

## The Federal Juvenile Justice and Delinquency Prevention Act (Reauthorized in 2002)

### Background:

The **JJDP Act** of 1974 established a single federal agency, the Office of Juvenile Justice and Delinquency Prevention (**OJJDP**), in the U.S. Department of Justice, to support local and state efforts to prevent delinquency and improve the juvenile justice system. In **2002**, the 21<sup>st</sup> Century Department of Justice Appropriations Authorization Act was passed. This act included the **Reauthorization of the JJDP Act** (the JJDP Act of 2002, Public Law 107-273, 42 U.S.C. § 5601 et seq.).

The **JJDP Act** provides a block grant program to the states, based on their juvenile population under age 18 (the Title II **Formula Grants Program**). The OJJDP awards the appropriated Formula Grant funds to the 50 states, five territories, and the District of Columbia on the basis of their proportionate population under age 18 (the state of Wyoming does not participate in the Formula Grants Program). In order to be eligible to receive JJDP Act Title II Formula Grant Program funds, states are required to:

- Designate **one agency** to prepare and administer the State’s comprehensive 3-year juvenile justice and delinquency prevention plan (**the Department of Social and Health Services in Washington State**);
- Establish a **“State Advisory Group,”** appointed by the Governor or other Chief Executive Officer, to: provide policy direction; participate in the preparation and administration of the Formula Grants Program plan; and commit to achieve and maintain compliance with the four core requirements of the JJDP Act, as follows.

### The core requirements of the JJDP Act are:

- Eliminating or preventing the placement of non-offending youth (such as a dependent or neglected child) and status offenders (such as a runaway or truant) in secure facilities. (**Deinstitutionalization of Status Offenders, or DSO**)
- Eliminating the confinement of juveniles in adult jails and lockups. (**Jail Removal**)

- Ensuring complete sight and sound separation of juveniles from adult offenders in secure facilities (such as adult jails and lockups), when they are held. (**Separation**)
- Addressing juvenile delinquency prevention and system improvement efforts designed to reduce the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system. (**Disproportionate Minority Contact, or DMC**)

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### Washington State:

Washington State received federal juvenile justice funds beginning in 1975. At that time, the State Advisory Group was a committee of the **Governor’s Council on Criminal Justice**. In 1982 the **Governor’s Juvenile Justice Advisory Committee** was created as the State Advisory Group via Executive Order, to respond to the provisions of the federal Juvenile Justice and Delinquency Prevention (**JJDP**) Act. As part of Governor Gregoire’s reform initiative for more efficient and effective government in 2010, the former Governor requested that DSHS convene a new repositioned committee (known as the **Washington State Partnership Council on Juvenile Justice or “WA-PCJJ”**). Members were first appointed to the new Council in November 2010.

Washington State has historically been in compliance with three of the four core requirements (Jail Removal, Separation, and DMC) of the JJDP Act. State law (RCW 13.04.116) also prohibits holding juveniles in adult jails and lockups, and requires sight and sound separation in those instances when juveniles are held. Federal requirements for addressing DMC have also historically been met or exceeded.

From fiscal years 2000 through 2010, Washington State was found out of compliance with the DSO core requirement of the federal JJDP Act by the federal Office of Juvenile Justice & Delinquency Prevention -- as Washington State’s At-Risk/Runaway Youth Act, also known as the “Becca Law,” allows runaway youth to be held in a secure crisis residential center located within a juvenile detention center for up to five days.

As a consequence of being out of compliance, OJJDP reduced Washington's FFY 2000 through 2003 Formula Grants Program funds by 25 percent, and the FFY 2005 through 2010 federal Formula Grant allocations were reduced by 20 percent per the JJDP Act of 2002.\* Hence, the state was penalized a cumulative total of over 2.7 million dollars in federal Formula Grants Program funding from 2000 through 2010.

In September 2010, Washington State received written notification from the federal OJJDP that the state was in compliance with the DSO core requirement -- due to the reduction in the number of operating secure CRCs within juvenile detention facilities, and reduction in beds -- and the subsequent significant reduction (over an 80 percent decrease) in the number of DSO violations for the state.

