An hourglass-shaped graphic with a globe in the top bulb and another globe in the bottom bulb. The hourglass is light blue and has a dark blue top and bottom. The globe in the top bulb is dark blue, and the globe in the bottom bulb is light blue. The hourglass is centered on the page.

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Report RS22655

*Juvenile Justice Funding Trends*

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February 27, 2008

**Abstract.** 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 OJJDP.

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# Juvenile Justice Funding Trends

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February 27, 2008

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RS22655

**CRS Report for Congress**

*Prepared for Members and Committees of Congress*

## 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 by 38% to \$348 million from FY2002 to FY2007, then increased to \$384 in FY2008. In FY2009, the President's request would reduce juvenile justice funding within DOJ by 52% to \$185 million and consolidate all existing grant programs into one broad discretionary grant program.

## 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 OJJDP.

## Juvenile Justice Legislation and Grant Programs

The Juvenile Justice and Delinquency Prevention Act (JJDP) was first passed by Congress in 1974<sup>1</sup> and was most recently reauthorized in 2002 by the 21<sup>st</sup> Century Department of Justice Appropriations Authorization Act.<sup>2</sup> Unless otherwise noted, most of the JJDP's provisions are currently unauthorized, having expired in FY2007. The JJDP 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 JJDP has been amended several times over the past 30 years, it continues to feature the same three components.<sup>3</sup> The following section outlines various juvenile justice grant programs. With two exceptions (outlined below), these grant programs are authorized by the JJDP.

### State Formula Grant

The JJDP authorizes the Office of Juvenile Justice and Delinquency Prevention (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.<sup>4</sup> 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 mandates<sup>5</sup> in order to be eligible for funding. Authorization for this program expired in FY2007.

### Juvenile Delinquency Prevention Block Grants

This is a discretionary grant program that replaced a number of smaller grant programs in the JJDP's last reauthorization. The program authorizes OJJDP to make funding available to carry

<sup>1</sup> P.L. 90-415.

<sup>2</sup> P.L. 107-273.

<sup>3</sup> 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.

<sup>4</sup> 42 U.S.C. §5631.

<sup>5</sup> There are currently four core mandates: 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 to 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.

out a broad range of purpose areas designed to prevent juvenile delinquency.<sup>6</sup> 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.<sup>7</sup> Authorization for this program expired in FY2007.

#### **Juvenile Mentoring Program**

This grant program was repealed in 2002 by the 21<sup>st</sup> 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 21<sup>st</sup> Century Department of Justice Reauthorization Act (P.L. 107-273); however, funding for “Youth Gangs” has continued to receive appropriations each subsequent fiscal year. These grants are used to fund a wide variety of prevention or accountability based gang projects.

#### **Title V Community Prevention Block Grants**

The Community Prevention Block Grant program<sup>8</sup> 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. This program is authorized through FY2008.

#### **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 21<sup>st</sup> Century Department of Justice Reauthorization Act (P.L. 107-273).<sup>9</sup> 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

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<sup>6</sup> 42 U.S.C. §5651.

<sup>7</sup> 42 U.S.C. §5665.

<sup>8</sup> 42 U.S.C. §5781-5784.

<sup>9</sup> JABG was codified within the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee).

justice systems and foster accountability within their juvenile populations by holding juveniles accountable for their actions. The program is authorized through FY2008.

### **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.<sup>10</sup> This program has been unauthorized since FY2005 but has continued to receive appropriations.

### **Juvenile Justice Appropriations**

Error! Reference source not found. 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, the Victims of Child Abuse Act grant, and Project Safe Start, which have sometimes been included in different parts of the DOJ appropriation but nevertheless are tailored to juveniles and administered by OJJDP.<sup>11</sup> 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 10% from FY2007 to \$384 million. Funding for JJDP programs increased by 15%, from \$260 million in FY2007 to \$300 million in FY2008.

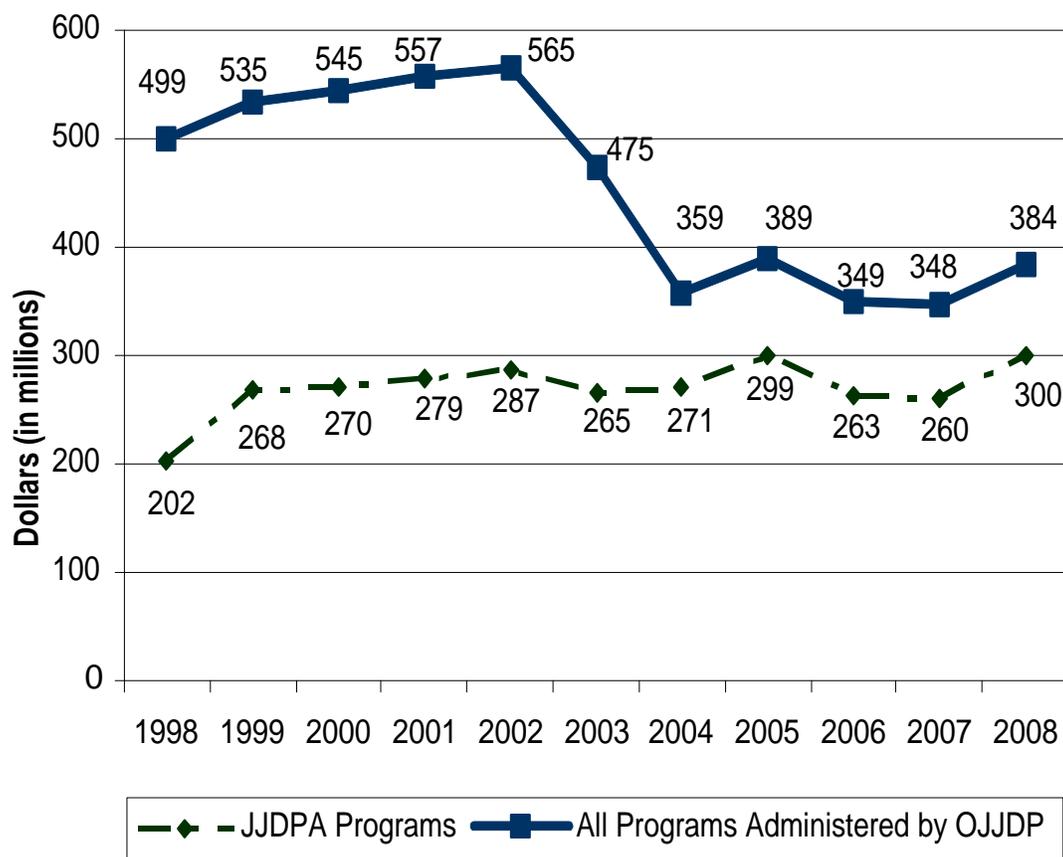
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<sup>10</sup> 42 U.S.C. §13021-13024.

