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Testimony
Senator Kevin Kelly
Judiciary Committee
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Raised S.B. No. 365

Senator Winfield, Senator Kissel, Representative Stafstrom, Representative Fishbein and members of the Judiciary Committee, thank you for the opportunity to submit testimony in support of Raised S.B. No. 365 AN ACT CONCERNING JUVENILE AND CRIMINAL JUSTICE REFORMS.

This proposal is a component of "A Better Way to a Safer Connecticut," a legislative package offered by Connecticut Senate Republicans to prevent crime and address opportunity and root causes of issues within our communities. The package was developed over many months of outreach work communicating with advocates, community leaders, law enforcement, social workers, and many other stakeholders to develop a comprehensive approach that includes justice reforms to improve crime response, support law enforcement, and remove barriers to intervention services, as well as policies to address the root causes of crime including issues related to trauma, education, housing and jobs. The full package is available at www.SaferCT.com.

The package of proposals the Judiciary Committee has raised in Senate Bill 365 focus on the first component of the Better Way to a Safer Connecticut plan which aims to address juvenile injustice and improve the adult and juvenile criminal justice system as well as improve access and availability of vital early intervention and support programs.

Before I discuss the specific proposals detailed in this bill, I want to again emphasize that I do believe it is critically important to have a multipronged plan to address crime, justice, and opportunity in our state. While other portions of this Safer Connecticut plan have been raised by other committees, I must underscore that this package is intended to be a holistic solution. The sum is far greater than its parts. If we want to accomplish the significant changes that addresses the root causes of crime as well as response, then we must consider all these policy proposals together. We need a holistic approach to accomplish this goal, including all three components of our proposed plan: 1) crime response, 2) prevention and opportunity, and 3) police support and safe communities.

Justice reforms and opportunity must go hand in hand. You cannot address one without the other. A safer Connecticut starts with a stronger Connecticut. It starts with an economy that can support jobs and housing, build hope, and create a path to success for young people. It starts with services to address trauma. It starts with proactive policing, appropriate consequences for high-risk repeat offenders, and

ensuring our justice system has the tools to successfully rehabilitate. As we heard from advocates, community leaders, and law enforcement alike, if we are talking only about data and detention, we have already lost. If we are only talking about preventative services, we are missing the need to address serious criminal activity and stop crime now involving high risk repeat offenders. We need action on both fronts. We need all voices working together to make our state a safer place for every family in every city and town.

With that, I thank the committee for considering the following proposals. These proposals are intended to more rapidly connect young individuals with intervention and needed services and prevent crime by addressing the shortfalls in where the current system is failing a number of extremely high risk, repeat offenders. I also remind members that these reflect just one pillar of the multi-layer approach we need to not only respond to crime but to prevent it.

The reforms in today's bill include:

- **Support for community programs focused on trauma, truancy, mediation, and mentorship**

In meeting with community members, four elements of intervention stood out as areas that must be addressed early on in a juvenile's life to help prevent, deter, and redirect them from crime: trauma, truancy, mediation, mentorship.

- Trauma and juvenile crime are very often linked.
- Truancy is often the first sign of trauma in children and can be an entry point to identify a child at risk and in need of services.
- Mediation is vital to stopping retaliatory crime.
- Mentorship and empowering young people is key to positive outcomes and a positive life trajectory.

We must fund programs that have been successful in this area and focused on creating an ecosystem of support that unites community service providers to get each juvenile needed supports. Service providers must work in a network connected together to get juveniles the right help.

We propose establishing an RFP process to award state funding to the most successful programs specifically targeted to these four areas of need. The process will include a state level review board that includes stakeholders from the communities, state, cities, Office of the Chief States Attorney, public defenders, the Department of Children & Families and CT's Youth Service Bureaus.

Some example of the types of programs that have seen success that we are aiming to support include:

- The Youth Empowerment Program: Hartford North End program began in December 2020. Modeled on "Supporting a Family Empowers the Youth" (SAFETY). Community based intervention program involving mentoring, trauma informed group sessions, parent engagement, education support and crisis support.
- Montgomery Alabama Open Doors & the Roca model from Massachusetts and Baltimore focus on trauma intervention, link to truancy, and include sending a social worker to every shooting and crime.
- Project Longevity Family Program: Potentially expand successful adult-focused program to juveniles. Program focus on family support and wrap around services.