The state has remained in compliance with the four core requirements from FY 2011 through FY 2014.

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### Sources of Funding Administered by the Council: Federal, State and Private Foundation

In SFY 2014 (July 2013 to June 2014), the State Advisory Group awarded funds from the federal Title II Formula Grants Program, one private foundation (the Annie E. Casey Foundation), and dedicated state funding for the Juvenile Detention Alternatives Initiative (JDAI) and for the state-funded Criminal Street Gang Prevention and Intervention Grant Program -- to prevent and reduce juvenile delinquency, and improve the juvenile justice system. The SAG also administers dedicated state funds for TeamChild.

1. **JJDP Act Title II Formula Grants Program.** In 2013, the state received a block grant award of \$530,085 (little change from the 2012 award of \$521,697, which was a significant reduction of 43% from the 2011 award);

\* The 2002 amendment of the JJDP Act allowed Washington State to receive the full award amount for FFY 2004. For FFY 2005 through 2010, Washington's Formula Grant allocation was reduced by 20 percent, as the state was again found out of compliance with the DSO requirement, and was required to expend 50 percent of its remaining funds on efforts to achieve compliance (per the JJDP Act of 2002).

Formula Grant funding provides for:

- **Demonstration projects** that address the priority program areas selected by the state advisory group: DMC, Alternatives to Detention, and Aftercare/ReEntry.
- **Juvenile Justice System Improvement**, which includes: Technical assistance, training, and research projects.
- **Compliance Monitoring** of facilities statewide for compliance with the federal JJDP Act (including adult lockups, holding facilities and jails; juvenile detention centers and juvenile institutions; secure CRCs located in juvenile detention facilities; and one collocated facility--collectively there are currently 244 secure facilities statewide).
- **Disproportionate Minority Contact (DMC)**, to provide for coordination, training and technical assistance to communities in assessing and addressing the disparity in the representation of minority youth at all points in the juvenile justice system.
- **Native American Pass-Through** amount, as required by the JJDP Act per block grant requirements.
- **State Advisory Group and Planning & Administration** allocations.

2. **JJDP Act Title V Community Prevention Program.** The purpose of the federal Title V Grant Program, established in 1992, was to develop and implement local comprehensive and coordinated approaches to delinquency prevention that utilize research-based best practices. There were no federal OJJDP Title V allocations to the states in FFYs 2012, 2013 or 2014.
3. **Annie E. Casey Foundation (AECF) Grant for the JDAI.** Since 2004, the Office of Juvenile Justice, DSHS, has received AECF funding to implement the Juvenile Detention Alternatives Initiative in Washington State (approximately \$1,265,000 million from SFY 2005 through SFY 2014 was received). In SFY 2012, the annual award was reduced to \$25,000 to assist in sustaining JDAI efforts. There are currently (August 2014) nine JDAI sites in Washington State representing 10 counties and 72% of the state's age 10-17 youth population.

4. **State Funding for the JDAI.** The Washington State Legislature has allocated funding to expand and enhance JDAI in Washington State, including data analysis capability, since FY 2008. JDAI was expanded to five additional sites from 2007 through 2014. Due to state budget reductions, the annual amount of state funding for the JDAI (via proviso) was reduced from \$200,000 to \$178,000 in 2010 (a cumulative total of \$1,279,000 has been allocated in state funding from SFY 2008 through SFY 2014).
5. **State Funding for the Criminal Street Gang Prevention and Intervention Grant Program.** The state legislature (via proviso) provided \$250,000 for one fiscal year (beginning July 2012) for a new criminal street gang prevention and intervention grant program to be administered by the SAG/Council. The State Legislature allocated funding to continue this grant program, and awarded \$250,000 for each fiscal year in FYs 2014 and 2015. Three gang prevention projects were awarded state funding by the Council beginning November 2013, following a competitive RFP process. A multi-site evaluation was also funded.
6. **State Funding for TeamChild.** Funding via proviso specifically for the TeamChild Program has been administered through the State Advisory Group, and included in the Council's (via OJJ/DSHS) state funds allocation. Due to state budget reductions, the annual amount for TeamChild was reduced from \$500,000 to \$445,000 in SFY 2010. TeamChild addresses the underlying causes of juvenile delinquency by advocating for education, mental health & medical health services, safe living situations, and other supports. TeamChild is the only organization in Washington that exclusively provides free, specialized civil legal representation and advocacy to youth who are at high risk for juvenile justice involvement.

