

# CRS Report for Congress

Received through the CRS Web

## Juvenile Justice Act Reauthorization: The Current Debate

Updated February 5, 1998

Suzanne Cavanagh and David Teasley  
Specialists in American National Government  
Government Division



# Juvenile Justice Act Reauthorization: The Current Debate

## Summary

Some criminologists and policymakers argue that the United States is on the verge of a teenage crime explosion, as the children of baby boomers reach the ages at which they are most likely to commit crimes. Others maintain that such a prediction is overblown.

The Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415; 88 Stat. 1109), as amended, expired on September 30, 1996. Recent debate on juvenile justice policy highlights several areas that Congress will continue to address: (1) the desirability of a “get tough” policy, as opposed to a more rehabilitative approach to juvenile justice; (2) whether to continue funding for states to remove juveniles from adult lockups; and (3) the controversy regarding the detention of proportionately more minority juveniles.

Policymakers and legislators at the federal, state, and local levels are considering a variety of approaches to reduce youth violence and prevent juvenile crime. First, the 105th Congress is considering legislation to amend and reauthorize the Juvenile Justice and Delinquency Prevention Act. In addition, congressional leaders and President Clinton have proposed a number of juvenile justice measures that may be incorporated into the act or into separate juvenile justice reform measures. For example, FY1998 appropriations for the Department of Justice (P.L. 105-119) contained increased funding for the Office of Juvenile Justice and Delinquency Prevention (\$238.7 million) and new monies for the Juvenile Accountability Incentive Block Grant (\$250 million), based on the requirements in H.R. 3/McCollum.

At the state and local levels, officials have proposed several approaches to combat juvenile delinquency, such as removing violent juvenile offenders from the juvenile justice system, new dispositions and sentencing options, and more open juvenile proceedings and records.



## **Contents**

|  |    |
|--|----|
| Introduction .....   | 1  |
| Juvenile Violence .....  | 2  |
| Predicting Trends .....  | 3  |
| Policy Questions .....   | 4  |
| Get Tough vs. Rehabilitation and Prevention .....                              | 4  |
| State Removal of Juveniles from Adult Lockups .....                            | 5  |
| Disproportionate Representation of Minorities in Detention<br>Facilities ..... | 6  |
| Other Policies .....   | 7  |
| Selected Legislative Proposals in the 105th Congress .....                     | 7  |
| State and Local Juvenile Justice Reforms .....                                 | 13 |



# Juvenile Justice Act Reauthorization: The Current Debate

## Introduction

The Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415; 88 Stat. 1109), as amended, expired on September 30, 1996.<sup>1</sup> As enacted and subsequently amended by five reauthorization acts, the measure contained four core requirements or mandates for states to attain in order to be eligible for formula grant monies. These include: sight and sound (juveniles may not be within sight or sound of adult inmates in secure facilities); deinstitutionalization of status offenders (juveniles confined for offenses that would not be punishable if committed by an adult, for example, truancy); removal of juveniles from adult jails and lockups; and reduction of the disproportionate incarceration of minority juveniles.

Last reauthorized on October 7, 1992, the Juvenile Justice Act provided federal assistance through the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) to state and local programs aimed at the prevention and treatment of delinquency.<sup>2</sup> Under the act, OJJDP received \$170 million in FY1997 appropriations for juvenile justice.<sup>3</sup>

Although none of the major legislation introduced during the 104th Congress to reauthorize the act was enacted, certain proposals from these bills were funded by

---

<sup>1</sup>For additional information, see: U.S. Library of Congress, Congressional Research Service, *Juvenile Justice and Delinquency Prevention: Background and Current Issues*, by Suzanne Cavanagh and David Teasley, CRS Report 92-633 GOV (Washington: 1992); and *Juvenile Justice and Delinquency Prevention Reauthorization Act of 1992: Summary of Major Provisions*, coordinated by Suzanne Cavanagh, CRS Report 92-821 GOV (Washington: 1992). For a discussion of public perceptions about juvenile crime, see: U.S. Library of Congress, Congressional Research Service, *Juvenile Crime and Justice: National Public Opinion*, by Kevin Coleman, CRS Report 97-971 GOV (Washington: 1997).

<sup>2</sup>According to a General Accounting Office study, OJJDP awarded 162 new discretionary grants for FY1993 through FY1995. For a listing of these programs, see: U.S. General Accounting Office, *OJJDP Discretionary Grant Programs*, GAO report GAO/GGD-96-111R, Letter to the Honorable Orrin Hatch (Washington: May 7, 1996).

