Alternatives to Incarceration and Juvenile Detention Reform

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How would you like to see juveniles being charged with life without parole as young as 13 years old? The issue I would like to address in this research paper is alternatives to incarceration and juvenile detention reform. Alternatives to detention and confinement are approaches taken to prevent juveniles from being placed in either secure detention or confinement facilities when other treatment options, community-based sanctions, or residential placements are more appropriate (Faruqee). There are many ways to punish children other than incarcerating them and taking their freedoms away. Among the 50 states, Colorado, Georgia, Kentucky, Maryland, Nebraska, New Jersey, and New York are working to find a solution to address the on-going issues of juvenile incarceration. The states have enacted measures that address risk assessment and detention alternatives and services.

Not only does this issue affect juveniles and their parents, this issue affects the citizens in all the 50 states whether they are aware of the law or not. Statistics show that incarceration and juvenile detention drastically affects children both psychologically and physically. Incarceration and juvenile detention have been on ongoing for many years, with a substantial increase between 2015 and 2017. In this paper, it examines the alternative ways to punishing a child rather than incarceration. As stated by Bernstein (2014), “alternatives to secure detention and confinement are intended to reduce crowding, cut the costs of operating juvenile detention centers, shield offenders from the stigma of institutionalization, help offenders avoid associating with youths who have more serious delinquent histories, and maintain positive ties between the juvenile and his or her family and community.” Should juveniles be incarcerated or have a less severe punishment such as home arrest for the offense they have committed? To prevent this cruel punishment, we must pass laws and reform the criminal justice system so youth offenders are not incarcerated for non-violent offenses.

**Who Is Affected By Juvenile Incarceration and Detention?**

Juvenile incarceration is expensive totaling $6 billion annually in the U.S. Over 130,000 juveniles are detained in the U.S. each year with 70,000 in detention (Aizer & Doyle, 2015). Juvenile incarceration can affect high school completion and future criminal activity, encouraging the accumulation of criminal capital. Mass incarceration of American youth is really a bad idea because it makes the country’s crime problem worst. According to Lambie & Randell (2013), the United States arrests and jails children and teenagers more than any other developed nations in the world. In fact, incarceration has a devastating effect on juveniles both physically and mentally.

In the United States, citizens should be concerned about how harmful, ineffective, and expensive youth incarceration is. Langberg (2013) argues that states devote their largest share of juvenile justice resources to jailing youth in youth and adult prisons at an estimated annual cost of over $7 billion per year. To date, studies consistently show that African American children are more likely to be incarcerated versus white children. From a state perspective, it is very shocking how juveniles under the age of 18 can be tried as an adult in states such as Virginia, Tennessee, Texas, and North Carolina for non-violent offenses (America’s addition to Juvenile Incarceration). Although Connecticut and New Jersey have youth incarceration rates that are less than the national average, both states still confine African American youth at 24 times the rate of white youth (Langberg, 2013). In some facilities, juveniles endure solitary confinement, physical and chemical restraints, and physical and sexual abuse. These alarming statistics should cause citizens of all 50 states to hold their policymakers in their states accountable to begin using tax money to create community-based, non-residential alternatives to youth incarceration.

Although the goal of incarceration is to punish and rehabilitate juveniles to follow laws, the real result is often extreme anger, isolation, and abandonment that affect how juveniles maintain a positive role in society outside the criminal justice system. Juvenile incarceration and detention is actually a counterproductive strategy for the rehabilitation of troubled youth under the age of 19. Not only does throwing a child in jail or a detention center reduce their chances of graduating from high school, but it also increases the chances of that child committing more crimes later on in their life (Lambie & Randell, 2013).

Aizer & Doyle (2015) state that juvenile incarceration also affects the parents of children and teenagers who are in jail. Studies show that parents of incarcerated children often feel like they are the blame for the child’s imprisonment. Parents feel as if they could have done more and consider their parenting as a failure. Parents tend to feel embarrassed and also feel anger, isolation, and withdrawn. Adding to their son or daughter’s incarceration also comes with a bill for housing them in jails or detention centers. Many cities and states have a preconceived notion that taxpayers should not support juveniles that have gotten into trouble because parents do not want the responsibility of rearing their delinquent children (Aizer & Doyle, 2015). However, some parents believe that they should not be punished with debt and the government should pick up the tab for jailing their children. In some states, parents are charged using the same metric for child support guidelines as a means to reduce juvenile crime. In Virginia, when parents fail to pay their monthly bill, the state comes after them to collect payment. To collect payment, Virginia uses collection agencies, adds interest to the payment, garnishes wages, seizes bank accounts, intercepts tax refunds, suspends driver’s licenses, or charges parents with contempt of court.

Parents and advocates say that the goal of incarceration is to preserve the public safety of society and help young offenders get their lives back on track to return to society. Instead, some parents argue that their children return home with a mentality of institutionalization and physical aggression. Their plea is for the criminal justice system to properly rehabilitate their children with taxpayer money.

**What are the Alternatives to Youth Incarceration and Juvenile Detention?**

To remedy the impact of incarceration on juvenile offenders, there should be alternatives to consider to help those juveniles re-enter society and not return into the criminal justice system. Mendel (2014) states that youth and adult prisons emphasize confinement and control, which negatively affect the essentials required for healthy adolescent development. Instead of helping kids get back on track, the prisons accelerate many of the factors that brought them to the attention of the courts in the first place (Mendel, 2014). Furthermore, many youth offenders who are habitual criminals enter prisons with mental health and substance abuse problems. Those mental health and substance problems are rarely addressed in jail settings.

