



A CAMPAIGN OF THE JUVENILE JUSTICE & DELINQUENCY PREVENTION COALITION

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YOUTH IN THE ADULT SYSTEM

FACT SHEET

In the majority of states, youth who are prosecuted as adults may be sentenced to serve time in adult prisons where they may be at risk of assault, abuse, and death. While in an adult facility, these youth will receive little to no rehabilitative treatment or educational services.

Youth commit only a small portion of the nation's crime and that number is on the decline, but the United States still locks up more youth than other developed nation.

For example, in 2012, 11% of violent crime arrests and 18% of the property crime arrests nationwide involved only youth.¹ According to the FBI, youth under age 18 accounted for 11% of all arrests.² The number of persons arrested in 2012 decreased 2.0 percent when compared with the number of persons arrested in 2011. The number of youth under the age of 18 arrested in 2012 decreased 10.4 percent from the number of youth arrested the previous year.³ Since 1995 the rate of confinement for youth has dropped over 40%.

Despite this drop the United States has the highest rate of juvenile detention or confinement from juvenile probation violation than any other developed country.⁴ In 2010 there were 225 youth for every 100,000 in confinement.⁵ This decline is due to different state policies rather than any federal policies.⁶ However, nearly 40% of those who are in confinement are there due to a technical violation of probation, drug offenses, public order offenses, status offenses, and low level property offenses.⁷

Most Youth in the Adult System are Non-Violent

An estimated 250,000 youth are tried, sentenced, or incarcerated as adults every year across the United States.⁸ Most of the youth prosecuted in adult court are charged with non-violent offenses.⁹

Housing Youth in Adult Jails and Prisons is Often Unnecessary

On any given night in America, approximately 6200 children are held in adult jails and prisons.¹⁰ Approximately 100,000 youth are admitted into local adult facilities and prisons each year.¹¹

Adult Jails: On any given day, approximately 4500 young people are locked up in adult jails.¹² Currently, 39 states permit or require that youth charged as adults be held before they are tried in an adult jail. In some states, if they are convicted, they may be required to serve their entire sentence in an adult jail.¹³ Many youth who are held in adult jails have not even been convicted. Research shows that many never will. As many as one-half of these youth will be sent back to the juvenile justice

system or will not be convicted. Yet, most of these youth will have spent *at least one month* in an adult jail, and one in five of these youth will have spent *over six months* in an adult jail.¹⁴

Adult Prisons: On any given day, approximately 1800 young people are locked up in adult prisons.¹⁵ The majority of youth held in adult prisons are *not* the most serious offenders and are likely to be released in early adulthood. Approximately 80 percent of youth convicted as adults will be released from prison before their 21st birthday, and 95 percent will be released before their 25th birthday.¹⁶ At the other extreme, we know that some young people incarcerated in adult prisons will expect to spend the majority of their lifetimes behind bars. Human Rights Watch reported in 2009 that an estimated 2,600 people were serving life without parole for crimes they committed while under age 18.¹⁷

Youth are Not Safe in Adult Facilities

Youth are in extreme danger when held in adult facilities. Jailers and Corrections officials are faced with a “no win” situation when youth are placed in adult facilities: they can't keep youth safe and segregating youth in isolation/solitary confinement creates a different, but equally harmful result.

Many children are often placed in isolation which can produce harmful consequences, including death. Youth are frequently locked down 23 hours a day in small cells with no natural light. These conditions can cause anxiety, paranoia, and exacerbate existing mental disorders and put youth at risk of suicide. In fact, youth housed in adult jails are five times more likely to commit suicide than are youth housed in juvenile detention facilities.¹⁸

Youth who are held in adult facilities are at the greatest risk of sexual victimization. According to research by the Bureau of Justice Statistics, youth under the age of 18 represented 21 percent of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005, and 13 percent in 2006 – surprisingly high since only one percent of jail inmates are juveniles.¹⁹ The National Prison Rape Elimination Commission found that “more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse.”²⁰

State laws vary widely as to whether youth can be housed in adult facilities. Although the federal Juvenile Justice and Delinquency Prevention Act (JJDP A) requires that youth in the juvenile justice system be removed from adult jails or be sight-and-sound separated from other adults, these protections do not apply to youth prosecuted in the adult criminal justice system.²¹

Youth in Adult Facilities Do Not Have Access to Educational or Rehabilitative Programs

Most youth are denied educational and rehabilitative services that are necessary for their stage in development when in adult facilities. A survey of adult facilities found that 40% of jails provided no educational services at all, only 11% provided special education services, and a mere 7% provided vocational training.²²

Youth sentenced as adults receive an adult criminal record, are often denied employment and educational opportunities, and can be barred from receiving student financial aid.²³

Sentencing Youth as Adults Costs More and Does Not Reduce Crime

Research shows that young people who are kept in the juvenile justice system are less likely to re-offend than young people who are transferred into the adult system. According to the Centers for

Disease Control and Prevention, youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely than youth retained in the juvenile court system to be re-arrested for violent or other crime.²⁴

Incarcerating young people in juvenile detention facilities costs between \$32,000 and \$65,000 per year,²⁵ and operating just one bed over a twenty-year period can cost between \$1.25 million and \$1.5 million.²⁶

Alternatives to incarcerating youth not only reduce crime, but save money. Research has shown that every dollar spent on evidence-based programs [e.g., Multidimensional Treatment Foster Care (MTFC), Multisystemic Therapy (MST), and Functional Family Therapy (FFT)] can yield up to \$13 in cost savings.²⁷

Early interventions that prevent high-risk youth from engaging in repeat criminal offenses can save the public nearly \$5.7 million in costs over a lifetime.²⁸

Prepared by the Campaign for Youth Justice
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¹ Federal Bureau of Investigation. Crime in the United States 2012. Washington, D.C. Retrieved August 14, 2014 from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/36tabledatadecoverviewpdf>.

