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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 19
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HOUSE OF REPRESENTATIVES

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Thank you, Mr. Speaker. I would like to honor a colleague's birthday today. Representative Len Greene of the 105th District, a Freshman, and he's celebrating his birthday, so happy birthday.

DEPUTY SPEAKER RYAN:

Happy birthday, Representative. May you have many more. Any other announcements or points of personal privilege?

Will the Clerk please call Calendar Number 417.

THE CLERK:

On Page 45, Calendar 417, Substitute for House Bill Number 6634 AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM. Favorable Report of the Committee on Human Services.

DEPUTY SPEAKER RYAN:

Representative Holder-Winfield of the 94th.

REP. HOLDER-WINFIELD (94th):

Yes, good evening, Mr. Speaker. I move the Joint Committee's Favorable Report and passage of the Bill.

DEPUTY SPEAKER RYAN:

The question is acceptance of the Joint Committee's Favorable Report and passage of the Bill. Representative Holder-Winfield, you have the floor.

REP. HOLDER-WINFIELD (94th):

Yes, Mr. Speaker, this is a Bill, which originated in the Judiciary Committee. Studies have shown us that minorities in our, minority children in our juvenile justice system tend to wind up in custody of the system more than non-minority children, even for the same crimes or same offenses, rather, having been committed. This is referred to commonly as DMC, which can refer to either disproportionate minority contact or disproportionate minority confinement.

Mr. Speaker, there are a couple of sections of the Bill, four sections. The first section deals with the ability of a minority child to be detained in one of our detention centers requesting for a judge to be contacted prior to the detention and a warrant to be signed by the judge.

Section 2 of the Bill deals with the requirements to hold one of our delinquents out of the state, and it also deals with a report that would be filed.

Section 3 of the Bill deals with relocation also.

And Section 4 of the Bill deals with more reporting.

Mr. Speaker, there is in the Clerk's possession, an Amendment, which is LCO 7967. I request that the Clerk call and may I be granted leave of the Chamber to summarize.

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DEPUTY SPEAKER RYAN:

Will the Clerk please call LCO 7967, which will be designated House Amendment Schedule "A">

THE CLERK:

LCO Number 7967, House "A", offered by Representatives Fox and Holder-Winfield.

DEPUTY SPEAKER RYAN:

The Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Holder-Winfield, you may proceed with summarization.

REP. HOLDER-WINFIELD (94th):

Yes, thank you again, Mr. Chair, Mr. Speaker. What this Amendment does is, it changes wording in line 43 and inserts the words a finding by the court in that line so that it is clear what we refer to when we talk about a court process.

It also does the same thing in line 83, and then this Amendment goes further to strike Section 2 and 3, which were problematic in the negotiating of the Bill and found not to be necessary for doing this Bill, and I urge passage, Mr. Speaker.

DEPUTY SPEAKER RYAN:

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The question before the Chamber is adoption of House Amendment Schedule "A". Will you remark further on the Amendment? Representative Kirkley-Bey of the 5th.

REP. KIRKLEY-BEY (5th):

Thank you, Mr. Speaker. I have a question of Representative Holder-Winfield, and I'm not sure if he remembers this. But I thought that earlier this Session we did a Bill that said when children are to be removed from the house, they should be placed with a family member, either a member of their mother or their father's family before there's any placement done on behalf of that child.

Do you remember that?

DEPUTY SPEAKER RYAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, I do believe we did something along that line. I can't tell you because I don't have it in front of me, and I think that may be the reason that we came to find that in this Bill we don't have to deal with that subject matter.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Kirkley-Bey.

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REP. KIRKLEY-BEY (5th):

(Inaudible) sir. I just wanted to make sure that he remembered that because it was one of the things we were looking for in continuity of family. Thank you.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark further on the Amendment before us? Will you remark further?

If not, I will try your minds. All those in favor signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RYAN:

Opposed, Nay. The Ayes have it. The Amendment is adopted. Will you remark further on the Bill as amended? Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes, thank you, Mr. Speaker. The Clerk is also in possession of another Amendment, which is LCO 7930. I ask that the Clerk call the Amendment and I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER RYAN:

Will the Clerk please call LCO 7930, which will be designated House Amendment Schedule "B".

THE CLERK:

LCO Number 7930, House "B", offered by Representative
Holder-Winfield.

DEPUTY SPEAKER RYAN:

The Representative again seeks leave of the Chamber to summarize the Amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Holder-Winfield, you will proceed with summarization.

REP. HOLDER-WINFIELD (94th):

Yes, thank you, Mr. Speaker. Section 4 of the Bill is affected by this Amendment. As I said earlier, Section 4 requires some reports of the Commissioner of Public Safety, the Commissioner of Children, the Chief Court Administrator, the Police Officer Standards Training Council, all of those who deal with children in our juvenile justice system reporting on what is happening with disproportionate minority contact and minority children in the system as it pertains to what is going on in this Bill.

I was, originally imagined that we would do this annually. There was some concern about the ability to do this on an annual basis.

So what this Amendment does is, it changes the requirements of the reports from annual to biannually, that way trying to alleviate some of the concerns that were put

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forth by some of those who have the responsibility as
Section 4 pertains.

I urge passage, Mr. Speaker.

DEPUTY SPEAKER RYAN:

The question before the Chamber is adoption of House
Amendment Schedule "B". Will you remark on the Amendment?
Will you remark on the Amendment?

If not, I will try your minds. All those in favor
signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RYAN:

Opposed, Nay. The Ayes have it. The Amendment is
adopted. Will you remark further on the Bill as amended?
Will you remark further on the Bill as amended?

If not, will staff and guests please come to the Well
of the House. Will the Members please take your seats.
The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call.
Members to the Chamber.

The House is voting by Roll Call. Members to the
Chamber, please.

DEPUTY SPEAKER RYAN:

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Have all Members voted? Have all Members voted? Will the Members please check the board to determine if your vote is properly cast.

If all Members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

House Bill 6634 as amended by House "A" and "B".

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

DEPUTY SPEAKER RYAN:

The Bill as amended is passed.

The Chamber will stand at ease.

(Chamber at ease.)

The House will come back to order.

Will the Clerk please call Calendar Number 102.

THE CLERK:

On Page 3, Calendar 102, House Bill Number 6466 AN ACT CONCERNING TECHNICAL REVISIONS TO HOUSING STATUTES.

Favorable Report of the Committee on Housing.

DEPUTY SPEAKER RYAN:

**JOINT
STANDING
COMMITTEE
HEARINGS**

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keep the restraints on. If they're not concerned, they -- they can take them off. And if in court somebody requests the judge to have the restraints removed, the judge will certainly ask why are they on, and if the marshals don't give a good reason, the judge will remove them. That's the way the thing ought to happen. To do this, removes the discretion from marshals in a way that may subject the staff and the courtroom to danger, and it would seem that this bill would be a mistake.

In regards to the other bills, Mr. Carino -- again, we prepared testimony and the others at fair length.

Mr. Carino has been a juvenile prosecutor since -- as long as I can remember, before the juvenile prosecutor who was taken into the division. He was the head juvenile prosecutor before the judicial branch back as long as I can remember. He has great experience in this area and he'll remark on these other bills.

FRANCIS CARINO: Thank you, Kevin.

Good morning. I'm going to make a few comments on 1164, AN ACT DELAYING IMPLEMENTATION ON RAISE THE AGE OF -- FOR 17-YEAR-OLDS. My only comment here is that you may hear about the -- how the addition of the 16-year-olds to the juvenile system over the last 15 months has not resulted in the numbers or the cost that were anticipated prior to the implementation. I would caution you not to jump to conclusions regarding either the numbers or the cost.

One explanation for why we haven't seen the intake of 16-year-olds that we expected is that the law is still confusing. And despite the extensive training efforts on the part of the

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purpose.

If the statement of purpose is, in fact, what is to be accomplished by this bill, then it doesn't make a whole lot of sense because it would make any statement that the child gave to a police officer inadmissible in any criminal prosecution, regardless, of whether or not that statement was made voluntarily or it was taken in full recognition of the child statutory and constitutional rights. This provision, as I read it, would say that if that would be the statement of purpose, that that statement would not be admissible in court in a criminal case and that doesn't make a whole lot of sense. So we would be opposed to 1229 for those reasons.

With respect to 6634, child welfare and detention and erasure, this provision among other things would call for a court order before the police could put any arrested child, regardless of the charge, in a juvenile detention center. Such an order is now only required only when the charge is not on the serious juvenile offender list that the legislature has developed. So such orders are routinely granted, ex parte. Right now, if the police officer goes to the judge's house at eleven o'clock at night and says, Judge, I've got a 15-year-old in the back seat of my car, that's arrested for disorderly conduct because of the domestic at home. I can't put the child back home. There's no friends or relatives to take him. DCF doesn't have a place available. He's got to go to detention. It's the only place I have left.

The judges, as far as I can tell, are routinely signing those orders to detain. Put the child in detention; let him cool off over night. The next day when he has a hearing in court, the judge can determine what to do next.

This provision would say the police would have to get such an order even if the charge was a serious juvenile offense. So if the police officer went to the judge's house and said I've got a 15-year-old in the back seat of my car, that just killed somebody, can I have your permission to put him in detention, I think the judges are going to say yes.

So if that's going to be the case, then the only purpose this provision would provide or the only result that would come out of this would be to inconvenience and encumber the police in doing their duty to put those kids in detention that need to be put in detention when they're charged with serious crimes.

Also the findings that would be required under this provision for these initial orders to put kids in detention, there the same things that would be required for the continued detention of that child at the hearing the next day. So that would mean you'd end up having a judge, maybe two judges, making the same findings on two different occasions, maybe even within 24 hours of each other. This would result in inconsistent findings and not be an efficient use of the judge time. So, again, this proposal, in our opinion, would make for an unnecessary and cumbersome and inefficient procedure to place a child, charge with a serious juvenile offense, in a juvenile detention center.

The next bill on my list here is 6637, AN ACT CONCERNING COMPETENCY IN JUVENILE MATTERS. We support the enactment of this provision. This bill was drafted by a committee of system people, and it would establish a specific procedure for use in juvenile competency matters instead of using the current adult statutes because they

Merva Jackson?

MERVA JACKSON: Good morning, Representatives.

REP. FOX: Good morning or --

MERVA JACKSON: I appreciate the opportunity to speak in front of your committee this morning. I'm also bringing along with me Carmen Pena who is a little bit down on the agenda but she'll be -- she's one of our (inaudible). This is her first time, and I wanted to support her in her effort to speak to you this morning on these issues. Okay.

Good afternoon -- well, almost afternoon now -- Senator Coleman, Representative Fox, and members of the Judiciary Committee.

My name is Merva Jackson. I'm the executive director of the African Caribbean American Parents of Children with Disabilities. One of the commissioner on Racial and Ethnic Disparity in the Criminal Justice System and a member of the Connecticut Juvenile Justice Strategic Plan Executive Implementation Team.

I'm here to testify against Senate Bill -- ooh.

I usually have a really strong voice when I'm reading.

I'm here to testify against Senate Bill 1223, which would require parents to pay for the cost of treatment and the care for their delinquent children.

In sitting here this morning, I did hear some conversation in regards to who are many of the children that end up in the justice system. And I'm sure if you had a chance to review the data,

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This bill will only add an additional burden and stress to them when what their need -- what they really need is help and support. I appeal to you on the behalf of the many families raising children at risk or involved in the justice system to kill this bill and let's get together and look at real solutions to better involve parent in the design, development implementation of their JJ-involved children service plan. And as an organization, we are prepared to work with you in those issues.

In closing, I also want to support Raised Bill 6634, AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS. Again, because so many of these kids are referred to the justice system unjustly and then develop a record that many times follow them through the adult system, which contributes to the over -- representation of individual of color in the justice system. And this will give us an opportunity to really look at this portion -- disproportionate minority contact, which has been an issue for Connecticut for over 30 years that we really have not really addressed effectively. And through this bill, we'll be able to really start to really look at how we do that and to improve what we're doing.

And I also want to support 6638, Raise the Age.

REP. FOX: Sure, go ahead. If you just put the microphone up front.

CARMEN PENA: [SPANISH]

REP. FOX: Thank you.

MERVA JACKSON: I did -- I did submit her testimony both in English and Spanish.

JUDGE QUINN: Good afternoon, Representative Holder-Winfield and distinguished members of the committee.

I'm Barbara Quinn, and I'm the chief court administrator of the Judicial Branch.

I'm going to begin by testifying in support of three bills that are part of our own legislative package this year and that is Senate Bill 1224, AN ACT CONCERNING COURT OPERATIONS AND VICTIMS SERVICES; Senate Bill 1219, AN ACT CONCERNING RELEASING OF JUDICIAL BRANCH FACILITIES; and House Bill 6635, AN ACT CONCERNING COURT SUPPORT SERVICES DIVISION OF THE JUDICIAL BRANCH.

Before I get to all of the juvenile bills that you've been hearing about this morning, let me start with 1224. This makes a -- bill makes a variety of technical changes that are intended to enhance the operations of the branch including -- and I'll get to this one -- in particular, the provision of services to victims. And I'm going to just go through it briefly.

Section 1 would make statutory changes that are necessary for us to expand the judicial performance evaluation program to judge trial referees. They are the judges who are over 70 who continue to serve.

Sections 2 and 4 would allow for electronic communication of court orders which we need in order to take full advantage of our e-filing system and the savings that that enables us to have.

Section 3 would create an official process for the common practice by which prosecutors and defendants reach agreements about amounts to be

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Public Defender, the Office of the Chief State's Attorney, the Department of Children and Families, the Department of Education and the Police Chiefs Association. And you've heard some rather eloquent testimony today already about these bills and, basically, we second all of that. We really believe they're necessary to carry forward the Raise the Age initiatives as fully as possible.

We have some concerns about two other juvenile bills and that is House Bill 6634, AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS; and Senate Bill 1164 -- let me just find this.

As to House Bill 6634, we don't object to Section 1, which would require the police to get the approval of a judge in order for a child who has been arrested to be admitted to a juvenile detention center. And that is a new position for us.

In the past we have opposed that because it does require that judges be contacted and review the necessary paperwork, but we are persuaded from the studies that we have been involved in and the information we know that a judge involvement may be of assistance in addressing disproportionate minority contact. It's one point at which there might be a change made.

We do anticipate setting up a system to handle these requests that would function in the same way as our system for probable cause determinations that are necessary 24/7 to sign warrants on the criminal side.

Let me turn to the troublesome issue of erasures, this time, in juvenile court. We have come to

you many times before and you have enacted legislation that requires us to erase records, and we have explained we simply do not have the capacity to do this. And the reason is really simple. It requires us to know facts later on in time outside of our easy ken, that is, whether or not someone has committed a further act. And it places a burden on us that we simply cannot discharge. I know it seems like we should be able to do this that we have some of the records but it involves the entire criminal justice process. And, quite frankly, having listened to some of the testimony with regard to the adult erasure issues that Attorney Zito testified to and others, my recommendation on this -- because it is so resource intensive and it involves many agencies including the Department of Motor Vehicles, that we meet -- that we create -- that you, as a legislature, create some body of people to review this carefully and to make a series of recommendations across the systems as to how it could be dealt with.

Let us presuppose, for example, that we could erase records and yet the Department of Motor Vehicles is posting them. And while it may appear that the clerk's office should be in the position to erase such records, in fact, we just don't have the information nor the manpower to be determining how to do that.

With respect to the provision on the juvenile side, that is the same problem. It would require the court clerks to monitor all delinquency convictions and Family with Service Needs adjudication for a period of two years to determine if a child is subsequently arrested or has been convicted. And then the clerk must not just erase but also destroy the records. And you have some conflicting provisions that were enacted with -- in the aftermath of the Cheshire

situation that we are to preserve certain juvenile records for use by law enforcement agencies. So you can see that there are a lot of conflict points. And I don't want to say more about it because it really is very complicated but to suggest to you as obviously there's been an interest here in making these provisions work to convene a group to do so.

There's one last point I would like to make with the advent of the Internet, records that used to be what we'd call "functionally obscure," although public, are now published, if you will, on the Internet in a way that makes them much more public, and it requires a careful review of the balancing competing interest and policy for information against what are individual rights that should be protected.

So I toss that out for telling you a little bit about all the resource and complications that -- resource needs and complications that are there.

Let me see. There's also the act delaying the implementation of Raise the Age, and we do oppose that. We really would like to proceed with the current schedule. I think we have made information available to those who are responsible for budgetary concerns that when the 17-year-olds come in the system, initially, we will have some needs and the bulk of the resource request would occur in the following biennium.

SB111A

We are mindful -- and you've heard from the State's Attorney and from Attorney Fran Carino that there may be unanticipated costs, but we've done the best we can to estimate those.

The last issue if have is the responsibilities of the parent or guardian with a child convicted as a delinquent, which is Senate Bill 1223. We

SENATOR KISSEL: I'm sorry. I feel a little more comfortable. I -- I like the initiative. I don't have any hesitancy regarding it, but Governor Malloy and his leadership are definitely engaged. And on the one hand, I want to be deferential to Commissioner DeFronzo, and if it's, you know, new sheriff in town, we're going to speed things up, we're going, you know, this being an area where that the Department can shine. And so if they're -- if they're going to, you know, revise procedures to expedite things and this is an area they have an interest, then sort of my gut tells me to let them -- let them run with the ball at this point in time.

If it's something where you folks can reach an agreement that perhaps in some respects you can move on some of these, they can move on some of these and some sort of joint effort, that's probably the best of all possible worlds. And, alternatively, if they don't have a strong interest and DAS has a whole other lot of things to worry about right now and they're willing to give up some authority for a period of time and then we can revisit it that, to me, sounds like a nice possibility as well, and we do that all the time in this building.

And a lot of times we have apprehension and then a year later we realize not a big deal should have done that years ago. And so I just throw that out there, and if you could just, at least from my perspective, keep us informed before we act on that, it would be helpful.

