

CAMPAIGN FOR YOUTH JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR

Campaign for Youth Justice Newsletter

May 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.

Connecticut State Senate Backs Bill to Return Youth Back to Juvenile Court

On May 22, the Connecticut State Senate approved legislation by a 31-5 vote that would allow 16- and 17-year-olds to be placed under juvenile court jurisdiction. The House of Representatives is expected to vote in mid-June to approve the legislation that would take effect July 1, 2009.

In a recent *Hartford Courant* article, Sen. Edward Meyer, D-Guilford, co-chairman of the legislature's Select Committee on Children said, "This is an historic bill that will in many ways change the face of Connecticut's criminal justice system."

Campaign Update

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Initially, the change will cost the state an estimated \$100 million taking into account the cost of additional staff, courtroom expansions, mental health, educational, and re-entry services. The cost to many is seen as a worthy investment. According to a recent editorial in the *New York Times*, "the law would more than pay for itself by cutting down on recidivism and by giving troubled young people a real chance to become productive, law-abiding adults."

Statistics show that more than 8,000 16- and 17-year-olds are adjudicated in the adult criminal justice system each year. Meyer says the recidivism rate for these youth is 60 percent. Youth who are tried as adults are more likely to offend more quickly and seriously, become incarcerated, be subject to sexual abuse or commit suicide compared to their counterparts in the juvenile justice system.

Sen. Toni N. Harp, D-New Haven, a key sponsor of the legislation says that the "intent of the this bill is to make these kids eligible for the state's existing Family with Service Needs program, which already and routinely helps runaways, truants, and other maladjusted kids. Our state doesn't let children this age vote, buy cigarettes or alcohol or even rent a car; we really ought to deal with them in juvenile court where the emphasis is on treatment rather than punishment."

Illinois Bill Passes House and Senate Vote

On May 25, House Bill 1517 passed the Senate vote, 36 to 19. The bill is expected to go to Illinois Governor Rod R. Blagojevich for review. 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.

New Policy Brief Analyzes the Far-Reaching Consequences of an Adult Conviction

The question of what kinds of barriers youth face upon their release back into society is examined in CFYJ's latest policy brief, "Perpetual Punishment: The Consequences of Adult Convictions for Youth" set to be released in early June by Alexa Eggleston of the Legal Action Center.

An adult conviction has long lasting repercussions for anyone involved in the criminal justice system, limiting or denying employment, education, housing, public assistance, student loans, and driver's licenses. However, youth are branded permanently as a felon for the rest of their life, making it almost impossible to put their past behind them. Access to criminal records has become increasingly used to limit housing and employment prospects. Court-involved youth can also encounter difficulties enrolling in high school and college. With the elimination of Pell Grant eligibility for the formerly incarcerated in 1994, obtaining a college education can become a great hardship. Youth can also lose their voting rights as a result of an adult conviction.

The policy brief provides recommendations for both state and federal governments to enact legislation by making sure that people with past criminal records are able to reintegrate into the community successfully, and to adopt promising practices.

To obtain a copy of the policy brief, email Monee Sconyers at msconyers@c4yj.org.

In the Name of Mothers and Justice

In celebration of Mother's Day, the Campaign for Youth Justice and the National Juvenile Justice Network honored mothers who have worked to reform the juvenile justice system or change the practice of trying, sentencing or incarcerating youth in the adult criminal justice system. A total of seven mothers from around the country were bestowed with this distinct honor.

Reverend Owen C. Cardwell, Jr. of the National Progressive Baptist Convention and Founder and Pastor of the New Canaan International Church in Richmond, VA, gave a sermon on Mother's Day to highlight the impact and dangers youth face when sent to the adult criminal justice system. The Campaign for Youth Justice and Just Children in Charlottesville, VA partnered together to distribute talking points for sermons in an effort to raise public awareness around the number of children being held in adult

correctional facilities and the long-term consequences that an adult conviction carries once youth are released back into the community.

The Campaign for Youth Justice would like to thank all of those who participated in the Mother's Day events, and all of those who were nominated for the National Mother of Distinction Award.

The dedication and commitment these mothers have shown makes our efforts stronger and improves the lives of children and their families.

To learn more information about our Mother's Day Activities, email Jessica Sandoval at jsandoval@campaign4youthjustice.org.

