

Record Detail

Name	Public Correctional Policy on Youthful Offenders Transferred to Adult Criminal Jurisdiction
Type	Policy
Date	Jan. 20, 1999; Jan. 14, 2004; Jan. 14, 2009
Description	<p>Introduction:</p> <p>Juveniles have developmental needs that require highly specialized management and treatment by corrections professionals; therefore, a separate system of corrections for juveniles was developed in states across the country many years ago. While the vast majority of youths are processed through the juvenile justice system, a growing number of youths in some states are adjudicated as adults and sentenced to prison. These individuals are referred to as "youthful offenders."</p> <p>Policy Statement:</p> <p>The American Correctional Association supports separate housing and special programming for youths under the age of majority who are transferred or sentenced to adult criminal jurisdiction. Therefore, correctional agencies should:</p> <p>A. Support vesting judicial officers with the decision to try youths under the age of majority as adults. The decision should be made after a hearing on the record consistent with due process protections. Judges should make specific findings of fact. In jurisdictions that nonetheless allow for prosecutorial or automatic waiver, certification should be limited to the most serious crimes of violence;</p> <p>B. Support the adoption of legislation in each state that authorizes correctional authorities to place people under the age of majority who are detained or sentenced as adults in an appropriate juvenile detention/correctional system or youthful offender system distinct from the adult system;</p> <p>C. Support the development of research and technical assistance programs by the federal government to assist states in safely and effectively addressing the complex issues and problems raised by the confinement of youthful offenders who have committed serious, violent crimes; and expanded technical assistance to states in which youthful offenders under the age of majority are confined in adult correctional and detention facilities;</p> <p>D. Support the development and use of specialized facilities and units within juvenile detention/correctional or youthful offender systems distinct from the adult system. Such specialized facilities or units should be designed to meet the security risks and programming needs of those youthful offenders under the age of majority who are transferred to adult jurisdictions or who cannot be handled by other facilities or programs within the juvenile correctional/ detention systems. Included in such facilities should be the following:</p> <ol style="list-style-type: none"> 1. A design and perimeter security that promotes safety and security; 2. The recruitment and retention of highly qualified professional staff who are well- trained and genuinely interested in providing direct services and programs to youthful offender populations;

3. Special programming and case management to meet the developmental, educational, health, religious, mental health and other special needs of youthful offenders;
4. Appropriate resident/staff ratios to meet the special security and programming needs of youthful offenders and to manage living units;
5. Mental health and suicide screening and specialized counseling for youthful offenders;
6. Screening and classification processes, both at intake and at regular intervals, to ensure that specialized facilities and/or units house only youthful offenders in need of such treatment;
7. Structured processes for the timely transmission of written information regarding a youthful offender's adjustment, achievements, and educational and disciplinary records within the specialized facility or unit for consideration upon transfer of the offender out of the facility or unit; and
8. Housing units that allow for personal interactions and group-oriented activities.

E. Support, in those jurisdictions that continue to house youths under the age of majority in adult correctional/ detention systems, housing them in specialized facilities or units that have the features set forth above. In addition, the following requirements should be met:

1. Offenders in the specialized units have no sight or sound contact with adult offenders in living, program, dining or other common areas of the facility, and opportunities for any other sight or sound contact are minimized; any such contact that does occur is brief and in conformance with any applicable legal requirements;
 2. Youthful offenders under the age of majority are housed in these specialized prisons or units except:
 - a. When a violent, predatory youthful offender poses an undue risk of harm to other youths within the specialized unit or prison; or
 - b. When a qualified specialist in the developmental, programming and other special needs of youthful offenders has determined that the offender cannot benefit from placement in the specialized prison or unit.
 3. When a youthful offender under the age of majority is placed in the general population, a written statement specifically explaining the substantial reasons for the placement is prepared;
 4. Offenders over the age of majority are placed in these specialized units only when two requirements are met:
 - a. A qualified specialist in developmental levels and needs has, after a thorough assessment, determined that an offender's developmental and programming needs can best be met through this specialized placement; and
 - b. A determination has been made that placement of the offender in the specialized prison or unit will not jeopardize the safety of the youthful offenders housed there.
 5. When an offender over the age of majority is placed in a specialized unit or prison for youthful offenders, a written statement specifically explaining substantial reasons necessitating the placement is prepared.
- F. Support the evaluation and refinement of classification systems and assessment processes by corrections professionals to ensure the appropriate placement of offenders in the specialized facilities or units for youthful offenders under the age of majority, based on risks and needs;
- G. Support the preparation and consideration of fiscal and correctional impact-assessment statements before the enactment of legislation that leads to the confinement of youths under the age of majority in adult correctional facilities; and
- H. Support the adoption of legislative, fiscal, regulatory and other mechanisms that will ensure that adequate resources are

allocated for the specialized facilities and/or units developed for youthful offenders who cannot safely and effectively be handled by existing juvenile correctional/detention facilities.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Nashville, Tenn., Jan. 20, 1999. It was reviewed and amended at the Winter Conference in New Orleans, Jan. 14, 2004. It was reviewed and amended at the Winter Conference in Kissimmee, Fla., Jan. 14, 2009.