

Testimony Opposing

H.B. 7332: An Act Concerning Public Safety and the Welfare of Repeat Juvenile Offenders and their Victims

Lauren Ruth, Ph.D.

Public Safety and Security Committee

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Senator Bradley, Representative Verrengia, Senator Hwang, Representative Sredzinski, and esteemed members of the Public Safety and Security Committee:

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. At Connecticut Voices for Children, I conduct policy research with the goal of helping to align Connecticut's juvenile justice policy with best practices to promote the well-being of at-risk youth and public safety. Thank you for this opportunity to submit testimony in opposition to HB 7332: An Act Concerning Public Safety and the Welfare of Repeat Juvenile Offenders and their Victims.

HB 7332 would expand the statute defining when youth are automatically transferred from juvenile court to adult criminal court to include youth charged with stealing a motor vehicle when the youth has two or more prior adjudications or convictions for felony offenses. It would also loosen the statutes defining when the court may choose to transfer youth from juvenile court to adult court. Currently, the court may transfer a youth from juvenile court to adult court if the court finds a transfer to be in the best interest of the youth and of public safety. This bill would change the statute just to allow a court to transfer a youth to adult court if the court finds it to be in the best interest of public safety, so long as the court can show that it considered the best interest of the youth. **Connecticut Voices for Children strongly opposes efforts to allow more youth to be charged as adults for three reasons:**

1. Adult courts are not equipped to provide children with therapeutic, developmentally-informed services to help them become productive adults; because
2. Youth who spend time in adult prisons are more likely to recidivate than youth who spend time in juvenile prisons, therefore making this policy one that negatively impacts public safety; and because
3. Black and Brown children are disproportionately more likely to be transferred to adult prison than white peers, making it a policy that perpetuates racism within our court system.

The practice of charging young people as adults gained momentum during the 1990s when "Tough on Crime" was the prevailing philosophy.¹ This is not the philosophy endorsed by Connecticut, which has been nationally acknowledged for its "strong commitment to invest in alternatives to detention and incarceration, improve conditions of confinement, examine research, and focus on treatment strategies with evidence of effectiveness" (p. 1).²

Connecticut's Juvenile Justice Policy and Oversight Committee has consulted with world-renowned researchers on adolescent development and behavior including Dr. Elizabeth Cauffman, Dr. Lawrence Steinberg, and Dr. Edward Latessa. These experts overwhelmingly agree that adolescence is a time of rapid brain development and changing maturation. A longitudinal study commissioned by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) and conducted by Dr. Steinberg and Dr. Cauffman

followed 1,354 juvenile offenders for a duration of seven years; about 40 percent of the participating youth were classified as “high frequency offenders” and charged with seven or more antisocial acts during the course of the study. At the end of the study, the researchers found that “the vast majority of juvenile offenders, even those who commit serious crimes, grow out of antisocial activity as they transition to adulthood” (p. 1).³ Less than ten percent of the youth followed continued offending into their twenties. The researchers attribute this drastic decline in the propensity to engage in antisocial behavior in adulthood to better impulse control, better ability to delay gratification, and decreased susceptibility to peer pressure—all of which develop with age.

Furthermore, national research shows that the majority of youth in the justice system have a diagnosed mental illness, traumatic brain injury, developmental delay, and/or emotional disturbance.⁴ We know that Connecticut follows this national trend: in 2017, every single boy admitted to the Connecticut Juvenile Training School had more than one psychiatric diagnosis.⁵

The U.S. Department of Justice has found that mental health services for incarcerated individuals are often inadequate,⁶ and this is particularly true when children and adolescents are incarcerated in the adult system.⁷ The adult criminal justice system does not capitalize on youths’ maturing brains and ability to develop prosocial behaviors when given therapeutic rehabilitation and supportive services.

We have noted that the adult system is not effective in rehabilitating youth and does not provide adequate mental and behavioral health services. For these reasons alone children who enter the adult system as opposed to the juvenile system are more likely to continue engaging in antisocial behaviors. However, confinement in adult prison or jail can turn children into serious criminals because they are far more likely to interact with older criminals who are at high-risk for recidivism. The Centers for Disease Control (CDC) finds that young people charged as adults are 35 percent likelier to be rearrested than those who are tried as juveniles.⁸ For this reason, the CDC—like Connecticut Voices for Children—recommends against transferring youth to the adult justice system. **It is inappropriate to incarcerate youth in adult prisons, and Connecticut should be working to ensure that fewer children are tried as adults.**

Adult courts simply cannot meet the developmental needs of youth and young adults.⁹ We acknowledge that it is easier to understand why this is true of young people who engage in low-level offenses or only offend once. Just because a youth commits several offenses or commits a serious offense does not change the fact that they are still developing and need supports that are appropriate for their individual path of social and emotional development.

The juvenile justice system is a far better place to try and sentence youth who commit repeat and serious offenses as it offers the supports that they need. Research shows that while youth who persist in committing crimes throughout their young adulthood tend to have lower levels of psychosocial maturity, most repeat offenders, as they grow and develop, stop offending by adulthood.¹⁰ This means that interventions to reduce youth offending must facilitate the development of psychosocial maturity and not introduce them to adult offending behaviors and patterns. Juvenile courts are better equipped to meet the needs of repeat young offenders and ensure that they receive the supports that they need to become engaged members of their communities.