- Other models, concepts to explore: Cognitive Behavioral Therapy (CBT), Project Safe Neighborhoods PSN for adults/roll call program expansion to juveniles.
- **Require next day court for juveniles to expedite access to services**
 Currently there is often far too much time between arrest of a juvenile and their court date. The result is a delay in access to services and supports as well as the potential that the juvenile will commit additional offenses while waiting for court as intervention has yet to take place. To expedite access to services, we propose providing for immediate assessment and access to services (which need to be made available at detention centers in Hartford and Bridgeport). We propose to allow the court to order mental health evaluations for juveniles and to require Court Support Services interventions to be ordered at arraignment in juvenile court, instead of post-adjudication.
- **Increase information sharing and modify standards around detention orders**
 In speaking with community leaders, law enforcement, and representatives from the judicial branch, it is clear that information sharing must be improved if we hope to help juveniles who have committed crimes and are struggling get the proper support and intervention they need early on to prevent them from going further down a path that leads to further despair and involvement with the criminal justice system. Therefore, this proposal makes the following recommended changes:
 - INFO SHARING: Make juvenile records available directly to police, prosecutors, public defenders, and judges
 - TRAINING: Require training for police, prosecutors and judges to make sure they understand the same process
 - LESS RESTRICTIVE ALTERNATIVE STANDARD: Amend the current standard in CGS Sec. 46b-133(c) to change "(B) there is no appropriate less restrictive alternative available" to allow the court to make a determination based on all the facts and circumstances; not simply whether or not there exists a less restrictive alternative (every alternative to detention is less restrictive.)
 - Require the court to provide, in writing, the reason for any denial of a detention order sought by a police officer or prosecutor. The 2021 AAC Concerning Court Operations (PA-21-104) only requires Judicial Branch to collect statistics on detention requests. This would also require Division of Criminal Justice and police departments to collect the same statistics.
- **Increase 6 Hour Hold Limit**
 Allow for exceptions to the 6-hour time limit in certain circumstances, including when seeking a detention order. Giving more time to enable a judge to review and make a determination on whether to detain will address issues raised by stakeholders on the limited time frame hindering a thorough review by a judge. The reason for putting in a 6- hour time limit initially was because the policy was tied to increased federal funding. Federal funding is no longer tied to the time limit, therefore the state will not be penalized by modifying the time limit to meet the concerns raised in the judicial system.
- **GPS Monitoring**
 Institute mandatory around-the-clock GPS monitoring of juveniles arrested for violent crimes or repeat offenses while they are already awaiting trial for a prior offense. This replaces electronic

monitoring which currently only provides notification if a juvenile has left home when under a stay-at-home order between the hours of 9am-5pm.

- **Revise Transfer to Adult Court for High Risk Repeat Juvenile Offenders**

The current system is failing those juveniles who are stuck in a cycle of repeat criminal behavior. This proposal includes transfers to adult court for circumstances involving extremely serious crimes where the tools available in adult court are necessary because there is a gap in accountability. It also removes barriers to the youthful offender docket protections.

It's clear that there is a small group of high risk repeat juvenile offenders that the system has failed, and which top state officials including the Governor and the Commissioner of the Department of Emergency Services and Public Protection have suggested are responsible for a vast majority of juvenile crime.

Instead of trying to establish harsher penalties in juvenile court to reach this small group, which could have an unintended consequence of leading to inappropriate penalties for juveniles facing low level offenses, we are proposing to move when appropriate high-risk repeat offenders to a court system where there is the proper accountability in place for the severity of the escalating crimes.

Clearly, something must be done to address high risk repeat offenders that the system has been unable to help thus far. Adult court has a role in accountability, in being able to enforce compliance with services, while also able to offer the confidentiality of a youthful offender status in most cases.

Currently, it is very difficult to transfer juvenile cases to adult court even when it is the more appropriate place to address a situation with both accountability and rehabilitation. While some crimes are automatically transferred, the list of crimes that are not automatically transferred include 1st degree manslaughter; 2nd degree sexual assault of a victim under age 16; 2nd degree kidnapping; 1st degree burglary, when it involves entering or remaining unlawfully in a building with intent to commit a crime and in the course of committing the offense, intentionally, knowingly, or recklessly inflicting or attempting to inflict bodily injury on another person; and importing child pornography, for example.

