

DECEMBER 2020

# FAST FACTS ON YOUTH JUSTICE



Youth crime rates have been steadily dropping for decades & are at their [lowest levels](#) since 1980. These “fast facts” examine key information that can guide elected prosecutors, justice system leaders, and policymakers as we address, collectively, how to improve outcomes for – and better attend to the needs of – young people who come in contact with the criminal legal system.

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# ADOLESCENT DEVELOPMENT

**Many behaviors that result in court involvement are consistent with normal adolescent development, and most young people will naturally *age out* of these behaviors as they mature.**

- Research shows that [most adolescents](#) engage in delinquent behavior. For example, one study found that [88%](#) of young people admitted committing a delinquent act in the past 3 years.
- Young people's brains are [still developing](#) in ways that make them think and behave differently from adults. For example, teenagers can recognize risks, but the brain mechanisms that help adults avoid impulsive behavior are not fully developed, reducing young people's ability to heed those risks. They are also especially susceptible to influence from peers.
- Adolescent brain development continues through the mid-twenties, so these findings also apply to [young adults](#) in the criminal legal system.
- Normal adolescent misbehavior has become increasingly criminalized over the past several decades. For example, [school discipline issues](#) that used to be addressed within the school are now frequently sent to the criminal legal system, particularly for students of color.
- Because their brains are still developing, teenagers and young adults have a particularly strong potential to *grow and change*. The vast majority of young people who commit crimes – including very serious crimes – will naturally [age out](#) of that behavior as they mature. This finding is inherent to growing up and has been a constant across time and country.

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*“We have the power together to build a system that reflects our best values and our best aspirations for ourselves and our children.”*

**-Dan Satterberg**

King County, WA Prosecuting Attorney

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# RACIAL DISPARITIES

**Racial disparities in youth justice are increasing. White youth are typically permitted to make and outgrow adolescent mistakes, whereas kids of color often get treated harshly in the criminal legal system. We no longer have mass incarceration for white youth, only for kids of color.**

- Youth justice systems across the country are plagued by massive racial disparities; kids of color make up only [48%](#) of 12-17 year-olds in the U.S. but [67%](#) of incarcerated youth.
  - Though data shows [similar crime rates](#) between Black and white children, Black children are [4.6 times](#) more likely than white children to be incarcerated. Native American youth are incarcerated at [2.8 times](#) and Latinx youth at [1.4 times](#) the rate of white youth.
- Kids of color are even more overrepresented among those subject to the most punitive responses. For example, [88%](#) of kids in *adult* jails and prisons in 2012 were youth of color.
- Racial disparities in [youth justice systems](#) and among [children transferred to adult court](#) have both *increased* in recent years, even as the overall youth incarceration rate has steadily declined.
- These disparities are driven by both implicit bias and structural racism. For example:
  - Black children are [perceived](#) as being older than they actually are, as well as less innocent, less in need of support and protection, and more responsible for their actions than their white peers – including by [law enforcement](#).
  - Researchers found that [probation officers](#) were more likely to attribute crimes by youth of color to internal forces (e.g., personal failure, moral character, personality) and crimes by white youth to external forces (e.g., poor home life, lack of role models, environment).
  - Just as Black and Latinx neighborhoods are more likely to be more intensively policed, majority-Black middle and high schools are significantly more likely to have [on-site](#) police than majority-white middle and high schools.

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# THE HARMS OF JUSTICE SYSTEM INVOLVEMENT

**Unnecessary justice system involvement has adverse impacts on children; it can inhibit the normal maturation process and prevent young people from aging out of criminal behavior.**

- Most young people should be kept out of the justice system entirely. On average, formal system processing [increases delinquency](#). Pre-arraignment diversion programs are often a better option, but kids shouldn't be sent to these programs just for engaging in normal adolescent behavior.
- [Incarceration](#) is [particularly harmful](#).
  - [More than 70%](#) of incarcerated youth are there for status offenses, technical violations, or offenses not on the FBI violent crime index, and likely do not present a public safety risk.
  - Incarcerating young people makes them [more likely](#) to reoffend and to drop out of school compared to community-based programming.
  - Incarceration disrupts many aspects of a young person's life, including schooling, family and other positive relationships, and treatment the young person is already receiving.
  - Jurisdictions such as [New York City](#) and [Washington, D.C.](#) that massively reduced their youth justice populations simultaneously saw large drops in youth crime.
  - Incarceration is [extremely expensive](#) and diverts resources away from less expensive but more effective community-based programs.
- Prosecuting children in adult court is [even worse](#), as this often prevents them from receiving age-appropriate educational and rehabilitative programming, makes them more likely to be victimized while incarcerated, and results in higher suicide rates, increased recidivism, and long-lasting collateral consequences.

*"We've tried arresting and prosecuting kids for just about everything, including minor, nonviolent first-time offenses. It simply hasn't worked."*

**-Andrew Warren**  
13th Judicial Circuit, FL  
State Attorney

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# COMMUNITY INTERVENTIONS

When intervention is necessary, [well-designed community-based programs](#) can help young people grow into successful adults.

- [Community-based](#) interventions facilitate engagement with the people in a child's life and allow youth to practice prosocial behavior in the context where they actually live, both of which are important for long-term success but challenging when youth are away from their community.
- Programs should be grounded in [Positive Youth Justice](#), which centers a young person's protective factors and strengths, rather than just risk factors and problems, and focuses on broader efforts to facilitate successful transitions to adulthood for justice-involved youth.
- Youth should have a voice in decisions regarding [their own case plan](#) as well as [system reform](#).
- Family engagement is invaluable when possible; kids have [better outcomes](#) when families and other supporters are involved in their lives and empowered to play active roles in their treatment.
- [Half](#) the youth in the justice system have also been involved in the child welfare system. [Multi-agency efforts](#) are vital to prevent this crossover and to address the needs of multi-system youth.
- Many of most effective [crime prevention programs](#), such as [youth summer jobs](#) and [turning vacant lots into parks](#), have nothing to do with the justice system and instead involve investing in young people (including those who haven't gotten in trouble) and their communities.

**Even serious crimes can be effectively addressed without incarceration, such as through [restorative justice](#) or [credible messenger](#) approaches, which offer opportunities for healing, address a child's underlying needs and challenges, and hold them accountable for their actions.**



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# TRAUMA

Responses to youth crime must center on addressing [trauma](#) and must avoid exacerbating it.

- Up to 90% of youth with justice system involvement have experienced trauma, often [complex trauma](#), while around 30% meet diagnostic criteria for post-traumatic stress disorder.
- Trauma can contribute to criminal behavior by, for example, causing a young person to overreact to perceived threats. Punishing kids for trauma responses is unfair and counterproductive, causing further trauma and inhibiting both rehabilitation and desistance from crime.
- [Trauma-informed](#) practices help kids recover from the effects of trauma and prevent reoffending.

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*"We owe it to our young people to give them what they need to become resilient, thriving, contributing members of our community."*

**-Karl Racine**  
District of Columbia  
Attorney General

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