JUDGE QUINN: We certainly will. Thank you.

SENATOR KISSEL: And on the erasure and the information technology issues, I know that Governor Malloy has made it a priority to move forward with the Criminal Justice Information

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System, and I don't know whether that will help you with some of those erasure issues or not. I don't know if they're linked up.

Is there -- is there any east meets west in that, or it's just you don't have the wherewithal and -- because far be it for us to create something in statute that you just can't humanly possibly comply with?

JUDGE QUINN: I don't think CJIS would have much impact on that. As much of the information we have populates the Criminal Justice Information System, I think part of it is us and part of it is other agencies that have certain information, and that's why I think getting together, convening of a group to really look at all of the statutory implications and methods by which, in this Internet day and age, this might appropriately be handled would be a worthwhile thing.

I know it delays the action that you'd like which is erasure of records somewhat more but I think it's like Raise the Age. It requires a lot of planning. It's not just one agency or branch. It's the interrelationship between all of us and how the information flows.

SENATOR KISSEL: And, you know, you're sort of -- you're sort of aside that documents that in statute are public but functionally difficult to attain. It's not lost on me. I mean, you know, it used to be that people would just sit around and wonder are they getting divorced, is there a lawsuit, what's happening with people three doors down the street. And now, you know, if you have access to the web, you just punch in the names and you can find who's got lawsuits and, in many respects, you can find out where the pleadings are along in those lawsuits, things like that.

And so now all of a sudden things that may not have been big issues for us may percolate up to the top and we have to reexamine what's appropriately public and what's unnecessarily public or -- or actually the -- the negatives out -- outweigh the positives.

My last question is this, I'd like us to try to move on your proposals as much as possible. I think that for whatever reason in past years some of the things that have been important to you have just gotten caught in the crossfire and somehow languished on the calendars in the final days, and -- and we've put so much on your plate that it would be helpful to you folks if we just left you alone to do the things that you have to do and get your bills out of the chute earlier rather than later. So if you could keep us informed as to what your top priorities are that would be helpful. I know that you would like to see every single bill cross the finish line in the next month or so but if there's some things that are absolutely necessary for the smooth flowing of the Judicial Branch just let us know that priority list that would be helpful. Thank you.

JUDGE QUINN: I will certainly do that.

REP. FOX: Thank you.

Senator Meyer.

SENATOR MEYER: Thanks, Judge Quinn, for your very comprehensive testimony.

I want to just chat with you about Senate Bill 1224 for a moment. That bill, in Section 6, as you pointed out, allows in order to fill a panel of the supreme court, seven members of the panel, it allows the appointment of a senior judge,

proposals because we do respect, you know, the separation of powers and the balance of powers that should exist so we haven't really ever taken a position on it.

REP. KLARIDES: Okay and thank you.

And one last thing, I know you had testified against Senate Bill 1164 about delaying the --

JUDGE QUINN: Yes.

REP. KLARIDES: -- the Raise the Age for 17-year-olds. And I know that Senator Meyer had mentioned earlier that -- that the House Republican Caucus, you know, had put in that bill, and I just wanted it made clear for the record that we don't oppose that on policy reasons. We oppose it purely on budgetary reasons. And, unfortunately, in this job, there are a lot of things that we feel are certainly legitimate and worthwhile but we also have just as important a job in -- in finding a budget and balancing a budget. So I just wanted to clarify that for the record because I think that wasn't made clear before.

Thank you.

JUDGE QUINN: Thank you.

REP. FOX: Representative Shaban.

REP. SHABAN: Thank you, Mr. Chair.

To follow back up on your testimony on 6634, the erasure, the thought occurred to me and maybe this is has been run up and down the flagpole in the past. Would it make some sense rather than imposing the obligation on the court and everybody else to make all these findings and if this then we shall erase as opposed to shifting

that burden to an applicant or a movant and actually say, if you want your records erased, you file a fee, you file an application, you bear the burden of proof, you show up at a court with items one through six and if we make the finding, you know, the records will be erased. Would that -- has that been considered or would that ease the pain?

JUDGE QUINN: I know it's been discussed. It certainly would be our preference because the individual is in possession of the information to file a motion. I think on the part of juveniles and others who have limited means, there is always a concern that, A, they wouldn't know about it; and, B, they wouldn't be in a position to move forward. But really that -- that certainly alleviates a significant portion of the problem for us to have the individuals who are in possession of the information move to have their records taken care of.

REP. SHABAN: If I may, do you know -- how do other states deal with this? Do you know?

JUDGE QUINN: I'm not familiar with how they do, but I certainly can get back to you on it if you'd like to know.

REP. FOX: Thanks.

And Representative Smith will be next.

I just have one quick follow-up on that. Do you know how many nollees have been brought back to the court? Or is there any statistic that shows whether -- when a court enters a nolle, have they ever -- are there circumstances when they will bring those charges back?

JUDGE QUINN: I believe there are but --

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lg/sg/cd

JUDICIARY COMMITTEE

April 1, 2011
10:00 A.M.

REP. FOX: -- I mean I know they --

JUDGE QUINN: -- I'd have to get you the detail on --

REP. FOX: -- I recognize -- I don't expect you to throw a number out at me but just it's to me -- and I rec -- there's a difference between a nolle and a dismissal.

JUDGE QUINN: Right.

REP. FOX: And -- but the circumstances under which a nolle is actually brought back, I think, are very rare. I -- I don't know.

JUDGE QUINN: I believe that to be correct --

REP. FOX: Yeah.

JUDGE QUINN: -- but I don't have a number to give you.

REP. FOX: Okay.

JUDGE QUINN: I know it does happen.

REP. FOX: Okay.

Representative Smith.

REP. SMITH: Thank you, Mr. Chair.

And good afternoon, Judge.

I'm just wondering just to follow up on one Representative Shaban's comments. If you look at the Senate Bill 1224 in Section 14, there's -- in Section 2, there -- there's almost a change that of which we were just talking about where in the past it was nolle, almost as a matter of course,

REP. BARAM: A couple of items, if the erasure bill goes through and it is implemented through a motion by an attorney for erasure after the period of time is required, is it possible through the court to issue a notice, like a reminder notice, to the party once they file their appearance that, you know, next month your -- your matter, the nolle, expires and you have a right to make a motion -- just as you would remind anybody about a pending court date or anything else. Is that something that's possible within your system?

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JUDGE QUINN: Not at the present time. The criminal system is not as fully automated as some other areas are. And the volume is significant so we don't really have an easy way of doing that.

REP. BARAM: Because I know on the civil side, we receive notices for just about everything.

JUDGE QUINN: Right.

REP. BARAM: And I think that would be a good compromise to give somebody notice because I think all too often people will forget if they don't have a reminder.

JUDGE QUINN: Just -- just by way of technological speak, we are in the process of migrating much of our work, technical work, off a 40-year-old Legacy computer system in order to undertake the family and juvenile and criminal justice piece. We have to complete that and it's -- it's a ways away. It takes a lot to bring it up into the current environment to document all the technical changes and procedures. We are committing such resources as we have to making that work since ultimately it makes us more efficient in carrying out the duties we have, but it is a lengthy process.

we're not looking to remove oversight. We just would like it to move forward in an efficient way.

REP. HOLDER-WINFIELD: Representative Morris.

REP. MORRIS: Thank you, Mr. Chairman.

Good afternoon, Judge.

JUDGE QUINN: Good afternoon, Representative.

REP. MORRIS: Good to see you always.

On the erasure bill, a little follow-up just to clarify something for me, are you're talking about records that are sometimes maintained for future cases. Explain -- explain -- are you talking about records of people that have already -- that have already been -- there's been a conviction or would that also include records where there's been a nolle -- not -- you know, something's that not been adjudicated, which -- that's my primary concern?

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JUDGE QUINN: Yeah. It varies depending on what's required of us. I think the thing that's a clear cut example is in the aftermath of the Cheshire tragedy, the notion that we should have juvenile material available for adults who are now before the parole board would, kind of, militate against destroying what was there 10 years earlier whether that was a conviction or whatever it was, an adjudication or delinquency that might have had various reports connected to it. So it's a -- it's a sensitive, sort of, area and there are certain statutes on one side that represent the public policy of giving people a fresh start, and there are other statutes that say, you know, if you offend again -- and it might be years later, you know, well after the 13 months have gone by

and the thing should be erased -- we want to know if anyone was ever even arrested for something. So I think that one of the difficulties is these -- are these competing policies, and I think it just requires careful sorting out. It's -- it's not -- all cases don't fit well --

REP. MORRIS: So that --

JUDGE QUINN: -- into that paradigm.

REP. MORRIS: And this is an education for me because I was under the assumption, maybe wrongly so, that once you're out of the juvenile system after a period of time that those records aren't just sealed or closed but they're actually gone. They no longer exist. So that's why I'm asking the question. Is that a false assumption of mine?

JUDGE QUINN: They are -- they are certainly sealed. And in some cases, given the length of time and the age they are, in fact, completely erased. But there's this period of time in between when we haven't yet gotten to that point.

REP. MORRIS: And -- and -- what typically is that period of time?

JUDGE QUINN: I'm sorry. I don't have all those details.

REP. MORRIS: Okay. Let me move to a -- to another bill then, 1223, which you testified that you're -- you're not in support of because you can do this anyway. You basically can hold parents in contempt if they don't participate or have the children involved. You didn't comment on Section 2 of that bill, and I -- I'm curious what your thoughts are where Section 2 requires that the parent to actually pay for the services of the child if they're determined delinquent.

JUDGE QUINN: It's -- it's both sections. We're asking you to take no action on either of the sections on the entire proposal. With respect to the first portion, we already have the authority to bring parents in where it's appropriate and to hold them in contempt if necessary. With respect to the second section, we would be ask -- we are asking that we exercise our discretion.

So, you know, generally speaking, we're opposed to the whole thing. If you believe you need to move forward on it, we have some options that we would like you to consider so I think it's accurate to say we would like you not to move forward on this bill.

REP. HOLDER-WINFIELD: Thank you. I -- the reason I had asked the question is because I heard a little bit in the interaction between you and Representative Morris about cost, I think, so I was wondering if that was it or if it was something else so I appreciate your response. Thank you.

Any other questions?

If not, thank you for your testimony.

JUDGE QUINN: Thank you very much.

REP. HOLDER-WINFIELD: Next we will hear from Theresa Drew.

THERESA DREW: Good afternoon, Representative Holder-Winfield and the Judiciary Committee.

My name is Terri Drew. I am the director of the Youth Services Bureau for the city of Stamford.

The mission of the bureau is to promote the development of caring and responsible, successful

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REP. FOX: Thank you very much.

Are there any questions or comments? No.

ALBERT FANG: Thank you.

REP. FOX: Thanks, thanks for being here today.

Next is Christine Rapillo.

CHRISTINE RAPILLO: Good afternoon, Representative Fox, members of the Judiciary Committee.

My name is Christine Rapillo, and I'm here on behalf of Susan Storey, the chief public defender. I am the director of Delinquency Defense for the public defender's office.

And I'm here -- I've submitted writ -- written testimony on behalf of the chief on a number of bills. In the interest of time, I'm going to try to keep my testimony to five of the bills that I talked about.

The first being Raised Bill 6634, which I believe is a proposal that will take a direct hit at the problem with disproportionate minority contact in the juvenile justice system.

And, Representative Holder-Winfield, you had asked about the studies that we relied on and ask them if this bill be proposed. I participated in the last two studies that have come out of the Juvenile Justice Advisory Committee so I'd be happy to answer any questions that you have about that.

Members of the committee, I would urge you to act favorably on this bill. This bill would apply the court order requirement for every child

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that's admitted into Connecticut juvenile detention facilities. And although the Office of the Chief State's Attorney has testified today that that would be a burden on law enforcement, I put before the committee that this is the only thing that we have to propose that has been proven to impact on the problems of disproportionate minority confinement in Connecticut.

We know that our detention centers are full of children of color. They make up around 20 percent -- I don't have the exact figure -- but around 20 percent of the total population in Connecticut and yet they make up over 80 percent of the kids in our detention centers. When the Juvenile Justice Advisory Committee has done their federally ordered studies on this issue they found that when we mandated court orders for children with lower level offenses, the disproportionality existing for children when they entered detention disappeared. So simply asking a police officer to go to a judge and get a finding of probable cause and one of five or six findings for detention eliminated the problem that we had with more children of color going into detention. It is a simple solution. It's supported by everyone else in the system. The Judicial Branch now has come to see that it is not a burdensome requirement, and we would urge this committee to act favorably on that.

Also here to testify in favor of Raised Bill 1095, an act limiting the use of restraints, this -- Judicial currently has a policy that allows the judges to cede authority for determining who gets restrained when they come into court over the judicial marshals. And Chief State's Attorney Kane was right this morning when he said the bill removes the discretion of the judicial marshal. Because the cur -- under the current

I have submitted written testimony on a number of other bills, but I know what time it is.

And I'd certainly be willing to answer questions on anything before the committee.

REP. FOX: Well, thanks. Actually, it's not late at all (inaudible).

CHRISTINE RAPILLO: Feels like we've been here a long time.

REP. FOX: Yes, but thank you.

Are -- are there any questions?

Sen -- Representative Holder-Winfield.

REP. HOLDER-WINFIELD: So my question is about the studies. I'm just wondering did the studies suggest that it was unknown that we had disproportionate minority contact?

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CHRISTINE RAPILLO: I don't think the studies suggested that it was unknown. What the studies do is confirm that it exists. Because what you often hear as you go into the community and you talk to people about the disproportionate number of, particularly, children of color in the system is that people believe that it's a function of people having a worse criminal record or it's a function of poverty or it's a function of where people live. And what the studies are able to do is to take the information and to control for all of those things. And I can't statistically tell you how they do it, but they have the information, the zip code information of where these offenders come from. There's information about what the child's record was. So that when you balance everything, when you take a child, you know, going into detention with the same

criminal record and the same charge and one has dark skin and one has light skin that study can tell you conclusively that the kids with the dark skin are going into detention at a higher rate than the kids with the white skin. It was not an issue where we thought that it didn't exist.

The federal government mandates that this be studied and, in fact, gives Connecticut a significant amount of federal dollars to study it and to provide services to try to alleviate the problem of disproportionality. So the -- the study was really to look for where the points were that the kids were coming in a disproportional rate and then to make recommendations on how we were going to address this and this proposed piece of legislation is one of those recommendations.

REP. HOLDER-WINFIELD: And -- and I ask the question not -- I heard some people giggle when I asked the question. I asked the question not to be funny at all. I'm -- I was reading through the testimony of the Division of Criminal Justice and if I were swifter, I would have asked them some of these questions, but they suggest in here that, perhaps, what happened was not that you had those court orders and that had the effect, but the effect was gained by making system professionals more -- system professionals aware that DMC existed. So I -- I was wondering if the study actually asked that question at all because, quite frankly, to me it seems a little ridiculous but it's not beyond the possibility.

CHRISTINE RAPILLO: The study asks -- asked a lot of question. Actually in follow up to this study, there was a survey that was put out to practitioners to see how much they knew about it. And although, that's post this study, the survey showed that most people were not aware of the

studies or aware -- people were not made more aware of disproportionality based on any of the studies that the Juvenile Justice Advisory Committee had done. And in fact, the training that was done for system practitioners was not necessarily the same training done for law enforcement. At this particular decision point, it was a law enforcement decision point. There are other issues involving disproportionality that involved, you know, court decision points, the prosecutor decision points and DCF decision points, but this one, in particular, had to do with law enforcement. And I don't believe there have been a lot of research or even a lot of training done with regard to that. There has been pockets but certainly no wide-scale studies.

REP. HOLDER-WINFIELD: Thank you, because, you know, in my mind, I walk into this room thinking that we probably should do this bill, but I want to be open-minded. And so what you're telling me suggests that there is credibility to the notion that those court orders should be the way to go so I thank you for your testimony.

Thank you, Mr. Chair.

REP. FOX: Are there any other questions?

Thank you very much.

CHRISTINE RAPILLO: Thank you.

REP. FOX: Bob Francis.

ROBERT FRANCIS: Good afternoon, Representative Fox, Representative Holder-Winfield, members of the Judiciary Committee. My name is Robert Francis. I'm the executive director of the Regional Youth Adult Substance Abuse Partnership in Bridgeport, nationally called RYASAP. I'm also the co-chair

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of the Connecticut Juvenile Justice Alliance.

RYASAP, our lead agency, we're also the lead agency for the Juvenile Review Board in Bridgeport and Local Interagency Service Team through CSSD and DCF.

I'm here to speak in support of Raised House Bill 6634 and to speak against Raised Senate Bill 1223.

As far as 30 -- or 6634 is concerned, we believe that all young people should be held accountable for their behavior in a way that is fair and equal. They should be treated the same, regardless of race or ethnicity. When kids of color are overrepresented and are treated more harshly because of race and ethnicity, DMC exists.

Federal law requires and states to document DMC and creates plans to stop it. The Juvenile Justice Advisory Committee, a governor-appointed committee that oversees the use of federal funds under the Juvenile Justice and Delinquency Prevention Act in Connecticut, has carefully designed recommendations to eliminate this disparate treatment.

We know where DMC exists. A lot of this is redundant for some of the testimony that's gone before, but there have been a number of studies done by Spectrum that demonstrates this, and the research compares decisions made on arrests, confinement, conviction, controlling for factors like a child's prior juvenile justice system involvement and socioeconomic status.

You've heard from Judge Quinn earlier that the court has changed its opinion on whether they -- they -- they've changed their opinion about the

decision points across the system. We're in support of the court's decision making around that. I don't believe there's -- there's probably much more to say about -- about that particular bill, except that we are very much in support of it.

We oppose Senate Bill 1223. It would require a parent or guardian to attend any court hearing, related to delinquency charges against his or her child, and make failure to attend punishable as contempt of court and participate in and pay for the cost of care, treatment and rehabilitation for a child who has been convicted delinquent.

