

# Center for Children's Advocacy

University of Connecticut School of Law  
65 Elizabeth Street, Hartford, CT 06105

## TESTIMONY OF CARMIA CAESAR, J.D., CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF SECTIONS 1 AND 4 OF RAISED BILL NO. 5521, AN ACT CONCERNING CHILD WELFARE AND THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS

March 19, 2010

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy. I am a staff attorney working at the Center's TeamChild Juvenile Justice Project, representing children in securing appropriate educational programming and improving academic outcomes by reducing high suspension, expulsion, and dropout rates.

We strongly support sections 1 and 4 of Raised Bill No. 5521, An Act Concerning Child Welfare and the Juvenile Justice System and Erasure of Juvenile Records, which will help Connecticut to reduce minority overrepresentation and disparate handling based on race and ethnicity, also known as disproportionate minority contact (DMC), in the juvenile justice and child welfare systems. Raised Bill No. 5521 will reduce DMC by:

1. Requiring a court order before a child can be admitted to detention, a practice that has been shown to eliminate DMC at the point of admission to detention.<sup>1</sup>
2. Requiring state agencies to evaluate the relationship between the child welfare system and DMC in the juvenile justice system and report plans to reduce DMC in both systems.

### I. DMC, WHICH HAS BEEN CONSISTENTLY DOCUMENTED IN THREE STUDIES OVER THE PAST FOURTEEN YEARS, WILL BE REDUCED BY THESE CHANGES

In Connecticut's juvenile justice system, DMC is historically persistent and well-documented. Three studies contracted by the Juvenile Justice Advisory Committee (JJAC) published in 1995, 2001 and 2009 all reflect DMC at a number of points throughout the juvenile justice system.<sup>2</sup> Each of these studies found that DMC occurred at the point when the arresting officer decided whether a child would be sent to a Detention Center.<sup>3</sup> The 2009 study found that police were almost twice as likely to send Black and Hispanic children charged with a serious juvenile offense to a Detention Center as their White peers.<sup>4</sup> These studies also showed that DMC could not be explained by differences in delinquent behavior across racial and ethnic groups.<sup>5</sup>



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<sup>1</sup> DORINDA M. RICHELLELLI, ELIOT C. HARTSTONE & KERRI L. MURPHY, A SECOND REASSESSMENT OF DISPROPORTIONATE MINORITY CONTACT IN CONNECTICUT'S JUVENILE JUSTICE SYSTEM 51 (May 15, 2009); requiring a court order before admitting a child to detention was a specific recommendation of Connecticut's Juvenile Justice Advisory Committee, included in this report at 51.

<sup>2</sup> See *Connecticut's DMC Studies*, at <http://www.ct.gov/opm/cwp/view.asp?A=2974&Q=383632#DMCStudies>. In addition to the arresting officer's decision to send a child to detention, other points where DMC exists include: (1) for non-SJO felonies and misdemeanors, the decision whether to refer a child to court; (2) for non-SJO felonies and misdemeanors, the decision to place a child in secure holding; (3) the decision whether to release a child from detention prior to case disposition; (4) the decision whether to transfer a child to adult court; (5) for children committed to DCF, the decision to place that child in secure or non-secure DCF facilities. RICHELLELLI, *supra* note 1.

<sup>3</sup> RICHELLELLI, *supra* note 1, at 30.

<sup>4</sup> *Id.* at 29.

<sup>5</sup> *Id.* at 30, 6-7.

Despite these well-documented findings over a fourteen year period, the disproportionality persists. Requiring a court order before a child can be admitted to detention will eliminate police discretion at one of the points of contact where DMC has been most prevalent.

