

CAMPAIGN FOR YOUTH JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR

The Campaign for Youth Justice Newsletter

March 2007

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Greetings!

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.

Campaign for Youth Justice Launched

On March 21, at a press conference in Washington, D.C., the Campaign for Youth Justice (CFYJ) was launched to: 1) raise awareness about the negative impact of prosecuting children in the adult criminal justice system and of incarcerating children in adult jails and prisons; 2) reduce the number of children who are tried, sentenced, and incarcerated in the adult system, rather than adjudicated in the juvenile justice system; 3) decrease the harmful impact of trying children in adult court; and 4) promote research-based, developmentally-appropriate rehabilitative programs and services for youth as an alternative to the adult system.

Speakers at the press conference included former Department of Justice official Shay Bilchik; Olympic

Gold Medalist Bob Beamon; Ned Loughran of the Council of Juvenile Correctional Administrators; Reverend Owen Cardwell of the New Jubilee Educational Life Family Center; Roneka Jenkins, a youth organizer at Facilitating Leadership in Youth (FLY), and Jose Andrade, a neighborhood activist.

"As a former prosecutor and head of the Office of Juvenile Justice and Delinquency Prevention, I have had the opportunity to witness first hand the impact of trying and sentencing youth as adults," said Shay Bilchik, Director of the Center for Juvenile Justice Reform and Systems Integration at the Public Policy Institute of Georgetown University. "While I once supported these laws, their virtual unbridled use has negatively impacted too many young offenders with whom the juvenile justice system could have done a better job in rehabilitating and promoting public safety and youth development. States need to seriously consider reforming these laws, providing strict guidelines and reintroducing the role of the judge in making these jurisdictional determinations."

"The problem is that we are sending too many youth to the adult court who can be safely and more effectively handled in the juvenile justice system," said Ned Loughran, Executive Director of the Council of Juvenile Correctional Administrators. "We have more information and evidence on what works than ever before. Now, we just need to keep this population in the juvenile justice system so they can benefit from all the advances in services and treatment."

"Young people need opportunities to turn their lives around, but these policies rob them of their futures," said Roneka Jenkins, who is 16 years old and attends Thurgood Marshall Academy in Washington, D.C. "We need to give youth the education and skills to get good jobs and contribute to society. That's best for everyone."

CFYJ Releases National Report on Youth in the Adult System

As part of the campaign launch on March 21, the Campaign for Youth Justice released *The Consequences Aren't Minor: The Impact of Trying Youth as Adults and Strategies for Reform*. The study examines the laws and data in seven key states: California, Connecticut, Florida, Illinois, North Carolina, Virginia, and Wisconsin. An estimated

200,000 youth end up in the adult system each year, and 40 states allow or require the jailing of youth in adult facilities before they ever go to trial.

Youth prosecuted as adults are often held in adult jails for months or years, even though most are charged with nonviolent offenses, the report demonstrates. A 17-year-old girl in Wisconsin, for example, served 75 days in an adult jail for violating her probation by stealing a neighbor's bicycle. In Chicago, a 17-year-old boy was arrested for "armed robbery" after he took a schoolmate's gym clothes, and was detained at the Cook County jail for several weeks.

Data shows that tens of thousands of young people end up in the adult system for non-violent offenses. In 2003, over half the youth in California's adult system were prosecuted for misdemeanors and less than 30 percent received a prison sentence, suggesting that the majority of youth could be safely handled in the juvenile justice system. Of the 8,000 young people who enter Connecticut's adult court system, the vast majority are arrested for non-violent offenses. In 2002, almost 14,000 17-year-olds were admitted to Wisconsin's adult jails but only 15 percent of these youth were arrested for violent crimes.

Research-including studies funded by the U.S. Justice Department-show that sending youth to the adult criminal justice system doesn't work to reduce crime. In one study comparing the recidivism of youth waived to criminal court in Florida with those retained in juvenile court, the research found that those in the "adultified" group were more likely to be re-arrested and to commit more serious new offenses; they also re-offended more quickly.

The laws are not evenly applied, with youth of color and those without access to adequate legal counsel more likely to end up in adult correctional facilities. Nationwide, three out of four young people admitted to adult prison in 2002 were youth of color. In Florida, Wisconsin, California, Connecticut, Illinois and North Carolina, youth of color represented nearly or more than 7 out of 10 youth in the adult justice system. Youth of color in Illinois make up just one-third of the general population, but in some jurisdictions make up 9 out of 10 young people in the adult system.

The report notes that juvenile judges are frequently excluded from the decision to prosecute youth as adults. Instead, prosecutors and state laws determine which youth end up in the adult system, no matter how minor the nature of the offense. In 15 states, prosecutors rather than judges have the discretion to send youth to the adult system. In other states, laws have lowered the age by which a youth ends up in the adult court, or they are automatically transferred based on the nature of the charge.

Jails are not designed to safely hold youth, who are either incarcerated in cells with adults, or separated in forms of isolation that can lead to depression or even suicide. Studies show that youth who are incarcerated in adult facilities are more likely to suffer abuse, become mentally and emotionally ill, and may be rearrested and commit more serious offenses than youth who benefit from the treatment, counseling and services available through the juvenile justice system. A recent Zogby poll conducted for the

National Council on Crime and Delinquency finds that 7 in 10 respondents felt that putting youth under age 18 in adult correctional facilities makes them more likely to commit future crime.

The report urges policymakers to take advantage of the shift in public opinion and new adolescent brain development research that inspired the Supreme Court to end the death penalty for minors. The report calls for a ban on the incarceration of youth in adult jails or prisons, and in the rare cases where the seriousness of a crime warrants consideration of prosecution in the adult system, a juvenile court judge should make the decision rather than prosecutors or state law.

