

**Testimony Regarding Various Proposals Concerning Public Act 07-4 (JSS):
Opposing H.B. 6386: An Act Delaying Implementation of Legislation Raising the Age of
Juvenile Jurisdiction
Opposing H.B. 6580: An Act Concerning Juvenile Justice
Supporting H.B. 6575: An Act Concerning Revisions to Provisions Raising the Age of
Juvenile Jurisdiction
Opposing S.B. 674: An Act Concerning Local Expenditures Related to the Change in the
Age of Juvenile Court Jurisdiction
Opposing H.B. 6574: An Act Concerning the Connecticut Juvenile Training Schools and
Other Juvenile Detention Facilities**

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Judiciary Committee
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Senator McDonald, Representative Lawlor and Members of the Judiciary Committee:

We testify on behalf of Connecticut Voices for Children, a statewide, independent, citizen-based organization dedicated to speaking up for children and youth in the policymaking process that has such a great impact on their lives.

Connecticut Voices for Children opposes proposals that seek to delay implementation of the expansion of juvenile court jurisdiction (Public Act 07-4) or compromise the intent of the legislation.

I. Connecticut Voices strongly opposes, H.B. No 6386, which proposes to delay implementation of Public Act 07-4 until January 1, 2012 and opposes H.B. No 6580, which proposes to stagger implementation of Public Act 07-4 by age group.

Connecticut remains one of only three states that automatically treats sixteen- and seventeen-year-old children accused of crimes as adults in criminal court, rather than as juvenile delinquents. While other states are responding to a national decline in juvenile crime by reducing the number of youth under age 18 they incarcerate in adult jails, Connecticut continues to lock up more children in adult prisons than any other state.¹ State judicial officials have suggested that Connecticut's numbers are highest because we continue to automatically treat 16- and 17-year-olds as adults.² To make matters worse, the vast majority of youth enter the adult criminal justice system for nonviolent offenses.³

As the General Assembly is by now well familiar, advances in scientific research on brain development have confirmed our common sense understanding that children who are 16 and 17 years old are by definition different from adults. Brain imaging studies comparing the brain activity of adults and adolescents confronted with difficult decisions illustrate that it takes adolescents, whose brains are not yet fully developed, a longer time to figure out what is a bad idea than it does adults.⁴ Sixteen- and seventeen-year-olds take longer to make responsible decisions, and it may be more difficult for them to identify dangerous situations and appropriate behaviors.⁵ Adults show

more activity in the parts of the brain that create mental imagery and in the parts of the brain that often signal internal distress, suggesting that adults, when confronted with a potentially dangerous scenario, are more likely to create a mental image of possible outcomes, and to have an adverse response to that image.⁶

In many ways, Connecticut law already recognizes that 16- and 17-year-olds are not as capable of making good decisions as are adults. A 16- or 17-year-old Connecticut youth cannot vote, serve on a jury, get a marriage license on his or her own, or enter a casino. By automatically treating 16- and 17-year-olds as adults in criminal court, our state is not only out of step with most other states, but is also logically inconsistent with its own laws.

The need to move 16 and 17 year olds into the juvenile court system is great. The unfortunate suicide of another youth in the Manson Youth Institution in 2007 reminds us that the needs of children cannot be effectively served by the Department of Corrections. Youth treated in the juvenile justice system are provided with more and better mental health and counseling services than those in the criminal justice system,⁷ are offered more varied diversion and re-habilitation alternatives, and as a result, are more likely to be rehabilitated and less likely to engage in further criminal activity.⁸ Connecticut cannot, in good conscience, delay expansion of juvenile jurisdiction any longer. However, if the position of the legislature is that full, on-time implementation of Public Act 07-4 is impossible, Connecticut Voices concedes that staggering implementation by age of youth, as proposed by H.B. 6580, is a better compromise than waiting for full implementation in 2012.

II. Connecticut Voices strongly supports H.B. 6575, which clarifies laws relating to the expansion of juvenile jurisdiction to 16 and 17 year olds under Public Act 07-4.

With the passage of Public Act 07-4, the Juvenile Jurisdiction Policy and Operations Coordinating Council (JJPOCC) was charged with recommending statutory language to address unresolved issues concerning the expansion of juvenile jurisdiction to 16 and 17 year olds. To address this need, the Judicial Working Group (a subcommittee of the JJPOCC)—comprised of the state’s experts in juvenile legal matters⁹—proposed a series of recommendations that are reflected in H.B. 6575, including:

- Defining a “youth” as a person age sixteen or seventeen who has not been legally emancipated;
- Prohibiting delinquency status for: legally emancipated youth, youth involved in motor vehicle infractions, and youth in violation of municipal and town ordinances;
- Permitting police officer discretion in releasing a child or youth on his own recognizance and proposing a delinquency charge if the child willfully fails to appear; and
- Addressing the concerns of police and local municipalities regarding unfunded mandates by allowing police to: 1) release youth on a promise to appear and 2) question youth without parents presence after “making a reasonable effort” to contact those parents.

