



Juvenile Justice Funding Trends

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Summary

Although juvenile justice has always been administered by the states, Congress has had significant influence in the area through funding for grant programs administered by the Department of Justice's (DOJ's) Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, P.L. 93-415, was the first comprehensive juvenile justice legislation passed by Congress. Since 1974, the act has undergone several key amendments, including a significant reorganization enacted by P.L. 107-273 in 2002.

Funding for juvenile justice programs within DOJ declined from FY2002 levels by 38% to \$348 million to FY2007, then increased to \$384 in FY2008. For FY2009, juvenile justice funding within DOJ declined to \$374 million.

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Introduction

The federal government has no juvenile justice system of its own. Instead, starting in the 1960s, the federal government began establishing federal juvenile justice entities and grant programs in order to influence the states' juvenile justice systems. Eligibility for many of these grant programs is tied to certain mandates that the states must adhere to in order to receive federal funding. This report provides a brief overview of the juvenile justice grant programs and the overall appropriation administered by the Department of Justice's (DOJ) Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Juvenile Justice Legislation and Grant Programs

The Juvenile Justice and Delinquency Prevention Act (JJDPA) was first passed by Congress in 1974¹ and was most recently reauthorized in 2002 by the 21st Century Department of Justice Appropriations Authorization Act.² The JJDPA's provisions are currently unauthorized, having expired in FYs 2007 and 2008. The JJDPA as originally enacted had three main components: it created a set of institutions within the federal government that were dedicated to coordinating and administering federal juvenile justice efforts; it established grant programs to assist the states with setting up and running their juvenile justice systems; and it promulgated core mandates that states had to adhere to in order to be eligible to receive grant funding. While the JJDPA has been amended several times over the past 30 years, it continues to feature the same three components.³ The following section outlines various juvenile justice grant programs. With two exceptions (outlined below), these grant programs are authorized by the JJDPA.

State Formula Grant

The JJDPA authorizes OJJDP to make formula grants to states that can be used to fund the planning, establishment, operation, coordination, and evaluation of projects for the development of more effective juvenile delinquency programs and improved juvenile justice systems.⁴ Funds are allocated annually among the states on the basis of relative population of people under the age of 18, and states must adhere to certain core mandates⁵ in order to be eligible for funding. Authorization for this program expired in FY2007.

¹ P.L. 90-415.

² P.L. 107-273.

³ For more information on the legislative history of juvenile justice, refer to CRS Report RL33947, *Juvenile Justice: Legislative History and Current Legislative Issues*, by Blas Nuñez-Neto.

⁴ 42 U.S.C. §5631.

⁵ There are currently four core mandates with which – unless for specified exceptions – states must generally comply: states must deinstitutionalize their status offenders (such as truants); states cannot detain or confine juveniles in facilities in which they would have contact with adult inmates; juveniles cannot be detained or confined in any jail or lockup for adults; and states must show that they are working to address the issue of disproportionate minority confinement within their juvenile justice systems.

Juvenile Delinquency Prevention Block Grant Program

This is a discretionary grant program that replaced a number of smaller grant programs in the most recent JJDP reauthorization. The program authorizes OJJDP to make funding available to carry out a broad range of activities in purpose areas designed to prevent juvenile delinquency.⁶ Grant funding is allocated to the eligible states based on the proportion of their population that is under the age of 18. This grant program has not received appropriations to date.

Part E: Developing, Testing, and Demonstrating Promising new Initiatives and Programs (Challenge Grants)

The Challenge Grants program authorizes OJJDP to make grants to state, local, and Indian governments and private entities in order to carry out programs that will develop, test, or demonstrate promising new initiatives that may prevent, control, or reduce juvenile delinquency.⁷ Authorization for this program expired in FY2007.

Juvenile Mentoring Program

This grant program was repealed in 2002 by the 21st Century Department of Justice Reauthorization Act (P.L. 107-273); however, it has continued to receive appropriations each subsequent fiscal year. These grants are awarded to local educational agencies (in partnership with public or private agencies) to establish and support mentoring programs.

