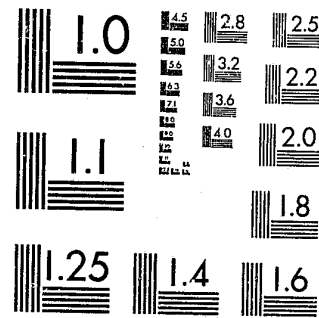


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THE SERIOUS JUVENILE OFFENDER
TASK FORCE REPORT

FINAL REPORT

Task Force on Serious Juvenile Offenders

June, 1978 - January, 1979

Convened by

Connecticut Justice Commission

80855

CONNECTICUT JUSTICE COMMISSION 75 ELM STREET, HARTFORD, CONN. 06115 (203) 566-3020

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PREFACE

SERIOUS JUVENILE OFFENDER REPORT

The report of the Task Force on Serious Juvenile Offenders focuses on how the problem of serious juvenile offenders may be dealt with in Connecticut. The report opens with an overview of various perspectives on the problem. It briefly reviews the formation of the Task Force on Serious Offenders under the auspice of the Connecticut Justice Commission.

In Sections III - VI of the report, the Task Force has analyzed the serious offender problem. Section III provides the framework for the study and recommendations. Discussion focuses on the definition of a serious offender and the role of the juvenile justice system.

The fourth section of the report provides a detailed overview of the current situation with respect to serious juvenile and young adult (16 and 17) year old offenders. Policy material from statutes and rules as well as data descriptive of current activity are given.

Section V summarizes the five major problems which the Task Force analyzed. The solution of each of these problems is the goal of the Task Force recommendations.

The final section reviews both all of the alternatives examined and the Task Force recommendations. Each of the goals are outlined, the possible courses of action discussed and the recommendations made. There is a summary of the recommendations given toward the end of this section. The goals of the Task Force's public education efforts are the final item in the main body of the Task Force report.

The development of this report has involved a large number of people whose efforts should be acknowledged. The Task Force members have spent many hours formulating the recommendations and reviewing the report. The staff of the Connecticut Justice Commission have been responsible for preparing the report. David Fraser was responsible for overall report organization. Dolly Reed has organized available research, requested, organized and presented data and assisted in all of the Task Force deliberations. Edward Roberts assisted in a review of treatment options, both in Connecticut and nationally. Staff of the Judicial Department, the Department of Children and Youth Services and the Social Science Data Center at the University of Connecticut assisted in providing needed data. Many other people have given their time to provide expert testimony to the Task Force. Without the help and support of these people, this report would not have presented as comprehensive a picture as it does.

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FINAL REPORT

TASK FORCE ON THE SERIOUS JUVENILE OFFENDER

Table of Contents

	Page
Preface	i
List of Task Force members and staff.	ii
I. Problem overview.	1
II. Task Force formation and mission.	3
III. Major issues reviewed	5
IV. An overview of the current handling of juveniles and youth involved in serious offenses	9
A. Juvenile processing procedures.	9
B. Serious juvenile offenders in Connecticut: A review of the data	14
C. Programming for serious juvenile offenders.	42
D. The 16 and 17 year old in adult court: procedures and programs.	48
E. The current processing of 16 and 17 year old serious offenders in adult court: data summary.	50
V. Problem areas identified.	59
VI. Alternatives and recommendations.	60
Statement of Task Force philosophy.	60
Specific alternatives and recommendations	61
Summary of recommendations.	78
Public education: An overview of the task.	80
Appendices	
Appendix A--A listing of offenses defined as serious by the Task Force.	82
Appendix B--Stages for special handling of accused and adjudicated serious offenders	83

	Page
Appendix C--A Glossary of Commonly-Used Terms and Abbreviations.	91
Appendix D--Selected bibliography.	92
Appendix E--Selected news articles/editorials.	93
Appendix F--Draft legislation Proposed by the Task Force	96
Appendix G--Minority Statement by George Oleyer.	105

FINAL REPORT SERIOUS JUVENILE OFFENDER TASK FORCE

I. PROBLEM OVERVIEW

The problem of serious crime committed by young people is a subject of concern throughout the country. A number of states have enacted new legislation relating to the problem, with changes currently under consideration in a majority of the 50 states. Television and radio stations and newspapers have called for action against serious juvenile crime. Concern has been expressed by senior citizen groups, legislators and others.

