

NOTE

Leave and Don't Come Back: Reducing Juvenile Recidivism Through Employment

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ABSTRACT

When they are released from detention centers, two-thirds of juvenile offenders choose not to re-enroll in school. Many children in this position return to socioeconomically disadvantaged, high-crime areas where school may be seen as nonessential. Although educational programming in juvenile detention centers may allow offenders to maintain some association with school, youth in detention centers face an inherent academic disadvantage. Education programs in juvenile facilities lack the resources necessary to prepare participants for continued education after release. These same incarcerated youth often do not have the employment skills to obtain stable jobs after release, leading up to eighty percent to reoffend.

This Note advocates for the expansion of the Prison Industry Enhancement Certification Program ("PIECP"), an existing employment program for incarcerated individuals, into juvenile detention centers. PIECP participation would allow incarcerated youth the opportunity to gain employable skills and earn wages, utilizing their time in detention to reduce the risk of re-offense. Allowing incarcerated juveniles to gain employment skills is essential to addressing the serious recidivism problem among child offenders in the United States. With the employment skills gained from work during incarceration, the juveniles involved in new PIECP work pilot projects would have a viable option upon release of entering the workforce, significantly reducing recidivism for juvenile offenders.

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INTRODUCTION

In 1865, the ratification of the Thirteenth Amendment to the United States Constitution formally abolished slavery in the United States.¹ However, in what has become known as the “Exceptions Clause,”² the Amendment provides one circumstance in which slavery and involuntary servitude is permissible: “as a punishment for crime whereof the party shall have been duly convicted.”³ Today, critics argue that the Exceptions Clause has enabled the enslavement of incarcerated individuals.⁴ In the decades since the ratification of the Thirteenth Amendment, labor practices in prisons have faced increasing scrutiny as both public and private employers have exploited the Exceptions Clause to obtain cheap or even unpaid labor from incarcerated workers.⁵ Some of the nation’s most prominent food and store-

¹ U.S. CONST. amend. XIII, § 1.

² Becky Little, *Does an Exception Clause in the 13th Amendment Still Permit Slavery?*, HISTORY (Apr. 20, 2021), <https://www.history.com/news/13th-amendment-slavery-loophole-jim-crow-prisons> [<https://perma.cc/PJT7-WRUY>].

³ U.S. CONST. amend. XIII, § 1.

⁴ See generally Michele Goodwin, *The Thirteenth Amendment: Modern Slavery, Capitalism, and Mass Incarceration*, 104 CORNELL L. REV. 899 (2019).

⁵ See ACLU, CAPTIVE LABOR: EXPLOITATION OF INCARCERATED WORKERS (2022).

bought product brands, including Coca-Cola and Gold Medal flour, utilize underpaid prison labor from the Louisiana State Penitentiary, notably a former plantation, where incarcerated individuals are initially unpaid but eventually “can earn between 2 cents and 40 cents an hour.”⁶

In 1935, the Ashurst-Sumners Act⁷ banned prisoner-made goods from interstate commerce to discourage large corporations from abusing the Exceptions Clause and using underpaid or free prisoner labor to avoid high labor costs.⁸ The Ashurst-Sumners Act was amended in 1979 with the addition of the Prison Industry Enhancement Certification Program (“PIECP”).⁹ PIECP exempts certified employers from the interstate commerce ban if they meet specific requirements, most notably paying incarcerated employees the prevailing wage for the area in their industry.¹⁰ The goals of PIECP are to “[p]rovide offenders with marketable job skills, reduce prison idleness, and improve the prospects for post-release employment and ultimately successful offender reentry” and to “[g]enerate products that enable offenders to make a contribution to society, help offset the cost of their incarceration, compensate crime victims, and support their families.”¹¹ To date, PIECP has proven successful, evidenced by higher rates of postrelease employment and lower rates of recidivism for program participants than other releasees.¹² Although participation in PIECP has remained limited to a small portion of incarcerated individuals,¹³ the program has a demonstrated record of success in achieving its stated goals.¹⁴

Many state and federal programs, including PIECP, have attempted to navigate the complicated topic of prison labor practices in the face of

⁶ Robin McDowell & Margie Mason, *Prisoners in the US Are Part of a Hidden Workforce Linked to Hundreds of Popular Food Brands*, ASSOCIATED PRESS (Jan. 29, 2024), <https://apnews.com/article/prison-to-plate-inmate-labor-investigation-c6f0eb4747963283316e494eadf08c4e> [<https://perma.cc/ELL7-F8Q6>].

⁷ Pub. L. No. 76-851, 54 Stat. 1134 (1940) (codified as amended at 18 U.S.C. § 1761).

⁸ See *Preston Glove Co. v. Bentsen*, 845 F. Supp. 401, 403 (N.D. Miss. 1994) (“Clearly, the statute is designed to prevent the use of prison laborers in order to avoid high labor costs.”).

⁹ Justice System Improvement Act of 1979, Pub. L. No. 96-157, § 827, 93 Stat. 1167, 1215 (codified as amended at 18 U.S.C. § 1761).

¹⁰ See 18 U.S.C. § 1761(c). The wages are subject to four specific types of deductions authorized by the statute. Such deductions are taken from the workers’ wages after the employing company has made payment and are distributed according to statutory guidelines. See § 1761(c)(2).

¹¹ *About PIECP*, NAT’L CORR. INDUS. ASS’N, <https://www.nationalcia.org/about-piecp> [<https://perma.cc/2JYR-DXBL>].

¹² See BUREAU OF JUST. ASSISTANCE, PROGRAM BRIEF: PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM 1–2 (2018) [hereinafter PROGRAM BRIEF: PIECP].

¹³ See *infra* Section II.B.

¹⁴ See *infra* notes 128–130 and accompanying text.

increasing public scrutiny.¹⁵ With the recent surge in publicity for social justice movements, such as Black Lives Matter, systemic abuses plaguing the disproportionately Black prison population,¹⁶ including unfair labor practices, have become a focal point of some reform groups' efforts.¹⁷ Although these efforts have become increasingly visible, a common theme is the pervasive lack of consideration of incarcerated juveniles within the prison labor conversation.¹⁸ There are currently no juvenile detention centers participating in PIECP—although juvenile detention centers are specifically noted as potential participants in the program—and work by incarcerated juveniles is woefully underregulated overall.¹⁹

Although juvenile detention center populations are on the decline,²⁰ juvenile offenders remain particularly vulnerable to the lifelong harmful effects that can result from even a short stay in incarceration.²¹ The children who are sentenced to time in juvenile detention centers tend to come from socioeconomically disadvantaged homes and have often experienced instability for much of their short lives.²² These children have frequently been subject to early childhood trauma and are overwhelmingly members of racial minorities.²³ Any period spent in a juvenile detention center will expose a child to heightened levels of violence, isolation, and instability beyond what they have already experienced in their home lives.²⁴ Juveniles

¹⁵ See April Simpson, *End of Slavery Exception in State Constitutions Could Reform Prison Labor*, CTR. FOR PUB. INTEGRITY (Nov. 10, 2022), <https://publicintegrity.org/labor/end-of-slavery-exception-in-state-constitutions-could-reform-prison-labor> [<https://perma.cc/87WF-6RHH>].

¹⁶ *Compare Quick Facts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/US/PST045224> [<https://perma.cc/ZU63-6XWU>] (estimating 13.7% of the U.S. population identifies as “Black or African American alone” as of July 1, 2023) with E. ANN CARSON, BUREAU OF JUST. STATS., PRISONS REPORT SERIES: PRELIMINARY DATA RELEASE (2023), <https://bjs.ojp.gov/preliminary-data-release-prisons> [<https://perma.cc/2B4Q-2LVL>] (finding that, “[a]t yearend 2022, 32% of persons sentenced to state or federal prison were black, while 31% were white”).

¹⁷ See, e.g., END THE EXCEPTION, <https://endtheexception.com> [<https://perma.cc/UCZ6-6G83>]; *Amend the 13th: Outlaw Slavery in the United States*, FREEDOM UNITED, <https://www.freedomunited.org/advocate/amendthe13th> [<https://perma.cc/7QEA-EVRN>].

¹⁸ See *infra* Section II.B.

¹⁹ See *infra* notes 78–81, 136–137 and accompanying text.

²⁰ See Joshua Rovner, *Youth Justice by the Numbers*, THE SENT’G PROJECT (Aug. 14, 2024), <https://www.sentencingproject.org/policy-brief/youth-justice-by-the-numbers> [<https://perma.cc/99ZV-7XEN>].

²¹ See RICHARD MENDEL, THE SENT’G PROJECT, WHY YOUTH INCARCERATION FAILS: AN UPDATED REVIEW OF THE EVIDENCE 5, 16, 20 (2022).

²² See Terence P. Thornberry, *Race, Socioeconomic Status and Sentencing in the Juvenile Justice System*, 64 J. CRIM. L. & CRIMINOLOGY 90, 97 (1973).

²³ See MENDEL, *supra* note 21, at 17–18, 21.

²⁴ See *id.* at 16–17.

in detention will miss school and are unlikely to return,²⁵ while the limited programming in detention centers fails to provide them with the tools they need to succeed outside of incarceration once released.²⁶

Existing programs in juvenile detention centers generally target education by providing a range of middle- and high-school-level classes for incarcerated youth.²⁷ Facilities may have teachers or volunteers come in to teach classes during the day, and some have established educational programs that allow incarcerated juveniles to receive their General Education Development diplomas.²⁸ These efforts are certainly a positive movement toward juvenile justice reform. However, the characteristics common among incarcerated children indicate that educational programs alone are not sufficient to combat the serious risk of recidivism.²⁹ Although continuing education after release is sometimes successful, a shockingly small minority of youth who return home from juvenile facilities re-enroll in school after detention.³⁰ Thus, incarcerated youth need opportunities beyond education-based programming to avoid the recidivism trap.

