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NATIONAL JUVENILE JUSTICE NETWORK

NJJN Testimony Opposing HB 7389:
An Act Concerning Confidentiality in the Case of a Discretionary Transfer of a Juvenile's Case to the Regular Criminal Docket and Implementing the Recommendations of the Juvenile Justice Policy and Oversight Committee.
Testimony Submitted to Judiciary Committee
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My name is Sarah Bryer and I am the Executive Director of the National Juvenile Justice Network in Washington, DC. I am writing in support of HB 7389: An Act Concerning Confidentiality in the Case of a Discretionary Transfer of a Juvenile's Case to the Regular Criminal Docket and Implementing the Recommendations of the Juvenile Justice Policy and Oversight Committee. HB 7389 is critical step to protecting youth in the state's custody after the recent events at the Manson Youth Institution.

As a national network of advocate in 43 states and DC working to ensure youth in trouble with the law are held accountable in fair, effective, and developmentally appropriate ways, we believe HB 7389 is critical step to protecting youth in state custody and are particularly needed after the recent events at Manson Youth Institution. While HB 7389 seeks to implement an array of best practices to create safe conditions for youth including those currently held adult facilities, I'd like to speak today in strong support of the recommendations to study and plan for the removal of youth from adult correctional supervision, to prohibit the use of chemical agents and limiting the use of restraints as well as the creation of an ombudsman.

The adult court system lacks a basic understanding of what middle school youth need to become responsible citizens including access to education, age-appropriate treatment, and family support.[1] Even more concerning, youth held in adult facilities are extremely vulnerable to rape and sexual assault and have much higher rates of suicide.[2] These failings have a direct impact on

[1] "Key Facts: Children in Adult Jails and Prisons," Campaign for Youth Justice, accessed April 4, 2013 at http://www.campaignforyouthjustice.org/documents/KeyFactsonYouthinAdultJailsandPrisons.pdf.
[2] Campaign for Youth Justice, "Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America" (November 2007): 11-13, accessed April 4, 2013 at http://www.campaignforyouthjustice.org/key-research/nationalreports.html#jailingjuveniles and James Austin, et al., "Juveniles in Adult Prisons and Jails: A National Assessment" (Bureau of Justice Assistance, October 2000): 7-8, accessed April 4, 2013 at https://www.ncjrs.gov/pdffiles1/bja/182503.pdf.

public safety, as research shows that adult system processing and incarceration increases recidivism among teens.[3] If Connecticut is serious about improving public safety, it should begin the process of removing youth from adult correctional supervision.

In the meantime, regardless of where youth are housed, Connecticut has a fundamental duty to keep all youth in its care and custody safe. The use of chemical agents and restraints jeopardizes youth safety, exposing them to detrimental health effects, undermining rehabilitation efforts, and exposing Connecticut to significant liability. According to the Center for Children's Law and Policy, "chemical agents such as pepper spray are not only painful and dangerous but also less effective than other more humane ways of managing youth behavior." Numerous lawsuits document the harmful health impacts of chemical agents such as pepper spray and states like Texas have been sued for their use of chemical agents resulting in significant policy changes. States from Louisiana to New Hampshire have recognized the harms and liabilities of using pepper spray on youth in custody, banning the practice in juvenile facilities. Similarly, the use of restraints puts the safety and lives of youth at risk. Restraint policies and staff training on behavior management should reflect a continuum of responses that begins with verbal de-escalation and only permits use of the most restrictive responses as a last resort. Finally, institutions should collect, maintain, and make public statistical data on any use of isolation and restraints. We encourage Connecticut to heed these lessons and immediately adopt legislation to ban the use of these practices.

In order to ensure the safety of youth in facilities, safeguards must be in place to protect youth from sexual and physical abuse. An independent ombudsman should be made readily available to youth to enable prompt, confidential reporting and objective, thorough investigations of allegations of abuse or maltreatment. Youth facilities must be open to regular visits and inspections by independent, outside groups. Such groups should be permitted to conduct confidential interviews with incarcerated youth. All committed youth must be informed of their rights while confined and have access to counsel to protect their rights. Grievance systems must be transparent (including procedures, deadlines, names and positions of review personnel), easily accessible, and confidential, and grievances must be processed in a timely manner.

We firmly believe these provisions alongside others outlined in HB 7389 are necessary to rectify the issues at Manson Youth Institution and keep youth in custody safe. We urge the committee to pass HB 7389.

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[3] "Effects on Violence of Laws and Policies Facilitating the Transfer of Juveniles from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services" (Centers for Disease Control and Prevention, April 2007): 6-8 accessed April 4, 2013 at www.cdc.gov/mmwr/pdf/rr/rr5609.pdf.