

CAMPAIGN FOR
YOUTH  JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR

Educating Your Legislator Guide

2007

Prepared by the Campaign for Youth Justice

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Dear Youth Advocate:

Congratulations! You've decided to get involved with the Campaign for Youth Justice!

The Campaign for Youth Justice seeks to raise awareness about the impact of prosecuting youth in the adult criminal justice system. The Campaign for Youth Justice believes that youth deserve a second chance, and should not be tried and incarcerated in the adult criminal justice system.

By educating your state legislators, you will be joined by many other people throughout the country in sharing your views on the impact of state policies of trying and sentencing children as adults and why the laws need to be re-examined.

This guide contains:

- What You Can Do
- Tips on Talking with Your Legislators
- Tips on Testifying at a Public Hearing
- Sample Materials

We appreciate your interest in working together to educate legislators about the realities of sentencing our nation's youth as adults.

Sincerely,



Liz Ryan
President & CEO
The Campaign for Youth Justice

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What You Can Do

To prepare for educating your state legislators, here are a few suggested steps to follow:

Find out the facts:

For any contact with a legislator, you will want to be sure that you have all of the key information about the issue such as what your state laws are on how youth end up in the criminal justice system, how many youth are impacted, and any relevant research on how youth are affected.

Create a fact sheet:

Put the issue “on paper” so that you are clearly articulating what your concerns are, listing the critical data and research, and spelling out any recommendations you have for policymakers. This “fact sheet” will serve as the basis for any other materials you create such as action alerts, sign-on letters, and testimony.

Outreach to others:

Invite other individuals and groups to join you in your efforts. Share the fact sheet. Ask them to plan with you in your effort to educate your state legislators.

Decide how you will make the contact:

You can educate your state legislators in a variety of ways. One way is to call your state legislator on the phone. You can organize a group to make calls and that will have an even greater impact. Another way is to ask for a meeting. Still another is to testify at a public hearing before a state legislative committee.

Prepare information for your contact:

To educate your state legislators, you will need to “prep” for your contact. If you are calling or organizing others to call, you will want to have an “Action Alert” that includes a suggested “call script” so that everyone is “on message” in your group.

If you plan to meet with one or more state legislators, you will need to request a meeting and in most cases, will need to send or fax a written “meeting request letter” and follow up with a confirmation letter. If you are organizing a group, you will also need a written “agenda” for the meeting so that everyone has an opportunity to speak and you can each make critical points in the meeting.

In testifying before a state legislative committee, you will need to prepare written “testimony” for the committee members. Samples for each of these contacts are included in this guide for your convenience.

Tips on Contacting Your Legislators

How to voice your opinion to a state legislator over the phone:

Before calling, research pieces of impending or past legislation in particular you wish to comment on, along with any facts and figures you feel are helpful in getting your point across. Jot down notes as to what you will discuss, but do not write yourself an entire script to read from.

If you are organizing a group of people to make calls, draft an “action alert” with a “call script” including suggested points to raise on the phone call along with a list of key legislators and their phone numbers. [A sample action alert and call script is included in this guide for your convenience.]

Call during normal business hours, 9am to 5pm Monday-Friday.

Introduce yourself with your full name, and be polite throughout the conversation. Your legislator is probably busy, so ask for a member of their staff to listen to you and relay your concerns to the legislator. Make sure you write down the full name of the staff member you talked to for future reference.

Make your concerns known. Bring up specific pieces of legislation you made notes about earlier, and make sure that you sound sincere about your viewpoint without being overly emotional. Speak slowly and clearly, so the person listening can take any necessary notes.

Once you have voiced your concerns, give the staff member your name and address and ask for a written response. Also tell them you will call them back to find what specific steps they have taken to address your concerns.

When you are done with the conversation, politely thank the person on the other end for their time and consideration.

How to Set Up a Meeting

Call your legislators' offices several weeks in advance to set up a brief appointment (e.g. 15 minutes).

Ask for the legislator's staff member who handles his/her schedule.

Be sure to write down the date, time and who you spoke with (so you have a record).

Confirm the appointment in writing (e.g. write a brief letter; include the purpose, who will attend, and the date).

In many cases, you will need to mail or fax a "request" letter for the meeting, noting the issues you'd like to discuss, and include a list of who will be attending the meeting. [A sample meeting request letter is included in this guide for your convenience].

Call to reconfirm with the staff the day before.

Provide staff with a list of participants (if there are others with you).

