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LEFT-BEHIND KIDS

Nila Bala

INTRODUCTION

In the past decade, the United States has moved away from the “tough on crime,” harsh punishment model and instead has shifted toward rehabilitating juvenile offenders. This is because we recognize that juveniles are not the same as adults and therefore their mistakes should be treated differently. Unfortunately, however, the more rehabilitative approach is often completely tossed aside when youth are adjudicated for serious or violent offenses, even though they are still chronologically and developmentally children.

Research has determined that there are a set of punishments that should never be applied to juveniles because of their lacking maturity and their unique potential to be rehabilitated.¹ Irrespective of the crime committed, death and mandatory lifelong imprisonment, for example, are never acceptable punishments for children. And indeed, the nation’s highest court has agreed.²

1. “Juvenile Justice & the Adolescent Brain,” Massachusetts General Hospital, Center for Law, Brain & Behavior, Mar. 12, 2015. <http://clbb.mgh.harvard.edu/juvenilejustice>.

2. Kimberly P. Jourdan, “Kids Are Different: Using Supreme Court Jurisprudence about Child Development to Close the Juvenile Court Doors to Minor Offenders,” *Northern Kentucky Law Review* 41 (2014), p. 187. <http://heinonline.org/HOL/LandingPage?handle=hein.journals/nkenlr41&div=14&id=&page=>

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While two million youth under the age of 18 were arrested in 2008,³ the vast majority—around 95 percent—were accused of non-violent crimes.⁴ Of the remaining 5 percent, accused of violent crimes, many will be transferred to adult court through judicial mechanisms such as direct file, waiver or statutory exclusion. Others will remain in the juvenile system. In this way, two teenagers charged with the same violent crime can have markedly different lives based up where they end up.⁵

Although young people can be guilty of serious offenses with significant consequences for victims, and the state has a duty to ensure accountability and protect the public, it also has special responsibilities not to treat minors in ways that can permanently harm their development and rehabilitation. After all, nearly all youth will return to their communities one day and for this reason, the justice system should equip them to be able to do so successfully.

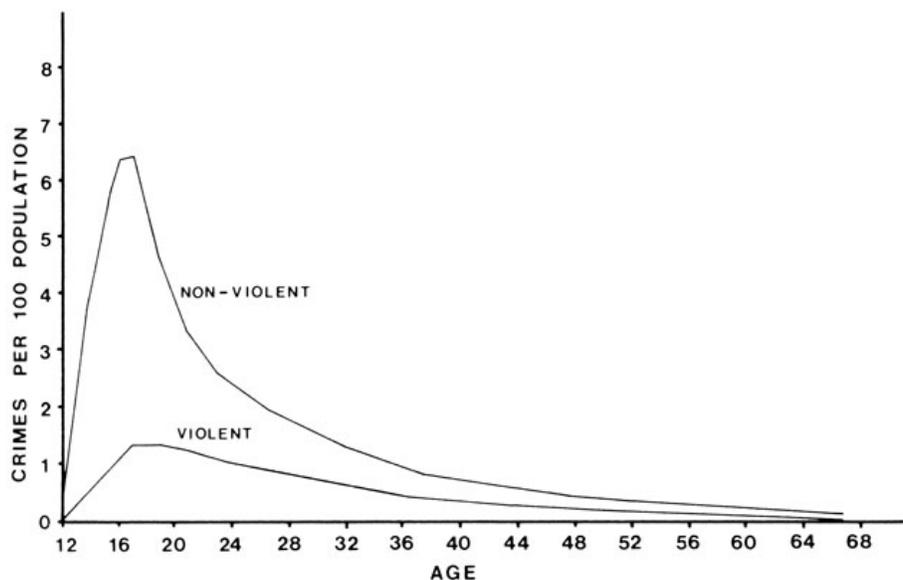
Policymakers have already incorporated best practices for rehabilitating and serving non-violent youth. States across the nation have cut down their youth prison populations by diverting more young people away from confinement and toward program-based alternatives. Indeed, some states have been so successful they have been able to close down some of their youth prison facilities. However, very little existing literature discusses the plight of the “left-behind kids” who have committed violent offenses and are still being sent to outdated and ineffective youth prisons.

3. Charles Puzanzhera, “Juvenile arrests 2008,” *Juvenile Justice Bulletin*, Aug. 30, 2010. <https://www.ncjrs.gov/pdffiles1/ojjdp/228479.pdf>.

4. Ibid. Violent crimes are typically defined as those where violence is either threatened or inflicted upon an individual (e.g. murder, rape, and aggravated assault).

5. Duaa Eldeib, “Young killers who stay in juvenile court take vastly different paths,” *Chicago Tribune*, June 12, 2015. <http://www.chicagotribune.com/news/ct-illinois-juvenile-killers-met-20150611-story.html>.

FIGURE I: AGE-CRIME CURVE



SOURCE: Kelly Richards, “What makes juvenile offenders different from adult offenders?” *Trends & issues in crime and criminal justice* 409 (February 2011), pp. 1-8. <https://aic.gov.au/publications/tandi/tandi409>.

Accordingly, the present study argues that even juveniles who commit violent crimes are best served when they remain in the juvenile system. Second, it asserts that we should limit the number of youth who end up in secure placement, and that this might mean reorienting the system’s definition of the types of youth that need confinement. And finally, the paper discusses best practices with respect to secure confinement for those who do require a higher level of care.

ISSUES WITH TREATING YOUNG PEOPLE AS ADULTS

Treating young people as adults is highly problematic for many reasons, not the least of which is that their immaturity makes them less culpable for their actions. Currently, however, whether a child is treated as an adult in the justice system is mostly an arbitrary matter that is less dependent on the child’s developmental stage, and more upon his or her jurisdiction.

