



House of Representatives

General Assembly

File No. 747

January Session, 2015

Substitute House Bill No. 7050

House of Representatives, April 27, 2015

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE JUVENILE JUSTICE SYSTEM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 46b-127 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2015*):

4 (a) [(1)] The court shall automatically transfer from the docket for
5 juvenile matters to the regular criminal docket of the Superior Court
6 the case of any child charged with the commission of a capital felony
7 under the provisions of section 53a-54b in effect prior to April 25, 2012,
8 a class A [or B] felony or a violation of section 53a-54d, provided such
9 offense was committed after such child attained the age of [fourteen]
10 fifteen years and counsel has been appointed for such child if such
11 child is indigent. Such counsel may appear with the child but shall not
12 be permitted to make any argument or file any motion in opposition to
13 the transfer. The child shall be arraigned in the regular criminal docket
14 of the Superior Court at the next court date following such transfer,
15 provided any proceedings held prior to the finalization of such transfer

16 shall be private and shall be conducted in such parts of the courthouse
17 or the building in which the court is located that are separate and apart
18 from the other parts of the court which are then being used for
19 proceedings pertaining to adults charged with crimes.

20 [(2) A state's attorney may, at any time after such arraignment, file a
21 motion to transfer the case of any child charged with the commission
22 of a class B felony or a violation of subdivision (2) of subsection (a) of
23 section 53a-70 to the docket for juvenile matters for proceedings in
24 accordance with the provisions of this chapter.]

25 (b) (1) Upon motion of a prosecutorial official, the superior court for
26 juvenile matters shall conduct a hearing to determine whether the case
27 of any child charged with the commission of a class B, C, D or E felony
28 or an unclassified felony shall be transferred from the docket for
29 juvenile matters to the regular criminal docket of the Superior Court.
30 The court shall not order that the case be transferred under this
31 subdivision unless the court finds that (A) such offense was committed
32 after such child attained the age of [fourteen] fifteen years, (B) there is
33 probable cause to believe the child has committed the act for which the
34 child is charged, and (C) the best interests of the child and the public
35 will not be served by maintaining the case in the superior court for
36 juvenile matters. In making such findings, the court shall consider (i)
37 any prior criminal or juvenile offenses committed by the child, (ii) the
38 seriousness of such offenses, (iii) any evidence that the child has
39 intellectual disability or mental illness, and (iv) the availability of
40 services in the docket for juvenile matters that can serve the child's
41 needs. Any motion under this subdivision shall be made, and any
42 hearing under this subdivision shall be held, not later than thirty days
43 after the child is arraigned in the superior court for juvenile matters.

44 (2) If a case is transferred to the regular criminal docket pursuant to
45 subdivision (1) of this subsection, the court sitting for the regular
46 criminal docket may return the case to the docket for juvenile matters
47 at any time prior to a jury rendering a verdict or the entry of a guilty
48 plea for good cause shown for proceedings in accordance with the

49 provisions of this chapter.

50 Sec. 2. Section 46b-137 of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective October 1, 2015*):

52 (a) Any admission, confession or statement, written or oral, made by
53 a child under the age of [sixteen] eighteen to a police officer or Juvenile
54 Court official shall be inadmissible in any proceeding concerning [the
55 alleged delinquency of] the child making such admission, confession
56 or statement unless made by such child in the presence of the child's
57 parent or parents or guardian and after the parent or parents or
58 guardian and child have been advised (1) of the child's right to retain
59 counsel, or if unable to afford counsel, to have counsel appointed on
60 the child's behalf, (2) of the child's right to refuse to make any
61 statements, and (3) that any statements the child makes may be
62 introduced into evidence against the child.