Gang-Free Schools and Communities Grant

The Gang-Free Schools and Communities Grant program was repealed in 2002 by the 21st Century Department of Justice Reauthorization Act (P.L. 107-273); however, funding for gang resistance education and training continued to receive appropriations in each subsequent fiscal year. These grants are used to fund a wide variety of prevention or accountability based gang projects. Currently, funding is included as a part of appropriations for the Title V Community Prevention Block Grants.

Title V Community Prevention Block Grants

The Community Prevention Block Grant program⁸ authorizes OJJDP to make grants to states, that are then transmitted to units of local government, in order to carry out delinquency prevention programs for juveniles who have come into contact with, or are likely to come into contact with, the juvenile justice system. Authorization for this program expired in FY2008.

⁶ 42 U.S.C. §5651.

⁷ 42 U.S.C. §5665.

⁸ 42 U.S.C. §5781-5784.

Victims of Child Abuse Act Grant

The Victims of Child Abuse Act of 1990 (P.L. 101-647) authorizes OJJDP to fund technical assistance, training, and administrative reforms for state juvenile and family courts in order to improve the way state juvenile justice systems handle cases of child abuse and neglect.⁹ This program has been unauthorized since FY2005 but has continued to receive appropriations.

Juvenile Accountability Block Grants (JABG)

The Juvenile Accountability Block Grant (JABG) program was originally created by the FY1998 DOJ Appropriations Act (P.L. 105-119) and was appropriated each subsequent fiscal year. The JABG program was subsequently codified by the 21st Century Department of Justice Reauthorization Act (P.L. 107-273).¹⁰ Although the JABG program does not reside within the JJDPA it is nevertheless administered by OJJDP. The JABG program authorizes the Attorney General (AG) to make grants to states and units of local government to strengthen their juvenile justice systems and foster accountability within their juvenile populations by holding juveniles accountable for their actions. Authorizations for this program expire in FY2009.

Juvenile Justice Appropriations

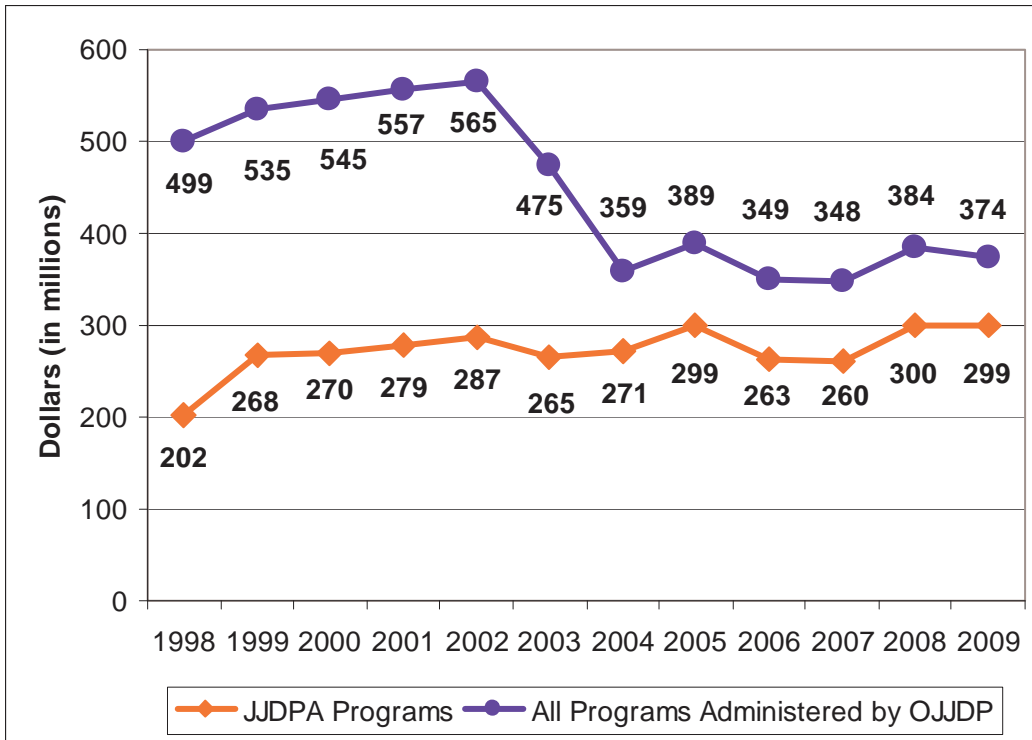
Figure 1 shows overall appropriations for juvenile justice programs within DOJ. This juvenile justice appropriation includes funding allocated within the purview of the JJDPA, as well as other grant programs that are administered by OJJDP but that are not within the JJDPA. Examples of these types of non-JJDPA programs include the JABG program and the Victims of Child Abuse Act grant, which have sometimes been included in different parts of the DOJ appropriation but nevertheless are tailored to juveniles and administered by OJJDP.

