

TESTIMONY OF CHARISA A. SMITH, ESQ.

*Coordinator, NY Task Force on Racial Disparities in the Juvenile Justice System
Consultant to the Community Justice Network for Youth
Of the W. Haywood Burns Institute
10 W. 135th St., Apt. 10T
NY, NY 10037
charisasmith@gmail.com
(609) 902-1675*

**MARCH 19, 2010
BEFORE THE CONNECTICUT GENERAL ASSEMBLY**

Good afternoon. My name is Charisa Smith, and I am speaking in support of Raised Bill No. 5521, *An Act Concerning Child Welfare and the Juvenile Justice System and Erasure of Juvenile Records*. I am the Coordinator of The New York Task Force on Racial Disparities in the Juvenile Justice System. We are a group of concerned community leaders committed to holding New York's juvenile justice system accountable for policies and practices that unfairly target youth of color. The Task Force demands that public agencies routinely collect data disaggregated by race, ethnicity, gender, geography and offense at every decision-making point; that they analyze data for racial disparities, and that data be shared with communities to jointly develop policy changes that lead to fairness and equity. In this position, I am a consultant for The Community Justice Network for Youth (CJNY),¹ a program of the W. Haywood Burns Institute.

I have worked in juvenile justice for eight years, after seeing a heartbreaking film by the Rosalynn Carter Center about the severe mental health needs of youth in detention. Seeing young people immersed in emotional turmoil, met with barbed wire and concrete walls, changed my life. I am still flabbergasted that in this great nation, children are locked up and shipped far away when they have social service needs and a lack of opportunities at home.

I firstly support Raised Bill No. 5521 because requiring a court order before a child can be admitted to detention is a positive step towards reducing racial disparities.² Requiring state agencies to evaluate the relationship between racial disparities in the child welfare system and the juvenile justice system and to report plans to reduce disparities is also crucial.

To clarify, the term "racial disparities" addresses disparate treatment of White youth and Youth of Color. The term "Disproportionate Minority Contact" (DMC) is

¹CJNY is comprised of 140 community-based programs, grassroots organizations, service-providing agencies, residential facilities and advocacy groups in 21 states.

²DORINDA M. RICHELLE, 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.

less widely applicable, and deals with the number of Youth of Color represented in the justice system out of proportion to their presence in the general population.

The U.S. Office of Juvenile Justice and Delinquency Prevention publicizes racial disparity information for each state (at http://www.ojjdp.ncjrs.gov/ojstatbb/cjrp/asp/State_Race.asp). In 2006, 23% of CT youth in residential placement were White, 44% of youth were Black, 29% of youth were Latino, 0.6% were Native American, and 3% were "Other" race or ethnicity.³ These racial disparities are unacceptable given the fact that a CT DMC study^{4, 5} and a U.S. Department of Health survey show that youth of all races report equal amounts of delinquency. Youth of color comprise 38% of the youth population in the U.S., yet comprise nearly 70% of those who are confined.

Racial disparities are a direct result of the decision-making processes of individuals in the juvenile justice system. A 2009 CT DMC 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.⁶ The decisions of prosecutors, probation officers, detention center officials, and judges, are also responsible for racial disparities. Across the country, low-level offending youth of color and poor youth who come in conflict with the law are detained even when they do not pose a public safety risk. This is because the decision to detain is often based on perception or a lack of alternative programs.⁷

The federal government recognized in 1992 that youth of color are treated differently by the justice system, and amended the Juvenile Justice and Delinquency Prevention Act (JJDP) in an attempt to promote policies to address such disparities. Despite this, youth of color continue to be arrested, charged and incarcerated more than White youth for similar conduct, and are overrepresented at every decision-making point in the juvenile justice system.⁸

Racial disparities can be resolved if met with political will, determination, leadership and technical assistance. Detention is one of the best points to focus on because it has such a strong impact on life chances and choices for youth. Detaining fewer youth will lead to *equality and better outcomes for youth and public safety*.⁹

³ Sickmund, Melissa, Sladky, T.J., and Kang, Wei. (2008). *Census of Juveniles in Residential Placement Databook*, at http://www.ojjdp.ncjrs.gov/ojstatbb/cjrp/asp/State_Race.asp.

⁴ See *Connecticut's DMC Studies*, at <http://www.ct.gov/opm/cwp/view.asp?A=2974&Q=383632#DMCStudies>.

⁵ *Id.* at 30, 6-7.

⁶ *Id.* at 29.

⁷ *Fact Sheet*, Burns Institute website, <http://www.burnsinstitute.org/article.php?id=55>.

⁷ Burns Institute website, <http://www.burnsinstitute.org/article.php?id=55>.

⁸ *Fact Sheet*, Burns Institute website, <http://www.burnsinstitute.org/article.php?id=55>.

⁹ Burns Institute website, <http://www.burnsinstitute.org/article.php?id=55>.

Raised Bill No. 5521 is also a critical measure because it provides for the automatic erasure of a child's records in several key circumstances. Juvenile court and police records are highly damaging to a youngster's life, despite the common assumption that they are private or difficult to access. Today, with professional "data mining companies," juvenile records can be easily accessed by any employer or other party willing to pay for this information.

From 2006 to 2008, I served as an attorney at the Legal Aid Justice Center's JustChildren Program, in Richmond, VA. I have explained the harsh consequences of accessible juvenile police and court records in my 2008 report, *Juvenile Reentry in Richmond: Barriers, Cost Savings, and Giving Youth a Second Chance*. Barriers to successful reentry of youth from incarceration to the community include a lack of access to public and other housing; difficulties with school reenrollment and educational services; and obstacles resisting bias in employment. Once a youngster has a juvenile or criminal record, s/he faces the difficult task of having to decide whether to report an offense to potential educators, programs, and employers.

A recent CT OLR Research Report cited a study which found that juvenile delinquency between age 14 and 17 imposes \$ 83,000 to \$ 335,000 on the public. Manson Youth Institution costs \$65,855 per year per youth. CT pays this much to expose each vulnerable child to months spent far from home, with an increased likelihood of reoffending upon their release. Contrastingly, a University of New Haven study involving juvenile offenders in Bridgeport in 2005 and 2006 revealed that only about 14.7% of youth in a mediation program reoffended, compared with 33% to 36% of offenders who did not go through the program.¹⁰

With the passage of Raised Bill No. 5521, court-involved children will gain the chance to turn their lives around when surrounded by positive adults and peers, developmentally appropriate programming, and the chance to dream and find their way. The bill's measures to eliminate racial disparities will show youth that CT's enlightened government and citizens truly care about what happens to at-risk youth. If more of us challenge ourselves to see potential in every child, regardless of their skin color, economic situation, or brush with the law, CT can lead the nation not only in juvenile justice, but in positive life outcomes for youth.

¹⁰ Study: *Program Cuts Juvenile Crime Recidivism*, THE BOSTON GLOBE, Jan. 21, 2010.

