



Testimony Opposing S.B. 187: An Act Concerning the Transfer of a Child Charged with Certain Offenses to the Criminal Docket and the Grounds for Detention of an Arrested Child

Testimony Supporting S.B. 188: An Act Establishing the State Oversight Council on Children and Families

Testimony Supporting H.B. 5190: An Act Extending the Reporting Deadline of the Task Force to Study Voluntary Admission to the Department of Children and Families

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Committee on Children
February 27, 2018

Good morning Senator Moore, Senator Suzio, Representative Urban, Representative Zupkus, and esteemed members of the Committee on Children:

My name is Dr. Lauren Ruth, and I am testifying today on behalf of Connecticut Voices for Children, a research-based child advocacy organization working to ensure that all Connecticut children have an equitable opportunity to achieve their full potential. Thank you for the opportunity to present testimony opposing S.B. 187: An Act Concerning the Transfer of a Child Charged with Certain Offenses to the Criminal Docket and the Grounds for Detention of an Arrested Child, supporting S.B. 188: An Act Establishing the State Oversight Council on Children and Families, and supporting H.B. 5190: An Act Extending the Reporting Deadline of the Task Force to Study Voluntary Admission to the Department of Children and Families.

Testimony Opposing S.B. 187

Connecticut Voices for Children strongly opposes S.B. 187, which reduces the age at which children may be tried as adults from 15 to 14 and allows the state to detain children when they are a “risk to themselves.” These provisions stand in conflict to the state’s recent juvenile justice and behavioral health reforms, may increase disproportionate minority contact with the criminal justice system, and may increase recidivism.

Reducing the age at which children can be tried as adults and detaining children who pose a risk to themselves undercut the intent and success of justice reforms that have reduced the incarceration of children as well as mental health reforms that have helped rehabilitate youth with high needs.

The practice of charging young people as adults gained momentum during the 1990s when “Tough on Crime” was the prevailing philosophy.¹ This is not the philosophy endorsed by Connecticut, which has been nationally acknowledged for its “strong commitment to invest in alternatives to detention

and incarceration, improve conditions of confinement, examine research, and focus on treatment strategies with evidence of effectiveness” (p. 1).² Connecticut’s Juvenile Justice Policy and Oversight Committee has consulted with world-renowned researchers on adolescent development and behavior including Dr. Elizabeth Cauffman, Dr. Laurence Steinberg, and Dr. Edward Latessa. These experts overwhelmingly agree that adolescence is a time of rapid brain development and changing maturation. A longitudinal study commissioned by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and conducted by Dr. Steinberg and Dr. Cauffman found that “the vast majority of juvenile offenders, even those who commit serious crimes, grow out of antisocial activity as they transition to adulthood” (p. 1).³ The researchers attribute this drastic decline in the propensity to engage in antisocial behavior in adulthood to better impulse control, better ability to delay gratification, and decreased susceptibility to peer pressure—all of which develop with age.

Furthermore, national research shows that the majority of youth in the justice system have a diagnosed mental illness, traumatic brain injury, developmental delay, and/or emotional disturbance.⁴ We know that Connecticut follows this national trend: in 2015, 91 percent of boys admitted to CJTS had a diagnosed behavioral disorder and 62 percent had a neuro-developmental disorder.⁵ The U.S. Department of Justice has found that mental health services for incarcerated individuals are often inadequate,⁶ and this is particularly true when children and adolescents are incarcerated in the adult system.⁷ *The adult criminal justice system does not capitalize on youths’ maturing brains and ability to develop prosocial behaviors when given therapeutic rehabilitation and supportive services. It is inappropriate to incarcerate youth in adult prisons, and Connecticut should be working to ensure that fewer children are tried as adults.*

Furthermore, detaining youth “for their own good” conveys that Connecticut is unwilling to invest in services that help stabilize youth in crisis and would prefer instead to place children in jail. This is both costly (incarcerating youth at CJTS costs \$1,244 per day per youth⁸) and, as discussed, ineffective.

The provisions within S.B. 187 are likely to increase racial disparities within the justice system and increase recidivism.

Psychologists find that white viewers perceive Black children to be older than they are and less childlike than white peers.⁹ Viewing Black children as older also influences the degree to which people—including judges—see them as less innocent and more culpable.¹⁰ These psychological findings help to explain why almost 90 percent of children tried as adults are children of color.¹¹ Allowing more children to be tried as adults will further increase the racial disparities inherent when predominantly white judges make decisions in which they deliberate regarding a child’s intent and ability to have chosen otherwise.¹²

Finally, I have noted that the adult system is not effective in rehabilitating youth and does not provide adequate mental and behavioral health services. For these reasons alone children who enter the adult system as opposed to the juvenile system are more likely to continue engaging in antisocial behaviors. However, confinement in adult prison or jail can turn children into serious criminals because they are far more likely to interact with older criminals who are at high-risk for recidivism. The Centers for Disease Control (CDC) finds that young people charged as adults are 35 percent likelier to be rearrested than those who are tried as juveniles.¹³ For this reason, the CDC—like Connecticut Voices for Children—recommends *against* transferring youth to the adult justice system.