From FY1999 to FY2002, overall funding for juvenile justice within the DOJ appropriation remained relatively stable, averaging about \$550 million annually. From FY2002 to FY2007, however, overall juvenile justice funding fell by 38% to \$348 million. The majority of this reduction came from the JABG program. Appropriations for JABG fell from a high of \$250 million in FY2002 to \$49 million in FY2007. In FY2008, the overall appropriation for juvenile justice programs increased by about 10% from FY2007 to \$384 million. Funding for JJDPA programs increased by about 15%, from \$260 million in FY2007 to \$300 million in FY2008. In FY2009, the overall appropriation for juvenile justice programs decreased by about 2.5% to \$374 million. Funding for JJDPA programs decreased slightly to \$299 million in FY2009.

⁹ 42 U.S.C. §13021-13024.

¹⁰ JABG was codified within the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee).

Figure I. Juvenile Justice Appropriations
FY1998 – FY2009



Sources: Amount for FY1998 enacted taken from H.Rept. 105-405; FY1999 enacted taken from H.Rept. 105-825; FY2000 enacted taken from H.Rept. 106-680; FY2001 enacted taken from H.Rept. 107-139; FY2002 enacted taken H.Rept. 107-278; FY2003 enacted taken from H.Rept. 108-10; FY2004 enacted taken from H.Rept. 108-401; FY2005 enacted taken from H.Rept. 108-792; FY2006 enacted taken from H.Rept. 109-272. FY2007 appropriation is based on FY2006 enacted minus a 1.28% rescission, as per P.L. 110-5. FY2008 enacted taken from P.L. 110-161. FY2009 enacted taken from P.L. 111-8.

Notes: Numbers are rounded. Appropriations for FY1998 and FY1999 may not include relevant rescissions. The amount for FY2000 includes a 0.38% government-wide rescission as per P.L. 106-113; FY2001 includes a 0.22% government wide rescission as per P.L. 106-554; FY2003 includes a 0.65% government-wide rescission pursuant to P.L. 108-7; FY2004 includes 0.59% government-wide rescission and a 0.465% DOJ-wide rescission pursuant to P.L. 108-199; FY2005 includes a 0.80% government-wide rescission and a 0.54% DOJ-wide rescission pursuant to P.L. 108-447; and FY2006 includes a 1% across the board rescission pursuant to P.L. 109-148.

Historical Appropriations by Account

Table 1 provides a summary of juvenile justice appropriations by program. The programs appropriated for juvenile justice have varied somewhat from year to year. For example, the 21st Century Department of Justice Reauthorization Act of 2002 (P.L. 107-273), among other things, repealed a number of pre-existing grant programs and consolidated many of their purpose areas within the Juvenile Justice and Delinquency Prevention Block Grant.¹¹ As the table shows, however, this block grant has not been appropriated since its inception. Instead, the appropriators have continued to fund some of the pre-existing grant programs (chiefly, the Victims of Child

¹¹ These grant programs were as follows: Victims of Child Abuse; Community Based Gang Intervention; Tribal Youth; Juvenile Mentoring Programs; and Boot Camps grant programs.

