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Lessons Learned From States That Have Raised the Age of Criminal Responsibility

May 10, 2017

2–3 p.m. ET



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NC4YC Final Handout.docx	65 KB
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Presenter Bios and Photos - February 13 Webinar.docx	1 MB

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Chat (Everyone)

Liane Rozzell: sean johnson, would love to discuss the family engagement services you are talking about in Richmond. Please email me at liane@fayyouth.org

MARK TOBIN: Thanks, everyone

Jennifer Marr: I just highlight ans copied

Brian Schultz: Thanks all

Christina Hanna: It is not about coding. It is about making connections. I would put my future on it. the connections are there

Rachel Loupe: Tracy... I can email it to you...

Sheila Pessingua: when you highlight and copy, it doesn't include all of the chat text

Jacqueline Scott: Thank you everyone, this was a great webinar. And a special thank you to the presenters for sharing your stories with us.

Nicolm Joseph 2: Take care everyone. You're all doing amazing

burton: thanks

Diago Roberts: Thanks everyone! Great job!

Howay: nice seminar



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Moderator



Katie Penkoff, Ph.D.

Project Director, Raise the Age Training and Technical Assistance Center
American Institutes for Research



Presenters



Marc Schindler, J.D.
Executive Director
Justice Policy
Institute



Jason Ziedenberg, M.S.
Director of Policy and Research
Justice Policy Institute



Marcy Mistrett, M.A.
Chief Executive Officer
Campaign for Youth Justice Tow Youth Justice Institute



William H. Carbone, M.P.A.
Executive Director of
Justice Programs and
Director,



Learning Objectives

- Participants will understand the processes states used to raise their age of juvenile jurisdiction.
- Participants will learn about the seven strategies states employed to contain costs and enhance public safety while absorbing 16- and 17-year-olds in their youth justice systems.
- Participants will learn from the experiences of stakeholders in Connecticut, Illinois, and Massachusetts as they implemented the policy change.



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RAISE THE AGE
16

**JUSTICE
POLICY
INSTITUTE**

18
17

Shifting to a safer and more effective juvenile justice system



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Calls for Raising the Age From the Halls of the Capitol to Juvenile Halls

“If I were kept in the juvenile system, I would’ve already been home with a trade or a college degree in child counseling, showing I can be a good citizen in society. Instead, I’m being labeled and wrote off as a lost cause.”

—17-year-old in jail in Missouri

"'Raise the Age' resulted in a significant decrease in the number of cases, and today I am proud to report that: we now have the lowest number of juveniles in pre-trial detention. [...] The number of inmates under the age of 18 at Manson youth institute is also at its lowest ever"

- Connecticut Gov. Malloy





Calls for Raising the Age From the Halls of the Capitol to Juvenile Halls

“We’re going to focus on real, bipartisan approaches to criminal justice reform. We began this critical work in 2016 with the passage of the Raise the Age Act. Before this law passed through our legislature with bipartisan support, 17-year-olds who committed delinquent acts were automatically tried as adults. Because of Raise the Age, young people can now be held accountable for their actions in age-appropriate settings.”

— Louisiana Governor John Bel Edwards



Calls for Raising the Age from the Halls of the Capitol to Juvenile Halls

“Once you take a young person and you send them in to a jail or a prison with hardened criminals, with real predators, don’t be surprised when they come out hard and they come out worse. We have to stop the cycle and that’s what Raise the Age is all about. Treat 16- and 17-year-olds like 16- and 17-year-olds and stop the cycle of madness of throwing young lives away. That’s what Raise the Age is all about. It took 12 long years to get Raise the Age passed, but this year we got it done and this year, this state says no more to the cycle of madness.”

— New York Governor Andrew M. Cuomo.



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Why Are States Exploring Raising the Age?

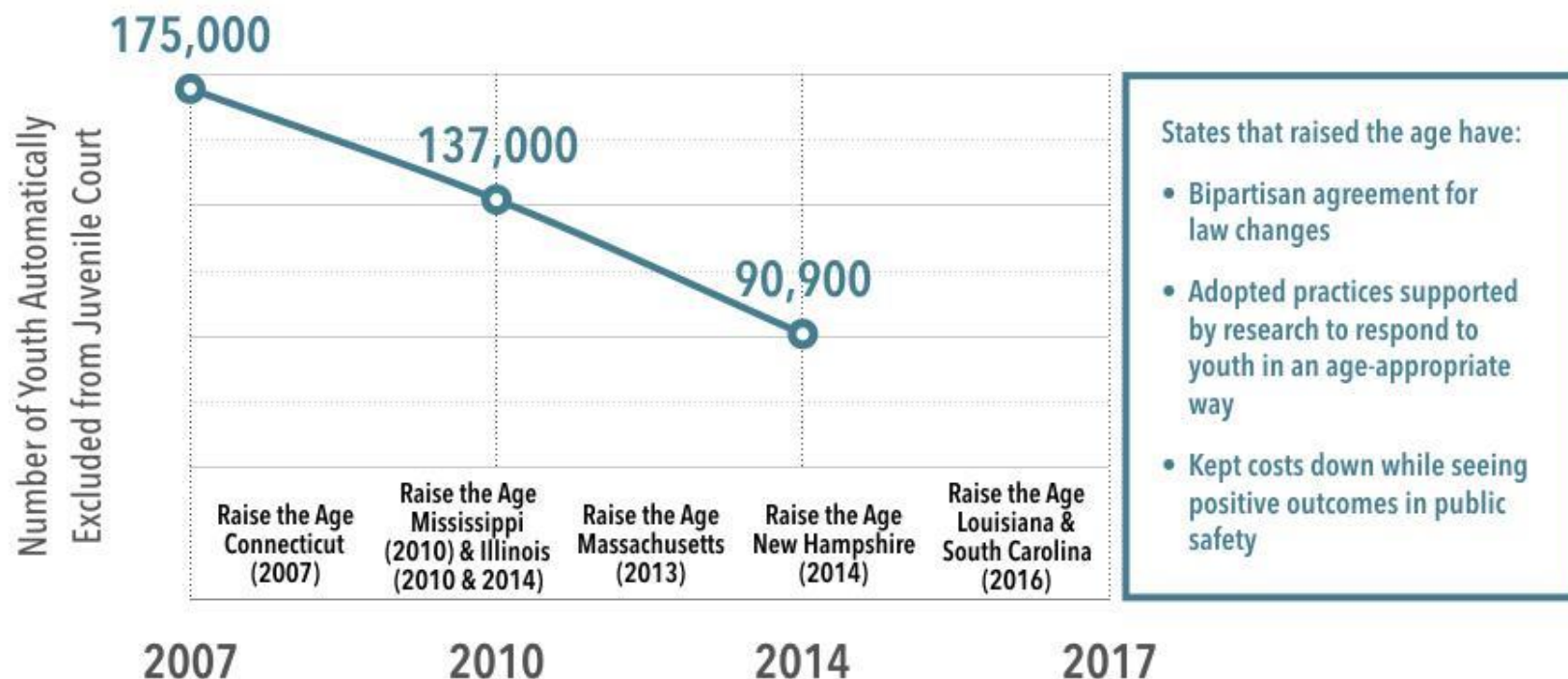
1. Safer for communities.
2. Safer for young people.
3. Better for young people.
4. It's a matter of fairness.



There Is Momentum for Raising the Age

- Eight of the 14 states that once automatically excluded youth from the juvenile court solely on the basis of their age passed Raise the Age legislation in the past decade.
- During this past decade, the number of young people excluded from the juvenile justice system solely because of their age was cut in half.

