



**TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE  
FOR THE JUDICIARY COMMITTEE  
PUBLIC HEARING MARCH 23, 2016  
IN FAVOR: SB NO. 18  
AN ACT CONCERNING A SECOND CHANCE SOCIETY**

Senator Coleman, Representative Tong and members of the Judiciary Committee: My name is Lara Herscovitch; I am the deputy director of the Connecticut Juvenile Justice Alliance. The Alliance is a statewide public policy and advocacy organization dedicated to stopping the criminalization of Connecticut's children. We believe in prevention to keep young people from entering the system, and best practice and policy to ensure that those who do enter the system are treated safely, fairly, and effectively.

Thank you for the opportunity to speak about SB 18, An Act Concerning A Second Chance Society. The Alliance strongly supports the proposal, as we believe it would help older teenagers and young adults to transition into a productive adulthood much more than current justice system policy does. This success, in turn, would further improve public safety and save the state significant amounts of money.

The Alliance applauds the state's steady movement to 'right-size' our juvenile and adult justice systems and align with best practice and neuroscience. Connecticut's successful reforms are keeping more individuals out of the systems who do not need to be there, and making the systems more effective for those who do. As the National Juvenile Justice Network testified today, the proposals in SB18 (together with HB 5462) are "realistic, common-sense policies... the next steps in realigning the system."<sup>1</sup>

Recent advances in neuroscience show that the human brain does not finish developing until the age of 25 – much later than previously believed – "meaning that young adults have more psychosocial similarities to children than to older adults."<sup>2</sup> This knowledge has shaped the recent justice-related policy of the U.S. Supreme Court and most states, including Connecticut.

*Raise the Age II*

SB 18 would raise the age of juvenile court jurisdiction to 21 over the next four years. This proposal is at the same time innovative, and overdue: "The setting of 18 as the court's maximum age was an arbitrary choice based on the mores of the time rather than hard evidence. It's time we expanded protections and rehabilitative benefits of the [juvenile] court to young adults."<sup>3</sup>

There is growing consensus on this point. From a recent report of the National Institute of Justice and Harvard Kennedy School's Program in Criminal Justice: "Our central recommendation is that the age of juvenile court jurisdiction be raised to at least 21 years old with additional, gradually diminishing protections for young adults up to age 24 or 25."<sup>4</sup> Their conclusion mirrors that of the National Institute of Justice's Study Group on the Transitions from Juvenile

<sup>1</sup> Testimony submitted to the CGA Judiciary Committee, National Juvenile Justice Network, March 23, 2016.

<sup>2</sup> Mason, K. V., Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice, Foreword in "Community Based Responses to Justice-Involved Young Adults," Harvard Kennedy School Program in Criminal Justice and National Institute of Justice, "New Thinking in Community Corrections," September 2015.

<sup>3</sup> "Time to Raise the Age of Juvenile Court," Commentary, the Washington Post, Schiraldi, V. and Western, B., Harvard Kennedy School, Program in Criminal Justice Policy and Management, October 2, 2015.

<sup>4</sup> Schiraldi, V., Western, B., and Bradner, K., "Community Based Responses to Justice-Involved Young Adults," National Institute of Justice and Harvard Kennedy School Program in Criminal Justice, New Thinking in Community Corrections, September 2015.

Delinquency and Adult Crime panel co-chairs: "We recommend raising the minimum age for referral of young people to adult court to age 21 or 24 so that fewer young offenders are dealt with in the adult criminal justice system."<sup>5</sup> Such a change is not unprecedented: family court jurisdiction in Germany and the Netherlands is 21 and 23, and 2 other U.S. states (IL and VT have proposed similar legislation).

The adult criminal justice system is simply not as effective in rehabilitation as the juvenile system is. We know that youth transferred to the adult corrections system recidivate at a higher rate than those kept in the juvenile justice system,<sup>6</sup> that transfer is counterproductive to reducing juvenile violence and enhancing public safety: the experience of transfer to an adult system is associated with subsequent violence among youth when compared with violence among youth who were retained in a juvenile justice system.<sup>7</sup>

Connecticut's juvenile justice system, on the other hand, has many and varied options to address misbehavior. SB18 would increase access to those options. When misbehavior is minor and "typical adolescent behavior," we now keep it out of the juvenile justice system altogether.<sup>8</sup> When it requires some accountability but does not rise to the level of court attention, we divert it to a community resource such as a juvenile review board. When the misbehavior is more serious, we work to address underlying causes through evidence-based services that prevent future wrongdoing. (The most serious offenses are still transferred to the adult system.)

