

DON'T THROW AWAY THE KEY

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

UNFAIR

- **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.

“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



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SUPPORT SB 583 (Edwards) / HB 1198 (Herring)

Vote “YES” on opportunities for successful reentry.

“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*

- **The lack of opportunities for youth with adult felony convictions can lead to future criminal behavior and decreased public safety.**
- **Juvenile crime rates in Virginia have been falling since 1992, four years before the current transfer laws were passed. Felony intakes decreased by 29% from 2009 to 2011. Scholars agree that transfer laws have no deterrent effect on youth crime. In fact, 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.**

Vote “YES” on giving judges more discretion.

“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*

- **Today, youth have no right to appeal a prosecutor’s decision to try them as adults.**
- **SB 583 (Edwards) / HB 1198 (Herring) would allow circuit court judges to review a prosecutor’s decision to certify cases to adult court – just as they can now review decisions of juvenile court judges.**
- **A majority of Virginia’s juvenile justice professionals support giving judges the authority and responsibility to make transfer decisions.**
- **There is no reason to fear juvenile court judges. Every year, juvenile court judges transfer far more charges than prosecutors.**