

Youth in Adult Courts, Jails, and Prisons

At the turn of the 21st century, it was estimated that 250,000 children every year were charged as adults in the United States.¹ By 2019, that number had dropped 80% to 53,000.² This drop is to be celebrated and is the result of legislative changes in 44 states and the District of Columbia, as well as federal funding incentives. However, there is still much work to be done. The children that remain exposed to the adult criminal legal system are overwhelmingly youth of color. The vast majority serve short sentences in adult jail or prison and return home by their 21st birthdays,³ the age at which services can be extended to in the youth justice system in the vast majority of states; indicating that many youth could be served, more appropriately, by the youth justice system.

This brief reviews the history, harms, pathways and trends that treat children as if they were adults.

HISTORY

Since 1899 when Cook County, Illinois, established the first separate juvenile court,⁴ the United States has always allowed some children to be charged as if they were adults and placed into adult jails and prisons. The prevailing view of the time was that parents of the arrested child — often immigrants — were inadequate to the task of parenthood and the state had to intervene.⁵ Over time nearly every state created a separate juvenile system that recognized that children are different from adults and identified rehabilitation as the primary goal of the youth justice system. States varied in the ages that determined eligibility for juvenile court, with some settling on youth under ages 16-or-17-years, but most settling on youth under age 18. In nearly every state, judges retained the right to waive children to adult court for some serious offenses.⁶

By the late 1970s, the juvenile justice system began to expand automatic transfer laws that skipped past a hearing in juvenile court to determine whether a child was no longer amenable to treatment and rehabilitative services. These early automatic transfer states were few (14) and only addressed the most serious crimes.⁷ It wasn't until the mid-1990s that the narrative and hysteria created by the media and political actors about an alleged “superpredator” youth who “did the crime should do the time” cemented itself in public policy. The term “superpredator” was first used by political scientist John J. Dilulio Jr. in 1995, in which he predicted that there would be a surge of youth who would be driven by “moral poverty” that were going to fill the streets committing violent crimes.⁸

As a result of this race-baited theory that incorrectly attributed “moral poverty” and “black-inner city neighborhoods” to a rise in crime, nearly every state enacted laws making it easier to prosecute juveniles as adults. Despite Dilulio's claim that juvenile crime would increase, it fell, including the most serious crimes; murders fell by two-thirds between 1994-2003.⁹ In 2001, the U.S. Surgeon General's report found that “there is not evidence that the young people involved in violence during the peak years of the early 1990s were more frequent or more vicious offenders than youth in earlier years.”¹⁰ Yet, the damage of these punitive, racist policies had already been done.

CHILDREN ARE DIFFERENT FROM ADULTS

The human brain is still maturing until a person reaches their mid-20s.¹¹ The National Research Council's 2013 report, *Reforming Juvenile Justice: A Developmental Approach*, finds three main cognitive tendencies that make youth different from adults and more vulnerable to exercising delinquent behavior: pleasure seeking dominates over impulse control, leading adolescents to engage in more risky behaviors; peer groups have disproportionate influence compared to adults; and maturation leading to changes in behavior typically occur in an individual's mid-twenties.¹²

This century, the The US Supreme Court has used this science to extend protections for youth who may be facing extreme sentences in the adult system. Precedents over the last decade have resulted in a shift in youth incarceration as well as state jurisdictional procedures for sentencing youth. In 2009, *Roper v. Simmons* concluded that juveniles cannot be sentenced to death, finding that the death penalty was cruel and unusual punishment in relation to the

mental capabilities of the young. *Roper* was followed by five other Supreme Court cases that established that children are different from adults, and those differences should be accounted for when sentencing youth under 18 to life without parole. The cases are *Graham v. Florida* (2010), *J.D.B. v. North Carolina* (2011), *Miller v. Alabama* (2012), *Montgomery v. Louisiana* (2015), and *Jones v. Mississippi* (2021).¹³

In *Miller v. Alabama*, the Court found that sentencing youth under 18 to mandatory life without parole sentences violates the eighth amendment prohibition on cruel and unusual punishment. In the majority opinion, Justice Kagan wrote that judges must consider the characteristics of young defendants in order to provide a fair and individualized sentence.¹⁴ The Court's majority quoted a brief from the American Psychological Association, saying "It is increasingly clear that adolescent brains are not yet fully mature in regions and systems related to higher-order executive functions such as impulse control, planning ahead, and risk avoidance."¹⁵

Finally, children are highly likely to grow out of delinquent and criminal behavior by their mid-twenties. Numerous studies show that once youth age out of adolescence, their involvement in crime declines. The Pathways to Desistance study focused on serious offenses committed by youth (ages 14-18) and found, "most youth who commit felonies greatly reduce their offending over time; longer stays in juvenile detention do not reduce recidivism; in the period after incarceration, community supervision does reduce recidivism for youth that committed serious offenses; substance abuse treatment reduces youth and criminal offending for a short period of time."¹⁶

TRYING YOUTH AS ADULTS IS HARMFUL

While there are dramatically fewer youth in adult facilities than in prior decades, strong racial and ethnic disparities persist for young people involved in the justice system.