DC Update: Campaign to Release Report and Host Hearing in June

In April, the Department of Human Services Committee chaired by Councilman Wells included language in the budget bill that will provide for a study of the youth population at the DC Jail and will examine the feasibility of placing youth charged as adults in the DC Jail in the juvenile justice system within the next four years.

DC Councilman Tommy Wells will host a hearing on services for youth charged as adults in the DC Jail. The hearing will be the first on this topic in DC in years. Following the hearing on June 27, the Campaign for Youth Justice and the Justice 4 DC Youth! Coalition will release a report that will present research, statutory analysis, and case studies on youth tried as adults in the District of Columbia.

On May 23, the Justice 4 DC Youth! Coalition (JDCY) hosted a graduation ceremony in celebration of its two youth fellows, Chelsea B. and Nathan Duran who participated in the year-long fellowship program to advocate for a fair and effective youth justice system in the District. Over the course of the year, the fellows worked to raise awareness among District residents, youth and policy makers in order to shift the city's priorities from punishment and incarceration to educating youth.

Highlights from the program include organizing the "Stop the War on DC Youth!" protest, conducting a police-youth relations survey, hosting a holiday gift drive for all DC youth incarcerated in juvenile and adult correctional facilities, undergoing legislative and leadership skills training, meeting with DC Council members Phil Mendelson, Marion Barry, and Human Services Chair Tommy Wells, and participating in the Community Day of Service at the Oak Hill Youth Center.

The DC Hearing will be held on June 27 at 10 am in the DC Council Bldg., Room 500. For more information on the hearing contact Jihan Madyun at jmadyun@campaign4youthjustice.org.

4th Annual Free Minds Poetry Reading Celebrates the Power of Reading

and Creative Writing

On May 16, the Free Minds Book Club held its 4th Annual Poetry Reading at the Thurgood Marshall Center in Washington, DC among a crowd of family, friends, youth advocates, and supporters. The poetry reading featured the writings of 16- and 17-year-olds who have been charged or incarcerated as adults in the DC Jail. The poems were read by members of Free Minds who have been released and are now living, working, and continuing their education in the DC community.

Free Minds Book Club & Writing Workshop is a nonprofit organization whose mission is to introduce young inmates to the transformative power of books and creative writing. By mentoring them and connecting them to supportive services throughout their incarceration into reentry, Free Minds inspires these youth to see their potential and achieve new educational and career goals. Free Minds, a model program was also recently featured on CNN's Anderson Cooper 360 highlighting the program's goals and accomplishments, which has served nearly 200 youth since its inception in 2002.

The poems featured at the reading spoke of a mother's love, regret, loss, identity, dreams, injustice, freedom, survival, and home. The creative expression exhibited at the reading served as a testament to the true talents of the young members of the Free Minds Book Club & Writing Workshop.

To learn more about how you can become a pen pal, respond to a young inmate's writing, suggest book titles, or donate paperback books, visit www.freemindsbookclub.org.

Teaching Young People their Basic Legal Rights

In honor of the 40th anniversary of the Supreme Court's decision in *In re Gault*, 387 U.S. 1 (1967), a case that established that youth in the juvenile justice system have constitutional rights, the National Juvenile Defender Center has published a booklet entitled, *Know Your Rights: A Guide to Young People's Rights in Juvenile Delinquency Court*. The booklet is designed to teach young people their basic constitutional rights as it applies to the law.

According to the *Know Your Rights* booklet in 2003:

- 2.2 million arrests were made of persons under the age of 18;
- 136,500 of these arrests were for violating curfew and loitering laws;
- Black youth account for 27% of all juvenile arrests, even though they only make up 16% of the youth population; and
- Girls account for 29% of all juvenile arrests, which represents a 45% increase in arrests of girls over a period of approximately twenty years

Additionally, the booklet cites in recent years, reports of abuse and mistreatment in youth correctional facilities have increased. For example, in 2004 there were 2,821

reports of sexual violence against youth and 26 deaths of youth in facilities. This year, news headlines told of deplorable conditions of youth held in the facilities of the Texas Youth Commission.

Know Your Rights emphasizes that youth have rights that are guaranteed at every stage of the legal process, and stresses the fact that entering the juvenile justice system is not a light matter and can result in serious consequences.