Because of this 'smart on crime' focus on prevention, diversion, rehabilitation, and a greatly reduced use of incarceration, our juvenile justice system is *smaller* now than it was before we raised the age from 16 to 18 (and it has 'trickle-up' benefits, shrinking the size of the adult criminal justice system). Expanding this system to older teenagers and young adults whose brains have not finished developing makes sense and we fully support it.

The phase-in process mirrors that which the state used for the first, successful "Raise the Age" transition. The Juvenile Justice Policy and Oversight Committee (JJPOC) would oversee the process of determining what will need to happen for a smooth transition; JJPOC members include leaders of OPM, the Judicial Branch, the state departments of Children & Families, Correction, Education, Social Services, Mental Health & Addiction Services, Labor, Public Health, plus prosecutors, defense attorneys, law enforcement, legislators, service providers, victims, advocates, and academics. As with the first "Raise the Age," it would determine the details such as: interrogation rules, confidentiality and records handling, transfers, and an appropriate minimum age (currently 7).

#### *Youthful Offender Status*

SB18 would also expand the definition of Youthful Offender within existing statutes to include 18-20 year-olds (as is the case currently, this would not apply to the most serious crimes and those with previous felony convictions would not be not eligible). The Youthful Offender

<sup>5</sup> Loeber, Farrington and Petechuk, 2013, in "Community Based Responses to Justice-Involved Young Adults," National Institute of Justice and Harvard Kennedy School Program in Criminal Justice, September 2015.

<sup>6</sup> Zeidenberg, J., "You're An Adult Now: Youth in Adult Criminal Justice Systems," National Institute of Corrections, U.S. Department of Justice, December 2011.

<sup>7</sup> "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services" (members from National Center for Health Marketing / CDC, National Institute of Justice, National Center for Injury Prevention and Control / Division of Violence Prevention / CDC, Columbia University, New Jersey Medical School / Department of Pediatrics, National Institute of Mental Health, November 30, 2007.

<sup>8</sup> C.G.S. §46b-128, Investigation of delinquency complaint.

approach allows the state to hold a young person accountable for his/her behavior in the adult justice system while affording protection from lifelong stigma and creating incentives to not reoffend. A court record would be erased after an individual completes his/her sentence and does not reoffend for four years (records would still be available for law enforcement), Youthful Offenders would be subject to incarceration for no more than four years, and specialized probation officers handle their cases. The Criminal Justice Policy Advisory Committee (CJPAC) would study the expansion of use of Youthful Offender status to 21-25 year-olds.

In order for these proposed changes to be successful, **our juvenile justice system must be as small, safe, fair, effective and efficient as possible, and it must be resourced to meet the complex needs of the additional young people in it.** The changes in SB18 go hand-in-hand with those in HB 5642, An Act Concerning the Recommendations of the Juvenile Justice Policy Oversight Committee: diverting more young people from system involvement, reducing the use of incarceration (the least effective and most expensive intervention), and reducing recidivism.

In sum, the Alliance believes in holding young people accountable for misbehavior, *in ways that are most likely to help them succeed* and transition to productive adulthood. We start with the belief that system involvement and certainly incarceration should be avoided whenever possible. When it is necessary, the presumed goal is to change behavior and ensure the young person's success in his or her community. The proposed changes in SB18 can help continue to improve the effectiveness of Connecticut's justice systems, in order to strengthen young human capital, families and communities. We are in full support of them.

**Alliance member organizations:**

AFCAMP, Center for Children's Advocacy, Center for Effective Practice / CHDI, Children's Mental Health Connecticut, Connecticut Legal Services, Connecticut Voices for Children, Connecticut Youth Services Association, Community Partners in Action, FAVOR, LifeBridge, Office of the Chief Public Defender, Office of the Child Advocate, RYASAP, The Tow Foundation, The Village for Families and Children