63 [(b) Any admission, confession or statement, written or oral, made
64 by a child sixteen or seventeen years of age to a police officer or
65 Juvenile Court official, except an admission, confession or statement,
66 written or oral, made by a child sixteen or seventeen years of age to a
67 police officer in connection with a case transferred to the Juvenile
68 Court from the youthful offender docket, regular criminal docket of
69 the Superior Court or any docket for the presentment of defendants in
70 motor vehicle matters, shall be inadmissible in any proceeding
71 concerning the alleged delinquency of the child making such
72 admission, confession or statement, unless (1) the police or Juvenile
73 Court official has made reasonable efforts to contact a parent or
74 guardian of the child, and (2) such child has been advised that (A) the
75 child has the right to contact a parent or guardian and to have a parent
76 or guardian present during any interview, (B) the child has the right to
77 retain counsel or, if unable to afford counsel, to have counsel
78 appointed on behalf of the child, (C) the child has the right to refuse to
79 make any statement, and (D) any statement the child makes may be
80 introduced into evidence against the child.

81 (c) The admissibility of any admission, confession or statement,

82 written or oral, made by a child sixteen or seventeen years of age to a
83 police officer or Juvenile Court official, except an admission,
84 confession or statement, written or oral, made by a child sixteen or
85 seventeen years of age to a police officer in connection with a case
86 transferred to the Juvenile Court from the youthful offender docket,
87 regular criminal docket of the Superior Court or any docket for the
88 presentment of defendants in motor vehicle matters, shall be
89 determined by considering the totality of the circumstances at the time
90 of the making of such admission, confession or statement. When
91 determining the admissibility of such admission, confession or
92 statement, the court shall consider (1) the age, experience, education,
93 background and intelligence of the child, (2) the capacity of the child to
94 understand the advice concerning rights and warnings required under
95 subdivision (2) of subsection (b) of this section, the nature of the
96 privilege against self-incrimination under the United States and
97 Connecticut Constitutions, and the consequences of waiving such
98 rights and privilege, (3) the opportunity the child had to speak with a
99 parent, guardian or some other suitable individual prior to or while
100 making such admission, confession or statement, and (4) the
101 circumstances surrounding the making of the admission, confession or
102 statement, including, but not limited to, (A) when and where the
103 admission, confession or statement was made, (B) the reasonableness
104 of proceeding, or the need to proceed, without a parent or guardian
105 present, and (C) the reasonableness of efforts by the police or Juvenile
106 Court official to attempt to contact a parent or guardian.]

107 [(d)] (b) Any confession, admission or statement, written or oral,
108 made by the parent or parents or guardian of the child or youth after
109 the filing of a petition alleging such child or youth to be neglected,
110 uncared for or abused shall be inadmissible in any proceeding held
111 upon such petition against the person making such admission or
112 statement unless such person shall have been advised of the person's
113 right to retain counsel, and that if the person is unable to afford
114 counsel, counsel will be appointed to represent the person, that the
115 person has a right to refuse to make any statement and that any
116 statements the person makes may be introduced in evidence against

117 the person, except that any statement made by the mother of any child
118 or youth, upon inquiry by the court and under oath if necessary, as to
119 the identity of any person who might be the father of the child or
120 youth shall not be inadmissible if the mother was not so advised.

121 Sec. 3. Section 46b-121n of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective October 1, 2015*):

123 (a) There is established a Juvenile Justice Policy and Oversight
124 Committee. The committee shall evaluate policies related to the
125 juvenile justice system and the expansion of juvenile jurisdiction to
126 include persons sixteen and seventeen years of age.

127 (b) The committee shall consist of the following members:

128 (1) Two members of the General Assembly, one of whom shall be
129 appointed by the speaker of the House of Representatives, and one of
130 whom shall be appointed by the president pro tempore of the Senate;

131 (2) The chairpersons and ranking members of the joint standing
132 committees of the General Assembly having cognizance of matters
133 relating to the judiciary, children, human services and appropriations,
134 or their designees;

135 (3) The Chief Court Administrator, or the Chief Court
136 Administrator's designee;

137 (4) A judge of the superior court for juvenile matters, appointed by
138 the Chief Justice;

