

Youth in the Adult Criminal Justice System



By Liz Ryan, Campaign for Youth Justice
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CAMPAIGN FOR
YOUTH JUSTICE
BECAUSE THE CONSEQUENCES AREN'T MINOR

Introduction

Sometimes all it takes is one case to change the course of public opinion and national policy.

The “Central Park Jogger” case did just that. On April 19, 1989, a 29-year-old investment banker was raped and left unconscious. Five teenagers—who later became known as the “Central Park Five”—confessed to police, were convicted in the rape, and served sentences ranging from seven to 11 years. The press inflamed public fears, coining new phrases such as the activity “wilding” where “packs of bloodthirsty teens from the tenements, bursting with boredom and rage, roam the streets getting kicks from an evening of ultra-violence.”¹

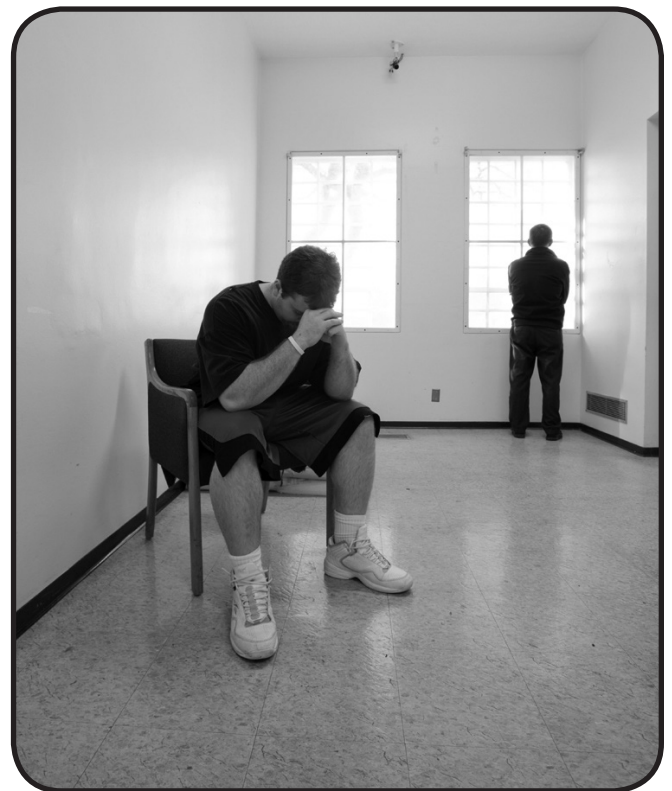
As a result of the Central Park Jogger case, prominent and influential individuals, such as former Princeton professor and Bush Administration appointee, John DiLulio, made doom and gloom predictions about the emergence of a “generational wolfpack” of “fatherless, Godless and jobless” youth. According to these observers, this situation was not confined to New York City but was endemic of a national wave of “superpredators.”²

The superpredator phrase stuck, and almost every state passed new laws to make it easier to try and sentence youth in the adult criminal justice system in the subsequent decade. Punitive policies also were introduced on a national level, when former Representative Bill McCollum (R-FL), then chair of the Crime Subcommittee in the House Judiciary Committee, first introduced the “Violent Youth Predator Act of 1996,” which was reintroduced as the “Violent Juvenile and Repeat Offender Act of 1997.” At a committee oversight hearing on the legislation he said, “Brace yourself for the coming generation of super-predators.”

The roving waves of super-violent youth never materialized. In fact, the juvenile crime rate proceeded to fall for a dozen years to a 30-year low. The youth in the original Central Park Jogger have since been found innocent; their convictions were thrown out in 2002 after DNA testing confirmed the guilt of convicted serial rapist and murder, Matias Reyes. This stunning reversal did not garner the same coverage that the original case did, and the myth of exaggerated youth violence still holds.

However, State laws approved during the hysteria that over predicted youth crime remain on the books. The public was told that these laws would promote public safety, but research produced during the 1990s and in this decade refutes that idea. In fact, far from reducing crime, trying youth as adults increases the chances that young people will re-offend.

National and state research, and the experience of young people, their parents, and their families give us a concrete picture of how the laws governing the trying, sentencing, and incarceration of youth do not promote public safety.



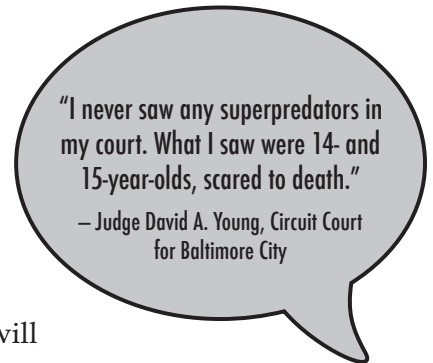
What the Research Says

1 The overwhelming majority of youth who enter the adult court are not there for serious, violent crimes.

Estimates range on the number of youth prosecuted in adult court nationally. Some researchers believe that as many as 250,000 youth are prosecuted every year.³ Despite the fact that many of the state laws were intended to prosecute the most serious offenders, most youth who are tried in adult courts are there *no matter how minor their offense*.⁴

In states such as North Carolina, and New York, youth aged 16 and 17 can automatically be tried as adults no matter what the offense. In 9 other states (Georgia, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas, and Wisconsin), 17-year-olds are automatically prosecuted as adults.

