



Catalyst for Community Change

APRIL 1, 2011 TESTIMONY OF  
REGIONAL YOUTH ADULT SOCIAL ACTION PARTNERSHIP  
FOR THE JUDICIARY COMMITTEE  
REGARDING

**RAISED HB 6634: AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS**

**AND**

**RAISED SB 1223: AN ACT CONCERNING THE RESPONSIBILITIES OF A PARENT OR GUARDIAN OF A CHILD CONVICTED AS DELINQUENT**

Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee: This testimony is submitted by Robert Francis, Executive Director of RYASAP, the Regional Youth Adult Social Action Partnership. RYASAP works to create healthy communities free of the harm caused by child and adolescent substance abuse, crime and violence, with local and statewide programs in juvenile justice advocacy, youth and young adult leadership development and prevention of adolescent alcohol, tobacco and other drug use through community organizing. **RYASAP is the lead agency for the DCF/CSSD Local Interagency Service Team (LIST) for the Bridgeport Juvenile Court and for the Bridgeport Juvenile Review Board.**

**RYASAP supports Raised HB 6634**, which addresses Disproportionate Minority Contact (DMC) in the state's juvenile justice system. In particular, we emphasize our support for **Sections 1 and 6, which have been previously analyzed by OFA to require no fiscal expenditures to attain.** These would implement two recommendations of the Governor-appointed Juvenile Justice Advisory Committee:

- (Section 1) Neutral third-party approval for all juvenile detention facility admissions, and
- (Section 6) Annual reports from designated agencies on DMC-related plans and progress.

**RYASAP opposes Raised SB 1223**, which would require the parent or guardian of a child or youth involved in the juvenile justice system to (1) attend any court hearing related to the delinquency, and if they cannot, be punishable with a contempt of court charge, and (2) participate in and pay for the cost of care, treatment and rehabilitation for a child who has been convicted delinquent.

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RYASAP 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 use of federal funds under the Juvenile Justice and Delinquency Prevention Act in Connecticut, has carefully designed recommendations to eliminate this disparate treatment based on race or ethnicity – the changes in Raised HB 6634, Sections 1 and 6, are two of them.

We know where DMC exists in Connecticut's juvenile justice system; solid research informs the recommendations in HB 6634. 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 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](http://www.ctJustStart.org)).

Simply adding an objective, additional set of eyes to a decision eliminated the DMC in detention admissions for non-SJO offenses. **Raised HB 6634 Section 1** would extend the requirement of a court order to Serious Juvenile Offenses.

**Raised HB 6634 Section 6** contains a second important recommendation of the JJAC, to require all agencies with decision-making power in the juvenile justice system to **report annually 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. Reporting would be to OPM, which administers the JJAC.

**Raised HB 6634 Sections 2-3** provide for automatic erasure and destruction of juvenile records for children convicted on statutorily-defined non Serious Juvenile Offenses. This proposal would help eliminate the unintended consequences of a juvenile conviction by ensuring that records are erased and thus not accessible to anyone. RYASAP supports the proposal but believes it can wait until there are adequate financial resources to accomplish the goals. Implementing the proposal would require expensive adjustments to the Judicial Branch's computer and data systems.

**RYASAP OPPOSES Raised S.B. 1223**. It would require a parent or guardian to (1) attend any court hearing related to delinquency charges against his/her child, and make failure to attend punishable as contempt of court, and (2) participate in and pay for the cost of care, treatment and rehabilitation for a child who has been convicted delinquent. In 2008, Connecticut passed Public Act 08-143, which requires that proposed bills are assessed based on possible racial impact. Given the fact that racial injustice, known as DMC, has been consistently researched and demonstrated to exist in numerous parts of our state's juvenile justice system, RYASAP believes this bill would disproportionately and negatively impact communities of color. We cannot support any legislation that would unfairly impact parents of color more than white parents. Giving criminal charges to a parent who cannot attend a child's hearing because s/he cannot take time from work, is unfair and unjust. Similarly, it puts poor families cannot afford to pay for their child's needed treatment, at a major – and unjust – disadvantage.