139 (5) The executive director of the Court Support Services Division of
140 the Judicial Department, or the executive director's designee;

141 (6) The executive director of the Superior Court Operations
142 Division, or the executive director's designee;

143 (7) The Chief Public Defender, or the Chief Public Defender's
144 designee;

145 (8) The Chief State's Attorney, or the Chief State's Attorney's
146 designee;

147 (9) The Commissioner of Children and Families, or the
148 commissioner's designee;

149 (10) The Commissioner of Correction, or the commissioner's
150 designee;

151 (11) The Commissioner of Education, or the commissioner's
152 designee;

153 (12) The Commissioner of Mental Health and Addiction Services, or
154 the commissioner's designee;

155 (13) The Labor Commissioner, or the commissioner's designee;

156 (14) The Commissioner of Social Services, or the commissioner's
157 designee;

158 (15) The Commissioner of Public Health, or the commissioner's
159 designee;

160 [(13)] (16) The president of the Connecticut Police Chiefs
161 Association, or the president's designee;

162 (17) The chief of police of a municipality with a population in excess
163 of one hundred thousand, appointed by the president of the
164 Connecticut Police Chiefs Association;

165 [(14)] (18) Two child or youth advocates, one of whom shall be
166 appointed by one chairperson of the Juvenile Justice Policy and
167 Oversight Committee, and one of whom shall be appointed by the
168 other chairperson of the Juvenile Justice Policy and Oversight
169 Committee;

170 [(15)] (19) Two parents or parent advocates, at least one of whom is
171 the parent of a child who has been involved with the juvenile justice
172 system, one of whom shall be appointed by the minority leader of the

173 House of Representatives, and one of whom shall be appointed by the
174 minority leader of the Senate;

175 ~~[(16)]~~ (20) The Child Advocate, or the Child Advocate's designee;
176 and

177 ~~[(17)]~~ (21) The Secretary of the Office of Policy and Management, or
178 the secretary's designee.

179 (c) [All appointments to the committee shall be made not later than
180 thirty days after June 13, 2014.] Any vacancy shall be filled by the
181 appointing authority.

182 (d) The Secretary of the Office of Policy and Management, or the
183 secretary's designee, and a member of the General Assembly selected
184 jointly by the speaker of the House of Representatives and the
185 president pro tempore of the Senate from among the members serving
186 pursuant to subdivision (1) or (2) of subsection (b) of this section shall
187 be cochairpersons of the committee. Such cochairpersons shall
188 schedule the first meeting of the committee, which shall be held not
189 later than sixty days after June 13, 2014.

190 (e) Members of the committee shall serve without compensation,
191 except for necessary expenses incurred in the performance of their
192 duties.

193 (f) Not later than January 1, 2015, the committee shall report, in
194 accordance with section 11-4a, to the joint standing committees of the
195 General Assembly having cognizance of matters relating to
196 appropriations, the judiciary, human services and children, and the
197 Secretary of the Office of Policy and Management, regarding the
198 following:

199 (1) Any statutory changes concerning the juvenile justice system
200 that the committee recommends to (A) improve public safety, (B)
201 promote the best interests of children and youths who are under the
202 supervision, care or custody of the Commissioner of Children and
203 Families or the Court Support Services Division of the Judicial

204 Department; (C) improve transparency and accountability with respect
205 to state-funded services for children and youths in the juvenile justice
206 system with an emphasis on goals identified by the committee for
207 community-based programs and facility-based interventions; and (D)
208 promote the efficient sharing of information between the Department
209 of Children and Families and the Judicial Department to ensure the
210 regular collection and reporting of recidivism data and promote public
211 welfare and public safety outcomes related to the juvenile justice
212 system;

213 (2) A definition of "recidivism" that the committee recommends to
214 be used by state agencies with responsibilities with respect to the
215 juvenile justice system, and recommendations to reduce recidivism for
216 children and youths in the juvenile justice system;