Recent downward trends in national juvenile detention center populations³¹ are creating an opportunity for new programs to target reform and recidivism reduction for youth offenders. As the downward trend continues, now is the time to enhance PIECP's use and effectiveness by prioritizing providing incarcerated children of an authorized working age with opportunities to gain the employable skills necessary to obtain and keep a job after release. Congress has the opportunity to provide youth offenders with a way out of crime and into stable futures by implementing programs that teach youths the skills they will need to get jobs and stay employed after release. This can be done by amending PIECP and authorizing additional Prison Work Pilot Projects that specifically target juveniles of working age.³²

²⁵ See *id.* at 14–15.

²⁶ See *Programs*, OFF. OF JUV. JUST. & DELINQ. PREVENTION, <https://ojjdp.ojp.gov/programs> [<https://perma.cc/R3RK-YJ2G>]; Marilyn C. Moses, *Ex-Offender Job Placement Programs Do Not Reduce Recidivism*, CORRIS. TODAY 106, 106–07 (2012).

²⁷ See CHARLES PUZZANCHERA, SARAH HOCKENBERRY & MELISSA SICKMUND, NAT'L CTR. FOR JUV. JUST., *YOUTH AND THE JUVENILE JUSTICE SYSTEM: 2022 NATIONAL REPORT* 200 (2022).

²⁸ See, e.g., *Juvenile Services Education Program (JSEP) and Board*, MD. DEP'T JUV. SERVS., <https://djs.maryland.gov/Pages/JSEP/JSEP.aspx> [<https://perma.cc/K53E-UZLZ>].

²⁹ See Kimberly Rapanut, Patrick Linehan, Gabriela Szymanowska, Brody Ford & Kelsey Collesi, *Patchwork Education System in Juvenile Centers Often Falls Short*, KIDS IMPRISONED (Aug. 21, 2020), <https://kidsimprisoned.news21.com/education-juvenile-detention> [<https://perma.cc/2TWB-BQ3C>].

³⁰ See MENDEL, *supra* note 21, at 14–15.

³¹ See Rovner, *supra* note 20, at 1.

³² See *infra* Part III.

This Note argues Congress should amend PIECP to add ten newly created Prison Work Pilot Projects to combat the high recidivism rates affecting incarcerated juveniles, targeting youths ages fourteen through seventeen. Part I provides background on juvenile incarceration and recidivism, the limited legal framework surrounding labor by incarcerated individuals, and PIECP. Part II analyzes the characteristics and recidivism risk factors specific to incarcerated juveniles as well as the positive impact that employment has on recidivism reduction for adults. Part II also evaluates the current scope and criticism of PIECP and surveys attempts beyond PIECP to reform prison labor with an eye toward recidivism reduction. Part III proposes using PIECP to combat high juvenile recidivism rates by allowing juveniles to develop employment skills while incarcerated that they can use to obtain jobs immediately after their release.

I. INCARCERATED JUVENILES ARE BEING LEFT BEHIND

Juvenile offenders receive different treatment than convicted adults because the experience of being incarcerated at a young age is especially likely to alter the future of a child's life.³³ Juvenile detention centers are subject to recidivism rates that top seventy percent within three years,³⁴ house populations that are disproportionately Black and other youths of color,³⁵ and run inadequate educational programs that fail to put releasees in the proper position to reenter school when their sentences are complete.³⁶

Prison labor has largely gone unregulated by federal labor laws,³⁷ with limited restrictions on the use of prisoner-made goods in interstate commerce and little guidance for prisoners' working hours and wages.³⁸ PIECP provides a workable solution to the fair use of prison labor and has proven to reduce recidivism and strengthen postrelease employment for the inmates who have been fortunate enough to participate in the program.³⁹ However, PIECP has been severely underutilized as a tool for recidivism reduction.⁴⁰

³³ See *supra* notes 21–26 and accompanying text.

³⁴ See MENDEL, *supra* note 21, at 12.

³⁵ See *id.* at 17.

³⁶ See *id.* at 5, 6; see also Rapanut et al., *supra* note 29.

³⁷ See Megan Russo, *Regulating Prison Labor*, THE REGUL. REV. (Oct. 20, 2021), <https://www.theregreview.org/2021/10/20/russo-regulating-prison-labor> [<https://perma.cc/H5QM-58PN>].

³⁸ See 18 U.S.C. § 1761.

³⁹ See CINDY J. SMITH, JENNIFER BECHTEL, ANGIE PATRICK, RICHARD R. SMITH & LAURA WILSON-GENTRY, CORRECTIONAL INDUSTRIES PREPARING INMATES FOR RE-ENTRY: RECIDIVISM & POST-RELEASE EMPLOYMENT 79 (2006); see also Rebecca S. Falk, Note, *Protecting People and Benefiting Business: Why Prison Labor Should Be Subject to the Provisions of the Service Contract Act*, 50 PUB. CONT. L.J. 275, 292 (2021).

⁴⁰ See *infra* Section II.B.

Juvenile justice centers are the logical next step in expanding PIECP because they are less populated than adult prisons—which are plagued by mass incarceration—and the children in these facilities are especially receptive to the long-term positive effects of employment during incarceration.⁴¹

A. *Juvenile Incarceration and Recidivism at a Glance*

The incarceration of juveniles has long been a topic of heated debate in the United States—whether juveniles should be incarcerated in the first place and, if subjected to confinement, how juvenile incarceration should be distinguished from the adult system.⁴² Regardless of individual views on the treatment of juvenile offenders, Americans and the federal government generally agree that juveniles require treatment distinct from that of adult offenders.⁴³ Federal law provides for the separation of incarcerated minors from traditional prisons and sets forth basic requirements for juvenile detention centers that are distinguished from those applied to adult prisons.⁴⁴

Juvenile criminal offenders may be placed in various “residential placement” facility centers, including detention centers, shelters, residential treatment centers, group homes, and other youth-centered state, local, and private facilities.⁴⁵ In the Juvenile Residential Facility Census in 2018, 625 residential placement facilities self-identified as detention centers, accounting for “41% of all facilities” and holding “46% of youth,” defined by the Census as “youth younger than age 21.”⁴⁶ In addition to these youths, there were 2,900 youths “younger than 18 held in adult jails” in 2019.⁴⁷

Several studies support the notion that juvenile offenders should be treated differently than adult offenders, repeatedly showing that juveniles are

⁴¹ See *infra* Section I.A.

⁴² See *Children in Prison*, JUV. L. CTR., <https://jlc.org/children-prison> [<https://perma.cc/WYB3-VCPF>] (“Neither juvenile nor adult prisons are appropriate places for youth.”); Laura Lothman Lambert & Arthur L. Burnett Sr., *Juvenile Civil Citation: An Effective Innovation in Reducing Juvenile Crime and Recidivism*, 34 CRIM. JUST., Summer 2019, at 4; see also Laurence Steinberg, *Sentences Should Acknowledge Juveniles’ Maturity, and Immaturity*, N.Y. TIMES (Feb. 6, 2015), <https://www.nytimes.com/roomfordebate/2012/06/05/when-to-punish-a-young-offender-and-when-to-rehabilitate/sentences-should-acknowledge-juveniles-maturity-and-immaturity> [<https://perma.cc/D8ND-XNXX>].

⁴³ See *supra* note 42 and accompanying sources; see also 18 U.S.C. §§ 5031–5043.

⁴⁴ See generally 18 U.S.C. §§ 5031–5043; see *id.* § 5039 (“Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.”).

⁴⁵ CHARLES PUZZANCHERA, SARAH HOCKENBERRY & MELISSA SICKMUND, NAT’L CTR. FOR JUV. JUST., *YOUTH AND THE JUVENILE JUSTICE SYSTEM: 2022 NATIONAL REPORT* 196 (2022).

⁴⁶ *Id.*

⁴⁷ *Id.* at 210.

particularly vulnerable to recidivism.⁴⁸ Because the human brain does not fully develop until the age of twenty-five, juveniles lack complete development of important decision-making portions of the brain, including those governing “impulse control, weighing consequences, and regulating emotions.”⁴⁹ Individuals who are incarcerated as juveniles are twice as likely to be incarcerated as adults than those with similar backgrounds who committed similar offenses “but were given an alternative sanction or simply not arrested.”⁵⁰ Incarcerated juveniles are particularly vulnerable to the lifelong negative effects that can result from time in juvenile detention centers and, as such, deserve special attention both by the public and the legislature.⁵¹

Of the youths in juvenile detention centers around the country, inmates are overwhelmingly Black and other minority males.⁵² In 2019, “Black youth were 4.4 times [more] likely to be incarcerated [than white youth] . . . ; Tribal youth were 3.2 times as likely . . . ; and Latinx youth were 27% more likely.”⁵³ In 2019, 85% of incarcerated youth were males, even though males represented only about 70% of “youth arrests and delinquency cases.”⁵⁴ The average stay for youths of racial and ethnic minorities is longer than for white youths, and males remain in confinement for an average of one month, compared to the average female youth stay of two weeks.⁵⁵ Racial and ethnic minorities are more likely to come from socioeconomically disadvantaged households in high-crime areas,⁵⁶ meaning incarcerated juveniles also tend to be socioeconomically disadvantaged, with both race and socioeconomic status contributing to higher rates of juvenile incarceration and recidivism.⁵⁷ The demographic characteristics of juveniles in detention are largely due to systematic injustices, including that Black children are significantly more likely to be incarcerated than white children.⁵⁸

⁴⁸ See, e.g., Julye Myner, Jennifer Santman, Gordon G. Cappelletty & Barry F. Perlmutter, *Variables Related to Recidivism Among Juvenile Offenders*, 42 INT’L J. OFFENDER THERAPY & COMPAR. CRIMINOLOGY 65, 73–74 (1998) (finding that a child’s “age at first conviction” is the leading factor in predicting recidivism among juveniles).

