



RESEARCH AND ADVOCACY FOR REFORM

# Testimony of Josh Rovner

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U.S. Commission on Civil Rights

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Dear Commission Members:

Thank you for this opportunity to testify on mental health care in juvenile justice institutions. I am the Senior Research Analyst at The Sentencing Project, a nonpartisan think tank on juvenile and criminal justice reform, where I have worked for more than 12 years. The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice. We are grateful for this opportunity to submit testimony the U.S. Commission on Civil Rights.

Despite long-term drops in youth confinement (aligning with declines in youth arrests),<sup>1</sup> our nation incarcerates youth at many times the rates of other nations.<sup>2</sup> Decreasing our overreliance on confinement is essential toward addressing concerns around mental health care in juvenile justice facilities. Given the vast challenges in delivering high quality mental health care in these difficult settings, our core recommendation is that the nation must further reduce its reliance on confinement and invest in alternatives to incarceration.<sup>3</sup> We know that youth with mental health challenges are much more likely to be system-involved.<sup>4</sup> Addressing the urgent and significant needs of our youth outside of carceral settings is the better path forward.

My testimony will address four issues:

- (1) Sharp racial and ethnic disparities in youth justice mean addressing mental health needs in detention and commitment facilities is a racial justice issue.
- (2) Youth incarceration increasingly means detention, and detention facilities are not built for mental health care.
- (3) Systems should strive to provide needed mental health care for justice-involved youth outside of carceral facility settings, where parents can be involved.
- (4) Abusive conditions in juvenile detention and commitment facilities retraumatize incarcerated youth.

## **Racial disparities in youth confinement**

The federal government has taken legal interest in racial disparities in juvenile justice since the passage of the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP A)<sup>5</sup> by an overwhelming bipartisan Congressional majority before being signed into law by President Gerald Ford. That law required states to make efforts to reduce the racial disproportionality in post-adjudication confinement (“Disproportionate Minority Confinement”) where it existed. The JJDP A was reauthored and expanded in 1977, 1980, 1984, and 1988, 1992, 2002, and most recently as the Juvenile Justice Reform Act of 2018.<sup>6</sup> As in 1974, the 2018 law had strong bipartisan support and was then signed by a Republican President.

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<sup>1</sup> Rovner, J. (2025). *Youth Justice by the Numbers*. The Sentencing Project.

<sup>2</sup> Nowak, M. (2019). *The United Nations Global Study on Children Deprived of Liberty*. UN Task Force on the Global Study.

<sup>3</sup> Mendel, R.A. (2023). *Effective Alternatives to Youth Incarceration*. The Sentencing Project. See also: Annie E. Casey Foundation (n.d.) [Juvenile Detention Alternative Initiative](#).

<sup>4</sup> Development Services Group, Inc. (2025). [Mental health: The influence of mental health on juvenile justice system involvement](#). Office of Juvenile Justice and Delinquency Prevention

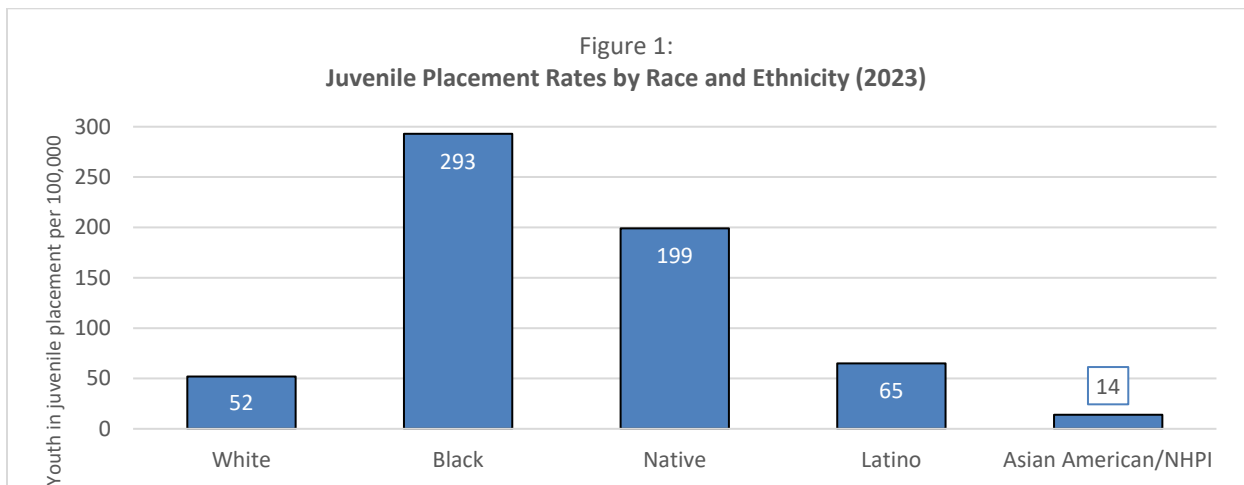
<sup>5</sup> Public Law No. 93-415.

