



KEY FACTS: YOUTH IN THE JUSTICE SYSTEM

Youth Crime

Youth commit only a small portion of the nation's crime. For example, in 2008, 12% of violent crime clearances and 18% of the property crime clearances nationwide involved only youth.¹ According to the FBI, youth under age 18 accounted for 15% of all arrests.²

Youth crime has also been going down for many years. The number of adults arrested in 2008 and in 1999 increased 3.4%, whereas the number of juveniles arrested dropped a staggering 15.7% during that same time frame.³

Youth in the Juvenile Justice System

More than 31 million youth were under juvenile court jurisdiction in 2007. Of these youth, 79% were between the ages of 10 and 15, 12% were age 16, and 9% were age 17. The small proportion of 16- and 17-year-olds among the juvenile court population is related to the upper age of juvenile court jurisdiction, which varies by state. In 2007, youth age 16 in 3 states were under the original jurisdiction of the criminal court, as were youth age 17 in an additional 10 states.⁴

Although more 17-year-olds than 16-year-olds were arrested in 2007 (456,000 compared to 405,800), the number of juvenile court cases involving 17-year-olds (312,000) was lower than the number involving 16-year-olds (417,400). The explanation lies primarily in the fact that in 13 states 17-year-olds are excluded from original jurisdiction of the juvenile court and are considered adults.⁵

In 2008, 22% of arrests involving youth who were eligible in their State for processing in the juvenile justice system were handled within law enforcement agencies and the youth were released, 66% were referred to juvenile court, and 10% were referred directly to criminal court.⁶

Juvenile Court

Every year, juvenile courts in the U.S. handle an estimated 1.7 million cases in which the youth was charged with a delinquency offense.⁷

In 2007, juvenile courts handled about 4,600 delinquency cases per day.⁸

The trends in juvenile court cases paralleled the decline in arrests of persons younger than 18. The number of juvenile court cases involving offenses included in the FBI's Violent Crime Index (criminal homicide, forcible rape, robbery, and aggravated assault) declined 9% between 1998 and 2007.⁹

Juvenile Detention & Corrections

In 2008, there were fewer than 81,000 juvenile offenders removed from their homes and held in residential placement (e.g., juvenile detention facilities, corrections facilities, group homes or shelters) on one day, the fewest count since 1993.¹⁰

After arrest, many youth are detained in a detention or other residential facility to await a hearing in juvenile or adult court, depending on how they are charged. While in out-of-home placement, youth are separated from their community and their normal day-to-day life (school, jobs, family, etc.). Every day, there are over 26,000 youth who are detained in America.¹¹

1 out of every 5 youth (22%) who is brought before the court with a delinquency case is detained.¹²

Detention facilities are meant to temporarily house youth who are likely to commit another crime before their trial or who are likely to skip their court date. Unfortunately, many of the youth held in the 591 detention centers across the country do not meet these criteria and should not be there.¹³

Most detained youth are held in locked “secure” settings such as a juvenile detention facility. Of these youth, 83% are confined by three or more locks during the day (e.g., youth are locked within buildings, within areas within buildings, and within external fences or walls).¹⁴

More than two-thirds of youth in detention are held for nonviolent charges. These youth are charged with property offenses, drug offenses, public order offenses, technical probation violations, or status offenses (crimes that wouldn’t be crimes if they were adults, like running away or breaking curfew).¹⁵

The overuse of detention is particularly harsh on youth of color. African-American youth are detained at a rate 4.5 times higher than whites. Latino youth are detained at twice the rate of whites.¹⁶

One quarter (25%) of detention centers are at or over their capacity, which impairs the ability of the facility to properly care for the youth.¹⁷

A one-day snapshot of juvenile offenders in detention found that roughly 3% were status offenders, however this number does not account for the number of youth who are held in detention facilities after violating a valid court order.¹⁸

Nearly one-fifth of the less serious career offenders (status offenders, technical parole violators, and youth who report no offense) are placed in living units with youth who have killed someone, and about one-fourth reside with felony sex offenders.¹⁹

After adjudication, many youth are sentenced to juvenile correctional facilities or state training schools. On any given day, nearly 65,000 youth are placed by the court into an out-of-home placement. Approximately half of these youth (27,000) are committed to an incarceration facility such as a state training school.²⁰

There are less severe alternatives to incarcerating youth, and they work. Community-based programs, including diversion programs, drug treatment, evening reporting centers, treatment clinics and family programs, have been shown to be less costly than detention or incarceration and to help youth stay out of trouble and to not re-offend.²¹

Confined youth are at great risk of sexual assault. More than 1 in 10 youth (12%) in state juvenile facilities and large non-state facilities reported experiencing one or more incidents of sexual victimization by another youth or facility staff in the past 12 months or since admission, if less than 12 months.²²

One-fifth of youth in juvenile facilities are in living units with others who are 3 or more years older than they are. In fact, 43% of juveniles in placement are housed in living units with young adults.²³

Youth under the age of 18 who are in units with young adults are more than twice as likely as juveniles not living in units with young adults (42% compared to 20%) to be living with youth who most serious career offense is murder.²⁴

Youth in the Adult Criminal Justice System

An estimated 200,000 youth are tried, sentenced, or incarcerated as adults every year across the United States.²⁵

Most of the youth prosecuted in adult court are charged with non-violent offenses.²⁶

Research shows that young people who are kept in the juvenile justice system are less likely to re-offend than young people who are transferred into the adult system. According to the Centers for Disease Control and Prevention, youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely than youth retained in the juvenile court system to be re-arrested for violent or other crime.²⁷

Youth sentenced as adults receive an adult criminal record, are often denied employment and educational opportunities, and can be barred from receiving student financial aid.²⁸

Housing Youth in the Adult System in Adult Jails and Prisons

Although federal law requires that youth in the juvenile justice system be removed from adult jails or be sight-and-sound separated from other adults, these protections do not apply to youth prosecuted in the adult criminal justice system.

