

CCDLA
“Ready in the Defense of Liberty”
Founded 1988

Connecticut Criminal Defense
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February 27, 2009

Hon. Andrew J. McDonald, Senator
Hon. Michael P. Lawlor, House Representative
Chairmen, Judiciary Committee
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: **Raised House Bill No. 6386**
An Act Delaying Implementation of Legislation Raising the Age of Juvenile
Jurisdiction.

Dear Chairmen and Committee Members:

The Connecticut Criminal Defense Lawyers Association (“CCDLA”) is a statewide organization of approximately 350 lawyers in both the public and private sectors dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States Constitutions are applied fairly and equally, and that those rights are not diminished. At the same time, CCDLA strives to improve and suggest changes to the laws and procedures that apply to the criminal justice system.

CCDLA OPPOSES A DELAY IN RAISING THE AGE

CCDLA opposes the passage of Raised House Bill No. 6386, An Act Delaying Implementation of Legislation Raising the Age of Juvenile Jurisdiction, from January 1, 2010 to January 1, 2012. The impetus behind the Bill is to implement the Governor’s budget recommendations; delaying raising the age, however, is fiscally shortsighted and irresponsible in that it will cause harm to the all the citizens of the State of Connecticut, and particularly to its youth. The juvenile age was raised in Connecticut to prevent escalated crime, keep kids safe, prevent a further drain on state resources in branding minors as convicted criminals, and invest in our children through prevention, diversion and rehabilitation at a more cost efficient rate than incarceration. The focus was farsighted on decreasing crime and producing productive citizens rather than career criminals. These goals cannot be overshadowed by short-term fiscal savings; the sooner the State invests in its youth, the sooner it will realize the financial and social returns.

STATE WILL SAVE COSTS OF INCARCERATION

Connecticut's current policy towards youthful offenders is one of the worst in the nation resulting in high rates of recidivism placing the public at risk. Connecticut is one of only three states nationwide that treats children over the age of 15 as adults. While the Youthful Offender Act affords non-felony offenders protection, the unfettered transfer provisions of the statute result in the most vulnerable 16 and 17 year olds who are charged with felonies being transferred to the adult docket. Only New York and North Carolina set the age of "adulthood" in their judicial system as low as Connecticut. According to the Federal Bureau of Justice Statistics, Connecticut has the dishonorable distinction of locking up more children under the age of 18 in adult prisons than any other state in the nation. This is particularly sobering given the fact that New York has a population at least 5 times that of Connecticut.

Notably, the cost of incarceration for this population is considerably more than that of the average adult population: statistics reveal that the annual cost per inmate at Manson Youth Institution (a Level 4 facility) in the fiscal year 2006 was \$65,855. Only the highest security facilities of Garner (Level 5 facility) and Northern (housing the costliest death row inmates) had a higher annual cost per inmate. The average cost of housing inmates in Connecticut in 2006 was \$44,165.00 with most nonviolent offenders being housed annually at half the rate of the youths at Manson. The benefit of the savings from incarcerating our male youth at such a high expense will offset some of the additional costs in the short run. It should be noted that there is no equivalent youth facility for female youth offenders who are dangerously sentenced to the adult facility at York.

True financial gain is made, however, in the long-term. By delaying Raise the Age the State will incur the more insidious costs of high recidivism rates for youth who go through the adult system and emerge as uneducated, unskilled and unproductive citizens with a criminal record. Raise the Age legislation was urged and passed to correct this systemic problem and was to be effective next year; delaying its implementation to accommodate the Governor's Budget, even in this fiscal crisis, is irresponsible and dangerous to the citizens of the State of Connecticut. Two more years of youths passing through the adult system will serve only to jeopardize community safety, and unjustly set up more of our youth for a life of struggle and crime.

PUBLIC POLICY MANDATE

The statistics that compelled the Connecticut Legislature to enact Raise the Age are no less true today than they were then: the "adultification" of teens in our criminal justice system failed. Research from states with large numbers of youth in adult corrections demonstrates that prosecuting teens in the adult criminal system increases the likelihood

that juveniles will re-offend by committing more serious crimes. After incarceration, these young adults return to their communities hardened, angry and armed with a new set of criminal skills. Connecticut cannot afford to implement this dangerous policy any longer. Public policy mandates that teens be afforded the protections of the juvenile system and the corrective measures to enable them toward a productive future both for their sake and the safety of the public. It should be the principal responsibility of our justice system to provide young offenders with opportunities to make positive changes and take corrective measures. Short-term financial savings cannot outweigh the human costs to youth, families and society when we throw away young lives and allow them to join the ranks of career offenders. It would be nothing short of neglectful--if not recklessly indifferent--to delay implementation of Raise the Age given the current system's known adverse effects on Connecticut's youth and public safety.

THE PRICE IS LIFELONG FOR TEENS UNTIL THE AGE IS RAISED.

In this Information age, the criminal records of our youth are currently available to future educators and employers. Even in instances where charges have been dropped against the young, their misdoings are made known to the public through the media where files are not sealed nor courtrooms closed. Connecticut's youth are deserving of the confidentiality provisions, rehabilitative services and record protection that the Raise the Age law provides as soon as possible; waiting another 2 years subjects that many more youth to the perils of the adult criminal justice system, and to a public and permanent criminal record adversely affecting them for life. Having seen the wisdom in raising the age, Connecticut cannot fail its youth and citizens by delaying its implementation. The short-term economic gains simply do not outweigh the long-term and even permanent costs to the people of this State.

Sincerely,

Jennifer L. Zito, Vice President
Connecticut Criminal Defense Lawyers Association

Edward J. Gavin, President, Thomas Ullmann, Past President, Conrad Seifert, President-Elect, Leonard Crone, Secretary, Moira Buckley, Treasurer, John Walkley, Parliamentarian, Richard Emanuel, Suzanne McAlpine and Elisa Villa, Members at Large