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Juvenile Justice Funding Trends

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Summary

Although juvenile justice has always been administered by the states, the federal government has played a role in this area through the administration of grant programs. Congress has influenced juvenile justice by funding 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; P.L. 93-415), enacted in 1974, was the first comprehensive juvenile justice legislation passed by Congress. The JJJPA authorized a series of grant programs designed to support state juvenile justice systems and prevent juvenile delinquency. Since its enactment, the JJJPA has undergone several key amendments, including a significant reorganization in 2002 (by the 21st Century Department of Justice Appropriations Authorization Act; P.L. 107-273). Congress appropriates funding for programs authorized by the JJJPA, as well as for other non-JJJPA grant programs that are administered by OJJDP, through the Juvenile Justice Programs account in the annual Commerce, Justice, Science, and Related Agencies appropriations act.

After the restructuring of juvenile justice grant programs in 2002, the programs' total funding, which had been largely above \$500 million, began to decline. This decline generally continued through FY2007, after which funding for these programs began to increase. For FY2010, the Consolidated Appropriations Act, 2010 (P.L. 111-117), provided \$424 million for juvenile justice programs—the largest appropriation since FY2003. Juvenile justice funding then declined each fiscal year from FY2010 to FY2015. However, through the Consolidated Appropriations Act, 2016 (P.L. 114-113), Congress increased funding for juvenile justice programs to \$270 million for FY2016—the highest level in five years. The funding boost was short-lived. Through the Consolidated Appropriations Act, 2017 (P.L. 115-31), Congress reduced funding for juvenile justice programs to \$247 million for FY2017.

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The federal government has no juvenile justice system of its own. Rather, juvenile justice is administered by the states. The federal government, though, influences states' juvenile justice systems through the administration of grant programs and the provision of funds.¹

This report provides a brief overview of the juvenile justice-related grant programs and the overall juvenile justice appropriations administered by the Department of Justice's (DOJ's) Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Juvenile Justice Legislation and Grant Programs

A number of federally funded juvenile justice grant programs are authorized by the Juvenile Justice and Delinquency Prevention Act (JJDP). The JJDP was first passed by Congress in 1974 (P.L. 93-415) and was most recently reauthorized in 2002 by the 21st Century Department of Justice Appropriations Authorization Act (P.L. 107-273). The JJDP as originally enacted had three main components: (1) it established OJJDP to coordinate and administer federal juvenile justice efforts; (2) it created grant programs to assist states with their juvenile justice systems; and (3) it promulgated core mandates to which states had to adhere to be eligible to receive grant funding. Although the JJDP has been amended several times over the past 40 years, it continues to feature these three components. The JJDP's provisions expired in FY2007 and FY2008,² but Congress continues to provide appropriations for some of the act's activities.

The JJDP has been a primary channel through which the federal government has provided juvenile justice funding to the states. However, other programs also 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 JJDP.

State Formula Grant Program

The JJDP allows OJJDP to make formula grants to states that can be used to fund the planning, establishment, operation, coordination, and evaluation of projects that develop more effective juvenile delinquency programs and improve juvenile justice systems.³ Funds are allocated annually based on each state's proportion of people under the age of 18, and states must adhere to certain core mandates to receive their portion of the funding.⁴ 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 and for details on the grant programs outlined in this report, refer to CRS Report RL33947, *Juvenile Justice: Legislative History and Current Legislative Issues*, by (name redacted)

² The State Formula Grant Program, Juvenile Delinquency Prevention Block Grant Program, and Challenge Grants expired in FY2007. The Incentive Grants for Local Delinquency Prevention expired in FY2008.

³ 42 U.S.C. §5631.

⁴ There are 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 contact 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 (P.L. 107-273). The JJDPA allows OJJDP to make grants for a broad range of activities designed to prevent juvenile delinquency.⁵ 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 juvenile justice programs has continued to fund some of the individual programs and purpose areas that were repealed and rolled into this block grant program in the 2002 JJDPA reauthorization. The authorization for the Juvenile Delinquency Prevention Block Grant Program expired in FY2007.

