Article

Achieving Juvenile Justice through Abolition: A Critical Review of Social Work's Role in Shaping the Juvenile Legal System and Steps toward Achieving an Antiracist Future

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Abstract: The first juvenile court was created in 1899 with the help of social workers who conceptualized their actions as progressive. Youth were deemed inculpable for certain actions since, cognitively, their brains were not as developed as those of adults. Thus, separate measures were created to rehabilitate youth who exhibited delinquent and deviant behavior. Over one hundred years later, we have a system that disproportionately arrests, confines, and displaces Black youth. This paper critiques social work's role in helping develop the first juvenile courts, while highlighting the failures of the current juvenile legal system. We then use P.I.C. abolition as a theoretical framework to offer guidance on how social work can once again assist in the transformation of the juvenile legal system as a means toward achieving true justice.

Keywords: juvenile justice; abolition; antiracism; social work history; juvenile courts

1. Introduction

Antiracist activism and the dismantling of historically oppressive systems are at the forefront of current conversations. Political leaders look to social workers as professionals equipped to take the helm at transforming systems. However, we cannot ignore that social work has historically aligned itself with oppressive systems, striving to gain access to power through the continual battle to legitimize and professionalize the practice of social work (Rasmussen and James 2020). Social work has a long oppressive and racist history, which we must confront to witness the birth of a transformative era where the liberation of all marginalized and oppressed people becomes a reality. One such oppressive system needing transformation is the juvenile legal system. The first juvenile court was created in 1899 with the help of social workers who conceptualized their actions as progressive. Youth were deemed inculpable for certain actions since, cognitively, their brains were not as developed as those of adults (Mack 1909; Scott 2000). Thus, separate measures were created to rehabilitate youth who exhibited delinquent and deviant behavior. Over one hundred years later, we have a system that disproportionately arrests, confines, and displaces Black youth (Hartney and Silva 2007; OJJDP 2000). Many adolescents involved in the juvenile legal system are exposed to other oppressive and systemic disadvantages across social domains before having their first run-in with the legal system. Black kids are also profiled as dangerous by law enforcement officers and are perceived as older and less innocent than White kids (Payne et al. 2017; Nordberg et al. 2018; Fox-Williams 2019).

Acknowledging that the juvenile legal system has ventured away from providing an alternative to the punitive treatment within the criminal legal system, this paper asserts that social work must use this moment to reclaim its seat in the reconstruction of the juvenile legal system. By providing a historical overview of social work's role in assisting with the development of the first juvenile court, we will identify the original system's benefits and detriments. Then, the paper will elucidate how the modern juvenile legal system is steeped

in anti-Blackness and deliberately places youth into hostile environments that adversely affect their mental health and wellbeing (Engen et al. 2002; Sharkey 2010; Paulus 2012). After contrasting the original configuration of the juvenile legal system with the current model, we then conceptualize the possibilities of the juvenile legal system. The future of social work's involvement within the juvenile legal system depends on how far the profession is willing to advocate, once again, for a radical reimagining of how society treats young people. We use this paper to reinforce the call for abolitionist social work, where the profession disentangles itself from the oppressive systems it has been aligned with and advocates for eradicating youth prisons. To achieve this, we conclude that social workers must ardently embrace the abolitionist framework, which is directly aligned with the profession's core values and historical agenda.

2. Theoretical Framework

Abolition is much more than just a theory and practice. Abolition is an ideology, a body of critical social thought, a stance against slavery and violence—more generally, an organizing tool, a democratic practice, and a long-term goal with a deep-seated history. The Abolitionist movement can be traced back to the pre-Civil War era, as many called to end the Atlantic slave trade and free all enslaved people. Many abolitionists in the Americas and Western Europe condemned the inhumane treatment of African people. Abolition theorists such as W.E.B. Du Bois articulated the need to not just make slavery illegal but the need to abolish it. Du Bois argued that to truly abolish slavery in the United States, it would take re-envisioning new political, economic, and social structures that addressed anti-Black racism and the displacement and disenfranchisement of formerly enslaved people (Du Bois 1998; Lewis 1993; Heynen 2018). The Reconstruction era, which was supposed to mark post-slavery in the United States, fell short of realizing these ideas of abolition in many respects. Instead of true abolition, the rise of criminal law began playing a central role in the maintenance of the system of slavery, leading the country into the age of mass incarceration.

Prison Industrial Complex (P.I.C.) abolition is an emergent social movement that strategically highlights the current violence occurring within prisons and draws attention to how it resembles the violence of slavery. Abolition is also one of the most heavily criticized movements today, with many claiming the movement is too idealistic and unfeasible (Akers and Hodgkinson 2013; Ben-Moshe 2018; Davis and Rodriguez 2000). However, many who critique P.I.C. abolition rarely have a clear understanding of what it even is. Abolition calls for the disposal of prisons and the creation of new democratic institutions that will support a more equitable democracy. P.I.C. abolition imagines a world where social, political, economic, and cultural problems are not solved using prisons and hyper surveillance. It involves responding to the root causes of harm without locking people in cages and engaging with systems that have failed communities since their inceptions. It deviates from methods that have falsely claimed to both promote public safety and reduce crime. P.I.C. abolition also diverges from the false narrative of rehabilitating people who come into contact with these systems, instead redistributing power and responsibility to community-led and -developed initiatives (Kaba 2021). P.I.C. abolition involves creating sustainable community solutions where people have livable wages, thriving school systems, and the resources needed to maintain productivity (Kaba 2021). When someone is harmed, newer mechanisms are developed to address the behavior and hold individuals accountable without dehumanizing and displacing them.

