

DC Youth in Adult Courts

U.S. Attorney Jeanine Pirro has argued that the District of Columbia should change its law to allow her office to send any young person charged with a violent crime to adult court.¹ Though every state allows youth to be charged as if they were adults, there is no state with such an all-encompassing law. DC law currently gives prosecutors more unchecked power than prosecutors in 48 states to send youth to adult court. A vast body of research has established that youth charged as if they are adults are more likely to reoffend than youth processed in the juvenile courts. Changing DC law to send more youth to adult court will result in sending more Black youth, and even younger Black children, to adult court.

Who prosecutes DC youth

There are two prosecutorial entities in the District of Columbia: the locally elected Attorney General and the federally appointed U.S. Attorney for the District of Columbia. The Office of the DC Attorney General handles all cases within the juvenile justice system. The U.S. Attorney's Office prosecutes children in adult criminal court.

How DC kids get to adult criminal court

- Prosecutorial discretion: The U.S. Attorney's Office (USAO) has sole discretion to charge 16- and 17-year olds as if they were adults on the following charges: murder (murder I and murder II), first degree sexual abuse, burglary in the first degree, robbery while armed, or assault with intent to commit any of those crimes.² Judges are not authorized to reverse this decision by USAO, even in cases where the child is particularly vulnerable or acting with older individuals who had a much greater role in the offense.
- Judicial waiver: DC law allows for the DC Attorney General to ask the Court to transfer the case of any youth age 15 or older who is charged with any felony to adult criminal court, as well as the cases of youth of any age for certain offenses.³ Judges make the transfer decision based on a number of factors.⁴

¹ In an August 12, 2025, [opinion piece](#) in the *Washington Post*, U.S. Attorney Pirro wrote "For **any juveniles**: We are going to push to change the laws so that if you commit **any violent crime**, I have jurisdiction to prosecute you where you belong — in adult court." Emphasis added.

² D.C. Code §16-2301(3)(a).

³ D.C. Code §16-2307(a)(1-4).

⁴ D.C. Code §16-2307(a)(e).

DC law currently gives prosecutors more unchecked power than prosecutors in 48 states to send youth to adult court

- 11 states give prosecutors the power to directly file charges against youth in adult criminal court: Arizona, Arkansas, Colorado, Florida, Georgia, Louisiana, Michigan, Montana, Nebraska, Oklahoma, and Wyoming.⁵
 - Of these 11 states, 9 allow for reverse waivers, giving a criminal court judge the opportunity to overrule the prosecutor and return the youth to juvenile court. *Reverse waivers do not exist in Washington, DC.*

DC's juvenile justice system is defined by stark racial disparities

More than 93% of youth arrests in DC in the first half of 2025 were of Black youth.⁶ Changing DC law to send more youth to adult court will inevitably mean sending more Black youth, and even younger Black children, to adult court.

Youth in adult courts: the national context

Every state and the District of Columbia have methods to charge people under the age of 18 as if they were adults. These state laws vary based on factors including (but not limited to) the age of the person charged, their prior criminal and juvenile adjudications, the specific charges initially filed, and the entity that decides whether adult charges are warranted.

There are four such legal pathways: jurisdictional boundaries, prosecutorial discretion, judicial waivers, and automatic charging. These laws are often mitigated by reverse waiver laws that allow youth initially charged as if they were adults to be returned to juvenile courts.

- **Jurisdictional boundaries.** 45 states and the District of Columbia routinely charge people under the age of 18 in juvenile courts. Four states draw that line at age 17 (Georgia, Louisiana, Texas, and Wisconsin), and one state draws that line at age 19 (Vermont).⁷

⁵ National Center for Juvenile Justice (n.d.). [JJGPS - Juvenile Justice, Geography, Policy, Practice & Statistics: Age Boundaries](#). Vermont and Virginia have ended prosecutorial discretion since the site was last updated.

⁶ Criminal Justice Coordinating Council of the District of Columbia. [Adult and Juvenile Arrests](#). Data includes Jan. 1-June 29, 2025.

⁷ In 2009, there were 13 states that considered people 17 and over to be adults, including three that considered people 16 and over to be adults.