If you are with a group, set up a "prep" meeting to discuss agenda, assign a facilitator and be sure that everyone has an opportunity to speak.

Prepare a one-page fact sheet as a "leave behind" info sheet for the legislator and staff.

Arrive early.

Be courteous, respectful and brief.

Be sure to ask the legislator questions and listen to their concerns.

Don't underestimate the importance of staff.

Thank the legislator.

Follow up with a thank you including your key points.

Call staff to follow up as well.

Tips on Testifying at a Public Hearing

Not sure you want to testify? Sign up anyway. They can always remove you from the list, but often you cannot wait to sign up the day of the hearing;

Prepare both oral & written testimony:

Ask yourself, “What are the three most important things I want legislators to remember when I finish my testimony?”

- Write them down;
- Add some detail under each point;
- Once you’ve got some detail, you can write out what you want to say;

Remember that you can give legislators a longer version of what you will deliver orally at the hearing. You can prepare a shorter version with your key points to give orally, and a lengthier version with more detail in writing.

Written testimony is important, so that legislators have a record of your testimony, for legislators that don’t attend, and also for the press.

- Give examples or include a personal story;
- Include any relevant research or statistics (if necessary);
- Refer to any visual aids that you plan to bring (e.g. pictures, art, work, charts);
- Be sure to include a sentence thanking legislators for holding/attending the hearing and looking at the issue;
- Offer to be a resource to legislators on the issue (e.g. please feel free to call me if you have questions or need additional information);
- Include your name and organizational affiliation in the testimony;
- Practice ahead of time;
- When you’ve got a finalized version of what you want to say, practice reading aloud;
- Time yourself. How long is it? If it is over 10 minutes, you may need to edit what you will say. Remember that you can submit written testimony that is longer. Keeping the testimony brief is always welcomed by legislators.

Finalize your testimony:

- Proofread, spell check and make final edits;
- Ask someone else to do the final proofread to be sure there are not typos;
- For written testimony you will submit to a legislative committee, double space it, print in #12 point font and be sure to include your name, address and telephone number on it;
- For oral testimony, you may want to triple space it and use large font. You might also consider utilizing index cards;

The day before the hearing:

- Decide how you are getting to/from the hearing and arrange transportation;
- Be sure you have the hearing location, directions and any contact information (e.g. legislative staff; capitol switchboard);
- Decide what you will wear;
- Be sure to set your alarm clock and ask a friend to call you as an extra backup (just in case as hearings often start in the morning!);
- Make copies of your written testimony;
- Have your oral testimony ready (e.g. large print for easy reading or index cards);
- Assemble any visual materials you plan to use;

The day of the hearing:

- Plan to be at the hearing 30 minutes early;
- Check in with the committee's legislative staff to be sure you are on the witness list and to submit copies of your written testimony to the committee;
- Make sure you are comfortable (e.g. get a drink of water, stretch, breathe!);

Giving your testimony:

- Be brief and to the point;
- Use your own words;
- Speak slowly, clearly and loudly;
- Try not to read word for word;
- Keep your head up;
- Try to look at the elected officials when you speak;
- Be positive and smile;
- Be courteous and respectful, it no personal attacks, name calling, or disrespectful language;
- Remember that you are an expert on the issue and that what you are saying is as important as everyone else testifying at the hearing;
- Offer to be a resource to the committee on the issue;
- Thank the elected officials who are at the hearing

Questions you may get from legislators;

- Be honest and respond if you can;
- If you are unsure or do not know the answer, it is ok to tell the legislators that you will need to get back to them on the issue with the information;
- Follow up post-hearing;
- Write a short thank you note to legislators who attended the hearing;
- Include your key points in the note;
- Be sure to contact legislative staff to follow up (e.g. phone call, email);
- For additional information on testifying at a public hearing, contact your state legislature.

Sample Phone Script

**Raise the Age CT Campaign
Phone Script**

**Raise the Age CT Campaign
Monday, February 12th
Weekly “Spark Plug” Assignment
E-Alert**

This week the message will be appreciation—thanking those legislators who have been especially supportive of Raise the Age, served on the JJPIC, and been strongly vocal in this campaign.