P.I.C. abolition is not about creating a utopia where all prisons and jails open up and let everyone roam free without communities having a system of accountability. Instead, it is about being bold and transformative in our thinking to create a system where individuals are accountable for their actions, and this accountability does not involve being exposed to violence. Abolition moves away from "alternatives to incarceration" that recreates the systems of punishment we already have and toward reimagining a world that is equitable and liberatory for all people. Abolition is not about forgiveness. Someone who is

a survivor of violence is not obligated to forgive the person who harmed them. As Mariame Kaba (2019) says, "I don't think you can end violence with violence in a sustainable way." The system is currently set up where people who may have harmed another person or caused them trauma are then subjected to conditions that inflict other harms and traumas onto them. Abolition is not about what society should do with those deemed guilty as much as it is about examining society's role in creating guilty individuals in the first place (Davis 2003).

Activists, organizers, and academic scholars such as Angela Davis, Ruth Wilson Gilmore, Mariame Kaba, and Dean Spade and organizations like Critical Resistance, Project NIA, and 8 to Abolition have continued to push how we think about abolition as theory and praxis. What is most powerful about the work of these figures is their ability to center the voices of those who are marginalized and oppressed: the victims of the prison industrial complex and their families. Their work highlights the Attrition Model of abolition, laid out by the Prison Research Education Action Project in 1976. In "Instead of Prisons: A Handbook for Abolitionists," the Attrition model of abolition focuses on three pillars or steps: moratorium, decarceration, and excarceration (Morris 1976).

Moratorium refers to the idea of ceasing the building of cages. The method of addressing crime in the form of locking people in caged cells has been used in the United States since the late 1800s. Yet, in the entirety of this method of attempting to promote public safety and rehabilitate those who are criminalized, it has never been proven that crimes are reduced, streets are safer, and that people are actually being rehabilitated (Dawkins and Sorensen 2014; Travis et al. 2014; Malsch and Duker 2016). The current method of addressing youth incarceration is outmoded and does not possess the ability to rehabilitate those who come into contact with its system. Instead, jails, prisons, and other carceral institutions subject individuals to physical, emotional, and psychological abuse and trauma. Carceral apparatuses tear people away from systems that can potentially serve as protective factors, like families, communities, and schools. When young people are confined, they have a harder time accessing schools, finding employment, and building healthy relationships when reentering society. Many even suffer from behavioral health issues as a result of their confinement. A major reason why we are so reliant on locking people in cages—which is also one of the main reasons they are obsolete—is because of the cost that comes as a result. Taxpayers spend hundreds of thousands of dollars a year to incarcerate their own. More than 33 states spend over $100,000 per year to incarcerate just one young person in a detention center, with all states collectively spending upward of $8 billion per year to incarcerate youth (Petteruti 2014). Add this to the fact that we have over a 70% recidivism rate in the US, which often results in the same people continually funneling in and out of the system, intensifies the likelihood of retraumatization, and is incredibly costly. Moving away from the use of cages, looking at all young people as if they are our own, and providing communities with the support needed to mitigate and prevent these issues from arising is priority.

The second step in the attrition model is decarceration, which challenges the practice of locking people away in jails and prisons and toward finding ways to get people out (Verma 2016). A key sentiment of decarceration asserts that the rising costs to incarcerate have not yet returned a commensurate value in increasing public safety (Garland et al. 2014). Many people incarcerated today are locked in jail because they are too poor to afford bond, and many pose no imminent threat to society (Wacquant 2009). Many states have seen reductions in their incarcerated population without experiencing any concurrent increase in crime rates. Though the end goal of P.I.C. abolition is to see all prisons and jails closed, on that road central to abolitionist work is the fight to pass non-reformist reforms. Non-reformist reforms are those measures that reduce the power oppressive carceral systems while illuminating the system's inability to solve the many plights it has caused itself (Berger et al. 2017). Examples such as ending cash bail, getting rid of mandatory minimum sentences and the decriminalization of drugs are a few ways that have been implemented as a reduction in the incarcerated population.

Finally, excarceration is the step where society moves past the prison industrial complex and begins to think of new ways to prevent people from ever becoming system-involved. A recent study conducted an evaluation on the effectiveness of a family-based treatment program, Parenting with Love and Limits® (PLL). The results indicated that youth who participated in the PLL program were less likely to be convicted of a felony crime or be placed in a residential juvenile facility—at statistically significant levels—and also less likely overall to be re-adjudicated compared to youth under institutional care (Ryon et al. 2017). The practice of excarceration means endorsing programs such as these that work to place people in environments that are not socially controlled or facilitated by institutions. Excarceration also includes other measures to prevent system involvement, like pretrial diversion, decriminalizing drugs, and abolishing cash bail. For instance, of the estimated 721,000 people who spent time in jails, 63 percent of people were there for a pretrial stay (Minton and Zeng 2016). People who have not yet been charged with a crime—many who may be innocent—remain under the correctional control of an institution due to a broken system. In addition to those who are locked up during pretrial, many incarcerated people have not been charged with a violent offense: the most prominent charge in federal prisons is a drug offense (Federal Bureau of Prisons), and over 305,000 people across all prisons and jails have been charged with a drug offense (Sawyer and Wagner 2020). Providing additional alternatives to incarceration may further reduce taxpayer spending, promote more restorative practices, and allow for community- and family-centered treatment options as a means to rehabilitation rather than institutional care.

