



# GROWING KINGS

POLICY BRIEF VOL 1 ISSUE 2

GROWING KINGS ISSUES PUBLIC POLICY BRIEFS THAT ADDRESS SOCIETAL CONCERNS THAT IMPACT UNDERSERVED MALE YOUTH, AND INFORMS STAKEHOLDERS ON HOW TO ADVOCATE FOR SUSTAINABLE SYSTEMS CHANGE

## JUVENILE JUSTICE

Reducing Youth Detention and Incarceration

### ISSUE

Youth who are accused of committing delinquent acts are often held in juvenile detention centers as their cases progress through the system; this practice not only disconnects youth from familial and social relationships within their communities but also disrupts their daily routines and schooling. Depending on the jurisdiction, detention might take place prior to court intake (i.e., at the point of interaction with law enforcement), during the adjudication process (i.e., when a judge weighs evidence to reach a final verdict about any allegations), or after disposition (i.e., while awaiting a final court-ordered placement elsewhere). The 2015 Census of Juveniles in Residential Placement in the U.S. revealed that there were 15,816 youth detained while their cases were pending, in addition to 31,487 youth committed to juvenile facilities following court-ordered dispositions<sup>[1]</sup>.

While the use of detention has been rationalized as a safety measure protecting youth and the general public, the practice has been and continues to be utilized with youth who are accused of committing low-level

offenses and pose no serious risk to public safety<sup>[2]</sup>. In fact, the formal processing of youth through the juvenile justice system may do more harm than good; not only does it fail to protect public safety but it also damages the futures of young people. Youth who experience out-of-home placements such as detention, are often confined in outmoded facilities that lack systems to support positive youth development. A vast body of juvenile justice research continuously demonstrates that out-of-home placements do not improve outcomes for youth and instead increase the likelihood of recidivism<sup>[3]</sup>. Over-involvement with the juvenile justice system can increase the likelihood of reoffending for lower-risk youth who are placed alongside youth who have committed more serious offenses<sup>[4]</sup>.

In Alabama, the number of youth in detention centers has remained steady. In fact, despite a 27% decrease in the number of complaints filed against juveniles since 2012, admission to detention centers has not slowed at the same pace, according to the Alabama Juvenile Justice Task Force (AJJTF)<sup>[4]</sup>. Since there is no statewide funding stream for pre-

adjudication detention alternatives that allow youth to remain at home, many young people are removed from home and placed in juvenile facilities. Around 85% of youth committed to the Department of Youth Services (DYS) had not received the opportunity for diversion from out-of-home placement prior to their first commitment, despite most cases in the juvenile justice system involving lower-level offenses<sup>[4]</sup>. In addition to these concerns, the Task Force reports that racial disparities exist throughout Alabama's juvenile justice system. Black youth are disproportionately placed in detention and DHS custody. Although they make up just 31% of Alabama's youth population, Black youth made up 57% of 1,280 youth taken into DHS custody<sup>[4]</sup>.

## **SOLUTION**

Recognizing the harms of detention and incarceration, advocates in counties and states across the country have endorsed and successfully implemented prevention and intervention strategies that divert youth from the justice system. These initiatives resist the harm of punitive, deficit-based approaches by aiming to provide support structures that promote positive youth development while also holding youth accountable for their actions. Many of these initiatives create partnerships and promote collaboration among law enforcement, court systems, schools, and community organizations.

Diversion gives law enforcement and court personnel tools to direct young people to alternative treatments and services rather than sending them to the formal justice system. By utilizing risk-assessment instruments and objective admissions criteria, system decision makers can reduce unnecessary detention that confines youth and removes them from their communities. Diversion programs are typically

housed in community-based organizations which deliver services that address the needs of youth and their families. Administering assessments that gauge the needs, risks, and trauma of young people is a key part of connecting youth to the appropriate support services. "When young people are diverted from secure detention, the burden on probation officers and courts is eased and secure detention is more likely to be reserved for the youth who are most at-risk of re-arrest and failure to appear"<sup>[5]</sup>.

