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Juvenile Justice: Legislative History and Current Legislative Issues

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Summary

Juvenile justice in the United States has predominantly been the province of the states and their localities. The first juvenile court in America was founded in 1899 in Cook County, Illinois, and, by 1925, all but two states had established juvenile court systems. The mission of these early juvenile courts was to rehabilitate young delinquents instead of just punishing them for their crimes; in practice, this led to marked procedural and substantive differences between the adult and juvenile court systems in the states, including a focus on the offenders and not the offenses, and rehabilitation instead of punishment.

The federal government began to play a role in the states' juvenile justice systems in the 1960s and 1970s. In 1974, Congress passed the first comprehensive piece of juvenile justice legislation, the Juvenile Justice and Delinquency Prevention Act (JJDPA). The JJDPA had three main components: it created a set of institutions within the federal government that were dedicated to coordinating and administering federal juvenile justice efforts; it established grant programs to assist the states with setting up and running their juvenile justice systems; and it promulgated core mandates that states had to adhere to in order to be eligible to receive grant funding. Although the JJDPA has been amended several times over the past 30 years, its basic shape remains similar to that of its original conception.

As it was passed in 1974, the JJDPA focused largely on preventing juvenile delinquency and on rehabilitating juvenile offenders. Subsequent revisions to the act added sanctions and accountability measures to some existing federal grant programs, and new grant programs to the act's purview. In altering the JJDPA to include a greater emphasis on punishing juveniles for their crimes, Congress has essentially followed the lead of the states. During the 1980s and 1990s, most states revised their juvenile justice systems to include more punitive measures and to allow juveniles to be tried as adults in more instances. In 1997, Congress created the Juvenile Accountability Block Grant (JABG), allowing the Attorney General to make grants to states and units of local government to strengthen their juvenile justice systems and foster accountability within their juvenile populations. This has marked a significant change in the philosophy of the juvenile justice system, both at the state level and at the federal level, from its original conception. Juvenile justice in general has thus moved away from emphasizing the rehabilitation of juveniles and toward a greater reliance on sanctioning them for their crimes.

Authorization for the JJDPA's main provisions expired at the end of FY2007 and FY2008, but its major programs have continued to receive appropriations. Congress may choose to consider the JJDPA's reauthorization. Policy issues associated with its reauthorization include what the best federal response to juvenile violence and juvenile crime should be; whether the system should focus on the rehabilitation of juvenile offenders or on holding juvenile offenders accountable for their actions; and whether the grant programs as currently comprised represent the best way to support juvenile justice efforts in the states. Similarly, authorization for the JABG expired at the end of FY2009. One of the issues surrounding its potential reauthorization involves whether grant program purpose areas should be modified, expanded, or clarified.

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Introduction

Administering justice to juvenile offenders has largely been the domain of the states, and as a result of this the laws that pertain to juvenile offenders can vary widely from state to state. There is no federal juvenile justice system. Although the federal government does not play a direct role in administering juvenile justice, in the 1960s, the federal government began establishing federal juvenile justice agencies and grant programs in order to influence the states' juvenile justice systems. The Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 created many of the federal entities and grant programs that continue to operate today, including the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the State Formula Grants Program. Over the ensuing decades, the JJDPA has been modified a number of times, broadening the mandate of the agencies it created and adding to the grant programs it established.

This report analyzes the current federal legislation that influences the state juvenile justice systems. Although the report provides some background information on the evolution of juvenile justice in the United States, the main focus of the report is the major federal legislation that impacts state juvenile justice systems, including the JJDPA. As the major provisions of the JJDPA expired in FY2007 and FY2008, several issues pertaining to its reauthorization may be of concern to Congress, including, but not limited to, the following:

- Should the core mandates associated with the state formula grants be expanded or modified?
- Are the current grant programs effective?
- Is there adequate oversight over states' use of federal grant funding?
- Is there sufficient coordination occurring at the federal level?
- Should the federal approach to juvenile justice focus on rehabilitation, accountability, or both philosophies?

The original JJDPA and its major revisions through the end of the 109th Congress, when it was most recently reauthorized, are addressed in **Appendix A** and **Appendix B**.

Background

Juvenile justice in the United States has been predominantly the province of the states and their localities. The first juvenile court in America was founded in 1899 in Cook County, Illinois. Twenty-five years later, all but two states had enacted legislation establishing a separate juvenile court system for young offenders. The mission of these juvenile courts was to attempt to turn young delinquents into productive adults rather than merely punishing them for their crimes. This led to marked procedural and substantive differences between the adult and juvenile court systems in the states, including a focus on the offenders and not the offenses, and on rehabilitation instead of punishment.[1]

The federal government began to play a role in the states' juvenile justice systems in the 1960s and 1970s. In the Juvenile Delinquency and Youth Offenses Control Act (P.L. 87-274), Congress provided funds for state and local governments, through the Department of Health, Education, and Welfare (HEW), to conduct demonstration projects to research improved methods for

[1] U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Justice: A Century of Change*, National Report Series, December 1999, p. 2. Hereinafter referred to as OJJDP, *A Century of Change*.

preventing and controlling crime committed by juveniles. In 1968, Congress passed additional legislation[2] to provide direct assistance to state and local governments and to train juvenile justice personnel. To receive funding, states were required to designate a single agency to take the lead in improving delinquency prevention and control programs. Also in 1968, Congress for the first time placed juvenile justice grant authority within the purview of the Department of Justice (DOJ).

Despite these congressional efforts to provide assistance to the states as they attempted to rein in juvenile crime, juvenile arrests for violent crimes increased by 216% between 1960 and 1974.[3] This increase in juvenile violent crime outstripped the growth in the juvenile population; the under-18 population grew from 47 million in 1950 to 70 million in 1970—an increase of only 49%.[4] It seemed apparent that the technical assistance and financial aid that Congress had provided the states was not enough to address the growing problem of juvenile crime, and many commentators maintained that there was a need for a distinct federal entity to manage the federal government's response to juvenile delinquency. In 1974, Congress addressed the issue by passing the first comprehensive piece of juvenile justice legislation, the JJDPA.[5] The JJDPA created a number of grant programs and established a new federal agency within DOJ—OJJDP—to oversee these grant programs and to coordinate the federal government-wide response to juvenile delinquency.

In the 1980s, many states responded to the public perception that juvenile crime was increasing by passing more punitive laws for juvenile offenders. Some of these laws removed certain types of juvenile crimes from the juvenile court system altogether, mandating that they be handled by the adult criminal system instead. Other laws instituted mandatory sentences for juvenile offenders convicted of certain crimes. This movement toward punishing juveniles and away from working to rehabilitate them accelerated in the 1990s, with all but three states passing laws that modified or removed traditional juvenile court confidentiality agreements, all but five states passing laws easing the transfer of juveniles into the adult criminal justice system, and a majority of states passing laws expanding sentencing options for juveniles.[6] During this period, more punitive measures were incorporated into the accepted federal funding streams for juvenile justice programs through a series of revisions to the JJDPA. These revisions are described in **Appendix A** and **Appendix B**.

Juvenile Justice History

The First Juvenile Courts

The early criminal justice system in America did not include a separate juvenile justice system. The colonists brought the British criminal justice system with them to the new world. This system included forced apprenticeship for poor and neglected children. If a juvenile committed a crime, they were first warned, shamed, or given corporeal punishment and then returned to the community. If a child committed a major criminal act, however, they were treated and tried as

[2] P.L. 90-445.

[3] U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, "The JJDP Act: A Second Look," *Juvenile Justice*, vol. II, no. 2, Fall/Winter 1995.

[4] Federal Interagency Forum on Child and Family Statistics 1998, *America's Children: Key National Indicators of Well-Being*, at http://www.childstats.gov/pdf/ac1998/ac_98.pdf.

[5] P.L. 93-415.

[6] OJJDP, *A Century of Change*, p. 5.

adults. Trials and punishment were largely based on the offender's age; anybody over the age of seven was subject to a trial in criminal court.[7] These early American laws had three fundamental features: establishing local control of the justice system, giving families the responsibility (and legal liability) for their children's actions, and distinguishing between deserving and undeserving poor people.[8]

The first juvenile court in the United States was established in Chicago in 1899. By 1925, all but two states had established separate juvenile justice systems.[9] The Juvenile Court of Chicago was based on the British doctrine of *parens patriae*, or the notion of the state acting in the nature of a parent. This doctrine was used to explain the state's interest in distinguishing between adults and children in its dispensation of justice. Because children are not fully imbued with developmental or legal capacity, the *parens patriae* doctrine held that the government could provide protection and treatment for children whose parents were not providing adequate care or supervision.[10] The Juvenile Court of Chicago became the model for the various state juvenile justice systems that followed it. Its key features were the definition of a juvenile as a child under the age of 16; the separation of children and adults in correctional institutions; the establishment of special, informal procedural rules, including the elimination of indictments, pleadings, and jury trials; the provision of probation officers to monitor juveniles released into the community; and the prohibition of the detention of children below the age of 12 in a jail or police station.[11]

Although delinquency among children was punished, key elements of the juvenile justice system as it was originally conceived were the welfare of the child and the concept that delinquent children could be transformed into productive citizens through treatment. This benevolent mission was clearly stated in most laws that established juvenile justice systems, and led to substantial procedural and substantive differences between juvenile and adult criminal justice systems in the states. For example, juvenile court intake considered extra-legal factors—such as the child's home situation—as well as legal factors when deciding whether to bring a case to trial, and had the discretion to handle cases informally.[12]

Additionally, these early juvenile courts did not incorporate the procedural due process protections afforded adult criminal defendants, which were deemed unnecessary as a result of the court's benevolent mission. Attorneys for the state and the youth being tried were not considered essential to the system's operation, especially in less serious cases, and judges had a broad range of dispositions at their disposal that were tailored to the best interests of the child. Judges' dispositions became part of a treatment plan for the juvenile, and this treatment continued until the juvenile was considered cured or became an adult at age 21.[13]

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[7] Karen Hess and Robert Drowns, *Juvenile Justice*, 4th Ed., Thomas Wadsworth, Belmont, CA, 2004, p. 7. Hereinafter referred to as Hess and Drowns, *Juvenile Justice*.

