March 19, 2010

RAISED BILL NO. 5521
AN ACT CONCERNING CHILD WELFARE AND THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS

Good Afternoon Senator McDonald and Representative Lawlor and distinguished members of the Judiciary Committee. My name is Merva Jackson; I'm a citizen of CT, a parent, the Executive Director of African Caribbean American Parents of Children with disabilities (AFCAMP), Chair of the Hartford Juvenile Justice Committee, member of CT Juvenile Justice Strategic Plan Executive Implementation Team and Appointed member of the Commissioner on Racial and Ethnic Disparity in the Criminal Justice system.

I'm here to testify in support of Raised Bill No. 5521, *An Act Concerning Child Welfare and the Juvenile Justice System and Erasure of Juvenile Record. The passing of this bill*, 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.

For many years as a parent and an advocate I have personally witness the overwhelming amount of youths from urban communities and youths with disabilities are referred to the JJ system for minor infractions that youths in suburban and surrounding communities do not get jj records for.

This issue prompts AFCAMP to begin to research the cause in order to effectively advocate for an appropriate solution to the problem. Our organization along with several community groups (faith, civic, police, provider, DCF, CSSD, schools and cultural) in Hartford collaborate in an effort to develop a solution to the problem. Together we designed the HTFD Juvenile Review Board to prevent children/youths ages 8-16 from unnecessarily entering the JJ system. This model was replicated in Bridgeport and New Haven with funding allocated in the Governors 2006 budget. For the first time in CT we are finally looking at effective ways to eliminate Disproportionate Minority Contact (DMC).

Yet, despite these efforts many youths who did not or do not have access to JRB are faced with negative consequences when charged with low level juvenile conviction. Many of these youths are faced with trauma, difficulty in school, difficulty gaining employment, joining the military or access to resources to assist them to obtain a college education that will help to move them from poverty to becoming productive tax paying citizens.
Raised Bill No. 5521section 2 and 3 will:
Provide automatic erasure and destruction of juvenile records for children convicted of statutory non serious juvenile Offenses.

Section 1 and 4 will:

- 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.[1]
- 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.

Why is reducing DMC important?
DMC in the juvenile justice system remains a major problem in Connecticut:

- In Connecticut's juvenile justice system, **DMC is historically persistent and well-documented.** 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.[2]

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[1] DORINDA M. RICHETELLI, 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.
[2] See *Connecticut's DMC Studies, at* http://www.ct.gov/opm/cwp/view.asp?A=2974&Q=383632#DMCStudies.

- 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.[3] 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.**[4]
- These studies also showed that **DMC could not be explained by differences in delinquent behavior** across racial and ethnic groups.[5]

DMC in the juvenile justice system results in worse life outcomes for minority youth

- Youth with a history of detention are **less likely to graduate from high school, more likely to be unemployed as adults, and more likely to be involved in the criminal justice system as adults.**[6]
- Detention has been shown to **exacerbate children's pre-existing mental health problems.**[7]

The prevalence of 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.[8]
- Across Connecticut's child welfare system, minority youth are disproportionately represented.[9]
- Children who have been involved in the child welfare system are more likely to become involved in the juvenile justice system.[10]

I urge you to take a serious look at the issue and as lawmakers and advocate do the right thing by giving these children and youths a fair opportunity for success and a positive productive future.

Thank You,
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[3] RICHETELLI, *supra* note 1, at 30.
[4] *Id.* at 29.
[5] *Id.* at 30, 6-7.
[6] Community Network for Youth, "Fact Sheet," available at 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.
[7] Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities* (2006), available at http://www.justicepolicy.org/content-hmID=1811&smID=1581&ssmID=25.htm.
[8] 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/cjjr_ch_final.pdf.
[9] 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).
[10] JESSICA SHORT & CHRISTY SHARP, DISPROPORTIONATE MINORITY CONTACT IN THE JUVENILE JUSTICE SYSTEM 28 (2005).