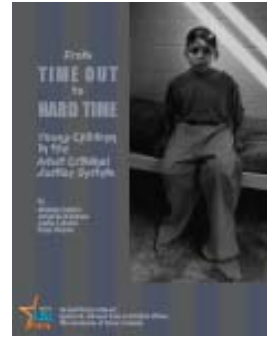


# Prosecuting Young Children as Adults

The Lyndon B. Johnson School of Public Affairs at the University of Texas released *From Time Out to Hard Time: Young Children in the Adult Criminal Justice System* (authored by Professor Michele Deitch., et.al.) in July 2009. This report provides the first-ever look at how the nation treats pre-adolescent children (primarily those age 12 and under) who commit serious crimes, analyzes data on the transfer of young children to adult criminal court, documents the harsh consequences of young children entering the adult criminal system, examines state and international practices, and offers policy recommendations. The complete report is available online: <http://www.utexas.edu/lbj/news/story/856/>.



## Key Findings:

- 703 children aged 12 or younger and 961 13 year olds were judicially transferred to adult court between 1985 and 2004. Every year nearly 80 children age 13 and under are judicially transferred to adult court, yet this data does not even include the many other children sent to the adult system through automatic transfer laws or cases where the prosecutor can file cases directly in adult court.
- More than half the states permit children under age 12 to be treated as adults for criminal justice purposes. In 23 states, children as young as 7 can be prosecuted and tried in adult court, where they would be subjected to harsh adult sanctions, including long prison terms, mandatory sentences, and placement in adult prison.
- Many of these young children are being treated as adults for minor offenses. Almost as many youth are treated as adults for property crimes as for crimes against persons. Determinations about whether a young child will be treated as an adult are marked by extreme arbitrariness, unpredictability, and racial disparities.
- 7,703 children under age 18 were held in adult local jails on a given day in 2008, and 3,650 were held in adult state prisons. In adult facilities, these youth face vastly higher risks of physical and sexual assault and suicide than they would face in juvenile facilities. The youngest children are at particular risk.
- The United States is severely out-of-step with international law and practice. Virtually all countries--including Western nations most similar to the United States, those in the developing world, Islamic nations, and countries often considered human rights violators--repudiate the practice of trying young children as adults and giving them long sentences.

## Policy Recommendations:

- **Keep young children in the juvenile justice system.** Access into the adult system must be restricted by eliminating automatic transfer laws and direct file laws for young children and by enacting reverse transfer laws allowing criminal court judges to return children to juvenile court at any stage of processing.
- **Disallow mandatory sentencing of young children in adult criminal court.** Mandatory sentencing laws intended to apply to adults should be more flexible when applied to children who are transferred to adult court. Judges should have the discretion to take account of age and amenability to rehabilitation as mitigating circumstances.
- **Always provide parole opportunities for young children transferred to the adult criminal justice system, regardless of sentence length.** Children as young as 7 could receive a *mandatory* sentence of life without parole in Florida and Pennsylvania.
- **Young children in the adult criminal justice system should be separated from the adult population and housed in juvenile facilities.** Any adult correctional facility holding juveniles should be required to comply with professional standards and should be subjected to independent oversight of children's confinement conditions.