Connecticut Voices for Children strongly supports S.B. 188, which creates a child welfare oversight council. This council would be composed of diverse and multi-disciplinary membership and would work with the Department of Children and Families to help strengthen the state's ability to protect and provide for its most vulnerable children.

We applaud the state for having a number of mechanisms for understanding and reporting on outcomes for children who have been abused, neglected, or otherwise maltreated and children who have extraordinary mental and behavioral health needs. This framework includes the Office of the Child Advocate, which conducts deep investigations into the circumstances that surround exceptional cases of neglect and abuse as well as systemic problems within agencies that serve children; the Children's Report Card, which reports on various data regarding the health, wellbeing, and success of children across the state; and the Regional Advisory Councils, which advise the Department of Children and Families regarding services on a regional basis.¹⁴

Additionally, the Department of Children and Families reports detailed outcome data to the Juan F. Federal Court Monitor in accordance with the Juan. F. Consent Decree Exit Plan,¹⁵ to the U.S. Department of Health & Human Services Children's Bureau as part of the Child and Family Services Reviews (CFSRs),¹⁶ to the Adoption and Foster Care Analysis and Reporting System (AFCARS),¹⁷ to the National Youth in Transition Database (NYTD), to the National Child Abuse and Neglect Data System (NCANDS), and to the State and Tribal Information Systems.¹⁸

While the federal reviews and reports provide rich information, state comparisons, and higher accountability to demonstrate continuous improvement, these reports are released every few years *at most*. The Juan F. Consent Decree, on the other hand, provides Connecticut with in-depth qualitative and quantitative reviews of our child welfare system on a quarterly basis and offers accountability across branches of the government to meet the needs of children at risk of maltreatment in the state. Where children's health and safety are concerned, there is always room for the improvement of child-serving systems, but Connecticut's branches of government have all made great strides in identifying children at risk of maltreatment, supporting struggling families, and improving outcomes for children and families who become involved in the child welfare system. In fact, Connecticut has made so much improvement that in December the plaintiffs, Court Monitor, and DCF negotiated a revised exit plan that will allow Connecticut to exit from under federal oversight at a quickened pace.¹⁹

We believe that the cross-government accountability coupled with rigorous monitoring and outcomes reporting that the Juan F. Consent Decree mandated has greatly helped Connecticut reform its child welfare system. We also believe that continuing to facilitate conversation between state agencies, providers, and advocates that serve children will not only help to maintain the progress made under the Juan F. Consent Decree but to further improve the systems that serve children. It follows that, in so doing, the proposed oversight council will continue to improve the safety, health, and well-being of children in the state's care. **We applaud the Legislature for efforts to bring this diverse group of stakeholders together and to help support children involved in the child-welfare system in a way that is holistic and acknowledges shared state responsibility for providing for the needs of this vulnerable and unique population.**

Testimony Supporting H.B. 5190

Connecticut Voices for Children supports H.B. 5190, which changes the reporting date of Task Force to Study Voluntary Admission to the Department of Children and Families from February 1,

2018 until January 1, 2019. The Legislature and Governor have not yet filled all positions on this task force; as a result, this the task force has not yet met to begin their work.

It is important that this task force be given the time needed to fulfill their mandate. Substantial research shows that removing children from their families is traumatizing to children.²⁰ Even when removing a child from home is due to abuse or neglect, breaking up families leaves children with scars. We as a state must do everything in our power to keep children with loving parents while meeting the complex needs of these children. In order to do so, we must understand *why* some families report being asked to relinquish custody and we must address those underlying needs. Further, as a state we must ensure that we provide the financial resources to the Department of Children and Families and other child-serving agencies so that all children to receive the care they need.

Thank you for the opportunity to submit this testimony. I am happy to answer questions, and I can be reached at l ruth@ctvoices.org or 203-498-4240.

¹ Austin, J., Johnson, K. D., & Gregoriou, M. (2000). *Juveniles in Adult Prisons and Jails: A National Assessment*. Washington, DC: Bureau of Justice Assistance; Bureau of Justice Statistics Prison and Jail Inmates at Midyear Series; Bureau of Justice Statistics Prisoner Series; Strom, K. J. (2000). *Profile of State Prisoners under Age 18, 1985-1997*. Washington, DC: Bureau of Justice Statistics.

² Mendel, Richard. "Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth." *The Justice Policy Institute* (2013). Retrieved from: http://www.justicepolicy.org/uploads/justicepolicy/documents/jipi_juvenile_justice_reform_in_ct.pdf.

