



# TOO MANY LOCKED DOORS

The scope of youth  
confinement is  
vastly understated.



**THE  
SENTENCING  
PROJECT**

RESEARCH AND ADVOCACY FOR REFORM



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The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.

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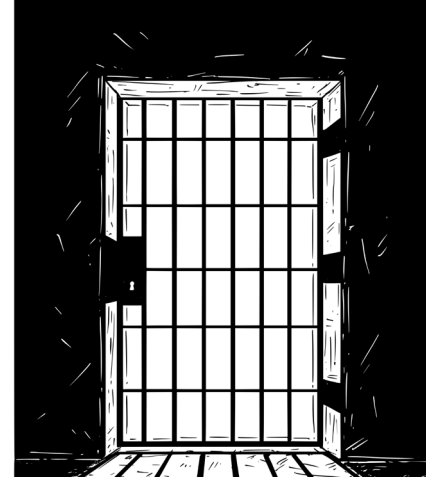
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## EXECUTIVE SUMMARY

**The United States incarcerates an alarming number of children and adolescents every year. Disproportionately, they are youth of color.**

Given the short- and long-term damages stemming from youth out of home placement, it is vital to understand its true scope. In 2019, there were more than 240,000 instances of a young person detained, committed, or both in the juvenile justice system.<sup>1</sup> However, youth incarceration is typically measured via a one-day count taken in late October.<sup>2</sup> This metric vastly understates its footprint: at least 80% of incarcerated youth are excluded from the one-day count.

This undercount is most prevalent for detained youth, all of whom have been arrested but have yet to face a court hearing. The following are examples of the systemic underrepresentation of detained youth in the one-day count:

- Thirty-one youths charged with drug offenses are detained for each one measured in the one-day count.
- Twenty-five youths charged with public order offenses are detained for each one measured in the one-day count.
- Eighteen youths charged with property offenses are detained for each one measured in the one-day count.
- Eleven youths charged with person offenses are detained for each one measured in the one-day count.

The variances in commitment are smaller but still noteworthy: more than three youth are committed each calendar year for each youth appearing in the one-day count.

The decade-long drop in detention and commitment masks how common detention remains for youth in conflict with the law. Hundreds of thousands of youth are referred to juvenile courts annually; roughly one-quarter of the time, they are detained. That proportion has crept upward over a decade in which arrests have declined dramatically.

Data on youth detentions and commitment reveal sharp racial and ethnic disparities. Youth of color encounter police more often than their white peers and are disproportionately arrested<sup>3</sup> despite modest differences in behavior that cannot explain the extent of arrest disparities.<sup>4</sup> Disparities in incarceration start with arrests but grow at each point of contact along the justice system continuum. In roughly one-quarter of delinquency cases throughout the decade, a youth was detained pre-adjudication. When youth of color are arrested, they are more likely to be detained than their white peers.

## Likelihood of detention by race and ethnicity, 2019

• White youth	20%
• Latinx youth	32%
• Black youth	29%
• Asian/NHPI youth	26%
• Tribal youth	25%

Percentages reflect the proportion of all referrals, by group, that started with a detention.

This report calculates detention and commitment frequencies by race and ethnicity, providing a fresh view of the extent of placement disparities. That youth of color are more likely to be held in placement than their white peers is well established.<sup>5</sup> The report reveals how, among those youth referred to court, detention grew even more common for Black, Latinx, and Asian/Pacific Islander youth while holding steady for white and Tribal youth. On the other hand, juvenile courts committed delinquent youth of all races and ethnicities less often than at the start of the decade. **Overall, the system shrank, but its unfairness increased.**

As large as the system appears in the popular data, the use of confinement in America's juvenile justice system is far larger than generally understood. A one-day count cannot accurately reflect the wide and deep footprint of youth incarceration.

**It's time for a better view.**

## POLICY RECOMMENDATIONS

### 1. Legislate limitations on incarceration for youth, particularly detention.

*Ending the detention of thousands of young people, often held for a handful of days, will require intervention by state legislatures to limit detention only to circumstances where public safety is at risk.*

### 2. Focus reforms on eliminating racial and ethnic disparities in placement decisions.

*Reformers must keep racial and ethnic data front and center as they limit the use of detention and commitment. Racial impact statements are a useful tool to evaluate how legislative initiatives will impact various demographics.<sup>6</sup> Advancing effective policy change demands that race- and ethnicity-centered solutions are explicit.*

### 3. Redirect public expenditures toward effective solutions.

*State budgets for departments of juvenile justice lean heavily toward the maintenance of commitment facilities despite the fact that they serve so few of the youth referred to courts. There is little evidence that the savings from closing facilities has been invested in services and supports that benefit impacted youth and families. Closing facilities should not be viewed as a cost-savings, it should be viewed as an opportunity to spend more wisely.*

### 4. Improve the available data.

*The Juvenile Court Statistics data compiled by the National Center for Juvenile Justice (NCJJ) under a grant from the Department of Justice can be improved with state-by-state data and the addition of status offenses and violations of probation. Understanding the scope of youth incarceration demands a full picture of how many justice-involved youths are removed from their homes -- detained, committed, jailed and imprisoned -- in the course of a year. Data-based discussions on youth incarceration should emphasize annual admissions and not the one-day count that is also reported by NCJJ. The dangers of placement and incarceration accrue to anyone who is held in custody. Advocates and policymakers alike should emphasize annual totals and rates.*

## INTRODUCTION:

# A YOUTH JUSTICE SYSTEM LARGER THAN IT APPEARS

*Two kindergarteners in Murfreesboro, Tennessee, tried their best to pick a fight, throwing feeble punches at an older and much larger boy who insulted one of their mothers. Police, having seen the fight online, were unable to determine which boys were part of these mundane events, but arrested 11 other kids—all of them Black and all of them in elementary school—who purportedly were there and watched the fight unfold.*

*The children, some of them in handcuffs, were brought to the Rutherford County Juvenile Detention Center. They were run through an undefined “filter system” that determined some needed to be locked up. In Rutherford County, roughly half of the kids who are arrested are detained.*

*According to Rutherford County Judge Donna Scott Davenport, who approved the detentions, “Being detained in our facility is not a picnic at all. It’s not supposed to be. It’s a consequence for an action.” This alleged “action” by children—watching a fight and not breaking it up—is not even a crime in Tennessee.<sup>7</sup>*

## GLOSSARY

- **Detention** refers to youth confined upon arrest and before their court disposition. Such youth are generally held in facilities called juvenile detention centers. Youth in detention are suspected of delinquent acts or status offenses (such as incorrigibility, truancy or running away) or are awaiting the results of their court hearings.
- **Out-of-home commitment** refers to youth confined in residential facilities after their adjudication, often with opaque names such as training schools, residential treatment centers, or academies. This is also called “placement,” a confusing term because “placement” can also refer to all youth held in facilities, including detained youth. The largest of these commitment facilities, typically state-run, are occasionally (but not officially) called “youth prisons.” Youth can also be committed to non-carceral facilities, such as group homes, boot camps, wilderness camps or treatment centers.
- **Referral** to juvenile court is synonymous with arrest. Juvenile court cases begin with a referral. In some jurisdictions, youth are not “arrested,” but the process is similar to an arrest.

The United States incarcerates an alarming number of children and adolescents every year. Disproportionately, they are youth of color. Despite the well-known harms of detention, the likelihood that youth of color who are Black, Latinx, or Asian/Pacific Islander will be arrested and detained prior to their court date increased slightly over the last decade. Meanwhile, white and Tribal youths’ likelihood of detention, which is also high, remains essentially unchanged.

Since peaking in the mid-1990s, youth arrests have dropped by 73%.<sup>8</sup> Not surprisingly, juvenile court cases and placement—the latter are how the juvenile justice system’s jargon describes most uses of juvenile incarceration—have fallen in the wake of this shift. These successes have allowed hundreds of youth facilities to close<sup>9</sup> and thus provide an opportunity to reinvest public dollars away from harmful and expensive hardware secure youth facilities and toward community-based programs that meet children’s and teenagers’ needs outside of the confines of the

justice system. Youth incarceration is proven to be a costly, ineffective, and harmful response to child and adolescent misbehavior, harming their development without public safety benefits.<sup>10</sup> Research has shown how overuse of juvenile detention<sup>11</sup> and commitment<sup>12</sup> alike can increase crime.

National snapshots of the number of youth in placement—including those published by The Sentencing Project—generally rely on an annual one-day count of the population of children and adolescents held in juvenile facilities. The one-day count enumerates the number of youths held in custody on a single day in late October. It inherently understates the scope of incarceration in the juvenile system. For example, by design, youths detained in March do not appear in the one-day count unless they are still confined as of that late October day. This report reveals the extent of that undercount: at least 80 percent of youth placements are not included in it.

Despite its acknowledged built-in flaws, the one-day count still provides a meaningful view of who is detained or committed on a typical day by age, gender, race and ethnicity, and offense. The Census of Juveniles in Residential Placement (CJRP) also divides youth incarceration by state, allowing for meaningful comparisons across the country. The CJRP’s most recent one-day count revealed 36,479 youth were held in juvenile facilities on October 23, 2019.<sup>13</sup>

However, throughout 2019, youth were detained roughly 186,000 times in juvenile detention centers and committed roughly 55,100 times in secure out-of-home commitments for delinquency offenses. In total, there were more than 240,000 instances of a young person detained, committed, or both (See Tables 1a and 1b).<sup>14</sup> A teenager who is referred to juvenile court, released, and referred again on a new charge would be counted twice. However, for most youths, their first referral to juvenile court will be their only referral—and not just for the single year that the juvenile courts data provide. Roughly 60% of youth referred to juvenile court, whether for a

status offense or a delinquency offense, will never be referred again.<sup>15</sup>

Given the well-known harms of any incarceration for youth, it is vital to understand its true scope.