² Federal Bureau of Investigation. Crime in the United States 2012. Washington, D.C. Retrieved August 14, 2014 from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/36tabledatadecoverviewpdf>.

³ Federal Bureau of Investigation. Crime in the United States 2012. Washington, D.C. Retrieved August 14, 2014 from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/36tabledatadecoverviewpdf>.

⁴ The Annie E. Casey Foundation. (February 2013). Reducing Youth Incarceration in the United States. The Annie E. Casey Foundation Retrieved September 20, 2013 from <http://www.aecf.org/~media/Pubs/Initiatives/KIDS%20COUNT/R/ReducingYouthIncarcerationSnapshot/DataSnapshotYouthIncarceration.pdf>

⁵ The Annie E. Casey Foundation. (February 2013). Reducing Youth Incarceration in the United States. The Annie E. Casey Foundation Retrieved September 20, 2013 from <http://www.aecf.org/~media/Pubs/Initiatives/KIDS%20COUNT/R/ReducingYouthIncarcerationSnapshot/DataSnapshotYouthIncarceration.pdf>

⁶ The Annie E. Casey Foundation. (February 2013). Reducing Youth Incarceration in the United States. The Annie E. Casey Foundation Retrieved September 20, 2013 from <http://www.aecf.org/~media/Pubs/Initiatives/KIDS%20COUNT/R/ReducingYouthIncarcerationSnapshot/DataSnapshotYouthIncarceration.pdf>

⁷ The Annie E. Casey Foundation. (February 2013). Reducing Youth Incarceration in the United States. The Annie E. Casey Foundation Retrieved September 20, 2013 from <http://www.aecf.org/~media/Pubs/Initiatives/KIDS%20COUNT/R/ReducingYouthIncarcerationSnapshot/DataSnapshotYouthIncarceration.pdf>

⁸ Arya, Neelum. (2011). *State Trends: Legislative Victories from 2005 to 2010 Removing Youth from the Adult Criminal Justice System*. Washington, DC: Campaign for Youth Justice.

⁹ Arya, Neelum. (2011). *State Trends: Legislative Victories from 2005 to 2010 Removing Youth from the Adult Criminal Justice System*. Washington, DC: Campaign for Youth Justice.

¹⁰ Minton, Todd D. (June 2013). *Jail inmates at midyear 2013*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. E. Ann Carson and William J. Sabol (Dec. 2011). *Prisoners in 2011*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

¹¹ American Civil Liberties Union and Human Rights Watch. (October 2012). *Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States*.

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- ¹² Minton, Todd D. (June 2013). *Jail inmates at midyear 2013*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- ¹³ *Jailing Juveniles* (2007, November). Washington, DC: Campaign for Youth Justice.
- ¹⁴ *Id.*
- ¹⁵ Daniela Golinelli, Ph.D., Todd D. Minton (May 2013). *Prison inmates at midyear 2013*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- ¹⁶ Richard E. Redding, *Juvenile transfer laws: An effective deterrent to delinquency?* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention) (Aug. 2008).
- ¹⁷ Human Rights Watch. State Distribution of Estimated 2,574 Juvenile Offenders Serving Life Without Parole. (October 2009). New York, NY. Retrieved on October 26, 2009 from <http://www.hrw.org/en/news/2009/10/02/state-distribution-juvenile-offenders-serving-juvenile-life-without-parole>.
- ¹⁸ According to the Bureau of Justice Statistics, the suicide rate for youth in adult jails was 36 per 100,000 in 2014 (Noonan, Margaret E., "Mortality in Local Jails, 2000-2014 – Statistical Tables" (2016). Available at <https://www.bjs.gov/content/pub/pdf/mlj0014st.pdf>). The rate of suicides of juveniles in juvenile custody is about the same as the suicide rate of youth in the general population (Snyder, Howard N. "Is Suicide More Common Inside or Outside of Juvenile Facilities?" *Corrections Today* (February 2005) Available at http://www.ncjj.org/PDF/Howardpubs/Research_Notes_2_05.pdf); and according to the Centers for Disease Control and Prevention, the suicide rate for 16-17 year olds in the general population from 2000-2015 was 6.98 per 100,000 (Generated using the Web-based Injury Statistics Query and Reporting System (WISQARS) at <https://webappa.cdc.gov/sasweb/ncipc/mortrate.html>).
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- ²⁴ Centers for Disease Control and Prevention. (2007) Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services. *MMWR* 2007; 56 (No. RR-9). Available online at <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.
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- ²⁸ Cohen, Mark A. and Piquero, Alex R., New Evidence on the Monetary Value of Saving a High Risk Youth, Vanderbilt Law and Economics Research Paper No. 08-07, available at SSRN: <http://ssrn.com/abstract=1077214>. (December 2007).