

Why Detention Reform Is Necessary



**YOUTH ARE DIFFERENT FROM ADULTS
(AND REQUIRE A DIFFERENT APPROACH).**



The human brain does not fully develop until the age of 25.

Adolescent brain development and behavior research shows that:

- **Adolescents lack adult capacity** for controlling impulses, weighing risks and consequences, regulating emotions, and resisting peer pressure.
- Meanwhile, adolescents' **affinities for thrill-seeking and risk-taking are heightened.**
- As a result, **law-breaking and other risky behaviors are common, even normal,** during adolescence.
- But **in the vast majority of cases, youth will grow out of their law-breaking** without any intervention from the justice or mental health systems.



Arresting low-risk youth for low-level offenses damages young people's futures and undermines public safety.

- Controlling for conduct and a wide-range of background factors, studies find that getting arrested during adolescence nearly **doubles the odds that the young person will drop out of school.**
- **Being formally processed in court tends to further harm young people's long-term success** (and increase their likelihood of future involvement in the justice system).
- Getting arrested and adjudicated as a juvenile can have lasting **collateral consequences** for young people's ability to pursue higher education, obtain employment or housing, or join the military.

In the absence of detention reform, detention practices are often problematic.

- **Excessive.** More youth are detained than necessary or beneficial for public safety or youth success.
- **Inconsistent.** Detention decisions are often based on subjective preferences or seat-of-the pants judgements, leading to very different treatment of youth with similar offending histories.
- **Inappropriate.** Youth may be detained following arrest (even before they've had their day in court) as a consequence for their behavior or to "teach them a lesson," contradicting the legal purposes of detention.
- **Counterproductive.** Placement in detention often traumatizes youth, disrupts their schooling, and damages their long-term success while increasing their odds of further involvement in the justice system.



TRAUMATIZING

“ Detention is one of the most frequently studied decision points in the juvenile system. It is also the point at which race effects unexplained by offense-related variables are most often found. Studies that have included Native American and Hispanic youth report significant disadvantages to these groups as well. ”

— DONNA M. BISHOP AND MICHAEL J. LIEBER

“RACIAL AND ETHNIC DIFFERENCE IN DELINQUENCY AND JUSTICE SYSTEM RESPONSES,” CHAPTER IN OXFORD HANDBOOK OF JUVENILE CRIME AND JUVENILE JUSTICE, 2011.

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- **Inequitable.** Research overwhelmingly shows that youth of color, and especially African American youth, are far more likely to be detained than white youth, even when they have similar backgrounds and offending histories.
- **Wasteful.** Given the very high costs of secure confinement, the excessive use of detention squanders vast sums of money.
- Connects youth (and their families) to **needed services and supports.**
- **Streamlines the court process** to ensure that youth do not spend more time in pre-trial confinement than necessary to protect the public and ensure attendance in court;
- Mobilizes communities to **address racial and ethnic disparities**, which are as pervasive in juvenile justice as they are in the adult justice system.

JDAI offers a solid recipe for correcting these problems.

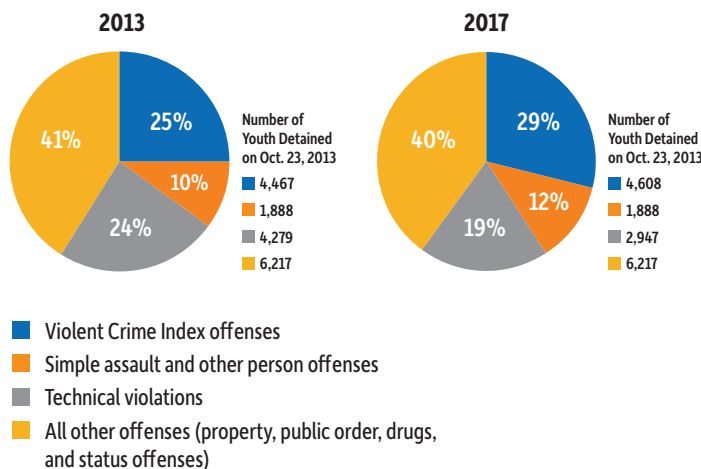
- The **objective screening process** ensures that detention decisions are consistent and informed by the best available evidence;
- Helps keep youth on track for success by expanding the availability of **effective alternatives to detention**;

Right kid + right reason + right time

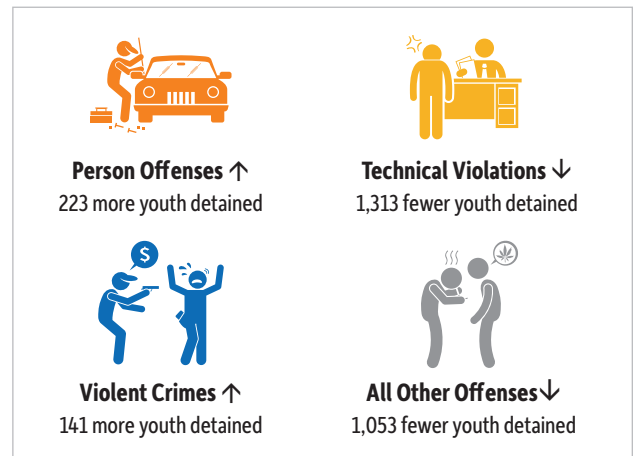
Charged Offenses for Youth in Detentions in 2013 and 2017

These numbers are one-day snapshots of the population under age 21 placed in residential facilities for youth with a legal status of “detained,” according to the Census of Juveniles in Residential Placement. Census dates were Oct 23, 2013 and Oct 25, 2017. A census was conducted in October 2019, but the data haven’t been published yet.

Percentage of U.S. Youth in Detention (by type of offense)



Change in Number of Youth Detentions, 2013- 2017



Source: Sickmund, M., Sladky, T.J., Kang, W., & Puzanchera, C. (2019). “Easy Access to the Census of Juveniles in Residential Placement.” Downloaded on Nov 2, 2020 from <https://www.ojjdp.gov/ojstatbb/ezacjrp/>