



OPPOSING LIFE SENTENCES WITHOUT POSSIBILITY OF PAROLE FOR YOUTHFUL OFFENDERS

2014-1

WHEREAS, youthful offenders convicted of serious and/or violent crimes should be held accountable in a way that reflects human rights, values and moral beliefs; and

WHEREAS, the victims and survivors of crimes committed by youths should be protected and provided with supportive services and the restorative justice necessary to promote recovery; and

WHEREAS, it is understood that there are fundamental differences between youths and adults, particularly with regard to mental and emotion maturity; and

WHEREAS, *Roper v Graham* established that children are constitutionally different from adults for purposes of sentencing, and;

WHEREAS, youthful offenders have much greater potential for rehabilitation and should be provided every opportunity to heal and rehabilitate; and

WHEREAS, there is a significant cost to correctional agencies for incarcerating youths to life without parole; and

WHEREAS, the United States Supreme Court ruled in *Miller v. Alabama* that it is unconstitutional to impose an automatic or mandatory sentence of life without parole upon an individual for a crime committed under the age of 18; and now

THEREFORE BE IT RESOLVED, that the American Correctional Association (ACA) opposes the sentencing of offenders under the age of 18 to life without the possibility of parole; and

BE IT FURTHER RESOLVED, that ACA supports sentencing policies that hold youthful offenders accountable in an age-appropriate way, while focusing on rehabilitation and reintegration into society.

This resolution was formally adopted by the American Correctional Association at the **144th Congress of Correction** in Salt Lake City, UT, on August 19, 2014.



PUBLIC CORRECTIONAL POLICY ON YOUTHFUL OFFENDERS TRANSFERRED TO ADULT CRIMINAL JURISDICTION

1999-9

Introduction:

Juveniles have developmental needs that require highly specialized management and treatment by corrections professionals; therefore, a separate system of corrections for juveniles was developed in states across the country many years ago. While the vast majority of youths are processed through the juvenile justice system, a growing number of youths in some states are adjudicated as adults and sentenced to prison. These individuals are referred to as “youthful offenders.”

Policy Statement:

The American Correctional Association supports separate housing and special programming for youths under the age of majority who are transferred or sentenced to adult criminal jurisdiction. Therefore, correctional agencies should:

- A. Support vesting judicial officers with the decision to try youths under the age of majority as adults. The decision should be made after a hearing on the record consistent with due process protections. Judges should make specific findings of fact. In jurisdictions that nonetheless allow for prosecutorial or automatic waiver, certification should be limited to the most serious crimes of violence;
- B. Support the adoption of legislation in each state that authorizes correctional authorities to place people under the age of majority who are detained or sentenced as adults in a youthful offender unit distinct from the adult system;
- C. Support the development of research and technical assistance programs by the federal government to assist states in safely and effectively addressing the complex issues and problems raised by the confinement of youthful offenders who have committed serious, violent crimes; and expanded technical assistance to states in which youthful offenders under the age of majority are confined in adult correctional and detention facilities;
- D. Support the development and use of specialized facilities and units within the adult system. Such specialized facilities or units should be designed to meet the security risks and programming needs of those youthful offenders under the age of majority who are transferred to adult jurisdictions. Included in such facilities should be the following:
 - A. A design and perimeter security that promotes safety and security;

