

# DON'T THROW AWAY THE KEY

## Virginia's system of trying youth as adults is unfair, unsafe, and doesn't work.

### UNFAIR

“Transfer under Subsection C is one of the only instances in all of Virginia law where an attorney (the Commonwealth's Attorney) in a case had more authority than the judge.”

- *Virginia State Crime Commission 2008*

“The practice of transferring juveniles for trial and sentencing in adult court has, however, produced the unintended effect of increasing recidivism, particularly in violent offenders, and thereby, of promoting life-course criminality.”

- *Virginia State Crime Commission 2008*

“Reduction in recidivism means fewer victims, and less prison costs. America is a nation of second chances and those leaving prison should have the opportunity to change.”

- *Governor McDonnell, State of the Commonwealth Address 2011*

- **Youth are different from adults.** The human brain develops well into a person's twenties, so youth have not yet developed the capacity to make mature and responsible decisions. Youth must be held accountable for their crimes, but in a way that takes advantage of their unique potential for rehabilitation.
- **Unequal bargaining power creates unjust results.** Commonwealth's Attorneys have almost unlimited authority over decisions to try youth as adults for a wide array of offenses. This gives them a tremendous amount of bargaining power when it comes to negotiating plea bargains. Defense attorneys say the threat of transfer to adult court hurts their ability to properly defend their young clients and puts a lot of pressure on youth to plead guilty.
- **Transfer laws disproportionately impact African American youth.** More than 80% of the youth who are tried as adults and in the custody of the Virginia Department of Juvenile Justice are African American, even though only about 23% of youth in Virginia are African-American.

### UNSAFE

- **Adult correctional facilities are not safe places for young people.** Youth are at much greater risk of sexual and physical assault and suicide when incarcerated with adults.

### DOESN'T WORK

- **Trying youth as adults undermines successful reentry.** Research shows that trying youth as adults increases the odds that they will commit more crimes. The lack of services and opportunities in adult jails and prisons, and the barriers that come with an adult conviction make it hard for youth to succeed in the community.
- **Trying youth as adults does not deter youth from committing crimes.** Research from around the country confirms that youth who are tried as adults are much more likely to commit additional — and more violent — crimes than youth with similar offenses who are kept in the juvenile system.



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## OPPOSE SB 419 (Stanley) and HB 718 (Kilgore)

### AS UNNECESSARY AND EXPENSIVE

- **Commonwealth's Attorneys already have the authority to seek trial as an adult for all youth impacted by this legislation. Judges transfer over 1000 charges a year.**
- **Juvenile crime rates are falling in Virginia. Felony intakes decreased by 29% from 2009 to 2011.**
- **Based on DJJ intake records from FY 2007-FY2011, this legislation could result in transferring approximately 501 additional youth to adult court each year, including :**
  - **251** mandatory (Section B) transfers;
  - **250** eligible for certification by prosecutors without judicial oversight (167 intakes for gang offenses and 83 intakes for second or subsequent drug offenses).
- **Youth transferred to adult court cost taxpayers much more than if they were kept in juvenile court:**
  - Many youth tried as adults receive a long-term DJJ commitment. If only 20 youth were to remain incarcerated at DJJ for an additional 3 months each, it would cost the state over \$540,000.
  - Youth awaiting trial in Circuit Court stay in detention much longer than those awaiting juvenile court hearings.
- **The SHORT-TERM COSTS of SB 419 and HB 718 include:**
  - Increased need for bed space at state adult and juvenile correctional facilities.
  - Increased need for bed space at local adult jails and juvenile detention centers.
  - Increased need for adult and juvenile community corrections resources.
  - Increased cost of circuit court proceedings, including court reporters, jury trials, and longer periods of detention while the case is brought to trial.
- **The LONG-TERM COSTS of SB 419 and HB 718 include:**
  - Increased crime-related costs. Youth who are tried as adults are much more likely to commit additional – and more violent – crimes than youth with similar offenses who are kept in the juvenile system.
  - Increased social costs. Youth with an adult felony conviction have a difficult time getting jobs or continuing their education.