## II. DMC IN THE JUVENILE JUSTICE SYSTEM MUST BE ELIMINATED BECAUSE JUVENILE JUSTICE INVOLVEMENT RESULTS IN WORSE LIFE OUTCOMES FOR MINORITY YOUTH.<sup>6</sup>

Youth with a history of detention are:

- **less likely to graduate from high school:** Juvenile detention interrupts youths' education, making it more difficult for youth to receive necessary educational services and making it more likely that youth will drop out of school.<sup>7</sup>
- **more likely to be unemployed as adults:** Partially because of this impact on education, youth who have been detained experience an average reduction of over 25% in their potential work time over the decade following their detention.<sup>8</sup> and
- **more likely to be involved in the juvenile justice system or criminal justice system as adults:** Detention has been shown to be the most significant factor in increasing the likelihood that a child will recidivate.<sup>9</sup>
- **more likely to have depression and suicidal ideations:** Detention has been shown to exacerbate children's pre-existing mental health problems.<sup>10</sup>

## III. DMC IN THE CHILD WELFARE SYSTEM ALSO LEADS TO WORSE LIFE OUTCOMES FOR MINORITY YOUTH.

National studies show that Black children are more likely to be reported, investigated, substantiated and placed in care, stay longer in care and are less likely to be reunified with their families.<sup>11</sup> Across Connecticut's child welfare system, minority youth are disproportionately represented.<sup>12</sup> This disproportionality is evident statewide, as well as in each area office, and at the different levels of the child welfare system. Children who have been involved in the child welfare system are more likely to become involved in the juvenile justice system.<sup>13</sup>

By requiring a court order before a child can be admitted to detention and by requiring state agencies to address the link between DMC in the child welfare system and the juvenile justice system, Raised Bill No. 5521 will help achieve better life outcomes for Connecticut's youth. For the foregoing reasons, we urge the committee to pass Raised Bill No. 5521. Thank you for your time and consideration.

Respectfully submitted,



Carmia Caesar  
Staff Attorney  
TeamChild Juvenile Justice Project

<sup>6</sup> Community Network for Youth, "Fact Sheet," available at [http://www.cjny.org/index.php?option=com\\_content&view=article&id=6&Itemid=14](http://www.cjny.org/index.php?option=com_content&view=article&id=6&Itemid=14); see also Anthony Petrosino et al., *Formal System Processing of Juveniles: Effects on Delinquency*, CAMPBELL SYSTEMATIC REVIEWS (2010); Uberto Gatti et al., *Iatrogenic Effect of Juvenile Justice*, J. OF CHILD PSYCHOLOGY AND PSYCHIATRY 50:8 (2009), 991, 996.

<sup>7</sup> Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities 9* (2006), available at <http://www.justicepolicy.org/content.htmlID=1811&smID=1581&ssmID=25.htm>. One study showed that youth who had been detained had a 15% four-year graduation rate. *Id.*

<sup>8</sup> *Id.* at 10.

<sup>9</sup> *Id.* at 4.

<sup>10</sup> *Id.* at 8-9.

<sup>11</sup> Center for Juvenile Justice Reform, *Racial and Ethnic Disparity and Disproportionality in Child Welfare and Juvenile Justice: A Compendium*, January 2009, available at [http://cjjr.georgetown.edu/pdfs/cjrr\\_ch\\_final.pdf](http://cjjr.georgetown.edu/pdfs/cjrr_ch_final.pdf).

<sup>12</sup> Letter from Heidi McIntosh, Deputy Commissioner, Connecticut Department of Children and Families, to Martha Stone, Executive Director, Center for Children's Advocacy, Inc. 1 (Aug. 13, 2009) (attached).

<sup>13</sup> JESSICA SHORT & CHRISTY SHARP, DISPROPORTIONATE MINORITY CONTACT IN THE JUVENILE JUSTICE SYSTEM 28 (2005).