There are still five states that automatically prosecute children who are seventeen as adults: Georgia, Michigan, Missouri, Texas and Wisconsin. Other states use a variety of mechanisms to place a subset of juvenile cases in the adult system, such as direct file (wherein the prosecutor decides whether to file a case in adult court), judicial waivers (wherein the judge transfers the case), and statutory exclusion (by which some offenses are excluded from juvenile jurisdiction). For many youth, entering the adult system—on any charge—is the point of no return, as “once an adult, always an adult” provisions in 35 states require that all

subsequent prosecutions occur in criminal court once a child has had a previous case there.⁶ As a result, on any given day, 10,000 juveniles are housed in adult prisons and jails.⁷ And likewise, once the juvenile court has lost jurisdiction over their cases, these youth can no longer be housed in a juvenile facility.⁸ The main problem with many of these mechanisms is that they do not rely on measures of maturity, knowledge or culpability. Instead, based solely on how serious or violent the offense is, the child is suddenly considered an adult. However, such a belief system, encapsulated by the age-old refrain “old enough to do the crime, old enough to do the time,” is just plain wrong. Juvenile justice scholar Franklin Zimring calls this the “forfeiture theory,” wherein children lose the protected status

of youth as a penal consequence of the forbidden act.⁹ And further Zimring argues that such forfeiture happens despite the fact that these juveniles—who are reclassified as unworthy of protection—are chronologically, developmentally and legally children: “[t]here is certainly no logically necessary reason that protective features of youth policy are only for nice kids.”¹⁰

The most recent research indicates that the juvenile brain is still maturing in the teen years.¹¹ Reasoning and judgment are developing well into the early-to-mid 20s. Such research also suggests that while adolescents can generally tell right from wrong, they are more likely to act impulsively, aggressively and on instinct, without fully considering the implications

6. Ibid.

7. “Children in prison,” Equal Justice Initiative, 2017. <https://www.eji.org/children-prison>.

8. More than 20 states either require or allow teenagers charged as adults to be put in adult jails while awaiting trial. See, e.g., Timothy Williams, “Locked in Solitary at 14: Adult Jails Isolate Youths Despite Risks,” *The New York Times*, Aug. 15, 2015. <https://www.nytimes.com/2015/08/16/us/citing-safety-adult-jails-put-youths-in-solitary-despite-risks.html>.

9. Franklin E. Zimring, “Toward a Jurisprudence of Youth Violence,” *Crime and Justice* 24 (1998), pp. 477-501. <https://www.journals.uchicago.edu/doi/abs/10.1086/449285>.

10. Ibid., p. 483.

11. “Teen Brain: Behavior, Problem Solving, and Decision Making” American Academy of Child and Adolescent Psychiatry, No. 95 (September 2016). https://www.aacap.org/aacap/families_and_youth/facts_for_families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx.

of what they are about to do.¹² Further, as the brain develops, the impulsivity and aggression demonstrated in late adolescence generally dissipates.

Most significantly, children who commit violent acts are not an exception—their brains are still developing as well, just like those who commit nonviolent offenses. Crime tends to follow a bell-shaped age trend, called the “age-crime curve,” and is universal in Western populations (Figure 1).¹³ While the curve for violence tends to be later than that for property crimes and decreases more slowly, it still follows the general pattern—an increase from late childhood, a peak in the late-teenage years and a decline after the early 20s.¹⁴

Certainly, children who commit violent acts may have different risk factors and may need different, lengthier interventions.¹⁵ But, if given the appropriate time and services, even those that exhibit violence can rehabilitate and do well. On the other hand, trying children in the adult system often results in negative future outcomes and decreases public safety overall. This is because placing children in adult facilities makes them extremely vulnerable to physical and sexual abuse, forces them to be isolated and does not provide them with rehabilitative services appropriate for their development.

Increased Vulnerability to Assault and Abuse

Juveniles in the adult system are vulnerable to significant threats to their health and wellbeing. Youth incarcerated with adults are much more likely to suffer physical violence and sexual abuse, both from other inmates as well as staff. The National Prison Rape Elimination Commission posits that more than any other group of people behind bars, young people in adult facilities are probably at the highest risk of sexual abuse.¹⁶ Indeed, despite the fact that juveniles make up less than 1% of the jail population, they constitute 21% of all victims of substantiated incidents of inmate-on-inmate sexual violence in jails.¹⁷

Separation and Isolation

Federal law requires that youth transferred to the adult system must be separated by sight and sound from adult inmates, but many states have refused to comply with these laws and instead have forfeited federal grant money. In these facilities, young people are extremely vulnerable to harassment and abuse. In those facilities that do separate the two groups, youth are often isolated in de facto solitary confinement, without education and mental health treatment. Frequently, they are locked down 23 hours a day in small cells with no natural light or contact with others. Such isolation can cause severe mental health concerns—including anxiety and paranoia—and can cause them to become suicidal. While the juvenile suicide rate in 2014 was an average of 4.04 youth per 100,000 and generally remained level in juvenile facilities, the suicide rate for youth under 18 in adult jails was 36 youth per 100,000—nine times the rate of their peers. Further, in addition to such detriments to the health and safety of these children, isolation is also expensive. Separated both from their peers and from the adults incarcerated with them, the specialized care they require drives up the cost of their confinement.¹⁸

Lacking Opportunities for Rehabilitation

While confined in adult facilities, juveniles lack access to services for rehabilitation and thus are far less likely to get vocational training and education.¹⁹ Adult facilities also offer fewer counseling services and treatment options than juvenile ones. Additionally, staff at juvenile facilities receive special training to work with youth, and are often subject to lower inmate-to-staff ratios, which allows for a higher level of specialized care.²⁰ Such resources are of particular importance to juveniles, as most—even those convicted as adults—will be released when they are relatively young. In fact, approximately 80 percent of youth convicted as adults are released from prison before their 21st birthday, and 95 percent by their 25th.²¹ For this reason, they should be provided skills to be productive in the future—rather than being thrown away or forgotten as they languish in adult facilities.

12. David Fassler, “Your Teen’s Brain: Driving without the Brakes,” *Scientific American*, March 15, 2012. <https://blogs.scientificamerican.com/guest-blog/your-teens-brain-driving-without-the-brakes>.

13. National Institute of Justice, “From Juvenile Delinquency to Young Adult Offending,” Office of Justice Programs, March 11, 2014. <https://www.nij.gov/topics/crime/Pages/delinquency-to-adult-offending.aspx-noteReferrer2>.

14. Ibid.

15. Jessica J. Asscher et al., “Do Extremely Violent Juveniles Respond Differently to Treatment?,” *International Journal of Offender Therapy and Comparative Criminology* 62:4 (Oct. 27, 2016), pp. 958-77. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5808822>.

16. See, e.g., “National Prison Rape Elimination Commission Report,” National Prison Rape Elimination Commission, June 2009. <https://www.ncjrs.gov/pdffiles1/226680.pdf>.

17. Ibid., p. 155.

18. See comments of The Texas Public Policy Foundation’s Derek Cohen in Sarah Childress, “More States Consider Raising the Age for Juvenile Crime,” June 2, 2016. <https://www.pbs.org/wgbh/frontline/article/more-states-consider-raising-the-age-for-juvenile-crime>.

19. The Campaign for Youth Justice, “Zero tolerance: How states comply with PREA’s youthful inmate standard,” 2015. http://cfyj.org/images/pdf/Zero_Tolerance_Report.pdf.

