



Policing and Punishing Childhood

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Kids all over the country—especially Black and Brown kids—often don’t get to grow up feeling safe in the spaces where they should feel safest. Instead, they face hyper-surveillance from police and police proxies in schools and parks; are aggressively stopped by police at an early age; and are subjected to the trauma of arrest and the horrifying conditions of imprisonment before they even go to high school. Across the U.S., 43,000 children sit behind bars in juvenile correctional facilities, often for low-level offenses or before even seeing a trial.¹ The criminal legal system has become more and more punitive of children over the past 50 years (alongside overall tough-on-crime legislation), becoming less focused on rehabilitation and more focused on punishment.²

For decades, impacted families and advocates have warned that incarcerating children increases risk of recidivism, pushes kids further and further into the criminal legal system, destroys mental health, robs kids of educational opportunity, reduces their access to jobs in the future, exacerbates racial disparities, and costs taxpayers billions every year.^{3,4} These practices are harmful and expensive, and aren’t even effective at deterring crime. In fact, they make kids *more* likely to commit crimes or interact with police in the future, making our communities *less* safe. All this is compounded when we prosecute children as the adults they are not and imprison them with those adults. It marks a cultural and systemic failure on the part of Americans to simply treat kids like kids.

If we want healthier, safer communities, we have to give children opportunities to thrive, not trap them in our punitive system of trauma, cages, and the criminalization of childhood.

¹ Sawyer, W. (December 19, 2019). *Youth Confinement: The Whole Pie 2019*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/youth2019.html>.

² Henning, K. (2013). Criminalizing Normal Adolescent Behavior in Communities of Color: The Role of Prosecutors in Juvenile Justice Reform. *Cornell Law Review*, 98(383). <http://defendyouthrights.org/wp-content/uploads/2013/12/Criminalizing-Normal-Adolescent-Behavior-in-Communities-of-Color.pdf>.

³ Holman, B. & Ziedenberg, J. (November 28, 2006). *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*. Justice Policy Institute. https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/dangers_of_detention.pdf.

⁴ Mendel, R.A. (2011). *No Place for Kids: The Case for Reducing Juvenile Incarceration*. The Annie E. Casey Foundation. <https://files.eric.ed.gov/fulltext/ED527944.pdf>.

Many kids come into contact with the criminal legal system at an early age.

- I. Whether at the library,⁵ at a recreation center,⁶ at the park,⁷ or in school,⁸ kids who live in hyper-policed neighborhoods—disproportionately low-income communities of color—interact with the police very early.
 - A. In one study, Black middle-school-age teens were more than twice as likely to have had a police contact than White teens.⁹
 - B. Any police contact—even when the police show up to provide help—can negatively impact the physical and mental health, safety, and well-being of youth, especially Black youth.¹⁰
 1. In one study, Black children who had interacted with the police at an early age felt “constant fear for their lives, hopelessness and feelings of alienation from society at large” as a result of feeling unsupported by police.¹¹
 2. For example, a 17-year-old Black boy describes the lasting trauma he experienced following early police interactions. First, officers showed him no sensitivity or kindness when he was 8 years old and his friend had just died. Instead of reacting with care, they pushed him away and treated him more like a criminal than a kid who just lost his friend. Throughout his teen years, police repeatedly assumed he was in a gang (though he was not), and treated him aggressively. Understandably, this led to stress, anxiety, and fear.¹²
 - C. Due to racial stereotypes and a history of criminalization, **police, lawyers, and judges, as well as lay people, often perceive Black and Brown kids as older—and therefore more threatening—than they are, a phenomenon known as ‘adultification’**.¹³
 1. Through adultification, prosecutors see a White kid who committed a crime as developmentally immature but fail to recognize the same context for a Black

⁵ Fassler, E. & Ventura, A. (February 3, 2021). *Police in Libraries: What the Cop-Free Library Movement Wants*. *Teen Vogue*. <https://www.teenvogue.com/story/police-public-libraries>.

⁶ *Gun Violence Epidemic Has Philly Recreation Centers Implementing Extra Safety Precautions Ahead Of Summer*. (April 6, 2021). CBS News Philadelphia. <https://www.cbsnews.com/philadelphia/news/philadelphia-gun-violence-recreation-centers-summer-safety-precautions/>.

⁷ *Racism is a parks and public space issue*. (August 28, 2020). Park People. <https://parkpeople.ca/resources/resource/racism-is-a-parks-and-public-space-issue>.

⁸ *School-to-Prison Pipeline [Infographic]*. (Last visited January 24, 2023). ACLU. <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/school-prison-pipeline-infographic>.

⁹ Crutchfield, R.D., Skinner, M.L., Haggerty, K.P., McGlynn, A., & Catalano, R.F. (2009). Racial Disparities in Early Criminal Justice Involvement. *Race and Social Problems*, 1(4): 218-230. Doi: 10.1007/s12552-009-9018-y.

¹⁰ Jindal, M., Mistry, K.B., Trent, M., McRae, A., & Thornton, R.L.J. (2022). Police Exposures and the Health and Well-being of Black Youth in the US: A Systematic Review. *JAMA Pediatrics*, 176(1): 78-88. <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2783637>.

¹¹ *Study Shows Contact with Police May Be Detrimental to Health, Well-Being of Black Youth*. (September 7, 2021). Johns Hopkins Medicine. <https://www.hopkinsmedicine.org/news/newsroom/news-releases/study-shows-contact-with-police-may-be-detrimental-to-health-well-being-of-black-youth>.

¹² Dudley, Jr., R.G. (July 2015). *Childhood Trauma and Its Effects: Implications for Police*. National Institute of Justice. <https://www.ojp.gov/pdffiles1/nij/248686.pdf>.

