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Testimony of Jeanne Milstein, Child Advocate
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Good morning Senator McDonald, Representative Lawlor, and members of the Committee. My name is Jeanne Milstein and I am the Child Advocate for the state of Connecticut. Thank you for the opportunity to testify today in **support of House Bill No. 5782, An Act Concerning The Age of a Child for Purposes of Jurisdiction in Delinquency Matters and Other Proceedings.**

Adolescents do not have the decision-making capacity of adults, nor do they have the ability to fully understand the ramifications of their actions. Over the last five years, extensive research has shown that "as they become fully capable in other areas, adolescents cannot reason as well as adults."¹ This is true because the frontal lobe, the part of the brain that controls impulsivity, judgment, planning for the future, and foresight of consequences, is not fully developed until an individual is in his or her early 20's.² Indeed, during adolescence, this part of the brain undergoes for more change than at any other stage of life.³ Coupled with these physical changes are emotional changes. Normal development during adolescence includes self-searching, self-absorption, a need for privacy, mood swings, unique dress, escapism, and engaging in risky behaviors, as the adolescent tries to become an adult.⁴ All of this research demonstrates something we have known for centuries, the period of adolescence is a formative time.

This is important because it suggests that adolescents do not have the same level of culpability as adults. As Jay Giedd, a researcher at the National Institute of Mental Health has said "[i]t's sort of unfair to expect [adolescents] to have adult levels of organizational skills or decision making before their brain is finished being built."⁵

It is also important because it suggests that the way we respond to adolescents who engage in unwanted and illegal behavior may have a significant impact on the kind of adult he or she will become. Currently, Connecticut, along with only two other states, automatically treats young people, ages 16 and 17, as adults. In the adult system, we do not offer them age-appropriate rehabilitative services or treatments. Boys who are

¹ ABA, Juvenile Justice Center, "Cruel and Unusual Punishment: The Juvenile Death Penalty, Adolescence, Brain Development and Legal Culpability," January 2004: 2

² "Cruel and Unusual Punishment."

³ "Cruel and Unusual Punishment."

⁴ "Cruel and Unusual Punishment."

⁵ "Cruel and Unusual Punishment" 2.

incarcerated go to the Manson Youth Institute, an adult jail setting, and girls go to York, an adult prison setting. What is the impact of such settings on the adolescent and how will that affect the developing brain, on the emerging adult?

The impact for at least one adolescent was death. I am sure you recall that last year David Burgos, a 17-year-old, committed suicide while incarcerated in the Manson Youth Institute. While my investigation into David's death is ongoing, two things are already very clear: (1) David was a young man with well-documented profound mental health needs and (2) Manson Youth Institute was not equipped to meet those needs.

For others, the impact may be that rather than learning the lessons we all want our adolescents to learn – to make good judgments, to consider natural consequences of their decisions, to make mistakes and grow from them – they will learn lessons that are damaging. Some argue that treating children over the age of 15 will deter crime and lower recidivism, suggesting that such children learn the right lessons. But the fact is that youth who are tried and incarcerated in the adult system are more likely to re-offend, and when they do re-offend, commit more serious crimes more frequently than young people tried and treated in the juvenile system for the same crimes.⁶

The question, in my opinion, is a very simple one: should these youth complete their development in an adult criminal justice environment, one of control through dominance and power, or in an environment intended to address their deficits and enrich their lives? The answer seems simple to me.

Please support House Bill No. 5782, An Act Concerning The Age of a Child for Purposes of Jurisdiction in Delinquency Matters and Other Proceedings.

Thank you for the opportunity to testify. I would be happy to answer any questions.

⁶ Frontline, "Juvenile Justice, Does Treating Kids Like Adults Make a Difference," 1995-2000, www.pbs.org/wgbh/pags/frontline/shows/juvenile/stats/kidlikeadults.html, citing Fagan, Jeffrey, 1996. "The Comparative Advantage of Juvenile versus Criminal Court Sanctions on Recidivism among Adolescent Felony Offenders." *Law and Policy* 18:77-112; cited in "Bishop, Donna, "Juvenile Offenders in the Adult Criminal System," 27 *Crime and Justice* 81 (2000); Donna M. Bishop and others, "The Transfer of Juveniles to Criminal Court: Does It Make a Difference?," *Crime and Delinquency*, vol. 42 (1996).