



**TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE  
FOR THE JUDICIARY COMMITTEE  
MARCH 30, 2015**

**IN SUPPORT OF:  
RAISED S.B. NO. 1127 AN ACT CONCERNING MANDATORY MINIMUM SENTENCES FOR  
CHILDREN TRIED AS ADULTS**

**RAISED H.B. NO. 7042 AN ACT CONCERNING THE PLACEMENT OF CHILDREN BY THE  
COMMISSIONER OF CHILDREN AND FAMILIES**

**RAISED H.B. NO. 7050 AN ACT CONCERNING THE JUVENILE JUSTICE SYSTEM**

Sen. Coleman, Rep. Tong, and members of the Judiciary Committee, thank you for the opportunity to testify today. My name is Abby Anderson, I am the Executive Director of the Connecticut Juvenile Justice Alliance – a statewide, nonprofit organization working to stop the criminalization of Connecticut’s children and youth, and advocating a safe, fair, and effective system for those involved. In alignment with that mission, the Alliance strongly supports SB 1127, HB 7042, and HB 7050.

**S.B. 1127 Mandatory Minimum Sentences For Children Tried As Adults**

This bill would permit a trial judge, in adult criminal court, to sentence a child between the ages of 14 and 17 to a period of incarceration that is less than the mandatory minimum for that crime, if the child demonstrates good cause for that treatment. It would be in line with Connecticut’s commitment to treating juveniles who are accused of crimes as the children they are, taking into account their developing brains and their unique potential for rehabilitation.

Everyone can learn and change. This is especially true of children and teens, which is why courts and legislatures across the country are embracing the notion of individualized sentencing for juveniles. Any parent knows that an otherwise thoughtful, caring teen can sometimes make inexplicably risky, dangerous or harmful choices. Research this state knows well and bases its juvenile justice policies upon, confirms that teen brains are different from adult brains, leaving them less able than adults to regulate their emotions, more likely to act impulsively when with peers or for immediate rewards, and less able to consider potential long-term consequences.

If we are convinced of the undeveloped nature of a child’s mind, his or her diminished culpability and the immense potential for rehabilitation and success, it makes no sense to then require that those same children be treated like adults and subject to harsh mandatory-minimums.

It is illegal in Connecticut for a child of 14 to drive, drink, smoke, vote, enter into contracts or work full-time. It is mandatory, however, for that same child to be sentenced to at least 5 to 10 years in prison, depending on the crime, regardless of any individual characteristics

of that child, his background, his family history, his mental health or the circumstances of the case. Giving judges the discretion to consider the youthfulness of an offender, a sentence to less than the mandatory minimum, is consistent with the United States Supreme Court's *Miller v. Alabama* ruling, and with the state's pending Second Look legislation.

## **H.B. 7042 Placement Of Children By The Commissioner Of Children And Families**

This bill would eliminate the ability of the Commissioner of Children and Families to transfer a child in his or her care to the Department of Correction. Connecticut law provides for a child who has committed a serious crime to be transferred to the adult criminal justice system. This is the only circumstance where a child under the age of 18 should be held in an adult prison. A child committed as delinquent, neglected or abused should never be moved to an adult correctional facility when that child has no adult charges.

Currently, the Department of Children and Families can use an adult prison as a backup plan when a child committed to its care is difficult to manage. This is unacceptable. If a parent tried to send their child to prison for being difficult, DCF would be called. Unfortunately, children already in the care of DCF aren't afforded the same protection.

We can all agree DCF has a difficult job. Many of the children who end up in DCF care have complex, often traumatic, histories whose families and schools could not provide services that successfully treated their behavioral and mental health needs. But it is DCF's job to help all children in its care, especially the ones who are hard. If DCF does not have appropriate services or programs in place, that is a failure of the system, not the child. So why should the child suffer in adult prison, where he or she will almost certainly be kept in isolation? A transfer to a prison, even for a short time, allows the state to give up and tells a child and a family that they cannot be helped. It serves no other purpose than to punish and contain. We owe our children, our families, and our communities better than that.

## **H.B. 7050 Juvenile Justice System**

### **Section 1**

Connecticut and national best practice in the last decade has been to limit the number of youth who are tried in adult court. To that end, the proposal to make the transfer of B felonies to adult court discretionary is consistent with Connecticut's Raise the Age reforms and the pending Second Look legislation. We know that public safety and the best interest of the child are most effectively served in the juvenile justice system where there are services and treatment available. In the cases where transfer is appropriate, the court would still have the ability to do so.

The Alliance would also like to see the lower age for transfer to the adult court raised from 14- to 15-years of age. As aforementioned, there has been a movement to limit number of youth who are tried in adult court. This is in response to research showing lower recidivism rates when youth are kept in the juvenile system, brain research deepening our

understanding of youth behavior, and their amenability to rehabilitation. Also, the transfer law in Connecticut was written when the age of jurisdiction was 16. We raised that age, so it follows intellectually that we would raise the transfer age.

### **Section 3**

This would establish the Juvenile Justice Policy Advisory Committee as a permanent, legislatively appointed body and would expand the committee's areas of review. This is an important step to ensure that stakeholders in the juvenile justice system continue to have a venue to discuss reform and policy initiatives. It also mandates that important data points are collected, analyzed and reported to the legislature and the public. This creates a transparent system that is accountable to both lawmakers and the public.

The Alliance also supports the minor changes the Tow Youth Justice Institute at the University of New Haven proposed in their testimony.

### **Section 4**

Legislation will make sure that shackling reform in Connecticut is permanent. After releasing figures that showed 75 percent of the children appearing in our state's juvenile courts were restrained in some way, the Judicial Branch took action by creating an internal policy to place reasonable limits on shackling. Fewer children are being shackled today than were just a few months ago. This is an enormously positive development, and the branch deserves credit for making it happen. But policies can be changed at will. Unless shackling reform becomes law, there is no guarantee that the reform will stick – particularly should leadership in the branch change. Shackling kids indiscriminately is wrong. It will still be wrong 10 years from now. The legislature has an obligation to protect today and tomorrow's children.

By passing these bills we would declare that in Connecticut we care about all children, even those accused of committing crimes. Thank you for your time.

### **Alliance member organizations:**

AFCAMP, Center for Children's Advocacy, Center for Effective Practice, CHDI, Connecticut Junior Republic, Connecticut Legal Services, Connecticut Voices for Children, Connecticut Youth Services Association, Community Partners in Action, FAVOR, LifeBridge Community Services, NAMI Connecticut, 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