

# **BREAKING THE CYCLE**

## **EXAMINING RACIAL DISPARITIES IN JUVENILE INCARCERATION**

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# Table Of Contents

01

Introduction

02

Problem Statement

04

Scope of Problem

05

Policy Context

05

Stakeholder Analysis

06

Rationale for Gov't Intervention

07

Criteria for Analysis

09

Policy Alternatives

12

Evaluation of Alternatives

17

Recommendation & Feasibility

19

Conclusion

# I. Introduction

In the landscape of juvenile justice, the evolving pursuit of equitable and rehabilitative responses to juvenile offenses encounters a formidable challenge: persistent racial disparities in juvenile incarceration. Despite substantial reforms, Black youth continue to be disproportionately represented in the juvenile justice system, reflecting systemic inequities that demand focused attention. This policy brief critically analyzes the problem of racial disparities in juvenile incarceration, contextualizes the issue within the federal and state-level policy landscape, and presents and evaluates three distinct policy alternatives aimed at mitigating racial disparities in the juvenile justice system.



# II. Problem Statement

The juvenile justice system was established over 120 years ago to create age-appropriate, rehabilitative responses to juvenile crime (Nelson et al., 2010). While the juvenile justice system of the 1990s was characterized by a punitive, “get tough,” detention-intensive approach to sentencing, the evidence demonstrated that incarceration was an ineffective strategy for steering youth away from delinquent behavior (Paretta, 2018). Consequently, two decades of rehabilitative reform efforts have reduced juvenile incarceration, from a peak of 107,500 detained youth in 1999 to approximately 37,500 per day today (Mendel, 2023; OJJDP, 2020).

While the declining trend in juvenile incarceration might be seen as an achievement for the juvenile justice system, a harsh reality persists. Black youth, representing only 15% of the national juvenile population, constitute 41% of incarcerated youth in the United States (OJJDP, 2020). Studies suggest that early exposure to and detention within the juvenile justice system are correlated with increased risks of recidivism, drawing attention to the racial inequity perpetuated by institutional practices that limit Black youth's access to rehabilitative opportunities (Barrett & Katsiyannis, 2015; Mendel, 2023; Paretta, 2018). Trends identified in adulthood reveal that 83% of offenders were re-incarcerated within 9 years of their release (Alpher et al., 2018). Furthermore, these racial disparities have long-term implications, wherein a juvenile record resulting from disproportionate involvement in the justice

system can hinder future educational and employment opportunities (Aizer & Doyle, 2015). One study found that only 43% of juvenile offenders obtained a high school diploma after their release, implicitly signifying a higher likelihood of one's return to criminal activity in the subsequent years (Aizer & Doyle, 2015).

**Black youth, 15%**  
**representing only**  
**of the national juvenile**  
**population, constitute**  
**41% of incarcerated**  
**youth in the US.**



The cause of the disproportionate representation of Black youth within the juvenile justice system is complex. When examining racial disparities in juvenile incarceration, discussions often focus on the concept of “differential treatment,” suggesting that these disparities arise from systemic bias and unequal treatment within the justice system (Onifade et al., 2019). This perspective is supported by evidence that minority youth experience disproportionate targeting, arrests, and harsher sentencing compared to their white counterparts. Notably, Black youth are 2.4 times more likely to be arrested than white youth, contributing to their overrepresentation in juvenile incarceration (OJJDP, 2022a). Expanded discussions within this framework consider factors such as formal offenses, mental health, family dynamics, schooling, and neighborhood culture as having mediating effects on differential treatment (Aizer & Doyle, 2015; Kang & Burton, 2014). Nevertheless, the core premise of this framework argues that disparities primarily result from biased points of contact and prejudicial adjudicative procedures in the juvenile processing system, while acknowledging the implication of individual factors. (Aizer & Doyle, 2015; Barrett & Katsiyannis, 2015; Onifade et al., 2019).