GRAPH A. DECREASE IN YOUNG PEOPLE AUTOMATICALLY EXCLUDED FROM JUVENILE COURT (2007-2014)



Source: Melissa Sickmund, Howard Snyder and Eileen Poe-Yamagata, *Juvenile Offenders and Victims: 1997 Update on Violence* (Washington, D.C.: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, U.S. Justice Department). Melissa Sickmund and Charles Puzzanchera, *Juvenile Offenders and Victims: 2014 National Report* (Washington, D.C.: Office of Justice Programs, Office of Justice and delinquency Prevention, U.S. Justice Department). Melissa Sickmund, email message to author, January 7, 2017.

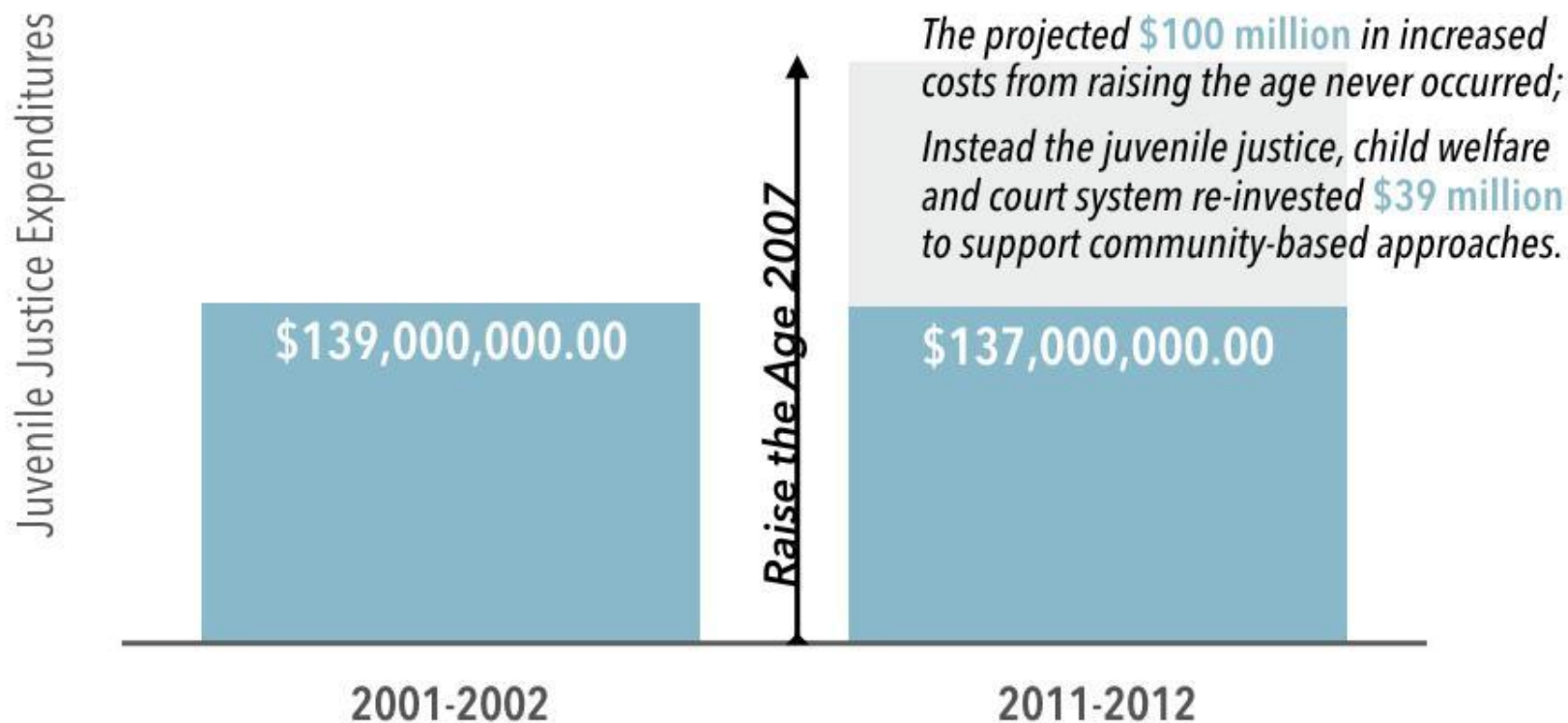
The number of young people automatically excluded from juvenile court due to their age has dropped by nearly half.



Juvenile Justice Systems Were Not Overwhelmed by Raising the Age

- Prior to raising the age, some juvenile justice stakeholders said taking on responsibility for 16- and 17-year-old youth would overwhelm the youth justice system, and that costs would rise dramatically.
- In state after state that raised the age, *these predictions did not materialize.*

GRAPH B. CONNECTICUT JUVENILE JUSTICE EXPENDITURES 2001-2012

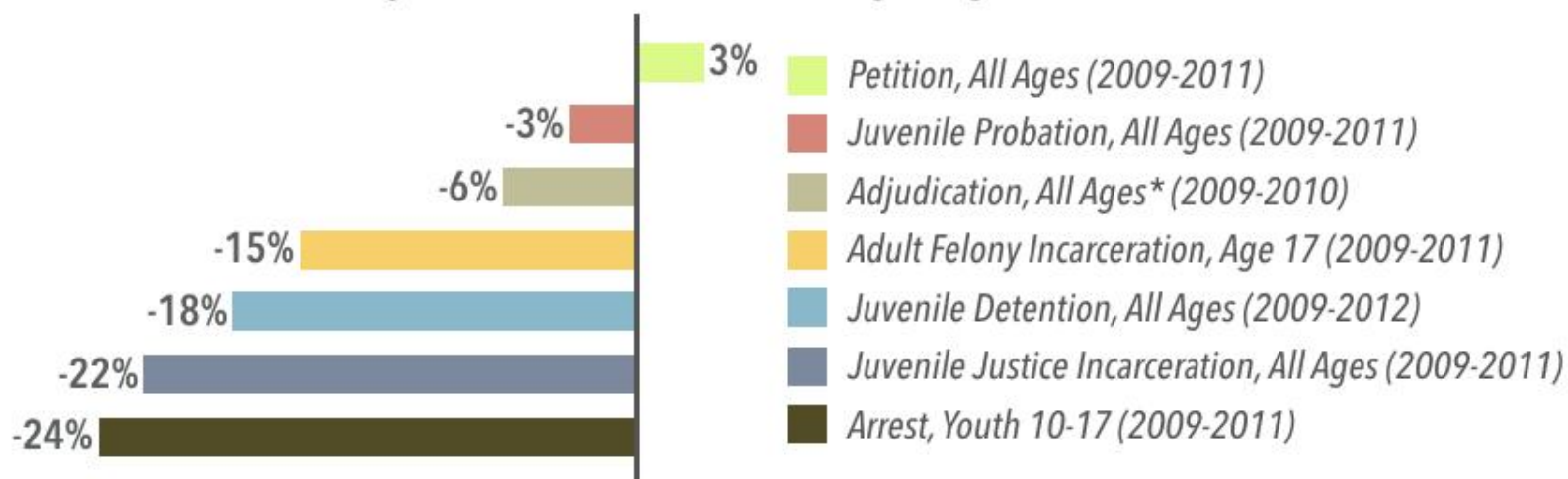


Source: Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth (Washington, D.C.: Justice Policy Institute, 2013)

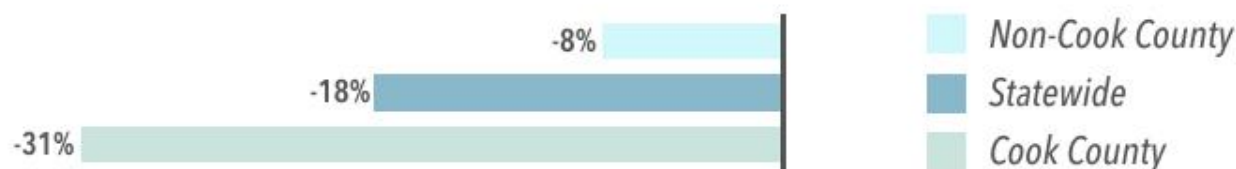
While raising the age, Connecticut reduced reliance on confinement, and reallocated money to serve youth in the community.

