



Testimony Supporting:

S.B. 18: An Act Concerning a Second Chance Society and H.B.5642: An Act Concerning the Recommendations of the Juvenile Justice Policy Oversight Committee

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Judiciary Committee

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Senator Coleman, Representative Tong, and Distinguished Members of the Judiciary Committee:

I am testifying today on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the wellbeing of Connecticut's children, youth, and families. Underlying our work at Voices for Children is the fundamental belief that all children, regardless of race, ethnicity, sexual identity, class, ability, or geography, should be assured of a meaningful opportunity to achieve their full potential.

For some children, such meaningful opportunity cannot exist absent state intervention, supports and services. Children involved in the juvenile justice system are some of our state's most at-risk and vulnerable young people. **These youth deserve a meaningful second chance.**

I am here today to support Senate Bill 18 and House Bill 5642, which both work to improve outcomes for young people involved in, or at risk of becoming involved in, the juvenile justice system. Together, these bills are an important step in the broader juvenile justice reform effort in Connecticut: toward ensuring a fully rehabilitative juvenile justice model, with appropriate services and settings to meet the needs of all court-involved youth, regardless of age.

I. Support for S.B. 18: AAC a Second Chance Society

By raising the age of juvenile jurisdiction to 21, proposed S.B. 18 would effectively position Connecticut as a leader in the national movement to align juvenile justice systems with research-informed best practices. The proposed legislation would expand the existing boundaries of juvenile jurisdiction, allowing 18-, 19-, and 20-year-olds in the state to be treated as juveniles for all but the most serious offenses. Keeping young people out of the adult justice system aligns with advances in neuroscientific literature. Due to ongoing structural and hormonal changes in the brain, adolescence is associated with an increased propensity for impulsive risk-taking, as well as the inability to equally weigh risks and rewards.¹ In ideal circumstances for healthy development, adolescence is a time to practice taking these risks safely, in environments in which those who fail

are awarded second chances. Not all youth have the opportunity to learn safe risk-taking; recognizing the implications of the research, it is essential that we offer our juvenile justice-involved young adults a meaningful second chance. **Because brain development directly implicates the decision-making capabilities and relative culpability of young adults under age 25, this proposal rightly considers these differences when deciding how to address our youngest adults who commit crimes.**

The proposed legislation builds on Connecticut’s previous Raise the Age effort, establishing a planful, gradual process for implementation. As with the 2007 Raise the Age effort, which expanded juvenile jurisdiction to include 16- and 17-year olds, the proposed legislation establishes a gradual phase-in: expanding juvenile jurisdiction to 18-year-olds in mid-2017, to 19-year-olds in mid-2018, and to 20-year-olds in mid-2019. Earlier this year, the Governor asked the Juvenile Justice Policy and Oversight Committee (JJPOC) to begin to study the changes to existing juvenile justice legislation that would be necessary to facilitate this timeline of gradual implementation.² As a diverse group representing many stakeholders in the juvenile justice system, as well as a group that has previously undertaken a similar effort, the JJPOC is uniquely qualified to study and make recommendations regarding how to expand the juvenile justice system. The proposed legislation outlines a careful, deliberate timeline for preparing the system for expansion; this timeline will ensure that we have the appropriate policies, procedures, and services available to meet the needs of an expanded juvenile population.

Research supports the conclusion that raising the age of juvenile jurisdiction should yield long-term savings and benefits by reducing the number of youth who commit crimes subsequent to their first conviction, and improving opportunities for these youth later on.³ Diverting 18-, 19-, and 20-year-olds from the adult justice system, which is largely focused on punishment, to the juvenile justice system, which is more focused on rehabilitation, allows these young adults to access the individualized therapeutic, clinical, educational, programmatic, and socioemotional supports they need to get back on track. By raising the age of juvenile jurisdiction for non-serious offenses, and serving these young adults in therapeutic, rehabilitative settings, the state saves money on costly adult incarceration later on. Prior adult conviction proves an often insurmountable burden to many young adults and their families; by incorporating low-risk young adults into the juvenile justice system, the state can improve lifelong educational and work outcomes for these young adults.

