

## Overview of the Juvenile Justice and Delinquency Prevention Act



**DCJS**

Virginia Department of Criminal Justice Services

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## Juvenile Justice and Delinquency Prevention Act

[Gerald Gault](#)

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## Juvenile Justice and Delinquency Prevention Act

First enacted in 1974, the JJDP Act remains one of the most successful standard-setting statutes at the federal level and at its heart recognizes the value of citizen-driven efforts to prevent and stem delinquency.

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## Brief History and Purpose of the JJDP Act

Created the Title II Formula Grants Program

- Established the core requirements -
  - deinstitutionalization of status offenders (DSO)
  - separation of juveniles from adults in secure facilities (Separation)
  - removal of juveniles from adult jails and lockups (Jail Removal) **1980**
  - addressing disproportionate minority contact within the juvenile justice system (DMC) **1988, 1992**
- Reauthorized in 2002 as the JJDP Act of 2002
  - Changed "confinement" to "contact" in the DMC core
- Reauthorized in 2018 in the Juvenile Justice Reform Act (JJRA) of 2018
  - Changed DMC to Racial and Ethnic Disparities or RED

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## Purpose of the JJRA of 2018

The purposes of this subchapter and subchapter II are (Section 101) -

- (1) to support State, *tribal*, and local programs that prevent juvenile involvement in delinquent behavior;
- (2) to assist State, *tribal*, and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and
- (3) to assist State, *tribal*, and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of *current and relevant* information on effective and *evidence-based programs* for combating juvenile delinquency; and
- (4) to support a continuum of evidence-based or promising programs (including delinquency prevention, intervention, mental health, behavioral health and substance abuse treatment, family services, and services for children exposed to violence) that are trauma informed, reflect the science of adolescent development, and are designed to meet the needs of at risk youth and youth who come into contact with the justice system.

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## Core Requirements

Federal standards to ensure a minimum level of safety and equitable treatment for youth who come into contact with the juvenile justice system.

To be eligible for the funds provided under the JJDP, each state must comply with four core requirements or protections:

- **Deinstitutionalization of Status Offenders (DSO);**
- **Adult Jail and Lock-Up Removal (Jail Removal);**
- **Sight and Sound Separation; and**
- **Reducing Racial and Ethnic Disparities (RED)** Formerly Disproportionate Minority Contact (DMC).

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### Overview of the Juvenile Justice Reform Act of 2018

The most important part of that process is simply reauthorizing the existing parts of the law, in particular the grant program by which states are rewarded for adhering to four core protections:

- Not locking up youth for committing status offenses, which includes crimes like truancy that would not be considered a crime for an adult.
- Removal of juvenile offenders from adult jails and prisons, with very limited exceptions.
- In those very limited exceptions, sight and sound separation of juveniles from adults in facilities.
- Making efforts to research, identify and address racial and ethnic disparities in the juvenile justice system.

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### H.R. 6964 Strengthening the 4 core requirements (DSO)

Strengthening the Deinstitutionalization of Status Offenders (DSO) core protection: Under current law, status offenders, such as children who are truant, runaway and violate curfew, may be held in juvenile lock-ups under the *Valid Court Order (VCO)* exception, which allows judges to issue detention orders.



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### H.R. 6964 Strengthening the 4 core requirements (DSO)

The practice persists despite evidence that securely detaining status offenders is harmful to youth development and is costly, especially when compared to more effective responses including shelter care, crisis counseling, family support, and/or community and school-based interventions.



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### Consequences of Court Involvement

- Signals to kids that they are 'bad' kids, a label that brings about stigma and negative self-esteem
- Experience of being in court increases the likelihood that kids will engage in future criminal activity
- Leads to detention and out of home placement
- Disrupts existing protective factors
  - Isolates kids from families and support networks
  - Interrupts education and other positive activities

Source:

- Development Services Group, Inc. (2015). Status Offenders Literature review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention
- Jafarzay, M. & Ananthakrishnan, V. (2017). Just Kids: When Misbehaving Becomes a Crime. Brooklyn, NY: Vera Institute of Justice.

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### Consequences of Court Involvement

- More likely to drop out of school
- Criminalizes kids for misbehaviors that pose little to no risk to public safety
- More likely to become more deeply involved in the justice system
- May punish kids for developmental changes and service needs that are beyond their control
- Disproportionately pushes kids into the system who are already underserved and more likely to be subject to biases or harsher discipline

Source:

- Development Services Group, Inc. (2015). Status Offenders Literature review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention
- Jafarzay, M. & Ananthakrishnan, V. (2017). Just Kids: When Misbehaving Becomes a Crime. Brooklyn, NY: Vera Institute of Justice.

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### Definitions

- [Section 103(42)]
  - As defined in the JJDP Act, "(42) the term "status offender" means a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult."
- As defined in the Virginia Juvenile Justice's Data Resource Guide for Fiscal Year 2019, a status offense is defined as follows: "Status Offense: an act prohibited by law that would not be an offense if committed by an adult, such as truancy, curfew violation, or running away. See § 16.1- 228 of the Code of Virginia" (p. 9).

