



**State of Connecticut
DIVISION OF CRIMINAL JUSTICE**

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Testimony of the Division of Criminal Justice

In Opposition to:

**H.B. No. 6285 (COMM) AN ACT CONCERNING THE AGE OF A CHILD WITH
RESPECT TO JUVENILE COURT JURISDICTION**

*Presented by Chief State's Attorney Kevin T. Kane
Joint Committee on Judiciary – April 4, 2007*

The Division of Criminal Justice respectfully must oppose H.B. No. 6285. At the outset, we would state equivocally that we are not opposed per se to increasing the age of jurisdiction of the juvenile court. We are opposed, however, to the fashion in which this bill proposes to do so. The bill effectively makes an immediate decision to raise the age, but leaves the critical details until later. Unfortunately, as the adage goes, the devil is in the details. This bill leaves critical issues unresolved, critical decisions unmade and critical questions unanswered. In doing so, it inadvertently does a disservice to the youths whom it is supposed to benefit and a disservice to the tireless efforts of those who work so hard every day to make the criminal justice system work as it relates to youthful offenders.

The Division of Criminal Justice takes great pride in the work being done day in and day out by dedicated prosecutors, inspectors, investigators and their clerical and other support staff who handle the cases of young offenders. We also extend our appreciation and gratitude to those in the Department of Correction, the Judicial Branch, the Division of Public Defender Services and other agencies who are dedicated public servants. With all of the talk of the problems and some would insist failure of the system, the efforts of these fine public employees often seem to go overlooked. In some cases, we would question whether the input of those who are most involved in the current system has been given due consideration in the deliberations on the "raise the age" issue.

As you undertake your deliberations on this issue, the Division urges the Committee to carefully examine all of the information that has been presented in support of this bill to assure that the decisions you make are, in fact, based on facts. For example, much has been made of the alleged contention that Connecticut sends more juveniles to adult prison than any other state, our "dirty little secret" as one newspaper editorial called

it. Quite frankly, this statement came as a surprise to the Division of Criminal Justice. So we did some checking of our own and determined that it is no secret at all, but simply not true.

That exemplifies the basis for our opposition to this bill. It has not been thought out or developed to the point where it can move forward to create a better system. And that must be our only goal. Again, the Division of Criminal Justice does not oppose the concept of raising age of jurisdiction for the juvenile courts. But any change of this magnitude must be more than a catchy slogan. It must be fully researched, fully examined. Every question must be answered. Every issue must be resolved. The bill leaves many of these critical decisions to an implementation committee. The Division believes that many of the issues destined for review by this committee should rightfully be fully debated and decided by the elected policy makers in this General Assembly. Issues such as what should constitute a serious juvenile offense and the sentencing structure for the juvenile system need to be addressed thoughtfully.

We also question whether the question of cost has been adequately examined. From a purely parochial point of view we would note that the bill makes no provision whatsoever for the additional resources that will be needed by the Division of Criminal Justice to handle an influx of thousands of cases to the juvenile dockets. Many of our existing juvenile locations are served by one prosecutor. Virtually none of our juvenile offices has any support staff whatsoever. What we usually have is one prosecutor, sometimes working with one investigator, and sometimes serving two locations. Yet this bill proposes to take that system -- already stretched as thin as one could imagine -- and dump in thousands of new cases. The same holds true for the Division of Public Defender Services. The bill provides no new resources for these attorneys who are required by law to provide representation to young offenders who are indigent.

Such a move will not serve the interests of justice and we are hard-pressed to see how it can better serve the young offender. As we stated last year, and on every other occasion that this issue has been raised, the question is not where you handle the cases of young offenders, but the services that you provide to those offenders. We would again respectfully recommend that the Committee focus first on providing the additional resources necessary to make the existing system work.

Consider just some of these unanswered questions or unresolved concerns:

- Just this week there was a call for a federal monitor for the Riverview Hospital, the DCF psychiatric hospital for juveniles. There is already a considerable waiting list to get kids into Riverview for evaluations or treatment, even in emergency situations. Will simply raising the age and adding another 9,000 to 10,000 16- and 17-year-olds to the juvenile court system address this situation?
- What provisions have been made for non-delinquent youth such as runaways, truants and kids beyond the control of their parents? These cases now come to court at 16 or 17 as youths in crisis. They usually do not get

lawyers. If they become Families With Service Needs (FWSN) cases after the age changes, they will probably get lawyers. These non-delinquent kids presently are not represented by the public defenders. Keep in mind also that parents are also parties in juvenile court and they can get court-appointed counsel as well. Also remember that the juvenile system uses guardians *ad litem* a lot.

- No provision is made for the additional costs that will be incurred by municipalities, making this bill an unfunded mandate. With more youths being treated as juveniles, police departments will have to increase the number of officers assigned and trained to handle juvenile matters because it takes more time to handle a juvenile case due to the special rules (release to parent, no interview without parent, cannot release on bond, cannot release on own recognizance, etc.). More kids will have to be brought to detention because they cannot be held in the police lockup too long. A trip to detention could take two officers out of service for a considerable period of time, causing problems particularly for the small department located far from the three detention centers. Many local police departments will also have to establish or expand their existing juvenile holding facilities due to the increased number of offenders being treated as juveniles and the restrictions of holding kids with adults.
- If local diversion programs, such as juvenile review boards, are going to be used to divert these kids out of the system, the towns and cities are going to need financial support to establish or expand such programs to deal with the increased numbers. We see no specific provision for this in the bill. If this is something that would be left to the implementation committee under the bill, we would respectfully suggest that the issue should be resolved before the major decision is made. The cities and towns deserve to know what you are getting them into.

In conclusion, these are only some of the real costs of this proposal that apparently have not been considered. The Division of Criminal Justice believes that these costs – and all of the unresolved associated issues – should be addressed before the age of jurisdiction is changed. Such an examination will allow us to first examine the shortcomings of the existing system and make a fully informed decision as to whether the real solution rests with providing additional resources and programs to that system rather than making wholesale changes that in the end will not serve the youth of this state or the interests of justice.

The Division of Criminal Justice as well as the other agencies that participated with the committee that began the study of this issue stands ready to assist in this process. We would be happy to answer any questions the Committee might have or to provide any additional information you might require. Thank you.