

WINNING THE CAMPAIGN:

State Trends in
Fighting the Treatment
of Children As Adults
in the Criminal Justice
System

2005 - 2020

CAMPAIGN FOR
YOUTH JUSTICE
BECAUSE THE CONSEQUENCES AREN'T MINOR



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YOUTH  JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR

The Campaign for Youth Justice (CFYJ) is a national initiative focused entirely on ending the practice of prosecuting, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system. CFYJ was initiated in 2004 by a parent whose son was transferred to the adult criminal court for prosecution. Stemming from her family's circumstances and a desire to change state and federal policies that allow for the prosecution of hundreds of thousands of youth in adult court every year, this parent made a financial commitment to launch a national campaign. Subsequently, the Campaign for Youth Justice officially opened in July, 2005.

LETTER FROM MARCY MISTRETT CAMPAIGN FOR YOUTH JUSTICE CEO



Dear Reader,

The year 2020 is one none of us will soon forget. After 15 years of operation, the Campaign for Youth Justice has decided to declare a win on our national campaign and wind down our operations. Little did we anticipate a year where a global pandemic exposed how many children are unnecessarily incarcerated nor the unprecedented momentum behind ending the pervasive racism and violence in law enforcement systems across the country. Against this backdrop, CFYJ was inspired to see state legislatures continue to move reform in a positive direction. States with short legislative sessions like Utah and Virginia were able to pass meaningful legislation before the COVID-19 pandemic brought normal legislative activities to a halt nationwide.

Meanwhile, youth justice advocates, pulled in multiple directions by a succession of crises, connected the dots between the US legacy of racism – and the structures that exist as a result of racist policing – including the over-incarceration and treatment of children as if they were adults. This is a connection that had been eloquently illustrated the previous year in the 2019 film “When They See Us” by Peabody Award winner Ava DuVernay.¹

During our tenure, CFYJ has seen steady and significant progress in reducing the number of children prosecuted as adults; while continuing to decry the persistent racial disparities and unwillingness of systems to address youth engaging in violence from a healing, public health approach. The coming years present the possibility of more rapid, sweeping change, but also the potential for serious backlash. As we wind down our operations in December, we will call on the field to make deep investments in the states who persist in trying, sentencing and incarcerating children as if they were adults. Our friends at the Sentencing Project will be monitoring data and legislation to continue to track trends, report on data, and flag any backlashes to progress made, and to continue progress on narrowing the pathways that lead to the transfer and sentencing of youth to adult sanctions.

2021 will provide this country with a moment of reckoning. Just a month from now, elections at the national, state, and local levels will have a profound impact on which direction things go for the future of our children. We encourage all of us in the movement to #VoteYouthJustice!

We know that without the support and leadership of those who faced adult prosecution when they were children, this movement would not have gotten as far as it has. We know that movement building takes time, strategy, and the unwavering commitment by partners like all of you who have helped these trends bend toward justice.

In Solidarity,

A handwritten signature in black ink that reads "Marcy Mistrett". The signature is fluid and cursive, with the first name "Marcy" being more prominent than the last name "Mistrett".

Marcy

ACKNOWLEDGEMENTS

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WINNING THE CAMPAIGN: TRENDS FROM 2005-2020

“I was 16, forced to be a man when I was just a child. I didn’t understand the Court’s language and didn’t participate in my defense. My existence was erased, my adulthood shaped by those who had lost their humanity.”

--Child sentenced to natural life in FL.

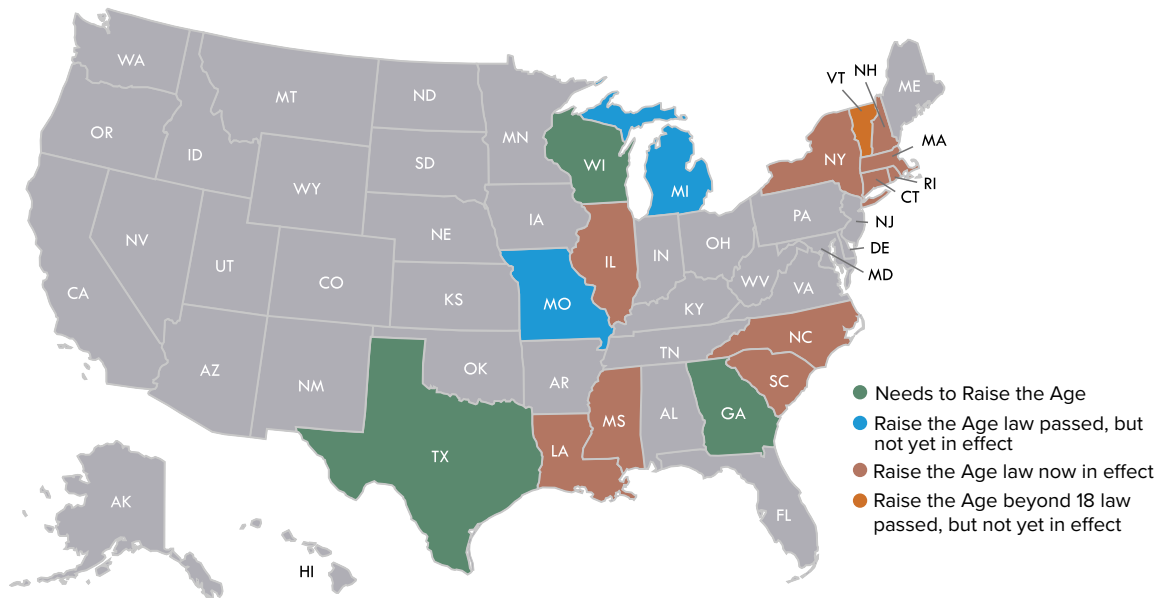
The Campaign for Youth Justice celebrates that in the past 15 years, many of the goals we set out to accomplish as a national campaign have been met. Eighty percent of the states (40 states and Washington, DC) have changed their laws to make it more difficult to treat children as if they were adults. In 28 states, this has meant multiple reforms. As a result, the number of youth charged as adults has dropped. From an estimated 250,000² to 75,900³, as youth crime and arrest rates continue to fall to their lowest point in 50 years.⁴ At the national level, two federal laws now exist that incentivize the removal of children from adult facilities – the Prison Rape Elimination Act (PREA) and the Juvenile Justice and Delinquency Prevention Act (JJDP). These laws have proven to be critical and effective reforms. The number of youth held in adult prisons has dropped 68 percent since 2005⁵, and the number of youth in adult jails has decreased by 50 percent⁶ – while jail populations overall have only dropped by 10 percent.⁷ Campaigns to raise the age of juvenile court jurisdiction have brought the country to a near unanimous consensus that 18 should be the minimum age of adult criminal responsibility in states. This progress is to be celebrated.

When the Campaign for Youth Justice began its work 15 years ago, positive bills restricting the prosecution of children as adults were few in number, with perhaps one or two managing to become law each year. Now, we see over 100 good reform bills filed every year, with 7-10 becoming law. In addition, the policy narrative has changed. More and more, the debate in states is not about “whether” fewer children should be prosecuted as adults, but “how” – the moral argument has, largely, been won.

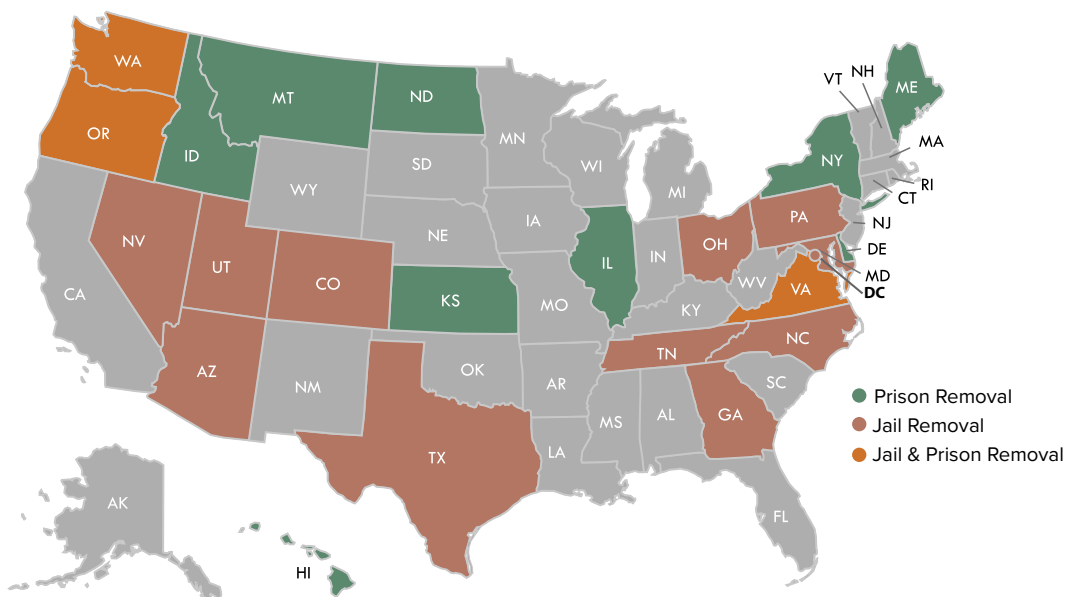
During the three years covered by this report (2018-2020), 23 states changed their laws; nine of these states passed comprehensive legislation or multiple bills covering more than one area of reform. These reforms were championed by youth, families, and advocates whose tireless fight made this progress possible. The lesson that reform begets more reform is one that cannot be lost; as the movement fights for full abolition of the prosecution of children as adults, these research-driven wins need to be remembered.

Reforms that reduce the ways that children are treated as if they are adults fall into the following macro trends:

RAISE THE AGE: Since 2005, Raise the Age campaigns have been successful in 13 states, including Vermont, where 18 and 19-year-olds are being incorporated into the juvenile system, and Rhode Island, where the age was raised to 18 just one year after it had been lowered to 17. This has closed the “front door” of the criminal justice system to more than 150,000 children every year.

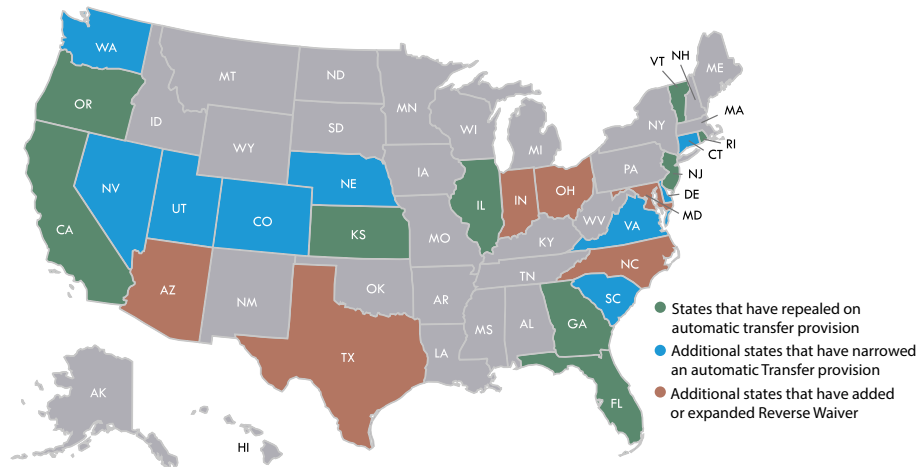


JAIL & PRISON REMOVAL: Almost half the states – 24 – have passed reforms to reduce or eliminate the housing of children in adult jails or prisons. These reforms have been encouraged by two federal laws, the Prison Rape Elimination Act and the Juvenile Justice & Delinquency Prevention Act, that both provide financial incentives for states to treat children in a more developmentally appropriate system of care.



ENDING/REDUCING AUTOMATIC TRANSFER: 24 states have passed reforms narrowing or eliminating automatic pathways through which children are transferred to the adult court, granting increased judicial review and discretion in the transfer decisions.⁸ After Illinois' 2015 reform, which raised the age of eligibility and shrank the number of offenses for which a child had to be charged as an adult, was ruled retroactive, 186 cases of children in Cook County who had been automatically charged as adults were reviewed by prosecutors and the courts. Ultimately only 3 of those cases were transferred to adult court, while 6 others resulted in a suspended adult sentence.⁹ This demonstrated with great clarity how many inappropriate cases are swept into the adult system by automatic transfer laws.

In California, the passage of the 2016 voter initiative known as Prop 57 eliminated all forms of waiver that do not include full judicial discretion. Two years later, the state raised the floor for judicial transfer to age 16, and as a result transfers have dropped from several hundred a year to under 100.¹⁰ This reform established California as the only state in the nation that prohibits the transfer of any child under age 16.