<sup>6</sup> Public Law No. 115-385.

However, America’s system of juvenile justice remains rife with inequities at multiple points of contact. Compared to their white peers, youth of color are more likely to be arrested, more likely to be referred to juvenile court, more likely to be detained upon their arrest, less likely to be diverted from formal court processing, more likely to be committed post-adjudication (and less likely to receive non-carceral sanctions, such as probation).<sup>7</sup> These disparities reflect both racial biases woven into the justice system (“differential selection”) and differences in the actual offending patterns among racial and ethnic groups (“differential involvement”). This testimony, per the topic of today’s hearing, addresses youth confinement facilities but I urge the Commission not to lose sight of the other inequities that contribute to unjust placement disparities.

***Placement disparities between white youth and Black, Latino, Native, and Asian American youth***

As of 2023, the most recently available nationwide data, Black youth were 5.6 times as likely to be placed in juvenile facilities (that is, detained or committed) as their white peers (Figure 1). The disparity is now at an all-time high, based on data that starts in 1997.<sup>8</sup> This is not a localized problem. In all 44 states with at least 5,000 Black youth between ages 10 and 17, Black youth were at least 2.5 times as likely to be in custody as white youth.<sup>9</sup>



Source: Puzzanchera, C., Sladky, A., and Kang, W. (2026). [Easy Access to Juvenile Court Statistics: 1985-2023](#). National Center for Juvenile Justice

Native youth were 3.8 times as likely to be placed in juvenile facilities as their white peers. That disparity, too, is now at an all-time high since 1997. Among the 17 states with a population of at least 5,000 Native youth, Native youth were at least twice as likely to be in custody than white youth in 10 states.<sup>10</sup>

Latino youth were 25% more likely to be placed in juvenile facilities as their white peers. Among the 48 states with a population of at least 5,000 Latino youth, Latino youth were at least twice as likely to be in custody

<sup>7</sup> Office of Juvenile Justice and Delinquency Prevention. (2024). [Ratio of rates between minority youth and white youth by decision point and offense](#).

<sup>8</sup> Puzzanchera, C., Sladky, T.J., and Kang, W. (2025). [Easy access to the census of juveniles in residential placement](#). National Center for Juvenile Justice.

<sup>9</sup> Rovner, J. (2025). [Black Disparities in Youth Incarceration](#). The Sentencing Project.

<sup>10</sup> Rovner, J. (2025). [Tribal Disparities in Youth Incarceration](#). The Sentencing Project.

than white youth in 11 states.<sup>11</sup> Latino-white disparities have declined over the years that data have been collected.

Conversely, Asian American youth were less likely than their white peers to be in placement. Asian American youth were 27% as likely to be in placement as their white peers.

These overall disparities in youth placement combine two components: pre-adjudication detention and post-adjudication commitment. In general, youth in detention have been accused of a crime but not convicted of one; in general, youth in commitment facilities have been adjudicated delinquent (the juvenile justice system’s equivalent of a conviction).

Overall disparities, shown in Figure 1, mask the inequities in detention and commitment. Disparities are larger in detention.

- Overall, Black youth are 5.6 times as likely to be in placement as their white peers, but they are 7.8 times as likely to be detained pre-adjudication.
- Overall, Native youth are 3.8 as likely to be in placement as their white peers, but they are 5.7 times as likely to be detained pre-adjudication.
- Overall, Latino youth are 25% more likely to be in placement than their white peers, but they are 53% more likely to be detained pre-adjudication.
- Overall, Asian American youth are less likely (27% as likely) to be in placement than their white peers, but they are 32% as likely to be detained pre-adjudication.

