

**Statement of Shay Bilchik
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**Colorado House Judiciary Committee
In Support of H.B. 1413; April 26, 2010**

I am Shay Bilchik, founder and Director of the Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute. Prior to my current position, I served as President and CEO of the Child Welfare League of America and the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the U.S. Department of Justice. OJJDP is the agency that was established to lead the effort to address the public safety issues of juvenile crime and youth victimization. Previously, I worked as an Assistant State Attorney in Miami Florida, where I was a prosecutor in the juvenile division and Chief Assistant State Attorney.

Thank you Madam Chair and Members of the Colorado House Judiciary Committee, for the opportunity to speak to you regarding the prosecution of children in adult criminal court. Colorado is one of only 15 states that give prosecutors the authority in certain cases to determine whether a juvenile may be removed from juvenile court jurisdiction and adjudicated in adult criminal court without any judicial oversight. The law grants this power with no opportunity for the decision to be reviewed by a judge to determine, for example, whether that young person is a good candidate for rehabilitation in the juvenile system.

As a former prosecutor, I know first-hand the frustration with systems that aren't responsive. Like many of my colleagues across the country who were dealing with increased crime rates in the late 1980's and early 1990s, I supported giving prosecutors greater discretion to try juveniles as adults as another crime prevention tool that would lead to better results. The

truth is, it doesn't, and if I knew then what I know now, I wouldn't have supported or used that type of authority.

Today, we have the benefit of research about the impact of sending kids to the adult system that tells us that the vast majority of youth are better served in the juvenile system. We now know that youth placed in the adult system are more likely to reoffend, reoffend more frequently, and commit more serious offenses. We have also learned a tremendous amount about what works to prevent and reduce juvenile delinquency. From the growing body of research on child and youth development, the development of the adolescent brain, and effective programs and practice, we now have more evidence about what works in turning these young lives around and correcting their behavior than we did a decade ago.

In October of 2004, the National Institutes of Health (NIH) convened an independent "state-of-the-science" panel to address the important issues of preventing violence and related health-risking social behaviors in adolescents. The work of the NIH panel complemented and reinforced the Blueprint Series on effective programs developed by Dr. Delbert Elliott, a Colorado researcher, in which he and a team of researchers identified 11 "gold standard" delinquency prevention and intervention programs. Unfortunately, prevention activities recommended by the Blueprint Series have been woefully underfunded in recently years. While I recognize the fiscal difficulties facing Colorado and many other states, I would urge members of this committee to use an evidence-based fresh approach to preventing juvenile delinquency.

In addition to gleaning new knowledge about what works, we have also learned a great deal about what doesn't work. A 2007 U.S. Centers for Disease Control report found that laws that charge juveniles as adults are counterproductive to reducing juvenile violence and enhancing public safety and "do more harm than good." In 2008, the Department of Justice's Office of

Juvenile Justice and Delinquency Prevention released a research bulletin and the findings mirrored those in the CDC report also finding that laws that make it easier to transfer youth to the adult criminal court system have little or no general deterrent effect, meaning they do not prevent youth from engaging in criminal behavior.

The Brookings Institution and The Woodrow Wilson School of Public and International Affairs at Princeton University, also released a policy brief entitled “Keeping Adolescents Out of Prison.” This brief discussed the history and purpose of the juvenile justice system which is to recognize the differences between youth and adults. These differences have been highlighted in recent years through research that has found major disparities between how youth and adults brains functions. On the topic of trying youth as adults, the report stated that “at a minimum the practice of harsh sentences for adolescents does not work; it may even be counterproductive.” Indeed the report recommends that “[a]bove all, youth should be kept out of the adult criminal system unless they have committed repeat violent offenses. This course of action is especially recommended because most youth who commit criminal offenses will abandon illegal behavior at roughly the same age as they exit adolescence.”

In addition to failing to improve public safety, the policy has harmful, long-lasting effects on youth. While separating children from adults in adult jails and lock-ups will reduce contact with adults that could result in physical or emotional harm to children, these children are then often placed in isolation and frequently locked down 23 hours a day in small cells with no natural light. These conditions can cause anxiety, paranoia, and exacerbate existing mental disorders, thereby putting youth at high risk of suicide. Youth have the highest suicide rates of all inmates in jails. Youth are 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility, and 19 times more likely to commit suicide in an adult jail than youth

in the general population. Sadly, I am informed that in the past 18 months, Colorado has had two youth commit suicide in adult jails. Moreover, when youth do leave jail, prison, or have completed their adult sentences or probation or other programs, they carry the stigma of an adult conviction, often making it more difficult to find a job or complete their education.

Given the serious impact of trying youth as adults on both the youth and on public safety, it is clear that most kids should remain in the juvenile system and that any decision to send a young person to adult court be given careful consideration. The prosecutor and defense attorney are advocates and neither should have unchecked power to determine the fate of children. The person best situated to make that determination is the judge. Judges are often the more experienced officers of the court, are more accustomed to applying consistent criteria to sentencing and venue decisions, and are more likely to have and consider more information about the child's background, education, and development to assess whether adult court is appropriate.

Colorado House Bill 1314 provides a step in the right direction by providing some 14 -15 year olds judicial oversight over the critically important question of whether they should be subject to adult criminal court jurisdiction. I urge Colorado to do everything possible to ensure that children and youth are treated in an age-appropriate manner and provided with developmentally appropriate evidence-based services and supports, and ensure, when needed, that sanctions are appropriate to a youth's developmental stage and individual culpability.

Thank you for your consideration.