

**A Critical Assessment of The Juvenile Justice System Through Psychological, Sociological,  
And Philosophical Lenses**

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## Introduction

This paper aims to critically analyze and discuss the strengths and weaknesses of the current juvenile justice system within the United States, arguing for reform in order to better care for society's youth. The aim of a juvenile justice system is to deter antisocial behavior in youth; in the US, its early approach was punishment directed rather than helping youth rehabilitate. Over time the system shifted toward more rehabilitative approaches, but it still needs substantial reform. Certain facets of the juvenile justice system still mirror the adult criminal justice system, both in structure and outcomes; this has led to ongoing criticism about the effectiveness in reducing youth crime. Using a multidisciplinary lens, this paper examines reasons as to why there needs to be more of a movement towards a rehabilitative model that supports education, mental health, and proper reintegration into society for youths.

Within criminological frameworks, youth offenders can be classified as either adolescent limited offender or life-course persistent offender. An adolescent limited offender engages in criminal activity only during their youth or adolescence, in contrast a life-course persistent offender continues offending throughout their lifetime (Pulkkinen, 2020). The primary aim of a juvenile justice system is to reduce reoffending or recidivism. However, recidivism rates show that the incarceration of youth, without substantial pro-social interventions, can cultivate an environment in which anti-social behavior is reinforced, rather than deterred and increasing the likelihood of life-long offenders (Aarons, 2009; Massachusetts Department of Youth Services, 2024). This is especially true in circumstances when a youth has committed a crime that permits the court to transfer the juvenile into the adult criminal justice system, therefore incarcerating them with adults.

Understanding the root causes of delinquency requires an understanding of risk and protective factors (Rooney et al., 2024). Risk factors are aspects of an individual's life that increase the possibility of negative life outcomes, such as criminal activity. While some are individualized, such as psychological challenges, others are often found in one's broader societal conditions, such as the environment in which the individual is raised. Examples of broader factors that increase risk are systemic inequalities: poverty, lack of education, and poor community services (Rovner, 2021; Javdani, 2019), as well as issues within one's social environment: family structure, peer influences and exposure to neighborhood violence (Abhishek & Balamurugan, 2024). On the other hand, protective factors are characteristics that reduce the

likelihood of negative outcomes; these buffer the effects of risk factors and promote positive development.

The analysis is divided into six chapters, each utilizing a different perspective to address aspects of the system and its effects. Chapter one briefly discusses the history of the juvenile justice system within the US. Chapter two presents a broad overview of the major criticisms against the juvenile justice system, particularly how punitive models fail in deterring anti-social behavior – increasing recidivism –, racial and socioeconomic disparities, and the lack of rehabilitative programs. The third chapter explores the psychological impact of the justice system on youth, drawing research on adolescent brain development which show that cognitive regions that influence behavioral actions, as well as socioemotional and psychosocial capabilities are not fully developed until mid twenties (Geier, 2013, Cauffman, 2012; Casey, 2020), leading to a an argument as to why punitive measures are ineffective (Branson, 2017; Beckett, 2024). This chapter will also discuss the psychological harm of incarceration, including disrupted social-emotional growth and the lack of psychological interventions for those with mental health needs (Barnet, 2016; Lambie, 2013). Chapter four approaches the issue from a sociological standpoint, addressing how structural or systemic inequalities and social conditions place youth at-risk (Rovner, 2021; Abhishek & Balamurugan, 2024). Racial and socioeconomic disparities persist, as minority and low income youth receive disproportionately longer sentences and more transfers to adult court (Rovner, 2021). Additionally, this chapter discussed concepts such as the school-to-prison pipeline (Hemez, 2020), and how the juvenile justice system hinders healthy social reintegration (Behen Kubek, 2020; Youth Reentry Technical Assistance Center, 2024). Chapter five considers the moral and ethical implications surrounding the juvenile justice system. The arguments use existing theories such as Justice as Fairness (Rawls, 1999), individual development of virtue and adolescent possibility of change (Aristotle, n.d.), and finally, society's ethical responsibility in regards to at-risk youth (Rousseau, 1762). Finally, chapter six compiles existing literature to provide proposals and recommendations for a reformed juvenile justice system; grounded in rehabilitation and social support services, with the aim of reducing recidivism and improving social reintegration. While there have been improvements in regards to youth programs, many correctional facilities lack sufficient educational and vocational opportunities; often failing to focus on psycho-social development, which is essential for rehabilitation (Opalack, 1988; Aarons, 2009; Javdani, 2019). As a result recidivism rates remain

high, suggesting that incarceration fails to provide lasting solutions for at-risk youth, and contributes to the cycles of reoffending.

Society's youth are the future, hence antisocial behavior must be deterred. However, this must be done with proper methods that succeed in rehabilitation and show long term results. It has been a longstanding belief that juveniles contain a greater potential for change than adults; therefore, the way that society responds to youth crime has profound implications, not only for the individual but also for the broader sense of social cohesion. A justice system that prioritizes rehabilitation over punishment, serves a greater benefit for the youth, and also for the future of society.

## **Chapter 1:**

### **History Of The Juvenile Justice System**

The history of the juvenile justice system reveals a complex development, shaped by changing social attitudes and legal interpretations, in regards to youth and criminal responsibility. In the 16th - 17th century, society only recognized two life stages: childhood and adulthood, with distinct normative expectations placed upon both (Thompson & Bynum, 2012). The phrase “children should be seen and not heard”, was the reality that children lived, they were expected to obey without question. Due to the fundamental legal principle and requirement for conviction: *mens rea*, meaning “guilty mind” in latin and interpreted as criminal intent (Legal Information Institute); legally, children were exempt from criminal responsibility. This exemption was rooted in British law which carried into colonial American justice, under the doctrine *doli incapax*, which claimed that children under the age of seven lacked the capacity for criminal intent (Stockman & Barnert, 2025). However, in society, adulthood and the responsibilities associated were concluded to begin at puberty, around the age of fourteen (Thompson & Bynum, 2012). So when punished, adolescents endured the same harsh punishments as adults such as imprisonment and even execution (Stockman & Barnert, 2025). The Industrial Revolution marked a significant shift in the way society viewed and treated children. Youth, especially those from immigrant or impoverished families, were often viewed as a source of cheap labor and were sent to work, often exploited in harsh conditions of factories (Thompson & Bynum, 2012). As this exploitation gained publicity, legislation was enacted to end child labor and protect vulnerable youth; with new legislation in place, society emphasized education. This led to the mandatory requirements of education, increasing school attendance, and moving away from labor-based expectations for youth (Thompson & Bynum, 2012). However, at the same time, reformers known as “child-savers” created “houses of refuge” or refuge homes. While these were intended to rehabilitate youth, many of these institutions quickly became harsh detention centers filled with violence and abuse (Stockman & Barnert, 2025).

During the 20th century, adolescence as its own developmental life phase began to emerge, distinct from both childhood and adulthood. This new developmental understanding created the legal dilemma: how to hold youths accountable for violations of the law, but not to the extent that adults are held accountable? The term juvenile began to be used in legislation.

Juvenile is defined as: “any person under the legal age and the chronological age at which a person is no longer considered a minor and commences adulthood”, traditionally the age of 18 (Thompson & Bynum, 2012). Legally, dealing with juvenile delinquents differently than adults required a new system, hence, the formation of the first juvenile court in Cook County, Illinois, in 1899 (Aarons, 2009). The court aimed to prevent juvenile crime through a system that combined confinement with community-based correctional programs, and embodied the idea that the state would act as parents for youth when families fail to provide adequate care (Stockman & Barnert, 2025). This was rooted in the belief that youths are more malleable and capable of reform, compared to adults (Aarons, 2009). Additionally new types of offenses emerged: status offenses and juvenile delinquency. Status offenses are acts which are illegal solely due to the age of the offender (Thompson & Bynum, 2012). Examples are truancy (skipping school), drinking, and running away. Juvenile delinquency encompasses any act that if committed by an adult would also be a crime (Thompson & Bynum, 2012). Age boundaries were set in place to separate juveniles from adults: lower limits, or the ability for juveniles to be transferred into adult court, vary by state and offense, but the upper limit is traditionally one's eighteenth birthday; this reflects the acknowledgement of developmental differences in adolescents as well as their legal culpability.

Throughout the mid to late 20th century, the juvenile justice system continued to evolve with reforms enforcing due process protections to juveniles. *Due Process* is the legal promise that requires fair treatment and procedures within the judicial process (Legal Information Institute). It is a crucial aspect of the law that requires courts to give people a chance to defend themselves in a fair hearing, so as to not infringe on their rights. In *Kent v United States* (1965), the supreme court ruled that juvenile courts could not transfer juveniles into adult criminal court without a hearing (Supreme Court Of The United States, 1965). *Miranda v Arizona* (1966) established a requirement that law enforcement must inform all suspects in custody of their rights prior to police questioning, including the right to an attorney and the right to remain silent (Supreme Court Of The United States, 1966). *Re Gault* (1967) expanded on these rights for juveniles: requiring that juveniles be given notice of charges, told that they have the right to counsel, and the ability to confront witnesses. These requirements aimed to further protect juveniles against self incrimination or coercion from law enforcement (Supreme Court Of The United States, 1967); this was a critical case, since it created a formal environment surrounding

juvenile delinquency cases. *McKeiver v Pennsylvania* (1971), determined that jury trials were not required in juvenile courts like criminal court, creating a further distinction between the juvenile justice system and the adult criminal system (Supreme Court Of The United States, 1971). Finally, the Juvenile Justice and Delinquency Prevention Act of 1974 formally recognized the juvenile justice system as a distinct legal system from the adult correctional system. This act aimed to decrease juvenile incarceration by creating mandates of community-based services for status offenses such as counseling, mentoring, vocational training, and alternative education (Stockman & Barnert, 2025). However, states had the ability to apply these regulations under each state's and judges discretion, hence the variation in juvenile justice between states. This act prohibited the placement of juveniles in adult jails, with the exception of older adolescents who are transferred into an adult court, and required physical separation, by “sight and sound”, from adult inmates in order to prevent victimization (Aarons, 2009). It also required states to assess racial disparities in incarceration and sentencing, with the hope of addressing the disproportion of minority youth (Aarons, 2009).

The late 1970's to early 1980's brought fear of youth crime fueled by political rhetoric and media panic, which pushed legislation to pass stricter laws and transfer more youths into the adult system (Stockman & Barnert, 2025). During this time as well, a scandal revealed how private detention centers corrupted the judicial system. This scandal, called “Kids for Cash”, occurred in Pennsylvania, where two judges were found to have accepted millions of dollars from developers of private juvenile detention centers for sentencing thousands of juveniles to incarceration (Cohen, 2012). Many of these kids were incarcerated for minor or first time offenses, where alternative punishments were the norm. The scandal exposed profit-driven juvenile justice, in which judicial discretion is abused not in favor of the juveniles. After the scandal, the juvenile justice system created more oversight and reform in regards to the sentencing of youth in juvenile facilities. The new approach focuses on three core elements: community protection, offender accountability, and competency development. This framework adapted the sentencing process to make incarceration the last resort for juvenile delinquents, and rather offer services such as probation, monitoring, and structured placements (Aarons, 2009). The aim of this approach was to incorporate accountability through community service tailored to the nature of the offence, while reducing recidivism by equipping youth with essential life skills.

## **Chapter 2: Criticism Of The Current Juvenile Justice System**

The juvenile justice system continues to fail society in reducing recidivism. The punitive model has facets borrowed from the adult criminal system, and while programs for juveniles have been implemented, they are often inconsistent and ineffective. This has led to significant criticisms about its efficacy in reducing youth crime. Juvenile incarceration often cultivates an environment in which anti-social behavior is reinforced, rather than reduced (Level, 2005). This becomes even more prominent when a juvenile is placed within an adult prison. The juvenile justice system disproportionately incarcerates minority and impoverished youth (Males, 2000), showing the systemic racial and socioeconomic inequalities embedded within the system (Rovner, 2021). Correctional facilities lack the skill building programs needed for successful rehabilitation and reintegration into society (Wong, 2024). This applies to educational and vocational skill building programs, as well as programs that develop socio-emotional skills. The high recidivism rates demonstrate the system's failure in providing life-long solutions for at-risk youth, showing that incarceration continues the cycle of offending. This chapter explores these criticisms and emphasizes the need for further reform.

### **Incarceration vs Rehabilitation**

The juvenile justice system was established because of the developmental understanding that youth differ from adults, and therefore should be punished and treated differently. The shift from its original rehabilitative model, using education and reform methods, to a punitive model reflects a broader societal tendency of equating justice with punishment. Aarons (2009) critiques the “punishment-first” mentality. Claiming that over time, the juvenile justice system has become overly focused on control and discipline rather than creating youth facilities where an adolescent can experience meaningful behavioral change, undermining a foundational principle of juvenile court (Aarons, 2009). The prioritization of punishment reinforces anti-social identities within youth offenders. By placing many anti-social youth together they collectively develop feelings of resentment and hopelessness (Level, 2005). Rather than focusing on developmentally appropriate rehabilitation, many programs enforce strict compliance and security, with correctional facilities often feeling cold and harsh. The environment in which juvenile offenders are supposed to be

rehabilitated is not one built to address the cognitive, emotional, and social needs for behavioral reform (Casey, 2020).

