

CARR CENTER FOR HUMAN RIGHTS POLICY

**Reimagining Rights
& Responsibilities
in the U.S.**

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Overview

+F3DF;@9I ;F: 'F: 7' &;JA@ 36? ;@;EFD8F;A@;@F: 7' 73DK' ER3@6'
 93;@;@9 EF73? 'F: DAG9; AGF F: 7' @7JF 675367RF: 7' BD7H3;>@9 H7I '
 A@ 5D? ;@3>-GEF;57'I 3E' F: 3F |FAG9: 'A@ 5D? 7' ;@I E'? 3=7' 5D? 7'
 DBF7E'9A 6AI @W: 3FE7@F;? 7@F1 3E BD76;53F76'A@F: 7'@AFA@F: 3F
 5D? ;@3;E'I 7D7'@AF 47;@9EG8857@ K'BG@E: 76'8ADF: 7;DA 7@E7ER
 3@6' F: 3F E7@F7@57E' ? GEF 47' ;@5D73E76† ;@5;66;@9 ? 3@63FADK'
 ? ;@? G? E' 3@6' |F: D77' EFD=7E' ;@I E}† 4AF: 'FA' D7? AH7' 5D? ;@3;E'
 8A? '5A? ? G@F;7ER3@6'' ~ 8A? 5A? @DF;@9 5D? 7? 7'DBF@ 7 F: A@ 7A@ @
 @9

- fi: ;>6D7@3@6KAGF: 3D7A8F7@BG@E: 763E36GFE;@juvenile detention EKEF7? EW
- LJ357D43F@9F: 7E7BDA4>7? E;E'3'9DAI ;@9private prison system F: 3F: 3E'5D73F76'3'67? 3@6'8AD;@53D57DBFA@R3E' I 7>>3E'5GFF;@9'5AEFE'3@6'D76G5;@9BDEA@7DI 7>88D7W

* 78AD? 'A8F: 7'5D? ;@3> <GEF;57' EKEF7? ' ? GEF F3=7';@FA' 355AG@F 735: 'EF397'A8F: 7'BDA57EERD7EB75F;@9F: 7'6G7'BDA57EE'D9: FE'A8 ;@6:H6G3'E'F: DAG9: AGFF: 7;D;@F7DB5F;A@I ;F: F: 7'EKEF7? 'I ; ;>7'3F F: 7'E3? 7F;? 7'4D;@9;@9'5D? ;@3'E'FA' <GEF;57'3@6;? BDAH@9'AH7DB> BG4>5'E387FKW

Main Elements of the Criminal Justice System

POLICING

(A>5;@9 ;E' A8F7@ F: 7' BA;@F' A8 7@FK' ;@FA' F: 7' 5D? ;@3> <GEF;57' EKEF7? W+;@57'F: 7'479;@@@9'A8F: 7'|FAG9: 'A@5D? 7}'3BBDA35 R 3@6;@B3DF;5G>3DF: 7'I 3DA@6DG9ER>8I '7@8AD57? 7@F: 3E'475A? 7' ;@5D73E;@9K'? ;>F3DL76W; ;E BDA57EE'4793@I ;F: '

675>@7W!@ R A86DG9SD7>3F76'3DD7EFE1 7D7'8AD? 3D-G3@3
 A 7@E7ER' A81 : ;5 '1 7D7'8ADE? B>7'BAEE7EE:A@W 7DA;@3@6
 5A53@7RA@F: 7'AF: 7D: 3@6RA@K' 3? AG@F76'FA' 3 CG3DF7DA8F: 7
 6DG9'3DD7EFE';@ W%3D-G3@3'3DD7EFE'5A? 7'3F'3: ;9: '5AEFR1 ;F: '
 @A'5>73D5ADD7>3FA@FA'BG4>5'E387FKW: 7i ? 7D53@fi;H>\$;47DF;7E'
 - @A@ b fi\$- c' 7EF? 3F7E' F: 3F' F: 7' 3@@G3> 5AEF' A8 7@8AD5@9
 ? 3D-G3@3'BAEE7EE:A@3DD7EF>3I E;E' W4;>A@W

