

NATIONAL JUVENILE JUSTICE NETWORK

FEDERAL POLICY PRIORITIES

116TH CONGRESS

Staying Vigilant to Protect Marginalized Youth

The past year has been especially hazardous for noncitizen youth in this country. The U.S. Department of Homeland Security (DHS) has subjected immigrant children seeking entry into the United States to shocking mistreatment that has included removing babies and children from their parents and warehousing them in inhumane, squalid conditions in migrant detention camps.¹ President Trump laid the groundwork for this dehumanizing treatment through his persistent anti-immigrant rhetoric conflating immigrant youth with gang members and using terminology that compares immigrants to animals and vermin.² The Administration also continues to promote state and local government cooperation with federal immigration authorities to help facilitate further deportation of immigrant youth and families. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has furthered these types of policies through mechanisms such as trying to give a preference to grant applicants willing to collaborate with federal immigration authorities.³ Since youth of color are far more likely to have police contact than white youth due to policing practices such as racial profiling, immigrant youth of color are at disproportionate risk of arrest. While entering the youth justice system is challenging for any youth, immigrant youth that become enmeshed in the youth justice system and/or labeled as gang members face not only the risk of incarceration but a heightened risk of deportation.

¹ Zolan Kanno-Youngs, “Squalid Conditions at Border Detention Centers, Government Report Finds,” *The New York Times*, July 2, 2019, <https://www.nytimes.com/2019/07/02/us/politics/border-center-migrant-detention.html>.

² Abigail Simon, “People are Angry President Trump Used This Word to Describe Undocumented Immigrants,” *Time*, June 19, 2018, <https://ti.me/2medABA>; Angelika Albaladejo, “Trump Doubles Down on Inaccurate Link Between MS13, Immigration,” *InSight Crime*, May 24, 2018, <https://www.insightcrime.org/news/brief/trump-inaccurate-link-ms13-immigration/>.

³ In *City of Los Angeles v. Sessions*, the U.S. District Court, Central District of CA, enjoined OJJDP from giving a preference to applicants who indicated they would cooperate with immigration enforcement, from being imposed on awards under OJJDP’s FY 2018 Gang Suppression Planning Grants Program. *City of Los Angeles v. Sessions*, 293 F.Supp.3d 1087 (2018).

Finally, while the U.S. House of Representatives passed [H.R. 6, The American Dream and Promise Act of 2019](#), on June 4th, a bill that provides a pathway to citizenship for over two million individuals who came to the United States as children, the legislation potentially excludes two subsets of Dreamers from these protections – youth that were juvenile justice involved and sent to a secure facility and youth (or adults) who DHS has labeled as gang members. This is the first time that a law has required immigration officials to weigh juvenile records, as opposed to adult legal convictions, when reviewing applications for legal status, setting a dangerous precedent for immigration laws and weakening our youth justice system overall.

LGBTQ youth have also faced hostile actions by the Administration, which have included rescinding the Obama administration’s guidance regarding transgender students’ rights in schools, limiting data collection on sexual orientation and gender identity in federal surveys, and removing references to LGBTQ youth from youth justice mentoring grants solicitations. More – not less – attention needs to be focused on the needs of LGBTQ youth as this vulnerable population is already significantly overrepresented in the justice system, particularly youth of color who comprise 85% of the LGBT and gender non-conforming youth in juvenile justice facilities.⁴ We must remain vigilant in monitoring federal actions that can harm immigrant and LGBTQ youth and instead continue to advocate for the supports that they need to grow into healthy adults.

Our two fundamental areas of federal focus are to ensure that states have adequate federal funding in place to support young people and their families and that we are doing all we can to protect youth who are most vulnerable.

Federal Priorities

1. Appropriate Adequate Resources to the States

Since FY 2002, federal investments in programs that prevent and reduce delinquency have **decreased by 47.5 percent**, but the needs of youth and communities have not decreased. Congress is currently debating the funding that states should receive for delinquency and prevention programs.

Consequently, an urgent federal juvenile justice priority for the 116th Congress is the appropriation of strong funding to implement the Juvenile Justice and Delinquency Prevention Act (JJDP), which was reauthorized in 2018 ([H.R. 6964](#)). The Act includes strong protections for youth and enhanced language for its four core protections, including the reduction of racial and ethnic disparities, removal of youth with status offenses from

⁴ Center for American Progress, Movement Advancement Project, and Youth First, “Unjust: LGBTQ Youth Incarcerated in the Juvenile Justice System” (June 2017): 2, www.lgbtmap.org/file/lgbtq-incarcerated-youth.pdf.

detention, and the removal of youth from adult jails. These protections cannot be fully realized, however, without adequate funding for states to implement the Act.

At a minimum, Congress should provide \$176 million, the authorized level of funding H.R. 6964 – a small sum when divided amongst all the states and territories, but one that can provide jurisdictions with reasonable resources to address issues of youth crime, delinquency and overall public safety. We also call on Congress to include funding for JABG to help preserve and support a continuum of evidence-informed supervision, including cost effective confinement alternatives for youth. The House passed bill includes \$10 million for JABG; these funds stood at \$249.5 million in FY02.

President: The President’s Fiscal Year 2020 [budget proposal](#) included a decrease in juvenile justice appropriations of 17 % from Fiscal Year 2019 – it requested \$238.5 million for all juvenile justice programs, down from the \$287 million appropriated in FY 2019.

