



A CAMPAIGN OF THE JUVENILE JUSTICE & DELINQUENCY PREVENTION COALITION

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Juvenile Justice and Delinquency Prevention Act (JJDP) Recommendations and Background

The Act 4 Juvenile Justice campaign of the National Juvenile Justice and Delinquency Prevention Coalition believes that the time is right for Congress to reauthorize and strengthen the JJDP. In recent years, events across the nation have highlighted the need for juvenile justice system reform. Congress can take steps now to assist states to improve conditions many juveniles endure while detained in youth correctional institutions, boot camps and other facilities; to eliminate the placement of youth in adult jails and prisons; and to reduce racial and ethnic disparities in the justice system.

We believe JJDP reauthorization should be grounded in recent research conducted by the Department of Justice, the Centers for Disease Control and Prevention and other national and state organizations. We also believe that any JJDP reauthorization should include the following recommendations, which address the most timely and critical juvenile justice reform issues:

1. Extend the *jail removal* and *sight and sound separation* core protections to all youth under the age of 18 held pretrial, whether charged in juvenile or adult court.
2. Codify current State flexibility for housing youth convicted in adult court in juvenile facilities rather than adult prisons by modifying the definition of “adult inmate.”
3. Strengthen the *Disproportionate Minority Contact* (DMC) core protection by requiring States to take concrete steps to reduce racial and ethnic disparities in the juvenile justice system.
4. Strengthen the *Deinstitutionalization of Status Offenders* (DSO) core protection, which prohibits the locked detention of status offenders, by removing the Valid Court Order and Interstate Compact exceptions.
5. Provide safe and humane conditions of confinement for youth in state or local custody by restricting use of JJDP funds for dangerous practices and encouraging States to adopt best practices and standards while eliminating dangerous practices and unnecessary isolation.
6. Provide a research-based continuum of mental health and substance abuse services to meet unmet needs of court-involved youth and their families, including diversion and re-entry services.
7. Assist States in coming into compliance with JJDP and establish Incentive Grants to encourage States to adopt evidence-based or promising best practices that improve outcomes for youth and their communities.
8. Enhance the partnership between States and the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) by expanding training, technical assistance, research, and evaluation and the partnership between OJJDP and Congress by encouraging transparency, timeliness, public notice, and communication.
9. Expand juvenile crime prevention efforts by reauthorizing and increasing funding for JJDP Title V and Mentoring.

JJDPA Background: The Juvenile Justice and Delinquency Prevention Act (JJJPA) is a major vehicle for juvenile justice reform at the federal level. The JJJPA was first passed in 1974 and most recently reauthorized in 2002.¹

The JJJPA provides grants to States to assist with juvenile crime prevention and intervention programs. In order to be eligible for these grants, States must comply with the four core protections, which are discussed below. JJJPA grants are administered by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), which is based within the Department of Justice and coordinates and administers federal juvenile justice efforts.

Recommendations – Core Protections:

1. Extend the *jail removal* and *sight and sound separation* core protections to all youth under the age of 18 held pretrial, whether charged in juvenile or adult court.

Why these protections should be expanded:

- The original intent of the JJJPA was to recognize the unique needs of youth in the criminal justice system and establish a separate system to specifically address these needs. One of these unique needs for youth is protection from the dangers of adult jails. Placing youth in adult jails has dire consequences:
 - Youth placed in adult jails are at great risk of physical assault. According to the U.S. Department of Justice Bureau of Justice Statistics, in 2005 and 2006, 21 percent and 13 percent (respectively) of the victims of inmate-on-inmate sexual violence in jails were youth under the age of 18, despite the fact that only one percent of all jail inmates are juveniles.²
 - Youth have the highest suicide rates of all inmates in jails. Youth are 19 times more likely to commit suicide in jail than youth in the general population and 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility.³
 - Adult jails do not offer age appropriate services for youth, such as access to education. The most recent survey of educational programs in adult jails found that 40 percent of jails provided no educational services at all, only 11 percent provided special education services, and just 7 percent provided vocational training.⁴
 - Many children held in adult jails are ultimately transferred back to juvenile court or have their cases dismissed.⁵ Yet, their experience in adult jail is likely to have long lasting negative consequences.
 - Youth involved in the adult criminal justice system are more likely to reoffend. Youth who have been previously prosecuted as adults are, on average, 34 percent more likely to commit crimes than youth retained in the juvenile justice system.⁶
- The jail removal core protection currently protects youth who are under the jurisdiction of the juvenile justice system by prohibiting these youth from being held in adult jails and lock-ups except in very limited circumstances, such as while waiting for transport to appropriate juvenile facilities. In these limited circumstances where youth are placed in adult jails and

lock-ups, the sight and sound core protection limits the contact these youth have with adult inmates.

