

# Committee on Children JOINT FAVORABLE REPORT

**Bill No.:** SB-187

AN ACT CONCERNING THE TRANSFER OF A CHILD CHARGED WITH CERTAIN OFFENSES TO THE CRIMINAL DOCKET AND THE GROUNDS FOR

**Title:** DETENTION OF AN ARRESTED CHILD.

**Vote Date:** 3/15/2018

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/27/2018

**File No.:**

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## **SPONSORS OF BILL:**

Committee on Children

Sen. Len Suzio, 13th Dist.

## **REASONS FOR BILL:**

To change the minimum age of automatic transfer from the docket for juvenile matters to the criminal docket of the Superior Court to fourteen in instances where a child is charged with certain offenses, permit the court to transfer a child charged with certain offenses from the docket for juvenile matters to the criminal docket if the court finds that such transfer is in the best interests of the child or the public and to require the Court Support Services Division of the Judicial Branch to develop and implement a detention risk assessment instrument.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Sarah Eagan, JD, Child Advocate, Office of the Child Advocate:**

The Child Advocate testified in opposition to this bill. Connecticut's recent reforms to reduce the number of incarcerated children and the categories of incarcerated youth corresponds to growing research that demonstrates the greater efficacy of diversion to intensive community-based supports as an alternative to detention and incarceration. While incarceration of most youth does not support positive public safety outcomes, it remains imperative to ensure that children and their communities are appropriately supported with evidence-based and coordinated diversion and treatment supports that will improve outcomes for children and increase public safety.

**Steven Hernandez, Executive Director, Commission on Women, Children & Seniors:**

The Executive Director testified in opposition to this bill because determining that children who are suicidal or unsafe in their home should be put in jail says that we believe jail is the best we can do for these children. Neither premise is acceptable or in line with Connecticut policy or practice. Youth, families and communities deserve better.

**Christine Rapillo, Chief Public Defender, Office of the Public Defender:**

The Chief Public Defender testified in opposition to this bill. In essence, this bill proposes to prematurely and unjustifiably undo several recent legislative changes supported by the Committee and the General Assembly, which were appropriately aimed at advancing the goals of the juvenile justice system.

**State of Connecticut Division of Criminal Justice:**

The Division of Criminal Justice strongly supports this bill because it represents critically needed “fine-tuning” of the “Raise the Age” initiatives enacted in recent years to give the courts greater latitude to better protect the public and public safety and the children themselves who commit serious criminal offenses.

**NATURE AND SOURCES OF SUPPORT:**

**Sergeant John Szewczyk, President, Hartford Police Union:**

Testimony was submitted in support of this bill. Police officers work with the juvenile justice system on a daily basis and recognize the legality and constitutionality of the juvenile laws while enforcing them with fairness and impartiality. Police have a legal obligation to provide public safety and safeguard lives and property. Violent crimes against persons perpetrated by a violent individual, regardless of age, must have law enforcement action to prevent or mitigate the loss or injury to life.

**NATURE AND SOURCES OF OPPOSITION:**

**Abby Anderson, Executive Director, Connecticut Juvenile Justice Alliance:**

The Executive Director testified in opposition to this bill because it would both INCREASE the number of children in adult court and prison and INCREASE the number of children confined in juvenile detention, mainly by criminalizing them when they are in crisis. Both of these changes take the state backward, ignore research as to what is best for public safety, and dismiss best practice.

**Melanie Berzins, Public Policy Intern, CT Community Nonprofit Alliance:**

Testimony was submitted in opposition of this bill. Connecticut has made great strides in improving re-entry and rehabilitation for justice-involved youth, and has a robust network of nonprofit community providers who currently provide these children with high quality, cost-effective behavioral health, educational and re-entry services. This bill would take

Connecticut backwards, increasing barriers for youth in need of services, punishing youth for mental health issues and abuse, and increasing the state's youth prison population.

**Tamar Birckhead:**

Testimony was submitted in opposition to this bill because it is believed to be regressive, counterproductive and discriminatory.

**Bridgeport Child Advocacy Coalition: The Center for Research & Advocacy at LifeBridge Community Services:**

Testimony was submitted in opposition to this bill because it is a regressive act which is counter-productive to the development of children and youth in the juvenile justice system.

**Sarah Bryer, Executive Director, National Juvenile Justice Network:**

Testimony was submitted in opposition to this bill because it would catapult Connecticut backwards by investing in ineffective, expensive and retributive approaches that are likely to increase crime and decrease public safety.

**Carmen E. Daugherty, Esq., Policy Director, Youth First Initiative:**

Testimony was submitted in opposition to this bill. Connecticut is a national example of how successful juvenile justice reform can be when families, youth, legislators, and agency leaders work towards the same goal. From raise the age to diversion, Connecticut serves as a national example of what juvenile justice reform looks like. Unfortunately, Bill 187 moves Connecticut in the wrong direction on juvenile justice reform.