## Summary of Data

This annual report presents statistics for juvenile risk factors that may affect juvenile delinquency, as well as juvenile crime data and demographic data for youth in Washington State.

### Juvenile Population (2012 Estimates)

- Juveniles (age 0-17) make up approximately 23 percent of the total state population, or about 1.58 million.
- Approximately one-half (49.8%) of the total juvenile population lives in just three counties in Western Washington—King, Pierce, and Snohomish counties.
- Eight counties, collectively, contain three-fourths (75.6%) of the state's youth population (King, Pierce, Snohomish, Clark, Spokane, Yakima, Thurston and Kitsap counties).
- Children age 0-9 years old make up the largest age cohort, over half (55%) of the total youth population.
- The age 10-17 cohort is the age group most likely to be involved in juvenile delinquency, representing approximately 44% of the total youth population in 2012.
- Male youth represent slightly over one-half (51.2%) of Washington's juvenile population, with females representing 48.8 percent of 0-17 year olds.

### Minority Population (2012 Estimates)

- Minority youth make up over one-third (36.1 percent) of the state's age 0-17 juvenile population.
- Approximately one-fifth (19.4%) of Washington's juvenile population is of Hispanic or Latino origin (of any race); 8.8 percent are Asian (non-Hispanic); 1.9 percent are American Indian (non-Hispanic); and 5.9 percent are Black (non-Hispanic).
- According to the 2012 Estimates, minority youth comprise over 60 percent of the juvenile population in three counties—Adams, Franklin and Yakima.
- Black and American Indian youth are over-represented in juvenile arrests, juvenile court

offense referrals and incarceration (to juvenile detention facilities and JRA) when compared to their respective percentage of the juvenile population age 10-17. As Hispanic ethnicity is not recorded at arrest, it is not possible to identify the over-representation of Hispanic youth at all decision points in the system.

### **Juveniles Living in Poverty**

- The poverty rate among Washington's children age 0-17 was approximately 18.5 percent in 2012 (288,375 children under the age of 18.) There was a 32.7 percent increase in the number of children living in poverty from 2008 to 2012.
- Another indicator of children living in poverty is the National School Lunch Program; in Washington State, over the past 5 years (from 2009 to 2013) the number of applications received for the National School Lunch and Breakfast Program increased by 10 percent.
- Counties meeting the definition of a distressed area (unemployment rate greater than or equal to 9.1%) in 2012 include: Clark, Cowlitz, Ferry, Grays Harbor, Lewis, Mason, Pacific, Pend Oreille, Skamania, Stevens and Wahkiakum.

### **School Enrollment and Dropouts**

- There was a slight increase (less than one percent) in enrollment in Washington's public schools from 2012 to 2013; there were 1,047,853 students in grades K-12 according to the October 1, 2013 headcount. (From 2009 to 2012, there was a 2.3 percent increase in K-12 public school enrollment.)
- Minority youth represented 40.7 percent of the K-12 public school enrollment in 2012-2013. Minority enrollment in Washington's public schools has increased during the past decade, particularly enrollment of Hispanic students. In the past five years (2008-2012) minority enrollment increased almost 16% (from 35.1% to 40.7%).
- Adjusted 5-year cohort dropout rates, reported by OSPI, show Asian students had the lowest cohort dropout rate (11.45), while

American Indian students had the highest cohort dropout rate of 36.55, followed by Black and Pacific Islander students with an cohort dropout rate of 26.12 for Black youth and 26.08 for Pacific Islander youth.

