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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

UNDERSTANDING JUVENILE DELINQUENCY THROUGH THE LENS OF THE JUVENILE JUSTICE ACT, 2015: CAUSES, LEGAL RESPONSES, AND REHABILITATION MECHANISMS

AUTHORED BY - SAMRIDDI KAPADNIS

Abstract

Juvenile delinquency is defined as the illegitimate or anti-social behaviour of an individual who is under the age of eighteen years. It is not merely the individual cases of young deviance; on the contrary, it is the reflection of other social-economic and psychological issues in the society. The problem of juvenile delinquency in India has taken such proportions of seriousness, and it has been bound by law, social, and moral aspects. Children who observe poverty, divorces, peer influence or lack of proper education, usually get lured into criminal activities, which is not only an individual failure, but a failure of the system. Recent statistics support the seriousness of this issue even further. National Crime Records Bureau (NCRB) Crime in India Report 2023 shows that 31,365 cases involving juveniles were registered and around 40,036 juveniles¹ were arrested in the year. The overall juvenile crime rate increased from 6.9 in 2022 to 7.1 in 2023², demonstrating a quantitative, as well as a qualitative change wherein more and more juveniles are being associated with violent crimes. It is against this background that this paper examines the phenomenon of juvenile delinquency in India in the context of Juvenile Justice (Care and Protection of Children) Act, 2015 by considering its causal factors, legal procedures and rehabilitative systems. It claims that the Act represents a spirit of reform, but still has implementation loopholes and socio-structural flaws that hamper its transformative nature.

Keywords: juvenile delinquency, NCRB, JJ Act, Rehabilitation

¹ National Crime Records Bureau, Crime in India 2023: Volume I, 341 (Ministry of Home Affairs, Gov't of India 2024).

² "Juvenile Offences Increase by 2.7% in 2023: NCRB Data," The Week (Sept. 30, 2025), <https://www.theweek.in/wire-updates/national/2025/09/30/del61-ncrb-juvenile-crimes.html>.

Conceptual Understanding of Juvenile Delinquency

Juvenile delinquency is the lawlessness or antisocial behavior engaged in by a person under the age of eighteen years, and which would be considered as crimes in case of adults. In criminological perspective it incorporates acts that are contrary to the law or the societal norms, a reflection of the failure of traditional value systems and social control which entails response in terms of social, psychological, and legal intervention³.

The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) is the law that offers the defining basis. Section 2(12) identifies “a child”, a person who has not completed eighteen years of age⁴, further differentiating between two crucial category: one “child with conflict” has been alleged or found guilty of an offence and was below eighteen years at the time of alleged or actual commission⁵, and “a child in need of care and protection”, which is defined as children found without family provision, abandoned, abused, exploited, or all at risk of neglect⁶.

Across the world, the concept of juvenile delinquency has been subject to a paradigm shift between the retributive and the reformative concept. In 1989, the United Nations Convention on the Rights of the Child (UNCRC) was adopted, requiring that every child in conflict with law be treated in a manner consistent with dignity, worth⁷, as a result, India ratified it in 1992, which resulted in further legislative developments of juvenile justice (2000 and 2015), whereby rehabilitation of children is prioritized over punishment⁸.

Causes of Juvenile Delinquency

Juvenile delinquency does not belong to one factor but a complicated combination of socio-economic, family, psychological, and systemic factors. Among these, a socio-economic deprivation is one of the most dominant causes. The scenario of poverty, dropping out of school and unavailability of livelihood opportunities usually forces the vulnerable adolescents into engaging in illegal activities as a survival or socializing mechanism. The National Crime

³ ApniLaw, Juvenile Delinquency in India (Jan. 4, 2023), <https://www.apnilaw.com/legal-articles/opinion-analysis/juvenile-delinquency-india/>

⁴ The Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 2(12) (India).

⁵ Id. § 2(13).

⁶ Id. § 2(14).

