

Updated Incarceration Recommendation #3 March 17, 2016	
Target of Change	Manson Youth Institution
Problem	Presently, any child over the age of 15 who commits murder or a serious violent felony is immediately and automatically transferred from the juvenile justice system to the adult criminal justice system. Approximately 90 youth under the age of 18, are inmates at the Manson Youth Institution.
Recommendation	<p>While public safety is of utmost concern, based on what we have learned about the science of adolescent development, the incarceration workgroup suggests examining how 15-17 year olds who are subject to transfer to adult court (all class A and B felonies and other felonies after judicial discretion) will be handled, housed and treated in developmentally appropriate ways.</p> <p>The workgroup will explore a range of issues and submit a report to the JJPOC in September 2016. The study will entail looking at the following questions:</p> <ol style="list-style-type: none"> a. What do the transfer/waiver statutes look like from other states including those that have fully removed youth from adult prisons? b. Should the charged offenses be the driving factor triggering the “automatic” transfer of cases to the adult court and the adult prison system or should different or additional criteria be considered? c. Should juvenile court handle these cases? d. If so, should these youth be entitled to jury trials in juvenile court or do they need other due process protections? e. What are the pros and cons of blended sentences? f. Where should these youth be held pretrial? g. Where should these youth be held post-adjudication? h. Should pre-trial youth subject to transfer be housed with pre-trial youth who are not subject to transfer? i. Should post-adjudicated youth subject to transfer be housed with post-adjudicated youth who are not subject to transfer? <p>The workgroup further suggests that victim advocates, including victim organizations or groups not currently affiliated with the Judicial Branch or other state agencies, be represented at the workgroup during the study phase.</p>
Rationale	National academic literature suggests poor youth outcomes and questionable positive impact on public safety associated with the incarceration of minors in adult facilities.