**TABLE 1(a)  
How Often Detained Youth Were Committed (2019)**

	Total	Committed later	Not committed later
<b>Detained</b>	<b>186,594</b> <b>(Out of 722,625 juvenile court cases)</b>	<b>32,756</b>	<b>153,838</b>

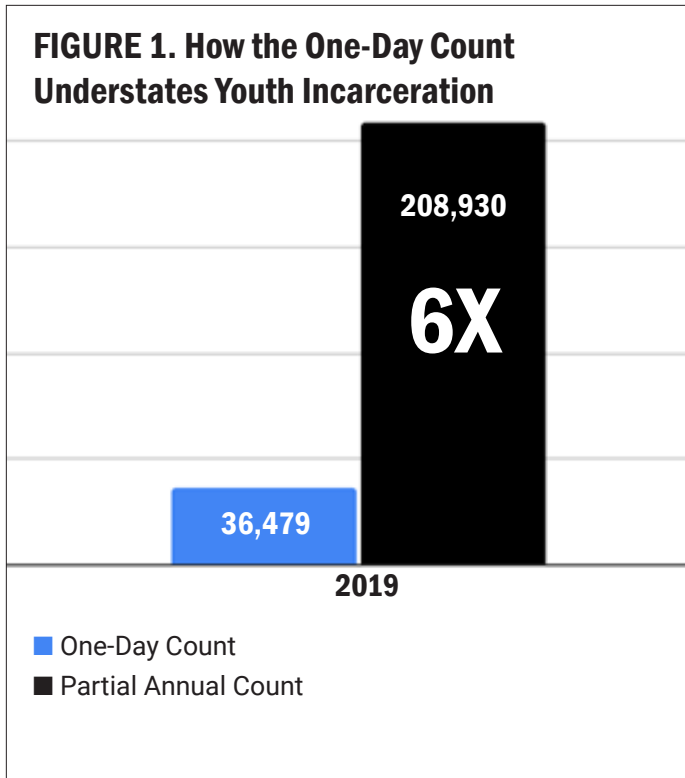
**TABLE 1(b)  
How Often Committed Youth Were Detained (2019)**

	Total	Initially detained	Not initially detained
<b>Committed</b>	<b>55,092</b> <b>(Out of 722,625 juvenile court cases)</b>	<b>32,756</b>	<b>22,336</b>

The juvenile courts data shows hundreds of thousands of uses of detentions and commitment, yet these placements are still undercounted. These data exclude (1) youth charged with status offenses, such as truancy, running away, or incorrigibility; (2) youth detained or committed for violating the terms of their probation; and (3) youth charged as if they were adults. These data reflect only new delinquency cases in the marked calendar year, stemming from a new arrest.

As it always does, the most recent one-day count excluded the vast majority of youth incarcerated over the past year. The 2019 CJRP included only 36,479 youth, even though 208,930 detained or committed youth are counted in the juvenile courts data. (See Figure 1.) As such, the one-day count excludes more than 80% of the instances of youth incarceration.

As discussed below, the one-day count understates youth incarceration across the range of offenses



and placement statuses. This undercount is most prevalent for detained youth, all of whom have been arrested but not yet found guilty or innocent of any behavior. The following are examples of the systemic underrepresentation of detained youth in the one-day count:

- Thirty-one youths charged with drug offenses are detained for each one revealed in the one-day count.
- Twenty-five youths charged with public order offenses are detained for each one revealed in the one-day count.

- Eighteen youths charged with property offenses are detained for each one revealed in the one-day count.
- Eleven youths charged with person offenses are detained for each one revealed in the one-day count

The variances in commitment are smaller but still noteworthy: more than three youth are committed each calendar year for each youth appearing in the one-day count.

This report calculates detention and commitment frequencies by race and ethnicity, providing a fresh view of the extent of placement disparities. That youth of color are more likely to be held in placement than their white peers is well established.<sup>16</sup> The following analysis reveals how, among those youth referred to court, detention grew even more common for Black, Latinx, and Asian/Pacific Islander youth while holding steady for white and Tribal youth. On the other hand, juvenile courts committed delinquent youth of all races and ethnicities less often than at the start of the decade. Overall, the system shrank, but its unfairness increased.

In short, as large as the system appears in the popular data, the use of confinement in America’s juvenile justice system is far larger than generally understood. A one-day count cannot accurately reflect the wide and deep footprint of youth incarceration.

**It’s time for a better view.**



# ONE-QUARTER OF REFERRED YOUTH ARE DETAINED

Between 2010 and 2019, the number of youth arrests decreased by almost 60%.<sup>17</sup> As such, it is not surprising that the number of youth detained following their arrests or other encounters with law enforcement decreased as well. During these years, detentions for delinquency offenses fell by 40%.

This decade-long drop in detention masks how common detention is for youth in conflict with the law. Hundreds of thousands of youth are referred to juvenile courts annually; roughly one-quarter of the time, they are detained. That proportion has crept upward over a decade in which arrests have declined.

Data on youth detentions reveal sharp racial and ethnic disparities. Youth of color encounter police more often than their white peers and are disproportionately arrested<sup>18</sup> despite modest differences in behavior that cannot explain the extent of arrest disparities.<sup>19</sup> Disparities in incarceration start with arrests but grow with each point of contact with the justice system. In roughly one-quarter of delinquency cases throughout the decade, a youth was detained pre-adjudication. As shown in Table 2 (which is limited to 2019), when youth of color are arrested, they are more likely to be detained than their white peers.

**TABLE 2**  
**Likelihood of detention by race and ethnicity, 2019**

<b>All youth</b>	<b>26%</b>
<b>White youth</b>	<b>20%</b>
<b>Latinx youth</b>	<b>32%</b>
<b>Black youth</b>	<b>29%</b>
<b>Asian/NHHPI youth</b>	<b>26%</b>
<b>Tribal youth</b>	<b>25%</b>

*Percentages reflect the proportion of all referrals, by group, that started with a detention.*

As discussed below, the shifts are not connected to any changes in youth arrests. For example, if youth

were charged with more serious offenses, one might expect to see a higher prevalence of detention. Instead, the likelihood of detention generally increased across charges.

The proportion of cases that begin with detention crept upward through the decade from 24% to 26% of all cases, a 9% increase (See Text Box, “Calculating changes”).

## CALCULATING CHANGES

*Percentage increases, such as the 9% increase in the likelihood of detention, can be confusing.*

*Picture a 25-student classroom. On Monday, five students (20% of them) wore a blue shirt. On Tuesday, six students (32%) wore a blue shirt. The proportion of students wearing a blue shirt increased from 20% to 32%. This is a 60% increase in the proportion of students wearing a blue shirt.*

*Similarly, in 2010, 23.7% of referred youth were detained. In 2019, 25.8% were detained. This is a 9% increase in the proportion of referred youth who were detained.*

Though the likelihood of detention for white youth and for Tribal youth was essentially unchanged over ten years, Latinx youth’s likelihood increased from 28% to 32%; Black youth’s likelihood increased from 26% to 29%; and Asian/Native Hawaiian/Pacific Islander youth’s likelihood increased from 21% to 26%. As a result, the disproportionate likelihood of detention for youth of color increased over the decade.

**The system shrank, but its unfairness grew.**

## Detention harms children and communities

Youth held in detention often evince worse outcomes than youth who are not. One study found youth detained for felonies were 33% more likely to recidivate than those who were not detained, and those detained for misdemeanors were 11% more likely to recidivate than those who were not. In fact, lengthier stays in detention increased the likelihood of recidivism by 1% for each day held. From a public safety perspective, juvenile detention increases crime.<sup>20</sup>

Detention—a decision made prior to determinations of guilt or innocence—is correlated with harsher court outcomes later in the process, including lower likelihoods of dismissal and informal processing.<sup>21</sup> Barry Holman and Jason Ziedenberg’s “Dangers of Detention” summarized the research demonstrating how detention is likely to increase recidivism and harm teenagers’ outcomes in multiple ways, including their educational achievement and mental health.<sup>22</sup> The myriad ways that detention is harmful are beyond the scope of this paper, but they are not seriously disputed.

## Public Order Offenses

Public order offenses include obstruction of justice, disorderly conduct, weapons offenses, and other offenses including liquor law violations and nonviolent sex offenses (such as indecent exposure). Obstruction of justice comprises about half of these cases, disorderly conduct comprises about one-quarter, and weapons offenses (generally possession) comprise about one-tenth.<sup>23</sup> These are considered some of the least serious offenses, and yet the likelihood of detention is roughly equivalent for public order offenses as all others.

Youth referred for public order charges were detained 27% of the time, an increase from 2010. Because public order offenses vary in their seriousness, it is worth examining the likelihood of detention for the three most common charges: obstruction of justice,<sup>24</sup> disorderly conduct,<sup>25</sup> and weapons offenses<sup>26</sup> (Table 3).

