



BECAUSE THE CONSEQUENCES AREN'T MINOR

## Recommendations for the Obama Administration

Each year, an estimated 200,000 youth in the U.S. are tried, sentenced, or incarcerated in the adult criminal justice system, many of whom are charged with non-violent offenses. On any given day, nearly 7,500 young people are locked in adult jails and more than 2,600 young people are locked in adult prisons.

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### Evidence Against Trying Youth as Adults:

- **Harms public safety:** Research shows that youth prosecuted as adults are more likely to reoffend. Reports released by the U.S. Centers for Disease Control and Prevention and the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention found that youth prosecuted in or transferred to the adult criminal justice system are much more likely to reoffend when compared to youth who committed similar crimes, but were retained in the juvenile justice system.
- **Causes long-lasting harm for youth:** Youth housed in adult jails are at a higher risk of violence and suicide than those in the juvenile justice system. For example, youth housed in adult jails are 36 times more likely to commit suicide than youth housed in juvenile detention facilities. Additionally, up to one-half of youth detained in adult jails pre-trial are not convicted as adults, but will have spent between 1-6 months in an adult jail.
- **Disproportionately affects Youth of Color:** For example, African-American youth - only 17% of the overall youth population - are 62% of the youth prosecuted in the adult criminal system and are nine times more likely than White youth to receive an adult prison sentence.
- **Contradicts public opinion:** A Zogby poll conducted in 2007 found that 92% of Americans believe the decision to try a youth in adult court is best made on a case-by-case basis by a neutral decision-maker, such as a juvenile court judge. In addition, national polling shows that a vast majority of Americans support rehabilitation and treatment as an effective response to juvenile delinquency and crime.

### Recommendations for the Administration - Administration Actions:

- **Strengthen OJJDP:** CFYJ strongly supports strengthening OJJDP by 1) refocusing the agency on the JJDP and its core protections for children; 2) improving technical assistance to States; 3) updating JJDP regulations to reflect current priorities and core protections; 4) restoring the comprehensive nature of the agency, including conducting research and gathering data, identifying and disseminating best practices and relevant information, leading demonstration projects, providing training and technical assistance, and promoting the expansion of effective practices in the field; and 5) increasing transparency.

- ***Provide technical assistance and financial support to States to comply with the jail removal and sight and sound core requirements:*** The current JJDPa law's "jail removal" core requirement prohibits youth who are charged as juveniles from being held in adult detention facilities before their adjudication hearing except in very limited circumstances. In these limited circumstances, the "sight and sound separation" core requirement ensures that youth are sight and sound separated from adult inmates.

With regard to these core requirements, CFYJ recommends that the Administration provide support and technical assistance to 1) ensure States are in compliance with current law; 2) help those States not in compliance with current law become fully compliant; 3) encourage the development of best practices for States already in compliance with current law; and 4) assist all States in complying with any new jail removal and sight and sound separation requirements included in the forthcoming JJDPa reauthorization bill.

- ***Collect data on transfer policies in States and at the federal level:*** Data on the prosecution of youth in and transfer of youth to the adult criminal justice system is lacking for States and the federal criminal justice system. CFYJ recommends that the Administration provide resources to States to track and evaluate the impact of transfer laws.

For each State and the federal system, collected data should include 1) the number of youth prosecuted in and transferred to the adult system; 2) in each jurisdiction, how youth are prosecuted in and transferred to the adult system; 3) where and how long transferred youth are held pre-trial; 4) where and how long transferred youth are held post-conviction; and 5) the nature and length of post-release activities for transferred youth, such as probation. For each category, the data should be disaggregated by race, ethnicity, gender, and age.

- ***Conduct on-going research on the effects of prosecuting youth in or transferring youth to the adult criminal justice system:*** CFYJ recommends that the Administration undertake additional research efforts on the impact of transferring youth to the adult criminal justice system, including recidivism and collateral consequences of prosecution in or transfer to the adult system, such as education attainment, employment, and access to federal programs (i.e. Medicaid).
- ***Increase engagement of youth and families affected by the juvenile and criminal justice systems:*** CFYJ recommends that the Administration undertake new efforts to engage a wide variety of stakeholders in the juvenile and criminal justice fields, particularly youth and their families who have been involved in these systems, to ensure federal policies and guidance to States considers the needs and recommendations of these key stakeholders.

### **Recommendations for the Administration - Congressional Action:**

- ***Show support for and sign into law a strong reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPa):*** The JJDPa - the main vehicle for juvenile justice reform at the federal level - is currently due for reauthorization. CFYJ supports a strong JJDPa reauthorization that includes the recommendations of the National Juvenile Justice and Delinquency Prevention Coalition, a coalition of more than 80 national organizations who work on youth development and juvenile justice issues. CFYJ strongly supports these recommendations, including expanding the JJDPa's jail removal and sight and sound core requirements to protect youth no matter what court they are in - juvenile or adult. ([www.act4jj.org](http://www.act4jj.org))
- ***Oppose/veto any legislation or amendment that increases the number of youth prosecuted in or transferred to the adult criminal justice system:*** Given the harmful effects of prosecuting youth in or transferring youth to the adult system, CFYJ recommends the Administration veto any bill that allows more youth to be prosecuted in or transferred to State or federal adult courts.