* 35;3>BDA8>@9 ;E' 3@AF: 7D 34GE:H7' BA>57' BD85F;57W @7' EFG6K'
 D7H7i 76'53? 7D8'8AAF397'A8AH7D ? ;>A@BA>57'H7: ;5>7'EFABE'
 35DAEE' F: 7' - WWWW'>A53>3@6' EF3F7' BA>57RD7H73>@9 3' B7DE;EF7@F'
 4;3E';@F: 7'D8F7'3F1 : ;5 / : ;F'6DH7DE'1 7D7'EFABB76'5A? B3D76'
 FA' / >35= '6DH7DERI : A'1 7D7' ? AD7' F: 3@ ? AD7' >=7'K'FA' 47'
 BG>76' AH7DW: ; 7 D8F7' E:9@853@F'K' 675D73E76' ;@ fiA'AD86A' 3@6'
 / 3E: ;@9FA@38F7' F: AE7'EF3F7E'>793>L76? 3D-G3@3R5GF;@96AI @
 A@6DG9E73D5 7E'6GD@9FD888 EFABEW'i 'EFG6K'A8D85:3>BDA8>@9
 ;@F: 7'SAEi @97>7E'(A>57'fi7B3DF? 7@F'8AG@6'F: 3F|3/ >35= 'B7DEA@
 ;@3H7: ;5>7i 3E? AD7'F: 3@8AGDF;? 7E? AD7' >=7'K'FA' 47'E73D5 76'
 4K'BA>57' F: 3@ 3' / : ;F7' B7DEA@R3@6' 3' \$3F@A'1 3E' F: D77' F;? 7E'
 ? AD7' >=7'K'Vz AI 7H7DR|/ : ;F7E'1 7D7'8AG@6'1 ;F: '6DG9ERI 73BA@E'
 ADAF: 7D5A@FD843@6:@ 'A8E73D5 7ER5A? B3D76'1 ;F: '8AD
 / >35=E' 3@6' '8AD\$3F@AEW: 7 FAF3'E'>5G67'4AF: E73D5 7E' A8
 F: 7 H7: ;5>7E' 3@6' B3FS6AI @E73D5 7E' A8F: 7' A55GB3@FEW'' F: 7D
 EFG6;7E: 3H7'3'EA'>AA=76'3FF: 7'DA>7'A8EFABS3@6SDE=BA>5'7E'F: 3F'
 ;? B35F76? ;@ADFK'5A? ? G@F;7E? AD7'F: 3@/ : ;F7i ? 7D53@E'1E77'
 |* 35;3>fi;E5D? ;@3FA@dW

PRE-TRIAL SYSTEM

' @57'F: 7 BA>57': 3H7? 367'3@3DD7EERF: 7'5AGDF: A>6E'3'BD7SFD3>
 : 73D@9 FA' 67FD7' ;@7' ;8F: 7' B7DEA@E: AG>6' 47' D7>73E76' A@ 43>
 I : ;>7' 3i 3F;@9 FD3'WfiGDD7@F'KRF: 7D7' 3D7' @73DK': 3>8'3' ? ;>A@
 B7AB>7' ;@ F: 7' - @F76' +E@F7E'7'6'@>67F'@A@>@ 3F;@9 FD3'R
 ? AEF'K' 3F' F: 7' EF3F7' 3@6' >A53> >7H7'>2@MfpakMf@

' @ F: 7 AF: 7D: 3@6R67F7@FA@ 53@ I D73=: : 3HA5' A@ F: 7 >H7E' A8:@6;H6G3:ER5AEF:@9 F: 7? ' 7? B>AK? 7@F 3@6 BGF:@9 3' EFD3:@ A@ F: 7;D D7>3FA@E :;BEW+A? 7 7H7@ 3D9G7' F: 3F 43>5D? :@3>L7E' BAH7DFKR4K' BG@E :@9 ;? BAH7DE: 76' 6787@63@FE'E ;? B>K' 4753GE7' F: 7K' >35=:F: 7'8@3@5;3>? 73@E FA BAEF 43> ADF: 7;DD7>73E7W