The report is available on the web at <http://www.campaignforyouthjustice.org>.

CFYJ Advisory Council Announced

On March 21, the Campaign for Youth Justice unveiled its newly-established Advisory Council, which consists of researchers and experts who have a specialized understanding of the issues involving children in the adult criminal justice system. Members of the Advisory Council have particular expertise on adolescent brain development, juvenile crime, recidivism, effective programming, and juvenile and criminal law. CFYJ established the Advisory Council to provide expert advice and research.

Please welcome all CFYJ's Advisory Council Members!

Abigail A. Baird, Assistant Professor of Psychology, Vassar College
Shay Bilchik, Director of the Center for Juvenile Justice Reform and Systems
Integration at the Public Policy Institute, Georgetown University
Donna M. Bishop, Professor, College of Criminal Justice, Northeastern University
Jeffrey A. Butts, Research Fellow, University of Chicago, Chapin Hall
Jeffrey Fagan, Ph.D., Professor of Law & Public Health, Columbia University Law
School
David Fassler, M.D., Clinical Professor of Psychiatry, University of Vermont College of
Medicine
James Finckenauer, Professor II, School of Criminal Justice, Rutgers University
Nancy Gannon Hornberger, Executive Director, Coalition for Juvenile Justice
Barry Krisberg, Ph.D., President, National Council on Crime & Delinquency
Mary W. Lindahl, Ph.D, Chair, Dept of Forensic Psychology, Marymount University
Ned Loughran, Executive Director, Council of Juvenile Correctional Administrators
Dale Margolin, Esq., Clinical Teaching Fellow, Child Advocacy Clinic St. John's
University School of Law
Alex Piquero, Ph.D., Professor, Department of Criminology, Law, and Society,
University of Florida
The Honorable Ted Rubin, Consultant, Juvenile & Family Courts & Justice Systems
Mark Soler, JD, Executive Director, Center for Children's Law & Policy
Robert G. Schwartz, JD, Executive Director, Juvenile Law Center

Robert E. Shepherd Jr., LLB, Emeritus Professor of Law, University of Richmond
Patrick H. Tolan, Ph.D. , Director, Institute for Juvenile Research, University of Illinois at Chicago
Francisco Villarruel, Ph.D., Professor of Family & Child Ecology, Michigan State University
Gail A. Wasserman, Ph.D., Professor of Clinical Psychology, Division of Child Psychiatry, Columbia University
Jennifer Woolard, Ph.D., Assistant Professor of Psychology, Georgetown University
Franklin E. Zimring, JD, Professor of Law, Boalt Hall School of Law, University of California, Berkeley

CFYJ Promotes State and National Reform

As part of the campaign launch, CFYJ announced a resolution signed by more than 100 organizations to support state-level policy changes that would minimize states' practices of trying, sentencing and incarcerating young people under 18 in the adult criminal justice system. The resolution cites research that trying youth as adults does not promote public safety while subjecting youth tried as adults to long-term and life-threatening risks. The resolution signals the resolve of all the signing organizations to "build broad acceptances for reform, as well as to create reform, in state policies and practices, so as to significantly reduce the number of youth sent to adult criminal court and to ensure that young offenders are appropriately adjudicated in ways that enhance community safety and vitality."

CFYJ continues to accept signatures for the resolution. To view the resolution, go to <http://www.campaignforyouthjustice.org> . To add your organization to the list of organizations that have signed onto the resolution, please contact Roger Ghatt at (202) 558-3580, or by e-mail at rghatt@campaign4youthjustice.org.

Additionally, as a member of the National Juvenile Justice & Delinquency Prevention Coalition, CFYJ is joining other national organizations in launching the Act 4 Juvenile Justice Campaign. Congress is considering the reauthorization of Juvenile Justice and Delinquency Prevention Act (JJDP) this year, and the Campaign for Youth Justice and other organizations are calling on Congress to ensure that all youth under 18 be protected from incarceration in adult facilities.

The Act 4 Juvenile Justice Campaign is promoting principles to guide Congressional efforts to reauthorize the JJDP. The principles include: 1) keeping children and youth out of the justice system; 2) ensuring equity and competence; 3) ensuring responses appropriate to a young person's age and stage of development; and 4) strengthening the federal partnership with the states.

The JJDP was first established in 1974 based on broad bi-partisan and public consensus that children, youth, and families involved with the juvenile and criminal justice systems should be safeguarded by federal standards for care and custody, while

also upholding the interest of community safety and prevention of victimization. Most recently reauthorized in 2002, the JJDPAs current authorization expires on September 30, 2007. The September 30 deadline is significant because it creates incentive, this year, for Congress to consider whether to make changes to JJDPAs during the Congressional reauthorization process. However, should Congress fail to enact legislation to reauthorize JJDPAs by the September 30, 2007 deadline, Congress may continue to provide funds for "expired" JJDPAs programs.

Under the JJDPAs, all states and jurisdictions must comply with the following federal core requirements and Protections:

- 1) Deinstitutionalization of Status Offenders (DSO)-prohibiting youth from secure confinement when their offenses result from their minor (under age) status, such as truancy, curfew violations, alcohol and tobacco violations, etc.
- 2) Jail Removal-requiring the speedy removal of children and youth from adult jails and lock-ups.
- 3) Sight and Sound Separation of children and youth from adult inmates in secure confinement settings.
- 3) Reduction of Disproportionate Minority Contact (DMC) along the full spectrum of law enforcement and juvenile justice contact with children and youth.

For a copy of the statement of principles, visit:
http://njjn.org/media/resources/public/resource_475.pdf

To sign on, e-mail
info@juvjustice.org .

Jihan Madyun

Campaign for Youth Justice

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