In 2008, Connecticut passed Public Act 08-143, which requires that proposed bills are assessed based on possible racial impact. Given the fact that racial injustice, known as DMC, has been consistently researched and demonstrated to exist in numerous parts of our juvenile justice system, RYASAP believes this bill would disproportionately and negatively impact communities of color. We cannot support any legislation that would unfairly impact parents of color more than white parents. Giving criminal charges to a parent who cannot attend a child's hearing because he or she cannot take time from work is unfair and unjust. Similarly, it puts poor families who cannot afford to pay for their child's needed treatment at a major and unjust disadvantage.

Thank you.

REP. FOX: Thank you and thanks -- thanks for being here with us.

ROBERT FRANCIS: You're very welcome.

REP. FOX: Are there any questions?

have my email --

REP. FOX: Okay.

MICHAEL AGRANOFF: -- but I'll leave with --

REP. FOX: You can leave it right there that would be great.

MICHAEL AGRANOFF: Sir, would you like me to leave cards on any particular --

REP. FOX: Well, if you'd just leave me a card right there. (Inaudible.)

MICHAEL AGRANOFF: Of course.

REP. FOX: Okay. Thank you.

MICHAEL AGRANOFF: Thank you.

REP. FOX: Hector Glynn.

HECTOR GLYNN: Good afternoon, committee members. My name is Hector Glynn. I am the vice president for community pro -- and outpatient programs for the Village for Families and Children, and I am here to strongly support Raised Bill 6634 or the Disproportionate Minority Contact Bill.

People before me have come and given you, sort of, the testimony on the studies and all the findings that have been in place for the last, sort of, 30 years. I just wanted to, sort of, put a face on it and give you a personal account of how prejudice has affected my life and how I think it continues within society. While I don't think prejudice comes out of malice, I do think it's still, sort of, present.

One of my proudest moments was working with this

legislature a few years back in helping to pass the Raise the Age or -- or changing the juvenile jurisdiction. I sent a significant amount of time speaking to leaders from both parties and when it came up and there was minimal opposition, I was very, very proud of the work that I had done. A few months later as in talking with one of your colleagues, she disclosed that, you know, in conversations with some of the leadership, one of the reasons that they were convinced of the merits of the bill was because a reformed gang banger had come and was able to articulate to them the merits of the bill.

As a Latino man, I try to dress well. I try to articulate as clearly as I could about the merits of the bill, but how I was perceived really was the message that was sent. And if that level of assumptions can be carried through at this legislature, is it unreasonable to assume that it can be carried even within the JJ system? That is what these bills are about. It's about the fact that presumptions are made on a regular basis and they do affect the outcome of -- children's lives. So anytime we can put checks and balances in place to help control some of that it really does make a difference in the lives of children who are being touched.

I would also like to, sort of, echo that the Center for Children's Advocacy has advocated that school-based arrests be added to this bill. I think they've submitted some language to that effect. School-based arrest is another, sort of, large portion of arrests for juveniles that are coming directly out of the schools, and it's something that SD already collects. Making it public, would allow us to, sort of, take a look at it and look to see if there is a disproportionate minority contact issue there because, as of now, it -- there is no way to,

sort of, measure it. Those are my remarks.

REP. FOX: Well, thank you and thanks -- thanks for being here and for testifying.

Are there any questions?

Sorry. There's a bunch of things going on here so that's why everyone's not here.

HECTOR GLYNN: It's okay, not a problem.

REP. FOX: Thank you.

Kia Levey.

KIA LEVEY: Good afternoon, Representative Fox, members of the committee. Thank you for saying Kia Levey, because no one pronounces that correctly. My name is Kia Levey. I am here to testify primarily as a concerned citizen, as a parent, advocating for fair and equitable treatment of youth in the Juvenile Justice system. I'm testifying in support of the Raised Bill 6634, which addresses disproportionate minority contact.

You know, I primarily came to talk as a resident of Connecticut who grew up in New Haven, was educated in public high school in New Haven and witnessed many of my peers and classmates, who looked just like me, who lived where I lived, incarcerated at an alarming rate. I watched classmates leave school, never to return, be separated from their families, disengage from their communities and struggled to reengage when they did come back.

I'm now a parent of an African American son. I'm also a social worker in training studying social policy and social justice issues, and I'm more

fully aware now of the prevalence of discriminatory practices that either increase or exacerbate the penalization of our youth of color.

What this bill does is it legislates fairness, fairness in the process that is already loaded with fear and grief and remorse. We know that DMC exists. We've heard all the testimony come forth about the research that supports its existence so I won't need to go further on that.

This bill, I believe, will protect young people of color, protect people, like my son and his peers who -- protect them from being penalized for more than just their behavior. If they misbehave, then, of course, the appropriate sanctions should be in place. But it does protect them from being un -- treated unfairly because of their race and ethnicity and it gives them the fairness that a just process should provide.

So I thank you so much for hearing my testimony this afternoon.

REP. FOX: Thank you.

Senator Kissel. Oh, I'm sorry. I thought you had a question.

SENATOR KISSEL: I just wanted to compliment you on your succinctness.

KIA LEVEY: Thank you.

SENATOR KISSEL: Right to the point, but that's what counts.

KIA LEVEY: Thank you.

REP. FOX: Thank you. Thank -- thanks for your testimony.

Cassandra Higgins. No.

Abby Anderson.

ABBY ANDERSON: Good afternoon.

REP. FOX: Good afternoon.

ABBY ANDERSON: I'm going to be as brief as possible because most of the things that I was going to say have been said several times so far so I would just like to reiterate.

My name is Abby Anderson. I'm the executive director of the Connecticut Juvenile Justice Alliance. We are a statewide nonprofit organization, working to reduce the number of children and youth entering the juvenile and criminal system and advocating a safe, effective and fair system for those involved.

In terms of that safe, effective and fair mission, as you've heard today, the DMC legislation is about fairness and effectiveness. We know that we have young people who go into our juvenile justice system because of the color of their skin at a time -- at any time, that's not fair and it's not effective but especially when we're facing budget issues, to be putting kids in a system simply because of the color of their skin is not a good use of our resources.

The Alliance supports House Bill 6638, which is the Raise the Age technical changes bill, looking at making sure that the same changes we put in place that ensured the smooth and implementation for 16-year-olds are in place for the 17-year-olds. As a member of the committee that

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States that are not allowed to call into the number in Connecticut and get the information.

REP. GONZALEZ: Which is not fair.

ROBERT MILLER: We're the only officers denied.

REP. GONZALEZ: And which is not fair.

ROBERT MILLER: In the entire United States.

REP. GONZALEZ: I -- I know a little bit about -- about the state marshals and I know that you guys are doing a good job. You bring a lot of resources to the state. I also -- I believe that I went with you guys once to do some arrests, and I was very impressed. You guys are very professional. And -- and I believe that maybe is this a problem with child support. We should find out if they are the one that are getting in the middle so you guys don't get what you're looking for, which I think is fair. I'll support the bill and I think that the bill -- this is necessary.

ROBERT MILLER: Thank you very much.

JOE HEAP: Thank you.

REP. GONZALEZ: Thank you.

REP. HOLDER-WINFIELD: Thank you for your testimony.

ROBERT MILLER: Thank you.

JOE HEAP: Thank you.

REP. HOLDER-WINFIELD: We will now hear from Patricia Buxton.

PATRICIA BUXTON: Good afternoon, members of the

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HB6634

committee. My name is Patricia Buxton. I am the coordinator of the STEP program, here in Hartford, and I'm here to talk to you about two bills before you today.

The first is Bill Number 1164. I've come here to give testimony so that Raise the Age occurs as planned. It is my understanding that, in Connecticut, youth offenders who are 16 years of age and younger are served by the Bureau of Juvenile Services and those over the age of 16 are served by the Department of Corrections.

The DCF Bureau of Juvenile Services protects public safety by offering a continuum of effective prevention, treatment and transitional services to youthful offenders. At the Connecticut Juvenile Training School, a secure facility, these services are offered regularly and include individual, family and group therapy, recreation therapy, aggression replacement training, substance abuse treatment and behavior therapy. Unfortunately, this type of intense treatment designed specifically for adolescents is not offered by the Department of Corrections.

I request that you please do not delay the Raise the Age legislation. Young people can only lead productive lives when they have been given the tools to do so. Please give the 17-year-olds in Connecticut the opportunity to access effective treatment within a secure setting. Please do not allow these youth to simply do time.

Regarding Bill Number 6634, I've come today to give testimony regarding Bill Number 6634. Allow me to begin by reminding us that the Juvenile Justice System was established in Connecticut to rebuild the lives of troubled youth. Therefore, whether a youth is placed in state or out of state, Catholic Charities recommends ensuring

that a minimum of six months to preferably nine months be given, served in the community.

Children are works in progress that must be guided toward becoming productive adults. The educational and therapeutic treatment that begins within the residential treatment setting needs to continue in the home and in the community. When youth are supported and given the time to apply the healthy patterns of behavior they learned while in residential treatment, this reduces the likelihood of recidivism and the risk of self and others. When youth are highly supervised and clearly understand that they must meet all the conditions of their parole or risk placement back in residential placement, they perform even better.

I request that you support the transition of youth back to their home community with treatment time left on their commitment. This action not only protects the community but develops and builds on the youth's strengths. Please give the trouble youth in Connecticut the opportunity to become fully accountable and healthy adults. They deserve it.

Thank you.

REP. HOLDER-WINFIELD: And thank you.

Are -- is there -- are there questions from members of the committee?

Thank you for your testimony.

We will now hear from Matthew Dolan.

MATTHEW DOLAN: Good afternoon, members of the Judiciary Committee. My name is Matthew Dolan. I'm a law student intern at the Center for

SB 1229

information, and I'm -- I'm not sure why I don't know if this hasn't really been studied so I'm using it in the context of children who -- who have emotional and traumatic pasts and who've had these restraints used on them and the implications of that use. So I can't speak directly to that. I really had to rely heavily on my knowledge and experience of working with children who have psychiatric disabilities and have had these restraints used.

SENATOR MEYER: Thank you.

SENATOR DOYLE: Representative -- oh, excuse me. Okay. I just -- are there any other questions or comments by a legislator?

Seeing none, thank you very much and, again, thank you for your patience.

At this point in time, my list does not reflect anyone else signed up to testify, however, anyone's welcome. Do we have a speaker?

A VOICE: (Inaudible.)

SENATOR DOYLE: Okay, sure.

Ms. Stone, absolutely.

MARTHA STONE: Good afternoon, members of the committee. My name is Martha Stone. I'm the director of the Center for Children's Advocacy. We provide legal representation to children in the juvenile justice system. I also stood on numerous state taskforces, including the Judicial Department's Diversion Review Committee and the MacArthur Foundation, Connecticut's Mental Health Juvenile Justice team. So it's in this context that I'm testifying in support of Bill Number 6634, which is AN ACT CONCERNING CHILD WELFARE

AND DETENTION IN THE JUVENILE JUSTICE SYSTEM.

It's been particularly disturbing over the years to watch Connecticut, the "Land of Steady Habits," fail to take aggressive action to address the problem of race discrimination in the juvenile justice system. If you look at the reports -- and I brought the reports with me -- on 1995, Minority Overrepresentation in the Connecticut Juvenile Justice System; 2001, a Reassessment of Minority Overrepresentation; 2006, An Out of Balance Connecticut report. The most recent report, 2009, showed that Black and Latino children charged with a serious juvenile offense are twice as likely to be sent to a juvenile detention center than their white peers.

When I knew I was giving this testimony today, I asked CSSD if they had even more recent data than is reflective in the 2009 report. And so I attached to my written testimony, data that shows from July 2009 through December of 2010. And if you look at that data, it shows, again, the persistent same problem.

So if you look at Bill 6634, how would that remedy this problem? Section 1, I think, would remedy it and it's important to pass for three reasons: Number one, it contains a requirement that there would be a court order before any child would enter detention, which has been a proven remedy; number two, it's important because it is an explicit recommendation of the Connecticut Juvenile Justice Advisory Committee, and I would like to underscore that Judge Quinn in her testimony earlier today has supported this particular provision and, in fact, it's a change of the judicial department's position on this bill; and thirdly, we're not talking about a huge number of children in this category. There are about 300 serious juveniles offenders who are in

this category so it would be of little cost or no cost to the judicial department to make this particular change, and it would have a significant impact on disproportionate minority contact.

I'd also like to testify in support of sections 4 and 5 of this bill, which deal with the out-of-state issue. As you know, there's been a lot of attention about kids going out of state. So, again, I asked DCF for the most recent statistics on how many kids are going out of state this month as opposed to last month. So last month there were 357 kids going out of state. Now this month despite all the attention, there are 367 kids going out of state. So the trend is actually going in the wrong direction and so provisions in this bill would address the out-of-state issue.

I would suggest two really important amendments to this bill. The first has to do with sections 2 and 3, which address the automatic erasure part of the bill. We do support that part of the bill, but we do understand that that part of the bill may have a significant fiscal note. And I think that the other sections of the bill are extremely important, and I would hate to see this bill not get voted out of committee because of the erasure sections. So I would suggest either delaying implementation of the erasure sections or doing the erasure sections for another day and letting the other sections get out of committee.

The second amendment that we would suggest is to collect school-based arrest data. This bill does not address that. As we know, that is the bigger -- biggest feeder right now into the juvenile justice system. It is the schools -- the state Department of Ed does collect school-based arrest data but does not make it public and so that

would be the second amendment that we would suggest.

Thank you for your time and thank you for your patience and waiting this long.

SENATOR DOYLE: Thank you, Ms. Stone.

First, Senator Meyer.

SENATOR MEYER: Martha, thank you for your great service, and I know all you've done for the Children's Committee. And you and I had a wonderful interchange when we had a bill on adoption, and your work on that was very helpful.

I wanted to just chat with you about House Bill 6634, the first section of it, which is probably the key one that requires an order to detain a juvenile and this -- this section, and it's subsection c, sets up six different conditions in order to detain a child. And as I read those six conditions, all of them have to be in existence. There are -- there are no alternatives here. And I'm just wondering if you concur with me that all six conditions, a through e, have to -- a through f, actually, have to be complied with; and if you do agree with that, in your experience -- I know your extensive experience -- do you think maybe we're putting too much of a burden on the system with respect to a -- to a child. In other words, some of these conditions, you know, by -- by themselves would be enough, but when you put all six together and you've got a child who's has been repeatedly running away but hasn't done -- done this before, you're not going to be able to get an order of detention. So I'm wondering if the -- if the burden isn't too heavy here on the order of detention. Your comments would be appreciated.

MARTHA STONE: Yeah. I don't quite read the bill that way. I think that there is an "or" before section f. So I would read it that it could be any one of these, not all of these. You know, what -- what the -- and I think that this mirrors what is in place for the -- the nonserious juvenile offenders. Because right now you need a court order for the nonserious juvenile offenders, you don't need a court order for the serious juvenile offenders.

And so the purpose of this bill is to say for all kids no matter what they're coming in under, you get a court order and it takes away some of the discretionary aspects from the police department because that has been proven, under the numerous other studies, to show disproportionate minority representation.

SENATOR MEYER: Okay. Well, I -- I do think you're right. I did -- I missed seeing that word "or." It's only one -- one spot.

MARTHA STONE: Yeah.

SENATOR MEYER: It's not for the other sections so that -- so that probably would be interpreted to be -- each of them would be an alternative basis for detention.

MARTHA STONE: Right.

SENATOR MEYER: Good. Thanks.

SENATOR DOYLE: Representative Gonzalez.

REP. GONZALEZ: Thank you, Mr. Chair.

When you said before that we had 357 kids last year out of state and 367 this year --

MARTHA STONE: Right.

REP. GONZALEZ: -- that -- my question is do this kids -- the parents -- they -- they lost their right as a parent and -- and that's the reason they sent them out of state?

MARTHA STONE: The 357 number represents both kids committed to DCF for child welfare and kids committed to DCF for juvenile justice. So it does not necessarily mean that the parental rights has been terminated with these 357.

There are many kids in the system whose parents live in (inaudible) and the kids are still going out of state. We have a great number going to the New England states. We have other kids going to Ohio, Pennsylvania. They're going to Florida. They're -- they're really going all over the country. And I know I've heard the argument about out of state saying, well, they're only going over the border. Well, to te -- to -- we've represented a lot of kids in our office who have, quote, unquote, gone over the border to other states. It's a tremendous burden to the families when they go even to different parts of Massachusetts, Maine, Vermont.

We had a child call us at our office from Vermont saying, Can you promise me one thing?

And we said, What -- what is that? And this was in July.

And she said, Will you promise to just get me home for Christmas?

And so that, you know, it's really, sort of, heartbreaking stories of these kids that are out of state because they are isolated. They're isolated from their friends, from their

community. And my experience in talking to both DCF, who's responsible and the private providers who, frankly, are also responsible, is that there's been, in the past, a lot of finger pointing with both -- both groups. And I think it's now time to start a new era and say to both groups, please sit down and try to work this out because it's harmful to -- for the kids to be out of -- out of state.

REP. GONZALEZ: I -- uh -- that really, you know, disturbed me that a parent doesn't lose, you know, haven't lost the right as a parent, how come they send the kids to out of state, when DCF is supposed to do everything in their power to maintain families together. And -- and sending those kids -- out of the state, they're not doing what they're supposed to do, you know, keep the family together. At least, you know, allow families to visit and when they -- they move out of the state, especially, minority kids, the families they don't have the resources. That -- that really troubles me.

And I would like to sit down with you, if you don't mind,

MARTHA STONE: Sure.

REP. GONZALEZ: I would like to have more information about it because I don't think that -- knowing that this is going on with minority kids, I think, that, you know, it's time to do something because I don't think that it's fair. I think that minority kids they have the same right like everybody else. And -- and hurting these kids, like DCF is doing -- is doing right now, I don't think is fair so thank you very much, and I would like to see if we can sit down with you.