Front-end diversion tactics have become increasingly prominent and employed through a variety of approaches including special program initiatives, legislative reforms, and administrative reforms. The state of Alabama passed a comprehensive juvenile justice reform bill in 2008 in an effort to narrow the pipeline and keep young people in their communities. At the same time, a project of the Annie E. Casey Foundation called the Juvenile Detention Alternatives Initiative (JDAI) advocated for eight core strategies that are being implemented across the country and in four jurisdictions in Alabama to significantly reduce youth detention. According to the State of Alabama Department of Youth Services 2015 Annual Report, JDAI sites in Jefferson, Montgomery, Tuscaloosa, and Mobile counties reduced their use of secured detention by as much as 60% and the number of admissions to DHS commitment by more than 50% from 2007 to 2014<sup>[7]</sup>. Currently, the DHS Diversion program also supports programs in 56 counties across the state<sup>[8]</sup>.

Although the movement is growing and the success of diversion is well-documented, inconsistent practices and insufficient state, county, and local investment in high-quality community-based programs means that far too many young people in Alabama continue to

experience detention and the negative outcomes associated with it. The Alabama Juvenile Justice Task Force reported, “Most judges and [juvenile probation officers] lack access to evidence-based alternatives to out-of-home placement, especially in rural areas: More than two-thirds of [juvenile probation officer] questionnaire respondents reported that there are not enough services to meet the needs of youth on their caseloads”<sup>[4]</sup>. The Task Force recommends reinvesting in community-based services and programs such as “school-based interventions, in-home family interventions, truancy reduction programs, restorative justice programs, and other evidence-based preventative services shown to reduce the likelihood of juvenile justice system involvement”<sup>[4]</sup>.

## OUTCOME

The benefits of diversion programs extend to not only youth but also communities and justice systems. Young people who participate in diversion programs that provide services and treatment are given access meaningful support that ideally contributes to their positive development. Additionally, the opportunity to participate in these programs either leads to avoidance of a charge through early diversion or dismissal of a charge through successful completion of the program, meaning that youth do not experience the negative consequences associated with having a juvenile record, such as limited options in employment and higher education<sup>[9]</sup>. Youth who are not labeled as delinquent do not experience the stigmatizing effects of involvement with the justice system.

Reducing the number of youth who are detained by connecting them to community-based alternatives lowers recidivism, which, in turn, enhances public safety. A meta-analysis

of 45 diversion evaluation studies found that diversion is more effective than formal processing at reducing a young person’s likelihood to reoffend<sup>[9]</sup>. The AJJTF found that “rates of reoffending for youth who receive these informal adjustments are lower than youth who do not; Alabama data show that a higher proportion of youth whose cases are petitioned in court on their first complaint are charged with a subsequent complaint within one year than youth who receive an informal adjustment”<sup>[4]</sup>.

Not only is diversion more effective in supporting youth, but it also results in significant savings for taxpayers by eliminating the high costs of secure confinement. States spend billions of dollars each year detaining and incarcerating nonviolent youth. In 2007, before major juvenile justice reform in the state, Alabama spent almost \$171,650 per day on youth in residential facilities<sup>[10]</sup>. Investing in nonresidential community-based programs cost significantly less and means youth are supported and mentored locally. Diversion recommendations made by the Alabama Juvenile Justice Task Force would produce \$34 million in savings to be reinvested into community-based programs through 2023<sup>[4]</sup>.

In sum, reducing detention and keeping young people in their communities leads to better outcomes for youth, increased safety for communities, and lower costs for taxpayers. By linking youth to a network of intentional care as opposed to resorting to arrest and incarceration, youth who have committed offenses are connected to beneficial resources and services that support them and their families. When young people are not confined but are treated with dignity and respect, they are less likely to reoffend giving them more opportunity to pursue a brighter future.

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