



Why Connecticut Should Restore Juvenile Court Jurisdiction to Age 18

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Connecticut is currently an outlier among the states in treating 16 and 17 year olds as “adults” in its criminal justice system. Connecticut, New York, and North Carolina are the only states in the nation that treat 16 and 17 year olds as adults in the criminal justice system. Most states follow the Federal Juvenile Delinquency Act (18 U.S.C.A. §§5031-5042) which establishes juvenile court jurisdiction for minors any time “. . .before their 18th birthday.” It also enables related proceedings to continue in juvenile court until the minor’s “21st birthday. . . .” Connecticut’s juvenile court jurisdiction extended to age 18 from 1935 to 1971, and should return to age 18.ⁱ

Connecticut’s current approach to criminal justice ignores the fact that 16 and 17 year olds are not fully mature adults. Youth aged 16 and 17 generally reside with adult guardians and are still economically dependent. Nationally, lawmakers agree that age 18, *not 16 or 17*, is the minimum threshold for maturity: Age 18 is the legal voting age, contract rights generally become effective at age 18, and military obligations begin at 18. In many states, youth cannot drink alcoholic beverages until age 21. This legal framework acknowledges a societal understanding that “minors simply do not have the maturity, independence of thought, self control and ethical sensibilities to make such mature decisions.”ⁱⁱⁱ

Teenage brains are not fully developed. Brain imaging research shows that teen brains are physically and functionally different from adult brains. Neuroscientists explain that the pre-frontal cortex, which engages in reasoning that controls impulses, is not fully developed until about age 25. (It is for this reason that actuaries set much lower car insurance rates for drivers above age 25 who are able to make more responsible decisions on the road.) Unlike

adults who use the part of that brain that processes visual imagery to quickly evaluate bad ideas, younger brains take longer to evaluate the same situations. Experts in child development concur that moral development in youth as old as 18 is in a state of continuing growth.

Expanding juvenile court jurisdiction to age 18 also addresses the fact that most juvenile offenders have mental health and developmental needs that are not well addressed in the punitive adult system. Youth with mental illness are over-represented in our criminal justice system; more than six in ten of young Connecticut detainees have mental health issues that need treatment.ⁱⁱⁱ In a survey for the National Alliance for the Mentally Ill, more than a third of parents polled said their children were in the criminal justice system *simply because* mental health services were unavailable. Parents of Connecticut youth who were treated in the adult correctional system have reported that these youth failed to receive prescribed medications or necessary medical care at our state’s adult correctional facilities. Since the adult system is not designed to meet the medical and mental health needs of troubled youth, it is no surprise that it fails to do so.

Trademarks of adolescent turmoil and growth in moral development are youths’ increased risk-taking, opposition to authority, and experimentation with alcohol and drugs. As the US Supreme Court (*Belotti v. Baird*) suggested, youth crime signals a lack of maturity because immature minors are showing that they “lack the . . . judgment to avoid choices that could be detrimental.” Youth often do not break the law out of malice, and not every mistake a youth makes should warrant treatment in the adult court.

Treating teens as adults undermines public safety. Youth treated as adults tend to re-offend more often--and sooner after release--because they have been immersed in an adult prison culture while still impressionable.^{iv} Two Florida studies found that youth transferred to adult court had significantly *higher rates of recidivism, re-offended twice as quickly, and were arrested for more serious offenses*, than youth who were retained in the juvenile court system and provided treatment services.^v While it is important to hold youth accountable for the mistakes they have made, it should be done in a way that does not make it *more* difficult for them to mature into responsible adults.

Placing teens in adult correctional facilities jeopardizes their safety. Youth in the adult system are *eight* times more likely to commit suicide and *five hundred* times more likely to be sexually assaulted than their peers in juvenile facilities. Such negative influences “leav[e] a lasting developmental mark;” youth tried as adults “come out worse” than when they entered jail.^{vi} Sadly, Connecticut already understands the risks of placing youth in the adult correction system. The 2005 suicide of a 17 year-old boy awaiting court appearance (on a violation of probation charge) in an adult correctional facility was a stark reminder of the dangers of our current policy that treats youth as adults.

Expanding juvenile court jurisdiction could save state funds! In 2001, CT spent \$57 million building the 240-bed Connecticut Juvenile Training School. Plans for the closure of this facility, which was modeled after an adult prison in Ohio and admittedly lacks sufficient therapeutic programs and services, are now underway. By contrast, the Sachem Unit at DCF’s Riverview Hospital is just one of many cost-effective alternatives to channeling 16 and 17 year olds into expensive training schools and adult corrections. This innovative 12-bed residential facility for youth aged 12-18 cost only \$1.8 million to get running. The expenses of most youth at Sachem also are covered by Medicaid. Therapeutic programs like Sachem have reduced recidivism by at least 47 percent, but they cost less than a 2-month stay in juvenile corrections or jail. A University of CT study asserts that short-term treatment facilities and educational programs for young offenders are cost-effective; they can reduce the money the state currently spends on high-security prisons, on arrest and prosecution costs, and reduce the personal and property costs associated with repeat offenses.

Reforms of the current system merit support. Youthful Offender status recognizes that 16 and 17 year olds may have developmental needs that are unique and different from older and younger youth. Although Connecticut recently expanded Youthful Offender status to include more youth, more must be done to ensure that these youth are provided the services and confidentiality of the juvenile system. Further, the oft-cited projected cost of expanding juvenile court jurisdiction, a major roadblock to enacting such legislation, merits closer scrutiny, as it over-estimates costs and under-estimates savings. While implementing a change in the age of juvenile court jurisdiction will cost *some* money, that is the price we must pay to increase public safety and do what is necessary and morally right to reduce the likelihood of emotionally disturbed youth being caught in a cycle of chronic criminal behavior.

If adult corrections *increase* recidivism, harm youthful offenders, and cost the state more money, *why* would we continue to push 16 and 17 year olds into the adult system?

ⁱ G. Coppolo, *Juvenile Court and Juvenile Offenders*, OLR RESEARCH REPORT (2002-R-0701, Sept 12, 2002).

ⁱⁱ G. L. Blum, *Validity and Efficacy of Minor’s Waiver of Right to Counsel*, 101 A.L.R. 5th 351 (2002); Lisa Beresford, *Is Lowering the Age at Which Juveniles Can be Transferred to Adult Criminal Court the Answer to Juvenile Crime?*, 37 SAN DIEGO L. REV 783, 795 (2000).

ⁱⁱⁱ *Annual Report, February 2002*, CT MENTAL HEALTH POLICY COUNCIL: CHILDREN’S ISSUES SUBCOMMITTEE (Co-Chairs S. Geballe (President, CT Voices for Children) & J. Williams (Director, CT Center for Effective Practice), 10.

^{iv} Jeffrey Fagan, *Juvenile Justice Policy and Law: Applying Recent Social Science Findings to Policy and Legislative Advocacy*, PRACTISING LAW INSTITUTE LITIGATION AND ADMINISTRATIVE PRACTICE COURSE HANDBOOK SERIES (July 1999), 398.

^v Building Blocks for Youth, *Dangers of Incarcerating Youth with Adult Inmates*
http://www.buildingblocksforyouth.org/incarcerating_youth.htm

^{vi} *Id.* See also, Building Blocks for Youth, *Youth Crime/Adult Time: Is Justice Served?: Key Studies on Transferring Youth to Criminal Court*
www.buildingblocksforyouth.org/ycat/studies.html.