Youth of color are less likely than white youth to receive rehabilitative services and are more likely to receive harsher punishments as well as referral to adult facilities.¹⁷ Data collected by the U.S. Office of Juvenile Justice and Delinquency Prevention finds that there are clear disproportionate rates in the transfer of youth from youth facilities to adult facilities. In 2018 it was found that despite Black youth making up less than 15% of the total youth population in the United States, they comprise 63% of the total youth

detained pending judicial waiver or awaiting criminal court hearing.¹⁸ 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 youth of color.¹⁹

In 2016, Black youth were nine times more likely than white youth to be given an adult prison sentence. Meanwhile Tribal youth were twice as likely and Latinx youth were 40% more likely than white youth to be prosecuted as adults, demonstrating even more disparities for the harshest punishments meted out to U.S. children.²⁰

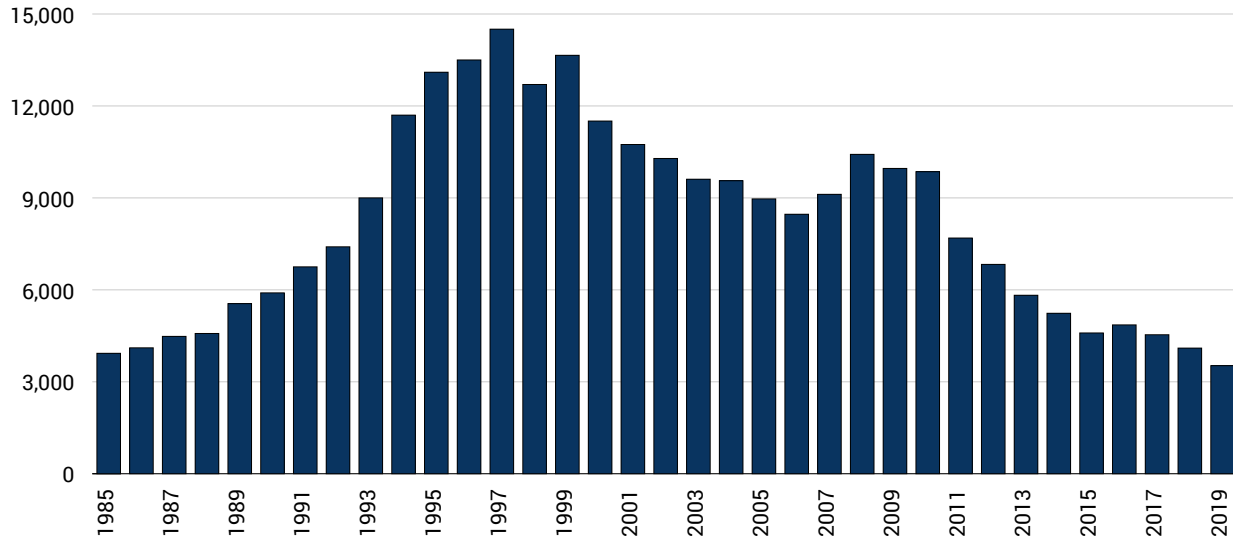
The tendency of white people and court actors to treat youth of color more harshly is well documented in research conducted by Philip Goff entitled, "The Essence of Innocence." The research found that Black boys are routinely seen as less innocent and more dangerous than white children; and therefore less deserving of "protection" than their white peers. Both police and college students overestimated the age and culpability of an individual based on differences in physical characteristics of race; finding such overestimation to be linked to dehumanizing stereotypes.²¹ Beginning at the age of 10, Black children were seen as being less innocent than children in every age group. Students were shown pictures of boys between the age of 10 and 17 of different races and were given descriptions of crimes. They were then asked to estimate the age and innocence of these boys. On average, students overestimated the age of Black boys by four and a half years and "found them more culpable than whites or Latinos, particularly when the boys were purportedly arrested for serious crimes."²²

Given the exacerbated and collective harms of being treated as if the youth were an adult, policies to reduce youth transfer require a racial justice lens.