⁴⁹ See MENDEL, *supra* note 21, at 20.

⁵⁰ See NELL BERNSTEIN, *BURNING DOWN THE HOUSE: THE END OF JUVENILE PRISON* 7 (2014).

⁵¹ See generally MENDEL, *supra* note 21.

⁵² See PUZZANCHERA et al., *supra* note 45, at 192–93; Rovner, *supra* note 20, at 2–3.

⁵³ Rovner, *supra* note 20.

⁵⁴ PUZZANCHERA et al., *supra* note 45, at 191.

⁵⁵ *Id.* at 195.

⁵⁶ See *id.* at 193; Rovner, *supra* note 20, at 2–3.

⁵⁷ See generally Terence P. Thornberry, *Race, Socioeconomic Status and Sentencing in the Juvenile Justice System*, 64 J. CRIM L. & CRIMINOLOGY 90 (1973).

⁵⁸ See MENDEL, *supra* note 21, at 17–18.

Juvenile recidivism rates are not evaluated at a national level but are instead identified on a state-by-state basis.⁵⁹ As a result, there is no consensus regarding juvenile recidivism rates in the United States as a whole. Individual state reports on juvenile recidivism within one to three years after release have identified re-arrest rates ranging from over 50% to 80%.⁶⁰ In 2017, California's Division of Juvenile Justice reported a juvenile re-arrest rate of 74.2% within three years, with 53.8% of those youths being convicted of new offenses.⁶¹ In 2019 in Texas, the state reported three-year re-arrest rates between 73% and 76% for youths in local and state residential facilities, with between 15% and 31% of those youth being adjudicated or convicted for a new offense.⁶² An analysis of state data released in 2020 indicated that, within one year of release, youths are re-arrested at a rate of around 55% and re-incarcerated at a rate of around 24%.⁶³ Additionally, a comprehensive review of state data on recidivism rates from 2011 found that between 70% and 80% of youths were re-arrested within three years of being released from residential correctional programs.⁶⁴

High rates of juvenile recidivism may be combatted by programs in juvenile detention facilities that target the particular struggles faced by incarcerated juveniles. Many of the paths that lead youths to incarceration start with instability—socially, economically, and environmentally.⁶⁵ Giving youths the opportunity to spend their time in incarceration working for minimum wage would allow them to develop ownership of their actions and feel more valuable and productive, leading to more stability on release from incarceration and a lower risk of recidivism.⁶⁶ Targeting high juvenile recidivism rates through incarcerated employment programs requires an

⁵⁹ See PUZZANCHERA et al., *supra* note 45, at 94 (“States must calculate rates of reoffending to validate risk/needs assessment instruments and evaluate programs and practices to determine what is effective.”); ELIZABETH SEIGLE, NASTASSIA WALSH & JOSH WEBER, COUNCIL OF STATE GOV'TS, CORE PRINCIPLES FOR REDUCING RECIDIVISM AND IMPROVING OTHER OUTCOMES FOR YOUTH IN THE JUVENILE JUSTICE SYSTEM 81 n.4 (2014). The lack of data on juvenile recidivism is a harmful oversight that has inhibited juvenile justice reform efforts—an issue which should be discussed in a future work.

⁶⁰ SEIGLE et al., *supra* note 59, at 81 n.4.

⁶¹ MAUREEN WASHBURN, CTR. ON JUV. & CRIM. JUST., CALIFORNIA'S DIVISION OF JUVENILE JUSTICE REPORTS HIGH RECIDIVISM DESPITE SURGING COSTS 2 (2017).

⁶² See TEX. LEGIS. BUDGET BD., STATEWIDE CRIMINAL AND JUVENILE JUSTICE RECIDIVISM AND REVOCATION RATES 4 (2023).

⁶³ See *Research Central: Measuring What Works in Juvenile Reentry*, OFF. OF JUV. JUST. & DELINQ. PREVENTION, <https://ojjdp.ojp.gov/newsletter/ojdp-news-glance-novemberdecember-2020/research-central-measuring-what-works-juvenile-reentry> [<https://perma.cc/M54E-8QJ3>].

⁶⁴ See MENDEL, *supra* note 21, at 12.

⁶⁵ See *supra* notes 60–64 and accompanying text.

⁶⁶ See *infra* Part III.

understanding of the law currently governing labor by incarcerated individuals.

B. The Fair Labor Standards Act, 29 U.S.C. § 201

This Section provides a background on labor regulations and their applicability to incarcerated individuals. The regulation of incarcerated work has been limited and ambiguous throughout United States history. In 1938, after years of reluctance from the Supreme Court to uphold federal wage-hour legislation,⁶⁷ Congress passed the Fair Labor Standards Act (“FLSA”), which established a broad range of federal standards for labor in both the private sector and in government, including federal minimum wage and youth employment standards.⁶⁸ Although the FLSA was largely touted as a victory for the Roosevelt Administration’s New Deal,⁶⁹ not all workers enjoy its protections. Although the FLSA itself does not expressly exempt incarcerated workers, Congress refused to extend the FLSA to require minimum wage for prison laborers because it regarded such wages as unaffordable.⁷⁰ Since its passage, federal courts have recognized Congress’s intent to exclude prison laborers from the FLSA,⁷¹ and this exclusion has placed prison labor at the center of continuing debates about whether there are limits to the exploitation of incarcerated workers.⁷² In recent years, politicians and reform activists have made efforts to apply the requirements of the FLSA to incarcerated workers, but no such provisions have been adopted as of this writing.⁷³

⁶⁷ See Jonathan Grossman, *Fair Labor Standards Act of 1938: Maximum Struggle for a Minimum Wage*, U.S. DEP’T OF LAB., <https://www.dol.gov/general/aboutdol/history/flsa1938> [<https://perma.cc/7S87-X4WM>].

⁶⁸ Fair Labor Standards Act of 1938, Pub. L. No. 75-718, 52 Stat. 1060 (codified as amended at 29 U.S.C. § 201).

⁶⁹ See Nathaniel Ruby & Ross Eisenbrey, *Celebrating 75 Years of the Fair Labor Standards Act*, ECON. POL’Y INST.: WORKING ECON. BLOG (June 25, 2013, 12:51 PM), <https://epi.org/51286> [<https://perma.cc/H6J4-LT4G>] (“The Fair Labor Standards Act was an unequivocal success.”).

⁷⁰ See U.S. GEN. ACCT. OFF., GAO/GGD-93-98, PRISONER LABOR: PERSPECTIVES ON PAYING THE FEDERAL MINIMUM WAGE 1–6 (1993).

⁷¹ See *Bennett v. Frank*, 395 F.3d 409, 409 (7th Cir. 2005) (“The Fair Labor Standards Act is intended for the protection of employees, and prisoners are not employees of their prison, whether it is a public or a private one. So they are not protected by the Act.”); *McMaster v. Minnesota*, 30 F.3d 976, 980 (8th Cir. 1994) (“[Prisoners] who are required to work as part of their sentences and perform labor within a correctional facility as part of a state-run prison industries program are not ‘employees’ of the state or prison within the meaning of the Fair Labor Standards Act.”); see also Russo, *supra* note 37.

⁷² See Russo, *supra* note 37.

⁷³ See *Booker Introduces Package of Bills to End Unfair and Abusive Labor Practices in U.S. Correctional Facilities*, SEN. CORY BOOKER (Feb. 17, 2023), <https://www.booker.senate.gov/news/press/booker-introduces-package-of-bills-to-end->

The FLSA governs labor performed by minors outside of juvenile detention centers by setting forth age requirements, hour restrictions based on age, wage requirements, and limitations on the kinds of work that minors can do.⁷⁴ The FLSA divides child labor into three categories by age: children under fourteen years, children aged fourteen and fifteen, and children aged sixteen and seventeen.⁷⁵ The type and manner of employment allowed becomes more inclusive as age increases, beginning with work limited to agricultural and FLSA-exempt jobs performed outside of school hours for children under fourteen and eventually allowing employment in any nonhazardous occupation⁷⁶ for unlimited hours at the ages of sixteen and seventeen.⁷⁷

Although the FLSA indicates a need to closely monitor work by youth, the exemption of incarcerated workers from the FLSA's protections extends to incarcerated juveniles and can lead to dangerous labor practices for these youths.⁷⁸ Juveniles in detention centers are not afforded any definitive federal protections regarding their employment,⁷⁹ with the exception of the Ashurst-Sumners Act, which bans interstate commerce of prisoner-made goods.⁸⁰ The gaping hole in protections for incarcerated juvenile workers leaves these children at the mercy of state legislatures and private employers to determine their wages, hours, and the nature of their work.⁸¹ Given the current lack of protection for incarcerated juvenile workers, any employment programs in juvenile detention centers will require a clear focus on fairness and distinct tailoring to avoid unfair treatment of youth working while incarcerated.

unfair-and-abusive-labor-practices-in-us-correctional-facilities [https://perma.cc/6DR5-Z5ZE]; *Congresswoman Nikema Williams Reintroduces the Bicameral Abolition Amendment to Finally End Slavery*, CONGRESSWOMAN NIKEMA WILLIAMS (June 15, 2023), <https://nikemawilliams.house.gov/posts/congresswoman-nikema-williams-reintroduces-the-bicameral-abolition-amendment-to-finally-end-slavery> [https://perma.cc/9WNP-KPBZ].