Research has demonstrated that incarceration is not providing the environment needed to promote behavioral rehabilitation, rather, it often generates the opposite outcome (Barnert, 2016). An adolescents' social environment is crucial for development, incarceration removes youth from their social network and distances them from systems of social support such as family and friends (Javdani, 2019). Depriving youth from accessing opportunities for healthy mentorship and positive formation of identity, increases risk of future offending (Javdani, 2019). A system that only emphasizes order and discipline is not one that can mitigate risk factors such as mental illness, educational delay, and emotional development (Casey, 2020; Javdani, 2019). Additionally, incarcerated youth often experience isolation and are exposed to violence (Erdem, 2024). These conditions increase antisocial tendencies and perpetuate social disengagement which contributes to the juvenile cycle of ongoing offending.

### ***Recidivism and Long Term Failure***

While recent decades have seen a decrease in juvenile crime, recidivism data reveals a systemic failure in promoting substantial behavioral change that reduces reoffending. Recidivism reports from Massachusetts show that around 50% of youth were found to reoffend within three years of release (Massachusetts Juvenile Recidivism Report, 2024). Findings from this report show that incarcerated youth comply with certain probationary restrictions shortly after release, but long term social-reintegration is unsuccessful. In other words, incarceration does not promote life-long behavioral change.

Upon release, incarcerated youth often experience social stigmatization, meaning they are treated negatively by others due to the fact that they have a criminal record (Javdani, 2019). This stigma presents itself in different ways such as being bullied or socially isolated. As a result, they lose opportunities to rebuild a positive identity in their environments and have limited social opportunities (Javdani, 2019). Additionally, being distanced from educational and employment pathways, makes it difficult for youth to connect with pro-social peer groups after release (Youth Reentry Technical Assistance Center, 2024). Pro-social peers are peers who might help encourage positive, law-following behaviors; it refers to other youth who can help create healthy social networks (Level, 2005). Association with peers who model pro-social behaviors can help

youth build healthy life skills needed to rehabilitate. Without positive peer connections, released youth tend to connect with anti-social peers, such as other released youth. These peer groups create cycles in which they reinforce anti-social behaviors, such as substance use or criminal activity, leading to repeated interactions with the justice system (Level, 2005). This model acts as a revolving door that cycles youth through the justice system; they get stuck in the cycle in which they continue to engage in delinquent behavior and interact with law enforcement (Level, 2005).

Disciplinary measures such as strict supervision might seem effective, but these approaches do not consider the complex psychosocial development of an adolescent. Community-based and trauma informed interventions are significantly more effective at reducing recidivism compared to incarceration (Fazal, 2014; Labriola, 2024). These programs provide mental health counseling and integrate families or communities in order to teach juveniles accountability through empathy and education, rather than fear or coercion (Lindert, 2020; Henggeler, 1992). Some community-based interventions use mentors to help youth build an emotional connection, and other programs emphasize education or teach youth vocational skills for employment (Mendel, 2023). These programs will be further explained in Chapter 6, however, it is important to mention that policy reforms and community programs are essential in order to reduce recidivism rates within juveniles.

### ***Transfer of Juveniles To Adult Prison***

The transfer of juveniles into adult criminal courts is the most damaging outcome of the punitive model. Youth who go through the adult criminal system receive harsher sentences, have a greater exposure to violence, and less access to rehabilitative services compared to those provided in juvenile facilities (Parent, 2000). They face a greater risk of physical and sexual victimization, and live in harsher conditions than a juvenile facility (Parent, 2000). Youth placed in adult correctional institutions are significantly more likely to reoffend compared to peers who remain within the juvenile justice system (Bishop, 2009). This has been shown in empirical studies in which Bishop (2009), found higher rates of recidivism in juveniles transferred into the adult court system, as well as an overall disruption in rehabilitation, further increasing the likelihood of criminal involvement. The rationale behind transferring varies by state, but it is mostly restricted to violent crimes and youth over a certain age. The adult system is structured

around deterrence and retribution for one's actions, however, transferring youth into an adult prison fails to account for adolescence cognitive immaturity (Cauffman, 2012). Recidivism reports reinforce this conclusion and find that youth are also more likely to commit more serious crimes upon release from an adult prison, compared to their initial crime (Massachusetts Juvenile Recidivism Report, 2024). Adolescents in the adult criminal system experience an increased risk compared to both an adult's experience and the risk associated with incarceration in a juvenile facility.

Furthermore, the practice of transferring juveniles into adult prisons reveals an institutional failure to acknowledge the special needs of youth offenders, which differs them from adults. Blurring the lines between the two systems defeats the rehabilitative purposes in which juvenile court was founded. Aarons (2009) points out that adult prisons do not have proper educational or therapeutic facilities which are essential in increasing protective factors in adolescents. Youth in adult facilities exhibit increased aggression once they are released (Cazala, 2024). Being surrounded by adult criminals increases the risk of recidivism as well as anti-social behavioral tendencies (Youth Reentry Technical Assistance Center, 2024). It further cements an adolescent into the criminal identity.

Ultimately, a system that treats juvenile offenders the same as adult criminals restricts their ability to develop in a healthy, pro-social way. It undermines the reason for a juvenile justice system: rehabilitating juvenile offenders to deter them from a life of criminal activity, knowing that youth are innately different than adults. This section argues that until the justice system embraces more rehabilitative models in incarceration, it will continue to fail in reducing recidivism.

## **Neglect of Root Causes**

### ***Mental Health***

An issue within the juvenile justice system is the continued neglect of underlying psychological and emotional factors that contribute to delinquent behavior. Rather than addressing prior traumas, mental illness, or emotional and developmental disruption as a root cause of youth offending; the system tends to focus on trying to control the externalizing behaviors that derive from these psychological and emotional factors (Cazala, 2024). A reactive

approach to mental health is less effective for rehabilitation, and incarceration creates a cycle in which symptoms of distress are punished. Symptomatic behaviors such as aggression or defiance might lead a youth to receive additional sanctions within institutions, and the underlying causes that produce them are continually ignored (Lexcen, 1999). Research has shown that incarcerated youth who have had adverse childhood experiences – abuse, neglect, or trauma – are more likely to exhibit violent behavior when incarcerated (Cazala, 2024). This illustrates how unaddressed trauma manifests itself in an individual's behavior, which then later can become penalized. Many youth entering the justice system have gone through experiences in which they were continually exposed to violence, abuse, and emotional instability (Mowen, 2021). These traumatic experiences are often not assessed or treated throughout the process of the juvenile justice system (Heller, 2022). Resulting in worsening mental health issues and increasing feelings of hopelessness while incarcerated, both which can derail the rehabilitative process.

Incarcerated youth exhibit higher rates of psychiatric and mental health disorders compared to their non-incarcerated peers (Heller, 2022). Rates of post-traumatic stress disorder, depression, and anxiety are about 26% higher in juvenile facilities compared to the general population, and about two-thirds have multiple diagnoses (Heller, 2022). Suicidal ideation and suicidal attempts occur at a significantly higher rate within youth correctional facilities (Stokes, 2015). Yet the mental health treatment that incarcerated youth receive is both underfunded and inconsistent in practice.

Instead of providing comprehensive mental health assessment and individualized treatment, the system prioritizes discipline and behavioral conformity to those who need treatment the most. Aarons (2009) emphasized the importance of differentiating between at-risk populations and the specific facets that contribute to delinquency, mental health is one of them. Effective rehabilitation requires identifying a youth's psychological risks, then creating an individualized intervention that mitigates and works for their specific needs. The system's reliance on standardized correctional practices does not meet the needs of each individual youth, leading to the failure of interventions that work. The psychological harm of incarceration will be further discussed in Chapter 3.

### ***Racial and Economic Disparities***

The juvenile justice system continually ignores racial and economic disparities within the system. This disproportionately harms low income and youth of color. These stem from both racial biases and systemic economic inequalities within communities (Rovner, 2021). Police, prosecutors, and judges are able to make discretionary decisions during the juvenile justice process. This is meant to protect youth so each individual case is considered within its own circumstance. However, these discretionary decisions regarding arrest and sentencing are both an advantage and a flaw of the justice system. Systemic bias appears when minority youth experience unequal treatment within a system that is meant to be unbiased (Rovner, 2021). Black youth are incarcerated at a rate four higher compared to their white peers, who are more likely to receive community based treatments or probation (Rovner, 2021). This puts black youth at an increased risk of harm and continued offending, especially when they feel that the justice system is working against them rather than for them. Youth of color also tend to receive longer sentences and are transferred into the adult court system at significantly higher rates (Males, 2000). These patterns of incarceration reveal the biases that shape justice decisions for youth of color from arrest to sentencing.

Economic inequality further exacerbates the systemic issues. Low-income youth often lack the resources for private legal representation and are represented by overworked public defenders (Rovner, 2021). Additionally, the same communities tend to have fewer resources for at-risk youth. Schools and community programs are underfunded and lack specialization in reducing risk factors, such as mentorship programs, mental health services, and community based support systems (Hemez, 2020). Without alternatives, incarceration becomes the default response to delinquent behavior. The impact of a juvenile's neighborhood context and how socioeconomic status increases the risk of delinquency and incarceration, will be further examined in Chapter 4.

Racial and economic disparities for youth of color still exist within both the juvenile justice system and the adult criminal system (Males, 2000). Unequal distribution of resources reinforces racial and economic inequality within the juvenile justice system. Addressing biases, and ensuring equitable access to support programs are crucial steps for reform towards a fair justice system.

## **Gaps in Rehabilitation and Support Services**

The rehabilitative efforts within the juvenile justice system lack consistent and effective support networks in place. Effective rehabilitation requires more than just disciplinary measures, especially for juveniles. They require structured environments that address all needs of adolescence: social, psychological (both emotional and cognitive), and developmental needs. These are areas in which adolescents, especially at-risk juveniles, are still developing. Therefore they need supportive measures in order to exit the system prepared to become productive members of society. Youth often leave correctional institutions without these needs being met; many lacking essential life skills, therapeutic or mental health treatment, and support for those behind in their education (Wong, 2024). In order for interventions to be effective, treatments must align with the needs of the individual and be executed properly. Many juvenile justice institutions lack both the structure and ability to provide meaningful rehabilitative services (Aarons, 2009). Treatment plans fail when individual needs or contexts are ignored. As a result, effective rehabilitation is much more difficult when the incarceration system is not organized in a manner that can foster rehabilitation.

In exploring the experiences of incarcerated youth and facility workers, incarceration institutions often assign many youth to few staff members, who go through limited training (Erdem, 2024). Underfunded juvenile institutions produce undertrained correctional staff that are not equipped for the specialized needs of a youth or how to help youth overcome their challenges (Aarons, 2009). In a study that interviewed both juveniles and staff within a juvenile facility, Erdem (2024) found most of the staff to be emotionally exhausted, resulting in youth receiving minimal emotional and therapeutic support. These environments force staff to prioritize discipline and containment in order to maintain control, rather than facilitating treatment (Erdem, 2024). As mentioned, severe symptoms of mental illness can often be misinterpreted as defiance. Facilities are unequipped in providing youth with the therapeutic or mental health care needed. A person in a mental health crisis may yell or act out, which staff might perceive as misbehavior, resulting in punishment rather than proper care.

Educational and vocational programs within institutions also do not meet the needs of youth who plan to reenter society and work or continue their education. Challenges with educational reintegration are institutional failures. This is because the education offered within facilities is inferior in quality compared to the public school system (Christian, 2022).

Educational programs in correctional facilities are often not required to follow state academic standards, and credits earned during incarceration may not transfer into the public school system (Council of State Governments Justice Center, 2015). This further discourages adolescents from continuing to pursue educational opportunities during and after incarceration. There are also limited vocational programs that would help juveniles transition into the workforce or gain the certification needed for employment (Sicner, 2016; Council of State Governments Justice Center, 2015). These gaps further add to the adolescents' life instability and leave space for marginalization; they are released from incarceration without any foundational skills or certifications that may help them succeed and are expected to quickly transition back into society.

