**Testimony of Leon Smith, Esq. on behalf of the Center for Children's Advocacy in Support of Raised Senate Bill No. 427**
**An Act Concerning Children in the Juvenile Justice System and Guardianship Appointment**
**Joint Committee on Judiciary**
**March 14, 2016**

To Senator Coleman, Representative Tong and the other esteemed members of the Judiciary Committee, I submit this testimony on behalf of the Center for Children's Advocacy, a non-profit organization affiliated with the University Of Connecticut School Of Law in support of Raised Senate Bill No. 427. The Center provides legal services for poor children in Connecticut's communities through individual representation and systemic advocacy. I am the Director of the Center's Racial Justice Project, whose aim is to provide advocacy and promote reform on behalf of youth of color who are disproportionately represented in Connecticut's juvenile justice system.

To that end, the Center has represented individual youth in the juvenile justice system and worked on juvenile justice matters on a systemic level through our membership in the Juvenile Justice Policy Oversight Committee and in convening our DMC (Disproportionate Minority Contact) committees in Connecticut's largest cities. The information gathered from our work has revealed an unnecessarily disparate set of standards as it as it pertains to youth receiving credit for the time that they spend in juvenile detention during the pendency of their juvenile court case. We also have learned of the need to reinforce the rehabilitative nature of Connecticut's juvenile justice system by ensuring that juvenile records are automatically erased and destroyed for delinquent youth who have not been involved in the system for two years. We believe that Raised Senate Bill No. 427 accomplishes both of these aims and strongly ask that you support it.

**Presentence Detention**

Currently under **C.G.S. § 46b-141d**, juveniles who are held in a juvenile detention center and subsequently convicted as delinquent and sentenced to probation receive credit for the days they spent in the detention facility. Juveniles who are held in a juvenile detention center and subsequently convicted as delinquent and sentenced to a commitment to the Department of Children and families **do not receive any credit** for the days they spent in the detention facility. This **creates a disparity** in treatment between juveniles, some of whom have committed the same type of offense. This also creates a disparity between juveniles and their young adult peers, who in the adult system receive credit for time spent in presentence detention when they are subsequently sentenced to any period of incarceration. Given that nearly 8 in 10 youth committed to the Department of Children and Families for secure treatment are youth of color[1], this lack of consistency has a disparate impact on youth of color.

**Raised Senate Bill No. 427 Corrects This Disparity**

Raised Senate Bill No. 427 will amend C.G.S. § 46b-141d to provide juveniles who are sentenced to a commitment to the Department of Children and Families with credit for the time that they spend in presentence detention. In doing this, the bill creates a sense of fairness and uniformity in juvenile court matters and prevents certain youth from spending "dead time" in detention that they are not credited for. Furthermore, this credited time can be taken off of the "back end" of the youth's commitment term so that it does not interfere with the initial six-month treatment period that the youth would spend in the Connecticut Juvenile Training School or other secure treatment option.

[1] Connecticut Juvenile Training School Advisory Board Report to the Commissioner of the Department of Children and Families, pg. 4 (2015)

**Automatic Erasure of Juvenile Records**

There are countless youth who have landed in the juvenile justice system because their educational, social, emotional and/or mental health needs are simply not being met by their schools or community based options. Their future should not be hampered by a history of juvenile involvement or the ongoing existence of a juvenile record that serves as a black mark on their past. Unfortunately, this is exactly what happens. Records of juvenile involvement, though deemed confidential, still regularly negatively impact youth as they are inadvertently shared or divulged. And while existing law allows youth to petition the court to have their records erased, many families are either unaware or have difficulty accessing this process. This creates racial, ethnic and socioeconomic disparities between children who do and do not have their records erased.

**Raised Senate Bill No. 427 Corrects This Problem**

By allowing for the automatic erasure of juvenile delinquency and family with service needs records, Raised Senate Bill No. 427 creates a proactive, concrete way to protect youth who have been rehabilitated from being stigmatized by past juvenile offenses. This allows us to protect our youth from such negative and unnecessary collateral consequences known to be regularly suffered by adults. It is widely known that criminal records create barriers to success and effective re-entry to society that are nearly insurmountable for many members of the adult population. While most youth who commit a juvenile offense do not reoffend, they still suffer negative collateral consequences from having a juvenile record that impacts their future success in school and/or employment. Studies have shown that the negative impact of a criminal record is double that for black adults when compared to their white counterparts seeking a job.[2] Let's not set Connecticut's youth, particularly those of color, up for such consequences. Additionally, this bill accomplishes this goal with no additional fiscal impact to the budget.