20. See e.g., “Position Statement: Waiver and Transfer of Youths to Adult Systems,” Council of Juvenile Correctional Administrators, 2009. <http://pbstandards.org/cjcare-sources/20/CJCA-Waiver-Position-Paper.pdf>; and Donna Bishop and Charles Frazier, “Consequences of Transfer” in *The Changing Borders of Juvenile Justice: Transfer of Adolescents to the Criminal Court*, ed. Jeffrey Fagan and Franklin E. Zimring (University of Chicago Press, 2000), pp. 227-76.

21. “Key Facts: Youth in the Justice System,” Campaign for Youth Justice, June 2016. <http://cfyj.org/images/factsheets/KeyYouthCrimeFactsJune2016final.pdf>.

In fact, there is evidence to suggest that placing youth in adult facilities is actually detrimental to public safety. Those transferred have significantly higher recidivism rates, which experts postulate may be because of the stigma of being labelled a convicted felon; the sense of injustice juveniles feel about being tried as an adult; the apprehension of criminal mores due to exposure to older, more sophisticated individuals; and the decreased focus on rehabilitation and family support in the adult system.²² Such youth are between 34% to 77% more likely to be re-arrested than those who stay in the juvenile justice system.²³ Worst of all, this recidivism-increasing effect is most pronounced in its correlation to violent crime.²⁴ For these reasons, the juvenile justice system is better suited to give young people the age-appropriate support and services they need, and thus they should remain within it whenever possible.

OVERUSE OF YOUTH CONFINEMENT IN THE JUVENILE JUSTICE SYSTEM

Even when youth remain in the juvenile justice system, detention of any kind can be incredibly harmful for young people. The continuing over-criminalization and incarceration of youth in the United States is likely a remnant of 1980s and 90s warnings by criminologists and politicians alike, who spoke of a coming tide of “superpredators.” These vicious juveniles were said to be “radically impulsive, brutally remorseless youngsters, including ever more pre-teenage boys, who murder, assault, rape, rob, burglarize, deal deadly drugs, join gun-toting gangs and create serious communal disorders.”²⁵

History has shown that these fears were baseless. Nevertheless, a series of bad policies were codified into legislation that increased the use of youth incarceration. As a result, behavior that was formerly dealt with in the home or school became a pipeline to youth prison, particularly in jurisdictions that recognized it as serious, violent and criminal. For

example, a physical confrontation between two children in school can be a serious violent criminal action in one place, or simply a disciplinary matter for the school to address in another. Similarly, in most jurisdictions, car theft, drug dealing and burglary are considered “serious” crimes, despite the fact that these are often nonviolent offenses.²⁶ Although juvenile crime has continued to decrease in recent years,²⁷ hundreds of thousands of young people are still being locked in secure juvenile facilities,²⁸ primarily because of a misguided understanding of the purpose of detention.

The purpose of juvenile facilities is to temporarily house youth who are a public safety risk, but these facilities are packed with young people who do not belong there. Indeed, three-fourths of the youth currently in detention are being held merely for nonviolent charges and status offenses.²⁹ In juvenile cases, a “status offense” involves conduct that would not be a crime if it were committed by an adult—for example, truancy, curfew violations or possession of tobacco. These offenses should not initiate confinement. Thus, one of the most important steps the juvenile justice system must take going forward is to clearly define who should be confined in the first place.

The 1974 Juvenile Justice and Delinquency Prevention Act (JJDPA) prohibits the placement of status offenders in secure confinement.³⁰ However, ten years later, the valid court order (VCO) exception was added, which permitted courts to incarcerate children if they disobeyed a VCO.³¹ A VCO permits courts to order a youth to stop specified non-criminal behavior. For example, if a child is told by a judge that they must attend school or follow their probation officer’s directions and they disobey the court order, in many states, the judge can incarcerate the child. In this way, VCOs are also the most common mechanism for youth with school discipline issues to enter the criminal justice system—often referred to as the “school-to-prison pipeline.”

22. Gordon Bazemore and Mark Umbreit, “Rethinking the Sanctioning Function in Juvenile Court: Retributive or Restorative Responses to Youth Crime,” *Crime and Delinquency* 41:3 (July 1, 1995), pp. 296-316. <http://journals.sagepub.com/doi/abs/10.1177/0011128795041003002>.

23. “Key Facts: Youth in the Justice System.” <http://cfyj.org/images/factsheets/KeyYouthCrimeFactsJune72016final.pdf>.

24. *Ibid.*

25. See, e.g., John P. Walters and William Bennett, *Body Count* (Simon & Schuster, 1996), pp. 27. The term caught on like wildfire, and both Democrats and Republicans used the phrase to garner votes and to justify harsh new laws against juveniles. Then-first lady Hillary Clinton was among the many public figures who used the phrase, calling them young people with “no conscience, no empathy” and arguing “we can talk about why they ended up that way, but first we have to bring them to heel.” See “Mrs. Clinton Campaign Speech,” C-SPAN, Jan. 25, 1996. <https://www.c-span.org/video/?69606-1/mrs-clinton-campaign-speech>. Clinton has since acknowledged the detrimental effect of such a classification. See Jonathan Capehart, “Hillary Clinton on ‘superpredator’ remarks: ‘I shouldn’t have used those words,’” *The Washington Post*, Feb. 25, 2016. https://www.washingtonpost.com/blogs/post-partisan/wp/2016/02/25/hillary-clinton-responds-to-activist-who-demanded-apology-for-superpredator-remarks/?utm_term=.e46a687ff5db.

26. Robert D. Hoge, “Serious and Violent Juvenile Offenders: Assessment and Treatment,” *United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders Resource Materials Series No. 78*, June 2008. “http://www.unafei.or.jp/english/pdf/RS_No78/No78_10VE_Hoge2.pdf.”

27. Matt Smith, “NCJJ Report Shows Juvenile Crime Keeps Falling, But Reasons Elusive,” Juvenile Justice Information Exchange, Feb. 26, 2015. <http://jjie.org/2015/02/26/ncjj-report-shows-juvenile-crime-keeps-falling-but-reasons-elusive>.

28. Justice Policy Institute, “The Dangers of Detention. The Impact of Incarcerating Youth in Detention and Other Secure Facilities,” The Annie E. Casey Foundation, Dec. 9, 2007. <http://www.aecf.org/resources/the-dangers-of-detention>.

29. “Key Facts: Youth in the Justice System.” <http://cfyj.org/images/factsheets/KeyYouthCrimeFactsJune72016final.pdf>.

30. Patricia J. Arthur and Regina Waugh, “Status offenses and the Juvenile Justice and Delinquency Prevention Act: The Exception that Swallowed the Rule,” *Seattle Journal for Social Justice* 7:2 (May 2008), pp. 555-76. <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1113&context=sjsj>.

