



TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY
TO THE CONNECTICUT SENTENCING COMMISSION
IN SUPPORT OF
AN ACT CONCERNING AUTOMATIC ERASURE OF
CERTAIN RECORDS

December 6, 2018

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Good morning Chairman Devlin, Vice Chair Santa, Undersecretary Lawlor and members of the Sentencing Commission. This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization affiliated with University of Connecticut School of Law in support of the Commission's proposal: **An Act Concerning Automatic Erasure of Certain Records.**

The Center provides holistic legal services to Connecticut's poorest and most vulnerable children through both individual representation and systemic advocacy. Through our Juvenile Justice and our Racial Justice Projects, the Center provides individual representation to youth in the juvenile justice system and collaborates with public defenders, probation officers and other service providers to improve overall outcomes by ensuring their educational rights are being followed. Through our Racial Justice Project, we run Racial and Ethnic Disparities (RED) Reduction Projects in Hartford, Bridgeport, New Haven and Waterbury, where we work with local stakeholders to develop strategies to reduce the disproportionate representation of youth of color in our juvenile justice system. The Center also plays a role in shaping juvenile justice policy through our membership on the Juvenile Justice Policy & Oversight Committee (JJPOC).

The Center wholly supports this proposed legislation because it brings parity to youth convicted of misdemeanor offenses as adults before 2012, when Connecticut's ground breaking juvenile justice legislation, Raise the Age, went into effect. If passed, this Act will protect individuals who were convicted of these offenses when they were 16 or 17 years old from the harmful collateral consequences an adult criminal record can have on one's life and future opportunities. This Act will grant individuals convicted of these crimes after 1999 but before 2012, the benefit of **automatic erasure** of all related court and police records. It will also allow individuals who committed such crimes at 16 or 17 years old before 1999 to petition the court for erasure. In extending this benefit to this group of individuals who missed the benefits of Raise the Age by virtue of their birthdate, this proposed Act will serve to reinforce the rehabilitative goal of Connecticut's juvenile justice reform. Moreover, by automatically erasing the criminal records of these youth, the legislation helps ensure that convictions of this nature that occurred when an individual was still a youth will not be used against him or her later in life to deny employment, housing, an education, or other benefits and services necessary to secure a healthy future.

While the Center supports this legislative proposal, the Center also believes automatic record erasure **should be extended to include Connecticut's youth who are adjudicated delinquent in juvenile court.** Current Connecticut law provides that such adjudications remain confidential and limits public access to them. But confidential does not always mean private. Individuals across the system still have access to these records. Also, juvenile criminal records could be mistakenly disclosed or shared. And juveniles can be forced to obtain and then disclose records when involved in certain programs, such as when a youth applies for a career in the armed services. Currently, only juvenile cases which are nolle or dismissed have court and police records automatically erased.

For example, I share the experience of two different clients¹ of mine whose confidential juvenile record was located and subsequently used against them. John had always had the dream of become a member of the armed forces. In corresponding and speaking with a recruiter, the recruiter discovered John has been arrested as a younger teen. This led him to asking John to take him to the juvenile court to check on the status of his records there; John wanted to be forthright with the recruiter and felt he had no option. Another client, Andrew, was arrested at 17 on adult charges through some unfortunate associations with older youth. While in prison, he was considered for transitional supervision (TS), to be released into the community prior to end of his sentence. He was a compliant inmate and had no disciplinary tickets against him. However, his juvenile record involving an arrest in a school related conflict and misunderstanding when he was in the eighth grade was found by DOC and used to deny him TS. Andrew was understandably confused – he had been advised by his attorney this information would be confidential and that he could represent that it didn't happen.

Granted, existing law does allow individuals to petition the court for record erasure after a statutory waiting period with no intervening offenses (two (2) years for most juvenile adjudications and four (4) years for serious juvenile offenses). However, this process requires pro-active engagement by requiring youth to fill out and submit a record erasure application. This level of engagement unjustly disadvantages certain youth with a lower level of available information and resources. Additionally, Connecticut law provides that youth who are granted confidential youthful offender status in adult criminal court automatic erasure of these records when they reach the age of 21 years old (also provided they have no intervening convictions)

The Center believes this legislative proposal by the Commission, which takes a bold and rightful step towards establishing parity for youth who did not have the benefit of Raise the Age legislation, also provides a timely opportunity to address the issue of automatic erasure for all youth who commit juvenile offenses under the age of 18.

¹ Client first names are changed for the purposes of this testimony.

So in addition to the inclusions in this Act proposed by the Commission, the Center asks the Commission if it might consider extending automatic erasure beyond the population that would have benefited from Raise the Age, to include all youth under the age of 18 who have juvenile records. This erasure could be triggered automatically after **2 years from the date of discharge for a non-serious juvenile offense and 4 years from the date of discharge for a serious juvenile offense.** Past legislative proposals provide a useful example for developing an amendment to this proposal to include auto erasure for juveniles. (See Senate Bill 366 from the 2014 Legislative session attached.)

An amended proposal with these inclusions would serve to maintain Connecticut as a leader in juvenile reform and jurisdiction by providing automatic erasure for juveniles. Automatic erasure is a best practice that promotes the reintegration and re-assimilation of all youth to their communities.

Thank you for your time and consideration and for initiating this thoughtful and much needed legislative proposal. Please do not hesitate to contact our office with questions or concerns.

Respectfully submitted,



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Att.