¹³ *Study Shows Contact with Police May Be Detrimental to Health, Well-Being of Black Youth*. (September 7, 2021). Johns Hopkins Medicine. <https://www.hopkinsmedicine.org/news/newsroom/news-releases/study-shows-contact-with-police-may-be-detrimental-to-health-well-being-of-black-youth>.

kid of the same age. They **routinely give Black youth much harsher sentences** for things that might be considered normal teenage behavior for White kids, like a schoolyard fight or pranking a teacher.¹⁴

II. **This early system contact commonly happens in schools as part of the school-to-prison pipeline, where children are funneled from public schools into the carceral system.**^{15, 16}

- A. Heavy police presence in schools, “zero-tolerance” policies that over-rely on suspensions and expulsions, and a lack of resources like mental health counseling create school environments that harm and criminalize students—disproportionately poor children, Black children, and children with disabilities¹⁷—making them significantly more likely to interact with the criminal legal system.^{18, 19}
- B. 230,000 American students were referred to law enforcement during the 2017-2018 school year,²⁰ sometimes for misconduct as minor as spraying water,²¹ doodling on a desk,²² or littering.²³
- C. A heavy presence of Student Resource Officers (SROs) pushes kids out of school. One study found that **when schools added SROs, the rate of suspensions or exclusions increased by 21%.**²⁴
 - 1. **1 in 4 students attends a school with an SRO but no counselor, nurse, school psychologist, or social worker.**²⁵

¹⁴ Henning, K. (2013). Criminalizing Normal Adolescent Behavior in Communities of Color: The Role of Prosecutors in Juvenile Justice Reform. *Cornell Law Review*, 98(383). <http://defendyouthrights.org/wp-content/uploads/2013/12/Criminalizing-Normal-Adolescent-Behavior-in-Communities-of-Color.pdf>.

¹⁵ *School-to-Prison Pipeline [Infographic]*. (Last visited January 24, 2023). ACLU. <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/school-prison-pipeline-infographic>.

¹⁶ *The School-to-Prison Pipeline in Black and White*. (February 2015). ACLU. https://static.prisonpolicy.org/scans/ri_aclu/School_to_Prison_Pipeline_in_Black_and_White_2015.pdf.

¹⁷ Mitchell, C., Yerardi, J., & Ferriss, S. (September 8, 2021). *Criminalizing Kids: When Schools Call Police on Kids*. The Center for Public Integrity. <https://publicintegrity.org/education/criminalizing-kids/police-in-schools-disparities/>.

¹⁸ *School-to-Prison Pipeline [Infographic]*. (Last visited January 24, 2023). ACLU. <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/school-prison-pipeline-infographic>.

¹⁹ Mendel, R. (August 31, 2021). *Back-to-School Action Guide: Re-Engaging Students and Closing the School-to-Prison Pipeline*. Sentencing Project. <https://www.sentencingproject.org/reports/back-to-school-action-guide-re-engaging-students-and-closing-the-school-to-prison-pipeline/>.

²⁰ Mitchell, C., Yerardi, J., & Ferriss, S. (September 8, 2021). *Criminalizing Kids: When Schools Call Police on Kids*. The Center for Public Integrity. <https://publicintegrity.org/education/criminalizing-kids/police-in-schools-disparities/>.

²¹ Richards, J.S. & Cohen, J.S. (December 17, 2022). *The School That Calls the Police on Students Every Other Day*. ProPublica. <https://www.propublica.org/article/students-police-arrests-illinois-garrison-school>.

²² Phillips, A.M. (October 19, 2016). *When California schools call cops for small infractions it disproportionately hurts minority students, civil rights study finds*. LA Times. <https://www.latimes.com/local/education/la-me-edu-aclu-report-20161017-snap-story.html>.

²³ Cohen, J.S. & Richards, J.S. (April 28, 2022). *The Price Kids Pay: Schools and Police Punish Students With Costly Tickets for Minor Misbehavior*. ProPublica. <https://www.propublica.org/article/illinois-school-police-tickets-fines>.

²⁴ Fisher, B.W. & Hennessy, E.A. (2015). School Resource Officers and Exclusionary Discipline in U.S. High Schools: A Systematic Review and Meta-Analysis. *Adolescent Research Review*, 1(3): 217-233. Doi: 10.1007/s40894-015-0006-8.

²⁵ King, R. & Schindler, M. (April 2021). *A better path forward for criminal justice: Reconsidering police in schools*. Brookings. <https://www.brookings.edu/research/a-better-path-forward-for-criminal-justice-reconsidering-police-in-schools/>.

- D. **Kids as young as 5 years old have been threatened or injured by police in school.**²⁶
- E. Black students are more likely to be suspended, expelled, and arrested at school.
1. Studies suggest that Black children across age groups are 3 times more likely to be suspended,²⁷ and are punished more harshly for the most minor misconduct: one recent study found that **Black students were 13 times more likely to be suspended for a minor infraction.**²⁸
 2. And students who are suspended are more likely to drop out, making them more likely to interact with the criminal legal system.^{29,30}
 3. Black students represented only 15% of all students in the 2015-2016 school year, but comprised 36% of school arrests.³¹
- F. Students who are arrested by school police or suspended by school officials are more likely to be incarcerated in the future than students with similar offenses who are subjected to less harsh forms of discipline.³²
- G. A recent investigation found that, despite recent pledges to rely less on police in schools, New York City schools still call 911 thousands of times per year to deal with students' behavioral issues, called "child-in-crisis" incidents.³³
1. In 2022, New York City schools called the police to deal with students in emotional distress 2,656 times.³⁴
 2. **1,370 kids—sometimes as young as 5 or 6—were handcuffed by police in New York City schools since 2017. In several cases, the kids were 4 years old.**³⁵
 3. Black students make up less than a quarter of the New York City student body but account for almost half of child-in-crisis incidents and 59% of instances

²⁶ Mitchell, C., Yerardi, J., & Ferriss, S. (September 8, 2021). *Criminalizing Kids: When Schools Call Police on Kids*. The Center for Public Integrity. <https://publicintegrity.org/education/criminalizing-kids/police-in-schools-disparities/>.

²⁷ *Black Preschoolers Far More Likely To Be Suspended*. (March 21, 2014). Code Switch.

<https://www.npr.org/sections/codeswitch/2014/03/21/292456211/black-preschoolers-far-more-likely-to-be-suspended>.

²⁸ *For Black students, unfairly harsh discipline can lead to lower grades*. (October 7, 2021). American Psychological Association. <https://www.apa.org/news/press/releases/2021/10/black-students-harsh-discipline>.

²⁹ *Black Preschoolers Far More Likely To Be Suspended*. (March 21, 2014). Code Switch.

<https://www.npr.org/sections/codeswitch/2014/03/21/292456211/black-preschoolers-far-more-likely-to-be-suspended>.

³⁰ *The School-to-Prison Pipeline in Black and White*. (February 2015). ACLU.

https://static.prisonpolicy.org/scans/ri_aclu/School_to_Prison_Pipeline_in_Black_and_White_2015.pdf.