**Marisa Mascolo Halm, Esq., Director, TeamChild Juvenile Justice Project, Center for Children's Advocacy:**

Testimony was submitted in opposition to this bill because it would greatly increase the number of youth experiencing unnecessary incarceration and would be a significant step backwards for the state of Connecticut and progress it has made in juvenile justice.

**Kim Hynes, Katal Center for Health, Equity, and Justice:**

Testimony was submitted in opposition to this bill because it not only would increase the number of children in adult courts and prison, increase the number of children in juvenile detention, but would also criminalize children who are in crisis.

**Amit Jain:**

This law student testified in opposition to this bill because it would be a disastrous and regressive misstep for public safety and vulnerable young people.

**Juvenile Sentencing Project, Legal Clinic, Quinnipiac University School of Law:**

Law students from QU testified in opposition to this bill. Connecticut has long demonstrated a clear trend toward moderation in juvenile sentencing and efforts to treat and sentence its youngest offenders as children capable of rehabilitation, rather than as adults. Sapping judicial discretion for transfer and sending fourteen-year-olds back to adult court—as well as broadly extending the circumstances under which all children may be detained—is out-of-step with our state’s history, our evolved understanding of how children’s brains work, and national trends in juvenile sentencing.

**Ioannis A. Kaloidis, Attorney, President, Connecticut Criminal Defense Lawyers Association:**

Testimony was submitted in opposition to this bill because the adult criminal court is no place for a 14-year-old under any circumstances.

**Susan Kelley, JD, Director, Alliance for Children’s Mental Health:**

ACMH strongly opposes this bill because it would potentially result in more youth being jailed and more youth tried in the adult criminal system. Both of these potentialities are anathema to recent important juvenile justice reforms which were necessary to address, through community based services and supports, the individual needs of young people who have exhibited unacceptable behavior.

**David McGuire, Executive Director, American Civil Liberties Union of Connecticut:**

Testimony was submitted in opposition to this bill. Children’s mental healthcare, safety, and wellbeing are serious problems in need of real solutions. This bill does not present any. They encourage the committee to stick with proven, evidence-based solutions to these issues, not punitive approaches that could perpetuate trauma and injustice.

**Marcy Mistrett, MSW, CEO, Campaign for Youth Justice:**

Testimony was submitted in opposition to this bill because it argues against a developmentally appropriate and evidence-based approach to working with youth and will ultimately decrease rehabilitation and increase recidivism.

**Josh Rovner, Senior Advocacy Associate, The Sentencing Project:**

Testimony was submitted in opposition to this bill because it represents several steps in the wrong direction. This bill is a tough-on-crime solution in search of a problem. The long-term declines in youth arrests are a story that this legislature should be proud of.

**Lauren Ruth, Ph.D., Advocacy Director, Connecticut Voices for Children:**

Testimony was submitted in strong opposition to this bill because these provisions stand in conflict to the state’s recent juvenile justice and behavioral health reforms, may increase disproportionate minority contact with the criminal justice system, and may increase recidivism.

**Conrad Seifert & Beth Hogan, Esq.:**

Testimony was submitted in opposition to this bill because it would be a step backwards for Connecticut. The recent juvenile justice statutes conform with the Constitution and serve justice. This bill would essentially undo the statutory reform completed two years ago.

**Jennifer Shimer:**

Testimony was submitted in opposition to this bill because youth who do not pose a risk to society should not be incarcerated. Importance needs to be placed on providing protection for traumatized youth.

**Alyssa Siegel-Miles:**

Testimony was submitted in opposition to this bill because youth crime has been decreasing in our state because of smart policies that treat young people in developmentally appropriate ways. This bill would be a giant step backward.

**Ann R. Smith, JD, MBA, Executive Director, African Caribbean American Parents of Children with Disabilities Inc.:**

The executive director testified in opposition to this bill because it undoes legislation and policy that have put Connecticut in the forefront of national juvenile justice reform. Furthermore, it will disproportionately impact youth of color, youth with unmet behavioral and educational needs, and youth from families in low-income communities.

**Erin Williamson, LCSW, MPA, Survivor Care Program Director, Love146:**

Testimony was submitted in opposition to this bill. They believe we should not be expending Connecticut's limited resources to incarcerate children in an effort to purportedly "protect them," when these actions are likely to cause further harm to children who have already experienced significant trauma. We should instead focus on increasing access to specialized trauma-informed mental health and social services that will have both short and long-term benefits to our children and our communities.

**Reported by: Mikhela Hull**

**Date: 3/28/18**