⁷ G.A. Res. 44/25, annex, Convention on the Rights of the Child, arts. 37, 40 (Nov. 20, 1989).

⁸ The Legal Quotient, Juvenile Delinquency and the Juvenile Justice Act in India (Apr 26, 2023), <https://thelegalquotient.com/criminal-laws/juvenile-justice-act/juvenile-delinquency/1364/>

Records Bureau (NCRB) Crime in India 2023 Report states that a significant percentage of underage individuals caught committing crimes were of the 16-18 age bracket and were not educated at high levels, which underscores the high correlation between socio-economic deprivation and juvenile crimes⁹.

Another conclusive factor is the family background¹⁰. The instability in homes, family violence, parental neglect, and substance abuse in homes are key factors¹¹ that tend to expose children to antisocial peer groups and a lack of moral and social parenting, which increase the probability of committing a crime¹². Intriguingly, peer influence, especially in the city, often attracts teenagers to join gangs and commit minor crimes. In addition, enhanced digital exposure and the romanticization of violence on social media have been demonstrated to acclimatize violent behavior among vulnerable young people¹³.

Psychological and emotional weaknesses will also play a significant role. Research has discovered that juveniles who do not receive psychological treatment or counselling on matters of unresolved trauma, impulse-control or mental-health disorders like conduct disorder are also likely to recidivate into adulthood¹⁴.

Lastly, structural failures, including poor child welfare systems, inadequately funded schools, and lack of community-based prevention services, provide facilitative conditions to delinquency¹⁵. Without addressing these structural deficiencies, experts believe that the rehabilitative objectives of the Juvenile Justice system will not be met¹⁶.

⁹ National Crime Records Bureau, Crime in India 2023: Volume I, 345 (Ministry of Home Affairs, Gov't of India 2024), available at <https://ncrb.gov.in/en/crime-india>.

¹⁰ Mary, J.B. (2016) Role of Parents in Inculcating Values. JARIIE http://jariie.com/AdminUploadPdf/ROLE_OF_PARENTS_IN_INCULCATING_VALUES_c1264.pdf

¹¹ R. Abhishek et al., Impact of Social Factors Responsible for Juvenile Delinquency, J. Psychosoc. Res. (2024), <https://pmc.ncbi.nlm.nih.gov/articles/PMC11081445/>

¹² Rosemary Kakonzi Mwangangi, Role of Family in Dealing with Juvenile Delinquency, Int'l Juvenile Justice, University of Geneva, Geneva, Switzerland (2019) <https://www.scirp.org/journal/paperinformation?paperid=90991>

¹³ Hindustan Times, Crime against children records 9.2 per cent rise in 2023: NCRB, (Sept. 30, 2025), <https://www.hindustantimes.com/india-news/crime-against-children-records-9-2-per-cent-rise-in-2023-ncrb-101759230271571.html>

¹⁴ R. Raj et al., Juvenile Delinquency in Kashmir: A Retrospective Analysis of Psychosocial Profiles, Indian J Psychol Med (2025), <https://pubmed.ncbi.nlm.nih.gov/40313651/>

¹⁵ From Delinquency to Despair: The Social Roots of Juvenile Crime in India", TIJER - TIJER - INTERNATIONAL RESEARCH JOURNAL (www.TIJER.org), ISSN:2349-9249, Vol.12, Issue 6, page no.c480-c485, June-2025, Available :<https://tijer.org/TIJER/papers/TIJER2506284.pdf>

¹⁶ Charu Singh, A Study On The Juvenile Delinquency And Its Supporting Factors, Manupatra Legal Review (2017), <https://articles.manupatra.com/article-details/A-Study-On-The-Juvenile-Delinquency-And-Its-Supporting->

Legal Framework: Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 (hereafter “JJ Act, 2015”) marks a significant shift in India’s juvenile justice regime, by replacing the Juvenile Justice Act, 2000, connecting it to a long way back of the statute, i.e. the Juvenile Justice Act, 1986¹⁷. The 2015 enactment was formed by an international standard (UNCRC, Beijing Rules) and by the domestic outrage at the time of “nirbhaya” gang-rape in 2012, thereby instigating public and parliamentary approach towards certain crime which are grave in nature committed by adolescent with stern measures¹⁸.

