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COMMITTEE ON THE JUDICIARY
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TESTIMONY OF CHRISTINE PERRA RAPILLO
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RAISED BILL 5642
AN ACT CONCERNING THE RECOMMENDATIONS OF THE
JUVENILE JUSTICE POLICY OVERSIGHT COMMITTEE

The Office of Chief Public Defender (OCPD) supports passage of **Raised Bill 5642, An Act Concerning Recommendations of the Juvenile Justice Policy Oversight Committee (JJPOC).** These proposals are the culmination of many hours of hard work from the members of the JJPOC and staff of many state agencies. OCPD staff co chaired the workgroup to reduce recidivism.

One goal of the JJPOC was to make recommendations to decrease the incarceration rate of juveniles in Connecticut. **Sections 1** through **4** make changes to how accused delinquent children are admitted to and released from juvenile detention. This proposal would require that the Judicial Branch develop a risk assessment screening to be used in making detention decisions, allow the detention center staff more authority to release a child prior to court, and amends the criteria for detention set out in C.G.S. Sec. 46b-133. ***Raised Bill 5642*** would limit detention to situations where the court has 1) found probable cause for the charges alleged 2) a strong probability that the child will commit additional crimes 3) a need to hold a child for another jurisdiction, or a risk that the child will not appear for court because of prior failures to appear. OCPD supports efforts to limit the incarceration of youth by tightening the grounds for admission into detention. The use of a validated risk assessment screen, along with providing the detention staff with the ability to release children before a court hearing has been shown to

markedly decrease the number of children in secure detention without impacting crime. (JDAI) However, the language should be added to ensure that the information provided to the staff to complete the screen is protected under C.G.S. Section 46b-124(j). While a risk score will not incriminate a detained youth, the answers given to the questions in the screen very well may solicit information about the instant crime or circumstances that could lead to deeper involvement in the court system. The risk scores can be shared with the court but the answers should be protected, particularly since they are solicited while the youth is in custody but before they have had a chance to consult with counsel.

Section 5 would establish case review teams to review cases where a child was to be charged with a violation of probation. Currently, case review teams are used to assess whether all available community based resources have been exhausted prior to probation recommending that a child be committed to DCF and removed from the community. This Agency is not opposed to case review teams but would ask that language be added to ensure that the child's confidentiality rights are protected. Connecticut Practice Book Section 3-9(e) continues the appearance of counsel in a juvenile matter through the end of any sentence imposed, including probation. The inclusion of any outside provider or individual must be preceded by a release from the child and parents and the consent of and presence of counsel for the child.

Section 7 makes fundamental changes to the statutory mission and purpose of the juvenile court. It maintains all the accountability but eliminates "punish the child" in favor of provide individualized supervision, care, accountability and treatment in a manner consistent with public safety to such child. This phrase more accurately reflects the philosophy of our current juvenile court and the growing body of law and science that recognizes that children should be held accountable in therapeutic and rehabilitative manner.

Section 8 calls for the closure of the Connecticut Juvenile Training School and the Pueblo Unit for Girls by July 1, 2018. The Office of Chief Public Defender wholeheartedly supports the closure of both troubled facilities. The physical plant of CJTS is completely inappropriate for rehabilitating troubled children. Connecticut has spent too much time and money attempting to make the facility softer and more therapeutic, to no avail. As the population of committed youth has declined the facilities have become a financial abyss. It is past time for this legislature to take the brave step to mandate the closure of these facilities. At the same time, the state must provide a community continuum of rehabilitative and therapeutic alternatives to CJTS and Pueblo.

The proposal contains a number of recommendations for CCSD, DCF and the State Department of Education to take steps to improve educational outcomes for juvenile justice youth. The most dramatic change recommended is to eliminate truancy from the list of status offenses under the jurisdiction of the juvenile court. Local schools and SDE would be responsible for

developing truancy prevention programs to replace the court intervention. OCPD supports all of these efforts but recognizes that some compromises must be made in light of the current budgetary issues. This Agency is particularly concerned with the recommendation in section 16 that counsel be provided to all students subject to expulsion. OCPD has neither the expertise nor the funding to be the supervising authority for those attorneys.

Sections 33 through **36** reflect the JJPOC recommendations relating to the reduction of recidivism in Connecticut's juvenile justice system. Tracking recidivism among juvenile offenders had proved difficult in Connecticut. There is not a commonly agreed upon definition of recidivism among juvenile justice agencies, and DCF and CSSD do not track the same data points. While CSSD can provide some recidivism data, there is currently little or no baseline data on recidivism for DCF. This proposal would require that all agencies servicing the juvenile justice system adopt an empirically supported recidivism reduction framework, make efforts to reduce arrest, restraint and seclusion in facilities serving juvenile justice youth and regularly report on recidivism to a neutral agency designated by OPM. OCPD fully supports these recommendations.