

# **National Trends in Charging Children as Adults**

Maryland JJRC

Marcy Mistrett, Senior Fellow

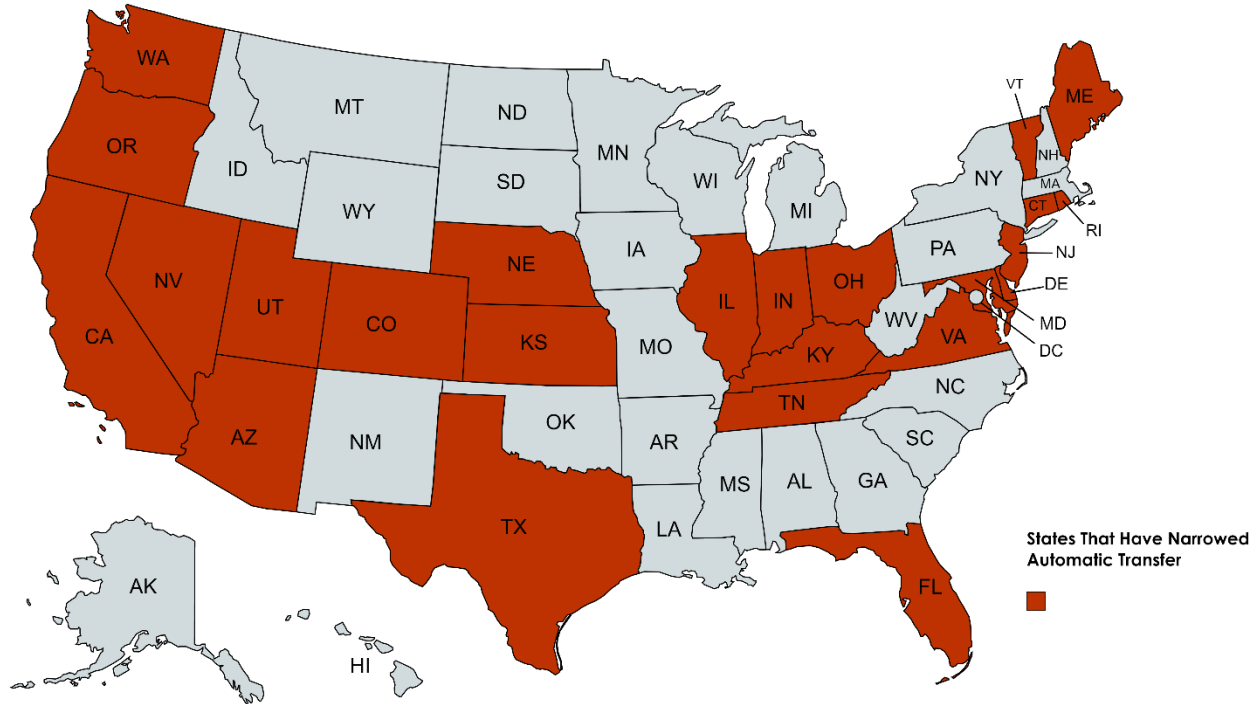
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# Pathways to the Adult System

All 3 branches of Government have the authority to send children to adult court; most states utilize two or more:

- **Judicial Waiver (45 states)**
- **Statutory Exclusion ( 26 states)**
- Prosecutor Discretion (13 states)
- Jurisdictional Boundary below 18 years (3 states)
- **Once an Adult Laws (35 states)**

# States Are Rapidly Reforming the Automatic Transfer Statutes (26 states changed laws)



# Effective Strategies to Treat Children Like Children

- Striking one (or more) pathways into adult court
  - CA, FL, IL, KS, KY, OR, RI, VT
- Raising the Floor (removing youngest children from eligibility)
  - CA, CO, CT, DE, IL, KS, NE, NJ, NV, TN, UT, VA
- Narrowing eligible charges
  - CO, CT, DE, IL, ME, NE
- Expanding Reverse Waiver/Transfer
  - AZ, IN, MD, NE, OH, TX, VT
- Eliminate/Restricts Once an Adult
  - VA, WA

