Office of Chief Public Defender
State of Connecticut

30 TRINITY STREET, 4TH FLOOR
HARTFORD, CONNECTICUT 06106
TEL (860)509-6429
FAX (860-509-6499
susan.storey@jud.ct.gov

ATTORNEY SUSAN O. STOREY
CHIEF PUBLIC DEFENDER

TESTIMONY OF CHRISTINE PERRA RAPILLO
DIRECTOR OF DELINQUENCY DEFENSE AND CHILD PROTECTION
OFFICE OF CHIEF PUBLIC DEFENDER

COMMITTEE ON THE JUDICIARY
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RAISED BILL 427, AN ACT CONCERNING CHILDREN IN THE JUVENILE JUSTICE SYSTEM AND GUARDIANSHIP APPOINTMENT

The Office of Chief Public Defender supports passage of **Raised Bill 437, An Act Concerning Children in the Juvenile Justice System and Guardianship Appointments**. Although in support, the Office does have concerns in regard to the fiscal impact of Section 2 upon the agency should it be adopted.

Section 1 would grant time credit to children who are held in juvenile detention facilities pretrial or predisposition and are subsequently sentenced to a delinquency commitment with the Department of Children and Families. The concept has been raised many times in the past but has been opposed by both the Judicial Branch and the Department of Children and Families in years past. Judicial and DCF have claimed that giving a child credit for time served is inconsistent with the rehabilitative nature of the juvenile system. It is true that the juvenile court provides significantly more rehabilitation services that than the adult correctional system. However, detaining a child in a locked facility is a deprivation of a constitutionally protected liberty interest. Children who are accused of crimes should receive credit for all the time they spend detained.

Release dates for juveniles should be calculated taking into account the time a youth spent in detention to ensure that the youth is able to reintegrate into their community as quickly as possible. Recently, the Department of Children and Families adopted a protocol for release of youth from CJTS and the Pueblo Unit. It gives the youth a release date early in the commitment, based on an assumption that the youth will maintain good behavior. The protocol recognizes

recent studies that show young people benefit most from a short, targeted period of confinement and a return to their community with appropriate supports to ensure safety and success[1]. There is no reason not to include time served in detention when determining the best release date for a committed youth.

This proposal is especially important, since detained children who exercise their constitutional right to have a trial will always be incarcerated for more than the maximum penalty allowed by statute. In In Re: Jusstice W. 308 Conn 652 (2012), the Connecticut Supreme Court took away a child's right to plea bargain the length of confinement when the sentence in a delinquency matter is to be a commitment to the Department of Children and Families. Children have no choice but to take the maximum sentence, 18 months at the Connecticut Juvenile Training School. If they exercise their right to have a trial, they most often sit in detention and none of that time counts towards their sentence. Since this legislature passed P.A.12-1 in the June Special Session, children cannot even choose to plead guilty and accept the maximum penalty to get their time started. That act took away the judges authority to order a child committed directly to the Connecticut Juvenile Training School (CJTS). Youth now have to either wait for a residential placement or get the Commissioner to approve CJTS. It is wrong and contrary to the science to eliminate so many options for a child to resolve his or her delinquency case and not give them credit for the time they serve pretrial.

Section 2 provides for a guardian to be appointed by the Probate Court for minor children or dependent individuals under the age of 21 for purposes of pursuing special immigrant juvenile status under 8 USC 1101(a)(27) (J)if an individual is a minor child under the age of 18. The Office of Chief Public defended supports this but is concerned that there would be a fiscal impact to this office if guardianship appointments in Probate Court were appealed or transferred to the Superior Court for Juvenile Matters, where OCPD has fiscal responsibility for appointed counsel.

Section 3 provides 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. This proposal has been before the legislature many times in the past and should go forward in this Session, as it is consistent with Governor Malloy's Second Chance initiatives to allow young offenders the best chance to integrate into adult society.

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[1] "A Blueprint for Youth Justice Reform" Youth Transition Funders Group 2016; Latessa, Lovins, and Lux (2013). Evaluation of Ohio's RECLAIM Programs. Center for Criminal Justice Research, University of Cincinnati.