

Casey Foundation study: Juvenile detention at lowest nationally in 35 years

By Bart Sullivan Scripps Howard News Service

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NAPLES — The rate of juvenile detention has fallen to its lowest national level in 35 years, with almost every state reporting that it's confining a smaller share of its youths, a new analysis of federal statistics shows.

"Reducing Youth Incarceration in the U.S.," being released today by the private Annie E. Casey Foundation in Baltimore, shows a significant decline in confinement of people younger than 21.

Lockups peaked in 1995, with 105,055 behind bars on a single day; by 2010, that number had fallen to 70,792 on a comparable day. Over that period, the detention rate dropped from 350 to 225 per 100,000 youths, according to data drawn from the U.S. Census Bureau's Census of Juveniles in Residential Placement.

The decline is significant "because America is not a country, over the past while, that has done anything but build up its incarcerated population," said Bart Lubow, director of the foundation's juvenile justice strategy group.

The findings reflect a trend toward treating youthful infractions less harshly than in the past. That approach conforms with scientific research showing that as their brains mature, youths develop better mastery of executive function — meaning they can more easily control destructive impulses.

Most youths are held for nonviolent offenses such as running away from home or violating curfew — offenses that wouldn't be considered illegal if committed by someone 18 or older.

Lubow described the decline as "an absolute and radical sea change. We think it's a highly important social development that has largely gone on under the radar."

Forty-four states and the District of Columbia have reduced their confinement rates. Tennessee showed the biggest change, with a 66 percent decline over that 15-year period — from 347 to 117 per 100,000. Rates fell significantly in other states, including in Arizona by 57 percent; California, 48 percent; Michigan, 44 percent; Texas, 35 percent; Florida, 32 percent; and Ohio, 31 percent.

At the same time, violence committed by youths went down significantly.

Since hitting “a historic height” in 1994, arrest rates for juveniles involved in violent crime fell by 55 percent in 2010, the federal Office of Juvenile Justice and Delinquency Prevention reported. The rate dropped from 497 to 225 arrests per 100,000 youths over that period; the count includes youths ages 10 through 17.

But juvenile systems still treat children of color more punitively than white youths. The Casey analysis found African-American youths are “nearly five times more likely to be confined than their white peers. Latino and American Indian youth are between two and three times more likely to be confined.”

Mark Soler, executive director of the Washington-based Center for Children’s Law and Policy, said Casey’s advocacy for alternatives to juvenile detention has been “probably the most effective” single tool in widespread reforms.

Soler credits both Casey and the John D. and Catherine T. McArthur foundations for their complementary and sometimes overlapping approaches to advocating for a reduction in unnecessary detentions without jeopardizing public safety. While Casey has focused largely on detention policy, MacArthur has concentrated on access to mental health care, the age of criminal responsibility and racial-ethnic disparities.

The Casey Foundation, which sees wholesale incarceration as counterproductive, provides technical assistance to about 200 jurisdictions nationwide that are attempting to incorporate its approach.

The Casey report recommends five steps to accelerate the drop in youth detention, including restricting incarceration only to those “who pose a demonstrable risk to public safety” and upending the financial incentives for correctional placement.

“The recent de-incarceration trend provides a unique opportunity to implement responses to delinquency that are more cost-effective and humane, and that provide better outcomes for youth, their families and communities,” the report said.

Other larger societal factors underline the new focus on science and effectiveness in juvenile justice. In 2005, the U.S. Supreme Court ruled 5-4 that capital punishment for offenses committed before age 18 was unconstitutionally cruel and unusual punishment. At the time, 20 states permitted such executions.

Last June, a similar 5-4 majority found life sentences without the possibility of parole for those charged before their 18th birthdays to be cruel and unusual. At the time, 28 states mandated life without parole for youths convicted of murder.



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