



**State of Connecticut**  
**DIVISION OF CRIMINAL JUSTICE**

**Testimony of the Division of Criminal Justice**

*In Support of:*

**S.B. No. 623 (RAISED) – An Act Concerning Juvenile Prosecutors**

*Joint Committee on Judiciary – March 10, 2008*

The Division of Criminal Justice respectfully requests the Committee Joint Favorable Report for S.B. No. 623, An Act Concerning Juvenile Prosecutors. This bill is part of the Division's legislative package for this year and is one of our highest priorities.

The bill would fully integrate all existing Juvenile Prosecutors and Supervisory Juvenile Prosecutors into the Division of Criminal Justice as Assistant State's Attorneys and require that all future prosecutors for the juvenile system be appointed by the Criminal Justice Commission. The bill has the strong support of the Office of the Chief State's Attorney, the State's Attorneys for each of the thirteen Judicial Districts in Connecticut and the seventeen individuals who currently hold the title of Juvenile Prosecutor or Supervisory Juvenile Prosecutor.

In November of 1994, the voters of Connecticut ratified Article XXIII of our State Constitution. This Article established the Division of Criminal Justice as an independent agency of the executive branch of state government. Article XXIII also established the Criminal Justice Commission, which was given the responsibility for the appointment of all state prosecutors with the exception of those who work in the juvenile courts. In July of 1996 the General Assembly transferred the responsibility for the prosecution of juvenile cases from the Judicial Branch to the Division of Criminal Justice.

This was the last component of the prosecutorial system in Connecticut to be transferred from the Judicial Branch to the executive branch, consistent with the belief that the prosecutorial function is essentially an executive branch function and should be separate from the Judicial Branch. While the juvenile prosecution system was moved to the Division of Criminal Justice, it could be

said that the Juvenile Prosecutors were to some degree left behind. The appointment of juvenile prosecutors was not fully integrated into the Division and the Criminal Justice Commission. This is what S.B. No. 623 essentially would do.

Under the current system, Juvenile Prosecutors and Supervisory Juvenile Prosecutors are appointed by the Chief State's Attorney on the recommendation of the State's Attorney for the Judicial District in which they serve. There are currently seventeen individuals who hold the title of Juvenile Prosecutor or Supervisory Juvenile prosecutor. They are responsible for the prosecution of cases in the Superior Court for Juvenile Matters at thirteen locations throughout the State of Connecticut. An additional 200-plus prosecutors work in the "adult" courts at the Judicial Branch (J.D. - Part A) and Geographical Area (G.A. - Part B) levels and in the specialized bureaus of the Office of the Chief State's Attorney. These are the positions filled through appointment by the Criminal Justice Commission.

Those who are appointed as Juvenile Prosecutors and Supervisory Juvenile Prosecutors are limited in their authority to serving in the Superior Court for Juvenile Matters. On the other hand, "adult" court prosecutors, or Assistant State's Attorneys,\* are appointed by the Criminal Justice Commission, which was established pursuant to Article XXIII of the Connecticut Constitution, adopted in November 1984. These prosecutors have the authority to serve in any state court, i.e., they can handle matters on both the adult dockets (J.D., G.A.) and in the Superior Court for Juvenile Matters.\*\*

As such, the Assistant State's Attorney can work in the juvenile court as well as the "adult" courts, but the Juvenile Prosecutor or Supervisory Juvenile Prosecutor can work only in the juvenile court. In fact, there are currently two prosecutors who were appointed by the Criminal Justice Commission "adult" court prosecutors who are assigned to the Juvenile court on a permanent basis. The adoption of S.B. No. 623 would provide greater flexibility for the Division of Criminal Justice in the assignment of prosecutors by creating one group of prosecutors who can serve in all venues. The Division believes this flexibility will be important as we prepare for the implementation of Public Act No. 07-4 of the June Special Session, which will increase the age of jurisdiction for the juvenile courts from 16 to 18 effective January 1, 2010.

The bill also would recognize the work of Juvenile Prosecutors and Supervisory Juvenile Prosecutors who wish to transfer to the adult courts. These dedicated employees would be able to apply for transfer to the adult system through our internal transfer process. Currently, Juvenile Prosecutors and Supervisory Juvenile Prosecutors who wish to transfer to the adult system can apply only when positions are open to the general public and then are subject to the same appointment process through the Criminal Justice Commission as

others. With the enactment of this bill, there would be a seamless system where the Commission would appoint all prosecutors regardless of where they serve. This is fully consistent with the language and intent of Article XXIII of the Constitution.

It is time to address this longstanding issue and to fully integrate the Juvenile Prosecutors and Supervisory Juvenile Prosecutors into the Division of Criminal Justice. There is no distinction in the appointment process for the prosecutors who serve in the J.D. (Part A) and G.A. (Part B) courts or with those who are assigned to the Housing Session. There is no reason to continue the distinction between all of these prosecutors and those who serve in the juvenile courts. Especially in light of the impending change in the age of jurisdiction, the time to make this long overdue change is now. The Division respectfully requests the Committee's Joint Favorable Report for S.B. No. 623, An Act Concerning Juvenile Prosecutors.

*\* Prosecutors are appointed at the rank of Deputy Assistant State's Attorney by the Criminal Justice Commission. The title "Assistant State's Attorney" as used in this testimony applies to the personnel classifications of Deputy Assistant State's Attorney, Assistant State's Attorney, Senior Assistant State's Attorney, Supervisory Assistant State's Attorney and Executive Assistant State's Attorney.*

*\*\* It is interesting to note that the same provisions that apply to Assistant State's Attorneys apply to all Public Defenders. All Public Defenders are appointed by the same appointing authority, the Public Defender Services Commission, and can serve in any court. There is no such position as "Juvenile Public Defender."*