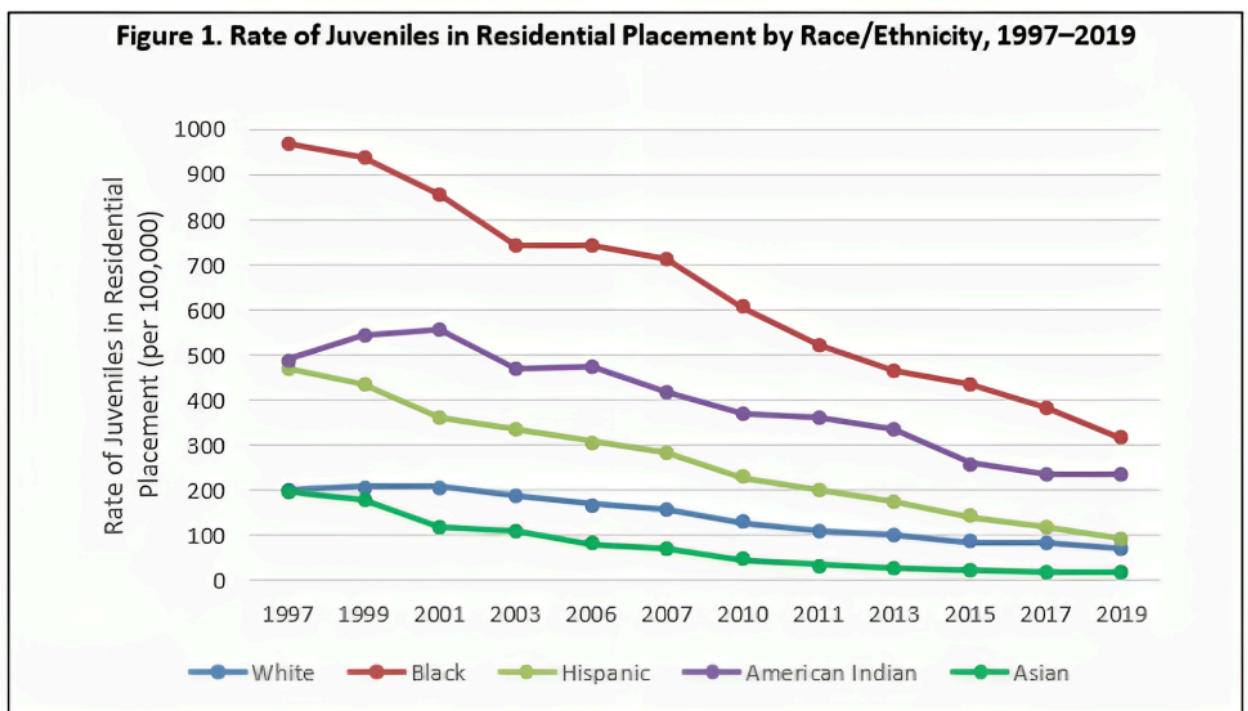
**Black youth, are**  
**2.4x**  
**more likely to be**  
**arrested than white**  
**youth.**



# III. Scope of the Problem

When examining the facets of juvenile justice, it is critical to acknowledge the constraints posed by federalism, where authority and powers are divided between the national and state governments. Juvenile sentencing policies are typically determined at the state level. However, a national interest in addressing racial disparities in juvenile incarceration is crucial, given its impact that **transcends state borders**. In nearly every state, Black youth are more likely to be in custody than their white counterparts (Rovner, 2021). Analyzing the national rates of juvenile incarceration by race indicates progress but also highlights the persistence of a racial divide as shown in Figure 1. The most recent data reveals that **315 Black youths are in custody per 100,000** in the population, compared to only **72 per 100,000 white youths** (OJJDP, 2022a). With an interest in ensuring a return on the monetary investments made at the state level by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) via grant opportunities, the federal government has a defined role in nationwide lobbying efforts, influencing state policies to optimize budgeting and address the broader issue of equity.

**315 per 100,000 Black Youth in Custody**  
vs.  
**72 per 100,000 White Youth in Custody**



# IV. Policy Context

In the current policy landscape, racial disparities in juvenile incarceration have garnered heightened attention as states have moved to adopt “Raise the Age” policies, reflecting a growing acknowledgment of systemic racial inequities in the juvenile justice system and a need to form more developmentally suitable responses to juvenile offenses (OJJDP, 2017). The existing policies addressing these disparities involve a complex interaction of federal and state-level laws, institutions, budgets, and goals. On the federal front, the **Juvenile Justice and Delinquency Prevention Act (JJDP)** constitutes the legal framework for combating racial disparities in juvenile incarceration (OJJDP, 2023b). Federal agencies such as the **OJJDP** enforce the JJDP and allocate formula grants for programs designed to reduce these disparities (OJJDP, 2023b). Current federal legislation mandates the systematic collection and analysis of data related to racial disparities within the juvenile justice system. These policies aim to correct racial disparities by amending existing laws, endorsing evidence-based practices, and allocating resources for effective rehabilitation programs. However, the decentralized nature of state control over juvenile justice systems creates a lack of uniformity in implementation and practice.

# V. Stakeholder Analysis

Addressing racial disparities in U.S. juvenile incarceration involves key stakeholders. First, minority youth, particularly **Black youth**, face unequal treatment in the juvenile justice system, hindering their access to education and employment. **Families and communities** in minority areas experience disrupted family structures and reduced social cohesion due to racial disparities. Judicial personnel, including **judges and lawyers**, hold influential roles in the adjudicative process within the juvenile justice system. **Law enforcement** agencies are implicated in racially biased practices related to juvenile incarceration. Local and state **legislators** share responsibility for reform efforts and funding to address disparities. The **federal government** and the Department of Justice are vested in guiding and funding state and local initiatives. Finally, with their active engagement of youth, **education systems** have a personal stake in student retention and rehabilitation.

