

Human Rights Watch

Children's Rights

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Christina sat on the couch while her teenage son, Oliver, 18, played with his 1-year-old brother. Christina's smile faded. Oliver used to really live his life, she said. He used to love being out with his family. Now, he's afraid to go outside. He won't even go with her to the grocery store.

What happened?

Roughly two years ago, Oliver and two other boys were arrested at his Florida high school for breaking into an office at the school, stealing two laptops, a blackberry, a Palm Pilot, and \$8 in cash. The office was empty, but because people were in other parts of the school, the building was considered occupied and Oliver's charges were elevated to grand theft. Also, Oliver had been in trouble before, for possession of some stolen calculators.

The authorities called Christina at work, and she rushed to pick her son up from the youth detention center. The prosecutor told them he'd offer Oliver an 18-month sentence in a juvenile facility if he pled guilty to the charges. I was upset, said Christina, who didn't want to be parted from her son for so long.

Then the prosecutor issued him a warning. If Oliver didn't plead guilty, his case would likely be charged in adult court and he could face up to 15 years in prison.

When I heard them say that they could give my son 15 years, it was the scariest thing of my life, Christina said. But believing they could argue that he was innocent, Christina and Oliver decided to turn down the plea offer and fight the charges.

The prosecutor followed through on his threat and filed Oliver's case in adult court. He invoked the direct file law used in Florida, 15 other states, and Washington D.C., which gives prosecutors broad discretion to decide whether a child will be prosecuted in adult court. According to a new report, [Branded for Life](#), over the past five years more than 12,000 juvenile crime suspects in Florida were transferred to the adult court system despite the fact that more than 60 percent were charged with nonviolent felonies, and only 2.7 percent were charged with murder.

Even judges can't review or reverse the prosecutor's decision, no matter how unsuitable. The consequences of giving prosecutors so much power is enormous. If convicted, these children are marked as felons, unable to vote, get certain jobs or even qualify for certain housing despite their low-level offenses.

Children who commit crimes should be held accountable, but doing so in adult courts and prisons is both unnecessary and harmful to society and to the young people involved. Studies indicate that children tried in adult courts are more likely to reoffend than those kept in the juvenile justice system.

Children aren't finished developing. They are more susceptible to peer pressure than adults, and less able to weigh the long-term consequences of their actions. Most important, they have great potential to change. The US juvenile court system is intended to rehabilitate and to balance the needs of society and the best interests of the child, while the adult criminal justice system emphasizes punishment over all else. Children prosecuted as adults lose access to age-appropriate education and programming provided under the juvenile court system. Young people describe feeling confused and abandoned in adult court. Many encounter violence in adult jails and prisons.

New statistics analyzed by Human Rights Watch show that Florida's judicial circuits send arrested children to adult court at vastly different rates, unrelated to the seriousness of offenses, the size of youth populations, or other criteria examined. In some circuits, African-American boys are more likely to be sent for adult trial, suggesting racial bias.

Adult court was terrifying for Oliver and Christina. In juvenile court, a mother can sit beside her child and can even speak on behalf of her child. In adult court, Christina felt helpless watching the proceedings from the back. The stakes were too high, both Oliver and Christina realized. When the judge offered Oliver three years of probation if he pleaded guilty, he took it along with the felony record.

Today, both she and Oliver are living with the consequences of the system. Oliver wasn't old enough to drink, smoke, or buy cigarettes in the state of Florida when he was charged with the crime, but now he's branded as a felon for life.

It's a very bitter pill for Christina to swallow.

My son is completely different, she said. He's still sweet and giving, Christina added, but now he's too afraid of violating probation to actively live his life. The public defender told us that if he even gets caught in a car with no seatbelt on, he's gone, she said. Oliver used to like to go to the mall. He used to hang out with his friends. Christina is glad he's no longer getting in trouble, but she's troubled that he's afraid to leave the four walls of their home, even if it's with her or his sisters.

In some ways, Oliver is the best-case scenario for what happens to a youth sent to adult court. He spent zero time in jail. But the negative effect on his life has been and will continue to be enormous.

Children mess up. Teenagers, adults, we all mess up, his mother said.

By trying children like Oliver as adults, Florida loses the opportunity to do more than just punish these kids, discounting their ability for rehabilitation and their capacity to change. It also loses its best chance provided by the juvenile system at putting a young person back on the right path.

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