 to \$75 million in FY 2009, not accounting for inflation.
- The JJDPA Title V Local Delinquency Prevention Grants Program **has been cut 34 percent**, from \$94.3 million in FY 2002 to \$62 million in FY 2009. Of the Title V funds appropriated over the last eight years between 53 and 97 percent have been earmarked for non-JJDPA programs.
- The Juvenile Accountability Block Grant Program (JABG) **has been slashed 78 percent**, from \$250 million in FY 2002 to only \$55 million in FY 2009.
- The operational budget for OJJDP **has been decimated, down 90 percent** from \$6.8 million in FY 2002 to \$700,000 in FY 2009.

*Now* is the time to restore federal investments in state and local juvenile justice reform efforts. Both the JJDPA and JABG are scheduled for reauthorization in the 111th 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 and:

- Restore the JJDPA Title II program to at least its FY 2002 level of \$89 million.
- Restore the JJDPA Title V program to at least its FY 2002 level of \$95 million, with no earmarks.
- Restore the JABG program to at least its FY 2002 level of \$250 million.

## Restore Appropriations for OJJDP

In order for the federal government to function as a responsive and responsible partner with the states, **it is critical that juvenile justice continue to have a dedicated focus and a “home” within the federal government, distinct from the larger focus on criminal justice**, for the purposes of (1) developing national policies, priorities and plans, (2) advancing research to ensure comprehensive knowledge of delinquency and its prevention and reduction, and (3) providing guidance, support and oversight to states in implementing the JJDPA. OJJDP is the only federal agency charged solely with these responsibilities, and must be adequately funded to fulfill them with excellence and credibility. Thus, CJJ strongly recommends that the President and Congress:

- Restore OJJDP’s operational budget to at least its FY 2002 level of \$6.8 million.

## Eliminate Earmarks on JJDPA Programs

For the past few years, between 53 and 97 percent of JJDPA Title V funds have been earmarked for specific programs that do not support JJDPA compliance. Of the \$61.1 million appropriated for Title V in FY 2008, \$57.9 million, or 95 percent, was earmarked for non-JJDPA programs, leaving only \$3.2 million to be allocated among 55 states. Of the \$62 million appropriated for Title V in FY 2009, \$60 million is earmarked for non-JJDPA programs, leaving only \$2 million to be allocated among the states.

Earmarks and set-asides (hereinafter “earmarks”) on federal JJDPA program funds undermine the ability of states to fulfill the letter and the spirit of the JJDPA, and complicate the ability of the federal government and the states to ensure that federal funding is being invested wisely and yielding measurable reductions in juvenile crime and delinquency. For these reasons, CJJ strongly recommends that:

- **Earmarks on federal juvenile justice programs be eliminated, particularly earmarks that reduce or restrict available funding for the Title II and Title V programs of the JJDPA.**

Furthermore, as long as earmarks on federal juvenile justice programs exist, CJJ recommends that those earmarks be subject to the following five (5) criteria:

1. Earmarks should only be directed towards evidence-based or empirically supported approaches.
2. All programs/efforts receiving earmarked funding should be evaluated annually.
3. Congress should not direct earmarked funding toward programs or practices that are in conflict with the core protections of the JJDPA.
4. Congress should not direct earmarked funding toward programs or practices that are in conflict with a state’s Three-Year Plan under the JJDPA.
5. To ensure that the aforementioned criteria are satisfied, Congress should notify the State Advisory Group on Juvenile Justice (SAG) within the relevant jurisdiction when an earmark has been requested, proposed and/or ultimately approved.

## Fully Fund the Runaway and Homeless Youth Act (RHYA)

First enacted in 1974 and recently reauthorized with strong bipartisan support in 2008, RHYA authorizes a modest \$140 million to local programs across the nation to meet the basic living needs of unaccompanied youth and provide them with shelter or transitional housing. RHYA authorizes another \$25 million to support Street Outreach and Runaway Prevention programs designed to reconnect unaccompanied youth to responsible adults and/or help them transition safely to adulthood.