In most states, youth who are processed in adult court, if convicted, are placed on adult probation and approximately 80 percent of youth convicted as adults will be released from prison before their 21st birthday, and 95 percent will be released before their 25th birthday.⁵

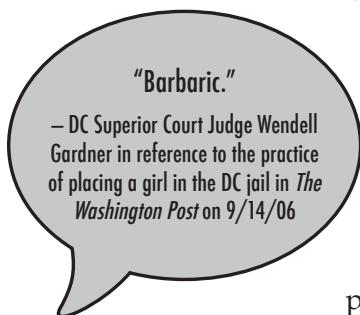


"I never saw any superpredators in my court. What I saw were 14- and 15-year-olds, scared to death."
— Judge David A. Young, Circuit Court for Baltimore City

2 Youth who are charged as adults, can be held pre-trial in adult jails where they are at risk of assault, abuse, and death.

Currently, most states permit or require that youth charged as adults be placed pre-trial in an adult jail.⁶ On any given day, nearly 7,500 young people are locked up in adult jails.⁷

This policy places thousands of young people at risk as it is extremely difficult to keep youth safe in adult jails. Jail officials are in a Catch 22 when it comes to young people in their custody. On the one hand, if jail officials don't separate youth from adults in adult jails, youth will have regular contact with adults. This situation can result in serious physical and emotional harm to youth. On the other hand, when officials do separate youth from adults, they are often placed in isolation for long periods of time. This equates to solitary confinement and can lead to depression, exacerbate already existing mental health issues, and put youth at risk of suicide. Essentially, this is a no-win situation for jail officials. In fact, the American Jail Association recommends that "The American Jail Association be opposed in concept to housing juveniles in any jail unless that facility is specially designed for juvenile detention and staffed with specially trained personnel."⁸



"Barbaric."
— DC Superior Court Judge Wendell Gardner in reference to the practice of placing a girl in the DC jail in *The Washington Post* on 9/14/06

Recent national research also shows that youth may await trial in adult jails before being sent back to juvenile court by adult court judges for prosecution. In some cases, these youth are not even convicted.⁹

Instead of adult jail, states and counties could place youth, if they pose a risk to public safety, into juvenile detention facilities where they are more likely to receive developmentally appropriate services, educational programming, and support by trained staff.

3

Youth sentenced as adults can be placed in adult prisons.

On any given day, approximately 2,700 young people are locked up in adult prisons.¹⁰ Youth in adult prisons are at risk of abuse, sexual assault, suicide, and death.

Youth who are held in adult facilities are at the greatest risk of sexual victimization. According to research by the Bureau of Justice Statistics, youth under the age of 18 represented 21 percent of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005, and 13 percent in 2006 – surprisingly high since only one percent of jail inmates are juveniles.¹¹ The National Prison Rape Elimination Commission found that “more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse.”¹²

“Youths should not be placed in prison with adults where rape and drugs are the norm.”

– Dwayne Betts, Presidential Appointee on the Federal Coordinating Council on Juvenile Justice on his experience in adult prison

Correctional administrators – both juvenile and adult – do not support efforts to place youth in adult prisons.

The National Institute of Corrections (NIC) stated, the leading professional associations in the field of corrections have all encouraged legislators, executives and their members to review policies and statutes so that young offenders can receive the critical service and supervision they need, in an appropriate correctional setting.¹³

The American Correctional Association “supports separate housing and special programming for youths under the age of majority who are transferred or sentenced to adult criminal jurisdiction...In those jurisdictions that continue to house youths under the age of majority in adult correctional/detention systems, hous[e] them in specialized facilities or units [that] have no sight or sound contact with adult offenders in living, program, dining or other common areas of the facility.”

4

State laws contradict core federal protections designed to prohibit confinement of youth with adults.

“State laws that allow for youth under age 18 to be confined in the adult criminal justice system seem to contradict the intent of the federal Juvenile Justice and Delinquency Prevention Act, which, for more than 30 years, has required sight and sound separation when youth are housed in adult lock-ups, as well as speedy removal of youth whenever they are placed in adult jails.”

– Nancy Gannon Hornberger, Executive Director, Coalition for Juvenile Justice

Federal protections approved by the Congress in 1974 and 1980 to protect youth from the dangers of adult jails and lockups do not apply to youth who are prosecuted as adults. The vast majority of states have statutes that require or allow youth prosecuted as adults to be placed in adult jails without federal protections.

