

## RAISING THE MINIMUM AGE IN CONNECTICUT'S JUVENILE JUSTICE SYSTEM



### Introduction

Connecticut is committed to “right-sizing” its juvenile justice system to the appropriate age range of youth to provide developmentally appropriate and effective services. “Determining the appropriate age range for a juvenile justice system has enormous ramifications for the outcomes of the youth served and for public safety. This includes both the lower age and upper age of juvenile justice.” Connecticut’s minimum age of criminal responsibility of 7 years old is below national and international trends and standards.

### Why Raise the Age?

During its strategic planning process in 2018, the Juvenile Justice Policy and Oversight Committee established goals that address raising the upper and lower age of juvenile jurisdiction. The reasoning behind raising the age is detailed in this excerpt from the 2019 – 2021 JJPOC Strategic plan.

“Children that come in contact with the juvenile justice system are already a very vulnerable group. On the lower end, social scientists and legal experts have questioned the capacity of young children to stand trial. Furthermore, research shows that subjecting very young children to court proceedings and/or confinement - even in a rehabilitation-focused juvenile system - deepens victimization, increases the likelihood of future criminal behavior, and is detrimental to a child’s long-term mental and physical health. Hence, rather than supervising, prosecuting, or detaining young people under a given age threshold, many places across the world have implemented alternative procedures for education, child protection, social services, or family support interventions. The international norms have firmly established a lower age threshold (age of criminal responsibility) at age 12 while many jurisdictions have chosen to set the age of criminal responsibility at age 14 or even higher.

Currently, Connecticut sets the age of criminal responsibility at age 7. While there is no clear norm in the United States regarding the age of the lower-end of juvenile jurisdiction, there is increased support to raise the lower age to meet international standards. For example, Massachusetts raised the lower age of juvenile jurisdiction to age 12 in April 2018. By raising the lower age of juvenile jurisdiction, Connecticut could potentially serve the very young children more appropriately and enable the juvenile justice system to more effectively focus on adolescents and emerging adults.

On the higher end of the jurisdictional age range, research shows that 18, 19 and 20-year olds, commonly referred to as emerging adults, have distinct developmental needs that are not adequately met by the adult criminal justice system. The term emerging adults invokes the critical developmental period in which a child who is dependent on parents or guardians for supervision and guidance (as well as emotional and financial support) transitions into a fully mature, independent adult who engages as a productive and healthy member of society. Innovative approaches are being implemented across the nation and the world to better address these distinct

developmental needs of older youth. Raising the upper age of juvenile justice is one such measure, as has been proposed by bills introduced to the Connecticut legislature twice in the last couple of years. Connecticut is not alone in its efforts to seek new and more effective approaches to justice-involved emerging adults by expanding the juvenile jurisdiction. On May 30, 2018, Vermont enacted a new bill that gradually raises the upper age of juvenile jurisdiction to the 20th birthday by 2022, while the legislatures in Illinois and Massachusetts have also been considering similar reform efforts.”

## How has Raising the Age Helped CT?

In 2005, Connecticut was one of only three states that were automatically prosecuting 16-17 year olds as adults, no matter the extent of the charge. This posed a problem because studies showed that juveniles who were prosecuted as adults were more likely to reoffend and more likely to commit more serious crimes than the juveniles who were prosecuted in juvenile court.

Senator Toni Harp and Representative Toni Walker introduced legislation that was passed in 2007 and Raise the Age was fully implemented in 2012. Raising the age gives the child the opportunity to utilize certain community-based and rehabilitative services thus, placing them in a more stabilized environment, ultimately leading to reduced recidivism. Governor Malloy referred to the reduction of crime as the “Raise the Age Effect”. The Raise the Age Effect is the idea that future adult crime will be reduced because of the better outcomes that the 16- and 17-year-old juveniles experience through the juvenile justice system compared to their experiences in the adult system. This effect provides communities a safer approach by keeping youth out of the adult system as much as possible. The Raise the Age Effect works because the juvenile justice system exposes youth to better education, rehabilitation and reentry options that they would not be exposed to in the adult system. This helps juveniles live better lives after making their mistakes that landed them in the juvenile justice system in the first place.