- Dropout statistics for school year 2010-2011 is only slightly decreased from the previous year, but continues a steady decline since 2007-2008. There has been a 22% reduction in the rate of dropouts from 2007-2008 to 2010-2011.

### **Child Abuse Referrals**

- During 2013, 86,863 children were referred to Child Protective Services. (This is an increase of 7 percent from 781,211 referrals to CPS in 2012.)

### **Adolescent Pregnancy and Childbearing**

- Washington's teen pregnancy rate per 1,000 for females age 15-17 was 17.2 in 2012, a decrease (11.3 percent) from the rate of 19.4 percent in 2010. (This is a 36.5 percent decrease from 2008, when the teen pregnancy rate was 26.7 per 1,000 females age 15-17.)
- Washington's rate of 17.2 is higher than the National rate of 15.4 for this age group.
- Nationally, the CDC reports disparities in teen pregnancies -- non-Hispanic Black youth, Hispanic/Latino youth, American Indian/Alaska Native youth, and socioeconomically disadvantaged youth of any race or ethnicity experience the highest rates of teen pregnancy and childbirth. Together, black and Hispanic youth comprised 57% of U.S. teen births in 2011.

### **Mental Health**

Data from the Washington State Juvenile Court Pre-Screen Risk Assessment shows that from 2006 through 2009, approximately 21 percent of youth on probation had been diagnosed with a mental health problem. In 2010, the percentage rose to 23.5 percent of youth on probation, and from 2011 through 2013 the percent was 23.0 percent. (Data from the Washington State Institute for Public Policy and Administrative Office of the Courts, updated February 2014).

- In FY 2013, approximately 71% of Juvenile Rehabilitation youth in residential facilities were identified as having mental health service needs.

### Truancy, ARY and CHINS

- Truancy cases filed decreased slightly from 2011 to 2012, with a 27.5 percent decrease from 2008 to 2012; an annual average of 12,693 petitions were filed per year from 2008 to 2012.
- At-Risk Youth (ARY) cases filed have decreased by 5.8 percent from 2011 to 2012, with a 22.3 percent decrease from 2008 to 2012; an annual average of 1,763 ARY petitions were filed per year from 2008 to 2012.
- Child in Need of Services (CHINS) petitions filed increased by just over one percent from 2011 to 2012. This represents the third year in a row of an increase. Since 2009 there has been an 8.7 percent increase. An average of 249 CHINS petitions were filed annually from 2008 to 2012.
- Female youth represented approximately 62% of the CHINS filings, and 47 percent of the ARY and Truancy filings in 2012.
- In 2012 there were 6,786 total court hearings held for contempt of court related to an ARY, Truancy or CHINS order/proceeding—a 10.8% increase from 2011 in contempt hearings held.
- In 2012, there were over 2,900 total admissions<sup>3</sup> statewide of status offenders to juvenile detention facilities for violations of a court order/proceeding related to a status offense -- approximately 45 percent were girls, and 55 percent were boys. The number of admissions related to a status offense increased (by 9.1 percent) from 2011 to 2012.

### Juvenile Arrests in 2012

- There were 17,505 juvenile arrests, for an arrest rate of 24.8 per 1,000 youth age 10-17 in 2012 -- the lowest juvenile arrest rate reported since prior to 1982. (This is a 54 percent decrease from the 2002 rate, and approximately a 24 percent decrease from 2011 to 2012.)