In FY 2008, the average federal cost of serving a youth in a Basic Center Program was \$1,254, and the cost for a Transitional Living Program was \$14,726. These amounts are far below the minimum cost of serving youth through the child welfare or juvenile justice systems, with annual costs ranging from \$25,000 - \$55,000 per youth. **To decrease the likelihood of runaway and homeless youth entering the juvenile justice system or becoming victims of a delinquent or criminal act**, CJJ recommends that Congress:

- Fully fund RHYA at its authorized level of \$165 million for FY 2010 and FY 2011.

### **Fully Fund the Second Chance Act**

Passed by Congress with strong bipartisan support and signed into law by President Bush in 2008, the Second Chance Act is designed to improve outcomes for people returning to the community after a period of incarceration, including youth.

Approximately 200,000 youth and young adults age 24 and younger leave secure juvenile or adult correctional facilities and return to their communities each year. This is close to one-third of all returning offenders, and nearly half of these individuals are under 18 years old. Youth are often discharged from care with unresolved mental health disabilities and back into families struggling with domestic violence and substance abuse. In addition, many youth return to neighborhoods that have few youth supportive programs, high crime rates, poverty, and poor performing schools. Considering that recidivism rates are as high as 70 percent in some localities, much greater attention is needed to this population of young people who exit secure confinement to ensure they are given the best possible chance at leading a delinquency-free life upon their return to the community.

To achieve the Second Chance Act's purpose and **provide incarcerated youth with the supports both they and their families will need once they come home**, it is imperative that Congress:

- Fully fund the Second Chance Act at its authorized level of \$165 million for FY 2010.

## **FOCUS ON PREVENTION, TREATMENT AND SAFEGUARDS**

### **Positive Youth Development and Effective Intervention Strategies**

Essential to youth and family success and community safety are proactive, evidence-based and community-based strategies that positively develop youth, strengthen families and prevent delinquency. Moreover, when youth come into contact with the juvenile justice system, the focus should be on protecting youth from physical, emotional and mental harm, identifying areas of opportunity and need, providing treatment and other supportive services to youth and families in community-based settings and, where necessary, holding youth accountable in developmentally- and age-appropriate ways.

#### **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 and establishes a federal-state partnership for delinquency prevention and juvenile justice reform, while also upholding community safety and the prevention of victimization.

**It is imperative that Congress reauthorize the JJDP A.** S. 678, known as the Juvenile Justice and Delinquency Prevention Act of 2009, and introduced by Senate Judiciary Chairman Patrick Leahy (D-VT), Ranking Senate Judiciary Member Arlen Specter (R-PA) and Senators Herb Kohl (D-WI) and Richard Durbin (D-IL), builds on more than 30 years of research and practice to meet contemporary needs and capitalize on opportunities to further reduce delinquency, promote youth and family success, and ensure community safety. In doing so, S. 678 adheres to four (4) core principles promoted by the Act 4 Juvenile Justice Campaign (Act-4-JJ), an initiative of the National Juvenile Justice and Delinquency Prevention Coalition composed of juvenile justice, child welfare and youth development organizations exploring opportunities related to the reauthorization of the JJDP A. The core principles, to which CJJ has signed on, include:

- I. Keep children and youth out of the justice system;
- II. Ensure equity and competence;
- III. Ensure responses appropriate to a young person's age and stage of development; and
- IV. Strengthen the federal partnership with state and local governments.

To date, these principles have been endorsed by more than 350 international, national, state and local organizations. The Act-4-JJ JJDP A Statement of Principles can be viewed in its entirety at [http://www.act4jj.org/media/factsheets/factsheet\\_11.pdf](http://www.act4jj.org/media/factsheets/factsheet_11.pdf).

In 2008 the CJJ Council of SAGs, comprising the Chairs/Chair-designees of SAGs that participate as members of CJJ, by a two-thirds or greater majority of those present and voting at our Annual Spring Conference ratified a Platform of Position on the Reauthorization of the JJDP A. 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 are reflected in S. 678, either in whole or in significant part. To view the CJJ Platform in its entirety, go to:

[http://www.juvjustice.org/media/resources//resource\\_146.pdf](http://www.juvjustice.org/media/resources//resource_146.pdf).

## 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 grounded in the counsel of more than 50 juvenile and crime policymakers, researchers, practitioners analysts, and law enforcement officials from across the political spectrum, concerning evidence- and research-based strategies to reduce gang violence and crime. Once implemented, the Youth PROMISE Act will provide for increased federal investments and coordination to support evidence-based prevention and intervention 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 productive activities and provide for cost-effective use of public resources.

