



TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE
FOR THE JUDICIARY COMMITTEE MARCH 23, 2016

HB NO. 5642 AN ACT CONCERNING
THE RECOMMENDATIONS OF THE JUVENILE JUSTICE PLANNING AND
OVERSIGHT COMMITTEE

Senator Coleman, Representative Tong and members of the Judiciary Committee: My name is Abby Anderson; I am the executive director of the Connecticut Juvenile Justice Alliance. The Alliance is a statewide public policy and advocacy organization dedicated to stopping the criminalization of Connecticut's children. We believe in prevention to keep children from entering the system and best practice and policy to ensure that children who do enter the system are treated safely, fairly, and effectively, so that they can succeed.

We strongly support HB 5642, which includes the recommendations of the Juvenile Justice Policy and Oversight Committee. We are also supporting the governor's Second Chance Act; my colleague will testify about that bill. The two bills are closely related, however, the reforms this bill proposes for the system will help it to become as small, safe, fair, effective and efficient as possible so that it will be ready to include the older cadre of youth.

Five members of the Alliance Steering Committee as well as the Alliance executive director are appointed members of the JJPOC. We are grateful for the opportunity to work as part of this body and are proud of the reports and recommendations it has made to date. This legislation sums up months of work to understand what best practices, policies and research tell us can be done to continue Connecticut's profoundly important juvenile justice efforts. The existence of the JJPOC and the multi-system, multi-stakeholder support for these important policy recommendations is a testament to the state's commitment to being a leader in juvenile justice system design, delivery and implementation. We believe that this legislation flows organically from the work the state has already done through previous reforms and is necessary to continue the reductions in the juvenile justice system's size. These proposals will reduce the number of youth who enter the system and ensure that only those who pose a serious risk to public safety are detained or held in secure custody. This bill, also, very importantly, codifies in statute what the state already practices, which is that the juvenile justice system is rehabilitative not punitive. This legislation would remove from statute the phrase "punish the child" as one of the goals and roles of the juvenile justice system.

We do, of course, understand that the current fiscal situation may mean that not every recommendation in this bill is possible to pass this year. **We respectfully request the Committee to look at this bill closely and pass the portions that require no expenditures and can move the work of reform and the JJPOC forward. Much of the work talked about in this bill requires time for planning and preparation. This should continue so that when the financial situation changes the state is ready for implementation.**

This testimony will highlight several critical elements to this bill. I'd like to start by referencing information that came out of a poll commissioned by a national organization, Youth First, to examine the attitudes of Connecticut residents around youth crime and punishment. This poll surveyed 500 adults at the end of January 2016. It found that a clear majority (79%) of adults in Connecticut support shifting the youth justice system from incarceration and punishment to prevention and rehabilitation. This includes 87% of Democrats, 77% of Independents, and 71% of Republicans.

72% of those polled agreed with the statement, "Teaching youth who commit an offense to take responsibility for his or her actions does not require incarceration."

61% were in favor of a policy proposal that would: Close youth prisons and redirect the savings to community-based programs including intensive ones designed for youth who pose a serious threat to public safety.

Importantly, support for these ideas is very similar for people who say they or their immediate families have been victims of crime and for those who haven't been crime victims.

This poll information is important because the proposals in this bill focus on making the juvenile justice system more safe, more fair and more effective – in other words, better at preserving public safety. Systems, policies and practices focused on punishment don't work.

Three elements of this bill directly relate to this philosophy.

Current Connecticut statute states that one role of the Superior Court is to enforce orders appropriate to "punish the child." Section 7 of this bill would replace "punish the child," with "provide individualized supervision, care, accountability and treatment in a developmentally appropriate manner."

The Alliance is very pleased to see this proposal as part of the legislative package. When the juvenile court was created at the turn of the last century, the whole point was to recognize that children and adults are different and to create a system focused on rehabilitation. Research, science and best practice show that using the juvenile justice system for punishment does not result in better outcomes for public safety or youth themselves. Programs based on punishment and retribution against the child are also more expensive than those based on rehabilitation.

Let me be very clear. Removing the term "punish the child" does not remove the intent or ability for the juvenile justice system to hold the child accountable for his or her actions. "Accountability," as you heard, is still prominently included in the definition. Research and best practice show that the most effective, efficient ways to deal with even the more serious juvenile offenders are the ones that hold him or her accountable while providing individualized programming and treatment. There is a difference between simply being punished and being held accountable in a way that helps you understand why past behaviors were wrong, why you acted in that manner and how to avoid similar mistakes in the future.