217 (3) Short-term goals to be met within six months, medium-term
218 goals to be met within twelve months and long-term goals to be met
219 within eighteen months, for the Juvenile Justice Policy and Oversight
220 Committee and state agencies with responsibilities with respect to the
221 juvenile justice system to meet, after considering existing relevant
222 reports related to the juvenile justice system and any related state
223 strategic plan;

224 (4) The impact of legislation that expanded the jurisdiction of the
225 juvenile court to include persons sixteen and seventeen years of age, as
226 measured by the following:

227 (A) Any change in the average age of children and youths involved
228 in the juvenile justice system;

229 (B) The types of services used by designated age groups and the
230 outcomes of those services;

231 (C) The types of delinquent acts or criminal offenses that children
232 and youths have been charged with since the enactment and
233 implementation of such legislation; and

234 (D) The gaps in services identified by the committee with respect to

235 children and youths involved in the juvenile justice system, including,
236 but not limited to, children and youths who have attained the age of
237 eighteen after being involved in the juvenile justice system, and
238 recommendations to address such gaps in services; and

239 (5) Strengths and barriers identified by the committee that support
240 or impede the educational needs of children and youths in the juvenile
241 justice system, with specific recommendations for reforms.

242 (g) Not later than July 1, 2015, the committee shall report, in
243 accordance with section 11-4a, to the joint standing committees of the
244 General Assembly having cognizance of matters relating to
245 appropriations, the judiciary, human services and children, and the
246 Secretary of the Office of Policy and Management, regarding the
247 following:

248 (1) The quality and accessibility of diversionary programs available
249 to children and youths in this state, including juvenile review boards
250 and services for a child or youth who is a member of a family with
251 service needs;

252 (2) An assessment of the system of community-based services for
253 children and youths who are under the supervision, care or custody of
254 the Commissioner of Children and Families or the Court Support
255 Services Division of the Judicial Department;

256 (3) An assessment of the congregate care settings that are operated
257 privately or by the state and have housed children and youths
258 involved in the juvenile justice system in the past twelve months;

259 (4) An examination of how the state Department of Education and
260 local boards of education, the Department of Children and Families,
261 the Department of Mental Health and Addiction Services, the Court
262 Support Services Division of the Judicial Department, and other
263 appropriate agencies can work collaboratively through school-based
264 efforts and other processes to reduce the number of children and
265 youths who enter the juvenile justice system as a result of being a

266 member of a family with service needs or convicted as delinquent;

267 (5) An examination of practices and procedures that result in
268 disproportionate minority contact, as defined in section 4-68y, within
269 the juvenile justice system;

270 (6) A plan to provide that all facilities and programs that are part of
271 the juvenile justice system and are operated privately or by the state
272 provide results-based accountability;

273 (7) An assessment of the number of children and youths who, after
274 being under the supervision of the Department of Children and
275 Families, are convicted as delinquent; and

276 (8) An assessment of the overlap between the juvenile justice system
277 and the mental health care system for children.

278 (h) The committee shall complete its duties under [subsections (f)
279 and (g) of] this section after consultation with one or more
280 organizations that focus on relevant issues regarding children and
281 youths, such as the University of New Haven and any of the
282 university's institutes. The committee may accept administrative
283 support and technical and research assistance from any such
284 organization. The committee shall work in collaboration with any
285 results first initiative implemented pursuant to section 2-111 or any
286 public or special act.

287 (i) The committee shall establish a time frame for review and
288 reporting regarding the responsibilities outlined in subdivision (5) of
289 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of
290 subsection (g) of this section. Each report submitted by the committee
291 shall include specific recommendations to improve outcomes and a
292 timeline by which specific tasks or outcomes must be achieved.