<sup>3</sup>The Omnibus Consolidated Appropriation Act, 1997, included an additional \$4.5 million, as authorized by the Juvenile Justice Act and the Victims of Child Abuse Act of 1990.

the Omnibus Consolidated Appropriations Act of 1997 (P.L. 104-208).<sup>4</sup> During the first session of the 105<sup>th</sup> Congress, two bills were passed, amended, in the House (H.R. 3/McCollum and H.R. 1818/Riggs), and one bill (S. 10/Hatch) was reported by the Senate Judiciary Committee. Neither H.R. 1818 nor S. 10, containing provisions to reauthorize the act, has received final action, but FY1998 appropriations for the Department of Justice under the Commerce, Justice, and State Appropriations Act, FY1998 (P.L. 105-119) contained increased funding for the Office of Juvenile Justice and Delinquency Prevention (\$238.7 million) and new monies for the Juvenile Accountability Incentive Block Grant (\$250 million), based on the requirements in H.R. 3.

This report focuses on the first of the three major activities authorized by the act: juvenile justice and delinquency prevention. This report provides an overview of the current debate on the appropriate response to youth violence by the criminal justice system. The act also authorizes runaway and homeless youth services, and missing children's assistance.<sup>5</sup>

## Juvenile Violence

On February 19, 1997, President Clinton stated in Boston, Massachusetts, that "juvenile crime has got to become our top law enforcement priority." In outlining the seriousness and the extent of the problem, he warned, "we know we've got about six years to turn this juvenile crime thing around or our country is going to be living with chaos." The President noted that although the total crime rate nationwide in 1994 was declining, the juvenile crime rate was on the rise, especially violence and drug use among those under 18 years of age. He remarked upon the fact that in 1995, "we began to see some hope that it [the juvenile crime rate] might be dropping off, but we haven't even had two years in a row [of a declining juvenile crime rate]."<sup>6</sup>

According to crime-related data released on September 28, 1997, by the Uniform Crime Reports (UCR),

- The total number of juveniles under 18 years of age arrested rose 21.5% between 1992 and 1996. By comparison, the total number of arrests for all ages increased 6.8% between 1992 and 1996.
- From 1992 to 1996, the number of juveniles arrested for violent crimes rose 2.8 %, while violent crime arrests for all ages dropped 1.3%.

---

<sup>4</sup>See: U.S. Library of Congress, Congressional Research Service, *Juvenile Justice: Funding Trends for Selected Programs*, by Suzanne Cavanagh and David Teasley, CRS Report 96-948 GOV (Washington: 1997).

<sup>5</sup>For additional information on the *Runaway and Homeless Youth Program*, see: U.S. Library of Congress, Congressional Research Service, by Ruth Ellen Wasem and Alice Butler, CRS Report 96-280 EPW (Washington: 1997).

<sup>6</sup>U.S. Executive Office of the President, White House, *Press Release*, Feb. 19, 1997, p. 3. Hereafter referred to as *Press Release*.



- Between 1980 and 1995, the number of juvenile arrests for drug violations increased 132%, versus a 28% increase for adults in the same period.<sup>7</sup>

At the same time, UCR data partly support the President's comments on the decline in juvenile crime since 1994. While total arrests of juveniles under the age of 18 rose 2.8% between 1995 and 1996, and arrests of juveniles for violent crime dropped 5.8%.<sup>8</sup> Announcing the second straight annual drop in juvenile crime, Attorney General Janet Reno said that the drop was not a "blip," but a real movement away from the youth crime rate that rose steadily between 1987 and 1994.<sup>9</sup>

In announcing the anti-gang provisions within his larger juvenile crime initiative, President Clinton commented on the proliferation of gangs nationwide, almost completely composed (an estimated 90%) of juvenile members. He reported that "95 percent of our largest cities and 88 percent of our smaller cities report that they are plagued by gang crime."<sup>10</sup>

## Predicting Trends

Some criminologists and policymakers argue that we are on the verge of a teenage crime explosion, as the children of the baby boomers reach the ages at which they are most likely to commit crimes. John J. DiIulio, Jr., a Princeton University professor of politics and public affairs, not only foresees a teenage crime wave, but also describes some youngsters as "superpredators," lacking in moral values and more violent than previous generations."<sup>11</sup>

Others maintain that such a prediction is overblown. Norval Morris, a University of Chicago professor of law and criminology, agrees that there will be a slightly larger number of crime-prone youth, but he contends "it's not going to be an apocalyptic effect."<sup>12</sup> Most would agree, however, that the present level of juvenile violent crime is too high.