# VI. Rationale for Gov't Intervention

## 1. Ensuring Nationwide Equity

## 2. Developing Human Capital

Government intervention is essential to address racial inequities in juvenile incarceration and to uphold due process for equal legal treatment. Persistent racial disparities violate the right to due process, hindering human capital development for minority youth by limiting their access to education and its potential benefits (Aizer & Doyle, 2015). Rectifying these disparities not only ensures more equal opportunity but promotes equity and recidivism reduction to unlock the full potential of the nation's youth for societal and economic benefits. Focusing on equitable access to education rather than isolating minority youth in detention centers generates positive externalities, contributing to the creation of the diverse and skilled workforce necessary for national development and global competitiveness. The government's commitment to ensuring equitable and universal access to quality education by addressing racial disparity serves the essential function of promoting equitable access to human capital growth nationwide, bolstering social cohesion and workforce stability.





# VII. Criteria for Analysis



**1.**

**National Rate of Black Youth Incarcerated**



**2.**

**National Rate of Youth Incarcerated**



**3.**

**Disparity in National White v. Black Youth Diversion**



**4.**

**Total Annual Grant Monies Distributed by the OJJDP**



**5.**

**Estimated Nationwide Cost of Youth Incarceration After 1-Year**

# Effectiveness



Employing the *National Rate of Black Youth Incarceration* as a targeted measure of effectiveness and the *National Rate of Youth Incarceration* as a comparative measure is integral to evaluating policies aimed at mitigating racial disparities in juvenile incarceration. The National Rate of Black Youth Incarceration offers a specific focus on the disproportionate impact on the Black youth population, serving as a precise indicator of effectiveness in reducing disparities within this demographic. Accordingly, comparing this targeted measure with the National Rate of Youth Incarceration provides a broader context, allowing policymakers to gauge the overall success of interventions across all youth populations. The combined use of these metrics allows for the quantification of policy impacts on the national scale required to recommend an equitable course of federal action.

# Equity



Due to the lack of reliable numerical data on the difference in White vs. Black youth diversion at the national level, a qualitative presumption is necessary to assess equity in juvenile processing through diversion-based sentencing. The criterion of *Disparity in National White vs. Black Youth Diversion* offers examination of the presumed state-level application of equitable programming efforts linked to the degree of federal influence under given policy alternatives. This qualitative metric scrutinizes the presumed application of diversion programs across racial groups. A diminishing difference in presumed diversion rates indicates progress toward more equitable practices to highlight the degree of equity associated with a policy's mitigation of racial disparity. This objective criterion can be reported as poor, moderate, or best, reflective of a spectrum ranging from low equity to high equity.

# Cost



Effectively addressing racial disparities in juvenile incarceration requires a dual focus on the *Total Amount of Grant Monies Distributed by the OJJDP* and the *Total Estimated Nationwide Cost of Youth Incarceration*. The first serves as a metric to evaluate the financial investment and efficiency of various programming efforts through the OJJDP, offering insight into how federal funds are allocated to support initiatives aimed at reducing disparities. The second, analyzing the total estimated nationwide cost provides a comprehensive understanding of the economic burden imposed by the existing disparities. By comparing these figures, one can assess the cost-effectiveness of policy reforms, ensuring that resources are strategically directed toward programs that not only alleviate racial disparities but contribute to fiscal responsibility.

# VIII. Policy Alternatives

## 1. Status Quo (Maintaining the JJDP of 2018)

Should the policy alternative of maintaining the status quo of the Juvenile Justice and Delinquency Prevention Act (JJDP) of 2018 be pursued, the OJJDP would continue to lead initiatives addressing concerns within the nation's juvenile justice systems via the JJDP. The current framework of the JJDP centers around four core requirements [i] for state formula grant funding (OJJDP, 2023a). As it stands, 34 U.S. Code § 11133 mandates the implementation of a plan to address racial and ethnic disparities among youth in contact with the juvenile justice system, centered around efforts of measurement strategy. However, the JJDP (2018) currently requires that the OJJDP achieve its goals “**without establishing or requiring numerical standards or quotas**” (Lewis, 2018). Therein, the policy set forth in the JJDP (2018) allows for variation in reform efforts via its formula grant application process. The current policy context limits the OJJDP’s regulatory power to funding limitation, wherein a state not in compliance with the core requirements can have their total grant amount reduced by 20% for each core requirement not acted upon (Lewis, 2018). Maintaining this approach relies on a potential reduction in funding to prompt states to follow measurement guidelines that inspire state-level legislative reform. Therein, states would maintain immense flexibility in using diverse strategies to address racial disparity in the juvenile justice system.

### JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

[Public Law 93–415; 88 Stat. 1109]

[As Amended Through P.L. 115–385, Enacted December 21, 2018]

Currency: This publication is a compilation of the text of Public Law 93-415. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>

Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

AN ACT To provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes

## Amending the Core Requirement Standards of the JJDPA

The policy alternative of amending the core requirement standards of the JJDPA presents a strategic avenue to build upon current legislation to enhance efforts in addressing racial and ethnic disparities within the juvenile justice system. Taking note of Congress' intent to promote evidence-based practices with the core requirement of measuring racial and ethnic progress in core requirement four of the JJDPA (2018), an amendment to the stipulations of this initiative offers a path towards further progress. Evidence suggesting a lack of decreased racial disparity suggests the need for more **stringent guidelines and stronger penalties** (OJJDP, 2022a). Congress could take action to eliminate the clause that currently refrains from establishing numerical standards or quotas, allowing for the introduction of concrete guidelines to promote greater transparency and accountability (Lewis, 2018). This step would allow the OJJDP to set baseline standards of equitable progress that must be met to receive complete formula grant funding. This amendment could also serve to increase the funding penalty for non-compliance from **20% to 50%**, heightening the stakes for states falling short of the established benchmarks. This heightened consequence not only underscores the seriousness of the core requirements but also positions the OJJDP as a greater force in influencing state and local entities. As the OJJDP's influence primarily hinges on the distribution of federal funds, this legislative amendment employs financial penalties to incentivize states to meet numerical baselines and actively contribute to the reduction of racial and ethnic disparities in their juvenile justice systems. This alternative would require Congress to **update the JJDPA (2018)** to align with a broader trend toward more robust policy responses to systemic inequities.

### A. Set Baseline Standards for Equitable Progress

### B. Increase Financial Penalty from 20% to 50% reduction in Title II Formula Grant Funding

### 3.

## “Incentivizing Juvenile Diversion Programming” (IJDP) Grant Program

The third policy alternative centers around a targeted approach to reducing racial disparity in juvenile processing by introducing the “Incentivizing Juvenile Diversion Programming” (IJDP) Grant Program. Taking inspiration from the framework of the inactive Juvenile Accountability Block Grant Program (JAIBG) initiated by Congress in 1998, the IJDP Grant Program would employ a reverse strategy to encourage states to proactively **incorporate diversion programming** within their juvenile justice systems or establish more robust institutional means for such programs (Duquela, 2001). This approach aligns with the broader goal of addressing juvenile accountability through less punitive, more educational measures (OJJDP, 2020; Wang, 2023). To implement the IJDP Grant Program, Congress would need to pass legislation creating a block grant system. Funding allocations would be contingent on assessments conducted by the OJJDP, evaluating states’ efforts in youth diversion programming and development toward decreased incarceration and associated rates of racial disparity.

The IJDP Grant Program, inspired by the Annie E. Casey Foundation’s successful Deep-End Initiative, employs a **three-pronged approach**: race-conscious system mapping, comprehensive data tracking and analysis, and targeted reforms spanning policy, practice, programs, and partnerships (AECF, 2020). This initiative takes focused action to enhance equitable access to youth diversion, aligning with the Deep-End Initiative’s goal of advancing equity in juvenile justice for young people of color. Using block grants as incentives, the IJDP program aims to drive state and local governments towards data-driven reforms, fostering a national commitment to reducing disparities in juvenile processing via diversion programming. To ensure a commitment to equity, Congress must establish clear grant application assessment guidelines, requiring pre-implementation studies to set benchmarks for addressing persistent racial disparities in the juvenile justice system.



# IX. Evaluation of Alternatives

To assess the performance of the three alternatives concerning effectiveness, equity, and cost, a Criteria-Alternatives Matrix (CAMs) was developed. This matrix shown below will be referenced as Table 1 in the text. The data in Table 1 includes a series of current statistics and estimated calculations and predictions one year after policy implementation.

