



BECAUSE THE CONSEQUENCES AREN'T MINOR

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Experts Oppose Kyl Amendment to Increase Transfer of Youth to Adult Court
Experts Cite Latest Scientific Research on Public Safety, Harm to Youth

Washington, D.C. – On July 31, the U.S. Senate Judiciary Committee is expected to consider the Juvenile Justice and Delinquency Prevention Reauthorization Act (JJDPRA) of 2008, S. 3155, and amendments to the bill, including one from Senator Jon Kyl (R-AZ) on the transfer of youth to adult court. The Kyl amendment would remove the decision of whether a youth should be prosecuted as an adult for an enumerated list of crimes from federal judges and instead place the decision with prosecutors. The Campaign for Youth Justice and other organizations, in letters released today, called on the committee to reject the Kyl amendment citing concerns about public safety and harm to youth.

“We urge members of the U.S. Senate Judiciary Committee to reject the Kyl amendment as it undermines the goals of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008 (S. 3155) to reduce juvenile delinquency,” says Liz Ryan, President and CEO of the Campaign for Youth Justice. “The Kyl amendment is not supported by the latest scientific evidence that shows that sending youth to adult court increases the likelihood that they will re-offend.”

A November, 2007 *Morbidity and Mortality Weekly Report* released by the U.S. Centers for Disease Control and Prevention’s Task Force on Community Preventive Services found that youth who are tried as adults are, on average, 34 percent more likely to commit crimes than youth retained in the juvenile justice system. The Task Force recommended against “laws or policies facilitating the transfer of juveniles from the juvenile to the adult judicial system.”

“As a former prosecutor and head of the Office of Juvenile Justice and Delinquency Prevention, I have had the opportunity to witness first hand the impact of trying and sentencing youth as adults,” says Shay Bilchik, Director of the Center for Juvenile Justice Reform at the Public Policy Institute at Georgetown University. “While I once supported these laws, their virtual unbridled use has negatively impacted too many young offenders with whom the juvenile justice system could have done a better job in rehabilitating and promoting public safety and youth development.”

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On average 7,500 kids are in an adult jail on any given day. Research shows that many of these kids spend time pre-trial in adult jails with adults and this is harmful to kids and to public safety. According to the U.S. Department of Justice, 21 percent and 13 percent of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005 and 2006 respectively, were youth under the age of 18. These numbers are surprisingly high given that only 1 percent of jail inmates are juveniles. Additionally, youth placed in adult jails have a much higher rate of suicide when compared to youth in juvenile facilities - youth are 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility, and 20 times more likely to commit suicide in an adult jail than youth in the general population. Even when they are separated from adults in adult facilities, children are then often placed in isolation, which can also produce harmful consequences. Youth are frequently locked down 23 hours a day in small cells with no natural light. These conditions can cause anxiety, paranoia, and exacerbate existing mental disorders, putting youth at increased risk for suicide.

A Zogby poll commissioned by the National Council on Crime and Delinquency (NCCD) and conducted last year found that 92 percent of Americans believe that 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 rehabilitating, rather than punishing, even serious juvenile offenders. Last December, two independent polls indicated that 72 percent of Americans feel that incarcerating youth in adult correctional facilities led to subsequent crime after release, and 89 percent agreed or strongly agreed that rehabilitative services and treatment would help reduce crime.

The Campaign for Youth Justice is a national organization dedicated to ending the practice of trying, sentencing and incarcerating youth under the age of 18 in the adult criminal justice system.

For more information, visit: www.campaignforyouthjustice.org.

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