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February 26, 2018

VIA EMAIL

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Hon. Marilyn Moore, Senator
Hon. Len Suzio, Senator
Hon. Diana S. Urban, House Representative
Hon. Lezlye Zupkus, House Representative
Chairmen, Committee on Children
State Capitol Building, Room 011
Hartford, CT 06106

Re: **Raised Senate Bill No. 187, An Act Concerning the Transfer of a Child Charged With Certain Offenses to the Criminal Docket and the Grounds for Detention of an Arrested Child.**

Dear Chairmen and Committee Members:

Our names are Beth A. Hogan and Conrad Ost Seifert. We are attorneys and have represented children in juvenile court and in adult criminal court following a statutory transfer from juvenile court. Attorney Seifert is past president of the Connecticut Criminal Defense Lawyers Association. Our testimony today represents our personal opinions. We oppose raised Senate Bill No. 187. If passed, this bill will significantly dismantle our recent juvenile justice statutory reforms. The proponents of this bill seek, inter alia, to allow 14 year old children to be automatically transferred to adult criminal court when accused of certain serious crimes. Just two

years ago and after much consideration, PA 15-183 became law. It substituted 15 years instead of 14 years as the minimum age that a child will be automatically transferred to adult court if accused of certain serious crimes. There is no valid reason to undo this very recent statutory reform to C.G.S. § 46b-127, *Transfer of child charged with felony to the regular criminal docket*.

Medical and scientific research continues to document the harms to young children by prosecuting them in adult courts and incarcerating them in adult prisons. In Graham v. Florida, 560 U.S. 48 at 68 (2010), it was noted: “[D]evelopments in psychology and brain science continue to show fundamental differences between juvenile and adult minds.” Two of these fundamental differences are “lack of maturity” and “capacity for change.” Montgomery v. Louisiana, 136 S.Ct. 718 at 733 (2016).

There are large differences between the way children are treated in adult court as opposed to juvenile court. The following excerpt is from an amicus curiae brief filed by the Juvenile Justice Center in a case pending before the Washington Supreme Court:

The important differences between adult and juvenile courts are not limited to potential length of confinement or type of facility in which youth will serve time if convicted of a crime. . . . *Youth tried in juvenile court may seek a deferred disposition for eligible offenses. . . . and participate in rehabilitation programs. . . . Youth who are prosecuted and sentenced as adults face much harsher direct consequences and will live with the stigma of an adult felony conviction. . . . In addition, youth prosecuted as adults typically serve lengthy pre-trial detention in adult facilities, which exposes them to harsher detention conditions including the use of solitary confinement or isolation either for disciplinary purposes or to reduce risk of assault by other inmates.*

Moreover, *criminal court prosecution carries the risk of significantly longer sentences*, increasing the pressure on youth to enter a guilty plea. . . .

Trying youth in the adult system also increases the risk of reoffending, thus jeopardizing public safety. *Youth transferred to*

the adult system “reoffend more quickly and are more likely to engage in violent crimes after release than youths processed in the juvenile justice system.” A Comparison of Youths Processed in Juvenile Court and Adult Criminal Court, 59 PSYCHIATRIC SERVICES 965, 972 (2008). The increase in recidivism for declined youth may result from a lack of age-appropriate treatment, programming and education in adult facilities, as adult corrections personnel do not have the specialized training to meet the educational and mental health needs of young people, and adult facilities thus fail to address their rehabilitative potential. CAMPAIGN FOR YOUTH JUSTICE, *THE CONSEQUENCES AREN'T MINOR: THE IMPACT OF TRYING YOUTH AS ADULTS AND STRATEGIES FOR REFORM* 7 (2007). Youth incarcerated in adult jails and prisons are also extraordinarily vulnerable to victimization. See Marty Beyer, *Experts for Juveniles at Risk of Adult Sentences in MORE THAN MEETS THE EYE: RETHINKING ASSESSMENT, COMPETENCY AND SENTENCING FOR A HARsher ERA OF JUVENILE JUSTICE* 18-20 (P. Puritz, A. Capozello & W. Shang eds., 2002). One study showed that youth in adult facilities *were five times more likely to be sexually assaulted* while incarcerated and two times more likely to be assaulted with a weapon than were youth in the juvenile justice system. Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, JUVENILE JUSTICE BULLETIN, June 2010, at 7.¹

We wholeheartedly agree with the written testimony submitted to you by the Executive Director of the Connecticut Juvenile Justice Alliance:

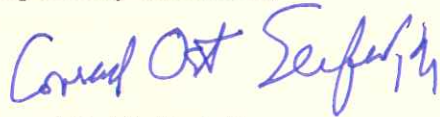
Over the course of the last decade, Connecticut has earned national recognition as it has removed children from adult courts: raising the age to 18, raising the transfer age to 15, and reducing the number of offenses that require automatic transfer. Reversing some of those gains through the proposals in this legislation would undermine both goals of the juvenile justice system – improved public safety and positive youth outcomes.²

¹ Amici Curiae brief of the Juvenile Law Center, et al, in *Washington v. Watkins*, Washington Supreme Court, No. 94973-5 filed 1-26-18, pp. 14-16 (emphasis added).

² Testimony of Abby Anderson, Connecticut Juvenile Justice Alliance, filed online 2-26-18, p. 2.

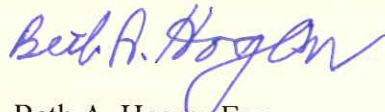
We urge you to give our new juvenile transfer statutes a chance. It conforms with the Constitution and it serves justice. To step backwards would constitute a serious mistake.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Conrad Ost Seifert". The signature is written in a cursive style with a large, sweeping flourish at the end.

Conrad Ost Seifert, Esq.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Beth A. Hogan". The signature is written in a cursive style with a large, sweeping flourish at the end.

Beth A. Hogan, Esq.