

**TESTIMONY IN SUPPORT OF
SENATE BILL 387
AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY
OVERSIGHT COMMITTEE (JJPOC)**

Judiciary Committee
March 14, 2022

Dear Chairmen Winfield and Stafstrom, Vice Chairs Flexer and Blumenthal, Ranking members Kissel and Fishbein, and members of the Judiciary Committee,

This testimony is submitted on behalf of the Center for Children's Advocacy (CCA) in support of **S.B. 387: An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee (JJPOC)**. CCA fully supports this important and comprehensive bill, with suggested minor amendments, which will result in substantial and necessary improvements across Connecticut's juvenile justice system. A variety of stakeholders across multiple groups, many of which include our organization, contributed to development of this bill, underscoring its importance and legitimacy.

Center for Children's Advocacy (CCA), affiliated with the University of Connecticut School of Law, is the largest children's legal rights organization in New England. Our mission is to promote and protect the legal rights and interests of our state's most vulnerable children and young adults who are dependent upon the judicial, child welfare, health and mental health, education, and juvenile justice systems for their care. . CCA represents countless youth in the justice system advocating for their educational rights, their access to benefits and their right to pursue employment and housing without unwarranted discrimination. We also chair Racial & Ethnic Disparity (RED) Reduction Committees in Hartford, Waterbury, New Haven, Norwalk, Hamden and Bridgeport, which convene various stakeholders to reduce the disproportionality of youth of color in the juvenile justice system. Most importantly, CCA's Executive Director serves on the Executive Committee of the JJPOC, its staff serves on all JJPOC subcommittees and have been intimately involved in the development of this legislation.

First, we would like to emphasize our support for **Sections 4 and 5 of S.B. 387 amending the Alvin W. Penn Racial Profiling Prohibition Act**. Racial profiling of black and brown people is a common problem in Connecticut and across the country. More specifically, youth of color complain about continually being harassed by police officers while walking down the street or congregating with friends. They detail their negative experiences with law enforcement in these situations. This has also added to youth's negative perception of law enforcement.

The Alvin W. Penn Racial Profiling Prohibition Act at C.G.S. § 54-1m ("Penn Act") prohibits racial profiling by law enforcement in conducting traffic stops, and mandates the collection of data on traffic stops to provide oversight and accountability and ensure that police departments are not engaging in discriminatory patterns in the stop, detention and searches of drivers. While the Penn Act has provided a view into law enforcement practices that disproportionately impact people of color, this view is limited in that it omits a significant portion of the population: those who experience racial profiling that takes place during pedestrian stops by law enforcement on the street. By providing oversight and collecting data only on traffic stops, this creates an almost entirely adult- oriented view of potential racial profiling by omitting any review of stops that impact youth under 16 or youth and adults who do not drive. This limitation also gives a skewed view of racial profiling that takes place in many impoverished communities as a whole, as it does not factor in individuals who cannot afford a car and the fees associated with having a car such as registration and insurance, or do not drive, yet have encounters with the police.

This shortcoming in the scope of the Penn Act has a particularly detrimental impact on our young people who experience racial profiling at the hands of the police. Substantial qualitative evidence gathered from our work exhibits that many youth in Connecticut, especially in our urban centers most often encounter law

enforcement as pedestrians rather than as drivers. At present, the State **collects absolutely no data** to measure whether racial profiling and disproportionality exists in these stops, nor do the other provisions and protections of the act extend to these young people.

National studies speak to the intense and damaging impact that repeated stops by law enforcement can have on the self-esteem and mental health of youth. A 2014 study in the American Journal of Public Health by Amanda Geller, PhD and Jeffrey Fagan, PhD shows that young men that experience contact with police, particularly more intrusive contact, also displayed higher levels of anxiety and trauma associated with their experiences.¹ The study, titled “Aggressive Policing and the Mental Health of Young Urban Men,” showed that stop intrusion of youth remains tied to mental health, especially anxiety and PTSD. Furthermore, a 2019 study, “Aggressive Policing and the Educational Performance of Minority Youth” by Joscha Legewie and Jeffrey Fagan, shows that aggressive policing can lower the educational performance of some minority children and impact their educational trajectories.² When considering the mental and emotional impact that racial profiling has on our youth in Connecticut, there is a significant need to take a closer look at data that actually captures these experiences. The Covid-19 pandemic has had proven negative impact on the mental health of our youth, particularly youth of color. The effects of the pandemic further exacerbate the need to collect this information as the additional stress of unnecessary police encounters is even more damaging to those already suffering from the additional trauma caused by the pandemic.

