

OP-ED: Why Congress Must Act Now to Reauthorize, Fund the JJDP



It has been more than a decade since Congress last reauthorized the Juvenile Justice and Delinquency Prevention Act (JJDP, or “the Act”).

But thankfully, during this period there were still significant strides in juvenile justice, due in large part to private investments from the [MacArthur Foundation](#), which invested \$165 million in its juvenile justice reform initiative, [Models for Change](#); and the [Annie E. Casey Foundation](#), whose [Juvenile Detention Alternatives Initiative](#) helped spawn the deincarceration push.

Those initiatives and many others around the country, along with declining rates of juvenile delinquency and the release of compelling research about what works, contributed to a mood of optimism in the field.

That mood was bolstered when, in the 113th Congress, Sen. Sheldon Whitehouse, D-R.I., and Sen. Charles Grassley, R-Iowa, co-sponsored the JJDP reauthorization bill, [S. 2999](#).

This legislation was an important signal to the field that the

federal government was once again willing to take up the mantle of leadership in juvenile justice and support a bipartisan and modernized JJDPA consistent with the new science and developments in the field.

This signal is particularly important because over the past decade while the act remained unauthorized, appropriation levels dropped by more than 80 percent. Innovation came largely from an enterprising mix of state appropriations and private foundation dollars.

Now that private foundations have begun to turn their attention to other social causes, federal leadership and support – fiscally and in terms of policy – is more urgent than ever. And yet the field is still awaiting news on when and whether a reauthorization bill will be introduced in the 114th Congress.

Instead, we received word of two letters to the Department of Justice in which Sen. Grassley called into question the use of federal funds appropriated under the act. Naming eight states and territories, the chairman of the Senate Judiciary Committee called for information that would explain charges that several states that were not in compliance with one or more of the JJDPA's four core protections for young people in the juvenile justice system but were nevertheless permitted to receive juvenile justice monies from the federal government between 2006 and 2011.

Citing a range of allegations – from incompetence to outright fraud – Grassley asked a series of questions about each state. No matter the state, no matter the question, the underlying inquiry was: Why is federal money being spent on states that do not comply with the JJDPA? Coming from the chairman of the Senate Judiciary Committee, the question is undoubtedly appropriate, as it seems to be aimed at ferreting out the cardinal sins of waste, fraud and abuse. The problem, however, is that, as is too often the case, the conversation on Capitol

Hill bears little relationship to realities on the ground.

The reality on the ground is that the JJDPA's funding streams have been systematically starved for more than 10 years. It is that starvation that makes it difficult for states to comply with the act's requirements.

Title II formula grants, which pay for delinquency prevention at the local level, have been cut by \$33 million since 2002; Title V went from \$94.3 million in 2002 to \$15 million in 2015; and the [Juvenile Accountability Block Grants Program](#) has been zeroed out entirely.

Nationally, federal allocations to juvenile justice programs have declined by nearly 50 percent. In chairman Grassley's own state of Iowa, as in all states that participate in the JJDPA, Juvenile justice practitioners have to do more with considerably less. Iowa alone has seen a 68 percent reduction in juvenile justice formula and block grant allocations since the start of this decade.

With dwindling federal dollars, states must not only create or fund programs for youth, but monitor compliance with the JJDPA's four core requirements and report their findings to the – until fairly recently – rudderless OJJDP. To ensure that young people actually receive the protections provided by the act – including the right to be separated for their safety from adult inmates, removed from adult jails and lockups, and not be incarcerated for nondelinquent behaviors – many states face a formidable task.

For example, Texas must monitor 3,000 facilities for compliance; Vermont, 112 facilities; and Illinois must look at 957 facilities, lockups, county jails and sheriff's departments; obligations that remain despite the dramatic dropoff in funding.

In Illinois, the attendant costs of compliance – salaries, travel, technical assistance and training – now account for

about 24 percent of the state's federal allocation. In fiscal year 2010, those same costs accounted for only 13 percent of the Illinois budget.

Less funding means that compliance costs (which may be largely static) will take a bigger piece of the pie. Less funding can also mean less support for states seeking to come into compliance and remain so. That support, which comes from the [Office of Juvenile Justice and Delinquency Prevention](#), has also been compromised, as OJJDP's budget has been cut by more than half since 2002.

So while no one – least of all those of us who work for the protection of young people, families and communities – wants to see limited federal dollars go to waste, we submit that that conversation is relevant but incomplete.

We want to talk about why Congress has yet to make a meaningful commitment to the Juvenile Justice and Delinquency Prevention Act, and why congressional lawmakers fail to provide states with resources to do the same. That is the conversation that the juvenile justice field has been having since 2002. We invite our members of Congress to join us.

Marie N. Williams, J.D., is executive director of the [Coalition for Juvenile Justice](#).