

Funding at 40

Fulfilling the JJDPJA's Core Requirements in an Era of Dwindling Resources

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The Juvenile Justice and Delinquency Prevention Act: An Overview

In 1974, members of Congress joined across party lines to create the Juvenile Justice and Delinquency Prevention Act (JJDPA). This seminal piece of legislation received broad bipartisan support from lawmakers and advocacy groups alike, and was a major step towards addressing the ills that existed within our nation's juvenile justice system.

The JJDPA currently has four core requirements that states must comply with in order to receive federal grant funding. Each of these requirements provides an assurance for youth who are involved with the juvenile justice system.

The JJDPA first ensures that youth cannot be incarcerated for status offenses. These behaviors - which include running away from home, skipping school, and coming home after a municipal curfew - violate the law only because the person engaging in them has yet to reach the age of majority. Prior to the JJDPA's enactment, youth were regularly incarcerated for these types of behaviors, despite the fact they are often the first sign of a major underlying problem in a young person's home or school.

The law further ensures that the once-common practice of incarcerating youth alongside adults can no longer occur. Further, if, under rare exceptions, adults and youth are detained in the same facility, they must be separated by sight and sound barriers.

In 1992, a fourth protection was added to the Act, requiring that states address disproportionate minority contact (DMC) within their systems. This provision aims to address racial disparities that continue to exist across the country. Research shows that youth of color who engage in

JJDPA's Core Protections for Youth:

- Deinstitutionalization of youth charged with status offenses;
- Removal of youth from adult jails and lockups;
- Sight and sound separation of adults and youth while incarcerated;
- Address disproportionate minority contact (DMC) within systems.

behaviors that are similar to their white counterparts are more likely to be arrested, less likely to be placed in a diversion program, and more likely to be incarcerated.

The JJDPA was last reauthorized in 2002 and expired in 2007. In December 2014, a new bipartisan commitment to the JJDPA emerged, as Senator Sheldon Whitehouse (D-RI) and Senator Charles Grassley (R-IA) introduced legislation that would reauthorize the JJDPA and strengthen its core protections for our youth.

Federal Funding Programs & the Office of Juvenile Justice and Delinquency Prevention

In addition to its core protections, the JJDPA also created the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as a separate office within the Department of Justice. The creation of this agency served as one of the first steps to recognizing that young people are not merely miniature adults and that the justice system cannot treat them as such.

OJJDP assists the states by providing policy and guidance on how the JJDPA's core protections can and should be carried out. The office also monitors state compliance with the Act and administers federal funds. These funds are then dispersed at the local level by governor-appointed State Advisory Groups (SAGs).

Key federal funding programs established under the JJDPA and administered by OJJDP include the following:

Title II State Formula Grants

Title II of the JJDPA supports innovative state efforts to adhere to standards that reduce the risk of harm to court-involved youth, ensure fair treatment of minority youth, improve the way systems address delinquent behavior, and ensure citizen involvement and expertise through the SAGs. Title II funds must also be used to monitor facilities and ensure that the state maintains compliance with the JJDPA.

Title II funds are used by states to create a variety of innovative programming.

Utah, for example, uses a portion of its Title II dollars to help fund after school programs in Salt Lake County. These programs help youth learn about the dangers of substance abuse, as well as vital life skills.

Utah also uses Title II funds for programming focused on reducing DMC in its juvenile justice system. This program, based at Salt Lake City's Refugee and Immigrant Center, focuses on increasing school success and strengthening familial relationships. The program provides academic supports and social skills building, as well as family crisis intervention for young people in grades seven through high school.

Texas, meanwhile, uses Title II funds, in part, to address the unique needs of girls, a rapidly growing population within the juvenile justice system. Texas currently funds three gender-specific programs. Two of these programs are in the school systems and are working with girls who have had issues with attendance, delinquency, fighting, and substance abuse. The third program works with daughters of inmates to provide counseling for the youth and their parent.

Title V Formula Grants

Authorized by the JJDP, Title V is the original federal program specifically designed to prevent delinquency at the local level. To ensure a solid return on investment, the Title V program prioritizes the use of evidence-informed approaches, requires coordination with a statewide plan to ensure strategic use of resources, and leverages the commitment and resources of state and local jurisdictions by requiring that the state and local applicant provide a 50% match. In recent years, all of these funds have been earmarked, limiting states' ability to use them for local programming. This funding source once played an important role in states' ability to provide juvenile justice programs.

Vermont most-recently used these funds in two communities to improve services to students. A truancy reduction program was created through Title V funds in one community and a youth-led experiential learning opportunity was established in another.