**Table 1. Criteria & Alternatives Matrix**

		Alternatives		
		Status Quo	Amending JJDPA	IJDP Program
<b>Criteria</b>	<b>Effectiveness</b> (National Rate of Black Youth Incarcerated*)	315 per 100,000	298 per 100,000	280 per 100,00
	<b>Effectiveness</b> (National Rate of Youth Incarcerated*)	114 per 100,000	108 per 100,000	102 per 100,000
	<b>Equity</b> (National Difference in White vs. Black Youth Diversion)	<b>Low</b> (Current Trend)	<b>Moderate</b> (Increased Use)	<b>High</b> (Targeted Use)
	<b>Cost</b> (Total Annual Grant Monies Distributed by OJJDP*)	<b>\$398 Million</b>	<b>\$398 Million</b>	<b>\$433 Million</b>
	<b>Cost</b> (Estimated Nationwide Cost of Youth Incarceration After 1-Year*)	<b>\$17.8 Billion</b>	<b>\$16.9 Billion</b>	<b>\$16 Billion</b>

\* Indicates Measure 1 Year After Implementation

\*\* Indicates \$44.2 Million in Formula II Grants

# Evaluation of Status Quo: JJDP A of 2018

## Effectiveness

The most current national level juvenile incarceration estimates were used to show no change in federal policy. Therein, under the JJDP A (2018), one year of continued maintenance of the core requirements would incite little to no change in the national rate of Black juveniles resulting in approximately **315 per 100,000** Black juveniles being incarcerated on any given day (OJJDP, 2022a). With the same data set, it can be estimated that the maintaining the status quo would incite little change in the national rate of juvenile incarceration remaining around the rate of **114 per 100,000** (OJJDP, 2022a). Thus, the status quo would not encourage any significant reduction in rates of racial disparity or juvenile incarceration at large.

## Equity

Based on a study indicating a 29% higher likelihood for white youth to receive diversion sentences compared to Black youth, the current system is identified as a source of racial inequity (Wang, 2023). Without policy changes promoting greater equity requirements, there is no basis for predicting an increase in equity. Consequently, the status quo would be deemed “**poor**” in addressing equity due to its tendency to perpetuate unequal sentencing trends.

## Cost

A reliance on recent funding trends and national incarceration cost averages were used to estimate the one-year financial implications of the status quo alternative. Using the stationary grant monies allocated to the OJJDP by Congress in 2022, it is estimated that the OJJDP will have a total of **\$398 million** at its disposal with no alterations to federal initiatives requiring any significant changes in funding requirements (OJJDP, 2022b). With no changes to the standards of the Title II Formula Grant distribution process, within the total \$398 million grant giving budget, Title II Grant funding is predicted to remain near stationary at **\$44.2 million** based upon the aggregate Title II Congressional allotments from 2020-2022 (OJJDP, 2023b) [ii]. To estimate the nationwide cost of youth incarceration, the current 114 in 100,000 U.S. juveniles’ statistic was adjusted to reflect the current population with an estimated incarceration total of 83,334 juveniles per year [iii]. Based upon the national average cost of youth incarceration of \$214,620 per year, the status quo would indicate **\$17.8 Billion** spent per year on youth incarceration under this alternative.

# Evaluation of Amendments to Core Requirement Standards of the JJDPA

## Effectiveness

Given that the reform of core requirement standards of the JJDPA (2018) would enact new, untested action, there is limited numerical data upon which predictions of youth incarceration for both Black juveniles, and juveniles at large could be estimated based upon the variability in state driven responses to OJJDP influence. The data presented for criteria 1 and 2 in Table 1 are educated predictions drawn as a medium point between alternative one (status quo) and three (targeted programming). Presuming that the OJJDP and the JJDPA (2022) would wield greater state-level influence, states are likely to turn to alternative methods of sentencing, such as diversion which are proven successful in reducing juvenile incarceration and recidivism. With a study revealing that targeted youth diversion strategies can reduce both Black juvenile and all juvenile incarceration by 54% in five years, the subsequent 10.8% yearly reduction rate was cut in half to 5.4% to account for variation in state level implementation strategies (AECF, 2020). Using 2022 national juvenile incarceration data as the current predictor baseline, it is estimated that this alternative will result in reductions to **298 per 100,000** Black juveniles and **108 per 100,000** total juveniles incarcerated after one year of implementation (OJJDP, 2022a). Therein, effectiveness can be acknowledged with a pattern of slow growth reduction as the program continues, cognizant of estimated presumptions.

## Equity

Predictions suggest increased financial influence on states will drive them to adopt alternative sentencing such as youth diversion to reduce racial and ethnic disparities in youth incarceration. This shift requires more equitable diversion sentencing rates. Therein, alternative two, inciting greater focus on Black youth diversion, is deemed a “**moderate**” effort in equity, acknowledging that states may explore other methods to reduce Black juvenile incarceration rates, preventing it from being the “best” equitable solution.

