



## Trying and Sentencing Youth in Adult Criminal Court

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### Coalition for Juvenile Justice (CJJ) Position Statement on Transfer:

CJJ opposes trying and sentencing youth in adult criminal court, except in the rare case of a chronic and violent offender, and then only at the discretion of a juvenile court judge. Under no circumstance does CJJ support sending a child younger than age 15 into the adult system. CJJ also opposes giving prosecutors the authority to transfer youth to adult court.

### Minimum Age for Charging Youth in Adult Court:

- Each state determines its laws for prosecuting youth in adult court. Thus, the age at which it is permitted to charge a juvenile in adult court differs from state to state.

### How Youth are Charged in Adult Court:

- In 47 states, youth can be charged in adult court through judicial waiver.
- Prosecutorial discretion/direct file can be utilized in 16 states to prosecute youth in the adult system.
- Twenty-nine states have statutory exclusion laws that mandate some children be charged in adult court for certain offenses.

### The Facts on Transfer:

- Sixty-three percent of Americans believe that all youth, regardless of the crime committed, are capable of recovery and redemption.<sup>1</sup>
- On any given day, approximately one out of 10 incarcerated youth are confined in adult facilities.<sup>2</sup>
- Youth held in adult prisons and jails are five times more likely to be victims of attempted sexual attacks or rapes than those held in juvenile institutions.<sup>3</sup>
- The suicide rate for juveniles in adult prisons and jails is nearly eight times higher than that for juveniles in youth detention centers.<sup>4</sup>
- Twenty-three states report over-representation of minority youth transferred to adult criminal court.<sup>5</sup>
- Nationwide, nearly 60% of cases petitioned for person offenses are committed by white youth, but only 45% of such cases are transferred to adult court. For black youth, 40% of cases are petitioned for the same crimes, but 50% are transferred to adult court.<sup>6</sup>

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<sup>1</sup> Peter Hart Research Associates & Public Opinion Strategies, *Changing Public Attitudes toward the Criminal Justice System*, Washington, DC, February 2002.

<sup>2</sup> Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 2006 National Report*, Washington, DC, 2006.

<sup>3</sup> U.S. Department of Justice, Bureau of Justice Assistance, *Juveniles in Adult Prisons and Jails*, Washington, DC, October 2000.

<sup>4</sup> Ibid.

<sup>5</sup> Building Blocks for Youth, *And Justice for Some*, Washington, DC, April 2000.

<sup>6</sup> Ibid.