



*Helping Parents Help Their Children*

## **ENDING THE TRANSFER OF NJ YOUTH TO ADULT COURT**

*While the state made several important reforms last year through the enactment of S. 2003 (P.L. 2015, c.89), a more sensible policy that would cost less and keep our neighborhoods safer would be to end the transfer of youth to adult court in New Jersey so that no youth under 18 in our state is sentenced in the adult criminal justice system.*

### **Ending Transfer is SAFE:**

- *Most 17-year-olds Can and Do Stop Offending*: Over 91% of youth who commit offenses, including those who commit serious crimes, grow out of antisocial activity as they transition to adulthood.<sup>1</sup>
- *Youth Who Serve Time in Adult Prisons Have Higher Rates of Recidivism than those Processed through the Juvenile Justice System*: Research shows that youth processed through the juvenile justice system are 34% less likely to reoffend than their counterparts who serve time in adult lockup.<sup>2</sup>
- *Youth in Adult Facilities Face Higher Risks of Violence and Sexual Assault*: Youth under the age of 18 in adult prisons have the highest sexual victimization rate of any prisoner demographic.<sup>3</sup>

### **Ending Transfer is COST-EFFECTIVE:**

- *States that have Ended Transfer Have Reduced the Size of their Juvenile Justice System and Lowered Costs through Reduced Recidivism*: On average, the state of New Jersey spends \$196,133 to incarcerate just one child. Connecticut, which raised the age in 2012, saved an estimated \$58 million in 2015 as a result of decreased recidivism.<sup>4</sup>
- *Ending Transfer will improve New Jersey's economic vitality*: Youth released after serving time in adult facilities have substantially lower initial wages and poorer long-term earning potential compared to youth served by the juvenile justice system. One study estimates that the nearly 15,000 individuals who entered New Jersey's criminal justice system in 2003 are projected to lose \$1.5 billion over the course of their lifetimes in taxable wages and salary as a result of the limitations and barriers a prison record places on formerly incarcerated individuals employment and education prospects.<sup>5</sup>

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<sup>1</sup> Steinberg, Cauffman & Monahan (2015). Psychosocial Maturity and Desistance from Crime in a Sample of Serious Juvenile Offenders. OJJDP Juvenile Justice Bulletin. U.S. Department of Justice. Washington, DC.

<sup>2</sup> U.S. Department of Health and Human Services – Centers for Disease Control (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, Morbidity and Mortality Weekly Report. 1, 6. Available at <http://www.cdc.gov/mmwr/PDF/rr/rr5609.pdf>.

<sup>3</sup> U.S. Department of Justice, Bureau of Justice Statistics, Sexual Victimization Reported by Former State Prisoners 16 tbl.8 (2008).

<sup>4</sup> "Juvenile Justice Reform in Connecticut," Justice Policy Institute (2013); "Sticker Shock: Calculating the Price Tag for Youth Incarceration," Justice Policy Institute, 2014; Cohen and Piquero, "New Evidence on the Monetary Value of Saving a High Risk Youth," available at: [http://www.evidencebasedassociates.com/reports/New\\_Evidence.pdf](http://www.evidencebasedassociates.com/reports/New_Evidence.pdf).

<sup>5</sup> Meredith Kleykamp, Jake Rosenfeld, and Roseanne Scotti, *Wasting Money, Wasting Lives: Calculating the Hidden Costs of Incarceration in New Jersey* (2008); Legal Action Center, *After Prison: Roadblocks to Reentry a Report on State Legal Barriers Facing People with Criminal Records* (2004).



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## **YOUTH TRIED AS ADULTS IN NEW JERSEY'S CRIMINAL JUSTICE SYSTEM**

*In New Jersey, children as young as 15 are subject to prosecution  
in the adult criminal justice system.*

A local study by New Jersey Parents' Caucus, Inc. (NJPC) of 472 children and youth, ages 14 to 17, who were waived, sentenced, and incarcerated in New Jersey's adult prison system between 2007 and 2015, showed:<sup>6</sup>

- **Gross Racial and Ethnic Disparities**: approximately 90% are youth of color; 72% of which are African American males.
- **Justice by Geography**: Rates of incarceration in the adult prison system vary significantly across counties in New Jersey, suggesting that justice depends on where one lives, not on the facts of a given case. For example, in Camden County, 14- to 17-year olds make up 5.8% of the population of children under 17, but make up 15.3% of our data set between 2007 and 2015.
- **Youth are Regularly Deprived of Due Process**: Approximately 30% of the 472 youth waived to adult court during the study period spent more than two years incarcerated, between their arrest date and their sentencing date, violating their Sixth Amendment right to a speedy trial.
- **Youth are Frequently Subjected to Solitary Confinement** – especially youth who suffer from a mental health disorder: Although solitary confinement is known to be psychologically damaging, particularly to children:
  - 53% of these youth spent a total of approximately 15,359 days (the equivalent of 42 years) in solitary confinement between 2010 and 2015
  - 5% spent over a year there, and 4% spent 2 years or more in solitary.
  - Nearly 70% of those placed in solitary had a mental health disorder, with almost 37% having two or more diagnoses.
- **Youth Suffer Abuse while in Adult Prison**: once incarcerated in an adult prison, one in four youth surveyed reported physical abuse; 5% reported sexual abuse.
- **Youth Needs Are Not Being Met by their Communities**: About 71% of youth waived to the adult system were known to at least two child-serving agencies prior to their involvement in adult court, with the majority having been involved in the mental health system.

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<sup>6</sup> New Jersey Parents' Caucus, "[The Incarceration of Children & Youth in New Jersey's Adult Prison System](#)," 2015  
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