



Incarceration of Youth

FICTION

Incarceration of young people is an effective strategy for steering youth and young adults away from delinquent or criminal behavior and improves public safety

FACTS

Though the number of youth confined in juvenile justice facilities has declined significantly over the past two decades [1], **our country incarcerates more youth than any other country in the world.**[2] **It does so despite overwhelming evidence showing that incarceration is an ineffective strategy for steering youth away from delinquent behavior and that high rates of youth incarceration do not improve public safety.**[3]

Evidence reveals these key findings:

- Incarceration does not reduce delinquent behavior
- Incarceration impedes young people's success in education and employment
- Incarceration does lasting damage to young people's health and wellbeing
- Juvenile facilities are rife with maltreatment and abuse
- Racial and ethnic disparities in incarceration are vast and unjust[4]

Why incarceration fails:

- Brain immaturity fuels delinquency
- Increased maturity is tied to desistance[5] (or turning away) from delinquency
- Early childhood trauma often feeds delinquency in adolescence [6]
- Incarceration can retraumatize youth and make them less likely to succeed[7]

State legislatures are turning to statutes to address minimum transfer ages from juvenile to adult court systems. The specifics vary significantly across states and include which system actors have discretion over transfer decisions (e.g., judges or prosecutors) and which crimes are excluded from an age minimum (usually crimes of violence), as well as other factors beyond age that prosecutors are required to consider.[8]

COMMUNITY ALTERNATIVES TO CONFINEMENT

Examples of community alternatives to confinement with powerful evidence of effectiveness that achieve equal or better outcomes and cost a small fraction of the price associated with confinement in a youth corrections facility include:

- Youth Advocate Programs (YAP)
- Credible Messengers
- Intensive multi-pronged family-focused treatment models
- Wraparound programs
- Programs led by grassroots neighborhood, civic and faith-based organizations[9]

Policy and practice reforms also show substantial promise in reducing overreliance on youth incarceration by ensuring that youth justice systems make good decisions and provide appropriate responses to youth behavior, while improving youth and public safety outcomes. These include using fiscal incentives encouraging courts and corrections agencies to keep youth at home, and by prohibiting incarceration for lower-level offenses. [10]



Children's Code Reform Task Force

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Legislative Resource

One-Page Info Sheet
(Both sides)

FOOTNOTES

[1] Between 2000 and 2022, youth incarceration declined from 108,800 to 27,600. This one-day count combines figures for two sets of youth. First, it includes those held in detention facilities (those awaiting their court dates or pending placement to a longer-term facility after being found delinquent in court). Second, it includes committed youth held in youth prisons, residential treatment centers, group homes, or other placement facilities (as a court-ordered consequence after being adjudicated delinquent in juvenile court). In 2021, 44% of youth in the one-day count were in detention and 53% had been committed to a secure placement facility (the juvenile equivalent of imprisonment). These counts do not include people under 18 held in adult prisons and jails. *Youth Justice by the Numbers*, (2024)

<https://www.sentencingproject.org/policy-brief/youth-justice-by-the-numbers/>

[2] Despite the lowest youth crime rate in over 20 years, the youth incarceration rate in the USA remains approximately 7 times higher than in England and 3,000 times higher than in Japan. *Child incarceration and long-term adult health outcomes: a longitudinal study*, (2018)

<https://pmc.ncbi.nlm.nih.gov/articles/PMC6527101/#:~:text=The%20USA%20incarcerates%20more%20youth,held%20for%20non%2Dviolent%20charges>

According to Human Rights Watch, the U.S. has the highest number of children in juvenile detention facilities in the industrialized world. *Children Behind Bars: The Global Overuse of Detention of Children*, (2016)

<https://www.hrw.org/world-report/2016/country-chapters/africa-americas-asia-europe/central-asia-middle-east/north#:~:text=We%20know%20that%20the%20United,for%20meaningful%20education%20or%20rehabilitation>

Additionally, the U.S. sends more children to adult jails and prisons than other countries. *Placement of Children in Adult Jails and Prisons is Challenged*, (2015)

<https://eji.org/news/placement-of-children-in-adult-jails-and-prisons-challenged/>

See also, *Children in Adult Prison: Children threatened by abuse, neglect, violence, racial bias, and poverty are usually ignored – unless they do something violent*. <https://eji.org/issues/children-in-prison/>. The type of facility where a child is confined can affect their health, safety, access to services, and outcomes upon reentry. Adult prisons and jails are unquestionably the worst places for youth. They are not designed to provide age-appropriate services for children and teens, and according to the **Campaign for Youth Justice**, youth in adult facilities may be placed in solitary confinement to comply with the PREA safety standard of “sight and sound” separation from incarcerated adults. Youth in adult facilities are also 5 times more likely to commit suicide than those in juvenile facilities. *Youth Confinement: The Whole Pie 2019*, (2019)

<https://www.prisonpolicy.org/reports/youth2019.html>

[3] <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>

[4] Id.

[5] Defined, by some, as the process by which criminality declines over time.

<https://nij.ojp.gov/topics/articles/what-does-it-mean-defining-measuring-and-analyzing-desistance-crime-criminal#:~:text=Research%20on%20crime%20over%20the,course%2C%20generally%20after%20adolescence.%E2%80%9D>

[6] Elevated ACE scores were associated with increased risk of juvenile justice system contact. Estimates of the adjusted odds ratio of justice system contact per 1-point increase in ACE score ranged from 0.91 to 1.68. Results were consistent across multiple types of justice system contact and across geographic regions.

<https://publications.aap.org/pediatrics/article-abstract/147/1/e2020021030/77102/Adverse-Childhood-Experiences-and-Justice-System?redirectedFrom=fulltext>

[7] Id., fn. 3

[8] *Age Boundaries in Juvenile Justice Systems*, (2021)

<https://www.nga.org/publications/age-boundaries-in-juvenile-justice-systems/>

[9] Id., fn. 3

[10] Id.

CONTACT INFO

Cristen Conley, Director
Corinne Wolfe Center for Child and Family Justice
Phone: (505) 277-5933
Email: conley@law.unm.edu