

Decarceration: A Promising Approach to Closing the Incarcerated Youth Educational Attainment

Gap

POV-262: Capstone

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While many juvenile detention facilities may reach the general public school standards, the education that incarcerated juveniles receive is inequitable. The centers do not provide youth with the resources that they need to succeed, thrive, and fully participate in society. There are certain things that humans need for a sufficient life, and a proper education is one of them. Juvenile detention education systems are not responsive to the academic needs of incarcerated youth and thus harms them by providing an insufficient education which limits the outcomes and opportunities for many youth offenders upon release. The lack of sufficient education in juvenile detention centers is harmful to the capabilities of youth that spend time incarcerated, notably their thought, control over environment, and affiliation. Moreover, the educational attainment harms faced by these youth are often immensely disproportionate to their actions that involve them in the criminal justice system, especially since many of these criminal behaviors are due to circumstances beyond the youth's control.

#### *Juvenile Detention Demographics*

As of 2019, 36,000 youth are being held in juvenile detention facilities in the United States. These detention centers have striking racial and ethnic disparities mirroring the racial inequalities in incarceration rates that are seen in adult facilities. According to data from 2019, 33% of these youth are white, 2% are American Indian, 1% are Asian, 41% are Black, 20% are Hispanic, and 2% are of another race. So, despite comprising a minority in the United States racially and ethnically, Black and Hispanic youth are extremely overrepresented in juvenile detention facilities and are therefore at greater risk of being harmed by the educational disparities (Kids Count Data Center 2019).

#### *Educational Attainment among Incarcerated Youth*

The reduced educational achievement for previously incarcerated youth compared to the general population is striking. Studies have found that 43% of youth did not go back to school after their release from long-term detention centers, and 16% who had been enrolled in a public school dropped out of school within 5 months of detention (Foley 2001). Another study found that juveniles who spend time in detention centers have a 13% reduced likelihood of completing high school and a 22% higher likelihood of incarceration in adulthood compared to those who have never experienced incarceration (Davis 2014).

Juvenile incarceration and the lack of meaningful education opportunities in detention also harms the self-concept of youth. As discussed by one teacher, juveniles frequently return from incarceration with a loss of interest in school or lack of self-efficacy, which can impede achievement. She mentioned how students feel like “they’re not going to get anything, nothing is going to make sense,” also stating that, “they feel stupid, but they will never say, ‘I feel stupid.’ They’ll just say, ‘This doesn’t matter. This is stupid. I don’t care about this. This is dumb” (Rapanut et al. 2020).

The protective value of education has been proved through various studies. The Office of Juvenile Justice and Delinquency Prevention has also cited a multitude of studies to prove that “youth who do achieve higher levels of education while in the juvenile justice system are more likely to experience positive outcomes in the community once released” (Rapanut et al. 2020). For example, one study found that more credits earned in confinement increased likelihood of returning to school and graduating (OJJDP 2019). In a 1986 study by Habermann and Quinn found that incarcerated individuals who completed a GED and vocational program completion were 3 times more likely to be employed within 6 months of release compared to those who did not (Foley 2001).

Education for incarcerated youth is thus so important as it can lead to meaningful education and employment upon release. Adequate education services in detention facilities are instrumental for capabilities such as life, bodily health, thought, affiliation, and control over one's environment. When one is limited in their educational attainment and do not receive the resources and support necessary to succeed academically, they may struggle to meet these central capabilities.

Juveniles in detention facilities are entitled to education that is of equal level to public school education (Christian 2022). However, while this is the standard, the educational facilities in juvenile detention centers are inadequate and do not successfully adhere to the needs of the population. I argue that the education systems currently present in juvenile detention centers are inequitable and that juvenile education must be held to higher standards than the normal public schools are due to the unique educational circumstances faced by a great deal of incarcerated youth. When youth are taken out of their schools and subjected to the poor educational environments present in detention facilities, many central capabilities are threatened as they lose the important protective factor of education. The access to sufficient education is so necessary in detention facilities because many youth are incarcerated due to trauma and circumstances outside of their control. A great deal of incarcerated youth have experienced trauma or adverse childhood experiences which impact neurological development in ways that make the youth more likely to be impulsive, engage in risky behavior, or possess poor decision-making skills (Barra 2022). Thus, to be subjected to poor education and held back, therefore leading to low educational attainment that impacts their capabilities, just because they have faced trauma or adversity that made them more likely to engage in criminal behavior, is unjust. In order to have a

more equitable justice system, the detention facilities must recognize that incarcerated youth deserve a proper education, just as any other child does.

