Abstract—This brief explores whether the juvenile justice system accomplishes its goals of effectively rehabilitating youth offenders, or if it instead creates paranoia and instigates repeat offenders. It will recommend programs, practices, and legislation that could minimize the system’s incriminating effect on young lawbreakers and focus on rehabilitation.

Keywords—juvenile justice, incrimination, rehabilitation, child offenders

I. EXECUTIVE SUMMARY

When young people are convicted and tried for a crime, the justice system is meant to consider that children are psychologically different from adults. Children may have less responsibility over their crime and may be susceptible to rehabilitative efforts. Thus, the juvenile justice system is supposed to be less punitive and more focused on reintegrating young offenders back into society. Juvenile justice courts often employ alternatives to sentencing, but if need be, can send children to juvenile correctional facilities.

Many argue that incarcerating youth in of itself can damage young people’s physical and mental health, as a prison-like environment can introduce extreme challenges to an undeveloped brain. This brief will consider what programs and policies are most effective in rehabilitating juvenile offenders and ensuring their welfare.

II. OVERVIEW

A. Pointed Summary

- The number of children involved in the system has decreased since 2001
- There are still racial and ethnic disparities within the juvenile justice system
- There is still a stigma around juvenile offenders

B. Relevance

While the number of children within the juvenile justice system has decreased (from 108,800 in 2001 to 25,000 in 2020), stigmas surrounding juvenile offenses and disparities still exist. Youth of color (specifically Black, Latino, and Indigenous youth) are more likely to experience the juvenile justice system than white youth.
Additionally, many ignore the fact that a child's criminal record may be impacted by their background and conditions they face. However, many dehumanize youth offenders, and despite the reduction in arrests, the stigma is alive and well.

III. History

The history of the juvenile justice system, both in the United States as well as the rest of the globe, has been rooted in its attempts to balance the protection of society from youth offenders who have violated the law with their rehabilitation. Initially established in the 19th century in Cook County, Illinois, with the aim of rehabilitating troubled youth offenders, rather than punishing them, the idea of a justice system that separately addressed the individual situations and trials of youth from adults soon spread across the country and other countries. However, the system has faced challenges in maintaining a consistent rehabilitative focus. Over the past decades, there has been a noticeable trend toward punitive measures, raising questions about whether the juvenile justice system effectively fulfills its stated goal to help offenders rehabilitate from their criminal past. This transition has been of debate amongst various communities, as some argued the effectiveness of such measures of treating juveniles as adults could spark a cycle of criminal behavior.

A. Current Stances

Advocates for a rehabilitative approach emphasize the importance of addressing the root causes of juvenile delinquency, highlighting the developmental differences between young offenders and adults. They argue that rehabilitation is more important than punishment in order to guide troubled youth towards leading more productive and law-abiding lives.

However, on the other hand, some people and public interest groups have called for a more punitive stance on the issue, believing that a highly strict approach is needed to protect the juvenile delinquents’ surrounding communities and help deter them from committing further crimes. They believe that the allure leniency and rehabilitation programs might further encourage them into continuing their criminal behavior.

B. Tried Policy

Over the past decades, many pieces of legislation and policies across every level of government have been passed and implemented to help address issues and challenges surrounding the juvenile justice system. The Juvenile Justice and Delinquency Prevention Act (JJDPA), which was enacted in 1974, was landmark legislation passed by the United States Congress, which aimed to establish federal standards for juvenile justice practices. It focused on goals such as preventing the incarceration of juveniles alongside adults, eliminating the use of certain confinement conditions, and safeguarding the rights of young offenders to help provide a more rehabilitative environment for them. However, challenges in consistent implementation and funding have impacted its effectiveness on the above-mentioned goals of this legislation. Consequently, the 2018 Juvenile Justice Reform Act attempted to enhance rehabilitation efforts for these offenders through re-authorizing JJDPA and encouraging evidence-based practices. However, its impact on post-release rehabilitation amongst these delinquents has been varied due factors such as the availability and quality of community-based programs vary widely across jurisdictions. Despite legal interventions, the effectiveness of rehabilitation efforts after release still relies on the distribution of crucial resources and continuous efforts to address systemic challenges within the system. This is essential to
effectively alleviate concerns and issues associated with post-release rehabilitation.

IV. Policy Problem

A. Stakeholders

Racial and socioeconomic disparities in the juvenile justice system have an unique negative impact on both youth of color and youth from lower socioeconomic backgrounds in the United States. Even though, in 2021, only 12.1% of the United States population was Black, Black people made up for about 41% of juveniles “committed to residential placement.” In addition, in 2021, Native American youth and Black youth were 1.5 and 2.4 times more likely to get arrested than White youth. Even though a portion of the racial disparity in the juvenile justice system is caused due the disparity in financial and residential demographics amongst different races in the United States, the racial disparity in arrests of youth has also been identified as an effect of not only the potential racial bias of those who make the arrests and other officials involved in the juvenile justice system but the differential treatment along the road that accompanies racial discrimination as well. This disparity is even more prominent amongst different genders. “Black girls are four” times more likely to get arrested when compared to White girls. In addition, there are several fees and fines involved for the youth and their families in the juvenile justice system across the country, such as cash bail. These fines come at the cost of creating economic disparities in the juvenile justice system. Given that youth from lower socioeconomic backgrounds who struggle with these fees are “more likely to be incarcerated, face prolonged prison time and remain on probation longer,” these fees increase these youths’ contact with and involvement in the juvenile justice system.

