

Connecticut Commission on  
Women, Children *and* Seniors



**CWCS**

**Testimony before the Joint Committee on Judiciary of the General Assembly  
Presented by Steven Hernández, Executive Director  
Commission on Women, Children and Seniors  
March 28, 2018**

**Re: SB 13, An Act Concerning Fair Treatment of Incarcerated Women**

**SB 486, An Act Concerning Notification of Boards of Education of the Release of a Juvenile Sex Offender and a Model Policy Concerning the Reentry of Such Juveniles into the School System**

**HB 5040, An Act Concerning Adjudication of Certain Young Adults in Juvenile Court**

**HB 5041, An Act Concerning the Transfer of Juvenile Services from the Department of Children and Families to the Court Support Services Division of the Judicial Branch**

**HB 5042, An Act Concerning Prosecution of Low-Risk Young Offenders in Adult Court**

Senator Doyle, Senator Kissel, Representative Tong, Vice Chairs, Ranking and other distinguished members of the Joint Committee on Judiciary: Thank you for the opportunity to provide testimony on behalf of the legislature's Commission on Women, Children and Seniors (CWCS) on the above referenced bills.

**SB 13, An Act Concerning Fair Treatment of Incarcerated Women**

The Commission is on strong support of SB 13, An Act Concerning the Fair Treatment of Incarcerated Women. Women in prison face considerable health risks before, during and after incarceration. Pregnancy can make these risks worse. Restraining and shackling of women in prison also disproportionately effects minority women. In Connecticut, the number of incarcerated women by race/ethnicity per 100,000 people in their racial/ethnic group is:<sup>i</sup>

White:	241
Hispanic:	1,195
Black:	2,260
American Indian:	764

And although prison rates of incarcerated women have come down in Connecticut since 2000, the use of shackles and restraints have remained constant. Restraining women during pregnancy

is not only unethical, it poses a higher risk of inmate and newborn deaths. According to The American College of Obstetricians and Gynecologists, using restraints during pregnancy and childbirth can cause the follow health effects:

- Nausea and vomiting are common symptoms of early pregnancy. Adding the discomfort of shackles to a woman already suffering is cruel and inhumane;
- It is important for women to have the ability to break their falls. Shackling increases the risk of falls and decreases the woman's ability to protect herself and the fetus if she does fall;
- Prompt and uninhibited assessment for bleeding during pregnancy is critical. Restraints can delay diagnosis, which may pose a threat to the health of the woman or the fetus;
- Hypertensive disease occurs in approximately 12-22% of pregnancies and is directly responsible for 17.6% of maternal deaths in the U.S. Preeclampsia can result in seizures, which may not be safely treated in a restrained patient;
- Restraints interfere with normal labor and delivery:
  - The ability to ambulate during labor increases the likelihood for adequate pain management, successful dilation, and successful delivery.
  - Women need to be able to move or be moved in preparation for emergencies of labor and delivery, of which include hemorrhage and fetal heart rate abnormalities, which may require urgent cesarean delivery.
- After delivery, a healthy baby should remain with the mother to facilitate mother-child bonding. Restraints may prevent or inhibit this bonding and interfere with a mother's safe handling of her infant.<sup>ii</sup>

Using restraints on female inmates who are pregnant, in labor or who have just delivered a baby, is a violation of a woman's basic human rights. Thirteen states have no policy forbidding the practice, Connecticut included. The practice of restraining pregnant women who are incarcerated is not wrong, it is also punishing an unborn or newborn child for their mother's misgivings. We can, and must, do better.

### **SB 486, An Act Concerning Notification of Boards of Education of the Release of a Juvenile Sex Offender and a Model Policy Concerning the Reentry of Such Juveniles into the School System**

Senate Bill 486, and its requirement that the judicial branch notify a child's school when returning to his/her community when being released from the Court Support Services Division/Judicial Branch or DCF for felony sex offenses, is not only duplicative, but harmful for a child who has been through treatment and is working toward positive integration back into their school community.

In current statute (CGS Sec. 53-206c), police are already required to notify a school whenever an enrolled student is arrested for a felony violation. The requirement for this bill to do the same upon release of the child, is unnecessary and only serves to further cement a label on the child that may continue with them throughout their education and most likely, throughout their lives in the community in which they live.

The Commission appreciates the Committee's desire to set model policy in regard to rehabilitated children and youth reintegrating back into the school community while also ensuring the safety and well-being of the victim and/or other children. Thankfully, the Juvenile

Justice Policy and Oversight Committee (JJPOC), has been committed to drafting and integrating model policy in regard to children and youth in the juvenile justice system. JJPOC membership is comprised of legislators, the Office of Policy and Management, administrators from the Judicial Branch and State juvenile justice and child service and advocate agencies, representatives from local law enforcement and youth and parent advocates. One of the five main goals of JJPOC is to increase educational achievement of youth in the juvenile justice system by addressing their unique needs in order to improve opportunities for successful transition and reduce recidivism. The education workgroup of the JJPOC works to identify the strengths that support and the barriers that impede the educational needs of children and youth and is dedicated to best outcomes for children and youth in regard to prevention and reentry.<sup>iii</sup>

“Juveniles who commit sexual offenses are clearly quite diverse in terms of their offending behaviors and future risk to public safety. In fact, they appear to have far more in common with other juvenile delinquents than they do with adult sexual offenders. Juveniles are generally more impulsive and less aware of the consequences of their behavior than adults. Therapeutic interventions for juveniles are increasingly taking this diversity into account, along with family, peer, and other social correlates that are related to sexually abusive behavior in youth.”<sup>iv</sup> Due to this, there are several effective evidence based treatment approaches for children and youth who sexual offend; some of which include:

- Therapeutic interventions including cognitive-behavioral and relapse-prevention techniques;
- Group, individual, and family therapy
- Community-based programs usually consisting of 12 months of treatment;
- Individualized tailored therapeutic services for adolescents and children

Based on this longitudinal study by Worling, Littlejohn, and Bookalam, the results “suggest that specialized treatment for adolescents who offend sexually leads to significant reductions in both sexual and nonsexual reoffending—even up to 20 years following the initial assessment .... The results of this investigation also support the finding that only a minority of adolescents who offend sexually are likely to be charged for sexual crimes by their late 20s or early 30s.”<sup>v</sup>

Children and youth who have committed sexual offenses need treatment and an opportunity to succeed. One of the main reasons juvenile criminal records are sealed is to allow children the chance for help, treatment and an entirely new start. Most children who commit sexual offenses do so because they have been victims themselves, often of adult sexual offenders. All our children deserve the right to have access to fair treatment, behavioral, mental and social emotional supports, and a quality, equitable education.

### **HB 5040, An Act Concerning Adjudication of Certain Young Adults in Juvenile Court**

The Commission is in support of HB 5030 which expands the age of the juvenile justice systems’ jurisdiction up to age 21 by July 2021. By creating a “category” of young adults ages 18-21, young adults would, in most cases, be covered by the same protections as youthful offenders.

The number of inmates between the ages of 18-21 in the Department of Correction has declined 60% since 2009, falling from 2067 to 784. We know that if we can avoid exposing young adults who have committed less serious crimes to the adult criminal justice system, the less likely those young adults are to reoffend and ultimately become incarcerated. For this reason, we anticipate

that raising the age of juvenile jurisdiction up to age 21 will accelerate the reduction in the number of incarcerated persons under the age of 25 by reducing recidivism. The major fiscal impact of this legislation will take place in the out years. Vermont has already enacted legislation and Illinois and Massachusetts have legislation currently pending.

### **HB 5041, An Act Concerning the Transfer of Juvenile Services from the Department of Children and Families to the Court Support Services Division of the Judicial Branch**

The Commission supports HB 5041 which would move juvenile services from the Department of Children and Families to the Judicial Branch. The Judicial Branch, with its discretion and access to restorative practices, is a much better avenue for young people to find meaningful pathways to productivity and success.

### **HB 5042, An Act Concerning Prosecution of Low-Risk Young Offenders in Adult Court**

The Commission is also supports HB 5042, which would expand adult court youthful offender status to 18, 19 and 20 year olds. Under youthful offender status, the accused will receive the follow protections:

- Not have his or her name released by the police at the time of the arrest, so the name will not be printed in news media;
- Not have his or her name printed in the judicial online docket;
- Have the option to plead guilty to the charge of being a “youthful offender” instead of to the original charge;
- Remain a “youthful offender” unless and until the accused chooses not to use this option or until a court denies use of the youthful offender status;
- Have a limited period of incarceration of no more than four years;
- Have police and court records automatically erased, provided that the offender completes his or her sentence and does not reoffend, four years after sentencing as a youthful offender; and
- Have court proceedings that are open to the public, if the accused is 18- 20 years old, while arrest records and other records remain confidential.

Under current policies, more than 85% of the cases coming into the Connecticut court system involving 18, 19 and 20 year olds are disposed without the defendant receiving even 1 day in jail. Given this reality, and given our goal of reducing crime in the future, we believe these cases can be handled in a way that increases the likelihood that these individuals will be successful and will not recidivate as they grow older. Keeping the names of these young adults out of the news media when they are first arrested will keep their names confidential until a judge makes a determination that it is appropriate that this information be made public. As the vast majority of these cases are ultimately dismissed, this legislation will ensure that young adults will still have access to college, the workforce, and getting housing later in life.

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<sup>i</sup> Prison Policy Initiative (2010). Connecticut Profile. Retrieved from: <https://www.prisonpolicy.org/profiles/CT.html>

<sup>ii</sup> The American College of Obstetricians and Gynecologists (2011). Health Care for Pregnant and Postpartum Incarcerated Women and Adolescent Females. Retrieved from:

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<https://www.acog.org/~media/Committee%20Opinions/Committee%20on%20Health%20Care%20for%20Underserved%20Women/co511.pdf?dmc=1&ts=20120624T0145594012>

<sup>iii</sup> Connecticut General Assembly Juvenile Justice Policy and Oversight Committee (2015). Report per Public Act 14-217, Section 79. Retrieved from:

[https://www.cga.ct.gov/app/tfs/20141215\\_Juvenile%20Justice%20Policy%20and%20Oversight%20Committee/JJP%20OC%20Progress%20Report%201-1-15%20APPROVED.pdf](https://www.cga.ct.gov/app/tfs/20141215_Juvenile%20Justice%20Policy%20and%20Oversight%20Committee/JJP%20OC%20Progress%20Report%201-1-15%20APPROVED.pdf)

<sup>iv</sup> Office of Justice Programs. (2018). Sex Offender Management Assessment and Planning Initiative – Chapter 5: Effectiveness of Treatment for Juveniles Who Sexually Offend. Retrieved from:

[https://www.smart.gov/SOMAPI/sec2/ch5\\_treatment.html](https://www.smart.gov/SOMAPI/sec2/ch5_treatment.html)

<sup>v</sup> Ibid.