



A Measured Approach to Serious Youth Delinquency

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The U.S. has experienced **significant decline** in youth delinquency – especially violence – in recent decades, despite **fluctuation** during the COVID-19 pandemic. This trend parallels an unprecedented **lower number** of youth placed in state residential facilities since the late 1990s. These positive, sustained trends have been observed across most of the country. However, recent state lawmaking does not align with current trends and seemingly takes a bleaker approach to youth delinquency. For example, in late 2024, Louisiana’s state senate **approved a bill** to expand possible offenses for which youths can be tried as adults. Similarly, North Carolina rolled back previous “raise the age” reforms, which had raised the age threshold at which youths are tried as adults five years earlier. The state legislature **expanded adult court jurisdiction** for youth aged 16 and 17 after they overrode a veto by the governor.

This paradoxical policymaking raises questions about how evidence is used. When responding to youth delinquency, lawmakers should consider existing evidence. Because juveniles are still developing, make up a small percentage of those engaging in violent crime, and often quit offending in early adulthood, expanding adult court jurisdiction and lowering the age threshold should not be widespread policy. Effective incarceration should be reserved only for severe cases and always include developmentally-informed aftercare.

Policy Proposals Often Focus on Rare Cases

Youth make up a very small proportion of total violent arrests, **around 15%**. Only 7% of first-time juvenile court referrals are charged with violent offenses. The most serious, violent, and chronic young offenders make up an even smaller proportion of cases that reach juvenile courts, and even those youths leave crime behind at high rates as they transition to adulthood. Researchers at the Center for Juvenile Justice analyzed court records for a large cohort of youth born in 2000. They found the largest proportion of cases, 58%, were youth who were neither serious nor chronic offenders. The smallest proportion of cases, only 4%, were youth with combined serious, chronic, and violent offenses. These cases are frequently the stated focus of juvenile crime policy, yet only made up four percent of cases referred to juvenile courts during this period. While it is necessary to address severe cases, using them as the foundation of all juvenile crime policy leads to woefully inadequate blanket approaches that have not been effective in limiting youth delinquency.

Taking Youth Development into Account

Youths’ development is incomplete for the entirety of the time that they are under juvenile court jurisdiction. Biological, cognitive, and social development typically continue well into a person’s twenties. These ongoing processes make it difficult to easily evaluate the best approach for responding to youths’ offenses.

Choice and character are key parts of assessing an illegal act and an individual who committed it. This rational decision-making is still developing at the point in time covered by many proposed policies. Ample **evidence indicates** juvenile crime policy must be mindful of development to avoid counterproductive effects. The U.S. Supreme Court **has incorporated** this view into its decision-making over the past two decades. In *Roper v. Simmons* (2005), the USSC ruled against capital punishment for crimes that occurred before a person was age 18. Justice Anthony Kennedy's majority opinion cited immaturity, susceptibility to negative influences, and the still-forming character of juveniles as justification.

Adult Court vs. Juvenile Court

The political argument for expanding adult court jurisdiction over young offenders is that this approach will deter serious crime, and, in cases where that does not happen, at least incarceration will ensure they can't further victimize others. The deterrence argument rests on assumptions about youth decision-making that do not hold up to a careful look at the evidence.

The same developmental processes that make it difficult to assess cases for culpability drive aspects of youths' risk-reward calculation, which is oriented toward the present and generally weighs reward stronger than risk. It therefore may be difficult to deter. These arguments also fail to acknowledge that **many youths are not sentenced to prison in the adult court**. Even while incarcerated, sentences typically end at some point in early adulthood. In turn, these young individuals leave prison **without having met** typical adult developmental milestones and with significantly more trauma due to their incarceration. This is likely why evidence **suggests no difference** in recidivism for comparable youth processed in adult versus juvenile court.

The population at the center of these policy discussions requires strong attention on the part of juvenile courts and corrections. While incarcerating youth in the adult or juvenile systems is not ideal, there are options for cases where necessary. Mark Lipsey of Vanderbilt University has spent decades building and analyzing a database of evaluations of youth justice-based interventions. He and his colleagues have carefully considered whether correctional treatment is effective with serious young offenders. **They have frequently found positive results** when programs are appropriately matched and implemented. Serious delinquent youth participating in interpersonal skills training (29%), individual counseling (28%), and cognitive behavioral (30%) programs had a **consistently lower likelihood of recidivism** than those who did not receive such treatment (50%). **A study that tracked adjudicated youth over time** found that addressing their needs in a focused way, such as skill building or substance use treatment, coupled with meaningful aftercare following incarceration, promotes desistance from crime.

Treating Youth as Adults Should be the Exception, Not the Norm

As a population, young offenders do not look like we expect them to. The cases and youth most prominent in the media are not very representative of those entering U.S. juvenile courts. Because societal response to youth crime tends to **follow a recurring pattern**, almost all ideas in new policy proposals have been tried before, including during **the brief but consequential moral and political panic** about "juvenile superpredators" that led policymakers to enact legislation that treated more youths as adults. There is an understandable instinct to "do something" about serious, chronic, and violent youth crime whenever we see it, but it is essential to start with the facts. While treating youths as adults is necessary in some cases, letting kids be kids should be a default position that is only overridden in the most extreme circumstances.