

To: Transition Team for Governor-elect Lamont and Lt. Governor-elect Bysiewicz
From: Youth in the Criminal Justice System Working Group, Criminal Justice Committee
Re: Building off Connecticut's Success in Raising the Age of Juvenile Court Jurisdiction
Date: December 31, 2018

In 2007, Connecticut passed legislation, often referred to as "Raise the Age," which raised the upper age of juvenile jurisdiction from 16 to 18. At the time, Connecticut was one of only three states in the country to automatically prosecute all children as young as 16 as adults. Connecticut implemented the upward shift in age of jurisdiction in a gradual manner: 16-year-olds were included in the juvenile system on January 1, 2010 and 17-year-olds were added later on July 1, 2012. Based on the review from Leal Chester and Vincent Schiraldi from the Harvard Kennedy School, the Raise the Age initiative has been implemented in a fiscally sound manner and has been proven to have advanced public safety.

The same report outlines reasoning and national perspective for the Raise the Age initiative:

Over the ensuing century, there was not a great deal of public debate or attention about the age set for juvenile jurisdiction. But in the 1990s, the United States experienced a rise in juvenile crime, eliciting a "tough on crime" response – one supporting the view that any child who committed a serious or "adult crime" deserved "adult time." Consequently, many states quickly changed their laws to allow more children under age 18 to be tried and sentenced as adults and incarcerated in adult facilities.

Although this drastic response was implemented in the pursuit of enhancing public safety, it ultimately backfired. Research on the cohort of young individuals subjected to "adult time" soon began to demonstrate a high rate of recidivism. Specifically, when comparing youth who were prosecuted in the adult system to those retained in the juvenile system, the former had a 34% to 77% greater likelihood of being re-arrested for a crime. They were also more likely to be re-arrested for a more violent crime than those exiting the juvenile system.

In addition to these findings, more recent research has revealed a strong distinction between the development of children and adults, undermining the assumptions made in automatically treating youth as adults in the adult criminal justice system. Neurological research over the last two decades has found that brain development continues into early adulthood (mid-20s or beyond) and that adolescents are particularly prone to risky behavior, a proclivity that naturally declines with maturity. Specifically, research has shown that youths are:

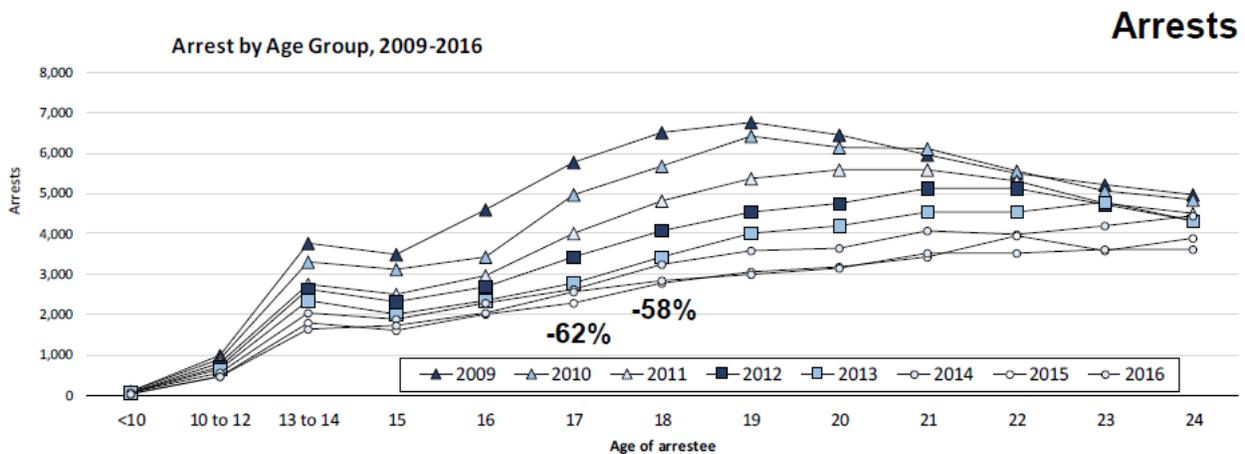
- *Prone to be impulsive;*
- *More sensitive to immediate rewards and less future-oriented;*
- *More volatile in emotionally charged settings; and*
- *Highly susceptible to peer and other outside influences.*

All of these factors have proven to be more pronounced for youth who have experienced trauma, which is estimated to be between 75 - 93% of all youth in the juvenile justice system.