**TABLE 3**

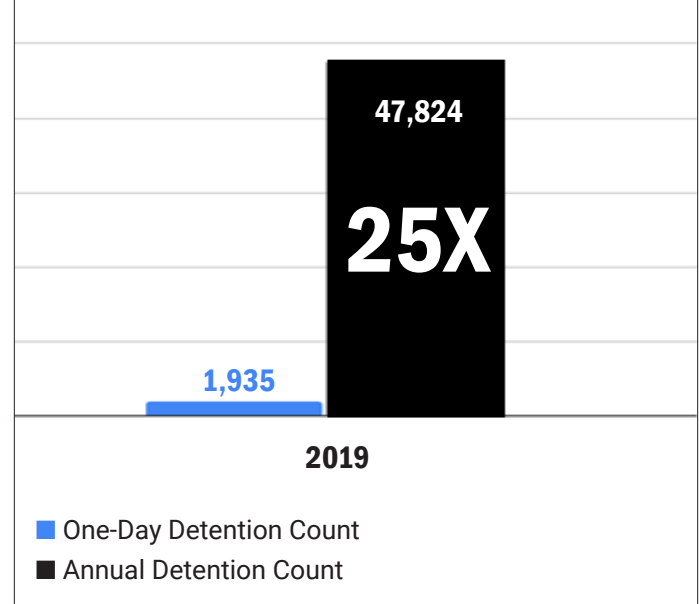
**Likelihood of detention, most common public order offenses (2019)**

<b>All public order</b>	<b>27% (9% increase vs. 2010)</b>
<b>Obstruction of justice</b>	<b>39% (6% increase vs. 2010)</b>
<b>Disorderly conduct</b>	<b>13% (24% increase vs. 2010)</b>
<b>Weapons</b>	<b>33% (16% increase vs. 2010)</b>

As shown above, youth charged with public order offenses are detained regularly. Youth referred for obstruction of justice and weapons offenses are detained more than one-third of the time. The likelihood of detention for all three of the most common public order offenses has increased, with disorderly conduct charges witnessing the largest increase among these offenses. In 2010, 10% of youth charged with disorderly conduct were detained; that proportion increased to 13% in 2019.

As with other offenses, the one-day count understates the scope of detentions for public order offenses (Figure 2). For each of the 1,935 youth detained on property offenses on 2019’s one-day count, almost 25 were detained over the course of the year. Comparing the annual total of detained youth to the number detained on a typical day suggests the median time in detention for public order offenses is about two weeks (14.8 days).<sup>27</sup>

**FIGURE 2. How the One-Day Understates Youth Detention: Public Order Offenses**

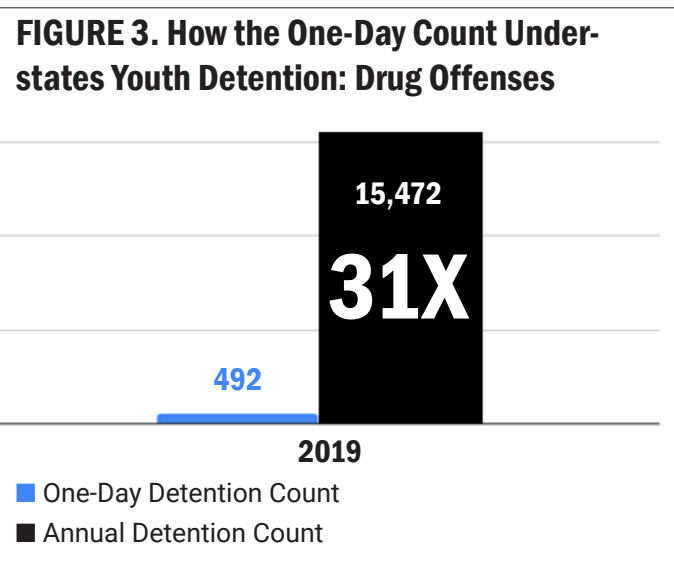


## Drug Offenses

The category of drug offenses in the juvenile courts data combines assorted possession, manufacturing, and distribution charges. Together, these charges are the second-most common reason that youth are referred to juvenile courts, with only simple assault as a more common referral offense. Drug charges comprise 13% of cases in juvenile courts—a consistent proportion over the course of the century. Importantly, youth reported declines in their uses of serious drugs during the same time period.<sup>28</sup>

Youth referred for drug charges were detained 16% of the time, a slight decrease from 2010, when they were detained 18% of the time.

As with other offenses, the one-day count understates the scope of detentions for drug offenses (Figure 3). For each of the 492 youth detained on drug offenses in 2019’s one-day count, more than 31 were detained over the course of the year. Comparing the annual total of detained youth to the number detained on a typical day suggests the median time in detention for drug offenses is less than two weeks (11.6 days). In short, thousands of youth each year are sent to juvenile detention for drug offenses only to be released in a week or two.



## Property Offenses

Property offenses include burglary, larceny-theft, motor vehicle theft, arson, vandalism, stolen property offenses, trespassing, and various other property offenses. Larceny-theft cases account for about 40% of property offense referrals; burglary and vandalism each account for a little less than 10% of property offense referrals. Motor vehicle thefts are 7% of all property offense referrals.<sup>29</sup> While property offenses were once the bulk of delinquency cases in juvenile court, they now comprise 30% of the total, down from 37% of all cases in 2010, 42% of all cases in 2000, and 59% of all cases in 1990.

In 2019, 23% of youth charged with property offenses were detained, an increase since 2010, when 19% of youth charged with property offenses were detained. This is a noteworthy increase, particularly since research and reform efforts have emphasized the importance of removing more youth from detention.<sup>30</sup>

As shown in Table 4, in absolute numbers, there has been significant progress: there were far fewer youth detained for property offenses in 2019 than in 2010. But that may be the residue of declines in property-related arrests.<sup>31</sup> (Under these calculations, a single teenager can be counted more than once if they were arrested multiple times for property offenses in the same year.)

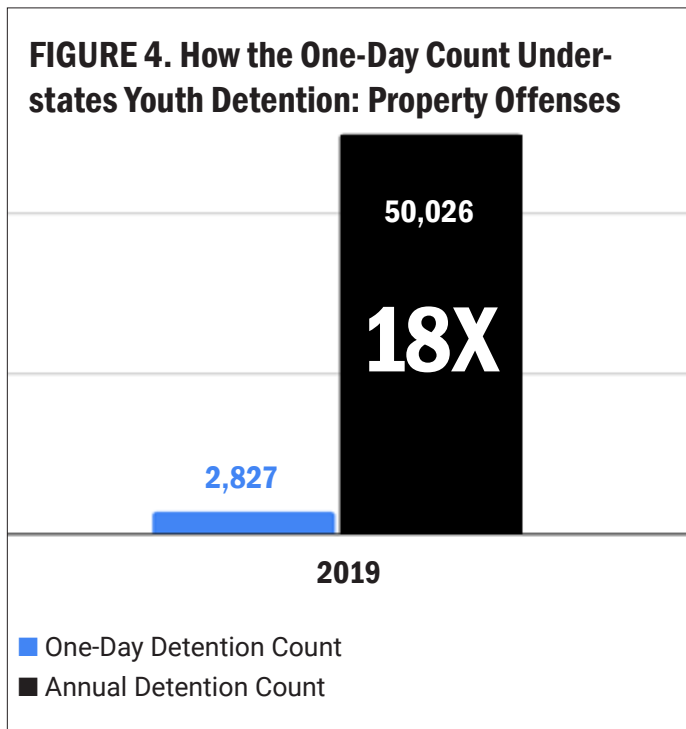
**TABLE 4**  
**Changes in likelihood of detention: property offenses**

	Cases	Detained
2010	488,526	91,769 (19% of all prop. cases)
2019	214,486	50,026 (23% of all prop. cases)
<i>Change</i>	<i>56% decline</i>	<i>45% decline</i>

During these years, there was a considerable drop (63%) in referrals for larceny-theft, the most common property offense. Meanwhile, detention for such referrals became more common. In 2010, 11% of youth referred for larceny-theft were detained; in 2019, 17% of youth referred for larceny-theft were detained, a 51% increase.

Racial disparities are particularly stark and growing in the category of property offenses. In 2019, white youth referred on larceny charges were detained 13% of the time, a 30% increase from 2010. That same year, youth of color referred on larceny charges were detained 20% of the time, a 60% increase from 2010.

As with other offenses, the one-day count understates the scope of detentions for property offenses. (Figure 4.) For each of the 2,827 youth detained on property offenses on 2019’s one-day count, more than 17 were detained over the course of the year. Comparing the annual total of detained youth to the number detained on a typical day suggests the median time in detention for property offenses is about three weeks (20.6 days).



### Person Offenses

Offenses against another person include the four offenses categorized by the FBI under the Violent Crime Index (VCI)<sup>32</sup> and other offenses where a person is physically injured. Simple assault (e.g., a schoolyard fight), which is not part of the VCI, is the charge in two-thirds of person offense cases and the most common charge for which youth are arrested.<sup>33</sup>

Person offenses, often considered more serious behavior, comprise one-third of all juvenile referrals, an increase from the start of the decade.

