

Position Statement on Trial and Sentencing of Juveniles in the Criminal Justice System

Approved by the Board of Trustees, July 2016

Approved by the Assembly, May 2016

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Issue:

Juvenile justice systems in the United States are undergoing substantial reform based on impressive advances in neurobehavioral understanding of adolescent development and on strong evidence regarding the effectiveness of developmentally grounded interventions. This body of knowledge has been summarized in a landmark report of the National Research Council (2013) and referenced by the Supreme Court in important decisions banning the juvenile death penalty (*Roper v. Simmons*, 2005) and severely restricting sentences of life without parole (*Graham v. Florida*, 2010; *Miller v. Alabama*, 2012). Despite these developments, statutes in many states permit or even require adolescents charged with crimes to be tried in criminal courts as adults, thereby becoming exposed to substantial terms of imprisonment.

POSITION:

It is the position of the American Psychiatric Association that juvenile courts should have exclusive original jurisdiction in all cases in which individuals less than age 18 have been charged with a criminal offense. The law should presume that the youth will remain within the jurisdiction of the juvenile court unless the prosecution presents a clear and convincing case for transferring the case to the criminal court. Transfer should be permitted only if a youth is older than 14 at the time of the offense, has been charged with a violent crime, and the juvenile court finds, based on individualized consideration of all of the circumstances, that the youth poses a significant risk of further offending and has demonstrated that he or she is not amenable to treatment with the range of clinically appropriate services that should be available to the juvenile justice system.