These are the legislators to contact this week and say “Thank you”:

- 1.) Toni Harp Harp@senatedems.ct.gov 860-240-0393
- 2.) Toni Walker Toni.Walker@cga.ct.gov 860-240-8585
- 3.) Gail Hamm Gail.Hamm@cga.ct.gov 860-240-8585
- 4.) John Kissel John.A.Kissel@cga.ct.gov 860-240-0531
- 5.) Edward Meyer Meyer@senatedems.ct.gov 860-240-0527
- 6.) Lile Gibbons lile.gibbons@housegop.state.ct.us 860-240-8700

Your message will be something like:

“Hi, my name is _____, from (city) Connecticut. Thank you so much for all that you have done to return 16- and 17- year- olds to the juvenile justice system. This is really important to me as a voter and I’m glad that you’ve been working so hard to make this reform a reality.”

As always, add your own words and keep it simple.

Sample Action Alert

**Virginia Juvenile Justice Coalition
Action Alert**

TO: Virginia Juvenile Justice Coalition
FROM: Melissa Goemann
DATE: 1/29/07
Subject: IMPORTANT BILLS UP TODAY

Several important bills that the VA Coalition for Juvenile Justice has been watching will be up before the House Criminal Law Subcommittee this afternoon:

HB 3007 – Transfer bill
HB 1898 – Juvenile records – access by law enforcement
HB 1693 – recording interrogations of juveniles
HB 1770 – destroying fingerprints of juveniles
HB 2047 – duties of person taking juvenile into custody
HB 2053 – sentencing of juvenile convicted of capital murder
HB 2660 – social history prior to commitment
HB 2661 – release of confidential records of DJJ – to group homes etc.
HB 3006 – INS investigation after conviction for criminal street gang activity

The Subcommittee meets ½ hour after adjournment of the full house so the earliest they would begin would be about 1:30 if you wish to attend. Please contact your Delegates or any Delegates you have on the House Criminal Law Subcommittee this morning to express your support for HB 3007 (Del. Marsden) and HB 1693 (Del Eisenberg) and your opposition to HB 1898 (Del. Albo). The Chairman of the Subcommittee is Delegate Morgan H. Griffith and his contact information is as follows:

Phone: (804) 698-1008
Fax: (804) 786-6310
Constituent Viewpoint: (800)-889-0229
Email: DelMGriffith@house.state.va.us

The other Subcommittee members are as follows:

Albo, David B.	(804) 698-1042	DelDAlbo@house.state.va.us
Armstrong, Ward L.	(804) 698-1010	DelWArmstrong@house.state.va.us
Bell, Robert B.	(804) 698-1058	DelRBell@house.state.va.us
Cline, Benjamin L.	(804) 698-1024	DelBCline@house.state.va.us
Gilbert, C. Todd	(804) 698-1015	DelTGilbert@House.state.va.us
Hurt, Robert	(804) 698-1016	DelRHurt@house.state.va.us
Melvin, Kenneth R.	(804) 698-1080	DelKMelvin@house.state.va.us
Moran, Brian J.	(804) 698-1046	DelBMoran@house.state.va.us
Waddell, Katherine B.	(804) 698-1068	DelKWaddell@house.state.va.us
Watts, Vivian E.	(804) 698-1039	DelVWatts@house.state.va.us

Brief description of bills:

1) HB 3007 – Conviction required before child treated as adult in subsequent cases: SUPPORT

Provides that a juvenile must be convicted in Circuit Court before they are treated as an adult for all subsequent offenses. (Del. Marsden)

2) HB 1898 – Confidentiality of detention center records and law enforcement access to children in detention centers: OPPOSE

No records or information may be withheld from a law-enforcement agency that is investigating a detained child for an offense that would be a felony if committed by an adult, provided that such investigation involves an offense that is unrelated to the matters upon which such child is being detained, and no law-enforcement agency shall be prohibited access to any such child, provided that such access is for the purpose of furthering the investigation for an offense that would be a felony if committed by an adult and is unrelated to the matters upon which such child is being detained. (Del. Albo)

3) HB 1693 – Recording of juvenile custodial interrogations: SUPPORT

Requires that custodial interrogations of juveniles suspected of committing a violent juvenile felony are to be electronically recorded and that failure to record shall be a factor to be considered by the court regarding admissibility. (Del. Eisenberg)

Sample Letter to Educate a Legislator

[insert date]

The Honorable *[insert name of legislator]*
Address
City, State Zip

Dear Representative/Senator *[insert last name of legislator]*;

Connecticut incarcerates more youth under the age of 18 than any other state in the nation. Research shows placing youth in adult settings only makes them more apt to commit future crimes.

