

# THE US JUVENILE JUSTICE SYSTEM

The Federal Role and Areas in  
Need of reform



# WHAT DO YOU KNOW?

- How many kids do you think the United States incarcerates?
- How many kids do you think get arrested in the US?
- Do you think kids have their own justice system or are in the adult criminal justice system?

# JUVENILE JUSTICE TODAY

Every year in the US:

- Police make approximately 1 million juvenile arrests;
- Courts handle roughly 1.5 million delinquency cases;
- 250,000 youth are prosecuted as adults in criminal court; and
- On any given night, 70,000 youth are placed in secure confinement and 10,000 youth are held in adult jails and prisons.



# JUVENILE V. CRIMINAL JUSTICE SYSTEMS

- First juvenile court was founded in 1899 in Cook County, Illinois. By the 1930's all states in the US had juvenile court systems.
- Court was founded on the idea that youth are different from adults and as such should be treated differently in the eyes of the law. There was a focus on rehabilitation and treatment.
- Courts operated under the *parens patriae* doctrine, and stepped in to make sure the children were developing into law abiding and productive citizens.

# DUE PROCESS IN JUVENILE COURTS

- The first juvenile courts were rather informal. Since these courts were founded as a social welfare system, they did not include many of the procedural protections guaranteed to defendants in criminal court.
- In 1967, in the landmark case of *In re Gault*, the Supreme Court expanded due process protections, most notably, the right to counsel, the right against self incrimination, and the right to confront and cross-examine witnesses, to youth in juvenile court.
- However, youth who appear in juvenile court still lack parity with adult protections in criminal law; youth have no right to a jury trial (although states may afford them one) and many juvenile proceedings are not open to the public



# JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT (JJDPA)

- In 1974 Congress passed the Juvenile Justice and Delinquency Prevention Act (JJDPA). The JJDPA is the cornerstone of the federal government's role in juvenile justice. The JJDPA creates a federal state partnership for juvenile justice by providing:
  - A juvenile justice planning and advisory system, establishing State Advisory Groups (SAGs) spanning all states, territories and DC
  - Federal funding for delinquency prevention and intervention and improvements in state and local juvenile justice programs
  - Operation of a federal agency, the Office of Juvenile Justice Delinquency and Prevention (OJJDP) and the role of Administrator
  - Four core protections to ensure a minimum level of safety and equitable treatment for youth who come into contact with the juvenile justice system

# JJDPA CORE PROTECTIONS



## Deinstitutionalization of Status Offenders

- Status offenses are offenses that only apply to minors whose actions would not be considered offenses if they were adults. Under the JJDPA, status offenders may not be held in secure detention or confinement.



## Adult Jail and Lock-Up Removal

- 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.

# JJDPA CORE PROTECTIONS



## Sight and Sound Separation

- When children are placed in an adult jail or lock-up, as in exceptions listed above, "sight and sound" contact with adults is prohibited. This provision seeks to prevent children from psychological abuse and physical assault.



## Disproportionate Minority Contact

- States are required to assess and address the disproportionate contact of youth of color at all points in the justice system - from arrest to detention to confinement. This provision requires states to gather information and assess the reason for disproportionate minority contact.



# HOW KIDS GET INTO THE SYSTEM

- **Tough of crime policies:** In the late 1980's and through the 1990's the nation saw a surge of "tough on crime" policies passed in response to isolated instances and misperceptions about youth crime, most notably the myth of the "superpredator."
- **School-to-prison pipeline:** the use of school disciplinary procedures that funnels youth into the juvenile or criminal justice system
  - School resource officers (post-Newtown)
  - Cops in schools
  - Behavioral challenges / lack of resources
  - Student pushout