/ : ;>F: 7'EKEF7? '6EBDABADFA@3F7K'3 75FE'BAAD7DB7AB>7RF: 7D7' 3D7' DB5 3>6;EB3DF:7E' 3E' I 7>W AD7J3? B>7R3'EFG6K' 8AG@6' F: 3F 3' 5AG@FK':@, 7J3E';E| ' B7D57@F? AD7' >=7K'FA' 67F3@/' >35='6787@5 63@FE'5A? B3D76'FA/' : ;F'6787@63@FEW' !@&7I " D>73@ER3' EFG6K' 8AG@6' F: 3F/ >35='A 7@67DE'3D7'? AD7' >=7K'F: 3@/' : ;F7E'FA' 47'D7CG;D76'FA B3K'43>RF: 3FF: 73? AG@F;E'GEG3>K: ; ;9: 7D7R3@6'F: 7K' 3D7'>7EE' >=7K'34>7FA'3 AD6'43>3@6'F: 7D78AD7'? AD7' >=7K'FA'47';@5 53D57DBF76'478AD7'FD3>W1 EFG6K':@%;3? ;3@6(: ;>367>B: ;3'8AG@6' |43>G697E'3D7'DB5 3>K'4:3E76'393@EF/ >35='6787@63@FER :F: EG4S EF3@F:3>K'? AD7' DB5 3>4:3E'3? A@9 4AF: :@7JB7D7@576'3@6' B3D7S F? 7'G697EW : 3F4:3ERF5A@5:G6761 3E'43E76A@EF7D7ARKB7E'F: 3F |7J3997DBF7'F: 7'D7>3F;H7' 63@97DA8D7>73E:@9/ >35='6787@63@FEW

I E':@5D73E:@9 3FF7@FA@: 3E'477@4DAG9: FFA'473DA@F: 7'EEG7'A8 43>REA? 7'EF3F7E': 3H7'? AH76'FA' D78AD? 'F: 7;DEKEF7? EW@ R 3@3BB7>3F7'5AGDF:@fi3>8AD@3 8AG@6' F: 7'EF3F7E' EKEF7? 'A853E: ' 43>G@5A@EF;FGF;A@3>4753GE7';F6'E5D? :@3F76'393@EF'6787@63@FE' I ;F: ' >7EE'? A@7KYF: 7'DG>@9'D7CG;D76'G697E'FA'5A@E:67D3'6787@5 63@FE'34>FK'FA' B3K':@E7FF:@9 43>W' 87I '? A@F: E'>3F7DRF: 7'EF3F7' B3EE76'3@7I >3I 'FA'7@6';FE'EKEF7? 'A853E: '43>7@F;D7'KRF: 7'8'EF' EF3F7':@F: 7'5AG@FDK'FA'6A'EARD7'K:@9 A@3@3>9ADF: ? :@EF736'FA' 67F7D? :@7I : ;5: '6787@63@FE'FA: A>6'478AD7'FD3>43E76'A@E387FK' DE=W, : 7>3I 'E'EF:>G@67D6743F7REG4>75F'FA'3'H7FA' D787D7@6G? ' :@F: 7' 7>75FA@W

' F: 7D'GDE6:5F;A@ER:@5G6:@9 / 3E: ;@9FA@Rfifi' 3@6' &7I "'7DE7K' : 3H7' 3EA' 7DE7

3E'3885FAD;@F: 7 675E:A@WE'3@3@3:KE:E'8DA? / DAA=,@9E'BA;@F76'
AGFR: AI 7H7DRF: 7 DG>@9 DB;E7E'3 |FDAG4>@9 B3DB6AJVWL;F: 7DF: 7
FAA>B>3K76'@A B3DF;@F: 7 675E:A@RD7@67D@9;FGE7>TEERAD;F: 36'
EA? 7;? B35FA@F: 7 6697E'DG>@9RDB;E:@95A@EF;FGF;A@3>5A@57D@E'
34AGFF: 7 >35=A8FD8@EB3D7@5K';@F: 7 BDA57EEW'

