

**Testimony Opposing the Proposed Reversal of Raise the Age Implementation in:
HB 5335: An Act Delaying Implementation of Provisions to Raise the Age
of Juvenile Court Jurisdiction**

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Planning and Development Committee

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Senator Coleman, Representative Sharkey, and distinguished Members of the Planning and Development 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 strongly *opposes* H.B. 5335, which would remove sixteen-year-olds from the juvenile justice system, reversing recent implementation of Raise the Age legislation.

On January 1, 2010, Connecticut's juvenile justice system underwent important reform when Raise the Age legislation was implemented for sixteen-year-olds, bringing these children under the jurisdiction of the juvenile justice system. Prior to this reform, Connecticut had remained one of only three states that automatically treated sixteen- and seventeen-year-old children accused of crimes as adults in criminal court, rather than as juvenile delinquents.¹ Now that Connecticut has finally begun to align its age of juvenile jurisdiction with broader national practice, we should not reverse this promising, modernizing trend by removing sixteen-year-olds from the juvenile justice system.²

Advances in scientific research on brain development have confirmed our common sense understanding that children who are sixteen and seventeen years old are, by definition, different from adults. Brain imaging studies which compare the brain activity of adults confronted with difficult decisions to the brain activity of adolescents in similar situations show that it takes adolescents, whose brains are not yet fully developed, a longer time than adults to recognize a bad idea.³ Sixteen- and seventeen-year-olds require more time to make responsible decisions, and it may

¹ 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.

² Connecticut is currently one of eleven states to have seventeen as the age of juvenile jurisdiction. "Undoing Raise the Age is Bad Public Policy and Wastes Taxpayer Dollars," *CT Juvenile Justice Alliance* (2010).

³ A.A. Baird, J.A. Fugelsang, and C.M. Bennett, "What were you thinking?" (2005).

be more difficult for them to identify dangerous situations and appropriate behaviors.⁴ When confronted with a potentially dangerous scenario, adults demonstrate more brain activity than adolescents in the parts of the brain that create mental imagery and signal internal distress. This suggests that adults are more likely to create a mental image of possible outcomes to a scenario, and are able to have an adverse response to that image.⁵

In many ways, Connecticut law already recognizes that sixteen- and seventeen-year-olds are not as capable of making good decisions as are adults. A sixteen- or seventeen-year-old Connecticut youth cannot vote, serve on a jury, get a marriage license on his or her own, or enter a casino. Connecticut legislators recognized the need to resolve the logical inconsistencies in Connecticut's laws regarding juveniles in 2007, when they voted to pass Raise the Age legislation, and again, in 2009, when they voted to provide funding for implementation of Raise the Age legislation for sixteen-year-olds.⁶

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 Now that these comprehensive rehabilitative services have finally become accessible to sixteen-year-olds, they should not be taken away. These services provide a crucial opportunity for at-risk youth to change their lives. By maintaining the age of juvenile jurisdiction at sixteen (and increasing the age of jurisdiction to seventeen, as scheduled, in 2012), we benefit not only the youth involved, but society as a whole, by reducing the likelihood that these youth will become repeat offenders.

Moreover, reversing Connecticut's implementation of Raise the Age legislation for sixteen-year-olds simply does not make fiscal sense. Connecticut has already invested millions of dollars in hiring new probation officers, training police, court, legal, and probation staff, and expanding current programs to include sixteen-year-olds.⁹ Removing sixteen-year-olds from the juvenile justice system would waste time and money which has already been spent on reforming the system, and would likely

⁴ Id.

⁵ Id. 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.

⁶ See Public Act 07-4, "An Act Implementing the Provisions of the Budget Concerning General Government," *Connecticut General Assembly*, signed into law by Governor Jodi Rell on June 29, 2007; see also, Public Act 09-7, "An Act Implementing Provisions of the Budget Concerning General Government and Making Changes to Various Programs," *Connecticut General Assembly*, signed into law by Governor Jodi Rell on October 5, 2009.

⁷ "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 Connecticut. 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.

⁹ "Undoing Raise the Age is Bad Public Policy and Wastes Taxpayer Dollars," *CT Juvenile Justice Alliance* (2010).

necessitate a further waste of money when sixteen-year-olds would reenter the juvenile justice system in 2012 (as proposed by H.B. 5335) and these same trainings and program expansions would have to be implemented again. Taking sixteen-year-olds out of the juvenile justice system would also impede the acquisition of knowledge about which programs and services are most effective for older youth, and has the potential to hinder the successful, cost-effective transition of seventeen-year-olds into the juvenile justice system in 2012.

Connecticut should not reverse recent expansion of juvenile jurisdiction to sixteen-year-olds, especially given the apparent success of the integration of sixteen-year-olds into the juvenile justice system. As agreed upon by legislators in 2007, Connecticut's sixteen-year-olds should have the same access to the comprehensive rehabilitative services as juvenile offenders who are under sixteen years of age. Reversing implementation of Raise the Age will squander taxpayer money, while hurting youth and society as whole.

Accordingly, we strongly oppose H.B. 5335, which as proposed would result in the removal of sixteen-year-olds from the juvenile justice system and would reverse current implementation of Raise the Age legislation.