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## INFORMATIONAL BRIEF

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### Reauthorizing the Juvenile Justice and Delinquency Prevention Act – A Big Step Forward

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The pending Juvenile Justice and Delinquency Prevention Reauthorization Act (S.678), co-sponsored by Senators Leahy, Specter, Durbin and Kohl, reauthorizes and improves the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974. It represents a significant step toward ensuring appropriate services for youthful offenders, providing incentives and direction for important research on best practices, and providing meaningful and long-term safety for the community. The Act is a comprehensive approach that does the following:

**Emphasizes compliance with core requirements (jail removal, deinstitutionalization of status offenders, reducing disproportionate minority contact (DMC), and sight/sound separation for juvenile offenders) by:**

- Requiring states to submit a report citing reasons for noncompliance and a plan to regain compliance.
- Providing technical assistance, support and funding, including reallocating any withheld funds, through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Administrator to help any noncompliant states regain compliance

**Ensures that confinement of youth is done appropriately and safely by:**

- Reinforcing and further defining requirements, terms, and restrictions related to “sight and sound” contact between juvenile and adult inmates, and containment procedures such as isolation.
- Requiring that within three years of passage, states create plans to ensure that youth under 18 awaiting court procedures, even if being treated as adults, not be held in adult facilities (with some court-determined exceptions).
- Requiring state plans to include efforts to reduce confinement of youth awaiting placement in residential treatment programs and increase the use of alternatives to secure confinement.
- Eliminating confinement of status offenders, including elimination of the Valid Court

Order (VCO) exception no later than three years after passage, unless a hardship extension is granted by the Administrator.

- Altering the definition of “adult inmate” to give states flexibility regarding where young adults can be held. In some cases it allows states to utilize appropriate “youthful offender”-type facilities.
- Emphasizing that services are to be culturally and linguistically appropriate.

**Emphasizes the use of home- and community-based programming for youth and families by:**

- Requiring states to include plans to provide and encourage use of alternatives to detention, such as diversion to home- or community-based services to address needs of youth in or at risk of entering the juvenile justice system
- Offering incentive grants to provide training for decision-makers focusing on appropriate use of effective home- and community-based alternatives to institutional placement.

**Provides guidance for addressing juveniles with mental health or substance abuse needs by :**

- Directing the OJJDP Administrator to provide training and technical assistance about appropriate services and placement for youth with mental health or substance abuse needs to individuals who make decisions regarding the disposition of cases for youth.
- Requiring states to provide a plan that ensures appropriate assessment, placement, and access to alternatives to detention.
- Offering incentive grants to improve treatment of juveniles with mental health and substance abuse needs. These grants can be used to:
  1. Develop collaborative plans that focus on effective practices, enhancing collaboration and ensuring culturally and linguistically competent services that address the needs of youth at risk of entering the juvenile justice system.
  2. Provide training to decision-makers focusing on the purpose, benefits and need to increase the availability of mental health and substance abuse treatment programs including those that are home- and community-based.
  3. Support partnerships to implement programs that divert juveniles with mental health or substance abuse needs from incarceration, or improve treatment of these juveniles by ensuring adequate, professional, and timely mental health and substance abuse screening, assessment, placement, treatment , and after-care services

**Emphasizes the importance of equity and reducing the disproportionate contact and confinement of minority youth by:**

- Requiring assurance that youth in the system will be treated equitably in terms of ethnicity (in addition to race, gender, family income, and disability, which are already addressed in current law).
- Requiring States to implement policy, practice and system improvement strategies to identify and reduce racial and ethnic disparities through (1) monitoring; (2) identifying and analyzing decision points that create such disparities; (3) collecting and analyzing data to identify and track existing disparities; (4) developing and implementing a work plan with measurable objectives based on the needs identified; and (5) annually reporting on progress made toward such changes.

**Promotes research on what works with youthful offenders, and training on implementation of effective programs by:**

- Emphasizing the use of benchmarks to illustrate progress made.
- Requiring that the Administrator conduct research or evaluation on (1) the prevalence and duration of behavioral health needs of youthful offenders, including an examination of the effects of confinement; (2) efforts that have reduced or eliminated dangerous practices; (3) methods of recruiting and maintaining qualified personnel in the fields of prevention, identification, and treatment of delinquency; and (4) living arrangements of juveniles that cannot return home and were in the care and custody of the state before or after interaction with the juvenile justice system.
- Requiring that the Administrator establish criteria for evidence-based or promising programs and best practices for discharge planning.
- Requiring (though I don't want to use that word again...) at least half of funding for incentive grants support programs that increase the use of evidence based or promising prevention and intervention programs

**Reaffirms and strengthens local, state, and federal partnerships and cooperation by:**

- Requiring collaboration with public or private entities, including hospitals and universities, to provide training or services before issuing incentive grants.
- Diversifying the State Advisory Groups to include the executive director of a public or nonprofit organization located in the State receiving a grant; persons with expertise and competence in addressing mental health or substance abuse needs and truancy reduction; representatives of service providers for youth with disabilities and victim or witness advocacy groups.

- Supporting efforts to establish partnerships between a state and an institution of higher learning or research center designated to improve recruitment, selection, training, and retention of professional personnel in relevant fields.
- Requiring the Administrator to develop and issue standards of practice for attorneys representing children, and ensure that these standards are adapted for use in States.
- Requiring the Administrator to coordinate training and technical assistance programs with state and local juvenile detention and corrections personnel to promote methods for improving conditions of juvenile confinement or encourage alternative behavior management techniques.
- Increasing transparency through required annual meetings of the state advisory group and timely online public availability of reports.

**Improves conditions of confinement of youthful offenders by:**

- Upgrading monitoring of jails' and facilities' compliance with the core requirements from "adequate" to "effective."
- Requiring the Administrator to coordinate training and technical assistance with state and local juvenile detention and corrections personnel to encourage alternative behavior management techniques and improve conditions of juvenile confinement through such strategies as programs to minimize the use of dangerous practices, unreasonable restraints, and isolation.
- Requiring the use of child welfare data on abuse and neglect to ensure that youth entering or at risk of entering the juvenile justice system receive necessary treatment and services.

**Reaffirms and rebuilds a national mission for juvenile justice:**

- The original JJDP A of 1974 helped support a "sea change" in how youthful offenders were dealt with in the justice system. Building on the progress made in the early years of JJDP A and on what we have learned since then about what works and what does not, it is time to renew our national commitment to improving our communities by adhering to better principles and practices that both prevent youth crime and respond appropriately when it does occur.
- Reauthorizing the JJDP A is a positive and powerful framework on which to reassert that mission.

For more information, contact:

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