⁷⁴ See 29 U.S.C. §§ 203(l), 212.

⁷⁵ See *Fact Sheet #43: Child Labor Provisions of the Fair Labor Standards Act (FLSA) for Nonagricultural Occupations*, U.S. DEP'T OF LAB., WAGE & HOUR DIV., <https://www.dol.gov/agencies/whd/fact-sheets/43-child-labor-non-agriculture> [https://perma.cc/2H74-CDNL].

⁷⁶ For a list of hazardous occupations, see *Hazardous Jobs*, INTERAGENCY WORKING GRP. ON YOUTH PROGRAMS, <https://perma.cc/87UR-LG7C>.

⁷⁷ See *Fact Sheet #43*, *supra* note 75.

⁷⁸ See Nina Mast, *Youth Subminimum Wages and Why They Should Be Eliminated*, ECON. POL'Y INST. (Jan. 8, 2024, 10:59 AM), <https://www.epi.org/blog/youth-subminimum-wages> [https://perma.cc/MUQ4-3XAD] (noting the FLSA's continued exemption for incarcerated workers from all FLSA protections).

⁷⁹ See Mast, *supra* note 78.

⁸⁰ See 18 U.S.C. § 1761.

⁸¹ See, e.g., U.S. GEN. ACCT. OFF., GAO/GGD-93-98, PRISONER LABOR: PERSPECTIVES ON PAYING THE FEDERAL MINIMUM WAGE 1-6 (1993).

C. *Prison Industry Enhancement Certification Program*,
18 U.S.C. § 1761(c)

Although clear regulation of incarcerated-juvenile labor is severely lacking and efforts to address the problem legislatively have stalled, the Prison Industry Enhancement Certification Program⁸² (“PIECP”) provides a useful framework within which to situate a fair and humane employment program for juveniles in detention centers. The PIECP was first codified as part of the Justice System Improvement Act of 1979⁸³ in response to the rapid expansion of prison populations during the 1970s⁸⁴ following President Johnson’s national “War on Crime.”⁸⁵ The PIECP creates an exception to bans on the interstate transport of inmate-made goods for private employers who partner with certified federal, state, local, and tribal departments of corrections and exempts the employers from the \$10,000 limit on offender-made goods sold to the federal government.⁸⁶ In exchange for these exceptions, the PIECP requires private employers to pay their employees “wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed.”⁸⁷ The workers’ wages are then subject to deductions of up to eighty percent to cover four codified purposes: taxes, room and board, family support, and compensation for victims of crime.⁸⁸ Eligibility for the PIECP is open to “all departments of correction and juvenile justice agencies authorized by law to administer Correctional Industry programs,” and correctional departments must certify that they meet all eight of the required criteria for participation in order to be PIECP certified.⁸⁹

⁸² 18 U.S.C. § 1761(c).

⁸³ Pub. L. 96-157, § 827.

⁸⁴ See BARBARA AUERBACH, *THE PRISON INDUSTRIES ENHANCEMENT CERTIFICATION PROGRAM: A PROGRAM HISTORY* 5 (2012).

⁸⁵ See Lyndon B. Johnson, Special Message to Congress on Law Enforcement and the Administration of Justice, Mar. 8, 1965 (“The time has come now, to check that growth [of crime]—to contain its spread— . . . and to intensify our crime prevention and crime-fighting at all levels of government.”) (emphasis added).

⁸⁶ See *About PIECP*, *supra* note 11.

⁸⁷ 18 U.S.C. § 1761(c)(2).

⁸⁸ See 18 U.S.C. § 1761(c)(2)(A)–(D).

⁸⁹ The eight criteria for certification are: “(1) Legislative authority to pay wages at a rate not less than that paid for similar work in the same locality’s private sector, (2) Written assurances that the program will not result in the displacement of workers employed in the community before program implementation, (3) Authority to provide worker benefits, including workers’ compensation or its equivalent, (4) Authority to involve the private sector in the production and sale of prisoner-made goods, (5) Written assurances that offender participation is voluntary, (6) Legislative or administrative authority to collect and provide financial contributions of not less than 5 percent and not more than 20 percent of gross wages to crime victim compensation/assistance programs, (7) Written proof of consultation with organized labor and local private industry before program startup, [and] (8) Compliance with

Once certified to participate, corrections departments may offer their inmates employment in any of the fifty Prison Work Pilot Projects included in the PIECP.⁹⁰ Each corrections facility participates in the PIECP through a designated Cost Accounting Center (“CAC”)—“a distinct PIECP goods production unit of the correctional industries system that is managed as a separate accounting entity under the authority of a Certificate Holder.”⁹¹ CACs are operated using three management structure models: the customer model, the employer model, and the manpower model, which is essentially a subtype of the customer model.⁹² Each of the three models provides for varying levels of involvement by the private sector partner, ranging from solely purchasing the produced goods under the customer model to “controlling the hiring, firing, training, supervision, and payment” under the employer model.⁹³

There does not seem to be a clear-cut difference between the type of employers who provide work under the different management structure models; rather, the major noted difference is in the risk posed for the company and department of correction, with “the customer model pos[ing] the least risk for the company and the greatest risk for [the] departments of correction,” and “the manpower and employer models present[ing] equal risk for both.”⁹⁴ As part of the PIECP, all CACs are required to consult with local labor representatives and private sector business organizations to ensure that local employers and labor organizations are made aware of new CACs and do not have serious objections to them.⁹⁵ The PIECP requirements ensure that participation in the program by correctional facilities and private employers is as beneficial to the incarcerated workers, employers, correctional facilities, and local communities as possible within the confines of the criminal justice system. By utilizing this existing program in juvenile incarceration facilities, Congress can provide a clear framework for juveniles, detention centers, and employers to benefit from the fair and productive employment of juvenile offenders in detention.

the National Environmental Policy Act and related federal environmental review requirements.” *About PIECP*, *supra* note 11.

⁹⁰ See 18 U.S.C. § 1761(c)(1).

⁹¹ U.S. DEP’T OF JUST., BUREAU OF JUST. ASSISTANCE, PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM (PIECP) COMPLIANCE GUIDE 3–5 (2021) [hereinafter COMPLIANCE GUIDE: PIECP].

⁹² See *id.* at 11.

⁹³ *Id.*

⁹⁴ SMITH et al., *supra* note 39, at 38.

⁹⁵ See COMPLIANCE GUIDE: PIECP, *supra* note 91, at 26–27.

D. Contemporary Efforts at Prison Labor Reform

Although the rise of mass incarceration has pushed legislators and the public toward establishing some regulation of prison labor, such efforts have not focused on the PIECP. Instead, these recommendations have largely consisted of broader attacks on the Exceptions Clause in the Thirteenth Amendment and its equivalents in state constitutions.⁹⁶ Voters in several states have elected to remove exception clauses from their state constitutions, beginning with Colorado in 2018, followed by Nebraska and Utah in 2020.⁹⁷ In November 2022, ballots in five states⁹⁸ included measures to remove exception clauses from their state constitutions. Of these five states, voters in four—Alabama, Oregon, Tennessee, and Vermont—approved the measures and ended the practices of slavery and involuntary servitude for individuals convicted of crimes in those states.⁹⁹

On a federal level, there have been several recent efforts to curtail the exploitation of prison labor, including a proposed constitutional amendment to remove the Exceptions Clause from the Thirteenth Amendment, known as the Abolition Amendment,¹⁰⁰ which has been introduced in slightly varied forms in Congress several times prior to the version currently on the table.¹⁰¹ The proposed amendment states, “Neither slavery nor involuntary servitude may be imposed as a punishment for a crime.”¹⁰² If ratified, it is unclear whether incarcerated individuals would have identical protections as other laborers in the United States or whether Congress would pass laws specific to incarcerated workers in addition to those already in place. Because federal courts have consistently held that the FLSA does not apply to incarcerated

⁹⁶ See Aaron Morrison, *Slavery, Involuntary Servitude Rejected by 4 States’ Votes*, ASSOCIATED PRESS (Nov. 9, 2022), <https://apnews.com/article/2022-midterm-elections-slavery-on-ballot> [<https://perma.cc/NNL6-HWUM>]; see also END THE EXCEPTION, *supra* note 17; ABOLISH SLAVERY NAT’L NETWORK, <https://abolishslavery.us> [<https://perma.cc/78BG-LCRE>].

⁹⁷ See Morrison, *supra* note 96.

⁹⁸ See *id.*

⁹⁹ See Shawna Mizelle, *Voters in Four States Approve Effort to Wipe Slavery and Indentured Servitude Off the Books*, CNN (Nov. 10, 2022), <https://www.cnn.com/2022/11/10/politics/slavery-punishment-state-ballot-measures-results/index.html> [<https://perma.cc/36FZ-HJQM>].

¹⁰⁰ See H.R.J. Res. 72, 118th Cong. (2023); *Congresswoman Nikema Williams Reintroduces the Bicameral Abolition Amendment to Finally End Slavery*, *supra* note 73.