³¹ King, R. & Schindler, M. (April 2021). *A better path forward for criminal justice: Reconsidering police in schools*. Brookings.

<https://www.brookings.edu/research/a-better-path-forward-for-criminal-justice-reconsidering-police-in-schools/>.

³² Cohen, R. M. (2016). *Rethinking School Discipline*. The American Prospect. <https://prospect.org/education/rethinking-school-discipline/>.

³³ Kramer, A. (May 4, 2023). *NYC Schools Handcuff and Haul Away Kids in Emotional Crisis*. ProPublica. <https://www.propublica.org/article/nyc-schools-students-police-emotional-crisis-nypd>.

³⁴ Kramer, A. (May 4, 2023). *NYC Schools Handcuff and Haul Away Kids in Emotional Crisis*. ProPublica. <https://www.propublica.org/article/nyc-schools-students-police-emotional-crisis-nypd>.

³⁵ Kramer, A. (May 4, 2023). *NYC Schools Handcuff and Haul Away Kids in Emotional Crisis*. ProPublica. <https://www.propublica.org/article/nyc-schools-students-police-emotional-crisis-nypd>.

where students were handcuffed.³⁶

H. Some schools even impose hefty fines on students for violating rules. In several Illinois schools, thousands of kids have been fined for things like truancy, having a vape, littering, making loud noises, using offensive language, or even breaking a soap dish. Children are referred by school officials to the police, who then ticket them for municipal ordinance violations.³⁷

1. Kids as young as 8 years old have to show up to court with their parents and pay hundreds of dollars in fines as well as administrative fees of up to \$150.³⁸
2. This process forces children to interact with the legal system unnecessarily, not to mention the [economic strain](#) on them and their families caused by fines and fees, which only perpetuate cycles of legal system involvement and instability.³⁹

III. Even out in the community, our policies are designed to surveil and criminalize young people.

- A. [Gang documentation and civil gang injunctions \(CGIs\)](#)--court orders that restrict the activities and movement of people who police designate as 'gang members'.⁴⁰--target teens of color.
- B. Police and courts have broad discretion to determine who they believe is affiliated with a gang and keep comprehensive databases of their identities, including names, photos, and addresses.^{41,42}
- C. A kid can end up on these lists based on clothes they wore (something as simple as a plaid shirt or basketball shorts), being seen in public or in a photograph with other 'known gang members' (sometimes their friends or family),⁴³ lyrics they wrote,⁴⁴ and any number of other reasons.
- D. These lists notoriously target young Black and Latinx teenagers,⁴⁵ and once they

³⁶ Kramer, A. (May 4, 2023). *NYC Schools Handcuff and Haul Away Kids in Emotional Crisis*. ProPublica. <https://www.propublica.org/article/nyc-schools-students-police-emotional-crisis-nypd>.

³⁷ Cohen, J.S. & Richards, J.S. (April 28, 2022). *The Price Kids Pay: Schools and Police Punish Students With Costly Tickets for Minor Misbehavior*. ProPublica. <https://www.propublica.org/article/illinois-school-police-tickets-fines>.

³⁸ Cohen, J.S. & Richards, J.S. (April 28, 2022). *The Price Kids Pay: Schools and Police Punish Students With Costly Tickets for Minor Misbehavior*. ProPublica. <https://www.propublica.org/article/illinois-school-police-tickets-fines>.

³⁹ Cohen, J.S. & Richards, J.S. (April 28, 2022). *The Price Kids Pay: Schools and Police Punish Students With Costly Tickets for Minor Misbehavior*. ProPublica. <https://www.propublica.org/article/illinois-school-police-tickets-fines>.

⁴⁰ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

⁴¹ Myers, T.A. (2009). The Unconstitutionality, Ineffectiveness, and Alternatives of Gang Injunctions. *Michigan Journal of Race and Law*, 14. <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1094&context=mjrl>.

⁴² *Tracked and Trapped: Youth of Color, Gang Databases and Gang Injunctions*. (December 2012). Youth Justice Coalition. <https://www.youth4justice.org/wp-content/uploads/2012/12/TrackedandTrapped.pdf>.

⁴³ McGinnis, C. & Eisenhart, S. (January 1, 2010). Interrogation is Not Ethnography: The Irrational Admission of Gang Cops as Experts in the Field of Sociology. *Hastings Race and Poverty Law Journal*, 7(1). https://repository.uchastings.edu/hastings_race_poverty_law_journal/vol7/iss1/4/.

⁴⁴ Levin, S. (October 2, 2019). *The Jailed L.A. Rapper Whose Songs Were Used to Prosecute Him*. The Guardian. <https://www.theguardian.com/us-news/2019/oct/01/drakeo-the-ruler-los-angeles-rapper-songs>.

⁴⁵ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

are on the list, police keep them under heavy surveillance and CGIs can restrict their movement and behaviors.⁴⁶

1. CGIs allow police to arrest kids for otherwise noncriminal (and simply ordinary) behaviors, like having a cell phone, having any contact with other people the police label as ‘gang members’, even if they are family members,⁴⁷ being out past a strict curfew, or hanging out in certain neighborhoods.⁴⁸
- E. **Police can use gang databases to question people of any age, and these lists include kids as young as 10.**⁴⁹
- F. Gang databases and CGIs make it harder for young people to stay in school, find jobs, and maintain stable housing.⁵⁰
1. In one study, interviews highlighted how hard it was for kids who were designated as ‘gang members’ to stay in school. Multiple kids said that their high school administration told them they could only come to school for half days, or asked them to leave their school to go to continuation school instead because their involvement with law enforcement as a result of gang documentation was too “disruptive”. **Many of these kids said that the fact that they couldn’t be in regular school full time actually fueled their deeper involvement in the gangs.**⁵¹

Interacting with the system at an early age threatens kids’ well-being.

- I. System contact limits opportunities for education and future employment.
 - A. When children interact with the criminal legal system, they not only miss out on days of school, but their ability to continue their education or access higher levels of education is jeopardized.⁵²
 - B. **One study found that having an official interaction with police (through an arrest or simply a recorded police contact) decreased the odds of graduating from high**

⁴⁶ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

⁴⁷ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

⁴⁸ Swan, R.S. (2017). Loosening the ties that bind: the hidden harms of civil gang injunctions in San Diego County. *Contemporary Justice Review*, 20(1). DOI: 10.1080/10282580.2016.1262774.