31. *Ibid.*

Since its enactment, the JJDPAs' original requirement that status offenders should not be incarcerated has been supported by research that revealed that confinement does not address the underlying reasons for status-offending behavior and may even make such behaviors worse.³² This is because, once incarcerated, not only are youth more likely to offend later in life, but the very experience of being in court increases the likelihood of future criminal activity.³³ This is, perhaps, unsurprising considering that to lock up a youth means removing him or her from school, family and other social safety nets (like coaches or mentors). It is, therefore, not a decision that should be made lightly.

Instead, youth should be placed in appropriate settings according to their criminological risk and specific needs. Those who do not need to be incarcerated should not be, while those who do require more secure settings must be placed in facilities that can accommodate and address the special circumstances of juveniles. Many young people who are detained end up in large, rural youth prisons, a facility model that does not work. These youth prisons are different from other juvenile settings in that they are often operated by states rather than counties, house a hundred or more youth and are “prison-like”—with wire fencing, locked rooms and isolation. As of 2016, there were still 80 of these facilities in operation and many are decades old.³⁴

While also challenging for adults, facilities that are large and overcrowded or isolated from urban areas are even worse for young people,³⁵ and thus any decision to imprison children must take into consideration the fact that, notwithstanding the perceived need, confinement increases the chances of reoffending.³⁶ This effect demonstrates the opposite of deterrence, which is often offered as a reason for early intervention incarceration in the first place.

One common argument in favor of these large facilities is that they are cheaper to run. However, because of the continued decrease in juvenile crime, many contain empty beds, which ultimately increases the per-inmate price tag.³⁷ Additionally, these cost estimates do not take into account the long-term

costs of youth reentering the system, nor do they consider the system-level costs—like for example, the fact that it is difficult to attract and retain qualified individuals to work in these facilities. Even more expensive—both at a human and fiscal level—are the abuse scandals that have plagued them.

Further, because of their rural locations, oversight bodies are rarely proximate and abuse can go unnoticed. When it occurs, there are lengthy, costly investigations and subsequent litigation that also raise the costs of youth prison. And these abuses are not isolated, but rather are systemic to the model. We do not have to look far into the past to find such incidents. Sexual and physical assaults were suffered by youth at the hands of staff in Gainesville, TX.³⁸ In Florida, the *Miami Herald's* “Fight Club” investigation also revealed numerous cases where guards ordered incarcerated children to beat each other up. They were also sexually exploited.³⁹ In Wisconsin, a Lincoln County judge alleged that detention facilities in the state were engaging in sexual assault and physical child abuse, among other issues.⁴⁰

Not only are these recent scandals horrendous for the youth that underwent such treatment, the subsequent investigations and litigation are unnecessarily expensive for taxpayers. However, even when abuse does not occur, confinement is the most expensive intervention available. On average, it costs states \$148,767 to incarcerate a single child for a year.⁴¹ That cost does not take into account the long-term price of confining kids—such as recidivism, lost future earnings and Medicaid/Medicare spending—which is estimated to cost the country an additional \$8 to \$21 billion each year.⁴²

There are also physical and mental costs. Not only does placing non-delinquent youth in detention facilities expose them to physical and sexual assault,⁴³ but mental health also suffers. In fact, one psychologist found that for one-third of incarcerated youth diagnosed with depression, its onset did

32. Barry Holman and Jason Ziedenberg, “The Dangers of Detention,” Justice Policy Institute, Nov. 28, 2006, p. 4. <http://www.justicepolicy.org/research/1978>.

33. Mahsa Jafarian and Vidhya Ananthakrishnan, “Just Kids: When Misbehaving is a Crime,” Vera Institute of Justice, Aug. 11, 2017. <https://www.vera.org/when-misbehaving-is-a-crime?print=1>.

34. Eli Hager, “There Are Still 80 ‘Youth Prisons’ in the U.S. Here Are Five Things to Know About Them,” The Marshall Project, Mar. 2, 2016. <https://www.themarshallproject.org/2016/03/03/there-are-still-80-youth-prisons-in-the-u-s-here-are-five-things-to-know-about-them>.

35. “The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense,” Justice Policy Institute, May 2009. http://www.justicepolicy.org/images/upload/09_05_rep_costssofconfinement_jj_ps.pdf.

36. Ibid.

37. Hager. <https://www.themarshallproject.org/2016/03/03/there-are-still-80-youth-prisons-in-the-u-s-here-are-five-things-to-know-about-them>.

38. Brandi Grissom and Sue Ambrose, “Four officers facing prison time in sexual misconduct scandal at state youth lockup,” Dallas News, Nov. 7, 2017. <https://www.dallasnews.com/news/texas-politics/2017/11/07/four-officers-facing-prison-time-sexual-misconduct-scandal-state-youth-lockup>.

39. Carol Marbin Miller and Audra D.S. Burch, “They were stalkers, sexters and rapists — and worked safeguarding Florida delinquents,” *Miami Herald*, Oct. 10, 2017. <http://www.miamiherald.com/news/special-reports/florida-prisons/article177887586.html>.

40. Keegan Kyle, “Explained: Wisconsin youth prison scandal,” *Post Crescent*, May 13, 2016. <https://www.postcrescent.com/story/news/investigations/2016/05/13/explained-wisconsins-youth-prison-scandal/83714726>.

41. Amanda Petteeruti et al., “Calculating the Full Price Tag for Youth Incarceration,” Justice Policy Institute, December 2014. http://www.justicepolicy.org/uploads/justice-policy/documents/sticker_shock_final_v2.pdf.

42. Jafarian and Ananthakrishnan. <https://www.vera.org/when-misbehaving-is-a-crime?print=1>.

43. Bureau of Justice Statistics, “Sexual Victimization in Juvenile Facilities Reported by Youth: National Survey of Youth in Custody 2012,” U.S. Dept. of Justice, June 2013. <https://www.bjs.gov/content/pub/pdf/svjfry12.pdf>.

not occur until after incarceration.⁴⁴ Seldom are individual needs, community safety and fiscal prudence so aligned in policy, but in the case of youth detention facilities, all three goals lead to the same solution: closing large, rural youth prisons.

