

# CHILDREN, YOUTH, AND FAMILIES

Resolution CYF-20-46

## A RESOLUTION ON YOUTH JUSTICE REFORM

WHEREAS, the current youth justice system is not applied fairly or equitably, and can thus not provide the best possible outcomes for our nation's children, families or public safety;

WHEREAS, 2015 Bureau of Justice Statistics show that more than 5,000 youth are incarcerated in jails and adult prisons on any given day in the U.S.;

WHEREAS, according to the NAACP 2019 statistics for African American children represent 52% of children whose cases are judicially waived to the criminal court, though they comprise only 16% of youth in the U.S.;

WHEREAS, the justice system as currently designed does not adequately recognize the different development stages of young people and the opportunities that these stages offer for their life trajectories;

WHEREAS, there is considerable ambiguity around the appropriateness and involvement of younger children as there is no age limit for entry into our delinquency system;

WHEREAS, there is a growing understanding of how trauma can materially impact brain growth and behavior, and how punitive responses to behavior often do not result in desired behavior or the well-being of children and families;

WHEREAS, youth are more likely than adults to be permanently traumatized by the harsh realities of the adult prison system, according to the National Prison Rape Elimination, "more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk of sexual abuse";

WHEREAS, as of 2016, there are more than 3,700 youth still in adult prisons, youth convicted in the adult system receive little or no rehabilitative programming, which is mandated in the juvenile system;

WHEREAS, a study by the Department of Justice found that 76 percent of prisoners under the age of 25 (when released) were rearrested within three years, and 84 percent were rearrested within five years;

WHEREAS, a 2015 study by the Campaign for Youth Justice found incarcerated youth are at the highest risk for sexual abuse, and to protect them in adult facilities, children are often placed in solitary confinement, where they are kept in their cells for 22-23 hours a day;

WHEREAS, the current system arranges individuals into two categories, juveniles and adults, and it does not recognize the "emerging adults", individuals 18-25 years old who have distinct needs; and

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WHEREAS, according to a study by the U.S. Department of Justice, black male emerging adults comprised nearly 40% of all emerging adults admitted to state and federal prisons in the U.S. in 2012, and they are 7-9 times more likely to end up in prison compared to their white peers.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges legislators, municipalities, law enforcement officials, judicial system decision makers, legal professionals, school systems and key stakeholders to achieve more fair, just, equitable and effective outcomes by embracing a developmental approach to the treatment of children and emerging adults in the justice system through:

- Reducing disproportionality and disparities based on race, ethnicity, gender, ability status, and sexual orientation or gender identity and expression among children and emerging adults in the justice system;
- Ensuring youth and emerging adults in the justice system maintain supportive relationships and have appropriate guidance and counsel from legal professionals and caregivers;
- Implementing policies and practices to reduce harm and improve outcomes for justice-involved youth in accordance with knowledge from developmental science;
- Ensuring that for those youth and young adults in the justice system, policies and practices prioritize the health and educational needs and avoid causing harm;
- Ensuring that through all developmental stages of young people, including emerging adult, our justice system provides age and developmentally appropriate services and supports, life skills development, rigorous education, and fresh starts so young people have the best opportunity to successfully transition into law abiding and productive adulthood; and
- Promoting a strong collaboration among impacted communities, governmental agencies and the non-profit sector, along with partnerships with diverse community stakeholders who will provide technical assistance, support and engagement with decision-making;

BE IT FURTHER RESOLVED, that the NBCSL urges Congress to enact legislation that supports and ensures the justice system utilizes a culturally responsive and trauma-informed developmental approach to youth justice; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

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**SPONSOR(S): Representative Robin Shackleford (IN) and Representative Cherrish Pryor (IN)**

**Committee of Jurisdiction: Children, Youth, and Families Policy Committee**

**Certified by Committee Co-Chairs: Representative Robin Shackleford (IN) and Representative Pebbin Warren (AL)**

**Ratified in Plenary Session: Ratification Date is December 6, 2019**

**Ratification is certified by: Representative Gilda Cobb-Hunter (SC), President**