It is time for changes and alternatives in the criminal justice system that aligns with better youth outcomes. The system needs to be overhauled to help youth get back on track, prioritize youth development, and introduce accountability over harsh punishment. The necessary alternatives to youth incarceration and juvenile detention address four areas of action – reduce, reform, replace, and reinvest.

**Reduce**

There has to be laws introduced that scale down the operations of youth prisons. States can devote youth prisons to only youth who have committed serious offenses and pose clear risks to public safety (Baglivio, 2009). For example, when Texas and California limited youth corrections to youth with more serious convictions and reallocated tax money to counties to fund local solutions to youth offending, both of these states experienced declines in youth incarceration and offending (Baglivio, 2009). Also, considering youth development will help reduce the amount of youth offenders added to the criminal justice system. Most youth who commit non-violent offenses will outgrow deviant behavior if given a chance to bypass incarceration.

**Reform**

Once there is a reduction of the pipeline of youth prisons and detention centers, there will need to be a cultural reform of the criminal justice system. Decision-making processes will need to be overhauled to focus on creating positive outcomes for youth. Butts, Bazemore, & Meroe (2010) state that alternatives would be community-based and family-centered programs that work with young people who have problems, making sure that youth are paired with the right programs. Incorporation of restorative justice also helps youth offenders to repair harm to victims and give back to their communities.

The community-based and family-centered programs would keep youth in proximity to their communities to facilitate growth in their developmental progress. Next, involving parents and building family engagement through the process will maximize effectiveness. Training would be needed to provide youth with the tools needed to combat negative influences that might be present in settings they will encounter in the future (Butts et al., 2010). Lastly, opportunities for academic success will develop the decision making and critical thinking skills to be youth deemed ready to enter society in a healthier state. The cost savings for community-based programs would offer a “win-win” for many states. Incarceration cost states $400 or more per day while community-based programs cost on average $75 per day (Mendel, 2014).

**Replace**

There will need to be replacement of the correctional feel in community-based programs. The programs would need to be high quality and rigorous to keep the youth engaged and boost their educational, social, and emotional development. The strategies would have to ensure staff that connects with the youth and treats them with respect. This would involve giving youth a voice to groom them for leadership development to give them a chance to serve and give back to their communities.

As the youth are being helped to get back on track, they will also need academic instruction, work readiness, and work experience. Vanderpyl (2015) asserts that employment matters for a successful transition back into the community. The youth should be taught employability skills such as effective communication, anger management, problem-solving, taking responsibility, and teamwork. Kids will have access to career coaching, job shadowing, and interview skills. This strategy will combat school dropouts, chronic unemployment, and reduce tax revenues used to incarcerate youth.

**Reinvest**

The last alternative for reforming youth incarceration and juvenile deform is reinvesting money saved to build more programs for serving the youth who have challenging and complex problems. Since 2016, Virginia has embraced all four areas of action to close youth prisons to make changes to prison and detention policies, procedures, and training, decreasing the number of youth held in secure detention by 20 percent in future years (Martz, 2016). Virginia is reinvesting its savings into alternative residential and nonresidential options located in communities around the state, enabling young people to be located closer to home, to have vocational and education programs, and receive assistance to enter society as healthier youth (Martz, 2016). Locally, the Norfolk Juvenile Detention Center (NJDC), located in Norfolk, VA, provides a variety of programs and services to meet the need of the youth who are detained (Juvenile Detention Center). Their services are meant to provide public safety and provide appropriate services to prepare youth to re-enter the community. Youth at NJDC are provided an educational program by the Norfolk Public School system. This gives youth the opportunity to gain academic credits, obtain their GED, and address other educational needs. Also, NJDC has committed to providing a post-dispositional program for juveniles. This program transitions the juveniles back into the community to live in a productive and safe manner.

**Counterargument to Youth Incarceration and Juvenile Reform**

There is an on-going debate that youth should be responsible for their actions. A counterargument to alternatives for youth incarceration and juvenile detention is that the goal of the criminal justice system is to teach children the consequences of their actions and to correct deviant behavior. Some states have laws in place that incarcerate youth and penalize parents. For example, parents in California can be sentenced to prison time for not supervising their kids. Also, parents can have civil liability to pay for damages to people and property.

Since we are a culture of blame, no one wants to take responsibility these days. The counterargument is youth should take responsibility for their actions and sentenced for their crimes no matter if they are non-violent or violent offenses. Also, with responsibility comes embracing and being accountable for those offenses.

**Conclusion**

Alternatives to youth incarceration and juvenile detention are advantageous for all states to adopt. It is time for rapid change and alternatives in the criminal justice system that supports better youth outcomes. The criminal justice system needs to be overhauled to help youth get back on track, prioritize youth development, and introduce accountability over harsh punishment. Youth offenders should not be confined to prisons away from their families and communities. The necessary alternatives to youth incarceration and juvenile detention should be to reduce youth prisons and detention centers, reform the culture of the criminal justice system, replace the correctional feel in community-based programs, and reinvest savings into more programs to rehabilitate youth as they return back into society. We will then see dramatic changes in America when we look after our youth because they are our next generation of leaders.

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