

# Center for **Children's** Advocacy

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University of Connecticut School of Law  
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## TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF RAISED BILL 5700 AN ACT CONCERNING JUSTICE FOR ALL CHILDREN March 20, 2006

Good afternoon. My name is Lex Paulson and I am submitting this testimony on behalf of myself, a law student intern at the Center for Children's Advocacy ("CCA" or "Center"), a non-profit organization affiliated with the University of Connecticut School of Law and Attorney Ann-Marie DeGraffenreidt who is also from the Center. The Center provides holistic legal services for indigent children in Connecticut through individual representation and systemic advocacy. Through our TeamChild Project, the Center represents children and youth involved in Connecticut's juvenile justice and adult criminal systems. I will be testifying for CCA in support of Raised Bill 5700, An Act Concerning Justice for All Children.

Raised Bill 5700 amends section 46b-133 of the Connecticut General Statutes to add a requirement that the state and local agencies involved with children and youth in the juvenile justice system develop and pilot objective and race neutral criteria for determining whether a child is placed in detention. We strongly support the development and piloting of race neutral criteria for use when deciding whether a child or youth should be detained. CCA supports this bill because it seeks to address, in a cost effective manner, the disparate treatment experienced by some children and youth in Connecticut's juvenile justice system.

Though difficult for many in this state to accept, Connecticut presents one of the most severe cases of disproportionate minority contact. Though slightly more than one quarter of this state's children and youth are part of a racial or ethnic minority group, African American and Latino children and youth make up almost three quarters of the children and youth in Connecticut's detention centers.<sup>1</sup> It is particularly disturbing that Connecticut has known about this problem for years, but has consistently failed to take any aggressive action to correct it. An extensive report issued by the Juvenile Justice Advisory Committee in 1995, found that minority children and youth constituted 77% of the detention population.<sup>2</sup> The study was repeated in 2001 and it was still evident, even after the passage of eight years, that minority children and youth were "clearly over represented at each decision point" in Connecticut's juvenile justice system.<sup>3</sup>



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<sup>1</sup> Muniz, F. "Out of Balance." [http://ctjja.org/resource\\_category\\_5.html](http://ctjja.org/resource_category_5.html)

<sup>2</sup> Spectrum Associates, "An Assessment of Minority Overrepresentation in Connecticut Juvenile Justice System" May 1, 1995

<sup>3</sup> Spectrum Associates, "A Reassessment of Minority Overrepresentation in Connecticut's Juvenile Justice System," June 5, 2001.

Raised Bill 5700 requires that the Court Support Services Division of the Judicial Branch, the Department of Children and Families, the Division of Public Defender Services, the Department of Public Safety and representatives from the local education agency, and municipal police department, with participation from interested community nonprofit agencies, develop neutral and objective criteria focusing on the risk that the children and youth considered for detention pose to the community. The criteria would be developed using methodology that has previously been proven successful at Juvenile Detention Alternative Initiative (“JDAI”) sites. These sites are part of the Annie E. Casey Foundation’s initiative to develop alternatives to detention that promote community safety while reducing the numbers of children and youth in detention. The JDAI is repeatedly referred to as a crucial development underlying the recent progress in detention reform.<sup>4</sup>

Connecticut has completed the preliminary step of identifying the nature and extent of the disparity between the numbers of minority and white children and youth detained through several studies. In addition to the two studies completed by Spectrum Associates for the Juvenile Justice Advisory Committee, the Commission on Racial and Ethnic Disparity recommended that DCF and CSSD engage in joint efforts to reduce disparity occurring at the detention stage.<sup>5</sup> Connecticut needs to address the issue of disproportionate minority representation in detention because every state study has shown that African American and Latino children and youth are disproportionately represented at this stage in the juvenile justice process.

Piloting the criteria developed by the collaborative efforts of these agencies would allow both the process of the criteria’s development and the effectiveness of the race neutral criteria to be evaluated prior to having either implemented elsewhere in the state. This assures that when this process is deployed to other jurisdictions in Connecticut, the process and the criteria developed through the process achieve their intended goals – reducing disparities in the detention population while assuring that those children that are detained pose a risk to their community.

The development and application of race neutral objective criteria has proven to be an effective tool in reducing disparities in race and ethnicity in at least three (3) jurisdictions. For example, Multnomah County, Oregon (Portland and the surrounding towns) introduced reforms to promote better outcomes for youth, which included objective risk assessment tools, and continued monitoring in this area. Reforms in Santa Cruz County, California and Seattle, Washington have taken similar steps to reduce disproportionate minority contact within the juvenile justice system.

In addition to amending §46b-133 of the Connecticut General Statutes, this bill also amends §53a-171 to ensure that children committed pursuant to the family with service needs or neglect statutes, i.e. §§ 46b-149 or 46b-129, and who run away from their placement are not treated as criminals and charged with escape from custody. This would have no impact on

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<sup>4</sup> See Krisberg, Barry. (2005) “Reforming Juvenile Justice” The American Prospect Special Report. <http://www.prospect.org/web/page.ww?section=root&name=ViewPrint&articleId=10120> Dr. Krisberg, PhD is president of the National Council on Crime and Delinquency

<sup>5</sup> Commission on Racial and Ethnic Disparity (2004), “Annual Report and Recommendations 2003-2004”

the ability to charge children and youth committed to the Commissioner of Children and Families as delinquent under 46b-141 under this section.

CCA wholeheartedly supports Raised Bill 5700 because it seeks to equalize how children and youth are treated at one decision point in Connecticut's juvenile justice system and it also prevents the criminalization of children and youth who are committed to the Commissioner Of Children And Families as either neglected or FWSN. Therefore, the Center for Children's Advocacy requests that this committee vote in favor of Raised Bill 5700.

Respectfully submitted,

Alexander Paulson  
Law Student Intern



Atty. Ann-Marie DeGraffenreidt  
Director, TeamChild Project