GRAPH D. ILLINOIS JUVENILE JUSTICE CASELOADS AFTER RAISING THE AGE

Statewide Percent Change in Number of Cases After Raising the Age for Misdemeanors in 2010



Juvenile Detention By County (2009-2012)



*Cook County did not report in the adjudication category.

Source: Stephanie Kollmann, Raising the Age of Juvenile Court Jurisdiction in Illinois [webinar, National Conference of State Legislatures, Feb. 19, 2016].

Prior to raise the age legislation, some stakeholders said that 18,000 additional cases would be impacting the juvenile system.



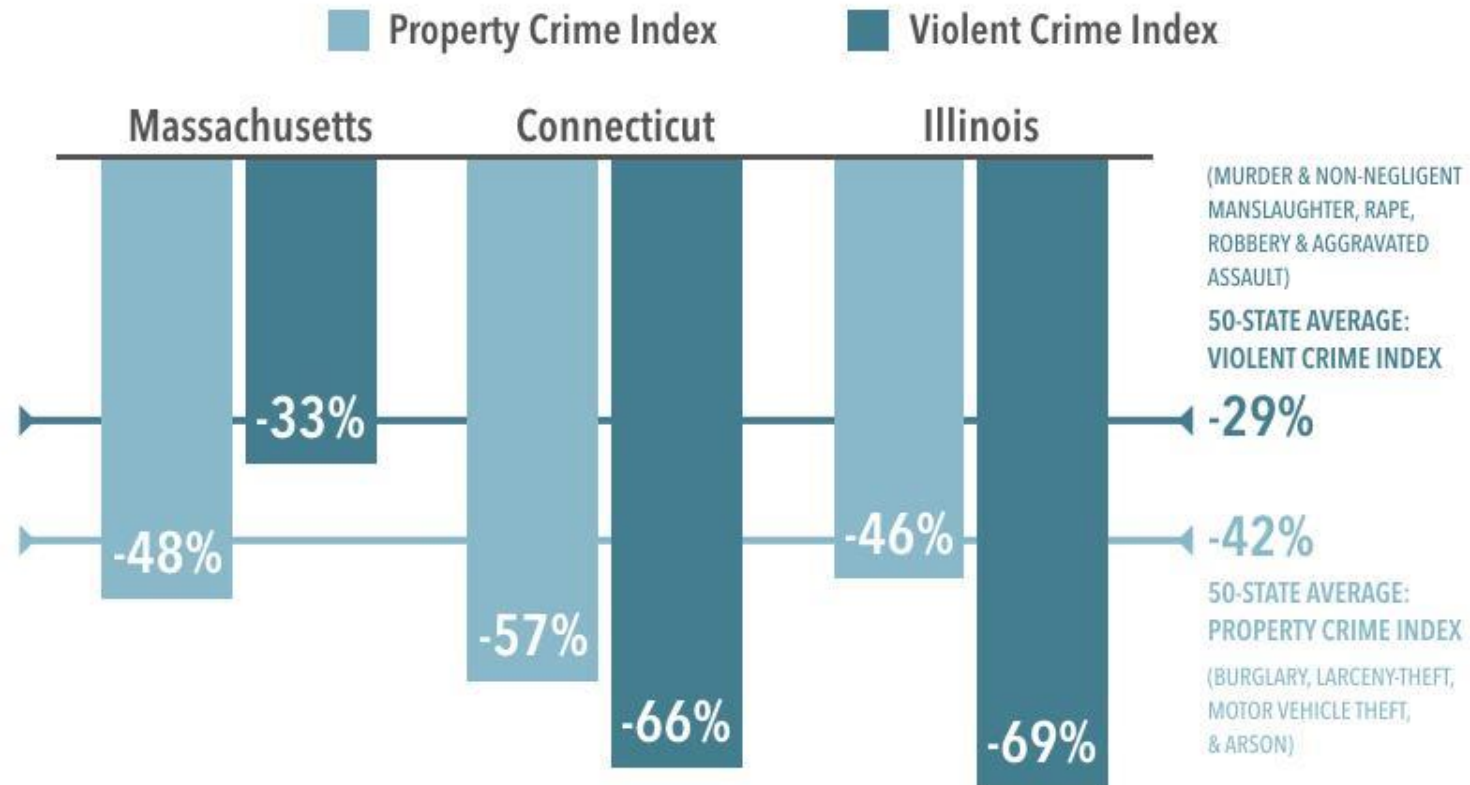
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**States that raised the age saw
juvenile crime and confinement fall.**

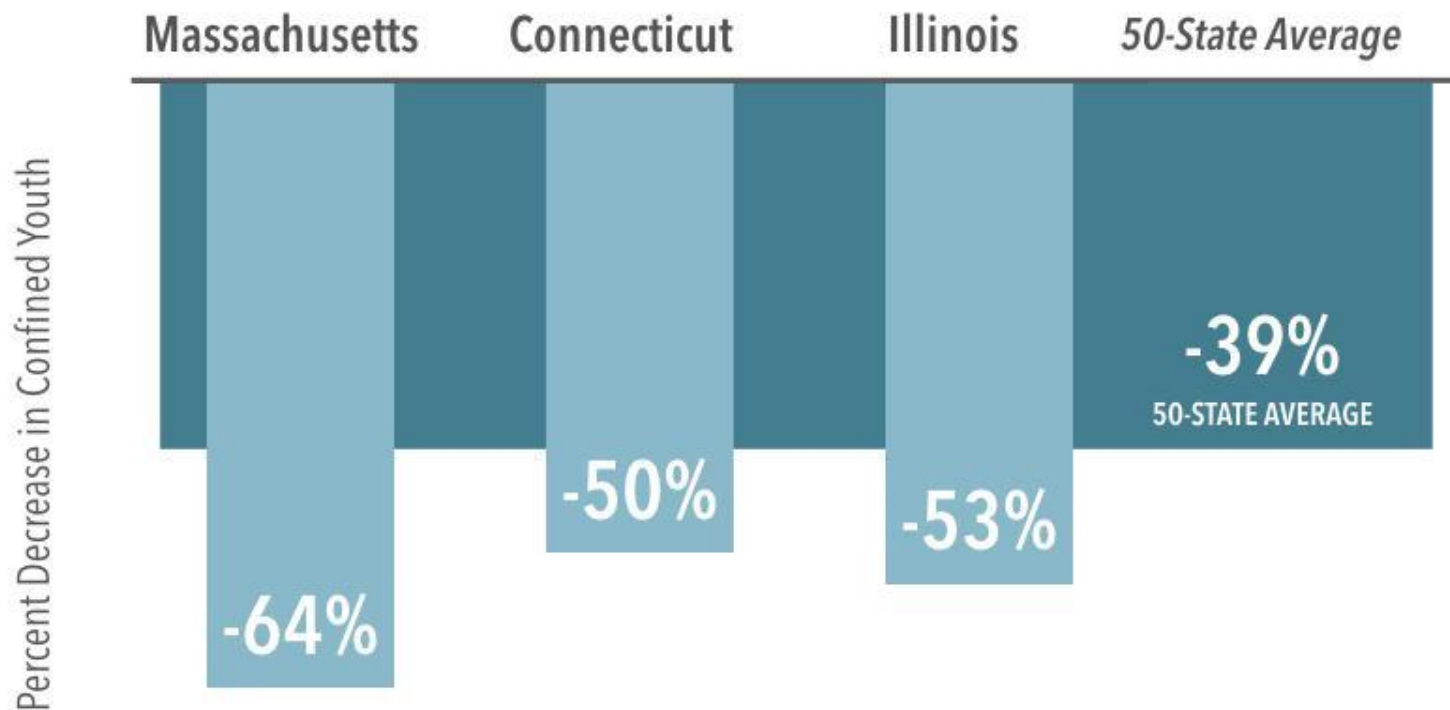
GRAPH F: FIRST GENERATION RAISE THE AGE STATES DECREASED ARRESTS (2005-2015)