Violent arrests for youth are uncommon: people aged 10 to 17 comprised less than one-tenth of all arrests for violent offenses in 2019. For youth and adults alike, such arrests peaked in the mid-1990s. Youth arrests for violent offenses have fallen by more than two-thirds since.<sup>34</sup>

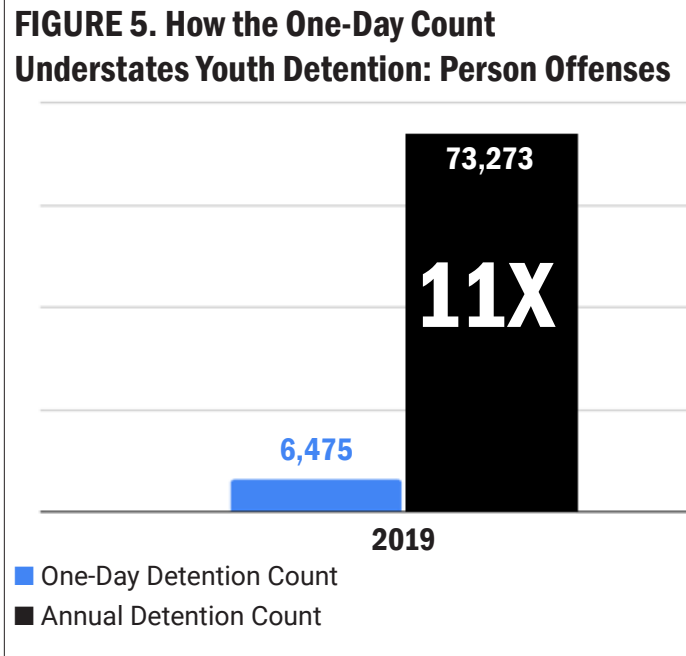
Youth charged with person offenses are more likely to be detained than those facing other categories of charges. Separating out the VCI offenses from the non-VCI person offenses reveals that more than half of youth (54%) charged with VCI offenses are detained, compared with one-quarter (24%) of non-VCI person offenses (mostly simple assault).

Reviewing some of the data raises questions about context and accuracy. For example, juvenile detention rates for VCI offenses - murder, rape, robbery, and aggravated assault—are notably and perhaps inexplicably low. Teenagers plausibly arrested for such serious offenses—with police having probable cause to arrest them—would generally be detained much like their adult counterparts. And many of the youth arrested on VCI offenses are initially charged in criminal courts as if they were adults, and thus do not even appear in the juvenile courts data.<sup>35</sup> This begs the question of whether the youths charged with VCI offenses in juvenile courts were not detained because they were actually overcharged? The data are silent, but the decision to detain (a decision typically made by a judge, not the arresting officer) suggests that the initial serious charges may have been in error for a significant number of cases.

Overall, 31% of youth facing person charges are detained, a higher percentage than the 26% average of all youth in juvenile courts. The likelihood of detention for youth charged with person offenses fell slightly over the decade (a 3% decline), but the decline was entirely among white youth. As of 2019, white youth referred on person charges were detained 26%

of the time. That same year, youth of color referred on person charges were detained 34% of the time.

The one-day count understates the scope of detentions for person offenses by a remarkable degree (Figure 5). For each of the 6,475 youth detained for person offenses on 2019's one-day count, more than 11 were detained over the course of the year. Comparing the annual total of detained youth to the number detained on a typical day suggests the median time in pre-adjudication detention for person offenses is about one month (32.7 days).



### **Detention is far too frequent, especially for children of color**

The modest growth in the use of detention is disturbing in light of its well-known dangers. Ever since Barry Holman and Jason Ziedenberg's groundbreaking "Dangers of Detention" was published by the Justice Policy Institute in 2006,<sup>36</sup> subsequent research has confirmed its conclusions. Detention is likely to increase recidivism and harm teenagers' outcomes in multiple ways, including their educational achievement<sup>37</sup> and mental health.<sup>38</sup> After 15 years, practitioners should be well acquainted with its conclusions.

This paper does not argue that the nine percent increase in the likelihood that referred youth are detained is a particularly large shift. Indeed, we have witnessed dramatic changes elsewhere in youth justice: arrests are down by more than two-thirds and thousands of facilities (especially the largest ones) have closed. Yet in an era marked by the changes that can occur alongside declining crime rates, detention's prevalence should have fallen, too. Instead, it increased.

The data show that youth often cycle through detention centers in a matter of weeks, a time frame long enough to interrupt pro-social interactions in the community, such as attending school, athletic events, work and caring for family members, but too brief a window in which to provide positive programming. This timing reflects the fact that detention is used to perform court assessments and screening with little rehabilitative programming. Detention is often about administrative convenience rather than the best interests of the child or the community. Brief stays in detention should be met with deep skepticism.

From 1985 to 2008, juvenile detention was much less frequent than today. The National Research Council found that between 1985 and 2008, detention likelihood (now 26%) fluctuated between 18 and 22%.<sup>39</sup> In a system wherein 18% of referred youth were detained instead of 26%, there would have been 56,000 fewer instances of detention in 2019.

It is especially troubling that the increases in detention did not occur because the referred youth faced more serious charges. As explained above, the largest increases were for property and public order offenses, not for those offenses typically categorized as violent. Even worse, the increases were entirely at the expense of youth of color. When referred to juvenile court, white youth are as likely to be detained as they were at the start of the decade; Latinx and Black youth are more likely to be detained.

# YOUTH COMMITMENT TO OUT-OF-HOME PLACEMENTS IS BECOMING LESS COMMON

This section focuses on commitments to out-of-home placements, the most punitive and restrictive outcomes of juvenile court.

Youth who are adjudicated delinquent (i.e., convicted in juvenile court) can face a range of consequences. The most severe of these is out-of-home placement in a generally locked facility such as a youth prison or residential treatment center. Youth can also be committed to county-run detention centers, non-secure group homes or wilderness camps. Most youth who are adjudicated delinquent do not face such severe consequences; probation is far more common.<sup>40</sup>

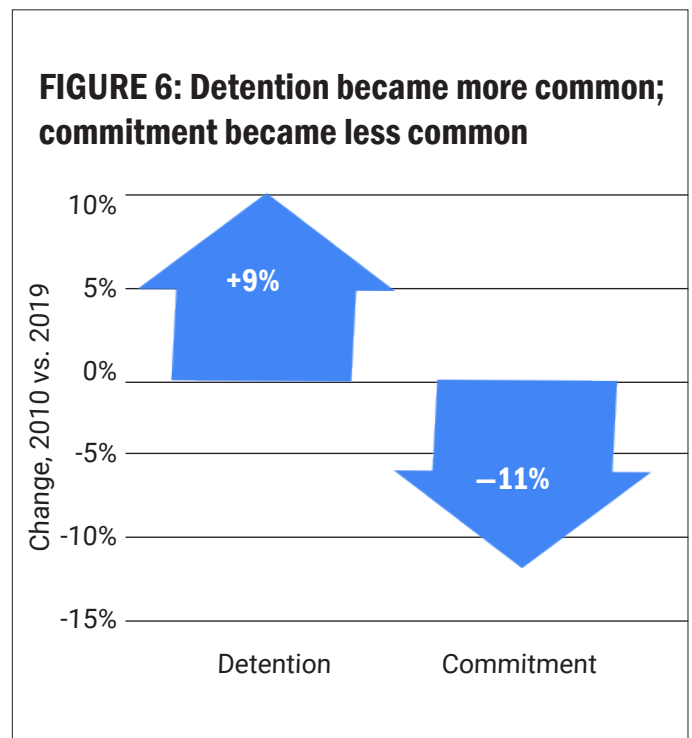
The split between detention and commitment is remarkable. In 2019, 187,000 youths were detained pre-adjudication under the jurisdiction of juvenile courts, but 55,000 youths were committed post-adjudication.<sup>41</sup> Probation was a much more common outcome for these youths. Plainly, many of the detained youth were detained incorrectly, either due to their actual innocence or because a judge later found they were not a threat to public safety. Others were ultimately determined to be safe to return to the community. The purpose of their initial detention is questionable.

The Census of Juveniles in Residential Placement – the one-day count – reveals the changing portrait of out-of-home placements. In 1997, 37% of committed youth were placed into unlocked facilities secured by staff presence; by 2019, that proportion dropped to just 9%.<sup>42</sup>

The likelihood that a referred youth would be committed to an out-of-home facility has declined over the past decade. In 2019, 7.6% of all juvenile court cases resulted in commitment, a noteworthy 11% drop from 2010. This decrease in commitment

likelihood contrasts with the 9% increase in detention likelihood discussed above (See Figure 6).

As with detention, data on youth commitments reveal sharp racial and ethnic disparities. In one out of every 13 juvenile court cases (7.6%), a youth was later committed (post-adjudication). However, as shown in Table 5, referred youth of color are more likely to be committed than their white peers.



**TABLE 5  
Likelihood of commitment by race and ethnicity, 2019**

All youth	7.6%
White youth	5.6%
Latinx youth	9.3%
Black youth	9.3%
Asian/NHPI youth	5.6%
Tribal youth	7.9%

These commitment disparities are even larger than the detention disparities shown in Table 2 (page 8, above). Moreover, the disparities grow with deeper system involvement.

- Referred Latinx youth are 55% more likely to be detained than their white peers and 68% more likely to be committed.
- Referred Black youth are 45% more likely to be detained than their white peers and 67% more likely to be committed.
- Referred Tribal youth are 24% more likely to be detained than their white peers and 41% more likely to be committed.
- On the other hand, referred Asian/NHPI youth are 26% more likely to be detained than their white peers and equally likely to be committed.

One explanation for these disparities is that there are more off-ramps for white youth -- more dismissals, more informal processing, more community service,

and more probation.<sup>43</sup> Youth of color are more likely to be incarcerated.

As shown in Figure 7, the one-day count understates the scope of youth out-of-home commitments. The one-day count of youth in placement shows 21,141 committed youth,<sup>44</sup> one-sixth of whom were committed for status offenses or violations of probation. Such youth are not counted in the juvenile courts data, which only counts those youth charged with a new delinquency offense.

In 2019, there were 55,100 youth committed for a delinquency offense, a number more than three times as large as that reflected in the one-day count's count of adjudicated youth committed for delinquency offenses. The one-day count sharply understates the footprint of juvenile commitments.