Education is a protective factor that can help juveniles overcome their adversity that may have led to their involvement in the criminal justice system. As stated in a 1994 Office of Juvenile Justice and Delinquency Prevention Report, education is *the* most important factor in the rehabilitation of juvenile offenders (Risler & O'Rourke 2009). To prevent the likelihood of recidivism and to help juveniles have a successful reentry in which they can exercise all of their central capabilities, education is vital (Macomber 2010).

#### *Inadequate Education in Juvenile Detention*

Despite the importance of education for incarcerated youth, juvenile detention centers are ill-equipped to meet the needs of these individuals. For example, teachers are vastly underprepared to deal with the unique challenges posed by educating delinquent youth. Teachers are under a great deal of stress due to the detention center environment, thus impacting their ability to provide the sort of education that is available to those in average public school settings (Macomber 2010). Also, the education provided by teachers is also further lacking due to the perceptions that many have of juvenile delinquents, with many teachers not investing the time and effort necessary into their students because they have low expectations in their abilities and motivation (Macomber 2010). And, even if the teachers are emotionally and mentally adept at teaching this population, the high rate of staff turnover makes it difficult for students to form the connections with and trust in their teachers that is so important for forming and maintaining a positive relationship with school (Macomber 2010).

Furthermore, there are no generalized qualifications for teachers in detention centers outside of the basic public school teacher requirements (Christian 2022). Thus, these teachers are

frequently lacking in information, education, professional development, and training to deal with and teach the juvenile delinquent population (Macomber 2010). There are no generalized qualifications for teachers in detention centers outside of the basic public school teacher requirements (Christian 2022). Firsthand reports from teachers express low satisfaction with the effectiveness of the educational programming, lack of priority that detention centers place on education, and beliefs that they are lacking access to support and professional development (Macomber 2010).

There are also problems with educational continuity. Juveniles in detention facilities are generally placed in classrooms based on age or grade level (Macomber 2010). However, this focus on age and grade level fails to account for the fact that youth enter detention with different knowledge and abilities that likely do not correspond to where they are placed. Moreover, youth leave during the school year and enter facilities at various times, so their studies are almost always disrupted (OJJDP 2019). It is practically impossible to assume that the student's own school and the detention center are on the same schedule in terms of class material, so the student will enter the facility either ahead of what is being covered or too behind to understand the lessons (McCluskey 2017). Students who spent time in county facilities before entering state facilities may enter with even more gaps in their education as "school" at these facilities is rarely accredited and is overseen by jail staff, not teachers (McCluskey 2017). Moreover, classes are typically made up of youth in the same age group, which does not sufficiently account for the disparities in education that these youth in the carceral system possess (Foley 2001). Juvenile offenders are also more likely than the general population to have repeated a grade, which is yet another reason that placement by age group rather than ability is detrimental to youth in detention (Christian 2022).

Additionally, juvenile detention education lacks many resources that are necessary for a sufficient education. There is reduced access to important learning materials such as science lab equipment due to detention center regulations (McCluskey 2017). Only eight states provides the educational and vocational services that those who are not incarcerated have, such as GED prep and credit recovery programs (Christian 2022). Many classes, especially higher-level ones are offered infrequently compared to public high schools (Rapanut et al. 2020). Studies have found that 8% of facilities offer physics classes compared to 60% of general public schools.

Additionally, 28% compared to 78% offer Algebra 2, and 48% vs. 84% offer geometry (Rapanut et al. 2020). Some facilities do not even offer science and math classes (Christian 2022). The inadequacy of the education received in these facilities was summed up by formerly incarcerated Nicholas Jasso, stating, “the education I received while I was under the supervision of the state was terrible. I think it was more detrimental than anything” (Rapanut et al. 2020).

### *Special Education Needs*

The youth who exhibit special education needs are even further harmed by the poor education in juvenile detention facilities. Despite protections and regulations such as the Individuals with Disabilities Education Act (IDEA), many facilities are inadequate to teach youth with special education needs. As of 2013, there were almost 60 lawsuits against juvenile detention centers for noncompliance with IDEA (Christian 2022). It is estimated that between 20% and 40% of detained youth receive special education services, but many more are in need of services but are either not able to access them or have not been identified as in need of services (Foley 2001). One Connecticut study found that over 30% of detention centers in their region did not even screen youth for special education needs (OJJDP 2019), and another study discovered that although 70% of youth in a facility qualified for special education, only about 30% received

it (Morrison & Epps 2002). For those who do receive these services, the resources are unfortunately lacking. Teachers are often not prepared to deal with special educational needs and may not even be informed of the needs of some students (Macomber et al. 2010).

