

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-6888

Title: AN ACT CONCERNING JUVENILE JUSTICE.

Vote Date: 3/30/2023

Vote Action: Joint Favorable Substitute

PH Date: 3/15/2023

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

This bill makes various changes to laws on juvenile justice, racial profiling, and pedestrian stops.

SUBSTITUTE LANGUAGE:

The substitute language amends section 7 to mirror the new racial profiling definition. It also amends section 8 to expand traffic stop analysis to pedestrian stops and revises the timeline of the analysis.

RESPONSE FROM ADMINISTRATION/AGENCY:

Marc Pelka, Undersecretary, Office of Policy and Management (OPM): Undersecretary Pelka testified that as co-chair of the Juvenile Justice Policy Oversight Committee with Representative Walker, section 8 of the bill is what OPM will be focusing on. Connecticut general statutes creates the structure for state and local police departments to report electronic data on all traffic stops. Recent reports illustrate progress reducing disparity and identifying further work needed. OPM requests to help attain the bill's goal. Certain effective dates need to be adjusted and the duties should be assigned to OPM and the Institute for Municipal and Regional Policy staff. OPM looks forward to working to pursue reasonable adjustments that will mitigate cost impacts.

Sarah Healy Egan, Child Advocate, Office of the Child Advocate (OCA): Ms. Healy Egan testified that OCA supports the bill but has included proposed amendment language to Section 6. Expanded membership of the Juvenile Justice Policy and Oversight Committee should include members with lived experience. A plan should be developed for incarcerated children to be successfully discharged

and re-integrated into the community. Research provides evidence that juvenile offenders transferred to the criminal court do not engender community protection by reducing recidivism.

Susan Hamilton, Director of Delinquency Defense, Office of Chief Public Defenders (OCPD):

Ms. Hamilton testified in support of the bill, specifically Section 1. OCPD supports requiring certain low-level behaviors be referred to community-based diversion systems rather than arresting these children. By referring the child before the arrest, it would standardize the referral process and minimize disparity. In 2020, the Council of State Governments recommend certain behaviors be decriminalized. Section 5 would promote incarcerated youth successfully into reintegration in the community. Their office represents many of those youth and believe that re-entry planning is critical to their successful future.

Natasha M. Pierre, State Victim Advocate, Office of The Victim Advocate (OVA): Ms. Pierre submitted testimony in opposition to the bill. OVA recognizes lawmakers need to seek changes to the criminal justice system to create a more efficient and effective system, but it is imperative to consider the rights and interest of victims of crime. Juvenile justice reforms must include protection of the interests and rights of crime victims. Crime victims have a right to information, attendance, and participation in the juvenile delinquency process.

NATURE AND SOURCES OF SUPPORT:

Deshawn B: Deshawn testified that as a worker for the Center for Children's Advocacy and being involved in the justice system he strongly supports the bill. Section 3 allows young people to have a voice and be at the table to make decisions and improve the system. He made decisions in the past that weren't the best and was arrested twice for trespassing that were thrown out. At the age of 16, he was involved with an incident that changed his life and he is still healing from that incident. He hopes his story will help those that find themselves in the same circumstances. He believes we need to help those transition from jail to the real world.

Ken Barone, Associate Director, Connecticut's Racial Profiling Prohibition Project Advisory Board:

Mr. Barone testified that even though the board has not had full opportunity to vet the bill, they will be providing a report on the merits and feasibility of pedestrian stop data collection. They have also provided comments that reflect technical consideration from the projects staff. Connecticut's approach to collecting and analyzing traffic stop data is a national model. The timeline in the bill would require an expedited modification that likely would lead to additional costs to police departments.

Karrol Anne Brown, Director, Racial Justice Project-Center for Children: Ms. Brown who serves on the Executive Committee of the JJPOC has been involved in the development of this legislation. Section 8 extends the data collection for traffic stops but also includes pedestrian stops. At present, the state collects absolutely no data on racial profiling in these stops. National studies speak to the damaging impact repeated stops by law enforcement have on the mental health and self-esteem of our youth. JJPOC has included in the testimony a list of other jurisdictions that are currently collecting data on pedestrian stops.

Scott Cochran, President, CT Youth Service Association: Mr. Cochran supports the measures in the bill, specifically sections 1 and 2. CT Youth Service Association has a network of 193 Youth Service Bureaus serving 138 town across Connecticut playing a pivotal role in supporting Connecticut's youth and their families. They request that the Implementation in Section 2 be amended to include a representative from the CT Youth

Services Association. As Community partners and experts, they can provide an important support framework to address the issues facing our young people.