WAYS FORWARD

In light of such detrimental effects, many jurisdictions are reevaluating their juvenile justice models. One well-known program that has had documented success in lowering detention rates is the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative (JDAI). The JDAI works with individual jurisdictions to employ validated detention criteria and risk assessment tools, create detention alternatives and improve data collection.⁴⁵ In the process of engaging with the JDAI, many jurisdictions have decreased the number of youth in detention. At the same time, these jurisdictions have seen improvements in public safety. The vast majority of the JDAI sites (90 percent) have shown positive safety outcomes that are measured through decreases in new intake cases in juvenile court, juvenile arrests, felony juvenile petitions and total petitions in juvenile court.⁴⁶

However, the success of the JDAI depends upon a jurisdiction's continued interest and participation in lowering detention. For example, Harris County, Texas is a jurisdiction that participated in the JDAI in 2007 and experienced significant declines in detention, but then apparently reversed course. Declines in detaining children for technical probation violations were sustained from 2010 to 2012, when between 39 and 44 percent were detained.⁴⁷ By 2016, however, Harris County was back to detaining three-quarters of youth who had probation violations.⁴⁸ This increase suggests that the JDAI is only as strong as a jurisdiction's buy-in.

Additionally, the JDAI focuses on youth for whom community alternatives are appropriate, generally not those youth who are considered serious or violent.⁴⁹ Thus, there are still young people "left behind"—those for whom home-based alternatives are not a viable solution. In these cases, the following policy recommendations present a model that tar-

gets three main pillars to improve outcomes for youth who require confinement: reducing isolation and institutionalism, fostering positive relationships and focusing on reentry from day one.

Design facilities for rehabilitation

Put simply, human beings and young people specifically, thrive when they have stable relationships with people they can count on. However, the large youth prison model promotes anonymity and decreases accountability. Further, many of the youth who end up in delinquency facilities are of limited means and thus the great distances between them and their families are extremely burdensome. For these reasons, such large, remote facilities must be replaced with smaller programs, closer to the child's community. This change will help to promote positive connections with family, as well as with staff members. Switching to a regional and smaller juvenile facility model is also consistent with international law.⁵⁰ The UN Rules for the Protection of Juveniles Deprived of their Liberty, also known as the 1990 "Havana Rules," recommend that detention facilities should be as small as possible in order to facilitate effective individualized treatment.⁵¹

Along with size, environment and design matter. Thoughtful design improves juvenile outcomes and sends the message to youth housed in these facilities that they are individuals worthy of rehabilitation. Unfortunately, the typical youth prison shares many similar features with adult facilities, including small cells, concrete walls, stainless steel, a small bunk and no natural light.⁵² Many states are at a turning point where there is no alternative but to tear down old youth prisons and rebuild new facilities. Wisconsin, Connecticut, New Jersey, Virginia and others have all made plans to close down youth

44. Holman and Ziedenberg. http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf.

45. "Juvenile Detention Alternatives Initiative," The Annie E. Casey Foundation, 2018. <http://www.aecf.org/work/juvenile-justice/jdai>.

46. "2014 Progress Report," The Annie E. Casey Foundation, June 2, 2014, p. 17. <http://www.aecf.org/m/resourcedoc/aecf-2014JDAIProgressReport-2014.pdf#page=17>.

47. Meagan Flynn, "Harris County jails hundreds of juveniles each year for minor probation violations," Houston Chronicle, Jan. 30, 2018. <https://www.houstonchronicle.com/news/houston-texas/houston/article/Harris-County-jails-hundreds-of-juveniles-each-12538140.php>.

48. Ibid.

49. "Reducing Youth Incarceration," The Annie E. Casey Foundation, 2018. <http://www.aecf.org/work/juvenile-justice/reducing-youth-incarceration>.

50. UN General Assembly, "United Nations Rules for the Protection of Juveniles Deprived of Their Liberty," *United Nations*, April 2, 1991. <http://www.refworld.org/docid/3b00f18628.html>.

51. The United States is a signatory, but has not ratified the Convention on the Rights of the Child (CRC) and the subsequent UN resolutions concerning rights of the child. See "25th Anniversary of the Convention on the Rights of the Child, Human Rights Watch, Nov. 17, 2014. <https://www.hrw.org/news/2014/11/17/25th-anniversary-convention-rights-child>.

52. For pictures of a typical juvenile prison setting, see "Redesign Juvenile Detention Center," Kai Lin Design, 2017. <http://www.kailindesign.com/redesign-juvenile-detention-center>.

prisons in their states.⁵³ This provides the opportunity to build new, smaller facilities that have positive design at the center of their development. These new facilities should be built in ways that encourage youth to value themselves and their surroundings. Experts have found, for example, that using ordinary carpet and furnishings—with softer finishes such as natural hardwoods and glass, moveable home-like furniture and a colorful, residential color palette—are key components to create an atmosphere of normalcy.⁵⁴ Design must also respond to appropriate federal standards, such as the Prison Rape Elimination Act, and address concerns like blind spots, space for counseling and other services.⁵⁵

Softening surroundings to be more therapeutic does not mean being soft on crime. There is good reason to believe that adopting these recommendations will improve public safety, both within the facility and outside its walls. The mere experience of entering the justice system can trigger the fight or flight response, especially in young people who are still trying to modulate perceived risks.⁵⁶ Moreover, many of these young people have already suffered physical and sexual trauma and such a response can present itself as withdrawal or defiance of authority within the facility. Minimizing the trauma of the experience by deinstitutionalizing the environment can actually make these facilities more manageable for staff and can reduce behavioral incidents.⁵⁷ An incredible byproduct of improving institutional architecture is that it can also directly improve staff-youth relationships. For example, a recent study found that inmates housed in dungeon-like “panopticons” tended to feel more estranged from

guards than in campus-like living arrangements, where they perceived their relationships with staff as more supportive.⁵⁸

Consequently, a number of new facilities are finding success in creating facilities with new design components. Johnson County Youth and Family Services Center in Olathe, Kansas, for example, has traded a dark, cold building with a wire-topped fence for an airy, open 33-bed facility that looks more like a college dormitory or youth center than a prison.⁵⁹ Law enforcement staff uniforms, as well as inmate jumpsuits, have been disposed of and instead, children are allowed to wear their own clothes.⁶⁰

Open-style facilities for youth involved in violent offenses have already been attempted internationally with success. Neustrelitz Prison, a juvenile facility in Germany, for example, mirrors the outside world in all possible fashions.⁶¹ While some aspects of incarceration are unavoidable, the institutional aspects of the setting are minimized. Each room at Neustrelitz has natural light that comes in through a large, barred window that opens. The rooms have personal touches, like rugs, decorative lamps and flowers. Each young person has his or her own toilet with a door. There is also access to the outdoors, animals that are both tended to by youth and are part of animal therapy programs, as well as a vineyard where young inmates can learn to make their own wine to give as gifts to their guests. Neustrelitz boasts a 30 percent recidivism rate—much lower than most American juvenile facilities.⁶²

Such a model, however, is not uniquely German. The “Missouri model” is likely the most famous example in the United States of a juvenile system that has embraced smaller, more home-like facilities. Young people there sleep in dorm-style rooms with comforters, wear their own clothing and decorate their personal spaces with items from home.⁶³ The New

