

REVERSE WAIVER

Reverse waiver statutes allow youth who are prosecuted as an adult in criminal court to petition to have the case transferred to juvenile court for adjudication or disposition in a more developmentally appropriate way. Currently, half the states have reverse waiver provisions in place. The following are key benefits when states choose to provide for reverse waiver.

Reverse Waiver provides an additional safe guard for youth

- Reverse waiver provisions increase judicial oversight, thereby providing an additional safeguard for youth.
- This is particularly important for cases in which youth are automatically prosecuted in adult criminal court, through direct file or mandatory waiver, without judicial review in juvenile court.
- Judicial oversight allows for an individualized review of the case from judges with experience in adolescent development and an understanding of rehabilitative opportunities available for the youth.
- The overwhelming majority of youth prosecuted in adult criminal court have never had their case heard by a juvenile court judge.
- CFYJ believes all cases should be handled in juvenile courts.

Enhances public safety

- Research shows that recidivism rates are lower for youth treated in the juvenile justices system as compared with youth treated in adult correctional facilities.
- When youth are transferred to the adult court system from the juvenile system they are 34% more likely to reoffend.¹

Reduces harm to children

- Reverse waiver helps ensure that youth do not unnecessarily languish in adult facilities, especially adult jails. Research shows that placing youth in adult jails put them at greater risk for victimization and suicide than juvenile facilities.
- Youth in the adult facilities are more likely than youth in juvenile facilities to be assaulted or injured, are five times more likely to commit suicide, and rarely receive rehabilitative treatment.²



END NOTES

- ¹ Jason Zeidenburg, You're An Adult Now: Youth in Adult Criminal Justice Systems. US DOJ National Institute of Corrections (2011).
- ² According to the Bureau of Justice Statistics, the suicide rate for youth in adult jails was 36 per 100,000 in 2014 (Noonan, Margaret E., "Mortality in Local Jails, 2000-2014 - Statistical Tables" (2016). The rate of suicides of juveniles in juvenile custody is about the same as the suicide rate of youth in the general population (Snyder, Howard N. "Is Suicide More Common Inside or Outside of Juvenile Facilities?" Corrections Today (February 2005); and according to the Centers for Disease Control and Prevention, the suicide rate for 16-17 year olds in the general population from 2000-2015 was 6.98 per 100,000 (Generated using the Web-based Injury Statistics Query and Reporting System (WISQARS).