The Act identifies important categories and institutions. Section 2(13) & 2(14) respectively define a “child in conflict with law” (a person alleged or found to have committed an offence who was under eighteen at the time of the offence) and a “child in need of care and protection”, and provides separate criteria of intervention¹⁹. Institutional mechanism involves creating a Juvenile Justice Board (JJB), formed under section 4 to conduct inquiry for “children in conflict with law” and the Child Welfare Committee (CWC), which has been constituted under Section 27 to look upon the children in need of care and protection²⁰. The act also undermines mandatory qualification of members, social –investigation reports as well as a child-friendly procedure throughout.

The most controversial innovation was Section 15, which permits a preliminary assessment by the JJB in cases where a child aged sixteen to under eighteen is alleged to have committed a “heinous offence” (defined as offences with minimum prescribed imprisonment of seven years or more).⁵The preliminary assessment—intended to evaluate the child’s mental and physical capacity, ability to understand consequences, and circumstances of the offence—may lead the Board to treat such a child either under the juvenile process (reformatory orders) or to transfer the case to an adult court for trial. ⁶The Act couples this power with procedural safeguards: provisions on presumption of innocence, bail (Section 12), requirement of social investigation

Factors.

¹⁷ See The Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016 (enacted Dec. 31, 2015), available at <https://www.indiacode.nic.in/bitstream/123456789/2148/1/a2016-2.pdf>

¹⁸ Rishi iyengar, Spurred by Rape Protests, India Passes a Bill Lowering the Juvenile Delinquency Age to 16 (Dec. 23, 2015). <https://time.com/4159754/india-bill-juvenile-delinquency-16-rape-murder/>

¹⁹ Juvenile Justice (Care and Protection of Children) Act, §§ 2(13)–2(14).

²⁰ Id. §§ 4, 27; see also Juvenile Justice Boards, National JJC (explaining constitution and functions).

reports, availability of legal aid through district legal services, and appeal routes (including appeal to the Children's Court and further remedies under Cr.P.C. and High Court supervisory jurisdiction).⁷

Section 15, which operates to permit a preliminary assessment by the JJB in a case where a child aged sixteen to under eighteen is alleged to have committed a heinous offence (defined as an offence carrying a minimum term of seven years or more)²¹, drew the most controversial criticism of this Act (which could also incur the death penalty); by evaluating the child's ability, mental and physical capacity to perform such act may lead to a child to be treated as under the juvenile process (with the imposition of reformatory orders) or it may lead to a trial in an adult court. This power is accompanied by procedural protection: the presumption of innocence, bails, social reports of investigation, availability of legal assistance in the form of district legal services, and appeal (including to the Children Court and additional solutions under BNSS. and the supervisory jurisdiction of the High Court) are guaranteed by the Act.

The statute has been greatly influenced by judicial interpretation. Supreme Court post-Nirbhaya jurisprudence (*Mukesh and Anr. v. State (NCT of Delhi)*²²) and later rulings have reaffirmed the legislative intent to make serious offences with firmness while emphasising that any lack in adherence to the reformatory ethos must be procedurally sound. In *Shilpa Mittal v. State (NCT of Delhi)*²³ the courts demarcated the boundaries of "heinous offences", and said that an offence with no reference to a minimum sentence could not be forced into the category of heinous simply because the maximum sentence was high - to ensure that the child-friendly intent of the Act was not abused by overly broad interpretation.

To put together, the JJ Act 2015 attempts to establish a balance between deterrence and reform, making authorizes to react firmly upon serious offences yet embedding multiple safeguards and presumption of rehabilitation as the regulatory value. The real test, however depends on its consistent implementation.

