



TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE
FEBRUARY 21, 2013
FOR THE CHILDREN COMMITTEE
SUPPORTING RAISED H.B. No. 6399
AN ACT CONCERNING CHILDREN IN THE JUVENILE JUSTICE SYSTEM

Sen. Bartolomeo, Rep. Urban, and members of the Children Committee, thank you for the opportunity to testify today. My name is Lara Herscovitch, I am the deputy director of the Connecticut Juvenile Justice Alliance – a statewide, nonprofit organization working to reduce the number of children and youth entering the juvenile and criminal justice systems, and advocating a safe, effective and fair system for those involved.

The Alliance supports HB 6399 because it will: A) limit the use of shackles and other mechanical restraints on children in court, B) provide credit for time served in detention awaiting placement to DCF; and C) provide for automatic erasure of juvenile records.

Sec 1. Mechanical restraints should not be used on a child in court as a matter of course.

This section would prohibit the use of shackles, handcuffs and other mechanical restraints on a child charged with a delinquency offense during a court proceeding, unless a judge determined that the child presented a danger to public safety. In most of the state's juvenile courts, children are routinely shackled for court appearances, despite no indication that they will attempt to run away or be uncooperative. They are almost always required to wear ankle chains. In some cases, they are also made to wear handcuffs that are attached to a chain wrapped around their waist. These children are as young as 9 years old and are often charged with misdemeanors or violations of probation. We believe this is completely counter to the best interests of the child, and instead humiliates and punishes them for crimes for which they have not been adjudicated delinquent.

Sec. 2. Children committed to DCF should receive credit for the time they spend in detention awaiting placement.

Sentencing for delinquent children in Connecticut can be a lengthy process, and children are not always placed in a timely manner. Disposition often requires mental health evaluations, some of which have waiting lists. Many of the Department of Children and Families' residential facilities have a backlog of children waiting to get in. As a result, even after being committed by the court to DCF, children can still spend weeks, sometimes months, waiting in a detention facility for their placement.¹ Because this time in detention does not count towards their commitment, it means additional weeks and months spent away from their communities and homes. This unfairly and unnecessarily extends their punishment above and beyond what the court finds necessary, and also disproportionately affects kids of color and girls. Giving children credit for this time does not mean the child's therapeutic needs won't be met: if at the end of a child's commitment, DCF finds that the child has further needs, it has the ability to extend the length of commitment to meet them.

¹According to CSSD's most recent data, of the children committed delinquent to the DCF, African Americans waited an average of 64 days in detention before starting a DCF residential program; Hispanics 59, Caucasians 52.

Sec. 4b-c. Records should be automatically erased for FWSN and juvenile delinquency (non-Serious Juvenile Offenses).

This bill would provide for *automatic* erasure and destruction of juvenile records for Families With Service Needs (FWSN) youth and those children convicted of non-SJOs, after two years without any additional convictions. The juvenile justice system is intended to be rehabilitative and give youth a second chance. Automatically erasing the records of former juvenile offenders will help to ensure that they can all benefit equally from these functions. This proposal would help eliminate the unintended consequences of a juvenile conviction by ensuring that records – and the stigma they carry with them – are erased and thus not accessible to anyone. (Note: the proposed bill does not change erasure procedures for juveniles convicted of Serious Juvenile Offenses, who will still have to wait four years and petition.)

This would significantly improve current practice, which is not automatic. Today, juvenile records can be erased, but only after a manual request is filed, and even then the requests are not granted 100% of the time. Many families are unaware they can have their records erased, and among those who do, are often unaware of the process. This creates vast racial/ethnic and socioeconomic disparities between which children do and do not get their records erased.

Thank you for your time. I am happy to answer any questions now or at your convenience.

Alliance member organizations:

AFCAMP, Center for Children's Advocacy, Center for Effective Practice, CHDI Children's Community Programs, Connecticut Association for Human Services, Connecticut Legal Services, Connecticut Voices for Children, Connecticut Youth Services Association, Community Partners in Action, FAVOR, FSW, NAMI-Connecticut and the Keep the Promise Coalition, Office of the Chief Public Defender, Office of the Child Advocate, RYASAP, The Tow Foundation, The Village for Families and Children