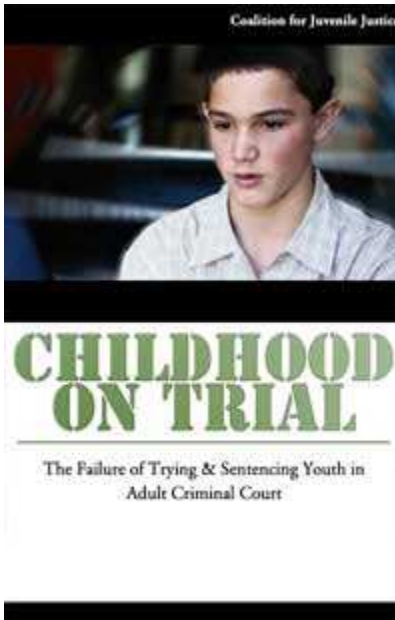


Childhood on Trial: The Failure of Trying and Sentencing Youth in Adult Criminal Court

Coalition for Juvenile Justice 2005 Annual Report



Synopsis:

Childhood of Trial: The Failure of Trying and Sentencing Youth in Adult Criminal Court (Coalition for Juvenile Justice, 2005) is a research-based report that identifies the public safety and rehabilitative failures of our nation's widespread "adult time for adult crime" policies, and reaffirms the effectiveness of retaining the vast majority of juvenile offenders in the juvenile court system. The report provides a primer on the various means by which an estimated quarter million juvenile offenders are sent into the adult criminal court each year, nationwide, including judicial waiver, direct file and statutory exclusion. It also profiles efforts for reform in more than a dozen states, including legislative reform and awareness campaigns. The report also evaluates various responses to state-level transfer policies, such as reverse waiver, blended sentencing and juvenile services in adult prisons.

Linked below, you will find:

- A four-page report overview;
- Data maps outlining state laws across the nation;
- A national resolution on trying and sentencing youth in adult criminal court (signed by more than 40 national organizations).

Cost?

Reports are \$10 each, with discounts provided for quantities of more than 50. To order copies of the report, contact the Coalition for Juvenile Justice, 1710 Rhode Island Ave., NW, 10th Floor, Washington, DC 20036, 202-467-0864, ext. 0 or info@juvjustice.org.

More information?

Childhood on Trial was supported by a grant from the John D. and Catherine T. MacArthur Foundation. For more information on CJJ's work to reform overly-broad state and federal laws on juvenile transfer and waiver, and to restore the upper age of juvenile court jurisdiction to age 18 (rather than lower ages), please contact Nancy Gannon Hornberger at 202-467-0864, ext. 111, or gannon@juvjustice.org

For more information on the work of the MacArthur Foundation's leadership initiatives in juvenile justice, go to: www.macfound.org/programs/hcd/overview.htm, and look for link to "juvenile justice."

(The following files are available in ".pdf" format which requires the free Adobe Acrobat Viewer.)

[Four-page *Childhood on Trial* Report Overview](#)

[National Resolution Regarding Trying and Sentencing Youth Offenders in Adult Criminal Court and Sign-on List of National Organizations](#)

[Data Maps and Charts Regarding State "Adult Time for Adult Crime" Laws](#)

Excerpt from *Childhood on Trial*:

A little more than 100 years ago, the country's first juvenile court was created in Chicago. It represented an historic change: a judiciary based on the premise that public safety is best served by an emphasis on rehabilitation, rather than punishment and incarceration. The juvenile court recognized that youth are not finished products and could benefit greatly from education, health and mental health treatment, vocational direction and other pro-social interventions. It recognized that children and teens are malleable and easily influenced. As a result, the court developed youth-only facilities where youngsters would not mingle with adult prisoners.

A century later, instead of celebrating a court that endeavors to protect our communities by rehabilitating youth, a wave of legislative change has threatened to dismantle it. Since 1991, almost every state has eliminated important gateways that youth have had to pass through before being deemed adults in the eyes of the law.ⁱ The laws have different names: Georgia's SB440, California's Proposition 21, New York's Juvenile Offender Law, Oregon's Ballot Measure 11 and Massachusetts' Juvenile Justice Reform Act. Each law works in a slightly different way, yet the end result is essentially the same.

These laws redefine the boundary between childhood and adulthood in ways that have little parallel in other parts of international, federal, state or local law. Around the world, age 18 is the most frequently drawn line of demarcation between child and adult.ⁱⁱ Across the country, youth must be 18 to vote; in many states, they cannot drive until they are 16 and they must be 21 to purchase alcohol. Yet, legislation allows youth who are too young to drive, get married or join the military—as young as age ten in some cases—to be tried, convicted, sentenced and imprisoned as if they are adults.