- There were 884 **violent crime arrests**, for a violent crime arrest rate of 1.3 per 1,000 youth age 10-17 -- the lowest violent crime rate reported since prior to 1982. (This is a 38 percent decrease from the 2002 rate of 2.1, and a seven percent decrease in the rate from 2011 to 2012.)
- There were 5,317 juvenile arrests for **property crimes** in 2012, for an arrest rate of 7.5 per 1,000 youth age 10-17. (This is a 58 percent decrease from 2002, and a 23 percent decrease in the rate from 2011 to 2012.)
- There were 3,553 **drug and alcohol arrests**, for an arrest rate of 5.0 per 1,000 youth age 10-17 in 2012. (This is a 56 percent decrease from 2002, and a 31.5 percent decrease in the rate from 2011 to 2012.)
- **Females** accounted for 31.6 percent of all 2012 juvenile arrests. Ten years ago, females accounted for 28.9 of total juvenile arrests. While from 2002 to 2012 the percentage of total arrests increased by approximately 9.3 percent for girls, the percentage of total arrests for boys decreased by 3.8 percent in comparison.
- The distribution of **juvenile arrests by race** (includes youth of Hispanic origin) in 2012 was approximately: 80.4 percent White, 13.6 percent Black, 3.0 percent Native American, and 3.0 percent Asian youth.<sup>4</sup> The percentage of juvenile arrests by race shows an increase (12.6 percent) in the overall percentage of total arrests for minority youth from 2011 to 2012 (from 17.4 to 19.6 percent of total arrests).
- From 2002 to 2012, the percentage of juvenile arrests by race (includes youth of Hispanic origin) shows the following changes—the percentage of total arrests for Black youth increased by 43 percent; by 7 percent for Asian youth; and by 3.4 percent for Native American youth, while there was a decrease (5.3 percent) for White youth from 2002 to 2012.

<sup>3</sup> Admissions with a detention stay of over 4 hours in duration.

### Juvenile Court Offense Referrals in 2012

(Juveniles referred to juvenile department)

- There were 28,950 juvenile offense referrals in 2012. This is an 10.8 percent decrease from 2011 (32,443), and a steady five year decline of 39.5 percent from 2008 (46,962).
- Juvenile offense referrals in 2012 by race/ethnicity showed the following: 58.8 percent were White youth (non-hispanic); 13.3 percent were Black (non-hispanic); 3.3 percent were Asian (non-hispanic); 3.7 percent were Native American (non-hispanic); 18.3 percent were Hispanic; and approximately three percent were other/unknown.
- Females represent 30.8 percent of all 2012 juvenile court offense referrals. This is relatively unchanged from 2011.
- Offense referrals for Black youth are more than two times (2.3) their proportion of the juvenile population. Offense referrals for Native American youth are 1.8 times their proportion of the juvenile population.
- Males have legal cases filed at a higher rate than females. Approximately 74 percent of the legal cases filed involved males. Of the cases referred to the prosecutor that involved males, 53.4 percent were filed on, as compared to 41.9 percent of females.

### Admissions to Juvenile Detention in 2013

- There were 18,387 admissions to local juvenile detention facilities in 2013. (A 6.9% decrease from 19,760 in 2012, and approximately a 40% decrease over a ten year period.)
- Females accounted for 29.5 percent of the detention population in 2013, a 2.5 percent increase from 28.8% in 2012. In the five year period from 2009 to 2013 the percentage of females in detention population increased 9.3 percent (from 27% in 2009).
- The percentage of minority youth held in held steady at 44.5 from 2012 to 2013.
- The percentage of minority youth in increased by 5.5 percent over the five year period 2009-2013.

- In 2013, 54 percent of the juvenile detention population was White, 14 percent was Black, seven percent was *Native American*, two percent was *Asian and Pacific Islander*, 21 percent was *Hispanic*, and two percent was *unknown/not reported* (percentages have been rounded).
- *Over the 5 year period 2009 - 2013, the White youth in detention has steadily decreased by 6.9 percent. The Hispanic youth in detention has steadily increased 16.6 percent. This is a notable, significant increase in the percentage for Hispanic youth held in detention. It is not known if this is due in part to an increase in ethnicity reporting.*