¹⁰¹ See H.R.J. Res. 53, 117th Cong. (2021); S.J. Res. 21, 117th Cong. (2021); see also Scottie Andrew, *Democratic Lawmakers Introduce a Resolution to Amend the 13th Amendment to End Forced Prison Labor*, CNN (Dec. 2, 2020), <https://www.cnn.com/2020/12/03/politics/13th-amendment-prison-labor-trnd/index.html> [<https://perma.cc/2V78-PPKZ>].

¹⁰² See H.R.J. Res. 72, 118th Cong. (2023).

workers,¹⁰³ the next step for Abolition Amendment advocates would be to either obtain a ruling that the FLSA is now applicable to incarcerated workers or to propose new legislation setting standards for prison labor. Although either of these outcomes would establish a statutory basis for ensuring that prison laborers are fairly compensated, the road for lawmakers would be long. Additionally, the changes would likely disincentivize employers from hiring incarcerated workers and thus would be unlikely to influence recidivism.¹⁰⁴

Other proposed legislative solutions to address prison labor include a package of bills introduced in 2023 by Senator Cory Booker, a Democrat from New Jersey.¹⁰⁵ Senator Booker's four bills propose new legislative standards for prison labor that reflect many of the restrictions placed on labor by free individuals.¹⁰⁶ The bills target wages, occupational health and safety, work opportunities in correctional facilities, and workplace discrimination.¹⁰⁷ Senator Booker's proposal to ensure work opportunities in correctional facilities is one of very few that includes a direct reference to the PIECP, suggesting that Congress increase the number of authorized programs from fifty to one hundred.¹⁰⁸ None of Senator Booker's bills, however, make any mention of juvenile detention facilities.¹⁰⁹ Even if Congress were to pass Senator Booker's bills and double the number of authorized prison work pilot projects in the PIECP, none of the proposed amendments would provide the support or incentive for reform of employment opportunities in juvenile detention centers.

¹⁰³ See *Bennett v. Frank*, 395 F.3d 409, 409 (7th Cir. 2005); *McMaster v. Minnesota*, 30 F.3d 976, 980 (8th Cir. 1994).

¹⁰⁴ Although employers participating in PIECP must compensate incarcerated workers at a rate "not less than that paid for work of a similar nature in the locality in which the work was performed," the statute leaves room for employers to pay incarcerated workers the typical local amount even if it is less than they pay their nonincarcerated workers. 18 U.S.C. § 1761(2). Employers required to compensate incarcerated workers not only with the same wages but with the same benefits as other employees would almost certainly prefer nonincarcerated workers and thus fail to utilize incarcerated workers even more than under the current scheme. If employers are forced to compensate prison laborers the exact same as they would any other laborers, employers would likely opt to employ workers outside of prisons due to the stigma and complications associated with incarcerated workers. The proposed solution would combat the resulting lack even if the Abolition Amendment were passed. See generally *infra* Part III.

¹⁰⁵ See S. Res. 516, 118th Cong. (2023); S. Res. 518, 118th Cong. (2023); S. Res. 508, 118th Cong. (2023); S. Res. 517, 118th Cong. (2023); see also BOOKER, *supra* note 73.

¹⁰⁶ See BOOKER, *supra* note 73.

¹⁰⁷ See *id.*

¹⁰⁸ See S. Res. 508, 118th Cong. (2023).

¹⁰⁹ See *supra* note 105.

As with the Fair Labor Standards Act, proposed prison labor reform initiatives lack solutions for juveniles working while in detention centers.¹¹⁰ Reform efforts specifically targeting the juvenile justice system have largely focused on education services rather than making any effort to provide work opportunities for incarcerated youth.¹¹¹ In fact, there is no apparent history of advocating for—or considering—the implementation of existing or new prison labor programs in juvenile detention facilities. Because juveniles overwhelmingly choose not to return to school upon release from detention,¹¹² facilities should prioritize providing incarcerated children of an authorized working age with opportunities to gain the employable skills necessary to obtain and keep a job after release. Education is still beneficial for many juvenile offenders, but employment is often the most practical and most overlooked solution.

II. WHY THE CURRENT SCOPE OF THE PIECP IS NOT ENOUGH

Although the PIECP has proven to be effective in reducing the risk of recidivism for inmate participants by providing them with work experience and leading to postrelease jobs,¹¹³ its scope has remained extremely limited.¹¹⁴ By establishing new prison work pilot projects, Congress can utilize the PIECP to give juvenile offenders the practical skills they need to enter the workforce once released to avoid reentering the criminal justice system. This Part discusses the factors leading to recidivism risk for juveniles and the demonstrated impact of prison work on the reduction of that risk. Additionally, this Part evaluates the limited scope of the PIECP as well as barriers surrounding participation in the program.

A. *Postrelease Employment Reduces Recidivism Risk, and Realistic Work Experience While Incarcerated Can Make Such Employment More Accessible*

Many studies have identified a connection between employment and lower recidivism rates amongst various groups of formerly incarcerated individuals.¹¹⁵ Employment is commonly considered a recidivism risk

¹¹⁰ See, e.g., *id.*

¹¹¹ See *supra* notes 25–30 and accompanying text. Of the 625 juvenile detention centers reported in the Office of Juvenile Justice and Delinquency Prevention’s census in 2018, eighty-two percent reported that all youth in their facilities attended school, fifteen percent reported some youth attended school, and three percent of facilities reported that no youth in their facilities attended school. See PUZZANCHERA et al., *supra* note 45, at 200.

¹¹² See MENDEL, *supra* note 21, at 14–15.

¹¹³ See PROGRAM BRIEF: PIECP, *supra* note 12.

¹¹⁴ See SMITH et al., *supra* note 39, at 79.

¹¹⁵ See generally Manudeep Bhuller, Gordon B. Dahl, Katrine V. Løken & Magne Mogstad, *Incarceration, Recidivism, and Employment*, 128 J. POL. ECON. 1269, 1272 (2020);

factor; having a stable job after release from incarceration has been found to correlate with lower recidivism rates, presumably due to the socioeconomic and time management benefits that come with the responsibility of a job.¹¹⁶ Although less data is available regarding juvenile recidivism and employment, a 1960 study showed that children who can legally leave school and enter the workforce—ages sixteen and above—when released from incarceration are less likely to recidivate, conceivably due to the opportunity to obtain legal employment after release as compared to younger releasees.¹¹⁷ Employment can provide juveniles, particularly those who have experienced socioeconomic instability, with opportunities to develop skills that they might not have had opportunities to develop. For example, hard and soft occupational skills can be developed through employer-employee relationships from on the job training that will be applicable to future jobs.¹¹⁸ The development of such skills is likely to lead to employment opportunities for juveniles after release, which in turn is likely to reduce the opportunities for and occurrences of crime and thus lead to lower recidivism risk.¹¹⁹ Job stability immediately after release, particularly for juveniles who are of working age, could continue to have positive effects throughout the individual's life, reducing the risk that the individual returns to incarceration for much longer than the few years immediately postrelease.¹²⁰

It is well established that obtaining a job after release reduces recidivism rates for formerly incarcerated persons,¹²¹ but less research has focused on

Dugald S. Arbuckle & Lawrence Litwack, *A Study of Recidivism Among Juvenile Delinquents*, 24 FED. PROBATION 45, 47 (1960); Tianyin Yu, *Employment and Recidivism*, EBP SOC'Y (Jan. 30, 2018), <https://www.ebpsociety.org/blog/education/297-employment-recidivism> [<https://perma.cc/N5NY-DUAM>].

¹¹⁶ See Grant Duwe & Makada Henry-Nickie, *Training and Employment for Correctional Populations*, in A BETTER PATH FORWARD FOR CRIMINAL JUSTICE 58, 59 (Rashawn Ray & Brent Orrell eds., 2021). See generally Bhuller et al., *supra* note 115, at 1272 (finding that previously unemployed individuals in Norway increased their participation in job training programs by thirty-five percent while incarcerated and that reoffense was cut in half for the same group).

¹¹⁷ See Arbuckle & Litwack, *supra* note 115, at 47.

¹¹⁸ See Diana Miller, *Teen Employment Has Many Benefits*, COURIER & PRESS (July 4, 2017), <https://youthfirstinc.org/teen-employment-many-benefits/> [<https://perma.cc/S6BX-Z5KN>] (noting the positive impact of youth employment on responsibility, good work habits, time management, organization, confidence, and self-reliance, as well as lower high school dropout levels for minorities who work during high school).

¹¹⁹ See FLA. STATE UNIV., 2006 ANNUAL REPORT TO THE FLORIDA DEPARTMENT OF EDUCATION at 58–60 (2006).

¹²⁰ *Id.* at 58.