Once again, pre-adjudication detention is reserved for youth who have been accused of a crime but not convicted of one. As troubling as overall disparities are, large detention disparities reflect a growing willingness to incarcerate youth who are, legally speaking, innocent of any offense.

Table 1 shows whether the roughly 650,000 youth referred to juvenile court for a delinquency offense in 2023 were detained or not detained upon their referral. Overall, approximately one in four youth (24%) were detained upon their referral, as shown in the box in the bottom righthand corner. Likelihoods of detention are higher for all youth of color than for their white peers. As shown in the bottom line of the table, while 18% of white youth are detained upon referral to juvenile court, 29% of Black youth, 26% of Native youth, 22% of Asian American youth, and 28% of Latino youth are similarly detained. Thus, even setting aside disparities among those referred to juvenile court, youth of color are treated more harshly. These same patterns persist almost regardless of the initial charge.<sup>12</sup>

**Table 1: Likelihood of detention by race and ethnicity (2023)**

	Black	Latino	Native	Asian/NHPI <sup>13</sup>	White	All Youth
Detained	69,817	34,881	3,372	1,711	48,423	<b>158,204</b>
Not detained	171,578	91,107	9,499	5,997	217,368	<b>495,549</b>
Total	241,395	125,988	12,871	7,708	265,791	<b>653,753</b>
Percent detained	29%	28%	26%	22%	18%	24%

Source: Puzanchara, C., Sladky, A., and Kang, W. (2026). [Easy Access to Juvenile Court Statistics: 1985-2023](#). National Center for Juvenile Justice.

<sup>11</sup> Rovner, J. (2025). [Latino Disparities in Youth Incarceration](#). The Sentencing Project.

<sup>12</sup> Rovner, J. (2022). Too Many Locked Doors: [The Scope of Youth Confinement is Vastly Understated](#). The Sentencing Project.

<sup>13</sup> Native Hawaiian Pacific Islander

Table 2 shows whether the roughly 157,000 youth adjudicated delinquent in 2023 were committed or not committed post-adjudication. Overall, more than one in four adjudicated youth (28%) are committed post-adjudication, as shown in the box in the bottom righthand corner. As shown in the bottom line of the table, likelihoods of commitment are higher for all youth of color than for their white peers. While 24% of white youth are committed post-adjudication, 32% of Native youth, 30% of Black youth, 29% of Latino youth, and 25% of Asian American youth are similarly confined. In short, when youth are convicted in juvenile court, white youth receive leniency that youth of color do not.

**Table 2: Likelihood of commitment among delinquent youth by race and ethnicity (2023)**

	Native	Black	Latino	Asian/NHPI	White	All Youth
Committed	1,197	19,144	8,346	403	14,242	<b>43,331</b>
Probation or other punishments	2,544	44,979	20,276	1,235	44,456	<b>113,490</b>
Total	3,741	64,123	28,622	1,638	58,698	<b>156,821</b>
Percent committed	32%	30%	29%	25%	24%	<b>28%</b>

Source: Puzanchera, C., Sladky, A., and Kang, W. (2026). [Easy Access to Juvenile Court Statistics: 1985-2023](#). National Center for Juvenile Justice.

## Youth incarceration increasingly means detention, and detention facilities are not built for mental health care

Looking at annual totals of confined youth reveals the scope of youth placement, which is increasingly defined by pre-adjudication detention, not post-adjudication commitment. Over the course of 2023, roughly 175,000 youth were detained or committed (or both) on a new delinquency charge. Of these youth, roughly 158,000 were detained (90%) and roughly 43,000 were committed (25%).<sup>14</sup> (The totals exceed 100% because some youth are detained pre-adjudication then committed post-adjudication, thus falling into both categories.) In short, more than 3.6 times as many youth are detained as committed over the course of an entire year.