⁴⁹ *Latino Voices: The Impact of Crime and Criminal Justice Policies on Latinos*. (June 2014). Californians for Safety and Justice. https://www.prisonpolicy.org/scans/LatinoReport_lowres_6.17.14.pdf.

⁵⁰ Swan, R.S. (2017). Loosening the ties that bind: the hidden harms of civil gang injunctions in San Diego County. *Contemporary Justice Review*, 20(1). DOI: 10.1080/10282580.2016.1262774.

⁵¹ Swan, R.S. (2017). Loosening the ties that bind: the hidden harms of civil gang injunctions in San Diego County. *Contemporary Justice Review*, 20(1). DOI: 10.1080/10282580.2016.1262774.

⁵² *Sticker Shock: Calculating the Full Price Tag for Youth Incarceration*. (December 2014). Justice Policy Institute. <http://defendyouthrights.org/wp-content/uploads/2015/01/Sticker-Shock-Costs-of-Incarceration.pdf>.

school by more than 70%.⁵³

- C. Another study found that being arrested for the first time during high school nearly **doubles a person's likelihood of dropping out**, and having a court appearance nearly quadruples the odds of dropping out.⁵⁴
 - D. According to the U.S. Department of Education, though most kids returning home from a correctional facility want to return to school, only about 1/3 do so.⁵⁵
 - E. Even interactions with the carceral system that don't end in arrest or incarceration can impact a child's education. One study found that teenagers who were stopped by the police were more likely to disengage from school the next day (skipping classes, not staying focused, etc.).⁵⁶
 - F. Early criminal legal system involvement limits educational opportunities, which reduces the likelihood of future employment and lowers future wages, and exposure to the criminal legal system compounds this by putting employment stability out of reach.⁵⁷
 - 1. Being arrested or incarcerated makes it harder to [find a job, get certain licenses, and earn a living wage](#).
 - 2. People who were incarcerated as children are less likely to be employed, tend to earn lower wages, and have less job experience as adults.^{58, 59}
- II. Interacting with police, being arrested, or spending time in a correctional facility harms kids' physical and mental health.**
- A. Research shows that being incarcerated as a teenager—even for a short amount of time—increases the likelihood of poor physical health, difficulty with health functioning (things like climbing stairs), depressive symptoms, and suicidal thoughts

⁵³ Bernburg, J.G. & Krohn, M.D. (November 2003). Labeling, life chances, and adult crime: The direct and indirect effects of official intervention in adolescence on crime in early adulthood. *Criminology*, 41(4): 1287-1318. https://www.researchgate.net/publication/227602907_Labeling_life_chances_and_adult_crime_The_direct_and_indirect_effects_of_official_intervention_in_adolescence_on_crime_in_early_adulthood.

⁵⁴ Sweeten, G. (December 2006). Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement. *Justice Quarterly*, 23(4). https://www.masslegalservices.org/system/files/library/H.S.ed_and_arrest_-_ct_involvement_study_by_Sweeten.pdf.

⁵⁵ *Education for Youth Under Formal Supervision of the Juvenile Justice System*. (January 2019). Office of Juvenile Justice and Delinquency Prevention. https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/education_for_youth_under_formal_supervision_of_the_juvenile_justice_system.pdf.

⁵⁶ Del Toro, J., Jackson, D.B., & Wang, M.T. (July 2022). The Policing Paradox: Police Stops Predict Youth's School Disengagement Via Elevated Psychological Distress. *Developmental Psychology*, 58(7): 1402-1412. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9465843/>.

⁵⁷ *Sticker Shock: Calculating the Full Price Tag for Youth Incarceration*. (December 2014). Justice Policy Institute. <http://defendyourrights.org/wp-content/uploads/2015/01/Sticker-Shock-Costs-of-Incarceration.pdf>.

⁵⁸ Apel, R. & Sweeten, G. (September 2009). *The Effect of Criminal Justice Involvement in the Transition to Adulthood*. National Institute of Justice. <https://www.ojp.gov/pdffiles1/nij/grants/228380.pdf>.

⁵⁹ Jung, H. (2015). The Long-Term Impact of Incarceration During the Teens and 20s on the Wages and Employment of Men. *Journal of Offender Rehabilitation*, 54(5): 317-337. Doi: 10.1080/10509674.2015.1043480.

in adulthood.⁶⁰

- B. **One study found that kids who were incarcerated had a 4.4 times higher mortality rate than their counterparts in the general population.**⁶¹
- C. Teens who interact with police—even if they are not arrested—experience psychological distress, anxiety, and depression as a result.⁶²
- D. One study found that being stopped by the police—especially in a school setting—leads to stigma, trauma, and PTSD symptoms for teens.⁶³
- E. The literal shackling of children with handcuffs is not only physically harmful, but causes unnecessary trauma, shame, and humiliation.⁶⁴
- F. Juvenile correctional facilities are dangerous.
 - 1. They over-rely on isolation and physical restraint, and kids are subjected to violence, abuse, and maltreatment, often imposed by the staff themselves.⁶⁵
 - 2. Physical and sexual abuse are rampant. A 2010 Bureau of Justice Statistics study found that 12% of incarcerated youth surveyed—over 3,000 kids—were sexually abused either by staff or other youth while incarcerated.⁶⁶
 - 3. One survey found that **42% of kids in correctional facilities were afraid of being attacked by staff, another resident, or both.**⁶⁷

III. The families of incarcerated kids face massive challenges.

- A. Families of incarcerated children struggle not only with the trauma, shame, and stress of having a loved one behind bars and the challenges of staying connected to them, but also with meeting basic economic, housing, and education needs while feeling neglected and devalued by the complicated carceral system they are trying to

⁶⁰ Barnert, E.S., Dudovitz, R., Nelson, B.B., Coker, T.R., Biely, C., Li, N., & Chung, P.J. (2017). How Does Incarcerating Young People Affect Their Adult Health Outcomes? *Pediatrics*, 139(2). Doi: 10.1542/peds.2016-2624.

⁶¹ Teplin, L.A., McClelland, G.M., Abram, K.M., & Mileusnic, D. (June 2005). Early Violent Death Among Delinquent Youth: A Prospective Longitudinal Study. *Pediatrics*, 115(6): 1586-1593. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1351295/>.