Source: Department of Justice, Federal Bureau of Investigation, Uniform Crime Report (2005 - 2015) While raising the age (2007), Connecticut reduced reliance on confinement, and reallocated money to serve youth in the community

The first generation of large raise the age states outperformed the rest of the country in decreased percentages of violent and property arrests between 2005 and 2015.

GRAPH H: RAISE THE AGE STATES DECREASE IN CONFINED YOUTH (2006-2013)



Source: Department of Justice, Office of juvenile Justice and Delinquency Prevention,
The Census of Juveniles in Residential Placement, 2006-2013 (2013)

The first generation of raise the age states significantly outperformed the rest of the country in reducing the number of youth committed, confined, or placed out of home.



Why Weren't Juvenile Justice Systems Overwhelmed When States Raised the Age?

1. Juvenile crime fell.
2. Fiscal impact statements were limited.
3. Resources were reallocated from confinement to community-based approaches.



Strategies States Used To Reallocate Resources From Confinement to Community

1. Expanded the use of diversion.
2. Made probation and aftercare approaches more effective.
3. Addressed young people's mental health needs outside the deep end of the system.
4. Reduced the use of pretrial detention.



Strategies States Used To Reallocate Resources From Confinement to Community (cont'd)

5. Reduced reliance on facilities and focused resources on community-based approaches.
6. Kept young people safe by complying with the Prison Rape Elimination Act (PREA).
7. Improved juvenile justice systems' management of resources and strengthened strategies to serve young people more effectively.



Expanded Use of Diversion

- One million youth are arrested annually, and nearly 95% of those arrests are for non-violent offenses.
- When a young person is arrested or adjudicated he or she is more likely to reoffend and be rearrested, which in turn means he or she is more likely to experience deeper justice system involvement.
- An arrest record can also impact a young person's employment well into adulthood.
- Pre-arrest and pre-adjudication diversion strategies provide meaningful opportunities to address a young person's behavior outside the juvenile justice system, and avoid the negative consequences of needless justice system involvement.



“We’re trying to intercept kids before they get involved with the courts. We don’t want it to be the case that youth have to get arrested before they get help. We need to build some viable off-ramps from the highway to the juvenile justice system.”

—Elvin Gonzalez, Family Diversion Administrator of the
Berrien County Trial Court, Michigan



Made Probation and Aftercare Approaches More Effective

- Annually as many as:
 - 300,000 youth are on juvenile probation.
 - 100,000 youth are returning from a juvenile facility.
- Each of these youth should be receiving some form of aftercare in the community to help them leave delinquency behind.



Made Probation and Aftercare Approaches More Effective

- Instead of simply keeping an eye on youth or making them follow the rules, more developmentally appropriate probation and aftercare focuses on:
 - Engaging a young person in behavior change.
 - Partnering with community organization.
 - Working with families.
 - Attempting to limit the likelihood of revocation.



“By increasing probation’s ability to access interventions that have been demonstrated in research to be effective with the high-risk juvenile probation population, probation can reduce future delinquency and crime, detention, placement, and incarceration.”

—New York State Office of Probation and
Correctional Services



Addressed Young People's Mental Health Needs Outside of the Deep End of the System

- Approximately 1 in 5 young people between the ages of 13 and 18 will face a mental health challenge at some point during adolescence (National Alliance on Mental Health 2014).
- It has been estimated that **70% of youth in the juvenile justice system** experience a mental health challenge at some point, compared to **20% in the general population** (Meservey and Skowyra 2015).



“When more states keep youth from being unnecessarily confined to access treatment, everyone benefits. Rather than burdening overstretched systems, we can strengthen them while better providing for kids, families and communities.”

— Joseph J. Coccozza, Ph.D., Founder and Former Director,
National Center for Mental Health and Juvenile Justice



“If you only have a hammer, you see every problem as a nail. Given the disproportionately high number of juveniles who enter the system with an unmet mental health need, states and local jurisdictions must change the tools they make available to supervising juvenile probation officers.”

— Erin Espinosa, Ph.D., Research Associate,
Texas Institute for Excellence in Mental Health in the
School of Social Work at the University of Texas at Austin



Reduced the Use of Pretrial Detention

- In 2013, 17,800 youth were detained pending trial in a juvenile facility.
- The population of detained youth turns over during the year.
- Thus, it is estimated that hundreds of thousands of youth may experience pretrial detention on an annual basis.



*“The state's detention centers are a revolving door.
It's clear that our current system is putting too many
juveniles on a path to becoming career criminals.
It's expensive, it's not working, and it's time to change.”*

— Former Police Chief Lloyd Perkins, Skaneateles, New York,
Former President of the New York State Association of
Chiefs of Police



Reduced the Use of Pretrial Detention

Detention can have a whole series of negative consequences:

- Youth who are detained pretrial are more likely to reoffend than youth who are not detained.
- Physical and mental health conditions often worsen during detention.
- Detained youth can face significant challenges reconnecting to school, getting a job, and staying employed.



Reduced Reliance on Facilities and Focused Resources on Community-Based Approaches

- A growing number of jurisdictions are relying less on expensive out-of-home placements or confinement and more on community-based approaches.
- Juvenile justice systems have begun to see the positive financial and developmental outcomes stemming from use of strategies to supervise more youth in the community and reallocate resources to serve more youth at home.



“When we lock up a child, not only are we wasting millions of taxpayer dollars, we’re setting him or her up for failure in the long run. The system as it exists now is unfair to everyone involved and needs to be changed.”

— Senator Christopher Murphy (D-Connecticut)



Reduced Reliance on Facilities and Focused Resources on Community-Based Approaches

Current and pending Raise the Age states have:

- Developed fiscal incentives to expand ways to serve youth locally.
- Shortened lengths of stay in the system.
- Prohibited confinement for certain behaviors.
- Reallocated money saved from facility closures facilities to programs that serve youth locally.



*“Raising the age will not require new detention
or youth incarceration facilities.”*

—Illinois Juvenile Justice Commission



Kept Young People Safe by Complying With the Prison Rape Elimination Act

- An effective juvenile justice approach seeks to keep young people safe, wherever they are in the system.
- The National Prison Rape Elimination Act (PREA) Commission found:
 - Youth incarcerated in an adult facility **are the group most at risk of sexual assault.**
 - Youth **are 50% more likely than other age groups** to report being attacked by an adult inmate with a weapon while confined.