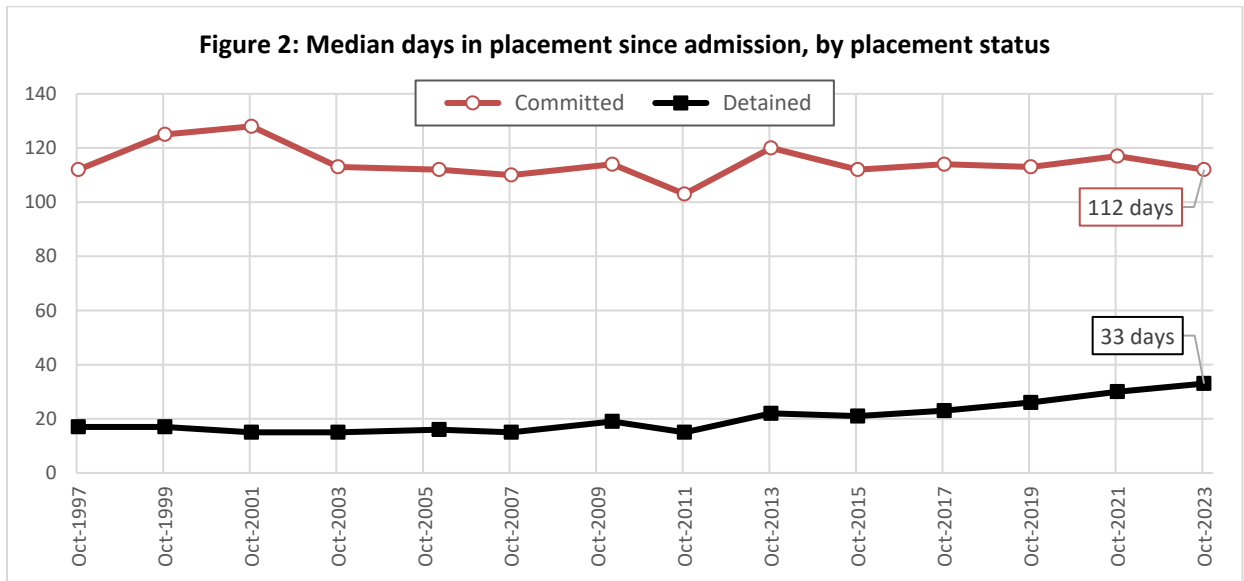
Another data source reveals the status of confined youth on a typical day. This one-day count shows that 45% of youth in placement on a typical day are detained pre-adjudication. Compared to 20 years ago, that proportion has increased from 27%. In other words, while a quarter of youth in placement on a typical day in 2003 were detained, now it is close to half.<sup>15</sup> Youth incarceration increasingly means detention.

Detention facilities are not well equipped to address mental health challenges for many reasons. Compared to commitment, detention is generally brief. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) collects data on youth in placement as of a single representative day: one day in late October of odd-numbered years under the Census of Juveniles in Residential Placement. Figure 2 shows the median lengths

<sup>14</sup> Puzanchera, C., Sladky, A., and Kang, W. (2026). [Easy access to juvenile court statistics: 1985-2023](#). National Center for Juvenile Justice.

<sup>15</sup> Puzanchera, C., Sladky, T.J., and Kang, W. (2025). [Easy access to the census of juveniles in residential placement](#). National Center for Juvenile Justice.

of stay on a single day every other year dating back to October 1997.<sup>16</sup> In 2023, the typical detained youth had been in the facility for 33 days and the typical committed youth had been in the facility for 112 days. With data available since 1997, we can see committed youth are always held much longer than detained youth. As reflected in the graph, detention facilities have much faster churn of their population, a situation that is not conducive to meaningful provision of mental health care. Many of these youth are held for a handful of days. While there are other experts who can speak to the provision of developmentally appropriate adolescent mental health care, one cannot expect its meaningful delivery in a single month in confinement.



## Mental health challenges among the justice-involved population are real and must be addressed outside of facilities

Our youth have significant mental health challenges. In 2021, the U.S. Surgeon General found depression and anxiety common among teens, along with more emergency room visits for mental health issues.<sup>17</sup> The interplay of mental health challenges along with the prevalence of other adverse childhood experiences among the justice-involved population<sup>18</sup> points to the opportunity to address youth well-being outside of the justice system in ways that will benefit public safety and positive adolescent development. Unaddressed mental health challenges and substance use disorders can lead to higher rates of reoffending.<sup>19</sup> Investing in public health remedies is an investment in public safety.

<sup>16</sup> Office of Juvenile Justice and Delinquency Prevention (2025). [Median days in placement since admission, by placement status](#).

<sup>17</sup> Richtel, M. (2021, December 7). [Surgeon General warns of youth mental health crisis](#). *The New York Times*.

