

**Written Testimony Submitted to the General Assembly of  
the State of Connecticut's Committee on the Judiciary**

Governors bill 5040: An Act Concerning Adjudication of Certain  
Young adults in Juvenile Court

**&**

Governors bill 5042: An Act Concerning Prosecution of Low-Risk  
Young Offenders in Adult Court

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**Dear Chairman and Members of the Judiciary Committee,**

On behalf of the Vera Institute of Justice, I am writing in support of House Bills 5040 and 5042.

**Vera's Expertise:**

The Vera Institute of Justice (Vera) is an independent, nonpartisan, nonprofit center for justice policy and practice. Since 1961, Vera has worked in partnership with local, state, and national government officials to create change from within. We do this by studying problems that impede justice, piloting innovative solutions, and building evidence to drive effective policy and practice reform.

Vera's Center on Youth Justice (CYJ) works with adult and juvenile corrections agencies across the country - including Connecticut - to align policies and practices with the latest research and knowledge on youth justice. In addition to providing targeted support to reform specific practices, CYJ also conducts research and marshals evidence related to best practices and raising the age of juvenile court jurisdiction. Vera staff provided technical assistance to Connecticut when the age of juvenile jurisdiction was raised from 16 to 18 and assisted North Carolina in examining the anticipated costs and benefits of a similar change. We staffed New York Governor Cuomo's 2014 Commission on Youth, Public Safety and Justice which designed the governor's proposal to raise the age in New York and are now providing technical assistance to the New York City Mayor's Task Force on Implementation.

**Support HB 5040 and HB 5042:**

The reforms described in Governor Malloy's House Bill (HB) 5040 and 5042—which include raising the age of juvenile court jurisdiction from 18 to 21 and extending youthful offender protections for some young adults prosecuted in criminal court—would continue Connecticut's leadership in designing a criminal justice system that delivers equal justice for all its citizens and keeps communities safe and strong. Adjudicating young adults in the juvenile justice system makes sense: Young adults are different from older adults, and require a different approach. National data has shown that young people today are reaching developmental milestones such as completing school and obtaining employment much later. We now also have a robust library of research from the field of neuroscience that shows us what parents have always known: that while more mature than their adolescent counterparts in some ways, young adults are still developing in other ways, particularly relative to their decision-making capacity and emotional intelligence. Criminal justice policy lags behind other areas of policy and practice in acknowledging this. Nationally, many child welfare systems allow young people in their care to remain until 21, an acknowledgment of the need to support and prepare them beyond the age of 18. We set the age at which young people can legally purchase alcohol—and increasingly, tobacco—at 21. And car rental companies have for years reflected an acknowledgment of these differences in their fee structures for renters under the age of 25.

Juvenile court was established first and foremost to consider such differences, and while the juvenile justice system is by no means perfect, there is no doubt that it is much better positioned to meet the needs of young adults when they come into conflict with the law. Although Connecticut stands poised to lead the nation in raising the age to 21, we have lessons from state efforts to raise the age of juvenile jurisdiction that chart the course, demonstrating that such changes can be made safely and effectively. For example, predictions that raising the age to 18 would flood juvenile systems with older adolescents have not held true, and in fact, Connecticut and other states that have raised the age have seen decreases in their juvenile justice populations including arrest and incarceration rates. Changes to jurisdictional boundaries in these states have corresponded with

decreases in arrests that have outpaced the trends predicted prior to the reforms. Careful implementation planning—such as the requirements stipulated in this bill—which applies practices grounded in research, including investments in diversion for minor offenses and increased use of evidence-based approaches have returned impressive results.

While the reforms proposed in HB 5040 will redraw the boundaries of juvenile justice in CT, the reforms described in HB 5042—which include extending youthful offender protections to low-risk youth prosecuted in adult court—would help ensure that some young people who remain in criminal court do not suffer the collateral consequences of an adult court conviction. Research has demonstrated the severe and lasting negative impact a criminal court conviction can have on a person’s ability to attain employment, enroll in school, and secure housing—milestones that research has also shown to decrease a person’s likelihood of returning to prison. Extending youthful offender protections to low-risk youth prosecuted in criminal court is an important stepping stone towards a justice system that provides these kinds of protections for all young people.

**HB 5040 does several things that will bring CT more in line with the developmental science and research on best practices for young adults:**

- Brings many young adults ages 18-21 under juvenile court jurisdiction. Allowing young adults to stay in the juvenile justice system reduces their exposure to adult court. Research shows that exposure to criminal court and adult jail and prison has a negative impact on young people’s psychosocial development and contributes to higher rates of recidivism. Reducing the number of children and young adults who come in contact with the adult criminal justice system is an essential step towards achieving better outcomes for young people and our communities.
- Creates a separate category of “young adult” which is distinct from “child”. Creating a distinct “young adult” age group preserves certain provisions for young adults, which honors both common sense and the developmental science research showing that a 20 year old is different than a 15 or 16 year old.
- Phases in jurisdiction changes by age over a period of years. Raising the age progressively by adding one year at a time proved to be an effective strategy in Connecticut when changing from 16 to 18 and is now seen nationally as a best practice. A progressive change allows involved systems to adapt to the changes, and refine the approach before the full-scale implementation takes effect.
- Requires the use of juvenile court processes in pre-trial decision making. Specifically, practices such as next-day detention hearings and using a validated Risk Assessment Instrument to make determinations about detention use are two key best practices to help ensure that detention is used only when absolutely necessary.

**HB 5042 provides key protections to young people still prosecuted in adult criminal court:**

- Minimizes collateral consequences for young adults handled in criminal court via youthful offender protections. Under this bill, low-risk young adults still prosecuted in adult court, will be granted youthful offender protections, including eventually have their police and court records erased, allowing young people who make mistakes access to the opportunities and resources needed to succeed and contribute to their communities. Automatically erasing

police and court records will help set young people up to gain employment and housing, all of which help ensure young people do not return to the justice system.

**Conclusion:**

Vera's vision is for all young people who come into contact with the justice system to receive developmentally appropriate treatment that simultaneously holds them accountable and affords them the chance to learn, change, and succeed. We include youth charged with felony offenses in this vision, but we support both of these bills as they represent a significant milestone for justice reform in the US. Our Western peer nations, like Germany, have set their age of criminal responsibility at 21 in recognition of the distinct differences and needs in this population. We at Vera applaud the Governor's efforts and encourage the legislature to pass these reforms.