



Testimony Supporting H.B. 5040: An Act Concerning Adjudication of Certain Young Adults in Juvenile Court

Testimony Supporting H.B. 5042: An Act Concerning Prosecution of Low-Risk Young Offenders in Adult Court

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Good Morning Senator Doyle, Senator Kissel, Representative Tong, Representative Rebimbas and esteemed members of the Judiciary Committee.

My name is Camara Stokes Hudson, and I am testifying today on behalf of Connecticut Voices for Children, a research-based child advocacy organization working to ensure that all Connecticut children have an equitable opportunity to achieve their full potential. I am testifying today in strong support of H.B. 5040: An Act Concerning Adjudication of Certain Young Adults in Juvenile Court and in support of H.B. 5042: An Act Concerning Prosecution of Low-Risk Young Offenders in Adult Court.

Over the last several years, the Connecticut legislature has made significant steps in ensuring that youth who have been arrested or adjudicated are served within a system that is developmentally appropriate. Developmentally-informed justice systems are more likely to rehabilitate youth with complex needs¹ and improve public safety.² H.B. 5040 and H.B. 5042 are both important steps in continuing this trend by ensuring that the courts responding to youth who commit crimes are the ones best suited to meet youth's developmental needs

Support for HB 5040 - An Act Concerning Adjudication of Certain Young Adults in Juvenile Court

HB 5040 gradually raises the age of criminal jurisdiction to from eighteen to 21 for low risk offenders between 2018 and 2021, aligning the Connecticut justice system with the scholarly

¹ Snyder, H., Sickmund, M., & Poe-Yamagata, E. (2000). *Juvenile Transfers to Criminal Court in the 1990's: Lessons Learned from Four Studies*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

² Young, M. C., & Gainsborough, J. (2000). *Prosecuting Juveniles in Adult Court An Assessment of Trends and Consequences*(Rep.). Retrieved <https://www.prisonpolicy.org/scans/sp/juvenile.pdf>

research regarding adolescent brain development.³ This means that after July 1st, 2021 - a large portion of 18 to 20 year olds will benefit from the continuum of care developed for the juvenile court system.

Connecticut Voices for Children supports this bill as it implements an essential change in our justice system, but ask that special attention be made to ensure that this transfer of jurisdiction be implemented planfully. A planful, adequately funded roll-out is essential for the policy's long-term cost effectiveness, for the success of the policy, and for ensuring the stability of adjudicated youth's lives. This transition must be made with adequate services in-place and with the engagement of all of necessary stakeholders.

The juvenile justice system provides more developmentally appropriate therapeutic interventions than the adult justice system; these supports help to decrease the risk of youth engaging in crime as adults.⁴ A growing body of research in cognitive and psychosocial development shows evidence that most human brains are still developing until age 25, particularly the frontal lobes which are associated with advanced decision making, long-term thinking, and regulation of emotions and impulses.⁵ Although young adults have the same cognitive capacities (i.e.: verbal fluency, resistance to interference in working memory, memory span, and overall cognitive ability) as mature adults, their ability to place that cognition into a social context is slower to mature.⁶ The fact that people within this age group are still developing suggests that efforts to rehabilitate delinquent tendencies may be a more effective method of decreasing criminal behavior than retributive punishment.

Evidence that a rehabilitative justice approach is more effective than a retributive justice approach for reducing recidivism rates⁷ exists from previous efforts to raise the age of juvenile jurisdiction. When Connecticut extended the juvenile justice system to 16-year-olds and 17-year-olds in 2012, juvenile arrest rates and incarcerations rates dropped.⁸ This effect is attributed to the juvenile justice system being better equipped to meet the mental health and developmental needs of 16- and 17-year-olds so they can develop into mature adults who will not reoffend.⁹

In addition to reducing the likelihood that a young person is arrested or incarcerated again in the future, the juvenile justice system protects young adults who refrain from engaging in crime for four years from the lasting stigma of having an adult criminal record. Criminal records make it more difficult for young adults to access higher education and meaningful work. When colleges ask people with criminal records to disclose conviction, former youthful offenders' completion of the application process significantly drops; those who do disclose their conviction are at a greater risk of

3

⁴ Sherman, L. W., Gottfredson, D. C., Mackenzie, D. L., Eck, J., Reuter, P., & Bushway, S. D. (1998). Preventing Crime: What Works, What Doesn't, What's Promising. Research in Brief. National Institute of Justice. doi:10.1037/e520902006-001.

⁵ Steinberg, L. (2009). Adolescent Development and Juvenile Justice. Annual Review of Clinical Psychology, 5(1), 459-485. doi:10.1146/annurev.clinpsy.032408.153603.

