



Testimony of Jordyn Wilson
Youth Justice Campaign Associate

In support of HB 6888, An Act Concerning Juvenile Justice

In opposition of HB 6889, An Act Concerning Juvenile Matters

Before the Connecticut Judiciary Committee on March 15, 2023

Established in 1986, The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.

We are grateful for this opportunity to submit testimony on two bills before the Committee, one of which we endorse and the other we oppose.

- **We support HB 6888**, specifically the creation of a plan to remove pre-trial youth from the Department of Corrections. Among states, Connecticut is shamefully an outlier when it comes to holding people under 18 in its adult prisons. **We oppose HB 6889**, specifically the automatic charging of 15-year-olds. Charging youth as if they were adults does not enhance public safety.

...

***Only Florida holds more youth in adult prisons than does Connecticut.
These youth are disproportionately Black and Brown.***

As of 2021, Connecticut had 41 youth incarcerated in its adult prison¹ more than half of states (27) had none.. Among those states with zero youth in their adult prisons are Alabama, Alaska, Colorado, Delaware, Georgia, Hawaii, Idaho, Illinois, Kansas, Kentucky, Maine, Massachusetts, Montana, Nevada, New Jersey, New Mexico, New York, North Dakota, Oregon, Rhode Island, South Dakota, Utah, West Virginia, Wisconsin, and Wyoming. Only Florida, with 48 youth in adult prison, has a larger number than does Connecticut.

Many of the youth who are incarcerated in Connecticut, are incarcerated pre-trial, and are at higher rates to recidivate solely based on their placement. Those who enter the adult system are 30 percent more likely to be re-arrested after returning to their community than young people who stayed in the youth legal system.

Creating a plan to remove all pre-trial youth under the age of 17 out of the Department of Correction should be done alongside the various young people this will impact. We urge this language to be amended to include a working group consisting of members of the Juvenile Justice Policy and Oversight Committee, as well as directly impacted youth, families, advocates, credible messengers and national experts.

Charging youth as if they were adults does not enhance public safety.

Sending youth to the adult criminal justice system, for any offense, has generally been found to harm public safety. Most relevant studies have found charging kids as adults is harmful, showing youth in the adult system are more likely to commit future offenses, and particularly more likely to

¹Carson, E. Ann (2022). Prisoners in 2021- Statistical Tables. p30-31.
<https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/p21st.pdf>

commit the most violent offenses, when compared with peers in the juvenile system.² Howell, et al., note that “research consistently shows lower recidivism rates in the juvenile justice system than in the criminal justice system.”³

For decades, studies have generally shown automatically charging youth as if they were adults harms public safety:

- After New York State passed automatic waiver in 1978, serious offending for the target population held steady while it fell in nearby Philadelphia.⁴
- After Idaho passed an automatic waiver in 1981, its juvenile violent crime rate increased while neighboring Montana and Wyoming’s respective juvenile violent crime rates dropped.⁵
- An examination of the effect of enhanced transfer laws passed in 14 states (through 2003), found juvenile crime held steady or increased in 13.⁶
- A 1996 Florida study matched 2,738 youth who were transferred to adult court to those who were not, and found greater reoffending among the transferred youth.⁷
- A comparison of juvenile arrest rates for robbery and burglary (among the most common serious offenses committed by youth) in Northern New Jersey (where transfer laws were more lenient) versus those in New York City, found significantly higher arrest rates in New York for robbery and equivalent rates for burglary.⁸
- Another study comparing Northern New Jersey to New York City found youth charged with violent offenses and prosecuted in the criminal courts were likely to be rearrested more quickly and more often for violent, property, and weapons offenses.⁹
- A 2013 study in Washington state found higher reoffending rates among transferred youth.¹⁰

In 2007, the CDC’s Task Force on Community Preventive Services reviewed decades of literature (such as the studies above) and concluded that sending a youth to the adult system

² Redding, R. (2008). Juvenile Transfer Laws: An Effective Deterrent to Delinquency?. *Juvenile Justice Bulletin*.

³ 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.

⁴ Singer, S.I., & McDowall, D. (1988). Criminalizing delinquency: The deterrent effects of the New York juvenile offender law. *Law & Society Review*, 22, 521-536.

⁵ Jensen, E. L., & Metsger, L. K. (1994). A Test of the Deterrent Effect of Legislative Waiver on Violent Juvenile Crime. *Crime & Delinquency*, 40(1), 96-104.

⁶ Steiner, B., and Wright, E., Assessing the Relative Effects of State Direct File Waiver Laws on Violent Juvenile Crime: Deterrence or Irrelevance, 96 *J. Crim. L. & Criminology* 1451 (2005-2006)

⁷ Bishop, D. M., Frazier, C. E., Lanza-Kaduce, L., & Winner, L. (1996). The Transfer of Juveniles to Criminal Court: Does it Make a Difference? *Crime & Delinquency*, 42(2), 171-191.

⁸ Fagan, J.A. 1996. The comparative advantage of juvenile versus criminal court sanctions on recidivism among adolescent felony offenders. *Law and Policy* 18:77-113.

⁹ Fagan, J., Kupchik, A. and Liberman, A. (July 2007). Be Careful What You Wish for: Legal Sanctions and Public Safety Among Adolescent Offenders in Juvenile and Criminal Court Columbia Law School, Pub. Law Research Paper No. 03-61.

¹⁰ Drake, E. (2013). The effectiveness of declining juvenile court jurisdiction of youthful offenders (Doc. No. 13121902). Olympia: Washington State Institute for Public Policy

generally increases rates of violence among youth.¹¹ Charging youth as an adult in the name of deterrence or public safety also contradicts findings from the National Research Council, which supports “a policy of retaining youth in the juvenile justice system” both to keep punishments proportional with the age of offenders and to prevent additional offending.¹²

The Sentencing Project endorses HB 6888, opposes HB 6889, and is eager to see Connecticut advance progressive solutions for our youth.

¹¹ The Community Preventive Services Task Force (2010, Aug. 26). Violence Prevention: Policies Facilitating the Transfer of Juveniles to Adult Justice Systems.

¹² National Research Council (2013). *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press, p. 134.