\$AA? ;E'3BB73>76 FA F: 7 - WWW:GBD7? 7 fiAGDFRI : ;5 '675>@76 FA'
: 73DF: 753E7M@;FE8>@9I ;F: F: 7+GBD7? 7fiAGDFR: 7fi7B3DF? 7@F
A8"GEF;57 35=@AI >6976 F: 3F F: ;E'@7I 'F75 @A:A9K'DB;E7E'|@AH7>
5A@EF;FGF;A@3>CG7EF;A@E} 3@6 F: 7 |>35=A8FD8@EB3D7@5K'53@DB;E7
E7DAGE';EEG7ER' 7H7@I : ;>F' 3D9G76'8ADF: 7 D9: F A8 EF3F7E FA'
GE7;FW' F: 7D6787@63@FE EG4>75F76 FA' 3@ 3>9ADF: ? S43E76 DE=
3EE7EE? 7@F 3D7'A87@67@76 3557EE FA F: 7;@8AD? 3FA@:@BGF;@FA'
F: 7EKEF7? F: 3F>76 FA F: 7D7EG;FEW'; ;E53>E;@FA CG7EFA@1 : 3F;F
? 73@EFA GE7F: 763F3'5ADD75F'K'3@6@AFHA>3F76G7 BDA57EE D9: FE'
I : 7@6787@63@FE'6A'@AF: 3H7'3557EE FA F: 763F3'AD? 7F: A6A:A9K'
F: 3F67F7D? ;@7E F: 7;DE7@F7@57W'

I >9ADF: ? S43E76 FAA>E'3D7';@5D73E;@9K'GE76 FA B>3@BA>57 B3FDA>E'
3@6'? 3=7 675E:A@E' 34AGF B3DA>7R43E76 A@F: 7 DE= '3EE7EE? 7@F
3BB>76 FA 57DF3;@: @6:H6G3-EW'i 93;@F: 7 F75 @A:A9K'DB;E7E? 3@K'
CG7EFA@E1 ;F: AGF5>73D3@E1 7DER? 3=@9;F6:885G> FA G@67DEF3@6'
F: 7 ;? B35F' A@ F: 7 D9: FE' A8 F: AE7' F3D97F76W/ ;F: ' >? ;F76'
FD8@EB3D7@5KRF;E;? BAEE:4>7 FA G@67DEF3@61 : 7F: 7D97@67DR397R
366D7EER>7H7>A876G53FA@R3@6 AF: 7D;@8AD? 3FA@;E' F3=7@;@FA'
355AG@F1 : 7@67F7D? ;@: @9 F: 7 >=7>; AA6 FA D7SA 7@6W' 757@F:KR
I63 A B3EE76'3>3I 'D7CG;D@9;@5D73E76 FD8@EB3D7@5K' A8F: 7 63F3'
AP G> GI F37;R G3F3, RAA

!@ R(D7E:67@F Ž 7AD97 / W GE: ;@HF76:fiA:EA@FA F: 7 / : ;F7
ž AGE7 FA BD7E7@F 8@6:@9E E: AI ;@9 3 5ADD7>3FA@ 47R 77@
BDEA@ D7: 34;>F3F,A@ BDA9DB? E: 3@6: >AI 7D DBF7E A8 D756;HE? W
, : ;E >76: FA 3 8A5GE A@ 5ADD75F:A@3>BA>5K D78AD 4AF: ;@ F: 7
/ GE: 36? ;@EFD3F:A@ 3@6 ;@fiA@9A

+A>F3DK' 5A@8@7? 7@F ;E' 3@AF: 7DD7EG:F A8F: 7 |FAG9: 'A@ 5D? 7}
3BBDA35: 'A8F: 7 E'3@6'73DK' E;@I :;5 ;F1 3E'47>7H76
F: 3FF: 71 ADEF 5D? ;@3E'@77676'FA'47: AGE76;@EGB7D? 3J;? G?
E75GDFK 885 ;F;7E'3E'4AF: 'BG@E: ? 7@F3@6'67F7DD7@57'FA'AF: 7DEW

I AD-VW!@&7I " D73@ER4K'F: 77@6'A8%3D5 RF: 7" D73@E'(3DE:
3>: 36'EF;>67F3@76' ;@6:H6G3E@AFK7F5A@H5F76'A83'5D? 7
I : A'1 7D7'G@34>7'FA'BAEF 43>3@6'I 7D7'355GE76' A8@A@HA>7@F
5D? 7EW ? A@F: >3F7DR A8F: 7? F7EF76'BAE:F:H7R3@6' E: 7D88E
67BGF:7E: 36'6:76W'