- While these core protections have worked to keep most children out of adult jails for 30 years, the JJDP Act does not apply to youth under the jurisdiction of the adult criminal court. In fact, on any given day, 7,500 children are locked up in adult jails before they are tried.⁷ Nearly 40 States have laws that allow children prosecuted in adult courts to be placed in adult jails, prior to their first court hearing.⁸

Request: Congress should amend the JJDP Act to extend the jail removal and sight and sound protections of the Act to all youth, regardless of whether they are awaiting trial in juvenile or adult court. In the limited exceptions allowed under the JJDP Act where youth can be held in adult facilities, they should have no sight or sound contact with adult inmates.

2. Codify State flexibility for housing youth convicted in adult court in juvenile facilities rather than adult prisons by modifying the definition of “adult inmate.”

Why this definition should be changed:

- Many States, approximately 40 States, follow best practice and allow youth who are convicted in adult court to serve their sentence in juvenile facilities rather than adult prison. States that had chosen the more humane option of keeping youth out of adult prisons had been threatened with the withholding of federal JJDP Act funds for non-compliance with the JJDP Act based on the initial interpretation of the term “adult inmate” by the OJJDP. Recognizing that OJJDP guidance led to the penalization of States for employing developmentally appropriate placements for youth, OJJDP Administrator J. Robert Flores recently reversed the decision and issued new guidance on August 18, 2008 consistent with best practice.
- States should be allowed the flexibility to retain youth in the juvenile system for as long as the State deems appropriate. Given the significantly higher rate of re-offending by youth held in adult jails and prisons, this flexibility also addresses public safety concerns.
- On any given day, more than 2,600 youth are locked up in adult prisons following their conviction in adult court.⁹ Adult prisons do not offer age appropriate services for youth, limiting their educational opportunities and preventing them from receiving the rehabilitative services that may keep them from re-offending. In fact, despite high rates of mental illness, children in adult facilities are less likely to receive counseling or therapy.¹⁰
- According to a 2007 nationwide poll commissioned by the National Council on Crime and Delinquency, 89 percent of Americans believe that rehabilitative services and treatment for incarcerated youth can help prevent future crime.¹¹ Youth who are detained in the juvenile system are more likely to receive the rehabilitative services necessary to help them turn their lives around and are not subject to the risks involved in being held with adult inmates discussed above.

Request: Revise the definition of “adult inmate” to codify the recent guidance issued by OJJDP by excluding youth who, at the time of the offense, were younger than 18 and who are younger than the maximum age a youth can be held at a juvenile facility under state law.

3. Strengthen the *Disproportionate Minority Contact (DMC)* core protection by requiring States to take concrete steps to reduce racial and ethnic disparities in the juvenile justice system.

Why this core protection should be strengthened:

- The JJDPa currently requires States to “address” disproportionate minority contact (DMC) with the juvenile justice system. This vague requirement has left state and local officials without clear guidance on how to reduce racial and ethnic disparities. Jurisdictions need to approach this work with focused, informed, and data-driven strategies.¹²
- Youth of Color are significantly over-represented in the juvenile justice system:
 - Latino youth are incarcerated in local detention and state correctional facilities nearly 2 times more frequently than White youth.¹³
 - African-American youth represent 16 percent of the adolescents in this country¹⁴, but are 40 percent of the youth incarcerated in local detention and state correctional facilities.¹⁵
- Research demonstrates that Youth of Color are treated more harshly than White youth, even when charged with the same category of offense:
 - For drug offenses, White youth are much more likely than African-American youth to be placed on probation for drug offenses and African-American youth are twice as likely as White youth to be sent to locked facilities.¹⁶
 - Latino youth are incarcerated for twice as long as White youth for drug offenses and are one and a half times more likely to be admitted to adult prison.¹⁷
- In many parts of the country there are no accurate data on the number of Latino youth in the juvenile justice system. Instead, Latino youth are counted as “White” or “Black,” resulting in significant undercounting of Latino youth involved in the juvenile justice system.¹⁸ Although some data on Latino youth are available, they may not represent the full extent of disparate treatment for Latino youth in the juvenile justice system.¹⁹ Without accurate data, disaggregated by ethnicity as well as by race, it is difficult for communities to plan and coordinate culturally- and linguistically- appropriate services that are effective for youth and their families.²⁰
- It has been established that jurisdictions can achieve measurable reductions in racial and ethnic disparities when they have implemented data-driven strategies that are guided by collaborative groups of traditional and non-traditional juvenile justice stakeholders. Peoria County, Illinois reduced disproportionate referrals of Youth of Color to the juvenile justice system by working with the school system to strengthen school-based conflict resolution protocols.²¹ Travis County, Texas reduced its disproportionate incarceration of Youth of Color who violated probation by establishing a Sanction Supervision Program, which provides more intensive case management and probation services to youth and their families.²² Pennsylvania has recently implemented a system of statewide juvenile justice data collection that captures ethnicity separately from race. Santa Cruz County, California