2. The recruitment and retention of highly qualified professional staff who are well-trained and genuinely interested in providing direct services and programs to youthful offender populations. Staff training should include but not be limited to youth development issues, the impact of trauma and behavior management techniques;
 3. Special programming and case management to meet the developmental, educational, health, religious, mental health and other special needs of youthful offenders. All federal regulations should be met that guarantee special education services to qualified juveniles under the age of 21;
 4. Appropriate resident/staff ratios to meet the special security and programming needs of youthful offenders. Prison Rape Elimination Act standards for adult prisons and jails should be followed as they relate to considering the factors for staffing and supervision for this population and ensuring appropriate separation of youths from adults;
 5. Mental health and suicide screening and specialized counseling for youthful offenders;
 6. Screening and classification processes, both at intake and at regular intervals, to ensure that specialized facilities and/or units house only youthful offenders in need of such treatment. Youthful offenders should be classified using an instrument validated on a youth population and/or adopted from the state juvenile system;
 7. Structured processes for the timely transmission of written information regarding a youthful offender's adjustment, achievements, and educational and disciplinary records within the specialized facility or unit for consideration upon transfer of the offender out of the facility or unit; and
 8. Housing units that allow for personal interactions, group-oriented activities, and a youth-based behavioral management approach.
- E. Support, in those jurisdictions that continue to house youths under the age of majority in adult correctional/detention systems, housing them in specialized facilities or units that have the features set forth above. In addition, the following requirements should be met:
1. Offenders in the specialized units have no sight or sound contact with adult offenders in living, program, dining or other common areas of the facility, and opportunities for any other sight or sound contact are minimized; any such contact that does occur is brief and in conformance with any applicable legal requirements that includes, but is not limited to, direct staff supervision;
 2. Youthful offenders under the age of majority are housed in these specialized prisons or units except:
 - a. When a violent, predatory youthful offender poses an undue risk of harm to other youths within the specialized unit or prison; or
 - b. When a qualified specialist in the developmental, programming and other special needs of youthful offenders has determined that the offender cannot benefit from placement in the specialized prison or unit.

3. When a youthful offender under the age of majority is placed in the general population, a written statement specifically explaining the substantial reasons for the placement is prepared;
 4. Offenders over the age of majority are placed in these specialized units only when two requirements are met:
 - a. A qualified specialist in developmental levels and needs has, after a thorough assessment, determined that an offender's developmental and programming needs can best be met through this specialized placement; and
 - b. A determination has been made that placement of the offender in the specialized prison or unit will not jeopardize the safety of the youthful offenders housed there.
 5. When an offender over the age of majority is placed in a specialized unit or prison for youthful offenders, a written statement specifically explaining substantial reasons necessitating the placement is prepared.
- F. Support the evaluation and refinement of classification systems and assessment processes by corrections professionals to ensure the appropriate placement of offenders in the specialized facilities or units for youthful offenders under the age of majority, based on risks and needs. The classification instrument should be a juvenile validated instrument or one adopted from the state juvenile system;
- G. Support the preparation and consideration of fiscal and correctional impact-assessment statements before the enactment of legislation that leads to the confinement of youths under the age of majority in adult correctional facilities; and
- H. Support the adoption of legislative, fiscal, regulatory and other mechanisms that will ensure that adequate resources are allocated for the specialized facilities and/or units developed for youthful offenders.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Nashville, Tenn., Jan. 20, 1999. It was reviewed, amended and reaffirmed at the 144th Congress of Correction in Salt Lake City, UT, August 19, 2014.



PUBLIC CORRECTIONAL POLICY ON JUVENILE JUSTICE

1984-3

Introduction:

Youths have distinct personal and developmental needs and must be kept separate from adult offenders. The juvenile justice continuum consists of prevention, diversion, detention, probation, residential and aftercare programs. The best interests of the individual youth must be balanced with the needs of the victim and the community. In all settings, youths should be kept safe from abuse, harassment, exploitation, and suicidal behaviors/self-harm.

Policy Statement:

The juvenile justice system must provide a continuum of services, programs and facilities that ensure maximum opportunity for rehabilitation, provide a culture of positive youth development, and are consistent with public safety. These should place a high priority on providing individualized care and rehabilitative services to juvenile offenders throughout the juvenile justice system. To implement this policy, juvenile justice officials and agencies should:

- A. Increase public awareness of why it is in their best interest to promote, support, participate in and fund those programs that have proven effective in preventing delinquency and producing healthy, positive, and socially-responsible children and adolescents;
- B. Increase public awareness that low-risk juvenile offenders including status offenders should be in community-based programs and not in juvenile detention centers or other secure facilities;
- C. Establish and maintain effective working relationships with those who can have an impact on the juvenile to achieve the fullest possible cooperation in making appropriate decisions in individual cases and in providing and using services and resources;
- D. Provide a range of non-residential and residential programs and services in the least restrictive manner, consistent with the needs of individual offenders and the protection of the public;
- E. Provide access to appropriate educational/vocational training;
- F. Engage the family whenever practical, appropriate and therapeutic to the youth, in the development and implementation of the his or her treatment plan;

