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Testimony from:

Camille Infantolino, Research and Policy Associate, R Street Institute

**In SUPPORT of SB 474, “AN ACT relating to Prosecuting Children as Adults.”**

February 15, 2021

Senate Judiciary Committee

Chair Brandes, Vice Chair Gibson, Sen. Baxley, Sen. Boyd, Sen. Bradley, Sen. Broxson, Sen. Mayfield, Sen. Polsky, Sen. Rodrigues, Sen. Rouson and Sen. Thurston:

Thank you for your time and consideration. My name is Camille Infantolino; I conduct research in the area of criminal justice and civil liberties for the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including juvenile justice. This is why SB 474 is of special interest to us.

Currently, the rate at which Florida prosecutes children exceeds any other state in the nation. In fact, juveniles as young as 14 years old can be transferred to the adult system and charged as adults under Florida’s direct file statute without any judicial review. While prosecuting children within the juvenile system can have detrimental implications for their future, such as increasing [school dropout rates](#), transferring a child to the adult system has even longer lasting and worse effects on that child’s life. For example, juveniles who are transferred to the adult correctional system are approximately [34 percent](#) more likely to recidivate than juveniles who remain in the juvenile system.

Although in some rare situations it is possible that public safety could best be served by transferring a juvenile to the adult system, research shows that this is rarely the case. In fact, transferring juveniles to the adult system is detrimental to youth at an individual level and to public safety at large. The reality is that the adult correctional system was not designed to offer developmentally appropriate [interventions](#) for children. As a result, children’s [education](#) often suffers and their new adult criminal record ends up inflicting permanent harm on [employment](#) opportunities. Black and Hispanic youth often bear the brunt of this damage: Black and Hispanic youth are 1.8 and 1.4 times more likely to be transferred to the adult system, respectively, than their white peers according to [past estimates](#) from the Florida Department of Juvenile Justice.

This issue has fiscal ramifications as well. Placing children into the adult correctional system both derails their lives and increases recidivism in such a way that can cost the state hundreds of thousands of



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dollars throughout the rest of the child's life. For context, estimates from the [Florida Department of Corrections](#) suggest that 78 percent of "youthful offenders," which include young people not convicted of a capital or felony life offense "who were less than 21 years of age at admission and were less than 24 years of age at release with a youthful offender provision," are rearrested within three years of release. Further, almost 40 percent return to prison within the same time period. Meanwhile, taxpayers are left with the [\\$22,000+ annual bill](#) for each person who is incarcerated in the adult system.

Increasing the age at which a state attorney may request the court to transfer a child to adult court is a laudable first step toward reform. This policy would help to limit the destructive effects of imprudent passage of children into the adult criminal justice system. Ultimately, the judicial system should strive to begin and maintain all juvenile cases within the juvenile justice system. Exceptions to this rule via transfers should only occur rarely and after heavy judicial scrutiny and review.

The bottom line is that Florida must focus on rehabilitating juveniles, not hindering their bright futures. The state's immense transfer rate is unjustifiable in light of the detrimental effects that the adult system has on youth. It is critical that the legislature pass SB 474.

Thank you for your time,

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