

To better understand the proposed changes, I want to provide a quick overview of the current process by which youth get Youthful Offender (YO) status. An 18-year-old is charged with Aggravated Domestic Assault. The charges are filed in Family Division as delinquency charges. If the charges are filed initially as delinquency charges, in order to seek YO status the case needs to be transferred to Criminal Division. This requires a hearing to explore the motion to transfer. When the case is transferred to Criminal Division there is a motion filed requesting that the charges be considered for YO status. This results in the case being returned to Family Division for the first step in the process which is the YO Consideration Hearing. If the court finds that the appropriate circumstances exist and accepts the case for YO status, then it moves forward to a Merit's hearing. Lastly assuming Merits are found, the Disposition hearing is held, and the youth is placed on probation, and supervision and support to the youth begins. As you can imagine this process takes time and can be delayed by lack of available court time or new charges incurred by the youth. Delay can also occur if the youth choose to exercise their right to have a contested merits hearing, and if they wish to contest the disposition proposal by the Department.

We have seen youth who have YO cases pending and have decompensated and needed support and stabilization. Our ability to support these youth is limited given the pending nature of the case. We do not have a role in that youth's life prior to adjudication. We also see youth who incur new charges while they are awaiting the outcome of their YO case. The delay in time from filing to adjudication places the youth in a holding pattern with limited supports, limited interruption in their behavior to reduce the risk they pose to the community, and an inability to address the factors that are contributing to their risk. This is an unfortunate consequence of the current process for seeking youthful offender status.

In 2018 the law changed to allow young adults through the age of 21 to seek YO status. (Previously eligibility ended at age 18) At the time we were not certain what the impact of the changes would be on the number of YO filings. What resulted was a significant increase in filings and an increase in the amount of time to process the cases as demonstrated by the following:

Fiscal Year	Number of Youthful Offender filings	Number of days from filing to disposition
FY 2018	33	78
FY 2019	504	138
FY 2020	390	270
FY 2021	305	219
FY 2022	315	135*
FY 2023(through 12/31/22)	170	81*

*There are many cases that are not processed so these numbers are not a full reflection of the timeframe

Having a lengthy amount of time from the time of the offense to intervention reduces the effectiveness of the intervention and opportunities to support the youth, delays the ability to address the concerns of the victim, and to protect the public. Additionally, there are youth who lose the opportunity to benefit from YO status due to the fact that there is not enough time to engage in the services being recommended before they turn 22.

The proposed legislation centers the juvenile justice system on serving youth and emerging adults based on best-practice and evidence. The proposed changes refocus the system on serving youth by streamlining the process, increasing efficiency, and providing clarity to juveniles interacting with the justice system.

My comments are related to the changes in Youthful Offender process as outlined in sections 3-6. Moving to a process where the YO cases that are directly filed or motioned for YO treatment are filed and remain in Criminal Division as sealed cases reduces the ping pong effect that is currently present and provides a quicker resolution to the case for the victim, the community, and the youth. The sealed status of the cases would afford confidentiality to the youth as is the case currently in Family Division. This would eliminate the collateral consequences of having a criminal record because once they are flagged as YO cases, they would be treated differently than other cases filed in Criminal Division.

Another aspect of the proposed legislation is to return to the practice of having the youth enter a conditional plea of guilty in order to be considered for YO status. This practice would cut down the amount of time needed to get from filing to disposition by eliminating the need for the court to hold the YO Consideration Hearing and a Merit's hearing. The process would result in the case moving directly to a Disposition hearing following the acceptance of the conditional plea by the court. The court would use the same criteria to determine YO acceptance so concerns about public safety, amenability to treatment, and service availability in the juvenile system would still be explored. The process will still allow for victim participation at all hearings.

Given the fact that the YO cases would be sealed, prior concerns about having a conditional plea of guilty while under YO supervision would be addressed. This information would not be accessible to the public therefore not having the potential to negatively impact the youth's opportunities.