



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. The juvenile justice appropriation includes funding allocated within the purview of the JJDP, as well as other grant programs that are administered by OJJDP but that are not within the JJDP.

For FY2010, the Consolidated Appropriations Act, 2010 (P.L. 111-117) provided \$424 million for juvenile justice programs within DOJ. This was the largest amount appropriated to juvenile justice programs since FY2003. After the restructuring of juvenile justice grant programs in 2002, their funding, which had generally been above \$500 million, began to decline.

For FY2011, the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10) provides \$275 million for juvenile justice programs. Under this act, funds appropriated for DOJ's Juvenile Justice Programs account cannot be used to fund the JJDP Part E grants because these grants are funded through earmarks. The act also requires the reduction in funding for this account to be applied proportionately to each program funded under the account in FY2010. After removing earmarked funding from the FY2010-enacted amount, CRS calculates that each grant program funded under the FY2011 juvenile justice account is reduced by 17.0% relative to the FY2010-enacted amount. From that, the 0.2% across-the-board rescission, as outlined by P.L. 112-10, is applied.

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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's) 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 Kristin M. Finklea.

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

The Juvenile Delinquency Prevention Block Grant Program is a discretionary grant program that replaced a number of smaller grant programs in the most recent JJJPA 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, and the authorization for this program expired in FY2007.

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 tribal 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 has 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 Incentive Grants for Local Delinquency Prevention

The Title V Incentive Grants for Local Delinquency Prevention 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 JJDP, it is nevertheless administered by OJJDP. The JABG program authorizes the Attorney General 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.¹¹ Authorization for this program expired 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 JJDP, as well as other grant programs that are administered by OJJDP but that are not within the JJDP. Examples of these types of non-JJDP 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 FY2000 to FY2002, overall funding for juvenile justice within the DOJ appropriation remained relatively stable, averaging about \$555 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. Between FY2007 and FY2010, funding for juvenile justice programs increased by almost 22% to \$424 million in FY2010. During this time, funding for JJDP programs increased by 27% from \$260 million in FY2007 to \$331 million in FY2010.

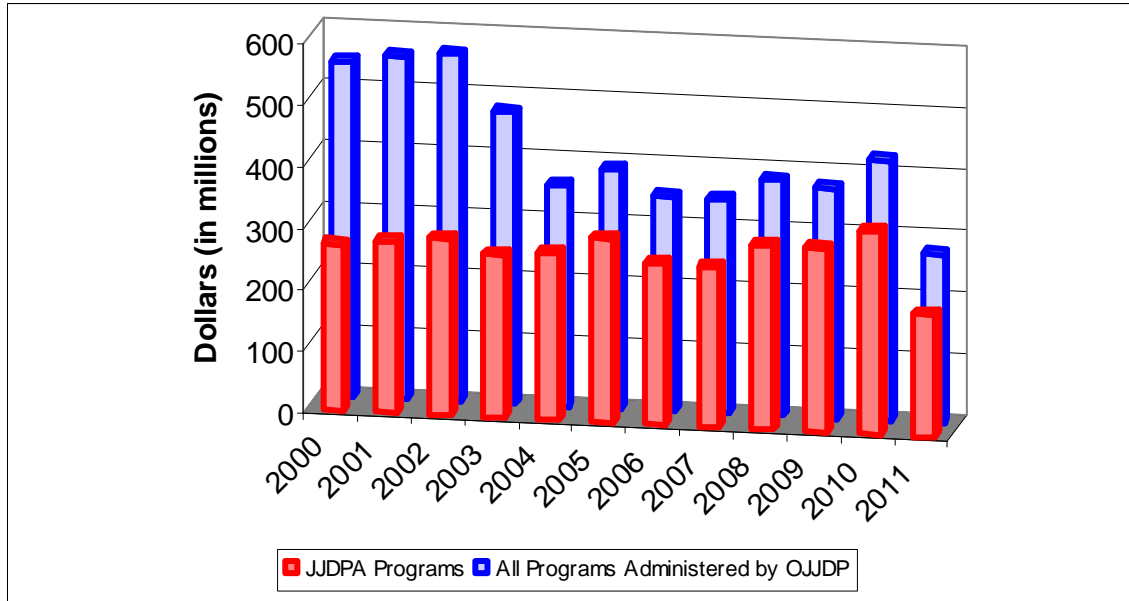
For FY2011, the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10) provides \$275 million for DOJ's juvenile justice programs. Of these funds, \$199 million is for JJDP programs.