3. Review of the Literature

3.1. The Creation of the Juvenile Legal System

3.1.1. Puritan Era (1646–1824)

The history of the juvenile legal system in the United States can be traced to the Puritan Era in the mid-1600s. When colonists settled in what is now the United States, they replicated the English justice system, including "poor laws", which placed children displaying delinquent behavior into forced labor (Abbott 1908; Lees 1998). Their juvenile legal system was built on a philosophy known as *patria potestas*, which gave fathers total authority over family matters, and children who misbehaved were subject to punishment (McGillivray 2011). Some earlier laws even allowed children to receive the death penalty for not obeying their parents. From the 1640s until the mid-1800s, the Stubborn Child Laws were passed, which created and enforced the first status offense for minors (Sidman 1972; Sutton 1981; Bellingham 1990). Under these laws, a child under seven years of age was unable to be convicted of a felony but was able to be charged with a felony upon turning eight years old. During this period, juvenile control was placed mostly in the family but also in the church. Families were tasked with handling consequences for delinquent-like behavior of children. If the behavior continued, minors would go through the adult justice system and could face convictions in an adult prison.

3.1.2. Refuge Era (1824–1899)

During the Refuge Era, reform efforts were instrumental in the development of separate institutional settings for juveniles. These settings include houses of refuge, reform schools, and foster homes. Juveniles were placed in houses of refuge by court order. The duration of stay usually lasted from adolescence to early adulthood. Heads of houses of refuge believed that vigilance was key to changing behavior. Disciplinary tactics within houses of refuge included loss of privileges or whippings. Reform schools were instituted by progressive states and aimed to provide discipline in a home-like setting. Though there were labor contracts within reform schools, their primary point of emphasis was in formal schooling. With many states adopting reform schools, New York decided to place youth who were deemed delinquent or neglected in foster homes. Foster homes were supposed to take the role of family surrogates. However, there was a large number of discrepancies

within these homes, as foster parents often clashed with foster youth, and some foster parents were convicted of crimes due to neglect and abuse.

During this time, a group known as the child-savers rose to notoriety (Platt 1977; Kasinsky 1994). The child-savers consisted of reformers whose philosophy was built on children being looked at as inherently good, and they argued that children should be treated as such. Child-savers were against arrests and trials for children, as they believed that society should find answers as to why youth participate in delinquent behavior and what are the ways to best address those issues outside of punishment (Ward 2012). They also believed children should not be held accountable to the same standards as adults. Reformers during the Refuge Era believed that poverty was a crime, and youth problems manifested because of poverty, urbanization, and unhealthy living environments. Local and state governments became the providers for neglected and delinquent children during this time period; they expanded their involvement by adopting new educational and assimilation tools for institutionalized young people (Ward 2012; Burton 2019). Private and public agencies shared a role in the cost for building, supervising, and maintaining these institutions. Institutions also begin the implementation of more correctional policies that widened the margin and separated adult and youth offenders (Burton 2019).

During this time, Black children were not considered worthy of deserving these rights to be protected by the "[W]hite-dominated parental state" (Thomas 1975). As slavery had ended and the laws were changing as how to deal with deviant children, Black youth became the early adopters for Jim Crow justice (Thomas 1975). Even when the nation opened its first youth refuge house in New York in 1825, it was not until 10 years later that Black youth were even considered for being accepted into refuge houses (Bell 2016). In Philadelphia, it was not until 1850 when the "House of Refuge for Colored Children" opened its doors as the first refuge house in the city for Black children (Frey 1981). Black children who were admitted into refuge houses were usually charged with matters such as complaining or needing friends (Frey 1981). On the other hand, however, White children never listed these two benign reasons as reason for their admittance, and in later years, the meeting minutes stopped listing any reasons for admitting White children (Frey 1981). Perhaps worst of all, there were unaccountable deaths of Black children in refuge houses, which is now understood to have occurred due to poor living conditions and poor nutrition (Frey 1981). Black children were denied the true utility of refuge houses and were an afterthought in their creation in this early juvenile system.

3.1.3. Models of Youth Justice (1899–1960)

During the Progressive Era, reformers pushed for establishing a separate juvenile court system, operating under the impressions that children are not born inherently bad but made so based on the environment they are exposed to and that children should be rehabilitated rather than punished (Barry and Austin 1993; Tanenhaus et al. 2002; Clapp 2010; Agyepong 2018). Young people were looked at as unique individuals who, for a moment, had strayed away from a path of morality but could be assisted in getting back on track. Some reformers believed it was a family's responsibility in making sure that a child grew up following the law, and failure to do so should lead to some form of state intervention. This intervention effort developed into the Illinois Juvenile Court Act of 1899, which was designed to "Regulate the Treatment and Control of Dependent, Neglected and Delinquent Children," creating the nation's first juvenile court in Chicago (Springer 1986; Agyepong 2018). Aligned with acknowledging that youth should be treated differently than adults, the structure of the juvenile legal system held the notion that youth must be protected and molded into "worthy citizen[s]" (Agyepong 2018). Judges in the juvenile court attempted to fulfill the role of a concerned caregiver instead of a neutral legal authority (Schramm 1949; Mennel 1972; Shepherd 1999). This was the US criminal justice system recognizing it had a separate duty to children and youth who were presumed salvageable and that they should not be mixed up with adults, especially in institutional settings. An underlying philosophy was in the belief that delinquency was preventable,

and, whenever prevention failed, delinquent behavior was something that was treatable and could be cured under the right circumstances.

