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February 2, 2009

Congressional Research Service

Report RS22070

*Juvenile Justice: Overview of Legislative History and
Funding Trends*

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January 25, 2007

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CRS Report for Congress

Juvenile Justice: Overview of Legislative History and Funding Trends

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Summary

Although juvenile justice has always been administered by the states, Congress has had significant influence in the area through grant funding and programs provided by the Department of Justice's (DOJ's) Office of Juvenile Justice and Delinquency Prevention. The Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, P.L. 93-415, was the first comprehensive juvenile justice legislation passed by Congress. The act has four mandates for fund recipients: status offenders, such as truants, cannot be institutionalized; juveniles cannot be detained in local jails or lockups with adults; juveniles must be separated from adult offenders and adult offender staff in jail; and states must address disproportionate minority confinement. Since 1974, the act has undergone several key amendments, including a significant reorganization enacted by P.L. 107-273 in 2002. Funding for juvenile justice programs within DOJ has been reduced by 37% from FY2002 to FY2006. In FY2007, the President's request would reduce juvenile justice funding within DOJ by 43% to \$198 million.

Background

Juvenile justice in the United States has always been 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 rehabilitation instead of punishment.¹

Congress began to get involved in the states' juvenile justice systems in the 1960s and 1970s. As the baby boom generation began to reach adolescence, in 1961, Congress

¹ U.S. Department of Justice, National Criminal Justice Reference Service, "Juvenile Justice: A Century of Change," available at [http://www.ncjrs.org/html/ojjdp/9912_2/contents.html].

first addressed juvenile justice in the Juvenile Delinquency and Youth Offenses Control Act (P.L. 87-27). The act provided funds for state and local governments, through the Department of Health, Education, and Welfare, to conduct demonstration projects to research improved methods for preventing and controlling crime among juveniles. In 1968, Congress passed the Juvenile Delinquency Prevention and Control Act of 1968 (P.L. 90-445) to provide assistance to state and local governments and train juvenile justice personnel. In order to receive funding, states were required to designate a single agency to take the lead in improving delinquency prevention and control programs. P.L. 90-445 also placed juvenile justice within the purview of the DOJ for the first time. Despite these congressional efforts to rein in juvenile crime, juvenile arrests for violent crimes increased by 216% between 1960 and 1974.² This increase outstripped the growth in the juvenile population engendered by the baby boom; the under-18 population grew from 47 million in 1950 to 70 million in 1970, an increase of 49%.³ 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. In 1974, Congress addressed the issue by passing the first comprehensive piece of juvenile justice legislation, the Juvenile Justice and Delinquency Prevention Act (P.L. 93-415).

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 towards punishment of juveniles and away from rehabilitation accelerated in the 1990s, with all but three states⁴ passing laws that modified or removed traditional juvenile court confidentiality agreements, all but five states⁵ 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 Congress has also incorporated more punitive measures into the accepted federal funding streams for juvenile justice programs.

Juvenile Crime Trends

Figure 1 shows that the juvenile violent crime index, which combines arrests for murder, forcible rape, robbery, and aggravated assault, increased steadily from the late-1980s to the mid-1990s, reaching an all time high in 1994. Some have attributed this increase in violent crime to an increase in youth-gangs during this period, whereas others maintain that it is connected with the crack-cocaine epidemic that swept the nation during

² 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.

³ Federal Interagency Forum on Child and Family Statistics 1998, *America's Children: Key National Indicators of Well-Being*, available at [<http://www.childstats.gov/americaschildren/pdf/ac1998/aifr.pdf>].

⁴ New Mexico, Ohio, Vermont.

⁵ Massachusetts, Montana, Nebraska, New Mexico, New York.

⁶ U.S. Department of Justice, National Criminal Justice Reference Service, "Juvenile Justice: A Century of Change," available at [http://www.ncjrs.org/html/ojjdp/9912_2/contents.html].

that period.⁷ From 1994 to 2002, the most recent year for which data are available, the index decreased for eight consecutive years. Overall, juvenile violent crime has decreased by 47% over that span. This downward trend parallels that of the national violent crime rate, which has also declined each year since 1994 and reached a record low in 2003.⁸

Figure 1. Juvenile Violent Crime Index, 1980-2002



Source: CRS Adaptation of OJJDP Figure

One gauge often used to evaluate the effectiveness of the juvenile justice system is the number of cases referred to juvenile courts nationwide.⁹ Although the actual process by which juvenile cases are handled can vary widely nationwide, the number of cases referred is nevertheless the best available data concerning the day to day functioning of the juvenile justice system. The number of referrals to juvenile court for violent crime index offenses fell by 37% from 1995 to 1999, mirroring the overall reduction in arrests during that period seen in **Figure 1**. However, the overall number of delinquency cases processed by juvenile courts around the country increased by 27% from 1990 to 1999. The bulk of this increase came from drug violations, which increased by 169% during the decade, and public order offenses (such as disrupting the peace), which increased by 74%.¹⁰ Lastly, although the number of arrests for violent crimes is clearly an important gauge of the scope of the juvenile crime problem in the United States, it does not capture all of the nuances involved in the issue. Many incidences of youth violence do not result in arrests or formal charges and are thus not captured by this index. According to a Surgeon General report in 2001, for every youth who was arrested for a violent crime during the late 1990s, there were at least 10 others who engaged in violent behavior that could have seriously injured or killed another person. This led the Surgeon General to

⁷ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, "Preventing Adolescent Gang Involvement," *Juvenile Justice Bulletin*, Sept. 2000.