RE-ENTRY AND RECIDIVISM

, : 77' 3D7' 34AGF W ? ;>A@ B7AB>7' A@ B3DA>7' AD BDA43FA@ ;@
F: 7' - WAWI : ;5' ;E? AD7' F: 3@ 'F? 7E' F: 7' @G? 47DA8;@6:H6G3E'
;@53D57DBF76W' ; : 7E7' EGB7DHE76' 3>F7D@3F:H7E' FA' ;@53D57DBFA@
3D7' A' 7D76' 8AD73DK D7>73E7' 8A? 'BDEA@1B3DA>7c AD:@EF736' A8
BDEA@F? 7'1BDA43FA@M7F'63F3'E: AI E'F: 3F' 'A8EF3F7 BDEA@
36? ;EE:A@E 3D7' 3' D7EG:F A8HA>3FA@E' A8F: 7' BDA43FA@ADB3DA>7'
F7D? ER7;F: 7D4K'5A? ? ;FF:@9@7I '5D? 7E'ADF75' @53>HA>3FA@EW'
I BBDAJ;? 3F7K' R ;@6:H6G3E' 3D7' ;@53D57DBF76' 3E' 3' D7EG:F
A8F75' @53>HA>3FA@E' A8F: 7;DBDA43FA@ADB3DA>7' A@ 3@K' 9;H7@
63KW' !@53D57DBF;@9 B7AB>7' 8AD BDA43FA@ 3@6' B3DA>7' HA>3FA@E'
5AEFE W' 4;>A@ 3@AG3>K' 5A>75F;H7K' 8AD 3>> EF3F7ER I ;F: '
EF3F7E' EB7@6;@9 ;@ 7J57EE' A8 ' ? ;>A@ 735' W' I E' 3' D7EG:FR
EF3F7E' EB7@6: G97' 3? AG@FE' FA' ;@53D57DBF7' EA? 7;@6:H6G3E' I : A'
HA>3F76'F75' @53>F7D? E'4GF'3D7' @AF'3F: D73F'FA BG4;>5E387FKW

I 8F7' ;@53D57DBFA@RFI A'=7K'5 3>>7@97E';? B35F'8AD? 7DBDEA@7DEz
6G7' BDA57EE' D9: FEW; : 7E7' 3D7' 87A@K' 6'E7@8B@5 ;E7? 7@F 3@6'
;@34;>FK' FA' A4F3@ 7? B>AK? 7@FWI 7A@K' 6'E7@8B@5 ;E7? 7@F
A55GE'3E'3D7EG:FA8? ;>A@E'A88AD? 7D87'A@E'47;@97J5:G676'8A? '
67? A5D8F;5 BDA57EE7EREG5 '3E' HAF@9W'5' I @ 7EF? 3F76' 'AGF A8
7H7DK ' i ? 7D53@36G:FE 5AG>6' @AF HAF7;@F: 7' &AH7? 47D
7>75F;A@ 4753GE7' A8 3' 5D? ;@3>D75AD6RI ;F: '3: ;9: 7D >=7>; AA6'
8ADD35;3>? ;@ADF;7EW' %AEF A8F: 7;@6:H6G3E' I : A' 3D7';@7>9;4>7'
FA' HAF7' 3D7' @AF;@ BDEA@ 3@6: 3H7' 3>D736K' E7DH76' F: 7;DF? 7W'

109. Weichselbaum, Simone. "Coronavirus is putting America's broken bail system on full display." *Mic*, 7 May 2020, <https://www.mic.com/p/coronavirus-is-putting-americas-broken-bail-system-on-full-display-22874542>.

110. Stillman, Sarah. "Will the Coronavirus Make us Rethink Mass Incarceration?" *The New Yorker*, 18 May 2020, <https://www.newyorker>.

JUVENILE DETENTION

l@ R:3l 7@8AD57? 7@F397@57E;@F. 7- WwV 3673@7EF;? 3F76`
 R `3DD7EFE`A85 ;>6D7@G@67DF. 7 397 A8 W#`i E`A8 R
 F: 7 fl7B3DF? 7@F A8"GEF;57 D7BAD76 3 FAF3>A8 R `GH7@>7`
 A 7@67DE` : 7>6` ;@ 67F7@F;A@ 57@F7DEW` 8 F: 3FR 3BBDAJ;? 3F7K`
 R `l 7D7` : 7>6` 4K BDH3F7 885>F;7ER R `l 7D7` ;@? 3F7E` ;@
 36G-F <3>ER3@6` 87l 7DF: 3@ R `l 7D7` : 7>6` ;@ EF3F7 BDEA@EwV`
 , : 7@G? 47DA8-GH7@>7E` ;@67F7@F;A@D735 76` ;FE B73=-;@ `3F`
 R `3@6` : 3E`675>@76 7H7DE;@57W#` L H7@EARKAGF: `A85A-AD3D7`
 6;EBDABAD;A@3F7K`D7BD7E7@F76` ;@F: 7 GH7@>7` EKEF7? `b@5:66:@9`
 36G-F E7@F7@5;@9C 3@6` EF3K` A@97D B7DA6E A8F;? 7 F: 3@ / : ;F7`
 KAGF: W#`

