



## TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE

### APPROPRIATIONS COMMITTEE

H.B. No. 6439 AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE THIRTIETH, 2023, AND MAKING APPROPRIATIONS THEREFOR.

### **SUPPORT WITH RESERVATIONS BUDGET FOR DEPARTMENT OF CORRECTIONS AND JUDICIAL BRANCH: COURT SUPPORT SERVICES DIVISION**

February 26, 2021

Senator Osten, Representative Walker, and members of the Appropriations Committee: My name is Christina Quaranta and I am the Executive Director of the Connecticut Juvenile Justice Alliance. The Alliance is a youth/adult partnership, statewide public policy and advocacy organization dedicated to ending the criminalization of Connecticut's youth. We believe in prevention to keep children from entering the system, and best practice and policy to help kids who do enter the system to be successful.

I am testifying today in favor of the steps taken in the Governor's budget that fund DOC's Community Support Services, however more information is needed to determine the impact that this will have. **The state must also commit to a planning process that will permanently remove all youth under 18 from adult facilities.** Youth who have their cases transferred to the adult court should be held in juvenile facilities until their 18<sup>th</sup> birthdays. This is best practice and the policy in many states around the country.

In regards to the budget for the Judicial Branch: Court Support Services Division, I am testifying today in support with reservations regarding the Governor's budget rescissions for the Judicial Branch: Court Support Services Division (CSSD), because more information is needed. However, it is evident that **the state must allocate more money to CSSD for intensive, wrap around, community based programs and services for young people and their families.**

### **DEPARTMENT OF CORRECTIONS**

[Connecticut incarcerates youth of color at significantly higher rates than it does white youth.](#)

Our current system disproportionately harms Black and Brown youth. This is unacceptable. The state must commit to a planning process that will permanently remove all youth under 18 from the custody and facilities of the Department of Correction (DOC). The state must also commit to investing the funds saved from closing Northern Correctional Institution and two to be named prisons, approximately \$46.9 million, into communities that are need of resources. These funds **must** be reinvested to protect people who are incarcerated and be invested into community programs that work to increase public safety and client success.

Although Northern is scheduled to close, extreme isolation occurs throughout the Department of Corrections (DOC) and the human rights abuses that occurred at Northern are by no means unique to the facility.

At present, the Connecticut DOC has little to no external oversight, fails to collect meaningful data on isolation, utilizes abusive restraints, and continues to unnecessarily and excessively isolate people. This must end. Funding must be appropriated to DOC to bring in an outside expert to determine how to best operate DOC facilities to keep folks who are incarcerated safe, as well as Correctional Officers.

Governor Lamont's budget decreases the amount available for the line item marked *inmate medical services*. This is problematic and an explanation must be given as to why this deduction was deemed appropriate.

DOC must immediately improve conditions of confinement through policy and practice:

- End the use of solitary confinement - no matter what it is called. Limit the time youth can be confined in their cell as a behavioral intervention
- Ban the use of chemical restraints on youth under 18 years old
- Address the educational and mental health needs of youth

Governor Lamont's budget provides funds for the Department of Corrections to increase community support services. This is a positive step. More information is needed on what exactly this includes.

Let's talk more about why DOC must commit to removing all youth under the age of 18 from adult facilities pre- and post-trial:

- No child under the age of 18 should be in an adult correctional setting, even if their case is transferred to the adult court. Boys must be removed from Manson Youth Institution and girls from York Correctional Institution (the only prison for women in Connecticut).
- Locking up youth in adult prison does not address root issues. According to a recent state audit, the overwhelming majority of transferred boys, and all of the transferred girls, in the adult system during 2019 lived in families previously investigated for child abuse or neglect, often multiple times. The audit found that most boys in the system completed few or no programs while incarcerated. Young people will most likely be unable to change behaviors until their root issues are addressed and taken care of.
- Young people are subject to being assaulted with chemical agents as a behavioral deterrent, intervention during fights, or in a threatening manner. This is damaging to young peoples' health and numerous states have outlawed the use of chemical agents on children. CTJJA has research re: chemical agent use that it would be happy to share with the legislature. CTJJA is willing to work with DOC and other organizations and state agencies to figure out what can be used instead of chemical agents.

The Office of the Child Advocate released a report in November 2020 raising significant concerns about the conditions of confinement faced by youth under 18 who are incarcerated at Manson Youth Institution. The report highlights many areas of concern including the use of chemical agents (pepper spray) on youth, the frequent use of “confined to quarters,” which leads to youth spending up to 23 and a half hours a day in their cell, lack of access to education, lack of access to mental health services, and inadequate policies and procedures to prevent self-harming and suicidal behaviors.