[8] Grossberg, Michael, "Changing Conceptions of Child Welfare in the United States, 1920-1935," Chapter 1 in Margaret K. Rosenheim, Franklin E. Zimring, David S. Tanenhaus, and Bernardine Dorhn, eds., *A Century of Juvenile Justice*, University of Chicago Press, Chicago, IL, 2002, p. 6. Hereinafter referred to as *A Century of Juvenile Justice*, Ch. 1.

[9] U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 1999 National Report*, 1999, p. 86, available at http://www.ncjrs.org/html/ojjdp/nationalreport99/toc.html. Hereinafter referred to as OJJDP, *1999 National Report*.

[10] OJJDP, *1999 National Report*, p. 86.

[11] Hess and Drowns, *Juvenile Justice*, pp. 15-16.

[12] OJJDP, *1999 National Report*, p. 86.

[13] OJJDP, *1999 National Report*, p. 87.

In 1914, the practice of *diversion*, or the official halting of formal criminal proceedings against a juvenile offender, was established with the creation of the Chicago Boy's Court. The goal of diversion was to provide treatment for juveniles outside of the formal juvenile justice system. To this end, the juvenile court in Chicago released juveniles to the supervision and authority of various community service agencies, who evaluated the youth's behavior and reported back to the Court. If the evaluation was satisfactory to the judge, the court officially discharged the juvenile without any formal record of the proceedings.[14]

By 1930, only the federal government continued to treat children who were charged with a crime as adults.[15] This situation led the U.S. Attorney General to recommend that juveniles charged with violating federal laws be returned to their home state's juvenile justice system, a proposition that Congress agreed with.[16]

Early Federal Government Efforts

The earliest federal government involvement in juvenile delinquency occurred in 1909, when the White House held a Conference on the Care of Dependent Children. The goal of this conference was to share information about needy children across the United States and to emphasize the immediate need for action. This conference led directly to the creation of the U.S. Children's Bureau in 1912. The Children's Bureau was authorized to investigate and report on all aspects of child welfare, including the juvenile justice system.[17] In 1936, the Children's Bureau began providing the first federal subsidy program that provided child welfare grants to states. These grants were used to care for a wide array of at-risk youth, including juvenile delinquents.

The first major federal legislation addressing juvenile delinquents was enacted in 1938. The Federal Juvenile Delinquency Act of 1938 (FJDA)[18] left the state juvenile justice systems as the preferred alternative for juveniles arrested for violating federal laws, but gave the Attorney General the discretion to charge a juvenile as an adult and allowed for federal juvenile proceedings if both parties agreed to it.

In 1951, Congress amended the FJDA with the Federal Youth Corrections Act.[19] This act afforded juvenile offenders tried as adults in the federal system special rehabilitation outcomes. Apart from this revision, however, the FJDA remained essentially unchanged for 35 years until Congress passed major Juvenile Justice reform measures in the 1970s. In 1951, Congress also established the Juvenile Delinquency Bureau within HEW. The bureau's placement within HEW can be seen as a reflection of the early governmental focus on the treatment of juvenile delinquents and the prevention of delinquency, rather than on punishment.[20]

In the 1950s and 1960s, however, many observers began to question the juvenile courts' ability to successfully rehabilitate delinquents. While the system's basic goal of rehabilitating juveniles through individually tailored plans was not in question, professionals in the field grew concerned about the growing numbers of juveniles being institutionalized for treatment purposes. This

[14] Hess and Drowns, *Juvenile Justice*, p. 18.

[15] National Commission on Law Observance and Enforcement, *Report on the Child Offender in the Federal System of Justice*, 1931, p. 2.

[16] H.Rept. 958, 72nd Cong., 1st. Sess. 2, accompanying the bill enacted as 47 Stat. 301 (1932).

[17] *A Century of Juvenile Justice*, Ch. 1, pp. 27-29.

[18] 52 Stat. 764 (1938), 18 U.S.C. 921 to 927 (1940 ed.).

[19] 64 Stat. 1086 (1950), 18 U.S.C. 5005 to 5026 (1952 ed.).

[20] Hess and Drowns, *Juvenile Justice*, p. 21.

concern was reflected in a series of Supreme Court rulings during the 1960s that required that juvenile court procedures become more formal in order to afford juveniles legal protections comparable to those afforded adults in criminal courts.[21]

The landmark Supreme Court ruling of this period, *In re Gault*,[22] concluded that hearings that could result in the institutionalization of children must afford the juveniles being tried the right to notice and counsel, the right to question witnesses, and the right to protection from self-incrimination. Although the Court did not include the right to appellate review in its decision, it encouraged the states to afford juveniles that protection as well.[23]

Congress responded to the increasing public awareness of juvenile crime by passing the Juvenile Delinquency and Youth Offenses Control Act of 1961.[24] This act authorized HEW to provide grants totaling $10 million annually, for three years, to states, local government entities, and private nonprofit agencies to fund demonstration projects that focused on improving the methods used to prevent and control juvenile crime. The projects funded through this initiative were focused on urban inner-cities that had the highest juvenile delinquency rates at the time.[25]

In 1968, Congress took two further actions that affected federal funding for juvenile justice. The first was the Juvenile Delinquency Prevention and Control Act,[26] which provided grant funding to the states and local government entities for the training of juvenile court personnel. These grants were to be administered by HEW. The second was the Omnibus Crime Control and Safe Streets Act,[27] which, among other things, involved DOJ in juvenile justice for the first time through the Law Enforcement Assistance Administration (LEAA), which was created in Title I of the act. LEAA was to serve as a clearinghouse for channeling federal funding to state and local law enforcement agencies, giving states incentives to establish planning agencies, and funding a wide variety of programs ranging from education and research to local crime control initiatives.[28]

By the early 1970s, consensus began to form around the idea that the federal government's efforts to address juvenile justice were unfocused and underfunded.[29] The House Committee on Education and Labor in particular questioned the effectiveness of the Juvenile Delinquency Prevention and Control Act of 1968 and levied a number of criticisms at the way HEW implemented the act:

> The HEW administered program, during its first three years, was disappointing because of delay and inefficiency. A director of the Youth Development and Delinquency Prevention Administration was not appointed for over 18 months. Less than a third of the $150 million authorized for fiscal years 1968 through 1971 was appropriated. Furthermore, only half of

[21] OJJDP, *A Century of Change*, p. 3.

[22] 387 U.S. 1, 87 S. Ct. 1428 (1967).

[23] Other Supreme Court rulings that have directly impacted juvenile justice include *Kent v. United States* (383 U.S. 541, 1966), *In re Winship* (397 U.S. 358, 1970), *McKeiver v. Pennsylvania* (403 U.S. 528, 1971), *Breed v. Jones* (421 U.S. 519, 1975), *Oklahoma Publishing Company v. District Court in and for Oklahoma City* (430 U.S. 308, 1977), *Smith v. Daily Mail Publishing Company* (443 U.S. 97, 1979), and *Schall v. Martin* (467 U.S. 253, 1984).

[24] P.L. 87-274.

[25] U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, "The JJDP Act: A Second Look," *Juvenile Justice*, Vol. II, No.2, Fall/Winter 1995, p.12.

[26] P.L. 90-445.

[27] P.L. 90-351.

[28] LEAA has since been succeeded by the Office of Justice Programs (OJP).

[29] U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, "The JJDP Act: A Second Look," *Juvenile Justice*, Vol. II, No.2, Fall/Winter 1995, p.13.

> the funds that were appropriated were actually expended. The funds were generally spent on underfunded, unrelated, and scattered projects. Weakness in program administration, the dominance of the Law Enforcement Assistance Administration, and inadequate funding contributed to reasons for a lack of total success.30

Disappointed with the way the 1968 act was implemented, consensus began to form within Congress around the idea of creating a new federal entity to oversee the federal government's juvenile justice efforts. As the Juvenile Delinquency Prevention and Control Act's authorization was expiring in 1974, Congress moved to replace it with a more comprehensive piece of legislation.

The Juvenile Justice and Delinquency Prevention Act (JJDPA)

The JJDPA was first passed by Congress in 1974[31] and was most recently reauthorized in 2002 by the 21st Century Department of Justice Appropriations Authorization Act.[32] Authorization for its main provisions expired in FY2007 and FY2008. This section analyzes the JJDPA as it stands today.