The federal protections, under the Juvenile Justice and Delinquency Prevention Act (JJDP), specifically cover youth under the jurisdiction of the juvenile court.¹⁴ The protections will still apply to youth who are in juvenile court and have not yet been “transferred” or “waived” to adult court by a juvenile court judge, but do not apply to youth who are automatically prosecuted as adults through other mechanisms.

5

The decision to send youth to adult court is most often not made by the one person best considered to analyze the merits of the youth's case – the juvenile court judge.

"I know if James would have went before the judge the judge could have looked at him individually and he would have been able to assess the risk factors of my brother. There is no doubt in my mind that the judge would have kept him at the juvenile facility, and he would still be here today doing his public service work just like he wanted to do."

– Written testimony of Nicole Miera before the U.S. Senate Judiciary Committee in June, 2012 on her brother Jimmy Stewart's death in jail in Colorado

Since the founding of the first juvenile court in Chicago in 1899, the most traditional way for a youth to enter the adult court was to be found unfit for rehabilitation by a juvenile court judge, who had the discretion to remove a child from consideration in the juvenile court. Judicial transfer was intended to be used in limited circumstances and after a careful deliberation process that included a hearing.

With the passage of these state laws, this process is used less than other mechanisms so that in most instances now, juvenile court judges do not make the decision about whether a youth should be prosecuted in adult court.¹⁵ Despite the fact that a juvenile court judge is in the best position to investigate the facts and make an informed decision, state laws have removed some authority and discretion from these judges and, instead, required placement of youth in adult court under a lower age of juvenile court jurisdiction, on the motion of a prosecutor, or through automatic transfer or statutory exclusion provisions.¹⁶

These inflexible statutes are based on age and/or category of offense and therefore do not allow for judicial review and do not provide discretion for juvenile court judges to keep youth in juvenile court.

6

Youth of color are disproportionately affected by these policies.

Youth of color are disproportionately impacted. For example:

African-American youth overwhelmingly receive harsher treatment than white youth in the juvenile justice system at most stages of case processing. African-American youth make up 30% of those arrested while they only represent 17% of the overall youth population. At the other extreme end of the system, African-American youth are 62% of the youth prosecuted in the adult criminal system and are nine times more likely than white youth to receive an adult prison sentence.¹⁷

Compared to white youth, Latino youth are 4% more likely to be petitioned, 16% more likely to be adjudicated delinquent, 28% more likely to be detained, and 41% more likely to receive an out-of-home placement. The most severe disparities occur for Latino youth tried in the adult system. Latino children are 43% more likely than white youth to be waived to the adult system and 40% more likely to be admitted to adult prison.¹⁸

Native youth are more likely to receive the two most severe punishments in juvenile justice systems: out-of-home placement (i.e., incarceration in a state correctional facility) and waiver to the adult system.

"Our job, in working to achieve fairness and equity, is to sound the alarm about the unjust criminal justice system and demand that our leaders and those in power act now to halt this destructive, unfair treatment of our brothers and sisters, especially of our children."

– James Bell, Executive Director of the Haywood Burns Institute

Compared to white youth, Native youth are 1.5 times more likely to receive out-of-home placement and are 1.5 times more likely to be waived to the adult criminal system. Nationwide, the average rate of new commitments to adult state prison for Native youth is 1.84 times that of white youth.¹⁹

7 Girls are affected too, but little is known about them.

Very limited data are available on girls in the adult criminal justice system. No recent, comprehensive national research studies have been undertaken that document the impact of the placement of girls in the adult criminal justice system. Clearly, extensive research is needed to adequately address the unique and special needs of girls in the justice system.

While more information is needed, it is clear that girls, like boys, are at serious risk in the adult system. There are model approaches to serve girls in the justice system that could be more viable alternatives for placement of girls in the adult justice system.²⁰

"We're not talking about axe murderers. These are mostly runaways, shoplifters and truants. They needed our help, but didn't get it. Most of them don't belong in prison."

- Mickey Kramer, child advocate on girls in Connecticut's prison system

8 The consequences for prosecuting youth in adult court "aren't minor."

"While incarcerated, you have nothing but time to sit back and reflect....As you see, it cost me family members, relationships and time that I could've been using to do something productive....I leave everyone with the challenge of exposing younger generations to a better way of living, with opportunities and dreams, rather than exposing children to prison."

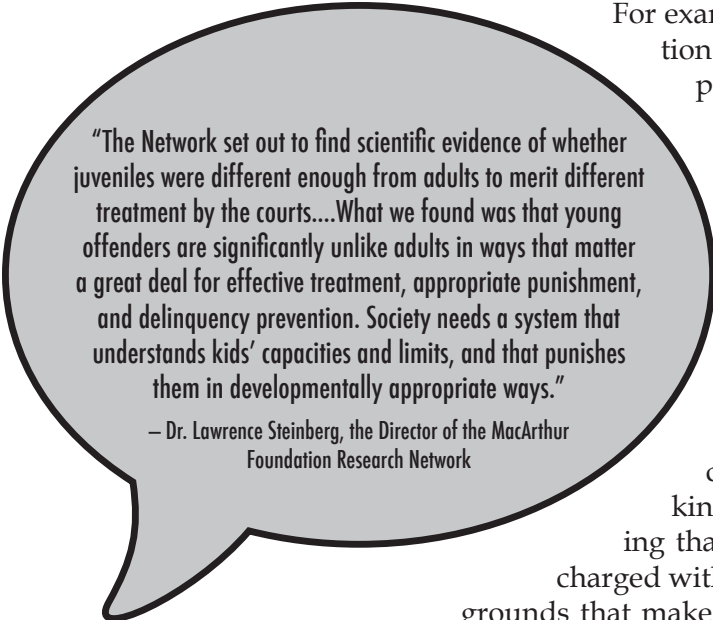
- Michael Kemp on his experience in the justice system in *The Washington Post* on March 9, 2012

