

SB 449 FACT SHEET

DIRECT FILE AND WAIVER DISPROPORTIONALLY IMPACTS CHILDREN OF COLOR

70% OF DIRECT FILED CHILDREN ARE YOUTH OF COLOR ¹

77% OF WAIVED CHILDREN ARE YOUTH OF COLOR ¹

RACIAL DISPARITIES INCREASE AS MORE CHILDREN OF COLOR ARE MORE HARSHLY PUNISHED

CHILDREN IN ADULT COURT ARE HELD IN ADULT JAILS WHILE THEIR CASES ARE PENDING

CHILDREN HELD IN ADULT FACILITIES ARE UP TO 9 TIMES MORE LIKELY TO COMMIT SUICIDE ²

CHILDREN ARE 4.3 TIMES MORE LIKELY TO BE SEXUALLY ABUSED IN ADULT FACILITIES THAN JUVENILE FACILITIES ²

CHILDREN ARE MORE LIKELY THAN ADULTS TO BE PERMANENTLY TRAUMATIZED BY THE HARSH REALITIES OF THE ADULT SYSTEM

JUVENILE JUSTICE SYSTEM IS SPECIALLY EQUIPPED TO WORK WITH CHILDREN ACCUSED OF SERIOUS OFFENSES

THE GOAL OF THE JUVENILE JUSTICE SYSTEM IS REHABILITATION

THE JUVENILE JUSTICE SYSTEM HAS AN ARRAY OF INTERVENTIONS AND SERVICES TO HELP CHILDREN AND FAMILIES

THE JUVENILE JUSTICE SYSTEM USES A RANGE OF SUPERVISION TOOLS TO ENSURE PUBLIC SAFETY

ONE ACT DOES NOT DEFINE A CHILD

THE ADOLESCENT BRAIN IS NOT FULLY DEVELOPED, IMPACTING COGNITIVE FUNCTIONING AND IMPULSE CONTROL ³

MOST CHILDREN WILL "AGE OUT" OF THEIR RECKLESS AND CRIMINAL BEHAVIOR BY YOUNG ADULTHOOD ⁴

A JUVENILE COURT JUDGE SHOULD MAKE THE DECISION ON A CASE

PROSECUTING CHILDREN AS ADULTS HARMS PUBLIC SAFETY

THE ADULT SYSTEM RESULTS IN INCREASED RISKS AND WORSE OUTCOMES

GREATER RECIDIVISM

DOES NOT DETER CRIME OR REDUCE VIOLENCE--CHILDREN IN THE ADULT SYSTEM ARE 34% MORE LIKELY TO RECIDIVATE AND WITH MORE VIOLENT OFFENSES THAN THOSE HANDLED BY THE JUVENILE SYSTEM ⁵

CHILDREN ARE RELEASED FROM ADULT SYSTEM WITHOUT SUPPORT OR INTERVENTION

WITH DIRECT FILE, THERE IS NO JUDICIAL DISCRETION TO DETERMINE WHICH COURT IS BEST FOR THE CHILD AND COMMUNITY

ADULT CONVICTIONS ARE BARRIERS TO EDUCATION, EMPLOYMENT, JOINING THE MILITARY, OBTAINING HOUSING AND OTHER ESSENTIAL ASPECTS OF LIFE

SB 449 WOULD RESULT IN MORE CHILDREN PROSECUTED IN ADULT COURT WHILE FAILING TO IMPROVE PUBLIC SAFETY

SB 449 Fact Sheet References

1. Juveniles Under Adult Court Jurisdiction Annual Report, Indiana Criminal Justice Institute (2019)
2. Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. §§156016-15609 (2003) See also Arya, Neelum. Getting to Zero: A 50- State Study of Strategies to Remove Youth from Adult Jails. Los Angeles, CA: UCLA School of Law, 2018. Retrieved from https://drive.google.com/file/d/1LLSF8uBlrcqDaFW3ZKo_k3xpk_DTmtV/view
3. See Josh Day et al., Structure and Function of the Adolescent Brain: Findings from Neuroimaging Studies, 175 ADOLESCENT PSYCHIATRY, Jan. 1, 2005, at 1-34; B.J. Casey et al., Structural and Functional Brain Development and Its Relation to Cognitive Development, 54 BIOLOGICAL PSYCHOL. 241, 243 (2000); Elizabeth R. Sowell et al., In Vivo Evidence for Post-Adolescent Brain Maturation in Frontal and Striatal Regions, 2 NATURE NEUROSCIENCE 859, 860-61 (1999); Jay N. Giedd et al., Brain MRI Study, 2 NATURE NEUROSCIENCE 861, 861 (1999).
4. See Jeffrey Arnett, Reckless Behavior in Adolescence: A Developmental Perspective, 12 DEVELOPMENTAL REV. 339, 339 (1992); see Patrick H. Tolan & Deborah Gorman-Smith, Development of Serious and Violent Offending Careers, in SERIOUS AND VIOLENT JUVENILE OFFENDERS: RISK FACTORS AND SUCCESSFUL INTERVENTIONS 73 (Rolf Loeber and David Farrington, eds. 1998) (discussing established findings that crime prevalence increases during early adolescence for most crimes, except drug sales, which peaks in early adulthood).
5. Centers for Disease Control and Prevention. Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: Report on Recommendations of the Task Force on Community Preventive Services, (2007). Available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5609a1.htm>