⁶² Del Toro, J., Jackson, D.B., & Wang, M.T. (July 2022). The Policing Paradox: Police Stops Predict Youth's School Disengagement Via Elevated Psychological Distress. *Developmental Psychology*, 58(7): 1402-1412. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9465843/>.

⁶³ Jackson, D.B., Fahmy, C., Vaughn, M.G., & Testa, A. (2019). Police Stops Among At-Risk Youth: Repercussions for Mental Health. *Journal of Adolescent Health*, 65(5): 627-632. Doi: 10.1016/j.jadohealth.2019.05.027.

⁶⁴ Gallagher, B.D. & Lore III, J.C. (2008). Shackling Children in Juvenile Court: The Growing Debate, Recent Trends and the Way to Protect Everyone's Interest. *UC Davis Journal of Juvenile Law and Policy*, 12(2). <http://defendyouthrights.org/wp-content/uploads/2014/11/Gallagher-Shackling-Children-in-Juvenile-Court-the-Growing-Debate-Recent-Trends-2008.pdf>.

⁶⁵ Mendel, R.A. (2011). *No Place for Kids: The Case for Reducing Juvenile Incarceration*. The Annie E. Casey Foundation. <https://files.eric.ed.gov/fulltext/ED527944.pdf>.

⁶⁶ Mendel, R.A. (2011). *No Place for Kids: The Case for Reducing Juvenile Incarceration*. The Annie E. Casey Foundation. <https://files.eric.ed.gov/fulltext/ED527944.pdf>.

⁶⁷ Sedlak, A.J. & McPherson, K.S. (May 2010). *Conditions of Confinement: Findings from the Survey of Youth in Residential Placement*. Office of Juvenile Justice and Delinquency Prevention. <https://www.ojp.gov/pdffiles1/ojdp/22729.pdf>.

navigate.⁶⁸

- B. It is often difficult for families to communicate with incarcerated children due to distance, lack of access to transportation, or inadequate information from the prison.⁶⁹
 - 1. One study found that **over half (55%) of parents interviewed found it impossible to obtain information about their incarcerated child's well-being.**⁷⁰
 - 2. Families surveyed said they wished it was easier to be involved in things like court process, visitation, and communication with the system.⁷¹
- C. Siblings of incarcerated youth face emotional stress, bullying and shame surrounding the stigma of their sibling's incarceration, difficulties adjusting to new household dynamics, and difficulties visiting their sibling.⁷²
- D. When a kid has to go through the court or incarceration system, families carry the financial burden of [fines and fees](#).
 - 1. Nearly all states charge kids or their families for the child's involvement in the criminal legal system.⁷³
 - 2. A 2017 study of teenagers accused of crimes in Pennsylvania found that around 95% of youth in their sample "were ordered to pay costs (fines and fees) at disposition," averaging over \$400. Around 25% of youth "still had outstanding fines, fees, and/or restitution upon case closing." These teens still owed an average of \$237 when their cases were closed.⁷⁴
 - 3. One study interviewed families about the economic consequences of their child being incarcerated and found that **court fines and fees forced them to choose between paying the court or paying for basic needs like rent, utilities, and food.**⁷⁵

⁶⁸ Amani, B., Milburn, N. G., Lopez, S., Young-Brinn, A., Castro, L., Lee, A., & Bath, E. (2018). Families and the Juvenile Justice System: Considerations for Family-based Interventions. *Family and Community Health, 41*(1): 55-63. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5726419/>.

⁶⁹ *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice*. (2012). Justice for Families and Datacenter. http://www.justice4families.org/media/Families_Unlocking_FuturesFULLNOEMBARGO.pdf.

⁷⁰ *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice*. (2012). Justice for Families and Datacenter. http://www.justice4families.org/media/Families_Unlocking_FuturesFULLNOEMBARGO.pdf.

⁷¹ *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice*. (2012). Justice for Families and Datacenter. http://www.justice4families.org/media/Families_Unlocking_FuturesFULLNOEMBARGO.pdf.

⁷² Heaton, K. (2014). *The Sibling Experience: Grief and Coping with Sibling Incarceration*. St. Catherine University. https://sophia.stkate.edu/cgi/viewcontent.cgi?article=1328&context=maw_papers.

⁷³ *Debtors' Prison for Kids? The High Cost of Fines and Fees in the Juvenile Justice System*. (January 1, 2016). Fines and Fees Justice Center. <https://finesandfeesjusticecenter.org/articles/debtors-prison-kids-fines-fees-juvenile-justice/>.

⁷⁴ Piquero, A.R. & Jennings, W.G. (2016). Research Note: Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders. *Youth Violence and Juvenile Justice, 15*(3): 325-340. Doi: 10.1177/1541204016669213.

⁷⁵ Kaplan, A., Lavalais, A., Kline, T., Le, J., Draznin-Nagy, R., Rodriguez, I., van der Heyde, J., Campos-Bui, S., & Selbin, J. (February 2016). *High Pain, No Gain: How Juvenile Administrative Fees Harm Low-Income Families in Alameda County, California*. Social Science Research Network. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2738710.

Policing and imprisoning children is an expensive threat to public safety.

- I. This type of policing and punishment of children doesn't deter violence and actually harms public safety.^{76,77}
 - A. When kids have negative experiences with police, even when they are not arrested or even accused of a crime (for example, a police officer being unkind or aggressive with them when they call for help), it reduces their trust in police and increases the likelihood of future criminal legal system contact.⁷⁸
 1. Black middle-school-age teens were more than twice as likely to have a police contact than white teens. This contact in middle school increases the likelihood of arrest in high school, as **teens with an early police contact were almost 9 times more likely to be arrested.**⁷⁹
 2. One study found that Black participants who come into contact with the police by the 8th grade have 11 times greater odds of being arrested when they are 20 years old than their White counterparts.⁸⁰
 - B. A large longitudinal study tracked the life outcomes of low-income boys starting in kindergarten and found that **involvement in the juvenile justice system was the strongest predictor of involvement in crime as an adult.**⁸¹
 - C. In a broad analysis of existing research on the effectiveness of incarcerating youth as a tool to deter crime, **the overwhelming majority of the research suggests that putting kids in jails and prisons does not deter future crime, and in fact increases the risk of recidivism.**⁸²
 1. 70-80% of kids released from residential correctional programs are rearrested within 2-3 years.⁸³
 2. In New York State, 89% of boys and 81% of girls released from state juvenile

⁷⁶ Mendel, R. (March 1, 2023). *Why Youth Incarceration Fails: An Updated Review of the Evidence*. The Sentencing Project. <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>.

