

## CHILDREN IN ADULT COURTS, JAILS, & PRISONS: BASIC FACTS

**Our children are worth far more than the worst decision they have ever made. We cannot simply abandon them to adult justice systems. Prosecuting youth in adult courts and incarcerating them in adult facilities is:**

### OVER-USED

- In 2015, almost 76,000 youth were prosecuted in the adult criminal justice system solely because of their age and not the severity of their offense.<sup>1</sup>
- In fifteen states and the District of Columbia, there is no minimum age for judicial transfer of certain offenses.<sup>2</sup>
- On any given night in 2017, approximately 4,435 youth were in adult jails and prisons.<sup>3</sup>

### DISCRIMINATORY

- Although Black youth made up 14% of the overall youth population in 2016, they accounted for 35.5% of cases in juvenile court.<sup>4</sup>
- In 2017, Black youth were 55% of those youth transferred to adult court by a juvenile court judges in the U.S.<sup>5</sup>
- In California, the state with the highest Latino population<sup>6</sup>, prosecutors in 2016 charged Latino youth as adults at 3 times the rate of white youth, and judges waived 75% of eligible Latinx youth into the adult system.<sup>7</sup>
- Tribal youth are 1.84 times more likely than white youth to receive an adult prison sentence.<sup>8</sup>

### HARMFUL

- To comply with the Prison Rape Elimination Act's Youthful Inmate Standard requirement to keep youth under age 18 sight and sound separated from adults, adult jail and prison administrators may place youth in solitary confinement where they are in their cells for 22-23 hours a day.
- Youth housed in adult jails are roughly five times more likely to commit suicide than youth in juvenile detention facilities.<sup>9</sup>

### NOT POPULAR

- In a 2014 poll, 65% of voters agreed that juvenile offenders should be treated differently than adults.<sup>10</sup>
- In a 2017 poll, 78% supported "shifting the youth justice system from a focus on incarceration and punishment to prevention and rehabilitation."<sup>11</sup>

### CONTRADICTED BY SCIENCE

- Adolescent brain development research shows that youth are more likely than adults to be permanently traumatized by harsh adult system realities.
- Youth are also more likely to respond positively to rehabilitation available in the juvenile system.<sup>12</sup>

### A FAILED POLICY

- Research tells us that youth who are prosecuted in the adult system are 34% more likely to recidivate and with more violent offenses than those handled by the juvenile system.<sup>13</sup>
- Youth sentenced as adults carry their criminal record their whole life, diminishing their chances to find jobs, access decent housing, obtain student loans, and go to college, join the military, or even vote.

### CHANGING

- Since 2007, 40 states and Washington, DC, have enacted over 100 pieces of legislation to remove youth from adult jails and prisons, limit the prosecution of youth in adult court, or revise sentencing laws.
- Comprehensive and age-appropriate approaches receive wide support across the political spectrum, including from conservative groups like the American Legislative Exchange Council, R Street Institute, and the James Madison Institute.

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## Endnotes:

- <sup>1</sup> Puzzanchera, C., Sickmund, M. and Sladky, A. and Kang, W. "Youth Younger Than 18 Prosecuted in Criminal Court: National Estimate, 2015 Cases." (2018). Available at: <http://www.campaignforyouthjustice.org/images/Transfer-estimate.pdf>.
- <sup>2</sup> Thomas, J. *Raising the Bar: State Trends in Keeping Youth out of Adult Courts (2015-2017)*. Campaign for Youth Justice (2017). Available at [http://cfyj.org/images/StateTrends\\_Repot\\_FINAL.pdf](http://cfyj.org/images/StateTrends_Repot_FINAL.pdf). States include AZ, AL, HI, ID, MD, ME, OK, OR, RI, SC, SD, TN, WA, WV, WY, and Washington, DC.
- <sup>3</sup> Zeng, Z. "Jail Inmates in 2017." Bureau of Justice Statistics. Available at <https://www.bjs.gov/content/pub/pdf/ji17.pdf>; Bronson, J. and Carson, E. A. "Prisoners in 2017." Bureau of Justice Statistics. Available at <https://www.bjs.gov/content/pub/pdf/p17.pdf> (Table 11).
- <sup>4</sup> Puzzanchera, C., Sladky, A. and Kang, W. "Easy Access to Juvenile Populations: 1990-2016." (2017). Available at [https://www.ojjdp.gov/ojstatbb/ezapop/asp/profile\\_selection.asp](https://www.ojjdp.gov/ojstatbb/ezapop/asp/profile_selection.asp); Office of Juvenile Justice and Delinquency Prevention, Statistical Briefing Book. Available at <https://www.ojjdp.gov/ojstatbb/>.
- <sup>5</sup> Sickmund, M., Sladky, A., and Kang, W. "Easy Access to Juvenile Court Statistics: 1985-2014." (2017). Available at <http://www.ojjdp.gov/ojstatbb/ezajcs/>.
- <sup>6</sup> Stepler, R. and Lopez, M. H. "Ranking the Latino Population in the States." (2016). Available at: <https://www.pewhispanic.org/2016/09/08/4-ranking-the-latino-population-in-the-states/>.
- <sup>7</sup> Ridolfi, L., Washburn, M., and Guzman, F. "Youth Prosecuted as Adults in California: Addressing Racial, Ethnic, and Geographic Disparities After the Repeal of Direct File" November 2017. Available at: [https://youthlaw.org/wp-content/uploads/2017/12/youth\\_prosecuted\\_as\\_adults\\_in\\_california.pdf](https://youthlaw.org/wp-content/uploads/2017/12/youth_prosecuted_as_adults_in_california.pdf).
- <sup>8</sup> Ryan, L. *Youth in the Adult Criminal Justice System*. Campaign for Youth Justice. (2012). Available at [http://cfyj.org/images/policybriefs/policyreform/FR\\_YACJS\\_2012.pdf](http://cfyj.org/images/policybriefs/policyreform/FR_YACJS_2012.pdf).
- <sup>9</sup> According to the Bureau of Justice Statistics, the suicide rate for youth in adult jails was 36 per 100,000 in 2014 (Noonan, Margaret E., "Mortality in Local Jails, 2000-2014 – Statistical Tables" (2016). Available at <https://www.bjs.gov/content/pub/pdf/mlj0014st.pdf>). The rate of suicides of juveniles in juvenile custody is about the same as the suicide rate of youth in the general population (Snyder, Howard N. "Is Suicide More Common Inside or Outside of Juvenile Facilities?" *Corrections Today* (February 2005) Available at [http://www.ncjj.org/PDF/Howardpubs/Research\\_Notes\\_2\\_05.pdf](http://www.ncjj.org/PDF/Howardpubs/Research_Notes_2_05.pdf)); and according to the Centers for Disease Control and Prevention, the suicide rate for 16-17 year-olds in the general population from 2000-2015 was 6.98 per 100,000 (Generated using the Web-based Injury Statistics Query and Reporting System (WISQARS) at <https://webappa.cdc.gov/sasweb/ncipc/mortrate.html>).
- <sup>10</sup> The Pew Charitable Trusts. "Public Opinion on Juvenile Justice in America." (2014). Available at <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2014/12/public-opinion-on-juvenile-justice-in-america>.
- <sup>11</sup> GBA Strategies. "Poll Results on Youth Justice Reform." (2017). Available at <http://www.youthfirstinitiative.org/wp-content/uploads/2017/02/Youth-First-Initiative-National-Poll-2017.pdf>.
- <sup>12</sup> Gottesman, D. *Juvenile Justice in the US. National Center for Children in Poverty*. (2011). Available at [http://www.nccp.org/publications/pub\\_1038.html](http://www.nccp.org/publications/pub_1038.html).
- <sup>13</sup> Centers for Disease Control and Prevention. *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: Report on Recommendations of the Task Force on Community Preventive Services*. (2007). Available at <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5609a1.htm>.