By 1974, strong momentum had developed in the public, academic, and governmental arenas toward the idea that the juvenile justice system needed to focus on preventing juvenile delinquency, deinstitutionalizing youth already in the system, and keeping juvenile offenders separate from adult offenders. Congress responded to this growing consensus by passing the Juvenile Justice and Delinquency Prevention Act of 1974. The JJDPA had three main components:

- it created a set of institutions within the federal government that were dedicated to coordinating and administering federal juvenile justice efforts;
- it established grant programs to assist the states with setting up and running their juvenile justice systems; and
- it promulgated core mandates that states had to adhere to in order to be eligible to receive certain grant funding.

Although the JJDPA has been amended several times over the past 40 years, it continues to feature the same three components. As it was passed in 1974, the JJDPA focused the federal government's efforts largely on preventing juvenile delinquency and on rehabilitating juvenile offenders. Subsequent revisions to the act placed emphasis on influencing states to expand the use of sanctions and accountability measures through some existing grant programs, as well as adding new grant programs to the act's purview. The latest reauthorization of the JJDPA, enacted by P.L. 107-273, made several changes to the act, including consolidating various separate grant programs and modifying the language of some of the core mandates. **Appendix A** details the original JJDPA; **Appendix B** details the JJDPA's major subsequent revisions and includes a summary of the specific changes enacted by its last reauthorization.

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[30] U.S. Congress, House Committee on Education and Labor, *Juvenile Justice and Delinquency Prevention Amendments of 1977*, H.Rept. 95-313, pp. 35-36.

[31] P.L. 90-415.

[32] P.L. 107-273.

Concentration of Federal Efforts

The original JJDPA established OJJDP within DOJ's Law Enforcement Assistance Administration[33] (LEAA) as the new clearinghouse for the federal government's efforts to influence states' juvenile justice systems. Subsequent revisions to the JJPDA designated OJJDP as a stand-alone office within DOJ and directed the Administrator to report directly to the Attorney General. Today, the JJDPA grants the Administrator of OJJDP a broad authority to coordinate the federal government's activities relating to the treatment of juvenile offenders, including programs that focus on prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the states' juvenile justice systems.[34] The Administrator is charged with developing objectives, priorities, strategies, and long-term plans concerning the treatment and handling of juvenile offenders by federal agencies and by the states, and overseeing the implementation of these plans. Thus, the Administrator of OJJDP is, by statute, the lead individual in the U.S. federal government charged with developing and implementing policies that govern the treatment of juvenile offenders by federal agencies and the federal government's efforts to influence the states' juvenile justice systems.

Coordinating Council on Juvenile Justice and Delinquency Prevention

The original JJDPA established an independent organization known as the Coordinating Council on Juvenile Justice and Delinquency Prevention (Coordinating Council) to coordinate the federal government's juvenile delinquency programs. The Coordinating Council was to be composed of representatives from a broad range of federal agencies who "exercise significant decision making authority in the Federal agency involved."[35] Subsequent revisions to the JJDPA expanded the number of agencies represented on the Coordinating Council.

Today, the Coordinating Council is an independent organization within the federal government charged with coordinating all federal juvenile delinquency programs, all federal programs that deal with unaccompanied minors, and all federal programs relating to missing and exploited children.[36] The Coordinating Council is composed of the heads of all the federal agencies that touch on these broad areas, including the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of OJJDP, the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, and the Commissioner of Immigration and Naturalization (now the Commissioner of U.S. Immigration and Customs Enforcement). In addition to these standing members, the Coordinating Council is composed of nine other members, of which three are appointed by the President, three are appointed by the Speaker of the House, and three are appointed by the majority leader of the Senate. These nine members are to be juvenile justice practitioners who are not officers or employees of the U.S. government, and they are to serve one- to three-year terms. The Attorney General acts as the Chairman of the Council, and the Administrator of OJJDP serves as the Vice Chairman of the Council.

[33] LEAA was established to serve as a clearinghouse for channeling federal funding to state and local law enforcement agencies. LEAA gave states incentives to establish planning agencies and funded a wide variety of programs spanning from education and research to local crime control initiatives.

[34] 42 U.S.C. §5614.

[35] P.L. 93-415, §206(a-b).

[36] 42 U.S.C. §5616.

In essence, the role of the Coordinating Council is to coordinate the overall federal government policy and development of objectives and priorities for federal programs dealing with juvenile delinquency and unaccompanied minors. As a function of this, the Coordinating Council is charged with examining how the various programs in the federal government are operating and to report to Congress on the degree to which federal agency funds are being used for purposes consistent with the core mandates required in the state plans.[37] The Council is also charged with reviewing why federal agencies take juveniles into custody and to make recommendations for how to improve the federal government's practices and facilities for detaining juveniles.

Annual Report

Starting in 1988, Congress required OJJDP to produce an annual report to Congress on the agency's operations. This report, by statute, must summarize and analyze the most recent data available to the federal government concerning the detention of juveniles, describe the activities funded by OJJDP and the activities of the Coordinating Council, identify the extent to which each state complies with the core mandates and their state plan requirements, and evaluate the effectiveness of federal juvenile delinquency programs in reducing the incidences of delinquency and violent crime among juveniles.[38]

State Formula Grants

The original JJDPA authorized OJJDP to make formula grants[39] to states, which can be used to fund the planning, establishment, operation, coordination, and evaluation of projects for the development of more effective juvenile delinquency programs and improved juvenile justice systems. Although this grant program has been modified through the intervening years, it remains in place today as one of the core components of the federal approach to influencing states' juvenile justice systems. Authorization for this program expired in FY2007, but it has continued to receive appropriations.

Funds are allocated annually among the states on the basis of relative proportion of the population under the age of 18. However, the JJDPA sets minimum amounts that can be provided to the states depending on the total appropriation for the State Formula Grants Program, which are outlined in **Table 1**. No more than 10% of the state's allocation can be used for administrative expenses, including creating the state juvenile justice plans and disbursing the grant funds. Additionally, funds used for administrative expenses must be matched by state or local funds. The JJDPA authorizes "such sums as may be necessary" through FY2007 to carry out the State Formula Grants Program.[40]

Table 1. Minimum Formula Grant Amounts

Total Appropriation	State Minimums	Territory[a] Minimums
Less than $75,000,000	$325,000 to $400,000	$75,000 to $100,000
$75,000,000 and above	$600,000	$100,000

Source: 42 U.S.C. §5631.

[37] The JJDPA required states to formulate juvenile justice plans and adhere to certain mandates in order to receive formula grant funding; see discussion below.

[38] 42 U.S.C. §5617.

[39] See 42 U.S.C. §5631.

[40] 42 U.S.C. §5671(a)(1).

Note: For any state to receive funding above the minimums, the allocation for every state or territory must exceed the appropriation they received in 2000.

a. Territory refers to the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

JJDPA Formula Grant Mandates [41]

To receive formula grant funding through the JJDPA, states are required to formulate plans for the administration of juvenile justice within their jurisdiction and to submit yearly reports to OJJDP concerning their progress in implementing the programs being funded. The JJDPA stipulates a list of components that must be included in state plans, funding constraints for how the state formula grants can be apportioned, and four core mandates that must be adhered to in order to receive funding.

State Plan Components

To receive state formula grant funding, states must submit a juvenile justice plan to OJJDP. Should the state fail to do so, or if the Administrator determines that the state's plan does not meet the requirements elucidated in 42 U.S.C. §5633 (a), OJJDP can make the formula grant funding available to local public and private nonprofit agencies within the state for use in activities that help the state meet the four core mandates. The following plan components are required of all states receiving funding:

- States must designate an agency to supervise the administration of the juvenile justice plan and show that this agency has the legal authority to implement the plan. States must also consult with local government entities as they formulate the plan.
- States must provide for an advisory group of 15 to 33 members that participate in the development and review of the state's juvenile justice plan.[42]
- States must provide for the analysis of juvenile delinquency issues within their jurisdiction, including a description of the services provided to address the issues and performance goals and priorities for the implementation of these services. States are also directed to formulate a plan for providing gender-specific services, a plan for providing juvenile justice services in rural areas, and a plan for providing needed mental health services to juveniles.

Formula Grant Allocation

The JJDPA places several restrictions on how the funding received through the state formula grant program can be allocated within the states and territories. At least two-thirds of the funds received through the formula grant program must be passed through to units of local government, including Indian tribes[43] and local private agencies. Private agencies must have first applied to a local unit of government for funding and been turned down before being eligible for formula

[41] This entire section references 42 U.S.C. §5633.

[42] The make up of this group should include at least one local elected official, representatives from the various state agencies involved in preventing, responding to, and treating juvenile delinquency, and other individuals working or volunteering in the field. A majority of the advisory group cannot be employed by the federal, state, or local government, one fifth of the members must be younger than 24, and at least 3 of the members must be within the jurisdiction of the juvenile justice system. 42 U.S.C. §5633 (a)(3).

[43] Indian tribes must comply with the four core mandates in order to be eligible for funding.

grant funding, and all expenditures must be consistent with the state's plan. Funding must be distributed equitably throughout the state, including rural areas.

