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JUDICIARY COMMITTEE
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SB 504 – AAC THE SUSPENSION OF DELINQUENCY PROCEEDINGS FOR TREATMENT OR OTHER SERVICES IN MOTOR VEHICLE THEFT OR MISUSE CASES AND DETENTION OF JUVENILES

HB 7381 – AAC POLICE PURSUITS OF STOLEN MOTOR VEHICLES BEING OPERATED BY OR INVOLVING A PASSENGER WHO IS A JUVENILE

HB 7387 – AAC THE DISCRETIONARY TRANSFER OF JUVENILES TO THE REGULAR CRIMINAL DOCKET

HB 7389 – AAC CONFIDENTIALITY IN THE CASSE OF A DISCRETIONARY TRANSFER OF A JUVENILE'S CASE TO THE REGULAR CRIMINAL DOCKET AND IMPLEMENTING THE RECOMMENDATIONS OF THE JJPOC

The Office of the Chief Public Defender (OCPD) **supports SB 504 – AAC THE SUSPENSION OF DELINQUENCY PROCEEDINGS FOR TREATMENT OR OTHER SERVICES IN MOTOR VEHICLE THEFT OR MISUSE CASES AND DETENTION OF JUVENILES.** *Section 1* of this bill would create a specific diversionary program to treat the unique needs of children in delinquency proceedings involving motor vehicle theft and misuse. More specifically, it would allow a child in a delinquency case

involving motor vehicle theft or misuse to be evaluated for treatment and/or other services and would authorize the court to suspend the delinquency proceeding for up to one year to allow the child to participate in such treatment or other services.

Prior to suspending the proceedings, the court must find that the child requires and is likely to benefit from such treatment or services and that suspension of the proceedings would advance the interests of justice. During the period of suspension, the child would be under the supervision of a juvenile probation officer who would monitor compliance with the program and court orders. If the child successfully completes the treatment program and services and has complied with all other conditions of the suspension order, the court may dismiss the charges.

This language is similar to the existing diversionary program in Conn. Gen. Stat. Sec. 46b-133b, which allows the court to suspend delinquency proceedings for a child to receive necessary alcohol or drug dependency treatment. (See, CGS Sec. 46b-133b). Both of these diversionary options promote the goals of restorative justice and rehabilitation for children involved in our juvenile justice system and allow children to receive necessary treatment and other services while also being held accountable for their behavior without a resulting delinquency conviction.

Section 2 of the bill provides language to help define the factors the court can consider when determining whether a child poses a risk to public safety for purposes of detaining the child. Existing law already allows the court to detain a child pre-adjudication if the child poses a risk to public safety that cannot be managed in a less restrictive setting. However, there are currently no statutory criteria defining what factors might constitute a risk to public safety for detention purposes, in part, because the court should have the discretion to consider a myriad of factors depending on the unique circumstances of each case. While still allowing judicial discretion, *Section 2* would specifically permit the court to find that a child poses a risk to public safety for purposes of detaining the child if the child has had two or more prior felony convictions, two or more prior dispositions of probation and is currently charged with larceny involving a motor vehicle. Given that the current language of the bill only refers to Larceny 1st and 2nd (Sec. 53a-122(3); 53a-123(a)(1)), we would also suggest an amendment to include Larceny 3rd (Sec. 53a-124(a)(1)). We believe this language is consistent with the factors currently considered by the court when detaining children but will further assist the court in exercising its discretion in cases involving motor vehicle theft.

OCPD also **supports HB 7381 – AAC POLICE PURSUITS OF STOLEN MOTOR VEHICLES BEING OPERATED BY OR INVOLVING A PASSENGER WHO IS A JUVENILE.** This bill would require that the minimum standards and practices for pursuits by police officers be updated to specifically include pursuits involving stolen motor vehicles where the operator of or a passenger in the vehicle is a juvenile. In addition to the existing areas that are already statutorily required to be included in these minimum standards and practices, it is critical that consideration be given to how and when such pursuits involving juveniles should be handled by law enforcement, in part, to avoid unnecessary risk to the juvenile and others and to ensure compliance.

In addition, OCPD **supports** the intent of **HB 7387 – AAC THE DISCRETIONARY TRANSFER OF JUVENILES TO THE REGULAR CRIMINAL DOCKET,** which would provide the juvenile court with additional criteria to consider before transferring a child's delinquency case to the adult court. More specifically, it would require the court in discretionary transfer cases to offer the child and the parent/guardian a class or program to assist them in resolving or improving the issues that gave rise to the case and then allow the court to consider the successful completion of those services as part of the discretionary transfer process. OCPD supports maintaining appropriate children's cases in the juvenile court in an effort to promote rehabilitation and reduce recidivism, and this proposal is aimed at providing additional services and opportunities to promote that goal. However, there may be some unintended consequences regarding the delay this might cause in resolving the case and the appropriateness of requiring services pre-adjudication, but OCPD would be happy to work with the Committee and others to address these issues in the event this proposal moves forward.

Lastly, OCPD **supports** the goals included in **HB 7389 – AAC CONFIDENTIALITY IN THE CASSE OF A DISCRETIONARY TRANSFER OF A JUVENILE'S CASE TO THE REGULAR CRIMINAL DOCKET AND IMPLEMENTING THE RECOMMENDATIONS OF THE JJPOC.** OCPD is an active member of the JJPOC and values the collaborative accomplishments the JJPOC has made to promote the goals of the juvenile justice system, which include increasing diversion and reducing incarceration and recidivism. This proposal represents a continued effort to further these outcomes by prohibiting children from being incarcerated in adult DOC facilities after January 1, 2020 and to require the JJPOC to review the

juvenile transfer and detention practices in other states and determine whether such practices can or should be implemented here. In addition, the bill would require DOC, DCF and CSSD to implement best practices in juvenile detention facilities and provides a list of what such practices shall address.

The bill would also clarify what services should be provided by an ombudsman/ombudswoman at DOC, DCF and CSSD facilities and makes such person a mandated reporter, along with any CSSD employee, working at a juvenile detention facility. As noted above, OCPD supports the goals of this bill, particularly as it relates to prohibiting the incarceration of children in adult DOC facilities, but would respectfully suggest that we ensure that the alternative programming and facilities are fully developed and available prior to the effective date in order to promote a smooth and effective transition.

As always, OCPD appreciate the work of this committee and its commitment to promoting the goals of the juvenile justice system, including public safety and the best interests of children, and we look forward to working with you and others toward that end.