The lack of comprehensive or community services for youth after incarceration only add to these issues. Many reenter their communities without continued support, except for overwhelmed probation officers, making it difficult to preserve any pro-social behavioral changes made during incarceration (Youth Reentry Technical Assistance Center, 2024). Aftercare and resettlement programs offer support to people after a period of imprisonment, they aim to help people successfully reintegrate into society. However, good programs are difficult to find and are not consistently available, while others may not address the complex challenges that youth face (Wong, 2024). The challenges in reintegrating into society not only involve the youth, but also place strain on their families. When youth return home after incarceration, parents have to adjust their routines to adapt to the new needs of their child (Barnert, 2020). The youth might have experienced trauma, developed new habits during incarceration, or are developmentally delayed. Many families are not provided with adequate support or the knowledge on how to help their youth socially, emotionally, or developmentally (Barnert, 2020). Released youth are not provided the support needed, hence, they face a period in which the risk of recidivism is heightened.

The failure of services for incarcerated youth reveal structural gaps within the juvenile justice system. When youth are not provided effective interventions or treatment through services within the juvenile justice system, cycles of incarceration and recidivism continue. Chapter 6 explores existing literature that proposes policy reforms, necessary treatments, and interventions.

### **Chapter 3: Issues From A Psychological Perspective**

While structural flaws remain a concern, this chapter explores how developmental factors shape juvenile behavior and impact justice outcomes through the field of psychology and neuroscience. There has been much research done on adolescent brain development. Newer research has shown that some areas of the brain, such as those responsible for impulse control, long term planning, rewards sensitivity, and social-emotional regulation, are not fully developed until mid twenties (Casey, 2020). This developmental gap means that while some areas of the brain are functioning similarly to adults, specific areas related to cognition and decision-making are underdeveloped, especially considering socioemotional and psychosocial capabilities (Cauffman, 2012). This is the biological reality that adolescents struggle with and need to overcome as they age. The research is not used to argue against holding adolescents accountable for their actions, but rather that method of accountability should consider their developmental stage. Juvenile incarceration rarely offers a safe and healthy environment that is needed for rehabilitation (Lambie, 2013; Barnert, 2016). Incarcerated youth present with significantly higher rates of psychiatric disorders compared to non-incarcerated youth, and correctional facilities often increase stress, compound traumas, and interfere with healthy development – all of which make rehabilitation even more difficult (Heller, 2022). As discussed previously, these facilities lack the appropriate mental health care needed (Lambie, 2013; Cazala, 2024). Incarceration from a psychological perspective, stresses the urgent need for alternative accountability programs that prioritize healthy development and mental health treatment, for rehabilitation.

#### **Adolescent Brain Development**

Adolescence is a time when the brain is continually developing, these changes shape behavior, decision-making, and their response to punishment. Cognitive development should be considered within the juvenile justice system because an adolescent's response to punitive measures vary compared to adults, diminishing the effectiveness of the current punitive model. Adolescents may display adult-like behavior in low stress or structured environments, then regress under less comfortable conditions (Cauffman, 2012; Casey, 2020). Behavioral regulation

continues to develop throughout adolescence and into early adulthood (Cauffman, 2012). The discrepancy between adolescent behavior in these two different environments creates a conflict between their cognitive abilities and the expectations imposed on them within the juvenile justice system (Heller, 2022; Lexcen, 1999). Understanding developmental processes is essential in order to better serve youth. Incorporating this research into the juvenile justice system is necessary in order to develop interventions that more effectively evaluate culpability and determine appropriate levels of accountability for juveniles.

### *Cognitive Control*

The main areas of an adolescents' brain that continue to develop through early adulthood are the regions responsible for cognitive control, especially the areas involved in impulse regulation, decision-making, and risk evaluation. Cognitive control refers to one's ability to suppress immediate impulses while looking ahead towards long-term goals (Geier, 2013); this skill is essential for consistent law abiding behavior. Geier (2013) discusses that this ability is not fully formed during adolescence because of delayed development in the prefrontal cortex, the area that is responsible for high-level cognitive function. Simultaneously, areas of the brain that affect reward processing develop earlier, creating the developmental mismatch that increases adolescent vulnerability towards impulsive and risky behavior, while the processes meant to regulate those are not yet developed (Geier, 2013). This explains why adolescents are more likely to act in ways where they receive immediate rewards or gratification, and are less likely to weigh long term consequences. This is especially true in circumstances where adolescents are emotional and/or stressed, or when they are surrounded by their peers, which will be discussed further in the next subsection (Cauffman, 2012). Behavior due to this mismatch is not a moral failure of the adolescent, but rather, it reflects normal development limitations in self-regulation.

Existing research has shown that these developmental limitations continue past adolescence and that full brain maturation is not achieved until the mid-twenties (Casey, 2020). This challenges the legal assumptions that late adolescents, those between the ages of 17 and 22, have the same capabilities as adults in regards to decision-making and impulse control. While adolescents may understand rules and consequences in an abstract manner, their ability to apply their understanding in everyday life is limited by their development (Casey, 2020). For this reason, deterrence-based programs tend to fail for adolescents (Petrosino, 2013). An example is

the “*Scared Straight*” program, a deterrence-based juvenile intervention that takes youth to prisons to expose them to the harsh reality of incarceration, with the aim of deterring future offending (Petrosino, 2013). Research on these programs show that they do not reduce delinquency, rather, they tend to have the opposite effect and increase youth crime (Petrosino, 2013). This highlights the limitations of deterrence-based approaches for adolescents, because they are neurologically less likely to respond to punitive threats. Adolescents are more likely to positively engage with programs that connect with them emotionally or that give them immediate, age-appropriate, feedback for their actions (Geier, 2013). These findings support the need to create justice responses that account for adolescents' developmental limitations, rather than forcing adult standards of responsibility onto youth who lack the cognitive abilities to meet those standards (Casey, 2020).

### ***Imbalanced Brain Development and Socioemotional Influence***

Adolescent brain development involves more than just cognitive growth. The maturation of socioemotional capacities develop at a slower rate than basic reasoning (Cauffman, 2012). Socioemotional maturity refers to an individual's ability to regulate their emotions and stress, as well as resisting peer pressure; these skills enable individuals to make decisions that are not driven solely by immediate emotional or social rewards (Cauffman, 2012). Psychosocial maturity expands on socioemotional maturity by including skills specifically related to taking responsibility, the ability to consider others perspectives, and capacity to think about long term consequences (Cauffman, 2012). As mentioned earlier, adolescents may understand rules and the consequences of breaking them; however, underdeveloped regulatory skills can make it difficult for youth to exercise self-control when faced with emotional stressful or socially demanding situations (Cauffman, 2012). This has implications for adolescents' judgement and behavior.

Cauffman (2012) showed that adolescents perform similarly to adults on reasoning tasks in low stress situations, but their decision making becomes less consistent when their emotions are heightened or in situations involving peer pressure. All of the above reflects their developmental limitations. Cauffman (2012) explores adolescents' impulsive behavior and underdeveloped socioemotional maturity by showing their limited ability to reason under high-emotional stress. She adds that peer influence significantly shapes adolescents' socioemotional development in both positive and negative ways (Cauffman, 2012). Cauffman

(2012) explains that as adolescents begin to form individual identities, the increasing need for social acceptance and group belonging becomes a powerful motivator of behavior. Their heightened sensitivity to peer approval/rejection and/or social rewards influences their judgement and increases the likelihood of risky or delinquent behavior (Cauffman, 2012). At the same time, due to limited psychosocial abilities, adolescents are still only developing skills such as long-term planning or calculating long term consequences. Therefore, they are more likely to make decisions based on social pressure or immediate rewards. Most juvenile crime is relatively minor and occurs in peer groups (Abhishek & Balamurugan, 2024). Adolescents may take part in risky behaviors only when part of a group, but act differently if alone. All together, this puts forth some factors that may drive delinquent behavior, other than criminal intent. It also helps explain why adolescents' behavior may differ from adult expectations, given how social situations interact with their developmental limitations and affect judgment. When the justice system fails to consider socioemotional development, behavior can be misinterpreted as deliberately criminal, but integrating socioemotional research into the justice system can help interpret youth behavior more fairly.

### ***Implications for Legal Responsibility and Accountability***

Considering adolescents' ongoing brain development, the justice system must recognize that – to an extent – youth may have reduced culpability and a greater capacity for change in comparison to adults (Cauffman, 2012). Because socially complex or emotionally charged situations may affect their decision making, their behavior may seem inconsistent. Traditional punitive measures do not account for these underlying developmental factors (Casey, 2020). Considering this, incarceration can also be understood as a less effective way to help a youth develop and understand the moral ramifications and legal consequences their actions may have.

The neurological concept of adolescents' imbalanced brain development explains why their actions differ from adults. The prefrontal cortex is responsible for impulse control and planning (Casey, 2020). Reward sensitivity and socioemotional systems are also heightened due to earlier development (Cauffman, 2012). Delayed development of psychosocial maturity naturally increases impulsivity and makes it more difficult for adolescents to see others' perspectives, take responsibility, and anticipate the long-term consequences of their decisions (Cauffman, 2012). This combination of heightened emotional reactivity, underdeveloped

cognitive control, and limited psychosocial maturity creates an unfair imbalance, making youth more vulnerable to poor decisions. Recognizing these factors would allow the legal system to develop a framework of interventions that consider both the context of behavior and adolescents' under-developed abilities.

Another psychological aspect that has implications for adolescents' legal responsibility is trauma and “adverse childhood experiences” (ACE’s). ACE’s are childhood experiences in which youth are exposed to violence, neglect or other traumas; youth who have experienced ACE(s) may exhibit aggressive or high risk behaviors (Cazala 2024). However, these actions often reflect past trauma rather than criminal intent. Hence, the circumstances of an adolescent's life should be assessed when brought to juvenile court because past experiences often affect current behaviors. Cazala’s (2024) research shows that punitive measures, such as incarceration, often does not address these issues; rather they are often exacerbated. The justice system needs to recognize that behavior may stem from adverse experiences, therefore, the level of accountability and measures taken to teach responsibility should be adjusted accordingly.

Overall, adolescents’ natural neurological and psychological development as well as their life experiences, significantly contribute to shaping their behavior. Court systems should consider these aspects when determining an adolescent culpability. Their actions may reflect vulnerability and developmental limitations rather than criminal intent. If the legal system considers these factors, the juvenile justice system could become more fair to the adolescent brain and take into account their capacity to grow and change as individuals.

### **Psychological Harm of Incarceration**

Incarceration poses unique challenges for juveniles. There are obstacles that all incarcerated individuals need to overcome, including the loss of freedom, loss of social support, and exposure to violence. Research also shows that incarceration itself worsens both mental and physical health. This is notably true for juveniles because incarceration disturbs educational and social development, while increasing the risk of future antisocial behavior (Lambie, 2013). Correctional institutions are not facilities built for juveniles and they lack the structure needed for healthy development (Barnert, 2016). Upon entering the juvenile justice system, many juveniles come with previous traumas and mental health issues that require treatment. Most facilities do not have the ability to provide adequate mental health interventions, so the juveniles’

psychological needs may be left unmet (Cazala, 2024). The following section examines these issues and sheds light on the harm that incarceration might cause juveniles.

### ***Long-term Psychological and Emotional Impact***

Incarceration disrupts adolescent development, restricting cognitive, psychological, and emotional maturity. Juvenile detentions interfere with the natural development of emotional regulation, problem solving skills, and social development – leaving youth less able to manage their stress, with difficulties making decisions after leaving the facility (Lambie, 2013). This interference often has a snowball effect. Adolescents come into custody with existing mental health issues. These are exacerbated during incarceration and often left untreated (Cazala, 2024). As a result, adolescents leave incarceration facilities in either the same or worse condition, with few social services offering resources (Barnert, 2016). This reinforces the cycle of youth incarceration.

Exposure to violence and trauma within incarceration facilities further compounds these issues. Many adolescents witness or experience violence, whether from other residents or, in some cases staff, creating an environment where safety is unpredictable (Cazala, 2024). Correctional facilities can be particularly harmful for juveniles with preexisting trauma. Cazala (2024) explains that incarceration can further retraumatize youth, compounding traumas reinforce feelings of helplessness or fear. As a result, youth are more likely to engage in risk behavior. Traumatic experiences also trigger heightened emotional reactivity, increasing susceptibility to other mental health disorders (Cazala, 2024). Essentially, repeated trauma can alter the ways that juveniles navigate and behave in unsafe environments. Some youth may develop defensive or reactive coping strategies such as aggression, withdrawal, or increased risk taking (Cazala, 2024). Continued traumatic experiences, with little support, have long-term effects such as potentially predisposing youth to more severe mental health issues and antisocial tendencies or behaviors. The more an individual is exposed to violence and trauma, either during incarceration or in regular life, increases the risk of delinquency and contributes to cycle of recidivism (Cazala, 2024). Correctional institutions tend to reinforce maladaptive behaviors, increasing the likelihood of future antisocial tendencies due to the youth being exposed to traumatizing experiences. All of this combined makes it more difficult for rehabilitation and social reintegration.