The goal in revising these policies as contained in the proposed bill is to have in place proper accountability directed toward high risk repeat juvenile offenders engaging in violent behavior, without unsettling the elements of the juvenile system that is working for low level juvenile offenders.

Therefore, we propose the following:

- **BEST INTERESTS STANDARD CHANGE:** Currently transfer statute requires the court to determine that it is in the best interest of a juvenile and best interest of society. The problem is you can always say it's not in the best interest of a juvenile to transfer. If changed to "or" from "and" would help to stop the course of action that leads to violent crime.
- Review the more serious crimes that are currently discretionary transfers to adult court, including SJOs (Serious Juvenile Offenses).

- Provide for the transfer of serious repeat juvenile offenders to the adult docket of the Superior Court, and revisit current exclusions from the youthful offender definitions to provide transferred cases with greater confidentiality than regular adult cases and give judges flexibility in sentencing a juvenile.
 - Lower the age of those who can be transferred to adult court from 15 to 14 only for murder, violent sexual assault, and violent crimes involving firearms. This lowering of the age is limited just to these three categories. A brief period of incarceration and probationary sentence for murder is an injustice to both the victim and the juvenile who committed such a violent act and needs accountability and correction support.
- **Assessment of Services within Criminal Justice System**
We want to build upon the successful programs and services in both the juvenile and adult criminal justice system, and improve the ones that are not working. Our plan aims to enhance effective services across the board, starting with a review of all services; our goal is to get the best services to someone who commits a crime no matter the venue of adult or juvenile court. Existing programs need to be reviewed and measured for effectiveness and efficiency to be certain resources are best applied and get where they are intended to go.

This proposal includes:

- **Assessment of services needed to specifically understand issues that arose from the transfer of services from the Department of Children & Families (DCF) to Court Support Services Division (CSSD).**
When services were transferred from DCF to CCSD there was no succession and transfer plan, and stakeholders have expressed that services were lost in the process, including losing diversionary programs for a period of time. We propose a comprehensive review of this transfer to better understand what fell through the cracks and what cracks remain open.
 - **Assessment of ALL Programs for Juveniles and Adults**
We must engage in a full assessment of all programs in place today to determine if programs or access to current programs needs to be changed. While the sentencing commission studies diversionary programs, that study is limited in scope. We propose an analysis of all programs.
- **Mandatory Fingerprinting**
Make mandatory fingerprinting of juveniles arrested for a felony, a Class A Misdemeanor, a charge resulting from loss of life or serious physical injury, a sexual assault, a serious juvenile offense, or an offense involving use of a firearm.

I also encourage committee members to read the entire package of proposals that are part of our Better Way to a Safer Connecticut, available at www.SaferCT.com.

In addition to the above policies, our proposal includes the following concepts:

- **Workforce development programs** to better connect young people to opportunities and careers
- **Partnerships with schools and local businesses to create a pipeline to careers**
- **Summer jobs program** to give youth the ability to know where their summer employment will be, to select a field of interest to them, and to have a known source of stable income in the summer months.

- **Vocational program recruitment** to ensure Connecticut's vocational-technical high schools are within reach for youth in urban communities and are being discussed with students at an early age.
- **Safe housing policies** including ending hidden ownership, studying the federal Housing Choice Voucher Program to evaluate any disparate impacts the program may have on the development of at-risk children and youth or families, and establishing a housing authority resident quality of life improvement grant program.
- **Law Enforcement Officer (LEO) Pipeline Pilot.** A pilot program involving local universities with the goal of recruiting individuals to pursue law enforcement careers at the state and local level.
- **Expand Explorer Programs.** Expanding successful "explorer" programs by creating a high school elective program focused on learning about law enforcement in which a student can earn credit to graduate. These programs have been successful in multiple communities in building interaction and involvement with young people and officers to build better community relationships.
- **Funding for Social/Data Intelligence.** Investigations and proactive policing have become very much data driven and intelligence driven in recent years. Social media and online data can help officers prevent crime before situations escalate. This proposal seeks to ensure funding is available to assist police departments in budgeting for the modernization of intelligence tools.
- **Allow for use of stop sticks (tire-deflation device)** used by law enforcement to safely and quickly stop a vehicle.
- **Revisions to 2020 police bill** focused on refining the legislation to address concerns raised while also preserving its core intended goals.

You can view the entire Better Way to a Safer Connecticut proposal at saferCT.com.