fi: ;>6D7@3@6` KAGF: ` : 7>6` ;@36G-F BDEA@E` : 3H7` >? ;F76`3557EE`FA`
 76G53F;A@ 3@6` D7: 34; >F3F;H7` E7DH57E 3BBDABD3F7` 8AD F: 7;D 397`
 3@6` 67H7-AB? 7@FW, : 7 8767DB> 9AH7D@? 7@F` BDAF75FE` 5 ;>6D7@
 8DA? `47;@9 67F3@76` ;@36G-F 5ADD75F;A@3>885>F;7E F: DAG9: `fl A`
 EF3FGF7EXF: 7 "GH7@>7`"GEF;57`3@6` fl 7>@CG7@5K` (D7H7@F;A@i 5F A8`
 b""fl(i c3@6`F: 7(DEA@* 3B7L>? ;@3F;A@i 5Ft` *L i cA8 W`
 , : 7 9G;67>@7E EF3F7 F: 3F`GH7@>7E E: AG>6`47` : AGE76`E7B3DBF7K`
 8DA? `36G-Fq7`
 !

&7H7DF: 7>EERE7H7D3>EF3F7E'3@6'5AG@F;7E'3D7'@AF'5A? B;K:@9I ;F: '
F: ;E'? 3@63F7W' +A? 7' A8F: 7E7' EF3F7E' 5F7' 8@3@5'3>4GD67@E' 3E'
F: 7'D73EA@E' 8AD@AFB>35'@9'5 ;>6D7@;@E7B3D3F7'835>F;7E'W' ; : 7'7'
3D7' 3'EA' 36G'FE' E7DH@9' >8' E7@F7@57E'I : A'I 7D7' E7@F7@576' 3E'
-GH7@>7ER3@6'@AF'3>>EF3F7E: 3H7'477@I ;>@9FA'D7E7@F7@57F: 7? W
I@%;5 ;93@RA@7'A8F: 7' EF3F7E'I ;F: F: 7'>3D97EF'@G? 47DA8F: 7E7'
53E7ER36G'F;@? 3F7E'I : A'I 7D7' E7@F7@576' 3F'397' : 3H7' E7DH76'
E7@F7@57E'8ADAH7D' K73DE'W'i EA8' RF: 7D7'3D7'3BBDAJ;? 3F7'K'
R' ;@? 3F7E'E7DH@9'E7@F7@57E'A8>8'1 ;F: AGFB3DA>7'8AD5D? 7E'
5A? ? ;FF76'3E'-GH7@>7E'W'

"GH7@>7' 67F7@F:A@ ;E' H7DK' 5AEF;KR I ;F: F: 7' 3H7D897' BD57' 8AD
;@53D57D3F@9' 3'KAG@9'B7DEA@ R' FA' R' '3K73D'W'A? 7'
-GH7@>7' 36HA53F7E' 3D9G7' F: 3F'? A@7K'I AG>6' 47' 47FF7DEB7@F'A@
D7: 34;>F3F;H7' AD'73DK' ;@F7DH7@F:A@ BDA9D8? E' F: 3F' 5AG>6' =77B'
KAG@9' B7AB>7' AGF' A8BDEA@W' K73DA8z' 736' +F3DFE' ;@F7DH7@F:A@
BDA9D8? R' 8AD' 7J3? B>7R' 5AEFE' A@K' R' 'B7D' 5 ;>6' 3' K73D'W'
; : 7'7';E'7H67@57R: AI' 7H7DRF: 3FF: 7'ABBAE;F7;E: 3BB7@>9RI ;F:
A' 7DE'B>3576';@E5' AA>E' 4D@9;@9; 3DE' BG@E: ? 7@F'A@5 ;>6D7@
I ;F: 47: 3HAD3>BDA4>7? ER53GE;@9F: 7? 'FA'7@6'GB;@F: 7'5D? ;@3>
-GEF;57' EKEF7? R3' B: 7@A? 7@A@ =@AI @' 3E' F: 7' |E5' AA>SFASBDEA@
B;B7>@7W ; ;E;EEG7;E'7EB75'3>K'BD7H3>7@F1 ;F: EFG67@FE'A85A>ADR
I : A' 3D7'? G5' ? AD7' 3BF' FA' 47' 4DAG9' F;@FA' F: 7' 5D? ;@3>-GEF;57'
EKEF7? '8AD47: 3HAD3>@835F;A@E' 3FE5' AA>W' AD? AD7;@8AD? 3FA@
34AGFF ;E;EEG7RE77'|* 35'3>f1;E5D? ;@3FA@W'