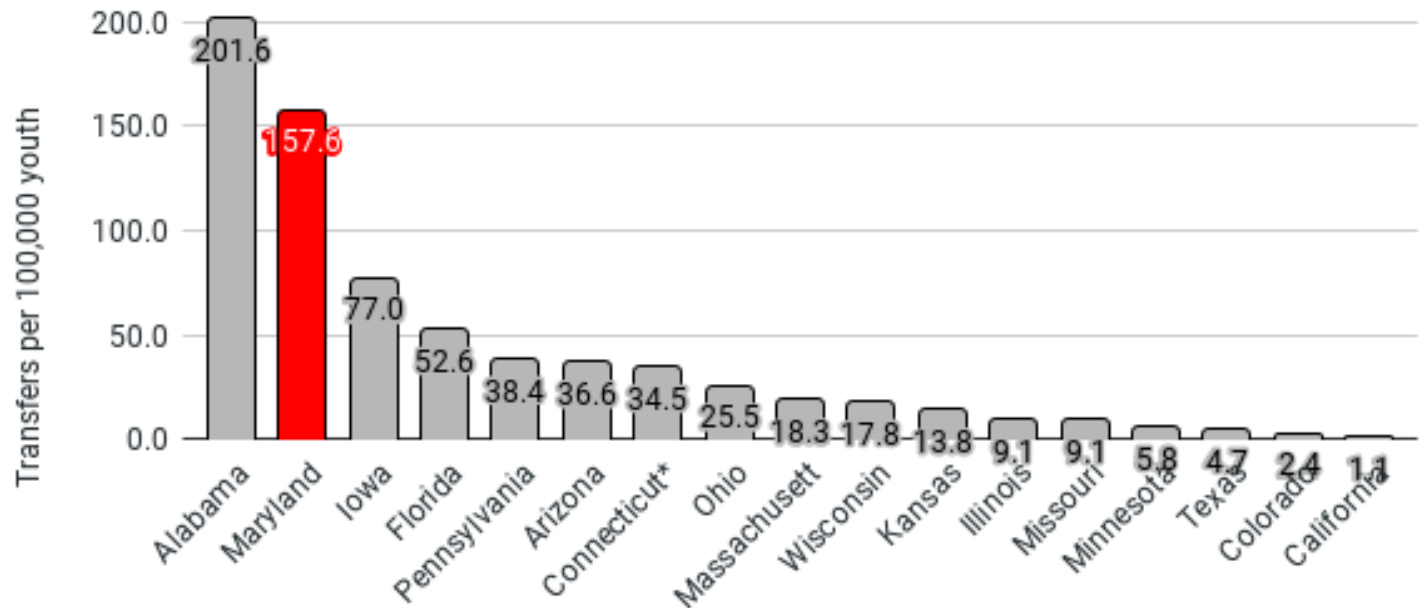
# Overuse of Auto Transfer

- States have shrunk their use of automatic transfer; we have gone from 15k down to under 10k per year (2015) over the past decade.
- The Youth Justice system has the skills, staff and knowledge to handle these children.
- Charge does not drive dangerousness or risk to public safety; must look at the whole child.
- Starting kids in adult system and then returning them to juvenile exacerbates trauma and recidivism.
- Only 9 states send more than 200 kids to the adult court every year.

# NATIONAL RATES OF TRANSFER

## Only Alabama transfers youth to adult courts at a higher rate than Maryland

*The chart uses each state's most recently available total of transfers and adjusts for the youth population*



# District Attorney's Are beginning to Change Practice

- Report of the U.S. Attorney Generals National Task Force on Children Exposed to Violence (2012):  
[6.9 Whenever possible, prosecute young offenders in the juvenile justice system instead of transferring their cases to adult courts.](#)
- National Juvenile Prosecution Standards of NDAA (2016):  
[4-11.7 Transfer to Criminal Court](#) The transfer of cases to criminal court should be reserved for the most serious, violent, and chronic offenders. Prosecutors should make transfer decisions on a case-by-case basis and take into account the individual factors of each case including, among other factors, the gravity and violent nature of the current alleged offense, the record of previous delinquent behavior of the juvenile charged, and the availability of adequate treatment, services and dispositional alternatives in juvenile court.
- Fair & Just Prosecution:  
[Treat kids like kids. It's not only good common sense, but good public policy](#) (2019)  
[100 Legal Scholars Support Treating Children Like Children](#) (2019)