

CAMPAIGN FOR

# YOUTH JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR

## Campaign for Youth Justice Newsletter

February 2008

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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.

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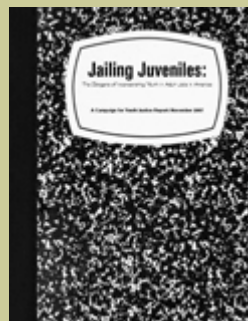
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**ACT 4 Juvenile Justice Campaign Holds Educational Briefing for JJDP A Reauthorization**

Representatives from over 65 national organizations packed a briefing room on Capitol Hill on February 21st for the ACT 4 Juvenile Justice (ACT4JJ) educational briefing on the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A). Representatives of various ACT4JJ campaign partner organizations conducted informational sessions for the standing-room-only crowd on the specifics of the legislation, current problems, and recommendations for improvement. The briefing concluded with a call-to-action in which participants were given resources and encouraged to sign up for lobby visits, write an organizational letter in support of reauthorization, or activate their membership networks through field outreach. If you are interested

in supporting re-authorization efforts, please visit the ACT4 JJ website (<http://act4jj.org>) and download the Take Action Toolkit ([http://act4jj.org/get\\_involved.html](http://act4jj.org/get_involved.html)).

## Please Join Us for Upcoming Briefing Calls on the Juvenile Justice & Delinquency Prevention Act (JJDP A)

The Senate Judiciary Committee and the House Education and Labor Committee are actively working to craft legislation for the JJDP A reauthorization, and we expect to see a bill very soon. We anticipate that this legislation will be based on the recommendations of lawyers, policy-makers, and youth advocates and it will be grounded in the recent research conducted by the Department of Justice, Centers for Disease Control and Prevention, and other national and state research organizations.

Several upcoming field briefing calls, sponsored by the ACT 4 Juvenile Justice campaign, will provide the opportunity to learn more about the Juvenile Justice and Delinquency Prevention Act (JJDP A) and how it has supported prevention efforts and protected youth in the juvenile justice system for more than 30 years.

### **When:**

Tuesday, March 4th, 10:00 AM EST

Thursday, March 6th, 4:00 PM EST

The JJDP A was first passed by Congress in 1974 and was most recently reauthorized in 2002. The JJDP A has three main components: 1) the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice which coordinates and administers federal juvenile justice efforts; 2) established grant programs to assist the states with juvenile crime prevention and intervention programs; and 3) four core protections for children that states must comply with to be eligible for funding.

It is time to update the JJDP A, especially in light of recent events in Jena, Louisiana and elsewhere which highlight the growing concerns about racial and ethnic disparities in the justice system, the prosecution of youth as adults, and the placement of youth in adult jails. There have also been troubling incidents in Florida, Mississippi, Texas, and elsewhere over the past few years which highlight the poor conditions many youth must endure while being detained in youth correctional facilities, boot camps, and other facilities. We believe it is time to update and strengthen the JJDP A to address many of these issues that require urgent attention.

### **RSVP:**

In order to attend, interested individuals should RSVP to [info@juvjustice.org](mailto:info@juvjustice.org). Please include name, title, organization, state, email and telephone number in the request.

Sponsored by the Act 4 Juvenile Justice campaign of the National Juvenile Justice and Delinquency Prevention Coalition. For more information, visit: [www.act4jj.org](http://www.act4jj.org).

## The Campaign for Youth Justice Hits the Radio Waves

The Campaign for Youth Justice kicked off its first ever "Radio Media Tour" on February 21st. Dwayne Betts, a formerly incarcerated youth, and Liz Ryan of CFYJ were interviewed by radio stations across the country. The tour seeks to raise momentum and awareness about the issue of prosecuting youth in adult court. Betts talked

about how his experience as a youth in the adult system, which began at age 16, has affected his life. "I was certified as an adult and spent 8 ½ years in the Virginia State prison system... I came home 3 years ago and I am a student at the University of Maryland on full scholarship. I work with the Campaign... [and] right now I am trying to educate people on the fact that when you send a juvenile to prison [you] miss out on all of the rehabilitative programs that you get in the juvenile system." Betts went on to say that, "Regardless of what the crime is I think you have to look at the fact that juveniles are different. Our minds are different. Our brains aren't as developed. And more often than not, society expects us to come out and be productive citizens. Prison does not give you the opportunities to mold yourself into a productive citizen."