¹²¹ See Tianyin Yu, *Employment and Recidivism*, EBP SOC'Y (Jan. 30, 2018), <https://www.ebpsociety.org/blog/education/297-employment-recidivism> [<https://perma.cc/JVF7-5Y3N>] (discussing several previous and contemporary studies connecting reduced recidivism with employment after release). See generally Anke Ramakers, Paul Nieuwbeerta, Johan Van Wilsem & Anja Dirkzwager, *Not Just Any Job Will Do: A Study on Employment*

the effects of employment while incarcerated on juvenile recidivism.¹²² To increase incarcerated individuals' chances at job stability after release, facilities should provide these individuals the opportunity during their incarceration to develop skills that will allow them to obtain and retain employment once they are released.¹²³ Researchers have reached conflicting conclusions about whether participation in any form of prison labor significantly affects recidivism, with some finding that prison labor reduces the likelihood of recidivism¹²⁴ and others finding no significant difference in recidivism between those who participate in prison labor and those who do not.¹²⁵ Focus on prison employment as a whole, however, should not be said to be representative of employment in PIECP Prison Work Pilot Projects. PIECP is distinguishable from other prison work in its wage requirements and structure of employment, which mirrors real world jobs and provides workers with more realistic preparation for postrelease work.¹²⁶ PIECP participants can gain marketable skills beyond physical labor, including computer programming and coding, graphic design, HVAC training, and welding and fabrication.¹²⁷ The unique opportunities presented by PIECP jobs necessitate that evaluations of the program's recidivism effectiveness rest on the impacts of only PIECP jobs, not those of prison labor in general.

Studies discussing the effects of PIECP employment on recidivism have found that inmates who work PIECP program jobs are significantly more successful in postrelease employment and experience lower rates of recidivism.¹²⁸ Compared to inmates who participate in other prison work programs, PIECP participants gain both hard employment skills, such as

Characteristics and Recidivism Risks After Release, 61 INT'L J. OFFENDER THERAPY & COMPAR. CRIMINOLOGY 1795 (2017) (discussing characteristics of postrelease jobs that are more effective in reducing recidivism).

¹²² See FLA. STATE UNIV., *supra* note 119, at 58.

¹²³ See SMITH et al., *supra* note 39, at 79.

¹²⁴ See William G. Saylor & Gerald G. Gaes, *Training Inmates through Industrial Work Participation and Vocational and Apprenticeship Instruction*, 1 CORR. MGMT. Q. 32, 42 (1997).

¹²⁵ See Grant Duwe & Susan McNeeley, *The Effects of Prison Labor on Institutional Misconduct, Postprison Employment, and Recidivism*, 5 CORR.: POL'Y, PRAC. & RSCH. 89, 103–04 (2020).

¹²⁶ See PROGRAM BRIEF: PIECP, *supra* note 12, at 2 (noting that PIECP was created “to establish employment opportunities for prisoners that approximate private-sector work opportunities”).

¹²⁷ See *id.* at 3; NAT'L CORR. INDUS. ASS'N, PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM CERTIFICATION AND COST ACCOUNTING CENTER LISTING: STATISTICS FOR THE QUARTER ENDING JUNE 30, 2023 at 4, 7, 13 (2023) [hereinafter Q2 2023 STATISTICS].

¹²⁸ See PROGRAM BRIEF: PIECP, *supra* note 12, at 1–2 (discussing a 2006 study in which lower recidivism and higher postrelease employment rates were found for former PIECP participants).

learning a trade or skill, and soft employment skills, such as time management and maintaining a positive attitude at work.¹²⁹ PIECP participants benefit from both the program's higher wages and its work opportunities, which are more akin to employment environments outside of prison.¹³⁰ These benefits allow participants to apply for jobs outside of prison with the confidence and skills gained only from experience in a particular field. Additionally, because the wages from PIECP jobs are considered the prevailing wage for work of a similar nature in the area,¹³¹ releasees may be less likely to accept lower paying, less stable jobs.

Existing job-placement programs that aim to place those released from incarceration into real-world jobs have failed to significantly lower recidivism rates.¹³² Major issues facing these programs include that workers possess "insufficient or outdated skills" and "a spotty or nonexistent work history" due to their time spent in incarceration.¹³³ Additionally, existing work programs outside of the PIECP do not possess the same wage requirements, meaning that some incarcerated workers make as little as \$0.04 an hour, if anything.¹³⁴ In fact, the average *high-end* hourly wage for incarcerated workers between all U.S. states and federal prisons was \$1.41 in 2017.¹³⁵ Although the aim of existing prison employment programs is admirable and existing programs certainly help some, employment efforts would be significantly more effective if aided by programs such as the PIECP, which occur within the walls of prisons and allow incarcerated individuals to develop necessary employment skills while they are completing their sentences.

¹²⁹ See SMITH et al., *supra* note 39, at 30.

¹³⁰ See *id.* at 30, 79.

¹³¹ See 18 U.S.C. § 1761(c)(2) (requiring wages for PIECP jobs be "not less than that paid for work of a similar nature in the locality in which the work was performed").

¹³² See Marilyn C. Moses, *Ex-Offender Job Placement Programs Do Not Reduce Recidivism*, CORRS. TODAY 106 (2012).

¹³³ See *id.* at 107.

¹³⁴ See Wendy Sawyer, *How Much do Incarcerated People Earn in Each State?*, PRISON POL'Y INITIATIVE (Apr. 10, 2017), <https://www.prisonpolicy.org/blog/2017/04/10/wages> [<https://perma.cc/HU9S-WMRL>] (noting that Alabama, Arkansas, Florida, Georgia, Mississippi, South Carolina, and Texas all have at least some jobs that pay nothing to incarcerated workers, while incarcerated workers in regular industry jobs in Louisiana may be paid as low as \$0.04 per hour).

¹³⁵ See *id.*

B. The Current Scope of the PIECP: Underutilization in Both Juvenile Detention Centers and Prisons at Large

Although they are eligible to apply,¹³⁶ there are currently no juvenile detention centers registered as participants in PIECP.¹³⁷ Thus, analysis of the Program focuses on its use in adult detention centers. In data reports published for the quarter ending June 30, 2023, the National Correctional Industries Association (“NCIA”) reported that there were 45 certified correctional departments, 237 active CACs,¹³⁸ and 7,161 total incarcerated workers employed in PIECP program jobs.¹³⁹ The most recent publication of the U.S. prison population by the Bureau of Justice Statistics was in 2023 and reported a prison population of 1,254,200.¹⁴⁰ Although the NCIA declined to provide data reports for Quarter 4 of 2023 on request, the report for the quarter ending June 30, 2023 put total inmate employment in PIECP program jobs at 7,161¹⁴¹—meaning that around 0.57% of total prison inmates in the United States were participating in PIECP work projects.

The 7,161 incarcerated workers participating in PIECP employment grossed just over \$12.6 million in wages in the quarter ending June 30, 2023, averaging about \$1,760 in gross wages per worker in the quarter.¹⁴² Of those wages, the individual workers themselves netted about \$724 each after PIECP-authorized deductions were taken.¹⁴³ Although deductions bring the workers’ wages closer to other prison labor pay, the PIECP deductions are mandated for only four purposes, each of which has a distinct focus on

¹³⁶ See PROGRAM BRIEF: PIECP, *supra* note 12, at 4 (“All departments of corrections and juvenile justice agencies authorized by law to administer correctional industry programs are eligible to apply for PIECP certification.”).

¹³⁷ Telephone Call with Representative from Nat’l Corr. Indus. Ass’n (Nov. 17, 2023); see also NAT’L CORR. INDUS. ASS’N, PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM CERTIFICATION & COST ACCOUNTING CENTER LISTING: STATISTICS FOR THE QUARTER ENDING SEPTEMBER 30, 2023 (2023).

¹³⁸ “Cost Accounting Centers” is the term designated to goods production units within private prisons in their capacity as participants in the PIECP. See COMPLIANCE GUIDE: PIECP, *supra* note 91, at 3.

¹³⁹ See Q2 2023 STATISTICS, *supra* note 127.

¹⁴⁰ See DEREK MUELLER, U.S. DEP’T OF JUST., NCJ 309396, PRISONS REPORT SERIES: PRELIMINARY DATA RELEASE, 2023 (2024), <https://bjs.ojp.gov/preliminary-data-release-prisons-2023> [<https://perma.cc/ZFH7-HE5L>].

¹⁴¹ See Q2 2023 STATISTICS, *supra* note 127.

¹⁴² See *id.* at 1, 3. Average gross wages were calculated by dividing the total gross wages in the Quarterly Report (\$12,600,269) by the number of “Total PIECP Workers Employed” found in the Certification & Cost Accounting Center Listing (7,161). See *id.*; NAT’L CORR. INDUS. ASS’N, PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM QUARTERLY REPORT: STATISTICS FOR THE QUARTER ENDING SEPTEMBER 30, 2023 (2023).

¹⁴³ See sources cited *supra* note 142.

benefitting the incarcerated worker: federal, state, and local taxes;¹⁴⁴ “reasonable charges for room and board;”¹⁴⁵ support of family pursuant to state statute, court order, or agreement by the offender;¹⁴⁶ and victim compensation funds.¹⁴⁷ Although the total deduction from PIECP wages may be as high as eighty percent of a worker’s gross earnings, the reductions are directly correlated to the worker and their positive impact on family and community. This directly contrasts the PIECP with other prison employment by states that allow private employers to exploit incarcerated workers by paying low wages to begin with, benefitting only the private employer and devaluing the workers due to their incarceration status.¹⁴⁸

The PIECP is widely recognized as the prevailing, yet scarcely used, means for providing protection and fair compensation for incarcerated workers.¹⁴⁹ Although no program can cure all of the major barriers to employment upon release,¹⁵⁰ the PIECP provides incarcerated workers with up-to-date skills and a recent, identifiable work history. These factors have already proven effective among PIECP participants, shortening the time between release and postincarceration employment and resulting in higher rates of continuous employment than releasees who do not participate.¹⁵¹

¹⁴⁴ See 18 U.S.C. § 1761(c)(2)(A). Deductions for taxation are the same as would be taken from a worker’s pay in employment outside of incarceration.