Additionally, at least 75% of the funds provided to the state must be used for a wide array of juvenile justice related programs, including, but not limited to

- community based alternatives to incarceration;
- counseling, mentoring, and training programs within the juvenile justice system as well as similar community based programs and services, including aftercare and after-school programs;
- comprehensive juvenile justice and delinquency prevention programs that assist the coordination of service provision among the various players involved;
- providing services to address child abuse and neglect;
- expanding the use of probation offices;
- programs that address the relationship between juvenile delinquency and learning disabilities, and programs that help juveniles and their families overcome language barriers;
- projects designed to deter juvenile gang members from participating in illegal activities, including those that promote their involvement in lawful activities;
- substance and drug abuse prevention and treatment programs, including mental health programs;
- programs that focus on positive youth development for at-risk youth and juvenile offenders;
- programs that focus on strengthening families and providing them assistance to ensure juveniles have a nurturing home environment;
- programs that provide mental health services to juveniles at every stage of the juvenile justice process; and
- programs that encourage juvenile courts to develop a continuum of post-adjudication restraints that bridge the gap between probation and detention in a juvenile correctional facility.[44]

Core Mandates

The original JJDPA included two core requirements, or mandates, that states had to adhere to in order to receive formula grant funding. Subsequent revisions to the JJDPA expanded the list of core mandates to the four that exist today:

- Deinstitutionalization of status offences (DSO). Juveniles who are charged with or who have committed an offense that would not be a crime if committed by an adult, and juveniles who are not charged with any offenses, are not to be placed in secure detention or secure correctional facilities.[45]
- Juveniles are not to be detained or confined in any institution in which they would have contact with adult inmates. Additionally, correctional staff that work with both adult and juvenile offenders must have been trained and certified to work with juveniles.

[44] 42 U.S.C. §5633 (a)(9).

[45] The most common status offence is truancy.

- Juveniles are not to be detained or confined in any jail or lockup for adults, except for juveniles who are accused of non-status offenses. These juveniles may be detained for no longer than six hours as they are processed, waiting to be released, awaiting transfer to a juvenile facility, or awaiting their court appearance. Additionally, juveniles in rural locations may be held for up to 48 hours in jails or lockups for adults as they await their initial court appearance. Juveniles held in adult jails or lockups in both rural and urban areas are not to have contact with adult inmates, and any staff working with both adults and juveniles must have been trained and certified to work with juveniles.
- Disproportionate minority contact (DMC). States are required to show that they are implementing juvenile delinquency prevention programs designed to reduce—without establishing or requiring numerical standards or quotas—the disproportionate number of minorities confined within their juvenile justice systems.

Failure to adhere to these requirements will result in a 20% reduction of funding for each of the four mandates with which the state is not in compliance. Additionally, the state will be ineligible for future funding unless the state agrees to spend 50% of the allocated funding to achieving compliance with whichever mandate it is noncompliant with; the Administrator of OJJDP determines that the state has achieved "substantial compliance"; or the state has demonstrated an "unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time."[46]

Juvenile Delinquency Prevention Block Grants

In addition to the formula grants, the JJDPA also authorizes OJJDP to make grants available to carry out projects designed to prevent juvenile delinquency.[47] The 21st Century Department of Justice Appropriations Authorization Act[48] folded several pre-existing grant programs into the Juvenile Delinquency Prevention Block Grant program and authorized "such sums as may be necessary" for this purpose through FY2007.[49] As a result of this consolidation, purpose areas that may be funded through the block grant program comprise a wide array of services, treatments, and interventions, including, but not limited to the following:[50]

- Projects that provide treatment to juvenile offenders and at risk juveniles who are victims of child abuse or neglect, or who have experienced violence at home, at school, or in their communities. Additionally, the program can fund projects providing treatment and services to the families of these juveniles.
- Educational projects or support services for juveniles that focus on encouraging juveniles to stay in school; aiding in the transition from school to work; helping identify juveniles who have learning difficulties and disabilities both in school and in the juvenile justice system; encouraging new approaches to preventing

[46] 42 U.S.C. §5633 (c).

[47] 42 U.S.C. §5651-5656.

[48] P.L. 107-273.

[49] See **Appendix B** for more information on the changes enacted by the 21st Century Department of Justice Appropriations Authorization Act, P.L. 107-273.

[50] The purpose areas noted here show the breadth of activities that can be funded through this grant program. There are 25 purpose areas in all, and the last purpose area authorizes funding for "other activities that are likely to prevent juvenile delinquency." 42 U.S.C. §5652. Although it was authorized through FY2007, this program has not received appropriations to date.

school violence and vandalism; developing locally coordinated policies among education, juvenile justice, and social service agencies; and providing mental health services.

- Projects that expand the use of probation officers, especially for programs that permit nonviolent juvenile offenders to remain at home instead of being placed in an institution, and to ensure that juveniles complete the terms of their probation.
- Counseling, training, and mentoring programs, particularly for juveniles residing in low-income and high-crime areas.
- Community based projects and services aimed at reducing juvenile delinquency, including literacy and social service programs.
- Drug and alcohol abuse treatment programs.
- Postsecondary education and training scholarship programs for low income juveniles residing in neighborhoods with high rates of poverty, violence, and drug related crimes.
- Projects that establish an initial intake screening and evaluation of juveniles taken into custody, both to determine the likelihood that the juvenile will commit crimes in the future and to provide the appropriate interventions to prevent future crimes.
- Projects designed to prevent juveniles from participating in organized criminal gangs.

Grant funding is allocated to the eligible states based on the proportion of their population that is under the age of 18. To become eligible for these grants, states must submit an application assuring that no more than 5% of the grant will be used for administrative, evaluation, and technical assistance costs and that federal grant funding will supplement, and not supplant, state and local juvenile delinquency prevention efforts. Additionally, the state must have submitted a plan. This grant program has not received appropriations to date; rather the annual appropriation for OJJDP continues to follow the previous structure, and funds have been appropriated in each subsequent fiscal year for some of the grant programs that were repealed in 2002. The authorization for this program expired in FY2007.

Part E: Developing, Testing, and Demonstrating Promising New Initiatives and Programs (Challenge Grants)

The Challenge Grants program[51] was originally added in 1992 and was modified by the 21st Century Department of Justice Appropriations Authorization Act, which authorized "such sums as may be necessary" to carry out the program through FY2007. It replaced the Demonstration Programs grant that had been created by the original JJDPA (see **Appendix A** and **Appendix B** for more information on the prior grant programs). The Challenge Grants program authorizes OJJDP to make discretionary grants to state, local, and tribal governments and private entities to carry out programs that will develop, test, or demonstrate promising new initiatives that may prevent, control, or reduce juvenile delinquency. The Administrator is charged with ensuring that these grants are apportioned in such a way as to ensure an equitable geographical distribution of these projects throughout the United States. The program is currently unauthorized, and it last received appropriations in FY2010.

[51] 42 U.S.C. §5661-5662.

Title V Incentive Grants for Local Delinquency Prevention Programs

The Incentive Grants for Local Delinquency Prevention (Title V) program[52] authorizes OJJDP to make discretionary grants to the states that are then transmitted to units of local government in order to carry out delinquency prevention programs for juveniles who have come into contact with, or are likely to come into contact with, the juvenile justice system. Unlike the other grant programs within the JJDPA, which are authorized through FY2007, the 21st Century Department of Justice Reauthorization Act authorized "such sums as may be necessary" for the Title V grant program through FY2008. The program is currently unauthorized, but has continued to receive appropriations.

Activities that can be funded through the Title V Incentive Grants for Local Delinquency Prevention program include the following:

- alcohol and substance abuse prevention services;
- educational programs;
- child and adolescent health (as well as mental health) services;
- recreational programs;
- leadership programs;
- programs that teach juveniles that they are accountable for their actions;
- job or skills training programs; and
- other "data-driven evidence based prevention programs."

As it reviews the grant applications that it receives, OJJDP is to give priority to programs that

- include plans for service and agency coordination (including co-location of services);
- coordinate and collaborate with the Delinquency Prevention Block Grant recipients in the state;
- include innovative ways to involve the private sector in delinquency prevention activities;
- help states develop or enhance state-wide subsidy programs for early intervention and prevention of juvenile delinquency; and
- develop data-driven prevention plans and utilize evidence-based prevention strategies (including conducting program evaluations to determine the impact and effectiveness of the programs being funded).

Local government entities are eligible for funding if they are in compliance with the state plan requirements, and if they have submitted to the state's advisory group a three-year comprehensive plan outlining their plans for investing in delinquency prevention activities and for coordinating services delivered to at-risk juveniles and their families. Funding to local government entities is disbursed by the state, and these grants are conditioned on a 50% match by either the local entity or the state.

Thus, the JJDPA includes four major grant programs within its purview: the State Formula Grant program, the Delinquency Prevention Block Grant program, the Challenge Grant program, and

[52] 42 U.S.C. §5781-5784.

the Title V Incentive Grants for Local Delinquency Prevention program. The first three grant programs, located within Title II of the act, were authorized through FY2007. The Title V grant program was authorized through FY2008. While these grant programs differ slightly, they each provide funding for a wide array of juvenile delinquency prevention purposes. The State Formula Grant program and the Delinquency Prevention Block Grant program feature long lists of detailed purpose areas that overlap. Conversely, the Challenge Grant and the Title V grant programs feature broadly written purpose areas that provide more discretion to OJJDP in their administration. Although this report does not include appropriations data, it is important to note that the appropriators have not funded the Delinquency Prevention Block Grant since its inception. Instead, the appropriators have continued to fund some of the grant programs repealed in 2002 either as stand-alone appropriations or as carve-outs within the Title V grant program. This issue will be discussed in greater detail in the "Issues for Congress" section of this report.

