

# Youthful Offender Status

Senate Judiciary Committee

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Department for Children and Families

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# Background

## Youthful Offender (YO) Status:

- Began in 2009 with eligibility to those youth who committed offenses under the age of 18.
- Hybrid status that assigns a youth supervision by both DCF and DOC (w/ one dept. as 'lead')
- To be considered, an individual must: complete a risk/need screening; court considers three questions: public safety, amenability to treatment, and availability of services in the juvenile system.

# Background

In 2018 significant changes to the Youthful Offender (YO) statute went into effect. The changes were an attempt to be a developmental response to emerging adults who commit offenses. The changes included:

- 18–21-year-olds were afforded the opportunity to be considered for YO status for any offense
- It allowed cases to be filed directly in family court
- the removal of the conditional plea of guilty in the Criminal Division as a requirement for YO status
- Presumption of Diversion for low or moderate risk youth
- Creation of the YO Consideration Hearing

# Court Data

## Filings Over Time

	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Delinquency	715	743	701	888	707	626	681
Youthful Offender	44	43	33	33	504	390	308

# What's working well:

- DOC and DCF have strengthened their case coordination and communication.
- DCF presented at 12 community meetings to discuss the changes with stakeholders.
- Maximize the benefit for the youth in their community by having increased community engagement in supporting legislative changes and seamless implementation.
- The majority of youth have been successful in completing YO probation and do not have a criminal conviction, and the negative collateral consequences as a result.

# Challenges to be worked through

- The volume of cases increased significantly
- The addition of two court hearings, YO Consideration Hearing and Merit's Hearing for this population. This is an added burden on DCF staff (writing Consideration Reports) and on the Judiciary.
- YO eligibility is not limited – youth continue to commit new offenses and cases continue to come to us for YO consideration.

# Challenges to be worked through

- Youth are being given YO status but are denying responsibility for the charge.
- If there is a change in circumstance prior to adjudication (additional cases/charges), there is no clear way to rescind YO status prior to an adjudication.
- Standards for revocation of YO status are not clear, resulting in youth posing a risk to public safety.
- Question of secure placement options for the most dangerous emerging adults.

# Possible Changes

- Legislative language that returns to the prior practice of requiring a conditional plea of guilty to have YO status consideration.
- Legislative language that states that if a youth has been denied YO status due to concerns of public safety, amenability to treatment, or lack of services any future cases are not eligible for YO consideration.
- When the Court reviews the YO consideration report increased deference to DCF's recommendation.
- Legislative language that outlines criteria for revocation.





Questions?

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