Source: Virginia Department of Juvenile Justice. (2019). Data Resource Guide: Fiscal Year 2019.

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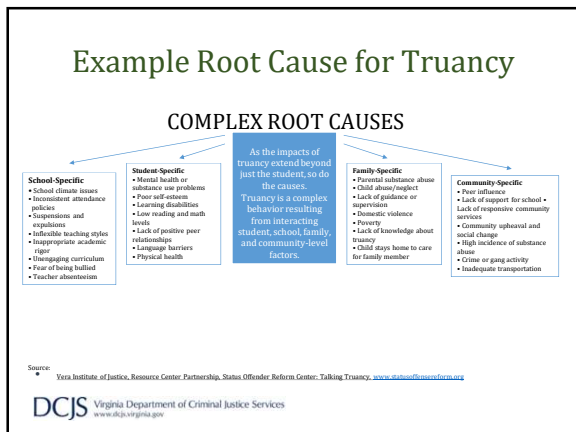
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### Juvenile Diversion Programs

- Diversion is based on the belief that formal system processing and/or incarceration of youths leads to a greater likelihood of future criminal behavior, and that alternatives such as decriminalization, deinstitutionalization, and diversion are better for long-term youth development.
- By creating informal channels to navigate youths (generally those who have committed non-violent, first-time, or status offenses) away from traditional processing, diversion programs serve as opportunities to correct youths' antisocial behaviors with the assistance of their families and the community, rather than through the justice system.

Sources: Model Programs I-Guides, Diversion Programs, Office of Juvenile Justice and Delinquency Prevention.

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### Virginia Diversion Data

- 72.8% of juvenile complaints were diversion-eligible.
- 26.6% of juvenile complaints were initially resolved or diverted.
- Of the 8,817 juvenile complaints with a diversion plan, 79.3% had successful outcomes.

Source: Virginia Department of Juvenile Justice, Data Resource Guide: Fiscal Year 2019, p22

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### Example Diversion Programs

- The Department of Criminal Justice has made Title II Funding opportunities throughout Virginia to address Juvenile Justice System Improvements. Example funded program types:
  - Chesterfield Public Schools: Alternative School Suspension and Restorative Practice Program
  - Town of Kilmarnock: Afterschool Extended Day Program
  - Alternative Intervention for Status Offenders: Cities of Richmond, Newport News, Winchester and the County of Waynesboro.



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### H.R. 6964 Strengthening the 4 core requirements

While H.R. 6469 does not phase out the VCO exception, it does strengthen protections for youth who commit a status offense. Under the new law, youth who are found in violation of a valid court order may be held in detention for no longer than seven days, if the court finds that such detention is necessary and enters an order containing the following:



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### H.R. 6964 Strengthening the 4 core requirements

1. Identifies the valid court order that has been violated;
2. Specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;
3. Includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;
4. Specifies the length of time, not to exceed seven days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility. Such an order may not be renewed.
5. Requires that a mental health assessment be conducted within 48 hours of placement in detention. This assessment must be done by a licensed professional practicing mental health clinician.

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## VCO Roundtable Discussion

Participating Court Service Units: 11<sup>th</sup> 13<sup>th</sup> and 14<sup>th</sup>

Purpose:

- Discussion of Current Responses to Youth Who Engage in Status Offenses
- Examination of the Challenges and Barriers to Reducing the Use of the VCO Exception
- Brainstorm Potential Solutions and Understand Resources Needed to Support Local Efforts



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## H.R. 6964 Strengthening the 4 core requirements (R.E.D.)

Strengthening the core protection requiring states to reduce Racial and Ethnic Disparities:

Research has documented that youth of color are disproportionately overrepresented and subject to more punitive sanctions than similarly-charged or situated white youth at all levels of the juvenile justice system. The bill gives clear direction to states and localities to plan and implement data-driven approaches to ensure fairness and reduce racial and ethnic disparities, to set measurable objectives for disparity reduction, and to publicly report such efforts.



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## Addressing RED in Virginia

Reducing disproportionality in the juvenile justice system has been identified as an ongoing priority in Virginia for many years. Recent activities include:

- In collaboration with Departments of Juvenile Justice, Education, and Social Services, DCJS participated as a team and attended the Georgetown Center for Juvenile Justice Reform Certificate Program "Reducing Racial and Ethnic Disparities in Juvenile Justice."
- Provide technical assistance statewide and to jurisdictions to review data, policies, and procedures that may be driving disproportionality and disparities in the juvenile justice system as identified.
- Contract with a consultant organization for equity coordination work. This work has included a number of deliverables along with regional training in implicit bias.
- Provide Title II funding for eligible sub-grantee projects demonstrating compliance and progress with their grant objectives. The Virginia Department of Criminal Justice Services made federal funds available to localities through a competitive grant process for planning or implementation of data-driven and evidence-based programs to reduce Racial and Ethnic Disparities (RED), in Virginia's juvenile justice system. New funding was awarded to support 2 new projects, in Loudoun County and the City of Richmond, and there are 5 localities receiving continuation funding for efforts that address disproportionate discipline in schools.