⁸ U.S. Department of Justice, Bureau of Justice Statistics, "Violent crime rates have declined since 1994, reaching the lowest level ever recorded in 2003," available at [<http://www.ojp.usdoj.gov/bjs/glance/viort.htm>].

⁹ A case represents one juvenile processed by a juvenile court, regardless of the number of actual violations of law in the referral. A juvenile charged with six counts of burglary in one referral would account for one case; however one juvenile charged with burglary on two separate occasions would be counted as two cases.

¹⁰ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, "Juvenile Crime Statistics 1999: Celebrating 100 Years of the Juvenile Court, 1899-1999," *NCJ 201241*, July 2003, p. 7.

conclude that “despite reductions in the lethality of violence and consequent arrests, the number of adolescents involved in violent behavior remains disconcertingly high.”¹¹

Juvenile Justice and Delinquency Prevention Act of 1974

The Juvenile Justice and Delinquency Prevention Act (JJDP A) was first passed by Congress in 1974 and was most recently reauthorized in 2002 by the 21st Century Department of Justice Appropriations Authorization Act (P.L. 107-273). Although Congress first began to address juvenile justice in the 1960s, the JJDP A was, and continues to be, the landmark piece of legislation in the field. When it was first enacted, JJDP A transformed the way states handled their juvenile offenders by mandating the deinstitutionalization of status offenders (DSO) by states.¹² As such, the act mandated that status offenders were to be diverted from institutional placement to shelters and that juveniles be separated by sight and sound from adult offenders when placed in shared detention facilities. In order to receive formula grant funding authorized by the act, states were required to comply with the act’s mandates. In the three decades that followed, Congress made several important revisions to the JJDP A. In 1980, Congress modified the JJDP A to prohibit states from detaining juveniles in local lockups and adult jails, and approved an exception to the DSO mandate for status offenders who were found to be in violation of a valid court order.¹³ In 1988, Congress added a disproportionate minority confinement mandate to the act that required states that received grants through the JJDP A to assure that they would formulate a strategy to reduce the over-representation of minorities in their juvenile justice systems. In 1992, Congress created two national initiatives under Title II of the JJDP A: the Gang Free Schools and Communities program and the State Challenge Activities grant program. Congress also created Title V, Incentive Grants for Local Delinquency Prevention Programs.¹⁴ Authorization for the JJDP A, as amended, expired in 1996, but Congress continued to appropriate funding for juvenile justice programs under the act.

The 21st Century Department of Justice Appropriations Authorization Act of 2002 made significant changes to the JJDP A and reauthorized the act through FY2007. The main change made to the JJDP A was the establishment of a new Juvenile Delinquency Prevention Block Grant (JDPBG) program which replaced the various grant programs under Title II. JDPBG grants are awarded to the states and Indian tribes under a formula which is based on the proportion of the population that is under 18 years of age. The states then apportion the grants to eligible localities, but must give special consideration to grant applications from areas with high levels of juvenile crime. Currently, the JJDP A continues to have the following four core mandates:

- Status offenders cannot be held in secure facilities.

¹¹ U.S. Surgeon General, *Youth Violence: A Report of the Surgeon General*, 2001, available at [<http://www.surgeongeneral.gov/library/youthviolence/toc.html>].

¹² Status offenders were juveniles who had been placed in detention due to offenses that would not have been crimes had they been committed by adults, such as runaways or truants.

¹³ P.L. 96-509.

¹⁴ P.L. 102-586.

- States cannot detain juveniles arrested for nonstatus offenses in adult lockups or jails.¹⁵
- States must separate juvenile offenders from adults in jail, and from part-time or full-time security adult prisoner staff or direct-care staff. OJJDP has interpreted this as requiring sight and sound separation.
- States are to “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system.”¹⁶

Juvenile Accountability Block Grants

In 1998, Congress created the Juvenile Accountability Incentive Block Grants (JAIBG) program through the DOJ appropriations bill (P.L. 105-119). The JAIBG program marked a shift in the federal government’s juvenile justice policy, away from rehabilitation and towards the strengthening of state and local juvenile justice systems through the implementation of reforms that stressed accountability. The JAIBG program established 12 purpose areas for grant funding, including, among other things: expanding juvenile corrections facilities; developing and administering accountability-based sanctions; hiring and training more juvenile court staff, including judges, probation officers, and public defenders; funding for hiring more prosecutors, increasing their effectiveness, and improving the technology at their disposal; and establishing juvenile drug and gun courts. The 21st Century Department of Justice Appropriations Authorization Act of 2002 replaced the JAIBG program with the Juvenile Accountability Block Grants (JABG) program. The new JABG program further emphasized enforcement and accountability by increasing the number of purpose areas for funding from 12 to 16. The additional areas included developing and implementing systems of graduated sanctions; establishing and maintaining juvenile records systems; creating programs that utilize risk and needs assessments; establishing and maintaining restorative justice programs; and hiring corrections personnel. Additionally, the maximum authorized annual funding level was reduced from \$500 million to \$350 million.

