



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Office of the Administrator

Washington, D.C. 20531

MEMORANDUM

TO: State Agency Directors
Juvenile Justice Specialists
Compliance Monitors
State Advisory Group Chairs

FROM: Jeff Slowikowski
Acting Administrator, OJJDP

DATE: October 20, 2010

SUBJECT: Status Offenders and Non-offenders and the Juvenile Justice and Delinquency Prevention Act

Since the enactment of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has always understood the intent of this landmark legislation was to ensure that status offenders and non-offenders are never securely detained in a juvenile detention facility, juvenile correctional facility, or an adult jail or lockup.

Recent reviews conducted by the Office of Justice Program's Office of General Counsel (OGC) of Section 223(a)(11) of the JJDP Act, as amended, have raised questions as to how the deinstitutionalization of status offenders core requirement should be interpreted, and what data should be reported to OJJDP. Therefore, OJJDP is proposing language that would amend the current statute to ensure that status offenders and non-offenders are treated appropriately. OJJDP proposes the following:

- Provide clarifying language that would require states that detain juveniles who have been accused or adjudicated for alcohol violations, which would not be violations of the law if committed by an adult over the age of 21, to be considered and treated as status offenders, and adhere to the requirements of Section 223(a)(11) of the JJDP Act of 1974, as amended.

- Provide clarifying language that would ensure that the valid court order (VCO) exception would not apply to non-offenders, as per Section 223(a)(11) of the JJDP Act of 1974, as amended.

As OGC continues to review the core requirement language in the statute, further language for clarification and legislative changes may be identified. At this point, our guidance is that no immediate changes for monitoring purposes are required. We will advise you when and if that changes.

OJJDP remains committed to ensuring that all juveniles, status offenders, non-offenders, and accused and adjudicated delinquent youth, are treated in a safe, fair and equitable manner in accordance with the intent of the JJDP Act.