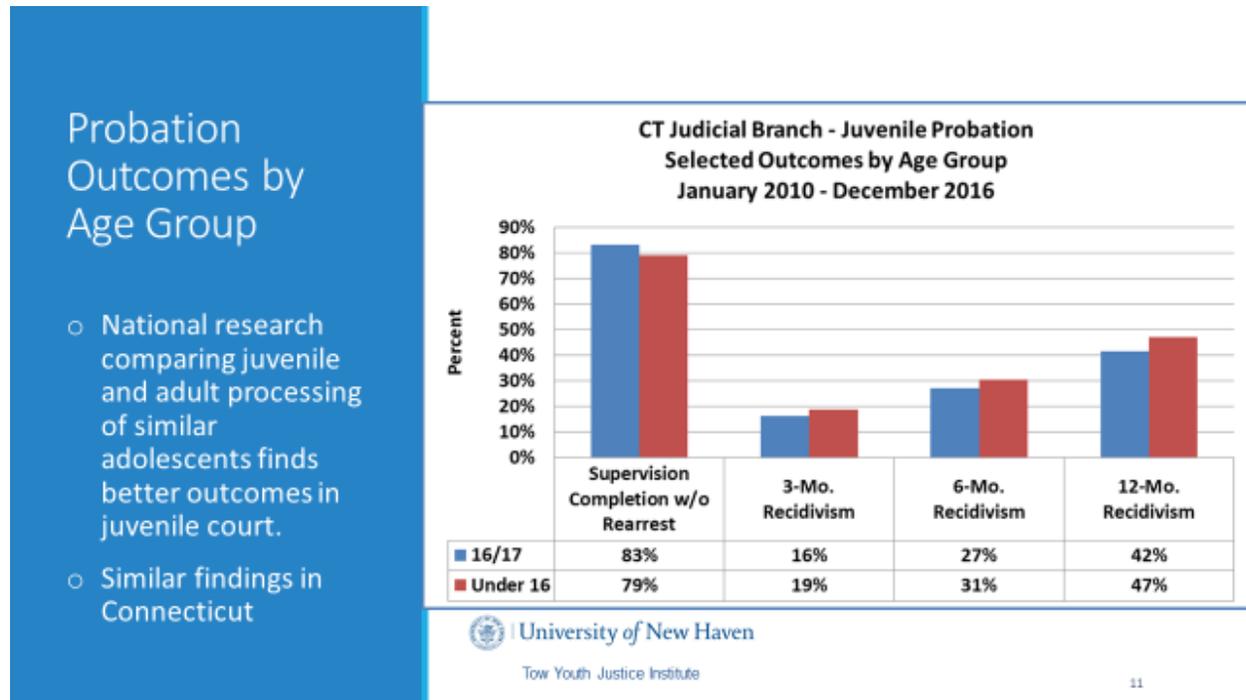
The picture is not entirely bleak. While youth are vulnerable to negative influences, the persistent and rapid physical, emotional, and cognitive development of adolescents and emerging adults also makes them particularly susceptible to positive influences. Research reveals that the vast majority of children will grow up and out of their risky (and sometimes criminal) behavior. As many parents know from experience, it takes time to grow up.

Connecticut was one of the first states to question the wisdom of automatically treating children as mini-adults. This reflection led the state to reverse the national trend to try more children as adults by passing the “raise the age” law to age 18 in 2007 (fully implemented by 2012). Following Connecticut’s lead over the past decade, six other states have raised the age of juvenile jurisdiction to 18: Mississippi, Massachusetts, Illinois, New Hampshire, South Carolina, and Louisiana.

