



State of Connecticut

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**TESTIMONY OF CHRISTINE RAPILLO
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**COMMITTEE ON THE JUDICIARY
MARCH 2, 2009**

RAISED BILL NO. 6580, AN ACT CONCERNING JUVENILE JUSTICE

The Office of the Chief Public Defender supports passage of **Raised Bill 6580, An Act Concerning Juvenile Justice**. While moving 16 and 17 year olds into the juvenile court system is the best policy for Connecticut, clearly the state's current fiscal crisis makes it difficult to fully implement the groundbreaking Raise the Age legislation enacted by PA 07-4. **Raised Bill 6580** would move 16 year olds into the juvenile system as scheduled in January 2010, and implement the change for 17 year olds in 2011. The proposal makes some changes to the Youthful Offender law and purports to add services for youth being prosecuted in adult court. We believe that limiting the change in jurisdictional age to 16 year olds provides the greatest beneficial impact on children and families with the least amount of fiscal impact.

The 16 year old population could be integrated in to juvenile court easily and with fewer resources than simply adding services to our current adult court Youthful Offender program. There will be some cost involved but some of the expense can be shifted as 16 year olds will access unutilized resources available due to the decreasing intake in the juvenile courts. The 16 year olds in adult court account for 40% of the total intake, or about 6000 cases. This would increase the total intake in juvenile court by about 50%. However, many of these 16 year olds would benefit from diversionary services such as community counseling and juvenile review boards, thus decreasing the total number of youth who will need to access court house facilities and probation services. There would need to be additional resources provided to towns, so that they could expand these successful, cost efficient programs but creation of these services could also provide jobs on the ground in our cities. This could be funded through federal money, as the national stimulus package includes a significant increase in the total number of Byrne Grant

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dollars available. They would benefit from the many changes already proposed for the juvenile court system.

A full scale delay of implementation of Raise the Age will leave unused a significant amount of empty space in the juvenile detention system and in the DCF residential system. Overall intake for the juvenile courts has been steadily declining for the last 4 years and has decreased nearly 30%. This has led to decreased caseloads for everyone. While juvenile caseloads have declined, staff levels have remained steady in juvenile court. Moving 16 year olds to juvenile court fills that unused capacity and will ease some of the burden on the adult court staff. If the budget for the Office of the Chief Public Defender is funded as currently proposed, we could take on the cases of 16 year olds with no additional budget request. The cost of additional facilities for juvenile courts has been a major concern. While some of the juvenile courts are inadequate, they too have experienced the 30-40% drop in overall intake, so adding the 16 year olds to the court docket should not make the situation significantly worse.

Currently, incarcerated 16 year olds are held by the Department of Corrections. DOC facilities are overcrowded and the Department lacks sufficient resources to provide meaningful aftercare and reentry services for most inmates. Judicial runs the juvenile detention centers. The detention system has had at least 100 empty beds for at least the past two months. These are beds that the state must pay for even when they are empty. Any 16 year old that is moved out of DOC and into Juvenile Detention saves the state money. DCF runs the Connecticut Juvenile Training School, the secure facility for delinquent boys. CJTS was originally built for 240 boys. Current population maintains at or below 100 boys. Again, these are beds we pay for even when they are not used. Any 16 year old who can be moved from DOC to CJTS also saves the state money.

While the Office of the Chief Public Defender supports the bill's efforts to change the Youthful Offender Program, the proposed changes do not go far enough. The bill provides that Youthful Offenders get access to juvenile court services. CSSD currently provides some juvenile services to youthful offenders but the process is labor intensive, since the adult court staff is unfamiliar with the juvenile court procedures necessary to access DCF or community based juvenile services. This proposal does correct the disparate application of the Youthful Offender law statewide, as the decision to move a youth charged with a felony to the adult docket still rests with the prosecutor. This discretion has been applied in widely different ways depending on the jurisdiction. The judge is the only neutral party in a criminal case and should have the power to determine if a defendant should remain as a Youthful Offender. The new provision allowing misdemeanor cases to be stayed or suspended also gives decision making power to the prosecutor rather than the judge. Addressing and correcting this issue would result in more fair application of the Youthful Offender program as we wait for full implementation of the Raise the Age legislation.