Shay Bilchik, Administrator of the Office of Juvenile Justice and Delinquency Prevention, is guardedly optimistic about the current direction of juvenile crime. In the foreword to the latest edition of *Juvenile Offenders and Victims*,<sup>13</sup> published by

---

<sup>7</sup>U.S. Dept. of Justice, Federal Bureau of Investigation, *Crime in the United States 1996, Uniform Crime Reports* (Washington: 1997), pp. 220, 282.

<sup>8</sup>*Ibid.*, p. 222.

<sup>9</sup>"Violent Offenses by Teens Plunge Again; Reno Sees Trend," *Juvenile Justice Digest*, vol. 25, Oct. 1997, p. 1.

<sup>10</sup>*Press Release*, p. 3.

<sup>11</sup>Quoted in Richard Lacayo, "Law and Order," *Time*, vol. 147, Jan. 15, 1996, p. 52.

<sup>12</sup>*Ibid.*, pp. 52-53.

<sup>13</sup>U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention, (continued...)

OJJDP, Mr. Bilchik believes that “the wave of violence by juveniles that the United States has experienced in the last ten years may be subsiding.” But he cautions, “this is not to say that we have solved the problem of juvenile crime. The current levels, though below those of recent years, are not acceptable.”<sup>14</sup>

## Policy Questions

It appears that in considering reauthorization of the 1974 act and other measures to control juvenile crime, the 105<sup>th</sup> Congress has moved toward changing the focus of the federal juvenile justice system to one emphasizing accountability and punishment, as opposed to prevention and treatment. The extent to which the mandates of the 1974 act, as amended, will be retained, revised, or eliminated will be one policy question debated in the second session of the 105<sup>th</sup> Congress. Other areas will also be addressed. These include:

- Whether to continue funding for state removal of juveniles from adult lockups;
- The controversy regarding the detention of proportionately more minority juveniles; and
- Other policy questions such as the deinstitutionalization of status offenders.

## Get Tough vs. Rehabilitation and Prevention

Advocates of rehabilitation and prevention argue that a punitive approach to juvenile violent crime is neither fair nor effective. The Coalition for Juvenile Justice, an organization comprising State Juvenile Justice Advisory Group members of all the states and territories participating in the Juvenile Justice Act, decries the current trend toward treating juvenile offenders more harshly. According to its 1997 Annual Report, the coalition argues “in many states, juveniles charged with delinquency and serious crime are today exposed to far more serious consequences than youth so charged twenty or thirty years ago, or even a decade ago, in spite of the fact that there has been no significant increase in the percentage of crime committed by such youth, including the rate of serious or violent crime.”<sup>15</sup>

Proponents of a “get tough” policy with violent juvenile offenders see the juvenile justice system as “the first revolving door” in the American criminal justice

---

<sup>13</sup>(...continued)

*Juvenile Offenders and Victims: 1997 Update on Violence*, by Melissa Sickmund, Howard N. Snyder, and Eileen Poe-Yamagata (Washington: 1997), p. iii.

<sup>14</sup>*Ibid.*

<sup>15</sup>Coalition for Juvenile Justice, *The News Media and Juvenile Crime, 1997 Annual Report: False Images?* (Washington: 1997), p. 6. Hereafter referred to as Coalition for Juvenile Justice.

system. In a January 1996 report of the Council on Crime in America, co-chaired by former Attorney General Griffin Bell and former “Drug Czar” William Bennett, the council maintained that “stronger law enforcement and incarceration can work to restrain violent juvenile and adult criminals, enhance public safety, and restore public trust in the justice system—and in representative government itself.”<sup>16</sup> Among the policy changes it urges are:

- Prosecuting and incarcerating violent youth offenders as adults;
- Making juvenile records available to the police and courts for prosecution, and to schools for monitoring; and
- Swifter jailing of would-be juvenile street offenders and greater emphasis on cracking down on recidivists.<sup>17</sup>

### **State Removal of Juveniles from Adult Lockups**

The present trend toward trying an increasing numbers of youth in the adult system may undermine an important goal of the 1974 act, as amended, which required the removal of juveniles from adult lockups. Advocates of a continued reliance on the juvenile justice system and the mandates of the act argue:

The juvenile justice system was established in recognition of the fact that children and adolescents are quite different from adults.... Although states have long permitted transfer or waiver to the adult court as a sort of “safety valve” for the juvenile justice system, this alternative was to serve as a last resort for recalcitrant juveniles, almost as a recognition of failure.<sup>18</sup>

In addition, these advocates contend the juvenile justice system is more effective, in that juveniles serving time in adult institutions receive worse treatment and are more likely to commit new offenses than those in juvenile facilities.<sup>19</sup> On July 9, 1997, the Justice Policy Institute (JPI) released a study condemning the incarceration of juvenile offenders in adult prisons. Study findings reported that young people jailed with adults were (1) eight times more likely to commit suicide; (2) five times more likely to report being raped or sexually assaulted; (3) twice as likely to report being beaten by prison staff; and (4) 50% more likely to report being attacked with a weapon.<sup>20</sup>

---

<sup>16</sup>The Council on Crime in America, *The State of Violent Crime in America* (Washington: Jan. 1996), p. ii. Hereafter referred to as Council on Crime.