Coupled with this concern over serious juvenile crime has been the raising of a number of questions about the quality and mission of the juvenile justice system--police, courts and treatment authorities. The concept of juvenile justice as primarily a system designed to serve the needs of the child has come under question, with resulting proposals to overhaul the juvenile justice system and/or transfer large groups of juvenile offenders to adult court.

In addition to these well-publicized concerns, a number of studies have recently been made of the extent and nature of serious juvenile crime and its solutions. The Twentieth Century Fund, in its report on Confronting Youth Crime (1978) recommended sentencing guidelines, with maximums and minimums for violent offenders. They also recommended expanding the philosophy of the juvenile court from the "best interest of the child" to one which also includes protection of the society. The Vera Institute of Justice Study of Violent Delinquents (1978) claims that a variety of approaches is needed to help prevent juvenile violence. Delinquency in a Birth Cohort by Marvin Wolfgang, et al. (1972) indicated that a surprisingly high proportion of delinquents engage in violent acts at least once (31% of all delinquents), but only 7% of all delinquents were involved more than once in a violent act. A major study completed by Dale Mann for the Rand Corporation in 1976 entitled Intervening with Convicted Serious Juvenile Offenders, focuses on the prospects for rehabilitation of serious juvenile offenders, giving a general overview of approaches, which have met with some success. These studies, and others on the subject of serious juvenile crime, are noted in the bibliography presented in Appendix A of this report.

In Connecticut, a number of events have taken place which echo these national trends. Public officials and newspaper reports have expressed dismay over serious juvenile crime (See Appendix E for copies of some sample articles). Two bills to bind-over certain juvenile offenders to adult court were introduced in the last legislative session, one of which stemmed from a study entitled Juvenile Justice in Connecticut by the Legislative Program Review and Investigations Committee. Material on the juvenile offender problem in New York was distributed to all Connecticut Legislators. In the hearings on the bills introduced in the last legislative session, strong concerns were expressed over serious crime committed by young people and the need for better ways of handling this problem. To date, the only concrete actions taken in response to these recent developments have been two intensive community supervision programs for serious offenders (Community Resources for Justice in Hartford and the Human Services Administration in New Haven) and the formation of a Task Force on the Serious Juvenile Offender, discussed more fully in the following section. This report contains suggestions for further action.

The problem of serious juvenile crime is a complex one. There are many unknowns and no simple answers. In trying to respond to the problem it is important to recognize how difficult it is to determine what constitutes a serious offender and how this person is handled now by the juvenile and adult justice systems in Connecticut. It is even more difficult to determine effective methods of preventing and treating the problem. In the midst of these difficulties, this report presents an organized effort to chart a policy for the state of Connecticut to deal with its serious juvenile offender problem.

II. TASK FORCE FORMATION AND MISSION

On June 2-3, 1978, in response to widespread concern over serious juvenile crime, the Connecticut Justice Commission and the Auerbach Service Bureau co-sponsored a statewide conference on serious juvenile offenders. The conference brought together a number of national experts and over 60 concerned professionals from throughout the state. The conference produced a lengthy report entitled The Serious Juvenile Offender. The Conference had three results which are significant to this report:

1. Information was provided on the nature of the problem of serious juvenile crime and on approaches being used outside Connecticut.
2. The parameters for possible action were defined by people familiar with the problems and resources in Connecticut;
3. A Task Force was formed to study the problem of juveniles and young people who commit serious crimes in Connecticut and to make recommendations on how the state might better handle this problem.

The Connecticut Justice Commission convened a broadly representative Task Force on the Serious Juvenile Offenders on July 14, 1978. The membership of this Task Force is listed in the acknowledgement section of this report.

The Task Force adopted the following mission statement to guide its work:

It is desirable for the State of Connecticut to have a system of justice for juveniles which ensures that serious juvenile offenders be treated as effectively as possible with concern both for the safety of the community and the rights of the individual.

To that end a Task Force for Serious Juvenile Offenders will be convened to:

1. Offer a functional definition of serious offenses
2. Determine the nature and scope of serious juvenile crime
3. Explore our current methods of dealing with this problem
4. Examine a range of alternatives and their effectiveness
5. Recommend to the Legislature and to the community at large policies and program options to be adopted by the State.