Connecticut is celebrating the 10 year anniversary of the legislation that raised the upper age of juvenile jurisdiction. Since the passing and implementation of raising the upper age:

- Juvenile Crime continued to drop by 40% even with the addition of 16 year olds in 2010 and 17 year olds in 2012.
- Despite full implementation of Raise the Age to 18, the number of juveniles referred to court is down 63%.
- Reforms to the juvenile justice system directly impact the adult correctional system and 18 – 21 year olds incarcerated are down 66%.
- It was projected that \$100 million in increased costs would be needed from raising the age. Expenditures Pre-Raise the Age were \$139 million and Post-Raise the Age were less at \$137 million.
- Arrests for 18 -21 year olds dropped. 70%

These results show that raising the age in Connecticut has had great success. Raise the Age has allowed juveniles to learn from their mistakes and continue living their lives instead of allowing them to fall into the vicious cycle of the justice system.

## The Future of Raise the Age

There are currently 22 states that have a minimum age of criminal responsibility ranging from 6-12 years old, with most states falling on the higher side near 12 years old. On an international scale, the United Nations Convention on the Rights of the Child declared that criminally prosecuting a child 12 years of age is unacceptable.

Presently, Connecticut falls below the median with their minimum age of criminal responsibility of 7 but are making strides to change the MACR to 12. Increasing the minimum age will give the juveniles under the age of 12 the chance to engage in diversionary alternatives instead of going through the system. This will likely reduce the potential of traumatizing these young children and overall reduce recidivism. The root causes of children under the age of 12 engaging in criminal behavior is not because they are “bad children”, but because they have been exposed to child maltreatment or underlying behavioral health conditions. The increase in the minimum age would be a step in the right direction for acknowledging the scientific difference in cognitive maturity in youth.

Connecticut is working toward raising the minimum age for juvenile jurisdiction. The JJPOC proposed raising the age from 7 to 12 years old. The Diversion Workgroup of the JJPOC recommended this change to the legislators. Their recommendation was approved for an implementation plan to be developed and delivered to the JJPOC in January, 2021, however, legislation being drafted for this recommendation was postponed due to Covid-19 when the legislative session was canceled.

The reasoning and data behind proposing this change are in this excerpt from their recommendations.

“In recent years, the number of referrals for youth under 12 averaged about 130 referrals per year. Overall, referrals for this population have decreased over the years, and as of recent years, have remained relatively stagnant. As an overall trend, youth under 12 are mainly referred for misdemeanors. In the past three years, an average of 78% of referrals among this population were for misdemeanors. The majority of cases for youth under 12 are handled non-judicially. In recent years, slightly more than half of the referrals were handled non-judicially. In 2018 and 2019, almost 80% of all cases were handled non-judicially. In addition, the number of cases not accepted have increased.

Regarding disposition for youth under 12, the majority of cases are not prosecuted or not accepted. Of the cases handled non-judicially, over half were handled with supervision, and the remaining half were handled with either discharge, or not prosecuted. Specifically, with referrals that were not accepted, nearly all the youth were referred to JRB’s. For clients that were disposed to supervision, some treatment programs included, educational support services, mentoring, and individual counseling.

Based on risk assessment of supervised youth, the data shows a vast majority are identified as low or null risk. Looking at 2019 specifically, about 84% of referred youth under 12 were identified as low or null risk. The recidivism rate for youth referred prior to July 1, 2018, is about 27.4%, with those clients only ranging between the ages of 8 and 11. Decades of research have shown that formally processing youth in the juvenile justice system does not prevent future crime and, instead, increases the likelihood of future criminal behavior by deterring psychosocial development.



While there may be a greater need to support and reallocate additional resources to these alternative systems and programs, such as Youth Service Bureaus (YSB) or Department of Children and Families (DCF), the population of juveniles below 12 is a significantly smaller population. The state data shows that as the age of youth increase, the number of referrals tend to increase. The majority of the referrals for youth under 12 fall between the ages of 10 to 11. In recent years, youth under 9 were a minimal proportion of this young offender population. For example, in 2019, the 6 to 10 age bracket made up only 33 of the 112 referrals, with the remaining 79 referrals being 11 years old. The additional support needed for this population will be minor for community systems as a whole, but significant for the child’s future success.”

This brief focuses on the reasons raising the lower age is critical, however, given the current COVID-19 Pandemic, the need for change becomes paramount.

*Content for this brief was contributed by Student Intern Amanda Pappas and Kelly Orts, JJPOC Project Manager.*

## Resources

- Raisetheagect.org
- 2020 JJPOC Recommendations
- 2018 - 2021 JJPOC Strategic Plan
- <http://cfyj.org/2019/item/ojdp-data-supports-the-raise-the-age-effect>

The Tow Youth Justice Institute is a university, state and private partnership established to lead the way in juvenile justice reform through collaborative planning, training, research and advocacy.

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