MARTHA STONE: One of the sections that I didn't talk

about actually requires CSSD and DCF to look at the minority -- disproportionate minority contact issue, both in child welfare and in juvenile justice because I do think -- and I did append to my written testimony documentation by the Deputy Commissioner of DCF showing DMC and the child welfare system also. And we don't talk a lot about that, but there is an interrelationship of the race discrimination issues in both systems and they need to be looked at together. They need to be looked at annually.

You know, the reports that I've cited they're done once every two or three years. And they're not done by city, by school. And if you really want to make a difference on disproportionate minority contact, which is the reason that I was so emphatic about trying to collect school-based arrest data, you have to bear down on the local jurisdictions.

There was some testimony that I sub -- that was submitted by a national group, Center for Children's Law and Policy and they talk about -- and they have done the technical assistance in MacArthur Foundation states around the country reducing disproportionate minority contact, and -- and they say the single most important thing that states can do is to bore down on the data and look at it very locally. That's something that Connecticut does not do. And so I think it's really important. It's an important bill in so many respects, and I don't want to the -- the erasure portion of this get a big fiscal note, and then the whole bill dies because of that.

REP. GONZALEZ: I still have another question. If -- if the parent doesn't lose, you know, haven't lose the right and they -- they send these kids out of the state, the parents they don't have to sign an information to do that?

MARTHA STONE: DCF can send the children out of state if there's no other place that they can put them. There is a right to an administrative hearing. If the kids want to -- say that they don't want to go, it's pretty cumbersome. And there are not very many kids who invoke that.

REP. GONZALEZ: Thank you.

SENATOR DOYLE: Attorney Stone, I just had a follow-up to Representative Gonzalez. And over the past few years many of us -- and I was chair at Human Services -- we tried to get the prior administration to bring some of these children home, and now we have a new administration and a new commissioner, and I'm just trying to figure out, you're saying the numbers are up. Do you think -- is that -- and you probably can't answer this, maybe you -- maybe you don't want to comment, but it was immediately professed they would start bringing the children home. Could we attribute the current increase in the inability to get a grip on the agency or -- because it seems to me that was a priority number one by the new commissioner and pretty much everybody to bring them home. So I'm curious why they're still going up. Do you have any idea why or?

MARTHA STONE: Well, I -- I don't know why they're still going up. It's disturbing. And that's frankly why I brought the numbers to your attention because it is disturbing. And there's been a lot of attention and there had been promises with the kids -- I thought the numbers would start going down. I know that they are looking at Riverview. They're looking at Connecticut Children's Place. You know, if you've gone to Connecticut Children's Place recently, there's hardly any kids there. So, you know, from where I sit, I say, you know, we got

all these kids out of state. We have to start bringing these kids home. And I do think that the Department is seriously looking at that issue. Is it going as fast as I want? No. We have kids on our caseload that are still going out of state as of last week. And I would rather have them be -- you know, let them retool CCP, Connecticut Children's Place, and -- and not have some of these kids go out of state, but it -- it, you know, that's a simplistic answer. I know it's not as complicated, but there are residential facilities. New Hope Manor, I think, has open bed spaces. There needs to -- it needs to be the highest priority right now.

SENATOR DOYLE: I think it needs to be asked. I mean, they may say, there has to be -- we're retooling everything --

MARTHA STONE: Yeah.

SENATOR DOYLE: -- but certainly not as professed from day one that's not -- that was a new goal that we all liked, but, you know, I guess we have to ask DCF that question.

MARTHA STONE: I think we need to ask them. Yeah.
And we --

SENATOR DOYLE: You didn't ask them when you got the numbers if --

MARTHA STONE: Well, I -- I mean, I guess to say -- the answer that I just gave you, we're looking into, you know --

SENATOR DOYLE: Yeah, okay, yeah. All right.

MARTHA STONE: -- like the Riverview plan is due, I think, to the legislation --

SENATOR DOYLE: To be honest that sounds like the answers we got for the prior two years.

MARTHA STONE: I think that -- well, that's why the leg -- that's why we want the legislation, frankly, you know, I have worked with nine DCF commissioners over the last 20-something years. And I'm hopeful that Commissioner Katz will be able to, you know, fulfill her goals, but it's a checks and balances system, and the legislature checks the administrative executive branch, and I think the legislation is important.

SENATOR DOYLE: Okay. Thank you.

Any further questions or comments from any legislators?

Representative Adinolfi.

REP. ADINOLFI: Is it really DCF that's not trying hard enough because I've had some contact with them. As a matter of fact, I know of a five-month-old beautiful little girl right now with foster parents and that baby's up for adoption. Their original parents want no part of her. Okay? And DCF took over and can't get anybody to adopt her so if they have to get somebody from out of state to give that child a home, wouldn't you rather see the child in a home with private parents than go into a home -- like a barracks with a lot of other kids?

MARTHA STONE: Yeah. I don't think we're really talking about children who are young and up for adoption. The kids that I'm talking --

A VOICE: (Inaudible.)

MARTHA STONE: Yeah. The kids that I'm talking about are not up for adoption. The kids that I'm

talking about the parents haven't necessarily lost their parental rights and the kids are either -- have been abused and neglected, and they're just committed to DCF on child welfare or, frankly, they've been arrested and they're in the juvenile justice system and they've gone to Hartford Detention.

I think one of the previous speakers talked to you about 18 kids now waiting in -- in detention centers waiting for some place to go. Some of those kids are going to end up going out of state because they can't find in-state facilities.

Is it all DCF's fault? No, it isn't. I mean, again, I think it's the private providers and DCF need to get in a room together and -- and try to work it out in terms of the, you know, finding places for these kids.

SENATOR DOYLE: Thank you. Representative Gonzalez.

REP. GONZALEZ: Thank you.

Is -- it was a -- to follow up your -- your question, Representative Adinolfi.

I think there's a difference here -- and correct me if I'm wrong but because I don't know -- but the difference here is when you have the parent that don't have nothing to do with that -- with that child and -- and sometimes it's the opposite. You have family that really want to take care of them and DCF give them a hard time. That's the difference sometimes that we have in the -- in those cases. And also sometimes there's a difference, you know, blonde and blue eyes or, you know, black hair and black eyes. Sometimes a difference between that so I think there's a difference between that.

Thank you.

SENATOR DOYLE: Thank you.

Any other further comments or questions?

Thank you very much, Attorney Stone.

MARTHA STONE: Thank you.

SENATOR DOYLE: All right. At this point we have nobody else signed up. Anyone else interested in speaking?

Attorney Taft, would you like to -- you're all set? Okay.

A VOICE: I'm all set.

SENATOR DOYLE: All right. I'll entertain a motion to adjourn the public hearing.

A VOICE: Good luck UConn.

SENATOR DOYLE: Second. All in favor signify by saying, aye.

A VOICE: Aye.

SENATOR DOYLE: Thank you.



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY

JOINT COMMITTEE ON JUDICIARY

April 1, 2011

The Division of Criminal Justice appreciates this opportunity to offer our commentary and recommendations with regard to several of the bills on the agenda for today's public hearing.

S.B. NO. 1095 (RAISED): AN ACT LIMITING THE USE OF RESTRAINTS ON A CHILD WHO IS SUBJECT TO DISCIPLINARY PROCEEDINGS

If this bill were to be enacted, a juvenile being transported to court from a secure facility would be free of restraints for the first time when he or she is brought into court. For any juvenile contemplating escape or assault on the judge, prosecutor, probation officer or victim that may be present, being brought into the court room unrestrained would present the first opportunity to take such action. This might result in injury to those present including the juvenile. The provision presumably would permit restraints if "the judge determines that the use of such restraints on the child is necessary to ensure public safety." Absent specific threats, the staff might not be aware of such danger unless and until the juvenile causes a problem in court. If there was any prior knowledge or concern, this provision would appear to require a hearing on the issue of using restraints before the juvenile could be brought into court thereby delaying the originally scheduled hearing and further delaying all other scheduled hearings.

S.B. NO. 1227 (RAISED): AN ACT CONCERNING THE PREVENTION OF URBAN YOUTH DELINQUENCY AND VIOLENCE AND THE CRIMINAL LIABILITY OF PARENTS OR GUARDIANS OF CHILDREN WHO ILLEGALLY POSSESS FIREARMS

The Division understands the intent of section 2 of this bill but does not believe it is needed. A parent who is aware that his or her child is in possession of a firearm the child cannot legally possess could already be subject to criminal liability under existing law, which incidentally provides for maximum penalties harsher than provided in this legislation.

S.B. NO. 1228 (RAISED): AN ACT CONCERNING THE ERASURE OF CRIMINAL CHARGES THAT HAVE BEEN NOLLED OR DISMISSED OR FOR WHICH THE DEFENDANT HAS BEEN FOUND NOT GUILTY

The Division of Criminal Justice opposes this bill, which is unworkable. The Division would ask how the criminal justice system is to erase criminal records pertaining to a nolle or dismissed

SB 1229

HB 6634

HB 6637

HB 6638

charge if the record also relates to a charge of which the individual has been convicted? For example, how do you "erase" a police report of a nolled larceny charge if the defendant pled to a robbery in the same file/transaction? If the intent of this bill is to reduce the number of charges that appear on an individual's criminal record, its passage would likely have a very different result. The likely result would be that individuals would be required to plead to every charge in order to preserve the record.

H.B. NO. 1229 (RAISED): AN ACT CONCERNING EVIDENCE AND DETENTION IN JUVENILE MATTERS

The Division opposes section 1 of the bill. "Credit" for time spent in detention should not be given because juvenile commitments are for treatment and rehabilitation purposes, not punishment. Unlike adult sentences, where time spent in pretrial lockup is essentially the same as time spent incarcerated after being sentenced, a juvenile is held in pretrial detention for one of the six reasons set forth in CGS §46b-133(d) and the reason a juvenile is committed to DCF is set forth in CGS §46b-140(f). Since the purpose and reasons for each are different, a juvenile's time in pretrial detention is not equivalent, or even similar, to the time spent in a DCF facility. Therefore, credit should not be given.

Section 2 of the bill would eliminate the provision that makes statements made to a police officer by a 16-year-old charged with an adult motor vehicle charge subject to the restrictions on admissibility applicable to juvenile statements if that case is subsequently transferred to the juvenile court. If this language is deleted, the police will take a statement from a 16-year-old in a case that is an adult case at the time of the investigation and arrest and that statement would be admissible in the adult prosecution. If the judge decides to send the case to the juvenile court, that same statement would be inadmissible. The officer initially would have no reason to apply the juvenile rules because at that point it is an adult case and he or she would have no way of knowing that somewhere down the case would be sent to juvenile court. If this provision is enacted, then the provision passed last year to permit a transfer from the adult court to the juvenile court should be repealed.

H.B. NO. 6634 (RAISED): AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS

Section 1 (c) of the bill would require a court order to place any arrested juvenile, regardless of the charge, in a detention center. Such an order is now only required when the charge is not a Serious Juvenile Offense (SJO). This proposal would make for an unnecessarily cumbersome and inefficient procedure to place a juvenile charged with a Serious Juvenile Offense in a juvenile detention center.

- This would place an added burden on police and judges, particularly during those times when court is not in session, such as evenings and weekends, in an effort to discourage the use of the juvenile detention facilities when juveniles are arrested for serious crimes.
- The bill does not state that such orders could be obtained ex parte. As written, a claim could be made that a juvenile would be entitled to notice, right to a hearing, right to

counsel, opportunity to be heard, etc. *before* the juvenile could be placed in a detention center.

- The required findings for such initial orders are the same as those required for the detention of a juvenile following a court hearing that must be held the business day next following arrest. This would require at least one and possibly two judges to make the same findings on two different occasions, possibly within 24 hours of each other.

The claim that requiring such an order would reduce "disproportionate minority contact" (DMC) at the point of admission to detention is pure speculation. While a study has shown an improvement in DMC at the point of admission to detention *during the same time* that such an order was required for juveniles charged with non-SJO charges, that doesn't mean that the same will occur if an order is required for SJO charges as well. The improvement in DMC, as shown by the difference between a baseline study and a subsequent study, could very well have been the result of other factors and not necessarily the requirement that an order be obtained. During the time between the two studies, the requirement of an order to detain a juvenile for a non-SJO was only one change that occurred. At least as important was the fact that the studies provided awareness to system professionals that DMC existed. In addition to this awareness there were numerous articles, forums, conferences, training programs, etc., on the results of the studies and the means to reduce DMC at various points in the system. To conclude that DMC at the point of intake into detention was remedied by requiring a court order to admit a juvenile charged with a non-SJO would be to ignore all of the other events and efforts of various juvenile justice system participants that occurred during the same time.

At this point, there is no proof that requiring a court order to admit juveniles charged with an SJO would have any impact on DMC and would only make the process of placing such juveniles in detention more difficult and may therefore pose a public safety concern if a juvenile charged with an SJO is not placed in detention because the process is too cumbersome or if such a procedure takes law enforcement officers out of service for a longer period of time than necessary while they make an effort to locate a judge and obtain the necessary court order.

Section 1(h) of the bill would remove the requirement that the statutory restrictions on admission to detention, as amended by this proposal, would apply to all admissions to detention, not only when the detention facility is overcrowded. Overcrowding hasn't been an issue since the newer facilities opened. Such a provision would bring the statute into compliance with current Judicial Branch policy regarding intake into detention. The deletion of the language "charged with the commission of a serious juvenile offense" would accomplish the same thing attempted in section 1(c) above and should be opposed for the reasons stated above.

Section 2(b) of the bill provides for the *automatic* erasure of a juvenile's non-SJO and FWSN record after the specified conditions are met rather than requiring that a petition for erasure be filed requesting the erasure. The Judicial Branch has previously indicated the technical inability to identify those records that would need to be erased pursuant to such a mandate. The enactment of such a mandate would no doubt be costly, if it could be done at all, and would expose the state to civil liability if someone's record wasn't erased as mandated.

Section 6 of the bill requires agencies, including the Division of Criminal Justice, to submit annual reports on "plans established ... to address disproportionate minority contact in the

juvenile justice system and steps taken to implement those plans during the previous fiscal year." Such a requirement could provide a basis for a lawsuit if someone thinks that the Division or another agency did not accomplish their "plans."

H.B. NO. 6637 (RAISED): AN ACT CONCERNING DETERMINATIONS OF COMPETENCY IN JUVENILE AND YOUTH IN CRISIS MATTERS

This bill would establish a specific procedure governing juvenile competency matters rather than applying the same statutes that apply to adults. The Division would respectfully recommend a technical amendment that the term "juvenile prosecutor" be replaced with "prosecutor" or "prosecutorial official" to delete the reference to juvenile prosecutor, an obsolete job title.

H.B. NO. 6638 (RASIED): AN ACT CONCERNING JUVENILE JUSTICE

The Division of Criminal Justice respectfully recommends the Committee's Joint Favorable Substitute report for H.B. No. 6638. We would like to express our appreciation to all who have contributed so much time and effort to drafting this consensus proposal for the JPOCC subcommittee. The Division would respectfully recommend that the bill be amended to add section 53a-60d of the general statutes to the list of convictions that the juvenile court must disclose to the Department of Motor Vehicles (DMV) pursuant to CGS section 46b-124(k). The need for this change was brought to light by a recent serious motor vehicle accident involving a 16-year-old intoxicated driver. Since H.B. No. 6638 would add subsection (a) of section 14-224 to the list, it seems appropriate that section 53a-60d be added at the same time.

TESTIMONY OF BRENETTA HENRY FOR THE JUDICIARY COMMITTEE

AGAINSTS.B. 1223 AN ACT CONCERNING THE RESPONSIBILITY OF A PARENT OR GUARDIAN OF A CHILD CONVICTED AS DELINQUENT

And

IN SUPPORT OF RAISED BILL 6634 AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Brenetta Henry I'm a parent and grandparent of a children who have been referred and involved in the juvenile justice system. I'm here to testify against Senate Bill 1223 which would require parents to pay for the cost of treatment and care for their delinquent child.

I'm a very involved parent in my child's life, in my community and participate in several initiatives in the state to improve juvenile justice and mental health services for our children in Connecticut. Through my involvement with AFCAMP over the years I've had the opportunity to sit at many tables to bring the voice of many other parents whose voices are not heard. There are so many parents struggling daily with the education, child welfare, mental health and disability system daily to access the services they need in order to successfully raise their children. We lose jobs, housing and many times develop our own mental illness because of the pain and frustration we face daily trying to do the right thing and being blamed for not doing the right thing when you don't know what else to do.

I've been here on many occasions in front of this committee and others pleading with you to insure that the services we need for our children are made available and that systems and provider be held accountable. I was shocked when I saw this bill, because what it says to me is once again parents and the children are being blamed and punished for the problems of systems that not working the way it should. I agree 100% that parents should be involved, but you need to provide them with the information and support for them to be involved in a meaningful way.

There are so many parents in our community trying to do the best they can for their children and are in need of help and support and don't know where to turn. Some have been involved in so many services that haven't worked. This bill will only add an additional burden and stress to them when what they need is help and support to access needed services for their children.

In closing I want to support raised bill 6634 AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS. The practice of racial discrimination in the juvenile justice system is and has been an injustice to our Black and Latino families and community and have contribute to many of the problems in our community. This bill will help Connecticut to continue to improve juvenile system by reducing discrimination based on race and ethnicity and stop the cycle to the adult system. This bill will also insure that children are kept in Connecticut rather than being sent out of state. The money saved by bringing back our kids can be invested in Connecticut to develop and implement the services needs for our children. If it can be provided over the border why can't it be provided in Connecticut? I urge you to look closely at these two bills and to do the right thing for Connecticut children at risk or involved in the justice system.

TESTIMONY OF POSANDRA HIGGINS FOR THE JUDICIARY COMMITTEE

AGAINSTS.B. 1223 AN ACT CONCERNING THE RESPONSIBILITY OF A PARENT OR GUARDIAN OF A CHILD CONVICTED AS DELINQUENT

And

IN SUPPORT OF RAISED BILL 6634 AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Posandra Higgins I'm a parent of a child who's involved in the juvenile justice system. I'm here to testify against Senate Bill 1223 which would require parents to pay for the cost of treatment and care for their delinquent child.