II. Support for H.B. 5642: AAC the Recommendations of the Juvenile Justice Policy Oversight Committee

Taken together, the various provisions of H.B. 5642 work toward achieving the stated JJPOC goals of increasing diversion from the juvenile justice system, decreasing recidivism in the juvenile justice system, and decreasing the overall incarceration of juveniles. As a member of one of the workgroups to develop these recommendations, we are in full support of the proposed bill. These recommendations emerge from a multidisciplinary set of workgroups, and represent the shared expertise of advocates, attorneys, state agencies, and other key stakeholders at

all levels of our juvenile justice system. Though the bill includes a broad range of important recommendations, we will focus our remaining comments on the provisions that address exclusionary discipline use in schools, and the provision requiring the planful closure of the Connecticut Juvenile Training School (CJTS) and the Pueblo Unit for Girls (Pueblo).

First, the proposed bill would require the State Department of Education (SDE) and local boards of education to develop plans to address the overuse of exclusionary discipline (including in-school suspension, out-of-school suspension, expulsion, and school-based arrest) in Connecticut schools, which is one of the key feeders in the school-to-prison pipeline. Research shows that exclusionary discipline is associated with academic failure, grade retention, dropping out of school, substance abuse, and juvenile justice involvement.⁴ Suspension and expulsion do not improve student behavior, and can actually increase the likelihood that the student will be suspended or expelled in the future.⁵ Despite growing evidence that exclusionary discipline is harmful, it continues to be used as a tool for the punishment of inappropriate behavior in schools. The harm of exclusionary discipline is not borne equally by students across the state; past analysis of school discipline data from Connecticut has revealed troubling inequalities, showing that students of color, students with special needs, and students from poorer socioeconomic backgrounds are more likely to be suspended, expelled, and arrested than their peers.⁶ The proposed bill requires SDE and local boards of education to develop several plans for schools and school districts with high rates of exclusionary discipline use, including:

1. a plan for school-based diversion initiatives to reduce juvenile justice involvement among children with mental health needs, targeting schools with high rates of school-based arrests, disproportionate minority contact, and juvenile justice referrals; and
2. a remediation plan, which must include restorative justice models, targeting schools with high rates of out-of-school suspension and expulsion, racial disparities, or students involved in the juvenile justice system.

Once implemented, these plans would serve to expand alternatives to exclusionary discipline for teachers and administrators at these schools. Children with unmet mental health needs would receive appropriate treatment instead of suspension. Misbehavior in the classroom would be addressed through restorative practices focused on improving school climate. The proposed legislation requires collaborative planning between state and local boards of education to address the overuse of exclusionary discipline, which serves as a key first step in diverting youth from the juvenile justice system, and promotes better outcomes for Connecticut students.

Second, the proposed bill would require agencies to collect, analyze, and share data on a variety of metrics at all levels of the juvenile justice system. Juvenile justice-involved youth in Connecticut may receive services through a number of state agencies, including the Department of Children and Families (DCF), SDE, and the Judicial Department. In order to best serve the needs of these youth, we need to track their outcomes over time. Since these youth are typically involved with multiple agencies, following a single youth across multiple, diverse data systems may be difficult.

The proposed bill addresses existing gaps in outcomes data for juvenile justice-involved youth, including arrest rates across secure and congregate care settings; graduation, dropout, post-secondary education, and employment rates among youth exiting the system; and recidivism rates among youth involved in all state-run juvenile justice programs. **Without collaborative collection, tracking, and sharing of data across state agencies, the state cannot evaluate its progress in meeting the needs of these youth.**

The proposed bill language would also require DCF and the JJPOC to jointly develop a plan for the closure of the CJTS and Pueblo by mid-2018. We support the closure of CJTS and Pueblo, and want to ensure that appropriate, therapeutic, and rehabilitative alternative programs or placements exist to meet the needs of each youth currently residing at these facilities in advance of their closure. Following a comprehensive needs assessment and treatment planning process for each youth, the state can safely close these facilities. The state's primary goal should remain the development of a robust continuum of care, including community-based preventative, diversionary, therapeutic, and rehabilitative services, to meet the needs of all youth in the juvenile justice system. As such, we urge the state to commit to the reinvestment of funds freed by the closure of CJTS and Pueblo into alternative programs to serve our juvenile justice-involved young people.