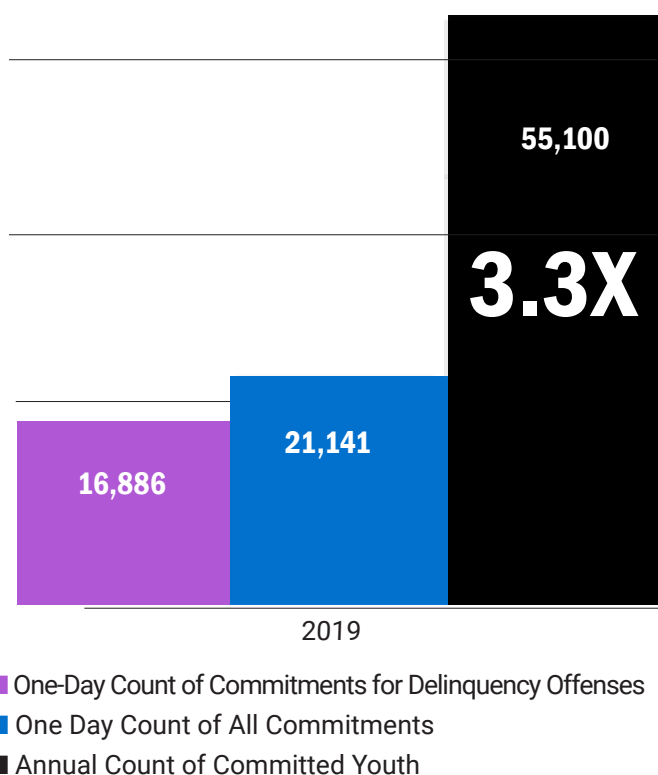
### Out-of-home placements

Youth facilities' danger to the children in their care is well documented. The death of 17-year old Cedric Lofton<sup>45</sup> in a Kansas detention center at the hands of the staff is the most recent tragedy, though others were cataloged by Annie E. Casey in a 2015 report, "Maltreatment in Juvenile Corrections."<sup>46</sup>

As with detention, juvenile placements have also been shown to increase re-offending and decrease educational achievement, such as high school graduation<sup>47</sup> and contribute to multiple poor health outcomes, including a greater likelihood of premature death.<sup>48</sup> Many youth who later committed the most serious crimes were denied the treatments purportedly available when they were held in juvenile facilities.<sup>49</sup>

The full damage caused by out-of-home placement is beyond the scope of this paper, but it is comprehensive. Decisions to remove a child from his or her home will have serious and long-lasting consequences.

**FIGURE 7. How the One-Day Count Understates Youth Commitments**



### Public Order Offenses

Youth in juvenile court for public order offenses are committed almost 10% of the time, much more often than for other delinquency offenses. Youth committed for public order offenses have always been more likely than others to be committed, but the gap has grown. That said, the likelihood of commitment for public order offenses decreased—a 13% drop—over the decade.

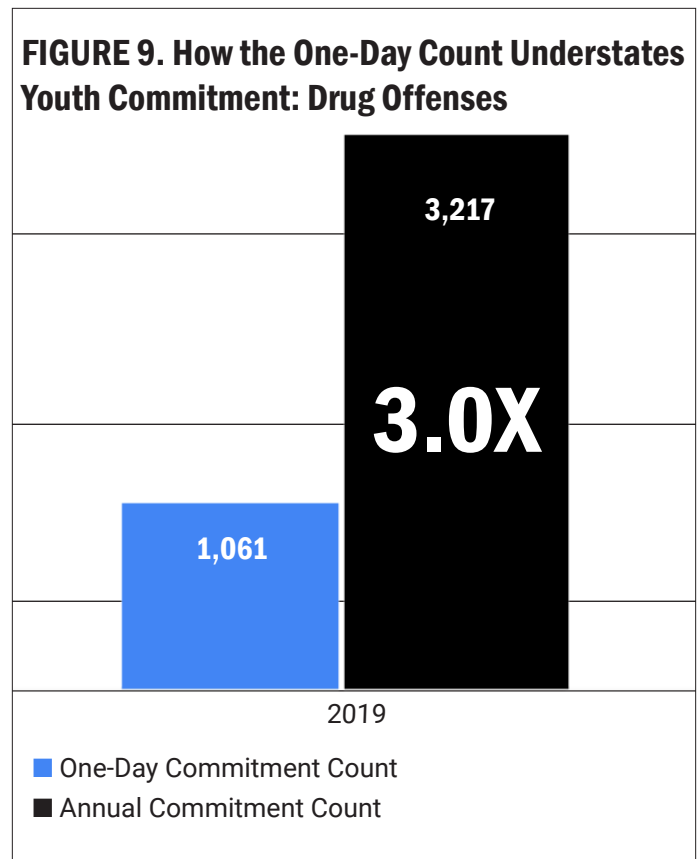
As shown in Figure 8, the one-day count understates the scope of commitment for public order offenses, but to a lesser degree than for detention. For each of the 2,957 youth committed for public order offenses according to 2019’s one-day count (all but 69 adjudicated in juvenile courts), almost five-and-a-half were committed over the course of the year. Comparing the annual total of committed youth to the number committed on a typical day suggests the median time in commitment for public order offenses is about 2 months (64 days).



### Drug Offenses

The category of drug offenses in the juvenile courts data combines assorted possession, manufacturing, and distribution charges. Youth in juvenile court for drug offenses are committed 3% of the time, much less often than for other delinquency offenses. Youth committed for drug offenses have always been less likely than others to be committed, but the gap has grown. Moreover, the likelihood of commitment for drug offenses decreased substantially—a 40% drop—over the decade. Perhaps this reflects an increased understanding of drug use as a public health issue or the increased availability of drug courts as an alternative for juvenile court petitions.

As shown in Figure 9, the one-day count understates the scope of commitment for drug offenses, but to a lesser degree than for detention. For each of the 1,061 youth committed for drug offenses according to 2019’s one-day count (all but 12 adjudicated in juvenile courts), almost three were committed over





the course of the year. Comparing the annual total of committed youth to the number committed on a typical day suggests the median time in commitment for drug offenses is about 4 months (120 days).

### Property Offenses

Youth in juvenile court for property offenses are committed to out-of-home placement 8% of the time, roughly equivalent to the average across delinquency offenses. Separating out the larceny-theft (the most common) from other property offenses reveals 5% charged with larceny-theft are eventually placed, compared with 10% of other property offenses.

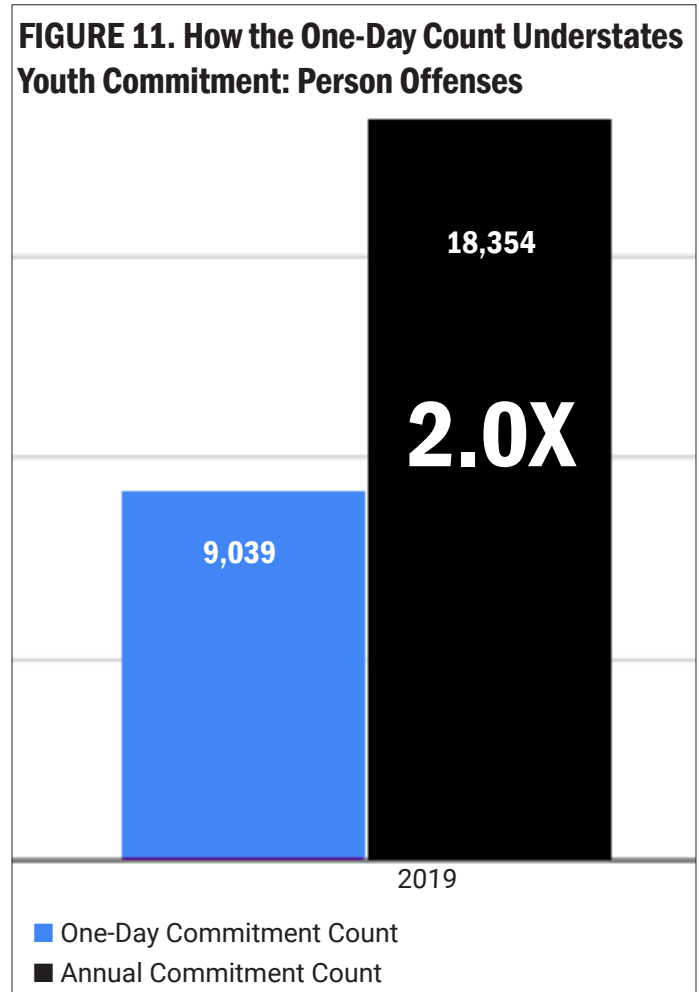
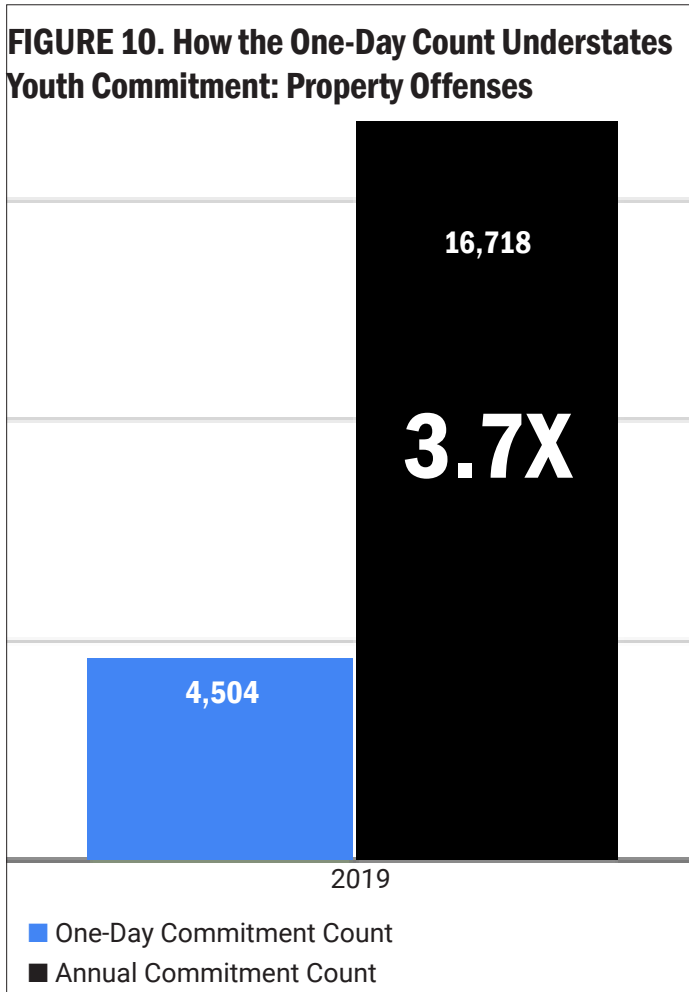
The likelihood of out-of-home commitment for property offenses increased slightly over the decade, unique among the four categories of offenses.