Juvenile Accountability Block Grants

The Juvenile Accountability Block Grant (JABG) program was originally created by the FY1998 DOJ Appropriations Act (P.L. 105-119) and was appropriated each subsequent fiscal year. However, the JABG program was codified by the 21st Century Department of Justice Reauthorization Act (P.L. 107-273) in Subtitle A of Title II of the act.[53] As such it falls outside the scope of the JJDPA, but nevertheless comprises a significant component of the federal government's approach to juvenile justice.

The JABG program authorizes the Attorney General to make grants to states[54] and units of local government to strengthen their juvenile justice systems and foster accountability within their juvenile populations. The program focuses resources on holding juveniles accountable for their actions and building up the juvenile justice system in the states. It also essentially signifies the high-water mark of the federal government's movement away from an emphasis on rehabilitating juveniles and toward the idea that juveniles need to be punished for their crimes; indeed, the only core mandate of the JABG program is that states must begin to implement a system of graduated sanctions[55] in order to be eligible for funding.

As originally codified, the JABG program authorized funding for 16 accountability-based purpose areas, including, but not limited to, implementing graduated sanctions; building or operating juvenile correction or detention facilities; hiring juvenile court officers, including judges, probation officers, and special advocates; and hiring additional juvenile prosecutors. The act also authorized a separate Tribal Grant program within the JABG appropriation to fund accountability-based measures aimed at strengthening the tribal juvenile justice systems. The JABG program was last authorized in 2006 by P.L. 109-162, which added a purpose area to the original 16 areas and authorized JABG at $350 million a year through FY2009. The program is currently unauthorized, and last received appropriations in FY2013. The Administration has nonetheless continued to request funding for this program annually.

[53] JABG was codified within the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee); as such it resides outside the immediate purview of the JJDPA despite the fact that it is administered by OJJDP.

[54] Under this subheading, the word *state* refers to the 50 states as well as the District of Columbia and the Commonwealth of Puerto Rico. Additionally, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands are collectively considered to be one state for the purposes of JABG allocations.

[55] Graduated sanctions should be designed so that sanctions are imposed on a juvenile for each delinquent offense and escalate in intensity with each subsequent, more serious, offense. There should be "sufficient flexibility" to allow for individualized sanctions and services for juvenile offenders. Additionally, "appropriate consideration" should be given to public safety and the victims of the crime. 42 U.S.C. §3796ee-2(d).

Purpose Areas

As currently comprised, the program authorizes funding for 17 accountability based purpose areas, including, but not limited to

- implementing graduated sanctions;
- building or operating juvenile correction or detention facilities;
- hiring and training juvenile court officers, including judges, probation officers, special advocates, juvenile prosecutors, and detention or corrections personnel;
- supporting prosecutorial initiatives aimed at curbing drug use, violence, and gangs;
- establishing juvenile drug courts and gun courts;
- establishing juvenile records and information sharing systems between the courts, schools, and social service agencies to keep better track of repeat offenders;
- using risk and needs assessments to facilitate effective early interventions for mental health and substance abuse issues;
- accountability-based school safety initiatives;
- establishing and improving pre-release and post-release programs to help juveniles reintegrate into the community; and
- restorative justice programs that emphasize the moral accountability of an offender toward their victims and the affected community.

Eligibility Requirements

The JABG program awards grants to the states; most of this funding is then sub-granted to units of local government. States and local entities must provide information about the activities that will be carried out with the grant funding and the criteria that will be used to assess whether the programs were effective (including the extent to which evidence-based practices were utilized). Additionally, states and local governments must provide assurances that the they are working toward implementing laws effecting the use of graduated sanctions for juvenile offenders.

As mentioned, the implementation of graduated sanctions is the only core mandate associated with the JABG program. These graduated sanctions should, at a minimum, ensure that

- sanctions are imposed on juvenile offenders for each delinquent offense they commit;
- sanctions escalate in intensity with each subsequent more serious offense;
- there is enough flexibility to tailor sanctions and services to each individual juvenile offender; and
- appropriate consideration is given when handing out sanctions to the victims of the crime and public safety in general.

States are allowed to participate in the program if their graduated sanctions are discretionary rather than mandatory, but must require each juvenile court in its jurisdiction to submit an annual report concerning the extent to which graduated sanctions were implemented and the reasons for which graduated sanctions were not applied. This information should be collected by units of local government and reported to the states, which in turn report it to the Attorney General. Eligible states and units of local government are also required to establish and convene an

advisory board that is charged with recommending a coordinated enforcement plan for the use of the JABG funds awarded. The board is to include, where appropriate, members of the state or local police, the prosecutors office, the juvenile court, the probation office, the education system, the social service system, a nonprofit victim advocacy organization, and a nonprofit religious or community group.

JABG Allocation

Of the total amount appropriated for the JABG program, each state is automatically allocated 0.5%. The remaining 75% of the JABG funding is then allocated to the states in accordance to the ratio of their population of juveniles under the age of 18 to the overall population of juveniles under the age of 18 in the United States that fiscal year. The states must pass along not less than 75% of the funds they receive to units of local government, unless the state can demonstrably certify that their overall juvenile justice costs are more than 25% of the aggregate amount of juvenile justice expenditures in the state (i.e., the states expenditures plus all the units of local government expenditures) that fiscal year and that they have consulted with as many units of local government as practicable regarding their expenditures. States are required to pass along the funding to units of local government according to a formula that is based on the ratio of the local government's juvenile justice costs and the juvenile violent crimes[56] committed in their jurisdiction to the overall juvenile justice costs and juvenile violent crimes in the state.

The Attorney General is authorized to make grants directly to specially qualified units of local government if the states do not qualify or apply for JABG funding. In these cases, the Attorney General is authorized to reserve up to 75% of that states allocation to make grants directly to units of local government that meet the funding requirements outlined above. Lastly, the Attorney General is authorized to use the average amount allocated by the states to their units of local governments as the basis for the amounts awarded to these specially qualified units of local government.

Of the total amount awarded to a state or a unit of local government, only 5% can be used to pay for administrative costs. Funds awarded under JABG cannot be used to supplant existing funding but must instead be used to increase the amount of funding that would otherwise be available to the state juvenile justice systems. The federal share of the activities funded through a JABG grant cannot exceed 90%, except for JABG funds used to construct juvenile court or detention facilities in which case the federal share is not to exceed 50%.

Issues for Congress

Congress may choose to consider the JJDPA's reauthorization because its major provisions expired at the end of FY2007 and FY2008. Similarly, the JABG expired at the end of FY2009, and Congress may also consider its reauthorization. As Congress debates reauthorizing funding for juvenile justice programs, it faces the same issues that have revolved around the juvenile justice system for more than 30 years:

- What is the appropriate federal role in an arena that has predominantly been the province of the states?
- What is the appropriate federal response to juvenile violence and juvenile crime?

[56] Violent crimes under this section include murder, non-negligent manslaughter, forcible rape, robbery, and aggravated assault.

- Should federal efforts to influence the states' juvenile justice systems focus on the rehabilitation of juvenile offenders, on holding juvenile offenders accountable for their actions, or some combination of both?
- Are the grant programs as currently comprised the best way to support juvenile justice efforts in the states?

The following section provides a more detailed examination of these potential issues.

Rehabilitation Versus Accountability

As previously noted, the fundamental tension within the juvenile justice system over the past 40 years has been the relationship between rehabilitating juveniles and holding them accountable for their actions. To some extent, this is an arbitrary distinction in that the system has included both rehabilitative and accountability based programs. Nevertheless, over the years the juvenile justice system trended away from rehabilitation. Instead, it increasingly incorporated measures that emphasize holding juveniles accountable for their actions. For example, during the 1990s, 47 states and the District of Columbia enacted laws that made their juvenile justice systems more punitive.[57] As a result, juvenile justice can be conceptualized as a continuum that stretches philosophically *from* the rehabilitative idea that juveniles are wayward youth who can be taught to mend their ways and become contributing members of society *to* the accountability end of the spectrum which holds that juveniles must be taught to take responsibility for their actions through punishment (often in the form of graduated sanctions).

The federal juvenile justice system can thus be viewed as a pendulum that swings between these two poles; for some time, it was swinging away from rehabilitation and toward accountability through the *addition* of graduated sanctions to the JJDPA's findings and the *requirement* that states implement graduated sanctions in order to be eligible for JABG funding. Congress may consider whether the federal government, through its grant programs, should be focusing on rehabilitating juveniles, holding them accountable for their actions, or some combination of both of these philosophies. As mentioned, authorization for the JABG expired at the end of FY2009, and it has not received funding since FY2013. As the JABG program was seen as favoring the accountability end of the spectrum, some may question whether the juvenile justice pendulum is now swinging back toward the rehabilitation end.

Expanding or Modifying the JJDPA Core Mandates

The federal government has attempted to influence the states' juvenile justice systems through the core mandates that states must comply with in order to be eligible for JJDPA state formula grant funding. In essence, the federal government has used grant funding as a carrot to effectuate changes in the way that states house and treat their juvenile offenders. The last modification of a core mandate occurred with the JJDPA's last reauthorization in 2002, when the disproportionate minority contact language was modified to preclude OJJDP from using numerical benchmarks in its implementation. A possible issue for Congress to consider is whether to modify or expand the existing core mandates.