Incarceration disrupts several other crucial aspects of adolescence, such as education, social relationships, and identity formation. Involvement in the justice system may add additional stress into a possibly chaotic family or social life that the youth lived prior to delinquency. Healthy social connections through peers and mentors are replaced with unsafe or coercive interactions which can impede on an individual social learning and deplete trust of others (Barnert, 2016). Furthermore, correctional facilities tend to lack a supportive environment, this can prevent youth from developing the necessary skills needed for a pro-social lifestyle. As mentioned above, cognitive skills, such as long-term planning, goal setting and decision making, develop naturally throughout adolescence (Geier, 2013). If that period of life is disrupted, especially with a traumatic experience, such as incarceration, these skills become significantly harder to learn and utilize later in life (Lambie, 2013). When these factors combine, an individual's life-course trajectory could be altered and future opportunities for education, employment, and healthy relationships can become more limited (Barnert, 2016). The disruption that occurs to an adolescent's life once incarcerated, not only causes short-term challenges, but can affect their ability to fully reintegrate into society once they are released.

### ***Lack of Adequate Mental Health Resources***

Many youth enter the juvenile justice system with existing mental health or psychological conditions, yet most facilities lack the ability to properly treat them. Research shows that incarcerated youth experience significantly higher rates of psychiatric and psychological disorders (Heller, 2022). Without access to mental health treatment, youth are left to cope with the challenges of incarceration alone, in addition to their mental health struggles. Behaviors that are symptomatic of untreated psychological conditions may be punished rather than addressed therapeutically (Lexcen, 1999). Misunderstanding clinical issues and treating them as disciplinary problems only intensifies the juvenile's mental health struggles (Lexcen, 1999). Behaviors such as: outbursts, yelling, screaming, refusing to follow instructions, may be symptoms of different mental health conditions. It is not beneficial to respond to those behaviors with punishment or threats, because that does not mitigate or eliminate the behaviors, nor help the individual, and usually causes more issues (Heller, 2024). Interpreting symptoms as disobedience is misunderstanding them; this reinforces a cycle in which adolescents are disciplined for behaviors that indicate underlying and often untreated mental health needs.

Without adequate mental health care, helping juveniles not only becomes far more challenging, but it also leaves them vulnerable to misinterpretation and punitive responses, perpetuating a cycle in which their needs remain unmet and they are increasingly misunderstood.

### **The Need for Therapeutic Approaches**

The psychological challenges this chapter discusses highlight the psychological struggles that juveniles deal with. Punitive measures that don't consider these aspects of the juvenile experience may fail when applied as interventions, especially when mental health issues are involved but not treated. In order to address these challenges, interventions need to be customized to fit the adolescent brain, this includes considering psychological development, mental health, and trauma history. In Chapter 6, I will discuss proposed interventions and the integration of therapeutic approaches within the juvenile justice system. I believe that these approaches can provide a path toward better rehabilitation of youth, and may reduce the cycle of incarceration and recidivism.

## **Chapter 4:**

### **Issues From A Sociological Perspective**

An analysis of the social environments and systems that shape youth behavior is needed to fully understand the juvenile justice system. This chapter explores the social factors that contribute to an individual's involvement in the justice system. Some examples that will be discussed in this chapter are: unstable households, negative social interactions, and socioeconomic status (Abhishek & Balamurugan, 2024; Harding, 2019; Rovner, 2021). The combination of these factors increase the risk of juvenile delinquency and the likelihood of coming into contact with the justice system. This is especially important when discussing youth from impoverished communities or minority backgrounds. Impoverished youth of color often face more structural and systemic inequalities that place them at higher risk of justice involvement (Rovner, 2021). This chapter will also discuss the school-to-prison pipeline which proposes that in certain instances, harsh disciplinary practices in educational settings can perpetuate systems in which youth are directed into the justice system (Hemez, 2020). Through a sociological perspective, the process of reintegration will be discussed as structural barriers and social stigmatization often follow youth once released from incarceration, limiting their ability to reintegrate into society (Youth Reentry Technical Assistance Center, 2024; Liberman, 2014; Kubek, 2020). A sociological lens reveals the impact of systemic societal failures in juvenile delinquency. This chapter outlines societal and structural problems that underscore the need for social services and reduction of systemic inequalities in order to address recidivism in juveniles; specific programs and interventions strategies will be discussed in Chapter 6.

#### **Social Environment and Juvenile Crime**

A juvenile social environment is key in shaping their behavior. One's social environment can either encourage pro-social behaviors or restrict their social development, influencing their likelihood of involvement in the justice system. A sociological approach considers how one's social context creates conditions that increase the likelihood of coming in contact with the justice system. The contextual factors of one's social environment often overlap, and when multiple factors of one's life are unstable or don't provide healthy support, the risk of delinquency increases. These contextual factors can be divided into two groups, the influence of their direct

social influences such as family and peers, and broader social factors such as their neighborhoods and socioeconomic status.

### ***Influence of Family***

A juvenile's family is the earliest and most influential primary agent of socialization they experience; family dynamics play an important role in their behavioral development. It is the first environment in which youth learn social norms, boundaries, and experience authority. Households socialize youth through supervision, guidance, and emotional support, shaping their development and response to stress, authority, and social norms. The application of these family processes, considering consistency and quality, can determine whether these socialization mechanisms lead to healthy or maladaptive development (Level, 2005). When a youth grows up with inconsistent rules, lack of supervision, and experience little emotional support, they may struggle with regulating their emotions or making healthy decisions. Inconsistent supervision and unclear rules, combined with a lack of accountability can lead to the youth being unclear about boundaries, later, making them more likely to break rules and their response to other authorities more defiant (Javdani, 2019). Abhishek & Balamurugan (2024) describe these households as “shattered households”, emphasizing that inadequate or negative family dynamics can contribute to youth delinquency, negatively impacting their behavior. When a youth’s positive role models are absent or if they lack support, empathy, or guidance, they are more likely to seek it outside the home (Abhishek & Balamurugan, 2024). Youth need to experience love and support within their home in order to develop, otherwise when looking for it in other places, which can reinforce maladaptive or delinquent behaviors.

Additionally, growing up in a household with abuse, neglect, or constant conflict, leaves youth vulnerable to chronic stress within the home. This can increase the risk of mental health issues as discussed before, as well as aggression and defiance (Abhishek & Balamurugan, 2024). This not only heightens the risk of delinquency, but also increases their reactivity to threats and distrust in adults from previous experiences, this can make juvenile rehabilitation more difficult.

Family instability can also occur in nontraditional households, such as foster-care, step-parent, or single parent households (Abhishek & Balamurugan, 2024). Non-traditional households can be extremely supportive and loving, but if these households lack consistency and stability for the youth, it can disrupt attachment development and limit guidance and affect life

trajectory. Without familial guidance and involvement, these issues may go unnoticed and unaddressed, leaving the youth to seek structure and love elsewhere. Unstable families do not inherently raise delinquents, but an unsupportive family system can drive a youth to find support elsewhere, leaving negative influences to possibly take advantage of the youths' vulnerabilities (Abhishek & Balamurugan, 2024).

### ***Influence of Peers***

Alongside family, peers play a significant role in shaping adolescent's social development and identity. Heightened sensitivity to peer acceptance/rejection and social belonging, as well as their need for social connection, shapes youth behavior and identity formation (Abhishek & Balamurugan, 2024). For adolescents, peer groups are the most important socialization group, outside of the family, both in modeling behavior and learning social norms; peers help one build an understanding of what is considered acceptable behavior (Level, 2005). Peers not only provide companionship, but socialization is how adolescents learn to navigate social life and define their own social identity. Because most juvenile crime is committed in groups, focusing on peer dynamics can explain how peers can be both supportive of pro-social behaviors or a source of social pressures to engage in delinquency, due to that behavior being modeled and normalized (Abhishek & Balamurugan, 2024). The most common juvenile offenses are status offenses; these are actions that are only illegal because of the youth's age. Among these truancy (skipping school) and running away are the most frequent, while liquor law violations most often result in court involvement (Harding, 2009).

Youth with one or more negative aspects of their lives, may look to find peers that provide them the emotional support that is missing (Abhishek & Balamurugan, 2024). Bullying, social exclusion, or social marginalization can lead a youth to seek acceptance in different peer groups. In disadvantaged neighborhoods, older peers are often the most available source for social support and status, partly due to economic circumstances that isolate them within their communities (Harding, 2009). This isolation also makes older peers more likely to engage in delinquency. Youth may become drawn to these peers because they can provide a sense of structure or identity, even if they participate in antisocial or illegal activities (Harding, 2009). Additionally, if an adolescent's household is unstable or does not provide adequate support or

supervision, then they may lack structured support that can deter them from following their peers and engaging in risk behaviors (Javdani, 2019).

If an adolescent's peer group engages in risk behavior, then anti-social behavior is reinforced and encouraged within that group. Social learning theory explains this process: adolescents reproduce behavior that is modeled and praised within the group, especially if it increases their social status or acceptance (Bandura, 1997). Harding (2009) explains that adolescents most often imitate older, high status, peers. Through continued interactions their behaviors become normalized. Peer groups create their own social norms, if defiance or aggression is rewarded with social approval, then the youth is more likely to continue with these behaviors (Harding, 2009). Peers also influence attitudes toward authority. Juveniles may internalize an anti-authority mindset from their peers, making them more resistant to adult-led interventions or rehabilitation programs (Abhishek & Balamurugan, 2024). On the other hand, peers can be a positive resource by modeling pro-social behavior and deterring a juvenile from delinquency. By surrounding a juvenile with peers that reinforce positive, pro-social norms and behaviors, delinquency may be reduced due to positive socialization (Wright, 2006).

### ***Socioeconomic Factors and Systemic Inequalities***

Differences in socioeconomic status, which include family income, education level, and occupational opportunities, affect juvenile delinquency by shaping the opportunities available and constraining resources in a youth's life (Abhishek & Balamurugan, 2024). The socioeconomic status of one's neighborhood influences a community's ability to give monetary resources to their schools and public spaces (Abhishek & Balamurugan, 2024). Youth growing up in poverty often attend underfunded schools. These schools may lack the resources needed to provide specialized programs that offer individualized support specifically designed to help with social and emotional development, such as one-on-one tutoring, personalized learning plans, or counseling (Abhishek & Balamurugan, 2024). Without support from structured systems, such as schools or community programs, impoverished youth are often left to manage their individual struggles alone (Rovner, 2021). When lacking such systems, it can become harder for youth to develop pro-social behaviors and attitudes, such as cooperation, empathy, and rule following, increasing the likelihood of engaging in risk taking or delinquent behaviors (Abhishek & Balamurugan, 2024). Socioeconomic inequalities not only restrict access to higher academic

learning or achievement, but also expose youth to social capital which can encourage resilience and healthy decision-making. Social capital refers to the connections that a youth's social environment can provide, and the guidance and support that it gives (Wright, 2006). Adolescents with strong networks, that have social capital, benefit from positive role models who reinforce pro-social behaviors and norms. However, youth with low social capital often lack these support systems, leaving them more vulnerable to negative influences.

Juveniles who grow up in communities with high crime rates or limited community resources tend to be exposed to more stressors such as violence, economic difficulties, and anti-social role models, such as deviant peers. When communities lack social capital, and therefore also lack access to supportive social systems, youth may turn to other resources for guidance, protection, or support (Abhishek & Balamurugan, 2024). This can increase risk to deviant behaviors if they are exposed to social networks that encourage anti-social norms (Wright, 2006). Neighborhoods that don't have safe recreational community spaces such as public parks, green spaces, or community centers limit the opportunities for youth to engage in structured social activities and build positive networks (Abhishek & Balamurugan, 2024; Wright, 2006). Neighborhoods with low social capital may have an increase in juvenile criminality, as it can become the norm due to the lack of pro-social peer models and community supervision (Wright, 2006). Community programs and positive mentorship opportunities are key for pro-social engagement when other opportunities for socialization are not available (Abhishek & Balamurugan, 2024) – these will be further explored in Chapter 6.

Schools are the most important social environments for adolescents. They can become a place for possible interventions or a place that reinforces delinquent behavior. These environments are where most adolescents find and develop their peer groups. Youth who struggle academically are more likely to disengage from schools and engage in risk behaviors (Abhishek & Balamurugan, 2024). An issue within schools are those that rely on heavily punitive systems, such as zero-tolerance policies, that lead to lengthy suspensions or expulsions (Hemez, 2020). This contributes to the school-to-prison pipeline, a process in which adolescents who experience harsh punishments in their education system become trapped in a cycle that slowly pushes them into the juvenile justice system (Hemez, 2020). One reason for this is due to the lack of counselors or behavioral specialists, making harsh disciplinary action the only option when behavioral issues arise (Hemez, 2020). School environments and the associated discipline

within them can be a turning point in an adolescent's life, either motivating them toward pro-social behavior or pushing them further into delinquency.