53. See, e.g., Molly Beck, “Scott Walker plans to close troubled Lincoln Hills youth prison, open six small facilities,” *Wisconsin State Journal*, Jan. 5, 2018. http://host.madison.com/wsj/news/local/govt-and-politics/scott-walker-plans-to-close-troubled-lincoln-hills-youth-prison/article_b025bfeb-5632-54d1-907a-5eb00e677886.html; Jacqueline Rabe Thomas, “Controversy surrounds closure of juvenile prison,” *The Connecticut Mirror*, Jan. 2, 2018. <https://ctmirror.org/2018/01/02/state-ceases-admissions-to-locked-facility-for-boys-who-break-the-law>; Suzanne Russel, “State to close NJ Training School for Boys in Monroe,” *Mycentraljersey.com*, Jan. 8, 2018. <https://www.mycentraljersey.com/story/news/education/in-our-schools/2018/01/08/state-close-nj-training-school-boys-monroe/1014359001>; and Laura MacFarland, “Beaumont Correctional in Powhatan County closes its doors,” *Richmond Times-Dispatch*, June 22, 2017. http://www.richmond.com/news/local/central-virginia/powhatan/powhatan-today/beaumont-correctional-in-powhatan-county-closes-its-doors/article_235360fa-57bb-11e7-aabe-27b0e0c0a0bb.html.

54. “Real World Juvenile Design,” *Correctional News*, July 28, 2011. <http://correctional-news.com/2011/07/28/real-world-juvenile-design>.

55. Andrew Pitts, “7 ways the face of juvenile justice is changing,” *CorrectionOne*, July 5, 2017. <https://www.correctionone.com/facility-design-and-operation/articles/378964187-7-ways-the-face-of-juvenile-justice-is-changing>. “Blind spots” are covert secluded areas where sexual abuse can occur.

56. “Thoughtful Design Improves Juvenile Outcomes,” *TREANORHL*, June 13, 2017. <https://www.treanorhl.com/thinking/news/thoughtful-design-improves-juvenile-outcomes>.

57. Rita Berto, “The Role of Nature in Coping with Psycho-Physiological Stress: A Literature Review on Restorativeness,” *Behavioral Sciences* 4:4 (Oct. 21, 2014), pp. 394-409. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4287696>.

58. Ryan Jacobs, “How Prison Architecture Can Transform Inmates’ Lives,” *Pacific Standard*, June 17, 2014. <https://psmag.com/news/jail-prison-architecture-inmates-crime-design-82968#.n5o3qqvzw>. The “Panopticon” is a type of institutional building and a system of control designed by the English philosopher and social theorist Jeremy Bentham. Within it, the design scheme allows inmates to be observed by a single watchman without being able to tell whether or not they are being watched.

59. “Johnson County Kansas Youth and Family Service Center,” *Zimmerschied Architecture*, Feb. 3, 2015. <http://zimmerschiedarchitecture.com/zawp/project/johnson-county-youth-and-family-service-center>.

60. Roxie Hammill, “A new approach to dealing with young offenders,” *The Kansas City Star*, Jan. 31, 2015. <http://www.kansascity.com/news/local/community/joco-913/olathe-southwest-joco/article8873765.html>.

61. Sarah Gonzalez, “Kids in Prison: Germany Has a Different Approach, Better Results,” *WNYC News*, Oct. 10, 2016. <https://www.wnyc.org/story/being-kid-adult-prison-here-vs-other-countries>.

62. *Ibid.*

63. The state of Missouri has created a juvenile justice system that has proved so successful it is known as the “Missouri Miracle.” A number of practices make Missouri’s system unique: most notably, the use of small local facilities that incorporate dorm-like settings. See, e.g., “The Missouri Model. Reinventing the Practice of Rehabilitating Youthful Offenders,” *The Annie E. Casey Foundation*, 2010. http://static1.l.sqspcdn.com/static/f/658313/9749173/1291845016987/aecf_mo_fullreport_webfinal.pdf?token=vtZeRGDXeiZF4svllteOwCzOA%3D.

Beginnings Youth Development Center in Washington, D.C. similarly has a campus-type environment, including small residential units with counselors. The facility was also able to do without the metal interfaces that are characteristic of institutionalization by using inwardly curved barriers and a non-climbable fabric.⁶⁴

Beyond rethinking the location and design of juvenile facilities, there are other features of programming that are vital. Education and mental health needs, for example, are two of the most fundamental factors required to address serious and violent delinquent behavior and thus facilities should be designed with these needs in mind.⁶⁵ Additionally, access to measures to improve physical health, including quality medical and dental care, nutritious food, recreation and exercise are also vital. All of these areas may be compounded for youth who are particularly vulnerable, for example, those with disabilities, people of color and those who identify as LGBTQI.

Other institutional aspects—the use of mechanical restraints and pepper spray, and the lack of process to file grievances—are also a cause of concern.⁶⁶ Collection of data is also an issue since without regular practices of tracking data, it is impossible to know if deficiencies are continuing or improvements are being made. Organizations like the Annie E. Casey foundation have compiled comprehensive checklists to help stakeholders identify deficiencies within their facilities and to improve them.⁶⁷

Preparing juveniles to succeed in the community after release must begin from day one. And, environmental location and the size and design of the facility are important parts of fundamentally changing the narrative of how we see delinquent youth and what the goals of juvenile facilities should be: namely, rehabilitation, rather than retribution.

Reduce Isolation

Historically, solitary confinement has been a common tool to respond to misbehavior. However, there is no research

to prove that it is an effective punishment. On the contrary, research demonstrates that isolation may actually increase violent behavior in youth.⁶⁸ Additionally, solitary confinement is devastating for children's health.⁶⁹ It is very likely for these reasons that more than half of youth who commit suicide inside facilities do so in solitary confinement.⁷⁰

Federal prisons have recognized the inhumanity of the practice and have forbidden its use for juveniles.⁷¹ It is now also against the law in at least 29 states.⁷² However, juvenile solitary confinement is still a nationwide problem. Regulations that govern the practice have significant loopholes that allow facilities to place children in “administrative segregation,” “time out” or “isolation” to control behavior. In many states, such isolation is not technically considered solitary confinement as long as a staffer is in the vicinity. Through this loophole, children can remain isolated from their peers and other staffers for days, weeks and even months. Almost half of training schools and juvenile facilities still use isolation to control the behavior of teens.⁷³

Isolating youth—both physically and psychologically—is an ultimately ineffective practice, as it does not reduce behavioral incidents within the facility and does nothing to address recidivism. For these reasons, if children must be placed in secure settings, these facilities should not use solitary confinement as a mechanism of control. If a child needs to be temporarily placed alone, this should only be a last resort and there should be a clear time limit of just a few hours, which should be communicated to the child. A staff member should be engaged with the youth for the duration. New York, for instance, has moved completely away from using isolation by implementing the “Sanctuary Model,” which emphasizes trauma-informed care in lieu of punitive responses to youth misbehavior.⁷⁴ In Missouri, facilities have strict reporting requirements regarding isolation. The central focus of their model is to provide individualized attention to youth who

64. “New Beginnings Youth Development Center,” AECOM Justice Project, December 2009. <http://www.aecom.com/projects/new-beginnings-youth-development-center>.