Kept Young People Safe by Complying With the Prison Rape Elimination Act

- The Prison Rape Elimination Act (PREA) of 2003 orders that any individual under the age of 18 who is incarcerated:
 - Must be “sight and sound separated” from adults and placed in a common space away from contact with adults.
 - Not be needlessly isolated simply to comply with PREA.
 - Be given the opportunity for exercise, special education services, and other educational and employment programs.
- Failure to comply with PREA can result in the loss of federal grant funding.



“Raising the age of juvenile jurisdiction furthered the Commonwealth’s efforts to comply with the federal Prison Rape Elimination Act (PREA). This law requires courts and facilities to provide sight and sound separation between adults and juveniles in order to protect young people under the age of 18 from possible rape and sexual assault in adult holding cells and prisons. Costly construction and staffing changes in the adult facilities were not needed in Massachusetts because of the shift of youth under 18 to the juvenile system.”

—Annual Report,
Massachusetts Department of Youth Services 2015



“My staff tries hard, but adult jails cannot prepare 17-year-olds for success. Outside, these kids are juniors in high school. We don’t offer a high school education in the jail. Our staff is not equipped to manage the unique needs of adolescents. And most of the offenders we house have been through the system before—they are not the right peers for 17-year-old children.”

— Sheriff Mike Neustrom and
Director of Corrections Rob Reardon, Lafayette Parish



Improved Juvenile Justice Systems' Management of Resources and Strengthened Strategies To Serve Young People More Effectively

When juvenile justice systems make better use of objective tools, that can assess what a young person might need to move past delinquency, and can analyze what is working in the system to help youth change their behavior, systems can shift to a more cost effective, developmentally appropriate approach.



“What we have found is that changing the culture in the building (i.e., implementing risk/needs assessment tools), they already know that we aren't going to bring certain kids into detention.”

—Henry Upshaw, Adams County
Juvenile Detention Center Administrator, Mississippi



“By minimizing interventions for low-risk youth, juvenile justice systems will avoid the costly and harmful mistake of over-intervening with youth who, with limited systems involvement, will likely age out of their delinquent behavior on their own, and do so without much, if any, further impact on public safety. Fewer interventions for low-risk youth also mean more resources can be devoted to the supervision and services for young people at higher risk for reoffending.”

— Council of State Governments Justice Center



Steps Policymakers Can Take To Successfully Implement Raising the Age

1. Assess what current steps have already been taken to improve a state's approach to juvenile justice and explore opportunities to expand those efforts.
2. Connect with stakeholders in states that have raised the age to understand how they managed the change without increasing costs.
3. Seek out technical assistance on how to continue shifting towards more effective juvenile justice approaches.



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Connecticut Case Study

1. Connecticut in Context
2. Reforms Pave Way for Raise the Age
3. Connecticut Juvenile Justice System “Before” Reforms
4. Connecticut Juvenile Justice System “After” Reforms



Connecticut in Context

- Statewide juvenile justice system across two agencies in two different branches of government.
- Judicial:
 - Juvenile probation and juvenile detention.
 - Contracted services for youth under court supervision.
- Executive:
 - Juvenile training school and parole.
- No county government—169 towns and cities.
- No elected judges.



Connecticut in Context

- Police:
 - 100 local police departments.
 - State police for balance of state.
- Juvenile crime rates dropping since 2007, following national trends.



Connecticut Reforms Pave Way for Raise the Age

- Making diversion a priority.
- Removing status offenders from detention.
- Real efforts to reduce incarceration and recidivism.
- Adoption of risk-reduction frameworks in practice and programming.
- Investment in community services.
- Quality assurance.
- Accountability system.



Before Juvenile Justice Reforms and Raise the Age



Connecticut Juvenile Justice “Before” Reform

- High court intake.
- High detention admissions.
- Emily J. Lawsuit (1993-2007) on detention:
 - Conditions of confinement.
 - Lack of services.
 - Long stays.
- Status offense violators in detention.



Connecticut Juvenile Justice “Before” Reform

- High number of commitments to out of home placement.
- “Non-evidence-based programs.”
- Legislative study found programs “ineffective at reducing recidivism.”
- Few customized services for special populations.
- Estimated 10,000 16- and 17-year-olds in adult system:
 - Low program completion rate.
 - High recidivism rate.

Court Intake Reduction

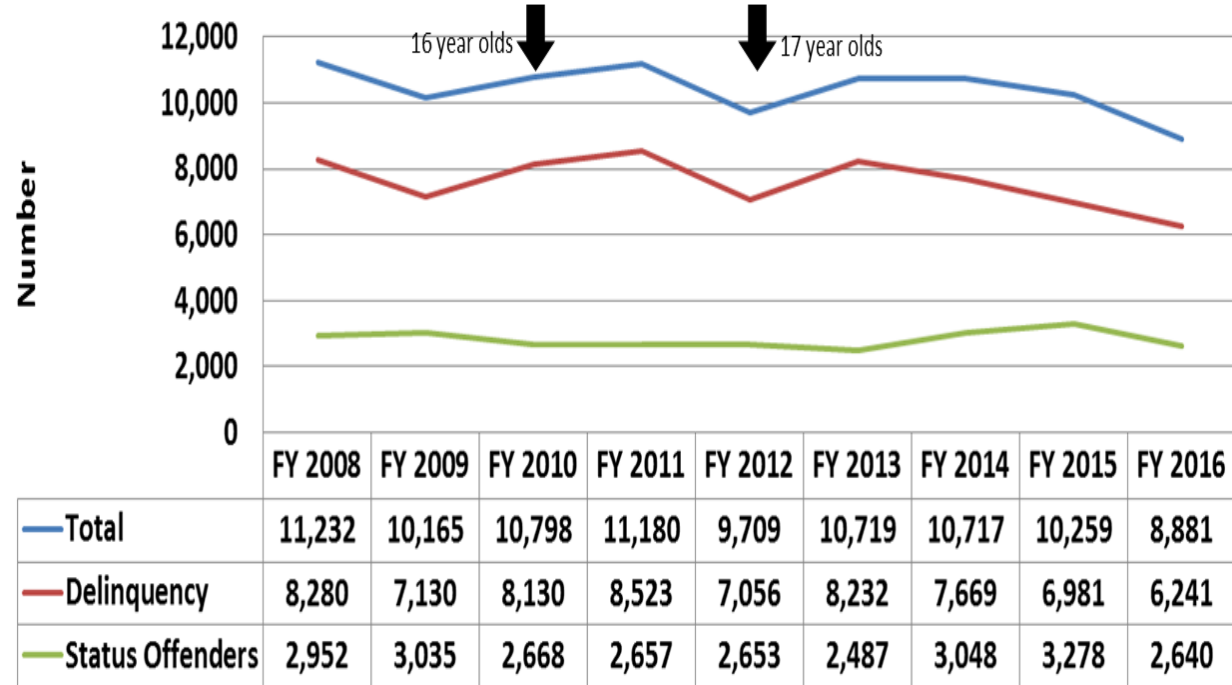
- The number of juveniles referred to the court is down 21% since 2007, despite full implementation of Raise the Age to 18.
- The “anticipated” doubling of the court intake, due to Raise the Age did not happen.
- Shifts in Police and Community Practice occurred.