Amending the provisions of the Penn Act through this legislation will extend the racial profiling data collected on all stops initiated by the police, whether traffic or pedestrian, so as to give a full and complete picture of racial profiling that takes place in the state and ensuring that the protections of the Act apply to all citizens, not just those who drive. It is important to note that a number of other jurisdictions currently collect data on pedestrian stops.

- The **Boston Police Department** collects data³ on all pedestrian stops through their “Field Interrogation and Observation Encounter” report program.⁴
- The **New York City Police Department** also collects data on pedestrian stops, which is recorded in their “Stop, Question and Frisk” database.^{5,6}
- The **Metropolitan Police Department of the District of Columbia** is required⁷ to collect data on pedestrian stops through their “Stop Data” program.⁸
- The state of **California** requires⁹ that every law enforcement agency in the state collect and report pedestrian stops by 2023. The eight largest law enforcement agencies in the state were required to submit their data by April of 2019.¹⁰
- The state of **Colorado** requires all law enforcement agencies including the state patrol to annually report pedestrian stop data.¹¹
- The state of **Illinois** requires¹² all police departments to report their pedestrian stops through the IDOT data collection system.¹³
- **Oregon** law¹⁴ mandated all law enforcement agencies in the state to collect pedestrian stop data by 2021.¹⁵
- As a result of a lawsuit¹⁶, the **Milwaukee Police Department in Wisconsin** is required to semi-annually disclose pedestrian stop data.¹⁷
- Similarly, the **Madison County Sheriff’s Department in Mississippi** agreed to settle a case filed against them and is now required to report pedestrian stop data.¹⁸

Second, CCA submits that **S.B. 387 should be amended to include the JJPOC Diversion workgroup recommendations to 1) develop a multi-year implementation plan for the expansion and growth of Youth Service Bureaus (YSBs) and the community based diversion system and 2) commit funds expanding the community-based diversion system to support enhanced prevention, educational assistance and behavioral health services.**

These recommendations are crucial components to ensure that our state’s diversion system can achieve its

intended goals of keeping our children out of the juvenile justice system and instead, assessing and meeting their needs in the communities where they live. Such a plan, with attached funding, is essential to the success of our diversion system, especially in a post-pandemic world. With the increased number of offenses that will be referred to our YSBs in accordance with Section 6 of this bill and higher number of disengaged youth from our school systems, an implementation plan and committed funding are needed so that YSBs can fulfill their role as intended.

Third, S.B. 387 should also be amended to include the JJPOC Education subgroup recommendation to pilot 911 data collection in Connecticut's 10 opportunity school districts to enable a better understanding of how our schools are using police.

This data collection will provide transparency and insight into when schools are using police, a necessary review as highlighted by the Office of the Child Advocate's report on the Waterbury Public Schools in 2019.¹⁹ At the present, data is regularly collected and reviewed by 211 emergency mobile crisis providers. This data collection can serve as a model for data collection around when schools use 911 for situations that mobile crisis could better handle. Such data, broken down by race, age and disability status, will help highlight communities and schools where training may be necessary around the availability of alternative resources and/or where additional resources may be needed.

Fourth, we would like to urge the committee to add language into this bill that recognizes the primacy of mental and behavioral health resources as prevention and intervention for youth involved in the juvenile justice system. Last year, the JJPOC omnibus bill established the Suspension and Expulsion Committee of the JJPOC. Over the past 12 months, this diverse committee has spent many hours debating school discipline policy and more importantly, how to address the root causes of concerning behavior. Our committee ultimately decided to prioritize the recommendation of broader investment in mental and behavioral health support, both in schools and in the community. We will continue to meet in the next year, with the goal of ultimately banning the use of exclusionary school discipline practices for all children, starting with our youngest preschool- grade two learners. Legislation to address this issue has made some headway, but has not gone far enough—little children are still pushed out of school daily, especially by forced parent pick-ups. We can't afford for these children to miss one more minute of school.

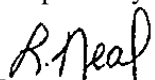
Much of our work aligns with the recommendations outlined in H.B. 5001.²⁰ We must invest in these systems to make them more accessible to families who need them the most.

