

LEGISLATIVE AUTHORITY

28 CFR 0.91

Title 28 – Judicial Administration, Chapter I – Department of Justice

Part 0 – Organization of the Department of Justice

Subpart P-1 – Office of Justice Programs and Related Agencies

Section 0.91 – Office for Victims of Crime

The Office for Victims of Crime is headed by a Director appointed by the Assistant Attorney General, Office of Justice Programs. Under a delegation by the Attorney General (DOJ Order No. 1079-84, Dec. 14, 1984), the Assistant Attorney General and the Director are responsible for providing national leadership to encourage improved treatment of victims by implementing the recommendations of the President's Task Force on Victims of Crime and the Attorney General's Task Force on Family Violence, and by administering the Crime Victims Fund and the Federal Crime Victim Assistance Program, established under the Victims of Crime Act of 1984, title II, chapter XIV, of Public Law 98-473, 42 U.S.C. 10601 et. seq., 98 Stat. 2170 (Oct. 12, 1984).

Victims of Crime Act of 1984

Title II, Chapter XIV

Public Law 98-473, 42 U.S.C. 10601 et seq., 98 Stat. 2170 (Oct. 12, 1984)

Directs the Attorney General to make grants to qualified State programs for the compensation of victims of crime. Specifies criteria for a State plan to qualify for grants, including that the program: (1) offer compensation for medical expenses, loss of wages, and funeral expenses; (2) condition compensation or cooperation with law enforcement officials; (3) would not use Federal funds to supplant State funds; and (4) does not discriminate against nonresident victims.

Allows the Attorney General to make grants to the chief executive of each State for the financial support of crime assistance programs. States that such programs must have as a priority assistance to victims of sexual assault, spousal abuse or child abuse.

Victim Compensation and Assistance - Established within the Treasury the Crime Victims Fund. Provides that the Fund consist of: (1) most fines collected in Federal criminal cases; (2) penalty assessments on convicted persons; and (3) proceeds of all forfeitures (appearance bonds, bail bonds and collateral) in Federal criminal cases.

Requires the Federal courts to impose a penalty assessment on all persons convicted of Federal offenses.

Establishes a procedure for the special forfeiture of collateral profits of certain crimes.

Juvenile Justice and Delinquency Prevention Act of 1974

42 U.S.C. 5601 Sec. 101. Congressional statement of findings

(a) The Congress hereby finds that--

(1) juveniles accounted for almost half the arrests for serious crimes in the United States in 1974 and for less than one-third of such arrests in 1983; (2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use; (3) the small number of youth who commit the most serious and violent offenses are becoming more violent; (4) understaffed, overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities and inadequately trained staff in such courts, services, and facilities are not able to provide individualized justice or effective help; (5) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of children, who, because of this failure to provide effective services, may become delinquents; (6) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse alcohol and other drugs, particularly nonopioid or polydrug abusers; (7) juvenile delinquency can be reduced through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions; (8) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; (9) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency; (10) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation; (11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with; and (12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time.

(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

42 U.S.C. 5602 Sec. 102. Congressional declaration of purpose and policy

(a) It is the purpose of this chapter--

(1) to provide for the thorough and ongoing evaluation of all federally assisted juvenile justice and delinquency prevention programs;

(2) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs;(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

(4) to establish a centralized research effort on the problems of juvenile delinquency, including the dissemination of the findings of such research and all data related to juvenile delinquency;(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;(6) to assist States and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions;

(7) to establish a Federal assistance program to deal with the problems of runaway and homeless youth;(8) to strengthen families in which juvenile delinquency has been a problem;(9) to assist State and local governments in removing juveniles from jails and lockups for adults;(10) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and(11) to assist States and local communities to prevent youth from entering the justice system to begin with.

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency, including methods with a special focus on preserving and strengthening families so that juveniles may be retained in their homes; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention; (5) to encourage parental involvement in treatment and alternative disposition programs; and (6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services.

PROGRAMS AND OFFICES

TITLE II - SUBCHAPTER II

JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE PART A

42 U.S.C. 5611 Sec. 201. Establishment

(a) Placement within Department of Justice under general authority of Attorney General. There is hereby established an Office of Juvenile Justice and Delinquency Prevention (hereinafter in this subchapter referred to as the "Office") within the Department of Justice under the general authority of the Attorney General.

(b) Administrator; head, appointment, authorities, etc.

The Office shall be headed by an Administrator (hereinafter in this subchapter referred to as the "Administrator") appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile justice programs. The Administrator is authorized to prescribe regulations consistent with this chapter to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under this subchapter. The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have.

(c) Deputy Administrator; appointment, functions, etc.

There shall be in the Office a Deputy Administrator who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator may from time to time assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.