"GH7@>7' 67F7@F:A@ 57@F7DE' 3'EA' : 3H7' E77@ 5A@8D? 76' BAE;F;H7'
53E7E'A85ADA@3HDGEW'A@i ;D'GH7@>7'f17F7@F:A@f17@F7D@. ;D9;@3R
8AD7J3? B>7R5A@8D? 76' F: 3F' 'KAG@9'B7AB>7' F7EF76' BAE;F;H7' 8AD
fi' . IfiS' W' ; : 7' 835>FK' A@K' F7EF76' A@7SF: ;D6' A8;FE' BABG>3FA@
A8' R: AI' 7H7DR>736;@9' @7I' E' AD93@L3FA@E' FA' EB75G>3F7' F: 3F'
F: 7' 35FG3> @G? 47D' A8' BAE;F;H7' 53E7E' I' 3E' ? G5' ; : ;9' 7D'W' I' F

137. Ibid.

138. Lahey, Jessica. "The Steep Costs of Keeping Juveniles in Adult Prisons." *The Atlantic*, 8 Jan. 2016.

139. Keneally, Meghan. "Hundreds of inmates serving life without parole for crimes as juveniles left waiting for another JESSE Mted.

34AGF 'A8F: 7FAF3>BDEA@BABG>3FA@W'' ; : 7H A? 3@BDH3F7
BDEA@5A? B3@7ERŽ 7A Ž DAGB: 3@6 fiAD7fi;H5!8AD? 7DK: =@AI @3E
fiADD75F:A@E fiADBADF:A@A8i ? 7D53rR° D7EFDG5FGD76 F: 7? E7H7E
;@FA D73>7EF3F7 ;@H7EF? 7@F FDGEFE 'b* L!, ECRBADF8A>A 5A? B3@7E
F: 3FAI @RAB7DBF7RAD8@3@ 7D73>7EF3F7W; ;E3BBDA35 15! 3>AI 76
F: 7E7 H A 5A? B3@7E FA 3HA;6 B3K;@9 8767DB>5ADBADF7 F3J7EW
!@ Ž Ł Ž DAGB D7BADF76 ? ;>A@;@ F3J 47@78FE 38F7
5A@H7DF;@9FA 3* Ł!, W'

, : 75 3>7@971 ;F: 'BDH3F:L3FA@;E '@F GEF F: 7 835 >F; 7E 4GF 3EA
F: 7 AF: 7DD7>3F76 BDH3F7 ;@6GEFD7EW AD7J3? B>R;F;E 7EF;? 3F76
F: 3FF: 7 BDEA@B: A@7 ;@6GEFDK 73D@E 34AGF W 4;>A@B7DK73DW
, : 7E7 5A? B3@7E AB7DBF7F: 7B: A@7E ;@BDEA@E1 ;F: EA? 7E: ADF
53>E D7BADF76 FA 5AEFGB FA 4753GE7F: 7E7 5A? B3@7E AB7DBF7
3E'? A@ABA>7E1 ;F: ;@F: 7 BDEA@I 3>EVW '!@ 3F7: 73F: 53D7 ;E
3EA 3 BDH3F;L76 E7DH57 F: 3F 97@7DBF7E W 4;>A@ ;@ 3@@G3>
D7H7@G7EVM7F1 ; ;>F: ;E BDH3F7 E7DH57 BDAH67E 7EE7@F;3>53D7R
;F: 3E 477@F: 7EG4-75FA8 E7B3DBF7? 3BD85F;57 >8 EGFE AH7D
F: 7B3EF K73DEWA? 7A8F: 75A? B>3@FE ;@5G67? 3BD85F;57 F: 3F
>76FA F: 7673F: A8@? 3F7EVM i ;@H7EF;93FA@;@163 A 8AG@6
;@? 3F7E1 ;F: F7D? ;@3>;@7EE1 7D7 >78F1 ;F: AGF 8AA6 3@6 ;@F: 7;D
EA;>76 >@7@EVW