Joint DCF and JJPOC plan for the closure of CJTS by July 1, 2018

The Alliance has spoken on this topic frequently and recently submitted testimony to the Children's Committee regarding HB 5135 that includes our full position. Incarceration should be used ONLY in those rare cases when public safety is at risk, not to satisfy a retributive impulse against a child for his or her offenses. Let me reiterate CT residents' agreement with the statements that holding youth accountable does not require incarceration and dollars currently used for incarceration should be redirected to alternative programming even for serious offenders. Again, we can hold a young person accountable, impose consequences and provide rehabilitative treatment/programming to reduce the risk of reoffending in all but rare cases, outside of secure confinement. DCF's internal policy and practice changes have led to a significant decrease in the population at CJTS in the past year. The state does not need as many juvenile prison beds as it now has and cannot afford to move on to more effective and cost efficient ways to work with youth who are committed delinquent, so long as it has the \$53 million a year burden of operating CJTS.

HB 5642 calls for DCF and the JJPOC to jointly create and submit plans to replace CJTS. **We strongly believe in a joint planning process as closing our training school represents a major shift in policy and practice.** This shift will require input/buy-in and support from the judicial branch, education systems, workforce development systems, providers and others who sit at the JJPOC table. A joint planning process will maximize knowledge and efficiency.

We have also heard arguments that CJTS should remain open in case future reforms, such as raising the age to 21, cause a "need" for more secure beds for juveniles. Science and best practice show that youth prisons, "training schools," are not effective for addressing recidivism or rehabilitating youth. The research and science hold true for those whom our statutes may define as youth in the future.

The Alliance will continue to be clear that closing CJTS must lead to a net LOSS of total secure beds. The plan must include a full continuum of services and programs, all of which must be individualized in terms of risk level and needs. When CJTS does close, some of the savings MUST be reallocated to support the alternative continuum of services, programs and facilities to ensure positive youth outcomes and public safety.

While this legislation includes the closure of the Pueblo Unit for girls at CJTS by July 1, 2018, the extremely low number of girls who have been committed there, as well as best practice showing individualized, wrap-around treatment plans being most effective for these youth have led us to call for a much faster closure of that unit, preferably by the end of 2016.

Reducing detention population

This legislation makes significant changes to detention policy and practice that others have outlined. These include:

- Reducing the reasons a judge can detain a juvenile to include only those cases where a youth is a threat to public safety, a risk not to appear for his or her court date or being held for another jurisdiction under the interstate compact.
- Cutting in half the time between court hearings from 14 to 7 days, meaning a child's case will be reviewed more often and he/she will have the opportunity to be released more quickly.
- Requiring that a child can only return to detention on a violation of a court order if the violation is the result of the child committing a crime.

Local and national research shows that admission to detention is a significant risk factor/indicator of later incarceration in juvenile prison. Therefore it is in everyone's best interest to continue reducing detention population and length of stay. There is more we can do, especially as the **JJPOC work group's data analysis showed that the changes proposed here could eliminate as many as 40% of admissions to detention.** Some youth are in detention because of the court's concern about the child's potential risk to harm him or her self, or for the child's safety in their home. These are not delinquency issues, and children shouldn't be locked in detention if their family is unsafe or if they are experiencing a mental health crisis. New protocols, practices and memorandums of agreement will need to be created to ensure the courts, youth and families have access to the services they need so that detention is no longer the default because "we have to do something for the child and this is our only option." The time period outlined here gives the agencies time to do that work.

Additional elements of the bill we'd like to highlight:

Data

Create a permanent JJPOC data subcommittee

This will facilitate standards and consistency to ensure easy, regular data sharing and analysis across agencies and branches involved with juvenile justice – creating universal policies to protect confidentiality, etc.