California used Title V funds to finance a collaboration between the San Diego County Probation Department and the San Diego Unified School District. These agencies assessed, reviewed, and changed district or school site policies that affected delinquency rates, rates of disparity among youth of color and disciplinary referrals to the Probation Department. The grant's goal was to implement strategies to reduce the number of youth of color who were leaving or being pushed out of school and entering into the justice system. Through extensive data collection and analysis, the San Diego Association of Governments identified and focused their efforts on four communities, all of which have high rates of juvenile crime and violence, high rates of school truancy, suspensions and expulsions, high percentages of youth of color, and more than 20% of youth on probation.

Juvenile Accountability Block Grants

The Juvenile Accountability Block Grant Program (JABG) was not established under the JJDP, but was instead authorized by the Omnibus Crime Control and Safe Streets Act. This once plentiful grant program provided an important resource for states. Money from this program could be used to reduce youthful offending by providing judges, probation officers, case managers, law enforcement and other juvenile justice professionals a range of graduated sanctions for adjudicated youth –

including cost-efficient confinement alternatives, for youth involved with the courts. Since FY2014, this funding source has been zeroed out in the federal budget.

Virginia used a portion of these funds in Fairfax County in recent years, where it provided a range of services, including training on evidence-based strategies and systems reform. As a result, more than 230 juvenile probation and residential staff were trained on Motivational Interviewing (MI), an evidence-based practice, and the Youth Assessment and Screening Instrument (YASI), a validated risk assessment instrument.

Federal Funding Through the Years

Federal allocations for these juvenile justice funding streams have taken a serious hit since the Act was last reauthorized. In FY2002, \$546.9 million was provided for juvenile justice programs in the federal budget. In FY2015, that number had plummeted to \$251.5 million, a reduction of 54 percent overall.

A large portion of those cuts resulted from the zeroing out of the JABG program. In FY2002, this fund alone provided \$249.5 million in federal juvenile justice funding to the states. By FY2013, that figure had dropped to \$25 million, and in FY2014 and FY2015 it was zeroed out entirely.

Title V has also taken a hit since the JJDPAs' last reauthorization. In FY2002, \$94.3 million in Title V funding was made available as part of Congress' budget. By FY2015, that sum was down 84 percent to \$15 million. The entirety of the fund was earmarked.

Title II, similarly, has been cut by \$33 million over the past 13 years. This fund has diminished from \$88.8 million in FY2002 to \$55.5 million in FY2015.

Some states and communities have been harder hit than others by these cuts. Iowa, for example, has seen a 68 percent reduction in juvenile justice funding through federal block and formula grants since the start of the decade. South Carolina has seen its federal allocations for formula and block grants drop by 80 percent, from \$1.43 million in FY2010 to \$312,434 in FY2014.

Federal Juvenile Justice Funding

	JJDP A Title II	JJDP A Title V	JABG	Mentoring	Other	Total
FY02	\$88.8	\$94.3	\$249.5	\$16	\$91.5	\$546.9
FY03	\$83.3	\$46.1	\$188.8	\$15.9	\$110.5	\$451.4
FY04	\$83.2	\$79.2	\$59.4	0	\$2.5	\$306.7
FY05	\$83.3	\$79.4	\$54.6	\$14.9	\$9.9	\$346.5
FY06	\$79.2	\$64.4	\$49.5	\$9.9	\$30	\$338.7
FY07	\$79.2	\$64.4	\$49.5	\$9.9	\$30	\$338.7
FY08	\$74.3	\$61.1	\$51.7	\$70	\$32	\$383.6
FY09	\$75	\$62	\$55	\$80	\$20	\$374.7
FY10	\$75	\$65	\$55	\$100	\$37.5	\$423.5
FY11	\$62.3	\$54	\$45.7	\$83	\$31.2	\$276
FY12	\$40	\$20	\$30	\$78	\$94.5	\$262.5
FY13	\$44	\$20	\$25	\$90	\$100.5	\$279.5
FY14	\$55.5	\$15	0	\$85.5	\$88	\$244
FY15	\$55.5	\$15*	\$0	\$90	\$91	\$251.5
% Difference Since Reenactment	-37.5%	-84%	-100%	462.5%	0%	-54%

All figures shown are in millions.

* This sum is earmarked as follows: \$5 million for tribal youth, \$3 million for gang and youth violence education and prevention, \$6 million for community-based violence prevention initiatives, and \$1 million for the National Forum on Youth Violence Prevention.

Compliance Monitoring

States rely upon these dwindling federal dollars both to create programs for youth and to monitor compliance with existing JJDP A requirements. This important work ensures that safeguards are put in place to keep our young people from once again being locked in the same cell as their adult counterparts.

