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Policy Brief: State Juvenile Justice Reforms Can Boost Opportunity, Particularly for Communities of Color

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States can expand opportunity and build stronger, more prosperous, and inclusive communities by reducing the incarceration of children and young adults and increasing the use of sensible alternatives that advance equitable outcomes. As states have incarcerated fewer youth over the last two decades and crime rates for young people are at historic lows, states have an opportunity to close youth prisons and invest those savings into evidence-based community alternatives to confinement.¹

These policy improvements would particularly benefit communities of color. Young people of color are overrepresented in juvenile facilities due to systemic racism, implicit bias, and related barriers to opportunity, such as overly aggressive policing, poorly resourced schools, and fewer community supports and employment opportunities than their white peers. Among racial and gender groups, Black boys, Black girls, and American Indian girls are disproportionately in confinement.²

Incarcerating young people costs state taxpayers billions of dollars each year while doing little to rehabilitate incarcerated people or reduce crime.³ It now costs states an average of \$214,620 a year to incarcerate one child in their most expensive confinement facilities, the Justice Policy Institute (JPI) estimates — a 44 percent increase since 2014.⁴ Also, individuals incarcerated during adolescence are

¹ For more on state juvenile justice reforms, see Cortney Sanders, “State Juvenile Justice Reforms Can Boost Opportunity, Particularly for Communities of Color,” Center on Budget and Policy Priorities, July 27, 2021, <https://www.cbpp.org/research/state-budget-and-tax/state-juvenile-justice-reforms-can-boost-opportunity-particularly-for>.

² Wendy Sawyer, “Youth Confinement: The Whole Pie 2019,” Prison Policy Initiative, December 19, 2019, <https://www.prisonpolicy.org/reports/youth2019.html>.

³ Justice Policy Institute, “Sticker Shock: Calculating the Full Price Tag for Youth Incarceration,” December 2014, http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker_shock_final_v2.pdf

⁴ Justice Policy Institute, “Sticker Shock,” December 2020, http://www.justicepolicy.org/uploads/justicepolicy/documents/Sticker_Shock_2020.pdf.

more likely to be reincarcerated in their 20s and early 30s, to develop alcohol dependency, and to need assistance to meet their everyday needs than their peers who have never been incarcerated.⁵

States could reduce spending and achieve significant savings by closing youth facilities and reinvesting dollars from the youth justice system into community-based programs for justice-involved youth.⁶ Effective alternatives to incarceration include access to mental health services, public services for affected youth and families, and restorative justice services within communities.⁷ Community-based programs should be culturally responsive to the needs of the youth and their communities, conscious of the racial history of juvenile policies, and understanding of the existing relationships between communities of color and the criminal justice system.

Several states have adopted reforms to reduce youth incarceration, including closing youth prisons and shifting funding to community-based approaches:

- Connecticut lawmakers in 2005 prohibited youth detention for violating court orders in cases arising from a status offense such as truancy, running away, or out-of-control behavior. In 2017, lawmakers removed minor status offenses from the court system entirely, instead diverting affected youth to holistic community programs.
- Kansas lawmakers cut the number of young people in confinement by over 50 percent and closed two youth prisons, saving the state millions of dollars.⁸ Senate Bill 367, enacted in 2016, directed an estimated \$72 million in savings over the first five years into the Juvenile Justice Improvement Fund to support community-based alternatives. Lawmakers unfortunately agreed to shift \$21 million out of the fund while negotiating the 2022 budget.⁹
- Ohio gives local courts incentives to engage youth in community-based programming.

State lawmakers can make even greater strides both in the short- and long-term to advance youth justice and equitable outcomes for them and their communities. They can:

- Produce racial equity impact analyses for juvenile justice bills;
- Require an independent analysis of the costs and benefits of incarcerating youth versus investing more in community-based services; and
- Meet with community advocates and justice-involved children and young adults to inform youth justice reform policies.

⁵ Amanda B. Gilman, Karl G. Hill, and J. David Hawkins, “When Is a Youth’s Debt to Society Paid? Examining the Long-Term Consequences of Juvenile Incarceration for Adult Functioning,” *Journal of Developmental and Life-Course Criminology*, February 26, 2015, <https://link.springer.com/article/10.1007/s40865-015-0002-5>.

⁶ No Kids in Prison, “The Facts Report,” <https://www.nokidsinprison.org/the-facts>.

⁷ Youth Advocate Programs, Inc. <https://www.yapinc.org/>.

⁸ Colette Marcellin, Samantha Harvell, and Hanna Love, “Data Snapshot of Youth Incarceration in Kansas,” Urban Institute, April 2020, https://60308246-8e17-48f3-b486-3caed5278808.filesusr.com/ugd/fe31ba_bf4ae8681bda4e3c80c26369934afcd5.pdf.

⁹ Kansas Legislative Research Department, “State Budget—Appropriations; HB 2007 – 2021 Legislative Summary,” 2021, http://www.kslegislature.org/li/b2021_22/measure/documents/summary_hb_2007_2021.

Reducing incarceration for children and young adults and investing in community-based solutions and other investments in the communities most harmed by the justice system would help right historical wrongs, reduce inequities, and foster more widespread opportunity.