Sydney De Lannoy: Sydney testified as a resident of New Haven and an MSW student. They stated that successfully diverting youth from entering the justice system is essential. Studies have shown that diverting children before they enter the system may reduce the chance they will reoffend and reduce their experience of trauma. Creating re-entry services is the missing link to help youth reintegrate into their communities. Providing access to high quality and inclusive products help promote the well-being and dignity of our youth. The Juvenile Justice and Policy Oversight Committee deserves to have a voice in creating these policies.

Connecticut Legal Services (CLS): CLS supports the continued development and expansion of the diversion system. Their years of experiences and working with committees and workgroups around diversion point to the conclusion that increased touchpoints leads to worse outcomes for children and youth. They believe out of court diversion is the answer to the inefficiencies and cost to the disparities that exist; it needs to be fully funded and there should be well-resourced youth service bureaus and juvenile review boards.

Lauren Ruth, Research & Policy Fellow, Connecticut Voices for Children: Ms. Ruth submitted testimony on the bill about how the International Association of Chiefs of Police has endorsed pre-arrest diversion as a model for addressing minor misdemeanors. Florida Pre-Arrest Diversion Program found that the rate for individuals who completed the program was 95% compared to 45% for those with the same offenses that were processed through the traditional criminal legal system. Ms. Ruth included extensive testimony on Sections 2,3,4,5,6 & 7.

Dana Forry: Ms. Forry submitted testimony as a former Bridgeport Juvenile Review Board Program Director and explained how the Juvenile Review Board accepted referrals from the police utilizing a community-based program. Supporting the expansion of the community-based diversion system with funding, access to services and support will provide the intervention needed and eliminate the trauma of system exposure and involvement.

Lisa Simone, Director, Alternative Education, The Bridge at ACES: Ms. Simone testified about how imperative it is for local municipalities to work with school districts, police departments, and community members to support our youth. The primary focus should be educational truancy, school based mental health initiatives and afterschool programs. When youth participate in these programs there is a decrease in criminal offenses and increase in school attendance. It is imperative that a consistent educational reentry program be implemented for all youth returning to their communities.

Erica Bromley, Youth Justice Consultant, CT Youth Services Association: Ms. Bromley testified about how the best way to prevent future arrests is to stop the initial arrests by diverting youth. Diversion can be the more cost-effective strategy than court processing for low-risk youth and has been successful as one more way to keep youth out of the system. Additional funding is needed for the Community Based Diversion System. Included in her testimony are a few small language changes to make sure the bill matches the intent of the language. She also requested in Section 2 that a representative from the CT Youth Services Association be included as part of the implementation to create a plan.

Thomas Burr, National Alliance on Mental Illness (NAMI): Mr. Burr testified that NAMI is dedicated to building better lives for those with mental health conditions. The bill's purpose is to implement various juvenile justice policies including diversion. Diverting people with Behavioral Health issues from jails and prisons can have a positive impact on their entire future. Society should be focuses on making sure that those children who are diverted have somewhere to be diverted to and he asked that support such as increased funding be provided for the Department of Children and Families.

Kathleen Callahan, National Association of Social Workers (NASW): Ms. Callahan and NASW support the bill but would like to see the expansion of the Juvenile Justice Policy and Oversight Committee. They recommend three new members including two of whom are under twenty-six and have been impacted by the youth justice system. There should also be the necessary reimbursement for costs associated with meeting attendance. They support advanced research into brain development and the consideration of a young adult stage between adolescence and adulthood.

Marc Donald, Executive Director, Regional Youth Adult Social Action Partnership: Mr. Donald oversees Bridgeport's Juvenile Review Board. He explained that this is a pre-arrest diversion program that has had over an 85% successful completion rate. These programs work, save on court and policing costs, and keep our young people out of the justice system. He testified that the Partnership supports the testimony submitted by the Connecticut Racial Profiling Prohibition Project Advisory Board and supports expanding the Alvin W. Penn Racial Profiling Prohibition Act to ensure that the rights of our youth are protected.

Melissa Cortez Goemann, Senior Policy Counsel, National Juvenile Justice Network: Ms. Goemann testified in full support of the bill. This bill will make large strides in moving our state forward in creating a youth legal system that is effective, fair, and does not harm our youth.

