



October 11, 2019

Good afternoon Chairman Judge McDonald and members of the Criminal Justice Commission. My name is Abby Anderson; I am the executive director of the Connecticut Juvenile Justice Alliance. The Chief State's Attorney is a powerful position in the state of Connecticut. As an organization working to end the criminalization of children across our state, we fully appreciate the import of this opportunity to speak to you as you look for and interview candidates. Thank you for making the effort to include public input into your process.

The Alliance is a statewide public policy and advocacy organization committed to ensuring that ALL youth and young adults are able to have an equal opportunity to live safe, healthy, and fulfilling lives. We work to keep youth out of the system and are dedicated to ensuring safe, fair, and effective treatment of youth who are involved in the court and legal systems.

The Chief State's Attorney influences the juvenile justice system in a variety of ways. They can dictate which children will be charged or not, what kind of charges youth will receive, which children will or won't be offered access to diversion programs, which youth's cases they will petition to transfer to the adult system, and what kind of deals will be made with the defense attorneys. **Our ideal Chief State's Attorney would share our two priorities; reducing the size of the justice system at all decision points from charging to incarceration; and actively working to increase the fairness of the system.**

**Our ideal Chief State's Attorney will understand that those directly impacted by the system are experts on it and must be treated as such.** Those with system experience must be meaningfully involved in systemic decision-making. In that spirit, please consider this a standing invitation for the members of the Commission to meet with our Justice Advisor colleagues, 18-25-year-olds with first- or second-hand system experience. This is an invitation we will extend to the new Chief State's Attorney as soon as they are named.

**Our ideal Chief State's Attorney will regard court involvement as the last possible option, especially for children.** Specifically, we'd like a Chief State's Attorney who supports raising the minimum age for juvenile court - currently Connecticut children as young as 7 can be arrested and sent to court. Eleven states have a minimum age of at least 10, and two states have recently passed laws to ensure that children under the age of 12 are not court involved. **Our ideal Chief State's Attorney will believe that it is not appropriate for young children to ever become involved with the police and the courts, and instead will understand that young**

**children need support, services, and interventions to meet the underlying needs of their families and communities.**

**The ideal Chief State’s Attorney will be a strong advocate of programs, policies, and budget allocations that divert youth of all ages from court whenever possible, embracing restorative justice practices that acknowledge and address harms that are caused while rebuilding and repairing relationships and communities.** They will recognize that the courts are not an appropriate way to address the needs of youth when other systems can’t figure out what to do, and will stress that the education, child protection, and children’s mental health systems must be resourced to meet those children’s needs and held accountable for doing so.

In 2014, the Council of State Governments issued a report with recommendations around how to reduce recidivism and improve youth outcomes in juvenile justice systems. They highlighted research showing that when youth believe systems and individuals are not treating them fairly they are less likely to see those authorities as legitimate and more likely to be “non-compliant.”<sup>1</sup> The young people in Connecticut’s juvenile justice system are overwhelmingly young people of color, kids living in poverty, in communities that have been left behind when budget and other decisions are made. I mentioned our Justice Advisors earlier. Through vision sessions with their peers, one key theme they discovered was that Connecticut youth lack trust in authority and experience abuses of systemic power. The Council of State Government’s report states that a critical step towards improving system equity is to improve youth’s perceptions of procedural justice. **Our ideal Chief State’s Attorney will embrace the opportunity to address equity issues within our systems to increase youth perception, and the reality of how “just” our justice systems are.**

In Connecticut, we must wrestle with the deep systemic inequity around the issue of children under 18 in adult court, jail, and prison. Currently in Connecticut, if a youth is between 15-17 years-old and charged with certain Class B felonies, the prosecutor can ask for a hearing in front

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<sup>1</sup> *“Youth are more apt to feel they have been treated fairly when they feel respected, have an opportunity to voice their opinions and concerns, and believe adults act out of a desire to help rather than control or punish them. Policymakers and judicial leaders can advance procedural justice by encouraging processes that give youth meaningful opportunities to help shape the decisions, service environments, and interventions that affect them.”*

Elizabeth Seigle, Nastassia Walsh, and Josh Weber, Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System (New York: Council of State Governments Justice Center, 2014) p 40-41. <https://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>

of a judge to transfer the case to the adult system. A 2017 report on Connecticut data found that, in these cases, black youth were much more likely to be transferred to adult court than their white peers. The study looked at other factors like age, previous record, charge, socioeconomic status, etc. to see if they explained the different outcomes, but found that *race was the deciding factor*.<sup>2</sup> **Our ideal Chief State’s Attorney will address this inequity by embracing research showing that public safety is not served when youth are tried as adults and support policies to keep youth under 18 in the juvenile justice system, regardless of their charges.**

Data is critical to decision making around reducing the size of our system and improving equity. Our ideal Chief State’s Attorney will embrace the opportunity provided by legislation recently passed to collect and analyze data to fully understand what’s happening with state’s attorney decision-making at a state and judicial district level. They will use that data to help guide their policy positions, leadership and supervision.

I have included information to the reports mentioned here as well as to a publication by Fair and Just Prosecution called, [21 recommendations for the 21st Century Prosecutor](#), which includes helpful information regarding best practices and could be a helpful tool as you develop your interview questions. Thank you again for your time and for hosting this public hearing. I’m always available for questions and have included my contact information in my written submission.

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Helpful resource from Fair and Just Prosecution, 21 Principles for a 21st Century Prosecutor.  
[https://fairandjustprosecution.org/wp-content/uploads/2018/12/FJP\\_21Principles\\_Interactive-w-destinations.pdf](https://fairandjustprosecution.org/wp-content/uploads/2018/12/FJP_21Principles_Interactive-w-destinations.pdf)

**Alliance member organizations:**

AFCAMP, Center for Children’s Advocacy, CHDI, Connecticut Legal Services, Connecticut Voices for Children, Connecticut Youth Services Association, Community Partners in Action, Connecticut Junior Republic, FAVOR, LifeBridge, Office of the Chief Public Defender, Office of the Child Advocate, RYASAP, The Village for Families and Children

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<sup>2</sup> Spectrum Associates Market Research. (October 30, 2017). *An Assessment of Disproportionate Minority Contact in Connecticut’s Juvenile Justice System: An Abbreviated Report*. Connecticut Office of Policy and Management.