



**TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE
FOR THE JUDICIARY COMMITTEE PUBLIC HEARING
MARCH 21, 2018**

IN SUPPORT OF AND COMMENTS REGARDING:

H.B. NO. 5042: AN ACT CONCERNING PROSECUTION OF LOW RISK YOUNG OFFENDERS IN ADULT COURT

H.B.NO. 5040: AN ACT CONCERNING ADJUDICATION OF CERTAIN YOUNG ADULTS IN JUVENILE COURT

IN OPPOSITION TO

SB 486 AN ACT CONCERNING NOTIFICATION TO BOARDS OF EDUCATION OF THE RELEASE OF A JUVENILE SEXUAL OFFENDER AND A MODEL POLICY CONCERNING THE REENTRY OF SUCH JUVENILES INTO THE SCHOOL SYSTEM

Senator Doyle, Senator Kissel, Representative Tong, Representative Rebimbas 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 young people from entering the system, and best practice and policy to ensure that those who do enter the system are treated safely, fairly, and effectively.

Thank you for the opportunity to testify today. We support House Bills 5042 and 5040, with the exception of section 2(b) of 5040, which would expand youth under 18 who would automatically enter the adult system. We oppose Senate Bill 486, which would provide notice to schools about juvenile sexual offenders after their release from care.

House Bills 5040 and 5042

We know that the current adult justice system does not work effectively for the emerging adult population in terms of enhancing public safety or addressing the needs of young adults or their communities. Our goal for youth justice in Connecticut is simple: we need a system that holds young people accountable, but also helps rehabilitate them so they can become successful community members. Our current system falls short, actually diminishes their chances for future success, and undermines the stated system goal of improving public safety. Even worse, our system has a strong bias against people of color. Far too many are sucked into the system and locked up -- it's not right -- it's not *just*.

The two bills up for consideration would help accomplish our goals for youth justice. As our system operates now, 85% of the cases involving 18, 19, and 20-year-olds end without the defendant spending even one day in jail. Is the criminal system the best way to deal with these cases? Is it appropriate for these youth to carry life-long stigma and consequences? Is processing these youth through the criminal justice system the best use of our tax dollars?

We have to do our part and create a system that supports young people. We often talk about holding youth accountable and teaching about the consequences of actions. That is important. Restorative justice practices work to find relevant and meaningful consequences -- restoring the harm caused while building and repairing community. We need to invest in that kind of work.

We need to change our budget investment priorities away from criminal justice and towards ensuring that young people have access to high quality education, jobs, housing, mental health, and recreational opportunities. This is how we keep them from the situations that lead to crime in the first place. The first Raise the Age worked so well because we consciously worked to invest in prevention and diversion programs throughout systems. Policy change and budget allocation changes must go hand in hand.

Accountability is also a two-way street. We want youth to be accountable for their actions. We as policy, legislative, and municipal leaders have to be accountable to our communities as well. That means we must stop investing hundreds of millions of dollars into the justice and correctional systems and reallocate those dollars into schools, community centers, mental health and substance abuse treatment, and job readiness. And members of the communities ravaged by mass incarceration must lead conversations about how we make those reinvestment decisions. This is how we will all end up with safer communities.

These proposals in 5040 and 5042 are important, but they aren't ground breaking. They follow bi-partisan research around what works for public safety and community-well being. They are the next logical step in the formula that Connecticut has been following for over a decade – one that stops using the juvenile and criminal justice systems as a default social service and mental health service provider.

Changing our response to the offenses of 18, 19, and 20-year-olds to ensure we are addressing the causes of their behavior and actually works to eliminate future misbehavior is good public policy. Conceptually our system is meant to stop someone's behavior, hold them accountable, and have them move on having learned their lesson to do better next time. Unfortunately, our system now doesn't do that, but instead catches up those who don't really need to be there, usually those of color. Even for those who do require justice system intervention, our current policies impose consequences that last forever – far out of proportion to the action that got the person arrested. For us to have a system that is truly just, these kinds of changes are the ones we need to make. Taking the lessons from the past, when we change policies and practices, we also need to reallocate dollars into alternative, more effective programs and services.

Perhaps moving forward with the changes proposed in 5042 is the appropriate immediate first step as we continue cross system collaborations to determine the details of what including older youth in the juvenile justice system.

Senate Bill 486

This bill addresses the reentry of children adjudicated delinquent of sexual offenses and it is egregiously flawed and harmful. S.B. 486 takes the worst part of the juvenile sexual offender registration laws-notification-and uses it to label children who are reentering the school system after receiving treatment. This bill is treating children who commit sexual harm different than any other children adjudicated delinquent in juvenile court.¹

Children who commit sexual offenses generally have the same vulnerabilities and are in the same need of protection as the child victims, notification does not offer any type of protection for the youth who is the offender. It is important to remember that many child sex offenders are victims

¹ Human Rights Watch (2013). Raised on the registry: The irreparable harm of placing children on sex offender registries in the U.S. Human Rights Watch. ISBN: 978-1-62313-0084.

of sexual abuse themselves. Many more engage in common sexual behavior, sometimes healthy, sometimes inappropriate, that they will most likely learn to manage. Sex offender notification has the distinctive ability stigmatize and isolate these children, limiting their opportunities for normal growth and exacerbating the kinds of vulnerabilities that we, as a society, try to protect. Community notification can relegate a youth sex offender who has served their time to the margins of society.²

Adolescence is a developmental period characterized by identity formation. Labels stick and can last a lifetime. The label of “sex offender,” “child molester,” or “sexually violent predator” can cause profound damage to a children’s development and self-esteem. Stigmatization can also lead to fear or mistrust by others, suspicion, rejection, or isolation from family and friends. These harms are compounded by the shame that comes with notification, which often lacks an endpoint. Subjecting alienated and confused youth sex offenders to long-term public humiliation, stigmatization, and barriers to education and employment exacerbates the psychological difficulties they already experience.³

There are many ways for a state to appropriately respond to child sexual offenders. For example, children respond very well to evidence-based treatment. Studies show that it reduces the chances that they will engage in any new sexual or non-sexual offenses. Treatment also reduces the likelihood of costly out-of-home placements, such as jail, prison, and residential treatment. Subjecting children to notification does not have these benefits.

In summary, the Connecticut Juvenile Justice Alliance opposes S.B. 486 and asks that the committee does not pass it.

Thank you again for the opportunity to submit this testimony. I am happy to answer any questions.

Alliance member organizations:

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

² Human Rights Watch (2013). Raised on the registry: The irreparable harm of placing children on sex offender registries in the U.S. Human Rights Watch. ISBN: 978-1-62313-0084.

³ Human Rights Watch (2013). Raised on the registry: The irreparable harm of placing children on sex offender registries in the U.S. Human Rights Watch. ISBN: 978-1-62313-0084. ² Human Rights Watch (2013). Raised on the registry: The irreparable harm of placing children on sex offender registries in the U.S. Human Rights Watch. ISBN: 978-1-62313-0084.