reduced disproportionate admissions to detention of Latino youth by focusing on reducing admissions for youth who were initially detained by Probation but released by the Judge at first appearance.

Request: Strengthen the requirement that States reduce racial and ethnic disparities in the juvenile justice system by 1) establishing coordinating bodies to oversee efforts to reduce disparities; 2) identifying key decision points in the system and the criteria by which decisions are made; 3) creating systems to collect local data at every point of contact youth have with the juvenile justice system (disaggregated by descriptors such as race, ethnicity and offense) to identify where disparities exist and the causes of those disparities; 4) developing and implementing plans to address disparities that include measurable objectives for change; 5) publicly reporting findings; and 6) evaluating progress toward reducing disparities.

4. Strengthen the *Deinstitutionalization of Status Offenders (DSO)* core protection, which prohibits the locked detention of status offenders, by removing the Valid Court Order and Interstate Compact exceptions.

Why this core protection should be strengthened:

- In establishing that status offenders (truants, curfew violators, runaways, youth who disobey their parents) should not be detained in the original 1974 JJDPA, Congress recognized that status offenses are non-delinquent and non-criminal and, therefore, detention was not appropriate for the following reasons:
 - Detention does not resolve the factors that lead to a status offense. Instead, detention often aggravates these factors because children held in secure facilities are exposed to negative influences and subjected to social stigmatization. The detention of status offenders (DSO) provision was designed to ensure that status offenders, who often have unmet mental health or education needs, receive the services they need through the appropriate human services agency rather than the justice system.²³ This also allows the juvenile justice system to focus more on children who are charged with delinquent offenses.
 - Detention of status offenders is also more costly and less effective than home and community-based responses. It interrupts education and detained youth often fail to return to school after release – which can lead to further status offenses.²⁴
 - Girls are disproportionately affected by the DSO exceptions – they are 170 percent more likely to be arrested for status offenses than boys and receive more severe punishment than boys.²⁵
- However, the Valid Court Order (VCO) exception allows status offenders to be locked up for their second and subsequent status offenses, i.e., for violating the court’s order not to commit another status offense.
- Many States no longer allow the incarceration of status offenders under the Valid Court Order (VCO) exception. In those States, judges are able to effectively and proactively manage status offenders without resorting to detention.

Request: Remove the Valid Court Order and Interstate Compact exceptions from the detention of status offenders core requirement.

Recommendations – Conditions of Confinement:

5. Provide safe and humane conditions of confinement for youth in state and/or local custody by restricting use of JJDP funds for dangerous practices and encouraging States to promote adoption of best practices and standards while eliminating dangerous practices and unnecessary isolation.

Why this provision should be added to the current law:

- The JJDP currently does not address abusive conditions and practices in juvenile facilities. Traditionally, States have been responsible for conditions of confinement for youth incarcerated in state and local juvenile facilities.
- Reports of widespread abuses in institutions in California,²⁶ Indiana,²⁷ Mississippi,²⁸ Ohio,²⁹ Texas,³⁰ and other states since the last reauthorization of the JJDP demonstrate the importance of updating the law to ensure the safety of children in custody. Abuses have included frequent use of pepper spray, sexual assaults by staff, hog-tying, and shackling youth.
- Juvenile justice facility staff should be trained on effective behavior-management techniques to respond to dangerous or threatening situations. Activities that create an unreasonable risk of physical injury, pain or psychological harm to juveniles should not be used in juvenile facilities. These activities include using chemical agents, restraints to fixed objects, choking, and psychotropic medications for purposes of coercion, punishment or convenience of staff.