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

The JJDPA allows OJJDP to make grants to state, local, and tribal governments and nongovernmental organizations for programs to develop, test, or demonstrate promising new initiatives that may prevent, control, or reduce juvenile delinquency.⁶ Authorization for this program expired in FY2007. The Challenge Grants Program last received appropriations in FY2010.

Juvenile Mentoring Program

The Juvenile Mentoring Program was authorized in a 1992 JJDPA reauthorization (the Incentive Grants for Local Delinquency Prevention Programs Act; P.L. 102-586) to reduce delinquent behavior, improve scholastic performance, and reduce school dropouts.⁷ The program was repealed by P.L. 107-273; however, it has continued to receive appropriations. 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 and Community Based Gang Intervention Grant

The Gang-Free Schools and Communities Grant Program funded gang-prevention activities and treatment programs for juvenile gang members. The Community Based Gang Intervention Grant Program was designed to support programs and activities that involve families and communities in prevention and treatment programs to address juvenile gangs and drug abuse. Both programs were repealed in 2002 by P.L. 107-273; however, funding for a gang-related grant program 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 for the grants has been included as a part of appropriations for the Title V Incentive Grants for Local Delinquency Prevention.

⁵ 42 U.S.C. §5651.

⁶ 42 U.S.C. §5665.

⁷ For more information on the Juvenile Mentoring Program and youth mentoring, see CRS Report RL34306, *Vulnerable Youth: Federal Mentoring Programs and Issues*.

Title V Incentive Grants for Local Delinquency Prevention

The JJDP Act allows OJJDP to make grants to states, which are then transmitted to units of local government, 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 has continued to provide appropriations.

Victims of Child Abuse Act Grants

The Victims of Child Abuse Act of 1990 (Title II of the Crime Control Act of 1990, P.L. 101-647) allows OJJDP to fund technical assistance, training, and administrative reforms for state juvenile and family courts to improve the way state courts handle cases of child abuse and neglect.⁹ The Violence Against Women Act Reauthorization Act of 2013 (P.L. 113-4) reauthorized this program at \$2.3 million for each year through FY2018.

Juvenile Accountability Block Grants

Congress initially stood up the Juvenile Accountability Block Grant (JABG) program by appropriating funding for it in the FY1998 DOJ appropriations act (P.L. 105-119). Congress subsequently authorized the JABG program through P.L. 107-273.¹⁰ Although the authorization for the JABG program is not a part of the JJDP Act, it nevertheless is administered by OJJDP. The JABG program allows the Attorney General to make grants to states and units of local government to strengthen their juvenile justice systems, including holding juveniles accountable for their actions.¹¹ Authorization for this program expired in FY2009, but Congress continued to provide appropriations through FY2013.

Juvenile Justice Appropriations

Figure 1 shows total appropriations for juvenile justice programs administered by OJJDP. This total includes funding appropriated pursuant to the JJDP Act and funding for other non-JJDP Act grant programs administered by OJJDP. Examples of non-JJDP Act programs include the JABG program and the Victims of Child Abuse Act Grants. Congress appropriates funding for programs authorized by the JJDP Act, as well as for other non-JJDP Act grant programs that are administered by OJJDP, through the Juvenile Justice Programs account in the annual Commerce, Justice, Science, and Related Agencies appropriations act.

⁸ 42 U.S.C. §§5781-5784.