Youth tried as adults face the same punishments as adults. They can be placed in adult jails pre- and post-trial, sentenced to serve time in adult prisons, or be placed on adult probation with few to no rehabilitative services. Youth also are subject to the same sentencing guidelines as adults and may receive mandatory minimum sentences or life without parole. The only consequences that youth cannot receive the death penalty and in some instances, life without parole sentences.

When youth leave jail or prison, are on probation, or have completed their adult sentence, they carry the stigma of an adult criminal conviction. They may have difficulty finding a job or getting a college degree to help them turn their lives around. Access to a driver's license may be severely restricted, and in some states, youth may never be able to vote or hold public office. The consequences of an adult conviction aren't minor; they are serious, long-term, life-threatening, and in some cases, deadly.²¹

9 The research shows that these laws do not promote public safety.

The research is unequivocal: every study conducted on this issue shows that that sending youth to the adult criminal justice system increases the likelihood that they will reoffend.



"The Network set out to find scientific evidence of whether juveniles were different enough from adults to merit different treatment by the courts....What we found was that young offenders are significantly unlike adults in ways that matter a great deal for effective treatment, appropriate punishment, and delinquency prevention. Society needs a system that understands kids' capacities and limits, and that punishes them in developmentally appropriate ways."

– Dr. Lawrence Steinberg, the Director of the MacArthur Foundation Research Network

For example, a Federal Centers for Disease Control and Prevention (CDC) Task Force report recommended against transfer policies. In "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services" the report found that transferring youth to the adult criminal system increases violence, causes harm to juveniles, and threatens public safety.²²

The CDC's review examined every study on transfer policies that was in a published journal or had been conducted by a government agency, and the task force checked to make sure each study compared the same kind of youth charged with comparable offenses, recognizing that youth who are transferred to the adult court may be charged with more serious offenses, or may have more serious backgrounds that make them different from youth in the juvenile system. The

CDC review made sure that those factors were taken into consideration when it was doing its analysis.

After assessing all the research, the CDC task force recommended "against laws or policies facilitating the transfer of juveniles from the juvenile to the adult judicial system" and that "to the extent that transfer policies are implemented to reduce violent or other criminal behavior, available evidence indicates that they do more harm than good," and "the use of transfer laws and strengthened transfer policies is counterproductive to reducing juvenile violence and enhancing public safety."

A U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention report, "Juvenile Transfer Laws: An Effective Deterrent to Delinquency?" mirrored the findings in the CDC report.²³

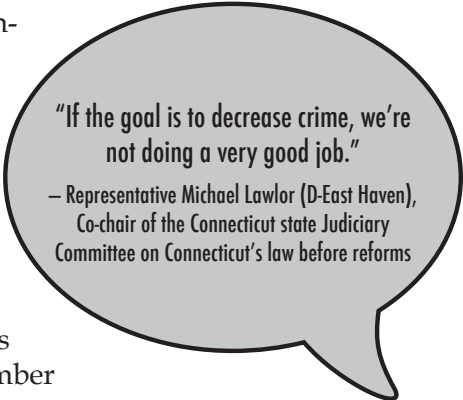
After reviewing the research, the report concluded that "To best achieve reductions in recidivism, the overall number of juvenile offenders transferred to the criminal justice system should be minimized. Moreover, those who are transferred should be chronic repeat offenders – rather than first-time offenders – particularly in cases where the first-time offense is a violent offense."

10

Assessing the scope of the issue is difficult because of a lack of available data.

As already mentioned, every year thousands of young people are tried, sentenced, or incarcerated as adults. However, no one really knows how many young people this affects. There is no one single, credible, national data source that tracks all the youth prosecuted in adult courts.

In the report, "Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting" released by the U.S. Department of Justice's Office of Juvenile Justice & Delinquency Prevention (OJJDP) in October, 2011, it was noted that only 13 states collect any data on youth prosecuted in adult courts. In most states, there is a lack of available data on the impact of this situation. In these states, limited to no available public data exist on the number



"If the goal is to decrease crime, we're not doing a very good job."