Systemic inequalities within the US justice system make certain groups more susceptible to justice involvement, this is especially true for youth of color. *The Sentencing Project* is an advocacy group that also conducts research focused on criminal justice reform. Part of their research examines racial disparities within the juvenile justice system, while also advocating for reform. Rovner (2021) published an article which concluded that youth of color are more likely to be arrested, charged, and sent to correctional facilities compared to their white peers, even when considering the type of offense. This inconsistency cannot solely be explained by racial behavioral differences. Systemic factors such as increased policing in dense urban areas, neighborhood segregation, and institutional biases within both the educational and judicial system all contribute to these results (Rovner, 2021). Economic disadvantages limit school and neighborhood resources. When combined with systemic discrimination, multiple barriers are created that inhibit healthy development in low socioeconomic status youth. These factors are especially prominent for youth of color, increasing the probability that they will have encounters with the justice system.

Socioeconomic status and systemic factors are not within one's own control. Poverty, educational inequalities, neighborhood disadvantage, and systemic discrimination interact by limiting opportunities for adolescents. Discussing delinquency through a sociological viewpoint adjusts the understanding that juvenile crime may not merely result from individual choice; rather, one's social environment may have created circumstances that led them to make poor life decisions.

### **Current Systems Impact on Social Reintegration**

A critical period of the justice system is a juvenile's transition back into society, this is because it is a time where the risk of recidivism is high. Youth leaving correctional facilities experience many barriers that make social reintegration difficult (Youth Reentry Technical Assistance Center, 2024). These difficulties affect their whole life including social, educational, and economic barriers. In addition to the structural challenges of re-joining society after a period of incarceration, many juveniles experience social stigmatization for their past decisions; this may lead them to feel isolated from society and revert back to crime and being involved in the

juvenile justice system. Social stigmatization is a social process where individuals are treated differently because of labels that become associated with them due to social perceptions (Lieberman, 2014). In the context of juvenile justice, having a record or serving time in an institution may lead them to be socially labeled as delinquents (Lieberman, 2014). This stigmatization and labeling can lead to youth being stereotyped or discriminated against. Lieberman (2014) points out that early arrests and labeling create a “secondary deviance effect”, where their experience being stigmatized reinforces a delinquent identity and increases the likelihood of recidivism. Research shows that juvenile records increase stigma which affects how juveniles may be perceived by employers or landlords, educational institutions, and law enforcement after their release (Youth Reentry Technical Assistance Center, 2024). Juvenile records are often sealed from the public, with the intended goal being to track accountability and growth within the justice system; however, if a juvenile is asked about this period of time on job, college, or housing applications, they may risk limiting their access if the stigma of delinquency is attached to them (Youth Reentry Technical Assistance Center, 2024).

The structural barriers that juveniles face when re-entering society make it harder for them to create stability in their life, and as emphasized previously, stability and support are the two key factors in one's life that are crucial for reducing recidivism (Youth Reentry Technical Assistance Center, 2024). If a juvenile returns to school, they may face challenges in the school system with placements or accommodations, especially if they were previously expelled or suspended from school (Kubek, 2020). Employment wise, employers may be reluctant to hire people who were previously delinquents if they disclose their record honestly, even if they have the skills, because of the stigma associated with having a juvenile record (Youth Reentry Technical Assistance Center, 2024). Additionally, youth who have been kicked out by their families may face barriers to safe and stable housing, they may be forced to live in group homes, foster care, or other temporary housing settings which can increase the likelihood of recidivism (Youth Reentry Technical Assistance Center, 2024). Youth who struggle to re-enroll in school, face difficulties finding employment, or cannot return to their family home are restricted in their ability to reintegrate into society. Juveniles returning from incarceration into an unstable environment are already at a disadvantage, and if opportunities that encourage independence and engagement in pro-social behaviors are restricted, they may be at greater risk of regression and turn back to crime in an attempt to build a life.

The social stigma associated with youth crime adds to the challenges of reintegration. Youth labeled as delinquents may be socially isolated from pro-social peers and healthy socialization; the exclusion from community networks, schools, and even family members limits their access to supportive connections (Youth Reentry Technical Assistance Center, 2024). This combines with the labeling process itself, which then reinforces their own negative self concept – leading them to internalize the delinquent label (Lieberman, 2014). These youth may then begin to see themselves as “supposed to be” delinquent, and internally normalize anti-social behavior due to the external stigmatization (Lieberman, 2014). Social stigmatization affects how youth are treated in all interactions, making it harder to rebuild trust and establish pro-social relationships (Kubek, 2020). In some cases, youth find other delinquent peers as the only peer group accepting them, then a feedback loop is created, which further isolates them from the rest of society and increases the risk of recidivism (Youth Reentry Technical Assistance Center, 2024). The social consequences of stigmatization and labeling show that the challenges juveniles face are deeply connected to the community perceptions and social interactions.

These issues all show how the justice system lacks comprehensive reintegration services for juveniles. Many communities and schools do not have programs that aid youth in navigating the structural or social challenges faced when transitioning back into society (Youth Reentry Technical Assistance Center, 2024). Without programs that address the issues previously discussed in Chapters 2 & 3, when re-entering society juveniles may struggle to build the reliance needed to positively engage in social life (Kubek, 2020). Developing a system of care that continues past incarceration can help juveniles navigate these challenges, rather than leaving them to struggle alone and risk recidivism (Youth Reentry Technical Assistance Center, 2024).

### **The Need for Social Services**

Increasing social services for youth can help reduce juvenile delinquency. These social services can be either prevention based or directed at supporting juveniles after incarceration. Community-based and mentorship programs can act as interventions and give youth the opportunity to build positive social networks with peers and within their communities (Abhishek & Balamurugan, 2024). Family services help youth and their families by building resilience and strengthening family support, providing guidance and insight in managing at-risk youth (Youth Reentry Technical Assistance Center, 2024). Because access to these services is often limited,

not only is expanding them necessary but developing neighborhoods and providing safe community spaces or structured programs can encourage youth to engage in pro-social activities. Despite being unable to directly address systemic inequalities and remove the stigma associated with youth crime, providing youth structure and support is essential in order to help juveniles as much as possible. Chapter 6 provides a more in-depth explanation of the programs, interventions, and social services that could be implemented to reduce juvenile delinquency.

## **Chapter 5:**

### **Issues From A Moral Philosophical Perspective**

While sociological and psychological perspectives are most often used during discussions of juvenile delinquency and justice, due to their ability to provide insight into social factors and developmental influence; examining deeper ethical and moral considerations can provide a new perspective to the treatment of youth within the justice system. This chapter will use three different philosophical writings to argue three main points. First, the ethical justification for transferring juveniles to adult court will be evaluated through the lens of justice and fairness, incorporating research regarding recidivism rates of juveniles who were transferred, brain development, and sociological factors. This will be analyzed using Rawls' theory of justice as fairness, which asserts that just policies must protect the rights of the least advantaged and be chosen without knowledge of one's social position. Second, this chapter considers youths' possibility for moral growth and change, drawing on Aristotle's virtue of ethics and Chapter 3. His theory emphasizes the idea that a person's character and virtue is developed through habit and practice, therefore adolescents are still malleable and capable of reform due to lack of life experience and should be treated as such. Finally, ethical responsibility is explored through Rousseau's social contract theory, proposing that society has a collective duty to support youth development and provide healthy social conditions. Juvenile crime is a consequence of the failure to provide adequate conditions, therefore representing a breach of the social agreement. These perspectives all advocate for a justice system that prioritizes rehabilitation and better social conditions, in order to reduce recidivism and emphasize social responsibility to promote social cohesion.

#### **Rawl's Justice as Fairness - Juvenile Transfers to Adult Court**

Juvenile transfers allow some youth to be tried and sentenced as adults. This is often used for serious offenses or older adolescents and is justified by deterrence beliefs, retribution, or argument for public safety (Parent, 2000). However, research has presented concerns about juveniles who go through the more punitive adult court system. They receive harsher sentences, increased exposure to violence, and have significantly higher recidivism rates compared to those who remain in the juvenile justice system (Bishop, 2009). Other than the legal consequences,

juvenile transfers disrupt adolescent development, both socially and cognitively, increasing psychological harm during incarceration and exposing youth to more trauma (Cazala, 2024; Javdani, 2019; Lambie, 2013). While the justice system may consider this as necessary, from a Rawlsian perspective, the moral justice of an institution does not only depend on intentions but also on fairness and equality of the principles that govern it (Rawls, 1999). Rawls' (1999) framework is especially relevant because it rejects a consequentialist view of justice that permits harm to vulnerable groups for the sake of perceived overall societal benefits. This section will explain Rawls' Theory of Justice, re-iterate main points that relate to the transfer of juvenile to adult prisons, and make the argument that the juvenile justice system fails morally due to the system in its present state.

John Rawls' *Theory of Justice* (1999) provides a moral framework for evaluating the fairness of laws and social institutions. Rawls argues against a consequentialist view, which claims that an action is right if it produces the best overall outcomes; his framework questions whether the rules and institutions that enforce policies are just (Rawls, 1999). He calls this approach "Justice as Fairness" (Rawls, 1999). Rawls' arguments emphasize the idea that society should be structured in a way so that everyone is treated fairly, and that special consideration should be given to those who are most vulnerable. Rawls' developed his theory as a response to consequentialist moral theories, which state that actions and policies should be judged solely by their outcomes and state that the moral action is the one that produces the most overall "good" in all humanity (Rawls, 1999). This approach at first can seem appealing, but Rawls argues that it allows for moral injustices to occur. A consequentialist theory disregards an action's effect on an individual or group; rather if the action maximizes or benefits society overall, then it would be labeled as the moral decision (Rawls, 1999). Rawls (1999) claims that consequentialism permits a certain amount of harm towards individuals, therefore using them, and justifying their harm as needed for the overall benefit of society. Rawls (1999) argues that a moral theory of justice should not allow the harm of vulnerable groups, and that all individuals should be treated equally with special consideration given to those who are vulnerable to the consequences of social injustice.

In order to avoid this in his own theory of justice, Rawls proposes a thought experiment to identify key principles of justice. The goal of Rawls' thought experiment is for individuals to be "designing basic rules of society", however, they are placed under a "veil of ignorance".

Behind this “veil of ignorance” individuals are not knowledgeable of any personal information about themselves. They do not know their social class or status, place in societal structure, intelligence, natural abilities, conception or belief of what is good, and their specific circumstances within the society (Rawls, 1999). Because of the “veil of ignorance”, Rawls argues that rational individuals will choose to design rules that would protect everyone, especially those who may end up in worse circumstances (Rawls, 1999). The goal of this thought experiment and the “veil of ignorance” is to eliminate self-interest and bias. This forces people to make decisions in terms of fairness rather than advantage. This framework directly argues against developing rules for society from a consequentialist view because people would not allow for a system to harm some individuals but benefits people in society, because they themselves might be harmed (Rawls, 1999).

From this thought experiment, Rawls argues for two fundamental principles of justice. The first principle states that every person has an equal right to the total system of equal basic liberties, compatible with a similar system of liberty for all (Rawls, 1999). In simpler terms, Rawls' principle of “Equal Basic Liberties” means that everyone should have the same fundamental rights and freedoms, and that no one’s rights can be sacrificed to benefit others. These basic liberties include protections associated with law such as due process, protection against arbitrary punishment, and equal treatment in the eyes of the law. Rawls argues that these liberties should be prioritized and that they cannot be overridden for the sake of others, even if it may produce better overall outcomes (Rawls, 1999). Rawls second principle of justice addresses the issue of inequality within social institutions. While Rawls acknowledges that inequality occurs in society, he argues that the only forms of inequality that are morally permissible, are the ones that are arranged to benefit those who are vulnerable or least advantaged members of society (Rawls, 1999). This principle is known as the “Difference Principle”. Rawls' concern is for those who are disadvantaged by social and institutional arrangements of power. He argues that a just society must structure itself so that inequalities do not worsen the position of those who are least advantaged (Rawls, 1999). By prioritizing the welfare and wellbeing of individuals who are disadvantaged, the “Difference Principle” ensures that social cooperation should benefit everyone.

When considering Rawls *Theory of Justice*, it can be argued that the practice of transferring juvenile offenders to adult court is unjust. If placed under the “veil of ignorance”, a

rational person would not agree to a system in which juveniles could be tried and punished as adults, knowing that they could end up among those most vulnerable to the systemic issues in society. The practice fails to follow the first principle of justice because the decisions to transfer are made through different legal mechanisms that may produce unequal outcomes among youth. In some cases a judge may order a judicial waiver, prosecutors can also file cases with adult court directly, or some states have statutes that mandate automatic transfers for certain offenses (Griffin, 1998). Regardless of the method that it occurs through, it can unequally subject some youth to harsher consequences and result in uneven access to the protections that the juvenile justice system is supposed to provide. This can be seen in racial disparities in the sentencing of black youth (Rovner, 2021); which raises concerns about the equal application of basic liberties that Rawls identifies as central to justice.

