

**Ending the Automatic Transfer of Juveniles to Adult Court in Connecticut**

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**Thesis**

In Connecticut, juveniles 15 and older who are charged with a Class A or B felony are automatically transferred to adult court. The state should enact a change from automatic transfer to discretionary transfer in order to account for extenuating circumstances that surround juvenile crime.

**Background Analysis**

Individuals under 18 years of age are better served by the juvenile justice system because the juvenile system requires that educational services be provided, that the individual’s record be sealed at the age of 18 (depending on the amount of time a case has been closed), and that juveniles not be subject to mandatory minimum sentencing laws. Staying in the juvenile system prevents young people from being sent to adult prisons, where they are at risk for much higher rates of sexual assault and suicide attempts.

Until 2007, Connecticut was one of only three states that treated 16-year-olds as adults. Although concern about this law grew in the 1990s, it remained unchanged because of national discourse on “law and order” and “being tough on crime.” By 2007, The Connecticut Juvenile Justice Alliance successfully lobbied to bring 16- and 17-year-olds under the jurisdiction of the juvenile system as a result of the “Raise the Age” campaign. However, the caveat of automatic transfer in the case of a Class A or B felony remained. Currently, youth of color and low-income youth are the groups most affected by the law. In 2015, an equal amount of black and white children were arrested in Connecticut. Since black youth only make up 12 percent of the population, this means they were five times more likely to be arrested than white children. Minority children are also more likely to be detained and for longer periods of time.

**Talking Points**

- Connecticut is one of only two states in the Northeast region that allows for automatic transfer without a waiver system.
- The automatic transfer policy disproportionately affects non-white youth.
- Unlike juvenile courts, adult courts have mandatory minimum sentencing.
- Adult prisons systems do not provide educational services.
Policy Idea
No individual under 18 who has been arrested should be subject to an automatic transfer to adult court without being able to present an argument for why the juvenile court would better serve their needs. The juvenile justice system in Connecticut has a transfer process based on discretionary waivers for C, D, and unclassified felonies that should be applied to all felony classes. Discretionary waivers enable juvenile court judges to waive jurisdiction, if deemed necessary, in cases involving minors to allow prosecution to continue in adult court. The juvenile court must conduct a hearing in which all parties are able to present evidence relevant to the waiver issue. This includes any evidence that would suggest that the best interests of the child and the public would be better served by a juvenile court.

Policy Analysis
In Connecticut, approximately 200 minors are transferred to adult court each year. On average, this group is 53.2 percent black, 26.6 percent Hispanic, and 19.7 percent white. The racial disparity indicates that crimes are being committed and prosecuted at different rates because of structural inequality. While a few of these minors may constitute a real threat to public safety and require secure detention, the great majority would benefit more from the juvenile system and the rehabilitative services it provides. If convicted in adult court, adolescents are particularly vulnerable to the effects of stigmatization and feelings of resentment and injustice. Even worse, if sent to adult prison, (pre- or post- trial) young people are much more vulnerable to sexual assault and feelings of social isolation and depression, and are 36 times more likely to commit suicide. After being released, the negative effects of a criminal record follow them, which makes it significantly more difficult to find employment or housing. The culmination of these factors leads to higher rates of recidivism. Therefore, the state is actually creating a threat to public safety by imposing such punitive measures.

Economically, we predict that this policy will have similar effects to the “Raise the Age” policy, which was approved in 2007. After Connecticut redefined “juveniles” to include 16- and 17-year-olds, the state spent less on the juvenile justice system than it had 10 years prior. The state actually spent $12 million less than it had budgeted for reform. Since the number of 16- and 17-year-olds who enter the system each year is much greater than the 200 adolescents sent to adult court, the budget would not substantially increase. Community-based programming has been proven to yield lower costs in both the short and long term compared to incarceration. Lower rates of recidivism will reduce costs for the state in the long term, and individuals who do not reoffend are more likely to gain employment, thus generating tax revenue.

Next Steps
The Connecticut General Assembly must be lobbied. Specifically, we intend to lobby the Juvenile Justice Policy and Oversight Committee, a group that has already made significant strides in improving Connecticut’s juvenile justice system. One of our key allies is the Connecticut Juvenile Justice Alliance, which has expressed its support for the policy idea.
This holds true except for a number of Class B felonies that have been carved out as exemptions to
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