<sup>18</sup> Astridge, B., Li, W. W., McDermott, B., & Longhitano, C. (2023). [A systematic review and meta-analysis on adverse childhood experiences: Prevalence in youth offenders and their effects on youth recidivism](#). *Child Abuse & Neglect*, 140, 106055.

<sup>19</sup> Stanley, J. N., DeLucca, S. C., Belenko, S., & Robertson, A. (2025). [The impact of mental health and substance use issues on recidivism among youth on probation](#). *The American Journal of Drug and Alcohol Abuse*, 51(3), 372–382.

That said, providing needed care in carceral setting prevents a teenager’s family from being part of the solution. We know that family functional therapy is intensive and can be successful, but it requires the active participation of family members. All of the youth we are talking about today will be going home; youth in the juvenile justice system cannot be sentenced to life without parole. Success cannot be defined by success within the walls of the facility.

## **Abusive conditions retraumatize incarcerated youth**

At their worst, juvenile justice facilities not only fail to heal the challenges that confined youth face but exacerbate those challenges. Many, many facilities are outright abusive.

The Sentencing Project is currently collecting data on instances of recurring and pervasive abuse in juvenile justice facilities; we anticipate publication later this year. Though the research is undergoing rigorous fact checking, we have thus far found strong evidence of systemic abuse in more than 200 facilities over the last 10 years alone – facility staff beating youth in their care, facility staff sexually molesting youth, facility staff failing to protect or even encouraging teenagers to pummel other teenagers, dozens of deaths in custody (often by suicide), overuse of solitary confinement, physical restraints, and pepper spray and grotesque conditions of confinement not fit for a decent, moral society – overflowing toilets, disabled children sitting in their own filth, youth living alongside rats and served mold-infested food. Sometimes the perpetrators of this criminal level of abuse are punished, but not always. Though we have used conservative parameters in defining systemic and recurring abuse, what we have found is appalling. Moreover, much abuse is never reported; we know that our awful findings will be an undercount. One cannot expect healing to take place in such a toxic environment.

One such toxic facility is Louisiana’s Ware Youth Center, where there were 64 attempted suicides in 2019 and 2020 alone. Three children died by suicide, including Alora Fountain (age 17), Jordan Bachman (age 17), and Solan Peterson (age 13). Solan died after spending four days in solitary confinement; guards failed to check on him for hours on the night of his death. At that same facility, guards beat and choked their wards; several forced children to endure sexual abuse as the price for phone privileges; and they sometimes bribed children with food to assault others.<sup>20</sup>

I should note that there is no obvious pattern to what we have found thus far. These abusive facilities are in big cities and small cities, in suburbs, and in rural America. They are found in over 40 states and the District of Columbia. They are run by private entities and by states and counties. They hold detained youth, committed youth, and youth charged as if they were adults. They are small, medium and large. Our findings speak to the need to avoid placing youth – any youth – in these facilities, but particularly those youth who already suffer from significant mental health challenges.

We are aware of 12 youth suicides over the last 10 years:

1. Allen Carbone (age 15), June 2018. Manatee Regional Juvenile Detention Center, Florida.<sup>21</sup>

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<sup>20</sup> Mueller, R.L., & Shutzer, M. (2022, October 30). [‘Dying inside’: Chaos and cruelty in Louisiana juvenile detention.](#) *New York Times*.

<sup>21</sup> De Leon, J., & Miller, C.M. (2018, December 5). [Girl tried twice to kill herself. They took her off suicide watch. It was a fatal error.](#) *Bradenton Herald*.

2. Alora Fountain (age 17), March 2017. Ware Youth Center, Louisiana.<sup>22</sup>
3. Desmond W. (age 17), Mecklenburg Jail North Juvenile Detention Center, North Carolina.<sup>23</sup>
4. Easley Jeffcoat (age 16), December 2023. DJJ Detention Center, South Carolina.<sup>24</sup>
5. Jordan Bachman (age 17), February 2019. Ware Youth Center, Louisiana.<sup>25</sup>
6. Madison Johnson (age 15), September 2023. Southeast Alabama Youth Services, Alabama.<sup>26</sup>
7. Madison Totskay (age 14), October 2019. Wolverine Treatment Center, Michigan.<sup>27</sup>
8. Maricella Chairez (age 16), December 2017. Racine County Juvenile Detention Center, Wisconsin.<sup>28</sup>
9. Solan Peterson (age 13), February 2019. Ware Youth Center, Louisiana.<sup>29</sup>
10. Zy'kiria Bell (age 17), May 2024. Lake Academy, Florida.<sup>30</sup>
11. Unidentified boy, November 2016. Long Creek Youth Development Center, Maine.<sup>31</sup>
12. Unidentified youth (age 16), October 2024. Red Wing Juvenile Detention Center, Minnesota.<sup>32</sup>