Betts and Ryan were heard on more than 1,000 stations, including three nationally syndicated radio programs, which in total reached more than 17 million listeners. These interviews will be made available on the Campaign's website in early March. Stay tuned!

## State of Wisconsin Legislative Audit Bureau Issues Report on 17-Year-Old Offenders in the Adult Criminal Justice System

On February 1st, the State of Wisconsin's Legislative Audit Bureau (LAB) issued a report "17-Year-Old Offenders in the Adult Criminal Justice System." The report analyzes the arrests of 17-year-olds, including types of offenses and how arrests vary by age; the number of adult court cases involving 17-year-olds and the types and lengths of their sentences; prison and probation placements of 17-year-olds; programming available to 17-year-olds through the Department of Corrections and county jails; rates of recidivism and probation revocation; and cost implications for the State and counties in relation to any change in the jurisdiction of 17-year-olds. Due to legislation enacted in 1995, Wisconsin began automatically placing 17-year-old offenders in the adult criminal justice system. Wisconsin is currently one of 13 states that employ this practice.

Overall, the report findings support changing state policy regarding the treatment of 17-year-old offenders:

- 17-year-olds in the adult system have difficulty accessing services and treatments because they are too old to be eligible for services in the juvenile justice system but are too young for services such as substance abuse treatment and vocational training in the adult corrections system;
- 17-year-olds in the adult system are more likely to re-offend than youth in the juvenile system or older adults and fewer than one-half of 17-year-old offenders placed on probation completed probation successfully;
- 17-year-olds in the adult system are most often charged with nonviolent crimes such as crimes against property, truancy, and underage drinking. Crimes against persons accounted for only 5 percent of arrests;
- Youth of color are significantly overrepresented among 17-year-olds in the adult system, especially in prison;
- Proposals to return 17-year-olds to juvenile court jurisdiction would have significant fiscal effects, especially at the county-level.

In response to the LAB report, Jill Jacklitz, acting Executive Director of the Wisconsin Council on Children and Families (WCCF), commented, "This report confirms the need for legislation that would return these teenagers to the juvenile system, where they are much more likely to receive the services they need to help them get their lives back together." WCCF issued a press statement on the report which is available at [http://www.wccf.org/pdf/labreport\\_17yearolds\\_020108pr.pdf](http://www.wccf.org/pdf/labreport_17yearolds_020108pr.pdf).

The complete LAB report is available online at <http://www.legis.state.wi.us/lab/reports/08-3Full.pdf>.

## D.C. City Council Holds Department of Corrections Oversight Hearing

On Monday, February 25th, the D.C. City Council Judiciary Committee held a Department of Corrections oversight hearing and the Campaign for Youth Justice worked with concerned parents, community members, lawyers and advocates to present testimony to the committee on the dangers of prosecuting youth as adults.

"The transfer of youth to the adult criminal court and placement of youth in the D.C. Jail and other facilities across the country is an issue of major concern," said Liz Ryan of the Campaign for Youth Justice in her testimony before the committee. "Too many youth are being prosecuted as adults in the District without review by a juvenile court judge. Jurisdictions around the country have already begun making essential changes to state laws to reduce the number of youth prosecuted in adult court and our nation's capital can act as a leader in implementing these reforms."

Catreeda Lloyd, a parent whose family has been personally affected by transfer laws gave an emotional testimony describing the struggles her family has faced as a result of these laws, asking the council to "re-examine these harmful policies and procedures so that other families don't have to endure the emotional, mental or physical devastations caused by such an experience."