## Cost

Should the amendment to the core requirement standards of the JJDPA occur, this action would not necessitate a reduction or addition of funds to the total annual grant monies distributed by the OJJDP. Per federal policy, the total amount



allotted to the OJJDP is not dependent upon need, rather the grant monies distributed remain constant with increased or decreased allotments per the number of states eligible for funding. Therein, while states might experience a change in amount of funding received per their following of the core requirements, there would be no change in the overall programmatic costs of the OJJDP. Using the stationary grant monies allocated to OJJDP by Congress in 2022, it is estimated that the OJJDP would have a total of **\$398 million** with the same estimated **\$44.2 million** in Title II Formula Grants as calculated for the status quo alternative (OJJDP, 2022b). To estimate the nationwide cost of youth incarceration for criterion five, the estimated rate of 108 per 100,000 U.S. juvenile statistic was adjusted to reflect the current population with an estimated incarceration total of 78,948 U.S. juveniles per year [iv]. Then, based upon the national average cost of youth incarceration of \$214,620 per year, the status quo would indicate **\$16.9 Billion** spent per year on youth incarceration under the amendment to the core requirements after one year.

## Evaluation of IJDP Grant Program via the OJJDP

### Effectiveness

Given that Congress has yet to implement a federal grant program with the intent to directly combat racial disparities in juvenile incarceration with a diversion-based strategy, measures of effectiveness must be drawn from studies and programs oriented around similar policy changes. With the implementation of the IJDP Grant Program centered around the effective Deep End Initiative crafted by the Annie E. Casey Foundation, the foundation's pilot program using a targeted five-year diversion study at 12 specific sites offers insights on effectiveness. The initiative showed a 54% reduction in juvenile incarceration for both Black juveniles and the juvenile population at large which can be used to estimate national rates of juvenile incarceration (AECF, 2020, p.11). Therefore, an expected 10.8% reduction for criteria one and two is anticipated after one year of complete IJDP implementation. Using 2022 national juvenile incarceration data as the current predictor baseline, it is estimated the IJDP Grant Program will result in reductions to **280 per 100,000** Black juveniles and **102 per 100,000** total juveniles incarcerated after one year of implementation (OJJDP, 2022a). Herein, effectiveness is evident via a gradual reduction in incarceration over the program's duration.

## Equity

As the IJDP Grant Program employs a targeted diversion strategy proven successful for minority youth, it is anticipated that states adopting measures to increase diversion sentencing for Black youth will attain higher equity rates. This expectation arises as states implement the necessary programmatic efforts to secure OJJDP funding under the IJDP (AECF, 2020). Consequently, the IJDP would be rated as the “**best**” in addressing equity due to its focused adoption of enhanced diversion efforts for minority youth.

## Cost

To predict the change in grant monies distributed by the OJJDP for criterion four under this alternative, the current \$398 million total with \$44.2 million for Formula II grants was held constant, assuming there is no reduction to pre-established program funds. To account for the cost of the new IJDP grant program, a recent 2018 proposal for a similar program requesting \$30 Million in funding was used as a baseline and adjusted for inflation to arrive at a **\$35 million dollar increase** in OJJDP grant monies (Jackson-Lee, 2018) [v]. To estimate the nationwide cost of youth incarceration for criterion five, the estimated rate of 102 per 100,000 U.S. juvenile statistic was adjusted to reflect the current population with an estimated incarceration total of 74,562 U.S. juveniles after the first year [vi]. Based upon the national average cost of youth incarceration of \$214,620 per year, a reduction in juvenile incarceration would indicate **\$16 Billion** spent per year on youth incarceration under the IJDP Grant Program after one year of implementation.



# X. Recommendation & Feasibility

A ranking of the performance of the three policy alternatives against the criteria is included in Table 2. A higher ranking indicates a better performance under the five criteria chosen for analysis. Each criterion was ranked from one to three, with 1 representing a poor performance and three representing the best performance. As shown in Table 2, alternative three, the creation of the **IJDP Grant Program via the OJJDP** ranks the highest amongst the three with a rank sum of 13. Alternative three successfully ranked the highest in four out of the five criteria, with the only exception being criterion four, the cost assessment of total annual grant monies distributed by the OJJDP. While the status quo and JJDP amendment alternatives function with the advantage of a stationary financial requirement compared to the current Congressional allotment, the IJDP would require an additional \$35 million for its completion. However, the benefits of the alternative effectively outweigh its cost, wherein one year after implementation, it is estimated that the rate of **Black youth incarceration will decrease** by 35 juveniles per 100,000 and the national rate of youth incarceration is estimated to drop by 12 juveniles per 100,000. These rates are expected to decrease further as the program continues in its subsequent years. In accordance with its efforts to achieve more equitable sentencing in juvenile processing, the IJDP will effectively reduce the financial burden of incarcerating youth by an estimated \$1.8 billion after its first year of implementation, justifying the cost of program creation, situating it as the clear recommendation of the three.