Abuse, Gang-Free Schools and Communities Grant, and Juvenile Mentoring Programs grants) either as separate line-items or with funding set aside from the Title V Community Prevention Grants.

Table 1 also shows that appropriations for specific programs can vary from year to year and that some programs are specifically appropriated in one year but may not be specifically identified in other years, such as Project Sentry and Project Child Safe,¹² which have received stand-alone appropriations some fiscal years and have been set aside from the Title V grant program in other years. Some programs receive funding from larger accounts; for example, OJJDP's Enforcing Underage Drinking Laws¹³ has received an appropriation of \$25 million set aside from the Title V grant program every year since FY1999. The program does not appear on the table because it has never received a stand-alone appropriation.

¹² Project Sentry provided resources for state and local juvenile justice prosecutors to fund initiatives focusing on gun-crimes committed by juveniles. Project Child Safe sought to educate children on firearm safety and fund the purchase of safety locks for firearms.

¹³ This program supports efforts by States, in cooperation with local jurisdictions, to prohibit the sale of alcoholic beverages to or the consumption of alcoholic beverages by minors. Another program that does not appear on the chart is the Tribal Youth Program. It receives annual funding set aside from the Title V grant program and is currently funded at \$25 million for FY2009. It began receiving appropriations in FY1999, and through this program, OJJDP makes grants to federally recognized tribes and Alaska Native villages for delinquency prevention, control, and system improvements for tribal youth.

Table I. Juvenile Justice Appropriations by Program, FY2001-FY2009
(\$ millions)

Program	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009
Part A: Coordination	7	7	7	4	3	1	1	1	—
Part B: State Formula Grants	89	89	84	84	84	80	79	74	75
Part C: Delinquency Prevention Block Grant	50	59	89	—	—	—	—	—	—
Part D: Community Gang Prevention	12	12	12	(20)	(25)	(25)	(25)	(19)	(10)
Part E: Challenge Grants	10	10	10	80	102	106	105	94	82
Part G: Juvenile Mentoring Program Grant	16	16	16	—	15	10	10	70	80
Research and Development	—	—	—	3	10	—	—	—	—
Delinquency Prevention Block Grant	N/A	N/A	—	—	—	—	—	—	—
Title V: Community Prevention Grant	95	94	47	80	80	65	64	61	62
Secure our Schools Act	(15)	(15)	—	10	15	15	15	15	— ^a
Juvenile Accountability Block Grant	250	250	190	60	55	50	49	52	55
Victims of Child Abuse Act	9	8	11	13	15	15	15	17	20
Drug Prevention Program	11	11	—	—	—	—	—	—	—
Project Sentry	—	(5)	(5)	15	—	—	—	—	—
Project Child Safe	—	(38)	(25)	5	5	1	1	—	—
Project Safe Start	10	10	10	10	10	10	10	—	—
Total Juvenile Justice Appropriation	559	565	475	363	394	353	348	384	374

Sources: FY2001 enacted taken from H.Rept. 107-139; FY2002 enacted taken H.Rept. 107-278; FY2003 enacted taken from H.Rept. 108-10; FY2004 enacted taken from H.Rept. 108-401; FY2005 enacted taken from H.Rept. 108-792; FY2006 enacted taken from H.Rept. 109-272. FY2007 appropriation is based on FY2006 enacted minus a 1.28% rescission, as per P.L. 110-5. FY2008 enacted taken from P.L. 110-161. FY2009 enacted taken from P.L. 111-8.

Notes: This table does not include rescissions, and numbers in parentheses are non-adds that have been set aside from other grant programs.

- a. For FY2009, funding for programs under the Secure Our Schools Act was appropriated at \$16 million under the Community Oriented Policing Services (COPS) account.

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