

Juvenile Justice Delinquency Prevention Act Summary

Established in 1974 and most recently authorized in 2002 with bipartisan support, the Juvenile Justice and Delinquency Prevention Act (JJDP A) is based on a broad consensus that children, youth, and families involved with the juvenile and criminal courts should be guarded by federal standards for care and custody, while also upholding the interests of community safety and the prevention of victimization.

The Juvenile Justice and Delinquency Prevention Act (JJDP A) provides for:

- A nationwide juvenile justice planning and advisory system spanning all states, territories, and the District of Columbia;
- Federal funding for delinquency prevention and improvements in state and local juvenile justice programs and practices; and
- The operation of a federal agency, the Office of Juvenile Justice and Delinquency Prevention, which is dedicated to training, technical assistance, model programs, and research and evaluation, to support state and local efforts.

The JJDP A has four Core Requirements:

Deinstitutionalization of Status Offenders

Status offenses are offenses that only apply to minors whose actions would not be considered offenses if they were adults. The most common are skipping school, running away, breaking curfew, and possession or use of alcohol. Under the JJDP A, status offenders may not be held in secure detention or confinement.

There are, however, several exceptions to this rule, including allowing some status offenders to be detained for up to 24 hours. The DSO provision seeks to ensure that status offenders who have not committed a criminal offense are not held in secure juvenile facilities for extended periods of time or in secure adult facilities for any length of time. These children, instead, should receive community-based services, such as day treatment or residential home treatment, counseling, mentoring, family support, and alternative education.

Adult Jail and Lock-up Removal

Under the JJDP A, youth may not be detained in adult jails and lock-ups except for limited times before or after a court hearing (6 hours), in rural areas (24 hours plus weekends and holidays), or in unsafe travel conditions. This provision does not apply to children who are tried or convicted in adult criminal court. This provision is designed to protect children from psychological abuse, physical assault, and isolation. Children housed in adult jails and lock-ups have been found to be eight times more likely to commit suicide, two times more likely to be assaulted by staff, and 50 percent more likely to be attacked with a weapon than children housed in juvenile facilities.

Sight and Sound Separation

When children are placed in an adult jail or lock-up, "sight and sound" contact with adults is prohibited under the JJDPA. This provision seeks to prevent children from threats, intimidation, or other forms of psychological abuse and physical assault. Under "sight and sound," children cannot be housed next to adult cells, share dining halls, recreation areas, or any other common spaces with adults, or be placed in any circumstance that could expose them to threats or abuse from adult offenders.

Disproportionate Minority Contact

Under the JJDPA, states are required to assess and address the disproportionate contact of youth of color at key points in the juvenile justice system – from arrest to detention to confinement. Studies indicate that youth of color receive tougher sentences and are more likely to be incarcerated than white youth for the same offenses. With youth of color comprising one-third of the youth population but two-thirds of youth in contact with the juvenile justice system, this provision requires states and local jurisdictions to address the reasons for such disproportionate minority contact.

The Importance of a Federal-State Partnership with State and Local Jurisdictions

Given that there are hundreds of different juvenile justice systems throughout the U.S. states and territories, it is critical that juvenile justice have a dedicated focus and a “home” within federal government. This department would serve the purposes of developing national policies, objectives, priorities, and plans, and for providing guidance, support, and oversight to states/territories in implementing the JJDPA. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is the agency charged with responsibility for juvenile justice at the U.S. Department of Justice. OJJDP carries out its purposes through research, policies, and grants to states and localities.

Similarly, it is imperative that the states be in constant and collaborative contact with the federal government in order to develop strategies that work for the states, meet local needs, and lead to best and promising practices for children, youth, and communities across the nation. The SAGs (JJOC in Nevada) fulfill this role, individually and collectively, by:

- Embodying models for collaborative systems change;
- Providing real-world advice and counsel to their respective Governors and state legislatures, as well as the President and the U.S. Congress; and
- Serving as incubators for cost-effective innovations that create optimal outcomes for the prevention of delinquency.

Title II Formula Grant

Nevada receives \$400,000 per year from OJJDP. There are 32 federal assurances tied to this money. One of those assurances is to establish a method of sub granting a portion of these funds to local entities. In SFY 2017, \$255,000 was sub granted out. In order to do this, there must be a process in place to sub grant money.

One of the 32 assurances is how the JJOC is afforded the opportunity to review sub grant applications and make recommendations. Therefore, we need a process in place that delegates this function 100% to a sub group or committee and the JJOC does not wish to review applications.

Recommendation:

- Establish a JJOC committee who can fulfill the requirements of grant selection and compliance oversight. They would need to meet 4 times per year which is per Formula Grant requirements. One of those meetings could be specifically for grants.
- Include detailed information about delegated duties, committees, and functions within the JJOC bylaws. This will be Nevada's written process for how the JJOC functions and can be used to fulfill the functions of the JJDPA and the Title II Formula Grant.