Request: Restrict the use of federal funds for dangerous practices such as hog-tying, fixed restraints, and pepper spray that create an unreasonable risk of physical injury, pain, or psychological harm. Make best practices and standards available nationwide through the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). Encourage States to provide necessary training for facility staff and to adopt best practices in programming, behavior management, and security while eliminating dangerous practices and unnecessary isolation. Establish community advisory boards to monitor conditions in juvenile facilities and support their improvement.

Recommendations – Mental Health and Substance Abuse Needs:

6. Provide a research-based continuum of mental health and substance abuse services to meet unmet needs of court-involved youth and their families, including diversion and re-entry services.

Recent studies state that up to 70% of youth in the juvenile justice system may have or may due to system contact develop a diagnosable mental health disorder, as compared to 20 percent in the general population. For these youth, approximately 80 percent may also meet the criteria for at least one additional mental health diagnosis; 60 percent may also meet the criteria for a substance use disorder; and 20 percent may experience disorders so severe that their ability to

function is significantly impaired.^{31, 32, 33} Juvenile justice agencies are ill-equipped to effectively manage the mental health and substance abuse needs of youth; the agencies themselves identify the following as barriers: insufficient resources, inadequate administrative capacity, lack of appropriate staffing, and lack of training for staff.³⁴

However, recognition and knowledge of the unmet mental health and substance abuse needs of youth in the juvenile justice system have grown tremendously over the last 15 years, with calls for increased action now coming from all levels of government. Major reports from both the administrations of both President Bill Clinton and President George W. Bush recommended that juvenile justice agencies partner with other child serving agencies in order to transform mental health care for children and adolescents, particularly by focusing on early identification and referral to services.^{35, 36}

Overview of issues facing youth with mental health and substance abuse needs in the juvenile justice system:

- In 2003, the Government Accountability Office (GAO) reported on the tragic occurrence of parents relinquishing custody rights for their children in order to access mental health services, often thereafter provided by the juvenile justice or child welfare systems. In 2001 more than 12,700 children with mental illnesses were placed in state custody because their parents could not otherwise obtain appropriate treatment for them. About 70% of these children entered state custody via the juvenile justice system; the others entered via the child welfare system.³⁷
- Two thirds of detention facilities report having held children as young as age seven, who are awaiting a mental health placement. A 2004 report to Congress documented that about 7% of youth in detention were locked up simply awaiting an appropriate treatment placement.³⁸

Many youth enter the juvenile justice system with mental health, substance use, and other mental and emotional disabilities that were overlooked, misdiagnosed, or inadequately addressed by other social service agencies, including child welfare, the public schools, and public mental health systems.³⁹

- Youth in the juvenile justice system suffer from many types of mental health disorders. Approaches must be tailored to individual needs because practices that may ameliorate symptoms of certain disorders may exacerbate symptoms of other disorders. For example, verbal exploration of past trauma in talk therapy may worsen the symptoms of post-traumatic stress disorder. Similarly, in the case of a young person experiencing multiple mental health or substance abuse disorders, certain interventions used to address the symptoms of one disorder can worsen symptoms of the co-occurring disorder.⁴⁰
- The likelihood of youth risk and/or frequency of contact with the juvenile justice system increases as a result of unmet mental health and substance abuse needs. Some behaviors resulting in contact with the juvenile justice system are manifestations of a disorder in need of treatment.⁴¹
- Youth with significant mental and emotional disorders can be vulnerable to abuse and exploitation by others while incarcerated and are more prone to experience adverse consequences of confinement.⁴²

- A wealth of evidence exists supporting the effectiveness and cost-savings associated with appropriate diversion of youth with mental health and substance abuse needs to home- and community-based interventions, including Cognitive Behavioral Therapy, drug education, individual and group therapy, Functional Family Therapy, Multi-systemic Therapy, and Multi-dimensional Treatment Foster Care.^{43, 44, 45}

Request:

In current law, the State Plans under JJDPa must provide for mental health services for youth in the juvenile justice system, and include information on efforts to implement such plans, with an emphasis on provision of services to juveniles in greatest need of treatment. The Title II Formula Grants program under JJDPa includes a purpose area for providing screening, assessment and treatment of mental health disorders for youth in the juvenile justice system, as well as provision of treatment for youth with or at risk of alcohol/substance abuse disorders.