Another parent, wishing to remain anonymous, submitted a letter reminding the Council that not all teens have people advocating for them, stating, "We must take a look at what we are doing to our youth and step back a moment to revamp laws to rehabilitate rather than destroy a youth's life. After all aren't they our future?"

Local and national advocates also offered strong opposition to the District's policies in written statements and letters presented to the committee. Mai Fernandez, the Legal and Strategic Director of the Latin American Youth Center, provided a letter stating that "We are fortunate here in the District to now have a juvenile justice system that can be an effective alternative to prosecuting youth in the adult court." Marc Mauer, Executive Director of the Sentencing Project noted in his letter to the committee that "The Department of Youth Rehabilitation Services is one of many juvenile justice settings around the country that is benefiting from national juvenile justice reform efforts."

Patti Puritz, Executive Director of the National Juvenile Defender Center, in her letter to the committee, raised the U.S. Supreme Court's 2005 ruling against the juvenile death penalty in *Roper v. Simmons* that found that "juveniles are less culpable than the average adult offender because: (1) society has recognized that juveniles lack maturity and responsibility, (2) they are more vulnerable and susceptible to negative peer influences, and (3) compared to adults, juveniles are not as well formed in character and personality and have a much greater potential for rehabilitation."

Sarah Bryer, Director of the National Juvenile Justice Network, provided a statement that illustrated the

negative impacts that transfer laws can have on both the community and on youth, stating that, "Research has shown that youth who are transferred into the adult court are more likely to recidivate, and to recidivate more quickly, than youth who are kept within the juvenile court. Moreover, youth transferred into the adult court are many times more likely to face physical and sexual abuse in prison and to commit suicide. These are not punishments that our children should have to face. Ultimately, transferring youth into the adult court is costly for public safety and costly to human lives."

Local lawyers and residents who work with youth in D.C.'s adult criminal justice system also weighed in. One concerned resident described several cases, including that of a young man who was held in the D.C. Jail for fourteen months before ultimately being acquitted. Following his incarceration, he suffered from post-traumatic stress disorder as well as other psychiatric illnesses. Prior to being held at the D.C. Jail, this young man had never been arrested for any offense, juvenile or adult. "Eventually youth prosecuted as adults and held in the D.C. Jail will be released," the resident's letter stated. "Their experiences while incarcerated cannot help but scar them and cannot help but have ramifications that harden them and desensitize them," wrote this concerned resident.

Professor Joe Tulman and his students in the University of the District of Columbia's David A. Clarke School of Law Juvenile and Special Education Law Clinic discussed the young people they represent at the jail who have education-related disabilities, "While incarcerated at the D.C. Jail, our clients do not receive the special education or the compensatory education to which they are entitled. We have seen first-hand the result of this neglect upon our clients and find overall that, as a result of these policies, they become less able to reform their conduct and are less prepared to reintegrate into the community."

"A Capital Offense: Youth in D.C.'s Adult Criminal Justice System and Strategies for Reform," a report released by the Campaign for Youth Justice in July, 2007, notes that youth as young as 15 can be prosecuted as adults in the District and can be held pretrial in the D.C. Jail where there is a lack of educational and other services for youth. Youth prosecuted as adults in D.C. will not have access to the rehabilitative services put into place under the under comprehensive reform legislation, the Omnibus Juvenile Justice Amendment Act of 2004 (D.C. Law 15-261) and cannot be returned to the juvenile justice system even if they could benefit from these rehabilitative services.

The Campaign for Youth Justice made recommendations to the D.C. City Council including:

- Continue to invest in effective approaches in the juvenile justice system;
- Reduce the transfer of youth to the adult court by requiring that all transfer cases be decided by a judge, with a hearing and criteria for consideration;
- End the placement of youth in the D.C. jail as soon as possible;
- Collect and analyze data on youth tried and sentenced as adults on an on-going basis.