Diversion

Amend C.G.S. §46b-120(5)(D) to remove truancy and defiance of school rules as family with service needs (FWSN) offenses from the jurisdiction of Superior Court and to amend policies and procedures concerning truants (C.G.S. 10-198a)

The courts exist to deal with youth who have committed offenses that represent a risk to public safety. A child who is not attending school is certainly displaying a behavior that we'd like to change, but is not a risk to public safety. These children and their families should not be the responsibility of the juvenile court, but the responsibility of local school districts and community providers. When schools have exhausted their resources, services could be provided by other, non-court involved organizations or systems within local communities. The expertise and responsibility of the court is to reduce criminogenic risks. Asking the court to work on school attendance issues requires them to spend time and money that could otherwise be spent actually addressing the needs of high risk youth, which should be the sole focus of the juvenile court. We know that court involvement can lead to more delinquency for low-risk youth.

Education

This section of the legislation addresses three recommendation areas:

- Reduce chronic absenteeism by initiating truancy intervention models, addressing exclusionary school discipline practices, and adopting restorative justice models.
- Ensure educational supports at each stage of the juvenile justice system including youth diverted from court, placed on probation, incarcerated, or reentering the community.
- SDE, DCF, DOC and Judicial should address the education deficiencies of the juvenile justice population by increasing interagency collaboration, monitoring and accountability in order to improve service delivery and system outcomes.

Research clearly shows that educational failure is a strong risk factor for juvenile justice system involvement. The first recommendation calls for the State Department of Education, DCF and CSSD to work together with Local Education Authorities to maximize the diversion of youth from the juvenile justice system. The next two look to increase the educational opportunities and success of youth within the juvenile justice system, a key element in their ability to fully participate in their communities and the economy throughout their lives.

Mental Health

The JJPOC and the Children's Behavioral Health Implementation Team Advisory Board shall establish a joint committee

Such committee will ensure the planning, communication and coordination between the two groups, look at reimbursement strategies to incentivize providers to provide evidence based practices to juvenile justice involved youth, ensure at-risk youth have access to the full continuum of mental health services to prevent juvenile system involvement, etc. The work of these two groups individually is important for the best interests of youth, families, communities and the state's budget. The more collaboration across systems and committees, the better, so that limited state resources are most effectively allocated and utilized.

Enhance juvenile justice infrastructure and integration to address the behavioral health needs of all youth, including those who are involved or at risk of involvement with the juvenile justice system

Any practitioner within the juvenile justice system will tell you that there are many youth who end up in the juvenile justice system who needed behavioral health system interventions instead. These services aren't always available to families or youth as a result of insurance status, geographic area, culture, race or ethnicity or other factors. As with the above recommendation, a system that, while honoring confidentiality and privacy laws, integrates information and infrastructure, will serve families and youth most effectively, leaving fewer youth without services that could have prevented juvenile justice involvement or escalation.

Recidivism

- Adopt and adhere to an empirically supported recidivism reduction framework for the juvenile justice system.
- Appoint a neutral agency to annually track, analyze and report on recidivism of all youth. Such reports should be shared twice annually with the JJPOC.
- Collect and report baseline data on the number and rate of arrests in secure and congregate care facilities by risk, race and gender.

Critical to any juvenile justice system reform – or work in any area – is continual quality improvement. We need to know where we are doing well and where we can do better. The key way to monitor the success of a juvenile justice system – where the goal is rehabilitation and to preserve public safety – is to measure recidivism. These provisions create systems and reporting requirements that ensure regular, transparent reporting and address specific areas the recidivism subcommittee determined to pay special attention to, including arrests from secure and congregate care facilities.

The work of the JJPOC to date has been extraordinary and far-reaching. These recommendations serve to move Connecticut farther down the path of innovative juvenile justice system philosophy and programs that have brought it national prominence. The Alliance strongly supports all of these recommendations on their own merit, but especially in light of the governor's call to raise the age to 21 over the course of the next 4 years. The policy and practice changes outlined in this legislation are necessary to make the juvenile justice system as safe, fair, effective and small as it can be so that the inclusion of an additional cadre of youth is possible and successful.

Thank you for the opportunity to submit this testimony.

Alliance member organizations:

AFCAMP, Center for Children's Advocacy, Center for Effective Practice / CHDI, Children's Mental Health Connecticut, Connecticut Legal Services, Connecticut Voices for Children, Connecticut Youth Services Association, Community Partners in Action, FAVOR, LifeBridge, Office of the Chief Public Defender, Office of the Child Advocate, RYASAP, The Tow Foundation, The Village for Families and Children