



NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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RESOLUTION OF THE BOARD OF DIRECTORS OPPOSING THE TRANSFER OF CHILDREN TO ADULT COURT

WHEREAS the majority of states have made it easier to prosecute children as adults over the last ten years;

WHEREAS the number of children prosecuted as adults has increased ten times in the last ten years;

WHEREAS eighty-five percent of determinations to prosecute children as adults are made by prosecutors and law enforcement with little information, rather than impartial judges whose decisions are based on detailed information about both crime and child;

WHEREAS children prosecuted as adults are far less capable than adults to fully assist defense counsel, make informed judgments about trial decisions including pleading guilty, make strong witnesses in their own behalf, or understand rights which they might assert or waive;

WHEREAS children lack the experience and emotional maturity to be held equally accountable as adults for their actions;

WHEREAS children prosecuted as adults are subjected to the same penalties as adults, including sentences in adult prisons, life without parole, and the death penalty;

WHEREAS minority children are disproportionately charged in adult court when compared with white children arrested for comparable crimes, representing eighty-two percent of all children charged in adult court;

WHEREAS sentencing children as adults leads to little or no education, mental health treatment, or other rehabilitation, when children are, by nature, able to be rehabilitated --and thus makes them more likely to be subject to repeat offender provisions at an earlier age if subsequently charged with a crime after release from an initial adult court sentence;

WHEREAS children in adult prisons are almost eight times more likely to commit suicide, five times more likely to be raped, twice as likely to be beaten by prison staff, and fifty percent more likely to be attacked with a weapon than children in juvenile detention centers;

WHEREAS recidivism rates are higher for children transferred to adult court than for children who remain in the juvenile justice system;

THEREFORE BE IT RESOLVED that the National Association of Criminal Defense Lawyers opposes the prosecution of children offenders as adults and supports state legislation that prohibits the automatic and/or non-judicial transfer of children offenders to adult criminal courts.

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