As shown in Figure 10, the one-day count understates the scope of commitment for property offenses,

but to a lesser degree than for detention. For each of the 4,504 youth committed for property offenses according to 2019’s one-day count (4,378 adjudicated in juvenile courts), almost four were committed over the course of the year. Comparing the annual total of committed youth to the number committed on a typical day suggests the median time in commitment for property offenses is more than 3 months (96 days).

### Person Offenses

Youth in juvenile court for person offenses are committed to out-of-home placement 8% of the time, roughly equal to the average across all delinquency offenses. Separating out the Violent Crime Index (VCI) offenses from the non-VCI person offenses reveals 16% charged in juvenile court with VCI offenses—mostly aggravated assault and robbery—are eventually placed, compared with 5% of non-VCI person offenses (mostly simple assault). Avoiding



out-of-home placement can happen in multiple ways: for example, actual innocence or sentences such as probation or community service would both mean that an arrested young person was not later committed to out-of-home placement.

The likelihood of commitment in a secure facility for youth adjudicated on person offenses fell over the decade from 9.3% of cases to 7.7%, a sign of progress toward ending the overincarceration of youth.

As shown in Figure 11, the one-day count understates the scope of commitment for person offenses, but to a lesser degree than for detention. For each of the 9,039 youth committed for person offenses according to 2019's one-day count (8,571 adjudicated in juvenile courts), two were committed over the course of the year. Comparing the annual total of committed youth to the number committed on a typical day suggests the median time in commitment for person offenses is roughly 6 months (170 days).

### **Commitment data show both progress of reform and continued over-reliance on incarceration**

Ending the over-incarceration of youth requires using alternatives to incarceration, and the data suggest this has taken place over the decade. Commitment's likelihood fell by roughly 10% and, moreover, fell for all racial and ethnic groups, not only for white youth. The largest declines were for Tribal youth, followed by white, Black, Latinx, and Asian. Declines also occurred for multiple categories of offenses: person, drug, and public order.

The data do not reveal sharp differences by age; commitment rates for 17-year olds fell at a slightly faster rate than average, a change that occurred even as states implemented laws that raised the age of juvenile court jurisdiction. Seventeen-year olds referred to juvenile courts were as likely to be committed as their 15- and 16-year-old peers.

Nevertheless, commitment likelihood increased for property offenses, a pattern also revealed for detention. A closer look at the property data reveals this increase is entirely about increased commitment for theft, where commitment became 25% more common between 2010 and 2019. For all other property offenses, commitment was 6% less common, roughly in line with the overall changes.

The declines that have occurred show that even more progress is possible. At the start of the decade, 5.6% of youth referred on drug charges ended up in commitment. That proportion fell to 3.3% by 2019. Had we seen similar drops across all offense categories, roughly 5% of referred youth would have been committed instead of 8%—18,000 fewer instances of a commitment.

Despite frequent use of probation (the most common outcome for delinquent youth<sup>50</sup>), state departments of juvenile justice are heavily invested in hardware secure youth prisons and residential facilities. Government budgets should reflect where youth are. Heavy spending on locked facilities means fewer youth are being supported in the community—even if we accept the dubious proposition that such facilities are designed to serve youth and not merely punish them. These dollars should be redirected toward effective community-based interventions that serve the most youth in need.

## CONCLUSION: MILES TO GO

With each closure of a youth detention center or prison, progress in youth justice is visible. There are far fewer youth arrested each year than at the turn of the century, and with fewer youth entering the maze of juvenile justice systems, there are fewer youth trapped inside it. The drops in youth arrests and placements have occurred even as more 16- and 17-year olds have been added to juvenile court jurisdiction after the implementation of raise the age laws and other transfer reforms to remove youth from adult court.<sup>51</sup>

### **Nevertheless, these reforms have had their limits.**

Youth referred to juvenile courts are more likely than at the start of the decade to be locked in detention following their arrests. These increases took place across ages, races, ethnicities, and offense categories. Youth of color are detained even more often than their white peers. Most of these youth will not be held in long-term placement once their cases are adjudicated, an indication that detention is overused despite the harmful consequences involved for youth and public safety. A recent study from University of California-Irvine psychologist Elizabeth Cauffman and colleagues demonstrated informal processing has better outcomes for youth referred to juvenile courts for the first time on mid-level offenses, such as simple assault and theft, than formal processing that can lead to incarceration.<sup>52</sup> More exits from court involvement are needed because deeper involvement rarely leads to better outcomes.

To their detriment, youth of color are treated differently by juvenile courts than their white peers. They are detained and committed more frequently across offense categories. Detentions are often brief and pointless, except to the extent that they are harmful. Even worse, detention disparities have grown. Decisions to commit to out-of-home placement, the

most severe punishment the juvenile system has to offer, harm youth of color most often.

The drops in overall use of detention and commitment are mostly the results of drops in youth offending and arrests, not more cautious or better decision making. When referred to juvenile courts, white youth were just as likely to be detained at the end of the decade as at its start and youth of color were more likely to be detained—despite the overall drop in offending and arrest for all kids. Once detained, youth are usually held for just a few weeks, only to be sentenced to probation or have their cases dismissed. But even short stays in detention are known to be harmful to youth and to the communities in which they live. Detention should be avoided at all costs.

Despite the reams of data collected, we still lack an accurate picture of the full scope of youth incarceration. This paper aims to remedy part of that problem by looking at annual data instead of one-day counts. Even this is incomplete, lacking in youth detained on status offenses and violations of probation and youth held in adult facilities. Nevertheless, it is more complete than the one-day count.

Whether for one day, one week, one month, or longer, it is clear that the United States locks up too many of its youth. The drops in detention likelihood for youth referred on drug offenses point to the possibility of progress built on changed public attitudes toward drug crimes and other offenses. Many, if not most, programs provided behind locked doors can be provided in the community, giving youth in conflict with the law—and all youth – the opportunity to succeed with the support of their families.

If we expect them to thrive, we must detain and commit far fewer youth each year. The goal should be no kids in prison.

# POLICY RECOMMENDATIONS

The problems revealed within the juvenile courts data require responses from policymakers and the public.

## **1. Legislate limitations on incarceration, particularly detention.**

Data reveal little change in the likelihood of detention (i.e., the proportion of cases that start with detention)—despite the well known harms of detention and commitment. Judges and sheriffs, abusing their discretion, are failing to protect kids. Ending the detention of thousands of young people, often held for a handful of days, will require intervention by state legislatures to limit detention only to circumstances where public safety is at risk. After decades of investments in detention alternatives from localities nationwide, these numbers continue to move in the wrong direction. The system will not right itself without legislative interventions.

Needed reforms include ending the detention and commitment of youth charged with status offenses, misdemeanors, and violations of probation and ending the detention and commitment of youth under the age of 14. Independent child advocates should review youth in placement to identify more opportunities for release.

## **2. Focus reforms on eliminating racial and ethnic disparities**

This paper reiterates the well-established racial and ethnic disparities in youth justice. As shown in minute detail below, these disparities do not reflect differences in arrests. Youth of color are treated more harshly than their white peers regardless of the category of offense.

Dr. Philip Atiba Goff, co-founder and CEO of the Center for Policing Equity and a Professor of African-

American Studies and Psychology at Yale University, and his colleagues found that police and civilians alike see Black youth as less innocent (indeed, viewing them as older than their age) and thus less deserving for compassionate and age-appropriate treatment by the legal system.<sup>53</sup> Knowing this, reformers must keep racial and ethnic data front and center as they limit the use of detention and commitment. Racial impact statements are a useful tool to evaluate how legislative initiatives will impact various demographics.<sup>54</sup> Advancing effective policy change demands that race- and ethnicity-centered solutions are explicit; the success or failure of reforms should be measured by the extent to which they benefit all youth.

