

# DON'T THROW AWAY THE KEY REEVALUATE ADULT TIME FOR YOUTH CRIME

## SUPPORT THE FOLLOWING REFORM OF VIRGINIA'S TRANSFER SYSTEM:

- **Restore authority over transfer decisions to Juvenile and Domestic Relations District Court judges, except in murder and aggravated malicious wounding cases.**
  - Juvenile court judges have the most training and experience and are the best equipped to make transfer decisions. Expanding judicial involvement at the beginning of the process will ensure that Circuit Court resources are reserved for only the most serious and chronic young offenders.
  - Providing juvenile court judges with expanded transfer authority, while giving both the prosecution and the defense the right to appeal their decisions will restore checks and balances to our transfer system, making it more fair, transparent, and accountable.
- **Increase training on youthful offenders and dispositions for Circuit Court judges.**
- **Eliminate or greatly reduce the use of adult jails for the pre-trial detention of transferred youth.**

## NOW IS THE TIME FOR REFORM BECAUSE:

- **Nearly 700 youth a year, some as young as 14, are convicted as adults in Virginia.**
- **A majority of juvenile justice professionals across the Commonwealth support reform of Virginia's transfer laws.** When surveyed a significant majority of Virginia's juvenile and Circuit Court judges, Court Services Unit Directors, and Chief Public Defenders supported: (1) giving juvenile court judges sole discretion over transfer decisions not mandated by statute; (2) giving Circuit Court judges authority to override transfer or certification to their court ("reverse waiver"); and, (3) in appropriate cases, allowing youth to regain their juvenile statuses even if they were previously tried and convicted as adults.
- **Research from around the country confirms that transfer does not deter youth from committing crimes and in fact increases the odds that most youth will commit more crimes once released.**
- **The current system is over-inclusive.** Youth found guilty of the most violent offenses are only a small fraction of those actually transferred to adult court and receiving adult prison sentences. Youth are most often transferred for robbery. Youth found guilty of homicide or sexual assault made up only 6% and 8% respectively of the transferred population between 2001 and 2008. More than half of the young offenders convicted by Circuit Courts between 2001 and 2008 were not sentenced to adult prison and 1 in 5 of those youth received nothing more than probation.
- **Youth crime rates are down.** The predicted explosion of youth violence used to justify changes to the law did not occur. Experts agree that transfer laws did not cause the decline.
- **Youth are different from adults.** The human brain develops well into a person's twenties so youth have not yet formed their own identities or developed the capacity to make mature and responsible decisions. Youth must be punished for their crimes, but in a way that takes advantage of their unique potential for rehabilitation.



This flyer is produced by the JustChildren program of the Legal Aid Justice Center, 1000 Preston Ave., Suite A, Charlottesville, VA

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