

To: Interested Parties

From: GBA Strategies

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Campaign for Youth Justice Youth Justice System Survey

An estimated 250,000 youth are tried, sentenced, or incarcerated as adults every year across the United States, most of whom are charged with non-violent offenses. Meanwhile, research shows that young people who are placed in the youth justice system are less likely to re-offend than young people who are placed in the adult system.

Amid the ongoing public debate over the effectiveness and consequences of this current approach to youth crime, a new national survey¹ conducted on behalf of the Campaign for Youth Justice reveals that Americans are squarely on the side of reforming our youth justice system—with a greater focus on rigorous rehabilitation over incarceration, and against placing youth in adult jails and prisons.

Key Survey Findings

- **By a margin of 78 – 15 percent, the public overwhelming wants the focus of the juvenile justice system to be on *prevention and rehabilitation*, rather than incarceration and punishment.** Americans believe that prevention and rehabilitation will prevent youth recidivism, and that young people who have committed crimes are able to change and the system should give them the opportunity to do so.
- **A majority of U.S. adults (56 percent) think that youth facilities are more appropriate to hold juveniles convicted of crimes than adult prisons (favored by only 12 percent).** A similar majority also think that incarcerating young people in adult prisons will hurt their chances for rehabilitation, and ultimately make it more likely that they commit future crimes.
- **People overwhelmingly trust judges (81 percent), not prosecutors (12 percent), to determine if and when a juvenile should be tried as an adult.** This is not the reality in many states, where prosecutors are given wide discretion—in opposition to public opinion.
- **Nearly two-thirds of the public favors setting a minimum age at which a young person can be prosecuted in adult court.** And rather than automatically trying young people in

¹ GBA Strategies administered this survey of 1,000 adults nationwide between September 27th and October 2nd, 2011. The results are subject to a margin of error of +/-3.1 percent.

adult courts for certain crimes, an overwhelming majority of Americans favor judges taking a case-by-case approach.

- **Americans strongly support a multitude of reforms to the juvenile justice system.** These include removing young people from adult jails and prisons, ensuring youth remain connected with their families, having independent oversight to ensure youth are protected from abuse while in custody, increasing funds to provide more public defenders to represent youth in court, and reducing racial and ethnic disparities in the juvenile justice system.

Furthermore, unlike most of the polarizing debates taking place in the political arena, Americans are in broad agreement on youth justice issues. Liberals, moderates, and conservatives alike agree that we should change focus to make the system work better for youth as well as society.

Public Wants Focus on Rehabilitation and Youth Out of Adult Jails and Prisons

Americans overwhelmingly want the focus of the juvenile justice system to be on prevention and rehabilitation (78 percent), rather than incarceration and punishment (only 15 percent). Over 80 percent of self-identified moderates (83 percent) and liberals (86 percent) agree, while 72 percent of conservatives agree.

This broad agreement is due to the fact that the vast majority of Americans believe that most youth who commit crimes are capable of positive growth and have the potential to change for the better (76 percent agree), and that rehabilitation programs will help prevent future crimes (71 percent agree). Furthermore, a large majority, 64 percent, also recognize that rehabilitation programs will save tax dollars in the long run.

Beliefs About Youth Crime and the Juvenile Justice System	
Which statement do you agree with more?	1st Statement – 2nd Statement
When it comes to youth who have committed crimes, the best thing for society is to rehabilitate them so they can become productive members of society. OR When it comes to youth who commit crimes, the best thing for society is to incarcerate them so that our streets are safer.	77 – 17
Most youth who commit crimes are capable of positive growth, and they have the potential to change for the better. OR Most youth who commit crimes are unlikely to change for the better, and they will likely continue a life of illegal behavior.	76 – 18
The juvenile justice system should provide youth with more opportunity to better themselves. OR The juvenile justice system should focus on punishing youth who have committed crimes.	75 – 20
Rehabilitation programs like counseling and education for youth who have committed crimes helps prevent future crimes. OR Rehabilitation programs like counseling and education do little to prevent youth who have committed crimes from committing future crimes.	71 – 23
Rehabilitation programs like counseling and education for youth who have committed crimes will save tax dollars in the long run. OR Rehabilitation programs like counseling and education for youth who have committed crimes will cost tax dollars in the long run.	64 – 27

As a consequence, a majority of Americans (56 percent), including majorities of conservatives, moderates, and liberals, think that youth facilities are more appropriate to hold juveniles convicted of crimes than adult jails prisons. Only 12 percent think that adult jails and prisons are more appropriate. A majority sees that incarcerating young people in adult prisons will hurt their chances for rehabilitation and ultimately make it more likely that they commit future crimes.