These policy wins wouldn't be possible without research, data, communications, organizing, and the powerful stories of children sentenced as adults.

Since 2005, much progress has been achieved at reducing the adultification of youth, but future reforms must take place locally, with a grounding in racial justice, so that children, particularly Black and brown youth, are able to preserve their childhoods.

Every three years since 2011, the Campaign for Youth Justice has issued a **State Trends** report cataloging successful state legislation that limits the practice of treating children as if they were adults in the criminal justice system. This **State Trends** report will highlight movement in the field between 2018-2020. The report will cover four trends: (1) laws expanding juvenile court jurisdiction so that 16- and/or 17-year-olds are not automatically treated as adults, (2) laws removing youth from adult jails and prisons, (3) laws reducing judicial transfer of youth to the adult system and allowing children to transfer back to the juvenile system, and (4) laws reducing the automatic transfer of youth to the adult system. A fifth section will look at other important trends in sentencing and conditions of confinement.

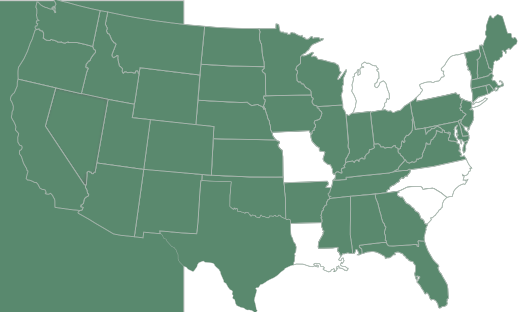
As this is CFYJ's last report, these sections on state trends are followed by three sections for the field: lessons learned, calls to action, and policy recommendations.

STATE TRENDS 2018-2020

TREND 1

Two states passed laws to raise the age of juvenile court jurisdiction to include 17-year-olds, while four states fully implemented their raise the age laws during this period.

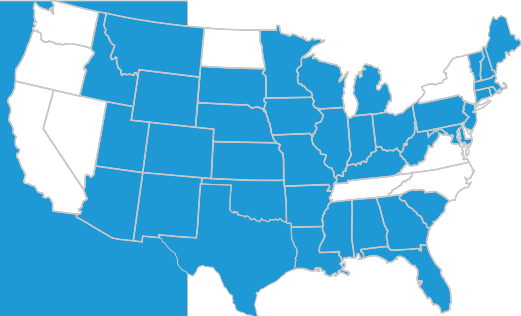
Louisiana, Michigan, Missouri, North Carolina, New York & South Carolina



TREND 2

Ten states and Washington, D.C., passed laws limiting the housing of youth in adult jails and/or prisons.

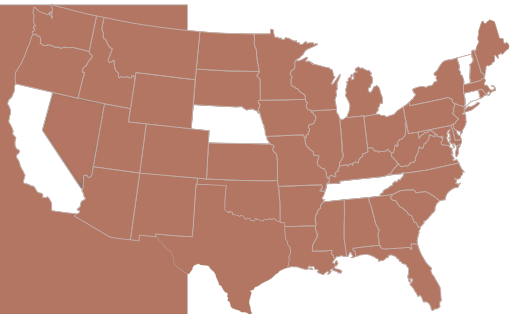
California, District of Columbia, Delaware, Nevada, New York, North Carolina, North Dakota, Oregon, Tennessee, Virginia, Washington



TREND 3

Five states passed laws to return discretion to juvenile court judges or create a pathway back to juvenile court for children who are excluded due to their age and charge.

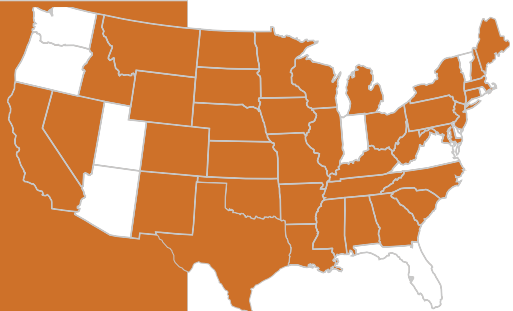
California, Connecticut, Nebraska, Tennessee, Vermont



TREND 4

Ten states passed laws narrowing or eliminating automatic transfers by judges, prosecutors or statutory exclusions.

Arizona, Delaware, Florida, Indiana, Oregon, Rhode Island, Utah, Virginia, Vermont & Washington



TREND 1:

STATES RAISE THE AGE OF JUVENILE COURT JURISDICTION

When the Raise the Age movement began in 2007 there were 14 states that excluded 16 or 17-year-olds from the juvenile justice system solely because of their age. Today, there are three, making the United States close to agreeing, for the first time since the inception of a separate, juvenile court 120 years ago, that 18 should be the minimum age of adult criminal responsibility.

Between 2018-2020, two more states raised the age, Missouri and Michigan, bringing roughly 15,000 additional youth back from the adult criminal justice system annually. Both bills were supported in bi-partisan efforts, one signed into law by a Republican Governor, the other by a Democrat.¹¹ As we saw from previous Raise the Age laws, the “moral argument” around raising the age was won, and states just had to figure out ways to shift funding from the state to the counties.

States Raise the Age of Juvenile Court Jurisdiction: Recent Successes (2018-2020)



MISSOURI

After several years of effort by a growing coalition of organizations and individuals, in which CFYJ played a leading role, legislation to raise the age of juvenile court jurisdiction (SB 793¹²) passed during the 2018 legislative session. This success was the result of a decade of tireless fighting for reforms sparked by FORJ-MO (Friends & Families Organizing for Reform of Juvenile Justice) and CFYJ Spokesperson, Tracy McClard, whose son, Jonathan, had committed suicide in a Missouri jail. A study of the economic impact of Raise the Age, authored by Dr. David M. Mitchell at Missouri State University and released in November 2017, demonstrated that keeping 17-year-olds out of the adult criminal justice system would have a positive long-term effect on the state's economy, projecting higher incomes and tax revenues from the cohort of 17-year-olds affected by the change. The Raise the Age bill was signed on June 1, 2018 by then Governor Eric Greitens, and will go into effect on January 1, 2021, at which time

Missouri will become one of just six states where children can only be transferred to the adult system by a judge (except for those with previous convictions in adult court). SB 793 included a funding mechanism to help the juvenile justice system handle short term costs, but did not provide any kind of guidance for implementation of the law, and no implementation task force was created. In 2020, Missouri did launch a Blue Ribbon Panel on Juvenile Justice to coordinate implementation of their Raise the Age law. In St. Louis, work to coordinate implementation of the new law in the state's largest jurisdiction has been led by Kristian Blackmon, a local organizer with the Campaign for Youth Justice.

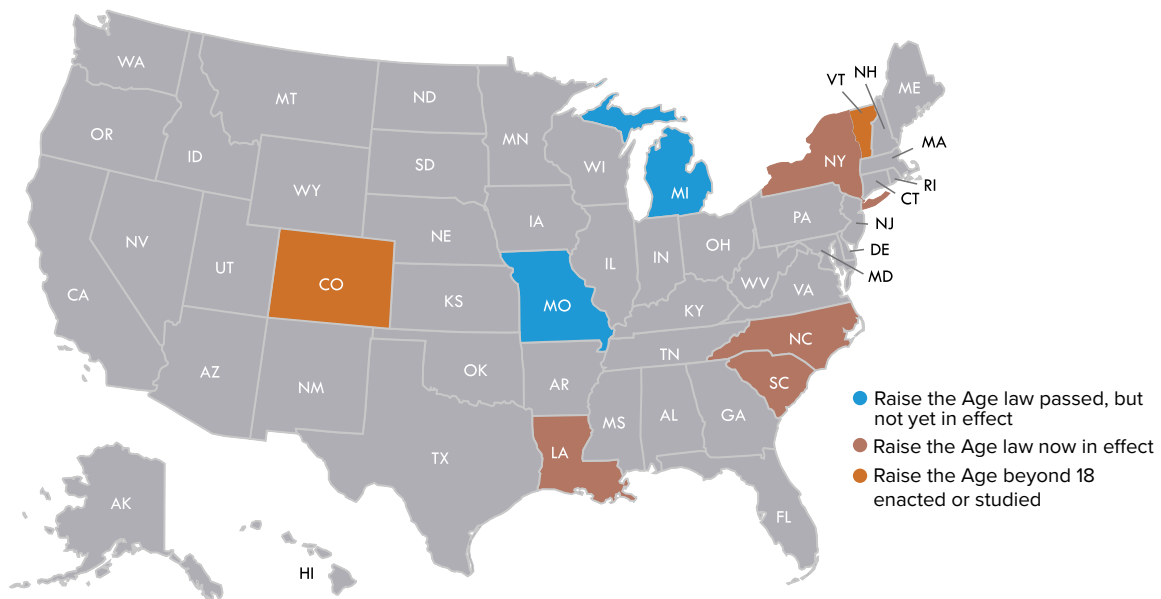


MICHIGAN

As in Missouri, it was after several years of concerted effort by a strong and ideologically diverse coalition of advocates and families joined by a bi-partisan group of determined legislators that legislation raising the age to 18 finally became law. Signed on October 31, 2019, by Governor Gretchen Whitmer, the Raise the Age package of 18 bills goes into full effect in October 2021.¹³ The success of the legislation followed an analysis of the costs of raising the age, requested by the Criminal Justice Policy Commission of the state's Legislative Council and published in March 2018,¹⁴ and the final package included a funding formula designed to protect counties and ensure that short-term costs are adequately covered. Concerns about costs were a primary source of opposition

from the Michigan Association of Counties, but resolutions in support of Raise the Age passed by several important county governments, including those of Washtenaw, Ingham, and Wayne counties, demonstrated broad support for the policy change.

The package of bills initially included legislation to prohibit children under 18, even those convicted as adults, from being incarcerated in adult prisons, but that proposal ultimately did not pass. After October 2021, children in Michigan can still be transferred to the adult court by judges, or, in some cases, directly filed in adult court by prosecutors.



Implementation of Passed Raise the Age Laws

In addition to these two states, all four states who passed legislation in 2015-2017, fully implemented their laws. This was not without a struggle, as is shown by the updates made in the 2019 legislative session:



LOUISIANA

Louisiana (HB 241)¹⁵: This Raise the Age technical corrections bill reconciles aspects of Louisiana's code that did not reflect or conform with the state's raise the age law. Louisiana's Raise the Age law, which returned 17-year-olds to the juvenile justice system, was passed in June 2016, and went into effect for non-violent offenses on March 1, 2019, and for violent offenses on July 1, 2020.



NEW YORK

New York's Raise the Age law was phased in, with 16-year-olds brought into the juvenile system starting on October 1, 2018, and 17-year-olds on October 1, 2019. Early data from the 2018 implementation for 16-year-olds was promising, showing a significant decline in the number of 16-year-olds arrested,¹⁹ following a familiar pattern from other Raise the Age states in which, once children are re-defined as children, arrests have dropped.



NORTH CAROLINA

North Carolina (SB 413)¹⁶: This Raise the Age modification bill updates the 2017 legislation before implementation of the law on December 1, 2019. This bill was developed from recommendations of the Juvenile Jurisdiction Advisory Committee.¹⁷ Specifically, it notes that the "once an adult, always an adult" provision does not apply to youth charged with misdemeanor motor vehicle violations or infractions other than driving while impaired. It also creates a provision to allow youth to be transferred back to juvenile court from adult court if the prosecutor and defense counsel agree to the transfer. It also provides for the automatic expunction of records when a youth is remanded back to juvenile court from adult court. The Governor signed SB 413 into law on August 1, 2019. North Carolina's Raise the Age law included carve-outs that statutorily excluded children charged with A-G felonies from the juvenile system, and went into effect on December 1, 2019.



SOUTH CAROLINA

South Carolina (Budget Proviso 67.14)¹⁸: This budget proviso triggered implementation of South Carolina's raise the age law. The proviso also required the Department of Juvenile Justice to use carry forward funding to increase local diversion and intervention programs to prevent incarceration. South Carolina's Raise the Age law went into effect for all 17-year-olds on July 1, 2019.



Connecticut Celebrates 10 Years of Raising the Age

Connecticut was the first state to raise the age in 2007. In the decade between their first phase of implementation in 2009 and 2018, arrests of juveniles dropped 60 percent.²⁰ Between 2010 and 2018, the number of 18 to 21-year-olds imprisoned in Connecticut dropped 66 percent. The number of arrests of children under 18 dropped 40 percent in the same time frame, even after adding 16 and 17-year-olds to those arrest numbers. Fears about costs, to the tune of an estimated \$100 million price tag utterly failed to materialize. In fiscal year 2011–2012, a year after the law was implemented, the state's expenditures on juvenile justice were \$2 million LESS²¹ than they had been ten years earlier. Further, the state was able to reinvest \$39 million into community alternatives, which are shown to have better outcomes at a fraction of the cost.