When juvenile justice-involved young people receive a meaningful second chance, and go on to lead productive adult lives, the state saves money on costly incarceration, and lives up to its moral imperative to give young people the opportunity of a bright future. By reforming our juvenile justice system to ensure it meets the needs of our young people, and expanding juvenile jurisdiction to the age of 21, we can offer Connecticut's youth a meaningful second chance.

Thank you very much for your time and consideration. Please do not hesitate to reach out to myself or any other staff members with any questions.

Thank you,

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¹ A robust body of scientific and psychosocial literature has found that these changes in brain development, coupled with rising hormone levels, interact with distinct sociocultural influences to produce an increase in risk-seeking behavior. The prefrontal regions of the brain, which are associated with top-down cognitive processes, develop later than the subcortical regions, which are implicated in emotional-motivational reasoning. In adults, these regions are in balance: that is, adults can weigh rational assessment of risk against the emotional assessment of reward in a given situation. Due to their underdeveloped prefrontal regions, adolescents are incapable of this rational risk-reward assessment. Adolescence is also marked by a dramatic increase in the release of the neurotransmitter dopamine in the brain, which promotes behaviors that have the potential for high and immediate rewards (and are typically highly risky). Brain development is incomplete

until young adults reach approximately 25 years of age. For more, see Anna C.K. van Duijvenvoorde et al, “Neural Correlates of Expected Risks and Returns in Risky Choice across Development,” 2015, available at <http://www.jneurosci.org/content/35/4/1549.full>, and Laurence Steinberg, “A dual systems model of adolescent risk-taking,” 2010, available at <http://onlinelibrary.wiley.com/doi/10.1002/dev.20445/abstract>.

² See Governor’s Letter to the Juvenile Justice Policy and Oversight Committee, January 2016, available at: https://www.cga.ct.gov/app/tfs/20141215_Juvenile%20Justice%20Policy%20and%20Oversight%20Committee/20160128/Gov%202016%2001%2028%20Ltr%20to%20JJPOC%20.pdf

³ While raising the age of juvenile jurisdiction above 18 is unprecedented, several studies comparing recidivism among juveniles charged as adults and those charged as juveniles have found higher recidivism rates among those charged in adult criminal court. See United States Department of Justice Office of Juvenile Justice and Delinquency Prevention Bulletin, Richard E. Redding, June 2010, available at: <https://www.ncjrs.gov/pdffiles1/ojjdp/220595.pdf>.

⁴ See The Civil Rights Project/Advancement Project, “Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline,” 2000, available at <http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/opportunities-suspended-the-devastating-consequences-of-zero-tolerance-and-school-discipline-policies/crp-opportunities-suspended-zero-tolerance-2000.pdf>, and A. L. Noltemeyer et al., “Relationship Between School Suspension and Student Outcomes: A Meta-Analysis,” 2015, available at: <http://www.naspjournals.org/doi/abs/10.17105/spr-14-0008.1>.

⁵ See T. Tobin et al., “Patterns in Middle School Discipline Records,” 1996, available at: <http://ebx.sagepub.com/content/4/2/82.full.pdf+html>, and L. M. Raffaele Mendez, “Predictors of suspension and negative school outcomes,” 2003, available at: http://onlinelibrary.wiley.com/store/10.1002/yd.52/asset/52_ftp.pdf?v=1&t=ifhm1589&s=d5eb1d55aaca299e2b44f78583399c799df1082c.

⁶ See Sarah Iverson, Edie Joseph and Cyd Oppenheimer, “Keeping Kids in Class: School Discipline in Connecticut, 2008-2013,” February 2015, available at: <http://www.ctvoices.org/sites/default/files/jj15schoolarrestsreport.pdf>.