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**CT Judicial Branch
Juvenile Court Intake
Distinct Count of Juveniles
FY 2007-2016**

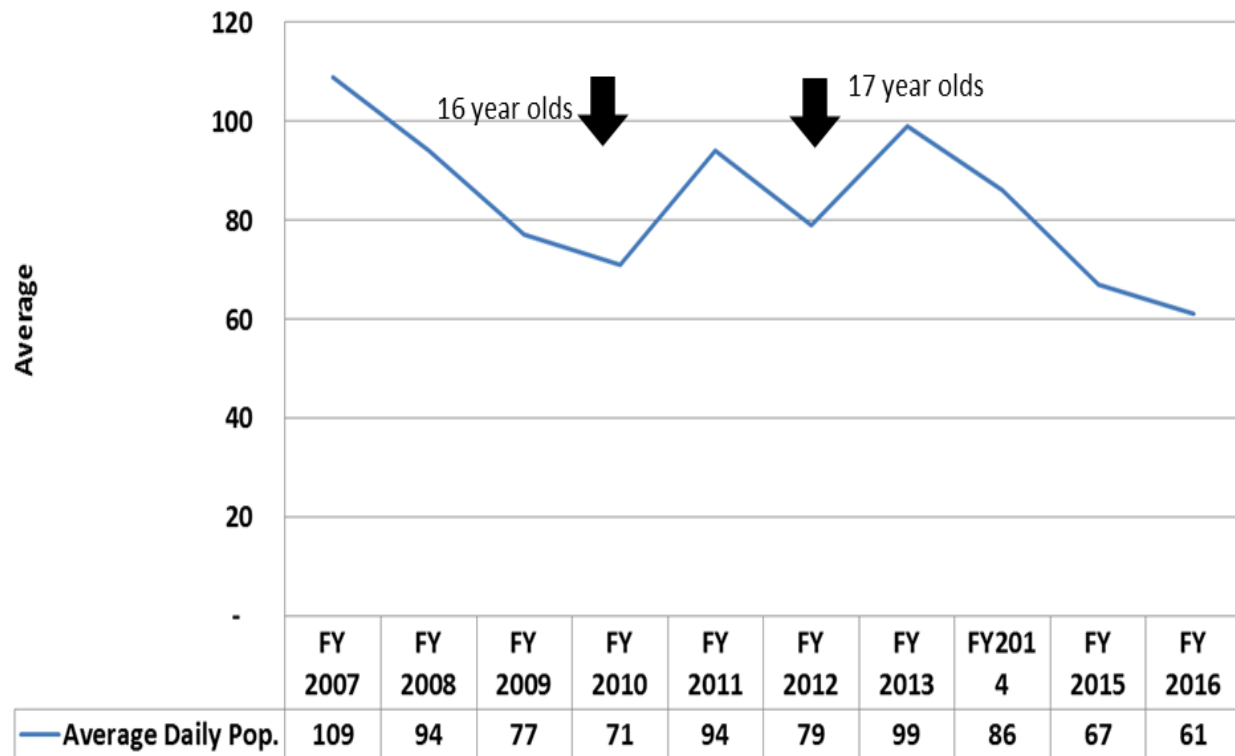


Detention Population Reduction

- There was a 44% decrease in average daily population of State Centers from FY 2007 to FY 2016.
- Today the average daily population is 35 due to new reduction measures.



CT Judicial Branch
Juvenile Detention
Average Daily Population in State Centers
FY2007-2016



Detention Stay Reduction

- There is a 21.4% decrease in the average number of days stayed from FY 2006 to FY 2016.
- Now the average length of stay is 8 days due to change in hearings law from every 14 day to every 7 days.

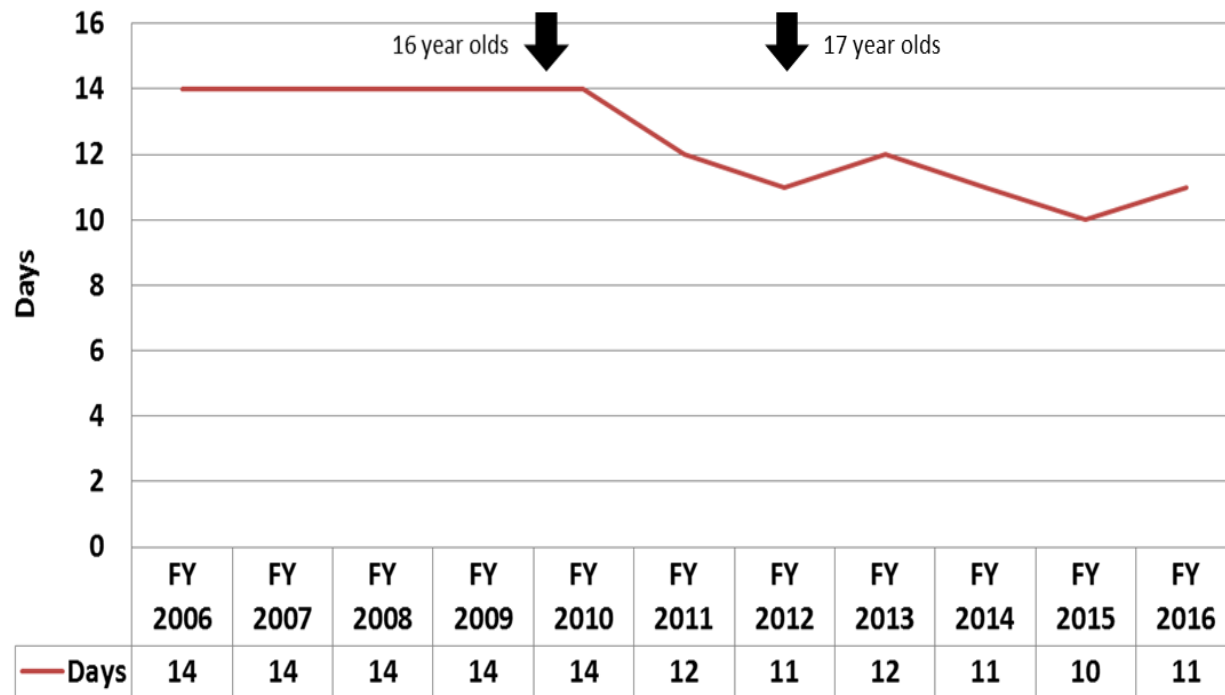
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CT Judicial Branch Juvenile Detention

