



Addressing Juvenile Recidivism and the Justice System

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I. EXECUTIVE SUMMARY

Juvenile justice is a form of criminal law that involves offenders not able to be tried fully responsible for their acts. Currently, this system allows for the incarceration of juveniles, possessing high rates of recidivism. This brief will address juvenile recidivism rates and propose policy recommendations to reduce it.

II. OVERVIEW

Juvenile recidivism is an issue that plagues the juvenile justice system in the United States as rates have remained persistently high throughout the past decades. Causes for these abnormally high rates include lack of support after release, strict sentencing, and stifled innovation. Furthermore, the longstanding systemic racism pertaining to the criminal justice system has proliferated racial and ethnic disparities in juvenile incarcerated populations. Numerous states across the country additionally rely on private or locally-run facilities to house incarcerated youth – facilities that often go unchecked and unsupervised. Policymakers and system administrators often overlook the severity and importance of looking at these recidivism rates and reforming the juvenile justice system to reduce these rates. It is crucial to address the root causes of juvenile recidivism to prevent reoffending in the future¹.

A. Relevance

Juveniles who reenter communities and society following incarceration oftentimes must return to unstable homes, find little to no motivation to return to school, and lack skills necessary to return to society. The Bureau of Justice Statistics reported nearly 2300 juveniles in prisons and jails in 2021 – juveniles who were not assessed for possible risk levels that would not necessitate incarceration². The Council of State Governments Justice Center additionally found that across many states, up to 80 percent of juveniles who are incarcerated are rearrested within 3 years of release. However, out of the 39 states that track recidivism rates, only 9 use this data to evaluate program effectiveness; agencies and providers are not held accountable with using statistics to help inform future decisions. Additionally, as of 2013, over two-thirds of incarcerated youth are in private or local facilities that have led to high costs of running, low education standards, lack of quality assurance, and overall poor outcomes for all participants³.

While the number of incarcerated youth nationwide has seen a 53 percent decrease in the period of 1997–2013, many states still utilize discipline-based punitive programs that have witnessed 8 percent increases in recidivism and nearly 200 dollars lost for every one dollar spent^{4,5}. Continuation of these programs to serve

as a form of punishment against juveniles only further dehumanizes them and stifles growth towards reducing recidivism. In addition to the preexisting conditions of poor mitigation of recidivism rates, the United States holds the highest number of incarcerated youth globally, confining youth multiple times the rate of other nations⁶.

Research conducted by Dr. Robertson et al finds that individual risk of reoffending increases with living in an socioeconomically disadvantaged community⁷. This is especially seen in communities that expose youth to violence and victimization as well as deviance. The study also discovered that cities with high recidivism rates additionally experience high percentages of youth in color⁸.

III. HISTORY

A. Current Stances

Currently, there has been a push for greater criminalization of juveniles who have been found guilty of committing crimes. Many policymakers are seeking avenues to prosecute more juveniles as adults which would provide leeway for sentencing juveniles to more harsh punishments⁹. This is crucial to address because many youth in the justice system are denied essential programs and services to development that would impede chances for a healthy development. Successful reentry into their communities is compromised when they are denied basic educational opportunities, treatment, and counseling services, placing juveniles at higher risk of reoffending.

Beyond the juvenile justice system, the privatized prison system has always created a drive to place more criminals in jail without proper

rehabilitation programs that will provide these offenders with the life skills and education they will miss due to being completely removed from society. A majority of policy makers desire no change to this system, forcing released inmates to enter back into a world where they do not learn how to properly abide by societal norms¹⁰. This issue is critical to address especially among juveniles as if they are not provided with the opportunity to learn necessary skills that they need to succeed with society and are instead forced into inhumane conditions, possibly widening preexisting development gaps that can persist in adulthood, leading juveniles into a perpetual cycle of reoffense because they are not provided with programs that can break the cycle.

IV. POLICY PROBLEM

A. Stakeholders

It is given that the primary stakeholders are juveniles, especially those who are in the juvenile justice system. These young offenders are thrown into a system riddled with corruption and capitalism at its core as the prison system as these detention centers are driven by the profit derived from housing inmates. They are left with no say on the system they are coerced into – it is crucial for juveniles to be provided with the opportunity for programs that will prevent reoffending and doesn't dehumanize them.

Policymakers are stakeholders as they not only are meant to represent the needs of those who voted for them, but those in the communities they look over. However, policy makers, especially as of recently, have turned towards upholding personal interests and those of their political party rather than those of their constituents. It is pivotal for policy makers to

recognize the need to provide for a society with laws that set up the younger generations for success and not perpetual cycles of incarceration to then create policies that are people-centered.

B. Risks of Indifference

The risk of indifference to juvenile justice reform lies in lack of awareness and the belief that this issue affects only a minority of the population. If stakeholders continue to neglect the problem at hand, it is a given that these juveniles who will eventually grow up to be adults will be forever scarred by the injustices faced at a young age. It is imperative that stakeholders take into account the future of each individual that goes through the juvenile justice system – precedents set will create an everlasting domino effect on the population. Stakeholders must work to build an environment where everyone can thrive regardless of actions performed at a young age as they will eventually be the ones running society.