Staff in adult facilities face a dangerous dilemma – they must choose between housing youth in the general adult population where they are at substantial risk of physical and sexual abuse, or housing youth in segregated settings in which isolation can cause or exacerbate mental health problems.

Youth who are held in adult facilities are at the greatest risk of sexual victimization. The National Prison Rape Elimination Commission found that “more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse.”²⁹

Many children are often placed in isolation which can produce harmful consequences. Youth are frequently locked down 23 hours a day in small cells with no natural light. These conditions can cause anxiety, paranoia, and exacerbate existing mental disorders and put youth at risk of suicide. For example, youth housed in adult jails are 36 times more likely to commit suicide than are youth housed in juvenile detention facilities.³⁰

On any given day, nearly 7,500 young people are locked up in adult jails.³¹

Currently, 39 states permit or require that youth charged as adults be held before they are tried in an adult jail. In some states, if they are convicted, they may be required to serve their entire sentence in an adult jail.³²

A significant portion of youth detained in adult jails before their trial are not convicted as adults. As many as one-half of these youth will be sent back to the juvenile justice system or not be convicted. Yet, most of these youth will have spent *at least one month* in an adult jail and one in five of these youth will have spent *over six months* in an adult jail.³³

According to research by the Bureau of Justice Statistics, youth under the age of 18 represented 21 percent of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005, and 13 percent in 2006 – surprisingly high since only one percent of jail inmates are juveniles.³⁴

On any given day, more than 3,600 young people are locked up in adult prisons.³⁵

Deborah LaBelle, an attorney working with over 400 youth serving sentences of life without possibility of parole testified before the National Prison Rape Elimination Commission that 80 percent of those youth had been sexually assaulted within the first year of their incarceration in adult prisons.³⁶

The majority of youth held in adult prisons are likely to be released in early adulthood. Approximately 80 percent of youth convicted as adults will be released from prison before their 21st birthday, and 95 percent will be released before their 25th birthday.³⁷

At the other extreme, we know that some young people incarcerated in adult prisons will expect to spend the majority of their lifetimes behind bars. Human Rights Watch reported in 2009 that an estimated 2,600 people were serving life without parole for crimes they committed while under age 18.³⁸

Racial and Ethnic Disparities

Youth of color are over-represented at all stages in the juvenile justice system, according to the National Council on Crime and Delinquency in their January 2007 report, “And Justice for Some.”

African-American youth overwhelmingly receive harsher treatment than white youth in the juvenile justice system at most stages of case processing. African-American youth make up 30% of those arrested while they only represent 17% of the overall youth population. At the other extreme end of the system, African-American youth are 62% of the youth prosecuted in the adult criminal system and are nine times more likely than white youth to receive an adult prison sentence.³⁹

Compared to white youth, Latino youth are 4% more likely to be petitioned, 16% more likely to be adjudicated delinquent, 28% more likely to be detained, and 41% more likely to receive an out-of-home placement. The most severe disparities occur for Latino youth tried in the adult system. Latino children are 43% more likely than white youth to be waived to the adult system and 40% more likely to be admitted to adult prison.⁴⁰

Native youth are more likely to receive to the two most severe punishments in juvenile justice systems: out-of-home placement (i.e., incarceration in a state correctional facility) and waiver to the adult system. Compared to white youth, Native youth are 1.5 times more likely to receive out-of-home placement and are 1.5 times more likely to be waived to the adult criminal system. Nationwide, the average rate of new commitments to adult state prison for Native youth is 1.84 times that of white youth.⁴¹

Family Involvement

The ability of family members to meaningfully participate in their children's lives makes a dramatic difference on youth outcomes. The overwhelming majority (94%) of youth want to maintain contact with their family.⁴²

The frequency of family contact varies significantly by type of program that youth are involved in. Many youth who are incarcerated are unable to have regular contact with family. Thirty-nine percent of corrections and camp youth have family contact less than once a week.⁴³

One third of youth who have no in-person visits indicate that this is due to time constraints or distance. In fact, the majority of all youth in custody (59%) say that it would take their families 1 hour or longer to travel to visit them. For more than one-fourth of youth (28%), their families would have to travel 3 hours or longer to see them.⁴⁴

Cost Effective Alternatives

Incarcerating young people in juvenile detention facilities costs between \$32,000 and \$65,000 per year,⁴⁵ and operating just one bed over a twenty-year period can cost between \$1.25 million and \$1.5 million.⁴⁶

Alternatives to incarcerating youth not only reduce crime, but save money. Research has shown that every dollar spent on evidence-based programs [e.g., Multidimensional Treatment Foster Care (MTFC), Multisystemic Therapy (MST), and Functional Family Therapy (FFT)] can yield up to \$13 in cost savings.⁴⁷

Early interventions that prevent high-risk youth from engaging in repeat criminal offenses can save the public nearly \$5.7 million in costs over a lifetime.⁴⁸

Public Views on Youth Crime and the Justice System

According to a 2007 nationwide Zogby poll, commissioned by the National Council on Crime and Delinquency, 91% of Americans believe that increasing counseling and substance abuse treatment through the juvenile justice system will help reduce crime.⁴⁹

According to a 2007 nationwide Zogby poll, commissioned by the National Council on Crime and Delinquency, 89% of Americans believe that rehabilitative services and treatment for incarcerated youth can help prevent future crimes.⁵⁰

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