## **3. Redirect public expenditures toward effective solutions**

The damage to child and adolescent lives from incarceration is made more troubling by the expense entailed in detention and commitment. State budgets for departments of juvenile justice lean heavily toward the maintenance of commitment facilities despite the fact that they serve so few of the youth referred to courts. Out of roughly 720,000 court referrals for delinquency offenses in 2019, one out of 13 youth—55,000 youth—were committed. Yet half of the budgets from the department of juvenile justice sustain long-term commitment. The disproportion is clear. Despite the impressive movement in closing youth prisons, there is little evidence that the attendant savings has been invested in services and supports that benefit impacted youth and families. Closing facilities should not be viewed as a cost-savings, it should be viewed as an opportunity to spend more wisely, directing expenditures toward community-based programs in mental health counseling, violence prevention, and restorative justice. Furthermore, some jurisdictions are continuing to expand youth detention, despite

extensive evidence that such expansion is costly, hurts kids, and does nothing to improve public safety. To reduce the harms of these institutions, officials must invest in youth and families and limit police contact with children.

#### **4. Improve the available data**

This report relies heavily on “Easy Access to Juvenile Court Statistics: 1985-2019,” nationwide data compiled by the National Center for Juvenile Justice (NCJJ) under a grant from the U.S. Department of Justice.<sup>55</sup> It provides a national snapshot. Other datasets reveal state-by-state differences in youth arrests and incarceration; these juvenile court statistics would be more compelling if they could be divided by state and would be a welcome addition to the Juvenile Court Statistics website. The data could be further improved with case counts and outcomes for youth charged with status offenses and violations of probation.

Data-based discussions on youth incarceration should emphasize annual admissions and not the one-day count that is also reported by NCJJ. Understanding the scope of youth incarceration and the funding required to reform youth justice demands a full picture of how many justice-involved youths are removed from their homes—detained, committed, jailed and imprisoned—in the course of a year. The dangers of placement and incarceration accrue to anyone who is held in custody. Advocates and policymakers alike should emphasize annual totals and rates and push for their publication in states and localities.

# APPENDIX: ESTIMATING OF LENGTH OF STAY

- *Comparing the one-day count to annual counts reveals estimated lengths of stay*

Estimates of median time in detention were calculated by first dividing one-day totals of detained youth by annual totals of detained youth. This quotient reveals the proportion of detained youth accounted for in the one-day count. For person offenses, 73,273 were detained in juvenile court in the entirety of 2019, 6,475 of whom were included in the one-day count.

$$6,475 \div 72,273 = .0896 \text{ (roughly one-eleventh).}$$

This means that roughly one out of every 11 youth detained in 2019 were included in the one-day count, and 10 of 11 were not. As such, we can multiply this quotient by 365 days to estimate the churn of detained youth.

$$.0896 \times 365 = 32.7 \text{ days in detention.}$$

If lengths of stay were longer, a higher proportion of detained youth would be part of the one-day count. If lengths of stay were shorter, a small proportion of detained youth would be part of the one-day count. As shown in Table 6, the length of stay estimates allow for comparisons across offenses.

**TABLE 6**  
**Estimated median lengths of stay**

	Detention	Out-of-home commitment
Person offenses	32.7 days	170 days
Property offenses	20.6 days	96 days
Drug offenses	11.6 days	120 days
Public order offenses	14.8 days	64 days

## ENDNOTES

- <sup>1</sup> Sickmund, M., Sladky, A., and Kang, W. (2021). *Easy Access to Juvenile Court Statistics: 1985-2019*. <https://www.ojjdp.gov/ojstatbb/ezajcs/>
- <sup>2</sup> Sickmund, M., Sladky, T.J., Puzzanchera, C., & Kang, W. (2021). *Easy Access to the Census of Juveniles in Residential Placement*. <https://www.ojjdp.gov/ojstatbb/ezacjrp/>
- <sup>3</sup> OJJDP Statistical Briefing Book. Online. Available: [https://www.ojjdp.gov/ojstatbb/special\\_topics/qa11501.asp?qa-Date=2019](https://www.ojjdp.gov/ojstatbb/special_topics/qa11501.asp?qa-Date=2019). Released on November 16, 2020.
- <sup>4</sup> Centers for Disease Control and Prevention (2020). High School YRBS PowerPoint Slides (2019): (a) Injury and Violence and (b) Tobacco, Alcohol, and Other Drug Use, both available at [https://www.cdc.gov/healthyouth/data/yrbs/reports\\_factsheet\\_publications.htm](https://www.cdc.gov/healthyouth/data/yrbs/reports_factsheet_publications.htm). The YRBS data, which are self-reported, suggest youth of color and white youth have similar (though not identical) offending patterns when it comes to activities that can lead to justice involvement, such as weapons possession, alcohol and other drug use, and getting into fights.
- <sup>5</sup> Rovner, J. (2021, July 15). *Black Disparities in Youth Incarceration*. The Sentencing Project. <https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/>; Rovner, J. (2021, July 15). *Latinx Disparities in Youth Incarceration*. The Sentencing Project. <https://www.sentencingproject.org/publications/latino-disparities-youth-incarceration/>; and Rovner, J. (2021, July 15). *Disparities in Tribal Youth Incarceration*. The Sentencing Project. <https://www.sentencingproject.org/publications/native-disparities-youth-incarceration/>
- <sup>6</sup> Porter, N. (2021, June 16). *Racial Impact Statements*. Washington, DC: The Sentencing Project. <https://www.sentencingproject.org/publications/racial-impact-statements/>
- <sup>7</sup> Knight, M. and Armstrong, K. (2021, Oct. 8). *Black Children Were Jailed for a Crime That Doesn't Exist. Almost Nothing Happened to the Adults in Charge*. *ProPublica*. [https://www.propublica.org/article/black-children-were-jailed-for-a-crime-that-doesnt-exist?mc\\_cid=1611696ff0&mc\\_eid=adf861bac7](https://www.propublica.org/article/black-children-were-jailed-for-a-crime-that-doesnt-exist?mc_cid=1611696ff0&mc_eid=adf861bac7)
- <sup>8</sup> Office of Juvenile Justice and Delinquency Prevention. (2020). *Statistical Briefing Book: Trends in the number of arrests by age group for all offenses*. Available: [https://www.ojjdp.gov/ojstatbb/crime/ucr\\_trend.asp?table\\_in=1](https://www.ojjdp.gov/ojstatbb/crime/ucr_trend.asp?table_in=1). U.S. Department of Justice. (Statistics through 2019.)
- <sup>9</sup> Puzzanchera, C., Hockenberry, S., Sladky, T.J., and Kang, W. (2020). *Juvenile Residential Facility Census Databook*. <https://www.ojjdp.gov/ojstatbb/jrfcdb/>
- <sup>10</sup> Aos, S., Phipps, P., Barnoski, R., and Lieb, R. (2001). *The Comparative Costs and Benefits of Programs to Reduce Crime*. Olympia: Washington State Institute for Public Policy. <https://eric.ed.gov/?id=ED453340>
- <sup>11</sup> Walker, S. C., & Herting, J. R. (2020). *The Impact of Pretrial Juvenile Detention on 12-Month Recidivism: A Matched Comparison Study*. *Crime & Delinquency*, 66(13–14), 1865–1887. <https://doi.org/10.1177/0011128720926115>
- <sup>12</sup> Aizer, A. and Doyle, J.J., “*Juvenile Incarceration, Human Capital and Future Crime: Evidence From Randomly-Assigned Judges*,” National Bureau of Economic Research (June 2013), [http://www.mit.edu/~jdoyle/aizer\\_doyle\\_judges\\_06242013.pdf](http://www.mit.edu/~jdoyle/aizer_doyle_judges_06242013.pdf)
- <sup>13</sup> Sickmund, M., Sladky, T.J., Puzzanchera, C., & Kang, W. (2021). *Easy Access to the Census of Juveniles in Residential Placement*. <https://www.ojjdp.gov/ojstatbb/ezacjrp/>
- <sup>14</sup> Unless otherwise noted, data in this report are derived from Sickmund, M., Sladky, A., and Kang, W. (2021). *Easy Access to Juvenile Court Statistics: 1985-2019*. <https://www.ojjdp.gov/ojstatbb/ezajcs/>. The author’s calculations are on file and available upon request.