C. Nonpartisan Reasoning

Juvenile justice reform not only concerns those within the system but society as a whole and thus it is essential for nonpartisan intervention to occur. The benefits of such reform include but are not limited to the following:

- 1) Better long-term outcomes for youth: Introducing greater rehabilitative programs and support for juveniles such as education, vocational training, and mental health services allowed for juveniles to develop skills for a productive future. These programs address root causes of delinquent behavior as well and reduce the likelihood of reoffending. Rehabilitation

additionally fosters prosocial behavior, improving employment prospects and stability.

- 2) Increased public safety: With rehabilitated juveniles, they are less likely to commit future crimes and thus makes communities safer. Many juveniles often come from a background of perpetual cycles of abuse and violence – rehab programs would allow the addressing of trauma, substance abuse, and family issues and thus can break these cycles. Additionally, rehabilitation promotes positive social integration for future opportunities or employment or education in the future, thus making juveniles less likely to return to the criminal justice system.
- 3) Achievement of greater racial and socioeconomic equity: As elucidated upon throughout this brief, the current juvenile justice system disproportionately punishes minority and lower-income youth – rehabilitation reduces biased sentencing and offers fairer opportunities for all. Furthermore, community-based programs keep youth connected with supportive networks rather than isolating and confining them away from society.

V. TRIED POLICY

In Texas, House Bill 3186, also known as the Texas Youth Diversion and Early Intervention Act, was enacted to provide early intervention strategies for children aged 10 to 16 accused of certain fine-only Class C misdemeanors in municipal and justice courts¹¹. It aims to reduce recidivism and prevent the escalation of youth

into the criminal justice system by offering diversion programs before prosecution. These diversion strategies include teen court programs, educational workshops, rehabilitation, self-improvement programs, counseling, and community service.

However, this policy includes numerous flaws that render this bill ineffective in addressing the recidivism issue as a whole. For one, there is limited eligibility for juveniles to take advantage of these programs as it only applies to fine-only, non-traffic Class C misdemeanors. Furthermore, this bill allows for local courts to develop their own youth diversion plans which neglects the fact that there may be underfunded municipalities and possible inconsistencies in law application. Ultimately, this bill fails to address the lack of evaluation of program success that causes many recidivism reduction programs to fail – it does not mandate a centralized system for any program evaluation which is vital to ensure that the programs experiences success.

VI. POLICY OPTIONS

Implementation of risk and need assessments

Oftentimes, juveniles are sent to punitive programs that are unnecessary and put them at a higher chance to recommit an offense. With a risk and needs assessment, most dynamic and static factors could be assessed to predict the risk of recidivism and provide guidance on supervision and services. The risk principle focuses on supervision and services on youth most likely to reoffend and the need principles addresses a youth's greatest criminogenic needs. With the risk and needs assessment, the juvenile justice system can now determine viability of diverting youth from formal system involvement

and ensures our justice system does not unintentionally worsen youth behavior and make the most effective decisions³.

Policy aiming to reduce disparities

Racial and ethnic disparities are imperative to address within the juvenile justice system as minorities suffer far greater consequences. To address this, it is crucial at both state and local level justice systems collect and analyze diversion data, breaking it down by race and ethnicity to determine where disparities are more pronounced. Justice system leaders should review data on common offenses for youth referred to court and look into prevalent disparities across offenses, review rate of participation among diversion programs among varying ethnicities/races, and analyze possible differing success rates. Furthermore, it is imperative that there are changes made to diversion-related laws that disadvantage youth of color such as rules that limit diversion at low-level offenses but implement multiple opportunities for youth to engage in diversion¹².

Mandated evaluation of system performance

The juvenile justice system suffers from outdated systems that continue to be utilized without much evaluation. To combat this, evaluation of recidivism and other youth outcomes is necessary and could be used to further policy, practice, and resource-allocation decisions. The ultimate proof of success for the juvenile justice system's services is lower recidivism rates and improved youth outcomes. Though many states track outcomes for supervised youth, many states fail to capture and analyze all of recidivism and other youth outcome data that would provide a reliable picture of system effectiveness. To better evaluate

the impact of system interventions on recidivism, policymakers should implement five key recommendations: measure recidivism for all youth involved in the juvenile justice system, analyze recidivism to account of youth risk levels, develop and maintain infrastructure to house youth outcome data, and use recidivism to inform juvenile justice policy, practice, and resources allocation. Altogether, these recommendations could help support programs and practices proven to reduce recidivism and improve other outcomes for youth³.

VII. CONCLUSIONS

In this paper, I have explored a plethora of topics underlying the juvenile justice system and possible reforms to reduce recidivism rates among juveniles, going into an in-depth analysis of disparities and failure in the status quo as well as consequent policy options. However, out of these options, the one that is the most implementable in its scope is the risk and needs assessment that would allow for juveniles to be appointed diversion programs based on their current standing rather than bluntly placing them in harmful punitive programs.

With that said, it is growing more and more vital to address the injustices in the juvenile justice system and oppose the status quo – the lives of juveniles depend on the system. Though we have a long way to go in reducing juvenile recidivism and overcoming racial and socioeconomic disparities, it can be achieved by focussing on implementing assessments to measure risks and needs of juveniles, creating policy to reduce disparities, and evaluate the effectiveness of the juvenile justice system frequently to ensure its success. I believe these barriers can be overcome if

all prioritize the future of the younger generations and work to build an environment for the success of all.

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