Center for Public Justice

EVIDENCE-BASED PRACTICES IN JUVENILE JUSTICE REFORM

Practical Application of Theological Framework

The companion briefing titled "Juvenile Justice as a Christian & Family Supportive Policy Issue: A Theological Framework" highlights the biblical themes of the image of God, justice, mercy, and the institution of family, and how those themes translate to a Christian call to participate in juvenile justice work. This briefing provides practical application of a theological framework through an exploration of several evidence-based practices in juvenile justice reform.

Justice does not end with a guilty or not guilty verdict. Following direct contact with the justice system, the ramifications of juvenile detention stretch into many areas of life. Over-reliance on confinement for youth charged with status offenses (e.g., curfew violations, truancy, underage drinking) exposes a broader population to abusive environments. The Annie E. Casey Foundation has documented widespread patterns of violence and mistreatment at juvenile detention facilities,[1] and child incarceration is associated with negative physical and mental health outcomes later into adulthood, including greater depressive symptoms and suicidal thoughts.[2] Employment challenges, as well as the financial instability that ensues from the lack of stable employment, have been well-documented among justice-involved populations.[3][4] Adolescent incarceration increases the chances of recidivism and entering into the adult justice system.[5] In addition, it perpetuates the cycle that children of incarcerated parents are more likely to become incarcerated themselves at some point in their lives, once again reiterating the role of supporting families as a key component of justice reform.[6]

RAISING THE AGE OF ADULT PROSECUTION

In recent years, state lawmakers have increasingly passed legislation colloquially known as "Raise the Age" bills, reflecting one of the most significant changes in juvenile justice policy. As the name implies, these bills raise the age of adult prosecution to 18, up from previous ages of 16 or 17. These policies have been informed by research on adolescent brain development: the human brain does not fully develop until age 25, and areas of the brain responsible for impulse control, decision making, and emotional regulation are still maturing.[7][8] Separate juvenile prosecution measures also operate on the basis that courts have legally recognized an increased capacity for change among young people.[9]

Raising the age of adult prosecution emphasizes the need for separate youth facilities, as significant research has highlighted the dangers of treating youth as adult offenders. Youth placed in adult jails are at greater risk of sexual abuse and are 36 times more likely to commit suicide compared to youth in juvenile facilities.[10]

Federal law also guarantees incarcerated youth the right to education, acknowledging that justice-involved youth have unique educational and developmental needs that cannot be adequately met in adult facilities.[11]

Raise the Age legislation is policy that recognizes accountability for actions (justice), but is not at the expense of providing this accountability in developmentally appropriate contexts (mercy) and recognizes the unique vulnerabilities of youth. However, recent juvenile justice bills directed towards D.C. youth, including *H.R.4922* (lowers the definition of youth from 24 to 18 and imposes mandatory sentencing minimums) and *H.R.5140* (directs that youth be charged as adults beginning at age 14 for certain violent felony offenses) stand in contrast to developmental psychology research that document the dangers of treating youth as adults in the justice system, as well as substantial legal precedent.

SUPPORTING AND STRENGTHENING DIVERSION PROGRAMS

Though exact processes differ among states, juvenile diversion refers to the practice of handling certain juvenile complaints informally, without court oversight or other legal sanctions.[12] Diversion programs are grounded in research that point to the effectiveness of alternative methods to address certain juvenile offenses, such as truancy, shoplifting, underage drinking, or marijuana possession. Through counseling, addiction treatment, in-school discipline, community programs, or similar efforts, youth issues can be addressed without establishing a criminal record. Moreover, directing efforts towards diversion programs represents an opportunity to preserve family unity by keeping children at home or close to their families.

Unfortunately, youth incarceration and formal juvenile justice proceedings often fall short of addressing the root causes of crime, without which future offenses are likely to reoccur. In fact, compared to probation and community program alternatives, incarceration leads to higher rates of recidivism for the same charge.[13] Raise the Age bills also facilitate the broader implementation of diversion and restorative justice models, as youth sentencing allows greater judicial discretion. Moreover, confining youth who are awaiting court hearings increases the likelihood that they will be placed in residential custody following adjudication.[14] One study suggests that any amount of formal contact with the justice system may increase the risk of detrimental outcomes, particularly for Black youth, including poor mental health, substance use, risky sexual behavior, and impaired safety.[15]

Certain situations and offenses warrant police, formal court intervention, and even detention in juvenile justice. The majority of juvenile offenses, however, specifically first-time, low-level, or status offenses, can be effectively dealt with through diversion programs to prevent the need for formal court proceedings and the negative consequences that substantial evidence shows it carries, while still upholding public safety and the just authority of government.

> Efforts to remove judicial discretion (H.R.4922) will result in the enforcement of mandatory sentencing minimums, thereby shifting the juvenile justice system back towards a punitive approach rather than the rehabilitative framework that undergirds diversion programs.

TREATMENT-ORIENTED FACILITIES

H.R.5140 lowers the age of prosecution to 14 for certain violent felony offenses, rather than a broad application to all offenses. This specification acknowledges that different charges warrant different responses, yet it overlooks the demonstrated harms of funneling more youth into the adult criminal justice system, which is not designed to accommodate the needs of youth offenders. While the number of youth charged with violent felony offenses is a small proportion of all youth who come into contact with the juvenile justice system (around 8-9%), there are youth whose chronic and serious offending demands secure confinement.[16] In these cases, the Annie E. Casey Foundation emphasizes the need to place youth in small, humane, and treatment-oriented facilities, rather than in large, conventional training facilities. When possible, youth should also be placed in facilities close to their communities to preserve healthy familial and community bonds and systems of support. Compared to traditional juvenile detention facilities whose focus is on punishment and crime deterrence, treatment-focused facilities prioritize lasting behavioral change by focusing on skill development that will help youth succeed following release.[17] For youth whose charges necessitate secure confinement, these facilities ensure accountability to justice for all parties in such a way that minimizes harm and provides optimal opportunities for growth.

ENDNOTES

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