The urgency must be to find alternatives to confinement with rare exceptions for those youth who are a danger to the community. Confinement is often for low- and medium-level offenses that do not pose a threat to public safety. Out of 175,000 youth who were placed in a juvenile facility in 2023, only 8,400 (4.8%) were there having been convicted of a serious, violent offense as defined by the FBI.<sup>33</sup> Most were detained upon their arrests (largely for non-violent offenses), often for a brief stint in a detention center. Still others were locked up for violating the terms of their probation. Annual admissions totals are not available for this cohort, but 14% of youth incarcerated in the juvenile system on a typical day were not convicted of a new delinquency offense; they committed a status offense (charges such as truancy, running away, and incorrigibility that are only leveled against people under 18) or violated the terms of their probation.<sup>34</sup>

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<sup>22</sup> Mueller, R.L., & Shutzer, M. (2022, October 30). [‘Dying inside’: Chaos and cruelty in Louisiana juvenile detention.](#) *New York Times*.

<sup>23</sup> Oehrli, R. (2025, January 24). [Mecklenburg sheriff agrees to pay \\$550,000 to family of teen who committed suicide in jail.](#) *Charlotte Observer*.

<sup>24</sup> Schechter, M. (2023, December 7). [16-year-old teen dies after suicide attempt at SC's detention facility for juveniles.](#) South Carolina Public Radio.

<sup>25</sup> Mueller, R.L., & Shutzer, M. (2022, October 30). [‘Dying inside’: Chaos and cruelty in Louisiana juvenile detention.](#) *New York Times*.

<sup>26</sup> Curtis, K. (2023, November 20). [Mother files suit after her teen daughter commits suicide while in custody.](#) WTIV.

<sup>27</sup> Murdock, R. (2021, May 20). [Lawsuit reveals details on teen’s death at Wolverine juvenile facility in Saginaw County.](#) MLive.

<sup>28</sup> Linnane, R. (2021, January 13). [Maricella’s Last Breath: She died alone in a cell at 16. Officials said they were devastated. They didn’t say they did anything wrong.](#) *Milwaukee Journal Sentinel*.

<sup>29</sup> Mueller, R.L., & Shutzer, M. (2022, October 30). [‘Dying inside’: Chaos and cruelty in Louisiana juvenile detention.](#) *New York Times*.

<sup>30</sup> Muller, B. (2024, June 4). [‘We don’t want this to be swept under the rug?’ Teen’s death at state-owned facility raises questions.](#) WFLA.

<sup>31</sup> Sharon, S. (2016, November 11). [Transgender teen’s suicide raises concerns about youth corrections center.](#) Maine Public.

<sup>32</sup> Richardson, C. (2025, March 28). [Investigation into teen’s death at juvenile detention facility reveals flaws.](#) *Republican Eagle*.

<sup>33</sup> Puzzanchera, C., Sladky, A., and Kang, W. (2026). [Easy Access to Juvenile Court Statistics: 1985-2023.](#)

<sup>34</sup> Puzzanchera, C., Sladky, T.J., and Kang, W. (2025). [Easy access to the census of juveniles in residential placement.](#) National Center for Juvenile Justice.

## Conclusion

Due to the vast and unjust racial and ethnic disparities in youth incarceration, The Sentencing Project recommends reducing the use of youth incarceration by investing in diversion programs<sup>35</sup> and alternatives to confinement.<sup>36</sup> Juvenile justice facilities, particularly the detention centers that increasingly define youth placement, are ill-equipped to provide the services in an appropriate setting to help youth rehabilitation. Moreover, the persistence of abusive conditions in these facilities make this issue urgent.

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<sup>35</sup> The Sentencing Project. (2025). [Diversion: The next frontier in reforming youth justice](#).

<sup>36</sup> Mendel, R.A. (2023). [Effective Alternatives to Youth Incarceration](#). The Sentencing Project. See also: Annie E. Casey Foundation (n.d.) [Juvenile Detention Alternative Initiative](#).