²¹ *Juvenile Justice (Care and Protection of Children) Act*, § 2(33) (definition of "heinous offence"); § 15 (preliminary assessment) (India).

²² *Mukesh & Anr. v. State (NCT of Delhi)*, (2017) 6 SCC 1 (India).

²³ *Shilpa Mittal v. State (NCT of Delhi)*, AIR 2020 SC 405 (India).

Rehabilitation and Reformation Mechanisms

The Juvenile Justice (Care and Protection of Children) Act, 2015 adopts a decidedly rehabilitative approach: its institutional architecture contemplates Observation Homes (temporary reception during inquiry), Special Homes (custodial care for adjudicated children), and After-Care Organisations for post-release reintegration; the statute and accompanying rules prescribe standards for each.¹ Institutional care is intended to provide residential safety, schooling, and structured supervision, while after-care organisations are meant to facilitate vocational training, counselling, and social reintegration.²

The Juvenile Justice (Care & Protection of Children) Act, 2015 is much more rehabilitative: the institutional structure the Act envisions comprises Observation Homes (temporary accommodation in case of inquiry), Special Homes (custodial services of adjudicated children), and After-Care Organisations (assistance with post-discharge reintegration); each of these models is stipulated by standards in the statute and by the rules²⁴. These institutional care intended to give residential safety, schooling services and a proper supervision, while after-care organization are mostly to facilitate vocational training, including counseling and social reintegration²⁵.

Alternatives to institutionalisation are also in the focus: the Act and Model Rules promote foster care, sponsorship, adoption, community service and probationary schemes as core means of rehabilitation, reducing the risk of recidivism²⁶ through enhancing employability and social inclusion²⁷. Education and skills training are repeatedly foreshadowed as key instruments of rehabilitation, mandatory psychosocial input in the context of preliminary assessment, required to investigate social reports and mandates psychological inputs during preliminary assessment and disposition.

NGOs and community actors have the critical role of operations, where they operate

²⁴ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016 (enacted Dec. 31, 2015) (India), available at <https://www.indiacode.nic.in/bitstream/123456789/2148/1/a2016-2.pdf>.

²⁵ Ministry of Women & Child Dev., Mission Vatsalya (formerly Integrated Child Protection Scheme) — Roadmap to Strengthen Juvenile Justice Care & Protection, Government of India (2024), available at <https://wcdhry.gov.in/mission-vatsalya/>.

²⁶ Effectiveness of Rehabilitation Programs for Juvenile Offenders in India: Assessing Recidivism Rates and Reintegration into Society, Indian J. Legal St. & Inn. (2024), <https://www.ijlsi.com/wp-content/uploads/Effectiveness-of-Rehabilitation-Programs-for-Juvenile-Offenders-in-India.pdf>

²⁷ Nishant Chauhan, Juvenile Justice Reforms: Evaluating the Effectiveness of Rehabilitation Programmes in India (2023), <https://www.penacclaims.com/wp-content/uploads/2023/06/Nishant-Chauhan.pdf>

observation/special homes, aftercare services, specialised counselling, and vocational services, which usually fill the capacity gaps of the state²⁸. Nevertheless, the implementation fidelity is doubted by the empirical estimations and government review. Extensive academic analysis of aftercare and policy reviews note disparity in provision, ineffective vocational placements, lack of trained rehabilitation workers, and ineffective monitoring, which leads to a limited body of evidence that rehabilitation programs are equally effective within various states²⁹. Other recent court interventions (such as the orders seeking responses on the unavailability of homes in Bihar) further support the shortcoming in infrastructural and implementation³⁰.

