

2021

Recommendations to the Administration

Coalition for Juvenile Justice



LETTER FROM THE CJJ EXECUTIVE BOARD

Dear President Biden and Attorney General Garland,

The Executive Board and nationwide membership of the Coalition for Juvenile Justice (CJJ) wish to thank you and your Administration for your commitment to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) included in your proposed Fiscal Year 2022 budget. CJJ and its member State Advisory Groups (SAGs), across all states, territories and the District of Columbia interact in our statutory, professional, and voluntary roles very closely with OJJDP. OJJDP and the functions it carries out are essential in keeping our children and communities safe, and the funding that you included in your Fiscal Year 2022 budget is critical to that work.

We also want to take this opportunity to thank the Acting Administrator of OJJDP, Chyrl Jones. We appreciate her willingness to actively engage with CJJ and our members across the country. We look forward to continuing this partnership with a permanent administrator once they are named.

In this collaborative spirit, CJJ is pleased to share our recommendations in support of a strong and focused federal partnership in juvenile justice and delinquency prevention, guided by your Administration. Specifically, we have included recommendations based on input from our members nationwide, regarding the practices and priorities of OJJDP and the potential for even greater leadership by your Administration in juvenile justice policy advancement and reform. We ask that your administration focus this work on the important role OJJDP has in ending the over representation of youth of color in our youth legal systems.

Our recommendations also reflect our shared responsibility to create safe and supportive communities for youth, especially critical as the COVID pandemic continues across our country and the world. Over the past year and half, our young people have

experienced immense collective and individual trauma. We must provide them with the care and support to ensure that they are able to safely and successfully navigate the new world in which we now find ourselves.

With key implementation deadlines coming up in the next several months, we are particularly focused on the Juvenile Justice and Delinquency Prevention Act (JJDP). We are also committed to other federal juvenile justice efforts that address prevention of youth victimization and violence, support positive youth development and school climate, and community support. All of the existing juvenile justice funding streams highlighted in CJJ's recommendations currently support state and local initiatives to protect youth and keep them positively connected to their families, schools and communities. We urge the Administration to utilize these options when crafting proposals to prevent and reduce violence in the lives of youth.

Respectfully submitted on behalf of the entire board and with our gratitude for your leadership,

**Michelle Diaz, National Chair and
Naomi Smoot Evans, Executive Director**

RECOMMENDATIONS TO ADMINISTRATION

1. Appoint a Permanent Administrator for OJJDP.

It is imperative that a permanent administrator be appointed to lead the Office of Juvenile Justice and Delinquency Prevention before December 2021 when key components of the Juvenile Justice Reform Act take effect.

Over the past four years, staffing capacity in the office has diminished, with just under 50 staff members now left in the office to work on and support OJJDP's myriad of critical programs. A permanent administrator is needed at this moment as a sign to the states of the importance and value that the administration places on youth justice. Appointing a permanent administrator will reinforce the message that was communicated to states through the robust funding proposal the administration released for Fiscal Year 2022. Without permanent leadership in this position, these financial investments cannot be fully maximized to improve state systems and outcomes for our youth.

Our nation is in the midst of a monumental racial reckoning. OJJDP is in charge of overseeing one of the few federal laws that require states to address the racial and ethnic disparities that exist in the legal system. This moment calls for strong and decisive leadership.

Our field has seen the damage that can result from long-standing vacancies in permanent leadership. In 2008, it took more than five years to appoint a permanent leader at the Office of Juvenile Justice and Delinquency Prevention (OJJDP). States struggled during this time without a clear vision for youth justice or leadership around the critical importance of core protections of the Act.

Since that time, the field has struggled, with a growing number of states opting out of the JJDP Act. To bring states back under the Act, and ensure that its critical protections related to racial equity are carried out, the states require a visionary leader who can

stand at the agency's helm. We call on you to appoint an administrator before December's implementation deadline for the Juvenile Justice Reform Act of 2018. This is essential so states have the guidance and clarity they need to successfully navigate the required changes.

2. Reinforce the Critical Role of the Federal Government in Juvenile Justice and Delinquency Prevention by Strengthening OJJDP.

In order for the federal government to function as a responsive and responsible partner with the states, we believe it is critical that juvenile justice continue to have a dedicated focus within the federal government and the U.S. Department of Justice. This should be distinct from the larger focus on adult criminal justice and embody the rehabilitative purpose of the juvenile system. In this way, OJJDP serves the critically important purposes of:

- developing national juvenile justice focused policies, priorities, and plans;
- advancing research to ensure comprehensive knowledge of delinquency and its prevention and reduction; and
- providing guidance, support, and oversight to states in implementing the JJDPA and other federal juvenile justice priorities.