Securing the right of youth to education is “to put them in a position of capability to function in that area” (Nussbaum 2003). When youth are in educational settings as have been discussed, they are not able to sufficiently learn and receive a proper education, which limits their outcomes upon release. An equitable system of education would take into account all the educational needs of incarcerated youth and implement a responsive program. During incarceration, positive educational programs can motivate youth to learn and engage with education in a way that will promote their capabilities.

There are many social structures that serve to disadvantage incarcerated youth and contribute to the likelihood of reduced educational attainment for this population compared to the general youth population. The structures include educational rules, relationships, and representations in detention facilities that harm incarcerated youth and contribute to poor educational outcomes upon reentry and in their adult lives. Federal regulations could be put in place to ensure facilities are adhering to certain guidelines for the education of this youth population, but that is not currently the case. The rules that serve to disadvantage detained youth in terms of education include lack of qualifications and requirements for teachers and special education programs, as well as deficient offerings and educational opportunities in detention centers. Relationships that serve to disadvantage incarcerated youth are most notably the poor connections between the detention centers and the traditional schools as well as the negligent oversight of state and federal boards of education over detention centers. Finally, the



representation of incarcerated youth as unmotivated and undeserving hinders the educational attainment and interest of this population.

### *Youth Incarceration*

The incarceration of youth for nonviolent crimes and the detainment of youth awaiting trial are rules that serve to uphold the disparities in educational achievement, interest, and outcomes. As of 2019, 57% of the detained youth population was held for nonviolent offenses. This includes 21% for property damage, 14% for probation violations, 14% for disruption of the public order, 4% for drug offenses, and 4% for status offenses (crimes illegal for children, but not adults, such as drinking and truancy) (Annie E. Casey Foundation 2021).

Furthermore, the incarceration of youth – a disproportionate amount of whom have special needs – for nonviolent crimes is extremely harmful to this population because they are often in special education programs or treatment at their own schools or in their own communities, and this is put on hold or altogether discontinued when they enter detention (Rapanut et al. 2020).

Youth do not have to be incarcerated and it is an unnecessary rule – a fact that can be understood through examination of Canada’s youth decarceration. Between the mid-1990s and 2015, Canada reduced its youth prison population by 86% (Webster et al. 2019). According to Canada’s 1984 Youth Offenders Act, juveniles in Canada are generally only placed in detention if it is found “to be necessary for the protection of society having regard to the seriousness of the offence and the circumstances of the young person” (Webster et al. 2019). So, only when it is absolutely necessary for public safety should children need to be detained and removed from their communities.

The holding of youth in solitary confinement is yet another impediment to juveniles receiving adequate education while incarcerated. When in solitary, the children cannot attend schooling with the rest of the children in the facility, so they are given workbooks but are not supervised and do not receive any revision or feedback. However, they are not even guaranteed as much, with one youth from New York telling an interviewer, “we had no schooling when I was in lockdown, maybe a book if a friend had one to share” (McCluskey 2017). Juveniles can be subjected to solitary confinement and these detrimental educational conditions for very minor offenses, such as talking back to staff members, not participating in class, engaging in distracting behaviors – one youth in an interview reported being sent to solitary confinement frequently during his imprisonment, once for more than four months after getting in an argument with a correctional officer who would not give him a glass of water (McCluskey 2017). This is especially harmful because the kids who engage in these behaviors are more likely to have special education needs, so solitary confinement subjects them to even more disadvantage than those without special education needs (McCluskey 2017).

### *Teacher Qualifications*

The lack of necessary qualifications for teachers to work with this population is another rule that serves to harm juveniles in detention centers. Other than the basic public school teacher requirements, there are no specific and nationally standardized qualifications required for these teachers (Christian 2022). Some states may require special training, but not all (Chron 2020). A federal training requirement can be implemented as there are some state-level requirements; for example, Arizona requires its teachers to have 16 hours of training a year (Chron 2020). Many teachers have expressed their frustration with the lack of training and preparation that they receive, reporting low satisfaction with the effectiveness of the educational programs, the lack of

priority that detention facilities give to the education of the youth, and the lack of access to support and professional development available to these teachers (Macomber 2010).