Housing Youth in Adult Facilities is Dangerous

The United States continues to hold minor children in adult jails and prisons, despite elevated physical and sexual victimization and overuse of solitary confinement for children in adult facilities. While progress is being made to house all children in more age-appropriate, youth-specific facilities, it is uneven and slow. In 2019, on any given night, there were 3,500 children

Figure 1: Youth in adult facilities, 1985-2019



Bureau of Justice Statistics. Prison and Jail Inmates at Midyear series for 1998, 1999, 2002, 2003, 2004-2019; Jail Inmates at Midyear 2019, and the Jail Inmates series for 2015-2019. Available from: <https://www.bjs.gov/>

sleeping in adult jails and prisons, the lowest number since the U.S. began tracking it in 1985.²³

When a child is sentenced to a period of incarceration in the adult court system, they are still likely to be housed in an adult facility. Housing children in adult facilities is dangerous, not age appropriate, and increases risks of suicide and recidivism. Youth that are incarcerated in adult prison are at the highest risk for sexual abuse,²⁴ they are more likely to be held in solitary confinement for their own “protection” where they may experience further mental health issues and long lasting traumas.²⁵

Since 1980, the federal government has required that states remove children from adult jails as one of the core protections in the federal Juvenile Justice and Delinquency Act (JJJPA).²⁶ However, children who were charged as if they were adults were carved out of this protection, based on state statutes that designated them as “adults” due to the nature of their charges. However, in the 2018 reauthorization of the JJJPA, children who are charged as adults but are under the age of criminal liability in the state must be removed from adult jails and be separated by sight and sound from adults in custody.²⁷ The one exception to the broadened jail removal requirement occurs when a court holds a hearing and finds that keeping a minor in an adult facility is “in the interest of justice.” To determine whether detaining a youth in an adult jail is in the interest of justice, the court must weigh seven factors: (1) the person’s age; (2) their physical and mental maturity; (3) their present mental state, including whether they present an im-

minent risk of self-harm; (4) the nature and circumstances of the charges; (5) the youth’s history of delinquency; (6) the relative ability of the available adult and juvenile facilities to both meet the needs of the individual and to protect the public and other youth in their custody; and (7) any other relevant factor.²⁸ If the court concludes that the balance of these factors points in favor of detaining the youth in an adult facility, the court must hold a hearing once every 30 days to review whether the placement in an adult jail is still in the best interest of justice. Furthermore, the youth cannot be held in an adult facility for more than 180 days total unless the court finds good cause for an extension or the youth waives the 180-day maximum.

In 2019, there were 2,900 youth held in adult jails.²⁹ The states with the highest number of youth in adult jails were North Carolina (307), Texas (299), Florida (296), Georgia (192), and Arizona (136).³⁰ In 2019, North Carolina, Texas and Georgia all included all 17-year-olds as part of their adult system. North Carolina can expect to drop these numbers to zero, since they Raised the Age to 18 and came into compliance with the jail removal provisions in JJJPA. Texas and Georgia numbers are likely to remain high. Thirteen states held zero children in their adult jails.³¹

Momentum is building to get this number closer to zero for all jurisdictions, as states move to comply with the new JJJPA requirements. For youth who remain in adult facilities under the interest of justice exception, the Prison Rape Elimination Act’s Youthful Inmate Standard which guarantees sight and sound

Table 1: State Counts of Youth Under Age 18 in Jails Mid-Year (2019)

State	Count
Alabama	34
Arizona	136
Arkansas	69
Florida	296
Georgia*	192
Illinois	1
Indiana	62
Iowa	34
Kansas	19
Louisiana*	129
Maryland	76
Michigan*	93
Minnesota	5
Mississippi*	84
Missouri*	45
Montana	18
Nebraska	5
Nevada	26
New Mexico	19
New York*	106
North Carolina*	307
Ohio	24
Oklahoma	32
Pennsylvania	89
South Carolina*	96
South Dakota	7
Tennessee	39
Texas*	299
Utah	2
Virginia	12
Washington	5
Wisconsin*	48
Wyoming	15
Total	

Source: <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cj0519st.pdf>.

*In 2019, these states still considered all 17 year olds to be adults, raising their numbers significantly (by 2021 only GA, TX and WI remain).

States with zero youth in adult jails are not listed.

Table 2: State & Federal Counts of Youth Under Age 18 in Adult Prisons (2019)

State	Count
Alabama	2
Alaska	5
Arizona	55
Arkansas	8
Colorado	7
Connecticut	52
Delaware	5
Federal	27
Florida	81
Georgia*	31
Indiana	31
Louisiana	18
Maryland	16
Michigan*	26
Minnesota	4
Mississippi	21
Missouri	4
Nebraska	7
Nevada	11
New York*	36
North Carolina*	61
Ohio	36
Oklahoma	9
Pennsylvania	9
South Carolina*	23
Tennessee	9
Texas*	38
Utah	3
Vermont	1
Virginia	12
Washington	5
Total	653

Source: <https://bjs.ojp.gov/content/pub/pdf/p19.pdf>

*States who still considered all 17 year olds adults. States with zero youth in adult prisons are not listed.