Proponents of expanding the core mandates could point to the fact that the mandates have been effective in inducing states to promulgate detention standards that focus on minimizing the

[57] OJJDP, *A Century of Change*, p. 5.

contact between juvenile offenders and adults and in deinstitutionalizing status offenses.[58] Opponents of expanding the mandates, however, could point to the relative ineffectiveness of the disproportionate minority contact mandate; most states continue to detain minorities at a higher rate than their percentage of the state's juvenile population and the language has been weakened over the years to ensure that OJJDP does not require states to meet quotas in order to adhere to the mandate.[59] Should Congress choose to expand the core mandates, policy options could include

- requiring states to ensure that their delinquency prevention programs are based on solid scientific evidence such as randomized control trials,[60]
- requiring states to show the effectiveness of their programs aimed at reducing the disproportionate minority contact of offenders in the juvenile justice system or requiring that states take measurable steps to reduce this disparity,[61]
- expanding the number and quality of programs available for female juveniles,[62] or
- requiring states to implement mental health and substance abuse screening and treatment for juveniles.[63]

Juvenile Delinquency Prevention Block Grant

Since the JJDPA was reauthorized in 2002, there appears to have been some disparity between the authorizing legislation and the structure of the appropriations for some juvenile justice grant programs. As previously noted, this last reauthorization eliminated a number of small grant programs and consolidated most of their purpose areas into the Juvenile Delinquency Prevention Block Grant. However, the annual appropriation for OJJDP continues to follow the previous structure, and funds have been appropriated in each subsequent fiscal year for some of the grant programs that were repealed in 2002. The current disconnect between the authorization and the appropriation could present a challenge for OJJDP. Given this inconsistency, OJJDP employees must spend some percentage of their time reconciling the differences between the authorization and the appropriation; this may not represent the best investment of OJJDP staff time.

Additionally, because the eligibility requirements and funding mechanisms of the old grant programs and the new block grant program are different, this disparity between the authorization and the appropriation likely represents a challenge to the states and units of local government as they apply for funding. A potential issue for Congress as it reauthorizes the JJDPA includes whether the Juvenile Delinquency Prevention Block Grant should be implemented as it was

[58] See Office of Juvenile Justice and Delinquency Prevention, *The Mandates*, Fact Sheet, March 1994. See also Act4JJ, *JJDPA: Setting National Standards for Youth in the Juvenile Justice System*, November 5, 2013.

[59] See Eileen Poe-Yamagata and Michael A. Jones, *And Justice for Some*, Building Blocks for Youth, January 2007.

[60] For more information on the uses of randomized control trials evaluate government programs, see archived CRS Report RL33301, *Congress and Program Evaluation: An Overview of Randomized Controlled Trials (RCTs) and Related Issues*, by Clinton T. Brass, Erin D. Williams, and Blas Nuñez-Neto.

[61] See the Federal Advisory Committee on Juvenile Justice, *Final Summary Report of the 2009 Request for Information*, August 2009. Hereinafter referred to as FACJJ 2009 Report. See also Act4JJ, *Juvenile Justice and Delinquency Prevention Act (JJDPA) Policy Recommendations*, March 2015.

[62] U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *How OJJDP is Serving Children, Families, and Communities*, NCJ 225036, 2008.

[63] FACJJ 2009 Report; Act4JJ, *Juvenile Justice and Delinquency Prevention Act (JJDPA) Policy Recommendations*, March 2015.

authorized, whether it should be modified, or whether it should be broken up again into its component grant programs to better reflect what has been occurring with the appropriation.

Overlap in Grant Programs

The current grant programs within the JJDPA overlap in a variety of ways. The State Formula Grant and the Delinquency Prevention Block Grant programs, for example, both feature a wide array of purpose areas elucidated in legislative language that are largely similar. For example, both grant programs include purpose areas for

- counseling, mentoring, and training programs;
- community based programs and services;
- after school programs;
- education programs;
- programs that expand the use of probation officers;
- substance and drug abuse prevention programs;
- mental health services;
- gang-involvement prevention programs; and
- coordinating local service delivery among the different agencies involved.

Additionally, the Delinquency Prevention Block Grant, the Challenge Grants, and the Title V Incentive Grants for Local Delinquency Prevention Programs all include language allowing OJJDP to provide funding for additional programs not included in the specific purpose areas identified. A potential issue for Congress could include whether the current overlap within the juvenile justice grant programs is appropriate. Possible policy options could include altering the current grant programs to target funding for specific activities in each grant program or consolidating the different grant programs into one large program.

The creation of new grant programs could be an alternative to modifying or consolidating the existing grant programs. Creating grant programs that are tailored to specific activities (e.g., gang-prevention, restorative justice, mentoring, mental health treatment, etc.) could provide dedicated funding streams to activities that may not otherwise receive funding if they must compete for funding in a broader grant program. However, there are limited federal resources in the juvenile justice arena, and these resources have decreased over the past several years.[64] Adding grant programs without also increasing funding may take resources away from the current programs. A possible issue for Congress involves whether the existing grant programs are adequate, whether the existing grant programs should be modified, or whether new grant programs should be enacted.

Coordination of Federal Efforts

The juvenile population comes into contact with a wide variety of federal programs overseen by a number of different agencies. Under current law, the Administrator of OJJDP has a broad mandate to coordinate the federal government's overall response to juvenile offenders and juvenile delinquency prevention, including federal programs that focus on prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the states' juvenile justice

[64] CRS Report RS22655, *Juvenile Justice Funding Trends*, by Kristin Finklea.

systems. Additionally, the Coordinating Council was established to help the various agencies involved in dealing with and providing treatment for juveniles better coordinate their efforts.

Some overlap exists within the federal government concerning programs that offer services for juveniles. For example, a growing body of evidence points to the relationship between child abuse or other forms of mistreatment and juvenile delinquency or other delinquent behavior such as youth violence.[65] This has led to a duplication of efforts within many federal agencies and what may sometimes be a considerable overlap in the funding opportunities available to states and local entities.[66] An example of this overlap is the body of federal funding available for youth violence prevention. There are a multitude of federal programs throughout the government that deal with youth violence's causes, its effects, and its ramifications. The amount of coordination that is occurring between the departments on these issues remains an open question.

Oversight of Juvenile Justice Grants[67]

In debating the current state of federal juvenile justice grant programs and the potential reauthorization of the JJDPA, there have been questions surrounding the oversight of these programs. Specifically, questions involve accountability of grantees receiving funding, adequacy of existing regulations and guidance, and strength of the current compliance monitoring process.

Some have questioned whether the JJDPA has sufficient metrics in place for OJJDP to effectively monitor states' compliance with the state formula grants four core mandates.[68] Of these four mandates, many view the "disproportionate minority contact," or DMC, requirement as the most challenging and difficult-to-monitor mandate. According to this mandate, states are required to show that they are implementing juvenile delinquency prevention programs designed to reduce—without establishing or requiring numerical standards or quotas—the disproportionate number of minorities confined within their juvenile justice systems.[69] OJJDP has given guidance to states on how to identify and comply with the DMC requirement.[70] However, some have suggested that the DMC core mandate be strengthened to include a requirement that states make *measurable* progress toward reducing racial and ethnic disparities in their juvenile justice systems.[71] If policymakers evaluate that OJJDP is not adequately enforcing the DMC core requirement, they may debate whether to exercise additional oversight over OJJDP's enforcement of the requirement or whether to amend the DMC requirement itself.

There have also been concerns that OJJDP may not adequately enforce states' adherence to the JJDPA's core requirements as a foundation for receiving State Formula Grant funding.[72] There

[65] While some studies show smaller effect sizes for the link between child abuse and youth violence than others, there is nevertheless a significant correlation between the maltreatment of juveniles and subsequent delinquent or violent behavior. U.S. Public Health Service, Office of the Surgeon General, *Youth Violence: A Report of the Surgeon General's Office*, 2001, pp. 65-72.

[66] See, for example, Janet Wiig with John A. Tuell, *Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration*, Child Welfare League of America, 2004.

[67] CRS Research Assistant, LaTiesha Cooper, contributed to this section.

[68] U.S. Congress, Senate Committee on the Judiciary, *Improving Accountability and Oversight of Juvenile Justice Grants*, 114th Cong., 1st sess., April 21, 2015.

[69] 42 U.S.C. §5633(a)(22).

[70] Office of Juvenile Justice and Delinquency Prevention, *OJJDP FY 2014 Title II Formula Grants Program*, OMB No. 1121, p. 18.

[71] See, for example, Act 4 Juvenile Justice, *Fact Sheet: Disproportional Minority Contact (DMC) and Racial and Ethnic Disparities (RED)*, August 2014.

[72] See testimony before the U.S. Congress, Senate Committee on the Judiciary, *Improving Accountability and Oversight of Juvenile Justice Grants*, 114th Cong., 1st sess., April 21, 2015.

are a number of factors that might contribute to this. For instance, states may not fully report non-compliance to OJJDP, OJJDP's compliance monitoring process may not have the capacity to accurately detect noncompliance, or OJJDP may not enforce the core requirements as a basis for states receiving funding. Should Congress take up the reauthorization of the JJDPA, policymakers may debate whether or how to amend the act to ensure transparency and states' compliance with the core mandates as a condition of receiving funding.

Appendix A. The Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974

The Juvenile Justice and Delinquency Prevention Act (JJDPA) was first passed by Congress in 1974[73] and was most recently reauthorized in 2002 by the 21st Century Department of Justice Appropriations Authorization Act.[74] Its provisions are currently authorized through FY2007. This appendix will analyze the original JJDPA.