Rehabilitation for juveniles in adult prisons is much more difficult due to the environment and lack of services they are offered (Parent, 2000; Lambie 2013), inherently treating them differently and unfairly. It also violates the second principle, because the policy ends up disproportionately harming those who are at a disadvantage, whether that's due to age vulnerability, socioeconomic status, race, or developmental immaturity (Parent, 2000; Rovner, 2021; Cazala, 2024). Rather than structuring inequality to benefit the least advantaged, such as providing social services to underserved neighborhoods with high crime rates, juvenile transfers hinder opportunities for rehabilitation. Evidence supports this because youth transferred to adult courts have higher rates of recidivism compared to those who remain in the juvenile justice system, and often tend to commit worse crimes, suggesting that the policy fails to achieve its objective (Massachusetts Juvenile Recidivism Report, 2024). From a Rawlsian perspective, a system that knowingly imposes harm on those vulnerable youth in society cannot be considered just even if the argument for it is to serve short-term public safety goals.

### **Aristotle's Virtue Ethics - Adolescent Moral Development**

As discussed in previous chapters, adolescence is a period of growth, during which, not only cognitive and socioemotional development occurs (Cazala, 2024; Casey, 2020), but it is also a time of moral character formation. Adolescents are vulnerable to external influences, especially for those who lack stability, guidance, or healthy socialization (Level, 2005). While psychological and sociological research can empirically explain adolescents' potential

engagement in delinquency, moral frameworks provide a different perspective and recognize their capacity for moral growth. Aristotle's virtue ethics proposes that a person's moral character is not innate but rather that it is shaped by external factors and the internalization of virtue. His theory can be used to support the argument for shifting juvenile justice towards a rehabilitative approach, by arguing that guidance is more effective in supporting development than punishment.

Aristotle's *Nicomachean Ethics* gives a philosophical explanation of moral development and virtue. Aristotle claims that virtue is not innate and that it is developed through habituation (Aristotle, n.d.). Habituation is the continuous practice of good actions aligned with reason, a process where an individual's moral character is shaped through the internalization of a virtuous character over time (Aristotle, n.d.). According to Aristotle, virtue is about finding the mean between extremes of excess and deficiency (Aristotle, n.d.). Therefore, being virtuous is about balance, choosing the right amount of action or feeling in the right context. Let's use courage as an example. Too much courage (excess) can be reckless, but too little (deficiency) can be viewed as cowardice. The mean becomes a balanced way of acting. Therefore, if courage is viewed as a sliding scale, acting with the "right amount of courage" is a sign of having virtue. Aristotle believes that virtue applies to both actions and emotions (Aristotle, n.d.). For example, in terms of action, working too much (excess) can lead to burnout, but at the same time working too little can be seen as laziness or avoiding responsibility (deficiency). The mean would be a balance in which a person is working their best, without burning out. An application of this concept to an emotion is anger towards an injustice. Too much (excess) anger toward a circumstance can escalate to rage or violence, while too little (deficiency) anger can create a sense of indifference or apathy. The appropriate amount of anger is found in a balance that can guide a person to act proportionally, as a response to the injustice. The ability to find the mean between excess and deficiency is how Aristotle defines acting virtuously.

Aristotle claims that moral development is an ongoing process, and that the development of virtue requires habituation, the ability reflecting on actions, and guidance from moral exemplars (Aristotle, n.d.). Moral exemplars are people who consistently act virtuously and then serve as models/mentors for others (Aristotle, n.d.). By observing the way moral exemplars make virtuous decisions, others learn what real-life virtuous behavior looks like and then internalize similar habits. These moral exemplars begin to bridge the gap between the theoretical or abstract

concept of virtue and the implementation of what acting virtuously looks like. In a modern sense, moral exemplars take the form of pro-social adults, teachers or mentors, emphasizing the importance of education and environment by providing youth with exposure to virtuous examples. Virtuous habits can be reinforced and developed by having opportunities to practice virtuous actions and then receiving guidance from moral exemplars. According to Aristotle this is the process in which a youth's moral character is shaped, which is also supported by psychological and sociological research and theories (Cauffman, 2012; Geier, 2013; Level, 2005). Without proper guidance or exposure to positive examples, such as when youth are exposed to anti-social influences, they may internalize harmful or maladaptive habits that can be difficult to change later in life.

Another key aspect of Aristotle's theory is the importance of *phronesis* (Aristotle, n.d.). Phronesis is practical wisdom, he states that it is the ability to reason well about acting virtuously in specific situations (Aristotle, n.d.). Practical wisdom allows individuals to directly apply virtue to the situations they are faced with, it is the integration of knowledge, experience, and ethical judgment. While habituation helps a person internalize and understand virtuous actions, phronesis makes sure that those habits are exercised appropriately. Together, habituation, moral exemplars, and practical wisdom provide the foundation for creating a stable moral character over one's life.

Given the fact that adolescents' cognitive skills are underdeveloped, their moral capacities to consistently act virtuously is in the process of maturing as well. For this reason, adolescence represents a crucial time to foster healthy moral development. Adolescents' increased need for social acceptance furthers this encouragement, while they are susceptible to peer influence, both good and bad, it can also be utilized to encourage pro-social behavior (Cazala, 2024; Abhishek & Balamurugan, 2024). Youth who lack supportive environments and guidance from positive role models are at greater risk of developing harmful habits (Barnet, 2016; Lambie, 2013). From Aristotle's view, their developmental limitations are the exact reason for the importance of moral exemplars and habituation. An adolescent's character is not yet fixed and can be shaped through guided practice of virtuous actions within supportive contexts (Aristotle, n.d.). In the context of juvenile justice, supportive contexts can include mentorship programs, structured school activities, or community service opportunities where positive behavior is modeled and reinforced. Since virtue is developed through deliberate practice and

reflection, adolescents need opportunities that provide constructive feedback on acting virtuously and time to reflect on their choices, to allow the development of a moral character. Without positive role models or nurturing environments, adolescents face a disadvantage in developing virtue. Furthermore, without interventions, maladaptive behaviors, such as delinquency, can become ingrained into one's identity and character, making the acquisition of virtue later in life more difficult. This supports the argument that adolescence is an ideal time to cultivate virtue and foster pro-social behavior.

In the context of juvenile justice, Aristotle's framework can be used to argue for a shift away from punitive approaches, and toward rehabilitative programs that aim at developing moral character. Programs that foster virtue by providing positive mentorship, education, and restorative practices are crucial for developing an adolescent's moral character over time (Bergseth, 2007; Labriola, 2024) by aligning more with Aristotle's emphasis on habituation, moral exemplars, and developing practical wisdom. Another way to apply his theory is by providing schools the resources to make sure adults model, reinforce, and guide students toward internalizing virtuous habits. Teachers and counselors become moral exemplars within the educational environment. By creating environments where youth can observe virtuous actions, reflect on choices, and practice moral decision-making, youth can be supported in forming practical wisdom (*phronesis*) and gradually develop a stable moral character.

### **Rousseau's Social Contract Theory - Societal Obligation to Help At-Risk Youth**

As discussed in the previous chapter, juvenile delinquency has been linked to social conditions such as poverty, exposure to violence or neighborhood crime, weak institutions, and lack of access to educational and economic opportunities (Abhishek & Balamurugan, 2024; Harding, 2009; Rovner, 2021). These conditions reflect broader structural failures, rather than individual choice, suggesting that treatment of juveniles should consider the social conditions that shaped their behavior. Building on the sociological perspective discussed in Chapter 4, Rousseau's *Social Contract* (1762) provides a moral framework for evaluating society's responsibility regarding these conditions and youth that become involved in delinquent behaviors.

Rousseau (1762) argues that society is formed through a social contract where individuals collectively agree to surrender certain freedoms in exchange for protection, rights, and shared

benefits that promote the common good. Rousseau emphasizes humans' natural inclination towards compassion and cooperation, and that social corruption leads to maladaptive behavior (Rousseau, 1762). The social contract is guided by what Rousseau calls the "general will", which is the collective interest of society, the common good, rather than individuals' self-interest (Rousseau, 1762). By following the general will and agreeing to obey the social contract, individuals gain access to social welfare, protections, and civil order maintained through collective mechanisms. These mechanisms are part of the freedoms that individuals give up, such as agreeing to follow the laws and having to pay taxes. While this agreement places certain limits or restrictions on individuals' freedoms, Rousseau argues that these limitations are only legitimate when society itself fulfill its obligations to reflect the general will and provide the conditions that allow people to live a free, safe, and meaningful life within the social order (Rousseau, 1762).

A central feature of Rousseau's theory is the idea of collective responsibility. Rousseau (1762) argues that social inequality, deprivation, and social exclusion or isolation are not natural conditions. Rather these are outcomes produced by social arrangements and institutions that do not follow the general will (Rousseau, 1762). The general will is the overall interest of society, following it aims to ensure that people in society collectively benefit from the social contract. Society has the collective responsibility to ensure that its constituents are not systematically disadvantaged. When referring to society and collective responsibility, Rousseau is not attributing this responsibility onto individual citizens, but to the social structures and institutions that are responsible for upholding the general will, particularly the governing bodies and systems of social organization. Rousseau (1762) distinguishes the general will from individual or special interests, stating that institutions and governments must organize their systems for the common good of all, rather than privileging certain groups. So, when social systems fail to provide individuals the basic conditions they need to be able to fully participate in civic life, Rousseau argues that the social contract loses its legitimacy (Rousseau, 1762). In this sense, poverty and broken social systems are not only social problems, but moral failures of the collective governing body and its institutions which therefore also places the responsibility of fixing these problems onto said systems.

Rousseau (1762) stresses the importance of education in moral development and civic virtues, claiming they are essential for people to fully participate in society (Rousseau, 1762).

Education is not only a process of sharing knowledge, but it is also the way that moral reasoning, critical thinking, and social awareness is developed. Education allows individuals to understand the general will and teaches people to act for the common good (Rousseau, 1762). Rousseau (1762) also highlights the importance of shaping institutions to reinforce equality, fairness, and opportunities for growth. Establishing a social system that allows individuals to exercise autonomy responsibly and contribute to the collective well-being of society is crucial for the social contract to be legitimate.

Applying Rousseau's social contract theory to juvenile justice, society's responsibility extends beyond keeping youth accountable for their actions to actively working towards creating conditions that prevent delinquency in the first place. This emphasizes interventions which focus on nurturing the moral, social, and cognitive capacities of young people, rather than punishing them for behaviors shaped by structural disadvantages. A just system must focus on developmental appropriate rehabilitation, promotion of education, emotional growth, and social support to help youth become responsible members of society (Baliga, 2017; Kubek, 2020; Barney, 2020). Such interventions will be explained in Chapter 6. By prioritizing civic and moral capacity, social institutions can fulfill their duties under the social contract, while reducing the likelihood of delinquency, recidivism, and foster long-term prosocial outcomes.

Examination through a philosophical lens provides a more holistic framework, beyond traditional empirical analyses. Rawls "Justice as Fairness" discusses the importance of equality, which was used to argue that by transferring youth to adult courts and prisons fails to uphold the principle of basic equal liberties policies and causes unjust harm towards a vulnerable population. Aristotle's *Nicomachean Ethics*, proposes a theory of moral development which emphasizes guidance, habituation, and exposure to virtuous role models. His theory was used to argue against the punitive model and for programs that help build youth's moral character. Similarly, Rousseau contextualizes juvenile delinquency in a larger social context as a failure of social institutions, violating the social contract, and stressing society's collective responsibility to provide conditions that support healthy youth development. Together these converge on the conclusion that there are structural and systemic issues within the juvenile justice system and that in order to better support juveniles: there must be a societal shift that prioritizes fairness and moral development for rehabilitation and a reduction in juvenile crime and recidivism.

## **Chapter 6:**

### **Proposals For An Improved Juvenile Justice System**

After examining the issues within the current juvenile justice system; this chapter shifts the focus towards solutions and examines programs that would better serve youth in reducing recidivism and help develop healthier long-term outcomes. This chapter argues for a fundamental restructuring of the juvenile justice system from a punitive approach towards a trauma-informed, rehabilitative model. This approach reframes the goals of the juvenile justice system to emphasize social-emotional development, accountability, and treatment. Existing literature examines the importance of early intervention and prevention. This will be discussed through proposals for school and community-based programs that target at-risk youth prior to involvement in the justice system. The focus of these programs vary based on the needs of the youth. Some programs emphasize social cohesion and group identity, others discuss ways in which parents can support youth with conduct disorders. The literature highlights the need for integrated mental health support that includes psychosocial and trauma-informed care for youth, both within correctional and educational settings. Furthermore, this chapter will discuss treatment approaches such as multi-level community-based options that encourage prosocial behavior. Finally, it addresses the period for adolescents that follow their release from incarceration, which is crucial in order to reduce recidivism. It discusses structured reentry programs that focus on parent engagement and family dynamics. The aim of this chapter is to propose a vision of juvenile justice that is developmentally appropriate, enhances social skills, and rehabilitative.