This underscores the importance of raising the age – returning thousands of children back to the protections of juvenile court while continuing to see a drop in juvenile arrests is a trend that is to be celebrated.

As CFYJ worked to support these raise-the-age efforts, we documented effective implementation strategies for states. The publication – ***Implementing Laws to Raise the***

Age of Juvenile Court Jurisdiction to 18: What States and Localities Can Do to Prepare for Success – was launched in 2018 and proved useful for states implementing laws or in the process of passing laws.²²

This leaves just three states – Georgia, Texas, and Wisconsin – that have not changed their laws under which all 17-year-olds are prosecuted as adults regardless of the offense.

An estimate of the number of children prosecuted as adults in the year 2015 set the number at 75,900, with 66,700 coming from states that had yet to pass or implement Raise the Age laws.²³ The number of children prosecuted as adults was estimated to be 175,000 just eight years earlier, in 2007, the year Connecticut passed its Raise the Age law. Between 2007 and 2015, six states passed and implemented Raise the Age laws. By the end of 2021, six more states will have done so, suggesting a further steep drop in the number of children prosecuted as adults is probably occurring. The estimates on the impact of the most recent wave of reforms indicates that the number of youth entering the adult system will be halved again by the end of 2021 (from 66,000 down to 33,000).

WHO'S NEXT? RAISE THE AGE FROM 2007 TO 2020

STATE	YEAR RTA PASSED	YEAR RTA IMPLEMENTED
Connecticut	2007	2010 (16 year olds) 2012 (17 year olds)
Mississippi	2010	2011
Illinois	2009 (misdemeanors) 2013 (felonies)	2010 (misdemeanors) 2014 (felonies)
Massachusetts	2013	2013
New Hampshire	2014	2015
Louisiana	2016	2019 (non-violent offenses) 2020 (violent offenses)
South Carolina	2016	2019
New York	2017	2018 (16 year olds) 2019 (17 year olds)
North Carolina	2017	2019
Missouri	2018	2021
Michigan	2019	2021
Georgia	Yet to pass	
Texas	Yet to pass	
Wisconsin	Yet to pass	

On the Horizon for the Raise the Age Movement

During the 2018-2020 period, the three remaining states with lower ages of juvenile court jurisdiction introduced bills to raise their juvenile court age. In 2020, a Raise the Age bill in Georgia (HB 440)²⁴, had been favorably reported out by its House committee on March 9, right before the COVID outbreak brought normal legislative activity to halt.

In both Texas and Wisconsin, legislation to raise the age is introduced every session. In 2017, the Texas House of Representatives passed a Raise the Age bill, and the issue is believed to have widespread support outside of the state's Senate Judiciary Committee. In February 2019, Wisconsin Governor Tony Evers expressed support for raising the age in his state.²⁵

Raising the Age Beyond 18

Proposals to raise the age of juvenile court jurisdiction beyond 18 are also receiving attention in several states.



VERMONT

On May 30, 2018, Vermont became the first state to pass legislation raising the age of juvenile court jurisdiction beyond 18, when Governor Phil Scott signed S 234 into law.²⁶ In addition to including reverse waiver provisions that allow some children charged as adults to have their cases returned to juvenile court, this legislation mandates that 18-year-olds be included in the juvenile system on July 1, 2020, and 19-year-olds on July 1, 2022. Those accused of 12 specified felonies known collectively as “5204” felonies are excluded from these Raise the Age provisions.



COLORADO

In 2019, Colorado joined Massachusetts and Illinois in studying whether they can raise the age to 20. HB 1149²⁷ established a study on the age of delinquency with a focus on determining whether to raise the age beyond eighteen in Colorado. It created an Age of Delinquency Task Force to look at whether juvenile services are appropriate for the age 18 to 24 population. The Task Force was required to submit their study report by June 30, 2020, but the final report appears to have been delayed,²⁸ though preliminary recommendations were presented at a meeting on June 12.²⁹

TREND 2: STATES REMOVE YOUTH FROM ADULT JAILS & PRISONS

Leveraging Federal Law for State and Local Efforts to Move Youth Out of Adult Facilities

On any given night in 2018, approximately 4,135 youth were held in adult jails and prisons: an estimated 3,400 in jails, and another 735 in adult prisons.³⁰ As a result of declining crime rates and the implementation of Raise the Age laws and other reforms, this number has been dropping steadily. In 1997 there were over 14,000 children held in adult jails and prisons each night.³¹ When the Campaign for Youth Justice first began its work in 2005, that number had dipped to around 9,000.³² The number in 2018 is less than half of that and has likely dropped substantially since then.

Since the first law passed in 2009, 24 states have passed 35 pieces of legislation designed to restrict the incarceration of children in adult facilities. Most recently, from 2018 to 2020, eleven states have taken legislative steps to limit or remove youth from adult jails and prisons. Federal laws, including the Prison Rape Elimination Act (PREA) and the Juvenile Justice and Delinquency Prevention Act (JJDP), reauthorized at the end of 2018 as the Juvenile Justice Reform Act, have played an important role in encouraging these steps.

Prison Rape Elimination Act: Youthful Inmate Standard

In 2012, the U.S. Department of Justice finalized regulations for the Prison Rape Elimination Act (PREA), which had become law in 2003. The 2012 regulations included a number of national standards for both juvenile and adult jails, lock ups, and prisons. The Youthful Inmate Standard³³ requires that children under age 18 incarcerated with adults must be sight and sound separated from them, unless under direct staff supervision, while making “best efforts” not to resort to the use of solitary confinement.

To encourage compliance with PREA, states that meet its standards are eligible for federal funds. In 2014, two states had certified their compliance; three years later, 19 states had done so.³⁴

PREA Youthful Inmate Standard

PREA Standard § 115.14 on “youthful inmates” says that any person under the age of 18, and incarcerated or detained in a prison or jail, must be

- Housed separately from any adult inmates and,
- Outside the housing unit, “sight and sound separation” or direct staff supervision must be maintained.
- Agencies must use best efforts to avoid using isolation to comply with these conditions, and
- Agencies must afford youthful inmates the opportunity for daily large-muscle exercise, and to take part in special education services, programs and work opportunities, absent exigent circumstances.

In 2018, on the 15th anniversary of the passage of PREA, CFYJ published *Is it Enough: Implementation of PREA's Youthful Inmate Standard*, which found that while most individual facilities that held children with adults were in compliance with the Youthful Inmate Standard, it remains unclear whether the standard is actually protecting children as intended.³⁵

Seeking the most effective way to protect children, and recognizing the logistical difficulties of meeting the sight and sound separation requirements of the Youthful Inmate Standard, many states have been motivated to adopt legislation, regulations, or policies that keep children out of adult jails and prisons altogether.

The Juvenile Justice Reform Act: Reauthorization of the Juvenile Justice and Delinquency Prevention Act

The Juvenile Justice and Delinquency Prevention Act (JJDP Act) was first passed in 1974. It provides federal grant funding for states that monitor, track data, and work toward improving their juvenile justice systems in four core areas: (1) deinstitutionalizing status offenders, (2) removing youth from adult jails pre-trial, (3) sight and sound separation when youth are in adult facilities, and (4) reducing disproportionate minority contact.³⁶ Earlier versions of the JJDP Act only applied to youth arrested as delinquent and placed in adult facilities, but the version re-authorized as the Juvenile Justice Reform Act at the end of 2018 included “juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court.”³⁷

Under this provision, children charged as adults may still be held in adult jails, if a court determines that it is “in the interest of justice” but only after several specific factors are considered, and for a maximum of 180 days.³⁸

States will have until December 21, 2021, to comply with this jail removal requirement. A survey of the situation, published in 2018 but based on 2013 data, showed that almost 90% of children held in adult jails were held in just 15 states, and about 95% in urban counties where juvenile detention or community-based alternatives are more likely to exist. The same study also showed that 71% of children facing adult charges were held in juvenile detention centers, not adult facilities.³⁹ A CFYJ study published in 2019 found that 14 states and Washington, DC, already require children charged as adults, if they are to be detained, to be held in juvenile facilities pending trial.⁴⁰ Since then, two more states – North Carolina and Washington – have passed laws bringing them into compliance with the new JJDP Act requirements. In all but eight states, jurisdictions “may” place youth pending adult charges in juvenile facilities; making the possibility of getting all youth out of adult jails highly likely.

STATES LIMIT THE HOUSING OF YOUTH IN ADULT JAILS AND PRISONS: RECENT SUCCESSES (2018-2020)



CALIFORNIA

AB 1812⁴¹, a bill signed into law by Governor Jerry Brown on June 27, 2018, required, among many other things, that the Division of Juvenile Facilities establish and operate a 7-year pilot program for transition age youth to support their diversion from adult prisons to juvenile facilities, to begin on January 1, 2019 and terminate on January 1, 2026. Significantly, AB 1812 also extended juvenile court jurisdiction to age 25 for those whose sentence of incarceration would be completed before their 25th birthday, and it made that extension retroactive. But in 2020, Governor Gavin Newsom introduced plans to close all state-run juvenile facilities, calling into question the future of this pilot program, and shifting the responsibility for confinement of children to counties.

On September 30, 2020, the Governor signed SB 823, a bill that phases the Division of Juvenile Justice (DJJ) out of existence. It closes intake to DJJ for all youth on July 1, 2020, except for those youth who had a petition for transfer to adult court filed in their case, in order to avoid an increase in youth sent to adult court. DJJ will ultimately close through attrition. SB 823 extends local juvenile court jurisdiction to age 23 for youth adjudicated guilty for serious and violent felonies, and to age 25 for those who would have faced a sentence of seven or more years in the adult system.

Under SB 823, youth whose cases originate in juvenile court will remain in local juvenile facilities pending disposition of their cases until age 21. Once they reach age 19, the probation department can petition the court to transfer them and a judge can decide according to specific criteria to move them to an adult facility. Youth adjudicated guilty for serious and violent offense and committed to a post-disposition program in a local juvenile facility can remain

housed in a juvenile facility up to age 25, similar to the court jurisdiction above. Youth transferred to adult court, however, can be moved to an adult facility at age 18.



DELAWARE

In 2018, Delaware passed legislation to restrict the pre-trial detention of children charged as adults in adult jails. Previously, Delaware had permitted juveniles charged with adult offenses to be held by the Department of Corrections. HB 339⁴³, signed by Governor John Carney on July 11, 2018, prohibits children charged as adults from being transferred to the Department of Corrections until their conviction and sentencing to a period of incarceration. The caveats to this bill were found in its companion, HB 470⁴⁴. Also signed by Governor Carney on July 11, 2018, this legislation permitted the Superior Court to conduct an evidentiary hearing, upon motion from the Department of Services for Children, Youth & Their Families (DSCYF), before placing a child 16 years of age or older, in a secure detention facility pending trial. The purpose of the hearing would have been for the Court to determine whether the child should be placed in a facility not operated by DSCYF because either DSCYF facilities were at or beyond capacity or the child was deemed to be a risk to self or to other children held in secure detention facilities operated by DSCYF. If the Court were to order the child transferred solely because DSCYF facilities were at or beyond capacity, DSCYF would have been required to transfer the child as soon as the capacity level was sufficient, and to provide the Court with at least weekly updates on its capacity levels. HB 470 specified that no child could be held in a facility for adults for longer than 60 days. On July 11, 2020, due to the bill's sunset provision, HB 470 became null and void.



NEVADA

Signed on June 5, 2019, by Nevada Governor Steve Sisolak, AB 449⁴⁵ requires the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study during the 2019-2020 interim concerning juvenile detention in Nevada. The study will include: ***“(1) consideration of the implementation of a regional approach to housing juvenile offenders in this State; (2) a review of the adequacy of the current capacity of institutions and facilities in this State to house juvenile offenders; (3) a review of the current level of family and community engagement afforded to juveniles in the juvenile justice system and opportunities for an increase in such family and community engagement; (4) an analysis of current programming relating to the education, health and wellness of juvenile offenders in this State; (5) a review of the programs and services in other states where juvenile offenders who are tried as adults are housed with juvenile offenders within the juvenile justice system; (6) an analysis of sentencing practices for juvenile offenders in other states and an identification of best practices sentencing standards for juvenile offenders; and (7) a review of the facilities, services and programs available in this State for children who are determined to be incompetent by the juvenile court.”*** AB 449 requires the Nevada Department of Corrections and local and state institutions and juvenile detention facilities to provide the Committee with data, and its report is due before January 15, 2021. The Campaign for Youth Justice has provided expert testimony and connected the Committee to other experts in support of the study.