Marisa M. Halm, Director, Youth Justice Project: She testified in support of the bill but recommends amended language adding a work group in Section 6 to plan for the removal of minors from Connecticut's adult correctional system. The Judicial Branch under Section 13 of Public Act 21-174 was required to develop a plan for the removal of minors; they published and shared the plan with the legislature in January 2022, but the plan was never brought to fruition. Connecticut is the only Northeast state to incarcerate our youth in adult prisons. The Youth Justice Project has attached suggested language for these changes.

Jordyn Wilson, The Sentencing Project: They testified in support of the bill, specifically the creation of a plan to remove pre-trial youth from DOC. They stated that only Florida holds more youth in adult prisons than Connecticut; these youth are disproportionately Black and Brown. They believe that charging youth as if they were adults does not enhance public safety and is eager to see the advancement of progressive solutions for the state's youth.

Andrew Clark, Director, Institute for Municipal & Regional Policy: He submitted testimony in support of the bill. He believes that by reinforcing commitments to resocialization and restorative justice, the state can reduce those incarcerated, decrease

recidivism, spend resources more efficiently, and reaffirm the position as a leader in criminal justice reform.

Ebony Epps, Program Director, Streetsafe Bridgeport & the Juvenile Review Board:

She testified that she has seen first-hand what happens when young people are not supported or given another chance. She stated that diversionary programs bridge the gap between law enforcement and youth and should always be funded as they curve recidivism rates and have proven results.

Barbara Fair, LCSW, Stop Solitary: She testified in support of the bill, stating that those under 18 should be treated as children and not adults. She stated that when young people are placed in adult facilities, they are robbed of their innocence and at risk for adult exploitation. She also believes that examining their environments and what is missing that should support growth is a better solution to address youth crime. She would like to see the state seek caring and compassionate responses to their behavior instead of harsh policies.

Kathleen Flaherty, Executive Director, CT Legal Rights Project: She testified in support of the bill, asking that people listen to the Justice Advisors and give justice-impacted young people a voting role on the JJPOC.

Janet Freimuth, Executive Director, Children in Placement: She testified in support of the bill, stating the effects of trauma related to stressors in the family, abuse and neglect has proven impacts on adolescent development and mental health. She believes that teachable opportunities set youth up for success, is humane, and fosters positive and achievable goals in their understanding of the adult world.

Marcella Kurowski: She testified in support of the bill.

Lisa McKenna, Director, Mediation Services, RYASP: She testifies in support of the expansion and further development of the community-based diversion system. She explained that mediation and JRBs allow youth to take ownership of their actions and gives the judicial system a vehicle to handle lower-level offenses through restorative processes. She stressed that proper funding and structural oversight are essential to give youth optimal opportunities and allow community providers to serve clients.

Christina Quaranta, Executive Director, Connecticut Justice Alliance: She testified in support of the bill.

Shirley West, Executive Director, Urban Community Alliance: She testified in support of the bill.

Jess Zaccagnino, Policy Counsel ACLU-CT: She testified in support, stating that they believe no child should be held in adult prisons. She stated that when children are incarcerated pre-trial, they are more likely to recidivate.

The following testimony was submitted by over 100 people:

The bill is built on addressing the root issue of reentry and diverting unnecessary cases away from the legal system by focusing on supporting our youth. Removing young people from the custody of DOC is the best way to support our youth with rehabilitative resources. Sending

our children to adult prisons is harmful. System involvement increases the likelihood of recidivism. Youth and community members must have a voting seat on the Juvenile Justice and Policy Oversight Committee so that they can ensure that those impacted by the decisions are a part of creating these decisions.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Police Chiefs Association: The CPCA is concerned with Section 8 as written. The addition of collected data will place a burden on Connecticut law enforcement agencies. Police departments of more densely populated communities encounter more pedestrians and requiring documentation would make these stops take longer. They stated that most data will probably be collected in small municipalities and would take several years to amass a large enough size to conduct meaningful analysis. They stated that they support the testimony submitted by the Connecticut Racial Profiling Prohibition Project Advisory Board and support expanding the Alvin W. Penn Racial Profiling Prohibition Act to ensure that the rights of our youth are protected.

Susan Bradford: She submitted testimony on how she is disturbed by the one-sided ambush of written testimony from the CT Justice Alliance. She believes there must be severe enough consequences for these children to avoid being exploited by criminals. She asked that we not forget the victims and stated that letting these kids go without holding them accountable is not justice.

Reported by: Pamela Bianca

Date: April 13, 2023