Challenges and Criticisms

Despite a reformatory statutory rhetoric, juvenile justice in India faces persistent tensions. Public pressure for punitive responses—especially after high-profile violent offences—often clashes with the JJ Act’s child-centred aims, producing policy and prosecutorial strains.⁹ Infrastructure and capacity gaps are acute: many districts lack functioning observation/special homes, trained staff, or systematic aftercare, undermining rehabilitation in practice.¹⁰

Comparative & International Perspective

The UNCRC (Articles 37 & 40) establishes global benchmarks: children deprived of liberty must be detained for the shortest possible period, treated with dignity, and given rehabilitation and reintegration support³¹. The Convention’s standards inform India’s JJ Act, which repeatedly cites rehabilitative aims. Nonetheless, comparative practice shows different national emphases. England and Wales operate Youth Offending Teams, youth courts, and secure children’s homes distinct from adult prisons; custodial sentences for children are rare and subject to specialised youth provisions³². In the United States, juvenile systems vary by state,

²⁸ Juvenile Justice (Care and Protection of Children) Act, § 15 (India); NCPCR, Guidelines on After-Care and Social Investigation Reports (2022), available at https://ncpcr.gov.in/public/uploads/1663144903632193c711ba5_juvenile-justice-care-and-protection-of-children-model-amendment-rules-en.pdf

²⁹ Children in Conflict with Law and Scope of Social Work Interventions, NLUO Research (2025), available at <https://www.nluo.ac.in/storage/2025/10/5.pdf>.

³⁰ Effectiveness of Rehabilitation Programs for Juvenile Offenders in India, Indian J. Legal Stud. (2024); Revisiting India’s Rehabilitative Approach to Juvenile Justice: Reflections, IJLSI (2025), available at <https://www.ijlsi.com/wp-content/uploads/Revisiting-Indias-Rehabilitative-Approach-to-Juvenile-Justice-Reflections.pdf>.

³¹ G.A. Res. 44/25, Annex, Convention on the Rights of the Child, arts. 37, 40 (Nov. 20, 1989), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

³² Children in Custody: Overview, GOV.UK (England & Wales), available at <https://www.gov.uk/children-in->

with some jurisdictions using transfer mechanisms more readily and others favouring community-based alternatives; U.S. federal research shows transfer to adult courts often correlates with worse outcomes for youths³³.

Overall, India's legal framework aligns in principle with international norms, but compliance in practice depends on resourcing, training, and consistent implementation, areas where many peer jurisdictions perform better due to stronger community programs and more developed youth-justice infrastructures.

Conclusion and Suggestions

The study highlights that juvenile delinquency in India is a multifaceted issue, shaped by socio-economic disparities, family instability, peer influences, and systemic inadequacies. The Juvenile Justice (Care and Protection of Children) Act, 2015 represents a progressive legislative effort, balancing accountability with compassion by emphasizing rehabilitation and reintegration over punishment. Its focus on Observation Homes, non-institutional care, and psychosocial support reflects India's commitment to child-centric justice rooted in both constitutional principles and international norms.

However, the implementation gap remains significant. Inadequate infrastructure, lack of trained personnel, and poor monitoring dilute the law's reformatory intent. To make the system more effective, reforms should prioritize better data collection, ensuring accurate tracking of juvenile offenders' rehabilitation and recidivism outcomes. Increased funding for aftercare programs and vocational training can enhance reintegration prospects. Regular capacity-building programs for Juvenile Justice Board (JJB) and Child Welfare Committee (CWC) members are essential to promote sensitivity and procedural consistency. Furthermore, community and parental awareness initiatives can help combat stigma and facilitate smoother social reintegration for rehabilitated youth.

Ultimately, the juvenile justice system must embody the principle that every child, regardless of the gravity of their mistake, deserves a chance to reform and rebuild their future. A humane, child-centric justice system remains the cornerstone of a truly progressive society.

[custody.](#)

³³ Office of Juvenile Justice & Delinquency Prevention, Transfer of Juveniles to Adult Court: Effects of a Broad Policy, U.S. Dept. of Justice (2025), available at <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/232932.pdf>.