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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 (JJJPA) 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 JJJPA, as well as other grant programs that are administered by OJJDP but that are not within the JJJPA.

After the restructuring of juvenile justice grant programs in 2002, their funding, which had generally been above \$500 million, began to decline. 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. From FY2010 through FY2015, juvenile justice funding declined each subsequent fiscal year. Most recently, through the Consolidated Appropriations Act, 2016 (P.L. 114-113), Congress increased juvenile justice funding to its highest level in five years and appropriated nearly \$270.2 million for these programs for FY2016.

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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.¹ Eligibility for some 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 1974² and was most recently reauthorized in 2002 by the 21st Century Department of Justice Appropriations Authorization Act.³ The JJDPA's provisions are currently unauthorized, having expired in FYs 2007 and 2008, although Congress continues to provide appropriations for some of the act's activities. 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.

The JJDPA has been a primary channel through which the federal government provides juvenile justice funding to the states; nonetheless, other congressionally authorized and administratively established programs, administered by OJJDP, have contributed to the overall package of federal juvenile justice funding. The following section outlines various congressionally authorized juvenile justice grant programs, including those 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; however, Congress has continued to provide appropriations in each subsequent fiscal year.

¹ For more information on the legislative history of juvenile justice, refer to CRS Report RL33947, *Juvenile Justice: Legislative History and Current Legislative Issues*, by (name redacted)

² P.L. 90-415.

³ P.L. 107-273.

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 2002 JJDPA reauthorization. The JJDPA 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; rather, the annual appropriation for OJJDP has continued to follow the pre-2002 structure, and funds have been appropriated in each subsequent fiscal year for some of the grant programs that were repealed in 2002. The authorization for this program expired in FY2007.

Developing, Testing, and Demonstrating Promising New Initiatives and Programs (Challenge Grants)

The JJDPA 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. Further, the Challenge Grants last received appropriations in FY2010.

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. Funding has been included as a part of appropriations for the Title V Incentive Grants for Local Delinquency Prevention.

Title V Incentive Grants for Local Delinquency Prevention

The JJDPA authorizes OJJDP to make grants to states, which 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.⁸ Authorization for this program expired in FY2008; however, Congress continues to provide appropriations.

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, but Congress continued to provide appropriations in each subsequent fiscal year through FY2013.

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.

Prior to FY2002, overall funding for juvenile justice within the DOJ appropriation gradually increased, peaking at \$565 million in FY2002. 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.

Funding for juvenile justice programs began to decline once again beginning in FY2011, and that decline continued through FY2015. The Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10) provided \$275 million for DOJ's juvenile justice programs for FY2011. Of these funds, \$199 million was for JJDP programs. Funding for juvenile justice programs continued to decline in FY2012. The Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55) provided \$262.5 million for juvenile justice programs. Of this \$262.5 million, \$138 million was for JJDP programs. Additionally, more than 25% of the juvenile justice program funding provided for FY2012 was designated for activities

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.

that had not been funded previously under the juvenile justice programs account (including funding for missing and exploited children programs, child abuse training programs for judicial personnel and practitioners, and grants and technical assistance in support of the National Forum on Youth Violence Prevention).