B. Risks of Indifference

At its current stage, the juvenile justice system in the United States, due to several factors affecting its productivity, is by many considered an ineffective option for reducing youth recidivism. Youth with debt from the justice system are often “more likely to reoffend,” which in turn increases their fines and fees related to the justice system, contributing to a cycle of poverty for youth from low socioeconomic backgrounds involved with the juvenile justice system. Youth who crossover to juvenile delinquency court from the child welfare (crossover youths) are often at a higher risk of reoffending as well due to the lack of coordination between the two systems. “Once adolescents age out of the child welfare system or are discharged by juvenile delinquency court,” insurers and agencies often bar the youths’ access to their services. In addition, due to the partial contribution of societal stigma, youth who return from justice systems often have to face struggles with continuing education and employment. Being involved with the juvenile justice system decreases the returning child’s chances of returning to or getting into educational institutions. In addition, they often have to face unequal earnings and increased employment struggles in adulthood as well. Given that “30% of incarcerated adults were first detained in childhood or adolescence” in 2022, youth incarceration has been one of the major factors affecting recidivism in adulthood of a previously incarcerated population. More often than not, recidivism in youth of color during their adulthood comes as an aftereffect of facing racial trauma during their time in the juvenile justice system. Without adequate policy reform, the juvenile justice system will remain a system lacking effective rehabilitative and equitable functioning for all, which would negatively
impact anyone or everyone who comes in contact with a system in need of reform itself.

V. POLICY OPTIONS

The best way to improve the juvenile system is through focusing on prevention programs that help improve the circumstances for at-risk youth. Studies, such as The Roots Causes of Crime, have shown that kids usually commit crimes due to other underlying factors such as bad social environment, poverty, and community neglect, among others. Therefore, curating programs focused on improving these factors would help decrease crime among youth and help make the juvenile system better, an approach that focuses on rehabilitation rather than making jail time a punishment that the offender would have to carry on for their whole life. Investing more time and energy in prevention programs dealing with anger management and conflict resolution would eventually help control youth crime. These programs should focus on mentorship, education, and vocational training to help the kids thrive, escape the cycle of crime, and build a life for themselves. While there are already significant initiatives in place by different states and court systems for youth in crime, providing kids with better resources, especially in areas more prone to poverty, socioeconomic barriers, and such, will ultimately help lower the crime rates. These programs should focus on re-entry into society and help ensure a smooth reintegration for the youth.

One crucial facet is the treatment of substance abuse among juvenile offenders. Studies exploring the connections between criminal conduct and substance abuse in youth have discovered a notable association wherein misuse of drugs or alcohol among young individuals frequently coincides with delinquent behavior. According to a study published in the Journal of Child & Adolescent Substance Abuse, a substantial portion of juvenile offenders have a history of substance abuse, emphasizing the need for targeted interventions. While punitive actions targeting substance abuse related delinquency may not sufficiently tackle underlying motivations, evidence implies a need to more deeply examine contributing factors to such behaviors and address their source.

For instance, The National Center on Addiction and Substance Abuse at Columbia University's report highlights how incarcerating juvenile offenders without treating their underlying substance abuse problems may perpetuate a repetitive pattern of criminal recidivism. Effective substance abuse treatment within the juvenile justice context is critical for breaking this cycle. Research into rehabilitation efforts applying evidence-based approaches like cognitive-behavioral therapy and family-centered care has indicated the potential for positively impacting substance abuse problems confronting young lawbreakers.

Another way to make the justice system more rehabilitative is to introduce alternatives to incarceration. According to Families Against Mandatory Minimums, alternatives to detention can be more effective, both for the offenders and the society as a whole, as they, for example, strengthen families and communities and reduce crime rates. Options such as focusing more on community service and boot camps can have more of an impact on youth offenders rather than jail time. Community service is especially effective as it can help create a sense of society and provide a stable and supportive environment. Boot camps can help youth increase discipline and help them ensure a routine in their life. Installing education of different sorts within the boot camps can help the children grow and
reintegrate into society. These would provide a minimized chance of reoffending and help reduce crime rates.

Policy advocacy would also help ensure a better juvenile justice system. The advocates can push policymakers to make more rehabilitation policies for youth and help raise awareness for these topics. Advocates that, for example, work on campaigns that urge for legislative changes that prioritize the said programs above incarceration for young children. Said campaigns would fight for more funding for community-based programs that address the root causes of juvenile delinquency.

VI. CONCLUSIONS

While rehabilitative programs have progressed over time, efforts must address the complex issues of substance abuse, long-term rehabilitation, and the diverse backgrounds of children in the system. Policymakers may consider using an alternative to imprisonment, such as community service or educational opportunities, to avoid paranoia and resentment toward the justice system and to build a sense of community and belonging. The goal of juvenile justice reform must always center around ensuring that children can overcome challenges and have a bright, productive future.

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REFERENCES


can't afford, community-based services and treatment