⁷⁷ Wiley, S.A. & Esbensen, F.A. (2013). The Effect of Police Contact. *Crime and Delinquency*, 62(3): 283-307. Doi: 10.1177/0011128713492496.

⁷⁸ Dudley, Jr., R.G. (July 2015). *Childhood Trauma and Its Effects: Implications for Police*. National Institute of Justice. <https://www.ojp.gov/pdffiles1/nij/248686.pdf>.

⁷⁹ Crutchfield, R.D., Skinner, M.L., Haggerty, K.P., McGlynn, A., & Catalano, R.F. (2009). Racial Disparities in Early Criminal Justice Involvement. *Race and Social Problems*, 1(4): 218-230. Doi: 10.1007/s12552-009-9018-y.

⁸⁰ McGlynn-Wright, A., Crutchfield, R.D., Skinner, M.L., & Haggerty, K.P. (May 2022). The Usual, Racialized, Suspects: The Consequence of Police Contacts with Black and White Youth on Adult Arrest. *Social Problems*, 69(2): 299-315. <https://academic.oup.com/socpro/article/69/2/299/5953172?login=false>.

⁸¹ Gatti, U., Tremblay, R.E., & Vitaro, F. (2009). *Iatrogenic Effect of Juvenile Justice*. *Journal of Child Psychology and Psychiatry*, 50(8): 991-998. Doi: 10.1111/j.1469-7610.2008.02057.x.

⁸² Mendel, R.A. (2011). *No Place for Kids: The Case for Reducing Juvenile Incarceration*. The Annie E. Casey Foundation. <https://files.eric.ed.gov/fulltext/ED527944.pdf>.

⁸³ Mendel, R.A. (2011). *No Place for Kids: The Case for Reducing Juvenile Incarceration*. The Annie E. Casey Foundation. <https://files.eric.ed.gov/fulltext/ED527944.pdf>.

corrections institutions in the early 1990s were arrested as adults by age 28.⁸⁴

3. One study found that people who are incarcerated as teens are nearly 4 times more likely to be incarcerated as adults, after controlling for other factors like gang membership, peer delinquency, and other risk factors.⁸⁵
 4. Another study found that kids who were incarcerated in state-run facilities were 21% more likely to be rearrested than kids who were under alternative supervision closer to their home. And, when kids held in state-run facilities did engage in crime in the future, they were 3 times more likely to commit a felony than kids under community supervision.⁸⁶
- D. Early contact with the criminal legal system increases the likelihood of future system contact even when controlling for engagement in criminal activity.
1. Research shows that having a first arrest as a child leads to a higher likelihood of rearrest even after controlling for re-offending, suggesting that **law enforcement actually surveil and approach people differently if they were arrested previously.**⁸⁷
 2. One study found that early police contact led to future police contact and future arrests, but that these later contacts could not be explained by engagement in illegal activity.⁸⁸
 3. **While being arrested increases the likelihood of future engagement in crime, it also simply increases the likelihood of police contact and arrest, either through increased scrutiny by police or less tolerance for future behavior.**⁸⁹

II. Subjecting kids to the carceral system is incredibly expensive.

- A. The Justice Policy Institute estimates that, considering the literal cost of incarceration as well as the impacts of incarceration on education, future employment, recidivism risk, ability to earn a living, and reliance on public assistance, **the cost of**

⁸⁴ Colman, R., Kim, D.H., Mitchell-Herzfeld, S., & Shady, T.A. (March 31, 2009). *Long-Term Consequences of Delinquency: Child Maltreatment and Crime in Early Adulthood*. New York State Office of Children and Family Services. <https://www.ojp.gov/pdffiles1/nij/grants/226577.pdf>.

⁸⁵ Gilman, A.B., Hill, K.G., & Hawkins, J.D. (March 2015). *When is youths' debt to society paid off? Examining the long-term consequences of juvenile incarceration for adult functioning*. *Journal of Developmental and Life-Course Criminology*, 1(1): 33-47. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4454422/>.

⁸⁶ Fabelo, T., Arrigona, N., Thompson, M.D., Clemens, A., & Marchbanks III, M.P. (January 2015). *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms*. Council of State Governments Justice Center & The Public Policy Research Institute at Texas A&M University. <https://csgjusticecenter.org/publications/closer-to-home/>.

⁸⁷ Liberman, A.M., Kirk, D.S., & Kim, K. (February 2014). <https://www.urban.org/sites/default/files/publication/33701/413274-Labeling-Effects-of-First-Juvenile-Arrests-Secondary-Deviance-and-Secondary-Sanctioning.PDF>.

⁸⁸ McGlynn-Wright, A., Crutchfield, R.D., Skinner, M.L., & Haggerty, K.P. (May 2022). *The Usual, Racialized, Suspects: The Consequence of Police Contacts with Black and White Youth on Adult Arrest*. *Social Problems*, 69(2): 299-315. <https://academic.oup.com/socpro/article/69/2/299/5953172?login=false>.

⁸⁹ Liberman, A.M., Kirk, D.S., & Kim, K. (February 2014). *Labeling Effects of First Juvenile Arrests: Secondary Deviance and Secondary Sanctioning*. *Criminology*. <https://www.urban.org/sites/default/files/publication/33701/413274-Labeling-Effects-of-First-Juvenile-Arrests-Secondary-Deviance-and-Secondary-Sanctioning.PDF>.

incarcerating youth rises to \$8-\$21 billion annually.⁹⁰

Putting children in the adult criminal system increases crime and threatens children's safety.

