



Concerns Over Recent Actions by the Department of Justice and the Office of Juvenile Justice and Delinquency Prevention

Recent announcements from the Department of Justice (DOJ) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) have indicated movement towards the loosening of compliance with the Juvenile Justice and Delinquency Prevention Act's (JJDP) [core requirements](#) and a relaxation of oversight. These recent actions will hurt children, particularly youth of color, who are disproportionately exposed to and harmed by the justice system for normal adolescent behavior.

The following actions are significant steps backward and will have a disproportionate impact on some of our most vulnerable youth:

Appointment of New OJJDP Administrator

Background

On December 18, 2017, President Trump announced his intent to appoint [Caren Harp](#) as Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Harp is the former director of the National Juvenile Justice Prosecution Center at the American Prosecutors Research Institute, and worked both as a prosecutor and public defender.

Impact

While Harp has made it a point to talk to experts and practitioners in the field, she has made several concerning statements since she came onboard at OJJDP. In talking about her priorities for OJJDP, she has repeatedly emphasized that there needs to be a balanced consideration when it comes to the juvenile justice system; "it's not just about the youth, it's about public safety and the victim." We reject the notion that juvenile justice systems ignore the victim or public safety. In fact, due to reforms that build on trauma-responsive care, adolescent development, and building out a continuum of care, youth arrests and crimes have plummeted over the past 2 decades.

Administrator Harp also shows she is out of step with the field in her rejection of [brain science](#) and adolescent development, and in her assertion that some youth are "too violent" to be handled by the juvenile justice system. Again, research and the Supreme Court of the United States have repeatedly found that children are different from adults and need to be treated as such. Juvenile justice systems are designed to respond to children who are adjudicated with serious or violent crimes. Further, research from states who house youth certified as adults show that their outcomes are significantly improved over youth who are sent to the adult system.

Finally, Harp has insinuated in her public discourse that reducing arrests for children of color may undermine public safety. This is a connection that is not only false, but dangerous, and gives us great concern.



Changes in Compliance Requirements for the JJDP

Background

On June 29, 2018, Harp [announced](#) that OJJDP would be simplifying compliance requirements for one of the four core protections of the JJDP, the disproportionate minority contact (DMC) requirement. Under this [requirement](#), states must “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.” While new compliance requirements have not formally been introduced, Harp has explained that they will simplify data collection requirements, ask states how they define success with DMC reduction, and ask them to evaluate the outcome of their DMC plan.

Impact

While we certainly welcome states focusing on reductions in DMC throughout the continuum of care, the fact that states can determine their own goals is concerning and out of step with the standards of the other core protections. Further, while we agree states should not focus entirely on data collection, the removal of certain data points is also concerning and may make it harder for states to monitor and reduce disparities. Under these new requirements, data collections points will be slashed in half. States will no longer have to provide data on court referrals, petitions, delinquent findings, and probation, all of which are points in the system where discretion plays a major role and white youth are often blocked from going further in the system. Understanding disparities at each contact level allows states to fully understand the problem and develop effective and meaningful plans to reduce DMC.

We also find it alarming that states will be asked to evaluate the outcome of their DMC plans themselves. The importance of oversight by OJJDP is made abundantly clear by incidents across the country like in Shelby County, Tennessee where, in 2012, a [monitoring agreement](#) was signed in lieu of court action being taken for the juvenile court’s pattern of treating youth differently because of their race, among other issues. The county has now twice requested for the agreement to end because they believe they cannot solve the DMC and equal protection issues. While self-reflection is important, states cannot always be trusted to properly evaluate their own plans.

Rescinding of Guidance

Background

On July 3, 2018, Attorney General Jeff Sessions announced that the DOJ had rescinded 24 pieces of [guidance](#), 7 of which related to the JJDP. While some of the rescinded guidance was older and has been incorporated in the [formal regulations](#) that took effect in February 2017 (the guidance related to the jail removal and separation core requirements), the removal of the guidance is alarming.



Impact

In particular, the removal of the OJJDP Guidance Manual: Audit of Compliance Monitoring Systems and the OJJDP Disproportionate Minority Contact Technical Assistance Manual are most concerning. States need more and better guidance to refine and improve their strategies to reduce DMC and comply with JJDP, not less. While not a part of the July 3 announcement, guidance related to girls in the juvenile justice system has also been removed. This also concerns us, as girls of color are one of the fastest growing populations in state juvenile justice systems.

Reorganization of OJJDP

Background

The Department of Justice has recently announced the transfer of OJJDP's research arm to the National Institute of Justice (NIJ) and the Bureau Justice Statistics (BJS) effective on September 30. OJJDP has done significant work in developing research experts over the past 20 years, and states rely on the research and technical assistance provided by those experts in order to improve their juvenile justice systems.

Impact

The dismantling of this division within OJJDP will likely significantly reduce any research related to court-involved youth and likely make such research a low priority. Once again, this action marginalizes youth, and youth of color in particular.

Grant Solicitations

Background

Recent grant solicitations from OJJDP also illustrate an alarming pattern to exclude vulnerable youth. Solicitations for mentoring grants have stripped any references to LGBTQ youth, and grants related to gangs have moved from a focus on prevention and intervention, to a focus on suppression. Further, the grant solicitations related to gangs give a preference to applicants who are willing to work immigration authorities (*see* p. 10 [here](#) and p. 10 [here](#)).

Impact

These new conditions likely [violate](#) the Constitution and federal law. Instead of funding suppression efforts and coercing grant applicants into complying with federal immigration authorities, the government should be supporting and investing in outreach programs, and community and family support services.

Taken together, these actions demonstrate the Department's disregard for some of the most vulnerable youth who come in contact with the justice system. It is an abdication of the Office's decades-old mission.