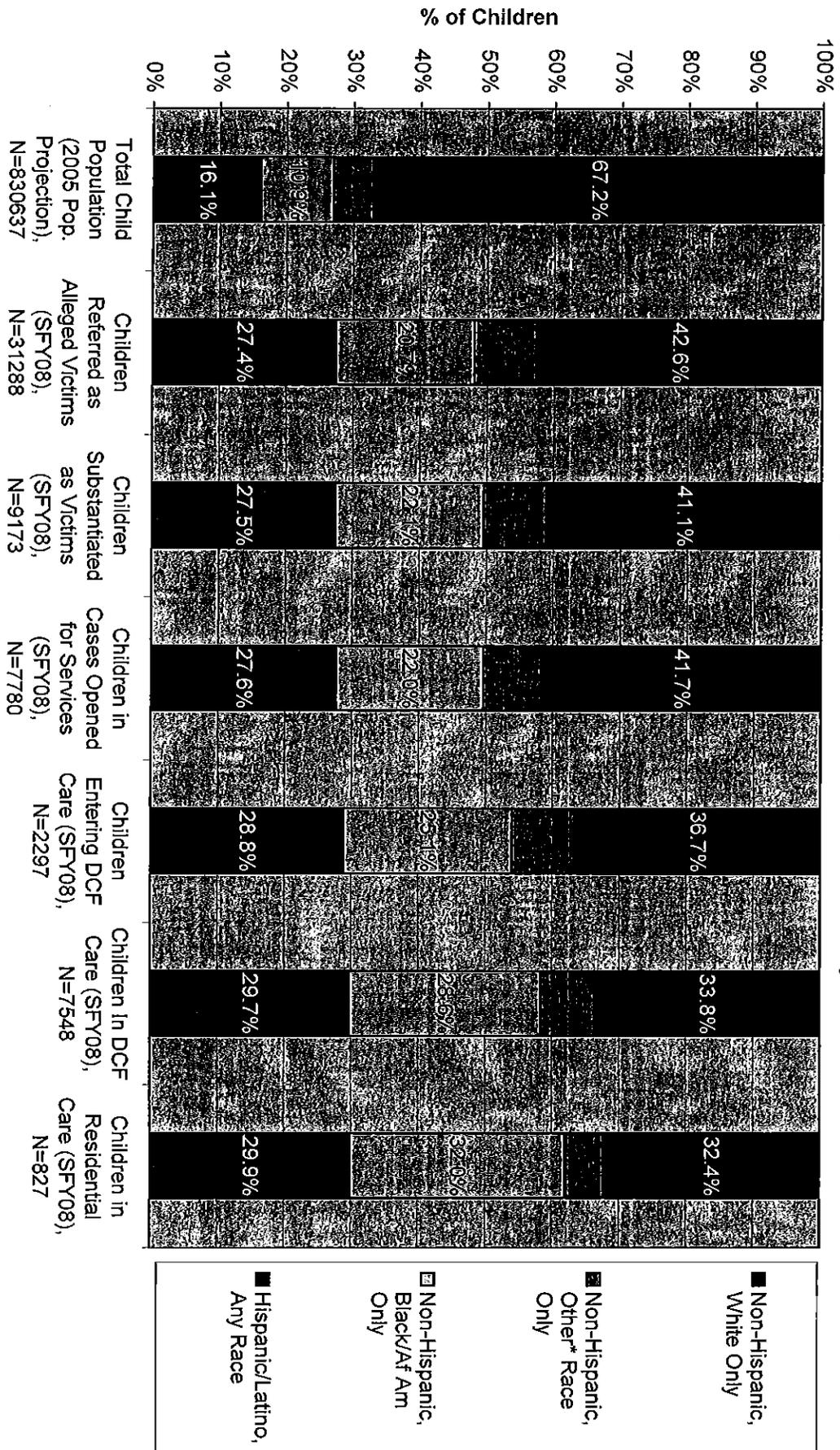
**Percentage of Connecticut children  
apprehended for SJOs and brought to a Detention Center, FY 2006**

| Race of Child | Percentage brought to a Detention Center |
|---------------|--|
| Black         | 47%                                      |
| Hispanic      | 49%                                      |
| White         | 27%                                      |

“Across all three studies, Black and Hispanic juveniles apprehended for SJOs [serious juvenile offenses] were significantly more likely than White juveniles so charged to be transported to a Detention Center and these differences were not neutralized when controlling for other factors.”

From DORINDA M. RICHELLE, ELIOT C. HARTSTONE & KERRI L. MURPHY, A SECOND REASSESSMENT OF DISPROPORTIONATE MINORITY CONTACT IN CONNECTICUT'S JUVENILE JUSTICE SYSTEM 27-29 (May 15, 2009) available at <http://www.ct.gov/opm/cwp/view.asp?A=2974&Q=383632#DMCStudies>.