- I. America holds the distinguished honor of being #1 in incarcerating children⁹¹ and is one of the only countries that regularly prosecute children as adults.⁹²
 - A. **Approximately 250,000 youth are prosecuted in adult criminal court each year in the US.⁹³ Around 100,000 youth cycle through adult jails and prisons.⁹⁴**
- II. How children end up in adult court varies. Under some circumstances, prosecutors have the discretion to choose whether to try a child as an adult, but there are some laws that make the transfer to adult court mandatory.
 - A. **The minimum age to be transferred to adult court varies across states, starting as young as age 10.⁹⁵**
 - B. **Mandatory Transfer:** There are some offenses, determined by each state, that are required to be transferred out of juvenile court.⁹⁶ In other words, even if a prosecutor wanted to prosecute a child as a child, they cannot. Murder and some other serious felonies are the most common offenses treated this way, *no matter how young the child is.*⁹⁷
 - C. **Prosecutorial Discretion Transfer:** Then for all other offenses, it is completely within the control of the prosecutor to determine whether the child will be prosecuted as a child or adult.⁹⁸
 - D. Then, one of the most punitive laws – “Once an adult, always an adult,” says if a child has been prosecuted in adult court once, they must be prosecuted in adult court for all future offenses.⁹⁹
- III. Putting children in the adult carceral system causes significantly more harm than in the juvenile system.
 - A. **Children in adult prisons are 5 times more likely to be sexually assaulted and 2**

⁹⁰ *Sticker Shock: Calculating the Full Price Tag for Youth Incarceration.* (December 2014). Justice Policy Institute. <http://defendyouthrights.org/wp-content/uploads/2015/01/Sticker-Shock-Costs-of-Incarceration.pdf>

⁹¹ Mendel, Richard (March 2023). *Why Youth Incarceration Fails: An Updated Review of the Evidence.* The Sentencing Project. <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>

⁹² Ryan, Liz. (December 2014). *With Juveniles, The World Should Not Follow Our Lead.* The Imprint. <https://imprintnews.org/opinion/with-juveniles-the-world-should-not-follow-our-lead/8926#:~:text=No%20other%20country%20in%20the,prisons%20on%20a%20regular%20basis.>

⁹³ Ryan, Liz. (December 2014). *With Juveniles, The World Should Not Follow Our Lead.* The Imprint. <https://imprintnews.org/opinion/with-juveniles-the-world-should-not-follow-our-lead/8926#:~:text=No%20other%20country%20in%20the,prisons%20on%20a%20regular%20basis.>

⁹⁴ Ryan, Liz. (December 2014). *With Juveniles, The World Should Not Follow Our Lead.* The Imprint. <https://imprintnews.org/opinion/with-juveniles-the-world-should-not-follow-our-lead/8926#:~:text=No%20other%20country%20in%20the,prisons%20on%20a%20regular%20basis.>

⁹⁵ *Juvenile Justice System Structure & Process: Juveniles Tried as Adults.* Office of Juvenile Justice and Delinquency Prevention. https://www.ojjdp.gov/ojstatbb/structure_process/qa04105.asp

⁹⁶ Tiegen, Anne. (April 2021). *Juvenile Age of Jurisdiction and Transfer to Adult Court Laws.* National Conference of State Legislatures. <https://www.ncsl.org/civil-and-criminal-justice/juvenile-age-of-jurisdiction-and-transfer-to-adult-court-laws>

⁹⁷ Tiegen, Anne. (April 2021). *Juvenile Age of Jurisdiction and Transfer to Adult Court Laws.* National Conference of State Legislatures. <https://www.ncsl.org/civil-and-criminal-justice/juvenile-age-of-jurisdiction-and-transfer-to-adult-court-laws>

⁹⁸ Tiegen, Anne. (April 2021). *Juvenile Age of Jurisdiction and Transfer to Adult Court Laws.* National Conference of State Legislatures. <https://www.ncsl.org/civil-and-criminal-justice/juvenile-age-of-jurisdiction-and-transfer-to-adult-court-laws>

⁹⁹ Tiegen, Anne. (April 2021). *Juvenile Age of Jurisdiction and Transfer to Adult Court Laws.* National Conference of State Legislatures. <https://www.ncsl.org/civil-and-criminal-justice/juvenile-age-of-jurisdiction-and-transfer-to-adult-court-laws>

times more likely to be physically injured.¹⁰⁰

- B. **Children who are prosecuted as adults are 34% more likely to commit additional felonies** than children who commit similar offenses, but remain in the juvenile justice system.¹⁰¹
 - 1. An increase in recidivism is present even if youth have minimal involvement with the adult court, including receiving only community control or probation sanctions.¹⁰² **Some studies show that it doesn't matter if a kid gets convicted of any crime—just having to go to adult court can increase recidivism.**¹⁰³
- C. Kids who are incarcerated in adult jails are 36 times more likely to commit suicide than kids in juvenile jails and kids incarcerated in adult prisons are 8 times more likely to commit suicide than kids in juvenile prisons.¹⁰⁴
- D. All prisons are violent and dehumanizing, even ones designed for children. However, as much as juvenile detention facilities come with a legacy of problems like physical and sexual abuse, neglect, and isolation, they still afford more opportunities to kids being locked up than an adult prison ever will. The juvenile prison system is more targeted at rehabilitating youth than adult prisons so when children are incarcerated in adult prisons they are being denied access to rehabilitative programs and services, education services, treatment and counseling.¹⁰⁵
- E. Black children are 8.6 times more likely than White children to receive an adult prison sentence, and Latinx children are 40% more likely than White children to be admitted to adult prison.¹⁰⁶

The majority of kids who come into contact with the criminal legal system have had traumatic childhood experiences.

- I. An overwhelming majority of kids who end up involved with the criminal legal system in some form have been exposed to trauma during their childhoods, and suffer from mental health disorders at a rate much higher than the general population.¹⁰⁷ By putting them in jails and prisons, their exposure to trauma and mental health issues are worsened.
 - A. **90% of kids involved with the criminal legal system report exposure to a traumatic event prior to their contact with the system.**¹⁰⁸

¹⁰⁰ *Falling Through the Cracks: A New Look at Ohio Youth in the Adult Criminal Justice System.* (2012). Prison Policy Initiative. <https://www.prisonpolicy.org/scans/FallingThroughTheCracks.pdf>

¹⁰¹ *Falling Through the Cracks: A New Look at Ohio Youth in the Adult Criminal Justice System.* (2012). Prison Policy Initiative. <https://www.prisonpolicy.org/scans/FallingThroughTheCracks.pdf>

¹⁰² *Falling Through the Cracks: A New Look at Ohio Youth in the Adult Criminal Justice System.* (2012). Prison Policy Initiative. <https://www.prisonpolicy.org/scans/FallingThroughTheCracks.pdf>

¹⁰³ *Falling Through the Cracks: A New Look at Ohio Youth in the Adult Criminal Justice System.* (2012). Prison Policy Initiative. <https://www.prisonpolicy.org/scans/FallingThroughTheCracks.pdf>

