



National Alliance to  
End Sexual Violence

## Position Statement on Youth in the Adult Criminal Justice System

November 2017

### Position:

The National Alliance to End Sexual Violence opposes the automatic treatment of youth as adults in the criminal justice system as well as the placement of youth in adult jails and adult prisons.

### Discussion:

Every year, approximately 200,000 youth under 18 are prosecuted in the adult criminal justice system.<sup>1</sup> Many of these youth live in the seven remaining states where 16 and/or 17 year olds are automatically treated as adults no matter their offense, their trauma history, or their mental health needs.<sup>2</sup>

According to the Bureau of Justice Statistics, in 2015 approximately 3,500 youth were held in adult jails<sup>3</sup> on the last weekday in June, and 993 youth were held in adult prisons on December 31st.<sup>4</sup> While youth under 18 are a small percentage of the individuals in jails and prisons, they are disproportionately at risk of being victims of sexual violence. The National Prison Rape Elimination Commission found that, "...juveniles comprise less than 1 percent of jail inmates in 2005, yet they accounted for 21 percent of all victims of substantiated incidents of inmate-perpetrated sexual violence in jails that year."<sup>5</sup> More recent studies found that "three-quarters of youthful inmates aged 16 and 17 that reported abuse (75.5%) were victimized more than once by staff and less than 1 in 10 reported the staff sexual misconduct to anyone."<sup>6</sup> Additionally, 65.5% of those youth that reported abuse were victimized more than once by other inmates and an estimated 79% reported experiencing physical force or threat of force.<sup>7</sup> Deborah LaBelle, a civil rights attorney, told the National Prison Rape Elimination Commission that "80 percent of the 420 boys sentenced to life without parole in three states- Michigan, Illinois, and

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<sup>1</sup> National Prison Rape Elimination Commission (2009). National Prison Rape Elimination Commission Report, 155, Washington, DC: National Institute of Corrections.

<sup>2</sup> Campaign for Youth Justice: Raising the Bar: State Trends on Keeping Youth Out of Adult Courts (2015-2017). [http://www.campaignforyouthjustice.org/images/A-StateTrends\\_Report-Web.pdf](http://www.campaignforyouthjustice.org/images/A-StateTrends_Report-Web.pdf)

<sup>3</sup> Minton, Todd D., Zeng, Zhen, and Kaeble, Danielle (2016). *Jail Inmates in 2015*, 4, Washington, DC: Bureau of Justice Statistics

<sup>4</sup> Carson, E. Ann and Anderson, Elizabeth (2016). *Prisoners in 2015*, 33, Washington, DC: Bureau of Justice Statistics

<sup>5</sup> National Prison Rape Elimination Act Commission Report (2009) 155

<sup>6</sup> Id.

<sup>7</sup> Id.

Missouri- reported that, within the first year of their sentence, they had been sexually assaulted by at least one adult male prisoner.”<sup>8</sup>

Youth in the adult criminal justice system are at an elevated risk of sexual violence and as a result their outcomes are worse than their peers in the juvenile justice system. They are more likely to commit suicide and more likely to recidivate and end up back in the system.<sup>9</sup> They are also more likely to be held in solitary confinement where they experience social and educational deprivation.<sup>10</sup>

**The National Alliance to End Sexual Violence opposes the automatic treatment of youth as adults in the criminal justice system as well as the placement of youth in adult jails and adult prisons.** To end the high risk of sexual violence against youth under 18, youth should be served by developmentally appropriate and evidence-informed programs that can keep them and their communities safe while also providing education, treatment, and rehabilitation.

For more information, please contact Terri Poore, Policy Director, at [terri@endsexualviolence.org](mailto:terri@endsexualviolence.org)

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<sup>8</sup> Id.at 156

<sup>9</sup> Daugherty, Carmen (2015). *Zero Tolerance: How States Comply with PREA’s Youthful Inmate Standard*, Washington, DC: Campaign for Youth Justice

<sup>10</sup> (2012). *Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States*, 41-44, Washington, D.C: American Civil Liberties Union and Human Rights Watch