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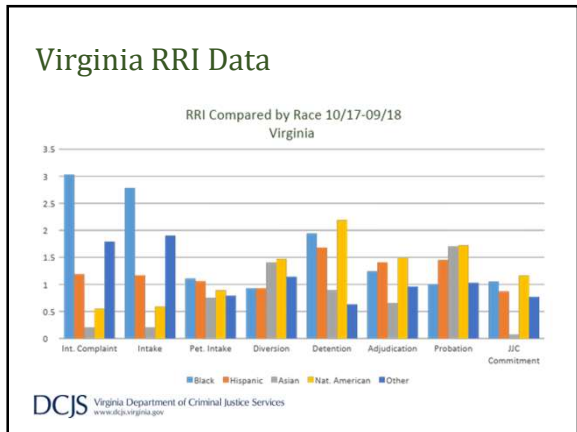
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### H.R. 6964 Strengthening the 4 core requirements



- JJRA extends the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult jails and lock-ups and to ensure sight and sound separation in the limited circumstances where they are held in adult facilities.
- Improving the Jail Removal, Sight and Sound core protections: Research shows youth confined in adult jails and lock-ups are more likely to re-offend upon release and that, while confined, are at pronounced high risks for suffering assault and committing suicide.

Centers for Disease Control and Prevention. (2017) Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Prevention Services.

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### State Reporting Requirements

In Virginia, DCJS, annually report the following information to the federal Office of Juvenile Justice Delinquency and Prevention.

- The # of adult jails and lockups that held juvenile offenders within the past 12 months.
- The violations at the adult jails and lockups and secure juvenile detention and secure juvenile correctional centers.
- The total # of accused and adjudicated status offenders, including those who were held on a violation of valid court order and out-of-state runaways.
- The total # of accused status offenders securely detained for longer than 24 hours.
- The total # of public and private facilities used for secure detention and confinement of both juvenile offenders and adult inmates that do not provide sight and sound separation.
- The total # of accused and adjudicated juvenile offenders held securely in adult jails and lockups.

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### Overall Delinquency Prevention and Juvenile Justice System Improvements

- Improves conditions of confinement in juvenile facilities



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### Overall Delinquency Prevention and Juvenile Justice System Improvements

- Addresses the needs of system-involved girls.



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### Overall Delinquency Prevention and Juvenile Justice System Improvements

- Ends the use of certain restraints on detained pregnant juveniles.



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## Discussion on Current Efforts in Virginia

### Virginia General Assembly

There are a number of bills being considered that impact juvenile justice and prevention efforts\*

- [House Bill 8](#) – Disorderly conduct in public places; school activities.
- [Senate Bill 237](#) – School attendance officers; petitions for violation of a school attendance order.
- [House Bill 257](#) – School principals; incident reports.
- [House Bill 1324](#) – Juvenile and domestic relations district court; intake procedures.
- [House Bill 1437](#) – Juveniles; confinement for violation of court order.
- [HB 1648](#) - Correctional facilities, state and local; treatment of prisoners known to be pregnant.

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## Discussion on Current Efforts in Virginia

### Virginia Department of Criminal Justice Services (DCJS)

- Partnered with the Department of Juvenile Justice (DJJ) to convene a working group
- Hosting roundtables to share key amendments to the JJDP Act made by the JJRA of 2018
- Meeting with Stakeholders from child and family serving systems in VA
- [Tailoring Title II grant opportunities to support local system improvement efforts](#)
- Presenting at conferences and other professional development opportunities

### Virginia Department of Juvenile Justice (DJJ)

- [Engaging in significant transformation efforts](#)
- [Supporting the needs of Court Service Units throughout VA](#)
- [Managing and monitoring a continuum of community-based services and funding](#)
- [Administering the Virginia Juvenile Community Crime Control Act \(VICCCA\) funding](#)

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## Discussion on Current Efforts in Virginia

### Virginia Department of Education (VDOE)

- Developed [new training on attendance and truancy](#).
- Shared proposed revisions to [Regulations Governing the Collection and Reporting of Truancy](#).
  - Proposed revisions are [currently under Governor Review](#).
- Convenes the VA Student Support & Conduct Committee Comprised of District Level Student Services Directors and Hearing [Officers](#)

### Virginia Department of Social Services (DSS)

- [Healthy Family Program](#)
- [Family First Prevention Services Act: Family First Virginia](#)
- Virginia Department of Behavioral Health & Developmental Services
- Others?

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### How do we start with Reform?

- Providing Technical Assistance
- Analyzing Data (D.S.O. & R.E.D.)
- Provide Training Opportunities
- Title II Funding (grant solicitations)

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### Questions ???????

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### Contact Information

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