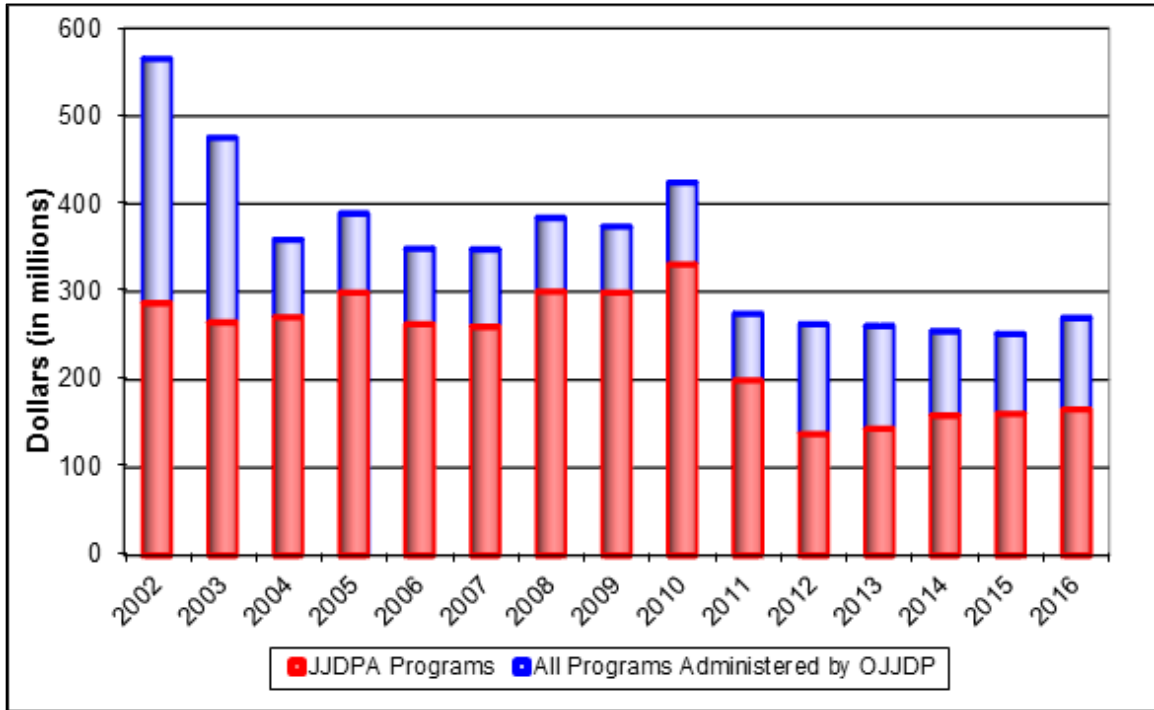
The Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6) provided \$279.5 million for juvenile justice programs for FY2013. Of note, Section 3001 of the act provided for a series of rescissions of FY2013 budget authority.¹² After applying these rescissions and the sequestration ordered by President Obama on March 1, 2013, DOJ reports that juvenile justice programs were funded at nearly \$261.0 million for FY2013.¹³ Juvenile justice funding continued to decline in FY2014; through the Consolidated Appropriations Act, 2014 (P.L. 113-76), Congress appropriated \$254.5 million for juvenile justice programs. One notable change to the juvenile justice funding pattern was an elimination of JABG funding in FY2014. Funding for juvenile justice programs dropped again in FY2015; through the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235), Congress appropriated \$251.5 million for these programs.

Most recently, through the Consolidated Appropriations Act, 2016 (P.L. 114-113), Congress increased juvenile justice funding and appropriated nearly \$270.2 million for these programs for FY2016. Most programs saw an increase in funding levels relative to FY2015 amounts. In addition, specific funding was added to support improvements in juvenile indigent defense. For detailed juvenile justice programs account information, see **Table 1**.

¹² Discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts—including the juvenile justice account within DOJ’s broader Office of Justice Programs account—were subject to a 1.877% rescission. Further, Section 3004 of the act was intended to eliminate any amount by which the new budget authority provided in the act may have exceeded the FY2013 discretionary spending limits in Section 251(c)(2) of the Balanced Budget and Emergency Deficit Control Act, as amended by the Budget Control Act of 2011 (BCA, P.L. 112-25) and the American Taxpayer Relief Act of 2012 (P.L. 112-240). Section 3004 required the percentages to be increased if the Office of Management and Budget (OMB) estimated that additional rescissions would be needed to avoid exceeding the limits. Subsequent to the enactment of P.L. 113-6, OMB calculated that additional rescissions, including 0.2% of non-security budget authority, would be required. For more information on the Budget Control Act, see CRS Report R41965, *The Budget Control Act of 2011*, by (name redacted), (name redacted), and (name redacted) . Pursuant to the BCA, as amended by the American Taxpayer Relief Act of 2012, President Obama ordered that the joint committee sequester be implemented on March 1, 2013. The accompanying OMB report indicated a dollar amount of budget authority to be canceled to each account containing non-exempt funds. The sequester was ultimately applied at the program, project, and activity (PPA) level within each account.

¹³ FY2013 amount provided by the U.S. Department of Justice.

Figure I. Juvenile Justice Appropriations
FY2002-FY2016



Sources: 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 based on a CRS analysis of the text of P.L. 112-10. FY2012 enacted taken from P.L. 112-55. FY2013 amount provided by the U.S. Department of Justice. FY2014 enacted taken from P.L. 113-76. FY2015 enacted taken from P.L. 113-235. FY2016 enacted taken from P.L. 114-113.

Notes: Numbers are rounded. FY2003 includes a 0.65% government-wide rescission pursuant to P.L. 108-7; FY2004 includes a 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. FY2013 amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in Section 3001 of the act. Per Section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts, including juvenile justice. The post-rescission amounts also include an additional rescission, as calculated by OMB per Section 3004 of the act, of 0.2% for discretionary non-security accounts. The FY2013 funding level also reflects reductions that resulted from the sequestration ordered by President Obama on March 1, 2013, pursuant to the Budget Control Act of 2011 (P.L. 112-25).

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.¹⁴ However, this block grant

¹⁴ These grant programs were as follows: Victims of Child Abuse; Community Based Gang Intervention; Tribal Youth; (continued...)

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.