NEW YORK

Signed on April 3, 2020, New York Governor Andrew Cuomo’s budget (S 7505)⁴⁶ included language that fully removes all children from adult system control by October 2020. After passage of Raise the Age legislation in 2017, 16 & 17-year-old children sentenced as adults (known as Adolescent Offenders, or AOs) were incarcerated in separate units managed jointly by the Department of Corrections and Community Supervision (DOCCS) and the Office of Children and Family Services (OCFS). However, this proved disastrous, both because DOCCS refused the approaches of OCFS, and because so few children were being sentenced to AO facilities. This led to abusive practices, including widespread use of solitary confinement. The budget bill passed in 2020 included language to ensure that the confinement of AOs will be managed solely by OCFS. This budget bill (A9505/S7505) also included some harmful provisions, such as language significantly weakening bail reform that had passed just one year earlier. New York’s Raise the Age law also required children in New York City to be moved off Rikers Island, and to be moved to youth detention centers, but separated from delinquent youth under age 16. Similar to the rest of the state, the youth facilities were to be jointly run by the city’s Department of Corrections (DOC) and the city’s Administration for Children’s Services (ACS), an approach that the Corrections Officers Benevolent Association found so distasteful, they sued (and lost). Despite a very difficult transition period, ACS has hired hundreds of Youth Development Officers to replace the DOC staff, and has continued to shrink the AO population to under 75 children.



NORTH CAROLINA

Classified as a **“Raise the Age”** modification, North Carolina’s SB 413 **“clarifies that juveniles must be detained in approved juvenile detention facilities”**⁴⁷ with the exception that children charged with Class A-E felonies can be detained in a holdover facility for up to 72 hours. SB 413 passed unanimously and was signed by Governor Roy Cooper on August 1, 2019. It became effective at the same time as the “Raise the Age” law – December 1, 2019. This win is particularly meaningful, as a young woman, Uneice Fennell, lost her life to suicide in an adult jail in North Carolina in 2017.⁴⁸



NORTH DAKOTA

Signed by North Dakota’s Governor Doug Burgum on March 7, 2019, HB 1076⁴⁹ eliminates the ability for the Department of Corrections and Rehabilitation to transfer a youth between the ages of 16-18 to an adult correctional facility from a juvenile facility.



OREGON

Signed on June 6, 2019 by Oregon Governor Kate Brown, SB 15⁵⁰ authorizes the Youth Development Division to collect data from and inspect facilities where juveniles are detained to ensure compliance with the provisions of the re-authorized JJDPa, which prohibits detention of children pre-trial in adult facilities.



TENNESSEE

Signed on May 21, 2018, by Tennessee Governor Bill Haslam, SB 1575⁵¹ provides that youth transferred to the jurisdiction of a sheriff to be held in adult jail may instead be held in a juvenile detention center, and prohibits their detention in an adult prison. Prior to this legislation, the state had permitted children to be held in solitary confinement in adult prisons for “safekeeping,” and in recent years at least three girls had been subjected to this

practice. Media reports, including coverage by the **Marshall Project** and **Teen Vogue**, as well as litigation, and an advocacy campaign led by Just City Memphis and supported by CFYJ and others, pressured the Tennessee General Assembly to take action, resulting in the introduction and passage of this legislation. Tennessee needs more reform, as Shelby County still holds boys under age 18 in a youthful offender unit in their adult jail. This has led to a contentious and costly fight about expanding the number of beds available for youth in the Shelby County Detention Center, at enormous cost to the people of Memphis.



VIRGINIA

Approved by Governor Ralph Northam on February 26, 2018, this legislation (HB 35/SB 52)⁵² provides some modest protections for children who are transferred to or confined to a jail or other facility for the detention of adults as a result of a court ruling that they are a security or safety threat to the other juveniles detained in a juvenile secure facility. Now, adult detention facilities where such children are held must be approved by the State Board of Corrections for the detention of juveniles. The legislation also repealed a provision that such juveniles need not be separated from the adult detainees when confined with adults.



WASHINGTON

In 2019, Washington passed legislation that provides for youth tried as adults to remain under the custody of the Department of Children, Youth, and Families until they turn 25. The bill (HB 1646⁵³) was signed by Governor Jay Inslee on May 9, 2019 and went into effect July 28, 2019. Less than a year later, on April 3, 2020, Governor Inslee signed HB 2277⁵⁴, which prohibits holding children charged as adults in adult jails for more than 24 hours, except in the interests of justice after a hearing, and brings the state into compliance with the re-authorized JJDPa. Significantly, HB 2277 also prohibits solitary confinement of children.

TREND 3: MITIGATING HARM: STATES ADDRESS JUDICIAL DISCRETION AND EXPAND REVERSE WAIVER

Every state in the U.S. has a transfer mechanism that allows some youth to be tried and treated as an adult. As a result, there are legislative opportunities in every state to limit these mechanisms in some way, whether it is by limiting the youth who are eligible for transfer based on their age or offense or creating additional mechanisms to allow youth to return to juvenile court. Twenty-nine states have reverse waiver provisions in their statute that allow youth to be returned to juvenile court under certain circumstances. Reverse waiver provisions vary widely by jurisdiction, when they attach (pre/post sentencing), and what protections they offer.

Judicial Transfer from Juvenile Court

All but five states (Massachusetts, Montana, New Mexico, New Jersey, and New York) have a provision that gives juvenile court judges discretion to transfer children to the adult system. Even when the decision to transfer rests with judges, the amount of discretion they have varies. There are discretionary, presumptive and mandatory judicial waiver laws, with discretion of the judge during a formal hearing process varying from expansive to extremely limited.⁵⁵ While no waiver at all is most preferable, judicial waiver is still considered the most appropriate form of waiver.⁵⁶ The number of youth who are judicially waived to the adult system has decreased dramatically from 13,200 at its height in 1994 to 3,600 in 2018.⁵⁷ But while this number has declined, racial disproportionality

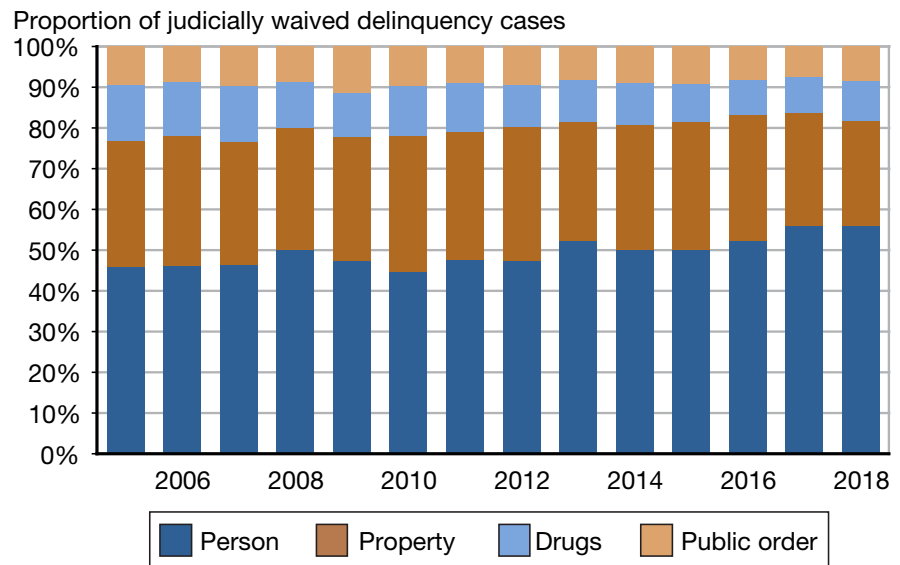
in transfer has increased. Between 2005 and 2018, the percentage of Black children transferred to adult court by a judge rose from 39.1 percent to 51.7 percent, while the percentage of white children dropped from 45.2 percent to 32.2 percent. In 2018, two-thirds of children transferred to the adult system by a judge were classified as “Minority”.⁵⁸

In 2018, CFYJ and the Community Empowerment Law Project published ***Childhood Convicted: The Waiver of Iowa’s Youth to the Adult Criminal Justice System***, which found that while Black children make up just six percent of Iowa’s youth population, they account for 34 percent of cases transferred to adult court by a judge.⁵⁹

Geographic disparities are also evident in judicial transfer numbers. For example, Tennessee, one of just six states that only transfers children to the adult court after a full judicial review,⁶⁰ nonetheless transfers an unusually high number of children, largely because of Shelby County (Memphis). In 2014, Shelby County accounted for 94 out of 217 cases transferred.⁶¹

In addition, transfer laws are generally perceived to be used for children who engage in serious crimes or crimes of violence. This continues to be a misperception; judges are still transferring nearly half of youth to adult court for charges involving property offenses, drugs, and public order violations. It was just in the past year or two that about half of all cases waived by judges involved more serious or violent crimes.⁶²

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Until 2015, no state had enacted legislation designed to significantly reduce the number of judicial transfers of youth to the adult court, but four states have done so since then, including two in the 2018-2020 period. In 2019, CFYJ published *Raise the Floor: Increasing the Minimum Age of Prosecution of Youth as Adults*, which details the ages of eligibility for transfer for each state and transfer mechanism, highlighting potential areas for reform that every state can pursue.⁶³

JUDICIAL TRANSFER REFORM: RECENT SUCCESSES (2018-2020)



CALIFORNIA

SB 1391⁶⁴ raises the age of judicial transfer to 16. This change means that California is the first state in the U.S. in which no child under 16 can be charged as an adult. Signed into law by Governor Jerry Brown on September 30, 2018, this new law was challenged by prosecutors as unconstitutional, a challenge which currently sits before the California Supreme Court (**O.G. vs. Superior Court**, S259011).

“Florida, Louisiana, Michigan and the District of Columbia automatically send kids to adult court with no recourse to be sent back to juvenile court”



TENNESSEE

The “Juvenile Justice Reform Act of 2018” (SB 2261/HB 2271)⁶⁵ restricts the offenses and ages for which children are eligible for judicial transfer in Tennessee. Aside from repeat offenders, youth in Tennessee can only be transferred to the adult court by a judge. The bills, signed into law on May 21, 2018, by Governor Bill Haslam, provide that children under 14 can be transferred to the adult court, but only for criminal homicide or attempted criminal homicide, and that children aged 14 and older can only be transferred for 15 specified offenses. Prior to the passage of this law children under 14 could be transferred for any one of these 15 offenses, and 16 and 17-year-olds could be transferred for any offense.

Reverse Waiver Reform: Recent Success

States have also been moving to enact or expand reverse waiver mechanisms. Since 2009, six states have added Reverse Waiver provisions, while five others have expanded theirs, including three during the 2018-2020 period. Addition of Reverse Waiver provisions is most urgent where transfers occur without any judicial input, to provide at least some judicial oversight. Currently in Florida, Louisiana, Michigan, and Washington, DC, prosecutors can directly file cases in the adult court, without judicial review, and there is no Reverse Waiver opportunity to challenge those decisions.



CALIFORNIA

Approved by Governor Gavin Newsom on October 8, 2019, AB 1423⁶⁶ allows a child tried as an adult to file a motion to return their case to the juvenile court for disposition, if the child was convicted only of offenses that were NOT the basis for their transfer to the adult court. If the child’s case is returned to juvenile court, the local probation department is tasked with preparing a social study to consider the question of proper disposition.



VERMONT

Legislation that raises the age of juvenile court jurisdiction to 18 by 2020 and 19 by 2022, also included reverse waiver provisions. Signed by Governor Phil Scott on May 30, 2018, S 234⁶⁷ requires the cases of 16 and 17-year-olds who are not charged with any of 12 specified felonies known collectively as “5204” felonies to be transferred to the Family Division of the Superior Court, where they are to be considered delinquent acts. It also allows judges to transfer to juvenile court the cases of 14 to 17-year-olds who are charged with “5204” felonies.

Protecting the Individualized Needs of the Child Who Might Benefit from Reverse Waiver

With the growing availability of reverse waiver has come the need to protect the rights of children who are initially transferred to the adult court, but might be waived back. This includes protecting the identity of children who are charged as if they were adults.