The ecological perspective social workers took, correlating environmental influences on delinquent behavior while also evaluating home conditions, was their major point of evidence when attempting to design a system to meet juveniles' specific needs (Abrams 2013). The medical model posed a challenge to the social work perspective, as the medical model assumed that delinquent behavior stemmed from inherited defects of character. This was an issue, because, at the time, social work was still finding its place as a profession, and the medical field was not only already established but also one of the most respected fields in the country. During the early stages of the juvenile legal system, the US eugenics movement was on the wake (Selden 2005; Ryan 2007). This led medical professionals in search of biological factors that could lead to delinquency. The medical model eventually moved on from trying to determine genetic bases to explain behavior and moving toward a more psychiatric and psychological perspective. Under this perspective, a treatment model which paralleled the likes of the adult criminal justice system considered juvenile delinquency to manifest from deeper individual issues and internal conflict that, if untreated, would progress and become worse. This model became the dominant strategy used to treat youth pushing out the social work perspective. While social workers and the ecological perspective helped develop the juvenile legal system, the medical model became the more influential role in juvenile legal service. This led to a large focus on the individual level and less of a focus on the family, community, and other social factors.

Under the medical model, illness functions as a form of socially constructed deviance (Veatch 1973). Certain biological variations are selected and labeled as being bad for society and therefore a "sickness". The role of social labeling becomes especially clear in the field of mental illness. With the medical model, emphasis is placed on the individual, and their behaviors are attributed to an underlying genetic cause. Effort is placed on diagnosis and treating the individual, leaving the greater social context unchanged. An ecological focus would instead draw attention to the contextual factors such as gender and racial oppression to explain the behaviors of the individuals, and solution-focused efforts would be directed toward undoing oppressive conditions of living. While the medical model would label individuals' behaviors as a sickness, an ecological perspective would be more likely to view the behaviors as a form of resistance to an oppressive macrosystem. For these reasons, this is why the work of early social workers taking an ecological perspective was considered a progressive and radical stance.

3.1.4. The Dehumanization of Black Children in the Early Juvenile Legal System

Although the juvenile legal system was based on an ecological treatment model, it was not without faults. Many believed that the juvenile legal system developed its own stigma over time, which became harmful to the youth under its jurisdiction. It is crucial to remain cognizant that, while the juvenile legal system was being developed, this was also a time when overt White supremacy and segregationist policies ran rampant throughout the country—and the juvenile legal system was not immune to discriminating against Black children (Bush 2010; Burton 2019). Scholars have argued that child-savers were deliberate in selecting which youth to be represented in the juvenile legal system, which gave an overwhelming preference to White immigrants instead of Black children (Ward 2012; Feld 2017; Mallett 2018). There was an underlying assumption that the youth who became involved in the juvenile legal system would then assimilate into the dominant culture, which was emblematic of Whiteness (Feld 2017; Agyepong 2018). As Black youth were considered to be from an inferior race, they were not seen as innocent or deserving of being treated like future citizens; thus, it was a commonly held practice to send Black youth to chain gangs and prisons while sending White youth to more rehabilitative institutions (Haley 2016; Feld 2017). Instead of protecting Black youth, early progressives assisted police officers by taking them into Black communities where Black youth were arrested and incarcerated for engaging in vices, such as gambling and prostitution, rather than given the

opportunity to seek rehabilitation though the juvenile legal system (Agyepong 2018). Often excluded from the juvenile legal system, Black children were subjected to receiving their protection from clubwomen and other Black professionals as their refuge (Agyepong 2018).

3.1.5. The Juvenile Rights Period (1960–1980)

In the 1960s, the Supreme Court imposed a new set of requirements to determine when it was deemed appropriate to make a juvenile a ward of the state, due to rising racial stigma and tensions. From its installment, the juvenile court was built on a welfare concept, and once the Supreme Court began to take issue with some of the procedures, the juvenile court moved from a family-focused process to a more combative one. Youth advocates began to challenge the constitutionality of the informal proceedings such as youth not being represented by an attorney (Scott and Steinberg 2009). Moreover, in 1967, *In re Gault*, the Supreme Court held that youth were entitled to an attorney and other protections that adults in the criminal justice system were (Scott and Steinberg 2009; Feld 1993). The *Gault* case is the first major legal challenge that derailed the original structure of the juvenile legal system: once a more formal setting was established, the identical lens to the adult criminal justice system became clearer. The juvenile legal system began to take a more punitive approach, and there became an increased use in housing youth in locked facilities. This also came as a result of the differing opinions that arose between child welfare workers and policymakers about what treatment should look like to address lawless behavior.