Finally, the provisions within HB 7332 are likely to increase racial and ethnic disparities within the criminal justice system. Psychologists find that white viewers perceive Black children to be older than they are and less childlike than white peers.¹¹ Viewing Black children as older also influences the degree to which people—including judges—see them as less innocent and more culpable.¹² These psychological findings help to explain why almost 90 percent of children tried as adults are children of color.¹³

Allowing more children to be tried as adults will further increase the racial disparities inherent when predominantly white judges make decisions in which they deliberate regarding a child's intent and ability to have chosen otherwise.¹⁴

Thank you for this opportunity to voice our opposition. I can be reached with any questions at (203)498-4240 x 112 or lruth@ctvoices.org.

¹ Austin, J., Johnson, K. D., & Gregoriou, M. (2000). *Juveniles in Adult Prisons and Jails: A National Assessment*. Washington, DC: Bureau of Justice Assistance; Bureau of Justice Statistics Prison and Jail Inmates at Midyear Series; Bureau of Justice Statistics Prisoner Series; Strom, K. J. (2000). *Profile of State Prisoners under Age 18, 1985-1997*. Washington, DC: Bureau of Justice Statistics.

² Mendel, Richard. "Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth." The Justice Policy Institute (2013). Retrieved from:

http://www.justicepolicy.org/uploads/justicepolicy/documents/jpi_juvenile_justice_reform_in_ct.pdf

³ Steinberg, Lawrence, Elizabeth Cauffman, and Kathryn C. Monahan. (2015). "Psychological Maturity and Desistance from Crime in a Sample of Serious Juvenile Offenders." Office of Juvenile Justice and Delinquency Prevention Juvenile Justice Bulletin. Retrieved from:

https://www.cga.ct.gov/app/tfs/20141215_Juvenile%20Justice%20Policy%20and%20Oversight%20Committee/20160218/Dr.%20Elizabeth%20Cauffman%27s%20Pathways%20and%20Maturity%20.pdf

⁴ Washburn, J. J., Teplin, L. A., Voss, L. S., Simon, C. D., Abram, K. M., & McClelland, G. M. (2008). Psychiatric disorders among detained youths: a comparison of youths processed in juvenile court and adult criminal court. *Psychiatric services*, 59(9), 965-973.

⁵ Connecticut Juvenile Training School Advisory Board. (2018). Report to the Commissioner of the Department of Children and Families. Retrieved from: <https://portal.ct.gov/-/media/DCF/CJTS/pdf/CJTS-Annual-Report-2018.pdf?la=en>.

⁶ United States Department of Justice. (2011). Department of Justice Activities Under the Civil Rights Institutionalized Persons Act: Fiscal Year 2010. Washington DC: United States Department of Justice. Online. Available:

http://www.justice.gov/crt/about/spl/documents/split_cripa10.pdf.

⁷ Davis, Antoinette, Andrea Gentile, & Caroline Glesman (2016). "No Place for Youth: Girls in the Adult Justice System." U.S. Department of Justice National Institute of Corrections. Retrieved from: <https://s3.amazonaws.com/static.nicic.gov/Library/032648.pdf>.

⁸ Hahn, Robert et al. (2007). "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System." Center for Disease Control and Prevention Morbidity and Mortality Weekly Report. Retrieved from:

<https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5609a1.htm>.

⁹ Lambie, I., & Randell, I. (2013). The impact of incarceration on juvenile offenders. *Clinical Psychology Review*, 33(3), 448-459.

Retrieved from: https://s3.amazonaws.com/academia.edu.documents/50072460/j.cpr.2013.01.00720161103-15835-1nmkgq1.pdf?AWSAccessKeyId=AKIAIWOWYYGZ2Y53UL3A&Expires=1552338165&Signature=JajQHZx8jjWnmSCBxHUSxmrAedk%3D&response-content-disposition=inline%3B%20filename%3DThe_impact_of_incarceration_on_juvenile.pdf.

¹⁰ Steinberg, Lawrence, Elizabeth Cauffman, and Kathryn C. Monahan. (2015). "Psychological Maturity and Desistance from Crime in a Sample of Serious Juvenile Offenders." Office of Juvenile Justice and Delinquency Prevention Juvenile Justice Bulletin. Retrieved from:

https://www.cga.ct.gov/app/tfs/20141215_Juvenile%20Justice%20Policy%20and%20Oversight%20Committee/20160218/Dr.%20Elizabeth%20Cauffman%27s%20Pathways%20and%20Maturity%20.pdf

¹¹ Goff, P. A., Jackson, M. C., Leone, D., Lewis, B. A., Culotta, C. M., & DiTomasso, N. A. (2014). The essence of innocence: Consequences of dehumanizing Black children. *Journal of personality and social psychology*, 106(4), 526.

¹² Epstein, R., Blake, J., & González, T. (2017). "Girlhood interrupted: The erasure of Black girls' childhood." *Center on Poverty and Inequality at the Georgetown University Law Center*. Retrieved from: <https://www.law.georgetown.edu/news/press-releases/Black-Girls-Viewed-As-Less-Innocent-Than-White-Girls-Georgetown-Law-Research-Finds.cfm>.

¹³ Eberhart, Jennifer L. (June 5, 2012). "The Race Factor in Trying Juveniles as Adults." *The New York Times*. Retrieved from: <https://www.nytimes.com/roomfordebate/2012/06/05/when-to-punish-a-young-offender-and-when-to-rehabilitate-the-race-factor-in-trying-juveniles-as-adults>.

¹⁴ McMilion, Barry J. (2017). "U.S. Circuit and District Court Judges: Profile of Select Characteristics." *Congressional Research Service*. Retrieved from: <https://fas.org/sgp/crs/misc/R43426.pdf>.