

REPORT 8 OF THE COUNCIL ON SCIENCE AND PUBLIC HEALTH (A-16)
Juvenile Justice System Reform
(Resolution 205-I-14)
(Reference Committee D)

EXECUTIVE SUMMARY

Objective. To explain research findings on adolescent brain development and the impact of these findings on the juvenile justice system, discuss the impact of the use of zero tolerance policies in schools and the school-to-jail pipeline, describe the youth involved in the juvenile justice system, discuss the prosecution of youth in adult courts, describe the conditions within juvenile facilities, explain the harms of solitary confinement, examine the evidence in support of community based alternatives, and address the importance of reentry and aftercare services to reduce recidivism.

Methods. English language reports were selected from a search of the PubMed and Google Scholar databases using the search terms “adolescent brain development,” “zero tolerance,” “disproportionate minority contact,” “solitary confinement,” “transfer or waiver” and “adult or criminal court,” “mental health” and “juvenile justice,” “substance abuse” and “juvenile justice,” “community-based alternatives,” “reentry and aftercare” and “juveniles,” and “health” and “juvenile justice.” Additional articles were identified by manual review of the references cited in these publications. Further information was gathered from Internet sites managed by relevant federal agencies, foundations, and non-profit organizations involved in juvenile justice reform.

Results. The prefrontal cortex, the area of the brain that governs advanced functions such as integrating information from the senses, reasoning, and other “executive” functions, continues to develop throughout adolescence into young adulthood. While recognized differences in cognitive function and decision-making between adolescents and adults have led to some changes in the juvenile justice system, the United States still leads the industrialized world in the rate at which young people are confined. The disparities in youth confinement rates reflect a system that treats youth of color, particularly African Americans and Latinos, more punitively. Many youth who get into trouble with the law have not only been negatively impacted by adverse childhood events and trauma, but also suffer from mental health or substance use disorders and would benefit from treatment.

Conclusion. There is growing consensus regarding the need to return to a juvenile system focused on rehabilitating justice-involved youth. Community-based alternatives to residential placement have shown promise and should be prioritized particularly for youth who do not pose a threat to public safety. Youth confined in juvenile facilities should be protected from dangerous conditions and receive access to quality services, including comprehensive health care. Gender-specific and trauma-informed policies and programs should be adopted throughout the juvenile justice system. Comprehensive reentry and aftercare services should be prioritized to assist youth in reintegrating in the community. Steps also need to be taken to reform policies that push youth into the juvenile justice system, including the use of zero tolerance policies in schools.