The booklet is an informative tool that teaches young people their due process right to counsel, the importance of counsel and how to exercise their right to counsel. Featured in the booklet is a list of frequently asked questions, for example: "What do I do if the police want to talk to me?," "What do I do if I don't have a lawyer?," "People are telling me I should plead guilty. Should I?," and "I've decided to go to adjudication (trial). What are some things that my lawyer should do?" The booklet also offers a glossary of legal terms and other useful information about a young person's rights.

To receive or view a copy of the Know Your Rights booklet, visit www.gaultat40.info.

Update on the Prison Rape Elimination Act (PREA)

The American University Washington College of Law in cooperation with National Institute of Corrections recently published a handbook, "Breaking the Code of Silence: Correctional Officers' Handbook on Identifying Sexual Misconduct" as a part of the NIC/WCL Project on Addressing Prison Rape. The handbook seeks to educate correctional professionals and "address the code of silence that surrounds staff sexual misconduct with offenders" - both youth and adults. The handbook is part of a larger project to develop legal and other tools to address sexual victimization of people in custody.

Enacted in 2003, the objective of the Prison Rape Elimination Act (PREA) was to create mechanisms to collect data on the incidence of prisoner rape in correctional settings and facilities. PREA established a zero-tolerance standard for sexual assaults within a correctional setting. According to the handbook, despite the passage of PREA and progress being made among correctional systems, the federal government and local jurisdictions, "a climate may still exist where sexual abuse of individuals in custody is permitted. Moreover, prosecutions and convictions for wrongdoing are rare, and sanctions for guilty professionals are weak."

Reports of sexual violence are usually incomplete and underestimate the problem due to the "code of silence" and stigma that inmates face. In juvenile facilities in 2004, officials reported 2,821 allegations of sexual violence. The Bureau of Justice Statistics reported that 34% of the victims in substantiated incidents of sexual violence in state-operated facilities were female, although females accounted for just 11% of the custody population.

In adult facilities in 2004 and 2005, BJS reported 6,241 allegations of sexual violence in prisons and jails in 2005 compared to an estimated 5,386 allegations in 2004. Most allegations were determined to have a lack of evidence. According to data, 44.4% of the allegations involved an inmate perpetrator and victim(s), while 55.6% of the allegations involved a staff perpetrator and an inmate victim. Frequently, women and girls in adult prisons are subject to being victimized, accounting for 48% of all victims of substantiated staff sexual misconduct and harassment in prisons and jails. Youth in adult facilities are more at risk of being victims of sexual violence than youth in the juvenile justice system due to their size, immaturity, and age. In a report by the National Institute of Corrections, "Staff Perspectives: Sexual Violence in Adult Prisons and Jails, Trends from Focus Group Interviews," three of the characteristics that made inmates vulnerable were younger, newer, and weaker. First-time offenders, who exhibited naivety, including lack of criminal or institutional sophistication, were seen as particularly vulnerable. Surprisingly, state criminal laws prohibiting the sexual abuse of inmates in the corrections system do not always prohibit the sexual abuse of youth in adult correctional facilities.

The handbook aims to inform correctional professionals on: why staff sexual misconduct is an important topic for discussion individually and agency-wide; how correctional culture can allow sexual misconduct to flourish; which tools can help identify and address sexual misconduct; what will happen if there is an allegation against correctional staff and what are their rights; and what are the consequences of staff sexual misconduct with offenders and for the agency. The handbook emphasizes that this issue is not just a legal issue, but also an issue of public safety and security.

To read the handbook or access other resources about the problems of sexual abuse of persons in custody, visit www.wcl.american.edu/nic.

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 150 national, state and local organizations have signed on. The Act 4 JJ Campaign continues to collect signatures. To view the Statement of Principles, learn more about the campaign or sign-on, e-mail info@juvjustice.org.

Weekly News Roundup: Providing the Latest News on Youth Transfer Issues Every Friday

Every Friday the Campaign for Youth Justice will send out our Weekly News Roundup

with all the latest news from national and state sources over the past week related to prosecuting youth as adults. To unsubscribe, e-mail Jihan Madyun at jmadyun@campaign4youthjustice.org.

Jihan Madyun

Campaign for Youth Justice

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