



A CAMPAIGN OF THE JUVENILE JUSTICE & DELINQUENCY PREVENTION COALITION

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**Overview of S. 3155
(as passed by Committee)**

On June 18, 2008, Senators Leahy, Specter, and Kohl introduced S. 3155, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008. S. 3155 was considered and approved by voice vote by the Senate Committee on the Judiciary on July 31, 2008.

S. 3155 will reauthorize the Juvenile Justice Delinquency and Prevention Act (JJDP), which has provided states and localities with federal standards and supports for improving juvenile justice and delinquency prevention practices and contributed to safeguards for youth, families and communities for more than 30 years.

Below please find a brief summary of the bill (as passed by the Senate Judiciary Committee):

Core Requirements:

- Strengthens the Disproportionate Minority Contact (DMC) core requirement: Research has documented that youth of color are disproportionately over-represented and subject to more punitive sanctions at all levels of the juvenile justice system. S. 3155 gives clear direction to States and localities to plan and implement data-driven approaches to ensure fairness and to reduce racial and ethnic disparities, to set measurable objectives for DMC reduction, and to publicly report on progress.
- Improves the Jail Removal and Sight and Sound core requirements: Research shows youth confined in adult jails and lock-ups face increased recidivism and high risks of assault and suicide. S. 3155 extends the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult lock-ups under certain circumstances. While our ultimate goal is to completely remove these youth from adult facilities, S. 3155 takes a good step in this direction.
- Allows States to continue to place youth convicted in adult court in juvenile facilities without jeopardizing federal funding: S. 3155 would permit many States to continue allowing youth convicted in adult court to serve their sentence in juvenile facilities until they reach the extended juvenile jurisdiction age. Under current law, States can be penalized for utilizing these more appropriate and humane placements for youth.
- Strengthens the deinstitutionalization of status offenders (DSO) core requirement: Under current law, non-delinquent status offenders, such as children who are truant, runaway or violate curfew, alcohol and tobacco laws, may be held in juvenile lock-ups under the Valid Court Order (VCO) exception, which allows judges to issue detention orders. The practice

persists despite evidence that securely detaining status offenders is harmful to prosocial development and costly, especially compared to more effective responses including shelter care, crisis counseling, family support, and/or community and school based interventions. S. 3155 requires that States eliminate the use of the VCO within three years, but allows States to apply for one-year hardship extensions through the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Overall juvenile justice system improvements:

- Improves conditions of confinement in juvenile facilities: S. 3155 calls for the OJJDP Administrator to report annually on State data regarding the uses of isolation and restraints in juvenile detention and corrections facilities, and encourages training of facility staff to eliminate dangerous practices. S. 3155 also requires States to develop policies and procedures to eliminate the use of dangerous practices and the unreasonable use of restraints and isolation, particularly through the use of alternative behavior management techniques.
- Provides comprehensive services and supports for youth: S. 3155 promotes alternatives to detention, improves assessments and treatments for mental health and substance abuse, enhances child welfare and juvenile justice integration, supports effective assistance of counsel, and improves case management and transitional care for youth upon re-entry.

Support for states:

- Increases States' ability to comply with the core requirements: S. 3155 offers additional technical assistance to States and authorizes the re-investment of any funds previously withheld due to non-compliance with one or more of the core requirements as an "improvement grant" aimed at assisting States to regain compliance.
- Creates incentive grants: S. 3155 creates a new incentive grant program for which States can apply. The incentive grants focus on prevention and intervention programs, workforce development, and the provision of comprehensive mental health and substance abuse services to youth involved in the juvenile justice system. We request that programs funded by these grants show evidence-based or promising outcomes of effectiveness.
- Expands the role of OJJDP: S. 3155 provides guidance about specific research, technical assistance and training efforts to be conducted in a manner that benefits States and communities, nationwide. The bill also includes provisions regarding the oversight of the OJJDP grant-making process, including an examination by the Government Accountability Office (GAO) of grants disbursed in violation of policies and procedures of OJJDP and, for those grants found to be wrongly disbursed, what remedial action has been taken to recover this grant money.

Funding levels:

- Sets more appropriate authorization levels for Title II and Title V: S. 3155 provides States with the resources to achieve and sustain compliance with the core requirements of the JJDPA and take meaningful steps to improve juvenile justice systems and prevent delinquency and violence.