

## **Summary of CCLP's Organizational and Programmatic Alternatives for Youth Charged and Sentenced as Adults under Age 18 in the State of Connecticut**

*The Center for Children's Law and Policy conducted a number of activities in order to identify the best organizational and programmatic approaches to meet the needs of the population of youth under 18.*

### **Transfer Laws**

#### ***Connecticut***

- Connecticut state law allows for the transfer of youth to adult criminal justice system for certain charges and for discretionary transfer to adult systems for other offenses.
- In states, including Connecticut, youth of color are transferred to adult systems at a higher rate, this makes it more likely that youth of color will reoffend and reoffend for more violent offenses
  - There has been a 92.5% reduction in admissions of youth under 18 to DOC custody between FY 2009 and FY 2019 (1,608 vs. 121 admissions).
  - DOC reported in 2018 that 79% of youth under 18 admitted were youth of color

**Question 1a:** What are the methods that other states use to transfer juvenile cases to the regular criminal docket?

- In July 2019 Oregon passed legislation, known as Senate Bill 1008, returning jurisdiction for all charges back to the juvenile justice system. In order to move a youth's case to the adult court system, prosecutors must request a waiver hearing before a judge who decides whether the case should be transferred to adult court.
- The Oregon Youth Authority (OYA) is a state-level executive-branch agency with the mission to provide opportunities for reform in safe environments to youth.
  - Responsible for youth 12-24 years of age who commit crimes before the age of 18
  - Houses youth charged and sentenced as adults

**Question 1b:** What are the outcomes associated with such transfers, including the impact on public safety and the effectiveness in changing the behavior of young people?

- 2010 Task Force established by the U.S. Department of Health and Human Services found that transfer of juveniles to adult court was a "counterproductive strategy for preventing or reducing violence."
- Young people transferred to adult court were found to reoffend at higher rates and to commit more serious offenses
- The U.S. Department of Justice (2010) found four factors related to poorer public safety:
  1. the stigmatization and other negative effects of labeling youth as convicted felons
  2. the sense of resentment and injustice youth feel about being tried and punished as adults
  3. the learning of criminal mores and behavior while incarcerated with adult offenders

4. the decreased focus on rehabilitation and family support in the adult system.

*CCLP's Recommendations:*

- Amendments to General Statutes that allow for transfer of juveniles to the adult criminal justice system, specifically:
  - For charges that currently require mandatory transfer to adult court, return original jurisdiction to the juvenile court, requiring prosecutors to request a waiver hearing before a juvenile court judge who decides whether the case should be transferred.
  - For all youth transferred to adult court who receive sentences, adopt a “second look” provision that requires a review of the need for continued incarceration at the halfway point of a youth’s sentence, and prior to any transfer of youth from a juvenile facility to a DOC facility to serve the remainder of his or her sentence.

Organizational and Programmatic Alternatives

*Connecticut*

- In 2018, the average population of youth under 18 in DOC custody was 57 (2 females, 55 males on average)
- On July 1, 2019 there were only 47 males under 18 in custody, compared to 211 on the same day in 2010
- Majority of youth in DOC are unsentenced, during a one-day snapshot of male youth in DOC 69% if youth were unsentenced, with 31% being sentenced

**Question 2a:** What are the methods that other states use to detain youth under age 18 whose cases are transferred to the regular criminal docket, both pre-sentencing and post-sentencing?

- Recently many states have made efforts to restrict the transfer of youth to the adult criminal justice system
  - The Massachusetts Department of Youth Services holds youth charged as adults until age 18 as “courtesy holds” for the state’s adult corrections agency
  - Beginning in December 2021, the federal Juvenile Justice and Delinquency and Prevention Act will require youth charged as adults to be held in juvenile facilities. Connecticut will participate in the JJDPA as it was signed into law with bipartisan support.
- A standalone executive branch agency is the most common arrangement among states for managing juvenile justice facilities, followed by the placement of the agency within a child welfare agency or broader human services agency.
- Youth authorities in certain states have achieved significant reduction in recidivism rates by being able to manage a robust continuum of care.

**Question 2b:** What are the organizational and programmatic alternatives to the housing of youth under 18 in DOC custody in Connecticut?

- In partnership with the JJPOC Incarceration Workgroup, CCLP discussed a number of alternatives in Connecticut, including further consolidation within the Judicial Branch, creation of a Youth Division within the Department of Correction, or creation of a new executive branch entity.

*CCLP's Recommendation:*

- Create an executive branch entity to manage a continuum of placements for all youth under age 18 who are charged and sentenced as adults, as well as other youth in the juvenile justice system.
  - This approach has been adopted by most states with respect to juvenile justice services, which now includes adult-charged and sentenced youth.
  - A single executive branch has the best chance of achieving behavior change and reducing recidivism, one entity could focus more on developmentally appropriate services and support to youth.
  - Efficiencies and Cost-Savings
    - Ensure quality and consistency is standardized across placements.
    - Avoid separation of powers
    - Provide flexibility with procurements and adjustments of capacity and needs over time.
    - Maximize availability of scarce residential placement resources
    - Streamline and standardize policies, programming, and staff recruitment and
    - Create the potential to achieve lower recidivism rates and better individual youth outcomes by ensuring that all programs are aligned with research and best practices and ensuring that youth can transition seamlessly between programs and back to their home communities
    - Minimize the chance of costly lawsuits over conditions and services for youth under 18 in DOC custody
- Establish a process and timeline to determine how best to transition responsibilities to the Executive Branch entity by a set date.
  - The Judicial Branch would retain responsibility of probation for youth under 18 and the DOC would retain the responsibility for youth charged or sentenced as adults over the age of 18.
- Require youth under age 18 be held in juvenile facilities instead of adult correctional facilities