⁶ Steinberg, L., Cauffman, E., Woolard, J., Graham, S., & Banich, M. (2009). Are adolescents less mature than adults?: Minors' access to abortion, the juvenile death penalty, and the alleged APA "flip-flop." American Psychologist, 64(7), 583- 594. doi:10.1037/a0014763.

⁷ Ibid, Note 2

⁸ Mendel, R. (2013). Juvenile justice reform in Connecticut: How collaboration and commitment have improved public safety and outcomes for youth. Washington, D.C.: Justice Policy Institute. Retrieved from http://www.justicepolicy.org/uploads/justicepolicy/documents/jpi_juvenile_justice_reform_in_ct.pdf.

⁹ Connecticut Voices for children. (2012). Sparking reform: Highlights of our work 2007-2012. Retrieved from <http://www.ctvoices.org/sites/default/files/files/sparkingreform.pdf>.

being rejected.¹⁰ Former youthful offenders who are accepted to higher educational programs are then often subject to formal restriction on student aid and housing.¹¹ These compounding barriers put former offenders at risk of low social and educational achievement, which is a significant predictor of risk of recidivism. Removing barriers to educational achievement and gaining meaningful employment helps young adults stay on a path of productivity.

Moving low-level young offenders to the juvenile justice system will mean that more young adults maintain privileges that are protected for juveniles in the juvenile justice system; these young people can go to school, gain employment, earn a livable income, and pay taxes. For young people who are still developing cognitively and maturing emotionally, providing therapeutic interventions and supports in the juvenile justice system and allowing for redemptive justice rather than retributive punishments is wise public policy.

H.B. 5042: An Act Concerning Prosecution of Low-Risk Young Offenders in Adult Court

While we at Connecticut Voices for Children believe that the policy changes made in H.B. 5040 are the correct policy decision regarding the jurisdiction of 18 to 20 year olds in the state, we think that extending youthful offender status to 18 through 20 year-olds is an important stepping stone in response to the research regarding adolescent brain development. Research suggests that young adult's brains are still developing until age 25, particularly parts of the brain that deal with advanced decision making, long-term thinking, and regulation of emotions and impulses.¹² Although young adults have the same cognitive capacities as mature adults, their ability to place that cognition into a social context is slower to mature.¹³ Extending the youthful offender status to these young people with lower-level offenses will ensure that these young adults receive the necessary therapeutic interventions they need to become healthy and productive adults.

Furthermore, this policy will help ensure that young adults who have committed crimes have an opportunity to become successful, tax-paying citizens. By protecting the identity of young adults until a judge determines that it is appropriate to make this information public and by erasing criminal records four years after sentencing provided that the young adult does not reoffend, this policy offers young adults some protections against the lifelong stigma and barriers posed by having an arrest record. These small protections ensure that young adults have some hope to later complete their education and seek high-status jobs. Educational and career attainment are core components of reducing recidivism,¹⁴ and we strongly support this policy's steps to remove barriers to redemption and achievement.

We applaud the commitment of the Governor and the Legislature to reform the justice system to be more responsive to the needs of system-involved youth. While we believe that the more

¹⁰ Rosenthal, A., NaPier, E., Warth, P., & Weismann, M. (2015). *Boxed Out*. Center for Community Alternatives, 1-86.

¹¹ Arditti, J. A., & Parkman, T. (2011) Young men's reentry after incarceration: A developmental paradox. *Family Relations*, 60(2), 205-220. Doi: 10.1111/j/1741-3729.2010.00643.x.

¹² Steinberg, L. (2009). Adolescent Development and Juvenile Justice. *Annual Review of Clinical Psychology*, 5(1), 459-485. doi:10.1146/annurev.clinpsy.032408.153603.

¹³ Steinberg, L., Cauffman, E., Woolard, J., Graham, S., & Banich, M. (2009). Are adolescents less mature than adults?: Minors' access to abortion, the juvenile death penalty, and the alleged APA "flip-flop." *American Psychologist*, 64(7), 583- 594. doi:10.1037/a0014763.

¹⁴ Juvenile Justice Educational Enhancement Program (2006). "Annual Report to the Florida Department of Education. Chapter 5: Education, Employment, and Recidivism." Florida State University college of Criminology and Criminal Justice. Retrieved from: <http://criminology.fsu.edu/wp-content/uploads/FINAL-2006-2007-Annual-Report.pdf>

comprehensive approach of H.B 5040 better meets the needs of young adults who commit crimes, H.B. 5042 is an important next step in ensuring that Connecticut's justice system is developmentally appropriate and humane.

Thank you for the opportunity to speak with you today. If you have any other questions regarding our testimony, we can be reached at lruth@ctvoices.org, chudson@ctvoices.org and (203) 498-4240