

THE TRUTH ABOUT CONSEQUENCES: Studies Point toward Sparing Use of Formal Juvenile Justice System Processing and Incarceration

A National Juvenile Justice Network Research Summary

Recent research on the juvenile justice system indicates that in nearly all instances, the best public safety outcomes coincide with the least restrictive interventions for youth, rather than more traditional processing and incarceration. Studies from the Campbell Collaboration and Dr. Edward P. Mulvey and his colleagues starkly demonstrate the negative effects of formal juvenile processing as compared to diversion, and the ineffectiveness of incarceration. These studies reinforce the deleterious effects of incarcerating youth, both in terms of youth health and individual outcomes, as well as the broader negative impact on public safety and harm to society. Such costly incarceration of youth contrasts sharply with diversion programs and community-based alternatives, which, when done right, cost less and reduce recidivism.¹

Formal System Processing Does Not Reduce Delinquency²

In 2010, the Campbell Collaboration conducted a meta-analysis³ of juvenile justice research that sought to determine whether juvenile system processing reduced subsequent delinquency. The analysis included 7,304 youth ages 17 and younger across 29 randomized experiments conducted over a 35-year period. The meta-analysis reviewed prior studies that focused on randomized comparison groups of low-level offenders who were either processed through the juvenile justice system or diverted from the system, some with and some without services.⁴

Key findings from the research on low-level offenders include:

- ✓ **Diversion is more effective at addressing delinquency than formal system processing.**
 - Formal system processing actually has a negative effect as compared to diversion; diversion with services has the most positive effect.⁵
- ✓ **Diversion programs are more cost-effective than formal system processing.**
 - Even if diversion was more expensive than system processing, the crime reduction benefit associated with diversion would make it a cheaper option overall than formal processing in the long run.⁶

- ✓ **Formal processing backfires most with higher-risk youth.**
 - Youth with prior offenses—who may seem to be most deserving of a formal system response—are most negatively affected by formal system processing.⁷

Incarceration is Ineffective⁸

“Pathways to Desistance” is a large, multi-site, collaborative project that followed 1,354 juvenile offenders ages 14-18 for seven years after their conviction. The research incorporates monthly data collection of significant life events and extensive interviews with the youth, family members and friends at specific time points. The youth are serious offenders, many with multiple prior court cases and all with convictions for serious felonies including murder, robbery, aggravated assault, sex offenses, and kidnapping. Nearly 20 percent were tried as adults.

Key findings from the research include:

- ✓ **Institutional placement⁹ can actually raise the level of offending for some youth.**
 - According to the study, placement in institutions raised the level of self-reported offending by a small, but statistically significant, amount by the group of youth who had the lowest level of offending.¹⁰
- ✓ **Longer stays in juvenile institutions do not decrease recidivism.**
 - The research indicates no decrease in recidivism from longer institutional stays for lengths of stay from three to 13 months.¹¹
- ✓ **Most youth who commit serious felony offenses will stop offending, regardless of the intervention.**
 - 91.5 percent of the youth in the study reported limited or decreased illegal activity within three years following their court involvement.¹²
- ✓ **Community-based supervision is as effective as incarceration for youth with serious offenses.**
 - Comparisons of similar youth who were either placed in institutions or under community supervision show that institutional placement provided no benefit in terms of rates of antisocial activity.¹³

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¹ For a detailed analysis of the cost-effectiveness of a variety of programs for youth in trouble with the law, see Steve Aos, Marna Miller, and Elizabeth Drake, “Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates,” Washington State Institute for Public Policy (October 2006), available at <http://www.wsipp.wa.gov/rptfiles/06-10-1201.pdf>. Since its original publication, the WSIPP study has been updated. See Elizabeth K. Drake, Steve Aos, and Marna G. Miller, “Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State,” Victims and Offenders (4:170-196, 2009), available at <http://www.wsipp.wa.gov/rptfiles/09-00-1201.pdf>.

² Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenbug, “Formal System Processing of Juveniles: Effects on Delinquency.” *Campbell Systematic Reviews*, 2010:1 (January 29, 2010).

³ A meta-analysis gathers together in a systematic fashion prior randomized experiments and analyzes them in order to provide rigorous evidence about the impact of a particular decision or action.

⁴ The randomized samples reviewed in the meta-analysis placed youth in comparable groups, according to offense type.

⁵ Petrosino, “Formal System Processing of Juveniles: Effects on Delinquency,” p.32. This “negative effect” includes crime measures of prevalence (the number of offenders who commit new offenses), incidence (the number of offenses committed by each person) and severity (severity or harm caused by new offenses), as well as self-report data on offending behavior.

⁶ Petrosino, “Formal System Processing of Juveniles: Effects on Delinquency,” p.38.

⁷ Petrosino, “Formal System Processing of Juveniles: Effects on Delinquency,” pp.34-35.

⁸ The Pathways to Desistance research is funded by the John D. and Catherine T. MacArthur Foundation, the U.S. Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Robert Wood Johnson Foundation, the William T. Grant Foundation, the Pennsylvania Commission on Crime and Delinquency, the Arizona Juvenile Justice Commission, and the National Institute on Drug Abuse. For more information go to <http://www.modelsforchange.net> and click on Research on Pathways to Desistance.

⁹ In the Pathways to Desistance study, institutions included juvenile and adult facilities, which ranged from jails and prisons, to boot camps and facilities that look much like a high school or college campus. Some settings offered intense therapeutic services, while others offered few.

¹⁰ Edward P. Mulvey, et al., “Trajectories of Desistance and Continuity in Antisocial Behavior Following Court Adjudication Among Serious Adolescent Offenders.” *Development & Psychopathology*, Vol. 22, Issue 2 (2010).

¹¹ Thomas A. Loughran, et al., “Estimating a Dose-Response Relationship Between Length of Stay and Future Recidivism in Serious Juvenile Offenders.” *Criminology*, 47, 699-740 (2009).

¹² Loughran, “Estimating a Dose-Response Relationship Between Length of Stay and Future Recidivism in Serious Juvenile Offenders.”

¹³ Loughran, “Estimating a Dose-Response Relationship Between Length of Stay and Future Recidivism in Serious Juvenile Offenders.”