

Juvenile Justice and Delinquency Prevention Act of 1974



Bridget O'Donnell
[American Bar Association](#)

What is it?

The Juvenile Justice and Delinquency Prevention Act of 1974 (last reauthorized in 2002) requires states to keep youth under the jurisdiction of the juvenile court and out of adult jail.

It assesses the needs of vulnerable youth and their families.

The JJDPA supports...

- Delinquency prevention programs to improve state and local juvenile justice systems
- A juvenile planning and advisory system in all states
- Operation of the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) dedicated to training, technical assistance, model program development, research and evaluation, and support of state and local efforts.

More about it...

The four Ds:

1. Decriminalization: taking status offenders out from delinquency definitions and constraining court authority with these youths
2. Diversion from the court of lesser offenders, including status offenders
3. Due process implementations at all processing stages
4. Deinstitutionalization of status offenders and delinquents in concert with some expansion of community based institutional alternative programs

Core Protections in Need of Provisions:

1. End Detention or Jailing of Non-Criminal Status Offenders
2. Reduce Racial and Ethnic Disparities
3. Improve the Jail Removal and Sight-and-Sound Core Requirements

End Detention or Jailing of Non-Criminal Status Offenders

- The reauthorization legislation will fully phase-out over three years and eliminate the Valid Court Order exception states have used to jail large numbers of non-delinquent status offenders
 - Such as youth who are truant, runaway, or violate curfew, alcohol and tobacco laws
- Shelter care, family support and community or school-based interventions are less costly and less harmful to youth development

Reduce Racial and Ethnic Disparities

- Youth of color are disproportionately over-represented in juvenile delinquency centers and subject to more punitive sanctions than similarly-charged/situated white youth at all levels of the juvenile justice system
- Legislation should require states and localities to plan and implement data-driven approaches, set measurable goals for disparity reduction, collect data and publically report on progress each year

Improve the Jail Removal and Sight-and-Sound Core Requirements

- Youth confined in adult jails and lock-ups are more likely to re-offend upon release and while confined are at pronounced high risks for suffering assault and committing suicide
- The bill extends the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult lock-ups and to ensure sight and sound separation in the limited circumstances where they are held in adult facilities