I am writing to ask that you support legislation to return 16- and 17-year-olds to Connecticut's Superior Court Juvenile Matters.

Recently, the legislatively mandated Juvenile Jurisdiction Planning and Implementation Committee formally recommended raising the age as of July 1, 2009 and laid out a strategy for implementing this change.

I recognize that returning most 16- and 17-year-olds to Connecticut's juvenile justice system comes with a price tag. I believe that investing in these kids now, instead of giving up on them, is a good investment of tax dollars. Our kids are worth it. Please vote to Raise the Age. We can't afford *not* to.

Thank you.

Sincerely,

[insert your name, address and phone #]

Sample Letter to Request a Meeting

[insert date]

The Honorable *[insert name of legislator]*

Address

City, State Zip

Dear Representative/Senator *[insert last name of legislator]*;

On behalf of *[your group]*, we would like to set up a brief meeting with you some time within the next several weeks about an issue of concern to us: the unfair treatment of youth in the criminal justice system.

We would like to discuss our concerns about how youth are treated in the criminal justice system. We oppose punitive legislation that would harm youth by sending them to the criminal justice system. In adult jails youth receive no education, receive few rehabilitative services, and face risk of assault, rape, and death. Instead, we support providing rehabilitative services for youth in the juvenile justice system including more effective community-based alternatives to detention and incarceration.

We appreciate your consideration and will be in touch with your staff to follow up. In the meantime, we can be reached at *[insert phone #]*.

Sincerely,

[Your name, address, and phone number]

Sample Thank You Letter
(sent after a meeting)

[insert date]

The Honorable [insert name of legislator]

Address

City, State Zip

Dear Representative/Senator [insert last name of legislator];

On behalf of [insert your group], we are writing to thank you for listening to our concerns about the impact of trying, sentencing and incarcerating youth in the criminal justice system in [insert state].

We appreciate you taking time out of your busy day to listen to our concerns about [insert your key points again here].

In light of our meeting, we would [insert your "request" here again on what you asked for or would like to ask for from the legislator].

Attached please find additional information per our discussion. In the meantime, please don't hesitate to contact me if you would like me to send you any additional information.

Sincerely,

[Your name, address, and phone number]

Sample Testimony

Grace Bauer
Friends & Families of Louisiana's Incarcerated Children
Before the [insert committee name] on [insert date]

I am Grace Bauer, a parent and Community Organizer with FFLIC. My work involves providing support to parents of incarcerated youth. As the mother of a formerly incarcerated child, my hope is always that the reports I hear from other parents will be better than when it was my son. I am hearing the same reports today from parents that I myself testified to three years ago at the legislature, when working to close Tallulah.

One parent asked that I share her son's situation with you today. Her 15-year-old son was raped at Jetson in December. The boy did not tell anyone for a week what had happened to him because the other youth had threatened his life if he told. When his mother went to visit, in January, he told her and she made a complaint. Staff told the mother that since he had waited to make a complaint there would be no physical evidence and the other youth had denied the charges. The boy told his mother that one of the boys choked him until he passed out and the next thing he remembers is being shaken by a guard and told to get up and pull up his pants that were pulled down to his knees. In February, the boy's mother and sister were allowed to visit him in the infirmary, after a suicide attempt. During this visit the boy's mother and sister saw another boy that had endured, in their words, a "severe beating". Both women said the boy was covered with multiple bruises and his face was swollen to such a degree that the nurses were leading him around, because he could not see out of his eyes. While visiting, a woman that worked at the facility told the sister that the institution people were trying to cover up what had happened to her brother. When the mother and sister visited with the youth on the 3rd of April, he had a wound on his face that required medical treatment; his mother was never informed of any this.

On Wednesday of this week, a therapist from the Lake Charles area called me asking for help for another family. The therapist told me a mother she knew well had called and asked her advice on what to do to help her son that had been raped at a facility near Baton Rouge. The therapist tried to give the mother my number, but she refused to take it. The mother explained that her son's life had been threatened if he told and she could not do anything to jeopardize him further. Due to the confidentiality the mother had with the therapist she felt she could come to her, but no one else.

For those of you that are parents, I ask you to look within yourselves and think of the deep implications of what I have shared with you. Then I ask that you picture one of your own in the same situation. I also ask of our Governor, a mother herself, to do the same. Just imagine the powerlessness, the hopelessness and the pain these parents are feeling in not being able to do anything to help their child. The state has come a long way in improving the situation for youth and I thank each of you, Secretary Gonsoulin and Governor Blanco for the tremendous reform efforts, yet I feel it is my duty to tell you we still have a long way to go.