Between the first meeting and November, 1978, the Task Force on the Serious Juvenile Offender achieved the objectives outlined in the mission statement. The Task Force met as a whole 9 times, with numerous subcommittee meetings in addition. Over 600 hours were spent by Task Force members reviewing materials and analyzing alternatives; over 1,000 hours

of staff work were spent in background research and in the development of materials for the Task Force.

The Task Force feels that the report which follows represents a balanced view of the problem of juveniles committing serious offenses and how they should be handled in Connecticut. The Task Force has tried to identify approaches which will have long-term impact on the way in which serious juvenile crime is handled in Connecticut. They have not recommended changes merely for the sake of "doing something" about the problem. The approaches recommended in this report, in the opinion of Task Force members, represent solid methods for both protecting the citizens in this state from serious juvenile crime and providing the potential for rehabilitation of those young people who have committed crimes and are amenable to treatment. A review of the major decisions which clarify the scope of the Task Force recommendations follows in section III.

III. MAJOR ISSUES REVIEWED

As indicated in the Task Force mission statement, the focus of investigation has been serious crime committed in Connecticut by persons under age 18. The Task Force reviewed the various definitions of a serious offense, and found that there is no one generally accepted definition.

In attempting to define what constitutes serious juvenile crime or a serious juvenile offender, the Task Force first had to decide upon what basis to make decisions regarding the seriousness of an offender or of an offense.

One method would be to define seriousness according to characteristics of the offense. Length of sentence imposed, class of felony, and type of offenses (e.g. against person, property, or public) are some measures of seriousness.

An offense can also be perceived as serious if the behavior is engaged in by an increasing number of juveniles or with an increasing frequency by a relatively stable group of offenders, with accompanying public fear of the rampant spread of crime. In addition, the illusion of increasing frequency accompanied by an increasing fear of victimization can cause any offense/offender to be labeled serious. This illusion can be created through a number of means, including but not limited to, violent television programs, overexposure of criminal acts in the media, and a generalized fear spreading from high crime neighborhoods into low crime areas.

Offender-related measures of seriousness such as age, and repetition of criminal behavior, judge the offender rather than the offense. There is some expectation that the older the child, the more responsible for his behavior he/she is expected to be and the less forgivable the delinquent acts. The extent to which the offender behaves with disregard for the welfare of society and its rules and fails to become rehabilitated through his contacts with the justice system, the more harshly will he be regarded by society.

The serious juvenile offender then might be a juvenile who engages in one or more crimes which society has not only come to regard as a major threat to life or property, but towards which it has also developed a sense of vulnerability. Underlying components of seriousness, in this case, might be the degree of outrage felt by society at a particular offense, accompanied by the juvenile's disregard for society's rules expressed through repetition of his anti-social behavior.

Finally, the specific definition of serious juvenile crime varies from state to state and community to community because the seriousness of an act is determined by state statute and because the perception of seriousness may vary with the nature of the community or neighborhood.

The definition of serious juvenile offender used in Intervening with Convicted Serious Juvenile Offenders by Dale Mann is based on the immediate offense committed. Mann includes non-negligent homicide, armed robbery, aggravated assault, forcible rape and arson in the list. Minnesota's Commission on Crime Prevention and Control studied serious juvenile offenders. Their definition of a serious offender included age, type of crime and offense history. The definition states that a serious offender must be over 14 years of age, have a sustained petition involving homicide, kidnapping, aggravated arson or criminal sexual conduct or have a sustained petition for manslaughter, aggravated assault or aggravated robbery and a felony conviction within the last 24 months or have at least two separate adjudications for major property offenses. New York State, as a result of the Juvenile Justice Reform Act of 1976, defines a serious offender as a youth over 14 years of age who has committed what in Connecticut would be an A or B felony. The State of Washington, which has done an extensive study of serious juvenile offenders, specifies that the offender must be over 15 and have committed an offense which inflicts grievous bodily harm or where the perpetrator utilizes a deadly weapon or firearm.

A number of definitions have also been used in Connecticut for defining serious offenses and offenders. Senate Bill 310, introduced in the 1978 legislative session, defined offenders requiring mandatory bind-over to adult court as accused of murder, a second Class B felony or a third offense with a maximum penalty of 5 years or more (C or D felonies). Community Resources for Justice, which operates two serious offender projects, in Hartford, regards serious juvenile offenders as those who are referred to juvenile court for a felony and who have had at least two prior referrals to the Court.