Thank you very much for your time and attention to these very important issues that impacts the quality of treatment for our youth in the juvenile justice system.

Respectfully submitted by:

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[2] Pager, Devah, Western, Bruce, *Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal records*, Ann. Am. Acad. Pol. Soc. Sci. Author manuscript; available in PMC 2013 February 27, pp. 4-5, 10-11. Based on a study of an adult sampling of ex-offenders in New York City. The study also demonstrated that black job applicants are less likely to be interviewed in the first place, and if interviewed, even less likely than their white counterparts to receive a call back.

## AN ACT CONCERNING THE ERASURE OF RECORDS IN DELINQUENCY AND FAMILY WITH SERVICE NEEDS MATTERS

**The juvenile justice system is intended to be rehabilitative and give youth a second chance.**

This proposed legislation would ensure that juvenile records are automatically erased and destroyed for delinquent youth who have not been involved in the system for **two years**. This legislation would not change erasure procedures for juveniles convicted of Serious Juvenile Offenses (existing law would continue to apply).

**What's wrong with the current law?**

- Current law allows youth to petition to have their records erased but many families are unaware of the procedure. This creates **vast racial, ethnic and socioeconomic disparities** between children who do and do not have their records erased.
- Records of juvenile delinquency, though confidential, still **negatively impact youth.** They are often **accidently or inadvertently reported**, resulting in negative outcomes and the exclusion of these youth from educational or employment opportunities that would otherwise be open to them.
- Although the majority of youth who are involved in the juvenile justice system do not enter the criminal adult system, the impact of juvenile offenses follows them with **negative collateral consequences** for much of their lives.

**How will this legislation make a difference?**

- **Automatic record erasure will protect youth** (except hose classified as Serious Juvenile Offenders) who have been involved with the juvenile justice system from any inadvertent disclosure that could cause future harm.
- The implementation of this legislation would carry **no fiscal impact.**

## AN ACT CONCERNING CREDIT FOR PRE-SENTENCE DETENTION

Youth in the juvenile justice system deal with an unnecessarily disparate set of standards as it pertains to receiving credit for the time that they spend in juvenile detention during the pendency of their juvenile court case. Certain youth receive credit for this time upon the disposition of their case, while other youth do not. This proposed legislation will create a sense of uniformity in treatment among youth in the juvenile justice system.

**What's wrong with the current law?**

- Under C.G.S. § 46b-141d, juveniles who are held in a juvenile detention center and subsequently convicted as delinquent and sentenced to probation receive credit for the days they spent in the detention facility. Juveniles who are held in a juvenile detention center and subsequently convicted as delinquent and sentenced to a commitment to the Department of Children and families **do not receive any credit** for the days they spent in the detention facility.
- This creates a disparity in treatment between juveniles, some of whom have committed the same type of offense.
- This also creates a disparity between juveniles and their young adult peers, who in the adult system receive credit for time spent in presentence detention when they are subsequently sentenced to any period of incarceration.
- Given that nearly 8 in 10 youth committed to the Department of Children and Families for secure treatment are youth of color[1], this lack of consistency has a disparate impact on youth of color.

**How will this legislation correct this disparity?**

- By providing juveniles who are sentenced to a commitment to the Department of Children and Families with credit for the time that they spend in presentence detention, this bill creates a sense of fairness and uniformity in juvenile court matters and prevent certain youth from spending "dead time" in detention that they are not credited for.
- Furthermore, this credited time can be taken off of the "back end" of the youth's commitment so that it does not interfere with the initial six-month treatment term that the youth would spend in the Connecticut Juvenile Training School or other secure treatment option.

[1] Connecticut Juvenile Training School Advisory Board Report to the Commissioner of the Department of Children and Families, pg. 4 (2015)