– Representative Michael Lawlor (D-East Haven),
Co-chair of the Connecticut state Judiciary
Committee on Connecticut's law before reforms

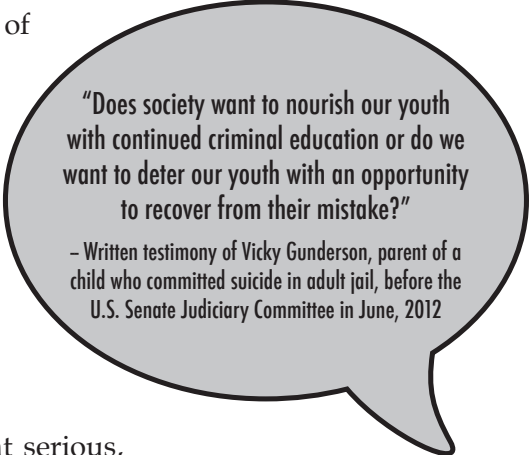
of transfers/waivers to adult court made by prosecutors, the availability or use of objective criteria for prosecutorial decision-making, or analysis on the exercise of discretion not to send a youth to adult court.²⁴

If researchers are not able to really know the magnitude of the impact of these state laws on youth, policymakers lack the information to make informed decisions. There is a need to collect more data so that we can understand just how many youth are affected.

11 The public should invest its dollars by investing in programs that work.

The current juvenile justice system in states is a much more viable alternative than the adult criminal justice system in treating young people in conflict with the law. Rather than continuing to spend public dollars on the adult criminal system, federal, state, and local policymakers should redirect public investments into the juvenile justice system to more effectively treat youth currently in the adult criminal justice system. There are several reasons why making an investment in a quality juvenile justice system makes sense.

First, the long-term benefits to society nationwide of returning youth to the jurisdiction of the juvenile court far outweigh any short-term costs that may be incurred. In testimony at a briefing of the Joint Judiciary Committee of the Connecticut legislature, the Urban Institute's senior researcher and economist, John Roman, showed that there would be costs associated with returning 16- and 17-year-olds to the juvenile court, but that there also would be long-term benefits. This action would reduce youth recidivism rates and future crime rates, as the likelihood of recidivating is lower for youth who are maintained in juvenile court rather than transferred to adult court.²⁵ According to John Roman, "If juveniles commit fewer crimes because they have received more and better services, fewer community members will be victimized." He explains further that "less crime will mean fewer victims, fewer missed days of work, lower medical bills and maybe most important, less fear and less suffering." Overall, John Roman estimates that returning 16- and 17-year-olds to juvenile court jurisdiction will result in approximately a \$3 savings benefit for the correctional and judicial systems for every \$1 spent.²⁶



Second, new research shows that programs, including ones that treat serious, chronic, and violent offenders in the juvenile justice system, reduce juvenile crime. In a brief by former state legislator and juvenile court judge Ted Rubin, *Return Them to Juvenile Court*, Judge Rubin provided examples of several effective programs that have worked effectively to treat youth in conflict with the law that would treat youth in the juvenile justice system instead of the adult criminal justice system.²⁷

Other promising approaches to promoting public safety and assisting youth include:

- The evidence and theory-based practices and programs set outside of a correctional setting featured in *Blueprints for Violence Prevention*, released by the Center for the Study of Violence Prevention in Denver, Colorado.²⁸
- The Annie E. Casey Foundation's Juvenile Detention Alternative Initiative (JDAI);²⁹ and
- The Missouri Youth Services model approach to juvenile corrections.³⁰

Finally, the costs of simply keeping the system as is affects society in ways that cannot be calculated in dollars and cents.

No study has yet been done that could calculate what would amount to an astronomical price tag on the lost opportunities for that young person or to society. What we do have is the testimony of individuals who were given a second chance in the juvenile justice system, rather than prosecution in adult court, and who have achieved success in our society. These include:³¹

- Olympic Gold Medalist Bob Beamon
- Former U.S. Senator Alan Simpson
- DC Superior Court Judge Reggie Walton
- Singer Ella Fitzgerald
- Author Claude Brown

The list could go on.


These individuals were not subject to the same harsh laws that were passed in the wake of the “superpredator” myth. There is simply no feasible way to fully calculate the contributions to society of these and other individuals who have received a second chance in the juvenile court.

12 The United States is an outlier among nations.

The American criminal justice system is unique in the world in that it allows for hundreds of thousands of children (under 18) to be tried, sentenced and incarcerated as adults and leads the world in incarcerating children.³² The U.S. violates major provisions of international human rights conventions.

For example, Article 37 of the United Nations Convention on the Rights of the Child (CRC) – an international instrument that the US has not adopted – states unequivocally that children who are detained should be separated from adults and that they should not be subject to ‘torture’ or other inhumane forms of punishment. However, laws in most states allow for children charged as adults to be placed in adult jails without any separation from adults. Less than half the states provide any safeguards that require some form of separation from adults.