The definition used clearly affects the type of recommendations made, the number of youth who will be affected and, perhaps most importantly, our perceptions of who really is a serious juvenile offender.

In deciding on a definition of serious offenses, the Task Force chose to combine the characteristics of seriousness of the offense alleged or committed, with the public fear of being injured as a defining characteristics of seriousness. The Task Force developed a list of crimes which are considered serious by both of these criteria. In general, these crimes are felonies which involve the use of violence or force or the potential for physical harm during the commission of the crime, including murder, manslaughter, assault (including sexual assault), arson, robbery, kidnapping and first degree burglary. The list of thirty-nine specific serious offenses, as defined by the state penal code, is given in appendix D.

In choosing this definition of a serious offense, the Task Force rejected a number of possible criteria. The idea that seriousness should be determined by the repetition of offenses was a critical problem addressed. The discussion had two parts, the repeating of serious offenses and the repeating of lesser offenses. The Task Force felt that they should consider the first commission of a crime involving actual or threatened violence or personal

injury as serious. While the second commission of such a crime would have to be considered more serious, the first commission by itself calls for special handling as a serious offender.

Much consideration was given to the possibility of considering repeated commission of "lesser" offenses as constituting a serious offense. While the Task Force recognized that the repeated commission of crimes by juveniles is a problem, it felt that the public concern was most acute around the offenses identified as serious. Based on this, the repeated non-serious offender fell outside the area of investigation. Despite this decision, some of the recommendations made in this report will also improve the handling of repeated offenders of non-serious offenses. The Task Force strongly states that the commission of any felony offense by a juvenile represents a grave problem. However, it felt the charge it had been given was the development of recommendations to improve the ways of handling the most serious offenses.

The second major issue reviewed by the Task Force was the age limit of the population under study. Connecticut is one of only a very few states which limit the jurisdiction of the juvenile system to age 16. Most states cut off the juvenile jurisdiction at age 18. This makes comparison with other states very difficult.

In Connecticut, a serious juvenile offender is by definition a person under the age of 16. The Task Force determined, however, that much of the public outcry concerned 16 and 17 year old offenders. Faced with this dilemma, the Task Force felt that it was essential to issue two sets of recommendations, one for juveniles who are involved in serious offenses and the other for 16 or 17 year olds involved in such offenses. The first set of recommendations, upon which the Task Force agreed to concentrate most of its efforts, relates to the juvenile justice system; the second set relates to the adult justice system.

Third, the point at which special intervention would begin was discussed. Most of the reports reviewed by the Task Force stressed the care and custody of the serious offender after adjudication (see section I for more detail, as well as the bibliography in the Appendix D). The Task Force felt, however, that the accusation of committing a serious offense necessitates special intervention at the accusatory stage as well. The recommendations in this report do not treat all accused youth as criminals prior to being adjudicated; they do treat the accused serious offender with special care from the point of arrest or referral. This individual will not be allowed to slip out of the system or to commit additional crimes because of poor handling at an early stage in the justice process. The Task Force recommendations, therefore, include special treatment from arrest through adjudication, disposition and treatment.

The final and most difficult overall issue the Task Force dealt with was the role and function of the juvenile justice system, particularly focusing on the Courts and the Department of Children and Youth Service (DCYS). The Task Force determined that, especially in the case of juveniles adjudicated for committing serious offenses, the mission of the juvenile justice system must be to protect the community while seeking to rehabilitate the offender. The community has the right to insure itself of a greater degree of protection from the commission of serious offenses. While the Task Force felt that it may be necessary to provide secure settings for some young offenders, it also realized that many young people can be rehabilitated. In addition, this State cannot afford, financially or in human terms, to give up on a person at the age of 14 or 15. Based on these findings, the Task Force developed the overall philosophy that the juvenile justice system must include a proper measure both of community protection and of rehabilitation. For example, serious offenders clearly require more care in the area of community protection than do status offenders. The institutions, both adult and juvenile involved in handling these young people must be mandated to implement these two goals.