Connecticut Voices strongly agrees with the Judicial Working Group’s recommendations and, consequently, the proposed revisions to the law regarding juvenile matters, as detailed in H.B. 6575.

III. Connecticut Voices strongly opposes S.B. 674, which would allow each town to use its own discretion in determining whether they treat 16 and 17 years olds as juveniles or adults.

The concerns that expansion of juvenile jurisdiction consists as an unfunded mandate are largely addressed in H.B. 6575. These concerns focused on the burden that extension of juvenile protections would place on local police departments.¹⁰ However, H.B. 6575 relieves the burden on municipal police departments by permitting the release of youth on the promise to appear and questioning youth without parents present.

More troubling, however, is that this proposal would permit each town to use its own discretion as to whether they treat 16 and 17 year olds as juveniles or adults. Passage of this proposal would lead to disparate treatment of youth for the same crime in different cities. This proposal is potentially unconstitutional and would set a dangerous precedent.

IV. Connecticut Voices strongly opposes H.B. 6574, which prohibits establishment or expansion of juvenile detention facilities without the approval by the municipal legislative body.

The proposal calls for the legislative body of the local municipality to approve changes in the number of residents in a facility – not the capacity of the facilities. In effect, this would mean that if the Bridgeport detention center was holding 5 youth and the judge ordered another juvenile held in detention the city council would have to vote first.

There is growing consensus that out-of-home placement should be the last option for placement of youth and large, warehouse-like facilities should be avoided at all costs. However, small, group home facilities near a youth's community can be effective treatment options. This proposal would make the establishment of small, group home facilities near a youth's community even more difficult than it is now.

V. Although not proposed today, we strongly encourage funding for the establishment of six additional Family Support Centers.

The Family Support Center is a multi-service “one-stop” agency for high risk/need Families with Service Needs (FWSN) children. Public Act 07-4 (JSS) requires that every juvenile court, after assessment by a probation officer, divert high risk/needs FWSN cases to a Family Support Center. The Family Support Centers assess the service and treatment needs for children and families who need immediate assistance and provide access to appropriate and effective interventions. Services include: case management; 24-hour crisis counseling; flexible funding for positive youth development activities; educational advocacy; one-on-one therapeutic sessions; and up to two weeks of respite care. The Family Support Center model effectively diverts juveniles at risk for delinquency from exposure to the court system and can prevent future delinquency,¹¹ thus leading to a reduction in overall system costs.¹²

In 2007, the General Assembly provided funding only for the four existing centers, located in Bridgeport, Hartford, New Haven and Waterbury. As a result, only 39 out 161 Connecticut's cities

and towns are currently served by a Family Support Center.¹³ The four current locations of Family Support Centers are serving only 54% of the entire FWSN population.¹⁴

The need for additional Family Support Centers is serious. The high-need communities of New Britain, Waterford, Willimantic, and Middletown (and surrounding towns) are missing out on these mandated services. Funding for the additional six Family Support Centers would ensure that every high risk/needs child and his or her family in the rest of the state has reasonable access to these crucial diversionary services.

In recent years, the juvenile justice system has shown signs that it is working. Delinquency referrals to court are down and there are more than 100 empty detention beds in the state on a regular basis.¹⁵ Family With Service Needs referrals are down significantly over the past year – nearly 40%.¹⁶ New systems and programs are working to divert youth from escalating deeper into the system. There is room for the 16 and 17 year olds to enter this system that is more effective than ever. Bringing youth under 18 into the juvenile system is a much smarter way to spend Connecticut's money right now as it should save the state money in the long term.

Thank you for your consideration of our testimony.

¹ See Campaign for Youth Justice, *The Consequences Aren't Minor: The Impact of Trying Youth as Adults and Strategies for Reform, Executive Summary*, March 2007, p. 2. Connecticut led the nation in the number of youths under 18 incarcerated in adult prisons with 383 in 2005, the last year for which comparative statistics were available. New York – which also treats its 16- and 17-year-olds universally as adults – came in second with 223. According to the federal Office of Justice Programs, Bureau of Justice Statistics, the number of children incarcerated with adults in Connecticut went up 19 percent between June 2004 and June 2005, while these numbers declined in most states.

² Colin Poitras, "Teens in Adult Jails a State Specialty," *Hartford Courant*, March 22, 2007.