¹⁴⁵ See 18 U.S.C. § 1761(c)(2)(B). Deductions for room and board mirror the portion of any nonincarcerated worker’s income that would go toward rent or mortgage payments.

¹⁴⁶ See 18 U.S.C. § 1761(c)(2)(C). This type of deduction is not likely to be taken from a juvenile simply because children are not likely to be subject to required family support payments. However, if such deductions are made, they can help maintain connection and positive will between the offender and his or her family during the period of incarceration.

¹⁴⁷ See 18 U.S.C. § 1761(c)(2)(D). This deduction is limited to five percent to twenty percent of the worker’s gross wages and will have a demonstrably positive impact on the juvenile worker in particular, as supported by studies finding that successful payment of restitution lowers a juvenile offender’s risk of recidivism. See Susan Jacobs & David Moore, *Successful Restitution as a Predictor of Juvenile Recidivism*, 45 JUV. & FAMILY COURT J. 3, 11 (1994).

¹⁴⁸ See generally ACLU, CAPTIVE LABOR: EXPLOITATION OF INCARCERATED WORKERS (2022).

¹⁴⁹ See, e.g., Benjamin R. Syroka, Comment, *Unshackling the Chain Gang: Circumventing Partisan Arguments to Reduce Recidivism Rates Through Prison Labor*, 50 U. TOL. L. REV. 395, 409 (2019); Tracy F. H. Chang & Douglas E. Thompkins, *Corporations Go to Prisons: The Expansion of Corporate Power in the Correctional Industry*, 27 LAB. STUDS. J. 45, 61 (2002); Fallk, *supra* note 39, at 292.

¹⁵⁰ See Moses, *supra* note 132, at 107 (identifying additional barriers to employment upon release as “race discrimination, inadequate educational attainment . . . undesirable physical appearance . . . drug addiction or other health impairments, few soft skills, economically disadvantaged communities with few available jobs to return to, and a criminal record.”).

¹⁵¹ See SMITH et al., *supra* note 39, at 11–15.

C. Criticism of the PIECP

Criticism of the PIECP has largely identified its limited scope and, thus, its limited success.¹⁵² The Program's framing as an exception to an existing statute¹⁵³ has been said to limit its usefulness, particularly due to several of the certification requirements.¹⁵⁴ For example, the PIECP requirement that a program consult with local labor union officials to establish that its certification will not affect local labor, including existing unemployment, has been criticized as too difficult a barrier to certification.¹⁵⁵ Additionally, that private employers through the PIECP are required to pay incarcerated workers the prevailing wage for the area and industry in which they are employed has been criticized as a detriment to the program.¹⁵⁶ Analyses of the PIECP have pointed to the program's small scale, noting that the fifty federally authorized PIECP Prison Work Pilot Projects employ less than one percent of incarcerated people in prison labor programs.¹⁵⁷ Such studies have concluded that, because the program has remained small in scope in the fifty-plus years since its inception, the PIECP is incapable of further expansion and should be replaced or supplemented by larger-scale programs that will combat the low wages paid to most incarcerated workers.¹⁵⁸

Although these criticisms certainly apply to the large-scale expansion of the PIECP across jails and prisons, they are countered by the limited expansion that would be required to add Prison Work Pilot Projects specifically aimed at juveniles. Compared to the 1.2 million sentenced individuals held in state and federal prisons at year-end 2021,¹⁵⁹ just over 10,000 juveniles aged seventeen and younger were committed to residential placement at year-end 2021, with a significant majority of those being of working age¹⁶⁰ and thus eligible, assuming FLSA regulations, to work.

¹⁵² See Syroka, *supra* note 149, at 409.

¹⁵³ See 18 U.S.C. § 1761(a).

¹⁵⁴ See Syroka, *supra* note 149, at 409.

¹⁵⁵ See *id.*

¹⁵⁶ See *id.* (“The allure of prison labor for private sector employers, among other things, is being able to decrease their bottom line through paying lower wages. Therefore . . . PIECP’s prevailing wage requirement makes it much harder to incentivize employers to set up shop behind prison walls.”).

¹⁵⁷ See ACLU, CAPTIVE LABOR: EXPLOITATION OF INCARCERATED WORKERS 9–10 (2022).

¹⁵⁸ See Syroka, *supra* note 149, at 425–28.

¹⁵⁹ See E. ANN CARSON, U.S. DEP’T OF JUST., NCJ 305125, PRISONERS IN 2021 – STATISTICAL TABLES (2022), <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/p21st.pdf> [<https://perma.cc/W3JV-FW6W>].

¹⁶⁰ See Charles Puzanchera, Anthony Sladky & Wei Kang, *Easy Access to the Census of Juveniles in Residential Placement: 1997-2023* (2025), <https://www.ojjdp.gov/ojstatbb/ezacjrp> [<https://perma.cc/PCS4-A58P>] (National Crosstabs data). This Note defines “working age” as fourteen years old and above, consistent with FLSA guidelines.

Considering that only a limited portion of incarcerated juveniles over the age of fourteen will choose to work while in detention centers, it is reasonable to assert that expansion of the PIECP into juvenile detention centers is a focused and attainable goal while conceding that the PIECP is not a substitute for federal labor standards governing all incarcerated labor.

III. A WAY FOR RELEASED JUVENILES TO FULLY SHUT THE DOOR ON DETENTION

The PIECP has remained remarkably underutilized since its creation in 1979.¹⁶¹ Although the Program has proven successful in reducing recidivism and increasing postrelease employment,¹⁶² legislators and detention centers have paid little—if any—attention to expanding its scope. The small number of incarcerated juveniles in the United States relative to incarcerated adults, as well as juveniles' particular vulnerability to recidivism and predetention lack of employment skills, make the juvenile justice system a ripe forum for expansion of the PIECP. This Part proposes an amendment to the current PIECP statute to add ten legislatively authorized Prison Work Pilot Projects specifically tailored for juveniles of working age and argues that this solution will help reduce recidivism for incarcerated youth.

Congress should expand the scope of the PIECP by amending 18 U.S.C. § 1761(c)(1) to include ten new authorized work projects that create work opportunities tailored explicitly for incarcerated juveniles aged fourteen through seventeen and meet the federal standards for employment of minors. Although the existing version of the PIECP provides participants with a means of avoiding exploitation for work done while incarcerated, the program is underutilized and would benefit from additional work projects that target the subgroup of incarcerated persons most vulnerable to exploitation and most susceptible to the positive impacts of developing employment skills.¹⁶³ Adding work projects to the PIECP specifically for incarcerated juveniles will give demonstrably at-risk youth, including the approximately two-thirds of releasees who choose not to re-enroll in school,¹⁶⁴ the opportunity to participate in the workforce as productive, valued team members so they can re-enter society with the skills and confidence necessary to obtain and retain employment.¹⁶⁵ This, in turn, will lead to lower rates of recidivism for juveniles who become employed after

¹⁶¹ See *supra* Section II.B.

¹⁶² See *supra* Section II.A.

¹⁶³ See *supra* Section II.A.

¹⁶⁴ See MENDEL, *supra* note 21, at 15.

¹⁶⁵ See SMITH et al., *supra* note 39, at 29–30.

release by utilizing the skills they have learned in their PIECP jobs.¹⁶⁶ Ten is the appropriate number of Prison Work Pilot Projects to be added to the fifty currently authorized programs because it represents an addition that is somewhat proportional to juvenile incarceration rates relative to those of adults¹⁶⁷ and is a significant enough number to result in substantial change to the PIECP's employment offerings. The addition of ten Prison Work Pilot Projects more accessible to juvenile workers also incorporates suggestions by other legislators, such as Senator Booker, regarding the number of Prison Work Pilot Projects that should be added to PIECP overall.¹⁶⁸

The PIECP has been proven to improve job opportunities for participants after incarceration by shortening the time to employment, increasing job duration and pay, and even reducing recidivism.¹⁶⁹ Because incarcerated juveniles face dramatically low rates of re-enrollment in school,¹⁷⁰ a solution to recidivism aimed at that particular group must allow the juveniles a path after release beyond the obvious choices of school and crime. The opportunity to leave a period of incarceration with employable skills is essential to providing juveniles with a route to successful release. Juveniles who have gained marketable skills and job experience in detention will mirror their adult counterparts¹⁷¹ with greater opportunities to enter the workforce and gain stable jobs and thus be less likely to return to criminal activity upon release. Although continuing education may still be a priority for juvenile offender programming, it is time that policymakers and

¹⁶⁶ See Christopher Uggen, *Ex-Offenders and the Conformist Alternative: A Job Quality Model of Work and Crime*, 46 SOC. PROBS. 127, 143 (1999) (finding that “jobs of high quality” after release from incarceration reduce the likelihood of recidivism); Robert D. Crutchfield & Susan R. Pitchford, *Work and Crime: The Effects of Labor Stratification*, 76 SOC. FORCES 93, 105 (1997) (“People who are occupationally stable or who are making an investment to enhance future stability, that is, those who are employed regularly or who are students, are less likely to have engaged in criminal behavior.”).

¹⁶⁷ See Rovner, *supra* note 20 (asserting based on 2019 statistics that 114 of 100,000 youth nationwide are held in juvenile facilities on any given day—a 0.114% incarceration rate); E. ANN CARSON, U.S. DEP'T OF JUST., NCJ 255155, PRISONERS IN 2019 at 10 (2020) (presenting 2019 data showing that there are 539 *sentenced* incarcerated prisoners per 100,000 adult U.S. residents—a 0.539% incarceration rate).

