

Juvenile Justice and Delinquency Prevention Act (JJDP Act)

The federal JJDP Act contains four requirements: deinstitutionalization of status offenders; sight and sound separation; jail removal and disproportionate minority confinement (DMC).

1. The Deinstitutionalization of Status Offenders (DSO) requires that juveniles who are charged with status offenses, or offenses that would not be criminal if committed by an adult (truancy, running away, possession of alcohol or tobacco, etc.), cannot be placed in secure detention facilities or secure correctional facilities.

Research shows there are many reasons why youth run away including physical and sexual abuse in the home, strained relationships with family and a desire for independence. These youth face many problems and experiences on the street such as obtaining money through illegal means, drug and alcohol use, physical and sexual assault and gang activity.

Truancy is usually not a single issue with youth but is a symptom of more serious problems such as family problems, peer relationships or engaging in delinquent behavior. According to CJJP research, there are a variety of ways that life quality can be diminished as a result of dropping out of school including a reduction in personal income, high unemployment, increased risk of incarceration, deceleration in human growth and potential, and a reduced sense of control over one's life.

Effective programming must target the causes of status offenses and strive to meet these needs through appropriate and specific services. Many of these youth are not already in the juvenile justice system, these programs should attempt to identify these families and be available to address them directly.

Examples of programs directed at runaways are shelter care, family-centered services, processing or intake centers and attendant care. These programs serve to identify and offer assistance to runaways while meeting the deinstitutionalization of status offenders mandate.

Examples of truancy related programs are school-based youth services, truancy/liaison officers, alternative schools, after school and family services. This type of program identifies truants and intervenes to help them address and correct the problems to meet the DSO mandate.

2. Sight and sound separation requires that juveniles not be detained in facilities where they have regular contact with adult prisoners. No juvenile shall be detained or confined in any jail or lockup for adults (juveniles may be held up to 6 hours for booking and identification); except that federal regulations are promulgated which make exceptions with regard to the detention of juveniles accused of non-status offenses who are awaiting an initial court appearance within twenty-four hours after being taken into custody provided that such exceptions are limited to areas which:

- a. are outside a Standard Metropolitan Statistical Area,
- b. have no existing acceptable alternative placement available, and
- c. are in compliance with sight and sound provisions.

Examples of programs for jail removal and sight and sound separation could include services in detention centers or other secure facilities, transportation services, holdover - attendant care services, or assessment centers. These services assist law enforcement with the processing and handling of youth and maintaining the jail removal and sight and sound requirements of the JJDP Act.

3. The Juvenile Justice and Delinquency Prevention Act of 1974 as amended requires that states assess and address the issue of the DMC in secure facilities.

An intensive study, conducted by Dr. Michael Leiber, University of Northern Iowa, The Disproportionate Overrepresentation of Minority Youth in Secure Facilities: A Survey of Decision Makers and Delinquents, as well as other activities completed in Iowa, determined that:

- Minority youth are disproportionately over-represented in secure facilities and within Iowa's juvenile justice system.
- Race was a factor contributing to this overrepresentation:
 - legal factors have much stronger impact than race
 - subtle/unintentional bias, not blatant racism, is the problem
 - effect of race on decision-making varied by race, community and the stage of juvenile court processing
 - eliminating race bias in juvenile court processing, alone, will not eliminate overrepresentation
- Overrepresentation in the system is largely due to social and community situations outside the justice system.
- There is little minority input in the development of system policies and programs.
- There are few minority persons working within the system.

Strategies to resolve the disproportionate confinement of youth of color in Iowa's juvenile justice facilities are incomplete when comprehensive prevention programming is not a central tenet. Disproportionate minority confinement is strictly a measure by which youth of color are over-represented in detention or correctional facilities compared with the general population.

DMC is an emotionally charged issue. People are hesitant to talk about race, culture, discrimination, racism, etc. Applicants in this category have to address the need for the program - state the numbers of youth of color who are in the detention facility, in the training school and/or the number of youth who are committing crimes. Then a discussion must be held on why this is happening in your area.

Programs addressing minority overrepresentation should include:

1. Culturally appropriate programming for the population the program is to serve. This includes history, respect of language, religious and cultural differences, etc. Discussion should be provided that identifies how the unique needs of youth will be met.
2. Multi-level collaboration within the system and among agencies. To affect DMC, all parts of the system need to see this issue as important and work together to affect the outcome. Letters of support are not enough - collaboration needs to be seen through the program. (i.e. we will get our referrals from juvenile court, the juvenile court judge will order youth into our program, DHS will include our program in their clients' case plans, etc.). The collaboration must be real.
3. How this project will affect disproportionate minority confinement. Plans to compare arrest data, crime statistics, detention statistics, the state training school data, etc. will need to be discussed. The applicant must show how this program will evaluate its efforts to affect the disproportionate confinement of youth of color.

Examples of programs the Council will consider for funding include: prevention programs, Rites of Passage programs, diversion, in-home detention, mentoring, etc.

Gender Specific Programming

As part of the 1992 Reauthorization of the Juvenile Justice and Delinquency Prevention Act, Congress recognized the failure of the Act to deal with gender bias in any meaningful way and required specific steps to be undertaken to confront this systemic issue. The steps include a requirement that states

analyze gender specific services and develop a plan for providing needed gender specific services for the prevention and treatment of juvenile delinquency. All applicants will be evaluated on the extent to which the strategy specifically utilizes gender specific programming and reflects the needs and issues of girls or assists in providing information on the needs and issues of girls. Providing gender specific programs and services is needed in all funding categories.

There is a great deal of research that documents the need to provide services specifically for girls. These services must be more than ones which merely target the young women at-risk. They are instead, ones which meet the standard of being both specific to the female experience and free from gender bias. Using this rationale, any program that attempts to serve young women must:

- meet the unique needs of females
- value the female perspective
- honor the female experience
- celebrate the contributions of girls and women
- respect female development
- empower girls and young women to reach their full human potential
- work to change established attitudes that prevent or discourage girls and young women from recognizing that potential

Careful examination of everything we do in girls' programs is needed, including: the education materials, the discipline system, the rules and norms, the treatment modalities, the relationships, program activities and the general program environment and culture.

When considering whether gender specific programming is necessary, it is important to know that:

- Boys form their identity primarily in relation to the greater world. This means that they are interested in the rules of that world, their place in the structure of that world and how to move ahead or gain power within that structure.
- Girls form their identity primarily in relation to other people. This means that they are interested in what "relationship" means and how it works. They define themselves through those to whom they relate and by how well they get along with those people.

Research shows:

- Programs for boys are more successful when they focus on rules and offer way to advance within a structured environment.
- Programs for girls are more successful when they focus on relationships with other people and offer ways to master their lives while keeping these relationships in tact.

Some programs are designed initially for boys and when adapted for girls are not successful since their underlying assumptions do not lead to strong, healthy female development. In cases where programs have been designed for male adolescents, it is necessary to make changes that:

- Allow more opportunity for the building of trusting relationships.
- Offer learning experiences and skill building after these relationships have been established.
- Allow girls the safety and comfort of same-gender environments.
- Help girls understand that they can be professionally and emotionally successful in life and still have strong relationships.