In the 1960s and 1970s, the juvenile legal system began to mirror that of the adult criminal justice system, despite the fact that the juvenile legal system was intended to look distinctly different from its predecessor. Both bore similar characteristics when it came to the rise in total prison population and incarceration rates being at all-time highs. Nixon's war on drugs, which was later deemed a failure, saw a large focus on criminal punishment, an increase in arrests, and the incarceration of individuals with nonviolent drug offenses—all of which adversely impacted the juvenile legal system. The war on drugs was not heavily supported by many people due to its glaring inability to address racial disparities in the rising prison population, which mostly affected African Americans and Latinos. During this era, there was a shift away from looking at Black young people as separate from adults; instead, there was an increase in youth being charged as adults and receiving more punitive treatment and longer sentences within juvenile institutions (McCord et al. 2001; Drinan 2018). In addition to policy implementation, the changing legal landscape delivered some of the most scathing blows to the Progressive-established juvenile legal system. Initially, judges in the early juvenile courts held almost absolute power as to how youth who entered into the courts would be dealt with, which usually focused on introducing social services and supportive resources (Feld 1993). In instances when youth came before the court and were deemed that they should enter into an adult facility, those decisions—occurred only on a seldom basis—were also left up to judges (Drinan 2018; Scott and Steinberg 2009). During this time, the prosecutor was responsible for persuading judges in juvenile courts that a youth was unable to change and could not be rehabilitated through the juvenile legal system (Drinan 2018). However, in the 1970s, courts made it less challenging for states to prosecute children as adults, because power had also shifted away from judges and toward prosecutors (Popkin et al. 1972; Drogin 2007). Political pressure in the 1970s and '80s seemed to push policymakers to enact more punitive policies and measures—many which would later be proven ineffective (Tonry 1994; Reynolds 2008). The political climate called for politicians to declare a tough-on-crime approach or risk losing votes in elections. This call for being tough on crime led to increases in institutional use, sentence lengths, and juveniles being prosecuted in adult courts (Beckett and Sasson 2004; Pratt 2008). Democrats were historically deemed soft on crime and, as a response, passed a drug bill that introduced mandatory minimum sentencing. Mandatory sentencing was attached to Ronald Regan's Anti-Drug Abuse Act (Beaver 2009; Fabens-Lassen 2014). While funds were allocated to drug treatment programs within prisons, the mandatory minimum sentences were the primary goal of this

legislation. African Americans were disproportionately affected by this law, as African Americans who were charged for possession of crack cocaine saw themselves receiving longer and more punitive sentences than White people who would be caught with the same amount of powder cocaine. States began using institutionalized methods of incarceration more and often for less serious offenders. This could be attributed to media headlines that insinuated a rise in gang issues, shootings, and drug abuse, all while the country was not seeing a spike in juvenile crime. Society began to see urban communities becoming more isolated during this time, and community-based programs and prevention methods began to abrade as cocaine markets began to make their way into these same communities. The problem of a rising illegal drug market provided jurisdictions with the justification that was needed to abandon these programs and begin to practice stricter and harsher punitive measures. The end of the 1980s began to see policymakers and juvenile legal professionals rethink and re-envision their approach to juvenile legal policy (Sarri 2013). At the time, more youth were housed in adult facilities and serving longer sentences for minor offenses. Some states began to reemphasize the need for community-based approaches as a response to youth corrections.

3.2. Failures and Consequences of the Modern Juvenile Legal System

3.2.1. Racial Inequities

As the race of system-involved youth is an inescapable fact as soon as youth of color enter a place that works in tandem with the carceral state, they immediately run the risk of having a multitude of biases stacked against them by legal actors. These legal actors include lawyers, probation officers, counselors, law enforcement officers, judges, and others who are involved in the juvenile legal system (Birckhead 2017; Petty and Wiener 2019; Loveland 2017). Historic representations of dehumanizing Black people as inferior to White people and the alleged belief and stereotype of Black people having animal-like qualities show up when legal decisions are made. (Goff et al.) Despite children being perceived as nearly equally innocent from ages 0–9, at the age of 10-years-old, Black children's perceived innocence dwindles (Goff et al.). Stereotypes of Black girls, such as being extremely loud or engaging in permissive behavior, also affect their participation in the justice system based on how legal actors perceive them (Lopez and Nuño 2016; Nanda 2012). The discretion of legal actors may impact how Black girls are treated the juvenile legal system, since they are prone to adultification of being portrayed as older than they are and thus are subjected to harsher punishment (Epstein et al. 2017; Nanda 2012; Blake et al. 2011). In a similar fashion to the experiences of Black girls, Latina girls also have stereotypes, such as being "submissive" and "highly sexual", that shape their experiences within the juvenile legal system by legal actors, as well (Lopez and Nuño 2016; Nanda 2012).

Racial injustice within the juvenile legal system is evident at all points, from arrest, arraignment, adjudication, and even the ability for youth of color to receive adequate legal representation (Engen et al. 2002; Nunn 2002). Black and Latino youth have historically faced more severe punishment than White youth (Rios 2007). This is evident regardless of the crime and history of offenses. Black and Latino youth are less likely to have cases dismissed or be recommended for diversion programs and are most likely to be detained while their trial is pending (Mendel 2015). A 2009 study showed juvenile courts were denying low-income youth legal representation and found that these same youth were at high risk of being coerced into false confessions and wrongful convictions (Majd and Puritz 2009). The current juvenile legal system in the United States has been failing for years. New models and interventions are needed to get us to a more equitable society. Under a model that moves away from the use of prisons and uses more community-based approaches, we can see a shift in outcomes for youth and adults, as well. Preventing today's youth from heading down a road of delinquency will help shift the rate of incarceration for the adults of tomorrow.