### Juveniles Sentenced to Juvenile Rehabilitation (JR)

- The average daily population (ADP) of juveniles in all **JR residential programs** was 543 in 2013—there has been a steady decline in the ADP over the past ten years. (*This is a 23.7 percent decrease in the last five years and a 41.5 percent decrease in the last ten years.*)
- The average daily population of juveniles in **JR institutions** was 447 in 2013 - there has been a steady decline in the ADP over the past ten years. (*This is a 30.4 percent decrease in the last five years and a 44.2 percent decrease in the last ten years.*)
- The average daily population of juveniles in **JR Community Residential Placements** was 96 in 2013. (*This is a slight decrease from 2012, an increase of 37 percent over the last five years, and a decrease of 24.4 percent over the last ten years.*)
- The average daily population of juveniles on **JR Parole** was 348 in 2013. (*This continues a steady decrease of 35 percent over the last five years and 54 percent over the last ten years.*)
- **Youth of color** represented approximately 58.5 percent of juveniles held in JR (average per month) in 2013. *The percentage of youth*

<sup>4</sup> Race proportions include persons of Hispanic origin. Persons of Hispanic origin can be of any race; however, typically in UCR they are included in the White racial category.

of color in JJ&RA has steadily increased over the five years by 15.2 percent and over the past ten years by 31.5 percent. Hispanic and Other/Unknown show the largest increase over the 10 years with White youth showing a decrease.

- Females represented 9.2 percent of juveniles held in JR (average per month) in 2012. There has been a steady increase of 22.3 percent over the past ten years in the percentage of females held in JR.

### **Juvenile Cases Transferred to Adult Criminal Court Jurisdiction (Charged and Sentenced)**

- According to data from the OFM Forecasting Division, over the 5-year period from FY2009 - 2013, there were 672 youth who were transferred to adult criminal court jurisdiction and who were sentenced in adult court (includes both auto declines and judicially controlled transfers--discretionary cases). Of this number, approximately 42 percent were under exclusive original adult court jurisdiction (auto declines) and approximately 58 percent were youth who were transferred from juvenile court to adult criminal court jurisdiction after a discretionary or mandatory decline hearing.
- Of the 113 youth charged and sentenced in adult criminal (Superior) court jurisdiction in fiscal year 2013, data by race and ethnicity show the following: Hispanic youth accounted for the largest percentage -- 38.1%; 29.2% were White (non-Hispanic) youth; 24.8% were Black (non-Hispanic) youth; 1.8% were Asian (non-Hispanic) youth; 1.8% were Native American youth; and race/ethnicity was unknown for 4.4% of the youth. In summary, two-thirds (66.4%) of the total number of youth who were transferred to adult court jurisdiction and sentenced/convicted in adult court were minority youth.
- The age of youth transferred to adult court jurisdiction ranged from 11 to 17 years at the time the youth was charged (date of filing in Superior Court). Approximately 7 percent of the youth were under the age of 16 years at the time they were charged; 31 percent were age 16; and 62 percent were age 17. Over the 5-year period, approximately six percent were female youth and 94% were male youth.

## **Summary of Priority Areas**

In 2011 Washington's state advisory group (SAG), the WA State Partnership Council on Juvenile Justice, undertook a comprehensive data-driven process for the development of the 3-year juvenile justice plan for 2012 - 2014 -- utilizing a priority assessment rating tool based on guiding principles, and a strategic framework, that were adopted by the Council. Based on findings from this assessment, the SAG selected its top priorities -- which served to align with and guide the work plans that were developed and finalized by the SAG's standing committees.

In the fall of 2013, the state advisory group held a 2-day planning retreat at Seatac, Washington. The Council identified three principal priority areas:

- **Racial and Ethnic Disparities (R.E.D.)**
- **Transitional Services/Reentry**
- **Eliminating the incarceration of status offenders and low risk offenders (impacting use of the Valid Court Order exception, and implementation and expansion of JDAI principles and strategies)**

Based on these priorities, the Washington State Partnership Council on Juvenile Justice has allocated Formula Grant funds in the 2014 update (to the 2012 to 2014 three-year plan) to the following seven federal program areas:

- **Disproportionate Minority Contact (DMC)**
- **Aftercare/ReEntry**
- **Juvenile Justice System Improvement**
- **Compliance Monitoring**
- **American Indian Pass-Through Allocation**
- **Planning & Admin Allocation**
- **State Advisory Group Allocation**