However, “separation” is not a real solution as many corrections officials will then place children in isolation or solitary confinement so that they do not have contact with adults. Placing children, or adults, in solitary confinement is mentally debilitating, can lead to suicide and is considered ‘torture’ by some. In a report released in October, 2012, “Growing Up Locked Down”, the ACLU and Human Rights Watch documented egregious cases of youth held in solitary confinement in adult jails and prison.³³



“How come people are not standing up to this antiquated, inhumane and unjust practice?”
– Tracy McLard, Founder and Parent Organizer, Families Organizing for Reform of Juvenile Justice Missouri

In Article 40, the CRC states that “prison sentences should only be imposed if a child is convicted of a most serious offense.” In most states children are tried, sentenced and incarcerated as adults for offenses that would not be considered the most serious offense.

The CRC’s article 37 also states that they must have access to services that meet their needs. We know for example that youth have limited access to education while in adult jails and prisons. According to the U.S. Department of Justice’s Bureau of Justice Statistics (BJS), 40% of adult jails provide no educational services at all, and only 11% of adult jails provide special education services.³⁴

The Opportunity for Change

For today's policymakers, there is a new direction that will increase public safety and nurture the successful transition of our youth into adulthood.

1 All the new research supports a change in policy direction.

"It's time for the law to change course and follow the science"

- Dr. Jeffrey Fagan,
Columbia University

State and local policymakers did not have the benefit of this new compelling research on recidivism, competency, adolescent brain development, and effective juvenile justice programs when they were

considering changes to their state's laws on trying youth as adults. This research provides the basis a strong basis for re-examination of and substantial changes to state statutes and policies.

2 The nation recognizes the need for change, and some states are implementing reforms.

State legislators; juvenile and adult court judges; juvenile and adult detention, jail, and correctional administrators; and probation officials throughout the country are pushing for reforms nationally and throughout the states. These public officials are supported by scores of prominent national, state, and local organizations who are calling for major changes in national and state policy.

States have undertaken numerous reforms to remove youth from the adult criminal justice system and from adult jails and prisons. The National Conference of State Legislatures (NCSL) released a report in August, 2012, *Juvenile Justice Trends in State Legislation, 2001-2011*, that shows trends in juvenile justice state legislation over the past decade reducing the prosecution of youth in adult criminal court with legislators using a growing body of research on adolescent development and responding to this by changing state policies such as expanding the jurisdiction of juvenile courts by increasing the upper age of jurisdiction.³⁵

Youth, their parents, and their families, who have been most affected by these policies, are speaking out, organizing, and educating national and state policymakers.

"At the age of 16, I was charged as an adult in the adult criminal justice system. It is because of my exposure to the adult system that I'm here to urge this task force not to expose any more young people to violence in the justice system, particularly in adult jails or prisons.... For example, to get to school we had to walk through a tunnel that went through the adult men's prison. One day the facility went on lock down. We were told to turn our backs and close our eyes. But, in jail you learn to never turn your back or close your eyes. That day, we saw a man get stabbed to death."

--Testimony of Jabriera Handy before the U.S. Attorney General's
Defending Childhood Task Force on November 29, 2011

"As juvenile crime rates have dropped over the last decade, state legislatures have reexamined juvenile justice policies to balance the interests of both public safety and the rehabilitation of young offenders, while seeking to make them as cost effective as possible as well during a difficult budget climate."

- National Conference of State Legislatures (NCSL)
statement on August, 2012 on release of analysis
of state law reforms in the past decade

3

The public strongly supports reform.

A new national survey released in October, 2011 conducted by GBA Strategies reveals that Americans are squarely on the side of reforming our youth justice system— with a greater focus on rigorous rehabilitation over incarceration, and against placing youth in the adult criminal justice system and in adult jails and prisons.

Key survey findings show that Americans:

- Strongly favor rehabilitation and treatment approaches, such as counseling, education, treatment, restitution, and community service (89%);
- Reject placement of youth in adult jails and prisons (69%);
- Strongly favor involving the youth’s families in treatment (86%), keeping youth close to home (77%), and ensuring youth are connected with their families (86%);
- Strongly favor individualized determinations on a case-by-case basis by juvenile court judges in the juvenile justice system than automatic prosecution in adult criminal court (76%); and
- Support requiring the juvenile justice system to reduce racial and ethnic disparities (66%).³⁶

“With a groundswell of support for their position, advocates for youth justice should start by sharing the findings with federal and state policy makers, rebutting the misguided argument that Americans want to lock up our young people and throw away the keys.”

– Michael Bocian, Founding Partner at GBA Strategies and author of 2011 survey

4

When we invest in young people, they can succeed.

On the 100th anniversary of the juvenile court, more than 100 prominent national organizations gathered to recommit to the basic principles of the juvenile court such as:³⁷

- Youth have different needs from those of adults and need adult protection and guidance;
- Youth have constitutional and human rights and need adult involvement to ensure those rights;
- Young people are everyone’s responsibility.

State statutes that make it easier to try youth as adults have eroded these founding principles and threaten to dismantle the juvenile court’s major goal to rehabilitate youth.