<sup>17</sup>For a discussion of recent studies supporting these policy initiatives, see Council on Crime, pp. 49-54.

<sup>18</sup>Coalition for Juvenile Justice, p. 8.

<sup>19</sup>*Ibid.*, pp. 27-28.

<sup>20</sup>Jason Ziedenberg, *Risks Juveniles Face When They Are Incarcerated With Adults*, Center on Criminal Justice Policy Institute (Washington: July 9, 1997), pp. 4-7.

As a corollary to their emphasis on stiff sentences for violent offenders, proponents of incarcerating violent youth in adult facilities argue the following:

- Recent studies support the socially beneficial and cost effective results of such incarceration;
- While in prison, violent juvenile criminals experience the four purposes of punishment—retribution, deterrence from committing future crimes, rehabilitation, and incapacitation preventing them from committing additional crimes; and
- Incarceration and restraint of these violent youth protect them from a high probability that many may be injured or killed on the street.<sup>21</sup>

### **Disproportionate Representation of Minorities in Detention Facilities**

The 1988 reauthorization of the 1974 act called for a study of the disproportionate representation of minority juveniles in detention facilities. The 1992 reauthorization provided that states failing to address this problem would lose 25% of their formula grant program allocation. As a first step, all of the participating states have undertaken studies that report a disproportionate minority representation among most state facilities. Policymakers may choose to continue this disproportionate representation of minorities mandate or find other ways to respond.

Some child advocates conclude that the problem “rests with the system which employs, unintentionally or not, a ‘selection bias’ that results in a disproportionate number of minority youth in the [juvenile] system.”<sup>22</sup> They point to data indicating a continuing overrepresentation of minorities from arrest to incarceration. For example, in 1995, 32% of the U.S. population aged 10 through 17 years were classified as minorities. A recent study provided data showing that minority youth (black, Hispanic, Asian/Pacific Islander, and Native American) outnumbered non-minority white youth in custody in public facilities as of February 15, 1995, by more than two-to-one (68% to 32%).<sup>23</sup>

Those who suggest that there is a selection bias within the juvenile justice system do not necessarily attribute this bias to racism. For example, Michael Tonry, professor of law and public policy at the University of Minnesota, and a student of racial disparities within the criminal justice system, argues that racial bias and stereotyping are not the major causes of this problem. Tonry finds that the recent emphasis on drug control has led to an avalanche of arrests of street-level drug dealers. He concludes that “drug arrests are easier to make in socially disorganized

---

<sup>21</sup>Council on Crime, pp. 49-54.

<sup>22</sup>A Unique Partnership for Children, National Coalition of State Juvenile Justice Advisory Groups, *1991 Annual Report* (Washington: 1992), p. 42.

<sup>23</sup>U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 1997 Update on Violence* (Washington: Aug. 1997), p. 42.

inner-city minority areas than in working- or middle-class urban or suburban areas....”<sup>24</sup>

On the other hand, those supporting the imposition of penalties on those who commit crimes, regardless of their race or ethnicity, argue that the seriousness and large number of crimes committed by minority youth are the primary concerns. The Council on Crime, for example, concludes that “America’s violent crime problem, especially the rage of homicidal and near-homicidal violence, is extremely concentrated among young urban minority males who figure disproportionately as both violent crime victims and violent crime victimizers.”<sup>25</sup> The council is concerned about harm to inner-city residents, and it fears that violence may spread:

... while violent crime in America is heavily concentrated in the nation’s inner-cities, it is hardly confined to the nation’s inner-cities.... It is not unreasonable to be concerned that, over time, the inner-city violent crime problem could spill over into gentrified central city districts, inner-city suburbs, edge cities, and even the rural heartland.... More and more violent crime involves strangers and teenage “wolf packs.”<sup>26</sup>

## Other Policies

Other policies are being scrutinized in the process of reauthorizing the 1974 act. One of the mandates of the act requires the deinstitutionalization of status offenders. These youth commit acts deemed delinquent based on age alone. Does this mandate place an additional burden on the criminal justice system, or serve as a means of preventing delinquency among at-risk youth? Another area of debate concerns the release of juvenile court records of youth offenders to school officials, to law enforcement officials, and to judges in the adult court system who may be unaware of previous violent juvenile offenses by defendants brought before them. A related matter involves the establishment and maintenance of juvenile fingerprint records.<sup>27</sup>

## Selected Legislative Proposals in the 105th Congress

To place legislative proposals of the 105th Congress in context, it may be helpful to note that although the Juvenile Justice and Delinquency Prevention Act of 1974 expired on September 30, 1996, certain proposals included in major

---

<sup>24</sup>Michael Tonry, “Racial Politics, Racial Disparities, and the War on Crime,” *Crime and Delinquency*, vol. 40, Oct. 1994, p. 485.