Finally, Manson Youth Institution is currently under federal investigation by the U.S. Department of Justice for civil rights violations.

### **Why shouldn't youth be in the adult court?**

#### Public Safety

Transferring youth to adult court does not reduce violence or enhance public safety

In 2007, the Centers for Disease Control and Prevention published the findings of the Task Force on Community Preventive Services which said:

Available evidence indicates that transfer to the adult criminal justice system typically increases rather than decreases rates of violence among transferred youth. Available evidence was insufficient to determine the effect of transfer laws and policies on levels of violent crime in the overall juvenile population. *On the basis of these findings, the Task Force recommends against laws or policies facilitating the transfer of juveniles to the adult criminal justice system for the purpose of reducing violence.* [emphasis ours]<sup>1</sup>

#### Racial Justice

In CT, black youth are more likely to be transferred to the adult court than their white peers. If a youth is between 15- and 17-years-old and charged with certain Class B felonies, the prosecutor can ask for a hearing in front of a judge to transfer the case to the adult system. A 2017 report on Connecticut data found that, in these cases, black youth were much more likely to be transferred to adult court than their white peers. The study looked at other factors like age, previous record, charge, socioeconomic status, etc. to see if they explained the different outcomes, but found that race was the deciding factor.<sup>2</sup> *This study tells us that our current method of transferring some youth under the 18 is not fair or equitable and should be ended.* There is also updated information that can be found in this Connecticut Mirror article from September 2020.

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<sup>1</sup> Centers for Disease Control and Prevention. Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: Report on Recommendations of the Task Force on Community Preventive Services, (2007). Available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5609a1.htm>

<sup>2</sup> Spectrum Associates Market Research. (October 30, 2017). An Assessment of Disproportionate Minority Contact in Connecticut's Juvenile Justice System: An Abbreviated Report. Connecticut Office of Policy and Management.

### Adult court and facilities are not set up for youth

The adult court is not appropriate for youth under 18. The facilities, services, and staff are not created for or trained to be effective for youth. Without access to rehabilitative services and after exposure to de-facto solitary confinement, youth held in adult facilities re-enter their communities with significant barriers to emotional, educational, or vocational success.

### Federal law

Under the 2018 reauthorization of the federal Juvenile Justice Delinquency and Prevention Act, youth held in adult jails – including those charged as adults – must be removed to juvenile detention centers by December 21, 2021.<sup>3</sup>

### **Where would the youth currently incarcerated at MYI and York go instead?**

The Juvenile Justice Policy and Oversight Committee has recommended that all youth be out of adult facilities by January 1, 2023 and that the group complete an implementation plan for how to achieve that goal by January 1, 2022. This allows key stakeholders to research best practices from other states, conceive a plan, and have a full year to implement this plan. We have full confidence that a diverse group of CT experts, including young adults and family members, can develop a strategy for housing this small group of young people in a way that preserves public safety and the dignity and humanity of youth.

### **How many youth are we talking about?**

On any given day there are about 30 boys under the age of 18 in MYI. The most recent data that can be found is that there are 30 being held pre-trial and 1 being held post-conviction. The number of girls in York is very small, rarely going above 3 on any given day. (While conditions faced by girls in York are better than those for boys in MYI, federal law requires youth under 18 to be separated from adults even when they are in the same facility. As a result, girls in York can be alone for a majority of their confinement.)

## **JUDICIAL BRANCH: COURT SUPPORT SERVICES DIVISION**

Connecticut has made great policy strides in the past five years. It changed its laws to say that the courts are not the appropriate place to handle youth who don't go to school. It changed its laws to say that detention isn't the appropriate place for kids who are suicidal or who don't have a safe place to live. It closed its youth prison, the Connecticut Juvenile Training School, in

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<sup>3</sup> Campaign of the National Juvenile Justice & Delinquency Prevention Coalition Juvenile Justice and Delinquency Prevention Act (JJDP A) Fact Sheet Series Core Protections: Jail Removal/Sight and Sound Separation

[http://www.act4jj.org/sites/default/files/resourcefiles/Jail%20Removal%20and%20Sight%20and%20Sound%20Separation%20Fact%20Sheet\\_0.pdf](http://www.act4jj.org/sites/default/files/resourcefiles/Jail%20Removal%20and%20Sight%20and%20Sound%20Separation%20Fact%20Sheet_0.pdf)

response to research showing that incarcerating youth in large, institutional prisons does not promote public safety, data showing high re-offending rates among boys leaving CJTS and concerns about the conditions of confinement for those confined at the prison.