The IJDP Grant Program offers a clear alternative to address disproportionate Black youth representation in the nation's population of incarcerated juveniles. However, its implementation faces feasibility challenges. In terms of implementation feasibility, the IJDP program is moderately feasible, falling within the OJJDP's scope and requiring Congressional financial backing, regulatory distribution, and legislative guidelines. Legislative precedence exists in the form of the Juvenile Accountability Block Grant Program (2009), providing an accessible legislative framework. **Political feasibility presents more severe challenges**, with Congress's partisanship standing as a dominant hurdle. Given Congressional Republicans' reluctance for strong federal control over state systems and their evident distaste for diversity, equity, and inclusion efforts, as seen in a recent attempt to eliminate the Congressional Office of Diversity and Inclusion, the racial equity driven IJDP solution seems currently out of reach (Daniels, 2023;

Janoff-Bulman, 2023). While the topic of juvenile justice often reaches the halls of Congress, it faces the bounds of a partisan institution and the politicized tradeoffs of federal budgeting, public safety concerns, and the looks of “unearned benefits” (Figueroa et al., 2022). However, acknowledging that a Republican-controlled Congress and President passed the JJDPA reauthorization in 2018, the IJDP is technically politically feasible but **awaits a policy window of opportunity**, which could occur more speedily with a stronger national call for action.

**Table 2. Ranked Criteria Alternatives Matrix**

		Alternatives		
		Status Quo	Amending JJDPA	IJDP Program
Criteria	<b>Effectiveness</b> (National Rate of Black Youth Incarcerated*)	[1]	[2]	[3]
	<b>Effectiveness</b> (National Rate of Youth Incarcerated*)	[1]	[2]	[3]
	<b>Equity</b> (National Difference in White vs. Black Youth Diversion)	[1]	[2]	[3]
	<b>Cost</b> (Total Annual Grant Monies Distributed by OJJDP*)	[2]	[2]	[1]
	<b>Cost</b> (Estimated Nationwide Cost of Youth Incarceration After 1-Year*)	[1]	[2]	[3]
	<b>Rank SUM</b>	6	10	13

\* Indicates Measure 1 Year After Implementation

1 = Best | 2 = Moderate | 3 = Best



# XI. Conclusion

In summary, this policy brief underscores the enduring challenge of racial disparities in juvenile incarceration, emphasizing the urgent need for targeted interventions within the juvenile justice system. While maintaining the status quo and amending core requirements offer incremental progress, the **“Incentivizing Juvenile Diversion Programming” (IJDP) Grant Program** emerges as a promising solution with its evidence-based strategies and focused approach. However, political feasibility presents a daunting hurdle, necessitating a collective call to action for policymakers, advocates, and the public. It is critical to gain support, bridge partisan divides, and propel the IJDP Grant Program or the like forward, steering the nation towards **a more equitable and just juvenile justice system** that ensures every young individual’s access to a fair and rehabilitative pathway.



## Endnotes:

[i] 1. Deinstitutionalization of Status Offenders; 2. Separation of Juveniles from Adult Inmates; 3. Removal of Juveniles from Adult Jails; 4. Addressing Racial and Ethnic Disparities (OJJDP, 2023a).

[ii] 2020 - \$44.4 million; 2021 - \$44.5 million; 2022 - \$43.8 million; Average - \$44.2 million