¹⁶⁸ Senator Booker's proposed bill, the Ensuring Work Opportunities in Correctional Facilities Act, proposes to double the number of PIECP authorized work pilot projects from fifty to one hundred and would apply to all incarcerated individuals. See Ensuring Work Opportunities in Correctional Facilities Act, S. 508, 118th Cong. § 2(b) (2023).

¹⁶⁹ See SMITH et al., *supra* note 39, at 12 (finding that PIECP participants obtained employment within the first quarter upon release at a rate 15% higher than other releasees, retained employment for one year or more continuously at a rate 8% higher than other releasees, and that 82.5% of PIECP participants did not get arrested within one year of release compared to around 76% for other releasees).

¹⁷⁰ See MENDEL, *supra* note 21, at 14–15.

¹⁷¹ See SMITH et al., *supra* note 39, at 67–79.

detention centers offer a second path for those who do not see their immediate return to education upon release as a viable option.

In addition to the employment benefits, employment in PIECP jobs will allow juveniles to participate in society meaningfully. The wage deductions in the PIECP will give juvenile participants a sense of ownership over their place in society. As evidence of this likely result, a 1994 study by two professors at the University of Nebraska-Omaha determined that the proportion of court-ordered restitution paid by juvenile offenders to victims of their crimes was closely related to recidivism for those juveniles, with those who paid the highest proportions of their ordered restitution being the least likely to commit subsequent offenses and be re-incarcerated.¹⁷² Participating in the PIECP would give juveniles an honest means of paying restitution while completing sentences in juvenile detention facilities. When considered in conjunction with findings that juveniles who are old enough to leave school legally at the time of release are less likely to reoffend,¹⁷³ it is apparent that the ability to obtain a job after release due to skills gained in PIECP jobs will also benefit juveniles by reducing the risk of recidivism.

Much of the criticism of the PIECP stems from its long-term use in adult prisons.¹⁷⁴ Participant workers serving lengthy sentences may be exploited even if receiving qualifying wages under the PIECP because, as they gain skills through long-term employment, worker pay is not required to increase with experience.¹⁷⁵ Additionally, the employment skills that participants gain may never be utilized outside of prison for those serving lengthy sentences or those already near retirement age when they enter the program.¹⁷⁶ Although the limited number of current participants in the PIECP are benefitting from the employment skills gained and fair wages required by the program, the program would be better utilized by employing incarcerated juveniles who are in a more apt position to translate the skills and funds they earn into long-term employment upon their release.¹⁷⁷

Youth offenders and the juvenile detention facilities housing them should be a priority for the PIECP due to their shorter sentences and the guaranteed opportunity to utilize their newly developed employable skills

¹⁷² See Susan Jacobs & David C. Moore, *Successful Restitution as a Predictor of Juvenile Recidivism*, 45 JUV. & FAM. CT. J. 3, 11 (1994).

¹⁷³ See Arbuckle & Litwack, *supra* note 115, at 47.

¹⁷⁴ See Bob Sloan, *The Prison Industries Enhancement Certification Program: Why Everyone Should be Concerned*, PRISON LEGAL NEWS (Mar. 15, 2010), <https://www.prisonlegalnews.org/news/2010/mar/15/the-prison-industries-enhancement-certification-program-why-everyone-should-be-concerned/> [<https://perma.cc/78XF-22JK>].

¹⁷⁵ See *id.*

¹⁷⁶ See *id.*

¹⁷⁷ See *supra* Section II.A.

upon release as working-age individuals.¹⁷⁸ Recent declines in juvenile prison populations present a ripe opportunity for implementation of the PIECP in juvenile detention centers.¹⁷⁹ With fewer children under the supervision of detention centers, resources can be allocated to the implementation of fair work opportunities for the children still subject to incarceration. By giving these children work that will teach them employable skills and provide them with a way to make fair wages while incarcerated, juvenile detention centers will benefit from the positive effects of PIECP participation in their facilities. Additionally, juveniles themselves, detention centers, and the community will benefit from reduced recidivism due to a higher rate of releasees who are successful in gaining employment after incarceration. Rather than returning to the same or worse conditions in which they first offended, juveniles will possess employable skills and experience that they can convert into jobs. These jobs will provide juveniles with steady incomes and productively occupy their time, leaving less opportunity for reoffending and reducing the negative employment effects of having a criminal record.

Although this Note does not focus on the particular work pilot projects best suited for juveniles, certain categories of jobs would likely present juveniles with the best opportunity for success. These jobs fall within the FLSA's restrictions regarding child laborers.¹⁸⁰ The recently launched California CAC provides inmates with jobs that allow them to learn HTML coding—an employment opportunity suitable for juvenile detention centers.¹⁸¹ A Washington, D.C. public defender who frequently works with juvenile offenders suggested that the jobs best suited for PIECP programs in juvenile detention centers teach juveniles skills they can quickly utilize in “real life,” including culinary, HVAC, electrical, and technological jobs.¹⁸² One of the most important attributes of a PIECP job tailored toward juveniles is that it does not require higher education. As juveniles released from

¹⁷⁸ See 18 U.S.C. § 5037(c) (limiting the term of official detention for juvenile offenders under eighteen years old to the lesser of the date when the juvenile reaches twenty-one years old, the maximum sentencing guideline for the offense, or the maximum sentence allowed if the juvenile had been tried as an adult).

¹⁷⁹ See Brian Rinker, *'It's Not Just a Jail Break': Juvenile Prison Populations Reach All-Time Lows*, JUV. JUST. INFO. EXCH. (Jan. 10, 2023), <https://jjie.org/2023/01/10/its-not-just-a-jail-break-juvenile-prison-populations-reach-all-time-lows> [<https://perma.cc/F3WE-UWAA>].

¹⁸⁰ See 29 U.S.C. § 203(l).

¹⁸¹ See PROGRAM BRIEF: PIECP, *supra* note 12, at 3.

¹⁸² Telephone Interview with Clare Kruger, Attorney, District of Columbia Public Defender Services (Nov. 30, 2023); see also Rapanut et al., *supra* note 29 (suggesting opportunities for juveniles to learn culinary, cosmetology, construction, and music skills to give them broader options for career paths).

incarceration largely choose not to return to school,¹⁸³ the employment skills they earn while in detention should be easily transferrable to jobs outside of detention, where juveniles can become employed immediately following a period of detention without needing to attain higher education and incur the debt associated with such a requirement.¹⁸⁴ For these occupations to be successful, they should provide opportunities for advancement without requiring higher education degrees, offer a living wage outside of detention facilities, and exist in fields with high or increasing demand for employees.¹⁸⁵ Within these bounds, individuals who work directly with juvenile offenders should recommend specific types of jobs for inclusion in juvenile-focused work pilot projects under the PIECP.

The PIECP was established as a vehicle for providing incarcerated individuals with employment opportunities that resemble private-sector work opportunities,¹⁸⁶ but it has been overlooked and underutilized since it was passed into law.¹⁸⁷ The scope of the PIECP is limited both by its permissive nature—meaning participation is wholly dependent on applications voluntarily submitted by each department of corrections—and by the requirement that all work done under the program be within one of fifty projects authorized by federal statute.¹⁸⁸ For incarcerated individuals to obtain PIECP jobs, they must be placed in a facility that has become PIECP certified, be adequately informed of the availability of PIECP jobs, and apply and be hired for such jobs.¹⁸⁹ Although the program has successfully reduced participants' risk of recidivism after release,¹⁹⁰ the PIECP's ability to expand is limited due to the barriers to participation.¹⁹¹ For the legislative amendment proposed in this Note to be most effective, advocates must simultaneously promote opportunities for involvement in the PIECP to juvenile detention facilities.

¹⁸³ See MENDEL, *supra* note 21, at 14–15.

¹⁸⁴ See M.C. BRADLEY, JIFFY LANSING & MATTHEW STAGNER, MATHEMATICA POL'Y RSCH., CONNECTING AT-RISK YOUTH TO PROMISING OCCUPATIONS 2–3 (2013).

¹⁸⁵ See *id.* at 1–2.

¹⁸⁶ See *About PIECP*, *supra* note 11.

¹⁸⁷ See *supra* Section II.C.

¹⁸⁸ See 18 U.S.C. § 1761(c)(1).

¹⁸⁹ See *About PIECP*, *supra* note 11.

¹⁹⁰ See SMITH et al., *supra* note 39 and accompanying text.

¹⁹¹ See Syroka, *supra* note 149, at 409 (“While a success in its own right, the nature of the statute makes clear that PIECP is patently unable to expand to the degree necessary to employ a significant part of the U.S. prison population, nor was it intended to do so.”).

CONCLUSION

Congress should act quickly to amend the PIECP and to approve ten new Prison Work Pilot Projects that provide jobs that can more easily be implemented in juvenile detention centers. These projects should allow juveniles to quickly gain skills that they can take with them into postrelease employment. Juveniles who work in jobs that reflect real-world work environments will bring the skills they learn while incarcerated into stable jobs. By providing youth with the means to grow both financially and in particular skills, the PIECP will allow time spent in juvenile detention to be productive for each child's future, and every community will benefit from the reduction in recidivism.

As the PIECP expands, more can be done to ensure that those running prisons and juvenile detention centers are aware of the opportunity that the program offers to benefit their facilities and the individuals incarcerated within them. Every day that these programs exist but go unused, hundreds—even thousands—of incarcerated juveniles miss an opportunity to turn their lives around.