I thank the commission for the opportunity to be heard today.

Georgia Mae Williamson
Friends & Families of Louisiana's Incarcerated Children
Before the [insert committee name] on [insert date]

Thank you for allowing me to present my family's story today. My name is Georgia Mae Williamson and my grandson, whom I will call "D," was sentenced to juvenile life without the possibility of parole, a sentence of six years in a maximum secure-care prison. My grandson is an example of a child who fell through the cracks of the juvenile justice system.

D had always been physically and emotionally fragile. He was a sensitive child who required protection. We were shocked when D admitted his behavior which we later found out lacked evidence. We thought D definitely needed help, and our family turned to the system.

D's parole officer advised the court that he had never seen such a well-behaved child and encouraged the court to impose an alternative sentence to the maximum. The victim's mother also asked the court not to impose juvenile life. I personally begged the court to find some alternative. D had never been in trouble before, especially with the law.

When D first arrived at Jetson, he received no psychological counseling. It's common knowledge that sexual abuse left unchecked and untreated, spirals into an infinite cycle. Needless to say, maximum security incarceration was not the place for this child.

Worse, D was terrorized, threatened, and physically abused by guards at Jetson. On June 3, 2003, after being assaulted by several guards, another guard forced D to his knees and threatened him sexually. After D called home, reporting the incident to me, I called the warden, who said he would investigate. Later that evening, my grandson was threatened by three officers, who told him that if I did not back off, D would be "thrown to the Wolves," referring to the dormitory containing youths incarcerated for the most serious offenses. He said the guards could no longer protect him from the others. The colonel later called me at home telling me that we would be sorry if we pursued an investigation.

The Juvenile Justice Project of Louisiana (JJPL) investigated D's case, and were able to file an emergency motion to get D out of Jetson. We then had hearings to discover the truth. D took and passed a polygraph test. He was telling the truth. The guards who terrorized my grandson refused to take the same test.

The New Testament taught us to forgive the sinner and love the youth, but the state of Louisiana still practices Old Testament retribution. I'm ashamed to say our state still sacrifices the youth.

I understand the difficulties of changing our system. But when a scared, harmless 15-year old boy is thrown to the wolves, behind razor wire, dragging shackles, living in fear, far from home, it will turn him into nothing but a serious criminal or a ghost of the child who once gave our family such joy.

Please prevent other sons and daughters, grandsons and granddaughters of Louisiana from falling through the cracks. Fix our broken system so at least when our youth are taken they receive therapy, close to home in small and safe facilities.

Thank you.

Testimony provided by Diana Gonzalez
March 13, 2006
In support of H.B. 5782

Good afternoon. My name is Diana Gonzalez. I am here to support H.B. 5782, calling for 16- and 17-year-olds to be tried in the juvenile justice system instead of the adult justice system. I know first hand the consequences of treating youth like adults. My son was David Burgos. David committed suicide last July 24 while he was incarcerated at Manson Youth Institution. He was 17-years-old.

We are never going to get a good outcome when teenagers are put together with adults. Teenagers and adults are different from each other. It's like mixing goats and sheep in the same pasture. You can't do it. It doesn't work. What's frustrating for me is that we know it doesn't work. We've known it doesn't work for a long time.

So here is my question. What's it going to take for us to make the change? This issue has already been in front of the legislature for several years. Why do we have to wait until there is a crisis? Why do we wait for a tragedy? Why does someone like my son have to die before we make a change we know is right? It's time for us to stop talking about making this change and do it. I'm tired of hearing that this is a problem and not seeing any changes being made. I'm tired of reading the articles in the paper and realizing that this is all about money – that people think a change is too expensive.

I'm here today to tell you that it isn't about the money. It's about doing the right thing. Do we have the money to do the right thing? We do. We spend the money now, we are just spending the money that we have in the wrong way. The way the system operates now doesn't work. My son is an example of that. Really, it's common sense. When you want something you have to invest in it, and do the work before you see the rewards. Business people do it all the time. You don't see the rewards right away, but over time you see all the rewards and you save money in the long run by spending it correctly in the beginning. It's about setting priorities and about spending your money in line with those priorities.

