



## Joint Statement by Fair and Just Prosecution and Youth Correctional Leaders for Justice on Closing Youth Prisons

As prosecutors, youth correctional administrators, and other concerned individuals, we have too often witnessed the failures of our country's system of youth justice. The United States has long been the global leader in youth incarceration, locking up young people at a far higher rate than other industrialized nations, resulting in further trauma and fraying family and social ties, rather than improving children's lives. By any measure, our overuse of incarceration for youth is ineffective, inefficient, and inhumane.

Youth justice should help both communities and youth themselves to be healthy, thriving, and safe. Our current approach too often leaves youth further traumatized and less able to pursue a productive and positive adult future, largely because we continue to rely on archaic, dangerous, adult-style correctional institutions – youth prisons – as the anchor of our system. These failures leave our communities less safe. As professionals charged with promoting the public's safety and well-being, rehabilitating young people and seeking justice, the time has come for us to speak out and oppose the continued operation of these facilities.

We know communities can function well and safely without youth prisons, because they already are. For example, New York City resolved to stop sending youth to distant prisons and instead invest in community programs and small, homelike facilities. In four years, youth arrests dropped 53 percent while youth placement dropped 68 percent.<sup>1</sup> Texas also realized a drop in youth incarceration (38 percent) accompanied by an even greater drop in youth arrests (49 percent).<sup>2</sup> California, which spent the late 20<sup>th</sup> and early 21<sup>st</sup> century on a youth prison building campaign, in recent years did an about face and steadily closed youth prisons. By 2016, youth arrests for violent crimes in the state fell to less than half what they were in 1990.<sup>3</sup> Gov. Gavin Newsom's proposed budget would close all of California's remaining youth prisons.

### **Fact: Developmentally inappropriate settings are incubators for crime.**

A growing body of research shows that young people have not fully developed the capacity for impulse control, empathy, and judgment necessary to avoid bad choices and potentially harmful behaviors.<sup>4</sup> Most youth will age out of crime and desist from lawbreaking as they mature.<sup>5</sup> Youth prisons are damaging environments – particularly for those coping with childhood trauma

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<sup>1</sup> Vincent Schiraldi, et. al., "[Moving Beyond Youth Prisons](#): Lessons from New York City's Close to Home," Columbia University Justice Lab, February 27, 2019.

<sup>2</sup> Bureau of Justice Statistics, 2007 and 2013 data.

<sup>3</sup> Mike Males. "California Youth Continue Steep Declines in Arrests," Center on Juvenile and Criminal Justice, 2013.

<sup>4</sup> Laurence Steinberg, et al, "Are Adolescents Less Mature Than Adults?" *American Psychologist*, 64:7, October 2, 2009.

<sup>5</sup> Edward P. Mulvey, et al, "Trajectories of desistance and continuity in antisocial behavior following court adjudication among serious adolescent offenders," *Development and psychopathology* vol. 22,2, 2010.

– and disrupt this natural process. Adolescents are more developmentally malleable than fully mature adults, more responsive to well-designed interventions, and more easily harmed by poorly designed and inappropriate interventions.<sup>6</sup> Incarceration itself increases the likelihood that young people will reoffend and will continue to commit crimes into adulthood, as opposed to similarly situated youth who are diverted.<sup>7</sup> Youth who have been incarcerated do much worse than their peers on every outcome that correlates with success, including rearrest, education, physical and mental health, employment, and stable relationships.<sup>8</sup> A more developmentally-appropriate system would help young people turn their lives around, while simultaneously holding them accountable for their behavior.

**Fact: Keeping youth in the community can be done safely.**

Youth crime is on the decline and all but one state has achieved double-digit declines in youth incarceration over the last two decades.<sup>9</sup> These trends reinforce the conclusion that there is no public safety downside to reducing the youth prison footprint. While many youth require no intervention, even those youth who have committed serious offenses can be better treated in community contexts where they can retain ties to family, school, and their community. Neighborhood- and home-based programming for system-involved youth are more successful at holding youth accountable and positively changing behavior than institutional settings.<sup>10</sup> In order to build healthy, thriving, and safe communities, successful interventions should be scaled up and the unsuccessful youth prison model should be abandoned.

**Fact: Closing youth prisons promotes equity.**

The current youth justice system both feeds and is fed by racism. African-American, Native American, and Latino youth are incarcerated at 5, 3, and 1.7 times the rate of white youth, respectively, accumulating disadvantage as they penetrate deeper into the system.<sup>11</sup> It is inconceivable that an institution as brutal as youth prisons would persist if the overwhelming majority of children confined in them were white. Research shows that African-American youth are commonly perceived to be older than they are and that adults are less likely to view them with the innocence associated with childhood.<sup>12</sup> This perception, coupled with the fact that many of these young people come from communities that have experienced historic disinvestment, serves to hasten their path into the justice system. Rather than remedy this opportunity gap, our

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<sup>6</sup> David S. Yeager, et al, “Why Interventions to Influence Adolescent Behavior Often Fail but Could Succeed,” *Perspectives on Psychological Science*, 13:1, December 12, 2017.

<sup>7</sup> Richard Mendel. “No Place for Kids,” Annie E. Casey Foundation, 2011.

<sup>8</sup> Mendel, 2011.

