

YJAM 2021

It's time to take action for youth.



PROTECT CHILDHOOD

Children are often pushed into the criminal justice system for normal adolescent behavior subjecting them to trauma, interrupted education, and long term collateral consequences. We aim to protect childhood by putting in place simple barriers to reduce youth from being needlessly sent to juvenile courts for routine behaviors. These include establishing a minimum age of prosecution, eliminating the valid court order exception, reducing the presence of law enforcement in schools, and resourcing schools and communities with mental health resources.



We ask Congress to pass the following protections for youth:

- **HR 2908** (Bass) establishes a minimum age of 12 for criminal culpability for children: Despite an internationally recommended minimum age of 14 years old, the federal government and 28 states have no minimum age of jurisdiction. Momentum is growing across the country to establish a reasonable minimum age to protect children with 14 states introducing legislation in 2021 alone. HR 2908 would establish a minimum age of juvenile prosecution of 12 for youth in federal court.
- **VCO Exception** - Introduce and pass legislation to close the loophole in the Juvenile Justice and Delinquency Prevention Act known as the valid court order (VCO) exception, which enables young people to be detained for minor behaviors such as running away from home or skipping school.

- **S.4360/H.R.7848** - The Counseling Not Criminalization in Schools Act* prohibits federal funds from being used to maintain police in schools while investing funds to hire counselors, social workers, and other trauma-informed support personnel necessary to create safe and inclusive learning environments. As written, the legislation aims to incentivize states and districts to bring an end to the criminalization of young people, particularly Black, Native American and Latino students, immigrant students, students with disabilities, LGBTQ+ students and other historically marginalized students and instead invest in safe and nurturing environments where all students can thrive.



Take action to end the over criminalization and over incarceration of young people.

TREAT KIDS AS KIDS

Every country has adopted basic human rights protections that treat children differently than adults when they come into conflict with the law. This includes not sentencing children by the same standards used for adults, not placing children in adult jails or prisons, banning life without parole sentences for children, and establishing a minimum age of criminal culpability, among others.

Yet in the United States, 6,000 children are prosecuted in the adult criminal justice system. Eighty three percent of these children are racial minorities. In the federal system, children as young as 13 can be tried as an adult and once they turn 16, they are directly filed in adult court for a set of crimes, again without review. Research has shown that this is a failed public policy that does not preserve public safety.

*The Counseling Not Criminalization in Schools Act found here: https://www.murphy.senate.gov/imo/media/doc/cncisa_bill_text.pdf

We ask Congress to take action by passing the following protections to keep kids out of adult courts:

- **H.R. 2834/S. 2498** (Protecting Miranda Rights for Kids Act); requires parents to be notified when a child is arrested and requires that the child consult with legal counsel before they can waive their Constitutional Rights and be subject to custodial interrogation.
- **H.R. 2908** (Childhood Offenders Rehabilitation and Safety Act);
- **H.R. 2858** (Sara's Law and the Unfair Sentencing of Minors Act): would retroactively end life and de facto life without parole by giving individuals convicted of crimes as children the ability to petition a judge for sentencing review and modification after serving 20 years; give judges the ability to depart from mandatory minimums when sentencing children (up to 35% away from the minimum); and protect child sex crime victims from harsh sentencing when they commit acts of violence against their abusers.
- **S. 1014** (First Step Implementation Act): Provides release eligibility after 20 years to children who were under the age of 18 at the time of their offense. To qualify for release, an individual must demonstrate to a judge that they pose no safety threat and that the interests of justice warrant a sentence modification.
- In addition to establishing a minimum age of prosecution, **H.R. 2908 (Bass)** increases the minimum age for a child to be tried as an adult from 13 to 16; eliminates the felony murder rule for children; prohibits the placement of children in adult jails or prisons; requires data collection on youth who come into the federal criminal justice system; and establishes a grant block program for treatment and services for children under 12 and child victims of commercial sexual exploitation.



REVERT FUNDS FROM FACILITIES TO FAMILIES AND COMMUNITIES

Removing children from their families and communities disrupts their development and leads to greater harm down the line. When incarcerated, youth are unable to appropriately develop social connections within their communities and establish the support systems they need to successfully transition to adulthood. Racial disparities plague the system with black youth nearly 5 times

more likely than white youth to be incarcerated. Additionally, incarcerating youth is expensive. The average cost of the most expensive confinement option for youth in 48 states was [\\$588 per day, or \\$214,620 per year.](#)

[1] Center on Juvenile and Criminal Justice. (2019). Collaborating for Successful Reentry: A Practical Guide to Support Justice-Involved Young People Returning to the Community. Annie E. Casey Foundation.

Congress should prioritize effective community-led, family-focused, youth-centered programs, which, support long-term success and strengthen families and communities by:

- **Appropriating \$100 million called for in the Biden budget plan** to close and repurpose youth prisons. Funding would be used to support a robust planning process to 1) help redirect state resources freed up by closures to support more effective alternatives to incarceration and community-based programs for system-involved youth and needed services and opportunities outside of the justice system, and 2) address economic concerns such as the re-employment of prison workers and the economic impact of youth prison closures on communities.

- Following findings from the Department of Health and Human Services Office of the Investigator General's investigation, we encourage a full evaluation of the health and safety of youth placements receiving federal funds to provide children treatment services and benefits under Medicaid, SAMHSA grants, and Titles IV-B and IV-E of the Social Security Act.