# JUVENILE JUSTICE TODAY

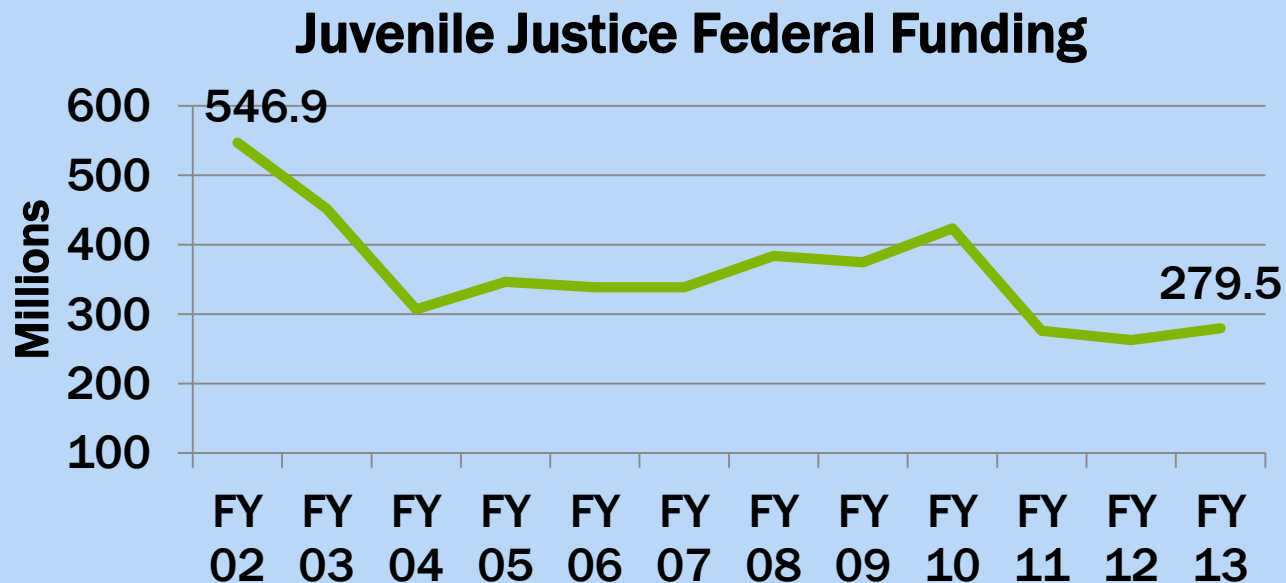
- Youth of color are disproportionately represented at all points of the juvenile justice system:
  - Latino youth are incarcerated in local detention and state correctional facilities nearly twice as often as White youth
  - African American youth account for 16% of the adolescent population in this country, but they make up 38% of youth incarcerated in local and state correctional facilities
  - Research also shows that youth of color are treated more harshly than white youth, even when charged with the same category of offense, including being more frequently transferred to adult court.

# CONDITIONS OF CONFINEMENT

- Far too often youth endure abusive conditions in facilities. Documented abuse includes the use of **pepper spray, sexual assaults by staff, hog-tying, shackling, and isolation.**
- The Bureau of Justice Statistics reported that **one in eight youth in juvenile justice facilities reported experiencing sexual abuse at their current facility in the past year alone.** Another BJS report confirmed that youth are also more likely to be victimized when in adult facilities.
- Reports of abuses in institutions demonstrate the importance of using federal laws to ensure the safety of youth in custody.

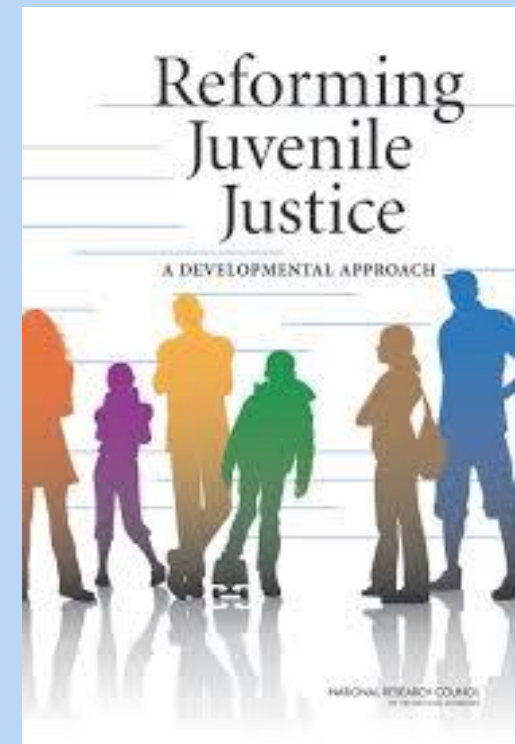
# FEDERAL ROLE IN JUVENILE JUSTICE

- The JJDPJA was most recently reauthorized in 2002 and has been due for reauthorization since 2007.
- Federal funding for juvenile justice has been cut almost 50 percent over the past ten years.