³ See Campaign for Youth Justice, March 2007, p. 5. The national study found that most children pushed into the adult criminal justice system wind up there for nonviolent offenses. In Connecticut, 96 percent of the approximately 13,000 youths entering the adult criminal justice system each year come there for nonviolent offenses, the study showed.

⁴ See A.A. Baird, J.A. Fugelsang, and C.M. Bennett, "What were you thinking?" available at <http://www.theteenbrain.com/research/projects/goodidea2.php>.

⁵ *Ibid.*

⁶ *Ibid.* For example, when asked if "jumping off a roof" is a good idea, the typical adult immediately generates visual imagery of potential injury and experiences a physical aversion to that image, evoking a rapid "bad idea" response. Teenagers in the study, who took longer to respond to dangerous scenarios, seemed to be trying to decide whether or not the scenarios were actually dangerous. Perhaps because they lack the mental image and subsequent visceral response, teenagers need to reason out the question, and therefore have a more difficult time generating the correct response.

⁷ See "Mental Health Treatment for youth in the Juvenile Justice System." National Mental Health Association, 2004.

⁸ Most studies comparing the adult and juvenile justice systems have corroborated this claim. See J.A. Fagan, "The comparative advantage of juvenile versus criminal court sanctions on recidivism among adolescent felony offenders." *Law and Policy* 18 (1 and 2): 77-113 (1996); D.M. Bishop, C.E. Frazier, L. Lanza-Kaduce, and L. Winner, "The transfer of juveniles to criminal court: Does it make a difference?" *Crime and Delinquency*, 42: 171-191 (1996); L. Winner, L. Lanza-Kaduce, D.M. Bishop, and C.E. Frazier, "The transfer of juveniles to criminal court: Reexamining recidivism over the long term." *Crime and Delinquency* 43(4): 548-563 (1997). Very little data exists on recidivism rates in CT. One study has estimated adult recidivism at 70% within three years, http://www.cga.ct.gov/2002/pridata/RptsAnnual/2002_Annual_Recidivism_Compliance.htm, whereas recidivism from the juvenile system has been calculated at 47% within 18 months. "State of Connecticut Juvenile Justice Programs: Recidivism Outcome Evaluation." Connecticut Policy and Economic Council, July 2002.

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- ⁹ The panel included designees from the Chief Court Administrator, Chief Public Defender's Office, and Chief State Attorney's Office.
- ¹⁰ See "CCM State Legislative Priorities: 2009." Connecticut Conference of Municipalities. Available online: <http://www.ccm-ct.org/advocacy/2008-2009/ccm-legpriorities-2009.pdf>
- ¹¹ According to Connecticut's Office of Legislative Research 2007 bill analysis of H.B. 5676, a high functioning Juvenile Review Board (JRB) provides nearly the same services as a Family Support Center. Such JRBs need to contract with Court Support Services Division to become an official Family Support Center. Because Family Support Center services began at the start of FY 08, no evaluation data are available. However, P. Litzelfelner analyzed longitudinal outcome data regarding juveniles participating in a JRB process and found fewer out-of-home placements and more time had elapsed between the date of the original offense and the re-offense among JRB youth. For more information see, "The Use of Citizen Review Boards with Juvenile Offender Cases: An Evaluation of the Effectiveness of a Pilot Program," *Juvenile and Family Court Journal* (Winter 2001) vol. 52, no. 1.
- ¹² Research on the utilization of detention risk assessment tools and subsequent diversion to community-based alternatives has found a reduction in detention-related costs. For more information, see P. Townsend. "Detention Redemption," *The American Prospect Online* (September 2005) and B. Holman and J. Ziedenberg. "The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities," *The Justice Policy Institute* (2006).
- ¹³ The 39 towns and cities currently served by a Family Support Center are: Ansonia, Beacon Falls, Bethany, Bloomfield, Branford, Bridgeport, Cheshire, Derby, East Hartford, Easton, Fairfield, Guilford, Hamden, Hartford, Madison, Middlebury, Milford, Monroe, Naugatuck, North Branford, Orange, Oxford, Prospect, Seymour, Shelton, Southbury, Stratford, Trumbull, Wallingford, Waterbury, Windsor, Wolcott, and Woodbridge.
- ¹⁴ Analysis of State Fiscal Year 2005-06 FWSN Referrals by Receiving Court Location. Data available in Families with Service Needs Advisory Board. "Report to the Connecticut General Assembly," (February 2008): pg. 89.
- ¹⁵ Juvenile Jurisdiction Policy and Operating Coordinating Council. "Judicial Presentation" Judicial Subcommittee (December 15, 2008). Available online: http://www.housedems.ct.gov/jjpocc/Judicial_Presentation.pdf.
- ¹⁶ *Ibid.*