Youth Under 18 Should Not Be In Adult Prison

Does Connecticut Incarcerate Youth Under 18 in Adult Prison?
Yes. Youth, aged 15-17, whose cases are transferred to the adult court are placed in adult facilities. Pre- and post-trial, boys aged 15-17 are held in the Manson Youth Institution (MYI), and girls aged 15-17 are held at the York Correctional Institution (YCI) – Connecticut’s only women’s prison. Despite having “youth” in the name, MYI is an adult prison run by the adult Department of Corrections and staffed by adult correctional officers.

Why shouldn’t youth be in the adult court or prison?

Public Safety - Transferring youth to the adult court does not enhance public safety
In 2007, the Centers for Disease Control and Prevention published the findings of the Task Force on Community Preventive Services which said:

Available evidence indicates that transfer to the adult criminal justice system typically increases rather than decreases rates of violence among transferred youth. Available evidence was insufficient to determine the effect of transfer laws and policies on levels of violent crime in the overall juvenile population. On the basis of these findings, the Task Force recommends against laws or policies facilitating the transfer of juveniles to the adult criminal justice system for the purpose of reducing violence.”

Racial Justice - In Connecticut, black youth are more likely to be transferred to the adult court than their white peers, because of the color of their skin
Right now, cases involving 15 to 17-year-old youth charged with a Class A felony are automatically transferred to adult court while some, but not all, Class B felony cases result in an automatic transfer. For some charges, the prosecutor can ask for a hearing in front of a judge to transfer the case to the adult system. A 2017 report on Connecticut data found that, in these cases, black youth were much more likely to be transferred to adult court than their white peers. The study looked at other factors like age, previous record, charge, socioeconomic status, etc. to see if they explained the different outcomes, but found that race was the deciding factor. Our current system is not fair or equitable.

Adult court and facilities are not set up for youth
The adult court is not appropriate for youth under 18. The facilities, services, and staff are not created for or trained to be effective for youth. Without access to rehabilitative services and after exposure to de-facto solitary confinement, youth held in adult facilities re-enter their communities with significant barriers to emotional, educational, or vocational success. Conditions of confinement for youth at MYI have led to investigations by state and federal officials.

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What concerns did the Connecticut Office of the Child Advocate raise?

The Office of the Child Advocate released a report in January 2019 that raised significant concerns about the conditions of confinement faced by youth incarcerated at MYI. The report highlights many areas of concern including the frequent use of “administrative segregation,” which leads to youth spending up to 23 and a half hours a day in their cell, lack of access to education, lack of access to mental health services, and inadequate policies and procedures to prevent self-harming and suicidal behaviors.

How is the Federal Government involved?

1. The United States Department of Justice opened an investigation into conditions of confinement of 15-17-year-olds at MYI in the Fall of 2019. They cited concerns about the use of isolation and lack of access to mental health and educational services.
2. Under the 2018 reauthorization of the federal Juvenile Justice Delinquency and Prevention Act, youth held in adult jails must be removed to juvenile detention centers by Dec. 21, 2021. Connecticut is at serious risk of willfully falling behind national best practice and policy.

What action steps do we want?

1. Make it very hard for a youth under 18’s case to be transferred to adult court
2. Immediately improve conditions of confinement through policy and practice
   i. End the use of solitary confinement - no matter what it is called. Limit the time youth can be confined in their cell as a behavioral intervention.
   ii. Address the mental health and educational needs of youth by providing funds that will directly meet their needs (individual tutors, mentors, counselors).
3. Implement community-based alternatives to incarceration like the ones other states use for this population of boys
4. Remove all youth under the age of 18 from adult facilities pre- and post-trial

How many youth are we talking about?

On any given day there are about 50 boys under the age of 18 in MYI - about two-thirds are there pre-trial and one-third post-conviction. The number of girls in York is very small, rarely going above 3 on any given day. (While conditions faced by girls in York are better than conditions faced by boys in MYI, federal law requires youth under 18 to be separated from adults even when they are in the same facility. As a result, girls in York can be alone for a majority of their confinement.)

Where would youth go instead?

While legislation passed in 2019 required the Juvenile Justice Policy and Oversight Committee to develop a plan around how to implement removing youth from adult facilities by January 2020, that plan has not been completed or submitted. We need strong cross-branch leadership, committed to a broad approach to addressing these issues. How can we speed up case processing so youth are held less time pre-trial? How can we quickly implement alternatives to detention programs proven to work for this population in other states?

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