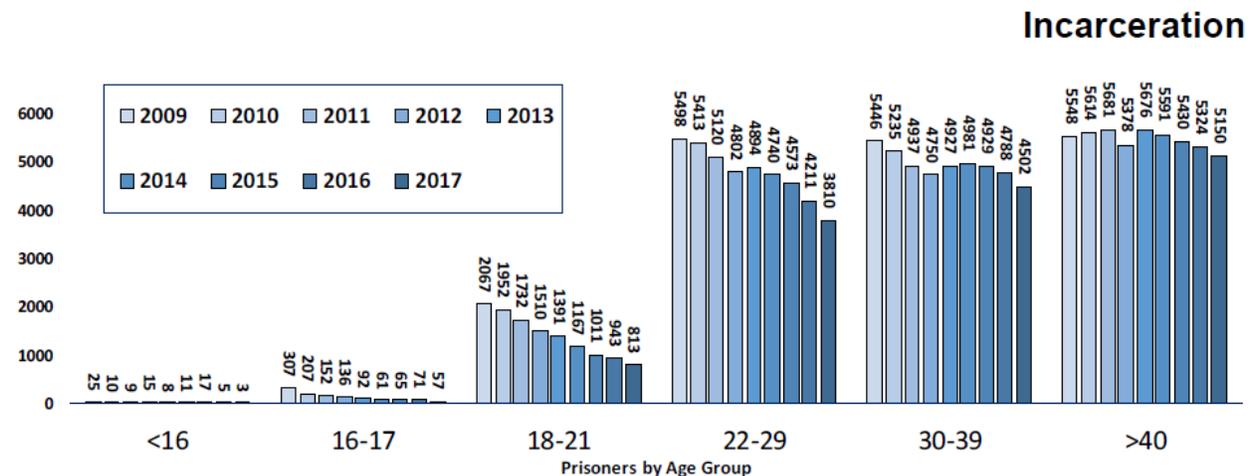
The success of the public policy change is supported by the Office of Policy and Management’s Juvenile Justice Policy and Planning Division statistics, citing that during the last 10 years, the number of youth entering the criminal justice system has plummeted in the state. Between 2009 and 2016 – the latest year for which data is available – arrests involving people under the age of 18 dropped by a dramatic 56%.



Moreover, a study by the University of New Haven’s Tow Youth Justice Institute found that 16 and 17 year olds are performing even better in the juvenile system than those under the age of 16. They have better program completion rates and lower recidivism rates.



Beyond the direct impact on the under 18-year-old population, a review of incarceration data suggests that managing this population in the juvenile justice system has had a direct effect on the number of young adults that have been incarcerated (reducing the number of 18- 21 year by more than 60%).



This finding is not entirely surprising. Chester and Schiraldi, citing a 2013 Department of Justice report, found that irrespective of the age of onset of offending, most young offenders will desist from criminal behavior “naturally” during the young adult years:

. . . many young people who offend at ages 19 to 20 and who are now fed into the adult justice system (and are more likely to receive longer sentences than in the juvenile justice system), would have been likely to desist naturally in the next few years. It seems likely that justice system processing makes them worse rather than better . . .

In summary, developmental studies of the persistence in and desistance from offending between adolescence and early adulthood do not support the notion that there is any kind of naturally occurring break in the prevalence of offending at age 18. Persistence in offending is not immutable; interventions outside of the justice system...can improve a young person's desistance from offending between adolescence and early adulthood.

Recommendations:

1. Using a phased-in process, implement the next step in the “Raise the Age” initiative, and after the first year of implementation, conduct an evaluation. The evaluation would include a more refined assessment of the anticipated numbers of emerging adults in each of age group; associated costs and savings in proceeding with the phase-in; and any technical statutory changes that may be still necessary.

The timeline would be as follows:

- Phase 18-year-old emerging adults into the juvenile justice system effective July 1, 2020.
- Allow 18-, 19- and 20-year-old emerging adults access to “Youthful Offender” status effective July 1, 2019.
- On July 1, 2021, Juvenile Justice Policy and Oversight Committee (JJPOC) staff shall initiate a process evaluation and such report shall be submitted to the full JJPOC, the Governor and the relevant committees of the Legislature by July 1, 2022.

In the event this proposal is enacted into law, it is recommended that the JJPOC monitor the implementation of this reform and share relevant findings with the Governor and the committees of cognizance of the Legislature.

2. Effective January 1, 2021, children under the age of 18, whose cases have been transferred to the adult court and who are housed in a Department of Correction facility, both pretrial and post-conviction, shall be placed in a safe, secure and developmentally appropriate environment that is not under the authority of the Commissioner of Correction.
3. Devote sufficient resources and support for an appropriate continuum of effective community and residential treatment programs to meet the unique needs of the juvenile justice population. Provide sufficient resources to the Judicial Branch (including Court Support Services Division) to handle these cases and meet the needs of this population.