Before any of those changes happened, the Alliance and its allies pushed for reallocation of resources. At the very least, the state needed to move dollars spent by the courts to address truancy into line items that communities, now responsible for those youth, could use. That didn't happen and it still has not happened. Instead, in all of these "policy win" cases - removing truancy from the courts, narrowing the qualifications for detention admission and closing our youth prison - millions of dollars were simply eliminated from DCF or CSSD budget line items. The juvenile justice and related systems (education, children's mental health, child welfare, prevention and diversion) have [faced massive cuts](#). To add insult to injury, line items that had long supported diversion programs across the state - that keep thousands of kids from cities, suburbs, and rural communities from entering the court system by instead participating in local restorative justice programs - were zeroed out and eliminated.

It is impossible to ignore, however, that those kids and communities MOST negatively impacted are the ones that are mostly Brown, Black, and financially struggling.

As well established and effective programs go away, the pressure to go back to frequent detention and incarceration grows. Aside from the moral issues surrounding using detention and incarceration when we know it's not the best way to change youth behavior and disproportionately impacts children of color, the idea that detention and incarceration are somehow cost neutral is flawed.

Our current system disproportionately harms Black and Brown youth. Connecticut incarcerates youth of color at significantly higher rates than it does white youth. This is unacceptable.

- [Source 1](#)
- [Source 2](#)

Locking up youth is typically costly and ineffective. Data shows that youth who are detained or incarcerated may be more likely to reoffend than their peers who aren't, meaning that using detention and incarceration can have the opposite effect that people are hoping for. According to the Judicial Branch of CT, Court Support Services Division, detention costs about \$800 per child per day. [In 2018, the average length of a stay in detention was 14 days](#) - that's \$11,200 spent each time we put a child in juvenile detention. [In 2020 the average length of a stay in detention was 25 days](#) - if the amount per day is the same, that's \$20,000 spent each time we put a child in juvenile detention.

When we invest in community based services we can save those dollars that would have gone to detention, and, hopefully pull funds from those detention line items in coming years. That's what happened in 2011, as the state was raising the age of juvenile court from 16 to 18. Investments in diversion programs and community based services that began in 2008, kept youth from court and detention, leading the state to close the New Haven Juvenile Detention Center - a \$3 million line item.

If Connecticut truly wants to make sure that young people have their needs met and ensure they have a reduced opportunity to make bad decisions, the Connecticut state legislature must invest the time, money and resources in youth, families, and communities. This means funding the Community Based Diversion System Plan, which would fund the Youth Service Bureaus who are responsible for running Juvenile Review Boards. [Juvenile review boards](#) (JRBs) are diversionary and prevention programs designed to help local police departments work with young people who make a bad choice. They are usually composed of representatives of local youth service agencies, police departments, and the juvenile court. Because JRBs are entirely local, there is no state agency that oversees them or keeps track of their existence or operation. Although they are basically the same, there is no single model that JRBs must all follow, so they can be tailored to meet the needs of the particular community. They can be created totally at the discretion of the municipality and the key to starting one is to have the local police and the local youth agency, usually a youth service bureau, agree on how the board will be structured and how it will work.

This also means expanding upon and creating more programs for young people that are community based, intensive, wrap around services for the youth and their whole family. Until all the needs a young person may have are addressed in a meaningful way, that young person will carry on with unmet needs.

Connecticut must invest dollars in programs that have proven track records with high need youth. While Connecticut's juvenile justice system includes a variety of programs, it has struggled to create individualized service/ supervision plans for higher need youth. We have not yet invested in or implemented programs that have proven effective with high risk youth in other states. Examples include Individualized Wrap/ Supervision Programs, [Cure Violence](#), [Credible Messengers](#), (and [Credible Messengers Justice Center](#)) [Youth Advocate Programs](#), among others.

Governor Lamont's budget does not make the system whole- more funding is needed for intensive, community based, wrap around services for young people and their families. When the system isn't whole, children and communities are not whole. Without the right services, more kids are funneled into detention or out of home placements. Connecticut can and must do better for our youth.

Thank you for the opportunity to submit this testimony. I am happy to answer any questions and can be reached at [Christina@ctjja.org](mailto:Christina@ctjja.org)