



# Alternatives to Youth Incarceration

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Practitioners and policymakers across the country are recognizing that alternatives to youth incarceration can yield better outcomes not only for youth and communities, but also for taxpayers.

On a single day in 2010, more than 70,000 youth were confined in U.S. juvenile-justice facilities—1,563 of these were in New England.<sup>1</sup> The rate at which the United States incarcerates young people overshadows that of any other developed nation.

What does our society gain by locking up juveniles? In a majority of cases, nothing good.

## **The Research**

Most research studies and statistics on youth demonstrate that juvenile incarceration often yields bad outcomes for youth, their families, and the broader community. Recidivism statistics show a system that—taken as a whole—has a poor record for increasing opportunities for youth upon release or protecting public safety.

According to data from various states, roughly 70 percent to 80 percent of young people released from the juvenile equivalent to prison are rearrested within three years.<sup>2</sup>

As for educational outcomes, one study found that youth who had been incarcerated were 26 percent less likely to graduate high school.<sup>3</sup>

In addition, the abuse of children in juvenile detention and correctional facilities across the country is not uncommon. According to the Annie E. Casey Foundation, a total of 57 lawsuits across 33 states, the District of Columbia, and Puerto Rico have led to legally mandated adjustments to confinement that was found to be abusive or otherwise unconstitutional.

Attached to all this is the steep price tag. On average, it costs \$241 a day to confine a youth—roughly \$88,000 for a 12-month stay.

Moreover, punitive juvenile-justice actions fall disproportionately on young people of color, many of whom come from low-income communities. In 2010, black and Latino youth comprised only 16 percent of the total number of youth in New England.<sup>4</sup> Yet 54 percent of youth held in juvenile facilities in a one-day snapshot that year were black and Latino.<sup>5</sup>

A combination of factors—brain science on adolescent development showing that reliable impulse control and the ability to weigh risks are not fully developed, fiscal constraints, research on what works, and legal action—have spurred policymakers and

juvenile-justice practitioners to develop more-effective responses. In fact, while the number of youth confined in the United States remains high, the most recent statistics illustrate that it has gone down from 15 years ago.

The New York-based Vera Institute of Justice's Center on Youth Justice helps government partners around the country with designing effective policies to help ensure that fewer children are involved in the justice system.

For example, Vera is working with localities seeking new ways to respond to status offenders—young people who come into contact with the juvenile-justice system not because they have been charged with a crime but because they have acted out in ways that raise serious concern on the part of adults, such as chronically missing school or running away from home. It is clear that these youth and their families need support, not involvement in the juvenile-justice system. The goal is to see that the court system is reserved for those who have been charged with a crime and that detention

Vera is seeking new ways to respond to young people who come into contact with the juvenile-justice system merely because they have acted out...chronically missing school or running away from home.



and out-of-home placement are used only for those who pose such a significant threat that no other solution would protect public safety.

Societal change comes slowly, however. In the 1980s, spurred in part by increased crime and particularly shocking high-profile offenses, the media and influential political scientists began characterizing young people who flout the law as superpredators. States built large juvenile prisons and began processing many juvenile offenses in the adult justice system. As a result, more young people ended up in prison and received longer sentences, includ-

ing life without the possibility of parole.

Although more states are raising the age of juvenile jurisdiction—and the Supreme Court in 2012 ruled that mandatory life sentences without parole for juveniles are unconstitutional—the shift has been uneven. Moreover, most youth who are locked up are those who were arrested for nonviolent offenses. Only a quarter of youth in custody are there for homicide, aggravated assault, robbery, or sexual assault.<sup>6</sup>

### Best Practices

So what are effective responses to young people who commit crime?

Best practices point to the use of standardized risk-assessment instruments, which can objectively determine which

young people pose a danger to society. Such assessments can limit and target the use of detention and secure placement and make the use of confinement more equitable.