Lastly, we strongly support the recommendation to include voting members of the Community Expertise Workgroup on the JJPOC. Without voting rights, our youth's voices feel inauthentic and tokenized. A struggle already exists with making the JJPOC space accessible and responsive to credible messengers- we absolutely must extend voting capabilities in order to make community voice genuine and respected by this entity.

CCA supports the passage of S.B. 387. We would encourage amendments to include recommendations to develop a multi-year implementation plan for the expansion of Youth Service Bureaus and the funding of a community based diversion system. We also ask the committee to include language to pilot 911 data collection in opportunity school districts.

Thank you for your time and attention to these very important issues.

Respectfully submitted,



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Executive Director

¹ Geller, Amanda, Fagan, Jeffrey et al., "Aggressive Policing and the Mental Health of Young Urban Men", American Journal of Public Health, December 2014, Vol. 104, No. 12.

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- ² Legewie, Joscha, Fagan, Jeffrey, “Aggressive Policing and the Educational Performance of Minority Youth”, *American Sociological Review*. February 2019, Vol. 84, No. 2.
- ³ Mass. Ann. Laws ch. 66, § 10 (LexisNexis, Lexis Advance through Chapters 1-97 of the 2020 Legislative Session of the 191st General Court) (Public records—such as pedestrian stop data—are required to be released within ten days of the initial request).
- ⁴ See <https://data.boston.gov/dataset/boston-police-department-fio>.
- ⁵ New York (N.Y.). Police Department. New York Police Department (NYPD) Stop, Question, and Frisk Database, 2006. Inter-university Consortium for Political and Social Research [distributor], 2008-06-09. <https://doi.org/10.3886/ICPSR21660.v1>
- ⁶ *Daniels, et al. v. the City of New York*, 2008 U.S. Dist., No. 08-cv-1034 (S.D.N.Y. Sep. 10, 2008) (NYPD ordered to report stop and frisk data quarterly to the Center for Constitutional Rights from 2003 to 2007).
- ⁷ *D.C. Code § 5-113.01* (Lexis Advance through July 5, 2020, and through May 5, 2020 for new codifications); *Black Lives Matter D.C. et al., v. Muriel Bowser et al. JMC*, No. 2018 CA 003168 B (D.C. Super Ct. July 22, 2019) (Court orders police department to comply with D.C. Code § 5-113.01(a)(4B)).
- ⁸ See <https://mpdc.dc.gov/stopdata>
- ⁹ Cal. Gov't Code § 12525.5 (West).
- ¹⁰ See <https://openjustice.doj.ca.gov/exploration/stop-data>
- ¹¹ CO LEGIS 110 (2020), 2020 Colo. Legis. Serv. Ch. 110 (S.B. 20-217) (WEST).
- ¹² 2019 Illinois House Bill No. 1613, Illinois One Hundred First General Assembly - First Regular Session (amended earlier legislation by eliminating the automatic 2019 repeal of pedestrian stop data collection by law enforcement agencies).
- ¹³ See <https://idot.illinois.gov/transportation-system/local-transportation-partners/law-enforcement/illinois-traffic-stop-study>
- ¹⁴ See https://www.oregon.gov/cjc/stop/Documents/HB_2355_Enrolled.pdf.
- ¹⁵ See <https://www.oregon.gov/cjc/SAC/Pages/stop.aspx>.
- ¹⁶ *Collins v. City of Milwaukee*, Case No. 17-CV-234-JPS (E.D. Wis. Jun. 14, 2017)
- ¹⁷ See <https://city.milwaukee.gov/fpc/Reports/Crime-and-Justice-Institute-Reports.htm>
- ¹⁸ *Brown v. Madison Cnty.*, CIVIL ACTION NO. 3:17-CV-347-CWR-LRA (S.D. Miss. Oct. 11, 2019) (Madison County Sheriff's Department was sued for unconstitutional pedestrian and vehicle stops which were being focused in predominantly Black communities).
- ¹⁹ <https://portal.ct.gov/-/media/OCA/OCA-Recent-Publications/OCA-Report--Final-Waterbury-Report-September-1-2020.pdf>
- ²⁰ CCA testimony H.B. 5001 [2022SB-00002-R000225-Scheinberg, Katherine-Center for Children s Advocacy-TMY.PDF](https://portal.ct.gov/-/media/OCA/OCA-Recent-Publications/OCA-Report--Final-Waterbury-Report-September-1-2020.pdf) (ct.gov).