



TO: Members of the Senate Committee on Judiciary
FROM: Jay Diaz, Staff Attorney / Public Advocate, ACLU-VT
DATE: March 22, 2016
SUBJECT: H. 95 – A Bill to Reform Juvenile Delinquency Jurisdiction

What's Wrong with Charging Kids as Adults?

- Kids are different
- Kids make mistakes and are better at learning from them
- It doesn't make sense! (lottery, voting, smoking, drinking, military, education)
- Out of step with other states
- Unnecessary detention and incarceration linked to increased mental health disorders
- Eventual placement in jail = socialization with adult criminals
- Collateral consequences and developmental trauma = path to prison and poverty
- Discriminatory Impact

What Does DCF and Court Data Tell Us About Charging Kids as Adults in Vermont?¹

- Every year, 900 Delinquency and Youthful Offender petitions filed (average)
- Every year, 267 children are charged as adults in criminal court (average)
- FY 15: 78% of 263 children (13-17) charged as adults were non-serious offenses
- Black/African-American children more likely to have petition filed and charged as adult
- Minority youth offered court diversion two to four times less than whites

What Happens if We Do Not Raise Juvenile Delinquency Jurisdiction?

- Vermont's most disadvantaged children will continue to be more likely to struggle to get out of poverty and end up in the justice systems at disproportionate rates
- Lack of uniformity across state and continued wasting of tax money on corrections
- Continued shortage of capable and stable employees for VT businesses

How Can Vermont's Justice System Start Rethink Delinquency Jurisdiction?

RAISE THE AGE OF DELINQUENCY JURISDICTION BY:

- Ending automatic transfer to adult criminal court of teenage child who commits a crime
- Ending possibility of adult criminal charges for teenage child for non-listed offense
- Ending possibility of adult criminal court and detention for very young children
- Making Youthful Offender Status accessible to children and youth 18-26

¹ Data discussed here from the Disproportionate Minority Contact Report from DCF's Juvenile Justice Office and Court Administrator's statistical reports. .