TESTIMONY IN SUPPORT OF
H.B. No. 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

March 25, 2019

Judiciary Committee

Good afternoon Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee. This testimony is submitted on behalf of the Center for Children's Advocacy (CCA), a non-profit organization affiliated with University of Connecticut School of Law concerning **H.B. No. 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**. CCA urges the Committee to pass this bill into law.

CCA provides holistic legal services to Connecticut's poorest and most vulnerable children through both individual representation and systemic advocacy. Through our Juvenile Justice, Educational Success, and Racial Justice Projects, CCA provides individual representation to youth at risk of or already in the juvenile justice system and collaborates with public defenders, probation officers, and other service providers to improve overall outcomes by protecting children's educational legal rights. Through our Racial Justice Project, we run Racial and Ethnic Disparities (RED) Reduction Projects in Hartford, Bridgeport, New Haven, and Waterbury, where we work with local stakeholders to develop strategies to reduce the disproportionate representation of youth of color in our juvenile justice system. CCA also plays a role in shaping juvenile justice policy through our membership on the Juvenile Justice Policy & Oversight Committee (JJPOC) and its various subcommittees.

CCA wholly **endorses HB 7389 as it will 1) make several significant improvements to the status and treatment of youth whose cases are currently handled in adult court** and **2) it will ensure that the reasoned recommendations of the Juvenile Justice Policy Oversight and Planning Committee (JJPOC) are enacted into law.**

Section 1 of this bill bolsters the confidentiality protections for youth, an existing missing link for youth whose cases are in in adult court

Just like their adult counterparts, youth in our criminal justice system are considered innocent until proven guilty. Yet, although the majority of these youth are ultimately entitled to the protection of confidentiality through youthful offender (YO) status (except those accused of t

most serious violent and sexual felonies), such confidentiality is not automatically extended to their cases upon transfer to adult court. Existing law does not guarantee such confidentiality until YO status is granted.

Moreover, it is no secret the majority of youth transferred to adult court are disproportionately youth of color. Ensuring **the confidentiality of these matters is crucial from a racial justice lens. More than 50 % of the youth transferred into adult court are black youth. Ensuring the confidentiality of their cases will be a key tool to further rehabilitation.**[1]

Section 1 corrects this shortcoming in the law, ensuring all youth transferred to adult court will have confidential proceedings immediately upon their transfer hearing and through to conviction (contingent upon the seriousness of the final conviction.)

Sections 2 through 4 of this bill removes all youth under 18 from the jurisdiction of the Department of Corrections (DOC)

These sections facilitate a long overdue change to existing law mandating the removal of all youth under the age of 18 years old from the custody of DOC. **Youth under the age of 18 simply do not belong in the custody of the Department of Corrections. Instead, they should and must be placed in juvenile facilities readily equipped to meet their needs and facilitate the goals of their rehabilitation**. Currently, about 55 youth under the age of 18 are in the custody of DOC; this number fluctuates month to month with a hundred or so youth being in the care of DOC over the course of the year.

It is not surprising then, given, this small number of youth (compared to DOC's total census of over 13,000) that DOC is wholly unequipped to service this youth population. The youth in DOC care receive **less education than their counterparts in juvenile facilities, have limited access to mental health services, limited access to vocational programming and regularly experience the use of chemical agents and solitary confinement.**[2] H.B. 7389 puts an end to this and removes youth from the DOC facilities where they are currently housed (Manson Youth Institution) for boys and York Correctional for girls; it also deems Manson a specialized facility for young adult males in the 18 – 21 year old age bracket. Moreover, this change will ensure that Connecticut is in keeping with federal law. The Juvenile Justice Delinquency and Prevention Act, which was reauthorized last year, mandates that all youth must be removed from adult correctional facilities before December 21, 2021.

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[1] Spectrum Associates Market Research, *An Assessment of Disproportionate Minority Contact in Connecticut's Juvenile Justice System: An Abbreviated Report*, Connecticut Office of Policy and Management, October 30, 2017.

[2] State of Connecticut, Office of the Child Advocate, *Incarcerated/Detained Youth: An Examination of the Conditions of Confinement,* January 16, 2019.

Sections 5 -11 lay out the essential framework for achieving this transformation of Connecticut's juvenile justice system.

These sections address the recommendations of the JJPOC, of which we are members, outlining a comprehensive plan for transfer of youth out of DOC recommending that these youth be out of DOC care by July 2021 and requiring extensive reporting around the handling, detainment and services of these youth.

Thank you for your time and consideration. Please do not hesitate to contact our office with questions or concerns.

Respectfully submitted,

/s/
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