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Written Testimony Supporting Senate Bill 387, An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel of the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of Senate Bill 387, An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee.

The ACLU-CT is an organization dedicated to ending mass incarceration, eliminating racial disparities in the criminal legal system, and reducing harms to justice-impacted people. Among the most vulnerable people who become enmeshed in the criminal legal system are young people under the age of eighteen, who suffer unique harms due to their involvement in the criminal legal system and are more likely to experience even wider racial disparities than exist for adults.¹

While Connecticut has made important improvements in reducing the number of young people who are incarcerated, it has concurrently worsened racial and ethnic disparities.² In 2015, 79 percent of young people who were incarcerated were kids of color, but in 2019, the proportion rose to 84 percent.³ Young people who are incarcerated experience widespread sexual abuse,⁴ worsened mental health

¹ Colette Marcellin & Samantha Harvell, *Data Snapshot of Youth Incarceration in Connecticut*, URBAN INST. (May 2020), available at https://www.urban.org/sites/default/files/publication/102176/data-snapshot-of-youth-incarceration-in-connecticut_1.pdf.

² *Id.*

³ *Id.*

⁴ Caitlin Curley, *Youth Incarceration in Our Juvenile Justice System May Do More Harm Than Good*, GENBIZ, (Oct. 12, 2016), available at <https://genbiz.com/youth-incarceration-juvenile-justice-system-may-harm-good>.

outcomes, greater risk of self-harm, significant and often permanent interruption of education, and long-term damage to employment—with little to no corresponding improvement in community safety.⁵

With these unique harms and disparities in mind, the ACLU-CT supports Senate Bill 387, which takes steps to protect more kids from entanglement with the criminal legal system. Notably, Section 3 of the bill increases community representation on the JJPOC by adding four members who are advocates for individuals living in communities with high youth arrest rates. Two must be under twenty-six and have been directly impacted by the juvenile justice system. This section also increases the accessibility of membership by providing for reimbursements for expenses incurred like childcare and transportation costs. Section 4 importantly broadens the definition of racial profiling to include police officers who detain, interdict, or otherwise treat disparately a person based in whole or in part on perceived racial or ethnic status.

We all benefit from better tracking of information related to police stops of pedestrians. Tracking these stops will allow the people of Connecticut to see if disparities exist for themselves, discover where they are the worst, and begin crafting data-driven solutions to unjust and racially disparate stops. Section 5 vitally increases the data the state collects on disparities in traffic stops by requiring data collection on pedestrian stops. The Connecticut Racial Profiling Prohibition Project is well-suited to this task, given its extensive data collection and analysis history with traffic stops.

Another way to limit involvement with the criminal legal system before it begins is through Section 6 of this bill, which addresses pre-arrest diversion by expanding community-based diversion systems. If passed, law enforcement would be required to

⁵ Barry Holman & Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, JUST. POLY INST. (Nov. 2006), available at <https://justicepolicy.org/research/the-dangers-of-detention-the-impact-of-incarcerating-youth-in-detention-and-other-secure-facilities/>.

send young people to these diversionary programs first after the commission of particular offenses. Diversion is both cost-effective and still in need of expansion, since in 2018, 41 percent of all referrals to juvenile courts were first-time referrals.⁶ When kids are diverted from arrest and held apart from adults, they are able to receive more developmentally appropriate services, resulting in better outcomes for kids and their communities.

The recommendations by the JJPOC put forth in Senate Bill 387 are a substantial step in eliminating the incarceration of children. The bill could be expanded to target the school-to-prison pipeline even further through adequate funding of public school needs, the adoption of alternative in-school disciplinary practices, strategies, and intervention to support our youngest students. The JJPOC would be well-suited to create recommendations to reduce to zero all suspensions and expulsions of students in pre-kindergarten through second grade. The ACLU-CT also supports previous JJPOC recommendations to raise the age of arrest from the current floor of seven years old to twelve. This is a present and real problem: in 2019, nearly 100 very young children were arrested and sent to court.⁷ The majority of these children were arrested for misdemeanors and most cases were resolved through dismissals, discharges, or nolle.⁸ Subjecting such young children to the criminal legal system causes trauma and creates, rather than avoids, further court involvement.⁹

Connecticut has been a national leader in treating children who get involved with the criminal legal system more like children and less like pariahs. We can and should continue and expand opportunities to provide kids with services instead of criminalization. Senate Bill 387 does just that, in a number of important ways, and we strongly support it. We urge this Committee to support this bill as well.

⁶ *2021 Legislative Package: JJPOC Recommendations in Detail*, TOW YOUTH JUST. INST., UNIV. NEW HAVEN (Mar. 16, 2021), available at <https://towyouth.newhaven.edu/wp-content/uploads/2021/03/Legislative-Package-3-22-21-Final.pdf>.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*