## Colorado Judiciary Committee Approves Bill on Transfer of Youth to Adult Court

This month the Colorado House Judiciary Committee gave its initial approval of a bill designed to restrict the

ability of prosecutors to seek adult sentences for youth offenders. House Bill 08-1208, sponsored by Representative Claire Levy (D-Boulder), was approved in a 6-5 vote on February 20th. The bill proposes raising the minimum age at which youth can be tried as adults from 14 to 16 and also removes vehicular homicide and vehicular assault from the list of crimes for which prosecutors can seek transfer.

A full Judiciary Committee hearing on the bill found supporters citing information about the circumstances and effects of direct filing young offenders such as: the frequency of pre-trial jailing, the lack of pre-trial hearings to contest transfer, the absence of appellate oversight in prosecutorial discretion to direct file, the lack of rehabilitation services available through the adult corrections system, the racial disparities associated with direct file, and the impact of transfer on public safety. Dr. Robert Hahn of the Centers for Disease Control and Prevention (CDC) noted in his testimony that the CDC's Guide to Community Preventive Services recently conducted a scientific study on interventions to reduce violence by and against youth in the United States. The study found "strong evidence to recommend against the strengthening of laws facilitating the transfer of juveniles to the adult justice system if they are enacted for the purpose of reducing crime and violence. To the extent that the goal of strengthening juvenile transfer laws is to reduce subsequent crime or violence, these laws are counterproductive."

Several law enforcement officials criticized the bill in their testimony stating that direct filing allows for appropriate responses to the violent and gang-related crime, judges lack information available to prosecutors, and prosecutors exercise careful discretion in this process. Arguments made by both sides resulted in a close, 6-5, vote to pass the bill which now moves on, un-amended, for consideration by the House Committee of the Whole.

## North Carolina Forums on Youth in the Justice System

On February 14th, North Carolina Central University's Juvenile Justice Institute sponsored a conference in Greensboro, North Carolina to discuss a variety of juvenile justice issues including raising North Carolina's age of court jurisdiction from 16 to 18, new research on adolescent brain development and the challenges of providing services to youthful offenders. North Carolina is one of only three states in the nation where the criminal justice system automatically treats 16- and 17-year-olds as adults for any offense. CFYJ's Director of Field Outreach, Jessica Sandoval, spoke at the conference, highlighting successful efforts in other states to raise the age of court jurisdiction. Raising the age to 18 in North Carolina would require passage of a law by the legislature.

Action for Children North Carolina and Forsyth Futures sponsored a forum on February 27th to promote changing state law that automatically prosecutes 16- and 17-year-olds as adults. The standing-room-only forum was attended by over 60 court counselors, health-department officials, and others who work with youth. Advocates are supporting legislation introduced by Representative Alice Bordsen (D-Alamance) in March 2007 which will raise the age of jurisdiction to 18. Advocates also recommend that judges should decide on a case-by-case basis if teenagers should be tried as adults.

At the forum, Sorien Schmidt, senior vice president of Action for Children N.C., discussed that while state law assumes youth have the ability to think and reason as adult do, "research shows that they are not adults, and their brains have not developed as an adult brain... [and] for a lot of these kids, there is an opportunity to turn their lives around. Eric Zogry, a juvenile defender for the state, explained that raising the age in North Carolina will not create community safety issues because the juvenile court system has rules, such as the inability to bond,

which can help keep young offenders in line. "Juvenile court is not a slap on the wrist," Zogry said. "It's a relevant part of our court system." The North Carolina Governor's Crime Commission is studying the issue of trying teens as adults, how a change in jurisdiction would be implemented, and will issue a report next year.