States with the highest number of youth in adult prisons:

1. Florida
 2. North Carolina
 3. Arizona
-

separation between adults and youth under 18 years of age will still offer moderate protections to these youth.³²

As of 2019, there were 653 youth housed in an adult prison, an 11% decline from 2018.³³ The states with the highest number of youth in adult prisons were Florida, North Carolina, and Arizona; each held more than 50 youth in their adult prisons during a one-day count.³⁴

Since the end of the last century youth incarceration in adult prisons has declined substantially. By 2019, 18 states had zero youth in their adult facilities.³⁵ The decline is the result of legislation and changes in legal procedure in different states. Reforms include Raise the Age initiatives that move youth under the age of 18 out of the adult justice system and ending automatic transfer of youth from juvenile court to adult court.

States such as California, Oregon, Utah and Washington State allow children who have been sentenced as if they were adults to be housed in youth facilities until their 25th birthday. This shift in housing aligns with other reforms these states have made to treat children like children, including narrowing eligibility of children who can be tried as adults, removing the youngest children from eligibility, and increasing individual review and discretion by a family court judge to determine whether the child can successfully be rehabilitated by juvenile court.

THE BENEFITS TO KEEPING YOUTH OUT OF ADULT FACILITIES

While children do best when kept in the community with programmatic support, for the few children who need to be held in a more secure setting—juvenile facilities remain the more appropriate placement than an adult prison or jail. Despite the flaws in youth facilities, they are still focused on rehabilitation and age-appropriate services. In contrast to adult facilities, their staff are more likely to receive training in trauma-informed care and adolescent development.

Adult facilities are dangerous, often overcrowded, focused on punishment and are not designed for youth. Youth facilities, on the other hand, tend to offer more programs aimed at rehabilitation such as educational programs, trade and vocational training programs, as well as mentor programs that will help youth adapt to living in the community post-release. Juvenile facilities also incorporate therapies that are meant to teach better decision making as well as behavior. Such therapies include anger management, multisystemic therapy, therapeutic foster care, functional family therapy, and cognitive-behavioral therapy; and often include family members.³⁶

Further findings from a study focusing on the effects of transfers from juvenile to adult court support the concept that life after prison for adults (and youth tried as adults) makes it harder to reenter society and live a life as a free member of society. Findings found that youth in adult facilities may be at risk for “disruptions in their personal development, identity formation, relationships, learning, growth in skills and competencies, and positive movement into adult status.”³⁷

Research shows that young people who are kept in the juvenile justice system are less likely to reoffend than young people who are transferred into the adult system. According to the Centers for Disease Control and Prevention, youth who are transferred from the juvenile court system to the adult criminal system are 34% more likely than youth retained in the juvenile court system to be re-arrested for violent or other crime.³⁸

Additionally, if a youth is sentenced to an adult facility, they will have a harder time being able to seal their records (in contrast to juvenile processing). Open records allow potential employers and financial institutions to see the criminal record when performing a background check and thus makes it harder to obtain a job, home, or to participate in our democracy due to voting restrictions.³⁹

THE PATHWAYS THAT LEAD YOUTH INTO ADULT COURTS

Charging children as if they were adults is a widely adopted practice in the United States, every state has at least one pathway into the adult system, and only eight require a judicial hearing prior to transfer. The eight states that require a judicial hearing are California, Hawaii, Kansas, Oklahoma, Montana, Oregon, Tennessee, and Texas. In 2015, there were approxi-

mately 76,000 people under 18-years-old who were charged as if they were adults; by 2019 this number had dropped to 53,000 youth.⁴⁰ It should be noted that while some of these pathways may be reserved for crimes identified as high grade felonies, these pathways are often used for lesser crimes.

