

**As many as 200,000 youths are tried in the adult criminal justice system because of automatic transfer laws, a lowered age of juvenile jurisdiction or policies that grant prosecutorial discretion that were enacted in the early 1990s in reaction to the high-crime years and labeling of delinquents as super predators.**

- Since 1992, every state except Nebraska changed their transfer statutes to make trying youths in adult court easier.<sup>i</sup>
- Nearly 7,500 youths are locked up in adult jails on any given day.<sup>ii</sup>

**Today many research studies make clear that youths who are transferred into the adult system commit more serious offenses, commit these offenses with greater frequency than their counterparts who remain in the juvenile justice system and are put at greater risks for abuse and suicide.**

- A review of scientific evidence revealed that youths who are transferred to the to the adult criminal justice system are 34% more likely than youths retained in the juvenile court system to be re-arrested for violent or other crime.<sup>iii</sup>
- The results of six large-scale studies show that youths tried in adult criminal court generally have higher recidivism rates after release than those tried in juvenile court.<sup>iv</sup>

**Increasing research demonstrating effective approaches to delinquency is being used by juvenile justice systems nationwide to improve programs and services to better enhance public safety, hold youths accountable and provide individualized rehabilitation and education programming that increase youths' competencies and skills so they become successful adults.**

- Advances in brain imagery research confirm that the human brain matures gradually throughout adolescence and that a youth's brain is developmentally different from an adult's brain.<sup>v</sup>
- 47 state juvenile agencies address delinquent behavior using a case management approach that begins with the development of an individual service plan based on appropriate evaluations of youths and families' strengths and needs and is continued throughout the youth's time in agency custody and usually during re-entry to the community.<sup>vi</sup>
- A study on youths housed in adult prisons and jails revealed inadequate specialized programming for youthful offenders housed in adult facilities. The survey indicated that programming is designed to respond to adult offenders and lacked a developmentally responsive adaptation for youths.<sup>vii</sup>

## **POSITION STATEMENT**

- The Council of Juvenile Correctional Administrators (CJCA) strongly supports the position that **the juvenile justice system is the most appropriate system to hold youths accountable and receive age-appropriate and effective treatment and rehabilitation opportunities.**
- CJCA supports efforts to **reverse policies that expand eligibility criteria for the waiver and transfer of youths into the adult correctional system.** These policies have resulted in the placement of thousands of youths into adult penal facilities without adequate treatment services as well as exacerbated **the problem of disproportionate numbers of minorities being held in secure confinement.**
- **When waiver to the adult criminal justice system does occur, CJCA believes that it should be accomplished through a process that maintains judicial decision-making to determine the appropriateness of transferring young offenders into the adult correctional system. CJCA opposes all policies that result in the automatic transfer of young people to the adult system without judicial review, as well as policies that grant the prosecutor full discretion.**



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*For a safer tomorrow, invest in our youths today.*

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**POSITION STATEMENT:  
WAIVER AND TRANSFER OF YOUTHS TO ADULT SYSTEMS**

*Adoption Date: Oct. 2, 2009*

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- <sup>i</sup> 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.
- <sup>ii</sup> Arya, N. (2007). *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America*. Washington, DC: The Campaign for Youth Justice.
- <sup>iii</sup> Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*. MMWR 2007; 56 (No. RR-9).
- <sup>iv</sup> Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *OJJDP Juvenile Justice Bulletin*, August 2008.
- <sup>v</sup> See Physicians for Human Rights. *Adolescent Brain Development* [Electronic version.] Online at <http://physiciansforhumanrights.org/juvenile-justice/factsheets/braindev.pdf>
- <sup>vi</sup> Council of Juvenile Correctional Administrators (2009). *2008 Yearbook preliminary data analysis*.
- <sup>vii</sup> U.S. Department of Justice, Bureau of Justice Assistance, *Juveniles in Adult Prisons and Jails*, Washington, DC, October 2000.