The public has become increasingly more familiar with the most shocking and dramatic of the stories, where someone has unfortunately been killed. The media closely followed the case of 12-year-old Lionel Tate who was sentenced to life in prison without parole for killing another child. The country read about Nathaniel Brazill who was 13 years old when he fatally shot a teacher and was sentenced as an adult to spend the next 28 years in prison. But, while highly-publicized and memorable, these cases only hint at the astounding frequency and myriad lesser crimes for which youth are being swept, without appropriate judicial review and individualized assessment, into the adult criminal justice system—youth that the public hears little or nothing about.

In Michigan, a 14-year-old girl named Christie Eve Clore, with braces on her teeth, was sentenced to a year in prison, surrounded by adult criminals, for setting a neighborhood fire in which no one was physically hurt.ⁱⁱⁱ In California, a 16-year-old named Michael Duc Ta—whose only previous contact with police was as a protective measure when he had suffered a beating by his father—is serving a sentence of 35 years to life for driving a car from which shots were fired, even though no one was hurt; this is a stiffer sentence than a adult might get for premeditated murder.^{iv}

Even more egregious, in New York, Vermont and other states, thousands upon thousands of 16 and 17-year-olds are being prosecuted in the adult system, not just for violent crimes like murder and rape, but also for nonviolent crimes, such as burglary and drug offenses. In these states, even a misdemeanor, such as possession of a small amount of marijuana, can mean that a youth winds up in adult court. Across the country, nearly one in five offenders under age 18— the vast majority of whom have committed nonviolent offenses—is prosecuted as an adult.^v

- Each year, as many as 218,000 youth under age 18 are automatically excluded from the juvenile justice system—not because of the severity of their crimes and not because they are violent and habitual offenders—but solely because of their age.^{vi} Thirteen states have discarded the traditional age of 18 and established a lower age of adulthood for youth who commit any crime,

major or minor, significant or insignificant.^{vii} The majorities of these 16-or 17-year-olds have committed nothing more serious than minor property or drug offenses, but are sent into the adult system simply because they are legally defined as adults under state law.

- Twenty-nine states automatically exclude certain youth and certain crimes (ranging from serious violent crimes to lesser offenses, such as drug charges) from juvenile court jurisdiction. Twenty-two states require or allow adult prosecution of juveniles accused of property offenses, such as burglary.^{viii}
- As in Florida, 15 states have *direct file*^{ix} laws, which give the prosecutor discretion to bypass the juvenile court judge and move juvenile cases directly into adult court.
- Thirty-four states have enacted "once an adult, always an adult" statutes, meaning that a youth who is convicted in adult court will typically remain in adult court, no matter how small and insignificant the subsequent offense.^{xi}

ⁱ American Bar Association, "Youth in the Criminal Justice System: Guidelines for Policymakers and Practitioners." abanet.org/crimjust/pubs/reports/introduction.html, 2004.

ⁱⁱ "United Nations Division of Social Policy and Development," www.un.org/events/youth2000/def2.htm.

ⁱⁱⁱ Tamara Audi, "Prison at 14: Teenage Girls Serve Time with Adult Inmates," *Detroit Free Press*, 10 July 2000.

^{iv} Greg Krikorian, "Dispute Grows Over Tough Gang-Related Sentencing by Courts," *Los Angeles Times*, 9 April 2001.

^v Lon Lanza-Kaduce, Charles E. Frazier, Jodi Lane and Donna Bishop, Juvenile Transfer to Criminal Court Study: Final Report. (Florida Department of Juvenile Justice www.djj.state.fl.us/statsresearch/contractreports/juveniletransfers.pdf. Jan, 2000

^{vi} Figured based on analysis of 1996 data and statement made in Juvenile Offenders and Victims, 1999 National Report, along with personal communication with Melissa Sickmund. "If the 1.8 million 16 and 17-year-olds in the 13 states with lower upper ages of juvenile jurisdiction are referred to criminal court at the same rate that 16 and 17-year olds are referred to juvenile court in other states, then as many as 218,000 cases involving youth under the age of 18 would have faced trial in criminal court in 1996 because the offenders were defined as adults under state law."

^{vii} Bozynski, Melanie and Szymanski, Linda. 2004. "National Overviews." *State Juvenile Justice Profiles*. Pittsburgh, PA: National Center for Juvenile Justice. Online. Available: www.ncjj.org/stateprofiles/.

^{viii} Patrick Griffin, Trying and Sentencing Juveniles as Adults: An Analysis of State Transfer and Blended Sentencing Laws (Pittsburgh, PA: National Center for Juvenile Justice, 2003)

^{ix} Also known as *prosecutorial discretion or concurrent jurisdiction*

^x Patrick Griffin, Trying and Sentencing Juveniles as Adults: An Analysis of State Transfer and Blended Sentencing Laws (Pittsburgh, PA: National Center for Juvenile Justice, 2003)

^{xi} Patrick Griffin, Trying and Sentencing Juveniles as Adults: An Analysis of State Transfer and Blended Sentencing Laws (Pittsburgh, PA: National Center for Juvenile Justice, 2003)