Youth Facilities vs. Adult Jails				
Which statement do you agree with more?	1st Statement – 2nd Statement			
	Total	Liberals	Moderates	Conservatives
Putting youth under the age of 18, who are charged with or convicted of crimes, in adult jails and prisons makes them MORE likely to commit future crimes than if they were placed in a youth facility. OR	57 – 27	64 – 24	62 – 23	51 – 33
Putting youth under the age of 18, who are charged with or convicted of crimes, in adult correctional facilities makes them LESS likely to commit future crimes than if they were placed in a youth facility.				

Public Favors Minimum Age to Try Youths in Adult Courts; Decisions Made by Judges

The current structure of the juvenile justice system in America is a patchwork of federal, state and local laws. In some states there is no minimum age at which a young person can be tried as an adult, and prosecutors can decide to try youth under the age of 18 in adult court, or in some cases are forced to automatically into adult court depending on the alleged crime.

The majority of Americans reject this approach. First, a large majority, 64 percent, favors setting a minimum age at which a young person can be prosecuted in adult court, while 30 percent oppose.

Secondly, while in some states prosecutors make the decision on whether someone under age of 18 is to be tried in juvenile courts or adult courts, Americans overwhelmingly trust *judges* to make the ultimate decision instead of prosecutors (82 – 12 percent). Furthermore, for states in which prosecutors do make the decision, over 70 percent of people favor allowing judges to overrule that decision and send the case back to juvenile court (71 – 20 percent).

And rather than automatically trying some youths in adult courts, an overwhelming majority of Americans favors judges a taking a case-by-case approach that takes into account a variety of facts and circumstances (76 – 20 percent).

Adult vs. Juvenile Court Decided on Case-by-Case Basis		
Which statement do you agree with more?	1st Statement Much More	1st Statement Total More
<p>Instead of a rigid policy for determining when youth are tried in adult courts, judges should make the decision on a case-by-case basis after a hearing, and take into account the seriousness of the offense and circumstances of the individual child. OR</p> <p>When a youth is charged with a serious offense, the decision to try a youth in adult court should not be discretionary. For some crimes, youth should automatically be charged as adults and tried in adult courts with no exceptions.</p>	51	76

Public Strongly Favors Key Reforms the Juvenile Justice System

Finally, Americans strongly support a multitude of reforms improve the juvenile justice system in America, to benefit both children and their families, as well for society as a whole.

In keeping with their belief that the juvenile justice system should focus on rehabilitation and that adult jails and prisons are inappropriate for youth offenders, an overwhelming number of Americans (89 percent) favor increasing the use of mandatory rehabilitation, education, drug treatment, and job counseling programs, and 69 percent favor removing youth under age 18 from adult jails and prisons and placing them in youth facilities. Eighty percent also favor keeping youth *awaiting* trial to be held in youth facilities instead of adult jails.

Likewise, there is strong support for increased funding to provide more public defenders who represent children in court, creating an independent commission of community leaders tasked with ensuring that youth are protected from abuse while in custody, and taking steps to reduce racial and ethnic disparities in the system.

Proposals to Reform the Juvenile Justice System		
Do you favor or oppose the proposal?	Strongly Favor	Total Favor
Increase the use of mandatory rehabilitation, education, drug treatment, and job counseling programs for youth who commit crimes.	62	89
Require youth awaiting trial to be held in youth facilities instead of adult jails.	54	80
Increase funding to provide more public defenders who represent children in court.	42	71
Remove youth under age 18 from adult jails and prisons and place them in youth facilities.	42	69
Require the juvenile justice system to reduce racial and ethnic disparities in the system.	43	66

In terms of family and community involvement, there is also strong support for requiring that incarcerated youth are placed in facilities close to their families and communities, and letting

youth offenders see their families at least once a week, as well as designing treatment and rehabilitation plans that include a youth's family in planning and services.

Proposals to Reform the Way Parents and Communities are Involved		
Do you favor or oppose the proposal?	Strongly Favor	Total Favor
Require facilities that incarcerate youth to let youth offenders see their families at least once a week.	65	86
Design treatment and rehabilitation plans that include a youth's family in planning and services.	59	86
Create an independent commission of community leaders tasked with ensuring that youth are protected from abuse while in state or local custody.	62	84
Require that incarcerated youth are placed in facilities close to their families and communities.	50	77