<sup>11</sup> Safe Start funds a range of projects that examine and address the effects of children's exposure to violence and provide services to mitigate those effects.

Figure 1. Juvenile Justice Appropriations



**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.

**Notes:** FY2007 appropriation is based on FY2006 enacted minus a 1.28% rescission, as per P.L. 110-5. 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.

### President’s FY2009 Request

In its FY2009 request, DOJ is proposing to reconfigure the current structure of the grant programs within OJJDP by replacing the current legislatively mandated grant programs with one broad discretionary grant program called the “Child Safety and Juvenile Justice Program.” The overall request for this new juvenile justice grant program would be \$185 million in FY2009. According

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to the Administration, this new grant program will award funding “through a competitive grant process”<sup>12</sup> and will be used to support “state and local governments in addressing child safety and juvenile justice needs through a single, flexible grant program to reduce incidents of child exploitation and abuse, improve juvenile justice outcomes, and address school safety needs.”<sup>13</sup> This would seem to mark a step away from OJJDP’s current statutory focus on helping the states’ juvenile justice systems and providing funding for delinquency prevention measures. Instead, DOJ is proposing what appears to be a broader focus that would include the allocation of some juvenile justice funding to provide assistance for school safety and child abuse issues.

## 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 21<sup>st</sup> 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.<sup>14</sup> 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 as carve-outs within the Title V Community Prevention Grants. Additionally, some funding administered by OJJDP is appropriated in other accounts within DOJ, including funding for the Safe Start program appropriated within the Office for Violence Against Women. **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,<sup>15</sup> which have received stand-alone appropriations some fiscal years and have been carved-out from the Title V grant program in other years. Some programs are carved out of larger accounts; for example, OJJDP’s Enforcing Underage Drinking Laws<sup>16</sup> has received an annual carve-out of \$25 million 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.

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<sup>12</sup> U.S. Department of Justice, *Department of Justice FY2009 Congressional Budget Justification*, p. OJP-107. Hereafter referred to as DOJ FY2009 Justification.

<sup>13</sup> DOJ FY2009 Justification, p. OJP-3 and 10.

<sup>14</sup> These grant programs were as follows: Victims of Child Abuse; Community Based Gang Intervention; Tribal Youth; Juvenile Mentoring Programs; and Boot Camps grant programs.

<sup>15</sup> Project Sentry provided resources for state and local juvenile justice prosecutors to fund initiatives focusing on gun-crimes committed by juveniles. Project Childsafe seeks to educate children on firearm safety and fund the purchase of safety locks for firearms.

<sup>16</sup> 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.

**Table I. Juvenile Justice Appropriations by Program, FY2000-FY2007**  
(\$ millions)

| Program                                     | FY2001     | FY2002     | FY2003     | FY2004     | FY2005     | FY2006     | FY2007     | FY2008     |
|---|------------|------------|------------|------------|------------|------------|------------|------------|
| Part A: Coordination                        | 7          | 7          | 7          | 4          | 3          | 1          | 1          | 1          |
| Part B: State Formula Grants                | 89         | 89         | 84         | 84         | 84         | 80         | 79         | 74         |
| Part C: Delinquency Prevention Block Grant  | 50         | 59         | 89         | —          | —          | —          | —          | —          |
| Part D: Community Gang Prevention           | 12         | 12         | 12         | (20)       | (25)       | (25)       | (25)       | (19)       |
| Part E: Challenge Grants                    | 10         | 10         | 10         | 80         | 102        | 106        | 105        | 94         |
| Part G: Juvenile Mentoring Program Grant    | 16         | 16         | 16         | —          | 15         | 10         | 10         | 70         |
| 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         |
| Secure our Schools Act                      | (15)       | (15)       | —          | 10         | 15         | 15         | 15         | 15         |
| Juvenile Accountability Block Grant         | 250        | 250        | 190        | 60         | 55         | 50         | 49         | 52         |
| Victims of Child Abuse Act                  | 9          | 8          | 11         | 13         | 15         | 15         | 15         | 17         |
| 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         | —          |
| <b>Total Juvenile Justice Appropriation</b> | <b>559</b> | <b>565</b> | <b>475</b> | <b>363</b> | <b>394</b> | <b>353</b> | <b>348</b> | <b>384</b> |

**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. This table does not include rescissions, and numbers in parentheses are non-adds that have been carved out of other grant programs.

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