

Key Facts: Children in Adult Jails & Prisons

THE PROBLEM

On any given night in America, 10,000 children are held in adult jails and prisons.¹ State laws vary widely as to whether youth can be housed in adult facilities. Although the federal Juvenile Justice and Delinquency Prevention Act (JJDP A) requires that youth in the juvenile justice system be removed from adult jails or be sight-and-sound separated from other adults, these protections do not apply to youth prosecuted in the adult criminal justice system.²

Many youth who are held in adult jails have not even been convicted. Research shows that many never will. As many as one-half of these youth will be sent back to the juvenile justice system or will not be convicted. Yet, most of these youth will have spent *at least one month* in an adult jail, and one in five of these youth will have spent *over six months* in an adult jail.³

Most youth are denied educational and rehabilitative services that are necessary for their stage in development when in adult facilities. A survey of adult facilities found that 40% of jails provided no educational services at all, only 11% provided special education services, and a mere 7% provided vocational training.⁴ This lack of education increases the difficulty that youth will have once they return to their communities.

Youth are in extreme danger when held in adult facilities. Jailers and Corrections officials are faced with a “no win” situation when youth are placed in adult facilities: they simply can’t keep youth safe and segregating youth in isolation/solitary confinement creates a different, but equally harmful result.

Many children are often placed in isolation which can produce harmful consequences, including death. 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 and put youth at risk of suicide. In fact, youth housed in adult jails are 36 times more likely to commit suicide than are youth housed in juvenile detention facilities.⁵

Youth who are held in adult facilities are at the greatest risk of sexual victimization. The National Prison Rape Elimination Commission found that “more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse.”⁶

The majority of youth held in adult prisons are not the most serious offenders and are likely to be released in early adulthood. Approximately 80 percent of youth convicted as adults will be released from prison before their 21st birthday, and 95 percent will be released before their 25th birthday.⁷

THE SOLUTIONS

States have started to take action to remove youth from adult facilities. Recognizing the many dangers youth face when incarcerated with adults, several states and local jurisdictions have taken action to protect youth. Four states (Maine, Virginia, Pennsylvania, and Oregon) recently changed their laws to keep youth in juvenile facilities.⁸ More states should take these steps.

Improve the Regulations on the Prison Rape Elimination Act (PREA). Congress passed the Prison Rape Elimination Act (PREA) in 2003 to stop sexual violence behind bars, and one of its main concerns was the risk youth face when housed in adult jails and prisons. The US Department of Justice (DOJ) recently released the preliminary regulations for public comment in 2011. Unfortunately, the proposed rules do not protect youth in adult facilities. In response to the call for public comment, thousands of individuals, and groups in every state across the country, and national organizations and professional associations of every type are urging the Attorney General to protect youth in the justice system by banning the placement of youth in adult jails and prisons, and requesting that Congress exercise its oversight responsibilities to ensure the Attorney General protects our young people.

Amend the Juvenile Justice and Delinquency Prevention Act. For over 30 years, the JJDPA has protected youth involved in the juvenile justice system by ensuring that States receiving federal juvenile justice money are meeting certain federal protections, called the core requirements. The JJDPA should be reauthorized by Congress and strengthened to remove youth from adult facilities.

ADDITIONAL RESOURCES

NJJDPC's recommendations to Members of the 112th Congress

http://www.juvjustice.org/media/resources/public/resource_548.pdf

Information on the Prison Rape Elimination Act (PREA)

<http://www.campaignforyouthjustice.org/federal-law/60.html>

“Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America”

<http://www.campaignforyouthjustice.org/key-research/national-reports.html#jailingjuveniles>

CONTACT INFORMATION

If you have questions about youth in adult facilities, please contact either Liz Ryan, lryan@cfyj.org, or Neelum Arya, narya@cfyj.org, at the Campaign for Youth Justice, 202-558-3580.

¹ Minton, Todd D. (June 2010). *Jail inmates at midyear 2009*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. West, Heather C. (June 2010). *Prison inmates at midyear 2009*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

² *Jailing Juveniles* (2007, November). Washington, DC: Campaign for Youth Justice.

³ *Jailing Juveniles* (2007, November). Washington, DC: Campaign for Youth Justice.

⁴ Harlow, C.W. (2003, January). *Education and Correctional Populations*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

⁵ *Jailing Juveniles* (2007, November). Washington, DC: Campaign for Youth Justice.

⁶ National Prison Rape Elimination Commission, Report 18 (June 2009), available at <http://www.ncjrs.gov/pdffiles1/226680.pdf>.

⁷ Richard E. Redding, *Juvenile transfer laws: An effective deterrent to delinquency?* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention) (Aug. 2008).

⁸ Arya, Neelum. (2011). *State Trends: Legislative Victories from 2005 to 2010 Removing Youth from the Adult Criminal Justice System*. Washington, DC: Campaign for Youth Justice.