Average Length of Stay in Days - State Centers FY 2006- FY 2016



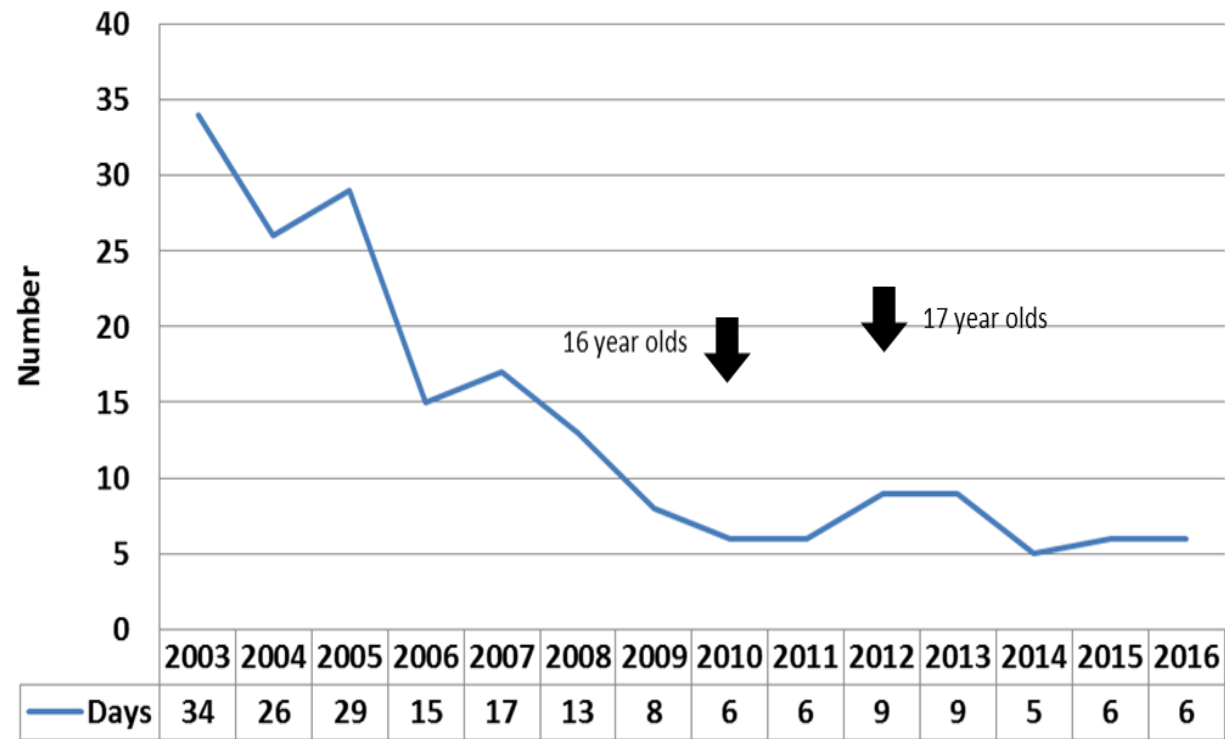
Wait Reduction for Mental Health Evaluation



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CT Judicial Branch
Wait in Detention for Riverview Placement
2003-2016



- There is an 82% decrease in the average wait for mental health evaluations.

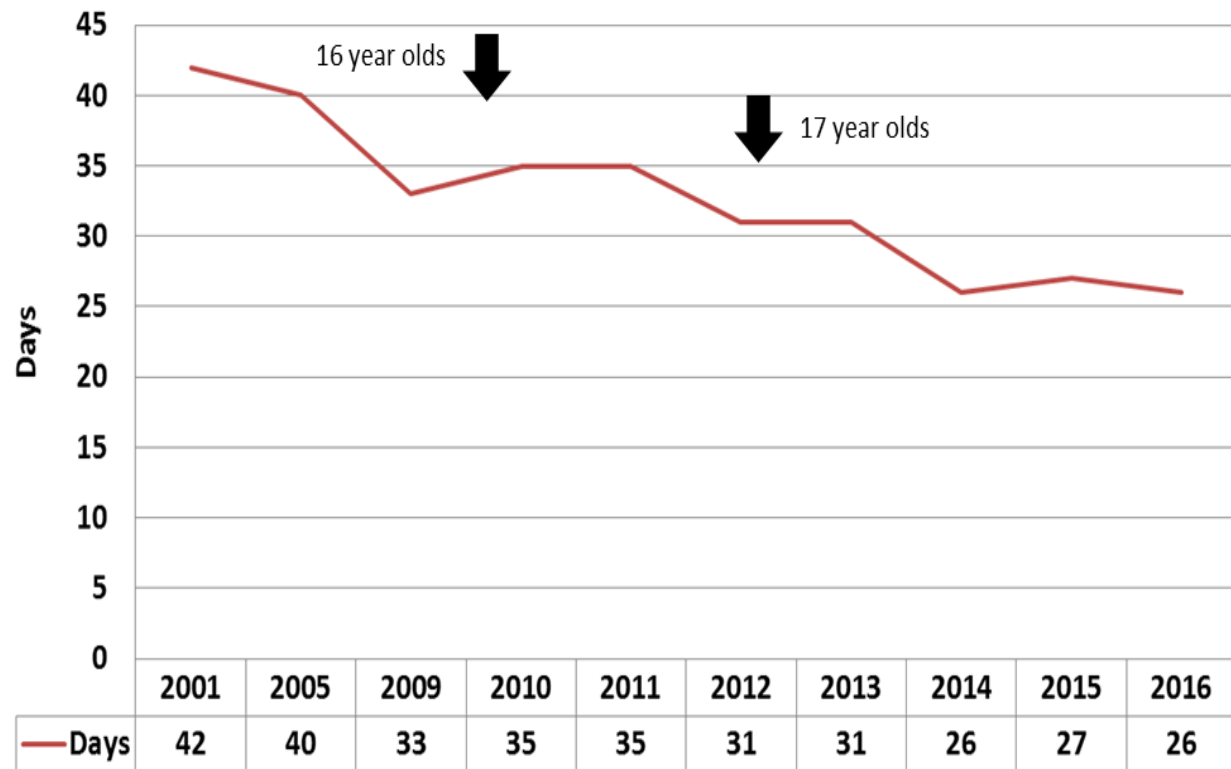
Wait Reduction for Residential Placement



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CT Judicial Branch
Wait in Detention for Residential Placement
2001-2016



- There is a 38% decrease from 2001 and 2016 in the number of days waiting for residential placement.

