



CONNECTICUT POLICE CHIEFS ASSOCIATION

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Testimony to the Judiciary Committee

April 4, 2007

Chiefs Anthony Salvatore & James Strillacci, Connecticut Police Chiefs Association

We approve of **SB # 838, AA Requiring DNA testing of Certain Arrested Persons**, which would have police take a DNA sample from a person arrested for a class A or B felony. We would be happy to undertake this small and relatively infrequent duty in order to acquire scientific evidence which may clear unsolved crimes, identify serious offenders, or exonerate innocent persons suspected of crimes.

We oppose **SB #844, AAC Missing Persons**, which would give the force of law to a model policy on the investigation of missing persons. This would impose upon police agencies a new and unfunded list of statutory duties.

Used as a checklist and applied with common sense, the policy has some value. Mandated use in all cases would lead to absurdities. (E.g., if a 4-year-old has been missing 15 minutes, we don't need her dentist's name at time of report.)

But performance of each of these duties would be a legal requirement. Omission of any would be per se negligence and would expose the agency's community to civil liability.

If an agency chooses to adapt a comprehensive missing-persons policy, it is free to do so. But police departments with competing priorities and limited resources should not be burdened by law with additional chores every time an activist with a sad story makes a pitch to the legislature. Enactment of this bill would allow a report of a missing adult to push to the head of the line in front of domestic violence, urban gun-play, or any other urgent matter facing police at the time.

We object to Sections 7 and 8, which appear to give responsibility for high-risk missing persons to a unit of the state police, first because it would require an additional state police unit, and second because recent history suggests that the state police are hard-pressed to perform their current duties, much less oversee municipal responsibilities.

We believe that a better approach would be to adopt the language of Section 9, allowing POST to educate police agencies of best practices on the subject.

HB #6285, AAC the Age of a Child with Respect to Juvenile Court Jurisdiction would shift the jurisdiction over 16- and 17-year old offenders from adult court to juvenile court.

This is a major shift because this is an active group. They represent over 10% of adult cases, and will increase the juvenile caseload by at least 60%*. The change will affect every agency which touches a Juvenile Court case.



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We testified in the Committee on Children about an earlier "Raise the Age" proposal because every one of these cases starts with a police investigation. We appreciate that many of our suggestions are reflected in this bill. Yet we remain concerned because the bill leaves unresolved so many issues which will result from the raising the age.

Sec. 13 enumerates nine such issues, and establishes a Juvenile Jurisdiction Policy and Operations Coordinating Council to resolve them, but how is they will resolve them anybody's guess. Item (3) treats the impact on state agencies; the impact on local and private agencies—which will be considerable—is still ignored. Item (7) addresses procedures; this remains a paramount concern to us, because Connecticut requires a parent to be present and to waive rights before an officer can question a juvenile, making juvenile cases time-consuming and labor intensive, in turn making this bill costly to police departments due to the increased juvenile caseload.

Item (8) addresses driving offenses; 16- and 17-year olds can obtain driver's licenses and novice drivers are disproportionately inept. Unless the policy council also raises the driving age to 18, we pray that they will exempt traffic offenses and accidents from juvenile court jurisdiction and cumbersome juvenile procedure.

The final sections provide funds to Judicial for judges, probation officers, probation aides, clerks, security and detention personnel, clerical assistants, court interpreters, funds to DCF and Legislative Management. There's nothing for local and private agencies which serve juveniles. Even so, the cost will be frightful --a 2003-2004 study estimated the cost at \$84 million.

We suspect that \$84 million could provide a wide array juvenile services to 16 and 17's—like psychological evaluations and counseling, drug testing, substance abuse treatment, preventive measures to keep them *out* of court. Would you rather spend it re-arranging the legal system just so you can say you raised the age?

Sec. 5. of **HB #7406, AAC Youthful Offenders, Delinquents, and Drug-free Zones**, says "No child who has been arrested shall be physically restrained by the use of shackles prior to being convicted as delinquent." If this is meant to forbid handcuffing of a juvenile before conviction, it is foolishly dangerous.

Police use handcuffs to limit the mobility of persons in custody in order to protect themselves and others from assault. Youth is no guarantee of small stature or harmlessness. Records of recent juvenile arrests include a 14-year-old arrested for Reckless Endangerment 1st and manufacture of bombs; he was 6' tall and 220 pounds. A 13-year-old arrested for assault was 5'5" and 224, and a 14-year-old for breach of peace was 5'10" and 240 pounds. How would you control these bruisers?

From 1995-2004, no fewer than 54 law enforcement officers were murdered by assailants under the age of 18.** We don't know how many youthful cop-killers got away with it. This is not a trivial issue.

*Source, *State of Connecticut Judicial Branch, Court Support Services Division*

**Source, *FBI, Law Enforcement Officers Killed & Assaulted 2004*