- The majority of youth who are charged as if they were adults live in the states that charge all 17-year olds as if they were adults.⁸
- **Prosecutorial discretion**, wherein the decision to file charges in adult court is in the hands of the prosecutor (limited to specific initial charges and by age). Prosecutorial discretion laws exist in just 11 states and the District of Columbia.
- **Judicial waivers** exist in 45 states and the District of Columbia, allowing for discretionary waivers wherein a juvenile court judge rules (upon request by a prosecutor) for the case to be moved upward to adult criminal court.
 - Nationally, discretionary waivers are granted thousands of times a year, generally for violent offenses.⁹
- **Automatic charging**: Most states (40) have a list of charges for which a youth must be charged as if they were an adult, generally starting at age 15 or 16.
 - The charges might be presumptively adult (placing the burden of proof on the youth to avoid a transfer), mandatorily adult (wherein the juvenile court is tasked only with confirming the law applies), or automatic (which has no such qualifications).
 - The list of charges and age boundaries vary widely by state.
 - Most states with automatic adult charges (22 out of 40) also have reverse waivers, allowing the youth charged in adult court to return their case to juvenile court.

Nationally, initial adult charges do not typically result in adult convictions

Policymakers should not conflate an initial charge with a conviction. Due to actual innocence, negotiated plea bargains, and reverse waivers, youth who are initially charged as if they are adults nationwide are not typically convicted in adult courts. The Bureau of Justice Statistics reviewed 19,141 completed cases involving a person under 18 initially charged in adult courts across 23 states, finding 8,530 adult convictions among them, less than half of cases for which data exist.¹⁰ Of these 8,530 adult convictions, 1,263 youth were sentenced to adult prison (6.6% of all cases with complete records).

⁸ Puzzanchera, C., Sickmund, M., and Hurst, H. (2023). [Youth younger than 18 prosecuted in criminal court: National estimate, 2019 cases](#). National Center for Juvenile Justice.

⁹ Puzzanchera, C., Sladky, A., and Kang, W. (2025). [Easy Access to Juvenile Court Statistics: 1985-2022](#).

¹⁰ Strong, S.M. (2025). [Juveniles Charged in Adult Criminal Courts, 2014](#). U.S. Department of Justice: Bureau of Justice Statistics.

DC's laws are already very punitive towards youth

Incarceration is a harsh and counterproductive response to youth offending,¹¹ and the District uses it often. Under present DC law and practice, compared to other states, the District has the highest youth incarceration rate (pre- and post-adjudication) in the United States, more than three times higher than the national average. Pre-adjudication, DC youth are 50% more likely to be detained than youth nationally. DC youth convicted in the juvenile system have an incarceration rate almost five times as high as the national average.¹²

Sending young people to adult courts will harm youth and public safety

Youth charged as if they are adults are more likely to reoffend than youth processed in the juvenile courts. Youth in the adult system are more likely to commit future offenses and particularly more likely to commit the most violent offenses when compared with peers in the juvenile system. Leading scholars note that “research consistently shows lower recidivism rates in the juvenile justice system than in the criminal justice system.”¹³

The CDC’s Task Force on Community Preventive Services reviewed decades of research and concluded that sending a youth to the adult system generally increases rates of violence among youth.¹⁴ A report from the National Research Council supported “a policy of retaining youth in the juvenile justice system” both to keep punishments proportional with age and to prevent additional offending.¹⁵

¹¹ Mendel, R.A. (2023). [Why Youth Incarceration Fails: An Updated Review of the Evidence](#). The Sentencing Project.

¹² Puzzanchera, C., Sladky, T.J., and Kang, W. (2025). [Easy Access to the Census of Juveniles in Residential Placement](#).

¹³ Howell, J. C., Feld, B. C., Mears, D. P., Petechuk, D., Farrington, D. P. and Loeber, R. (2013) Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know. Washington, D.C.: U.S. National Institute of Justice (NCJ 242935), p. 4, 10-11.

¹⁴ The Community Preventive Services Task Force (2003, April). [Violence Prevention: Policies Facilitating the Transfer of Juveniles to Adult Justice Systems](#).

¹⁵ National Research Council (2013). Reforming Juvenile Justice: A Developmental Approach. The National Academies Press. <https://doi.org/10.17226/14685>, p. 134.