65. Certain evidence-based modalities, for example, Multisystemic Therapy (MST) are particularly effective at treating serious, violent and chronic youth offenders. See, e.g., Charles M. Borduin and Alex R. Dopp, “Multisystemic Therapy for Violent and Aggressive Youths,” in *The Wiley Handbook of Violence and Aggression* (Wiley, 2017), pp. 70. <http://onlinelibrary.wiley.com/doi/10.1002/9781119057574.whbva070/abstract?userIsAuthenticated=false&deniedAccessCustomisedMessage=>. See also, The Office of Child Development, “Effectiveness of Treatment for Violent Juvenile Delinquents,” University of Pittsburgh, March 1993. <http://www.ocd.pitt.edu/Files/PDF/sr1993-03.pdf>.

66. “Pepper Spray in Juvenile Facilities,” Council of Juvenile Correctional Administrators, May 2011. <http://cjca.net/attachments/article/172/CJCA.Issue.Brief.OCSpray.pdf>.

67. “A Guide to Juvenile Detention Reform, Juvenile Detention Facility Assessment,” Annie E. Casey Foundation, 2014. <http://www.aecf.org/m/resourcedoc/aecf-juvenile-detentionfacilityassessment-2014.pdf>.

68. “Unlocking Youth: New Report on Ending Youth Solitary,” Juvenile Law Center, Aug. 3, 2017. <http://jlc.org/blog/unlocking-youth-new-report-ending-youth-solitary>.

69. Stuart Grassian, “Psychiatric Effects of Solitary Confinement,” *Washington University Journal of Law and Policy* 22 (2006), pp. 325-83. https://openscholarship.wustl.edu/law_journal_law_policy/vol22/iss1/24.

70. Jenny Lutz, “Why We Should Fight to End Solitary Confinement for Kids,” Stop Solitary for Kids Campaign, March 5, 2017. <http://www.stopsolitaryforkids.org>.

71. “Report and Recommendations Concerning the Use of Restrictive Housing,” U.S. Dept. of Justice, January 2016. <https://www.justice.gov/archives/dag/file/815551/download>.

72. “51 – Jurisdiction Survey of Juvenile Solitary Confinement Rules in Juvenile Justice Systems,” Lowenstein Center for the Public Interest, July 2016. <https://www.lowenstein.com/files/upload/51-jurisdiction%20survey%20of%20juvenile%20solitary%20confinement%20rules.pdf>.

73. Office of Juvenile Justice and Delinquency Prevention, “Data Reflect Changing Nature of Facility Populations, Characteristics, and Practices,” U.S. Census Bureau, 2014. https://www.ojjdp.gov/ojstatbb/snapshots/DataSnapshot_JRFC2014.pdf.

74. “Solitary Confinement and Isolation in Juvenile Detention and Correctional Facilities,” American Civil Liberties Union, Mar. 12, 2014. https://www.aclu.org/files/assets/4%202%20Juvenile%20Solitary_Two%20Pager.pdf.

have exhibited behavioral issues, rather than simply to relegate them to solitary. Indeed, there are only eight isolation rooms in the entire state, and they are rarely used.⁷⁵

Psychological isolation must also be addressed, which refers to the level to which the youth feel disconnected from social supports. Social isolation has direct links to harming the cardiovascular, neuroendocrine and cognitive system, which is to say that social disconnection can literally change the makeup of genes.⁷⁶ The best juvenile justice systems recognize the family relationships of youth in their care and harness these relationships to help them succeed. In addition, since they will ultimately return to their families, improving visitation is an important way facilities can focus on an individual's rehabilitation and reentry from day one.

After all, staying connected to family is a key indicator of whether a youth will be successful in the future.⁷⁷ Studies also show that visitation can improve incarcerated children's mental health regardless of the quality of the relationship.⁷⁸ Visits are also positive from a public safety perspective: preliminary studies have shown that youth who receive them have a lower behavioral incidence rate within the facility. As visitation frequency increases, the number of behavioral incidents decreases.⁷⁹ Children with strong family connections also have better outcomes post-release, as there is a strong relationship between visitation and reduced recidivism.⁸⁰

Currently and paradoxically, it is often even harder for incarcerated kids to stay in touch with their families than their adult counterparts. This is because adult prisons often have more frequent and flexible visitation schedules,⁸¹ whereas families of confined youth are often limited in the amount of time they can spend, as well as who specifically can visit

and how many at a time.⁸² Policies that limit visitors to parents or guardians neglect to acknowledge the frequent situations in which another adult, such as a grandparent, aunt or even a mentor may have a stronger bond with the child. Other barriers to visitation include the facility's distance from families, the lack of transportation, the unavailability of video visitation and restrictive rules.⁸³ As a policy matter, juvenile visitation must be as inclusive and open as possible. Any restrictions made in the name of public safety must be scrutinized to determine if they are truly necessary and as minimally restrictive as possible.

Innovative programs are already rethinking restrictive visitation policies. The Baby Elmo project, for example, was an intervention staged in California at four different detention centers to provide incarcerated teen fathers parenting instruction and visitation with their young children.⁸⁴ The program not only assisted youth in feeling connected to their kids, it reduced behavioral infractions and was highly reinforcing for the fathers.⁸⁵ Because the program was taught and supervised by probation staff in the juvenile detention facilities, staff relations with the incarcerated minor also improved.⁸⁶

Positive relationships with nurturing staff members can also go a long way to reduce isolation. Following recommendations to make facilities smaller and more urban may naturally assist in attracting qualified personnel. While these employees certainly need adequate education and training, of paramount importance, is the ability of staff to truly connect with youth. Many of these characteristics are not quantifiable or easily measured, but staff who have the ability to see the positive in every person and to recognize change (no matter how small), and to truly believe each child has value are vital.⁸⁷

Addressing physical and psychological isolation is so fundamental because it gets at the heart of why youth often end up in the system in the first place: a lack of positive relationships and social connections to the world around them. Fostering relationships, particularly family ties that will continue

75. See John J. Conrad et al., *Juvenile Justice: A Guide to Theory, Policy, and Practice* (Sage Publications, 2013).

76. Adnan Bashir Bhatti and Anwar ul Haq, "The Pathophysiology of Perceived Social Isolation: Effects on Health and Mortality," *Cureus* 9:1 (January 2017), pp. 1-10. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5367921>.