Furthermore, teachers often do not receive information about the students that enter into their classroom. One study found that only about half of the teachers in a facility received information about the students entering their classroom, which is especially important when the children have behavior problems, special needs, or are not performing at grade level – all of which are very common among the incarcerated juvenile population (Macomber 2010). Thus, the fact that there is no federal requirement for teacher trainings is unfair to both teachers and youth in these facilities.

#### *Insufficient Resources and Oversight*

In addition to the lack of teacher qualifications, other rules and relationships in the detention facilities contribute to the harm that incarcerated youth experience in their education. With no federal rule or curriculum in place governing the way these schools should be run, the schools are lacking a lot of important resources that normal public schools have and that complement a decent education. For example, juveniles frequently do not receive homework and do not have access to important materials such as science lab equipment (McCluskey 2017). Students may be distracted by wearing physical restraints in class, do not have quiet time or places to complete homework when it is given, and are not always allowed to bring books to their units (Rapanut et al. 2020). Additionally, youth spend fewer hours per week in educational programming compared to those traditional public schools, and the educational programming is severely lacking compared to public schools, with reduced access to classes such as science and math, and only eight states offering educational and vocational services comparable to those in

public schools (such as GED preparation and failed credit recovery programs, so they may be set further behind) (Christian 2022).

Furthermore, the relationships between youth detention centers, public schools, and educational departments further disadvantage youth. When youth are released, detention facilities may not have records to forward to schools, so youth may not receive credit for time spent in detention education. (Feierman 2009). Moreover, schools do not even always accept credits from youth detention facilities when they are sent (Feierman 2009). Also, oversight of these facilities varies, and departments of education are not always responsible – sometimes it is just the juvenile justice department that oversees education (OJJDP 2019). Finally, they may not all require any oversight or accreditation. Most youth spend time in county facilities before going to state facilities, and educational services in those facilities are not accredited, and it is staff, not teachers, overseeing the kids (McCluskey 2017). Taken together, the lack of federal guidelines governing the classes, oversight, etc. of these facilities leads to a great deal of educational deficits for the incarcerated population.

### *Special Education*

The special education regulations and requirements are very inadequate, compounding upon the lack of resources and responsiveness as discussed in the previous section and thus further harming youth with special needs in juvenile detention, which is a strikingly large portion of this population. First and foremost, special education is not offered in every facility, despite the high demand of these services among incarcerated youth (Foley 2001). Studies have found from 20% to 40% of incarcerated youth to be receiving these services, but there may be many more youth in need who are not being identified or who are not receiving the necessary services (Foley 2001). Many studies have been completed in support of this claim. In one facility, out of

the 70% of youth who qualified for special education, only about 30% received it (Morrison & Epps 2002). In a study of Connecticut detention centers, nearly a third did not screen the incoming youth for special education needs (OJJDP 2019). Moreover, when it comes to the teachers, they are not all certified to work with these populations, as only some states required teachers to be certified to work with youth who have special education needs (Chron 2020). For example, a Connecticut study found that one third of their juvenile detention teachers were not special education certified (Macomber 2020).

### *Biases Towards Detained Youth*

Finally, representations of detained youth as lazy, unmotivated, and unintelligent contribute to the educational injustice that they face. When it comes to funding for education, many people subscribe to a “principle of least eligibility” and view incarcerated populations as less deserving of educational services, so the general population is largely unwilling to improve educational resources, quality, and access for this group (Hall 2015). There is a general bias that this group is not fit to succeed in school and there are no expectations for these youth to pursue higher education, so there is insufficient drive to provide proper resources or educational support (Rapanut et al. 2020). This attitude saturates the detention centers as well, as staff and teachers frequently lack faith in the capabilities and motivations of the students (Morrison & Epps 2002).

Moreover, the relationships between detained youth and their teachers reduces motivation, self-efficacy, and school interest in this population. Public school teachers who have taught youth returning from incarceration are disappointed to see the impact of detainment, observing students as quiet, withdrawn, isolated, unwilling to participate, nervous to ask questions, failing to complete assignments, and even failing to attend class (Rapanut et al. 2020). Teachers describe the youth by stating that they “feel like everything’s over their head,

everything's above them, they're not going to get anything, nothing is going to make sense," or that they "feel stupid, but they will never say, 'I feel stupid.' They'll just say, 'This doesn't matter. This is stupid. I don't care about this. This is dumb'" (Rapanut et al. 2020). Since education is not prioritized for this population during incarceration, they lose a sense of motivation and self-confidence that is imperative for educational attainment.