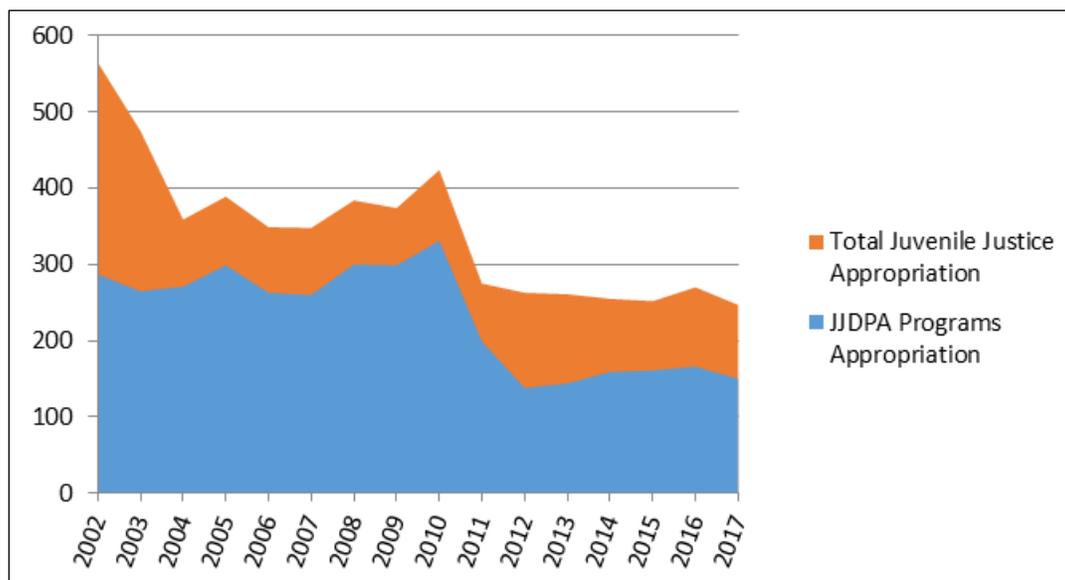
⁹ 42 U.S.C. §§13021-13024. For more information on this and other Victims of Child Abuse Act programs, see CRS Report R43458, *Child Welfare: An Overview of Federal Programs and Their Current Funding*.

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

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

Figure 1. Juvenile Justice Appropriations, FY2002–FY2017

(dollars in millions)



Sources: FY2002 enacted taken from 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. FY2017 enacted taken from P.L. 115-31.

Notes: Numbers are rounded. The amounts include all rescissions of current year budget authority. The FY2013 funding level also reflects sequestration pursuant to the Budget Control Act of 2011 (P.L. 112-25). JJDPA = Juvenile Justice and Delinquency Prevention Act (P.L. 93-415).

Overall funding for juvenile justice programs peaked at \$565 million in FY2002. From FY2002 to FY2007, however, overall funding fell by 38% to \$348 million. The majority of this reduction came from cuts to the JABG program. Appropriations for JABG fell from a high of \$250 million in FY2002 to \$49 million in FY2007. From FY2007 to FY2010, total funding for juvenile justice programs increased by almost 22% to \$424 million, with funding for JJDPA programs increasing by 27% to \$331 million over this same period.

Funding for juvenile justice programs again began to decline in FY2011, and that decline continued through FY2015. From FY2010 to FY2015, total funding for juvenile justice programs decreased by nearly 41%, from \$424 million to \$252 million. Contributing to this drop, Congress eliminated funding for the Challenge Grants in FY2011 and for the JABG program in FY2014. During this time period, however, Congress also started appropriating funding for activities 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).

More recently, Congress increased juvenile justice funding to approximately \$270 million for FY2016. Most programs saw an increase in funding relative to FY2015. In addition, funding was added to support improvements in juvenile indigent defense. However, Congress cut juvenile

justice funding by almost 9% to \$247 million for FY2017. Notably, Congress eliminated the Tribal Youth Program,¹² which had been funded continuously since it was established in 1999.

Historical Appropriations by Program

Table 1 provides a breakdown of funding for the Juvenile Justice Programs account by program for the 10-year period from FY2008 to FY2017.

Appropriations for specific programs in the Juvenile Justice Programs account can vary from year to year. For example, starting in FY2012, Congress moved funding for missing and exploited children programs from the Justice Assistance account to the Juvenile Justice Programs account. In addition, Congress sometimes provides funding for programs as a specific line item in the Juvenile Justice Programs account, but in other years funding for those programs is provided as a set-aside from another program in the account. For example, the Community Based Violence Prevention Initiative and the Competitive Grants Focusing on Girls in the Juvenile Justice System Program have received stand-alone appropriations in some fiscal years and have been funded by set-asides from the Title V Incentive Grants Program in other years. By contrast, some programs consistently receive funding from larger accounts (e.g., gang prevention grants are regularly funded through the Title V Incentive Grants Program funding).

