



DIVISION OF PUBLIC DEFENDER SERVICES
State of Connecticut

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Testimony of the Office of Chief Public Defender
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Judiciary Committee – March 15, 2023
Raised H.B. 6888 – An Act Concerning Juvenile Justice

The Office of Chief Public Defender (OCPD) ***supports Raised H.B. 6888 – An Act Concerning Juvenile Justice***. As an active member of the Juvenile Justice Policy and Oversight Committee (JJPOC), this office has worked with the JJPOC and other stakeholders to continue advancing the goals of the youth justice system, including accountability, public safety and improved outcomes for youth. This bill codifies the recommendations recently approved by the JJPOC, including mandatory pre-arrest diversion for certain behavior, increasing youth and family JJPOC membership, implementing equitable commissary systems, promoting successful re-entry for incarcerated youth returning home to their communities, and expanding the racial profiling protections of Sec. 54-1m to include pedestrian stops.

More specifically, **Section 1** enhances the diversion system by requiring that certain low-level behaviors be referred to the community-based diversion system rather than arresting children for these behaviors at the outset. Most of these behaviors are already referred to juvenile review boards or other community providers but are generally referred *after* unnecessarily subjecting the child to an arrest. This would standardize the referral process and minimize disparity by ensuring that these behaviors are handled uniformly across the state. If the diversion intervention is unsuccessful in meeting the child's needs, the child may still be referred to court if necessary. It should be noted that in 2020, the Council of State Governments recommended that these behaviors be decriminalized in their entirety

Mission Statement of the Division of Public Defender Services

Striving to ensure justice and a fair and unbiased system, the Connecticut Division of Public Defender Services zealously promotes and protects the rights, liberty and dignity of all clients entrusted to us.

We are committed to holistic representation that recognizes clients as individuals, fosters trust and prevents unnecessary and wrongful convictions.

consistent with efforts in other states. Instead, this compromise language simply mandates pre-arrest diversion with the option of referring the case to court remaining intact. In addition, the bill would phase in this mandatory pre-arrest diversion for certain behaviors effective July 1, 2023, with an implementation plan for the remaining behaviors due by July 1, 2024. The existing implementation team established pursuant to P.A. 21-174 has met regularly over the last two years to develop this recommendation, which included reviewing data, outcomes and mechanisms for ensuring accountability. In addition to improving outcomes for children, this proposal will reserve judicial resources and services for those children with more complex needs and behaviors.

This bill in **Section 4** would also promote an equitable and accessible commissary system in Department of Correction facilities with an immediate focus on access for indigent youth without family support. An interagency workgroup has been developing these recommendations over the past two years, which will be modeled after the commissary practices used in CSSD facilities serving youth, including an integrated positive behavior motivation system. The bill as drafted would require DOC to submit the commissary implementation plan by July 1, 2023, with full implementation by November 1, 2023.

In order to support incarcerated youth and promote successful reintegration into the community when they are returning home, **Section 5** of the bill requires CSSD and the Commissioners of DOE, DCF and DOC to develop a re-entry success plan by January 1, 2024. The plan will be developed in consultation with the incarceration, community expertise and education subcommittees of the JJPOC and will incorporate individualized academic support, connection to vocational and workforce opportunities, national best practices, housing and other services and restorative justice principles. Our office represents many of these youth and believe strongly that this re-entry planning and support is critical to their successful future.

OCPD urges this Committee to **act favorably** on this bill. Thank you.