<sup>25</sup>Council on Crime, p. 11.

<sup>26</sup>*Ibid.*, pp. 10-11.

<sup>27</sup>For additional information, see: U.S. Library of Congress, Congressional Research Service, *Juvenile Justice: Opening Juvenile Records, Pro and Con*, by David Teasley and Charles Doyle, CRS Report 97-698 GOV (Washington: 1997).

reauthorizing legislation introduced during the 104th Congress were funded under FY1997 and FY1998 appropriations.<sup>28</sup>

**S. 10.** The Congressional leadership sponsored several juvenile justice reform bills in the 105th Congress. Senator Orrin Hatch, chairman of the Senate Judiciary Committee, introduced the Violent and Repeat Juvenile Offender Act of 1997 (S. 10) on January 21, 1997. The bill was reported, amended (S.Rept. 105-108) by the Senate Judiciary Committee on October 9, 1997.

As reported, S. 10 would replace the Office of Juvenile Justice and Delinquency Prevention with a new Office of Crime Control and Accountability. It would amend the four existing mandates by removing the requirement that states failing to comply with these mandates lose 25% of Title II, Part B formula grants for each mandate not met, excepting only the sight and sound mandate. It would modify the sight and sound mandate with language prohibiting the state from detaining or confining juveniles found to be delinquent in any institution in which the juvenile would have prohibited contact with adult inmates, or in which the juvenile could engage in sustained oral communication with an adult inmate for more than 72 hours. It would add a provision to require any state or any local government that would receive formula grant funds to test for any sexually transmitted disease any person convicted of sexual activity with a juvenile. Grantees failing to comply with this provision within a reasonable amount of time would lose 10% of their funding.

The bill would create “Juvenile Crime Control and Juvenile Offender Accountability Incentive Block Grants” to states, funded at \$500 million for each fiscal year, FY1998 through FY2002. Block grant funds to states would be used to (1) enhance criminal justice efforts against youth offenders, such as the use of graduated sanctions, short-term confinement of certain juvenile offenders, and the hiring of prosecutors, judges, and probation officers; (2) provide restitution to crime victims; (3) provide schooling or vocational training for youth offenders and punish truancy; (4) establish and update records systems; and (5) fund juvenile crime control and prevention programs. To meet eligibility requirements, states would have to comply with several conditions, including but not limited to, the prosecution of juveniles aged 14 years and older as adults for selected violent crimes, the establishment of a system of graduated sanctions, and the collection and dissemination of fingerprint and photograph records of violent juvenile offenders to law enforcement agencies, the courts, and schools.

The bill would authorize a total of \$3.5 billion, \$700 million for each fiscal year, FY1998 through FY2002. Of the \$700 million authorized each year, \$500 million would be provided for block grants, \$50 million for new grants to prosecutors and courts for state juvenile justice systems, and \$150 million for juvenile justice Title II programs, including the Part B formula grants.

S. 10 would repeal several provisions within the Juvenile Justice Act, Title II, including Part E (State Challenge Activities); the first part of Part I (White House

---

<sup>28</sup>For additional information see: U.S. Library of Congress, *Juvenile Justice: Funding Trends for Selected Programs*, pp. 2-3.

Conference on Juvenile Justice); and the second part of Part I (General and Administrative Provisions). It would amend the federal code regarding juvenile offenders, seizure of property in cases of violent or drug offenses, sexual abuse, hate crimes, and other criminal justice provisions.

**H.R. 3.** On January 7, 1997, Representative Bill McCollum, chairman of the House Judiciary Subcommittee on Crime, introduced the Juvenile Crime Control Act of 1997 (H.R. 3). On May 1, the bill was reported, amended, by the House Committee on the Judiciary (H.Rept. 105-86).