We request that current law be substantially strengthened as follows:

- Create incentives for comprehensive and meaningful collaborations between state and local agencies, programs, and organizations that serve children, including schools, mental health and substance abuse agencies, law enforcement and probation personnel, juvenile courts, departments of corrections, child welfare, and other public health agencies. Include incentives for juvenile justice systems to involve families whenever feasible.
- Identify vulnerable youth with mental health and substance abuse disorders both pre- and post-adjudication, through consistent use of evidence-based screening, and as indicated further assessment needed to ensure comprehensive treatment, supports and services.
- Provide guidance and incentives to divert youth from detention and incarceration into home- and community-based treatment, as often as possible, while utilizing evidence-based and promising practices demonstrated to be less costly and more successful than treatment provided in confinement settings.
- Make training and technical assistance available for law enforcement officers, juvenile and family court judges, probation officers, and other decision makers about: the signs and symptoms associated with mental health and substance abuse needs among juveniles; the benefits and availability of screening, assessment, and treatment for mental health and substance abuse needs; and effective home- and community-based treatment and other mental health supports and services.
- Develop an individualized discharge plan for each youth upon admission to a juvenile detention or corrections facility designed to link them to appropriate aftercare services, including mental health and substance abuse services and supports for the youth and his/her family.
- Provide greater incentives for juvenile justice systems to implement programs and services that have been proven through research to reduce recidivism and improve outcomes for juvenile offenders, such as Cognitive Behavioral Therapy, Functional Family Therapy, Multi-Dimensional Treatment Foster Care, and Multi-Systemic Therapy.

- Ensure equity and competence in provision of mental health and substance abuse services for youth and families in the juvenile justice system, including competence in gender-specific approaches and approaches appropriate for diverse racial, ethnic, linguistic and religious groups.
- Compel OJJDP to increase training and technical assistance related to mental health and substance abuse, including best practices for law enforcement and probation officers, detention/corrections and community corrections personnel, court services personnel and others.
- Require the Administrator of OJJDP to report annually on the prevalence of mental health and substance abuse disorders among juvenile justice populations served by all U.S. states and territories, including the prevalence of various types of disorders and whether mental health disorders develop or are exacerbated by confinement, as well as descriptions of the manner in which psychotropic drugs are prescribed and used in treatment plans for youth involved in the juvenile justice system.
- Compel OJJDP to conduct major study regarding the prevalence, duration and types of mental health and substance abuse disorders found among youth in the juvenile justice system, providing evidence of practices, policies and approaches shown to be rehabilitative.
- Compel OJJDP to conduct a major study of the prevalence and types of disabilities found among youth in the juvenile justice system.
- Include mental health and substance abuse experts in the Federal Coordinating Council, and in the composition of the State Advisory Groups.

Recommendations – Assisting Compliance and Promoting Evidence-Based or Promising Best Practices:

- 7. Assist States in coming into compliance with the JJDPA and establish Incentive Grants to encourage States to adopt evidence-based or promising best practices that improve outcomes for youth and their communities.**

Why best practices in juvenile justice should be promoted:

- Reauthorization of the JJDPA is an opportunity to strengthen accountability for federal spending on juvenile justice systems and measure state systems' effectiveness in protecting the public, holding delinquent youth accountable and providing rehabilitation services that prevent future crime.
- States need additional guidance and resources to ensure that they are adhering to the core protections and utilizing best practices. Adoption of best practices will also strengthen accountability for federal spending and result in a greater ability to assess and potentially replicate effective programs.
- Compliance determinations should not be used as a way to exclude States from positive and effective juvenile justice reforms. Rather, the compliance process should support States in

being forthright about their compliance challenges, and should provide States with the accountability and assistance they need to overcome those challenges.

- States should also be given incentives for demonstrating progress toward adopting best practices. Incentive grants would encourage States to adopt best practices in juvenile justice reform and develop outcome data on program effectiveness.
- According to a 2007 nationwide poll commissioned by the National Council on Crime and Delinquency, 89 percent of Americans believe that rehabilitative services and treatment for incarcerated youth can help prevent future crime.⁴⁶

Request: For States out of compliance with any of the core requirements, require any JJDP funds that would have been withheld for non-compliance with the core requirement(s) to be set aside and used by the States as improvement grants to regain compliance with those particular requirements. Establish an Incentive Grant program to be awarded to States that: 1) adopt evidence-based or promising approaches to juvenile justice reform and 2) can demonstrate results or show progress toward implementing best practices, such as effective community-based alternatives to incarceration.