293 (j) The committee shall implement a strategic plan that integrates
294 the short-term, medium-term and long-term goals identified pursuant
295 to subdivision (3) of subsection (f) of this section. As part of the
296 implementation of such plan, the committee shall collaborate with any

297 state agency with responsibilities with respect to the juvenile justice
298 system, including, but not limited to, the Departments of Education,
299 Mental Health and Addiction Services, Correction and Children and
300 Families and the Labor Department and Judicial Department, and
301 municipal police departments. Not later than January 1, 2016, the
302 committee shall report such plan, in accordance with section 11-4a, to
303 the joint standing committees of the General Assembly having
304 cognizance of matters relating to appropriations, the judiciary, human
305 services and children, and the Secretary of the Office of Policy and
306 Management, regarding progress toward the full implementation of
307 such plan and any recommendations concerning the implementation
308 of such identified goals by any state agency with responsibilities with
309 respect to the juvenile justice system or municipal police departments.

310 (k) The committee shall assess the juvenile justice system and make
311 recommendations, if any, to improve the system. Not later than July 1,
312 2016, July 1, 2017, and July 1, 2018, the committee shall report such
313 assessment and recommendations, in accordance with section 11-4a, to
314 the joint standing committees of the General Assembly having
315 cognizance of matters relating to appropriations, the judiciary, human
316 services and children, and the Secretary of the Office of Policy and
317 Management, regarding the following:

318 (1) Mental health and substance abuse treatment programs and
319 services for children and youths involved with, or at risk of
320 involvement with, the juvenile justice system;

321 (2) Educational outcomes for children and youths involved with, or
322 at risk of involvement with, the juvenile justice system;

323 (3) Disproportionate minority contact, as defined in section 4-68y,
324 with children and youths involved with the juvenile justice system;

325 (4) Training on the juvenile justice system for state agencies and
326 municipal police departments;

327 (5) Diversion of at-risk children and youths from the juvenile justice

328 system;

329 (6) Recidivism tracking and policies and procedures to reduce
330 recidivism;

331 (7) Data sharing among public and private juvenile justice and other
332 child services agencies, including the Department of Education, to
333 evaluate the effectiveness and efficiency of the juvenile justice system;

334 (8) Vocational educational opportunities for children and youths in
335 the juvenile justice system until the child or youth reaches the age of
336 twenty-one years of age;

337 (9) Oversight and the reduction in the use of restraints for children
338 and youths, and the reduction in the use of seclusion and room
339 confinement in juvenile justice facilities;

340 (10) Use of evidence-based positive behavioral support strategies
341 and other evidence-based or research-informed strategies for reducing
342 the reliance on restraints and seclusion; and

343 (11) Programs and facilities using restraints or seclusion for children
344 or youths and any data regarding such uses, including, but not limited
345 to, the rate and duration of use for children and youths with
346 disabilities.

347 [(j)] (l) Not later than July 1, 2015, and quarterly thereafter until
348 January 1, 2017, and annually thereafter, the committee shall submit a
349 report, in accordance with section 11-4a, to the joint standing
350 committees of the General Assembly having cognizance of matters
351 relating to appropriations, the judiciary, human services and children,
352 and the Secretary of the Office of Policy and Management, regarding
353 progress made to achieve goals and measures identified by the
354 committee pursuant to this section.

355 Sec. 4. (NEW) (*Effective October 1, 2015*) There shall be a presumption
356 in juvenile proceedings that all mechanical restraints shall be removed
357 from a preadjudicated detained juvenile prior to and throughout the

358 detainee's appearance in court. In juvenile proceedings, in-court use of
 359 mechanical restraints on preadjudicated detainees shall be by order of
 360 the court and pursuant to Judicial Branch written policy. The Judicial
 361 Branch shall keep statistics on the use of mechanical restraints on
 362 juveniles during proceedings and, notwithstanding any provision of
 363 section 46b-124 of the general statutes, shall provide such statistics to
 364 any member of the public upon request, provided any identifying
 365 information concerning a juvenile is redacted.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	46b-127(a) and (b)
Sec. 2	<i>October 1, 2015</i>	46b-137
Sec. 3	<i>October 1, 2015</i>	46b-121n
Sec. 4	<i>October 1, 2015</i>	New section