Because it operates separately from state systems, OJJDP can provide national leadership and coordination among diverse prevention and intervention programs. Further, where individual states are necessarily focused on improving systems within their own borders, OJJDP can monitor challenges and opportunities on a national scale. OJJDP is the only federal agency charged solely with these responsibilities, and as such, is well positioned to help fulfill these critical functions.

OJJDP has served a vital function, providing valued guidance and information to states, tribes, territories, communities, and individuals across the country through research, targeted training, and technical assistance. OJJDP has several critical tasks before them, including:

- Research—particularly field-initiated research—has been supported and encouraged by OJJDP and should be installed under OJJDP so that it can be youth-focused and informed by science related to young people, not lost in a broader criminal justice research agenda;
- The restoration of the importance of addressing racial and ethnic disparities (R/ED) in the juvenile justice system as a significant priority for working with the states participating in the JJDPA; and
- The fostering of a richer field of subject matter experts in juvenile justice and the leveraging of those experts to support the training and technical assistance functions at OJJDP.

These changes will have a multiplier effect at the state level and forecast even broader and more sustainable changes in the juvenile justice field as OJJDP is further strengthened.

3. Prioritize Implementation of the Juvenile Justice and Delinquency Prevention Act (JJDPA).

With key implementation deadlines for the JJDPA’s 2018 reauthorization drawing near, it is critical that states receive the support and guidance needed to implement the Act. More than 35 years after its enactment, the JJDPA remains one of the most successful standard-setting statutes at the federal level, and at its heart recognizes the value of citizen-driven efforts to prevent and stem delinquency. The success of the JJDPA has been supported in significant part by the national agenda-setting, research, evaluation, oversight, and technical assistance functions of OJJDP. It remains the landmark federal statute—and single most influential piece of federal legislation—providing four substantive safeguards for youth who come into contact with the juvenile justice system:

- the deinstitutionalization of status offenders core protection provides that non-delinquent youth charged with offenses such as truancy and running away should not be confined in juvenile or adult incarceration facilities;
- the sight and sound separation core protection provides that juveniles who are legitimately held in adult jails or lock-ups are sight and sound separated from adult inmates;
- the jail removal core protection provides that youth should not be placed in adult jails and lock-ups, except under very limited circumstances; and
- the racial and ethnic disparities core protection mandates that states take measures intended to reduce and resolve racial and ethnic disparities at key contact points in the youth legal system.

Failure to support states in fully engaging in and implementing the JJDP A raises the specter that states may leave the Act, and our most vulnerable children may lose the critical protections it provides.

To start, OJJDP should revise and reissue a new policy manual that could be used by states to guide their applications for JJDP A Title II funding.

In addition to these core protections, the JJDP A funds support state and local initiatives to improve systems and responses to young people involved in the justice system or at risk of becoming involved. These efforts fall within one or more of 30 additional purpose areas emphasizing preventive, developmentally sound and equitable responses to youth at risk of court involvement. They also address the prevention of youth violence, gun violence, and victimization, including:

- “Gun Programs” to prevent and reduce unlawful acquisition and illegal use of firearms by juveniles;
- “School Programs,” such as those designed to enhance school climate and safety which are perhaps more important than ever as our young people return to schools after 18 months at home, under the stress and trauma of a pandemic; and
- “Strategic Community Action Planning,” to put in place continuums of services across multiple sectors for at-risk youth and families, and to support prevention of

violence and delinquency.[i]

The JJDP Act sets the tone for the national approach taken to juvenile justice and delinquency prevention. It establishes a lead agency in the OJJDP and articulates the commitment to a federal-state partnership around juvenile justice. Driven by data around the JJDP Act's core protections, partnerships between the state juvenile justice agencies and state courts requires ongoing planning and improvement efforts to identify and work toward shared goals and activities. Part of implementation and oversight must focus on carrying out the law and the spirit in which it was drafted. Clear guidance is needed to ensure successful implementation of the Act and to meet its core protections and administrative obligations.

CJJ endorsed H. 1809, legislation that passed in 2018 to reauthorize the JJDP Act. The bill met many of the goals set forth in the [CJJ Platform](#) for Reauthorization of the JJDP Act which was approved by our member states. The Platform includes more extensive discussion of the reauthorization of the JJDP Act, including 13 planks/positions addressing:

- federal supports and resources needed to fulfill the spirit and intent of the JJDP Act;
- safeguards for youth, families and communities; and
- the central value of prevention.