77. See, e.g., Krista Larson, "Family Engagement: A Critical Element of Effective Juvenile Justice," Vera Institute of Justice, June 14, 2016. <http://www.djj.virginia.gov/pdf/about-djj/jcc-taskforce/Vera%20Family%20Engagement%206%2010%2016.pdf>; and Bhatti and ul Haq. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5367921>.

78. Larson. <http://www.djj.virginia.gov/pdf/about-djj/jcc-taskforce/Vera%20Family%20Engagement%206%2010%2016.pdf>.

79. Sandra Villalobos Agudelo, "The Impact of Family Visitation on Incarcerated Youth's Behavior and School Performance Findings from the Families as Partners Project," Vera Institute of Justice, April 2013. http://www.njcn.org/uploads/digital-library/impact-of-family-visitation-on-incarcerated-youth-brief_VERA_April-2013.pdf.

80. Larson. <http://www.djj.virginia.gov/pdf/about-djj/jcc-taskforce/Vera%20Family%20Engagement%206%2010%2016.pdf>.

81. Cymone Fuller and Ryan Shanahan, "Tough on Kids and Their Families," Vera Institute of Justice, Oct. 31, 2016. <https://www.vera.org/blog/tough-on-kids-and-their-families>.

82. Ibid.

83. Larson. <http://www.djj.virginia.gov/pdf/about-djj/jcc-taskforce/Vera%20Family%20Engagement%206%2010%2016.pdf>.

84. Rachel Barr et al., "The Baby Elmo Program: Improving teen father-child interactions within juvenile justice facilities," *Children and Youth Services Review* 33 (2011), pp. 1555-62. <http://elp.georgetown.edu/wp-content/uploads/2016/02/Barretal2011-Child-and-Youth-Services.pdf>.

85. Shani M. King et al., "Cost-Effective Juvenile Justice Reform: Lessons From The Just Beginning 'Baby Elmo' Teen Parenting Program," *North Carolina Law Review* 93 (2015), pp. 1381-1418. <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1723&context=facultypub>.

86. Ibid.

87. See, e.g., Pamela A. Clark, "Ensuring a Professional Workforce for Confinement Facilities Serving Youth," in *Desktop Guide to Quality Practice for Working with Youth in Confinement* (National Partnership for Juvenile Services and Office of Juvenile Justice and Delinquency Prevention, 2014). <http://npjs.org/jajis/wp-content/uploads/2014/12/JAJIS-Article-Clark-edited-kd.pdf>.

beyond a child's time in confinement is thus crucial to help youth reenter society successfully.

CONCLUSION

The object of the three main pillars (reducing isolation and institutionalism, fostering positive relationships, and focusing on reentry from day one) is to fundamentally reorient society's attitude toward juveniles who require secure confinement. Rather than to see these youth as a scourge on society to be isolated, controlled and locked away, it is time to include delinquent youth—even those who have committed serious and violent felonies—in the family of humanity, and more specifically, as deserving of the protections of childhood.

Researchers know much more today about how to prevent youth violence than they did a few decades ago, when juveniles were declared superpredators and the prevailing view was that nothing worked to prevent violence.⁸⁸ Now we know that even youth that exhibit extremely violent behavior, if given intensive treatment for the right amount of time, can be rehabilitated.⁸⁹ The effects of changing our belief about how to respond to serious and violent youth behavior will be profound. Further, rehabilitating a child does not just affect that child, as he or she functions in an interwoven web of relationships. Their families and communities are better off when recidivism goes down, as a result of evidence-based practices and more therapeutic residential environments. The taxpayer is also rewarded, as saving one high-risk 14 year old from a life of crime creates savings to society that range from \$2.6 to \$5.3 million.⁹⁰ Later on, their future partners and children benefit from having an engaged and productive member of the family. To place children in the adult system usually results in relinquishing all of these benefits, as it is fundamentally ill equipped to rehabilitate young people.

Moreover, even in the juvenile justice system, detention is inappropriate for status offenses, minor offenses, VCO violations and technical violations. Research has demonstrated that for almost all youth, community-based programs are more effective at reducing recidivism, not to mention the cost-savings.⁹¹ Time spent in confinement is not just an interruption from “negative influences,” it can also sever ties with

positive ones like family and school. No matter how much conditions of confinement are improved, the loss of liberty is still significant and separation from the community is inherently traumatic. For these reasons, states should decrease their reliance on incarceration as a mechanism to respond to delinquent adolescent behavior.

Youth are capable of change, and even those that need secure confinement will likely return to society. We must, therefore, enact policies that protect them from harm and promote their development. By reducing isolation, fostering positive relationships and focusing on reentry, even serious, chronic and violent youth can be well served by the juvenile justice system.

ABOUT THE AUTHOR

Nila Bala is a senior fellow in criminal justice policy with the R Street Institute, where she develops policy to advance reforms in juvenile justice and economic justice, including reducing barriers which formerly incarcerated individuals face in returning to society. Nila joined R Street in December 2017, having previously served as an assistant public defender in Baltimore, Maryland and Santa Clara County, California. Nila received her bachelor's in human biology from Stanford University, graduating with distinction. She completed her juris doctor at Yale Law School.

88. See, e.g., Douglas Lipton et al., *The effectiveness of correctional treatment: A survey of treatment evaluation studies* (Praeger, 1975); Lee Sechrest et al., *The rehabilitation of criminal offenders: Problems and prospects* (National Academy of Sciences Press, 1979).

89. Jessica J. Asscher, M. Dekovich, “Do Extremely Violent Juveniles Respond Differently to Treatment?”, *International Journal of Offender Therapy and Comparative Criminology* 62:4 (2018), pp. 958-77. <http://journals.sagepub.com/doi/full/10.1177/0306624X16670951#articleCitationDownloadContainer>.

90. Mark Cohen and Alex Piquero, “New Evidence on the Monetary Value of Saving a High Risk Youth,” *Journal of Quantitative Criminology* 25:1 (March 2009), pp 25–49. <https://link.springer.com/article/10.1007/s10940-008-9057-3>.

91. James Austin et al., “Alternatives to the Secure Detention and Confinement of Juvenile Offenders,” *Juvenile Justice Bulletin*, September 2005. <https://www.ncjrs.gov/pdffiles1/ojdp/208804.pdf>.