A growing body of research shows that youth in programs such as *Multisystemic Therapy*—intensive intervention that works with youth in the context of their families and communities—have far better behavioral outcomes than youth who are sent away from home to prisonlike facilities.<sup>7</sup>

The combination of risk assessments, community-based alter-

natives to incarceration, and related reform efforts has helped many localities reduce their use of confinement. Connecticut, for one, decreased its residential commitments by 68 percent between 2000 and 2011, its average daily population in pretrial detention by 29 percent between 2006 and 2011, and its reliance on adult prison for juveniles by 63 percent between January 2007 and July 2012.<sup>8</sup>

For youth who appear to pose a significant risk to public safety, small facilities that are near the young people's own communities and are focused on positive youth development show better results than their large, institutional counterparts. Missouri has received national attention for its work in this area.

### A Critical Part of the National Conversation

One issue the national conversation should focus on is the disturbing and increasingly documented trend toward criminalizing juvenile behavior in the schools. Potentially fruitful public scrutiny of this phenomenon—commonly referred to as the school-to-prison pipeline—gained increasing momentum in 2012, after the Special Litigation Section of the U.S. Justice Department's Civil Rights Division filed a lawsuit against the city of Meridian, Mississippi, for imposing harsh legal punishments for minor school disciplinary infractions—and doing so disproportionately for African American children and children with disabilities.

To help advance the discussion, the Vera Institute is conducting a study of the long-term effects of such zero-tolerance policies to see whether they push youth toward criminal behavior and involvement in the justice system.

In December 2012, Michael Jacobson, Vera's then president and director, submitted testimony at a U.S. Senate hearing, saying, "While research showing a direct relationship between severe school discipline policies and justice system involvement is limited, there is clear evidence that discipline policies can have an effect on educational achievement, commitment to school, and other factors that are associated with future criminal behavior. There is also research that demonstrates how academic failure—in particular dropping out of high school—serves as a link between the two."

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Balancing public safety with the needs of youth who have been involved in the justice system often leads to policies that tip the scales toward punitive treatment. The good news is that, today, juvenile-justice policymakers and the people who work with youth are moving in a better direction, one that is rooted in approaches that produce more prosocial behavior and protect public safety.

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### Endnotes

<sup>1</sup> Office of Juvenile Justice and Delinquency Prevention, *Easy Access to the Census of Juveniles in Residential Placement: Sex of Residents by State, 2010*, [http://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State\\_Sex.asp](http://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State_Sex.asp).

<sup>2</sup> Richard Mendel, "No Place for Kids: The Case for Reducing Juvenile Incarceration" (report, Annie E. Casey Foundation, Baltimore, 2011).

<sup>3</sup> Randi Hjalmarsson, "Criminal Justice Involvement and High School Completion," *Journal of Urban Economics* 63, no. 2 (2008).

<sup>4</sup> Annie E. Casey Foundation, *Child Population by Race—Data across States*, <http://datacenter.kidscount.org/data/acrossstates/Rankings.aspx?ind=103>.

<sup>5</sup> Office of Juvenile Justice and Delinquency Prevention, *Easy Access to the Census of Juveniles in Residential Placement: Race and Ethnicity by State, 2010*, [http://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State\\_Race.asp](http://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State_Race.asp).

<sup>6</sup> "Kids Count Data Snapshot: Reducing Youth Incarceration in the United States (Annie E. Casey Foundation, Baltimore, 2013), 2.

<sup>7</sup> Theresa A. Hughes, "Juvenile Delinquent Rehabilitation: Placement of Juveniles beyond Their Communities as a Detriment to Inner City Youths," *New England Law Review* 36, no. 1 (2008); and Elizabeth K. Drake, Steve Aos, and Marna G. Miller, "Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State," *Victims and Offenders* 4 (2009).

<sup>8</sup> Richard Mendel, *Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety Outcomes for Youth* (Washington, DC: Justice Policy Institute, 2013).

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