

CAMPAIGN FOR YOUTH JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR

The Campaign for Youth Justice Newsletter

April 2007

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Greeting!

The Campaign for Youth Justice is a national campaign dedicated to ending the practice of trying, sentencing and incarcerating youth under the age of 18 in the adult criminal justice system.

Recent Medical Review Rejects Laws Allowing Youth to be Tried as Adults

As Congress prepares to reauthorize the Juvenile Justice Delinquency and Prevention Act (JJDP), a CDC Task Force issued a study in the *American Journal of Preventive Medicine* (April 2007), which demonstrates the public health community's opposition to laws that allow youth to be transferred from the juvenile court system to the adult criminal system.

Entitled *Effects on Violence of Laws and Policy Facilitating the Transfer of Juveniles from the Juvenile Justice System to the Adult Justice System*, the review was conducted by a CDC Task Force on Community Preventive Services. CDC scientists review the

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effectiveness of health care interventions for the Task Force that then makes recommendations to the public health community and health care delivery organizations. The recommendations generated by the Task Force are combined to form the *Guide to Community Preventive Services*, which includes a section on violence.

After analyzing the theories that transferring youth to the adult criminal justice system deters youth from committing subsequent crimes (individual deterrence), and that fear of the perceived severity of the adult criminal justice prevents youth from committing crimes in the first place (general deterrence), the CDC Task Force concluded by rejecting laws that allow states to try youth as adults rather than in the juvenile justice system because these policies lead to increased subsequent youth violence and therefore are a detriment to public health.

Arizona Approves Legislation to Support Better Approaches for Youth

On April 26, legislation was passed by the Arizona Legislature allowing for reverse remand for youth charged with sexual offenses. The bill will support the appropriate treatment of youth who are charged with sex offenses, ensuring that youth are placed in treatment programs with youth of similar age.

This legislation will help to prevent young people from being targeted and exposed to adult sex offenders. Supporters of this legislation believe that the bill will allow decision-makers to become more involved in the process of determining what is in the best interest of the youth on a case by case basis.

Under Senate Bill 1628, annual court reviews will be granted for youth under the age of 22 who have been convicted of a sex offense in adult criminal court and placed on adult probation. By request of the probationer, a court review would "allow all the parties- prosecutor, victim, offender, probation officer and treatment providers - to come together and review the best action for the particular case." Depending on the case, the defense will have the opportunity to request that the case be transferred to the juvenile justice system.

The Children's Action Alliance in Arizona, a non-profit, non-partisan research, education and advocacy organization dedicated to promoting the well-being of Arizona's children and families, played a key role in pushing this bill forward, stating, "Children charged with sexual offenses are different from adult sex offenders. Sexually inappropriate behavior is wrong and needs a response designed for youth. When teenagers who conduct inappropriate sexual behavior are treated as adults by the criminal justice system, they are prevented from the very circumstances that will help them live a normal, law-abiding life."

Studies on children who commit sexual offenses cited by the Alliance, report that over 90% of arrests of children for sex offenses represent a one-time event that will never recur, and youth, in general are more responsive to rehabilitation and treatment. Similar research studies have also found that with appropriate treatment in the juvenile justice system, children who have engaged in sexually inappropriate behavior can grow to become healthy, responsible adults.

Bill to Raise the Age of Juvenile Court Jurisdiction Passes House in Illinois

On April 25, House Bill 1517 passed the House and will now move to the Senate. The bill would amend the Juvenile Court Act of 1987 by raising the age of juvenile court jurisdiction in Illinois from age 17 to 18 for misdemeanor offenses. The Illinois Juvenile Justice Initiative, a statewide advocacy coalition to transform the juvenile justice system played a major role in supporting the passage of the bill.

If enacted, the legislation would create the Illinois Juvenile Jurisdiction Task Force and require that it submit a report by January 1, 2008 to the General Assembly with recommendations on extending juvenile court jurisdiction to youth age 17 charged with certain classes of felonies.

The question of what the fiscal impact would be if the age of juvenile court jurisdiction is increased to age 18 has been at the center of an ongoing debate. Figures have varied, however the fiscal impact of this legislation would be minimal, according to the Illinois Criminal Justice Information Authority. Reports have indicated that there are currently vacancies statewide in detention and in the Department of Juvenile Justice, making it feasible to accommodate the population of 17-year-olds into the system. Furthermore, the juvenile justice system currently handles many 17-year-olds on probation, debunking the idea that massive structural programming changes will be needed.