<sup>9</sup> Office of Juvenile Justice and Delinquency Prevention. *Census of Juvenile Residential Placement 1997-2017*.

<sup>10</sup> Patrick McCarthy, et al, “The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model,” *Executive Sessions on Community Corrections*, No. 2, Harvard Kennedy School of Government, October, 2016.

<sup>11</sup> Charles Puzzanchaera, et al, “Easy Access to Juvenile Populations: 1990–2018.” Office of Juvenile Justice and Delinquency Prevention. Washington, DC: U.S. Department of Justice. And Melissa T. Sickmund, et al. “Easy Access to the Census of Juveniles in Residential Placement.” Bureau of Justice Statistics.

Washington, DC: U.S. Department of Justice. 2019.

<sup>12</sup> Philip Abita Goff, et. al. “Essence of Innocence: Consequences of Dehumanizing Black Children,” *Journal of Personality and School Psychology*, 106:4, 2014.

society is spending vast amounts of money to remove youth of color from their homes and place them in facilities that have been conclusively proven to be harmful. Closing youth prisons will help dismantle the persistent racial disparities present within the youth justice system and open up avenues for more equitable treatment of youth of color.

**Fact: Freeing youth protects them from abuse.**

Physical and sexual assaults of incarcerated youth are common. One out of 14 incarcerated youth reported being sexually assaulted in facilities within the 12 months prior to the most recent federal survey.<sup>13</sup> A 2015 study incorporating lawsuits, media reports and other sources documented incidents of abuse and neglect in youth prisons in all but a handful of states.<sup>14</sup> The widespread pattern of abuse in youth prisons suggests that there is nothing anomalous about these incidents, but that abuse is a direct consequence of the model.

**Fact: Community-based solutions are a better return on investment than incarceration.**

Even as incarcerated youth populations have declined, youth justice systems have generally not closed facilities or reduced staff commensurately, with the average annual cost per incarcerated youth skyrocketing over \$500,000 in some jurisdictions.<sup>15</sup> Imagine if that taxpayer money were redirected to more helpful and effective community solutions for youth, instead of institutions proven to worsen them. Such an approach could bolster front-end investments in basic needs, like employment, housing, and health services, as well as support the creation of alternatives to incarceration.

**Fact: Change is achievable when we emphasize collaboration and partnership.**

The experience of the pandemic has underscored both the dangers of placing children in prisons and our capacity to achieve better alternatives. In response to COVID-19, many youth prisons suspended visits, mental health treatment, and even school. The argument that the prisons were rehabilitative has now lost any remaining credibility. At the same time, the Annie E. Casey Foundation documented a 52 percent reduction in youth detention admissions in a two-month period.<sup>16</sup> Across the country, justice system officials are collaborating with nonprofit organizations, families, and other stakeholders to move youth out of facilities, where there was high risk of infection. No wave of youth crime has resulted. Instead, young people are being cared for by those who are best-positioned to do so – their families and communities, the environments in which they need to eventually succeed anyway. Systems are demonstrating that when they thoughtfully leverage their existing community assets and relationships, they can keep children out of youth prisons.

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<sup>13</sup> Bureau of Justice Statistics. *Sexual Victimization Reported by Youth in Juvenile Facilities, 2018*, from *National Survey of Youth in Custody, 2018*.

<sup>14</sup> Richard Mendel, “Maltreatment of Youth in U.S. Juvenile Corrections Facilities: An Update on Juvenile Correctional Facility Violence.” Annie E. Casey Foundation, 2015.

<sup>15</sup> Debra Cassens Weiss, “Big decrease in serious crimes by youths leaves juvenile halls unfilled; some call for closure,” *ABA Journal*, March 25, 2019.

<sup>16</sup> Annie E. Casey Foundation, *Covid 19 Juvenile Justice Survey*, June 3, 2020.

This public health crisis has demonstrated just how quickly adults can move to undo our reflexively punitive approach, even hampered by scarce resources and institutions that are extraordinarily stressed. But the urgency for change existed long before the pandemic.

When the COVID-19 public health crisis ends, this work must continue. Collaboration between many sectors aimed at enhancing communities' existing capacity to support youth is essential. If the US can reduce its youth detention admissions by half in just two months, then a sustained effort can certainly transform the failed model of youth prisons to one that is more youth-, family-, and community-centered.

States and communities around the country are demonstrating that there are better ways to protect public safety, hold young people accountable, and help them grow into the thriving, productive adults we all want them to become. Towards that end, we call for:

- **The closure of all youth prisons in the country**, once and for all. We believe that these closures should not result in more youth being sent into the adult criminal justice system, and closed facilities should be repurposed for community benefit when possible.
- **The expansion of services, supports and opportunities** for young people who have come into conflict with the law, that are informed by evidence and co-designed by communities, formerly incarcerated youth, government and the nonprofit sector.
- **The use of small, rehabilitative and home-like facilities** to replace the remaining large, far-flung youth prisons that have long been the centerpiece of youth justice systems, for the extremely small number of youth who cannot remain at home because of the severity or frequency of their offending.
- **Further, to avoid infecting youth, staff and in turn communities with COVID-19**, we urgently recommend that, during the pandemic, jurisdictions stop admissions to and facilitate releases from locked facilities for any youth who does not pose a demonstrable threat to public safety.

### [Correctional Leader Signatories](#)

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### **Elected Prosecutor Signatories**

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