The original JJDPA had three main components: it created a set of institutions within the federal government that were dedicated to coordinating and administering federal juvenile justice efforts; it established grant programs to assist the states with setting up and running their juvenile justice systems; and it promulgated core mandates that states had to adhere to in order to be eligible to receive grant funding. As it was passed in 1974, the JJDPA focused largely on preventing juvenile delinquency and on rehabilitating juvenile offenders.

Federal Government Entities Established

The JJDPA established a range of federal government entities charged with overseeing the federal government's juvenile justice efforts that continue to exist today. In addition to establishing the first federal agency dedicated to the promulgation of juvenile justice, the act established a series of institutions aimed at increasing the federal government's coordination of juvenile delinquency programs and of programs that affect juveniles generally.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Title II, Part A of the original JJDPA established OJJDP within DOJ's Law Enforcement Assistance Administration (LEAA) as the new clearing house for federal juvenile justice efforts. The act established the Office of the Assistant Administrator of OJJDP, who is charged with overseeing the Office and coordinating the federal government-wide juvenile justice efforts under the direction of the Administrator of the LEAA. The act endowed the Administrator with a series of powers, including the authority to require other federal entities with juvenile delinquency programs to submit information and reports to OJJDP, and charged the new entity with administering the programs that were created by the act. The act also directed the Administrator to implement the overall policy and develop the objectives and priorities for *all* federal juvenile delinquency activities as well as "all activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system of the United States."[75] The LEAA Administrator, acting through the OJJDP Assistant Administrator, was thus given a broad mandate to oversee and coordinate not just the new agency's activities but all federal activities relating to the treatment of juveniles. OJJDP was required to present Congress with an annual report of its activities and of the federal government's overall juvenile delinquency programs.

[73] P.L. 90-415.

[74] P.L. 107-273.

[75] P.L. 93-415, §204(a).

Coordinating Council on Juvenile Justice and Delinquency Prevention (Coordinating Council)

The act established an independent organization known as the Coordinating Council on Juvenile Justice and Delinquency Prevention to coordinate the federal government's juvenile delinquency programs. The Coordinating Council was to be comprised of representatives from a broad range of federal agencies who "exercise significant decision making authority in the Federal agency involved,"[76] including the Attorney General, Secretary of Health, Education, and Welfare, the Secretary of Labor, Director of the Special Action Office for Drug Abuse Prevention, Secretary of Housing and Urban Development, or their respective designees. Additionally, the Coordinating Council was to include the Assistant Administrator of OJJDP and the Deputy Assistant Administrator of the National Institute for Juvenile Justice and Delinquency Prevention. The Coordinating Council was to meet a minimum of six times per year and was to report its activities as part of OJJDP's annual report.

Advisory Committee on Juvenile Justice and Delinquency Prevention (Advisory Committee)

The act established an Advisory Committee composed of 21 individuals who were to be appointed by the President to serve in an advisory capacity. These individuals were to be experts in the fields of juvenile delinquency prevention or treatment; juvenile justice administration; or community based programs and private voluntary organizations. The majority of the Advisory Committee was to be drawn from the private sector and at least one-third of the members were to be younger than 26 at the time of their appointment. The members were to serve without compensation and to meet no less than four times a year. The Advisory Committee was charged with making recommendations to the Administrator of OJJDP concerning the planning, policies, priorities, operations, and management of all juvenile delinquency programs within the federal government.

The National Institute for Juvenile Justice and Delinquency Prevention (National Institute)

The act created the National Institute to coordinate the collection, preparation, and dissemination of data regarding the treatment and control of juvenile offenders. The National Institute was charged with serving as a clearing house for all information relating to juvenile delinquency and with conducting and encouraging research on juvenile delinquency. The National Institute was also charged with training juvenile justice practitioners from every level of government and the private sector who were connected with the treatment and control of juvenile offenders. The National Institute was endowed with the power to request other federal agencies to supply the data and statistics that were necessary for its mission, and to reimburse these agencies for the expenses associated with these requests.

Federal Grant Programs for Juvenile Justice

In addition to creating entities charged with overseeing and developing the juvenile delinquency prevention programs within the federal government, the JJDPA created two main grant programs that were aimed at helping states build up and manage their juvenile justice systems and prevent

[76] P.L. 93-415, §206(a-b).

juvenile delinquency. Additionally, the JJDPA created a grant program aimed at helping states handle runaway youth.

Formula Grant Program

The first federal grant program established by the JJDPA was a formula grant program for states and local governments. This formula grant program was broadly aimed at helping states improve their juvenile justice systems by providing funding that could be used to assist in the planning, establishing, operating, coordinating, and evaluating of juvenile delinquency programs. Funding under this grant program was to be allocated to states based on their relative populations of people under the age of 18, and no state was to receive less than $200,000.[77] To receive funding under this grant program, the states were required to submit plans for how they were going to disburse the funding. The state plans were to describe a series of steps that states were to take in order to be eligible for funding, including the creation of juvenile justice entities within the state systems. States were required to pass along two-thirds of the funding to local government programs, unless granted a waiver by the Administrator, and 75% of the funds expended by the states were to be "used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community based alternatives to juvenile detention and correctional facilities."[78]

In addition to these restrictions on how the money was to be spent, the JJDPA established two core mandates that states had to adhere to in order to receive funding. The first of these mandates required states to ensure that juveniles who had committed offenses that would not be crimes if they were committed by an adult (known as status offenses) not be placed in juvenile detention or correctional facilities. This has become known as the deinstitutionalization of status offenders. The second mandate required states to ensure that juveniles were not detained or confined in any institution in which they would have regular contact with adults in the criminal justice system.

Prevention and Treatment Programs Grant

The act authorized the Administrator to make grants to and enter into contracts with public and private agencies, organizations, institutions, and individuals that focused on delinquency prevention and treatment. The act authorized the Administrator to enter into these grants and contracts to, among other things, develop and implement new approaches and methods for juvenile delinquency programs; develop and maintain community based alternatives to institutionalization; develop and implement programs that diverted juveniles from the traditional correctional system; improve the delivery of services to delinquents and to at-risk youth; and implement programs aimed at keeping students in school.

Demonstration Programs Grant

The JJDPA also created a discretionary grant program aimed at supporting "innovative approaches to youth development and the prevention and treatment of delinquent behavior."[79] Grants under this program could be awarded to any state or local government agency, as well as nonprofit organizations, and were to last one year. The overarching goal of the program was to foster innovation in youth development.

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[77] The Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands were to receive no less than $50,000.

[78] P.L. 93-415, §223(a)(10).

[79] P.L. 93-415, §401.

Appendix B. Subsequent Revisions to the JJDPA

Between 1974 and 2001, there were a number of laws enacted that modified the JJDPA in some manner. This appendix will outline the main changes that were made to the JJDPA over the past three decades.

The Juvenile Justice Amendments of 1980 (P.L. 96-509)

In 1980, Congress made three major changes to the JJDPA and reauthorized the act through FY1984. One of the major changes enacted by P.L. 96-509 was the streamlining of the juvenile justice apparatus within DOJ; whereas the JJDPA placed OJJDP underneath the Law Enforcement Assistance Administration (LEAA) and gave the LEAA Administrator authority over the agency, under the new act's provisions the Administrator of OJJDP reported directly to the Attorney General. In essence, this gave OJJDP a measure of independence and removed the filter between the administrator of OJJDP and the Attorney General. Despite this, however, OJJDP remained administratively within LEAA. Another major change made to the JJPDA was the creation of a new core mandate that states were to adhere to in order to receive funding under the formula grant program: the removal of juveniles from adult jails and lockups. P.L. 96-509 also began the process of shifting the JJDPA's focus away from rehabilitation and towards sanctions, including language that called for OJJDP to focus additional attention on the problem of juveniles committing serious crimes by paying special attention to sentencing and adding resources to the juvenile court system.

The act also made a series of minor modifications to the Coordinating Council, the Advisory Committee, and the National Institute aimed at increasing the coordination of federal juvenile justice efforts and at including the perspective of juveniles into the process. Among the changes made to the JJPDA, the act allowed 7.5% of OJJDP's overall appropriation to be used for the concentration of federal juvenile delinquency efforts,[80] and it added the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau to the Coordinating Council. The act directed the Advisory Committee to include at least five individuals younger than 24 years of age, at least two of whom should have been or continue to be under the jurisdiction of the juvenile justice system, and to contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

The main alteration made by the act was the new requirement that states stop detaining or confining juveniles in any jail or lockup for adults in order to be eligible for the state formula grant. The act did, however, allow for the temporary detention of juveniles accused of serious crimes in such facilities where no existing acceptable alternative placement was possible, subject to the promulgation of regulations by the Administrator. Failure to achieve compliance with this mandate within five years would terminate a state's ability to receive funding unless the Administrator determined that the state was in substantial compliance with the requirements. Substantial compliance was defined as a state's achieving the removal of not less than 75% of juveniles from adult jails and lockups, and making an unequivocal commitment to achieving full compliance within two additional years.

[80] This meant, in essence, that OJJDP could use 7.5% of the overall appropriation for its own administrative costs in ensuring that the grants that were awarded were effectively concentrating federal funding on the issues that were considered to be most important.