4. Restore Robust Levels of Federal Investment in Delinquency Prevention and Juvenile Justice Reform.

In addition to leadership and guidance, adequate resources must be provided to support state systems and the young people they serve. Research shows that prevention programs like those funded through the JJDP Act work. For each dollar invested in community-based youth development and prevention efforts, we save taxpayers up to \$8 in future costs, and dramatically reduce delinquency.[ii]

Community-based treatment for youth has been shown to be far more effective and cost-efficient than incarceration. Research shows that system-involved youth are at risk

of emotional and physical harm, unless systems invest in options and alternatives that keep youth separate from adult offenders and prevent/limit the use of locked confinement for less serious offenses.[iii] Such federal partnerships with the states are essential to providing states with the leverage they need to secure local dollars to achieve their individualized goals. However:

- The JJDPA Title II State Formula Grants Program, which supports states' efforts to comply with federal standards for the care of youth in the justice system, has been cut by approximately 25%.
- The JJDPA Title V Local Delinquency Prevention Grants Program, the only federal program designed to prevent delinquency at the local level in coordination with a statewide prevention plan, has been slashed by about 35%. Of the Title V funds appropriated in recent years, nearly all have been earmarked.
- The Juvenile Accountability Block Grant Program (JABG), which provides local judges, law enforcement officers, corrections officials, and providers with a range of options to address the needs and behaviors of court-involved youth, has been completely eliminated for the past four years.

Understanding that a constructive federal-state partnership can produce positive outcomes for our nation's youth and our communities given clear and consistent investment and leadership, we are grateful for and supportive of the increases in funding in the Administration's FY'22 budget proposal:

- \$250 million for the JJDPA Title II Program to support a reauthorized JJDPA and ensure state compliance with accepted standards of care and advancement of juvenile justice reforms;
- \$100 million for the JJDPA Title V program, with funding available for local prevention programming through Youth PROMISE grants;
- \$100 million for alternatives to youth incarceration; and in addition to those programs included in the proposed budget, and additional

- \$30 million for Juvenile Accountability Block Grant to preserve and support a continuum of evidence-informed graduated sanctions and service continuums, including cost-efficient confinement alternatives, for youth involved with the courts.

5. Prevent the conflation of school discipline policy and juvenile justice system sanctions, also known as the “school-to-prison pipeline” and build on proven strategies to increase school engagement and success for all youth.

In recent years, CJJ members nationwide have witnessed an unprecedented conflation of school discipline policy and sanctions traditionally reserved for the juvenile justice system. In fact, the connection between school discipline and the juvenile courts has become so close that it is coined, the “school-to-prison pipeline.” The pervasive use of exclusionary discipline and zero-tolerance policies has created this pipeline effect, funneling youth out of the school system and into the juvenile justice system. This pipeline leads to poor outcomes for schools, communities, and youth, ultimately denying education and support to those who typically need it the most.

While a growing focus has been placed on this issue in recent years, much more work remains to be done. For example, data from the U.S. Department of Education Office of Civil Rights (“OCR”) indicates that exclusionary discipline and zero tolerance policies are disproportionately applied to youth of color, an outcome that is directly at odds with the JJDPa mandate to address racial and ethnic disparities within the juvenile justice system. Data further shows that these exclusionary practices and their disproportionate impacts can begin as early as pre-school. CJJ calls on Congress to provide federal leadership to ensure that disciplinary policies do not have a disparate impact on students of color, and that all young people have a chance to learn, grow, and be respected within their schools.

CJJ supports approaches designed to interrupt the school-to-prison pipeline that are evidence-based or promising practice; that balance the needs of fairness, community safety and youth well-being; that rely on partnerships between students, families,

schools and community, and that reduce racial, ethnic and other systemic disparities. We are including policy platforms that our Council of State Advisory Groups approved in 2021 which outline our position on these issues in more detail.

Conclusion

Our continuing success depends on the Administration and OJJDP advocating for full implementation of the JJDPA; making the case for federal investments in JJDPA and JABG to empower state action; and developing the federal-state partnership for delinquency prevention to the greatest extent possible. CJJ stands ready to work closely with you and OJJDP to accomplish these goals.

The CJJ Executive Board and our broad nationwide membership wish to thank you for your consideration of our thoughts and recommendations, and we look forward to hearing from you soon. Please feel free to contact CJJ's Executive Director, Naomi Smoot Evans, at 410-971-6321 or at evans@juvjustice.org.

Appendix

[School to Prison Pipeline Policy Platform](#)

[Community Investment Policy Platform](#)

[Ending the Over Policing of Youth of Color Policy Platform](#)

[Participating States Policy Platform](#)



The Coalition for Juvenile Justice (CJJ) envisions a nation where fewer children are at risk of delinquency; and if they are at risk or involved with the justice system, they and their families receive every possible opportunity to live safe, healthy, and fulfilling lives. CJJ is a nationwide coalition of State Advisory Groups (SAGs) and allies dedicated to preventing children and youth from becoming involved in the courts and upholding the highest standards of care when youth are charged with wrongdoing and enter the justice system.