

HOLDING JUVENILES UNDER CRIMINAL COURT JURISDICTION IN JUVENILE DETENTION

STATEMENT OF THE ISSUE:

The purpose of Juvenile Detention practice is to provide short term care for juveniles. In recent years more jurisdictions have been lowering the age at which juveniles may be tried as adults. This practice has created disagreement regarding the appropriate place of confinement for transferred juveniles.

NATURE OF THE ISSUE:

- Lowering the age for which juveniles may be criminally prosecuted does not change the fact that they are still adolescents.
- There has been an increase in the number of juveniles who commit serious and/or violent offenses, yet they remain a small percentage of all juvenile offenders.
- There are basic philosophical differences between the juvenile justice system and the adult criminal system. The most significant of these is the focus upon rehabilitation vs. punishment.
- Juvenile detention practitioners have training and experience necessary to manage this population effectively.
- Juveniles receive more developmentally appropriate programs and services in juvenile detention facilities than in adult jails.
- Holding juveniles being criminally prosecuted in adult settings exposes them to more career and hardened criminals.
- Research has shown juveniles are more likely to commit suicide if they are held in adult jails.
- Many adult jails lack the physical structure, programming and trained personnel to effectively manage juveniles.

POSITION STATEMENT:

The National Juvenile Detention Association (NJDA) understands that the behaviors, risks and needs of juveniles entering the justice system have changed over time and will continue to change in the future.

Nevertheless, it remains our belief that all juvenile offenders have the right to access rehabilitation and treatment services which are the fundamental principles of the juvenile justice system and of juvenile detention.

NJDA advocates a comprehensive strategy to deal with juvenile offenders.

It is the position of NJDA that waived or transferred juveniles accused of committing a crime and requiring temporary holding in a secure setting, be held in juvenile detention pending judicial determination to the contrary. NJDA opposes any action that places juveniles at risk of being victimized by adult offenders.