The act also expanded the scope of the Prevention and Treatment Programs Grant to include programs that were aimed at removing juveniles from adult jails and lockups, and provided that at least 5% of the funding available under this grant program be allocated to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

The Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984 Act (P.L. 98-473)

P.L. 98-473 reauthorized the JJDPA through FY1988 and formally elevated OJJDP to a stand-alone office within DOJ under the general authority of the Attorney General. Another major change made to the JJDPA by this act was the expansion of the Prevention and Treatment Programs Grant program. The act dedicated 15% to 25% of the overall funding for state formula grants to this program, and expanded the number of purpose areas that this discretionary grant could be used for, including, but not limited to, community based alternatives to detention; diversion mechanisms including restitution and reconciliation projects; advocacy activities aimed at improving services; programs that strengthen families; prevention and treatment programs; developing a national education program aimed at reducing juvenile delinquency; developing programs aimed at fostering youth employment; and developing programs aimed at keeping youths in school. At least 30% of the funding available under this program was to be apportioned to private nonprofit agencies and institutions.

The Amendments to the Juvenile Justice and Delinquency Prevention Act of 1988 (P.L. 100-690)

In 1988, Congress reauthorized the JJDPA through FY1992. Among other things, the act required OJJDP to publish a comprehensive plan of the activities it would undertake each year in the federal register. It also required OJJDP to prepare an annual report each fiscal year providing a detailed summary and analysis of the national trends in juvenile justice, including the numbers and types of offenses with which juveniles were being charged; the rate at which juveniles were being taken into custody; the extent to which states were complying with their state plan requirements; and OJJDP and the Coordinating Council's activities. The act also required states, as part of their plans, to include information on their efforts to end the disproportionate confinement of minority youth in their detention systems, and it raised the minimum funding allocations available for states under the formula grant program. The act also directed OJJDP to include technical assistance as a purpose area for each of its grant programs and for the National Institute. The act modified the Prevention and Treatment Programs Grant program by deleting language inserted by P.L. 98-473 that required 15% to 25% of the formula grant funding be allocated to this program and by expanding the number and types of considerations required to approve applications for funding.

Gang Prevention Grant

P.L. 100-690 also established a new grant program under Part D of Title II of the JJDPA aimed at funding prevention and treatment programs for juvenile gang members. The new discretionary grant program authorized the Administrator to make grants to public and private agencies and organizations. The new grant program identified 10 broad purpose areas aimed at reducing the numbers of juveniles joining gangs and providing treatment for juveniles convicted of gang-related criminal activities.

The Juvenile Justice and Delinquency Prevention Amendments Act of 1992 (P.L. 102-586)

P.L. 102-586 reauthorized the JJDPA through FY1996. The main change enacted by this act was the elevation of disproportionate minority confinement to core mandate status. States that were not in compliance with this requirement within three years of the act's passage would no longer be eligible for formula grant funding. However, states that had shown "substantial compliance" with the requirement would be eligible for funding for two additional years. The act created a number of new grant programs within Title II of the JJDPA, including grants for community-based gang intervention, for state challenge activities, for juvenile victims of child abuse, and for mentoring. The act also added a new Title V to the JJDPA establishing a new program, the Incentive Grants for Local Delinquency Prevention Program.

The act also modified the composition of the Coordinating Council. In addition to the leaders (or their designated representatives) of the various federal agencies with a stake in the juvenile justice system, the Coordinating Council was to include nine individuals working in the field of juvenile justice who were not federal employees. They were to be appointed without regard to political affiliation. Three members were to be appointed by the President, three by the Speaker of the House, and three by the majority leader of the Senate.

Following is a description of the various grant programs that were implemented by the 1992 revision to the JJDPA.

Community Based Gang Intervention Grant

The act slightly modified the discretionary gang prevention grant authorized within Part D of Title II of the JJDPA by P.L. 100-690, renaming it the Gang-Free Schools and Communities Grant. The act also created a new grant program, the Community-Based Gang Intervention Grant. The new grant program authorized the Administrator to make grants to public and private nonprofit agencies, organizations, and institutions to reduce the participation of juveniles in gangs by engaging the community. The grant allowed funding to be provided for coordinating mechanisms such as regional task-forces, as well as for a variety of prevention and accountability measures. For example, on the accountability side the grant authorized funding for graduated sanctions, including the expanded use of a wide variety of interventions such as probation, mediation, restitution, community service, intensive supervision, electronic monitoring, and bootcamps, among others. On the prevention side the program authorized funding for, among other things: treatment for juvenile gang members; prevention and treatment services for substance abuse by juveniles; and services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

State Challenge Activities Grant

The act created another new grant program under Part E of Title II of the JJDPA, the State Challenge Activities Grant (Challenge Grant). The Challenge Grant program allowed the Administrator to designate up to 10% of a state's formula grant for this new grant program. The act defined a challenge activity as a program that is aimed at, among other things, developing policies to provide services for juveniles in the juvenile justice system; increasing community-based alternatives to detention; developing programs that replaced traditional training schools with secure settings; developing programs that prohibited gender bias within the state's juvenile justice system and ensured that female juveniles had access to a full range of services, including

treatment for physical or sexual assault and education in parenting; and increasing aftercare services for juveniles coming out of placement.

Juvenile Victims of Child Abuse Grant

The act created a third new grant program under Part F of Title II of the JJDPA for Juvenile Victims of Child Abuse. This program enabled the Administrator to enter into grants with public agencies and private nonprofit organizations to provide treatment for juvenile offenders who are victims of child abuse and neglect; provide transitional services, including individual, group, and family counseling; and carry out research on juvenile child abuse issues associated with these grants.

Juvenile Mentoring Grant

The act created a fourth new grant program under Part G of Title II of the JJDPA for juvenile mentoring programs. These grants could be awarded to local educational agencies (in partnership with public or private agencies) to establish and support mentoring programs. Mentoring programs eligible for funding included programs designed to link at-risk youth with responsible adults; promote personal and social responsibility; increase educational participation; discourage the use of drugs and violence; discourage participation in gangs; and encourage participation in community service and other community activities. Grant funding could not be used to directly compensate mentors (apart from reimbursement for incidental expenses) or support litigation of any kind, among other things.

Boot Camp Grants

The act created a fifth new grant program under Part H of Title II of the JJDPA to fund the establishment of up to 10 military-style boot camps in one or more states. These boot camps were to provide highly regimented schedules involving discipline, physical training, work, and drill, and to include educational and counseling services. States receiving funding under this program would be required to provide for post-release supervision and after-care services for the juveniles participating in their boot camps.

Incentive Grants for Local Delinquency Prevention Programs (Incentive Grants)

The act created a new Title V within the JJDPA for Incentive Grants aimed at creating delinquency prevention programs at the local level. The grants would be allocated by state and passed along by each state's advisory group (as created under the state plan stipulations) to local government entities. Funding could be used to provide recreation services, tutoring and remedial education, job skills, mental health services, substance abuse services, leadership development services, and programs that teach juveniles accountability for their actions. States were required to provide a 50% match for the grants and be in compliance with the core mandates in Title II in order to receive funding under this program.

The 21st Century Department of Justice Appropriations Authorization Act of 2002 (P.L. 107-273)

P.L. 107-273 in 2002 represents the last major revision to the JJDPA. The act reauthorized OJJDP, which had remained unauthorized since FY1997 but which had been appropriated annually,

through FY2007. The act also made some significant revisions to the JJDPA, most notably repealing all of the new grant programs in Title II created by P.L. 102-586 and consolidating their purpose areas within the Juvenile Justice and Delinquency Prevention Block Grant.

Among other things, the act amended the state plans section of the JJDPA and modified the disproportionate minority confinement core mandate provision. The revision to the core mandate directed the states to address the problem of disproportionate minority confinement, but stated that the states were not required to meet numerical quotas or standards in order to receive formula grant funding. The act also mandated that states enact policies requiring that individuals who work with both juveniles and adults in detention facilities be certified and trained to work with juveniles. In addition, the act added a number of additional stipulations to the state plans, including, among other things,

- that states notify appropriate public agencies within 24 hours of a child's apprehension for a status offense;
- that states specify up to 5% of their formula grant funding for incentive grants to reduce probation officer case loads; and
- that states establish systems and policies to incorporate child protective services records into juvenile case files and to ensure that child welfare records are available to the court.

If states failed to comply with any of the four core mandates they would have their formula grant funding reduced by not less than 20% for each mandate with which they were not in compliance. Additionally, states would be ineligible to receive any formula funding unless they agreed to spend 50% of the funding they received on achieving compliance with whichever core mandate they were non-compliant with, unless the Administrator determined that the state had achieved substantial compliance with the mandate.

Juvenile Delinquency Prevention Block Grant

Perhaps the major structural change enacted by P.L. 107-273 was the elimination of the series of grant programs that had been created within Title II of the JJDPA: the Gang-Free Schools and Communities Grant; the Community Based Gang Intervention Grant; the States Challenge Activities Grant; the Juvenile Victims of Child Abuse Grant; the Juvenile Mentoring Grant; and the Boot Camps Grant. In their stead, the act created a Juvenile Delinquency Prevention Block Grant aimed at funding programs that reduced juvenile delinquency that incorporated most of the general purpose areas that had been eligible for funding under the previous grant programs. Included under this broad umbrella were 25 purpose areas that run the gamut of juvenile delinquency prevention, including, but not limited to, treatment programs; counseling programs; educational programs; programs that expanded the use of probation officers; community-based programs; drug-prevention programs; and gang-prevention programs.

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