### Racial/Ethnic Disproportionality Across The CT Child Protection System SFY08: STATEWIDE



\*Other Race includes: American Indian/Alaskan Native, Asian, Native Hawaiian/Pacific Islander, Other, Multi-Racial, and Missing/Unknown/UTD

Data Run Date: Statewide: 2/1/09



DEPARTMENT of CHILDREN and FAMILIES  
*Making a Difference for Children, Families and Communities*



Susan I. Hamilton, M.S.W., J.D.  
Commissioner

M. Jodi Rell  
Governor

August 13, 2009

UCONN School of Law  
c/o Martha Stone, Executive Director  
65 Elizabeth Street  
Hartford, CT 06105

Dear Atty. Stone,

In response to your recent inquiry, we are forwarding a disproportionality analysis ("*State Fiscal Year (SFY) 08 Disproportionality Across the Connecticut Child Protection System by CT DCF Area Office*") completed by the Office for Research and Evaluation in February 2009 that shows the race/ethnicity distribution of cross-sectional slices of child welfare populations based on the child welfare decision stages. Disproportionality reflects the difference between the race/ethnic makeup of the general population of a specific geographic area (e.g. a state) and a served population (e.g. child welfare population of a state). This phenomenon is also referred to as over-(under) representation.

This analysis shows that children of color in Connecticut are disproportionately represented in the child welfare system relative to their presence in the general population of children. This is true at the statewide level and for each of DCF's Area Offices, although the degree of disproportionality differs, reflecting in part well-known patterns of racial segregation in Connecticut.

It is important to appreciate that these empirical patterns do not reveal the processes (or "forces") that produced them. In other words, this analysis describes these patterns but does not explain them. Hence, this analysis should be understood as descriptive, not explanatory.

As you may know, the field of child welfare has in the past several years begun to focus on racial disproportionality in child welfare. Developing and disseminating approaches to measure and summarize these empirical patterns by adopting approaches originating in the fields of epidemiology and demography (e.g. rates, relative risk ratios) has been the field's and Connecticut DCF's first step.

Finally, it is important to provide guidance as to whether and when it is appropriate to conduct additional "risk set" analysis using these data.

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With the exception of the first bar in the graph which shows the race distribution of the Connecticut child population, each bar that follows shows a type of child welfare population, meaning the distribution by race of children subject to the particular child welfare event. The bars represent a "path" in that each successive bar represents a deepening of involvement with the child welfare system. In other words, the "accepted referral/report" bar refers to the process of deciding to investigate a report received by the designated child welfare official; the determination of whether such a report meets grounds for substantiation follows the decision to undertake an investigation.

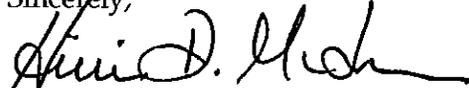
However, progress into the child welfare system is not only organized according to this linear path. Not all children who are removed from home are identified according to this path of report, investigation, and disposition of allegation. This can occur when information and concerns other than those identified in the precipitating report may come to light during the course of the investigation. For example, while investigating a report concerning a specific child, other children at risk may come to light. There may never be a report on these other children, and yet a judge may determine that their safety requires removal from the home. This is but one example of how the "path" into child protective services may be one other than shown in the analysis that follows.

Analytically, this means that children may "enter" the bars shown on this graph through paths other than having experienced the event represented in the preceding bar in the graph. The successive populations are not always subsets of one another (although in some cases they are). For example, not all of the children who "entered DCF care" were referred and substantiated as victims of maltreatment. This fact then identifies analytic opportunities and analytic constraints. A valid analytic opportunity is the comparison of the race distribution represented in each child welfare event bar to the overall child population. This comparison reveals the extent to which the population of children experiencing that event is similar (or not) to the population of children in the general community with respect to race. Additionally, except where the bars are true subsets, it is inappropriate to think of the preceding bar as a risk set from which the event of interest occurs.

I should also note that for purposes of this analysis, "Hispanic" is treated as a race category and persons who are of Hispanic Origin are reported as "Hispanic" regardless of any other race category they may also report. This "consolidation" of the separate concepts of race and Hispanic ethnicity is necessary in order to meet statistical analytic principles.

I am looking forward to future conversations regarding the data, our analysis, and system improvements.

Sincerely,



Heidi D. McIntosh  
Deputy Commissioner

yd/HDM