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 the Community Based Violence Prevention Initiative and the National Forum on Youth Violence Prevention, 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 Tribal Youth Program¹⁵ has received a set-aside appropriation from the Title V grant program every year since FY1999.

(...continued)

Juvenile Mentoring Programs; and Boot Camps grant programs.

¹⁵ 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, FY2007-FY2016

(Dollars in millions)

Program	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013^a	FY2014	FY2015	FY2016
Coordination	1	1	—	—	—	—	—	—	—	—
State Formula Grants	79	74	75	75	62	40	41	56	55	58
<i>Emergency Planning— Juvenile Detention Facilities</i>	—	—	—	—	—	—	—	(1)	(1)	(1)
Challenge Grants	105	94	82	91	—	—	—	—	—	—
Juvenile Mentoring Program Grant	10	70	80	100	83	78	84	89	90	90
Title V: Community Prevention Grant	64	61	62	65	54	20	19	15	15	18
<i>Community Gang Prevention</i>	(25)	(19)	(10)	(10)	(8)	(5)	(5)	(3)	(3)	(5)
<i>Tribal Youth Program</i>	(10)	(14)	(25)	(25)	(21)	(10)	(9)	(5)	(5)	(10)
<i>Enforcing Underage Drinking Laws</i>	(25)	(25)	(25)	(25)	(21)	(5)	(5)	(3)	—	—
<i>Juvenile Justice and Education Collaboration Assistance</i>	—	—	—	—	—	—	—	(5)	—	—
<i>Community-Based Violence Prevention Initiative</i>	—	—	—	—	—	—	—	—	(6)	—
<i>National Forum on Youth Violence Prevention</i>	—	—	—	—	—	—	—	—	(1)	—
<i>Children of Incarcerated Parents Web Portal</i>	—	—	—	—	—	—	—	—	—	(1)
<i>Competitive Grants Focusing on Girls in the Juvenile Justice System</i>	—	—	—	—	—	—	—	—	—	(2)
Secure our Schools Act	15	15	— ^b	— ^b	—	—	—	—	—	—
Juvenile Accountability Block Grant	49	52	55	55	46	30	23	—	—	—
Victims of Child Abuse Act	15	17	20	23	19	18	18	19	19	20
Project Child Safe	1	—	—	—	—	—	—	—	—	—
Project Safe Start	10	—	—	5	4	—	—	—	—	—

Program	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013 ^a	FY2014	FY2015	FY2016
Community-Based Violence Prevention Initiative	—	—	—	10	8	8	10	6	— ^c	8
Missing & Exploited Children	—	—	—	—	—	65 ^d	63	67	68	72
Child Abuse Training	—	—	—	—	—	2 ^e	1	2	2	2
National Forum on Youth Violence Prevention	—	—	—	—	—	2	2	1	— ^c	—
Competitive Grants Focusing on Girls in the Juvenile Justice System	—	—	—	—	—	—	—	1	2	— ^f
Children of Incarcerated Parents Web Portal	—	—	—	—	—	—	—	1	1	— ^f
Improving Indigent Defense	—	—	—	—	—	—	—	—	—	3
Total Juvenile Justice Appropriation	348	384	374	424	275	263	261	255	252	270

Sources: 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 based on a CRS analysis of the text of P.L. 112-10. FY2012 enacted taken from P.L. 112-55. FY2013 amount provided by the U.S. Department of Justice. FY2014 enacted taken from P.L. 113-76. FY2015 enacted funding taken from P.L. 113-235. FY2016 enacted taken from P.L. 114-113.

Notes: Numbers in parentheses are non-adds that have been set aside from other grant programs. Amounts may not add to totals due to rounding.

- The FY2013 amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in Section 3001 of the act. Per Section 3001, a rescission of 1.877% was applied to appropriations for discretionary non-security (as defined at 2 U.S.C. §900(c)(4)(A)) accounts, including juvenile justice. The post-rescission amounts also include an additional rescission, as calculated by OMB per Section 3004 of the act, of 0.2% for discretionary non-security accounts. The FY2013 funding levels also reflect reductions that resulted from the sequestration ordered by President Obama on March 1, 2013, pursuant to the Budget Control Act of 2011 (P.L. 112-25).
- 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.
- For FY2015, funding for the Community-Based Violence Prevention Initiative and the National Forum on Youth Violence Prevention was appropriated as set-aside funding from the Title V Community Prevention Grant.
- Funding for missing and exploited children programs was previously provided under the DOJ account for assistance to state and local law enforcement.
- Funding for child abuse training programs for judicial personnel and practitioners was previously provided under the DOJ account for justice assistance programs.
- For FY2016, funding for the Competitive Grants Focusing on Girls in the Juvenile Justice System and the Children of Incarcerated Parents Web Portal was appropriated as set-aside funding from the Title V Community Prevention Grant.

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