ŁH7@1 ; ;>F: 7 GE7 A8BDH3F7 BDEA@E 675D73E76 8ADEF3F7 3@6
8767DB> BDEA@7DE 6GD@9 F: 7 ' 43? 3 36? ;@EFD8FA@RF: 7 E3? 7
36? ;@EFD8FA@AH7DE3I F: 7 7JB3@E;A@A8F: 7? 3EE 67F7@F;A@A8
? ;9DB@FERI ;F: ? G>F;B>7 >3D97 ;@H7EF? 7@FE 3I 3D676 FA BDH3F7
BDEA@EVM AD? AD7 ;@8AD? 3FA@A@F: ;E;EEG7RE77 |! ? ;9DBFA@v

F: 7ABBA0FG@FKFA:A:@F: 7BDA9DB? ;@5D73E76:4K' RI ;F: W
A8F: 7'5 ;:6D7@:@F: 7BDA9DB? '5A? B>7F:@9;FEG557EE8G>*KR: 7-B:@9
FA' D76G57' F: 7' @G? 47D A8 5 ;:6D7@:@ GH7@>7' 885>F:7EWW' ;: 7
@G? 47DA85 ;:6D7@:@D7E:67@F:3>57@F7E:6DABB76:4K' ;@F: 7
8 EFK73DA8F: 7BDA9DB? WE'A8f1757? 47D R ? A@F: E'39F7
F: 7BDA9DB? 'EF3DF76RA@K' '5 ;:6D7@D7? 3@76W' ;: 7E7 D78AD? E
D7EG>F76';@ ? ;>A@A8E3H@9E'8ADF: 7'EF3F7'FA'63F7'3@6'3D7
BDA>75F76FA'E3H7F: 7'EF3F7 ? ;>A@:@E3H@9E'8ADD7;@H7EF? 7@F
4K' W'

!@ R+AGF: 'f13=AF3 B3EE76'5A? BD7: 7@E:H7' D78AD? >79E>3FA@
43E76' A@BA>5K' D75A? ? 7@63FA@E'8DA? '3'4:B3DF:E3@'9DAGBRF: 7
"GH7@>7"GEF;57*7:@H7EF? 7@F!@F:3F:H7// AD=Z'DAGBW: 75 3@97E
:@5G676';@57@F:H7E'8AD5AG@F:7E'FA': 3H7'6:H7E:A@BDA9DB? E'3E'3
6788G>F'D7EBA@E7'8AD? 3@K'AI 7DS>7H7>A 7@E7E'3@6'GE;@9D7E7DH7
AGFSA\$ A? 7'EF3F7' 5GEFA6K' 8ADF: 7' AEF' E7DAGE' A 7@E7E' F: 3

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Reimagining Rights & Responsibilities in the United States

Carr Center for Human Rights Policy
Harvard Kennedy School
79 JFK Street
Cambridge, MA 02138

+F3F7? 7@FE'3@6'H7I E'7JBD7EE76';@F: ;E'D7BADF'3D7'EA>7K'
F: AE7'A8F: 7'3GF: AD3@6'6A'@AF;? B:K'7@6ADE7? 7@F'4Kž 3D-H3D6'
- @H7DE;FKRF: 7ž 3D-H3D6'#7@@76K'+5: AA-RADF: 7 fi3DDfi7@F7D8AD
ž G? 3@*';9: FE'(A>5KW

fiABKD9: F R(D7E;67@F'3@6† 7>AI E'A8ž 3D-H3D6'fiA>797
(D@F76';@F: 7'- @F76'+F3F7E'A8i ? 7D53

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