## Indiana Takes Steps to Keep Youth Out of Adult Jails

On February 15th, Marion Superior Court issued an order that requires police in Indiana's Marion County to take arrestees under age 18 to the Marion County Juvenile Detention Center rather than the Marion County Jail. Under the new rule, youth charged with an adult misdemeanor must stay in the juvenile center or be released. Youth can only be moved to the jail if prosecutors file adult felony charges. The ruling comes in response to recent U.S. Department of Justice enforcement of decade-old regulations that bar authorities from locking up youth arrestees in adult jails. Lack of compliance with federal law could result in revocation of grant monies. "More importantly, we'll be doing what's right for kids," said juvenile court Judge Marilyn Moores. Indiana judges have not yet decided where to place the small population of youth serving jail sentences on adult misdemeanor charges.

This ruling comes after the recent movement of a bill in the Indiana General Assembly to also keep youthful offenders out of adult jails. House Bill 1122, introduced by State Representative Scott Reske (D-Pendleton), seeks to grant juvenile court authority over the cases of youth who are at least 16 years of age and are charged with a misdemeanor. Examples of such cases include driving under the influence, reckless operation of a vehicle, and possession of a handgun without a license or possession of a firearm. Current law requires that 16-year-olds charged with these misdemeanors be automatically tried as adults. "Adult jail does not work for children. We end up with meaner, tougher kids," says Reske. Currently, the Indiana House is reviewing amendments to H.B. 1122 submitted by the Indiana Senate on February 19. Information on House Bill 1122 is available at

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&session=1&request=getBill&docno=1122>.

## Wisconsin Council on Children and Families Justice System Conference Registration is Now Open

On April 15th and 16th, 2008, the Wisconsin Council on Children and Families will be hosting "Moving Forward: a justice system that works for juveniles and the community." The conference, held at the Madison Concourse Hotel and Governor's Club in Madison, Wisconsin, is a multidisciplinary two-day event focused on transforming each stage of our juvenile justice system to align with best practices. There will be large-group discussions with local and national experts as well as small workshops to explore state-of-the-art treatments, the latest research, and programs. Speakers include: Shay Bilchik, Research Professor and Director at the Center for Juvenile Justice Reform at Georgetown University's Georgetown Public Policy Institute; Marty Beyer, PhD, Juvenile Justice and Child Welfare Consultant; and Lindsey Draper, State Coordinator of the Disparate Minority Contact Initiative of the Office of Juvenile Justice and Delinquency Prevention.

To register online please visit [http://www.wccf.org/event\\_movingforward\\_2008\\_reg.php](http://www.wccf.org/event_movingforward_2008_reg.php).

For questions or more information on the conference please visit

[http://www.wccf.org/event\\_movingforward\\_2008.php](http://www.wccf.org/event_movingforward_2008.php) or contact Wendy Henderson at 608.284.0580 x 208 or

email [whenderson@wccf.org](mailto:whenderson@wccf.org).

## CFYJ Speaks to City Year Youth Service Corps

On February 15th, the Campaign for Youth Justice and D.C. Lawyers for Youth were invited to speak to over 75 young people who volunteer with the City Year Youth Service Corps in Washington, D.C. City Year, founded on the belief that young people can change the world, unites more than 1,400 young people age 17-24 with a year of full-time community service, leadership development, and civic engagement. Eddie Ferrer of D.C. Lawyers for Youth and CFYJ's Jessica Sandoval discussed with the volunteers the issue of adultification, how youth offenders can enter the adult criminal justice system, and the immediate and long-term consequences of youth contact with the adult system. Wilbert Avila, former CFYJ fellow, described his experience in the D.C. Jail.

## Campaign for Youth Justice Welcomes New Fellow

### Chris V., Communications Fellow

The Campaign for Youth Justice welcomes Chris V., a new Communications Fellow. Chris is working on developing Campaign presentations and outreach materials as well as supporting local D.C. advocacy efforts. Chris, a D.C. native, discovered the Campaign through his participation in the Free Minds Book Club which mentors youth in the D.C. Jail. Free Minds helped him to express himself through poetry and connect with support, including the Campaign, following his release. Chris currently works as a cashier and in his free time, he enjoys computer and video games and hanging out in Georgetown.

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