The Cost

Even in small states, however, this is a big task. Vermont, for example, monitors 112 facilities for JJDP A compliance. The state has a contract under which \$20,000 of this work is performed. State staff-time related to compliance monitoring results in an additional \$10,000-15,000 in costs.

Texas, meanwhile, reports that nearly 3,000 facilities across the state's 254 counties must be monitored for compliance. The related office has a staff of three.

Facilities located in Texas' largest counties are monitored on a two year cycle, while smaller counties are monitored on a five-year cycle. This is a costly, though important undertaking, and Texas is budgeted to spend \$240,926 on compliance in FY2014.

These figures are taking a bigger bite out of the state's overall Title II allocations as their federal dollars continue to dwindle. To ensure compliance with the JJDP A, Illinois, for example, monitors 16 juvenile detention facilities, 839 municipal lockups, 94 county jails, and 8 sheriff's departments. This work – including related salaries, travel, technical assistance, and training – comes at a cost of roughly \$339,000 per year. In FY2014, such compliance costs accounted for 24 percent of Illinois' \$1.39 million federal allocation. Those same costs equated to only 13 percent of their FY2010 budget though. The state reports that in light of ongoing budget cuts it is looking for ways to reduce its compliance costs to approximately \$250,000 in the upcoming fiscal year.

Other states are also looking for ways to reduce costs light of shrinking resources. In Michigan, compliance monitors used to visit 200 facilities per year, with the goal of getting through all of their facilities within three years. In all, the state monitors more than 500 facilities, including 31 juvenile detention facilities, 224 adult lockups, 83 adult jails and 3 juvenile training facilities.

Michigan has had to cut back due to diminishing funds. Between FY2010 and FY2014, the state reports that it has reduced funding for compliance monitoring by \$30,000, from \$300,000 to \$270,000. As a result, they are able to visit 100 fewer sites each year.

Michigan reports that they expressed concerns to OJJDP during a listening session in 2014 about the effect that reduced funding could have. Children and youth are put in potential danger when sites are not able to be visited on an annual basis, the state noted, adding that it is important to visit facilities often to ensure that young people are being treated in accordance with federal law.

What Goes in to Compliance

Florida spends roughly \$190,000 on compliance monitoring. This ensures that at least once every three years they are able to visit 38 juvenile detention facilities, 58 juvenile residential facilities, 86 jails, 763 adult lockups, and 87 court facilities.

The state, like others, uses detailed procedures to ensure that these facilities are properly monitored. Each month, facilities are chosen for monitoring based upon the date of their last audit and the location of the facility. Once chosen, a pre-audit letter is sent to the site. The SAG is notified of the date and time for the audit and invited to attend. Notification is also given to the Florida Department of Juvenile Justice.

The day of the site visit, compliance monitors do a walkthrough of the facility they are examining. Special attention is given to key areas where youth might be held, including booking areas, holding cells, and interview rooms. They also identify any applicable classifications for the facilities, including whether the facility is public or private, secure or non-secure, and whether the facility houses adults, youth, or both.

During their visit, the compliance monitor also reviews important documents that are kept on file at the site. At each site visit, for example, the compliance monitor reviews any youth-related policy that the facility has. If such policies do not yet exist, they offer technical assistance to help the facility create such policies.

Based upon the visit, the compliance monitor creates a report that documents their findings. They may also be required to follow up with the facility if there were any challenges that were identified, or any requests for technical assistance arose.

In addition to site visits, each month, the compliance monitor must also review all monthly reports that are submitted by facilities. If any questions arise as a result of their review they must contact the facility directly and gather additional information.

In rural communities, additional expenses may also be associated with compliance. Utah, for example, sets aside \$20,000-25,000 annually to pay off duty police officers overtime to transport young people to juvenile care facilities. This is critical in rural communities where there may be no local alternative to adult jail and lock ups. The state reports that this journey can take up to three hours each way.

The Path Forward

States are using Title II funding for an array of positive programming that helps improve outcomes for youth. They must also use these funds for the important but costly work of complying with the JJCPA. As federal allocations continue to drop, their compliance duties remain the same. Hundreds, and in some cases thousands, of facilities still must be monitored. Children must still be transported from remote areas to appropriate facilities. The resulting costs continue to consume a larger percentage of the state's overall federal allocation.

Already states report that they are having to cut back on the number of visits they can conduct. Others question whether, in light of dwindling dollars, it makes sense to continue complying with the Act.

These issues make federal investment in juvenile justice programming more important than ever. A continued commitment is needed to ensure that states receive both the resources they need to provide quality programming for system-involved youth and the funds they need to monitor facilities and ensure that children are adequately protected from the dangers the JJDPa seeks to avoid.



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