Over the past 23 years, juvenile incarceration rates across the country have decreased (Sickmund et al. 2019; Hockenberry and Puzzanchera 2020). In 2017, 138 per 100,000 youth

were incarcerated. Black youth are the largest racial group to be incarcerated in prison compared to any other race, where over 40 percent of incarcerated youth are Black. When breaking down the data to highlight the intersection of race and gender, Black males, specifically, account for nearly 36 percent of all young people who were incarcerated in 2017—the largest group of any youth incarcerated (Sickmund et al. 2019; Hockenberry and Puzzanchera 2020). When comparing this to data in 1999, the youth incarceration rate was just over 35 percent (Sickmund et al. 2019; Hockenberry and Puzzanchera 2020). This is an important distinction to make, because, despite the fact that the raw number of youth who are incarcerated is decreasing—which is a positive—at the same time, the youth incarceration rate for Black males remains virtually unchanged in more than 20 years. The majority of juveniles (95%) confined to a facility are there because of delinquent behavior; the other 5% are there for status offenses, like running away and truancy. The most common offenses in 2015 that led to juveniles being placed in facilities were crimes against another person (38%) or property-related charges (22%). More specifically, in 2015, 27 percent of juveniles in residential placement had committed violent crimes, and 18 percent had committed property crimes. On the less frequent end, 2% had committed a homicide, 5% had committed drug-related offenses, and 13% had committed disturbances to the public order ("Juvenile Incarceration," n.d.).

There are also disparities that have occurred in sentencing categories and sentencing times, where juveniles who are people of color are more likely to receive harsher sentences and be sentenced as an adult at a higher rate than their White counterparts. Even when a Black youth is sentenced initially within a juvenile court, they have a much higher likelihood of being sentenced as an adult (Tatum 2003; Rios 2007; Jordan and Freiburger 2010). One large-scale study in Florida that had a population size of nearly 31,000 juvenile sentences found that Black youth were almost 2.5 times more likely than White juveniles to receive a jail sentence compared to supervision, which was a statistically significant result ($p < 0.001$) (Lehmann et al. 2017). Similarly, Hispanic students were almost 1.5 times more likely than White youth to receive a jail sentence instead of supervision, which was also statistically significant ($p < 0.001$) (Lehmann et al. 2017). When looking at race and ethnicity as a monolith, Black and Hispanic youth receive longer jail sentences than White juveniles (Lehmann 2018). However, when also taking into account gender, Black males are most likely to be transferred from a juvenile facility to an adult prison (Lehmann 2018). Many believe that the idea of getting rid of youth prisons is radical and counterintuitive to dealing with youth crime. This is especially the case since the juvenile incarceration rate has been on a decline over the last several years (Sickmund et al. 2019). However, many jurisdictions around the United States, as well as other developed nations, have already begun to make these shifts and have seen positive outcomes as a result. This paper will argue for eradicating youth prisons and moving toward a more humane, community-based approach by outlining some of the major inadequacies in maintaining the status quo.

3.2.2. The Carceral Apparatus

The American public education system is another place where the reverberations of the juvenile legal system are felt. In many cases, schools have modeled themselves after the juvenile legal system. The way in which schools have adopted prison-like practices is referred to by Carla Shedd (2015) as the Universal Carceral Apparatus. Practices include pat downs, locker searches, the use of security cameras, metal detectors, and security guards. These prison-like practices work to not only surveil but also criminalize the youth forced to undergo them. The result is that under the guise of safety, schools serve as an extension of our disciplinary society (Shedd 2015). Schools become sites of criminalization, where a student can be surveilled, arrested, and punished. Tellingly, these prison-like practices do not define the educational experiences of all youth. While police presence within a school increases the likelihood of arrest for all youth, this is especially the case for Black students (Homer and Fisher 2020). In other words, within schools, these practices are disproportionately exercised against Black students (Lewis and Diamond 2015). For

example, Black students may be subjected to greater amounts of locker searches and pat downs when compared to their White peers within the same school. Comparisons between schools show that those with greater proportions of Black students are more likely to adopt these oppressive prison-like policies and less likely to adopt more equity focused policies such as restorative justice (Payne and Welch 2015). The extension of the oppressive surveillance practices found in the juvenile legal system criminalizes and harms all youth but especially Black youth. Such socialization practices mean that schools produce individuals who have internalized the labels of criminality rather than scholastic success.

3.2.3. Mental Health Implications

In addition to the aforementioned factors, arguably one of the most devastating aspects of the juvenile legal system is the adverse effects on the mental health of youth. Youth who are incarcerated are more likely to have a mental illness compared to youth who are not, where upward of 65 to 70 percent of youth in the juvenile legal system struggle with mental illness (White 2016; Ungar et al. 2014). Youth who are currently detained also experience psychiatric disorders at a much higher rate than their counterparts who are not incarcerated (Vermeiren et al. 2006). More than half of all incarcerated youth reported a suicidal ideation at least once, and more than 30 percent of incarcerated youth reported an attempted suicide (Barnert et al. 2016). To even further describe the disparities in mental health care, youth who are incarcerated and have a mental illness are more likely to have their needs unmet during their incarceration (White 2016; Ungar et al. 2014). Often, youth who potentially have a mental illness may be unaware of their condition, and the legal system would then become the primary method through which youth are treated for their mental health-related issue (Ungar et al. 2014).