CONNECTICUT

Governor Ned Lamont signed HB 7389⁶⁸ into law on July 9, 2019. This legislation preserves confidentiality if a child's case is transferred by a judge to the adult system, unless and until there is a verdict or a guilty plea in the adult court. This protects a child's privacy should their case be returned to juvenile court or in the absence of a verdict or guilty plea in adult court. The **Hartford Courant** newspaper sued, arguing that the new law was a violation of their first amendment right of access to court proceedings. In July 2020, a temporary injunction was issued by the U.S. District Court, allowing press to have access until the case is resolved.⁶⁹

A similar proposal (SB 314⁷⁰) that would have preserved confidentiality until the denial of a child's motion to return their case to juvenile court passed in the Maryland General Assembly in 2020, but was vetoed by Governor Larry Hogan. This reform matters because of the large number of youth initially charged as adults in Maryland who get transferred back down; in fiscal year 2019 alone, 330 Maryland children charged as adults were transferred back to juvenile court.⁷¹

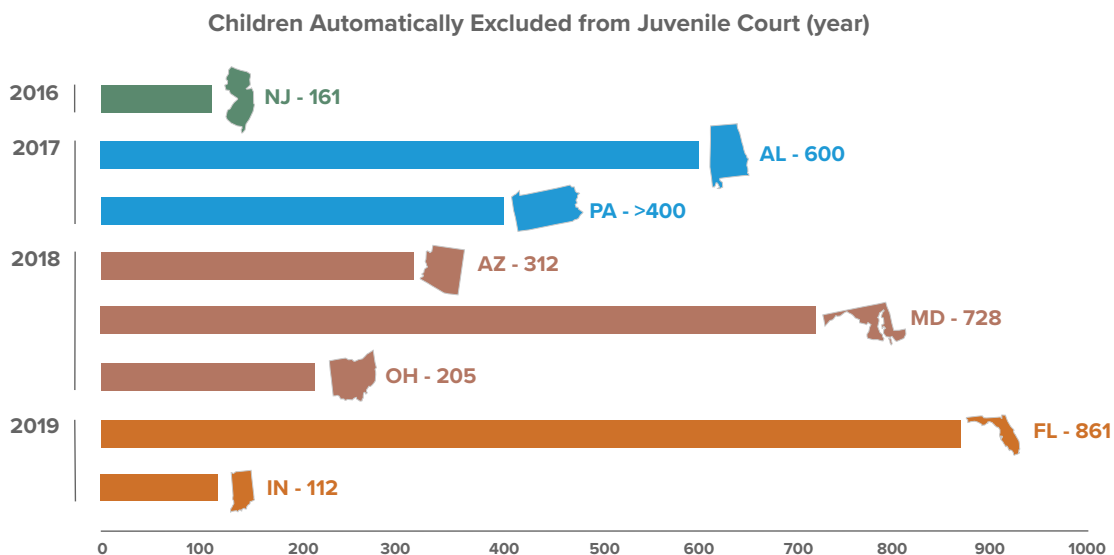
TREND 4: STATES LIMIT AUTOMATIC TRANSFER

In 1970, only eight states had transfer provisions that automatically excluded youth from juvenile court because of their age and offense.⁷² Now, 26 states have laws that statutorily exclude youth from juvenile court.

Among these states, the statutes vary widely. For example, in Massachusetts, youth are only statutorily excluded from juvenile court when they are age 14 or older and are charged with first or second degree murder.⁷³ And in New Mexico, the only statutorily excluded offense is first degree murder, for children age 15 or

older.⁷⁴ Neither of these states has a judicial discretion provision so these are in fact their only mechanisms of transfer.

In contrast, Maryland statutorily excludes children 16 and older for 33 offenses.⁷⁵ As a result, Maryland charges more children as adults than almost any other state, though a large percentage are transferred back to the juvenile court thanks to a fairly robust reverse waiver provision that is readily utilized by the defense bar.



Despite these numbers, there is no data that supports that states granting more automatic transfers to youth see any reductions in violent crime. Earlier this year, in partnership with the Justice Policy Institute, CFYJ published *The Child Not the Charge: Transfer Laws Are Not Advancing Public Safety* which reports that states' broad use of automatic transfer has no correlation with youth violent crime rates.⁷⁷

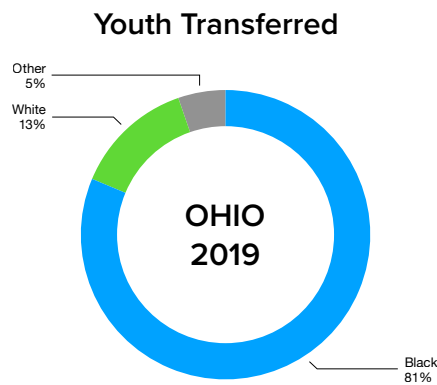
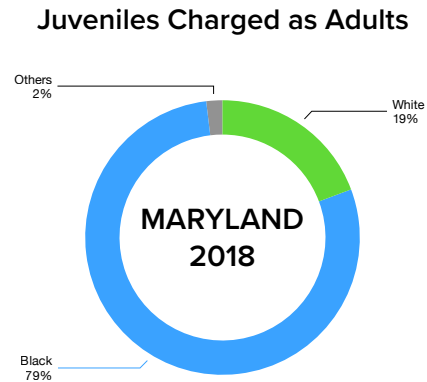
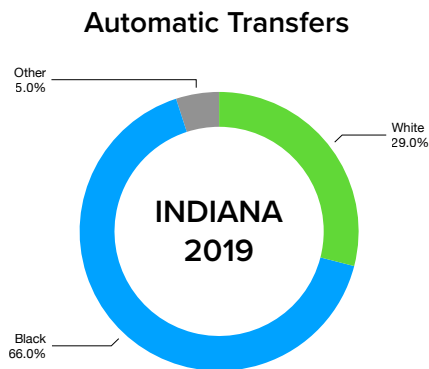
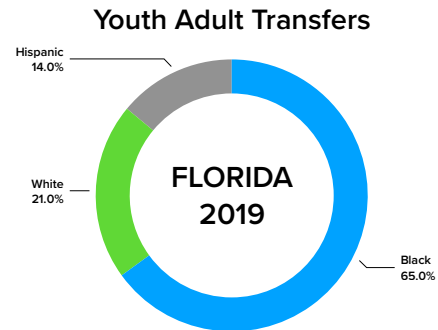
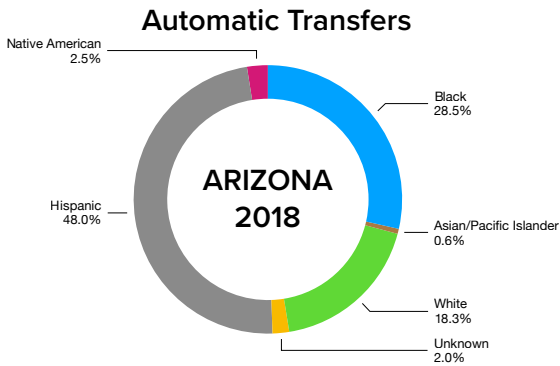
Related to statutory exclusion are mandatory waiver and presumptive waiver. These are transfer mechanisms that technically start in juvenile court, but where judges do not have full discretion and are either required to transfer a case to adult court upon something as simple as a finding of probable cause, or are required to presume that the case must be transferred unless there is clear proof that the child should remain in the juvenile system. Currently, North

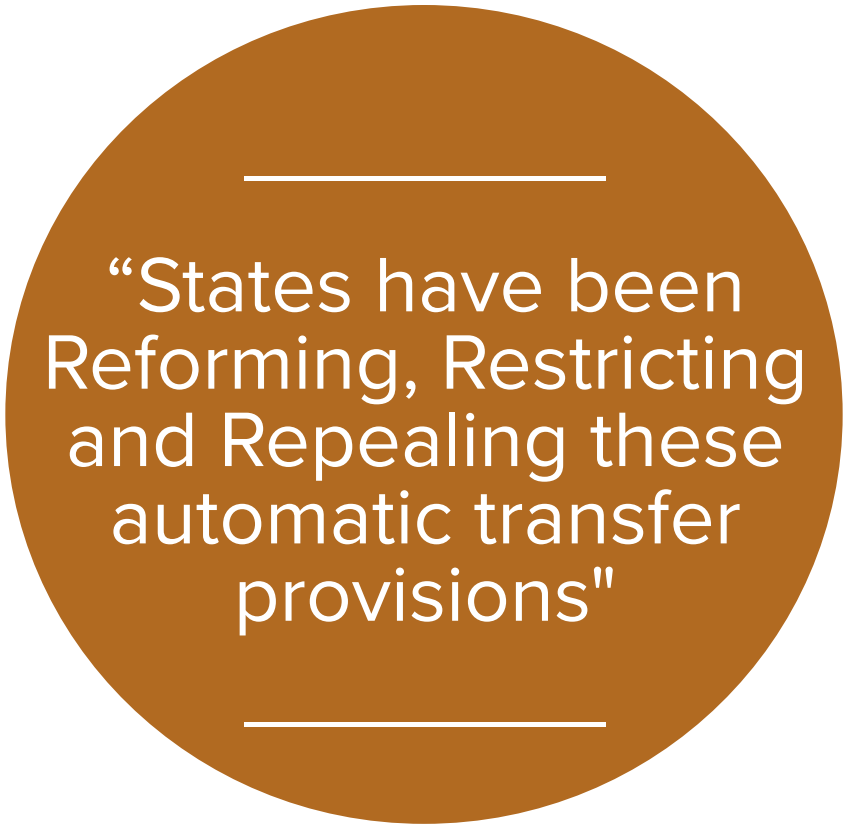
TREND 4: STATES LIMIT AUTOMATIC TRANSFER THROUGH STATUTORY EXCLUSION AND DIRECT FILE

Dakota is the only state that has both these provisions, while 11 states have mandatory waiver provisions, and 11 different states have presumptive waiver provisions.⁷⁸

In addition to statutory exclusion from the juvenile court, youth can also start in adult court if they are direct filed by a prosecutor. Only 12 states⁷⁹ and the District of Columbia give prosecutors this power to file charges against children directly in the adult court.

In 2015 it was estimated that 3,800 children were charged as adults as a result of statutory exclusion or prosecutor discretion provisions,⁸⁰ though the data is spotty and incomplete. As of 2018, only 35 states and Washington, DC, collected data on automatic transfers, and only 18 of them disaggregated that data by race.⁸¹ Even fewer publicly release outcome data. States that do provide data on automatic transfers show stark and persistent racial disparities.





“States have been Reforming, Restricting and Repealing these automatic transfer provisions”

In Souls of Young Folk: The Disproportionate Prosecution of Black Youth as Adults in New Jersey, published by the New Jersey Parents' Caucus, it is noted that Black youth, who are 14 percent of the state's population, make up 44 percent of youth arrested, and 66 percent of youth transferred to adult court.⁸⁷

Geographic disparities are also a major problem with automatic transfer provisions. This is clear in Ohio, where transfers of youth to adult court have been rising, contrary to national trends. This rise is largely the result of significant increase in transfers in Cuyahoga County (Cleveland), where 50 of 158 youth statewide were transferred in 2014, but 104 of 209 were transferred in 2019.⁸⁸

Similar trends are present in Indiana, where Marion County drives the prosecution of youth as adults, or in Baltimore, Maryland. Fortunately, despite the fact that these more automatic transfer mechanisms generally involve the most serious offenses, states have been reforming, restricting, and in some cases, repealing these provisions. Over the past decade, nine states have repealed at least one of these types of transfer provisions.

LIMITING STATUTORY EXCLUSION AND OTHER FORMS OF AUTOMATIC TRANSFER: RECENT SUCCESSES (2018-2020)



ARIZONA

HB 2356⁸⁹ passed in 2018 with zero “no” votes and was signed into law by Governor Doug Ducey on May 16. This legislation allows juvenile courts to retain jurisdiction over youth adjudicated delinquent at age 17 until their 19th birthday. For younger children, juvenile court jurisdiction terminates at age 18. This extended jurisdiction for 17-year-olds is designed to at least delay the subjection of youth to the harms of the adult system, by allowing time for rehabilitation efforts in the youth justice system. Previously, prosecutors were more likely to seek adult prosecution for 17-year-olds because there was “too little time” for service/interventions. In 2019, the first year of implementation, prosecution of 17-year-olds as adults dropped 17%.⁹⁰



DELAWARE

HB 9⁹¹ was signed by Governor John Carney on October 12, 2017. This legislation replaced statutory exclusion with judicial discretion for four felonies, including “[p]ossession of a deadly weapon during commission of a felony.”

