

The Juvenile Justice System of the Future

Name:

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The United States is among the top countries for murders committed by juveniles. Simultaneously, it also has one of the most intolerant juvenile justice systems in the world. Research, historical trends, and the experience of other countries show that these two facts are interlinked. Incarceration, a common punishment administered to youth, is positively associated with reoffending and crime rates in general. The United States juvenile justice system needs to be reformed to resemble those of countries with the lowest youth crime, where reintegration is prioritized over punishment. The social welfare system, including inclusion promotion programs for vulnerable communities and mental health support, needs to be enhanced as well.

The official position of the United States government regarding the juvenile justice system is that it adopts a less punitive, more rehabilitation-oriented approach than the adult justice system. Allegedly, it aims to help young offenders realize their crimes and reintegrate them into the community. The latest reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A), H.R. 6964, which will go into effect in 2020, claims to focus on the needs of at-risk youth (Teigen & Bragg, 2019). It is a significant retreat from the traditionally retributive principles of the United States' juvenile justice. H.R. 6964 requires states to avoid placing children in the same facilities as adult offenders; separate them soundly from adults on limited occasions when they are housed together; prohibit placing status offenders (children whose crimes are tied solely to their age, such as underage drinking) in detention; and consider whether their system has disproportionate contact with minority offenders (Teigen & Bragg,

2019). Presumably, the changes in the JJDPA are expected to encourage young people's interaction with positive role models and decrease recidivism rates.

However, in reality, the United States juvenile justice system remains increasingly punitive and is one of the most severe ones among developed countries. Currently, 70 percent of juveniles are detained for nonviolent offenses, such as vandalism, motor vehicle theft, burglary, arson, weapons, aggravated assault, and illegal drug use (Curley, 2016). While scholars and social workers insist that the mass incarceration of young offenders is associated with recidivism rates and cause more harm than good to juveniles' view of the law, the government is slow to react. Such a situation is irrational and has detrimental consequences on crime rates in the United States. According to the Justice Policy Institute, instead of preventing reoffense, detention leads to youth being processed deeper into the system and juveniles' grouping together which results in increased negative behaviors (Curley, 2016). Official data provides irrefutable evidence of the harmful consequences of juvenile incarceration. In Arkansas, the odds of young offenders returning to the system within three years increase 13.5 times for those who have been incarcerated as compared to those who have entered the system but not detained (Curley, 2016). The statistics are comparable across the United States.

Consequently, to improve the juvenile justice system, it appears reasonable to reconsider the American government's treatment of juvenile offenders and attempt to reshape the public view of justice instead of using it as an excuse for mass incarceration. One of the common concerns that right-wing politicians voice when advocating for punitive justice is that detaining

offenders makes law-abiding citizens feel safe, whereas a milder approach toward punishment would cause public resentment. In the case of violent crimes, such as homicide, murder, rape, and assault, it is understandable. However, less than one-third of incarcerated youth are detained for one of those (Curley, 2016). It is possible to change people's opinion with a government-supported ambitious media campaign that reveals the effects that incarceration has on the chances of juveniles reoffending. There is a sufficient body of research that highlights the positive impact of a milder, more humanized and restorative justice system—not to mention decreased costs financed by taxpayers' money.

Additionally, the juvenile justice system of the future should prioritize the social causes of offending over punishment. Such factors as poverty, inequality, exposure to violence, and personal experience with abuse and neglect lead to serious, often violent delinquency (Goshe, 2014). Unprecedented costs of the United States incarceration system could instead be spent on comprehensive welfare programs that support families living in marginalized places and in absolute poverty. Because of the lack of social welfare, one in five children lives in poverty, which in turn is a precondition for parental abuse and neglect, educational deficiencies, dropout, and increased propensity for delinquency (Goshe, 2014). Moreover, powerless communities are deprived of free mental health support, which is among the main causes of juveniles offending. Untreated mental health impairments multiply the likelihood of young people's involvement in the criminal justice system (Goshe, 2014). The health care system is arguably the number one problem in the United States; it is currently a privilege despite being a universal human right.

Vulnerable communities cannot afford it, and alongside poverty, it is the core cause of juveniles offending.

Finally, the United States juvenile justice system should borrow from the experience of other countries; there are multiple examples that punishment does not equal effectiveness. On the contrary, when governments address the causes of youth crime instead of their consequences, offending rates decrease. For example, Portugal's governmental Choices Programme, designed to enhance the social inclusion of at-risk children and youth, reduced juvenile crime from approximately 5,500 registered crimes in 2001 to 3,200 in 2008 (Merlo, Benekos, & Champion, 2016). The Choice Programme targets the most vulnerable communities and promotes their vocational training, nonformal education, digital inclusion, and entrepreneurship. Social inclusion, which is the purpose of the initiative, is the opposite of incarceration (complete exclusion), yet the results it brings are significantly more positive. Most European countries have much less retribution-oriented juvenile justice systems than the United States, and youth crime statistics prove the effectiveness of their approach. For example, in Sweden, young people aged 15 to 17 who commit offenses qualify for care and social services as opposed to punishment; the most common punishment is community service (Merlo et al., 2016). Demonstratively, unlike the United States, Sweden is one of the countries with the lowest rate of violent crimes in the world.

To conclude, the United States juvenile justice system needs to be reshaped: instead of prioritizing punishment, it should address the causes of youth crime. The costs of mass

incarceration of young offenders should instead be allocated to social welfare, including free mental health support for vulnerable populations. Juveniles who commit nonviolent crimes (the vast majority of the currently detained young offenders) should not be incarcerated at all.

Instead, the United States government should learn from most European countries who have significantly lower rates of juvenile offending and implement more social inclusion-promoting programs. Hopefully, the 2020 presidential election will result in a more progressive government and, therefore, the end of the prison-industrial complex.

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