The inescapable fact that hangs over the juvenile legal system is the intricate unraveling of how trauma affects youth who are incarcerated. Despite the fact that solitary confinement is a harsh and cruel punishment, youth are often placed into solitary confinement and may struggle with posttraumatic stress disorder (PTSD) (Desai 2019). In youth residential facilities, the rate for youth who struggle with PTSD is up to 15 times higher than youth outside of those facilities (Desai 2019). The impact that incarceration has on youth is not fully understood because trauma manifest in a myriad of ways, and youth will experience trauma differently. For instance, males have reported witnessing higher levels of violence, while females have reported higher rates of sexual assault (Dierkhising et al. 2013).

The intersectional effects of racial identity and mental health status can impact all stages of system involvement, where untreated mental illnesses can lead to incarceration, and then symptoms can worsen while incarcerated, making it challenging for youth of color to successfully reintegrate after their release (Barnert et al. 2016). For Black youth, in addition to the day-to-day trauma of youth incarceration, they also deal with the effects of racism while incarcerated (Stohs 2003). Black youth who were incarcerated were more likely to have experienced mental health-related issues, such as a decreased self-esteem and being less satisfied with their lives (Kang and Burton 2014). It is noted that White youth are more likely to receive mental health services than Black youth who are incarcerated, with one study asserting that White youth are four times more likely to receive mental health services than Black youth (Lee et al. 2017). Racial bias in deciding whether a youth should be treated for a mental illness may influence how services are delivered (Lee et al. 2017). Furthermore, this racial bias may prevent some White youth from entering into the juvenile legal system initially and instead shuffles them toward a mental health treatment route, while Black youth become system-involved (Lee et al. 2017).

The juvenile legal system has a responsibility to ensure it treats the youth who are in its care, but this cannot be a siloed effort within the legal system (Grisso 2008). Youth prisons are inadequate at providing mental health services to youth who are detained (Yoder et al. 2017). Staff in youth prisons also do not have the specialized skills to comprehensively treat youth (Yoder et al. 2017). The danger of not properly treating a youth's mental illness while they are system-involved means that, upon release, they may still

be susceptible to committing crimes (Skeem et al. 2014). Youth who are incarcerated also can find difficulty in seeing the benefit to treating their mental health issue, which may reinforce a lack of follow-up on mental health referrals upon release (Abram et al. 2008).

3.2.4. Kalief's Story

The story of Kalief Browder highlights the impact that incarceration has on young people's mental health and wellbeing. Kalief's story also yields insight into the way vicarious trauma can impact those closest to system-impacted people. Kalief Browder grew up in the Bronx, the poorest congressional district in the country. He spent three years on Rikers Island; most of his time (around two years) was spent in solitary confinement. He was subject to countless acts of abuse from other inmates and correctional officers. Not long after his release, Kalief Browder committed suicide. Before his death, Kalief spoke about the many mental health challenges that resulted from his time being incarcerated. These challenges ultimately led to his suicide. The reason he spent three years incarcerated was that his mother could not afford the $3000 bail. His mother often spoke about how helpless she felt to help her son and often blamed herself for all the trauma he was subjected to. Not too long after her son's passing, Kalief Browder's mother died from a heart attack.

Kalief's story displays the need for the research mentioned above. Kalief growing up in one of the country's poorest districts may have ultimately impacted the likelihood of him being subjected to such a traumatic experience. As someone who proclaimed he had no prior mental health issues, Kalief's three years incarcerated and the experiences of being institutionalized led to the development of anxiety, depression, and other health challenges that ultimately led to his suicide (Jones 2015). His family also was impacted. His mother suffered from multiple health-related challenges and obstacles due to having a child who was first incarcerated and then passed away as a result. Kalief's story is not a siloed one. There are many burning questions that many may consider when learning of his story, such as the challenges that develop in young people post-incarceration and how the incarceration of young people impacts families, are not yet backed by empirical evidence.

4. Discussion

"Sankofa" is a West African saying that is loosely translated as, "To understand where we are going, we have to understand where we have been" (James et al. 2020). A conversation many social workers tend to avoid is the profession's roots in anti-Blackness, racism, and oppression. Many early settlement house movements led by founders of the profession like Jane Addams and Edith Abbot centered "uplift ideology", fashioning the duties of social workers into uplifting poor Whites by getting them to subscribe to White middle class beliefs and practices. Black women, in many cases, were excluded from serving as social workers as well as receiving services. Those who did receive services from early social workers were pressured to adopt White middle-class values and lifestyles. Though this later changed, we cannot ignore this history or social work as a profession often aligning itself with carceral and often other oppressive systems. Early social work movements were built off the notion of charity rather than unanimity of all people. This is ever so present if we look at the National Association of Social Workers (the leading organization of the Social Work Profession) publishing an op-ed in the *Wall Street Journal* calling for social work to align itself with police forces (McClain 2020). At the height of racial tension in the United States following the murders of George Floyd, Breonna Talyor, Ahmaud Arbery, and Tony McDade by the hands of current and former law enforcement officers, it could not have come at a worse time for social workers to call on the profession to align itself with an entity that has historically oppressed and harmed Black people. Aligning social workers with police officers does not mitigate or eradicate the harm that has been inflicted by police officers. It just reinforces social work's history of aligning itself with state actors and serving as gatekeepers of oppression instead of holding strong to its

core values of social justice and helping people realize their rights to self-determination and liberation.

