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TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE
TO THE JUDICIARY COMMITTEE
IN FAVOR 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 Christina Quaranta; I am the deputy director of the Connecticut Juvenile Justice Alliance. The Alliance is a statewide public policy and advocacy organization dedicated to ending the criminalization of Connecticut's children. We believe in prevention to keep children from entering the system, and best practice and policy to help kids who do enter the system to be successful.

I am here in support of SB 880, An act increasing fairness and transparency in the criminal justice system. We strongly support this bill, though we are urging amending language to include aggregate data collection and reporting on the prosecutorial decision points in the juvenile court as well as the adult court. That is not currently included in this version of the bill.

Call to Action

Collection of data around the prosecutorial decision points in the juvenile court must be done in a way that protects confidentiality and creates a level of transparency that is necessary to track progress or issues.

Connecticut's juvenile courts regularly report aggregate data that helps decision and policy makers to determine what trends are happening by court location. The State Department of Education collects very granular level data, while protecting confidentiality by including an * instead of a number if that number is less than 5. Multiple agencies and departments across the state have determined how to collect and report data relating to youth without undermining confidentiality. We should not need to reinvent the wheel to make this possible.

As a state, we need to be able to work with young people effectively and efficiently without undermining confidentiality. CTJJA is confident that that can be determined for prosecutors as well and CTJJA requests that the legislature works with all appropriate agencies and stakeholders to determine how to best do this. **We ask that language including juvenile court data be included in SB 880 as it moves forward.**

If prosecutors are not required to also collect juvenile data at the beginning of this process, it sends a message that juvenile cases and the impact that prosecutors' decisions have on children's lives is not important as what is happening with adults. We don't believe that anyone intends to send that message.

What does SB 880 do?

This proposed bill takes an important step to require and support prosecutors in collecting and reporting data related to their decisions and processes. It includes funding for the computer system that will make this reporting possible. **Prosecutors are some of the most powerful**

people in the criminal justice system, but in Connecticut, there is very little available data about the decisions that prosecutors make.

What is the problem that SB 880 serves as a solution to?

Currently, the prosecutors collect and report very little data about their work. Data, and reporting of that data, is an important step in making sure our justice system is transparent and fair. Examining data will allow our communities to ensure prosecutors are making decisions about charges, diversion, plea deals, transfer to the adult court, etc. fairly, and to hold them accountable when the data highlights concerns. Other sectors of the system: courts, police, providers, already must collect and report data. It makes sense that the prosecutors should collect and report data as well.

Why does prosecutorial transparency matter?

Racial Justice & the effect it has on the population of Connecticut

- Connecticut is among the worst in the country when it comes to disproportionately imprisoning Black and Latino adults. Without data about prosecutors' decisions, like information about sentencing, plea deals, probation or parole conditions, or charges, it is almost impossible to know if these racial disparities are rooted in prosecutors' decisions or something else.
- Access to data about prosecutors' decisions would allow lawmakers and the public to look at trends and spot and address any problems. Right now, there is not a way to look at those trends.
- The state does not currently publish statistics about the decisions prosecutors make. So, there is no easy way to spot or address any potential differences in how prosecutors treat people according to where they live, how much money they make, or what they look like.
- Prosecutors are the gatekeepers to the criminal justice system. They decide whether to prosecute, drop, or change charges. They can recommend for or against bail. They can offer or withhold plea bargains or alternative programs like drug treatment. They can influence sentencing, including conditions for someone's parole. That is an enormous amount of power to not have any public information about.
- According to data from ACLU Connecticut, more than 13,500 people are currently incarcerated in Connecticut, and more than 40,000 people are on probation or parole. All of their lives were affected by a prosecutor's decision, and the public should have better information about what those decisions are.
- Everyone affected by the criminal justice system – people who are accused or convicted of a crime, their families, victims of crime and their families, taxpayers who pay prosecutors' paychecks and the costs of incarceration, judges, and more – should have a good picture of how prosecutors are or are not feeding people into the justice system.

Fair Representation

- Connecticut is one of only three states (New Jersey and Alaska are the others) that appoints, rather than elects, its prosecutors. This means prosecutors here rarely report to the public about the jobs they are doing.
- Prosecutors in Connecticut are very powerful. They hold people's lives in their hands by deciding whether to change or drop a charge against someone, recommend bail, or offer

someone a plea bargain, and they influence sentencing. But right now, the state doesn't provide any information about trends in how prosecutors are behaving.

- Connecticut's Division of Criminal Justice, which oversees prosecutors, is generally exempt from the state Freedom of Information Act, making it almost impossible for people to get information about prosecutors' work. Connecticut's Criminal Justice Commission, the members of which are chosen by the Governor, appoints and reappoints prosecutors in our state.

State funding & National Trends

- According to Connecticut prosecutors, the Division of Criminal Justice currently has the funding to create a digital case management system and is in the process of completing that system. This would make it simple for prosecutors to easily share statistics with the state.
- Massachusetts and Florida have passed legislation requiring state prosecutors to release data about their decisions.
- Multiple counties across the country, including Cook County (containing Chicago), Illinois; New York County, New York; and Santa Clara County, California, have released racial demographic data from prosecutors' decisions.

What should the state do differently?

Connecticut's legislature should pass a law requiring the state to publish information every year about prosecutors' decisions. That information should include statistics about case outcomes, bail, plea deals, diversionary programs, sentencing, and demographic information about who they prosecute or decline to prosecute.

Connecticut and the legislature need to create more transparency about prosecutors' work to allow everyone in Connecticut access to a better and more just- justice system.

Thank you for the opportunity to submit this testimony.

Christina Quaranta

Alliance member organizations:

AFCAMP, Alliance for Children's Mental Health, Center for Children's Advocacy, 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