¹⁰⁴ *Falling Through the Cracks: A New Look at Ohio Youth in the Adult Criminal Justice System.* (2012). Prison Policy Initiative. <https://www.prisonpolicy.org/scans/FallingThroughTheCracks.pdf>

¹⁰⁵ *Youth Tried as Adults.* Juvenile Law Center. <https://jlc.org/issues/youth-tried-adults#:~:text=Incarcerating%20children%20with%20adults%20also,their%20chances%20for%20healthy%20development>

¹⁰⁶ Troilo, Maddy. *Locking up youth with adults: An update.* Prison Policy Initiative. <https://www.prisonpolicy.org/blog/2018/02/27/youth/>

¹⁰⁷ Dierkhising, Carly, B., et. al. *Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network.* National Library of Medicine. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3714673/>

¹⁰⁸ Dierkhising, Carly, B., et. al. *Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network.* National Library of Medicine. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3714673/>

- B. Up to 42% of kids in the juvenile criminal system are also involved in the child welfare system..¹⁰⁹
- C. **70% of kids involved with the criminal legal system meet the criteria for a mental health disorder**, 79% meet the criteria for two or more mental illness diagnoses, and approximately 30% meeting the criteria for Post-Traumatic Stress Disorder..¹¹⁰
- D. 79% of the youth arrested in 2000 reported a substance-abuse problem, were arrested for a drug-related offense, and/or were under the influence at the time of their arrest..¹¹¹
- E. A study of the youth incarcerated in New Mexico further shows the trauma epidemic among youth involved in the criminal legal system.
 - 1. The study looks at Adverse Childhood Experiences, a list of ten childhood experiences of abuse or other trauma that are risk factors for chronic disease in adulthood.
 - a) 86% of the incarcerated kids experienced four or more Adverse Childhood Experiences, 7 times higher than a study of the general population..¹¹²
 - b) **99.5% had diagnosable mental health orders, 96% had substance abuse disorders**, and 48% had depression..¹¹³
 - c) 76% of the kids experienced emotional neglect from their parents, 94% experienced physical neglect from their parents, and 80% had substance abuse in their home.

Conclusion

Being stopped by police, arrested, or incarcerated as a child has lifelong impacts on a person's health, well-being, and opportunities for stability, and subjecting kids to the carceral system, especially the one meant for adults, does not make us safer.

Importantly, recent trends have shown a decline in the use of incarceration on children: between 2000 and 2020, the number of confined kids fell by 77%.¹¹⁴ This was in part a result of the hard work of activists and advocates and more widespread publicization of the horrors of childhood incarceration, but it was also simply a result of a decline in crime rates among children and arrests of children..^{115, 116}

This progress is not without caveats. Perhaps unsurprisingly, the primary beneficiaries of this

¹⁰⁹ Dierkhising, Carly, B., et. al. *Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network*. National Library of Medicine. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3714673/>

¹¹⁰ Dierkhising, Carly, B., et. al. *Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network*. National Library of Medicine. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3714673/>

¹¹¹ Dierkhising, Carly, B., et. al. *Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network*. National Library of Medicine. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3714673/>

¹¹² Cannon, Yael., et. al. (February 2016). *Adverse Childhood Experiences in the New Mexico Juvenile Justice Population*. New Mexico Sentencing Commission.

¹¹³ Cannon, Yael., et. al. (February 2016). *Adverse Childhood Experiences in the New Mexico Juvenile Justice Population*. New Mexico Sentencing Commission.

¹¹⁴ Rinker, B. (January 10, 2023). *'It's not just a jail break': Juvenile prison populations reach all-time lows*. Juvenile Justice Information Exchange. <https://jjie.org/2023/01/10/its-not-just-a-jail-break-juvenile-prison-populations-reach-all-time-lows/#:~:text=Violence%2C%20isolation%20documented%20in%20youth,Juvenile%20Justice%20and%20Delinquency%20Prevention.>

¹¹⁵ Sawyer, W. (December 19, 2019). *Youth Confinement: The Whole Pie 2019*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/youth2019.html>.

¹¹⁶ Mendel, R. (March 1, 2023). *Why Youth Incarceration Fails: An Updated Review of the Evidence*. The Sentencing Project. <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>.

decarceration were disproportionately White. In the midst of the pandemic, thousands of kids were released from correctional facilities, but interviews suggest that the vast majority of them were White.¹¹⁷ Since 2020, while the number of White kids behind bars has remained low, the number of Black and Latinx kids has risen, meaning that **the racial gap in childhood incarceration is widening even as childhood incarceration overall is decreasing.**¹¹⁸

As the number of children in prison declines, it is important to note that many alternatives, which are still very much a part of the carceral system, are still problematic. Even 'progressive' alternatives to a 'traditional' criminal legal system process, like teen courts, have shown limited, if any, results.¹¹⁹ In some cases, the residential (non-correctional) facilities that kids are sent to subject them to even more dire conditions than the prisons.¹²⁰ Even with efforts to reform the carceral system to more appropriately serve youth, kids are still harmed.

The answer, then, is not to simply reform the system of punishment, but to stop surveilling and punishing kids and instead invest in the things that set kids up for success, like education, family support, and access to healthcare. We need to start seeing children as children, not as criminals, and giving them the tools they need to thrive, thus improving public safety. Treat kids like kids.

¹¹⁷ Hager, E. (March 8, 2021). *Many Juvenile Jails Are Now Almost Entirely Filled With Young People of Color*. The Marshall Project. <https://www.themarshallproject.org/2021/03/08/many-juvenile-jails-are-now-almost-entirely-filled-with-young-people-of-color>.

¹¹⁸ Hager, E. (March 8, 2021). *Many Juvenile Jails Are Now Almost Entirely Filled With Young People of Color*. The Marshall Project. <https://www.themarshallproject.org/2021/03/08/many-juvenile-jails-are-now-almost-entirely-filled-with-young-people-of-color>.

¹¹⁹ Gase, L.N., Schooley, T., Defosset, A., Stoll, M.A., & Kuo, T. (2016). *The Impact of Teen Courts on Youth Outcomes: A Systematic Review*. *Adolescent Research Review*, 1, 51-67. <https://link.springer.com/article/10.1007/s40894-015-0012-x>.

¹²⁰ Sawyer, W. (December 19, 2019). *Youth Confinement: The Whole Pie 2019*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/youth2019.html>.