I'm a very involved parent in my child's life and in my community for many years. However until I became involved with AFCAMP I did not know about all of the information and services that I needed to be aware of in order to be more successful in raising my child. My son is not a criminal nor is he delinquent; he became involved in the system because of his mental health needs which was not being address appropriately by the schools, providers and DCF.

There are so many parents in our community trying to do the best they can for their children and are in need of help and support and don't know where to turn. Some have been involved in so many services that haven't worked. It not that they don't want to be involved it the frustration of many time having to leave your job to attend court and risk losing their jobs putting the whole family at risk. Many of these families are already faced with so much stress; living poverty, some have their own disabilities and don't understand the system. This bill will only add an additional burden and stress to them when what they need is help and support.

In closing I want to support raised bill 6634 AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS. This bill will help Connecticut to continue to improve juvenile system by reducing discrimination based on race and ethnicity in the juvenile justice system and stop the cycle to the adult system. This bill will also insure that children are kept in Connecticut rather than being sent out of state. I know what it's like, my son was sent out of state where he was treated badly and I had to fight DCF to bring him home. Although he's in a better placement he is still not home where I can visit him daily. This is an injustice to our Black and Latino children and families and only continues to make our lives more difficult.

I urge you to look closely at these two bills and to do the right thing for Connecticut children at risk or involved in the justice system.

TESTIMONY OF CARMEN PENA FOR THE JUDICIARY COMMITTEE
AGAINST

S.B. 1223 AN ACT CONCERNING THE RESPONSIBILITY OF A PARENT OR GUARDIAN OF A CHILD
CONVICTED AS DELINQUENT.

FOR

H.B. 6634 AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM
AND ERASURE OF JUVENILE RECORDS.

APRIL 1, 2011

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Carmen Pana; I'm here to testify against Senate Bill number 1223 AN ACT CONCERNING THE RESPONSIBILITY OF A PARENT OR GUARDIAN OF A CHILD CONVICTED OF DELINQUENT. This bill would require parents to pay for the cost of treatment and care of their child who become involved in the juvenile justice system as a delinquent.

I'm a parent of two children who have been involved in the Juvenile justice system not because they are delinquent, but because they have mental illness and were not being provided with the services they need. My 14 year old daughter was referred the first day of school in August 2010 to the juvenile justice system. Not because she was doing anything wrong but because of symptoms of her mental illness that the school was well aware of for years and knew that she was not in the right placement nor was she getting the services she needed.

My son who is 13 in the 7th grade became involved in the justice system one month later also because of his mental illness which he was diagnosed and all issues documented since he was in the first grade.

For all the years that my children have been in with medical experts, the school and other service providers; No one ever educated me on my rights or explained my children disability, mental illness or the sign and symptoms that affect them because of their illness. I did not know what services to access or where to find the right programs for my children. As a Spanish speaking parent it was even harder to access services and information for my children.

Thank God that in August when my daughter was referred to the juvenile justice system her case was referred to the Hartford Juvenile Review Board and I was referred to AFCAMP for assistance. Since my involvement with AFCAMP they have help me to understand my children's disabilities, what the school should be providing my children in special education and the juvenile justice system by providing me training and support to access the services I need. They accompanied me to the PPT meetings and the courts to advocate for my children's services.

I would not know about this bill if I wasn't involved with AFCAMP. There are so many Latino and Black mothers like myself out there trying to do the best they can for their children and not getting the services or information. To pass a bill like this will only add additional burden to them when what they want and need is help.

I want to support Raised Bill No. 6634 AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS. This bill will help Connecticut to reduce discrimination based on race and ethnicity in the juvenile justice system.

Thank you for the opportunity to testify.

TESTIMONY OF MERVA JACKSON FOR THE JUDICIARY COMMITTEE

AGAINST

S.B. 1223 AN ACT CONCERNING THE RESPONSIBILITY OF A PARENT OR GUARDIAN OF A CHILD CONVICTED AS DELINQUENT

And

IN SUPPORT OF RAISED BILL 6634 AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS

AND

H.B BILL 6638 TO ENSURE SMOOTH AND TIMELY IMPLEMENTATION OF "RAISE THE AGE" TRANSITION OF 17 YEAR OLDS TO THE JUVENILE JUSTICE SYSTEM THROUGH STATUTORY CHANGES

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Merva Jackson I'm the Executive Director of African Caribbean American Parents of Children with Disabilities (AFCAMP), one of the Commissioner on Racial and Ethnic Disparity in the Criminal Justice System, member of CT Juvenile Justice Strategic Plan Executive Implementation Team. I'm here to testify against Senate Bill 1223 which would require parents to pay for the cost of treatment and care for their delinquent child.

As an organization AFCAMP serves more than 70 parents annually who are juvenile justice involved or at risk by providing them with education, information and support so that they can better advocate and be involved in their children service plan. We see firsthand daily through our own experience and the experience of many of the parents we serve the many barriers to parent involvement and access to appropriate services. AFCAMP collaborate and partner with many systems (education, child welfare, disability, juvenile justice and health) and community base providers to support parent and develop family driven culturally competent community base services to better meet the needs of their children.

There are so many parents in our community who have struggled for years trying to do the best they can for their children and trying to access services that work. Some have been involved in so many services that haven't worked that they lose faith and give up. We see parent who have lost jobs, housing, experiencing additional family stressors just to name a few. Many of these families are already faced with so much stress; living in poverty, have their own disabilities and don't understand the system. This bill will only add an additional burden and stress to them when what they need is help and support. I appeal to you on behalf of the many families raising children at risk or involved in the JJ system to **KILL this bill** and let together look at real solutions to better involve parents in the design, development and implementation of their JJ involved children service plan. AFCAMP is prepared to be a part of the solution!

In closing I want to **support raised bill 6634 AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS**. This bill will help Connecticut to continue moving towards ongoing improvement in the juvenile system by reducing discrimination based on race and ethnicity and stop the cycle to the adult system. For more than 30 years the Office of Juvenile Justice and Delinquency Programs (OJJDP) have mandated states to address this issue. As a

state CT have not taken any really serious steps to address this issue in the past 20 years. The passing of this bill will hopefully begin to move us forward in the right direction; we owe it to our children.

This bill will also insure that children are kept in Connecticut rather than being sent out of state. The money we spend annually sending kids out of state (many case which I'm seen whose needs can be met in CT if we hold system and providers accountable) can be reinvested into creating a continuum of services to better meet their needs. For 13 years prior to starting AFCAMP I worked with some of CT most challenging clients who we provided care for here in CT, It can be done if we have the willingness to do it and hold accountability.

BILL 6638 "Raise the Age"; we successfully transition 16 year olds to the juvenile justice system in 2010. Due to better than anticipated capacity, cost and a decrease in the jj system due to JRBs, family support centers and other reform efforts there is much more capacity to absorb the 17 year old than previously anticipates.

I urge you to look closely at these bills and to do the right thing for Connecticut children at risk or involved in the justice system.

Merva Jackson
AFCAMP'S Director
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Brian P. Reilly
Chairman of the Board

Galo A. Rodriguez, MPH
President and CEO

**TESTIMONY OF HECTOR GLYNN
IN SUPPORT OF RAISED BILL NO. 6634
*AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE
JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS***

I am presently Vice President for Outpatient and Community programs at the Village for Families and Children. I strongly support Raised Bill No. 6634, An Act Concerning Child Welfare and Detention in the Juvenile Justice System and Erasure of Juvenile Records, and urge its amendment to address school-based arrests. Raised Bill No. 6634 will help Connecticut reduce discrimination based on race and ethnicity in the juvenile justice system, also known as disproportionate minority contact (DMC) by:

1. Requiring a court order before a child can be admitted to detention, a practice that has been specifically shown to eliminate discrimination at the point of detention admission.¹
2. Requiring state agencies to report plans to reduce discrimination in the juvenile justice and child welfare systems.
3. Reducing the long-term impact of juvenile justice involvement through automatic erasure of juvenile records for non-serious juvenile offenses after certain conditions are met.
4. Ensuring that kids are kept in Connecticut whenever possible, rather than sent out of state.

One of my proudest moments was when I helped change the age of juvenile jurisdiction in this state. Part of my contribution to the process was spent meeting with the leadership of the legislature that was opposed to the change. During these meetings I articulated the reasons why changing the age of juvenile jurisdiction was important. After it passed I learned from one of your colleagues that one of the reasons that people were swayed was because a "reformed gang-banger" was going around convincing people of the merits of the change. It appears that my arguments were less important than the fact that I was a Latino man with knowledge of the juvenile justice system, thus making me a "reformed gang banger". If people in this legislature can make an assumption like this, is it unreasonable that people in the juvenile justice system are also affected by the same prejudice?

Raised Bill No. 6634 contains proven, low-or-no-cost strategies to help Connecticut reduce this discrimination in a number of ways. Section One of Raised Bill No. 6634 expands a reform that has already been shown to work, requiring a court order before admission to detention, to all juveniles. Since the numbers of youth in this category are relatively small (only 300 youth a year are "serious juvenile offenders"), this is a solution with little burden on the judicial system and little to no cost. Sections Two and Three will reduce the long-term impact of juvenile justice involvement through automatic erasure of some juvenile records. Section Four ensures youth

¹ DORINDA M. RICHELLE, ELIOT C. HARTSTONE & KERRI L. MURPHY, A SECOND REASSESSMENT OF DISPROPORTIONATE MINORITY CONTACT IN CONNECTICUT'S JUVENILE JUSTICE SYSTEM 51 (May 15, 2009); requiring a court order before admitting a child to detention was a specific recommendation of Connecticut's Juvenile Justice Advisory Committee, included in this report at 51.

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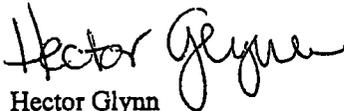
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are returned to their home communities in a timely manner and reduces the massive cost of out-of-state placement by requiring that kids are kept in Connecticut whenever possible. Unfortunately, the trend for out of state placements has increased over the last month,, rather than decreased as promised by the state. . Sections Five and Six ensure that state agencies are focusing their efforts to reduce discrimination and remaining accountable for that reduction.

I would also echo the suggestion of the Center for Children's Advocacy that Raised Bill No. 6634 should be strengthened by amending it to require public access to school-based arrest data. These arrests are often the first contact with the juvenile justice system for youth of color. This data is collected by the State Department of Education but not reported publicly. By making it available, it will help stakeholders target strategies to reduce these arrests to keep kids in school and out of the juvenile justice system.

Respectfully submitted,


Hector Glynn

TESTIMONY OF THE CENTER FOR CHILDREN'S LAW AND POLICY
 IN SUPPORT OF RAISED BILL NO. 6634
*AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE
 JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS*

April 1, 2011

This testimony is submitted on behalf of the Center for Children's Law and Policy (CCLP), a nonprofit public interest law and policy organization located in Washington, DC. CCLP works to reform juvenile justice and other systems that affect troubled and at-risk children and to protect the rights of children in those systems. For the past six years, CCLP has coordinated efforts to reduce racial and ethnic disparities in juvenile justice system (also known as Disproportionate Minority Contact, or DMC) as part of the **John D. and Catherine T. MacArthur Foundation's** Models for Change juvenile justice reform initiative. In that capacity, CCLP has worked with juvenile justice officials in counties and parishes in the states of **Pennsylvania, Illinois, Louisiana, and Washington**. For the past three years, CCLP has also coordinated similar efforts to reduce disparities in **Kansas, Maryland, North Carolina, and Wisconsin** as part of the MacArthur Foundation's DMC Action Network. Many of those jurisdictions have achieved significant reductions in DMC.¹ The **Tow Foundation** has recently given CCLP a grant to work on reducing racial and ethnic disparities in **Connecticut**. CCLP will begin work on that grant next month.

We strongly support Raised Bill No. 6634, An Act Concerning Child Welfare and Detention in the Juvenile Justice System and Erasure of Juvenile Records. Based on our experience throughout the country, we believe that the Raised Bill will help Connecticut reduce racial and ethnic disparities in its juvenile justice system by (1) **requiring a court order** before a child can be admitted to detention and (2) **requiring state agencies to report plans to reduce discrimination** in the juvenile justice and child welfare systems.

Connecticut has long had one of the **highest indexes of over-representation of youth of color** in the juvenile justice system. Spectrum Associates conducted studies of over-representation for the State in 1991-1992, 1998-1999, and 2005-2007. Those studies demonstrated that racial and ethnic disparities exist at particular points in the state's juvenile justice system, notably at arrest, detention, and placement. Despite ongoing concern about this problem, the state has not made breakthroughs in reducing DMC.

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¹ Mark Soler, et al., *Juvenile Justice: Lessons For A New Era*, 16 GEO. J. ON POVERTY L. & POL'Y 483, 529-537 (2009); Mark Soler, *Missed Opportunity: Waiver, Race, Data, and Policy Reform*, 71 LA. L. REV. 17-33 (2010)

In Connecticut, racial and ethnic disparities do not appear uniformly throughout the system. For example, racial differences were found in decisions whether to hold youth in secure confinement pre-adjudication, but not in how long youth stayed in detention. Consequently, in order to reduce DMC, Connecticut needs an approach that can look in detail at key decision points and provide in-depth, data-driven recommendations for reform.

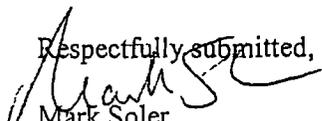
One problem in the past has been that data have been collected and analyzed on a statewide basis. But Connecticut has major differences in demographics throughout the state. Bridgeport, New Haven, and Hartford are urban centers with areas of persistent poverty and high percentages of families of color. Other areas of the state are predominantly white and middle-class. Thus, aggregate statewide numbers represent, in effect, an averaging of high-minority and low-minority areas of the state. Such numbers are technically accurate but are of limited value in revealing where DMC actually occurs in the state, why it occurs, and what can be done to reduce it.

In our experience, and in the experience of others who have successfully reduced DMC such as the **Haywood Burns Institute** and the **Annie E. Casey Foundation's** Juvenile Detention Alternatives Initiative, an **effective approach** includes the following elements:

1. Designation of a **governing committee** or coordinating body to oversee the efforts to reduce DMC.
2. **Collection and analysis of data** at key decision points where DMC occurs in **local jurisdictions**.
3. Identification of **strategies and interventions to address disparities**, including measures of progress. The strategies usually include **objective means** for determining which youth should **be admitted to detention** and development or enhancement of programs and services that can serve as alternatives to detention.
4. **Public reporting** of findings and plans for reform.
5. **Regular evaluation of progress** toward reducing disparities.

Raised Bill No. 6634 will help Connecticut develop such an effective approach by having judges make **objective determinations** which youth should be admitted to detention, by requiring **public reporting** of DMC reduction plans by state agencies, and, through reviews of state agency plans, allowing **regular evaluation of progress**. This legislation can help Connecticut reduce disparate treatment of youth of color and achieve measurable reform.

For the foregoing reasons, we urge the committee to pass **Raised Bill No. 6634** along with the proposed amendments.

Respectfully submitted,

Mark Soler
Executive Director
Center for Children's Law and Policy

Center for Children's Advocacy

University of Connecticut School of Law, 65 Elizabeth Street, Hartford, CT 06105

TESTIMONY OF MARTHA STONE ON BEHALF OF
THE CENTER FOR CHILDREN'S ADVOCACY
IN SUPPORT OF RAISED BILL NO. 6634
*AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE
JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS*

April 1, 2011

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit legal organization affiliated with the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy. Through our TeamChild Juvenile Justice Project, the Center represents children in securing appropriate educational programming and addressing systemic barriers which prevent them from obtaining appropriate community based treatment alternatives.

We strongly support Raised Bill No. 6634, An Act Concerning Child Welfare and Detention in the Juvenile Justice System and Erasure of Juvenile Records, and **urge its amendment to address school-based arrests. Raised Bill No. 6634 will help Connecticut reduce discrimination based on race and ethnicity in the juvenile justice system**, also known as disproportionate minority contact (DMC) by:

1. Requiring a court order before a child can be admitted to detention, a practice that has been specifically shown to eliminate discrimination at the point of detention admission.¹
2. Requiring state agencies to report plans to reduce discrimination in the juvenile justice and child welfare systems.
3. Reducing the long-term impact of juvenile justice involvement through automatic erasure of juvenile records for non-serious juvenile offenses after certain conditions are met.
4. Ensuring that kids are kept in Connecticut whenever possible, rather than sent out of state.



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In Connecticut's juvenile justice system, **discrimination based on race and ethnicity is historically persistent and well-documented.** Connecticut's Juvenile Justice Advisory Committee (JJAC) contracted no less than three studies which were published in 1995, 2001 and 2009, all of which reflected this discrimination at a number of points throughout the juvenile justice system.² For example, the 2009 study found that **police were almost**

¹ DORINDA M. RICHELLETTI, ELIOT C. HARTSTONE & KERRI L. MURPHY, A SECOND REASSESSMENT OF DISPROPORTIONATE MINORITY CONTACT IN CONNECTICUT'S JUVENILE JUSTICE SYSTEM 51 (May 15, 2009); requiring a court order before admitting a child to detention was a specific recommendation of Connecticut's Juvenile Justice Advisory Committee, included in this report at 51.

² See *Connecticut's DMC Studies*, at <http://www.ct.gov/opm/cwp/view.asp?A=2974&Q=383632#DMCStudies>. In addition to the arresting officer's decision to send a child to detention, other points where DMC exists include: (1) for non-SJO

twice as likely to send Black and Hispanic children charged with a serious juvenile offense to a detention center as their White peers.³ These studies also showed that DMC could not be explained by differences in delinquent behavior across racial and ethnic groups.⁴ Data recently provided by the Court Support Services Division for July 1, 2009 through December 31, 2010 suggests that this disparity has persisted even since the last JJAC report was published. See attached.