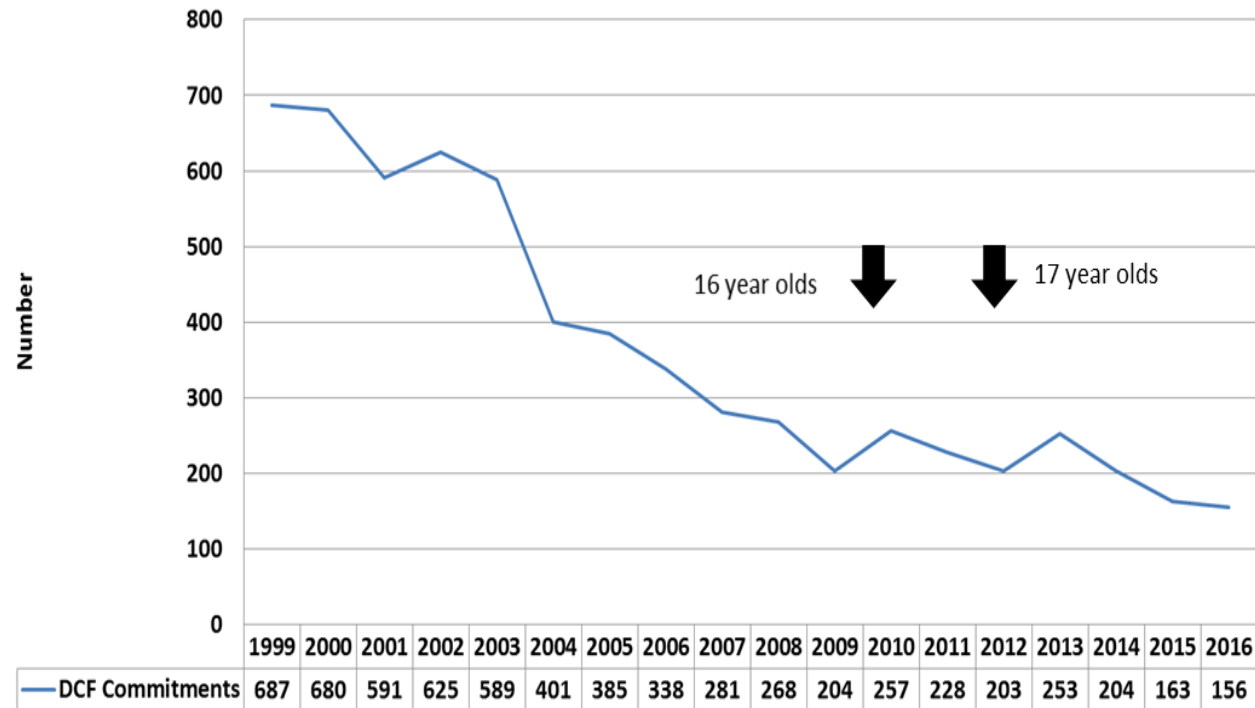
Reduction in Out-of-Home Commitments



Juvenile Justice
Recidivism Prevention
Justice and Safety



CT Judicial Branch
Court Commitments to DCF
Unduplicated Count
1999-2016



Juvenile Probation Reduction in Recidivism

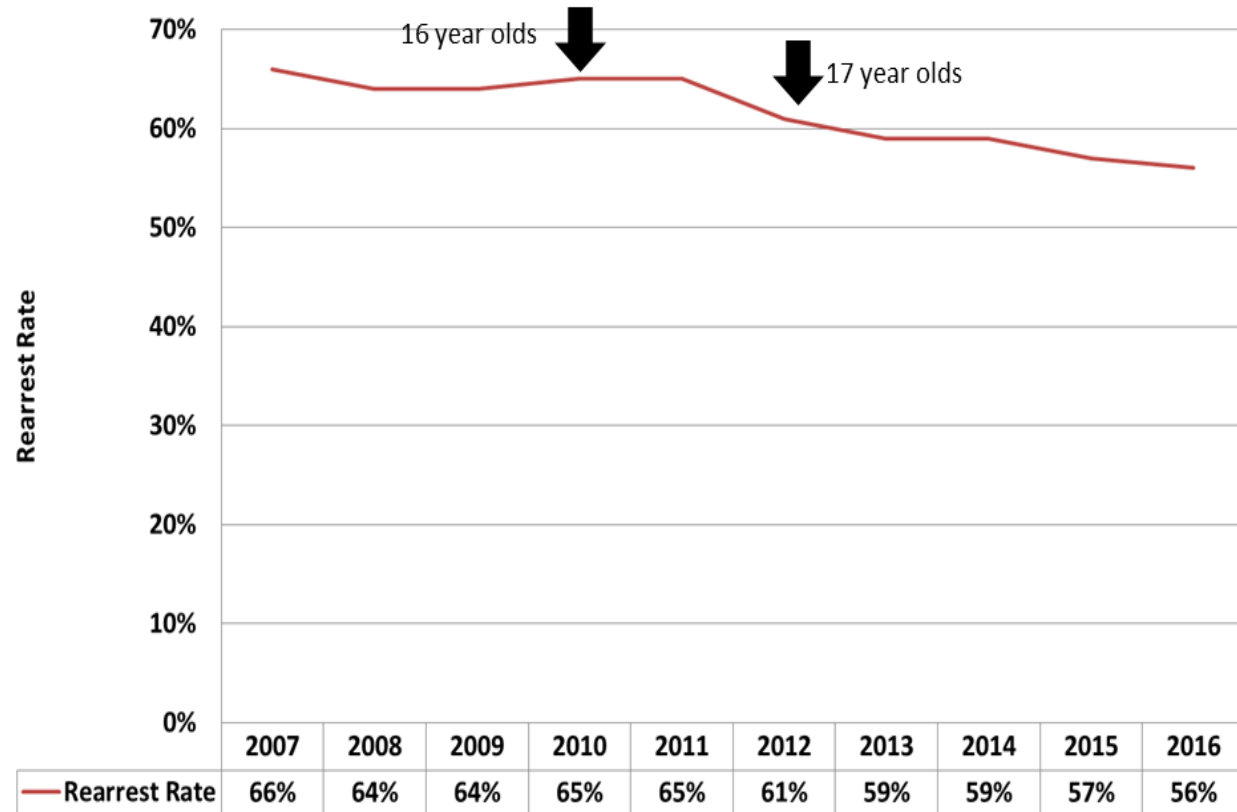
- There was a 15% percent reduction in the 24-month re-arrest rate from 2007 to 2016.

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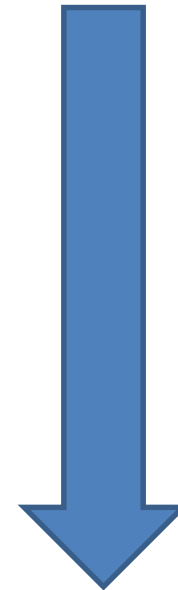
Judicial Branch - Juvenile Probation
2007-2016
24-Month Rearrest Rate





Connecticut Juvenile Justice “After” Reforms Ready for Raise the Age

- Court intake
- Detention intake
- Placement waits in detention
- Commitment to “out of home”
- Juvenile crime rates
- Probation recidivism
- No status offenders in detention





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Resources

PowerPoint Presentation can be obtained on the Tow Youth Justice Institute's websites.

- TYJI Website: www.newhaven.edu/lee-college/institutes/tow-youth-justice-institute/
- TYJI Facebook: <https://www.facebook.com/towyouth/>
- TYJI Twitter: <https://twitter.com/TowYouth>



Presenter Q & A



Marc Schindler, J.D.
Executive Director
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Jason Ziedenisberg, M.S.
Director of Policy and Research
Justice Policy Institute



Marcy Mistrett, M.A.
Chief Executive Officer
Campaign for Youth Justice Tow Youth Justice Institute



William H. Carbone, M.P.A.
Executive Director of
Justice Programs and
Director,



Consider Joining the RTA TTA Center Online Community of Practice (CoP)

The CoP serves as an information hub linking members to:

- Key stakeholders and organizations in the states.
- Local, state, and national nonprofits supporting state efforts.
- Draft policies related to RTA of criminal responsibility.
- Previously published reports related to RTA.
- Other resources often referenced and requested by states.

www.rtatta.org



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 - Organizations in the Seven States
 - National Nonprofits Supporting State Efforts
 - Age of Criminal Responsibility Policies
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Provide Input on the Webinar Series

The RTA TTA Center is developing a five-part webinar series on topics related to the age of criminal responsibility. The first two topics are preplanned. We are hoping the RTA TTA Center Community of Practice members will weigh in on the remaining three webinar topics. We want to hear from you on what you believe are the most relevant topics as you explore the possibility of raising the age of criminal responsibility within your state. Please click on the question mark below to vote on the topics you feel are important to include.

Choices: 1 Forum: 1

Organizations in the Seven States

Visit this section of the site for a list of organizations currently exploring justice policies within each of the seven states with an age of criminal responsibility set under 18.

URLs: 15

National Nonprofits Supporting State Efforts

Visit this section of the site to learn more about national nonprofit organizations supporting state efforts to explore their age of criminal responsibility policies.

URLs: 5

Age of Criminal Responsibility Policies

Visit this section of the site to review draft policies and passed legislation related to raising the age of criminal responsibility.

URLs: 33

Age of Criminal Responsibility Reports

Visit this section of the site to access previously published reports analyzing arrest and disposition patterns of youth through age 17, assessing the capacity of states' juvenile justice systems to absorb 16 and 17 year olds, and forecasting the implications of the policy change.



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- To join the RTA TTA Center CoP, please send an email expressing your interest to RTATTA@air.org
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Please Share Your Thoughts on the Topics for the RTA TTA Center's Remaining Three Webinars

1. Understanding the Real Life Impact: Youth and Family Voice
2. Raising Public Awareness about the Age of Criminal Responsibility
3. Taking Stock of the Future of RTA Efforts Within the States
4. Other Suggestions?

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