House: For the first time in many years, the U.S. House of Representatives passed an appropriations bill, [H.R. 3055](#), which contained funding for the Juvenile Justice Delinquency and Prevention Act (JJDP). The bill included a slight increase in funding over current levels, though it is still less than the \$176 million that Congress authorized in H.R. 6964, the JJDP reauthorization bill.

- The House appropriations bill, H.R. 3055, contains the following:
 - \$66 million for Title II (as compared to \$60 million for FY '19)
 - \$64.5 million for Title V (as compared to \$24.5 million in FY '19), including:
 - \$6 million for grants to prevent trafficking of girls
 - \$7.5 million for Tribal Youth Programs
 - \$500,000 for an Internet site providing information and resources on children of incarcerated parents
 - \$2 million for competitive grants on girls in the juvenile justice system
 - \$9 million for an opioid-affected youth initiative
 - \$8 million for an initiative related to children exposed to violence
 - \$10 million for JABG
 - \$100 million for mentoring (as compared to (\$95 million in FY'19)
- The House bill included money for the Juvenile Accountability Block Grant (JABG) for the first time since FY14 and left \$17.5 million of the Title V money unearmarked for the first time since FY17. These actions

open funding for states and localities to use for new Youth PROMISE programs pursuant to H.R. 6964.

Senate: The Senate Appropriations Committee has yet to take action.

2. *Pass a Dream Act without Exclusions*

The U.S. House passed [H.R. 6, The American Dream and Promise Act of 2019](#), on June 4th, providing over two million individuals who came to the United States as children (“Dreamers”) with a path to legal status and eventual United States citizenship. But it potentially excludes a new subset of Dreamers from these protections. The Act allows the Secretary of Homeland Security to deny legal status to immigrants with juvenile adjudications that resulted in placement in secure confinement and those for whom they allege a gang affiliation. While the bill was slightly ameliorated before passage to disallow adjudications from the 15 states that seal records, this fix clearly leaves too many behind. Additionally, many youthful immigrants have been racially profiled and have landed in the juvenile justice system or have found themselves unfairly tagged with a gang label. We urge the Senate and Congress to pass a Dream Act without these exclusions.

Bills We Support

Several members of the 116th Congress have introduced bills that would further youth justice reform. Below are some key bills that we support. Please thank the sponsors (and co-sponsors):

- [H.R. 1949](#)
Sponsored by Rep. Bruce Westerman (R-AR-4)

This bill would allow federal courts to sentence youth to terms that are below the statutory mandatory minimum standards. They would be able to go 35% below the mandatory minimum in ordering a sentence.
- [H.R. 1950](#) – Sara’s Law
Sponsored by Rep. Bruce Westerman (R-AR-4)

This bill provides that federal courts do not have to give youth mandatory minimum sentences, or can suspend a portion of a sentence, when it involves an offense against someone who trafficked or sexually abused them.
- [H.R. 1951](#)
Sponsored by Rep. Bruce Westerman (R-AR-4)

This bill eliminates life without parole sentences for youth in the federal system.
- **Eliminating Debtor’s Prison for Kids Act of 2019** – [H.R. 2300](#)
Sponsored by Rep. Tony Cardenas (D-CA-29); currently 27 co-sponsors

This bill provides grants to mental and behavioral health programs for at-risk youth in part to incentivize states to stop imposing fines and fees on youth in the juvenile justice system. Funds will also be used to research the effect fines and fees have on the criminal legal system and help policymakers to determine best practices.

- **Next Step Act of 2019 – [S. 697](#)**

Sponsored by Sen. Cory Booker (D-NJ); House companion bill [H.R. 1893](#) introduced by Rep. Bonnie Watson Coleman (D-NJ-12); House stand-alone bill of the REDEEM Act, [H.R. 2410](#), introduced by Rep. Elijah E. Cummings (D-MD-7)

This is a comprehensive criminal justice reform bill that builds on the First Step Act, passed last year. Some of the key provision in the bill include: eliminating the crack cocaine sentencing disparity; removing marijuana from the schedule of controlled substances; incorporating the REDEEM Act, which creates a federal pathway for automatically sealing and expungement some juvenile records; making improvements to the ban on juvenile solitary confinement (passed as part of the First Step Act); incentivizing states to pass similar laws by giving them priority consideration for COPS grants, including prioritization for states that establish age 18 as a floor for original jurisdiction in adult criminal courts; providing better training for law enforcement officers in implicit racial bias, de-escalation, and use-of-force; banning racial and religious profiling; and improving the reporting of police use-of-force incidents.

- **Restoring Education and Learning (REAL) Act of 2019 - [S. 1074](#)**

Sponsored by Sen. Brian Schatz (D-HI); House companion bill [H.R. 2168](#) introduced by Rep. Danny K. Davis (D-IL-7)

The REAL Act repeals the ban on state and federal prisoners receiving Pell Grants so that they can take college classes while incarcerated.

About the National Juvenile Justice Network

The National Juvenile Justice Network (NJJN) is composed of coalitions, organizations and alumni of the Youth Justice Leadership Institute across 44 states and the District of Columbia, all of whom advocate for a smaller youth justice system that treats youth and their families with dignity and humanity. NJJN's policy analysis and education activities are generously supported by its state members, national partners, and other unrestricted sources of revenue. For more information visit: www.njjn.org or contact info@njjn.org. NJJN participates in the National Juvenile Justice and Delinquency Prevention Coalition. For more information, visit www.promotesafecommunities.org.