Recommendations – Improve State and Federal Relationships:

- 8. Enhance the partnership between States and the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) by expanding training, technical assistance, research, and evaluation and the partnership between OJJDP and Congress by encouraging transparency, timeliness, public notice, and communication.**

Why the Federal/State partnership should be strengthened:

- It is critical that juvenile justice have a dedicated focus and a “home” within the federal government for purposes of developing national policies, objectives, priorities and plans, and for providing guidance, support and oversight to States and territories implementing the JJDP.
- 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 to assist them in planning, establishing, operating, and evaluating effective projects. OJJDP is also tasked with the development of more effective education, research, prevention, treatment, and rehabilitation programs for the juvenile justice systems.
- Similarly, it is imperative that the States remain in contact with the federal government to coordinate effective strategies, meet local needs and learn about the best and most promising practices for children, youth and communities across the nation. The 56 State Advisory Groups on Juvenile Justice (SAGs) fulfill this role, individually and collectively, by: 1) supporting models for collaborative systems change; 2) providing real-world advice and counsel to their respective Governors, state legislatures, and the federal government; and 3) serving as incubators for cost-effective innovations that create optimal outcomes for the prevention of delinquency.

Request: Require the OJJDP Administrator to conduct research and provide training and technical assistance to States, which are currently discretionary functions. Require greater transparency and accountability by making State plans and reports on compliance with the core protections publicly available. Require the OJJDP Administrator to investigate, issue a report, and make the report publicly available upon receipt of information that a State may be out of compliance with the core protections. Ensure technical and financial support for a national nonprofit association to represent the nation's 56 SAGs.

Recommendations – Strengthen Prevention Efforts:

9. Expand juvenile crime prevention efforts by reauthorizing and increasing funding for JJDP Title V Grants and Mentoring.

Why this recommendation should be enacted:

- Created in 1992 and reauthorized in 2002 as part of the JJDP, the Title V grant program funds collaborative, comprehensive, community-based delinquency prevention efforts.
- The Title V Incentive Grants for Local Delinquency Prevention Programs are the only federal funding source dedicated solely to the prevention of youth crime and violence. These small grants fund a range of innovative and effective programs - from home visitation by nurses and preschool/parent training programs to youth development initiatives involving the use of mentoring, after-school activities, tutoring, truancy prevention, and dropout reduction strategies.
- Research has shown that every dollar spent on evidence-based programs can yield up to \$13 in cost savings.⁴⁷
- Each child prevented from engaging in repeat criminal offenses can save the community \$2.6 to \$4.4 million.⁴⁸
- Model programs funded by Title V include after school programs that connect children to caring adults and provide constructive activities during the “prime time for juvenile crime.”

Request: Increase authorization levels for prevention programs. Create an incentive grant program to encourage States to use more evidence-based prevention programs.

Endnotes

¹ The JJDP was most recently authorized by the 21st Century Department of Justice Appropriations Authorization Act through FY2007 (P.L. 107-273).

² *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America*, Campaign for Youth Justice, p. 4, available at http://www.campaign4youthjustice.com/Downloads/NationalReportsArticles/CFYJ-Jailing_Juveniles_Report_2007-11-15.pdf. (November 2007)

³ *Id.* at p. 10.

⁴ Harlow, Caroline Wolf, *Education and Correctional Populations*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics Special Report, Table 3 on p. 4, available at <http://www.ojp.gov/bjs/pub/pdf/ecp.pdf>. (January 2003)

⁵ *Jailing Juveniles*, p. 4.

⁶ Centers for Disease Control and Prevention, “Task Force Recommends Against Policies and Laws Facilitating Transfer of Youth to the Adult Justice System to Reduce Violence among Transferred Youth,” Guide to Community Preventive Services, available at http://www.thecommunityguide.org/violence/Violence-YouthTransfer_rev.pdf. (April 13, 2007)

⁷ *Jailing Juveniles*, p. 4.

⁸ *Id.* at 24.