A few months later, on May 24, 2018, Governor Carney signed HB 306⁹², legislation that ended statutory exclusion for the offense of “possession of a firearm during the commission of a felony.” (This is a separate offense from “possession of a deadly weapon” addressed by HB 9.) HB 306 also raised the minimum age, from 15 to 16, at which a youth could be transferred to adult court for this offense. There is less than full discretion for judges reviewing these cases however, as the Superior Court is required to transfer a child if, following an evidentiary hearing, it finds “proof positive or presumption great that the accused used, displayed, or discharged the firearm” during

the commission of a felony. Despite this, the legislation allows that the Attorney General may still file the case in Family Court.



FLORIDA

Approved by Governor Ron DeSantis on June 28, 2019, HB 7125⁹³ eliminates statutory exclusion in Florida. Statutory exclusion was known as “mandatory direct file” in Florida, to distinguish it from prosecutorial “direct file” which has been used more in Florida than in any other state, and may be used even more now that statutory exclusion is no longer available. Still, eliminating an entire method of transfer is a significant reform. It also allows for transparency with local decision making, as prosecutors can no longer claim that state law requires them to charge children as adults. Florida has led the nation in children automatically transferred to the adult court, though its numbers have been dropping, as crime rates have dipped and some prosecutorial reforms have been introduced.⁹⁴



INDIANA

HB 1228⁹⁵, signed by Governor Eric Holcomb on March 19, 2018, is an important piece of legislation that requires the annual publication of demographic and case data on youth statutorily excluded and transferred to the adult system. Data about statutorily excluded children to be gathered and published in an annual report include age, sex, race, county of prosecution, offenses charged, and case outcomes. On October 30, 2019, the second annual report publishing this data was produced.⁹⁶



OREGON

Signed on July 22, 2019 by Oregon Governor Kate Brown, SB 1008⁹⁷ repealed Measure 11, a harsh ballot initiative passed by Oregon voters in 1994 that established mandatory minimum sentences for a number of offenses and required that children 15 and older be tried as adults for those offenses. Overturning this citizen-initiated referendum required a 2/3 vote in each legislative chamber, which was achieved when the Senate voted 20-10 and the House voted 40-18. The legislation also bans life without parole sentences for children and includes a “second look” provision that allows youth convicted as adults to seek resentencing after completing half their sentence. With the passage of SB 1008, Oregon became the fifth state in which children can only be transferred to the adult system by a judge (except for those with prior convictions in adult court).

list of about ten violent felonies for 16 and 17-year-olds, and just murder and aggravated murder for 14 and 15-year-olds. HB 384 also provides guidance for judges to consider when deciding where to house children being tried as adults, but does not preclude jails or other adult detention facilities.



VERMONT

In 2019, Vermont followed up on S 234 passed in 2018, which raised the age of juvenile court jurisdiction to include 18 and 19-year-olds, but excluded those charged with “5204” felonies. S 133⁹⁹, signed by Governor Phil Scott on May 30, 2019, allows prosecutors to charge youth through age 21 with “5204” felonies as “youthful offenders” in Family Court.



RHODE ISLAND

Signed on July 2, 2018 by Governor Gina Raimondo, H 7503 ended “mandatory waiver” of 17-year-olds in Rhode Island. Before this legislation the family court, upon a finding of probable cause, was required to transfer to the adult court 17-year-olds charged with murder, first-degree sexual assault, first-degree child molestation, or assault with the attempt to commit murder. Now, 17-year-olds charged with those offenses can only be transferred by a judge after a hearing.



WASHINGTON

Signed by Governor Jay Inslee on March 15, and effective on June 7, 2018, SB 6550¹⁰⁰ allows prosecutors to divert youth rather than press charges for a large number of offenses that might otherwise lead to them to be tried as adults. The legislation specifically states that: “Prosecutors and juvenile courts are encouraged to engage with and partner with community-based programs to expand, improve, and increase options to divert youth from formal processing in juvenile court.” A week later, on March 22, Governor Inslee signed SB 6160¹⁰¹, which significantly reduced the offenses that are statutorily excluded from juvenile court or subject to transfer, or “decline”, hearings.¹⁰²



UTAH

Approved by Governor Gary Herbert on March 28, 2020, HB 384⁹⁸ limits statutory exclusion to aggravated murder and murder. All other charges require at least some judicial review before a transfer to adult court is authorized. Utah’s “presumptive waiver” provision – in which youth bear the burden of proving they should not be transferred – is now limited to

LIMITING PROSECUTORIAL DIRECT FILE: RECENT SUCCESS



VIRGINIA

On April 9, 2020, Virginia Governor Ralph Northam signed legislation (HB 477/SB 546)¹⁰³ that raises the age at which youth can be direct filed by prosecutors in adult court. Now, prosecutors will not be able to directly charge children under the age of 16 in adult court. This important reform was one of many youth-friendly pieces of legislation to pass and be signed into law during Virginia's 2020 legislative session, including bills to eliminate mandatory minimum sentences for children charged as adults and to provide for parole eligibility after 20 years for children convicted as adults and given sentences greater than 20 years in length.

OTHER TRENDS

During 2018-2020 states enacted other legislative reforms that will have a positive impact on children prosecuted as adults. Many of these are related to the sentencing of children as if they were adults, attempting to mitigate the harms from the punitive practices established in the 1990s. When our partner, the Campaign for the Fair Sentencing of Youth,¹⁰⁴ was launched, CFYJ focused on more front-end reforms that prevented youth from being charged as adults to begin with. As reforms continue, the intersection between the automatic transfer of children and the harsh sentencing practices adopted by the United States becomes more intertwined. It is important to identify ways to bring people home from prison who were sentenced as children, protect them while they are still in prison or jail, and block the front door of transfer that strips them of their childhood.

LIFE WITHOUT PAROLE

In response to Supreme Court rulings restricting the sentencing of children to life without the possibility of parole, many states have revised or eliminated their life without parole statutes. In 2018, the Washington State Supreme Court ruled the sentencing of children to life without parole unconstitutional in that state.¹⁰⁵ That same year, New Jersey established a Commission¹⁰⁶ to examine the practice of sentencing children to life without parole, and to provide recommendations to the legislature. In 2019, Oregon, as part of its major reform law (SB 1008) eliminated juvenile life without parole, and in 2020 Virginia did likewise with the signing into law of HB 35. In Mississippi, HB 387¹⁰⁸ enhances parole eligibility for some prisoners, while in Oklahoma, SB 689¹⁰⁹ allows all prisoners sentenced to life without parole to seek a sentence modification after 10 years. This brings the number of states (and DC) that have ended juvenile life without parole (through statute or practice) to 30.

MANDATORY MINIMUMS

Virginia also passed a law in 2020 (HB 744¹⁰⁷) eliminating mandatory minimum sentences for children tried as adults. In 2018, Massachusetts passed S 2371,¹¹⁰ a major criminal justice bill that repealed several mandatory minimums.

SECOND LOOK LEGISLATION

While eliminating juvenile life without parole has had sweeping success, thanks to our partners at the Campaign for the Fair Sentencing of Youth, there are many more children sentenced

to “virtual life” sentences, who don’t qualify for resentencing. In recent years, “second look” legislation has picked up momentum with laws passing in California, Oregon, and Washington, DC.

RECORD CONFIDENTIALITY

Record expungement or sealing for children charged as adults was also an issue some states addressed between 2018-2020. Nebraska, Washington, DC, and Wyoming¹¹¹ all passed laws that permit the expungement of records when a child charged as an adult is ultimately not convicted in adult court.

SOLITARY CONFINEMENT

Several other states during 2018-2020 passed laws restricting or banning the use of solitary confinement on children in juvenile and/or adult facilities. In 2019 Maryland, Montana, and Nebraska all passed such laws, with Nebraska strengthening its law again in 2020. Also in 2019, Arkansas, New Jersey, and New Mexico all passed laws limiting the use of solitary confinement on children held in adult facilities. And Washington’s law removing children from adult jails (HB 2277) also prohibits the solitary confinement of children. Massachusetts also banned the use of solitary confinement (S 2371) as punishment on children in Department of Youth Services facilities.¹¹²

LESSONS TO BE LEARNED FROM THE YEAR 2020

2020 started out as another year promising substantial reforms to the practice of prosecuting, incarcerating, and sentencing children as adults. A bill limiting statutory exclusion passed in Utah, bills eliminating mandatory minimums for children convicted as adults and raising the floor for prosecutorial direct file both passed in Virginia, and a bill to remove children charged as adults from adult jails and to end the use of solitary confinement on children passed in Washington state. And although it included harmful provisions that rolled back promising criminal justice reforms, New York's budget included language removing children convicted as adults from facilities managed by the adult side Department of Corrections and Community Supervision (DOCCS).

In April, 2020, the Annie E. Casey Foundation released a promising report on the attempts of the Juvenile Detention Alternatives Initiative (JDAI), via its "Deep-End Initiative", to directly address racial disparities while reducing youth confinement, using tools like "race-conscious system mapping". The results from some of the initiative's demonstration sites are positive, suggesting that dedicated and intentional efforts can indeed make a difference.¹¹³

Meanwhile, a Raise the Age bill (HB 440) was making progress in Georgia, and a bill to end statutory exclusion in Kentucky had passed the state Senate when the COVID-19 crisis hit.

As the COVID-19 pandemic surged across the country during spring, advocates began calling for the release of people held in jails, prisons, and other places of confinement that soon became hot-spots for the spread of the disease. Though approaches in different states varied widely, for children the result, nationally, was a reported 27% drop in confinement, mostly during the early months of March and April.¹¹⁴ As of the writing of this report (September

30, 2020), the numbers of youth and staff testing positive for COVID-19 in youth facilities have yet to flatten; instead positive tests have been identified for youth in all but 15 states. More than 1,800 youth and 2,500 staff have tested positive, and four staff members have succumbed to the illness, according to The Sentencing Project.¹¹⁵

The decline in confinement of children was mainly due to a decrease in admissions, suggesting that despite years of reforms, over-incarceration has still been the rule. There were a large number of releases in March, but those numbers fell off in the subsequent months. More disturbingly, survey results published in July indicated that there was a clear racial disparity in those releases, with white children in May 2020 having a 17% higher release rate than Black children.¹¹⁶

The impact of COVID-19 on children charged as adults is less clear. Post-COVID, juvenile systems while working to address the racial disparities in release rates, should strive to maintain their lower levels of admission, detention, and confinement. This would not only be better for children in the juvenile system, but it would also create space that will make reforms that keep children out of the adult system more palatable and easier to implement. While not a lot of reductions in the detention and incarceration of youth during COVID included youth charged as adults, a few places did implement structures to help bring some of these youth home through the use of bail funds and/or specialized hearings to assess the possibility for electronic monitoring.

As spring turned to summer, the Memorial Day killing of George Floyd by Minneapolis police prompted enormous national protests against police violence and the racism endemic to law enforcement and the broader criminal justice system. These issues were not new, of course,

but the naked and unapologetic racism paired with outdated and failed “get tough” policies of the current administration provided protesters with a renewed sense of urgency.

For children, the most tangible immediate consequence of the movement to #DefundThePolice was strong momentum for long-running campaigns to remove police – known euphemistically as “school resource officers” (SROs) – from schools. A dramatic drop in juvenile arrests, corresponding with school closures due to the COVID-19 pandemic, had already illustrated with great clarity the reality of the school-to-prison pipeline of which SROs have been major facilitators.

Over the last decade and a half, the vision of children (particularly children of color) as “super-predators” has for many been replaced by an understanding – informed by brain science and data regarding the impacts of harsh punishments of youth – that children are indeed different, and deserving of love and nurturing, not fear and draconian punishments.

This new mindset, however, is not found everywhere, nor is it applied equally to every child. White children harness the benefits of these reforms much more than children of color.

In fact, the very idea of seeing children as adults is inextricably intertwined with racism. Throughout American history, white people have seen children of color as older, more threatening, and in general as mini-adults rather than vulnerable children.¹¹⁷ The persistent challenge of deeply embedded racial disparities has become even more difficult to confront, as the current administration, unlike previous administrations, has sought to sweep the problem under the rug. The Office of Juvenile Justice and Delinquency Prevention (OJJDP), tasked since 1988 with addressing the “disproportionate minority contact” through trainings and grants to states, moved in 2018 to minimize the data states had been required to collect and withdrew training manuals and guidance states had been using to address racial disparities.¹¹⁸

The cataclysmic events of 2020 have exposed the degree of unnecessary arrests of children, as well as their over-incarceration, and have laid bare the deep roots of racism throughout the criminal justice system. For children who are at risk of being charged as adults, the lesson to be learned is clear. Addressing racism is the key to ending the adultification of children. ALL relevant stakeholders need to see that ALL children, including children of color and children who engage in violent behavior, must be treated as children.