- <sup>15</sup> Snyder, H. (1988, Mar.). Court Careers of Juvenile Offenders. National Center for Juvenile Justice. <https://eric.ed.gov/?id=ED312581>. Please see table on page viii showing 41% of youth referred to juvenile court once will be referred again, meaning that 59% will not. These findings were repeated by Sarah Hockenberry and Melissa Sickmund at the NCJFCJ's National Juvenile Justice Conference in March 2021, "Who are the repeat offenders?" reporting that most youth did not return to juvenile court after their first referral.
- <sup>16</sup> Rovner, J. (2021, July 15). *Black Disparities in Youth Incarceration*. The Sentencing Project. <https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/>; Rovner, J. (2021, July 15). *Latinx Disparities in Youth Incarceration*. The Sentencing Project. <https://www.sentencingproject.org/publications/latino-disparities-youth-incarceration/>; and Rovner, J. (2021, July 15). *Disparities in Tribal Youth Incarceration*. The Sentencing Project. <https://www.sentencingproject.org/publications/native-disparities-youth-incarceration/>
- <sup>17</sup> Defined here as people under 18 years old. OJJDP Statistical Briefing Book. Trends in the number of arrests by age group for All offenses. Available: [https://www.ojjdp.gov/ojstatbb/crime/ucr\\_trend.asp?table\\_in=1](https://www.ojjdp.gov/ojstatbb/crime/ucr_trend.asp?table_in=1). Released on November 16, 2020.
- <sup>18</sup> OJJDP Statistical Briefing Book. Online. Available: [https://www.ojjdp.gov/ojstatbb/special\\_topics/qa11501.asp?qaDate=2019](https://www.ojjdp.gov/ojstatbb/special_topics/qa11501.asp?qaDate=2019). Released on November 16, 2020.
- <sup>19</sup> Centers for Disease Control and Prevention (2020). High School YRBS PowerPoint Slides (2019): (a) Injury and Violence and (b) Tobacco, Alcohol, and Other Drug Use, both available at [https://www.cdc.gov/healthyyouth/data/yrbs/reports\\_factsheet\\_publications.htm](https://www.cdc.gov/healthyyouth/data/yrbs/reports_factsheet_publications.htm). The YRBS data, which are self-reported, suggest youth of color and white youth have similar (though not identical) offending patterns when it comes to activities that can lead to justice involvement, such as weapons possession, alcohol and other drug use, and getting into fights.
- <sup>20</sup> Walker, S. C., & Herting, J. R. (2020). The Impact of Pretrial Juvenile Detention on 12-Month Recidivism: A Matched Comparison Study. *Crime & Delinquency*, 66(13–14), 1865–1887. <https://doi.org/10.1177/0011128720926115>
- <sup>21</sup> Rodriguez, N. (2010). The Cumulative Effect of Race and Ethnicity in Juvenile Court Outcomes and Why Pre-adjudication Detention Matters. *Journal of Research in Crime and Delinquency*, 47(3), 391–413. <https://doi.org/10.1177/0022427810365905>
- <sup>22</sup> Holman, B. and Zeidenburg, J. (2006). "Dangers of Detention." Justice Policy Institute. [https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/dangers\\_of\\_detention.pdf](https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/dangers_of_detention.pdf)
- <sup>23</sup> Use of a weapon is likely to fall under person offenses.
- <sup>24</sup> Obstruction of Justice is defined as including "intentionally obstructing a court (or law enforcement) in the administration of justice, acting in a way calculated to lessen the authority or dignity of the court, failing to obey the lawful order of a court, and violations of probation or parole other than technical violations, which do not consist of the commission of a crime or are not prosecuted as such. It includes contempt, perjury, obstructing justice, bribing witnesses, failure to report a crime, nonviolent resisting arrest, etc."
- <sup>25</sup> Disorderly Conduct is defined as "unlawful interruption of the peace, quiet, or order of a community, including offenses called disturbing the peace, vagrancy, loitering, unlawful assembly, and riot."
- <sup>26</sup> Weapons offenses include actual or attempted illegal sale, distribution, manufacture, alteration, transportation, possession, or use of a deadly or dangerous weapon or accessor.
- <sup>27</sup> See Appendix for the author's calculations.
- <sup>28</sup> Jones, C.M., Clayton, H.B., Deputy, N.P., Roehler, D.R., Ko, J.Y., Esser, M.B., Brookmeyer, K.A., and Feldman Hertz, M. "Prescription Opioid Misuse and Use of Alcohol and Other Substances Among High School Students – Youth Risk Behavior Survey, United States, 2019." <https://www.cdc.gov/mmwr/volumes/69/su/pdfs/su6901a5-H.pdf>
- <sup>29</sup> OJJDP Statistical Briefing Book. Online. Available: <https://www.ojjdp.gov/ojstatbb/court/qa06201.asp?qaDate=2019>. Released on June 22, 2021.
- <sup>30</sup> For example, the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative was founded to address such over-incarceration.



- <sup>31</sup> During these years, youth arrests under the Property Crime Index (a narrower set of property offenses) arrests dropped an even larger amount: 67%. This would suggest more property offenses – such as shoplifting – are being addressed without an arrest. Retail establishments might ban teenagers caught shoplifting from their stores without involving law enforcement. The answer is beyond the scope of this paper.
- <sup>32</sup> Homicide, rape, aggravated assault, and robbery.
- <sup>33</sup> OJJDP Statistical Briefing Book. Estimated number of arrests by offense and age group, 2019. Available: [https://www.ojjdp.gov/ojstatbb/crime/ucr.asp?table\\_in=1](https://www.ojjdp.gov/ojstatbb/crime/ucr.asp?table_in=1). Released on November 16, 2020.
- <sup>34</sup> OJJDP Statistical Briefing Book. Trends in the number of arrests by age group for Violent crimes. Available: [https://www.ojjdp.gov/ojstatbb/crime/ucr\\_trend.asp?table\\_in=1](https://www.ojjdp.gov/ojstatbb/crime/ucr_trend.asp?table_in=1). Released on November 16, 2020. This statistic differs from the Violent Crime Index because it excludes rape, which underwent a definitional change in 2013.
- <sup>35</sup> Mistrett, M. and Espinoza, M. (2021, Dec. 16). *Youth in Adult Courts, Jails, and Prisons*. The Sentencing Project. <https://www.sentencingproject.org/publications/youth-in-adult-courts-jails-and-prisons/>
- <sup>36</sup> Holman, B. and Zeidenburg, J. (2006). "Dangers of Detention." Washington, DC: The Justice Policy Institute.
- <sup>37</sup> Hjalmarsson, R. (2008). "Criminal justice involvement and high school completion." *Journal of Urban Economics*, 63
- <sup>38</sup> Barnert, E. S., Dudovitz, R., Nelson, B. B., Coker, T. R., Biely, C., Li, N., & Chung, P. J. (2017). How Does Incarcerating Young People Affect Their Adult Health Outcomes?. *Pediatrics*, 139(2), e20162624. <https://doi.org/10.1542/peds.2016-2624>
- <sup>39</sup> National Research Council (2013). *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press. p. 71. <https://doi.org/10.17226/14685>.
- <sup>40</sup> Youth in juvenile courts can have their cases waived to adult court via judicial waivers; this occurred 3,330 times in 2019.
- <sup>41</sup> There were 2,032 judicial waivers into adult court for person offenses.
- <sup>42</sup> Sickmund, M., Sladky, T.J., Puzanchera, C., & Kang, W. (2021). *Easy Access to the Census of Juveniles in Residential Placement*. <https://www.ojjdp.gov/ojstatbb/ezacjrp/>
- <sup>43</sup> OJJDP Statistical Briefing Book. Online. Available: [https://www.ojjdp.gov/ojstatbb/special\\_topics/qa11601.asp?qa-Date=2019](https://www.ojjdp.gov/ojstatbb/special_topics/qa11601.asp?qa-Date=2019). Released on June 22, 2021.
- <sup>44</sup> Among youth counted in the commitment total, 3% were convicted in criminal court and held in a juvenile facility for the start of their long-term imprisonment.
- <sup>45</sup> Cramer, M. (2021, Dec. 28). Death of 17-Year-Old in Custody in Kansas Is Ruled a Homicide. *New York Times*. <https://www.nytimes.com/2021/12/28/us/cedric-lofton-kansas-police-death.html>
- <sup>46</sup> Mendel, R. (2015). *Maltreatment of Youth in U.S. Juvenile Corrections Facilities*, Annie E. Casey Foundation., <http://www.aecf.org/m/resourcedoc/aecfmaltreatmentyouthuscorrections-2015.pdf>
- <sup>47</sup> Aizer, A. & Doyle, J. (2015). "Juvenile Incarceration, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges," *The Quarterly Journal of Economics*, vol 130(2).
- <sup>48</sup> Barnert, E. S., Perry, R., & Morris, R. E. (2016). Juvenile Incarceration and Health. *Academic pediatrics*, 16(2), 99–109. <https://doi.org/10.1016/j.acap.2015.09.004>
- <sup>49</sup> Blakinger, K. and Chammah, M. (2022, Feb. 2). They Went to Prison as Kids. Now They're on Death Row. *The Marshall Project*. [https://www.themarshallproject.org/2022/02/01/they-went-to-prison-as-kids-now-they-re-on-death-row?utm\\_medium=social&utm\\_campaign=share-tools&utm\\_source=twitter&utm\\_content=post-top](https://www.themarshallproject.org/2022/02/01/they-went-to-prison-as-kids-now-they-re-on-death-row?utm_medium=social&utm_campaign=share-tools&utm_source=twitter&utm_content=post-top)
- <sup>50</sup> The juvenile system does not find "guilt;" a "delinquent youth" should be understood to be equivalent to an adult found responsible in criminal courts.
- <sup>51</sup> Mistrett, M. (2021, Jun. 25). *Bringing More Teens Home: Raising the Age Without Expanding Secure Confinement in the Youth Justice System*. The Sentencing Project. <https://www.sentencingproject.org/publications/bringing-more-teens-home-raising-the-age-without-expanding-secure-confinement-in-the-youth-justice-system/>

<sup>52</sup> Cauffman, E., Beardslee, J., Fine, A., Frick, P., & Steinberg, L. (2021). Crossroads in juvenile justice: The impact of initial processing decision on youth 5 years after first arrest. *Development and Psychopathology*, 33(2), 700-713. doi:10.1017/S095457942000200X

<sup>53</sup> Goff, P. A., Jackson, M. C., Di Leone, B. A. L., Culotta, C. M., & DiTomasso, N. A. (2014). The essence of innocence: Consequences of dehumanizing Black children. *Journal of Personality and Social Psychology*, 106(4), 526–545. <https://doi.org/10.1037/a0035663>

<sup>54</sup> Porter, N. (2021, June 16). Racial Impact Statements. Washington, DC: The Sentencing Project. <https://www.sentencingproject.org/publications/racial-impact-statements/>

<sup>55</sup> Sickmund, M., Sladky, A., and Kang, W. (2021).



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