Juvenile Justice Appropriations

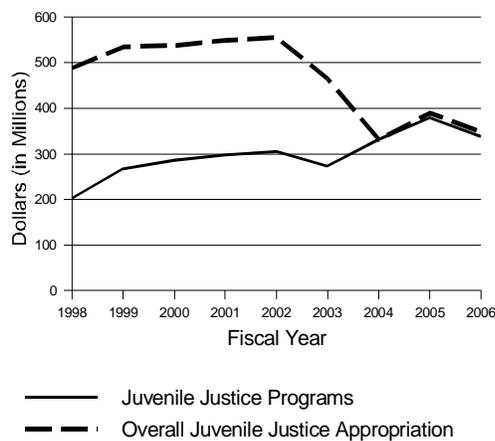
Figure 2 shows the overall appropriations for juvenile justice programs within DOJ. Juvenile Justice Programs appropriations refer to the programs that are included by Congress within the juvenile justice programs part of the DOJ appropriation bill, such as the previously mentioned JDPBG and Incentive Grants programs. Overall juvenile justice appropriations include the JAIBG program and other programs that are tailored to juveniles such as Project Childsafe and Victims of Child Abuse, which have sometimes been included in different parts of the DOJ appropriation but nevertheless are tailored to

¹⁵ Rural areas are exempted from this provision in that such detention is permissible for 24 hours if no acceptable alternative placement is available, with certain exceptions.

¹⁶ 42 U.S.C. §5633 (a)(22).

juveniles.¹⁷ From FY1999 to FY2002, overall funding for juvenile justice within the DOJ appropriation remained relatively stable, averaging about \$540 million annually. From FY2002 to FY2006, however, overall juvenile justice funding fell by 37% to \$349 million. The majority of this reduction came from the JABG program. Until FY2004, the first year in which the changes to the JJDPa enacted by the 21st Century Department of Justice Authorization Act went into effect, Congress included the JAIBG program authorizations in the State and Local Law Enforcement Assistance account within the DOJ appropriation. This means that prior to FY2004, the overall appropriation for juvenile justice was significantly higher than the funding outlined in the Juvenile Justice program part of the DOJ appropriation. Starting in FY2004 most juvenile justice funding was consolidated within the Juvenile Justice Programs account.¹⁸ Appropriations for JABG fell from a high of \$250 million in FY2002 to \$50 million in FY2006. The FY2007 request zeroed out the JABG program, reduced the Part E Demonstration Projects account by almost \$100 million, and reduced overall juvenile justice funding by 43% from FY2006, to \$198 million.¹⁹ Congress has enacted a series of continuing resolutions extending funding for DOJ through February 15, 2007.

Figure 2. Juvenile Justice Appropriations, FY1995-FY2005



Sources and Notes: Amount for FY1998 taken from P.L. 105-119, as stated in H.Rept. 105-405. Amount for FY1999 taken from P.L. 105-277, as stated in H.Rept. 105-825. Amount for FY2000 enacted taken from H.Rept. 106-680. Amount for FY2001 enacted taken from H.Rept. 107-139. Amount for FY2002 enacted taken from the *Congressional Record*, Feb. 13, 2003, p. H575. Amount for FY2003 enacted taken from the *Congressional Record*, Dec. 8, 2003, 12776. Amounts for FY2004 enacted and FY2005 enacted taken from the *Congressional Record*, Nov. 20, 2004, p. H10110. FY2006 enacted taken from H.Rept. 109-272. Numbers are rounded. Appropriations for FY1998 through FY2001 and FY2005 may not include relevant rescissions. Amount for FY2004 includes 0.59% government-wide rescission and a 0.465% DOJ-wide rescission; FY2006 includes a 1% across the board rescission pursuant to P.L. 109-148.

¹⁷ Project Childsafe seeks to educate children on firearm safety and fund the purchase of safety locks for firearms. The Victims of Child Abuse program provides training and technical assistance to child abuse investigators, prosecutors, and treatment personnel.

¹⁸ Project Childsafe and the Victims of Child Abuse programs remain under different accounts.

¹⁹ U.S. Department of Justice, Office of Justice Programs, *Congressional Budget Justifications, Fiscal Year 2007*, pp. 20-22 (includes Victims of Child Abuse, Project Childsafe, Safe Start, and Secure our Schools requests).