⁹ Sabol, W.J., & Couture, H. (2008, June). Prison inmates at midyear 2007. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

¹⁰ Juskiewicz, Jolanta, “Youth Crime/Adult Time: Is Justice Served?,” Building Blocks for Youth, p. 18, available at <http://www.buildingblocksforyouth.org/ycaat/ycaat.html>. (October 2000)

- ¹¹ Krisberg, Barry and Marchionna, Susan, *Attitudes of US Voters toward Youth Crime and the Justice System Council on Crime and Delinquency*, National Council on Crime and Delinquency, p. 1, available at http://www.nccd-crc.org/nccd/pubs/zogby_feb07.pdf. (February 2007)
- ¹² W. Haywood Burns Institute For Juvenile Justice and Fairness and Equality, *Working Locally to Reduce Disproportionality* Website Page, available at <http://www.burnsinstitute.org/reducing.html>.
- ¹³ Sickmund, Melissa, Sladky, T.J., and Kang, Wei. (2008) "Census of Juveniles in Residential Placement Databook." Online. Available: <http://www.ojjdp.ncjrs.gov/ojstatbb/cjrp/>.
- ¹⁴ Puzanchara, C., Finnegan, T. and Kang, W. (2007). "Easy Access to Juvenile Populations" Online. Available: <http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/>
- ¹⁵ Sickmund, Melissa, Sladky, T.J., and Kang, Wei. (2008) "Census of Juveniles in Residential Placement Databook." Online. Available: <http://www.ojjdp.ncjrs.gov/ojstatbb/cjrp/>
- ¹⁶ National Council on Crime and Delinquency, *And Justice for Some: Differential Treatment of Youth of Color in the Justice System*, p.21, available at http://www.nccd-crc.org/nccd/pubs/2007jan_justice_for_some.pdf. (January 2007).
- ¹⁷ *Id* at pp. 29 and 34.
- ¹⁸ *Id.* at p. 1.
- ¹⁹ Villarruel, Francisco A.; Walker, Nancy; et al., *¿Dónde Está la Justicia? A call to action on behalf of Latino and Latina youth in the U.S. justice system*, p. 42-44, available at <http://www.buildingblocksforyouth.org/Full%20Report%20English.pdf>. (July 2002)
- ²⁰ *Id.*
- ²¹ Conversation with Laurie Brown, Peoria County Site Coordinator, August 6, 2007.
- ²² Conversation with Britt Canary, Travis County Juvenile Probation Department, April 4, 2008.
- ²³ Senate Report Number 93-1011, at 5287-88 (1974).
- ²⁴ Holman, Barry and Ziedenberg, Jason, *The Dangers of Detention; The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, Justice Policy Institute, p. 9, available at http://www.justicepolicy.org/images/upload/06-11_REP_DangersOfDetention_JJ.pdf. (November, 2006)
- ²⁵ Zawacki, Susanna, *Girls Involvement in Pennsylvania's Juvenile Justice System*, Pennsylvania Juvenile Justice Statistical Bulletin p. 1. (October 2005)
- ²⁶ In California, authorities failed to provide adequate medical and mental health treatment and facility staff regularly used pepper spray on youth. Rothfeld, Michael, "Juvenile Prison System Needs Reform Lawyers Say," Los Angeles Times (February, 18, 2008); Boyd, Ralph, Investigative Findings Letter, U.S. Department of Justice, Civil Rights Division, available at http://www.usdoj.gov/crt/split/documents/la_county_juvenile_findlet.pdf (April 9, 2003).
- ²⁷ In Indiana, staff sexually assaulted youth in one facility, and failed to protect youth from violence in several juvenile facilities. Kim, Wan, Investigative Findings Letter, U.S. Department of Justice, Civil Rights Division available at http://www.usdoj.gov/crt/split/documents/marion_juve_ind_findlet_8-6-07.pdf (August 6, 2007); "Justice Department Reaches Settlement Regarding Conditions at Two Indiana Juvenile Justice Facilities," U.S. Fed. News Service available at http://www.usdoj.gov/opa/pr/2006/February/06_crt_066.html (February 8, 2006); Schlozman, Bradley, Investigative Findings Letter, U.S. Department of Justice, Civil Rights Division, available at http://www.usdoj.gov/crt/split/documents/split_indiana_plainfield_juv_findlet_9-9-05.pdf (September 9, 2005).
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