The Youth PROMISE Act was recently re-introduced in the 111th Congress with strong bicameral and bipartisan support. The House bill, **H.R. 1064**, is co-sponsored by Reps. Bobby Scott and Michael Castle (R-DE). The Senate bill, **S. 435**, is co-sponsored by Senators Robert “Bob” Casey (D-PA) and Olympia Snowe (R-ME). **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.**

## 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. Title I, the Sex Offender Registration and Notification Act (SORNA), however, includes mandatory provisions that do not comport with research findings 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 registry for a period of 25 years to life.

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

- Call upon the U.S. Department of Justice to grant a universal extension of the SORNA compliance deadline from July 2009 until July 2011;
- Call upon the U.S. Department of Justice to reopen and revise the final guidelines pertaining to SORNA which were promulgated in June 2008; and
- Amend SORNA to exclude mandatory registration for juveniles adjudicated within the juvenile court.

## Reauthorize the Juvenile Accountability Block Grant (JABG)

First established in 2002 by the Omnibus Crime Control and Safe Streets Act and last reauthorized in 2005 with bipartisan support, the purpose of the JABG program is to provide states and units of local government with funds to develop programs to improve juvenile justice systems. Funds are available for many program purpose areas including training of correctional personnel, funding pre-trial services, improving conditions of confinement, and reentry.

**We recommend that Congress pass H.R. 1514, the Juvenile Accountability Block Grants Program Reauthorization Act of 2009**, bipartisan legislation which has been introduced by House Judiciary Crime, Terrorism and Homeland Security Chairman Robert C. “Bobby” Scott (D-VA), House Judiciary Chairman

John Conyers (D-MI), House Judiciary Ranking Member Lamar Smith (R-TX) and House Judiciary Crime, Terrorism and Homeland Security Ranking Member Louie Gohmert (R-TX).

### **Enact the National Criminal Justice Commission Act**

Introduced by Senator Jim Webb (D-VA) with the bipartisan support of more than a dozen Senators, S. 714, the National Criminal Justice Act of 2009, will create a blue-ribbon commission charged to undertake an 18-month, comprehensive review of the entire U.S. criminal justice system – including trying, sentencing and incarcerating youth under the age of 18 as adults. At the end of its review, the Commission will propose concrete reforms designed to responsibly reduce the nation’s overall incarceration rates; improve federal and local responses to international and domestic gang violence; restructure the nation’s approach to drug policy; improve the treatment of mental illness; improve prison administration; and establish a system for reintegrating men and women returning home from prison.

Recent studies have questioned the practice of trying youth in criminal court, finding that this practice has no effect on public safety, at best, and, at worst actually increases the likelihood of youth recidivating more quickly and more seriously than similarly-situated youth adjudicated and retained in the juvenile justice system. To ensure that we as a nation are pursuing age-appropriate and developmentally sound approaches to holding youth accountable and improving public safety, **CJJ strongly recommends that Congress enact S. 714, the National Criminal Justice Act of 2009.**

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[www.juvjustice.org](http://www.juvjustice.org)

**THE COALITION FOR JUVENILE JUSTICE (CJJ)**  
*Celebrating 25 Years of Service, 1984-2009*

Throughout the United States, citizen volunteers are appointed by governors/executives in each state and territory to offer their insights and expertise in the implementation of the federal Juvenile Justice and Delinquency Prevention Act (JJDP). The JJDP engages citizen advisors in a truly unique partnership by establishing State Advisory Groups that aim to improve juvenile justice and delinquency prevention in cooperation with local, state and federal government.

In 1984, as a result of the foresight and determination of State Advisory Group (SAG) leaders, the Coalition for Juvenile Justice (CJJ) was formed to serve as an independent, nonprofit association of the SAGs and ensure a nationwide voice addressing urgent issues and best practices in juvenile justice and delinquency prevention.

Today, nearly 25 years later, CJJ remains true to its roots serving as the nation's sole organization governed and led by SAG leaders and allies. CJJ proudly represents a diverse body of more than 1,500 members dedicated to creating optimal delinquency prevention programs, policies and practices, and to ensuring that all court-involved youth are given opportunities to reclaim their lives and reconnect positively with family and community life.