Advocates in Oregon Seek to Create a 'Second Look' for Youth Treated as Adults

On April 11, a legislative hearing was held before Oregon's Judiciary Committee, on two bills HB 2904 and SB 1014, to allow youth who have been charged with a Measure 11 offense the opportunity to receive a hearing in which a judge can determine the best interests of the youth.

Under Oregon law, youth who are charged with a Measure 11 crime are automatically tried, sentenced, and incarcerated as adults. Oregon's Measure 11 is the mandatory minimum sentencing law that applies to all defendants over the age of 15; the measure was enacted in 1994.

Under House Bill 2904, a policy referred to as "second look" would permit youth who have served half of their sentence to be reevaluated by a judge. Based on significant, positive changes displayed by the youth, a judge could order the youth to serve the rest of his or her sentence in the community under post-prison supervision or under conditional release.

Senate Bill 1014 would change the statutory law that requires 15-, 16- and 17-year-olds who are charged with Measure 11 offenses to be tried as adults. This legislation would allow youth to receive pre-trial hearings in adult court, where a judge could determine if placing the youth in juvenile or adult court best provides accountability, public safety and rehabilitation.

According to the Partnership for Safety and Justice, a criminal justice advocacy group that has spearheaded efforts to pass both bills as a part of the statewide Justice for Youth Campaign, "SB 1014 and HB 2904 would allow judges discretion in determining the best way to hold young people accountable. As more youth are treated as adults within our criminal justice system, we see their future prospects for school, employment, and productive contributions to society squandered. It's time for a change."

At the hearing, testimony was given by Dr. Barry Krisberg, President of the National Council on Crime and Delinquency; David Rogers, Executive Director of the Partnership for Safety and Justice; Judge Dale Koch, Presiding Judge of Multnomah County's Circuit Court and President of the National Council of Juvenile and Family Court Judges; Dr. Alex Stevens, a professor at Oregon Health and Science University, who specializes in adolescent behavioral neuroscience; Sheila Montgomery, a parent whose son was charged with a Measure 11 crime; Georgia Lawrence, a crime victim and once an at-risk youth herself; and Tom English, an Episcopal minister. All the witnesses spoke in support of approving legislation that would prohibit youth as young as age 15 convicted of a Measure 11 crime to be automatically tried as adults.

In a recent editorial published on April 14 in the Register-Guard in Oregon, Measure 11 was described as both a "blessing and a curse," "It has put dangerous offenders behind

bars with longer sentences, and crime rates have steadily declined since it went into effect. Yet the law has stripped judges of their ability to exercise discretion, and it has forced a massive investment in prison construction - at the expense of other state programs."

Despite the fact that the measure has become largely definitive of how the Oregon justice system operates, the editorial commented that it can be improved, and "a good place to start is changing the way the state's criminal justice system deals with youth who commit crimes."

To learn more about these youth justice bills, please visit www.safetyandjustice.org.

Virginia Study Highlighted in Richmond Times-Dispatch

Today, the Richmond Times-Dispatch highlighted a study being conducted by the Virginia State Crime Commission examining how many youths are transferred to the adult justice system and the conditions of their confinement.

According to the Virginia Department of Corrections, last month there were 29 youth among a population of 31,000 inmates, a figure reportedly less than the 76 juveniles being held in 1995 when a reform measure was proposed to allow more youth to be transferred to adult court.

Barry Green, Director of the Department of Juvenile Justice was quoted in the story as saying the transfer of juveniles to adult jails and prisons is rising.

Also quoted in the story, Andrew Block, Legal Director of the JustChildren program of the Legal Aid Justice Center in Charlottesville, said, "We really lack comprehensive data and a comprehensive understanding of what happens with the kids that are transferred, and why they are transferred."

To read more about this study, visit

<http://www.timesdispatch.com/cva/ric/news.apx.-content-articles-RTD-2007-04-30-0065.html>

Legislation to Raise the Age Considered by Judiciary Committee in North Carolina

On April 24, a hearing was held before the Judiciary Committee to inform policymakers on legislation that would raise the age at which youth are automatically tried and sentenced as adults to age 18. North Carolina is one of only three states that

automatically try 16- and 17-year-olds as adults, no matter how minor the offense. A hearing has been scheduled for May 8th to hear additional testimony from experts and advocates on this issue.

The bill is sponsored by Representative Bordsen, Angela Bryant, Jimmy Love and William Wainwright in the House. Senator Eleanor Kinnaird also announced that she filed similar legislation (Senate Bill 1078) in the Senate.

The legislation would go into effect on December 1, 2009 and provides for a Task Force that would identify statutory and administrative changes needed to implement raising the age of juvenile court jurisdiction. The Task Force would have until January 15, 2009 to determine how to implement the transition.