CALL TO ACTION: 2021 AND BEYOND – PROSPECTS FOR ENDING THE PROSECUTION OF CHILDREN AS ADULTS

In general, what happens in 2021 and beyond will be defined by the extent to which the lessons of 2020 are to be learned, accepted, and translated into further reforms. Significantly, in every state and every city, the debate over such reforms will also center around diminishing resources and shrinking budgets, and how we balance that with the well-being and health of our children and communities.

The major lesson of 2020, the glaringly obvious entrenchment of racism in law enforcement and the criminal justice system more broadly, has already led to a rethinking at the local level about police budgets and about police presence in schools which are the source of so many unnecessary arrests. Yet we know that our children are policed far beyond their schools. They are policed in public housing, on public transportation, at public parks and recreation, and while shopping. As an alternative to excessive and harmful policing, local reforms may include more support for communities to address youth violence in a preventative way, by divesting in policing and investing in age appropriate trauma, healing and restorative justice practices. It may also include reforms to the way children understand their Miranda rights, and ensuring they have representation during police interrogations, regardless of the seriousness of their pending charges.

Though constrained by a lack of funds due to the recession that seized the economy in 2020, states and localities are likely to continue moving in a positive direction, towards reducing the number of children prosecuted or incarcerated in the adult system. The reforms to date have been too successful, and have kept children in a more age-appropriate youth justice

system, even as arrests have plummeted and public safety has improved.

While the Campaign is closing, this work will continue locally, with impacted young people and their families and communities leading the charge. It will be critical that the remaining work embrace a racial justice framework and uplift community based solutions to interpersonal and community violence.

RAISING THE AGE:

In the three remaining states that automatically treat all 17-year-olds as adults in the criminal justice system – Georgia, Texas, and Wisconsin – there is widespread, bipartisan support for the idea that 17-year-olds should be retained in the juvenile justice system. But these states will have to overcome budgetary concerns about the costs of such a major transition. The previous 11 states that passed Raise the Age laws all dealt with this question, albeit under more favorable economic circumstances, and in all those states it turned out that the feared budgetary impacts had been overblown.

The lesson from COVID-19 in 2020, as many states were able to significantly reduce the detention of children in their juvenile systems, should be that it should be possible to incorporate 17-year-olds into the system without any costly expansions, simply by lightening its touch on younger children, and continuing diversion practices. Less than six percent of 17-year-olds arrested in these three states are charged with a serious or violent offense, so they should not end up in secure confinement.

TRANSFER:

Because of their lower age of juvenile court jurisdiction, the aforementioned three states are responsible for the majority of children transferred to the adult system each year (approximately 35,000 youth per year). Mechanisms that exclude or severely limit judicial review are the second most common way by which children are transferred to the adult court (approximately 6,500 youth per year). These transfers often involve more serious or violent offenses, but there has nonetheless been significant recent progress, with statutory exclusion provisions being eliminated in Florida and Oregon in 2019, and significantly narrowed in Utah in 2020, while a bill in Kentucky that would have eliminated statutory exclusion had passed the state Senate in 2020 before the state legislative session was cut short by the COVID-19 pandemic. Also in 2020, the age of eligibility for prosecutorial direct file was raised in Virginia to 16.

More states are likely to narrow or even eliminate these transfer provisions in the coming years, and some are likely to establish or expand reverse waiver provisions that allow transferred children to return to juvenile court.

By contrast, there has not been a lot of reform around transfer mechanisms that allow for full judicial discretion, though California's 2018 legislation that raised the floor of eligibility for such transfers to age 16 established a new standard towards which other states may strive. Raising the floor and/or narrowing the eligible offenses for judicial transfer is an area of reform that states may begin to explore in the near future.

JAIL AND PRISON REMOVAL:

December 18, 2021, marks the deadline for states to meet the requirements of the JJDP Act that children charged as adults not be held in adult facilities pre-trial. Many states are not there yet, though some had such legislation under consideration in 2020. It is likely that in 2021 there will be a flurry of legislation to remove children from adult jails.

As the number of children transferred, convicted, and sentenced as adults continues to decline, reforms that keep such children sentenced as adults out of adult prison may gain some momentum. States that have extended the jurisdiction of their juvenile systems to a higher age will be especially prepared to make this kind of transition. States that have not done so may do so in the coming years.

Another positive trend has been the re-examination of children given long adult prison sentences. "Second look" legislation that allows children given lengthy adult prison sentences to apply for early parole or re-sentencing has been introduced in several states, as have repeals of mandatory minimum and life sentences for children. These trends are expected to continue.

RACIAL DISPARITIES IN TRANSFER:

While the drop in the number of children prosecuted as or incarcerated with adults is of course welcome, there continues to be a persistent, and in some cases increasing, pattern of racial disparities.

Beginning with arrests, Black children, who account for just 16 percent of the youth population, have consistently accounted for 50 percent of youth arrested for person offenses, while from 2005 to 2018, their portion of arrests for property offenses rose from 30 percent to 42 percent. Their proportion of arrests for drug offenses did drop from 2005 to 2018, from 29 percent to 23 percent, but rose for weapons offenses from 37 percent to 43 percent.¹¹⁹ This is true despite youth, independent of race and ethnicity, engaging in delinquent behavior at similar levels.

In terms of transfer to adult court, in 2018, while the likelihood of white youth being judicially waived to the adult system had remained constant since 2005, the likelihood of Black youth being waived by a juvenile court judge had increased, particularly for person offenses.¹²⁰ Data for non-judicial transfers is

spotty and incomplete, but where it exists, it exposes huge racial disparities in the states that transfer the most children (see Trend 4 above). These disparities are particularly alarming given that youth crime is at a 50 year low in the United States.¹²¹

In terms of outcomes, the sheer drop in the numbers of youth in the adult system has helped reduce the size of the disparities. In 2008, it was estimated (based on 2002 data) that Black children were nine times more likely to be committed to adult prison than white youth;¹²² by 2012, Black youth were four times as likely to be incarcerated in an adult jail or prison. Despite this reduction in disparity, youth of color still made up 88% of the children incarcerated as adults that year.¹²³

Data on non-judicial forms of waiver, disaggregated by race, is only available in 18 states, though not all 18 states report on this data annually. Data tracking this and tracking outcomes of cases that are waived is vital to determining the degree of racial bias in the system, and the efficacy (or lack thereof) of transferring children to the adult criminal justice system. The data that is available, however, is more than enough to demonstrate that structural racism inherent in our criminal justice system, remains equally entrenched in the practices and processes that lead to youth being tried as adults.¹²⁴

One emerging tactic that states are considering for ensuring that at least future legislation does not enhance already existing racial disparities is the enactment of “Racial Impact Statements” which require that proposed legislation be evaluated for its potential impact on racial and ethnic communities, similar to the way fiscal impact statements evaluate a proposal’s potential effect on budgets. A handful of states have enacted racial impact statements in recent years, starting with Iowa in 2008, and several more have considered the idea.¹²⁵

The impact of these racial disparities in transfer of youth to the adult system is profound. Children who are transferred and prosecuted

as adults are denied the rehabilitative services for which the separate juvenile system was first created in 1899. Children of color are disproportionately denied these services, despite the fact that our youth justice systems have adequate resources to support them. About 95 percent of youth sentenced as adults, including those convicted of violent offenses, are home by their 25th birthday; 78 percent by their 21st.¹²⁶ Failing to support them during these few critical years is a disservice to them, to their communities, and to public safety, and it is a crystal clear illustration of systemic racism. Tackling racial and ethnic disparities county by county in each of the nine states¹²⁷ that still transfers more than 200 children per year is critical, as most of these transfers occur in a handful of large counties.

ADDRESSING VIOLENCE AND PUBLIC SAFETY:

While children are not the drivers of violence in this society, when they are engaged in violence, it shakes the foundation of the justice system. Children who commit acts of violence have often already been victims of violence themselves, and the common practice of punishing them as adults does nothing to interrupt the cycle.

The bi-furcation of children into “violent” and “non-violent” categories has also been a difficult tradition to overcome. Youth justice advocacy over the last two decades has shifted the narrative substantially, and the idea that children are fundamentally different than adults has largely taken hold, at least when applied to children accused of lower level offenses. But the old ways of thinking tend to re-emerge when children are accused of violence. Yet children accused of serious or violent offenses are just as different from adults, just as vulnerable to exploitation, and just as amenable to rehabilitation as any other children.

As children accused of violent offenses become a larger share of those who are tried as adults, it is more urgent than ever to find ways to address violence in a preventative way at the

community level. CFYJ’s 2019 report, *If Not the Adult System, Then Where?*, provides a guide to emerging practices for children charged as adults that are alternatives to the purely punitive approaches that are commonly relied on in cases of violence.¹²⁸ Programs like the Lone Star Justice Alliance in Texas¹²⁹, and Common Justice, which works to develop “responses to violence” that are “survivor-centered, accountability-based, safety-driven, and racially equitable,”¹³⁰ are good examples of working with youth accused of violent offenses in ways that meet the needs of victims and the young people who have harmed them.

The question of guns is especially urgent. Possession of a firearm is often treated as an enhancement to an offense, or an act of violence in itself, that prompts the transfer of a child to the adult system; but in communities where violence is all too common, children (and adults) are likely to be in possession of guns as a tool of protection not necessarily as an instrument of premeditated criminality. Recognizing this reality will do more to address violence than prosecuting harsh and inflexible laws that do not take this reality into account.

As an example, the recent reforms in Delaware are a positive step. These reforms gave judges discretion to decide on transferring children for “possession of a deadly weapon” during the commission of a felony, and established a more limited judicial review for “possession of a firearm” that requires a finding that the firearm was used, not merely possessed, during the commission of a felony. And New York’s Raise the Age law only allows children to remain in the adult system if their alleged offense caused “significant physical injury”, involved “display” of a deadly weapon “in furtherance” of their alleged offense, or if their alleged offense was a sex offense.

In response to the appalling phenomenon of school shootings, embedding law enforcement in schools (often referred to as “school resource officers”) has led to the increased criminalization of the children who were supposed to be protected. Unnecessary arrests

have proliferated with police in schools, and declined sharply when schools closed because of the COVID-19 pandemic. The school-to-prison pipeline begins with such arrests, and can ultimately lead to children being prosecuted as adults.

Some jurisdictions have begun to question the wisdom of this policy, and sought to limit or eliminate the presence of law enforcement in their schools. States and cities across the country should follow this lead. Divestments in school resource officers could be better spent in building up school mental health, restorative practices, and other strategies that build positive school culture.

It is important to recognize that the term “violence” has been expanded greatly in the past three decades. It can include crimes where no other person is involved, and definitions vary by jurisdiction. Higher incarceration rates have been shown not to correlate with lower incidence of violent crime, and the most “serious” offenses often are associated with the lowest recidivism rates”

(Justice Policy Institute, 2016)

HUMAN RIGHTS

Despite the significant drop in the number of children prosecuted as adults, the United States is an increasingly isolated pariah when it comes to this issue. A comprehensive study of the U.S. system of trying children as adults, produced by the Inter-American Commission on Human Rights (IACHR) in 2018,¹³¹ demonstrated the degree to which the U.S. consistently violates the human rights of children on a large scale, by prosecuting and incarcerating them as adults.

The pariah status of the U.S. globally is illustrated by the fact that it is the only nation on Earth that has not ratified the U.N. Convention on the Rights of the Child. In September 2019, the Committee on the Rights of the Child, which oversees interpretation of the Convention, issued a General Comment emphasizing that:

“States parties which ... allow by way of exception that certain children are treated as adult offenders (for example, because of the offence category), should change their laws to ensure a non-discriminatory full application of their child justice system to all persons under the age of 18 years at the time of the offence...”

The Committee also stated that no child under 14 should be held criminally responsible, either in the adult or the juvenile system.

That the U.S. is the only country that is not a “State party” to this treaty, and that no U.S. state meets either of these standards, further confirms its pariah status.

“States Should Not Automatically Transfer children deprived of liberty who reach age 18 to the adult Criminal Justice System.”--Recommendation IIO from the Global Study on Children Deprived of Liberty (2019).

POLICY RECOMMENDATIONS

ENDING THE ADULTIFICATION OF YOUTH

I. RAISING THE AGE: (3 STATES)

- Georgia, Texas, and Wisconsin, are the only states that need to pass “Raise the Age” laws to return 17-year-olds to their juvenile justice systems. These states should do so without delay.