Statement of Legislative Commissioners:

In section 3(c), an obsolete sentence with a past date was bracketed.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Correction, Dept.; Judicial Dpt (Probation)	GF - Potential Savings	See Below	See Below
Children & Families, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 1 of the bill narrows the circumstances under which cases are automatically transferred from juvenile court to adult criminal court. The section also makes changes to the circumstances in which a prosecutor can request the transfer of a case to adult criminal court. The section results in potential savings to the Department of Correction (DOC) and the Judicial Department and potential costs to the Department of Children and Families (DCF). To the extent that future criminal cases involving juveniles are not transferred to adult court, more juvenile offenders will potentially be committed to DCF and fewer to DOC. On average, it costs DOC approximately \$200 per day to house a juvenile offender, as opposed to approximately \$600 per day under the supervision of DCF. It should be noted, however, that DCF commitments are limited to 4 years and terminate automatically when the offender turns 20. There are no such limits on juvenile offender sentences when they are adjudicated in the adult court. In FY 14, prosecutors requested transfer of at least 157 cases from juvenile to adult court. There is no data available on the number of cases which will result in automatic transfer under the bill.

Section 2 requires the presence of a parent or guardian for a

confession or statement made by a 16 or 17-year old to be admissible in court and does not result in a fiscal impact.

Section 3 expands the responsibilities of the Juvenile Justice Policy and Oversight Committee (JJPOC). The JJPOC is budgeted to receive an appropriation of \$150,000 in the budget of the Judicial Department to allow for staff assistance from the University of New Haven.

Section 4 involves the use of shackles in juvenile court and does not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 7050

AN ACT CONCERNING THE JUVENILE JUSTICE SYSTEM.

SUMMARY:

This bill makes various changes affecting the juvenile justice system.

It changes when cases may or must be transferred from juvenile court to adult criminal court, including:

1. eliminating automatic transfers for children aged 14 through 17 who are charged with class B felonies and
2. raising the minimum age, from 14 to 15, for the (a) automatic transfer for more serious crimes and (b) discretionary transfer for any felonies not subject to automatic transfer.

As is already the case for children age 16 or younger, the bill requires the presence of a parent or guardian for a confession or other statement by a 16- or 17-year-old to be admissible in court. The bill also extends this requirement to all proceedings, not just delinquency proceedings.

The bill (1) creates a presumption that mechanical restraints (such as shackles) will be removed from a juvenile during juvenile court proceedings prior to a determination of delinquency, (2) specifies when such restraints may be allowed, and (3) requires the Judicial Branch to keep related statistical information.

It also adds to the Juvenile Justice Policy and Oversight Committee's membership and responsibilities. For example, it requires the committee to (1) implement a strategic plan and report on the plan by January 1, 2016 and (2) annually report on certain matters beyond

the current January 1, 2017 end date for its responsibilities.

EFFECTIVE DATE: October 1, 2015

§ 1—TRANSFER TO ADULT CRIMINAL COURT

Automatic Transfer

Current law requires the juvenile court to automatically transfer a child aged 14 through 17 to adult criminal court if he or she is charged with a capital felony committed prior to April 25, 2012, a class A or B felony (see BACKGROUND), or arson murder. The bill eliminates this automatic transfer for class B felonies. It also eliminates the automatic transfer of 14-year-olds for the other crimes.

Under current law, after an automatic transfer, the state's attorney may file a motion to return the matter back to juvenile court if the child is charged with (1) a class B felony or (2) 1st degree sexual assault involving sexual intercourse with a victim under age 13 when the perpetrator is more than two years older. The bill eliminates this provision.

Discretionary Transfer

Under current law, for children age 14 through 17 who are charged with class C, D, or E or unclassified felonies, the prosecutor has discretion to request a transfer to adult court. The bill raises this age threshold to 15, and allows prosecutors to request such a transfer for class B felonies.