³ Steinberg, Lawrence, Elizabeth Cauffman, and Kathryn C. Monahan. (2015). "Psychological Maturity and Desistance from Crime in a Sample of Serious Juvenile Offenders." *Office of Juvenile Justice and Delinquency Prevention Juvenile Justice Bulletin*. Retrieved from:

https://www.cga.ct.gov/app/tfs/20141215_Juvenile%20Justice%20Policy%20and%20Oversight%20Committee/20160218/Dr.%20Elizabeth%20Cauffman%27s%20Pathways%20and%20Maturity%20.pdf.

⁴ Washburn, J. J., Teplin, L. A., Voss, L. S., Simon, C. D., Abram, K. M., & McClelland, G. M. (2008). Psychiatric disorders among detained youths: a comparison of youths processed in juvenile court and adult criminal court. *Psychiatric services*, 59(9), 965-973.

⁵ Connecticut Juvenile Training School Advisory Board." *Report to the Commissioner of the Department of Children and Families* (2016). Available for download at: <http://www.portal.ct.gov/DCF/Data-Connect/DCF-Data-Reports>.

⁶ United States Department of Justice. (2011). *Department of Justice Activities Under the Civil Rights Institutionalized Persons Act: Fiscal Year 2010*. Washington DC: United States Department of Justice. Online. Available: http://www.justice.gov/crt/about/spl/documents/split_cripa10.pdf.

⁷ Davis, Antoinette, Andrea Gentile, & Caroline Glesman (2016). "No Place for Youth: Girls in the Adult Justice System." *U.S. Department of Justice National Institute of Corrections*. Retrieved from: <https://s3.amazonaws.com/static.nicic.gov/Library/032648.pdf>.

⁸ Connecticut Juvenile Training School Advisory Board." *Report to the Commissioner of the Department of Children and Families* (2016). Available for download at: <http://www.portal.ct.gov/DCF/Data-Connect/DCF-Data-Reports>.

⁹ Goff, P. A., Jackson, M. C., Leone, D., Lewis, B. A., Culotta, C. M., & DiTomasso, N. A. (2014). The essence of innocence: Consequences of dehumanizing Black children. *Journal of personality and social psychology*, 106(4), 526.

¹⁰ Epstein, R., Blake, J., & González, T. (2017). "Girlhood interrupted: The erasure of Black girls' childhood." *Center on Poverty and Inequality at the Georgetown University Law Center*. Retrieved from: <https://www.law.georgetown.edu/news/press-releases/Black-Girls-Viewed-As-Less-Innocent-Than-White-Girls-Georgetown-Law-Research-Finds.cfm>.

¹¹ Eberhart, Jennifer L. (June 5, 2012). "The Race Factor in Trying Juveniles as Adults." *The New York Times*. Retrieved from: <https://www.nytimes.com/roomfordebate/2012/06/05/when-to-punish-a-young-offender-and-when-to-rehabilitate-the-race-factor-in-trying-juveniles-as-adults>.

¹² McMilion, Barry J. (2017). "U.S. Circuit and District Court Judges: Profile of Select Characteristics." *Congressional Research Service*. Retrieved from: <https://fas.org/sgp/crs/misc/R43426.pdf>.

¹³ Hahn, Robert et al. (2007). "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System." *Center for Disease Control and Prevention Morbidity and Mortality Weekly Report*. Retrieved from: <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5609a1.htm>.

¹⁴ Section 17a-30 of the general statutes.

¹⁵ DCF Court Monitor's Office. "Juan F. v Rell Revised Exit Plan Modified as of July 11, 2006. Civil Action No. H-89-850 (AHN)." *United States District Court for the District of Connecticut* (2006). Retrieved from: http://www.childrensrights.org/wp-content/uploads/2008/06/2006-7-11_ct_revised_exit_plan.pdf.

¹⁶ "Child and family services reviews: Connecticut final report 2016." *The U.S. Department of Health and Human Services Administration for Children and Families Children's Bureau* (2016). Retrieved from: <http://www.ct.gov/dcf/lib/dcf/commissioner/.pdf/2016-cfsr-final.pdf>.

¹⁷ "Connecticut AFCARS Assessment Review Report." *The U.S. Department of Health and Human Services Administration for Children and Families Children's Bureau* (2013). Retrieved from: <https://www.acf.hhs.gov/sites/default/files/cb/c>.

¹⁸ "Reporting Systems." *The U.S. Department of Health and Human Services Administration for Children and Families Children's Bureau* (2017). Available for access at: <https://www.acf.hhs.gov/cb/research-data-technology/reporting-systems>.

¹⁹ DCF Court Monitor's Office. "Juan F. v Rell Revised Exit Plan." (13 December, 2017). Retrieved from: <http://www.childrensrights.org/wp-content/uploads/2017/12/Revised-Exit-Plan.pdf>.

²⁰ Folman, Rosalind D. "I was Taken: How Children Experience Removal from their Parents Preliminary to Placement in Foster Care." *Adoption Quarterly* 2.2 (1998): 7-35.