

Transfer to Adult Court/Trying Kids as Adults

Fact Sheet: Florida's Experience with Trying Juveniles As Adults ⁱ

The trial this month of 14-year-old Nathaniel Brazill in the shooting of schoolteacher Barry Grunow once again brings the issue of trying young people as adults into sharp relief. To help put the debate of this case -- and the larger question of trying youth as adults -- into context, the Justice Policy Institute has prepared the following fact sheet on Florida's experience with sending children into the adult criminal justice system.

1. Florida is leading the nation in sending youth to prison.

- Last year, Florida held more youth (under 18) in adult state prison than any other state in the nation. In 2000, there were 466 youth incarcerated in Florida state prisons, and a quarter of the youth tried as adults in Florida are mixed into the adult prison population.ⁱⁱ
- Florida is one of 15 states that allows prosecutors-not a judge-to decide whether a child should be tried as an adult for a wide variety of crimes. In 1995 alone, Florida prosecutors sent almost as many juvenile cases to adult court (7,000) as judges nationwide (9,700).ⁱⁱⁱ
- About 1 in 13 of Florida 70,000 state prisoners entered the system for crimes they committed when they were 17 or younger.^{iv}

2. Yet, Florida's crime rate remains the highest in the Nation.

- Even though Florida prosecutors have been sending large numbers of kids to the adult system since 1981, Florida has one of the highest overall violent crime rate in the country. Florida's violent juvenile crime rate is fully 54% higher than the national average.^v

3. That's because children sent to the adult system commit more crimes.

- A 1996 study showed that youth transferred to adult court in Florida were a third more likely to reoffend than those sent to the juvenile justice system for the same crime and with similar prior records. Of those youth who committed new crimes, those sent to adult court reoffended at twice the rate of those sent to juvenile court.^{vi}

4. Are only violent, repeat offending youth going to Florida's prisons and jails?

- A 1991 study of two representative Florida counties showed that more than two-thirds (71%) of children transferred to adult court were charged with non-violent offenses (property, drug offenses or misdemeanors).^{vii}
- The majority of youth convicted in adult court in Florida between 1995 and 1999 committed nonviolent crimes (ranging from burglary, theft and drug charges).^{viii}

- Palm Beach Prosecutor Barry Krischer, the state's attorney charging Nathaniel Brazill as an adult, sent a 15-year-old child with a learning disability to adult jail for several weeks for stealing \$2 from another student.^{ix}
- Nearly a third (32%) of all the youth tried as adults in Florida had no prior convictions, and close to half (49%) had one or no-prior convictions.^x Nathaniel Brazill has had no prior contact with either the juvenile or adult court

5. Children can be punished in the juvenile justice system.

- In support of the claim to try Brazill as an adult, Palm Beach County Prosecutor Barry Kirscher told ABC News Nightline and other media outlets that the maximum the accused could serve in the juvenile justice system was "24 to 36 months."^{xi} According to Florida's Criminal Procedure and Correction Statutes (985.231) Brazill could have been detained in Florida's juvenile justice system for 8 years, until he is 21. There are other sentencing options available to the courts, other than sending Brazill to prison for the rest of his natural life.

6. Children are beaten, raped, and commit suicide in adult prisons and jails.

- Youth in Florida prisons are nearly 21 times as likely to report being assaulted or injured as teens in the juvenile justice system.^{xii}
- Nationally, children in adult jails and prisons are 5 times more likely to be raped, twice as likely to be beaten by staff, and 50% more likely to be attacked with a weapon than youths sent to juvenile justice system.^{xiii} A Justice Department study showed that the suicide rate of children in adult jails is 7.7 times higher than that of youth in juvenile detention centers.^{xiv}

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- i. This fact sheet is based on the Justice Policy Institute report, "The Florida Experiment," which is available on the Institute's website at www.cjci.org.
 - ii. Beck, Allen J. and Karbey, Jennifer C. *Prison and Jail Inmates at Midyear 2000*. Washington, D.C.: Bureau of Justice Statistics, Department of Justice, March 2001.
 - iii. Butts, Jeffery A. and Harrell, Adele V. *Delinquents or Criminals: Policy Options for Young Offenders*. Washington, DC: The Urban Institute, 1998.
 - iv. "Kids in Prison: A Profile," *The Miami Herald*, March, 19, 2001.
 - v. Snyder, Howard. N. "Juvenile Arrests: 1998." Washington, DC: Office of Juvenile Justice and Delinquency Prevention, December, 1999.
 - vi. Bishop, Donna M. et al. "The Transfer of Juveniles to Criminal Court: Does it make a difference?" *Crime and Delinquency*, Vol. 42, No. 2, April 1996.

- vii. Bishop, Donna M. and Frazier, Charles E. "Transfers to Criminal Court: A Case Study and Analysis of Prosecutorial Discretion." *The Notre Dame Journal of Law, Ethics and Public Policy.*, 1991.
- viii. "Kids in Prison: A profile," *The Miami Herald*, March, 19, 2001.
- ix. Palmer, Louise D. "Age of Innocence? Move to try juveniles as adults comes under scrutiny." *The Boston Globe*, March 13, 1999.
- x. "Kids in Prison: A profile," *The Miami Herald*, March, 19, 2001.
- xi. ABC News "Nightline," May 31, 2000.
- xii. "Kids in Prison: A profile," *The Miami Herald*, March, 19, 2001.
- xiii. Fagan, Jeffrey, Forst, Martin and Vivona, T. Scott. "Youth in Prisons and Training Schools: Perceptions and the Consequences of the Treatment Custody Dichotomy." *Juvenile and Family Court*, No. 2., 1989.
- xiv. Flaherty, Michael G. "An Assessment of the National Incidences of Juvenile Suicides in Adult jails, lockups and juvenile detention centers." The University of Illinois, Urbana, Champaign, 1980.