Jurisdictional Boundaries

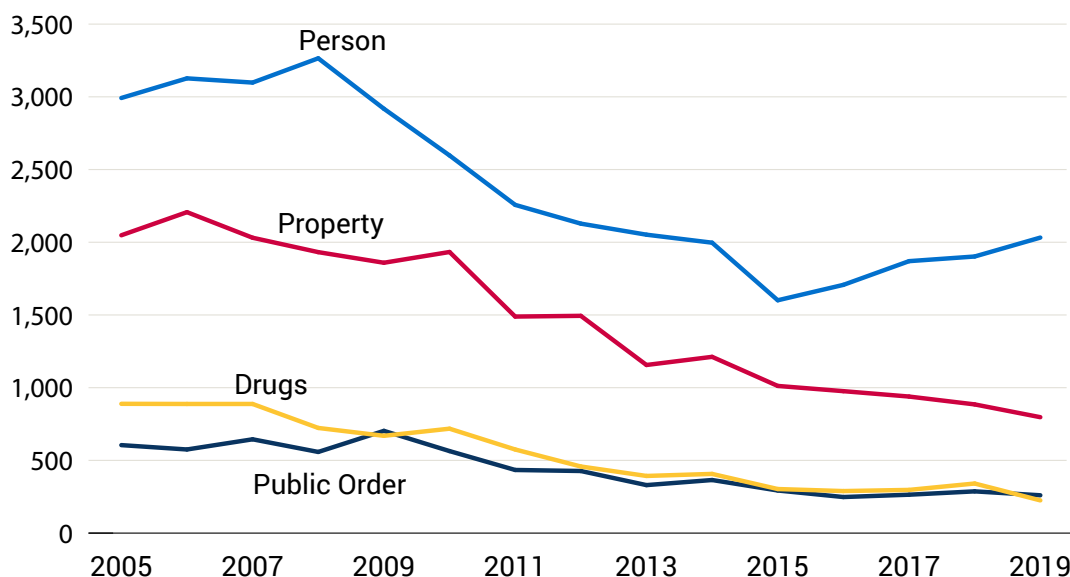
States have the authority to determine the age that they hold children to be criminally liable. Forty-seven states and the District of Columbia define 18 as the age of criminal liability. Only Georgia, Texas and Wisconsin consider every 17 year-old to be adults in the eyes of the justice system. Eleven states have raised the age over the past decade, reducing the number of children who originate in criminal court to 100,000 youth a year.⁴¹ Those eleven states are Connecticut, Massachusetts, Mississippi, New Hampshire, Illinois, Louisiana, South Carolina, North Carolina, New York, Missouri, and Michigan. If the final three states would raise the age, 30,000-35,000 youth a year would no longer automatically be tried as adults. Prior to the eleven states raising the age, in 2015, there were nine states that held youth as adults beginning on their 16th or 17th birthday, which accounted for 1.7 million 16-and 17-year-olds considered as adults under jurisdictional age laws in their respective state.⁴² Only Vermont currently sets the age above 18.

Judicial Waivers

There are three types of waivers that would allow a juvenile court judge to waive the jurisdiction of the juvenile court and move the case to criminal court. The three types vary by the degree of discretion the judges have and where the presumption lies (e.g. does the prosecution or defense counsel have to prove that the child should remain in juvenile court). Twenty-one states have more than one judicial waiver statute; North Dakota and Rhode Island have all three. While judicial waiver is the most prevalent option across states, it is the least utilized. In 2019, an estimated 3,300 delinquency cases were handled in criminal court as a result of judicial waivers.⁴³

- **Discretionary Waiver:** The first is discretionary waiver in which the judge in the juvenile court has discretion in deciding whether or not the juvenile will be transferred to criminal court. A review of data from 2016 collected by the Juvenile Justice Geography, Policy, Practice and Statistics (JJGPS) shows that 46 states provide for discretionary waiver, the four not included are Massachusetts, New Jersey, New Mexico, and New York.⁴⁴
- **Presumptive Waiver:** The second path to adult court is presumptive waiver which means if the charge the juvenile is facing pertains to a listed offense (e.g. armed robbery or drug distribution),

Figure 3: Judicial Waivers by Year



Source: Sickmund, M., Sladky, A., and Kang, W. (2021). "Easy Access to Juvenile Court Statistics: 1985-2019" Online. Available: <https://www.ojjdp.gov/ojstatbb/ezajcs/>; National Center for Juvenile Justice. (2021). National Juvenile Court Data Archive: Juvenile court case records 1985-2019 [machine-readable data files]. Pittsburgh, PA: NCJJ [producer].

then it is presumed that a waiver to criminal court is appropriate. The burden of proof in the waiver hearing falls upon the juvenile.⁴⁵ As of 2016, there were only 12 states that have waiver.⁴⁶

- **Mandatory Waiver.** The third waiver is mandatory waiver which in many ways is performative. In mandatory waiver, for certain offenses, the age of the defendant or any other criteria is sufficient to provide an automatic necessity for a waiver. There are only 12 states that have mandatory waiver.⁴⁷

Statutory Exclusion

Statutory exclusion (also termed “automatic transfer”) are state laws that exclude certain classes of cases from juvenile court jurisdiction based solely on the charge and age of the child. They are often unnecessarily broad and arbitrary. Presently, 26 states have adopted statutory exclusion provisions excluding children from juvenile court, including for lesser crimes such as property offenses and misdemeanors.⁴⁸

Prosecutorial Discretion

Prosecutorial discretion (also termed “direct file”) gives prosecutors the unfettered power to decide whether a child is charged as a juvenile or an adult. This discretion is allowed in 13 states and the District of Columbia.⁴⁹

In 2019, approximately 8,900 youth were excluded from juvenile court through statutory exclusion or prosecutorial discretion.⁵⁰ This is an increase from 2015 because multiple states have raised the age of juvenile court jurisdiction since. Children with serious charges who had been in adult court based on jurisdictional boundaries are now showing up under these automatic transfer provisions (in essence switching pathways into adult court).