As reported by the committee, the bill consists of three titles. Title I, Reforming the Juvenile Justice System, would change the existing juvenile justice system to encourage greater speed in the prosecution of serious juvenile offenders and to ensure that their punishment will fit the seriousness of crimes they commit. Selected provisions under Title I include a presumption in favor of adult prosecution at the discretion of the prosecutor for juveniles aged 14 years or older who commit serious violent felonies or drug offenses under federal law and who are not handed over to state authorities; preservation of, and public access, to juvenile criminal records; fingerprinting and photographing of juvenile offenders; and the loosening of the *sight and sound* mandate to provide that juveniles not be detained in any facility in which they have *regular* contact with adult prisoners.

Title II, Apprehending Armed Violent Youth, would require that the Attorney General establish an armed violent youth apprehension program. Every U.S. Attorney's office would have to contain at least one designated federal prosecutor for this purpose, and every U.S. Attorney would be required to establish a task force to coordinate law enforcement efforts under the program with state and local officials.

Title III, Accountability for Juvenile Offender and Public Protection Incentive Grants, would authorize a new grant program funded at a total of \$1.5 billion, \$500 million for each year, FY1998 through FY2000. It appears that this grant program would replace the Local Law Enforcement Block Grant Program. Also, it would establish a two-tiered formula: (1) states are to receive a minimum of 0.25% of the total, with the balance of funds remaining based upon the ratio of juveniles under the age of 18 in each state compared to the juvenile population of all states; and (2) states must pass through at least 75% of their funding to local governments based on a formula of two-thirds ratio (average law enforcement expenditure) and one-third ratio (average annual number of Part I violent crimes).

Grants may be used to build, expand, or operate juvenile detention and corrections facilities; develop and administer accountability-based sanctions for juvenile offenders; hire additional prosecutors, juvenile judges, probation officers, and court-appointed defenders; fund efforts of prosecutors to address drug, gang and youth violence; support technology, equipment, and training to aid prosecution of violent juvenile offenders; and establish a variety of programs, including drug courts for youth offenders, juvenile gun courts, interagency information-sharing programs, and accountability-based efforts. Eligible states and localities must, within one year, meet requirements to establish laws, policies, and programs that (1) provide greater prosecutorial flexibility in charging serious violent juvenile offenders; (2) establish a system of graduated sanctions for juvenile offenders, and a system of records for

those juveniles adjudged delinquent and later found guilty of an offense that, if committed by an adult, would be a felony; and (3) allow juvenile court judges the freedom to penalize or impose sanctions against a parent or guardian of a juvenile offender.

On May 8, 1997, the House passed H.R. 3, amended. It approved three amendments to the bill, briefly summarized below:

- The McCollum Amendment would specify that the Attorney General can certify that the interests of justice can be best served by proceeding against a juvenile as a juvenile rather than as an adult; would clarify that the Attorney General instead of the Director of the Bureau of Justice Assistance is authorized to provide grants; would define serious violent crime as murder, aggravated sexual assault, and assault with a firearm; and would allow funding to renovate temporary or permanent juvenile correction or detention facilities and to train correctional personnel.
- The Meehan Amendment, added as Title IV to the bill, would allow special priority for Byrne discretionary grants to public agencies that have strategies implemented or proposed that provide for cooperation among law enforcement agencies to disrupt the illegal sale or transfer of firearms to juveniles by tracing the sources of guns.
- The Dunn Amendment, added as Title V to the bill, would require that states submit a plan describing the process by which parents will be notified of a juvenile sex offender's enrollment in an elementary or secondary school, as a condition of eligibility for Byrne grant funding.

Though H.R. 3 has not received approval in the Senate, FY1998 appropriations for the Department of Justice under the Commerce, Justice, and State Appropriations Act, FY1998 (P.L. 105-119) contain new monies for the Juvenile Accountability Incentive Block Grant (\$250 million), based on the requirements in H.R. 3.

**S. 362/H.R. 810.** Administration proposals were introduced in the 105th Congress by Senator Patrick Leahy (S. 362) and Representative Charles Schumer (H.R. 810). Referred to the appropriate Judiciary Committees, these bills contain provisions that would change the name of the Office of Juvenile Justice and Delinquency Prevention to the Office of Juvenile Crime Control and Prevention; maintain existing mandates, but streamline or eliminate some statutory requirements to increase flexibility; and provide \$80 million for the juvenile justice formula grant program, \$75 million for a new "At-Risk Children Initiative," and \$17 million to states for graduated sanctions for youth offenders.