# REFORMING JUVENILE JUSTICE

- Fortunately, despite the many issues in the juvenile justice system, research over the past 20 years has increased our understanding of what works and how to best approach delinquency and system reform.
- Jurisdictions across the country are implementing promising reforms, and there is an increasingly clear path for moving toward community and evidence-based approaches to preventing and reducing adolescent crime, improving outcomes for youth families and communities, and increasing public safety.



# BLUEPRINT FOR CHANGE

- **Divert Youth from the Justice System**
- **Reduce Institutionalization**
- **Eliminate Racial and Ethnic Disparities**
- **Ensure Access to Quality Counsel**
- **Create a Range of Effective Community-Based Programs**
- **Recognize and Serve Youth with Specialized Needs**
- **Build Small Rehabilitative Facilities**
- **Improve Aftercare and Reentry**
- **Engage Youth, Family, and Community**
- **Keep Youth Out of Adult Courts, Jails, and Prisons**

# KEEPING YOUTH IN THE COMMUNITY

- Across the country states and local jurisdictions are working diligently to provide alternatives to detention and secure confinement for youth.
- Research has shown that community based alternatives produce greater outcomes for youth and are cost-effective.
- On average, it costs \$241/day (\$88,000/year) to incarcerate a young person. The return on this investment is an average recidivism rate of 55%. Conversely evidence-based alternatives to incarceration can cost as little as \$11/day and reduce recidivism by an average of 22% when compared to incarceration.

# COMMUNITY ALTERNATIVES FOR PREVENTION AND INTERVENTION

- Alternative programs vary from jurisdiction to jurisdiction, but generally speaking alternatives have the following benefits:
  - Cost-Effective: for each youth detained, community-based programs can serve 3-6 youth in the community
  - Better outcomes for youth and community safety
  - Families can stay together
  - Youth can stay connected to school and important social support networks
  - Youth can experience normal life events
  - Youth have an opportunity to become contributors to their communities
  - Reduces trauma related to incarceration (on both the youth and his or her family)



# ELEMENTS OF EFFECTIVE COMMUNITY-BASED ALTERNATIVES

- Community and neighborhood based, including hiring workers for same neighborhoods as youth
- Cultural competence
- Strength-based
- Family engagement – equal partnerships with families, ask what the family needs, non-prescriptive
- Individualized planning
- No reject policy
- Unconditional caring
- Advocacy
- Transitional planning
- Whatever it takes approach

# FEDERAL LEGISLATION TO SUPPORT JUVENILE JUSTICE REFORM

- **Reauthorization of the JJDPA**
  - Strengthen the core requirements to protect youth in the justice system
- **Youth PROMISE Act (HR 1318/S 1307)**
  - PROMISE (Prison Reduction through Opportunity, Mentoring, Intervention, Support and Education Act)
  - Establishes a federal grant program that will allow localities to address the needs of young people in their community.
  - Emphasizes evidence-based approaches and collaboration of all community stakeholders.



# GET INVOLVED

- Join our mailing lists for updates on what's happening in juvenile justice!
- Check out [www.ACT4JJ.org](http://www.ACT4JJ.org) and [www.sparkaction.org](http://www.sparkaction.org)
- Contact Us:
  - Shaena Fazal, Youth Advocate Programs
    - [sfazal@yapinc.org](mailto:sfazal@yapinc.org)
    - 202-591-6893
  - Alexandra Staropoli, Coalition for Juvenile Justice
    - [staropoli@juvjustice.org](mailto:staropoli@juvjustice.org)
    - 202-467-0864