- G. Use a juvenile classification system, including consideration of criminogenic needs, to identify the risk and needs of the juvenile offender, and develop and implement an individualized treatment plan based on this strengths-based assessment;
- H. Advocate for the separation in programming of status offenders from adjudicated delinquent offenders in the same facilities;
- I. Provide a range of non-secure and secure short-term detention options pending adjudication and limit the use of secure detention for status offenders and other low-risk juvenile offenders;
- J. Advocate for the separation of adjudicated from pre-adjudicated youths in the same housing units;
- K. With the involvement of the youth and prior to release from custody, develop a transition plan that includes educational and/or vocational programs for aftercare/reentry and ensure that these reentry services are available and provided when the youth returns from residential placement;
- L. Establish written policies and procedures that will protect the rights and safety of the juvenile, the victim and the public in as balanced a manner as possible, including applicable Prison Rape Elimination Act standards;
- M. Establish procedures to safeguard the accuracy and use of juvenile records and support limitations on their use according to approved national standards, recognizing that the need to safeguard the privacy and rehabilitative goals of the juvenile should be balanced with concern for the protection of the public, including victims;
- N. Develop performance outcome measures from which evidence-based program effectiveness and system operations can be assessed and adjusted when needed; and
- O. Implement research and evaluation initiatives that will measure the effectiveness of juvenile justice programs and disseminate findings to the field.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in San Antonio, Aug. 23, 1984. It was reviewed, amended and reaffirmed at 144th Congress of Correction in Salt Lake City, UT, August 19, 2014.



PUBLIC CORRECTIONAL POLICY ON ADULT AND JUVENILE FEMALE OFFENDER SERVICES

1984-1

Introduction:

In addition to recognizing the unique requirements of special needs populations including adolescents, the elderly, the mentally ill and the medically impaired, correctional systems must practice gender responsiveness in the development of services and programs for adult and juvenile female offenders. Programs must be designed and implemented to meet the needs of this population and the lesbian gay bisexual transgender intersex (LGBTI) offender.

Policy Statement:

Correctional systems must be guided by the principle of gender responsiveness and recognize the physical, behavioral, social, and cultural differences between female and male offenders, and how those differences should be reflected in policies and practices. Female offenders must receive a full range of services that recognize the realities of their lives and address the specific needs of this population. Correctional agencies should:

- A. Acknowledge that gender makes a difference in what is most effective for adult and juvenile female offenders and review all policies, programs and practices including classification systems to ensure they are gender responsive;
- B. Provide both human and financial resources to create a system-wide approach to the provision of adult/juvenile gender-centered services that create a safe, nondiscriminatory, and supportive environment;
- C. Ensure all staff, including contract employees and volunteers working with female offenders, are carefully screened and provided specific training in order to effectively provide services;
- D. Provide a full range of integrated, age- and developmentally-appropriate, gender-responsive programs and services that address substance abuse treatment, trauma, physical and mental health to include prenatal care, relationships, spirituality, economic self-sufficiency, reentry and legal issues;
- E. Facilitate the maintenance and strengthening of family ties;

- F. Implement a full range of alternatives to incarceration, including pre- and post-trial diversion, probation, restitution, community residential and parole/aftercare services, designed to meet the needs of this population;
 - G. Develop gender-responsive conditions of confinement and implement humane, relevant security policies and practices to include proper nutrition, clothing, personal property, hygiene supplies, exercise, and recreation/wellness programs;
 - H. Consider Prison Rape Elimination Act standards related to gender and LGBTI populations; and
 - I. Provide access to a full range of work and other programs designed to expand economic self-sufficiency.
-

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in San Antonio, Aug. 23, 1984. It was reviewed, amended and reaffirmed at the 144th Congress of Correction in Salt Lake City, UT, August 19, 2014.