“I got off the corner and into the community center and school.”

– Bob Beamon, Olympic Gold Medalist (Second Chances 2000)

How do we calculate the loss of life of a youth who committed suicide in an adult jail or prison?

How do we calculate the contributions to society of an Olympic Gold Medalist such as Bob Beamon or a U.S. Senator, Alan Simpson, or an entertainer such as Ella Fitzgerald?

As a society, are we only going to commit to providing our youth with a jail cell or a prison bed? Or will we commit to reinvesting in our nation’s youth through policies, programs, and laws that nurture a successful transition into adulthood and the realization of their full potential? The choice is ours.

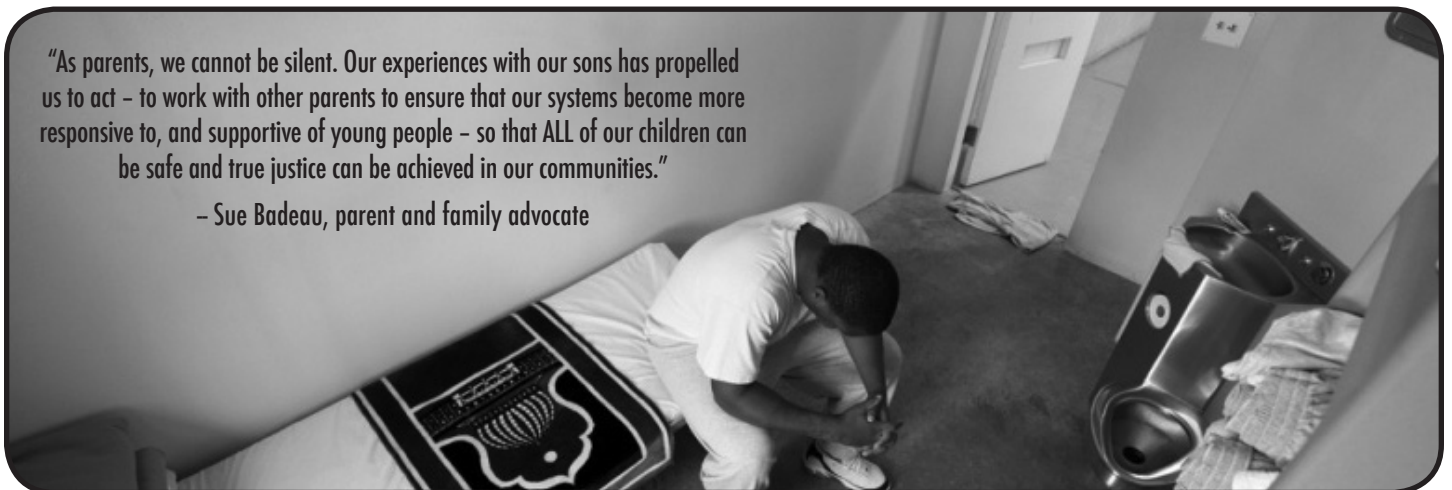
Recommendations

These recommendations are national in scope, and federal, state, and local policymakers should adopt these as soon as possible.

1. State and local policymakers should consider immediately adopting reforms such as:
 - Increasing the age of juvenile court jurisdiction to 18;
 - Banning the placement of youth in adult jails and prisons;
 - Providing waiver/transfer to adult court by judicial waiver only, in limited circumstances and after a hearing in juvenile court;
 - Redirecting resources to expand developmentally appropriate treatment and services for youth in the juvenile justice system as an alternative to the adult criminal justice system; and
 - Investing in quality and effective legal counsel for youth.
2. Federal policymakers should consider amending the Juvenile Justice & Delinquency Prevention Act (JJDP A) by:
 - Imposing a federal ban on placement of all young people in adult jails and prisons; and
 - Strengthening the federal “Disproportionate Minority Contact” provision by requiring states to invest federal and state resources in effective approaches to reducing racial disparities in the justice system.
3. Federal, state, and local policymakers should make significant improvements in the juvenile justice system by investing in programs that are developmentally appropriate and evidence-based, through the JJDP A and other federal programs as well as through state appropriations.
4. Federal, state, and local policymakers should invest in and undertake significant data collection efforts on the number of youth prosecuted as adults.
5. Federal, state and local policymakers should commit to regularly meeting with youth in adult jails and prisons and hold public hearings on an ongoing basis to ensure that the youth and families most affected by these policies are involved in policy deliberations.

“As parents, we cannot be silent. Our experiences with our sons has propelled us to act – to work with other parents to ensure that our systems become more responsive to, and supportive of young people – so that ALL of our children can be safe and true justice can be achieved in our communities.”