As under existing law, the court can order the transfer only if (1) there is probable cause to believe that the child committed the alleged offense and (2) the best interests of both the child and public are not served by keeping the case in juvenile court. The court must hold a hearing and consider certain factors before ordering such a transfer.

For these discretionary transfers, the adult criminal court can return the case to juvenile court any time before a jury verdict or guilty plea, upon a showing of good cause.

§ 2—ADMISSIBILITY OF STATEMENTS

Under existing law, an admission, confession, or other statement made by a child under age 16 to a police officer or juvenile court official is inadmissible in a delinquency proceeding, unless it was made with a parent or guardian present and after both the child and the parent or guardian had been advised (1) of the child's right to remain silent and to counsel, and to have counsel appointed if unable to afford one, and (2) that the confession can be used against the child in court. (These advisements are often referred to collectively as a *Miranda* warning.)

The bill extends this requirement to all proceedings, not just delinquency proceedings. Presumably, this includes cases transferred to adult court as specified above. Currently, the parent or guardian presence requirement does not apply to such cases (*State v. Ledbetter*, 263 Conn. 1 (2003)).

The bill also extends the requirement of a parent's or guardian's presence to statements made by 16- or 17-year olds.

Under current law for this age group, in certain delinquency proceedings, these statements may be admissible even if made without a parent or guardian present. Current law requires the police or court official to (1) make reasonable efforts to contact the parent or guardian, and (2) advise the child of his or her *Miranda* rights. In determining whether to admit the statement, the court must apply a totality of the circumstances test.

§ 4—MECHANICAL RESTRAINTS IN JUVENILE COURT PROCEEDINGS

Under the bill, there is a presumption that all mechanical restraints will be removed from a detained juvenile appearing in juvenile court. The presumption applies before the juvenile appears in court and throughout his or her court appearances, until the final adjudication of the case.

The bill allows the in-court use of mechanical restraints for these

juveniles only upon court order and under the written policy of the Judicial Branch (see BACKGROUND).

The bill requires the Judicial Branch to keep statistics on the use of mechanical restraints during juvenile proceedings. It requires the branch to provide these statistics to any member of the public upon request. Before doing so, the branch must redact any information that would identify a juvenile.

§ 3—JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE (JJPOC)

Legislation enacted last year established the JJPOC to evaluate and report on (1) juvenile justice system policies and (2) the extension of juvenile jurisdiction to 16- and 17-year-olds.

Membership

Under current law, the JJPOC has 35 members. The bill adds to the committee the:

1. labor, social services, and public health commissioners, or their designees and
2. chief of police of a municipality with a population over 100,000, appointed by the president of the Connecticut Police Chiefs Association.

Reporting Requirements

Existing law requires the JJPOC to submit specific reports to the Appropriations, Children's, Human Services, and Judiciary committees and the Office of Policy and Management (OPM) secretary. The first report was due January 1, 2015; the next report is due July 1, 2015; and quarterly reports are due after that until January 1, 2017.

Strategic Plan. By law, among the required components of the first report were short-, medium-, and long-term goals for the JJPOC and state agencies with juvenile justice system responsibilities, developed after considering existing relevant reports related to the juvenile justice

system and any related state strategic plan.

The bill requires the JJPOC to implement a strategic plan integrating these goals. As part of the plan's implementation, the JJPOC must collaborate with (1) municipal police departments and (2) any state agency with juvenile justice system responsibilities, including the Judicial Branch and the departments of children and families (DCF), correction, education (SDE), labor, and mental health and addiction services.

By January 1, 2016, the committee must report the plan to the Appropriations, Children's, Human Services, and Judiciary committees and the OPM secretary. The report must (1) address progress toward the plan's full implementation and (2) include any recommendations on the implementation of these goals by municipal police departments or any involved state agency.