While it may seem impossible to implement a great deal of training for teachers or invest in educational resources for the given the resources available for youth incarceration, money that can be saved from decarceration schemes and only permitting detainment for serious crimes could go towards education for those who are in fact detained (Macomber et al. 2010). Thus, the fact that money goes toward incarceration rather than educational programs is a rule that can and should be changed.

The negative educational outcomes of youth who spend time in detention centers is jarring. In order to protect youth education and respect the unique nature of youth offenses, decarceration should be pursued. Decarceration is the best way to improve the poor educational outcomes of youth who spend time in detention. Without sacrificing community safety, a vast majority of detained youth can remain in their community and gain a normal public school education, ensuring that they are not subjected to the inadequate schooling programs available in detention centers. In addition to decarceration, the school systems in detention centers can be improved through the implementation of federal regulations governing teacher qualifications and school guidelines.

### *Decarceration*

Several promising policy recommendations exist to keep youth out of detention centers. These include age restrictions, limits on prosecution-worthy offenses, limited pre-trial detention,

and maximum sentence lengths. Recommendations must balance community safety and wellbeing of youth, and this can be done by only placing youth in jail when they commit the harshest, most violent crimes. For example, one pilot study found that up to 50% fewer youth can be kept in the community and out of detention without increasing any public safety concerns (Annie E. Casey Foundation). Specific recommendations for engaging in this sort of decarceration include raising the minimum age of prosecution for certain offenses (Hana 2023). Some states around the country have enacted “raise the age” laws to ensure that only children of a certain age can be prosecuted for crimes such as status offenses (Hana 2023). Moreover, states could take a stronger approach by limiting the types of crimes for which anyone under 18 years of age can be prosecuted; two such acts which should be out of the realm of prosecution are status offenses and public order offenses (Hana 2023). Some states have already begun passing laws to keep youth out of prison. For example, Utah and Massachusetts have enacted legislation to prevent status offenses from being sent to juvenile courts (Sawyer 2019). Instead, alternatives to prosecution and incarceration that are much more responsive to the youth’s needs and wellbeing exist, which will be discussed later on in this paper.

Another important recommendation that could keep children in their communities, preventing them from missing vital time in their schools and being subjected to the problematic and detrimental educational environments in detention centers is limiting pretrial detention (Hana 2023). In about 26% of juvenile cases, youth are placed in pretrial detention (Sawyer 2019). And, for those who are placed in pretrial detention, they await their court proceedings for over thirty days (Sawyer 2019). Thus, so many children are subjected to educational disparities before they are even found guilty. By limiting pretrial detention to only the most dangerous

crimes or repeat offenders, children can stay in their community while awaiting hearings, ensuring that they are not kept from school and falling behind.

The next recommendation is to enforce maximum sentences for certain ages and crimes. In Georgia, the maximum sentence length for certain felony offenses has been reduced from five years to 18 months, thus reducing the time that youth are missing out on their schooling and the degree to which they fall behind (Sawyer 2019). States like Kentucky, Utah, and Tennessee have all also been enacting legislation to set shorter maximum sentences for youth offenses (Sawyer 2019).

Finally, youth solitary confinement must be banned (Hana 2023). As previously discussed in Section II of this paper, when children are placed in solitary confinement, they miss class-time, are rarely given work, and that work is almost never checked or revised (McCluskey 2017).

*Recommendation: Restorative Justice*

Instead of prosecuting youth for crimes as mentioned above, there are several alternatives that are more responsive to the purposes of legal consequences as a means of rehabilitation rather than solely retribution. Firstly, civil citations can be given out to youth when they commit offenses, rather than beginning prosecutorial proceedings (Sawyer 2019). Additionally, youth can be placed in programs such as therapy or substance abuse treatment, and the funding for these services could come from reductions in incarceration fees, legal fees, detention center upkeep, etc. (Sawyer 2019). In addition to these services which can ensure retribution while simultaneously aiding in rehabilitation, youth can be mandated to community service or other forms of restitution depending on the level and type of offense (Sawyer 2019). States such as Delaware and Florida have already begun implementing programs that prioritize therapy,



treatment, community service, etc. over formal legal proceedings (Sawyer 2019). This type of punishment is responsive to victims and communities as it helps to pay back some of what they lost through the child's offense.

