

Marianne Fichtel, Resident of New Canaan

Testimony to the Judiciary Committee

- **IN FAVOR 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
- **OPPOSED TO SECTION 2 OF SB 504**: AN ACT CONCERNING THE SUSPENSION OF DELINQUENCY PROCEEDINGS FOR TREATMENT OR OTHER SERVICES IN MOTOR VEHICLE THEFT OR MISUSE CASES AND CONCERNING DETENTION OF JUVENILES
- **IN FAVOR (AND RECOMMENDING EXPANSION) OF SB 880**: AN ACT INCREASING FAIRNESS AND TRANSPARENCY IN THE CRIMINAL JUSTICE SYSTEM

March 25, 2019

Good afternoon Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee. My name is Marianne Fichtel, a resident of New Canaan. I am here today in support of HB 7389; in opposition to Section 2 of SB 504; and in favor of SB 880, which I believe should be expanded to include the aggregation of prosecutorial records in juvenile cases as well.

Rather than focusing on the minutiae within each bill, however, I will be using my time before you to explore a theme that runs throughout the bills in front of us today: it is a virtuous cycle that, if implemented and nurtured in the Judicial Branch and other state agencies, could yield significant dividends both in terms of operational efficiency and greater public confidence in the system.

It starts with rigorous, thoughtful collection of **data** (as envisioned in SB 880, although it would be a major missed opportunity if the bill were to pass without adding language regarding the collection of juvenile case data as well). That data is processed and made public, providing **transparency**. Transparency, in turn, allows both communities and agencies themselves to **measure success, hold the right people accountable, and titrate their policies as necessary to align more closely with evidence-based practices and the needs of their communities**. The system as it exists today perpetuates racial and economic inequities that must be addressed before any consideration is given to expanding its reach.

Prosecutors are by far the most powerful stakeholders in the entire system and must be accountable to the public for their decisions around whom to charge and how severely; however, prosecutors also stand to benefit from the collection of more in-depth data on the discretion they employ and the policies by which they operate. A paper from the the "Institute for Innovation in Prosecution at John Jay College" states:

"The community will trust your office more readily if you make it easy for the public to hold you accountable. Declare priorities and goals for the office, and then create metrics to measure your progress as you work toward those expressed goals. Along the way, give the public enough information to reach

their own conclusions about your progress. To use the familiar words of a math teacher, 'show your work.'"

It can be hard for stakeholders on all sides of the juvenile justice issue to stay focused on objective data: emotion and anecdotal evidence are psychologically powerful, and media too often amplifies the most sensational narratives, stoking public outrage with misapplied data points and quotes from some officials who, unfortunately, do not always give due consideration to how much weight their words carry. Just this weekend, the Hartford Courant ran a story on juvenile auto theft that used the research presented at last week's JJPOC meeting in precisely the opposite way the author of the study had warned against using it. But aside from the 60 or so people in attendance, plus the handful of those who watched online, there was no way of knowing how skewed that article truly was.

Sensationalism tells us that there's an "epidemic" of juvenile auto theft. Data tells us that overall car thefts are down 17% over 10 years, 43% over 20 years, and that juvenile participation in these thefts has remained relatively constant. Sensationalism makes it seem like Connecticut is dealing with a particularly virulent strain of this "epidemic". Data tells us that a recent uptick over the last few years is in line with national trends.

Public-facing comments about recidivists and repeat offenders that falsely attribute juvenile crime to Raise the Age reforms and/or the closing of CJTS lead to bills promoting the transfer of juveniles to adult court. Data shows that putting juveniles in adult prisons is cruel and dangerous, deprives them of important education and rehabilitation opportunities, costs far more than upstream (and downstream) diversion and intervention programs, and that the more time juveniles spend in confinement, the more likely they are to re-offend.

Because of Connecticut's budget concerns, appropriate funding was never provided for the effective rollout of these reforms. There are fiscal notes on record at the time RTA was passed, as well as 1 year status reports from CSSD that make it clear from the very beginning what investment would be needed to ensure success. Testimony was also given to the Assembly regarding the cost-benefit analysis showing that for every \$1 spent on RTA, the state would recoup \$3. Similarly, with nearly 3 years' lead time going into the closing of CTJS, advocates and experts started the drumbeat of planning and investment from Day 1, and they are still drumming today, because rather than invest in the necessary capacity-building that everyone knew up front would be necessary, juvenile justice programs have seen a further \$42m+ in disinvestment from the state.

Thankfully, data abounds; multiple studies have provided us with a number of models to follow. The road ahead may not be easy, but it can at least be well-informed.

### **Further Reading:**

- ["Using Bills and Budgets to Further Reduce Youth Incarceration"](#). *National Council on Crime & Delinquency*, Mar 2014.
- ["Fact Sheet on the Juvenile Justice System"](#). *American Civil Liberties Union*.
- ["OFA fiscal note for RTA for 10 and 11 \(Sections 73-88 of 'An Act Implementing the Provisions of the Budget Concerning General Government'\)"](#). *CGA Office of Fiscal Analysis*, 2007.
- ["The Governor's Budget - A Comparison to Current Year Appropriations"](#). *Connecticut Voices for Children*, Feb 2017.
- ["Impact of the Final FY 2019 Budget Adjustments on Children and Families"](#). *Connecticut Voices for Children*, June 2018.
- ["Impact of the Governor's Budget FY 2020-2021 Budget on Children and Families."](#) *Connecticut Voices for Children*, Mar 2019.
- ["Connecticut Juvenile Justice Mentoring Network - Year One Evaluation Report"](#). *Prepared for the Governor's Prevention Partnership*, Nov 2014.
- ["Trends in Juvenile Justice State Legislation \(2011-2015\)"](#). *National Conference of State Legislatures*, Sept 2015.
- ["Unlocking the Black Box: How the Prosecutorial Transparency Act Will Empower Communities and Help End Mass Incarceration"](#). *American Civil Liberties Union*, Feb 2019.
- ["Prosecution That Earns Community Trust"](#). *Institute for Innovation in Prosecution at John Jay College*, Nov 2018.
- ["Prosecutors and Frequent Utilizers: How Can Prosecutors Better Address the Needs of People Who Frequently Interact with the Criminal Justice and Other Social Systems?"](#). *Institute for Innovation in Prosecution at John Jay College*, Feb 2019.
- ["After Decades of Spending, Minority Youth Still Overrepresented in System"](#). *Juvenile Justice Information Exchange*, Feb 2014.
- ["If Not Now, When? A Survey of Juvenile Justice Training in America's Police Academies"](#). *Strategies for Youth*, Feb 2013.
- ["Recidivism Among Adjudicated Youth on Parole in CT"](#). *Institute for Municipal & Regional Policy at Central Connecticut State University*, Jul 2017.