[iii] 73.1 million U.S. Youth / 100,000 = 731 x 114 = 83,334 Youth Per Year

[iv] 73.1 million U.S. Youth / 100,000 = 731 x 108 = 78,948 Youth Per Year

[v] \$30 million x \$1.19 (inflation) = approx. \$35 million

[vi] 73.1 million U.S. Youth / 100,000 = 731 x 102 = 74,562 Youth Per Year

# References

- Alpher, M., Durose, M., & Markman, J. (2018, May). *2018 Update on Prisoner Recidivism: A 9-year Follow-Up Period (2005-2014)*. Bureau of Justice Statistics. <https://bjs.ojp.gov/library/publications/2018-update-prisoner-recidivism-9-year-follow-period-2005-2014>
- AECF. (2020). *Leading With Race to Reimagine Youth Justice—The Annie E. Casey Foundation*. The Annie E. Casey Foundation. <https://www.aecf.org/resources/leading-with-race-to-reimagine-youth-justice>
- Aizer, A., & Doyle, J. J. (2015). Juvenile Incarceration, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges. *The Quarterly Journal of Economics*, *130*(2), 759–804.
- Barrett, D. E., & Katsiyannis, A. (2015). Juvenile Delinquency Recidivism: Are Black and White Youth Vulnerable to the Same Risk Factors? *Behavioral Disorders*, *40*(3), 184–195.
- Daniels, C. M. (2023, July 31). Republicans look to eliminate congressional office of diversity and inclusion [Text]. *The Hill*. <https://thehill.com/homenews/house/4129673-republican-bill-eliminates-house-office-diversity-inclusion/>
- Duquela, C. (2001). *An Overview of the JAIBG Program*. Office of Juvenile Justice and Delinquency Prevention. <https://ojjdp.ojp.gov/library/publications/overview-jaibg-program>
- Figueroa, A., September 9, I. C. C., & 2022. (2022, September 9). Congressional panel debates federal role in juvenile justice reform. *Indiana Capital Chronicle*. <https://indianacapitalchronicle.com/2022/09/09/congressional-panel-debates-federal-role-in-juvenile-justice-reform/>
- Jackson-Lee, S. (2018, October 1). *Text - H.R.68 - 115th Congress (2017-2018): Tiffany Joslyn Juvenile Accountability Block Grant Program Reauthorization Act of 2017 (2017-01-03)* [Legislation]. <https://www.congress.gov/bill/115th-congress/house-bill/68/text>
- Janoff-Bulman, R. (2023, April 28). *The Myth of Limited Government*. Yale University Press. <https://yalebooks.yale.edu/2023/04/28/the-myth-of-limited-government>
- Kang, H.-K., & Burton, D. L. (2014). Effects of Racial Discrimination, Childhood Trauma, and Trauma Symptoms on Juvenile Delinquency in African American Incarcerated Youth. *Journal of Aggression, Maltreatment & Trauma*, *23*(10), 1109–1125. <https://doi.org/10.1080/10926771.2014.968272>
- Lewis, J. (2018, December 21). *Text - H.R.6964 - 115th Congress (2017-2018): Juvenile Justice Reform Act of 2018 (2018-09-28)* [Legislation]. <https://www.congress.gov/bill/115th-congress/house-bill/6964/text>
- Mendel, R. (2023). *Why Youth Incarceration Fails: An Updated Review of the Evidence*. The Sentencing Project. <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>

- Nelson, C. M., Jolivet, K., Leone, P. E., & Mathur, S. R. (2010). Meeting the Needs of At-Risk and Adjudicated Youth with Behavioral Challenges: The Promise of Juvenile Justice. *Behavioral Disorders, 36*(1), 70–80.
- OJJDP. (2017, March 16). *New Report Highlights Raising the Age of Juvenile Court Jurisdiction*. Office of Juvenile Justice and Delinquency Prevention. <https://ojjdp.ojp.gov/news/juvjust/new-report-highlights-raising-age-juvenile-court-jurisdiction>
- OJJDP. (2020). *Measuring What Works in Juvenile Reentry*. Office of Juvenile Justice and Delinquency Prevention. <https://ojjdp.ojp.gov/newsletter/ojjdp-news-glance-novemberdecember-2020/research-central-measuring-what-works-juvenile-reentry>
- OJJDP. (2022a). *Literature Review: Racial and Ethnic Disparity in Juvenile Justice Processing*. Office of Juvenile Justice and Delinquency Prevention. <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/racial-and-ethnic-disparity>
- OJJDP. (2022b, December 8). *OJJDP News @ a Glance, November/December 2022 | OJJDP Awards More Than \$398 Million in Fiscal Year 2022 Grants To Protect and Empower Young People, and To Improve the Juvenile Justice System*. Office of Juvenile Justice and Delinquency Prevention. <https://ojjdp.ojp.gov/newsletter/ojjdp-news-glance-novemberdecember-2022/ojjdp-awards-more-398-million-fiscal-year-2022-grants-protect-and-empower-young-people-and-improve>
- OJJDP. (2023a). *Core Requirements*. Office of Juvenile Justice and Delinquency Prevention. <https://ojjdp.ojp.gov/about/core-requirements>
- OJJDP. (2023b). *Formula Grants Program*. Office of Juvenile Justice and Delinquency Prevention. <https://ojjdp.ojp.gov/programs/formula-grants-program>
- Onifade, E., Barnes, A., Campbell, C., & Mandalari, A. (2019). Risk assessment as a mechanism for reducing differential treatment of minorities by a juvenile justice system. *Journal of Ethnicity in Criminal Justice, 17*(3), 203–227. <https://doi.org/10.1080/15377938.2019.1619647>
- Paretta, L. T. (2018). The Impact of Public Policy Decisions on Juvenile Recidivism in the United States: A Retrospective Examination. *International Journal of Criminal Justice Sciences, 13*(1), 137. <https://doi.org/10.5281/zenodo.1403410>
- Rovner, J. (2021, July 15). *Black Disparities in Youth Incarceration*. The Sentencing Project. <https://www.sentencingproject.org/fact-sheet/black-disparities-in-youth-incarceration/>
- Wang, L. (2023, March 7). Racial disparities in diversion: A research roundup. *Prison Policy Initiative*. [https://www.prisonpolicy.org/blog/2023/03/07/diversion\\_racial\\_disparities/](https://www.prisonpolicy.org/blog/2023/03/07/diversion_racial_disparities/)