Other provisions include delinquency prevention measures; the development of Youth Violence Courts, to be funded at \$50 million; the authorization of \$200



million for local prosecutors; gun control for juveniles; and the dedication of 10% of all grant monies for research into funded initiatives.<sup>29</sup>

**S. 15.** On January 21, 1997, Senator Tom Daschle, Senate Minority Leader, introduced the Youth Violence, Crime, and Drug Abuse Control Act of 1997 (S. 15), and it was referred to the Senate Judiciary Committee. The measure would establish several new grant programs, including grants for juvenile drug courts and juvenile gun courts, and Title IV grants to states and national organizations to protect youth from violent crime. The bill would provide and extend funding under the Violent Crime Reduction Trust Fund of the Violent Crime Control and Law Enforcement Act of 1994, Title 31, for these programs. For juvenile drug court grants and juvenile gun court grants, the bill would authorize such sums as necessary from FY1998 through FY2000, and \$50 million for each fiscal year, FY2001 and FY2002, for both programs, respectively. For Title IV grants, the bill would authorize such sums as necessary from FY1998 through FY2000, and \$125 million for each fiscal year, FY2001 and FY2002.

Also, the bill would provide greater access to juvenile records; raise the mandatory release age for juveniles from 21 to 26 years; enhance sentences for criminals who arm themselves with bullet-proof body armor and laser-sighting devices; create a new crime of interstate franchise, to stop the spread of criminal street gangs; and increase penalties for witness intimidation.

**H.R. 1818.** The Juvenile Crime Control and Delinquency Prevention Act of 1997 (H.R. 1818), introduced by Representative Frank Riggs on June 5, 1997, would change the name of the Office of Juvenile Justice and Delinquency Prevention to the Office of Juvenile Crime Control and Delinquency Prevention. The bill would change the formula for Title II, Part B formula grants from an allocation among the states on the basis of relative population of people under age 18, to an allocation of 50% on the basis of relative population of people under age 18, and the other 50% on the annual average number of arrests for serious crimes committed in the eligible state by juveniles during the most recent three years for which such information is available.

The bill would amend requirements for formula grant funds, including adding programs that assist in holding juveniles accountable for their actions; eliminating programs for positive youth development, replacing them with community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that juveniles may be retained in their homes; and creating a new requirement for establishing a system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult.

The bill would amend the four mandates (deinstitutionalization of status offenders; separation of juveniles from sight and sound of adult offenders in any

---

<sup>29</sup>“President Releases Plan to Combat Youth Violence,” *Criminal Justice Newsletter*, Mar. 4, 1997, pp. 3-5.

correctional institution; removal of juveniles from any jail or lockup for adults; and reduction of the disproportionate incarceration of minority juveniles), respectively, in the following ways: (1) retain current prohibition on detaining status offenders in secure facilities in accordance with rules issued by the administrator, which currently allow such juveniles to be held up to 24 hours before and 24 hours after their court appearance; (2) modify “sight and sound” separation requirement to prohibit regular contact, but to allow for incidental, supervised contact (such as passing in a hallway); (3) build additional flexibility into the law by extending the period of time for which juveniles can be held in a facility with adults, prior to an initial court appearance, to 48 hours (excluding weekends and holidays); and (4) modify this provision to require states to address prevention efforts to reduce the disproportionate number of minorities who come in contact with the juvenile justice system. The bill would prohibit the establishment of numerical standards or quotas. It would require that states failing to comply with these mandates lose 12.5% of Title II, Part B formula grants for each mandate not met. It would allow states to receive 50% of their state formula grant funding, whether or not they comply with the four core requirements.

H.R. 1818 would eliminate Part C (National Programs or Discretionary Programs); Part D (Gang-Free Schools and Communities; Community-Based Gang Intervention); Part E (State Challenge Activities); Part F (Treatment for Juvenile Offenders Who Are Victims of Child Abuse or Neglect); Part G (Mentoring); Part H (Boot Camps), Part I (1st part: White House Conference), and Title V (Incentive Grants for Local Delinquency Prevention Programs).

The bill would replace Part I (2nd part: General and Administrative Provisions) with a new Part F. H.R. 1818 would authorize such sums as needed for Title II (excluding Parts C and E) for fiscal years 1998 through 2001. It would provide that within a given fiscal year, no more than 5% of the total shall be available for Part A, at least 80% for Part B, and no more than 15% for Part D. It would authorize such funds as needed for Title II, Parts C and E, for the same fiscal years. It would create a new Part C: Juvenile Delinquency Prevention Block Grant Program. It would allocate funds among the states: 50% on the basis of relative population of people under age 18, and the other 50% on the annual average number of arrests for serious crimes committed in the eligible state by juveniles during the most recent three years for which such information is available. Funds would be used for activities designed to prevent and reduce juvenile crime in communities that have a comprehensive juvenile crime prevention plan. The bill would provide that amendments under this bill would apply only after September 30, 1997.