Despite eleven states raising the age since 2009, the number of automatic transfers has not increased significantly, underscoring the fact that youth are not drivers of serious or violent crime in this country, despite claims from those opposing raise the age policies.⁵¹ Furthermore, three of the top five states that led the use of automatic transfers have eliminated or dramatically reduced them, including California (ended direct file 2016), Florida (ended statutory exclusion 2019), and Washington (scaled back statutory exclusion in 2018). Oregon also ended statutory exclusion in 2019, and Kentucky ended mandatory waiver in

2021. In addition, states as diverse as Colorado, Delaware, Vermont, Utah and Virginia have significantly rolled back their automatic transfer statutes.

Once an Adult, Always an Adult

The “once an adult, always an adult” category requires that youth who have previously been criminally prosecuted as an adult, remain in adult court for any subsequent offense, even if the new offense is minor in nature. States vary as to whether the child must have been convicted of an adult charge, or merely charged in order for this statute to apply. Currently 34 states and the District of Columbia permit youth to permanently lose their juvenile status through this type of transfer.⁵²

MOMENTUM FOR REFORM

With the evolution of research on adolescent development and neuroscience that clearly defines adolescence as a unique stage of human development that aligns very closely with the crime desistance curve, states have begun to adopt reforms.

The Campaign for Youth Justice, an initiative that declared a win and closed in 2020, found that over 15 years of youth justice reforms across the country to raise the age, end automatic transfer and remove youth from adult facilities across the country drove down the number of youth charged as adults by 70%.⁵³ That trend is continuing while overall arrests and youth incarceration continue to fall.

Raising the age reforms have resulted in a 77% drop in youth charged as adults

By far the biggest impact was the result of the “Raise the Age” initiative – changes to states’ jurisdictional boundaries for juvenile court eligibility. In 2000, there were fourteen states⁵⁴ who set the age of criminal responsibility below age 18; by 2020 there were just three outlier states; Georgia, Texas and Wisconsin still consider all 17 year olds to be adults for every arrest. Raising the age of adult criminal liability to 18 has yielded 77% of the drop in youth charged as adults.⁵⁵

While none of these initiatives addressed the state waiver or automatic transfer mechanisms that ex-

