



## State of Connecticut

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### TESTIMONY OF CHRISTINE PERRA RAPILLO EXECUTIVE ASSISTANT PUBLIC DEFENDER DIRECTOR OF JUVENILE DELINQUENCY DEFENSE OFFICE OF THE CHIEF PUBLIC DEFENDER

#### COMMITTEE ON THE JUDICIARY

APRIL 1, 2011

### R. B. No. 6634 - AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS

The Office of the Chief Public Defender supports **Raised Bill 6634, AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS**. This bill presents proposals to address the disproportionate rate at which people of color have contact with both the juvenile justice and child welfare systems. Federally mandated studies on the rate of disproportionate contact with the Connecticut juvenile justice system have shown that children of color are sent to juvenile detention at a higher rate than Caucasian children. This occurs even when the children are charged with the same crimes and have similar records with the court. The proposals before the committee seek to eliminate this disparity by requiring a court order prior to any child being placed in a detention facility pre arraignment and asking state agencies involved in the juvenile justice system to develop plans to address the overrepresentation of children of color. It is always difficult to legislate culture change but past practice has shown that the proposals will have an immediate positive impact on the rate that children of color are placed in the State's juvenile detention centers.

Federal law requires states to undertake a study of disproportionate minority contact (DMC) with the juvenile justice system on a regular basis. Studies were published in 1991 and in 1998. These studies are conducted by

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the Juvenile Justice Advisory Committee (JJAC) and look at the levels of disproportionate contact at different decision points in the system. The studies research arrest, confinement, and conviction controlling for factors like a child's prior juvenile history, and for other socioeconomic factors. The analysis breaks down by decision point, which helps policy makers determine what specific steps can be taken to alleviate disproportionality. Connecticut's most recent study was released in May, 2009 and can be found at [http://www.ct.gov/opm/lib/opm/cjppd/cjjyd/jjydpublishations/final\\_report\\_dmc\\_study\\_may\\_2009.pdf](http://www.ct.gov/opm/lib/opm/cjppd/cjjyd/jjydpublishations/final_report_dmc_study_may_2009.pdf).

In all three studies, no disparities were found in the handling of cases judicially rather than non-judicially, court outcomes for non-judicial delinquency cases, adjudication rates for judicial delinquency cases, or placement rates for adjudicated juveniles. Disparities have been found in the initial decision to refer to court or to divert a child, length of time a misdemeanor accused spends in detention and in the use of secure facilities versus therapeutic treatment centers by the Department of Children and Families and the rate at which certain accused children are admitted to the Juvenile Detention Centers.

The proposal before the committee seeks to address disproportionality at the point an accused child enters juvenile detention. **Section 1** would require a court order *prior* to any child being placed in a detention facility pre-arraignment. Current law requires a court order to detain only for non serious offenses. The police may, but are not required, to take children charged with statutorily defined serious juvenile offense (SJO) to detention without a court order. Across all three JJAC DMC studies, Black and Hispanic juveniles apprehended for SJOs were significantly more likely to be detained than similarly charged White juveniles. These differences existed even when the researchers controlled for other factors like family background or criminal record.

The 2009 study showed that there was no racial disparity in the rate that children who were charged with non serious offenses were admitted to detention. This is significant because earlier studies showed that disparity existed in the decision to bring a child accused of a non serious offense to detention as well. When the law and policies around detaining children were changed to require that police obtain a court order before a child charged with a non SJO offense could be brought to detention, the disparity was erased. Simply adding an objective, additional set of eyes to a decision eliminated the DMC in detention admissions for non SJO offenders. The Office of the Chief Public Defender believes that the changes proposed in these bills will have a similar effect on the rate of disproportional incarceration for accused SJO offenders.

**Section 2** provides for automatic erasure and destruction of juvenile records for children convicted on statutorily defined non serious juvenile offenses. The Office of the Chief Public Defender supports this proposal but believes that it can wait until there are adequate financial resources to accomplish the goals. This proposal would help eliminate the unintended consequences of a juvenile conviction by ensuring that records are erased and thus not accessible to anyone. Implementing this proposal however, would require significant and expensive adjustments to the Judicial Branch's computer and data systems. While the proposal has merit, it can wait until the state is more easily able to fund those changes.