

NAACP Resolution*
Opposition to Transfer of Youth to the Adult Criminal Justice System

WHEREAS the NAACP has previously resolved that prevention and rehabilitation are vital components of any juvenile justice policy, and that equal protection to youthful offenders be guaranteed under the law; and

WHEREAS youth of color receive more punitive treatment than their white peers for the same offenses at all stages of the justice system; and

WHEREAS African-American youth are disproportionately represented in cases transferred to adult court, representing 16% of the youth population but 35% of youth judicially transferred, and 58% of youth committed to state prison; and

WHEREAS, African-American youth are five times more likely than white youth to be charged in adult court for a drug offense; and

WHEREAS the adult criminal justice system is punitive and not rehabilitative by nature, resulting in youth being denied programming such as education, mental health treatment, and employment skills training which are essential to proper development; and

WHEREAS the historical role of the juvenile system is to rehabilitate and treat youthful offenders while holding them accountable and maintaining public safety, and it is therefore better equipped to work with youth than the adult criminal justice system; and

WHEREAS an average of 7,500 youth are held in adult jails each day in America, many of whom will be adjudicated back to the juvenile system or will not be convicted; and

WHEREAS there exists serious human rights concerns, as well as physical and emotional health concerns, for housing youth in adult jails as youth are 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility, and youth comprise 21% of all substantiated victims of inmate-on-inmate sexual violence although they are only 1% of the jail population; and

WHEREAS public safety is compromised, when youth transferred to the adult court are 34% more likely to reoffend than youth of a similar background and offense type treated in the juvenile system according to the federal Centers for Disease Control; and

WHEREAS the use of statutes or procedures that automatically exclude youth from the juvenile court without an assessment of individual circumstances by a judge denies youth basic fairness, and contradicts public opinion polls revealing that 92% of the U.S. public disagrees with such policies; and

WHEREAS the collateral consequences of an adult charge or conviction may cause youth to be denied opportunities to obtain education, employment, federal assistance, and voting rights, thereby creating further obstacles to rehabilitation.

THEREFORE, BE IT RESOLVED that the NAACP strongly opposes any policies, statutes, or laws that increase the number of youth transferred to the adult criminal justice system and the number of youth held in adult jails and prisons; and

THEREFORE, BE IT RESOLVED that the NAACP will work to end the practice of youth being tried in the adult criminal justice system and to ensure that young people are appropriately adjudicated in ways that enhance community rehabilitation, safety and stability; and

THEREFORE, BE IT RESOLVED that the NAACP strongly supports reforms that effectively reduce the overrepresentation and disparate treatment of African-American youth among youth who are prosecuted, detained, sentenced, and incarcerated as adults; and

THEREFORE BE IT FINALLY RESOLVED that the NAACP supports the creation and maintenance of programs and services that address the educational, health, mental health, and vocational needs of youth currently in and exiting from the juvenile and adult criminal justice systems.

*NAACP Resolution approved at the July 2008 National Convention.