Connecticut must work to eliminate this discrimination because it is uncontroverted that incarceration in the juvenile justice system results in worse life outcomes for minority youth.⁵ Youth with a history of detention are:

- **less likely to graduate from high school:** Juvenile detention interrupts youths' education, making it more difficult for youth to receive necessary educational services and making it more likely that youth will drop out of school;⁶
- **more likely to be unemployed as adults:** Youth who have been detained experience an average reduction of over 25% in their potential work time over the decade following their detention;⁷
- **more likely to have repeat involvement with juvenile or criminal justice systems:** Detention has been shown to be the most significant factor in increasing the likelihood that a child will recidivate,⁸ and
- **more likely to have depression and suicidal ideations:** Detention has been shown to exacerbate children's pre-existing mental health problems.⁹

The over-representation of youth of color in the child welfare system also leads to worse life outcomes since children who have been involved in the child welfare system are more likely to become involved in the juvenile justice system.¹⁰ At every level of Connecticut's child welfare system, minority youth are over-represented, both statewide and within each area office,¹¹ a problem which is underreported and without the public attention it deserves.

felonies and misdemeanors, the decision whether to refer a child to court; (2) for non-SJO felonies and misdemeanors, the decision to place a child in secure holding; (3) the decision whether to release a child from detention prior to case disposition; (4) the decision whether to transfer a child to adult court; (5) for children committed to DCF, the decision to place that child in secure or non-secure DCF facilities. RICHELLELLI, *supra* note 1.

³ *Id.* at 29.

⁴ *Id.* at 30, 6-7.

⁵ Community Network for Youth, "Fact Sheet," available at

http://www.cjny.org/index.php?option=com_content&view=article&id=6&Itemid=14; see also Anthony Petrosino et al., *Formal System Processing of Juveniles. Effects on Delinquency*, CAMPBELL SYSTEMATIC REVIEWS (2010); Uberto Gatti et al., *Iatrogenic Effect of Juvenile Justice*, J. OF CHILD PSYCHOLOGY AND PSYCHIATRY 50:8 (2009), 991, 996.

⁶ Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities* 9 (2006), available at <http://www.justicepolicy.org/content-hmID=1811&smID=1581&ssmID=25> [http](#). One study showed that youth who had been detained had a 15% four-year graduation rate. *Id.*

⁷ *Id.* at 10.

⁸ *Id.* at 4.

⁹ *Id.* at 8-9.

¹⁰ JESSICA SHORT & CHRISTY SHARP, DISPROPORTIONATE MINORITY CONTACT IN THE JUVENILE JUSTICE SYSTEM 28 (2005).

¹¹ Letter from Heidi McIntosh, Deputy Commissioner, Connecticut Department of Children and Families, to Martha Stone, Executive Director, Center for Children's Advocacy, Inc. 1 (Aug. 13, 2009) (see attached)

Raised Bill No. 6634 contains proven, low-or-no-cost strategies to help Connecticut reduce this discrimination in a number of ways. **Section One** of Raised Bill No. 6634 expands a reform that has already been shown to work, requiring a court order before admission to detention of all juveniles, not just non serious juvenile offenders. Since the number of youth in this category is relatively small (only 300 youth a year), this is a no-cost solution with little burden on the judicial system. **Sections Two and Three** will reduce the long-term impact of juvenile justice involvement through automatic erasure of some juvenile records. **Sections Four and Five** ensure youth are returned to their home communities in a timely manner and reduces the massive cost of out-of-state placement by requiring that youth are kept in Connecticut whenever possible. Unfortunately, the trend for out of state placements has increased over the last month, rather than decreased as promised by the state. As of March 1, 2011, there were approximately 367 youth out of state compared to 357 the previous month. **Section Six** ensures that state agencies are focusing their efforts to reduce discrimination in both the child welfare and juvenile justice system, analyze the interrelationship of discrimination in both systems, and remain accountable for that reduction.

We suggest that Raised Bill No. 6634 **should be strengthened by amending it to require public access to school-based arrest data.** These arrests are often the first contact with the juvenile justice system for youth of color. This data is collected by the State Department of Education but not reported publicly. By making it available, it will help stakeholders target strategies to reduce these arrests and keep youth in school and out of the juvenile justice system. We have attached proposed language for this amendment to our testimony and would welcome the opportunity to discuss this further. (See attachment)

By reducing discrimination based on race and ethnicity in the juvenile justice and child welfare systems, Raised Bill No. 6634 will help achieve better life outcomes for Connecticut's youth. Addressing school-based arrests, which are often the gateway to the juvenile justice system, will strengthen the impact of this bill. For the foregoing reasons, we urge the committee to pass Raised Bill No. 6634 along with the proposed amendment.

Respectfully submitted,


Martha Stone, J.D.
Executive Director

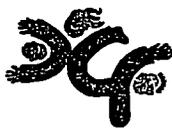

Hannah Benton, J.D.
Staff Attorney
TeamChild Juvenile Justice Project

Distinct Juveniles Admitted to Detention By Race and Authorization Code July 2009 through June 2010

Race	Order to		Out of		Detention Authorization				Take in		Race	
	Detain	State	Warrant	Detention	Other	Juvenile	Offense	Custody	Warrant	Total	Total	Race %
American Indian/Alaskan Native	0	0	0	0	0	1	1	0	1	2	2	0.1%
Asian/Pacific Islander	1	0	0	4	0	1	2	1	1	9	9	0.6%
Black	17	0	0	267	11	178	163	146	146	782	782	48.5%
Hispanic	11	0	0	175	2	74	98	55	55	415	415	25.7%
White	24	2	2	137	4	38	80	73	73	358	358	22.2%
Missing	1	1	1	14	0	12	4	16	16	48	48	3.0%
Authorization Total	54	3	3	597	17	304	347	292	292	1614	1614	100.0%
Authorization %	3.3%	0.2%	0.2%	37.0%	1.1%	18.8%	21.5%	18.1%	18.1%	100.0%	100.0%	

Distinct Juveniles Admitted to Detention By Race and Authorization Code July 2010 through December 2010

Race	Order to		Out of		Detention Authorization				Take in		Race	
	Detain	State	Warrant	Detention	Other	Juvenile	Offense	Custody	Warrant	Total	Total	Race %
American Indian/Alaskan Native	0	0	0	0	0	0	0	0	0	0	0	0.0%
Asian/Pacific Islander	0	0	0	2	0	0	0	0	0	2	2	0.2%
Black	15	1	1	151	6	93	131	67	67	464	464	43.2%
Hispanic	4	0	0	129	0	47	89	30	30	299	299	27.9%
White	15	0	0	123	1	21	70	39	39	269	269	25.1%
Missing	3	0	0	13	0	13	6	4	4	39	39	3.6%
Authorization Total	37	1	1	418	7	174	296	140	140	1073	1073	100.0%
Authorization %	3.4%	0.1%	0.1%	39.0%	0.7%	16.2%	27.6%	13.0%	13.0%	100.0%	100.0%	



DEPARTMENT of CHILDREN and FAMILIES
Making a Difference for Children, Families and Communities



Susan I. Hamilton, M.S.W., J.D.
 Commissioner

M. Jodi Rell
 Governor

August 13, 2009

UCONN School of Law
 c/o Martha Stone, Executive Director
 65 Elizabeth Street
 Hartford, CT 06105

Dear Atty. Stone,

In response to your recent inquiry, we are forwarding a disproportionality analysis ("*State Fiscal Year (SFY) 08 Disproportionality Across the Connecticut Child Protection System by CT DCF Area Office*") completed by the Office for Research and Evaluation in February 2009 that shows the race/ethnicity distribution of cross-sectional slices of child welfare populations based on the child welfare decision stages. Disproportionality reflects the difference between the race/ethnic makeup of the general population of a specific geographic area (e.g. a state) and a served population (e.g. child welfare population of a state). This phenomenon is also referred to as over-(under) representation.

* This analysis shows that children of color in Connecticut are disproportionately represented in the child welfare system relative to their presence in the general population of children. This is true at the statewide level and for each of DCF's Area Offices, although the degree of disproportionality differs, reflecting in part well-known patterns of racial segregation in Connecticut.

It is important to appreciate that these empirical patterns do not reveal the processes (or "forces") that produced them. In other words, this analysis describes these patterns but does not explain them. Hence, this analysis should be understood as descriptive, not explanatory.

As you may know, the field of child welfare has in the past several years begun to focus on racial disproportionality in child welfare. Developing and disseminating approaches to measure and summarize these empirical patterns by adopting approaches originating in the fields of epidemiology and demography (e.g. rates, relative risk ratios) has been the field's and Connecticut DCF's first step.

Finally, it is important to provide guidance as to whether and when it is appropriate to conduct additional "risk set" analysis using these data.

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With the exception of the first bar in the graph which shows the race distribution of the Connecticut child population, each bar that follows shows a type of child welfare population, meaning the distribution by race of children subject to the particular child welfare event. The bars represent a "path" in that each successive bar represents a deepening of involvement with the child welfare system. In other words, the "accepted referral/report" bar refers to the process of deciding to investigate a report received by the designated child welfare official; the determination of whether such a report meets grounds for substantiation follows the decision to undertake an investigation.

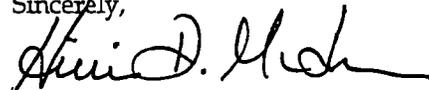
However, progress into the child welfare system is not only organized according to this linear path. Not all children who are removed from home are identified according to this path of report, investigation, and disposition of allegation. This can occur when information and concerns other than those identified in the precipitating report may come to light during the course of the investigation. For example, while investigating a report concerning a specific child, other children at risk may come to light. There may never be a report on these other children, and yet a judge may determine that their safety requires removal from the home. This is but one example of how the "path" into child protective services may be one other than shown in the analysis that follows.

Analytically, this means that children may "enter" the bars shown on this graph through paths other than having experienced the event represented in the preceding bar in the graph. The successive populations are not always subsets of one another (although in some cases they are). For example, not all of the children who "entered DCF care" were referred and substantiated as victims of maltreatment. This fact then identifies analytic opportunities and analytic constraints. A valid analytic opportunity is the comparison of the race distribution represented in each child welfare event bar to the overall child population. This comparison reveals the extent to which the population of children experiencing that event is similar (or not) to the population of children in the general community with respect to race. Additionally, except where the bars are true subsets, it is inappropriate to think of the preceding bar as a risk set from which the event of interest occurs.

I should also note that for purposes of this analysis, "Hispanic" is treated as a race category and persons who are of Hispanic Origin are reported as "Hispanic" regardless of any other race category they may also report. This "consolidation" of the separate concepts of race and Hispanic ethnicity is necessary in order to meet statistical analytic principles.

I am looking forward to future conversations regarding the data, our analysis, and system improvements.

Sincerely,



Heidi D. McIntosh
Deputy Commissioner

yd/HDM

**PROPOSED AMENDMENT TO ADDRESS PUBLIC ACCESS TO INFORMATION
REGARDING SCHOOL BASED ARRESTS**

Section 1. Section 10-10a, subsection e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(e) The system database of student information shall not be considered a public record for the purposes of section 1-210, **except that members of the public may request and obtain aggregate data for schools and school districts provided such data is disclosed in accordance with the provisions of section 1-210.** Nothing in this section shall be construed to limit the ability of a full-time permanent employee of a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, and that is organized and operated for educational purposes, to obtain information in accordance with the provisions of subsection (h) of this section.

Section 2. Section 10-220, subsection c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(c) Annually, each local and regional board of education shall submit to the Commissioner of Education a strategic school profile report for each school under its jurisdiction and for the school district as a whole. The superintendent of each local and regional school district shall present the profile report at the next regularly scheduled public meeting of the board of education after each November first. The profile report shall provide information on measures of (1) student needs, (2) school resources, including technological resources and utilization of such resources and infrastructure, (3) student and school performance, including truancy **and discipline**, (4) the number of students enrolled in an adult high school credit diploma program, pursuant to section 10-69, operated by a local or regional board of education or a regional educational service center, (5) equitable allocation of resources among its schools, (6) reduction of racial, ethnic and economic isolation, and (7) special education. For purposes of this subsection, measures of special education include (A) special education identification rates by disability, (B) rates at which special education students are exempted from mastery testing pursuant to section 10-14q, (C) expenditures for special education, including such expenditures as a percentage of total expenditures, (D) achievement data for special education students, (E) rates at which students identified as requiring special education are no longer identified as requiring special education, (F) the availability of supplemental educational services for students lacking basic educational skills, (G) the amount of special education student instructional time with nondisabled peers, (H) the number of students placed out-of-district, and (I) the actions taken by the school district to improve special education programs, as indicated by analyses of the local data provided in subparagraphs (A) to (H), inclusive, of this subdivision. The superintendent shall include in the narrative portion of the report information about parental involvement and if the district has taken measures to improve parental involvement, including, but not limited to, employment of methods to engage parents in the planning and improvement of school programs and methods to increase support to parents working at home with their children on learning activities. For purposes of this subsection, measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and

unexcused absences in order for the department to comply with federal reporting requirements. Such truancy data shall be considered a public record for purposes of chapter 14. **For purposes of this subsection, measures of discipline include the data that the Department of Education collects to comply with federal reporting requirements regarding in-school suspensions, out-of-school suspensions, expulsions and arrests of students on school property during the school day or at a school-sponsored activity conducted on or off school property.**

Section 3. Section 10-220, subsection c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(c) Annually, each local and regional board of education shall submit to the Commissioner of Education a strategic school profile report for each school under its jurisdiction and for the school district as a whole. The superintendent of each local and regional school district shall present the profile report at the next regularly scheduled public meeting of the board of education after each November first. The profile report shall provide information on measures of (1) student needs, (2) school resources, including technological resources and utilization of such resources and infrastructure, (3) student and school performance, including truancy **and discipline**, (4) the number of students enrolled in an adult high school credit diploma program, pursuant to section 10-69, operated by a local or regional board of education or a regional educational service center, (5) equitable allocation of resources among its schools, (6) reduction of racial, ethnic and economic isolation, [and] (7) special education, **and (8) school-based arrests**. For purposes of this subsection, measures of special education include (A) special education identification rates by disability, (B) rates at which special education students are exempted from mastery testing pursuant to section 10-14q, (C) expenditures for special education, including such expenditures as a percentage of total expenditures, (D) achievement data for special education students, (E) rates at which students identified as requiring special education are no longer identified as requiring special education, (F) the availability of supplemental educational services for students lacking basic educational skills, (G) the amount of special education student instructional time with nondisabled peers, (H) the number of students placed out-of-district, and (I) the actions taken by the school district to improve special education programs, as indicated by analyses of the local data provided in subparagraphs (A) to (H), inclusive, of this subdivision. The superintendent shall include in the narrative portion of the report information about parental involvement and if the district has taken measures to improve parental involvement, including, but not limited to, employment of methods to engage parents in the planning and improvement of school programs and methods to increase support to parents working at home with their children on learning activities. For purposes of this subsection, measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements. Such truancy data shall be considered a public record for purposes of chapter 14. **For purposes of this subsection, measures of discipline include the data that the Department of Education collects to comply with federal reporting requirements regarding in-school suspensions, out-of-school suspensions, expulsions and school-based arrests. For purposes of this subsection, "school-based arrest" means an arrest of a student on school property during the school day, or an arrest of a student at a school-sponsored activity conducted on or off school property. For purposes of this**

subsection, measures of school-based arrests include the number of arrests made annually at each school and in each school district; such measures shall be disaggregated by race/ethnicity, gender, age, whether the student is receiving special education services, whether the student is an English Language Learner and the offenses for which the arrests were made, except that any such category that includes one to five students shall be reported as a symbol.

Section 4. Section 10-220, subsection a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Each local or regional board of education shall maintain good public elementary and secondary schools, implement the educational interests of the state as defined in section 10-4a and provide such other educational activities as in its judgment will best serve the interests of the school district; provided any board of education may secure such opportunities in another school district in accordance with provisions of the general statutes and shall give all the children of the school district as nearly equal advantages as may be practicable; shall provide an appropriate learning environment for its students which includes (1) adequate instructional books, supplies, materials, equipment, staffing, facilities and technology, (2) equitable allocation of resources among its schools, (3) proper maintenance of facilities, and (4) a safe school setting; shall have charge of the schools of its respective school district; shall make a continuing study of the need for school facilities and of a long-term school building program and from time to time make recommendations based on such study to the town; shall adopt and implement an indoor air quality program that provides for ongoing maintenance and facility reviews necessary for the maintenance and improvement of the indoor air quality of its facilities; shall adopt and implement a green cleaning program, pursuant to section 10-231g, that provides for the procurement and use of environmentally preferable cleaning products in school buildings and facilities; shall report biennially to the Commissioner of Education on the condition of its facilities and the action taken to implement its long-term school building program, indoor air quality program and green cleaning program, which report the Commissioner of Education shall use to prepare a biennial report that said commissioner shall submit in accordance with section 11-4a to the joint standing committee of the General Assembly having cognizance of matters relating to education; shall advise the Commissioner of Education of the relationship between any individual school building project pursuant to chapter 173 and such long-term school building program; shall have the care, maintenance and operation of buildings, lands, apparatus and other property used for school purposes and at all times shall insure all such buildings and all capital equipment contained therein against loss in an amount not less than eighty per cent of replacement cost; shall determine the number, age and qualifications of the pupils to be admitted into each school; shall develop and implement a written plan for minority staff recruitment for purposes of subdivision (3) of section 10-4a; shall employ and dismiss the teachers of the schools of such district subject to the provisions of sections 10-151 and 10-158a; shall designate the schools which shall be attended by the various children within the school district; shall make such provisions as will enable each child of school age residing in the district to attend some public day school for the period required by law and provide for the transportation of children wherever transportation is reasonable and desirable, and for such purpose may make contracts covering periods of not more than five years; **shall adopt and implement a policy regarding the role and responsibilities of any sworn officers of local police department or the**

Division of State Police within the Department of Public Safety who have been assigned to any school in accordance with an agreement between the chief of the appropriate law enforcement agency or the Commissioner of Public Safety and the local or regional board of education; may place in an alternative school program or other suitable educational program a pupil enrolling in school who is nineteen years of age or older and cannot acquire a sufficient number of credits for graduation by age twenty-one; may arrange with the board of education of an adjacent town for the instruction therein of such children as can attend school in such adjacent town more conveniently; shall cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is living in the school district to attend school in accordance with the provisions of section 10-184, and shall perform all acts required of it by the town or necessary to carry into effect the powers and duties imposed by law.