– Sue Badeau, parent and family advocate



Notes

- 1 (1989, April 22). *Wolf pack's prey*. The New York Post.
- 2 DiLulio, J. (1996). *How to stop the coming crime wave*. New York: Manhattan Institute.
- 3 Ibid.
- 4 Arya, Neelum. (2011). *State Trends: Legislative Victories from 2005 to 2010 Removing Youth from the Adult Criminal Justice System*. Washington, DC: Campaign for Youth Justice.
- 5 *Jailing Juveniles* (2007). Washington, DC: Campaign for Youth Justice.
- 6 Griffin, P., S. Addie, B. Adams and K. Firestone. (2011). *Trying Juveniles As Adults: An Analysis of State Transfer Laws and Reporting*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.
- 7 *Jailing Juveniles* (2007). Washington, DC: Campaign for Youth Justice.
- 8 American Jail Association policy statement, approved May 19, 1993.
- 9 Juskiewicz, J. (2000). *Youth crime adult time: Is justice served?* Washington, DC: Building Blocks for Youth.
- 10 West, Heather C. (June 2010). *Prison inmates at midyear 2009*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- 11 Beck, A.J., Harrison, P.M., Adams, D.B. (2007). *Sexual Violence Reported by Correctional Authorities, 2006*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Beck, A. J., Harrison, P.M., Adams, D.B. (2007). *Sexual Violence Reported by Correctional Authorities, 2005*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- 12 National Prison Rape Elimination Commission, Report 18 (June 2009), available at <http://www.ncjrs.gov/pdffiles1/226680.pdf>.
- 13 National Institute of Corrections. (2012). *You're An Adult Now: Youth in Adult Criminal Justice Systems*. Washington, DC: Author.
- 14 The Juvenile Justice and Delinquency Prevention Act, US Federal Government, 1974.
- 15 Griffin, P., S. Addie, B. Adams and K. Firestone. (2011). *Trying Juveniles As Adults: An Analysis of State Transfer Laws and Reporting*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.
- 16 Griffin, P., S. Addie, B. Adams and K. Firestone. (2011). *Trying Juveniles As Adults: An Analysis of State Transfer Laws and Reporting*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.
- 17 Arya, N. & Augarten, I. *Critical Condition: African-American Youth in the Justice System*. (2008) Washington, DC: Campaign for Youth Justice.
- 18 Arya, N., Villarruel, F., Villanueva, C., & Augarten, I. *America's Invisible Children: Latino Youth and the Failure of Justice*. (2009) Washington, DC: Campaign for Youth Justice.
- 19 Arya, N., & Rolnick, A. *A Tangled Web of Justice: American Indian and Alaska Native Youth in Federal, State, and Tribal Justice Systems*. (2008) Washington, DC: Campaign for Youth Justice.
- 20 P. Edelman and L. Watson. (2012). *Improving the Justice System for Girls: Lessons from the States*. Washington, D.C.: Georgetown University Center on Poverty.
- 21 Legal Action Center. (2004). *After prison: Roadblocks to reentry. A report on state legal barriers facing people with criminal records*. New York, NY: Author, p. 18.
- 22 Centers for Disease Control and Prevention. (2007) *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*. MMWR 2007; 56 (No. RR-9). Available online at <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.
- 23 Redding, R. (2008). *Juvenile transfer laws: An effective deterrent to delinquency?* Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- 24 Griffin, P., S. Addie, B. Adams and K. Firestone. (2011). *Trying Juveniles As Adults: An Analysis of State Transfer Laws and Reporting*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.
- 25 Roman, J. (2005). *Assessing the economic consequences of juvenile versus adult justice*. Washington, DC: The Urban Institute.

- 26 Ibid.
- 27 Rubin, T. (2006). *Return Them to Juvenile Court*. Washington, DC: Campaign for Youth Justice.
- 28 Center for the Study and Prevention of Violence. *Blueprints for violence prevention*. For more information, go to <http://www.colorado.edu/cspv/blueprints/index.html>
- 29 The Annie E. Casey Foundation Juvenile Detention Alternative Initiative, started in 1992. For more information, go to <http://www.aecf.org/initiatives/jdai/>
- 30 Mendel, D. (2006). *Small is beautiful: The Missouri division of youth services*. Baltimore, MD: Annie E Casey Foundation.
- 31 The Children's Court Centennial Communications Project (1999). *Second Chances*. Washington, DC: Author, p. 142.
- 32 Mendel, D. (2011). *No Place for Kids*. Baltimore, MD: Annie E. Casey Foundation.
- 33 Kysel, I. (2012). *Growing Up Locked Down*. New York, NY: Human Rights Watch.
- 34 Harlow, C.W. (2003, January). Education and Correctional Populations. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- 35 The National Conference of State Legislatures. (2012). *Juvenile Justice Trends in State Legislation, 2001-2011*. Washington, DC: Author.
- 36 GBA Strategies (2011). *Campaign for Youth Justice Youth Justice Survey*. Washington, D.C. Available online at: http://www.gbastrategies.com/public_files/cfyj101111m1.pdf.
- 37 Conference Proceedings (June 7, 2000). "How Shall We Respond to the Dreams of Youth" A National Juvenile Justice Summit. Washington, DC. A Live National Satellite Broadcast.