There's talk about making changes in the adult system to make cells or programs better for youth. That would be spending money foolishly. You can't make an adult cell appropriate for a youth. It also shows a mix up in priorities – that it's more important to save money than to save youth. What I'm hearing now is that our youth aren't worth tackling a problem that might be hard and cost some money. What I'm hearing is that my son wasn't worth it.

Here's the real question I want to ask you – the real reason I'm here today. Whose child is next? It could be my neighbor's child, it could be your neighbor's child, it could be your child. Put yourselves in these shoes. What decision would you make for your child? How would you want your child treated? Make this change. Keep 16- and 17-year-olds in the juvenile justice system. Thank you.

Sample Talking Points

**Trying Youth As Adults: The Impact on Youth in [insert state]
Why [insert state] needs to re-examine its laws:**

Youth in adult jails and prisons are not treated humanely and are not safe

Justice Department research shows that youth incarcerated as adults are 8 times more likely to commit suicide than youth placed in juvenile facilities.

Youth do not receive rehabilitation or treatment

Youth sent to the adult criminal justice system are often not afforded the same kinds of services such as therapy, diversion or alternatives to incarceration that are available to young people in the juvenile justice system, no matter how minor their crime. Many of these youth have significant mental health and other needs that are not adequately addressed by the adult system.

This practice doesn't promote public safety or reduce crime

There is no evidence that the practice of sending youth to adult court works. In fact, there is significant evidence that shows these kinds of laws have the *opposite* effect: trying youth in adult court increases crime. Youth in the adult court are more likely to re-offend, and re-offend more seriously, when they are tried and incarcerated in the adult justice system.

Adolescents are not adults, making reasoned, adult decisions

In the fall of 2006, the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice released the results of ten years of study in an issue brief titled, "Less Guilty by Reason of Adolescence." The conclusion drawn in that study is this, "The scientific arguments do not say that adolescents cannot distinguish right from wrong nor that they should be exempt from punishment. Rather, they point to the need to consider the developmental stage of adolescence as a mitigating factor when juveniles are facing criminal prosecution. The same factors that make youths ineligible to vote or to serve on a jury require us to treat them differently from adults when they commit crimes."

The overwhelming majority of children that enter the adult court aren't there for serious, violent crimes

Most children who are tried in adult courts are there *no matter how minor their offense*. Estimates range on the number of youth prosecuted in adult court nationally. Some researchers believe as many as 200,000 youth are prosecuted in adult courts every year.

Polls of likely voters show that the general public does not support incarceration of youth in adult jails or prisons

9 out of 10 people polled believe that rehabilitation and treatment for incarcerated youth can help prevent future crime, and 8 out of 10 thought spending money on rehabilitative services and treatment for youth will save money in the long run. 7 out of 10 of those polled felt that putting young people (under age 18) in an adult correctional facility will make them more likely to commit future crime. More than two-thirds (68 percent) disagreed that incarcerating youth in adult facilities “teaches them a lesson and deters them from committing future crimes.” By more than a 15 to 1 margin (92 percent to 6 percent), those polled believe that the decision to transfer youth to adult court should be made on a case-by-case basis.

Sample Fact Sheet

Fact Sheet: Trying Youth as Adults

What does it mean to "try youth as adults?"

Since 1899, when a separate court for young people was created in Chicago, young people who broke the law were brought before the juvenile court. In rare cases, judges decided which youth were "not amenable to treatment" in the juvenile court. In these rare cases, the jurisdiction of the juvenile court was "waived" and the youth were sent or "transferred" to the adult criminal court. In more recent years, states have passed a number of laws to expand the mechanisms in which youth may be prosecuted in adult court.

How are youth "tried" as adults?¹

There are five major ways that youth can be prosecuted in adult court:

Judicial Waiver:

45 states allow juvenile court judges the discretion to have a youth's case tried in the adult criminal court.

Direct File or "Prosecutorial Discretion":

15 states allow prosecutors the discretion to have a youth's case tried in the adult criminal court.

Mandatory Waiver:

15 states require juvenile court judges to automatically transfer a youth's case to adult criminal court for certain offenses or because of the age or prior record of the offender.

Statutory Exclusion:

29 states automatically require a youth's case to be tried in the adult court based on the age of the youth, or the alleged crime, or both.

Age of Juvenile Court Jurisdiction:

Three states automatically prosecute 16 and 17 year olds as adults – Connecticut, New York, and North Carolina. Ten state automatically prosecute 17 year olds as adults – Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas, and Wisconsin.²

How many youth are tried as adults?