Section 5. Section 46b-121i, subsection b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

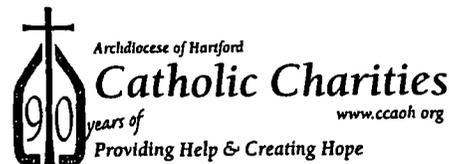
(b) In developing its programs, the Judicial Department shall:

(1) Develop risk and assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system;

(2) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. A program level is based on the needs of the juvenile, his potential to be dangerous and his risk of offending further;

(3) Develop a purchase-of-care system, which will facilitate the development of a state-wide community-based continuum of care, with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing Title IV-E funds of the federal Social Security Act, as amended, new Medicaid funds and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state;

(4) Develop a data tracking system which will allow for annual reports to the General Assembly regarding the number of juveniles referred to court due to arrests on school property during the school day or at a school-sponsored activity conducted on or off school property, which shall be disaggregated where practicable by school, school district, race/ethnicity, gender, age, disability status, primary spoken language of juvenile, and the offenses for which the arrests were made, except that any such category that includes one to five students shall be reported as a symbol.



April 1, 2011

Senator Eric Coleman, Co-Chair
Representative Gerald M. Fox, Co-Chair
Members of the Judiciary Committee

Testimony Regarding Senate Bill No. 6634

I have come today to give testimony to SB No. 6634. Allow me to begin by reminding us that the Juvenile Justice System was established in Connecticut to rebuild the lives of troubled youth. Therefore, whether a youth is placed in state or out-of-state, Catholic Charities recommends ensuring a minimum of 6 months and preferably 9 months be served in the community.

Children are “works in progress” that must be guided toward becoming productive adults. The educational and therapeutic treatment that begins in the residential setting needs to continue in the home and community. When youth are supported, and given the time to apply the healthy patterns of behavior they learned while in residential treatment, this reduces the likelihood of recidivism and risk to self and others. When youth are highly supervised and clearly understand that they must meet all the conditions of their parole or risk placement back in residential placement, they perform even better.

I request that you support the transition of youth back to their home community with treatment time left on their commitment. This action not only protects the community but develops and builds on the youth’s strengths. Please give the troubled youth in Connecticut the opportunity to become fully accountable and healthy adults. They deserve it.

Thank you for your consideration.

Submitted by: Patricia E. Buxton, Ed.S.
Coordinator, Support Teams for Educational Progress (STEP)
Catholic Charities of the Archdiocese of Hartford
191 Franklin Avenue
Hartford, CT 06114

APRIL 1, 2011 TESTIMONY OF
KIA LEVEY
FOR THE JUDICIARY COMMITTEE
REGARDING

**RAISED HB 6634: AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE
JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS**

Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee: This testimony is submitted by Kia Levey, graduate student at University of Connecticut School of Social Work and concerned citizen and parent advocating for the fair and equitable treatment of youth in the juvenile justice system.

I am testifying in support of Raised HB 6634, which addresses Disproportionate Minority Contact (DMC) in the state's juvenile justice system. In particular, I am emphasizing my support for **Sections 1 and 6, which have been previously analyzed by OFA to require no fiscal expenditures to attain**. These would implement two recommendations of the Governor-appointed Juvenile Justice Advisory Committee:

- (Section 1) Neutral third-party approval for all juvenile detention facility admissions, and
- (Section 6) Annual reports from designated agencies on DMC-related plans and progress.

I believe that all young people should be held accountable for their behavior, in a way that is fair and equal – they should be treated the same, regardless of race or ethnicity. As a life long resident of Connecticut, growing up in New Haven I witnessed too many of my peers and classmates who looked like me and lived where I lived arrested and incarcerated at an alarming rate. I had no idea at the time that these rates were significantly larger than our white counterparts. Most of these young people were unable to finish school; they were separated from their families, and most times were unable to reengage with their communities. Now, as an engaged citizen, the parent of an African American son and a student studying social policy and social justice, I am more fully aware of the prevalence of discriminatory practices that increase and/or exacerbate the penalization of youth of color. This bill is about legislating fairness, fairness in a process that is already loaded with fear and grief and remorse. I support Raised HB 6634, Sections 1 and 6, and believe it will make a difference.

We know that DMC exists in Connecticut. Solid research informs the recommendations in HB 6634. The research examines the decisions made at the point of arrest, confinement, and conviction, controlling for factors like a prior juvenile system involvement and socioeconomic status. The analysis shows the existence, or absence, of DMC at these specific “decision points” across the system. This helps us determine what specific steps we can take to alleviate any disproportionality found. The difference in how young people of color are treated is not explained by any other reason beyond DMC: the research controls for a child's family background, criminal record, and numerous other variables.

I support HB 6634 because it will protect young people of color, like my son from being penalized for more than just their behavior; protect them from being unfairly treated because of their race and ethnicity; and give them the fairness that a just process should provide.

Thank you for the opportunity to present this testimony. Please let me know if you have any questions or would like additional information.

Kia Levey, 245 Dyer Street, New Haven, CT 06511 * 203-887-1704

APRIL 1, 2011 TESTIMONY OF
GLEND A ARMSTRONG
FOR THE JUDICIARY COMMITTEE
REGARDING

**RAISED HB 6634: AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE
JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS**

Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee: This testimony is submitted by Glenda Armstrong, member of the Juvenile Justice Advisory Committee (JJAC) and Chair of the JJAC's Subcommittee on Disproportionate Minority Contact.

I am testifying in support of Raised HB 6634, which addresses Disproportionate Minority Contact (DMC) in the state's juvenile justice system. In particular, I am emphasizing my support for **Sections 1 and 6, which have been previously analyzed by OFA to require no fiscal expenditures to attain**. These would implement two recommendations of the Governor-appointed Juvenile Justice Advisory Committee:

- (Section 1) Neutral third-party approval for all juvenile detention facility admissions, and
- (Section 6) Annual reports from designated agencies on DMC-related plans and progress.

I believe that all young people should be held accountable for their behavior, in a way that is fair and equal – they should be treated the same, regardless of race or ethnicity. When kids of color are over-represented and are treated more harshly because of race and ethnicity, DMC exists. Federal law requires states to document DMC and create plans to stop it. The Juvenile Justice Advisory Committee (JJAC), a governor-appointed committee that oversees the use of federal funds under the Juvenile Justice and Delinquency Prevention Act in Connecticut, has carefully designed recommendations to eliminate this disparate treatment based on race or ethnicity – the changes in Raised HB 6634, Sections 1 and 6, are two of them.

We know where DMC exists in Connecticut's juvenile justice system; solid research informs the recommendations in HB 6634. Through contractor Spectrum Associates, Connecticut's Juvenile Justice Advisory Committee has conducted three intensive studies of DMC in the juvenile justice system over the past two decades (published 1991, 1998, 2009). The research compares decisions made on arrest, confinement, and conviction, controlling for factors like a child's prior juvenile system involvement and socioeconomic status. The analysis shows the existence, or absence, of DMC at specific "decision points" across the system. This helps us determine what specific steps we can take to alleviate any disproportionality found.

The first study (1991) found (among other things) that Black and Hispanic juveniles were 2½ to 3 times more likely to be placed by police in a juvenile detention center than White juveniles. Because of overcrowding in detention facilities, Connecticut practice was changed to require approval by a judge to admit a child accused of a misdemeanor or non-SJO felony offense into a juvenile detention center (the practice was *not* changed for SJO offenses). The next study (1998) found that DMC had been eliminated at that decision point (i.e., detention admission for misdemeanors and non-SJO felonies). However, **Black and Hispanic juveniles accused of SJOs were still 2½ times more likely to be detained** than White juveniles accused of SJOs, and they still are: the third study (2009) showed that police were almost twice as likely to place Black and Hispanic juveniles accused of SJOs in a detention center. Again, this difference in how young people of color are treated is not explained by any other reason beyond DMC: the research controls for a child's family background, criminal record, and numerous other variables (studies and other information on DMC available at www.ctJustStart.org).

Simply adding an objective, additional set of eyes to a decision eliminated the DMC in detention admissions for non-SJO offenses. **Raised HB 6634 Section 1** would extend the requirement of a court order to Serious Juvenile Offenses.

Raised HB 6634 Section 6 contains a second important recommendation of the JJAC, to require all agencies with decision-making power in the juvenile justice system to **report annually on plans and progress in addressing DMC**. This is a critical step towards understanding disparity in our system on an ongoing basis, which would complement the intensive DMC research conducted every seven years. Reporting would be to OPM, which administers the JJAC.

Thank you for the opportunity to present this testimony. Please let me know if you have any questions or would like additional information.

Alternative Center for Excellence * 26 Locust Avenue, Danbury CT 06810 * (203) 668-3444



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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CHRISTINE PERRA RAPILLO
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**TESTIMONY OF CHRISTINE PERRA RAPILLO
EXECUTIVE ASSISTANT PUBLIC DEFENDER
DIRECTOR OF JUVENILE DELINQUENCY DEFENSE
OFFICE OF THE CHIEF PUBLIC DEFENDER**

COMMITTEE ON THE JUDICIARY

APRIL 1, 2011

**R. B. No. 6634 - AN ACT CONCERNING CHILD WELFARE
AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND
ERASURE OF JUVENILE RECORDS**

The Office of the Chief Public Defender supports Raised Bill 6634, AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS. This bill presents proposals to address the disproportionate rate at which people of color have contact with both the juvenile justice and child welfare systems. Federally mandated studies on the rate of disproportionate contact with the Connecticut juvenile justice system have shown that children of color are sent to juvenile detention at a higher rate than Caucasian children. This occurs even when the children are charged with the same crimes and have similar records with the court. The proposals before the committee seek to eliminate this disparity by requiring a court order prior to any child being placed in a detention facility pre arraignment and asking state agencies involved in the juvenile justice system to develop plans to address the overrepresentation of children of color. It is always difficult to legislate culture change but past practice has shown that the proposals will have an immediate positive impact on the rate that children of color are placed in the State's juvenile detention centers.

Federal law requires states to undertake a study of disproportionate minority contact (DMC) with the juvenile justice system on a regular basis. Studies were published in 1991 and in 1998. These studies are conducted by

Committee on The Judiciary
Testimony of Christine Rapillo
R. B. 6634
Page 2

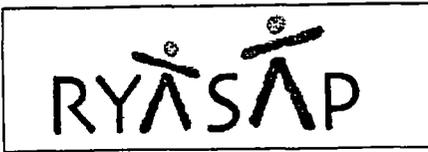
the Juvenile Justice Advisory Committee (JJAC) and look at the levels of disproportionate contact at different decision points in the system. The studies research arrest, confinement, and conviction controlling for factors like a child's prior juvenile history, and for other socioeconomic factors. The analysis breaks down by decision point, which helps policy makers determine what specific steps can be taken to alleviate disproportionality. Connecticut's most recent study was released in May, 2009 and can be found at http://www.ct.gov/opm/lib/opm/cjppd/cjjyd/jjydpublishations/final_report_dmc_study_may_2009.pdf.

In all three studies, no disparities were found in the handling of cases judicially rather than non-judicially, court outcomes for non-judicial delinquency cases, adjudication rates for judicial delinquency cases, or placement rates for adjudicated juveniles. Disparities have been found in the initial decision to refer to court or to divert a child, length of time a misdemeanor accused spends in detention and in the use of secure facilities versus therapeutic treatment centers by the Department of Children and Families and the rate at which certain accused children are admitted to the Juvenile Detention Centers.

The proposal before the committee seeks to address disproportionality at the point an accused child enters juvenile detention. **Section 1** would require a court order *prior* to any child being placed in a detention facility pre-arraignment. Current law requires a court order to detain only for non serious offenses. The police may, but are not required, to take children charged with statutorily defined serious juvenile offense (SJO) to detention without a court order. Across all three JJAC DMC studies, Black and Hispanic juveniles apprehended for SJOs were significantly more likely to be detained than similarly charged White juveniles. These differences existed even when the researchers controlled for other factors like family background or criminal record.

The 2009 study showed that there was no racial disparity in the rate that children who were charged with non serious offenses were admitted to detention. This is significant because earlier studies showed that disparity existed in the decision to bring a child accused of a non serious offense to detention as well. When the law and policies around detaining children were changed to require that police obtain a court order before a child charged with a non SJO offense could be brought to detention, the disparity was erased. Simply adding an objective, additional set of eyes to a decision eliminated the DMC in detention admissions for non SJO offenders. The Office of the Chief Public Defender believes that the changes proposed in these bills will have a similar effect on the rate of disproportional incarceration for accused SJO offenders.

Section 2 provides for automatic erasure and destruction of juvenile records for children convicted on statutorily defined non serious juvenile offenses. The Office of the Chief Public Defender supports this proposal but believes that it can wait until there are adequate financial resources to accomplish the goals. This proposal would help eliminate the unintended consequences of a juvenile conviction by ensuring that records are erased and thus not accessible to anyone. Implementing this proposal however, would require significant and expensive adjustments to the Judicial Branch's computer and data systems. While the proposal has merit, it can wait until the state is more easily able to fund those changes.



Catalyst for Community Change

APRIL 1, 2011 TESTIMONY OF
REGIONAL YOUTH ADULT SOCIAL ACTION PARTNERSHIP
FOR THE JUDICIARY COMMITTEE
REGARDING

RAISED HB 6634: AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS

AND

RAISED SB 1223: AN ACT CONCERNING THE RESPONSIBILITIES OF A PARENT OR GUARDIAN OF A CHILD CONVICTED AS DELINQUENT

Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee: This testimony is submitted by Robert Francis, Executive Director of RYASAP, the Regional Youth Adult Social Action Partnership. RYASAP works to create healthy communities free of the harm caused by child and adolescent substance abuse, crime and violence, with local and statewide programs in juvenile justice advocacy, youth and young adult leadership development and prevention of adolescent alcohol, tobacco and other drug use through community organizing. **RYASAP is the lead agency for the DCF/CSSD Local Interagency Service Team (LIST) for the Bridgeport Juvenile Court and for the Bridgeport Juvenile Review Board.**

RYASAP supports Raised HB 6634, which addresses Disproportionate Minority Contact (DMC) in the state's juvenile justice system. In particular, we emphasize our support for **Sections 1 and 6, which have been previously analyzed by OFA to require no fiscal expenditures to attain**. These would implement two recommendations of the Governor-appointed Juvenile Justice Advisory Committee:

- (Section 1) Neutral third-party approval for all juvenile detention facility admissions, and
- (Section 6) Annual reports from designated agencies on DMC-related plans and progress.

RYASAP opposes Raised SB 1223, which would require the parent or guardian of a child or youth involved in the juvenile justice system to (1) attend any court hearing related to the delinquency, and if they cannot, be punishable with a contempt of court charge, and (2) participate in and pay for the cost of care, treatment and rehabilitation for a child who has been convicted delinquent.

RYASAP believes that all young people should be held accountable for their behavior, in a way that is fair and equal – they should be treated the same, regardless of race or ethnicity. When kids of color are over-represented and are treated more harshly because of race and ethnicity, DMC exists. Federal law requires states to document DMC and create plans to stop it. The Juvenile Justice Advisory Committee (JJAC), a governor-appointed committee that oversees the use of federal funds under the Juvenile Justice and Delinquency Prevention Act in Connecticut, has carefully designed recommendations to eliminate this disparate treatment based on race or ethnicity – the changes in Raised HB 6634, Sections 1 and 6, are two of them.

We know where DMC exists in Connecticut's juvenile justice system; solid research informs the recommendations in HB 6634. Through contractor Spectrum Associates, Connecticut's Juvenile Justice

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**Judiciary Committee Public Hearing
April 1, 2011**

**TESTIMONY OF JENNIFER L. ZITO, PRESIDENT OF
THE CONNECTICUT CRIMINAL DEFENSE LAWYERS ASSOCIATION,
IN SUPPORT OF RAISED BILLS NOS. 1095, 1229, 6634, 6636,
6637 AND 6638**

Dear Chairman Coleman, Chairman Fox and Distinguished Members of the Judiciary Committee:

I submit this written testimony on behalf of the CCDLA in support of the following raised bills:

1. CCDLA supports Raised Bill 1095, An Act Limiting The Use Of Restraints On A Child Who Is Subject To A Delinquency Proceeding, and hereby adopts the testimony of the Chief Public Defender's Office in support of this bill which seeks to amend the law to prevent restraining juveniles in shackles or other devices prior to adjudication unless the judge determines it is necessary for public safety or the child in being transported from one place to another;
2. CCDLA supports Raised Bill 1229, An Act Concerning Evidence And Detention In Juvenile Matters providing for pre-trial detention credit for juveniles and hereby adopts the testimony of the Chief Public Defender's Office in support of this bill;
3. CCDLA supports Raised Bill 6634, An Act Concerning Child Welfare and Detention In Juvenile Justice System And Erasure Of Juvenile Records, and adopts the testimony of the Chief Public Defender's Office relative to this bill;
4. CCDLA supports Raised Bill 6636, An Act Concerning Children Convicted As Delinquent Who Are Committed To The Custody Of The Commissioner Of Children And Families, to amend C.G.S. §17a-7a to increase the Commissioner's ability to formulate reentry plans for committed delinquent

JOETTE KATZ

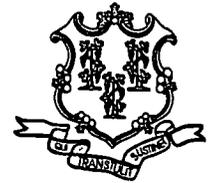


STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Judiciary Committee

April 1, 2011



H.B. No. 6638 (RAISED) AN ACT CONCERNING JUVENILE JUSTICE

The Department of Children and Families supports H.B. No. 6638, An Act Concerning Juvenile Justice. This bill makes a number of necessary changes to various DCF and juvenile matters statutes. This bill emanated from a working group that consisted of DCF, the Judicial Branch, the Chief Public Defender's Office, and juvenile justice advocates.