II. TRANSFER: (8 STATES)

- Florida prosecutors directly file hundreds of children’s cases in adult court every year; this practice needs to be drastically reformed or eliminated.
- Legislators in states that statutorily exclude hundreds of children each year – Alabama, Arizona, Indiana, Maryland, New Jersey, Ohio and Pennsylvania – should narrow or eliminate these statutes.
- All states should enact robust Reverse Waiver laws and legislate data collection requirements that disaggregate by race and track outcomes for children who are transferred.
- States should also reform their judicial transfer provisions, by limiting the eligible offenses, or raising the age of eligibility – as California did in 2018 – to 16.
- States where large numbers of children are transferred by judges from only one or two jurisdictions, like Tennessee and Ohio, should look not only at legislative reforms, but at trainings to improve prosecutorial and judicial approaches to these cases.

III. JAIL AND PRISON REMOVAL: (8 STATES)

- The number of children who are charged as adults and as a result held in adult jails can and should be brought down to zero. Most children held in adult jails are in a few facilities. Eight states presume adult incarceration when children are pending adult charges, of those only four have significant numbers of youth in their facilities (AL, FL, IN, MS).
- JJDP requirements must be met by December 2021, and must be rigorously enforced by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). OJJDP should also provide technical assistance and training to states to help them get to zero.
- States should also pass laws prohibiting the housing of children convicted as adults in adult prisons.
- Children sentenced as adults should be few in number if other reforms are successful, and the harms of adult prison can be mitigated if states pass “second look” legislation that allows for early parole or re-sentencing for children sentenced as adults.
- Going forward, states should end mandatory minimum, extreme, and life sentences for children.

IV. LAW ENFORCEMENT & PROSECUTION:

- For children who are arrested, improvements in protection of their Miranda rights, and their rights to defense counsel during interrogation, should be pursued across the board, and especially for children facing adult charges.
- If children are to be charged with an offense, prosecutors should be encouraged or trained to refrain from filing unnecessary adult charges, and judges should be trained to minimize transfers to the adult court. Easily identifiable problem areas, like Cuyahoga County, Ohio, or Shelby County, Tennessee, should be targets of energetic advocacy. There are jurisdictions who have dealt with this in a constructive manner by building in safeguards to automatic transfer. Philadelphia requires supervisory sign off on adult charges, prioritizes youth cases to limit delays, and charges only to what the facts support rather than to the highest charge possible.
- Allowing for youth waiver of their certification hearing should be disallowed, particularly before defense counsel is appointed.

V. ADDRESSING VIOLENCE AND PUBLIC SAFETY

- State and local lawmakers should support programs offered in communities that focus on restorative justice and healing. These programs work equally well for, and should be available to, children accused of violent offenses, and policy-makers should recognize that this is what many victims want. A survey of crime victims and victim advocates at the end of 2017 demonstrated that they support community-based, restorative approaches for youth involved in violence, and believe that the focus should be on “rehabilitation, victim safety, and the provision of ample services by both parties.”¹³²

- Laws that allow children to be transferred to the adult system because of broadly or vaguely defined firearms offenses should be repealed, and focus should instead be directed to addressing the root causes of gun violence, including a recognition of the fact that children who engage in violence are often first victims of it, and that many youth may be in possession of weapons for self-protection.
- School shootings, which gratefully have been on pause during the pandemic should not yield “tough on kids” legislation. Instead, jurisdictions need to be able to identify and intervene in the lives of children who have experienced trauma and/or violence, who have access to guns, and who have been disconnected from social and family services. School based mental health and trauma services are one constructive place to start; as well as multi-disciplinary teams that connect child welfare, mental health, families, education, and public health responses are more appropriate.

VI. HUMAN RIGHTS:

- The United States is the only country in the world that has not ratified the U.N. Convention on the Rights of the Child (CRC). The U.S. Senate should do so without delay, establishing goals for states and the federal government including: ending all delinquency prosecutions of children under age 14; ending the prosecution of children under age 18 as adults under any circumstances; prohibiting the incarceration of children under 18 in adult facilities of any kind.
- States can and should move towards these goals even without ratification of the CRC.

CONCLUSION

The decision to close a national campaign was not an easy one. The impressive success of local and national coalition work that was largely bi-partisan, driven by impacted youth and their families alongside advocates, and, particularly over the past three years, achieved multi-year reforms, helped us make this decision with confidence.

When we close in December 2020, the Campaign will ensure the legacy of this work by:

- Moving its resources and knowledge to The Sentencing Project which will continue to monitor and share data, trends, and emerging concerns of children who face adult prosecution, sentencing and incarceration;
- Supporting five states that still send hundreds of children into the adult system each year: including Georgia and Texas to raise the age of criminal responsibility to 18; and Indiana, Maryland, and Pennsylvania that still transfer hundreds of children into the adult system annually;
- Passing the baton to the National Juvenile Justice Network (NJJN) and the Coalition for Juvenile Justice (CJJ), who will continue to advance Youth Justice Action Month (YJAM) activities that help to base build at the state, local and federal levels;
- Preserving and elevating the voices of those currently incarcerated who were sentenced as children by partnering with Michigan State University on a research and public art project;
- Publishing the lessons of the campaign in a research paper published in a peer reviewed journal;
- Launching a new face for the Campaign for Youth Justice website that includes all the data, model legislation, and technical needs for states;
- Advocating for funding to go directly to states fighting this injustice especially those with a racial justice framework.

While the treatment of children as adults by our justice system is as old as the system itself, it doesn't need to be this way. If the past 15 years has taught us anything, it is that putting a spotlight on an issue, backed by data and research, but grounded in solutions provided by those impacted can lead to incredible change--not just with our practice, but in our hearts and minds. Our future depends on it.

APPENDIX A: RELEVANT RESEARCH

- Childhood Convicted: The Waiver of Iowa's Youth to the Adult Criminal Justice System (2018) http://cfyj.org/images/Childhood_Convicted_Report_-_FINAL.pdf
- Children and Adolescents in the United States' Adult Criminal Justice System (2018) <http://cfyj.org/images/otherreports/Children-USA.pdf>
- The Color of Youth Transferred to the Adult Criminal Justice System: Policy & Practice Recommendations (2018) http://cfyj.org/images/pdf/Social_Justice_Brief_Youth_Transfers.Revised_copy_09-18-2018.pdf | The Color of Juvenile Transfer: Policy & Practice Recommendations (2018) <https://www.socialworkers.org/LinkClick.aspx?fileticket=30n7g-nwam8%3D&portalid=0>
- Getting to Zero: A 50 State Study of Strategies to Remove Youth from Adult Jails (2018) https://drive.google.com/file/d/1LLSF8uBlrcqDaFW3ZKo_k3xpk_DTmtV/view
- Implementing Laws to Raise the Age of Juvenile Court Jurisdiction to 18: What States and Localities Can Do to Prepare for Success (2018) <http://cfyj.org/images/pdf/RTA%20Implementation%20Guide.pdf>
- Is it Enough: Implementation of PREA's Youthful Inmate Standard (2018) http://cfyj.org/images/Issue_Brief___Is_It_Enough___The_Implementation_of_PREAs_Youthful_Inmate_Standard_Updated.pdf
- National Policy Statement Update (2018) http://cfyj.org/images/pdf/NATIONAL_POLICY_STATEMENT_UPDATE_2018.pdf
- Smart, Safe, and Fair: Strategies to Prevent Youth Violence, Heal Victims of Crime, and Reduce Racial Inequality (2018) http://www.justicepolicy.org/research/12222?utm_source=%2fsmartsafefair&utm_medium=web&utm_campaign=redirect
- Youth younger than 18 prosecuted in criminal court: National estimate, 2015 cases (2018) <http://www.campaignforyouthjustice.org/images/Transfer-estimate.pdf>
- If Not the Adult System, Then Where? (2019) http://cfyj.org/images/ALT_INCARCERATION___FINAL.pdf
- Race, Juvenile Transfer, and Sentencing Preferences: Findings From a Randomized Experiment (2019) https://www.researchgate.net/publication/313903254_Race_Juvenile_Transfer_and_Sentencing_Preferences_Findings_From_a_Randomized_Experiment
- Raise the Floor: Increasing the Minimum Age of Prosecution of Youth as Adults (2019) http://cfyj.org/images/Raising_the_Floor___Final.pdf
- Removing Youth from Adult Jails: A 50-State Scan (2019) http://cfyj.org/images/Pretrial_Housing_Report_FINAL.pdf
- Souls of Young Folk: The Disproportionate Prosecution of Black Youth as Adults in New Jersey (NJPC) http://cfyj.org/images/FINAL_Souls_of_Young_Folk_Report-compressed.pdf
- The Child, Not the Charge (2020) http://cfyj.org/images/child_not_the_charge_report5.26_2.pdf
- Leading With Race to Reimagine Youth Justice: JDAI's Deep-End Initiative (2020) <https://www.aecf.org/resources/leading-with-race-to-reimagine-youth-justice/>

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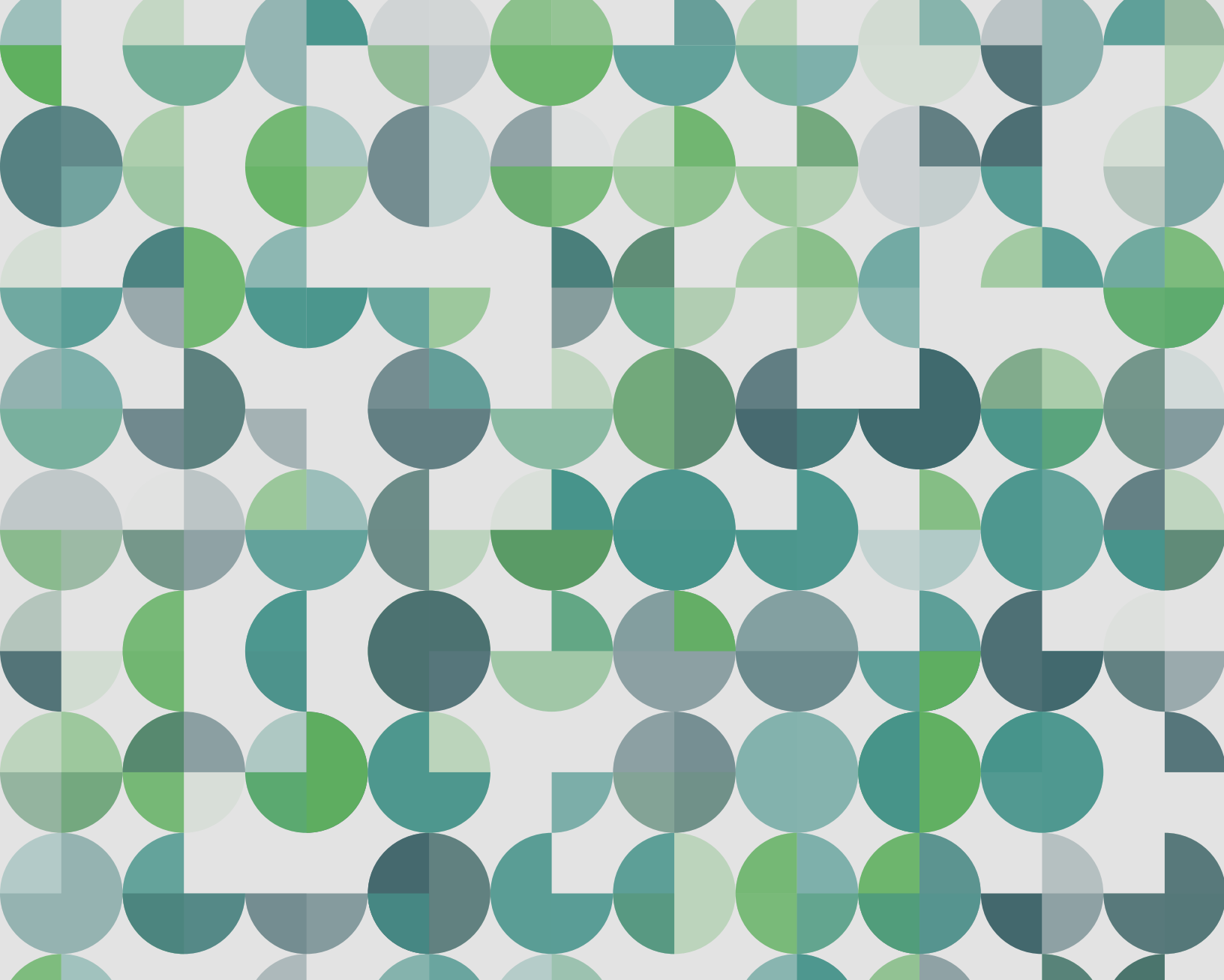
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CAMPAIGN FOR
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BECAUSE THE CONSEQUENCES AREN'T MINOR

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