¹² Through this program, the Office of Juvenile Justice and Delinquency Prevention 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, FY2008-FY2017

(dollars in millions)

Program	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013^a	FY2014	FY2015	FY2016	FY2017
Coordination	1	—	—	—	—	—	—	—	—	—
State Formula Grants	74	75	75	62	40	41	56	55	58	55
<i>Emergency Planning— Juvenile Detention Facilities</i>	—	—	—	—	—	—	(1)	(1)	(1)	(1)
Challenge Grants	94	82	91	—	—	—	—	—	—	—
Juvenile Mentoring Program Grant	70	80	100	83	78	84	89	90	90	80
Title V: Incentive Grants	61	62	65	54	20	19	15	15	18	15
<i>Community Gang Prevention</i>	(19)	(10)	(10)	(8)	(5)	(5)	(3)	(3)	(5)	(4)
<i>Tribal Youth Program</i>	(14)	(25)	(25)	(21)	(10)	(9)	(5)	(5)	(10)	—
<i>Enforcing Underage Drinking Laws</i>	(25)	(25)	(25)	(21)	(5)	(5)	(3)	—	—	—
<i>Juvenile Justice and Education Collaboration Assistance</i>	—	—	—	—	—	—	(5)	—	—	—
<i>Community-Based Violence Prevention Initiative</i>	—	—	—	—	—	—	—	(6)	—	(8)
<i>National Forum on Youth Violence Prevention</i>	—	—	—	—	—	—	—	(1)	—	—
<i>Children of Incarcerated Parents Web Portal</i>	—	—	—	—	—	—	—	—	(1)	(1)
<i>Competitive Grants Focusing on Girls in the Juvenile Justice System</i>	—	—	—	—	—	—	—	—	(2)	(2)
Secure our Schools Act	15	— ^b	— ^b	—	—	—	—	—	—	—
Juvenile Accountability Block Grant	52	55	55	46	30	23	—	—	—	—
Victims of Child Abuse Act	17	20	23	19	18	18	19	19	20	21
Project Safe Start	—	—	5	4	—	—	—	—	—	—
Community-Based Violence	—	—	10	8	8	10	6	— ^c	8	— ^c

Program	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013 ^a	FY2014	FY2015	FY2016	FY2017
Prevention Initiative										
Missing and Exploited Children	—	—	—	—	65 ^d	63	67	68	72	73
Child Abuse Training	—	—	—	—	2 ^e	1	2	2	2	2
National Forum on Youth Violence Prevention	—	—	—	—	2	2	1	— ^f	—	—
Competitive Grants Focusing on Girls in the Juvenile Justice System	—	—	—	—	—	—	1	2	— ^f	— ^g
Children of Incarcerated Parents Web Portal	—	—	—	—	—	—	1	1	— ^g	— ^g
Improving Indigent Defense	—	—	—	—	—	—	—	—	3	2
Total Juvenile Justice Appropriation	384	374	424	275	263	261	255	252	270	247

Sources: 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 (DOJ). FY2014 enacted taken from P.L. 113-76. FY2015 enacted taken from P.L. 113-235. FY2016 enacted taken from P.L. 114-113. FY2017 enacted taken from P.L. 115-31.

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.

- a. The FY2013 amounts reflect rescissions of discretionary budget authority provided in P.L. 113-6 as specified in §3001 of the act. Per §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 the Office of Management and Budget per §3004 of the act, of 0.2% for discretionary non-security accounts. In addition, the FY2013 funding levels 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).
- b. For FY2009 and FY2010, funding for programs under the Secure Our Schools Act (authorized by the Omnibus Crime Control and Safe Streets Act of 1968; P.L. 90-351) was appropriated at \$16 million under the Community Oriented Policing Services (COPS) account.
- c. For FY2015 and FY2017, funding for the Community-Based Violence Prevention Initiative was appropriated as set-aside funding from the Title V Community Prevention Grant.
- d. Funding for missing and exploited children programs previously was provided under the DOJ account for Justice Assistance.
- e. Funding for child abuse training programs for judicial personnel and practitioners previously was provided under the DOJ account for State and Local Law Enforcement Assistance.
- f. For FY2015, funding for the National Forum on Youth Violence Prevention was appropriated as set-aside funding from the Title V Community Prevention Grant.
- g. For FY2016 and FY2017, 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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