On June 26, H.R. 1818 was reported, amended (H.Rept. 105-155), by the House Education and Workforce Committee. Three amendments were adopted that would (1) clarify state participation in the proposed block grant program; elaborate procedures on statistical work and make technical changes; (2) ensure that states address child welfare records on those juveniles appearing in court; and (3) authorize funds for the National Center for Missing and Exploited Children. The measure passed the House, with technical and clarifying amendments, on July 15, 1997.

## State and Local Juvenile Justice Reforms

State and local officials have proposed a number of approaches to combat juvenile delinquency, many of which have been tested in the states. These approaches range from tougher penalties and changes in sentencing to community involvement with policing and prosecution and innovations in juvenile crime prevention.

Most states have responded to the recent rise in juvenile arrests for violent crime and public concern about this problem. Between 1992 and 1995, according to an OJJDP report, state legislators have enacted provisions along five general themes:

- More serious and violent juvenile offenders are being removed from the juvenile justice system in favor of criminal court prosecution.
- More state legislatures are experimenting with new disposition [and] sentencing options [such as “blended sentencing,” which combines both juvenile and adult sentences].
- Correctional administrators are under pressure to develop new programs for youth offenders as a result of new transfer and sentencing laws.
- Traditional confidentiality provisions are being revised in favor of more open proceedings and records.
- Victims of juvenile crime are being included as “active participants” in the juvenile justice process [such as having juvenile offenders held accountable by making reparation and restitution to their victims].<sup>30</sup>

Other approaches at the state and local level may include community involvement with criminal justice officials and new juvenile crime prevention efforts. For example, on February 19, 1997, President Clinton stated that he used Boston as a prototype for effecting his plan to reduce juvenile crime and violence. Boston police reported no firearm murders of juveniles in 1996, and an 80% decline in juvenile homicides since 1990. Federal and Boston officials attribute a large part of this decline to several innovative local prevention programs, including but not limited to:

---

<sup>30</sup>U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *State Responses to Serious and Violent Juvenile Crime*, by the National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention (Washington: 1996), pp. xi-xiv.

With respect to the first theme, all states provide for the trial of juveniles as adults in criminal court under certain conditions. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: A Focus on Violence*, by the National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention (Washington: 1995), p. 26. See also: U.S. Library of Congress, Congressional Research Service, *Juveniles in the Adult Criminal Justice System: An Overview*, by Suzanne Cavanagh and David Teasley, CRS Report 95-1152 GOV (Washington: 1995).

- *Community Policing.* Boston Police Commissioner Paul Evans praises the improved relations between street cops and many city residents, especially African-Americans.<sup>31</sup>
- *Operation Night Light.* Bill Stewart, a Boston probation officer who founded the program in 1992, describes it as a partnership between probation and anti-gang officers, involving verification by probation officers riding in police cruisers that offenders are making curfew and avoiding trouble.<sup>32</sup>
- *Youth Service Program.* Established in 1993 and involving an estimated 10,000 youths, Boston police officers teach drug and gang resistance in schools and participate with juveniles in activities ranging from Red Sox game attendance to bowling and basketball leagues to a youth choir.<sup>33</sup>
- *Community-Based Juvenile Justice Program.* Part of a larger “community prosecution” effort, this program focuses on meetings between prosecutors and school officials to identify and assist at-risk youth, stiffer prosecution of serious juvenile offenders, and plans to place assistant district attorneys in neighborhood police stations to encourage the coordination of their activities with police.<sup>34</sup>
- *The Boston Gun Project.* Boston police and U.S. Bureau of Alcohol, Tobacco, and Firearms officials in the Boston office work together to reduce the number of handguns on the street among youth, especially gang members, while the U.S. Attorney’s office presses federal prosecution of repeat offenders.<sup>35</sup>

---

<sup>31</sup>Charles A. Radin,, “Tough Talk on Penalties Irks Some; President Says Little About Prevention, Groups Say,” *The Boston Globe*, Feb. 20, 1997, p. A12.

<sup>32</sup>Indira A.R. Lakshmanan,, “Team Effort Slows Tide of Youth Violence in City,” *The Boston Globe*, July 22, 1996, p. A1.

<sup>33</sup>*Ibid.*

<sup>34</sup>Catherine Coles, and George L. Kelling, “Prosecutors Play Hardball—With Citizens, Police and Courts Working Together, Crime Drops Dramatically,” *The Boston Herald*, Feb. 23, 1997, p. O23.

<sup>35</sup>“Boston’s Falling Murder Rate,” *The Boston Globe*, Jan. 3, 1997, p. A26.

