Kentucky can... Strengthen the juvenile justice system in ways that prioritize community safety and right-size responses to youth misbehavior

Children and youth make mistakes; it is the nature of learning. When youth make mistakes that put the safety or well-being of others at risk, it is essential to focus on accountability and a response that suitably addresses the severity of the behavior and improves public safety.

We can hold youth accountable in developmentally appropriate ways that achieve the goals of the juvenile justice system — to protect public safety and rehabilitate youth so they do not become repeat offenders.

Utilize the Continuum of Interventions

The continuum of options for responding to youth misbehavior allow us to right-size responses to achieve best possible outcomes for youth and public safety.

This looks like focusing on early intervention measures when youth first get in trouble, incorporating community-based alternatives to incarceration that are more effective, uplifting youth development, and providing proper aftercare when youth are released. Examples of this continuum in practice can include restorative justice programming, supervised release programs, and day and evening reporting centers with educational, recreational, and counseling opportunities.

Detention should be reserved for youth who pose a risk to public safety and who are found likely to reoffend, which is determined using risk assessments.

For instances when detention is deemed necessary, it should prioritize positive youth development, mental health services, and educational and career readiness opportunities. This also requires an equipped juvenile justice system and detention facilities workforce that are adequately supported and can apply trauma-informed practices that address the needs of the vulnerable population they serve.

Stop Utilizing a 'One-Size Fits All' Approach

Kids should be held accountable for their mistakes, but the same intervention is not effective for every child.

Research suggests that youth who are demonstrating normal adolescent behaviors, such as skipping school, are best supported entirely outside the juvenile justice system. Community-based alternatives to detention have been proven to be more effective at preventing recidivism than detention facilities as they can better meet youth educational needs, help build critical decision making skills, and promote positive social development.

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Kentucky can...

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Keep young children out of court by establishing a minimum age of jurisdiction of at least 12-years-old

Young children, such as elementary and middle school students, who get in trouble need responses and interventions that address the root causes of their misbehavior; the juvenile court system is not the place to do that.

- Given their limited intellectual capability and maturity, young children are not likely to be found competent to stand trial through expensive competency proceedings.

- Formal court processes can be traumatic, negatively impact a child’s development and educational outcomes, and trap children in an increasingly difficult maze of problems.

- By prohibiting the arrest of young children through minimum age of juvenile jurisdiction laws, states can help prevent many young children from being funneled through the school-to-prison pipeline, for example.

- By instead connecting children with age-appropriate services in the community, such as restorative justice and mentorship programming, we can hold them accountable while ensuring they grow up to become contributing members of our communities.

Blueprint for Kentucky’s Children Policy Solution:

Implement an effective continuum of interventions for the juvenile justice system to hold youth accountable and establish a minimum age – at least 12 years old – that a child can be charged with an offense.