Restorative justice takes a community-focused approach to engage in offender rehabilitation and community growth through programs such as community service and educational opportunities (Hana 2023). This gives victims the chance to choose a restorative option for youth offenders, thus giving them agency and providing respect for victims and the community (Hana 2023). Similarly, offenders can follow a path of growth through this experience in which they gain accountability and self-efficacy (Hana 2023). One positive framework of the restorative justice approach can be seen in New Zealand. Either party in a legal proceeding can request the restorative justice approach through which there are meetings between parties and facilitators to decide a favorable path that will produce the most desirable outcomes (Hana 2023). Now, New Zealand resolves about one third of its cases involving youth offenders with this restorative justice approach, and a study from 2008 to 2013 found that youth who participated in a restorative justice program were 17% less likely than those who did not to commit another illegal offense (Hana 2023).

### *Justifications*

The compelling argument for racial equity also underlies the call for decarceration. There are extreme racial disparities among youth in the juvenile justice system on all levels. For example, 21% of white youth are held in pretrial detention, compared to 32% of Hispanic youth, 30% of Black youth, and 26% of American Indian youth (Sawyer 2019). Thus, in order to have a more equitable criminal justice system in which youth are not being unfairly disadvantaged based on race, pretrial detention should be limited to only the most dangerous crimes or to only

repeat offenders. Moreover, since pretrial detention occurs before any guilty verdict is reached, it is unfair to disproportionately subject children of color to a greater likelihood of facing educational difficulties and place them even further behind their white counterparts in school.

In addition to pretrial detention, juveniles of color are being detained at higher rates than their white counterparts, as discussed in Section I of this paper. They are being incarcerated at higher rates due solely to their race. This was shown in the Centers for Disease Control and Prevention's 2015 study on youth risk behavior. Juveniles who are white are more likely to have weapons and engage in use of alcohol and hard drugs, while juveniles who are Black are more likely to smoke marijuana, engage in physical fights, and possess drugs on school property. However, according to researchers on juvenile crime, "these slight differences do not explain the widening disparity in incarceration rates" (Olivares 2017). This is an inequity that must be resolved, and can be resolved through decarceration, because youths of color are not committing crimes at higher rates than their white peers.

Canada is one country that has taken into account the needs of youth and has pursued decarceration, reducing the population of youth in detention by 86% from the mid-1990s to 2015 (Webster et al. 2019). The Canada Youth Offenders Act recognizes that youth "have special needs and require guidance and assistance" due to "their state of dependency and level of development and maturity," and this is extremely relevant when it comes to educational needs of youth which cannot be met by the current educational framework in prisons (Webster et al. 2019). Canada has also noted the failure of detention in its ability to deter youth offenders, as well as the dignitary harms that come from spending time in prison, as it "stigmatizes offenders and reinforces criminal identity in a deviant subculture," which can impact the motivation and self-efficacy of youth in school (Webster et al. 2019). Canada has successfully engaged in

decarceration without sacrificing public safety, and the United States should follow their example.

A contractualist lens that balances the needs of the youth offenders and the wellbeing of victims and communities can be a useful method for understanding the importance of decarceration. The actual threat posed to the community by keeping children out of prisons is relatively low, as a great deal of youth are locked up for technical violations such as parole violations or status offenses (Sawyer 2019). Thus, when weighing the problems that may be faced by community members against the negative educational outcomes faced by youth who spend some time incarcerated, it is difficult to say that the child should be locked up and subjected to a greater likelihood of suffering a lack of educational attainment. Moreover, by weighing the burden on the youth against the burden on the community, it is important to recall that youth have a great capacity to rehabilitate and that they possess a lack of culpability by virtue of being children with reduced capacities such as decision-making, impulse control, and understanding of consequences (Dumornay et al. 2022). By providing youth with services that they need in terms of mental health treatment, trauma-oriented therapy, substance abuse treatment, etc. they are likely to reduce their propensity to engage in criminal behavior. Thus, it is wrong to favor the comfort of the community over the education of the child since they should not be relegated to subpar educational opportunities as a consequence of one action for which they cannot possess complete guilt.

#### *Other Recommendation: Teacher Qualifications*

A recommendation that should be federally undertaken is requiring teachers to undergo specific training courses and gain certain qualifications in order to work in detention centers.

Some states may require special training, but not all (Chron 2020). A federal training requirement can be implemented as there are some state-level requirements; for example, Arizona requires its teachers to have 16 hours of training a year (Chron 2020). While this may be expensive and relatively time consuming, a contractualist lens supports it. It is worthwhile to place this extra burden on teachers as they will lose nothing but some time, whereas incarcerated youth are threatened with losing out on educational attainment and several central capabilities. Moreover, as teachers also express their dissatisfaction with feeling unprepared to teach the incarcerated youth (Macomber 2010), this recommendation would likely benefit everyone involved.

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