Recommendations to Improve Juvenile Justice System. The bill requires the JJPOC to assess the juvenile justice system and make any recommendations to improve it. The JJPOC must report on the assessment and recommendations to the recipients noted above, by July 1 of 2016, 2017, and 2018. The reports must address:

1. educational outcomes and mental health and substance abuse treatment programs and services for children and youths (i.e., aged 16 or 17) involved with the juvenile justice system, or at risk of this involvement;
2. disproportionate minority contact with children and youths involved with the juvenile justice system;
3. training on the system for state agencies and municipal police departments;
4. diverting at-risk children and youths from the system;
5. recidivism tracking and policies and procedures to reduce recidivism;

6. data sharing among public and private juvenile justice agencies and other child services agencies, including SDE, to evaluate the system's effectiveness and efficiency;
7. vocational educational opportunities for children and youths in the system, until they turn 21;
8. oversight of, and reduction in, the use of restraints for children and youths, and reduction in the use of seclusion and room confinement in juvenile justice facilities;
9. evidence-based positive behavioral support strategies and other evidence-based or research-informed strategies to reduce the reliance on restraints and seclusion; and
10. programs and facilities using restraints or seclusion for children or youths and any data regarding this use, including the rate and duration of use for children and youths with disabilities.

Reporting on Progress. Existing law requires the JJPOC to submit quarterly reports on the progress of its goals and measures, starting by July 1, 2015 until January 1, 2017. The bill extends this requirement to include annual reporting after that.

Consultation and Support. Current law requires the JJPOC, in meeting its requirements for the reports due in January and July 2015, to consult with one or more organizations that focus on relevant children and youth issues, such as the University of New Haven and any of its institutes. The bill requires this consultation for all of the JJPOC's responsibilities. It also specifically allows the committee to accept administrative support and technical and research assistance from these organizations.

By law, the JJPOC must also work in collaboration with any results first initiatives implemented by law, including those implemented by the Results First Policy Oversight Committee (CGS § 2-111).

BACKGROUND***Class A and B Felonies and Disposition in Juvenile vs. Criminal Court***

Examples of class A felonies include murder, 1st degree kidnapping, home invasion, and 1st degree arson. Examples of class B felonies include 1st degree (1) manslaughter, (2) assault, (3) robbery, (4) money laundering, and (5) larceny.

When handled in criminal court, authorized prison terms are generally (1) up to 25 years for class A felonies and (2) up to 20 years for class B felonies. For some A or B felonies, there are (1) longer maximum terms (e.g., 60 years for murder) or (2) mandatory minimum terms.

If a child or youth is adjudicated delinquent in a juvenile court for violating a criminal statute, the court may order various sentences, such as an alternative incarceration program, probation, or commitment to DCF. DCF commitment may be for up to four years for a “serious juvenile offense” or up to 18 months for other offenses. Serious juvenile offenses include, among other things, (1) murder with special circumstances (previously, capital felony); (2) arson murder, (3) all class A felonies; and (4) many class B felonies.

DCF may extend the commitment beyond these periods if it can prove to the court that doing so would be in the best interest of the child or the community. DCF commitments for delinquency end when the child reaches age 20 (CGS §§ 46b-140, 141).

Judicial Branch Policy on Use of Mechanical Restraints in Juvenile Courts

Effective April 1, 2015, a Judicial Branch policy established a presumption that mechanical restraints will be removed from a juvenile prior to and throughout his or her appearance in juvenile court. Under the policy, in-court restraints may be used only pursuant to a judge’s order in accordance with the policy.

The policy requires a classification and program officer from the

court support services division to complete a form prior to transporting a juvenile to juvenile court. On the form, the officer must indicate whether restraints are recommended and, if so, the types. The policy specifies factors that must be present to support the use of these restraints (e.g., whether the juvenile has threatened or attempted to escape or is charged with a class A felony).

If the juvenile’s lawyer or other parties disagree with the recommendation, they may address the court prior to the juvenile’s court appearance. After hearing from all parties, the judge determines which restraints, if any, are appropriate.

Any restraints removed under this policy must be immediately reapplied upon completion of the court hearing, in a secure area outside the courtroom.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 24 Nay 20 (04/09/2015)