"The overwhelming majority of youth who enter the adult court are not there for serious, violent crimes," said Representative Bordsen. "North Carolina's law has not kept up with the standards of the time. That is why I have worked hard to stay in contact with the Sentencing and Policy Advisory Commission as they researched the effectiveness of our current method of responding to youth crime. We need laws that help children and youth and that better protect the public."

Judge Fred Morrison, a member of the Sentencing and Policy Advisory Commission and Chair of the Youth Study Subcommittee commented, "Study after study in state after state-including North Carolina-shows that prosecuting adolescents as adults appears to lead to increased criminal activity, more arrests and convictions for more serious crimes. Sending youth through the adult system can make them career criminals. We get more crime in the long-run by treating youth as adults."

To read more on this story, visit <http://www.ncchild.org/content/view/565/149/>.

CT "Raise the Age" Bill Approved by the Judiciary Committee

Connecticut's Judiciary Committee unanimously approved a bill on April 12 that would raise the age of juvenile court jurisdiction to 18.

This legislation will support age appropriate consequences for those under the age of 18, promote services that seek to rehabilitate, and deter future crime. Unlike the adult justice system, youth would be eligible for services such as therapy, diversion or alternatives to incarceration that are available to young people in the juvenile justice system.

The bill will go for a floor vote, and then it will be considered by the Appropriations Committee and Legislative Management Committee.

Make this Mother's Day Special by Honoring Mother's Working for Change in the Justice System

Mother's day will be here before you know it, and let's face it: you may have no idea what to buy your mother or that special someone. You could always buy her those overpriced chocolates like last year, or you could give her something that will reflect your shared support for our nation's youth. Donate \$50 or more to the Campaign for Youth Justice in your mother's or other recipient's name, and we will send her a great Mother's Day card. Already bought your mother a gift? You can have cards sent to anyone who supports helping youth. Lend your support to a great cause, give someone special an unexpected gift and eliminate the stress of last-minute shopping. Don't you wish you heard of this earlier?

Make a donation to the Campaign for Youth Justice at <http://www.campaignforyouthjustice.org/donate.html>.

Please join the Campaign for Youth Justice in utilizing Mother's Day to raise awareness about the impact of youth in the adult criminal justice system. The campaign has put together a toolkit that provides ideas and sample materials for connecting Mothers and their children on Mother's Day, engaging more Mothers in advocacy efforts and raising awareness about this important issue.

For more information on the Mother's Day Toolkit, please e-mail Jessica Sandoval at jsandoval@campaign4youthjustice.org.

Campaign for Youth Justice Holds Launch and Report Release at National Press Club

On March 21 at the National Press Club, the Campaign for Youth Justice (CFYJ), held a press conference, which featured the release of the national report, "*The Consequences Aren't Minor: The Impact of Trying Youth as Adults and Strategies for Reform*." The report presents research, analysis, and case studies to highlight the problems with the policies and practices that treat young people as adults in the justice system.

The report which examines the laws and data in seven key states: California, Connecticut, Florida, Illinois, North Carolina, Virginia, and Wisconsin calls for a ban on the incarceration of youth in adult jails and prisons.

Speakers at the press conference included Shay Bilchik, professor at Georgetown University's Center for Juvenile Justice Reform and Systems Integration; Bob Beamon, a former Olympian; Edward J. Loughran, Executive Director of the Council of Juvenile Correctional Administrators; Roneka Jenkins, a Youth Organizer with Facilitating Leadership in Youth in Washington, DC; Reverend Owen Cardwell of New Jubilee Educational Life Family Center in Richmond, VA; and Jose Andrade, a neighborhood

activist in Washington, DC. The speakers discussed why young people should be kept out of jails and why Congress and the States should invest in more effective youth serving programs to help young people succeed.

"We know so much more than we did when these laws passed. For example, the latest research shows that trying and incarcerating youth as adults may increase their chances of re-offending in the future, and also dramatically impairs their life opportunities," said Bilchik, a former prosecutor.

"If the laws were as harsh then as they are now, I might not have had a second chance in the juvenile justice system and an opportunity to win a gold medal" said Beamon, who won a gold medal and set a world record for the long jump at the 1968 Summer Olympics in Mexico City. Recounting his own troubled youth, Beamon said, "the overwhelming majority of youth who enter the adult court are not there for serious, violent crimes."