ENDNOTES

1. Arya, Neelum. (2011). *State Trends: Legislative Victories from 2005 to 2010 Removing Youth from the Adult Criminal Justice System*. Washington, DC: Campaign for Youth Justice.
2. Puzanchera, C.Sickmund, M, Hurst, H. (2021) "Youth younger than 18 prosecuted in criminal court: National estimate, 2019 cases". Pittsburgh, PA: National Center on Juvenile Justice http://ncjj.org/pdf/NCJJ_Transfer_estimate_2019.pdf.
3. Richard E. Redding, *Juvenile transfer laws: An effective deterrent to delinquency?* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention) (Aug. 2008).
4. National Research Council. 2013. *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press, p. 31.
5. Quandt, K.R. (2018), *Why Does the U.S. Sentence Children to Life in Prison?*, JSTOR Daily <https://daily.jstor.org/u-s-sentence-children-life-prison/>.
6. Thomas, J, Aswad, J, Rankin, K and Roberts, H. (2019). "Raising the Floor; Increasing the minimum age of prosecution as an adult." Washington, D.C.: Campaign for Youth Justice. p. 3.
7. Griffin, P., Addie, S., Adams, B., Firestine, K. (2011). *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. http://www.ncjj.org/pdf/Transfer_232434.pdf.
8. <http://fbaum.unc.edu/teaching/articles/DilulioTheWeeklyStandard1995.pdf>.
9. Federal Bureau of Investigation. *Supplementary Homicide Reports* for the years 1980–2019 [machine-readable data files]. Washington, D.C.: FBI. Online: *OJJDP Statistical Briefing Book*. Online. Available: <https://www.ojjdp.gov/ojstatbb/offenders/qa03105.asp?qaDate=2019>. Released on November 16, 2020.
10. Quandt, K.R. (2018).
11. Luna, B., Paulsen, D.J., Padmanabhan, A., Geier, C. (2005). "The Teenage Brain: Cognitive Control and Motion", <https://journals.sagepub.com/doi/full/10.1177/0963721413478416>.
12. National Research Council. (2013). *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/14685>.
13. <https://www.sentencingproject.org/publications/juvenile-life-without-parole/>
14. Rovner, J. (2021).
15. Quandt, K.R. (2018).
16. Mulvey, E.P., Steinberg, L., Fagan, J., Cauffman, E., Piquero, A., Chassin, L., Knight, G., Brame, R., Schubert, C., Hecker, T., and Losoya, S. 2004. Theory and research on desistance from antisocial activity in serious juvenile offenders. *Youth Violence and Juvenile Justice* 2(3):213–236.
17. Orts, K. (2020). "Racial and Ethnic Disparities across the Juvenile Justice System". EBP Society.
18. Sickmund, M., Sladky, T.J., Puzanchera, C., & Kang, W. (2021). "Easy Access to the Census of Juveniles in Residential Placement." Available: <https://www.ojjdp.gov/ojstatbb/ezacjrp/>.
19. Evans, B.(2020). *Winning the Campaign: State Trends in Fighting the Treatment of Children As Adults in the Criminal Justice System (2018-2020)*, Washington, DC: Campaign for Youth Justice
20. Campaign for Youth Justice. 2016. "Key Facts: Youth in the Justice System," p. 7. Washington, DC: Campaign for Youth Justice. <http://cfyj.org/images/factsheets/KeyYouthCrimeFactsJune72016final.pdf>.
21. Goff, P.A., Jackson, M.C., Lewis Di Leone, B.A., Culotta, C.M., DiTomasso, N.A. (2014). "The Essence of Innocence: Consequences of Dehumanizing Black Children" *American Psychological Association, Journal of Personality and Social Psychology*. <https://www.apa.org/news/press/releases/2014/03/black-boys-older>.
22. Goff, P.A., Jackson, M.C., Lewis Di Leone, B.A., Culotta, C.M., DiTomasso, N.A. (2014), *ibid*.
23. Bureau of Justice Statistics. *Prison and Jail Inmates at Midyear 2019*, and the *Jail Inmates* series for 2015-2019. Available from: <https://www.bjs.gov/>.
24. Office of Justice Programs. (2009), *National Prison Rape Elimination Commission Report*. <https://www.ojp.gov/pdf/files1/226680.pdf>.
25. American Civil Liberties Union, (2013). *No Child Left Alone Campaign to Stop the Solitary Confinement of Youth in Adult Jails and Prisons*. <https://www.aclu.org/other/no-child-left-alone>
26. OJJDP. *THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974: Prior Federal Juvenile Delinquency Activity* <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/jjdpchronology.pdf>.
27. There are two exceptions here: one "rural exception" that allows children to be temporarily held in adult facilities (up to six hours) until they can be transported to more appropriate settings; and one "interest of justice" exception that requires a judge to individually review a case pending in adult court and determine adult placement is appropriate. Pub. L. 115-385
28. Public Law No: 115-385; <https://uscode.house.gov/statutes/pl/115/385.pdf>.
29. Zeng, Z., Minton, T.D. (2021). *Census of Jails, 2005–2019 – Statistical Tables*. Bureau of Justice Statistics. https://bjs.ojp.gov/library/publications/census-jails-2005-2019-statistical-tables?utm_content=cj0519&utm_medium.
30. *Ibid*. Note: North Carolina changed its law in 2017, but implementation didn't start until December, 2019.
31. Zeng, Z (2021) lists in Table 6, Alaska, California, Colorado, Idaho, Kentucky, Massachusetts, Maine, New Hampshire, New Jersey, North Dakota, Oregon, West Virginia and Washington, DC.
32. *Prison Rape Elimination Act National Standards*, 28 C.F.R. § 115.14 (2012)
33. Carson, E.A. (2020). "Prisoners in 2019". U.S. Department of Justice. p. 19 <https://bjs.ojp.gov/content/pub/pdf/p19.pdf>.
34. Connecticut was excluded from this analysis, as Connecticut houses youth pre-trial and post-conviction in the same facility; the majority of whom are pre-trial.
35. The 18 states are California, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Maine, Massachusetts, Montana, New Jersey, New Mexico, North Dakota, Rhode Island, South Dakota, West Virginia, Wisconsin, Wyoming. Maine, Massachusetts, New Hampshire, New Jersey, North Dakota, District of Columbia, Kentucky, West Virginia, Alaska, California, Colorado, Idaho, and Oregon. See: Zeng, Z., Minton, T.D. (2021). *Census of Jails*,