Despite the fact that many of these state laws were intended to prosecute the most serious offenders, most children who are tried in adult courts are there *no matter how minor their offense*.

Estimates range on the number of youth prosecuted in adult court nationally. Some researchers believe as many as 200,000 children are prosecuted every year in the adult criminal justice system.

How does "trying youth as adults" impact youth?

Youth tried in the adult criminal court:

- Face the same penalties as adults, including life without parole;
- Will receive little or no education, mental health treatment, or rehabilitative programming;
- Will obtain an adult criminal record which may significantly limit their future education and employment opportunities;
- Are at greater risk of assault and death in adult jails and prisons with adult inmates;
- Will be more likely to re-offend than youth not exposed to the negative influences and toxic culture of the adult criminal punishment system.

What is the impact on youth of color?

Youth of color are most negatively affected by policies to try youth as adults. For example, in the Building Blocks for Youth report, *Youth Crime/Adult Time: Is Justice Served?*³ key findings reveal disturbing aspects in the transfer of youth, especially youth of color, to the adult criminal court. The findings show over-representation and disparate treatment of youth of color, and raise serious questions about the fairness and appropriateness of prosecuting youth in the adult criminal system.

Does trying youth as adults reduce crime and increase public safety?

Study after study has demonstrated that youth transferred to adult court are more likely to re-offend than those sent to the juvenile justice system for the same type of offense and with similar prior records. Of those youth who committed new crimes, those sent to adult court re-offended at around twice the rate of those sent to juvenile court.

Re-Arrest Rates Among Youth Sentenced in Adult Court, a 2001 analysis in Florida found that, even after controlling for race, initial charge, and age, youth receiving adult sanctions were 4.90 times more likely to re-offend, including technical violations, and 2.26 times more likely to re-offend, excluding technical violations (meaning that a new case was brought against the youth).⁴

A 2002 study, *Juvenile Transfer to Criminal Court Study: Final Report*, also found that youth receiving juvenile sanctions had lower recidivism rates than youth receiving adult sanctions. While comparing 315 “best-matched” pairs, they found that “49% of the youth transferred to adult court recidivated, compared with 37% of those who remained in the juvenile system.”⁵

Another study by the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, published in 2006, also found lower recidivism rates while comparing youth in the juvenile justice system in New Jersey to youth transferred to the adult system in New York. “By using the two groups from the same metropolitan area, with similar economic opportunity, access to weapons, drug use, gang influences, and other influences on crime, any differences in re-arrest between the two groups can be assumed to be due to the different court systems. The re-arrest rates were calculated after controlling for time on the street.” The results found that youth prosecuted in the adult courts in New York were 1.85 times more likely to be re-arrested for violent crimes than those prosecuted in the New Jersey juvenile courts, and 1.44 times more likely to be re-arrested for felony property crimes.⁶

Trying youth as adults does not reduce crime or increase public safety. In fact, youth tried as adults re-offend more than their counterparts in the juvenile justice system.

Endnotes

¹ Snyder, Howard N., and Sickmund, Melissa. 2006. Juvenile Offenders and Victims: 2006 National Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention

² "Upper Age of Jurisdiction." Office of Juvenile Justice and Delinquency Prevention. 21 Nov. 2006 <<http://ojjdp.ncjrs.org/ojstatbb/ezaco/html/upage.html>>.

³ Juskiewitz, J. 2000. Youth Crime/Adult Time: Is Justice Served? Washington, DC: Prepared by Pretrial Services Resource Center for the Building Blocks for Youth Initiative.

⁴ Miami-Dade County Public Defender's Office. Re-Arrest Rates Among Youth Sentenced in Adult Courts: Evaluation Report for Juvenile Sentencing Advocacy Project. 15 Oct. 2001. 12 Oct. 2006 <http://www.pdmiami.com/JSAP_2001_Impact_Evaluation.pdf>.

⁵ Florida Department of Juvenile Justice. A DJJ Success Story: Trends In Transfer of Juveniles to Adult Criminal Court. 08 Jan. 2002. 05 Oct. 2006. pg. 2.

⁶ Issue Brief 5: the Changing Borders of the Juvenile Justice: Transfer of Adolescents to the Adult Criminal Court. 2006. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. 21 Nov. 2006 <<http://www.macfound.org/atf/cf/%7BB0386CE3-8B29-4162-8098-E466FB856794%7D/ADJJTRANSFER.PDF>>.