



MARCH 19, 2010 TESTIMONY OF
THE CONNECTICUT JUVENILE JUSTICE ALLIANCE
FOR THE JUDICIARY COMMITTEE
REGARDING

HB 5522: AN ACT CONCERNING JUVENILE MATTERS
AND

HB 5521: AN ACT CONCERNING CHILD WELFARE AND THE JUVENILE JUSTICE
SYSTEM AND ERASURE OF JUVENILE RECORDS

Senator McDonald, Representative Lawlor, and distinguished members of the Judiciary Committee: This testimony is submitted by Lara Herscovitch, Senior Policy Analyst at the Connecticut Juvenile Justice Alliance (Alliance). The Alliance is a statewide, non-profit organization that works to reduce the number of children and youth entering the juvenile and criminal justice system, and advocates a safe, effective and fair system for those involved.

1. The Alliance supports HB 5522 Sections 7 through 14, which includes technical and other changes recommended by the Juvenile Jurisdiction Planning and Operations Coordinating Council (JJPOCC) as necessary for the effective, continued implementation of "Raise the Age" legislation PA 09-7, which moved most 16 year-old offenders into Connecticut's juvenile justice system starting January 1 of this year (17 year-olds will follow in July 2012). As a member of the JJPOCC, the Alliance can attest to the highly collaborative discussion and planning amongst the major system stakeholders: DCF, the Judicial Branch, the Attorney General's Office, prosecutors, local law enforcement, public defenders, and advocates.

2. The Alliance also supports HB 5521, which would address Disproportionate Minority Contact (DMC) in the state's juvenile justice system, legislating two recommendations of the Governor-appointed Juvenile Justice Advisory Committee:

- Neutral third-party approval for all juvenile detention facility admissions, and
- Annual reports from designated agencies on DMC-related plans and progress.

HB 5521 would also provide for automatic erasure and destruction of juvenile records for children convicted on low-level juvenile offenses (i.e., non SJOs), helping them transition from system involvement to a positive, productive future.

2A. HB 5521 Sections 1 and 4 – Disproportionate Minority Contact (DMC)

The Alliance believes that all young people should be held accountable for their behavior, in a way that is fair and equal – they should be treated the same, regardless of race or ethnicity. When kids of color are over-represented and are treated more harshly because of race and ethnicity, DMC exists. Federal law requires states to document DMC and create plans to stop it.

The Juvenile Justice Advisory Committee (JJAC), a governor-appointed committee that oversees the distribution and use of federal funds under the Juvenile Justice and Delinquency Prevention Act in Connecticut, has come up with a number of recommendations to eliminate this disparate treatment based on race or ethnicity – the changes in HB 5521 are two of them.

We know where DMC exists in Connecticut's juvenile justice system; solid research informs the recommendations in HB 5521. Through contractor Spectrum Associates, Connecticut's Juvenile Justice Advisory Committee has conducted three intensive studies of DMC in the juvenile justice system over the past two decades (published 1991, 1998, 2009). The research compares

5522
5521

decisions made on arrest, confinement, and conviction, controlling for factors like a child's prior juvenile system involvement and socioeconomic status. The analysis shows the existence, or absence, of DMC at specific "decision points" across the system. This helps us determine what specific steps we can take to alleviate any disproportionality found.

The first study (1991) found (among other things) that Black and Hispanic juveniles were 2½ to 3 times more likely to be placed by police in a juvenile detention center than White juveniles. Because of overcrowding in detention facilities, Connecticut practice was changed to require approval by a judge to admit a child accused of a misdemeanor or non-SJO felony offense into a juvenile detention center (the practice was not changed for SJO offenses). The next study (1998) found that DMC had been eliminated at that decision point (i.e., detention admission for misdemeanors and non-SJO felonies). However, **Black and Hispanic juveniles accused of SJOs were still 2½ times more likely to be detained** than White juveniles accused of SJOs, and they still are: the third study (2009) showed that police were almost twice as likely to place Black and Hispanic juveniles accused of SJOs in a detention center. Again, this difference in how young people of color are treated is not explained by any other reason beyond DMC: the research controls for a child's family background, criminal record, and numerous other variables (studies and other information on DMC available at www.ctJustStart.org).

Simply adding an objective, additional set of eyes to a decision eliminated the DMC in detention admissions for non-SJO offenses. HB 5521 Section 1 would extend the requirement of a court order to Serious Juvenile Offenses.

2B. HB 5521 Section 4 – Improved Reporting on DMC

A second important recommendation of the JJAC is to require all agencies with decision-making power in the juvenile justice system to report annually (to OPM, which administers the JJAC) on plans and progress in addressing DMC. This is a critical step towards understanding disparity in our system on an ongoing basis, which would complement the intensive DMC research conducted every seven years.

2C. HB 5521 Sections 2 and 3 – Automatic erasure and destruction of juvenile records

Sections 2 and 3 provide for automatic erasure and destruction of juvenile records for children convicted on statutorily defined non-Serious Juvenile Offenses. This will help eliminate the unintended negative consequences of a low-level juvenile conviction and help young people transition from system involvement to a positive, productive future. For example, records that have been destroyed cannot be used against a person in their efforts to secure employment, join the military, or access Pell grants. Procedures would remain intact for Serious Juvenile Offense convictions: a four-year waiting period and court hearing before records can be erased.

Juvenile court records are already confidential; however, youth can still suffer harm when these records are not erased: (1) Employers and colleges increasingly ask for self-reported juvenile system involvement; (2) Reporting can occur unintentionally, especially when private criminal record databases gain access to records; (3) Research on the "labeling" effect suggests that a youth's self-perception as a delinquent, as well as others' perception of the youth as a delinquent, can lead to an increased likelihood of future offending.

Thank you for the opportunity to present this testimony. Please let me know if you have any questions or would like additional information.