- 2005–2019 – Statistical Tables. Bureau of Justice Statistics. https://bjs.ojp.gov/library/publications/census-jails-2005-2019-statistical-tables?utm_content=cj0519&utm_medium.
36. Loughran, E.J., Godfrey, K. (2008). *CJCA YEARBOOK 2007: A NATIONAL PERSPECTIVE OF JUVENILE CORRECTIONS*, (Council of Juvenile Correctional Administrators) (“CJCA YEARBOOK”) pp. 55-56
 37. Mulvey, E.P., Schubert, C.A. (2012). “Transfer of Juveniles to Adult Court: Effects of a Broad Policy in One Court”. p.1 OJJDP Juvenile Justice Bulletin. <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/232932.pdf>.
 38. Centers for Disease Control and Prevention. (2007) Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services. *MMWR* 2007; 56 (No. RR-9). Available online at <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.
 39. NATIONAL INVENTORY OF COLLATERAL CONSEQUENCES, <https://niccc.nationalreentryresourcecenter.org/>.
 40. Puzzanchera, C., Sickmund, M., Hurst, H. (2021) “Youth younger than 18 prosecuted in criminal court: National estimate, 2019 cases”. Pittsburgh, PA: National Center on Juvenile Justice
 41. Mistrett, M. (2021), “Bringing More Teens Home: Raising the Age without Expanding Secure Confinement in the Youth Justice System”.
 42. Puzzanchera, C., Sickmund, M., Sladky, A. (2018), “Youth younger than 18 prosecuted in criminal court: National estimate, 2015 cases,” Pittsburgh, PA: National Center on Juvenile Justice.
 43. Puzzanchera, C., Sickmund, M., Hearst, H. (2021). *Youth younger than 18 prosecuted in criminal court: National estimate, 2015 cases*. National Center for Juvenile Justice, Pittsburgh, Pennsylvania. <http://cfyj.org/images/Transfer-estimate.pdf>
 44. Juvenile Justice Geography, Policy, Practice, and Statistics. (2016). <http://www.jjgps.org/jurisdictional-boundaries#compare-transfer-provisions?age=-1&action=2&year=2016&state=52&offense=-1>. Developed by the National Center for Juvenile Justice (NCJJ), with funding from the John D. and Catherine T. MacArthur Foundation.
 45. Office of Juvenile Justice and Delinquency Prevention. (1998), *Trying Juveniles as Adults in Criminal Court: An Analysis of State Transfer Provisions*.
 46. Juvenile Justice Geography, Policy, Practice, and Statistics. (2016).
 47. Juvenile Justice Geography, Policy, Practice, and Statistics. (2016); updated to exclude Florida and Oregon, have both eliminated statutory exclusion provisions since 2016.
 48. Juvenile Justice Geography, Policy, Practice, and Statistics. (2016).
 49. Juvenile Justice Geography, Policy, Practice, and Statistics. (2016).
 50. Puzzanchera, C., Sickmund, M., Hearst, H. (2021), “Youth younger than 18 prosecuted in criminal court: National estimate, 2019 cases.”
 51. In 2018, youth comprised 11.5% of all arrests for serious violent crime in the country; this is down from a peak high of 26% in the 1990s. Internet citation: *OJJDP Statistical Briefing Book*. Online. Available: <https://www.ojjdp.gov/ojstatbb/offenders/qa03202.asp?qaDate=2018>. Released on August 30, 2021.
 52. Juvenile Justice Geography, Policy, Practice, and Statistics. (2016).
 53. <http://cfyj.org/15-years-of-impact-how-we-won>
 54. These states included Connecticut, New Hampshire, Illinois, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, New York, North Carolina, South Carolina
 55. Kelly, J. (Nov 9, 2021), “Estimate Shows Adult Court is Increasingly Rare Destination for Youth” Imprint News: <https://imprintnews.org/youth-services-insider/estimate-shows-adult-court-is-increasingly-rare-destination-for-youth/60281>
 56. Kittredge, J, Ziedenberg, J. et al. “Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System” Justice Policy
 57. Puzzanchera, C., Sickmund, M., Hearst, H. (2021), page 2. The modest increase can be attributed to the more than 25,000 youth newly added to juvenile jurisdiction during this period of reform. It should be noted that the 8,900 includes approximately 3,600 youth from New York over an 18 month period, # which has no pathway for juvenile court judges to waive children into adult court. Instead, New York created a separate “youth part,” of the criminal court where judges have specialized training and jurisdictional authority in both juvenile and criminal court. Youth Part judges remanded all but 220 youth back to family court.
 58. This includes California, Hawaii, Kansas, Kentucky, Missouri, Rhode Island, Tennessee and Texas.
 59. Puzzanchera, C., Sickmund, M., Hearst, H. (2021), page 2; Puzzanchera, C., Sickmund, M., Sladky, A. (2019), page 2
 60. SB 36, passed and signed by the Governor 2021. <https://apps.legislature.ky.gov/record/21RS/sb36.html>.