Researchers, activists, and authors like Kirk "Jae" James have often critiqued what he points out as a dissonance between the actions social workers take and social work values (Rasmussen and James 2020). This makes it hard for many to grapple with if there is anything the social work profession can offer the movement toward Abolition. Historical and contemporary Abolitionist movements are very much anti-carceral systems (Rasmussen and James 2020). Underground Scholars defines Carceral systems as a comprehensive network of systems that rely, at least in part, on the exercise of state sanctioned physical, emotional, spatial, economic, and political violence to preserve the interests of the state (Cerda-Jara et al. 2019). This stems beyond just prisons but also includes NGO's, courts, many forms of technological surveillance, and many other formal institutions (Rasmussen and James 2020). A major part of social work education is to provide students with field placements that are often held within these very institutions. This has sparked a new discussion between social work, practitioners, community organizers, and academics around what the possibility could be for Abolitionist Social Work. Abolitionist Social Work is a fairly new term—one that we have only been introduced to over the last couple of years. In order to move toward an abolitionist future, social work has to come to terms with the fact that, historically, social workers have advocated for social justice and the rights to self-determination of all people, all while often attaching themselves to and working with systems that are responsible for state-sanctioned violence, harm, separation, and discrimination of the most marginalized people and communities. Social workers being an extended arm of the carceral state is antithetical to its principles. This is evident in social work being a founding father of the juvenile courts, which, since its development, has harmed thousands of young people, especially young people of color.

On the road to abolition, social work must address the ever-climbing disparities within the juvenile legal system. It is important that this perspective remains present within reform efforts. Paying attention, not just to the individual but the systems youth belong to—in addition to social structures that influence those systems—will provide a better understanding of youthful offending and why our current methods of addressing harm does not work. The ecological perspective was the basis of the establishment of a separate juvenile court system introduced by social workers until the medical model took over and became the dominant narrative. In the nascent stages of the juvenile legal system, social work was just beginning to form its identity and establish its commodity, which made it easier for a more established and respected profession to shift away from the vision of social workers.

While the number of jurisdictions using punitive measures is decreasing, there is still much work to be done. Young people are still being sentenced as adults at high rates and are also subject to other extreme sentencing measures (Lehmann 2018). The United States is also the only nation in the world who sentences youth to "Life without the possibility of parole" (Rovner 2021). It was not until the 2012 landmark Supreme Court decision *Miller v. Alabama* when it was deemed unconstitutional, according to the Eighth Amendment, to impose mandatory sentence of juvenile life without parole (JLWOP). The Court cited that youthful offending often is a result of "transient immaturity" due to their brains not being fully developed, making them less culpable than adults for their actions. Following *Miller v. Alabama*, the Court ruled in *Montgomery v. Louisiana* (2016) that discretionary sentences of JLWOP imposed by judges are unconstitutional. The *Montgomery* case also applied a retroactive clause allowing people who were currently incarcerated with JLWOP sentences to contest their sentences, though enforcement of the law is up to states' discretion (Rovner 2021). The juvenile legal system still disproportionately affects young African American and Latino youth of color at alarming rates.

We argue that social work must retake its place at the helm of the juvenile legal system reform movement. With that comes recognizing young people as individuals who are part of several different systems that are essential in helping to shape behavior. Social

workers are the ones who realized and understood the need for separate systems, asserting that young people should not be responsible for bearing the same responsibilities for their behavior as adults. The punitive system, which social workers have abandoned and is now run by law enforcement, politicians, and such, took a punitive turn focused on institutionalization and has left an arena where social workers now only make up less than five percent of the workforce (Abrams 2013).

5. Conclusions

Social workers, in their reform efforts, must shed light, as they did in the past, on the social structures and carceral systems—such as JLWOP sentences, the school-to-prison nexus, and the child welfare system—that continually serve as feeder systems to juvenile incarceration and that also maintain policies intact that disproportionately affect Black and Latino young people. The juvenile legal system today has moved far beyond its original philosophical stance of providing individualized and compassionate care to young people and resembles a system of strict social control and law and order, as the adult system does. Social workers must partner and collaborate with advocacy and community groups, researchers, and policymakers to build support networks to help push transformational reforms that will ultimately lead to the eradication of the juvenile legal system. Punishing and institutionalizing young people as a form of rehabilitation without considering societal factors that create the circumstances that lead young people into carceral settings is counterintuitive to helping young people realize their right to self-determination.

There is a growing movement around the profession of social work and abolition or, as we are beginning to call it, abolitionist social work. If we are serious as social workers about ending harm brought on by carceral systems, we have to change our responses to how we react to harmful behavior. We must rethink the relationships we choose to have, especially with punishment systems, and invest in the welfare of all people, starting with the most marginalized, by developing initiatives geared toward the redistribution of resources, making sure everyone has access to the necessities needed to survive, such as health care, housing, employment, and education. The concept of abolitionist social work is relatively new and is continually being defined. Abolitionist social work must become a movement that is geared toward ending state-sanctioned violence while simultaneously building and affirming relationships with organizations that endorse similar values. Social work must also change its practices by moving from charity to solidarity and morph into a profession that is decolonized and anti-capitalist and continually works toward accountability and transformation.

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