Among the numerous provisions of this that are necessary to fully implement the "Raise the Age" law, is language in sections 3, 4, 5, 6, 7, 8, 13, 16 and 17 of the bill which clarify that the Department of Children and Families' responsibility for committed delinquent children ends when the child attains the age of twenty. The Department believes that it is necessary to cap the maximum age of juvenile offenders as there will be challenges associated with mixing young adults with the adolescent population in facilities such as the Connecticut Juvenile Training School. CJTS is being renovated to segregate the younger and older populations to the greatest extent possible.

Providing services and supervision until the 20th birthday allows for individuals who are committed up until their 18th birthday (for delinquent acts committed through age 17) to remain committed for up to two years. The average length of commitment remains just under two years.

Information provided by the Campaign 4 Youth Justice indicates thirty-two other states use age 20 as the cut-off for services/supervision. Nine states end at 18 or 19 and only six states go to either 21, 22 or 24. Only three states go until the end of the full term of the dispositional order.

Two statutes currently exist to prosecute 14 - 17 year-olds for serious sexual offenses or for serious repeat juvenile offenses. These laws allow for blended (juvenile and adult) sentencing, and can be used for 16 or 17 year-olds for whom out-of-home services (incarceration) are needed past the 20th birthday.

SB1223
SB1225
SB1229
HB6312
HB634
HB636
HB637

S.B. No. 1164 (RAISED) AN ACT DELAYING IMPLEMENTATION OF PROVISION TO RAISE THE AGE OF JUVENILE COURT JURISDICTION FOR YOUTH SEVENTEEN YEARS OF AGE

The Department of Children and Families opposes S.B. No. 1164, An Act Concerning the Delaying Implementation of Provisions to Raise the Age of Juvenile Court Jurisdiction for Youth Seventeen Years of Age. This bill would delay the implementation of "Raise the Age" legislation for youth seventeen years of age until July 1, 2014.

DCF does believe it's important that parents know their rights, and the Department has for many years, voluntarily provided a written "*A Parents Right to Know*" brochure at the start of every investigation. This brochure, which is currently available in twelve different languages, provides the information similar to that required by this bill and the following is the Questions and Answer section from the brochure.

We would request that the Committee amend the effective date of this legislation to October 1, 2011, to permit the Department with the necessary time to make the necessary modifications to this brochure. We would also request that you add the term "face-to-face" before the word "contact" on line 44, to clarify the Department's responsibility to provide this notice.

<p><u>H.B. No. 6634 (RAISED) AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS</u></p>
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The Department of Children and Families **supports the portions of H.B. No. 6634, An Act Concerning Child Welfare and Detention in the Juvenile Justice System and Erasure of Juvenile Records** that relate to disproportionate minority contact in the juvenile justice system. Section 6 of this bill brings together the various state agency stakeholders and requires them to develop and implement a plan to address disproportionate minority contact in the juvenile justice system.

We would like to bring to the Committee's attention, that there is another bill, H.B. No. 6340, An Act Concerning the Placement of Children in Out-of-State Treatment Facilities, which also addresses the out-of-state placement of children issue that is raised in section 5 of this bill. The Department agrees with the intent of this provision is committed to working with interested parties in developing appropriate statutory language.

DCF **opposes the erasure portions of H.B. No. 6634** as they apply to the Department, residential treatment centers and other non-Judicial entities. The bill as written, particularly lines 175 to 189 and 255 to 269, requires not only that the Judicial Department automatically erase delinquency and family with service needs requests four years after discharge from commitment or probation if the youth has turned 18 years old and has had no subsequent juvenile or adult offenses. While we certainly agree and support the concept of a fresh start for rehabilitated youth, the erasure requirement as it applies to DCF, to treatment institutions and to other non-Judicial entities will be, quite frankly, extremely difficult and expensive to accomplish.

As you know, delinquency and family with service needs case do not proceed in a vacuum. Besides DCF, numerous agencies and private provider may be involved in providing treatment and services to a youth and his or her family. Additionally, the delinquency or FWSN petition is frequently just one part of a family dynamic that may include child abuse and neglect, substance abuse and domestic violence. The bill appears to require all references whatsoever to a youth's delinquency or FWSN adjudication to be expunged from records. Not only will it be physically very difficult to locate and redact such records, but more importantly, it will result in "holes" in a family's history that help explain the dynamics and inform treatment. Juvenile records are confidential; the fact that a youth's adjudication is mentioned in a DCF record or that of a

treatment facility is not something that will publicly available and thus is highly unlikely to result in any harm to the youth once he or she reaches the age of 18. On the other hand, many documents that reference a youth's adjudication may be in the hands of third parties, such as relatives or victims, who cannot be reached by a court erasure order. If such third parties accidentally or deliberately release adjudication information and there is no existing official record, the youth will be unable to access official documentation to provide additional information to, say, an employer who questions the youth's rehabilitation.

**H.B. No. 6636 (RAISED) AN ACT CONCERNING CHILDREN CONVICTED AS
DELINQUENT WHO ARE COMMITTED TO THE CUSTODY OF THE
COMMISSIONER OF CHILDREN AND FAMILIES**

The Department of Children and Families **supports** H.B. No. 6636, An Act Concerning Children Convicted as Delinquent Who are Committed to the Custody of the Commissioner of Children and Families.

Section 1 of the bill provides DCF with the discretion to waive the requirement for a sixty-day evaluation of fitness and security and award passes for leave to children convicted as delinquent who have had such evaluation and subsequently transfer to a different facility. DCF believes that there are circumstances where it is appropriate for a child to have this requirement waived prior to the sixty-day requirement, as it may be in the child's best interest to expedite his reentry back to the community.

Section 2 repeals a planning requirement in § 17a-3 regarding youth at the Connecticut Juvenile Training School that dates back to the school's origins in 1998. The plan at that time was for longer lengths of stay for the youth at CJTS. Currently, however, the average length of stay at CJTS is approximately 5 to 6 months. It should be noted that CJTS is part of the continuum of care and that the youth continue their treatment while in other residential programs and while in the community under Parole supervision. We do not believe that a minimum stay at CJTS is either necessary or appropriate. Please note that this same provision is also included in Substitute House Bill No. 6352, which has been favorably reported by both the Select Committee on Children and the Human Services Committee.

**H.B. No. 6637 (RAISED) AN ACT CONCERNING DETERMINATIONS OF
COMPETENCY IN JUVENILE AND YOUTH IN CRISIS MATTERS**

The Department of Children and Families **offers the following comments regarding** H.B. No. 6637, An Act Concerning Determinations of Competency in Juvenile and Youth in Crisis Matters. This bill establishes a process for determining competency of a child or youth in a juvenile or youth in crisis matter and assisting a child or youth to attain competency in such matter.

Currently, pursuant to a Supreme Court decision, juveniles are subject to the same competency procedures set out in C.G.S. §54-56d as are applied to adult criminal defendants. Unfortunately, the adult procedures do not work well for younger children who are appearing before the Superior Court for Juvenile Matters. This bill creates a separate procedure to test for and restore



STATE OF CONNECTICUT
JUDICIAL BRANCH

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Testimony of the Honorable Barbara M. Quinn,
Chief Court Administrator
Judiciary Committee Public Hearing
April 1, 2011

H.B. 6638, An Act Concerning Juvenile Justice

H.B. 6637, An Act Concerning Determinations of Competency
in Juvenile and Youth in Crisis Matters

H.B. 6636, An Act Concerning Children Convicted as Delinquent who are Committed
to the Custody of the Commissioner of Children and Families

S.B. 1164, An Act Delaying Implementation of Provisions to Raise the Age
of Juvenile Court Jurisdiction for Youth Seventeen Years of Age

H.B. 6634, AAC Child Welfare and Detention in the Juvenile Justice System
and Erasure of Juvenile Records

S.B. 1223, AAC the Responsibilities of a Parent or Guardian of
a Child Convicted as Delinquent

Good morning, Senator Coleman, Representative Fox, Senator Kissel, Representative Hetherington, and members of the Judiciary Committee, thank you for the opportunity to testify on several bills affecting juvenile matters. The Judicial Branch supports H.B. 6638, *An Act Concerning Juvenile Justice*, H.B. 6637, *An Act Concerning Determinations of Competency in Juvenile and Youth in Crisis Matters*, and H.B. 6636, *An Act Concerning Children Convicted as Delinquent who are Committed to the Custody of the Commissioner of Children and Families*. All three of these bills come out of the Juvenile Jurisdiction Policy and Operations Coordinating Council working group, which was co-chaired by Senator Harp and Representative Walker. The working group, which included the Judicial Branch, the Office of the Chief Public Defender, the Office of the Chief State's Attorney, the Department of Children and Families, the Department of Education and the Police Chiefs' Association, met prior to the

H.B. 6636, An Act Concerning Children Convicted as Delinquent who are Committed to the Custody of the Commissioner of Children and Families

The Judicial Branch supports this proposal, which would allow the Commissioner of DCF to grant passes to juveniles who have been transferred to a different facility prior to the expiration of 60 days, and would delete the requirement that a child be held in the Connecticut Juvenile Training School for a minimum of one year. That requirement was contained in the original statutes establishing CJTS. Current research does not support the need for a longer placement, nor is it supported by current practice. We urge you to support this bill.

H.B. 6634, AAC Child Welfare and Detention in the Juvenile Justice System and Erasure of Juvenile Records

The Judicial Branch does not object to section 1 of this proposal, which would require the police to get the approval of a judge in order for a child who has been arrested to be admitted into a juvenile detention center. This is a change from the position we took in prior years regarding this proposal. However, because the analyses of disproportionate minority contact in the juvenile justice system conducted at the direction of the Juvenile Justice Advisory Committee have shown that placement in a detention center upon arrest is one of the decision points where disparity occurs, we believe we should take on this additional responsibility. We anticipate that setting up a system to handle these requests will function in the same way that our system for making judges available 24/7 to sign warrants does -- designated judges will be on call during non-business hours to review these matters.

The Judicial Branch does not support sections 2 and 3 of this proposal because we do not have the capability to comply with its requirements. While we certainly support the basic premise of the juvenile justice system, that information about juvenile convictions is confidential and should not be available to the public, there are both technical and practical issues with these sections. They would require court clerks to monitor all delinquency convictions and family with service needs adjudications for two years to determine if the child has been subsequently arrested or convicted. At the end of that period, if the child is 17 and had not had subsequent convictions, the clerk must not just erase, but destroy, the records. There are two major issues with this requirement.

The first is that the Clerk's Offices simply do not have the capacity to monitor the age and record of each and every child who has been convicted or adjudicated. Current law provides that a petition must be filed in order for erasure to occur. This requirement must continue in

order for the court to have knowledge that the child has attained the required age and fulfilled the conditions for erasure. While the proposed change may look like it's making things easier for juveniles, it will have the opposite effect. We will not be able to comply with its monitoring requirement, so the erasures and destructions will not occur automatically. In fact, absent a petition, they will not occur at all.

Secondly, this proposal is in direct conflict with the changes to the juvenile records statute (C.G.S. section 46b-124) that were enacted in 2008 to give employees of the Department of Correction and the Board of Pardons and Board of Parole access to the juvenile records of adults in the custody of the Department. The purpose of this access is to facilitate risk/needs assessments, to determine suitability for release or a pardon, and to determine the supervision and treatment needs of parolees. Under this proposal, even if the records might benefit the subject, they will have been destroyed. If there is something those agencies ought to know, it will no longer exist.

We also do not support section 4, which would require the Judicial Branch and several other entities to annually submit reports to OPM on plans to address disproportionate minority contact in the juvenile justice system and steps taken to implement those plans during the previous fiscal year. We would respectfully suggest that submitting an annual plan and report is not the most effective way to address the problem of disproportionate minority representation in our juvenile justice system. As I am sure you are aware, over the years the Juvenile Justice Advisory Committee has commissioned comprehensive studies on disproportionate minority contact in the juvenile justice system. These studies have taken a very detailed look at the system. The most recent study resulted in a report that was issued in May 2009, and that report identifies specific problem areas throughout the system. We would suggest that an action-oriented systemic solution to the problems is needed – not more planning and reporting.

In conclusion, I urge the Committee not to act favorably on sections 2, 3 and 4 of this proposal.

S.B. 1164, An Act Delaying Implementation of Provisions to Raise the Age of Juvenile Court Jurisdiction for Youth Seventeen Years of Age

The Judicial Branch does not support a delay in the full implementation of “Raise the Age.” We are in the process of planning for the integration of the 17-year-olds into the juvenile justice system and expect to be fully prepared for that to occur on July 1, 2012. Therefore, we respectfully request that the Committee take no action on this bill.

APRIL 1, 2011 TESTIMONY OF
THERESA DREW
DIRECTOR, CITY OF STAMFORD YOUTH SERVICES BUREAU
FOR THE JUDICIARY COMMITTEE
REGARDING

Supporting

HB 6638: AN ACT CONCERNING JUVENILE JUSTICE

And

RAISED HB 6634: AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS

Opposed to:

RSB 1164: AN ACT DELAYING IMPLEMENTATION OF PROVISIONS TO RAISE THE AGE OF JUVENILE COURT JURISDICTION FOR YOUTH SEVENTEEN YEARS OF AGE

And

RSB 1126: AN ACT CONCERNING THE IMPACT ON MUNICIPALITIES OF THE INCREASED AGE OF JUVENILE JURISDICTION

SB1226

Senator Coleman, Representative Fox, and members of the Judiciary Committee: My name is Terri Drew, Director of the Youth Services Bureau (YSB) for the City of Stamford. The mission of the Mayor's YSB is to promote the development of caring, responsible, and successful young people. Through programs, we focus on developing leadership skills, self-confidence, and life skills in our young people. **The Stamford YSB is the lead agency for the DCF/CSSD Local Interagency Service Team (LIST) for the Stamford Juvenile Court District and for the Stamford Juvenile Review Board.**

The Stamford YSB supports Raised HB 6634, which addresses racial disparity, known as Disproportionate Minority Contact (DMC) in the state's juvenile justice system. When kids of color are over-represented and are treated more harshly because of race and ethnicity, DMC exists. We know that DMC exists in Connecticut's juvenile justice system because our Juvenile Justice Advisory Committee has conducted three intensive studies over the past two decades that control for factors like a child's prior juvenile system involvement and socioeconomic status.

This research originally found DMC in admissions to detention. When admission criteria changed and a court order was required for all admissions except those for Serious Juvenile Offenders, DMC disappeared – except for the admissions of Serious Juvenile Offenders. This bill would address this racial disparity by requiring a court order for all detention admissions, including for Serious Juvenile Offenders. This is important for two key reasons: 1. for a justice system to be credible it must be seen as fair and providing the same treatment to everyone; 2. putting kids in detention solely because of the color of their skin is expensive. Taxpayers pay upfront for the time in detention, and down the line since admission to detention is a strong predictor of how far a child will “progress” through the system.

We support House Bill 6638 which includes technical and other changes to statute needed for the effective, on-time implementation of “Raise the Age” for 17-year-olds on July 1, 2012.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 21
6546-6914**

mhr/cd/gbr
SENATE

513
June 7, 2011

Moving now to calendar page 31, Calendar 619,
House Bill Number 6634.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Continuing calendar page 31, Calendar 627,
House Bill Number 6596.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 32, where we have 4
items. The first is Calendar 629, House Bill Number
.5634.

Move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

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SENATE

520
June 7, 2011

Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

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Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

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SENATE

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Calendar 536, House Bill 5300. Calendar 537, House
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,
Substitute for House Bill 6538. Calendar 547,
Substitute for House Bill 6440. Calendar 548,
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for
House Bill 5802. Calendar 551, House Bill 6433.
Calendar 552, House Bill 6413. Calendar 553,
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for
House Bill 5415. Calendar 557, Substitute for House
Bill 6318. Calendar 558, Substitute for House Bill
6565.

Calendar page 21, Calendar 559, Substitute for
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for
House Bill 6600. Calendar 564, Substitute for House
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for
House Bill 6103. Calendar 570, Substitute for House
Bill 6336. Calendar 573, Substitute for House Bill
6434.

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Calendar page 24, Calendar 577, Substitute for
House Bill 5795.

Calendar page 25, Calendar 581, House Bill
6354.

Calendar page 26, Calendar 596, Substitute for
House Bill 6282. Calendar 598, Substitute for House
Bill 6629.

Calendar page 27, Calendar 600, House Bill
6314. Calendar 601, Substitute for House Bill 6529.
Calendar 602, Substitute for House Bill 6438.
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,
Substitute for House Bill 6485. Calendar 616,
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for
House Bill 6634. Calendar 627, Substitute for House
Bill 6596.

Calendar page 32, Calendar 629, House Bill
5634. Calendar 630, Substitute for House Bill 6631.
Calendar 631, Substitute for House Bill 6357.
Calendar 632, House Bill 6642.

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SENATE

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Calendar page 33, Calendar 634, Substitute for
House Bill 5431. Calendar 636, Substitute for
House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House
Bill 6525.

Calendar page 48, Calendar 399, Substitute for
Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for
House Bill 6233. Calendar 412, House Bill 5178.
Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for
House Bill 6113.

Madam President, that completes the item placed
on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the
machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent
Calendar. Will all Senators please return to the
Chamber. The Senate is now voting by roll on the
Consent Calendar, will all Senators please return to
the Chamber.

mhr/cd/gbr
SENATE

525
June 7, 2011

Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)