#### **Shift From Punitive to Rehabilitative Model**

The current punitive model of the juvenile justice system relies on incarceration to rehabilitate juvenile offenders. As discussed, incarceration is not a productive method of rehabilitation (Barnert, 2016; Lambie, 2013). Reforming the system to benefit youth requires a fundamental change towards developmentally appropriate rehabilitation methods and models. Correctional goals should focus on social-emotional growth and skill building (Branson, 2017; Scott, 2022). Additionally, a rehabilitative approach must emphasize accountability by helping youth understand the impact of their actions (Beckett, 2014). In providing youth an environment

in which they are nurtured, the juvenile justice system can better rehabilitate youth, and ultimately reduce recidivism and have youth exit the system ready to be productive members of society

### ***Reforming Justice Goals***

Reforming the goals of the juvenile justice system requires prioritizing rehabilitation that supports individual development rather than punishing them. Reports from incarcerated youth and staff about their daily experiences emphasize the need for reform. Parmenter (2024) found that many youth reported feeling isolated and emotionally neglected. This was a major theme, youth felt they were socially deprived and longed for their families and meaningful connections with peers. They described feeling ambivalent about the connections made with other youth in the same facility which offered some emotional support, but these relationships did not offset the feelings of estrangement from their social life outside the facility (Parmenter, 2024). At the same time direct-care staff or youth counselors tended to hold negative attitudes towards the youth and blamed families for the juveniles' suffering (Magidson, 2022). Youth counselors and other direct-care staff believed that the peer connections developed as reinforced anti-social behavior, calling them “toxic”, and perceived relationships as reinforcing a deviant identity in youth. Staff, including youth counselors and juvenile justice officers, also further expressed frustration in being unable to provide developmentally appropriate care within the restrictive punitive framework (Magidson, 2022). The disjunction between the social needs of youth and the staff's negative perspective highlight an issue within the system's goals. Juvenile detention facilities not only lack rehabilitative supports, the dynamic of the punitive structure works against the aim of rehabilitation. These patterns show that the dysfunction of the current model has multiple dimensions of harm including the emotional neglect of youth and institutional mismatch that restricts staff capability to address the needs of juvenile offenders.

The juvenile justice system should not only work to fix the juvenile-staff relationship, but must emphasize therapy, education, and building life skills. Programs can assist in rehabilitation, and allow staff to develop more positive attitudes towards youth, creating better relationships. Therapeutic interventions are overdue in correctional facilities, these programs help youth by processing previous trauma, develop coping and emotional regulation skills. Trauma-informed approaches are difficult to define because they are individualized, but all have the aims to create

supportive environments and provide interventions that encourage emotional and behavioral resilience in youth (Branson, 2017). As discussed previously, education in juvenile facilities is lacking, and youth are often unable to complete their academic requirements, this puts them at a disadvantage by limiting future employment opportunities (Christian, 2022). Providing academic and educational opportunities can help youth by not through completion of schooling, but also helps improve cognitive and social skills (Scott, 2022). Good education helps develop one's sense of competency and teaches an individual how to set goals, solve problems, and think critically. Vocational programs provide training opportunities that prepare youth for employment after release. When juveniles engage in career-oriented programs, they learn skills needed for employment while also developing collaboration skills and feel a sense of responsibility for their work (Sicner, 2016). Structured vocational programs have been shown to improve employment outcomes and increase engagement in pro-social activities after release (Council of State Governments Justice Center, 2015). Creating opportunities for youth to engage in hands-on learning and teamwork, helps youth build their confidence and increase positive social interactions (Sicner, 2016).

Beyond helping youth develop skills, another critical element is emphasizing accountability and helping youth understand the consequences of their actions. Effective accountability programs encourage youth to recognize consequences, and repair harm caused to victims or communities, this should be grouped with skill development to reduce future offending (Office of Juvenile Justice and Delinquency Prevention, 2003). These programs are designed not to punish, but teach responsibility, empathy, and the importance of contributing back to society. Additionally, early release models, in combination with structured support and guidance, allow youth to reintegrate into their communities under the supervision of a mentor (Beckett, 2014). Youth then are able to access education or vocational training within their communities, and begin rebuilding their relationships and social networks. Within these models, youth are more likely to internalize lessons from their experiences and develop a sense of accountability (Beckett, 2014). Reframing the current justice system with developmentally appropriate alternatives not only improves outcomes, but also engages youth in meaning learning and skill building, creating the foundation for a more responsible adult (Aarons, 2009). Together these programs may fix issues within facilities and create a better environment in which youth can rehabilitate and re-enter society with a sense of responsibility and the tools to succeed.

### ***Effective Alternatives to Incarceration***

Another way to shift from a punitive approach is to have other options beside incarceration. Community based programs are programs that keep juveniles in their social environment, their community, and put youth through a process that holds them accountable for their offenses, aiming to achieve better results than incarceration (Wong, 2024). Longer periods of incarcerations do not improve outcomes; rather shorter interventions that emphasize treatment and community engagement have better results in reducing recidivism (Walker, 2016). Diversion programs are examples of community based models that allow youth to remain connected to their family, peers, and schools. A program in the Bronx, Community Connection for Youth, diverts youth from deeper involvement in the juvenile justice system and provides support to juveniles and their families (Fazal, 2014). Community Connections for Youth connects youth to adults in their community, neighborhood organizations central to CCFY offer structured activities, such as volunteering and skill-building engagements that help youth become more productive members of their communities (Fazal, 2014). Youth often join through court mandates, but Fazal (2014) stated that about 80% continue to participate voluntarily and that CCFY reduced recidivism by around 33%. The decline of incarceration rates has coincided with the implementation of community-based alternatives (Labriola, 2024). These alternatives increase community connection and engagement, reducing social isolation, and overall show to reduce recidivism.

Mendel (2023) identified several alternatives that better address specific developmental and behavioral needs. Therapeutic models are especially important in order to help youth, because they focus on emotional and psychological growth. These approaches often fall under Trauma-Informed approaches or non-residential treatment programs. One example is Multidimensional Family Therapy (MDFT) which engages both youth and their family in therapy with the aim to improve communication and strengthen parental involvement (Mendel, 2023). Results show a decrease in substance use, family conflict, and recidivism. Another form of therapy is Cognitive Behavioral Therapy (CBT), Youth work directly with a trained clinician to redirect unhealthy thought patterns, develop problem solving, and emotional regulation skills. CBT gives youth the tools to better respond to situations rather than engaging in delinquent behavior (Mendel, 2023). CBT can also be combined with other treatments such as motivational

interviewing and cognitive training. When multiple tools are used together, substance use and behavioral issues are improved more effectively (Van der Baan, 2022).

Another alternative Mendel (2023) identified is restorative justice programs. These programs allow youth to repair the harm caused by their actions by teaching them accountability and empathy within their communities. Restorative justice programs allow victims, juveniles, and caring adults to meet and discuss the harm caused and make plans for youth to “make things right” as well as plans on how to avoid future offending (Mendel, 2023). For example, the Restorative Community Conferencing Program has juveniles, victims, parents, and other community members to come together and address harm caused in structured conferences (Baliga, 2017). The program has all individuals fill out forms or surveys to track their “satisfaction”, which is measured by how much the conference felt meaningful, each party felt heard, and the success of their goals coming into the conference (Baliga, 2017). Baliga (2017) found that participants of this program took greater accountability for harm caused and were less likely to reoffend. Bergseth (2007) found that overall juveniles who participate in restorative justice programs had lower recidivism rates. In most cases, youth who had conferences or direct interaction with victims were able to develop a plan to “make it right”, and 90% followed through and completed their plan (Bergseth, 2007). These programs emphasize accountability and help youth take responsibility for their actions and repair harm caused, strengthening their connection to their communities.

Mendel (2023) also discussed wraparound services, in which the youth are assigned a care coordinator or team to develop an individualized plan of care. Youth who are involved in wraparound programs often have a psychiatric diagnosis that has presented as impairment within their community, and involvement in a judicial system: juvenile justice, child welfare, or special needs (Kamradt, 2015). A plan of care is individually focused to meet a youth’s specific needs through different services: mental health support, educational assistance, family guidance, and connections to social services. A team of service providers implement this plan by meeting regularly, both with the youth and their family, to discuss progress, address challenges, and update the plan as needed (Kamradt, 2015). Wraparound services provide consistent support to youth who may be facing serious charges, and would otherwise be placed in a residential facility (Mendel, 2023). Kamradt (2015) found that youth who are placed in the wraparound program do

not reoffend at the rates of the general delinquency population and that these programs are especially effective for high-risk groups.

Lastly, mentorship or advocate programs train community members to work with youth and their families in order to help them achieve specific goals detailed in their individualized plans; these programs sometimes also hire community members who had previously been involved in the justice system, which gives the youth someone they can relate to and advocate for them when navigating the justice system (Mendel, 2023). The Youth Advocate Program (YAP) is a community-based diversion advocacy program in which courts or other agencies may refer youth as an alternative to incarceration (Fazal, 2014). YAP places a trained advocate to work closely with youth and their families to develop an individualized plan for the juvenile (Fazal, 2014). The program keeps youth in their communities and connected to their peers, school, and families, while keeping them accountable in following through with their plan. YAP does not remove youth from the program if they struggle or have setbacks, emphasizing their “no reject, no eject” policy (Fazal, 2014).

Each of these programs run on the principle that developing skills and accountability are most effective when youth are able to remain in their communities. By remaining engaged with peers, families and their community, youth are able to develop skills in real-world settings, increasing the likelihood that they will experience positive changes even after leaving the programs (Labriola, 2024). Evidence also suggests that combining multiple strategies produces better outcomes and that the programs are most effective when they are implemented by trained staff who are devoted and understand adolescent development and trauma (Labriola, 2024). By providing individualized interventions that work on both developmental and the social needs of youth, community based programs offer better rehabilitation and long term pro-social outcomes.

### **Early Intervention and Prevention Programs**

Early intervention and prevention programs are essential in reforming the juvenile justice system. Rather than using a reactive approach, these are proactive. Early support programs are focused on identifying at-risk youth, which can prevent initial interaction with the system and deter anti-social behavior before it happens. Identifying developmental and environmental risk factors and addressing them can help a youth become more pro-social and not turn into

delinquency (Erikson, 2021). These programs can reduce recidivism before it occurs and help individuals to be pro-social members of society.

### ***Targeting At-Risk Youth Before System Involvement***

Effective interventions are multi-level, combining family, school and community-based strategies in order to help at-risk youth (Javdani, 2019); however keeping youth engaged is a challenge for many programs. Erikson (2021) reviewed strategies to increase youth participation in these programs. Programs should be structured in a way that the activities are predictable and interactive, having hands-on activities that are relevant to youth helps increase interest and engagement (Erikson, 2021). Youth are more likely to become self motivated when the activities encourage skill development in a fun and meaningful way. Additionally, ensuring that programs are accessible to all by removing logistical barriers – providing transportation, minimizing cost, and having flexible scheduling – can help families remain active participants (Erikson, 2021). Erikson (2021) further emphasizes the importance of building trust between staff and youth, and tailoring the programs to the cultural context of the community. This encourages a meaningful connection to the program, supporting continued participation. Lastly, involving family members not only increases engagement but it also strengthens the impact of the intervention's effectiveness.

Building on the importance of familial involvement, parenting programs for youth specifically support families with youth who show early signs of conduct disorders. These are especially important in improving parenting skills and creating early behavioral changes (Hutchings, 2007). A conduct disorder is a mental health condition in which children or adolescents repeatedly violate the rights of others or other societal rules. This can present itself through continually breaking serious rules, being aggressive or defiant (American Psychiatric Association, 2022). Parenting children who show early signs of a conduct disorder is extremely difficult; however the guidance received through parenting programs helped parents reduce the child's risk of developing a conduct disorder (Hutchings, 2007). Hutchings conducted a study where parents went through a 12 week program, instructing parents of youth with early signs of conduct disorders on positive discipline and improving communication skills, while creating strategies to create healthy parent child relationships (Hutchings, 2007). The study showed that

interventions can support parents in raising their children by improving the youth's home environment and therefore reducing the likelihood of delinquent behavior.

School is also crucial in adolescent development. It is their main social environment and school-based interventions give youth structured spaces to develop socio-emotional skills, build relationships with peers, and participate in organized activities. Participation in sports or other extracurriculars help develop a youth's sense of competency and also a sense of belonging (Filges, 2024). After-school programs teach youth teamwork and help them build a positive identity which can reduce anti-social behavior. School interventions that teach youth to recognize peer pressure, builds skills to resist negative influences, and strengthens connections with pro-social peers, reducing the risk of delinquency (Level, 2005). Organized sports allow youth to connect with positive peers, and build connections with positive adults, such as coaches (Filges, 2024). Coaches can serve as caring adults who notice signs of social or emotional difficulties and then provide support needed. Ensuring that schools have resources to continue extracurricular activities is important for all youth, especially for at-risk youth, because they can offer opportunities for positive growth outside of the classroom.