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).

¹¹ The only core mandate of the JABG program is that states must begin to implement a system of graduated sanctions in order to be eligible for funding.

Figure I. Juvenile Justice Appropriations
FY2000-FY2011



Sources: 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. FY2010 enacted taken from P.L. 111-117. FY2011 enacted amounts are based on a CRS analysis of the text of P.L. 112-10.

Notes: Numbers are rounded. 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; FY2006 includes a 1% across the board rescission pursuant to P.L. 109-148; and FY2011 includes a 0.20% government-wide rescission pursuant to P.L. 112-10.

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 Delinquency Prevention Block Grant Program.¹² 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 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 Incentive Grants for Local Delinquency Prevention.

¹² These grant programs were as follows: Victims of Child Abuse; Community Based Gang Intervention; Tribal Youth; Juvenile Mentoring Programs; and Boot Camps grant programs.

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,¹³ which have received stand-alone appropriations some fiscal years and have been set aside from the Title V Incentive Grants program in other years. In addition, some programs receive funding from larger accounts; for example, OJJDP’s Enforcing Underage Drinking Laws¹⁴ 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.

In FY2010, the Consolidated Appropriations Act, 2010 (P.L. 111-117) provided funding for a new juvenile justice initiative, the Community-Based Violence Initiative, as requested by the Administration. This initiative is aimed at reducing violence—particularly gun violence—through community-based strategies such as street-level outreach, conflict mediation, and changing community norms.¹⁵

For FY2011, the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10) provides \$275 million for juvenile justice programs. Under this act, funds appropriated for DOJ’s Juvenile Justice Programs account cannot be used to fund the JJDPa Part E grants because these grants are funded through earmarks. The act also requires the reduction in funding for this account to be applied proportionately to each program funded under the account in FY2010. After removing earmarked funding from the FY2010-enacted amount, CRS calculates that each grant program funded under the FY2011 juvenile justice account is reduced by 17.0% relative to the FY2010-enacted amount. From that, the 0.2% across-the-board rescission, as outlined by P.L. 112-10, is applied.

Table 1. Juvenile Justice Appropriations by Program, FY2001-FY2011
(Dollars in millions)

Program	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011
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	75	62
Part C: Delinquency Prevention Block Grant	50	59	89	—	—	—	—	—	—	—	—

¹³ 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.

¹⁴ 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.

¹⁵ For more information, see U.S. Department of Justice, *FY2010 Performance Budget: Office of Justice Programs*, May 2009, <http://www.justice.gov/jmd/2010justification/pdf/fy10-ojp.pdf>.

Program	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011
Part D: Community Gang Prevention	12	12	12	(20)	(25)	(25)	(25)	(19)	(10)	(10)	(8.3)
Part E: Challenge Grants	10	10	10	80	102	106	105	94	82	91	—
Part G: Juvenile Mentoring Program Grant	16	16	16	—	15	10	10	70	80	100	83
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	65	54
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	55	46
Victims of Child Abuse Act	9	8	11	13	15	15	15	17	20	23	19
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	—	—	5	4.1
Community- Based Violence Prevention Initiative	—	—	—	—	—	—	—	—	—	10	8.2
Total Juvenile Justice Appropriation	559	565	475	363	394	353	348	384	374	424	275

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. FY2010 enacted taken from P.L. 111-117. FY2011 enacted amounts are based on a CRS analysis of the text of P.L. 112-10.

Notes: Numbers in parentheses are non-adds that have been set aside from other grant programs.

- a. For FY2009 and FY2010, 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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