Immediately following the press conference, CFYJ held a briefing for national, state, and local groups to broaden and strengthen the campaign's message. "The campaign's partners have been growing in strength, but we need you to join us in our efforts---to help develop sound policy, inform policymakers, and educate the community" said Angela Arboleda of the National Council of La Raza. "With you we can continue to build up the coalitions, and together we can ensure that our young people are not tried as adults, and that they receive a fair chance to live fruitful and productive lives" she said calling for the campaign's allies to work together.

To read the report and other CFYJ informational materials, visit our website at www.campaignforyouthjustice.org.

"Childhood, Interrupted" DVD Released to Raise Awareness in Communities

As part of a Mother's Day outreach effort, the Campaign for Youth Justice is pleased to announce the release of the DVD, "Childhood, Interrupted," which features interviews with current and formerly incarcerated youth, youth activists, parents, researchers and public officials who tell their stories and share their views, providing powerful arguments on why youth should not be tried, sentenced, or incarcerated in the adult criminal justice system.

The DVD is designed to raise awareness in communities. By sharing it with friends, co-workers and family, the DVD can be used to spark discussion about state policies and practices that try children in the adult criminal justice system.

The DVD includes a discussion guide, where you can find all the information you need to get started taking action in your community. The guide provides ideas on how to use the DVD to raise awareness, tips on hosting your own video screening, contact

information for current youth justice campaigns, and facts on trying youths as adults.

To watch a clip of the DVD, visit

http://www.campaignforyouthjustice.org/parent_tools.html#.

For your free copy of the DVD, please email Jessica Sandoval at

jsandoval@campaign4youthjustice.org.

CFYJ's Latest Policy Brief Examines Pre-Trial Detention Laws in the U.S.

The Campaign for Youth Justice released a policy brief this month, "Children Being Tried as Adults: Pre-Trial Detention Laws in the U.S." that provides a state-by-state summary of statutory law regarding the pre-trial detention of children being tried as adults.

The laws that govern the pre-trial detention of children being tried as adults vary from state to state. In most states, children can be held in adult jails where they are at a greater risk of being harmed or committing suicide than in a juvenile detention facility.

The Juvenile Justice and Delinquency Prevention Act (JJDPA) was passed by the federal government in 1974 to protect children from being held in adult jails. The JJDPA's core protections do not apply to youth under the jurisdiction of the adult court.

Thirty-nine states permit the detention of children in adult jails, and 10 of those states require it. Twenty states offer some type of protection for children being held in adult jails, such as requiring that they be separated by sight and sound from adult inmates. West Virginia and Kentucky are the only two states that prohibit the placement of children to adult jails, and Massachusetts and North Carolina only allow very limited pre-trial placement of children in adult jails.

The state of Michigan requires the approval of the sheriff to detain a child in an adult jail. Placing age restrictions on the pre-trial detention of children being tried as adults is a common practice among six states-Colorado, Delaware, Illinois, Massachusetts, Oregon, and South Carolina. In other states such as California, Georgia, Maine and New Jersey a process has been put in place to help courts determine whether a child should be detained in an adult jail by considering the best interests of the child and if public safety requires it.

For a copy of the brief, please visit our website at www.campaignforyouthjustice.org.

Frontline on PBS to Air *When Kids Get Life* on May 8

The United States is one of the only countries in the world that allows children under 18 to be prosecuted as adults and sentenced to life without parole. In Colorado, between

1992 and 2006, 45 juveniles between 15 and 18 were sentenced to prison without the hope of ever being released. Last spring, the state's legislature eased its tough laws targeting juvenile offenders. The state passed a bill that made parole possible after 40 years in prison, but the measure did not apply retroactively to the 45 former juveniles now in Colorado's prison system. Frontline Producer Ofra Bikel visits five young men in Colorado sentenced to life without parole to examine their crimes and punishment, the laws that sanctioned their convictions, and the prospect of never being free again.

When Kids Get Life airs Tuesday, May 8, from 9 to 10:30pm ET on PBS (check local listings).

To watch the trailer, visit <http://www.pbs.org/frontline/whenkidsgetlife>.

Act 4 Juvenile Justice Campaign Update

In March, the National Juvenile Justice and Delinquency Prevention Coalition launched the Act 4 Juvenile Justice Campaign to inform policymakers on the reauthorization of the Juvenile Justice and Delinquency Prevention Act, which is expected to be considered by Congress this year. The Act 4 Juvenile Justice Campaign has issued a Statement of Principles to ensure the Act continues to protect young people. Currently, more than 130 national, state and local organizations have signed on. To view the Statement of Principles, learn more about the campaign or get involved, e-mail info@juvjustice.org.

Jihan Madyun

Campaign for Youth Justice

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