### ***Target Social Risk Factors***

As discussed, youth are strongly influenced by their social environments, this includes schools, families and peers. If a youth is disengaged or has feelings of frustration surrounding school, they may turn to delinquency just as something else to do (Hemez, 2020). Reducing harsh disciplinary practices, like zero-tolerance policies that lead to lengthy suspensions or expulsions, can help keep youth connected to their education system. Fixing the school-to-prison pipeline requires removing exclusionary and harsh discipline practices and implementing social-emotional learning within the public education curriculum (Nance, 2016). Restorative justice encourages youth to take accountability and repair harm caused, but youth often do not seek this out alone. Having supportive adults within their school is also important. Many schools lack counselors or behavioral specialists leading to disciplinary actions being the only option when behavioral issues arise (Hemez, 2020). Training teachers in conflict resolution and de-escalation as well as being able to increase counseling opportunities for youth is overdue in the public education system (Nance, 2016). These changes can create supportive and safer school environments.

At the community level, creating safe spaces for recreational activities can provide alternatives to environments that entice youth to engage in risk behavior (Abhishek & Balamurugan, 2024). Having more public parks and playgrounds within communities can give youth a place to engage with other youth in a pro-social environment. The Office of Juvenile Justice and Delinquency Prevention emphasizes that physical improvements within the community, such as the ones mentioned, can help make protective environments for youth (Office of Juvenile Justice and Delinquency Prevention, n.d.). Empowering youth to actively participate in their social environments through forming youth-led task forces in community service directed projects allows them to actively participate in improving their community (Office of Juvenile Justice and Delinquency Prevention, n.d.). Multi-level interventions such as action research programs help youth identify environmental challenges and show them how to take active steps to improve them, or how to counter them (Berg, 2009). These programs give youth a sense of agency and control over their environments, as well as helping guide them towards more positive social networks (Berg, 2009). These aim to help youth improve their social conditions and provide them with opportunities for leadership, and constructive activities which can reduce the risk of anti-social behavior.

### **Mental Health Support**

As discussed in Chapter 3, youth entering the juvenile justice system experience significantly higher mental health challenges. Untreated trauma, emotional dysregulation and exposure to violence contribute to behavioral issues that are met with a punitive response, rather than therapeutic interventions (Lambie, 2013). In order to properly care for youth, schools and juvenile facilities need to use trauma-informed and psychosocial support programs that help develop resilience and emotional regulation (Kubek, 2020; Branson, 2017).

Trauma informed approaches emphasize safety and empowerment; that way, youth feel supported in their rehabilitative process. Javdani (2019), states that trauma informed models shift a rehabilitative question from "what's wrong with you?" to "what happened to you". Trauma-informed models don't view behavior solely as delinquency, rather the models understand these behaviors as responses to past trauma and current stressors, then target the underlying causes of the behavior (Branson, 2017). These models address emotional dysregulation, relational disruption, and stress responses as key targets for interventions.

Training staff in trauma awareness and integrating therapeutic support into the daily routine within a facility need to occur to promote resilience by supporting the needs of youth. (Branson, 2017). Daily group or individualized therapy is the best way to help youth feel safe to trust and connect with staff and peers. Therapy gives youth an opportunity for self-reflection on their experiences within a structured setting, helping them become more aware of their thoughts and feelings (Scott, 2022). When staff exemplify empathy and self regulation, youth see real-life examples of healthy coping mechanisms, and are more likely to implement them in their own behaviors. A safe and predictable environment allows for better collaboration between staff and juveniles, therefore youth become more receptive to learning coping and self regulation skills (Javdani, 2019). Additionally, having consistent routines such as daily check-ins and regular therapy, can help stabilize youth who came from chaotic or unsafe environments, giving them a sense of stability and safety (Javdani, 2019). When these principles are properly integrated in facilities, youth regain a sense of control and agency over themselves, which is especially important for those with a sense of helplessness (Javdani, 2019). Trauma- informed interventions focus on building long-term skills in stress management and emotional regulation, creating foundational skills for successful reintegration.

Psychosocial interventions target youth social and emotional abilities, by providing support beyond what clinical therapy can provide (Lindert, 2020). These interventions include peer mentoring and group activities that help develop social-relational skills. Relational skills are one's ability to interact meaningfully with others (Lindert, 2020). Programs with this focus teach skills in establishing and maintaining positive relationships, as well as learning effective communication and collaboration skills. Improving one's social skills helps reduce feelings of isolation during incarceration. These interventions emphasize stable social support and positive relations. This is especially beneficial for youth who have had previous difficulties in their social life (Lindert, 2020). Gaining the ability to navigate social challenges in both institutional and community settings allows the youth to not only form and maintain positive relationships, but grow resilient to future social challenges as well.

Mental health support is crucial; youth involved in the system often come in with trauma, emotional disruption, and have been exposed to violence. As discussed, these contribute to behaviors that are normally punished within facilities, rather than being treated. Integrating psychosocial and trauma informed interventions allows the system to treat a root cause of

delinquency, as discussed in Chapter 2. Prioritizing mental health promotes healthier youth and reduces recidivism, ultimately, helping both the individual youth and their families, communities, and society as a whole.

### **Post-Rehabilitation Support**

Rehabilitation is not over once a youth leaves a correctional facility or completes their program. It's a process that is continually worked on and without ongoing support, juveniles are at high risk for recidivism, social isolation, and overall difficulties with reintegration. Post-rehabilitation support provides youth the structure they may need when transitioning from a facility into everyday life. These supports help youth maintain the changes they made, and continue to promote positive development.

### ***Structured Reentry Planning***

Structured reentry plans help youth transition from living in an institution back into their previous daily life. According to Michaud (2017), building a structured reentry plan includes setting personal goals and strategizing ways to avoid future offending. Without coordinated support, juveniles often struggle with maintaining the positive changes made during rehabilitation. Interventions with individualized approaches, such as motivational interviewing, explore internal motivations and work to resolve internal conflicts. This helps youth internalize the lessons learned in rehabilitation and apply them. As stated, released youth have a difficult time with reintegration. Opalack (1988) found that when youth are guided into educational or vocational programs, they have an easier time with finding a school or job pathway that works for them. Reintegrating through an educational program not only encourages academic progress, but helps youth rebuild social skills that might have been disrupted by incarceration (Opalack, 1988). By combining these strategies and programs, one can create a pathway that can help juveniles reintegrate into society with more support, and less risk of recidivism.

### ***Family Dynamics***

Familial support is crucial because juveniles face many challenges after incarceration. Youth rely on their families for getting services such as healthcare, assistance in educational enrollment, or connecting with mental health services. Involving families early in the reentry

process can help improve reintegration and reduce obstacles that hinder a youth's sense of belonging (Barnert, 2020). However, not all family environments can be supportive. Negative family dynamics prior to the offense – familial conflict or exposure to violence – might continue after the youth has returned. These negative dynamics hinder successful reintegration and risk youth reoffending (Mowen, 2021). Familial interventions can address these challenges and give youth a more stable environment to return to. Programs that provide in-home support can help improve parent-child relationships, and reduce conflict. Multisystemic Therapy (MST) provides intensive family-centered interventions within a juvenile's home (Henggeler, 1992). MST aims to provide continued encouragement for behavioral changes in released juveniles, by improving family functioning, peer relationships, and school engagement. Research done by Henggeler (1992), showed that MST was able to reduce recidivism among juveniles with serious offenses by giving caregivers tools to support positive development, therefore improving family cohesion. Helping families provide a more stable environment is necessary in order to give the juvenile the best possible chance at not reoffending.

Overall, this chapter discusses that in order to reform the juvenile justice system, there not only needs to be a shift away from punitive measures, but also an effort to make incarceration developmentally appropriate, increasing community based alternatives and early interventions. Youth involved in the juvenile justice system face many challenges, a punitive environment only exacerbates them. These challenges must be considered when restructuring the justice system into a rehabilitative approach. Transforming the juvenile justice system, reduces recidivism and helps deter future youth by addressing underlying factors that contribute to delinquent behavior. Emphasizing education, therapy, accountability, and development, help support youth long term success. While some of these programs are implemented within incarceration facilities; more community-based alternatives and early intervention programs need to be implemented. Creating more support for youth re-entering society ensures that progress made during incarceration is not lost once the youth returns to their community. By combining these programs, it shows that a juvenile justice system that prioritizes healing and development of personhood is possible. These programs need time and investment, by creating these programs, society invests in their youth

## Conclusion

So if there is all this research that argues for change in the juvenile justice system, why is there still resistance? The juvenile justice system has a long history between recognizing youth vulnerability and its use of punitive measures. From its creation, the aim was to provide a place of rehabilitation with the understanding that youth differ from adults (Thompson & Bynum, 2012). Decades of research have shown that there is a difference between adolescents and adults, yet legal practices often still treat juveniles, especially older adolescents, as “miniature adults” (Zimring, 2005). Feld (2017) discussed that the patterns of administration, institutional norms, and procedural habits make systemic reforms slow and difficult. Courts may acknowledge the differences in theory, but everyday procedures still mirror adult criminal processes (Feld, 2017). Hearings, sentencing, and correctional practices have not caught up to scientific research, so the developmental needs of juveniles are not given proper consideration. Additionally, basic principles in criminal law such as rational choice, deterrence, and individual culpability are challenging to apply in ways that accommodate developmental science (Maroney, 2013). For example, even when courts acknowledge immaturity, it is often symbolic and used to justify adjustments in individual cases. Despite this symbolic recognition, systemic change has been slow only with incremental changes in legal doctrines.

Supreme Court rulings have recognized certain developmental research in legal doctrine, however it's clear to see their limitations. In *Roper v Simmons* (2005), the Supreme Court ruled that it is unconstitutional to impose capital punishment for crimes committed while under the age of 18, which prohibited the death penalty for juveniles. This decision was based on the grounds that juveniles have reduced culpability and was the first time that developmental psychology research was the driving force behind a Supreme Court ruling. *Graham v Florida* (2010) ruled that juveniles were not allowed to receive life sentences without the possibility of parole for any offenses, other than homicide. After, in *Miller v. Alabama* (2012), the Supreme Court ruled that mandatory life sentences without possibility of parole for juveniles was unconstitutional, even for juveniles who committed homicide. These rulings set constitutional boundaries in punishment and sentencing, but the overall structure of the juvenile justice system remained unchanged. In practice, the juvenile justice system does not consider all developmental needs of youth, demonstrating the gap between scientific research and its application to criminal law.

Resistance to reform has both immediate and long-term effects. Incarceration without rehabilitation services increases the risk of juveniles becoming life-long offenders due to the reinforcement of antisocial behavior in correctional facilities (Pulkkinen, 2020). The current punitive approach does not address causes of delinquency, this ignores opportunities for rehabilitation services (Rovner, 2021; Heller, 2022). Without access to interventions, juveniles are significantly more likely to reoffend. This questions the efficacy of the current system (Youth Reentry Technical Assistance Center, 2024). Despite empirical evidence, punitive frameworks are maintained within the juvenile justice system. Ignoring these realities raises ethical concerns as adolescent capacity for growth is overlooked. These social systems fail in their responsibility to support a vulnerable population.

Punitive approaches are reinforced by political and institutional forces within the justice system. Old policies still influence current bureaucratic structures including funding patterns, sentencing frameworks, and administrative practices (Fass, 2002). These favor and maintain the current punitive approach, prioritizing continuity even when empirical evidence raises concerns (Kelly, 2023). These institutions are guided by familiarity and “politically defensible” responses to juvenile crime. Because of political pressures there is a motivation for control and accountability, which favors a punitive approach (Kelly, 2023). Therefore, rehabilitative services are framed as controversial investments. They are often underfunded, narrowly targeted, and applied inconsistently, limiting long-term effectiveness (Kelly, 2023). The punitive approach is justified as an effective response but cost-benefit analyses show that these strategies do not produce proportional reductions in offending, and ultimately produce fewer benefits than less punitive alternatives (Fass, 2002). The systems that are set in place are not set in stone, but they are inherently risk averse, and changing a system is a risk but one that needs to be taken.

Across all these domains, one clear pattern has emerged. The juvenile justice system may recognize the vulnerability of juvenile offenders, but fails to implement practices that reflect this understanding. Each chapter of this paper discusses the consequence of this mismatch. The system's reliance on punitive approaches, despite evidence, perpetuates the cycle of juvenile crime and recidivism, societal inequality, and long term harm. Reforming the juvenile justice system is not preferential policy, but it is a moral and social need: a system that aligns with research so that juveniles are better supported, harm is reduced, and communities are strengthened.

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