Within these broad parameters, the Task Force focused its attention on workable, long-term solutions to the problem of serious crime committed by young persons. In order to understand fully the impact of the Task Force recommendations, the current system for handling delinquent and young adult offenders was reviewed.

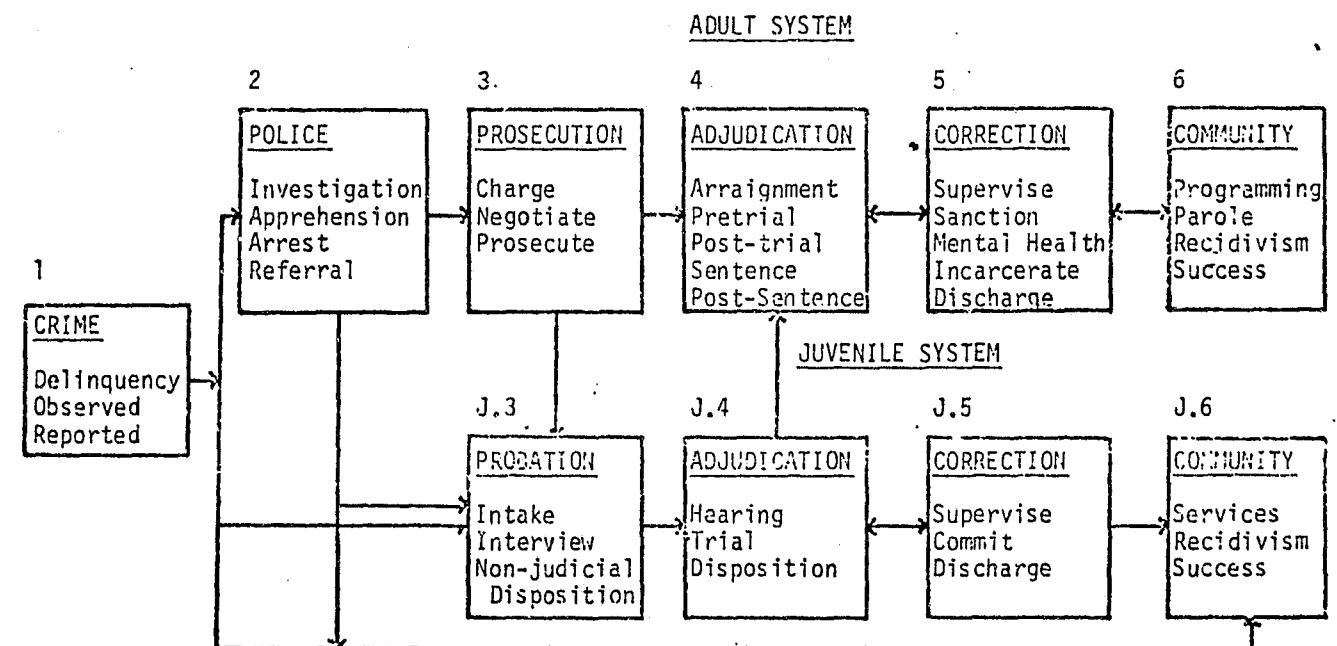
IV. AN OVERVIEW OF THE CURRENT HANDLING OF JUVENILES AND YOUTH INVOLVED IN SERIOUS OFFENSES.

A. Juvenile Processing Procedures

Lengthy volumes have been written on the juvenile justice system in Connecticut. Two of the most complete reference works are Juvenile Justice in Connecticut, the 1979 plan of the Connecticut Justice Commission, and The Legal Rights of Children, a reference book published in 1978 by the Auerbach Service Bureau. This report reviews the processing of delinquents and, in particular, delinquents involved in the commission of serious acts, both from the standpoint of policies governing the system and statistical information on the actual processes used. This summary is incomplete: it is not a summary of all of the procedures of the Superior Court, Juvenile matters (hereafter referred to as the Juvenile Court) or of Juvenile Probation Services. Instead, the summary highlights key points in the process, points where special handling of serious offenders has been considered.

An overview of both the juvenile and adult systems is presented in the chart below. There are four key stages in the processing of any juvenile delinquent:

- Police investigation, apprehension (arrest) and court referral
- Court intake and adjudication
- Court disposition
- Custody and treatment



In describing the current policies in each of these areas, statutory and court rule references are given for those who wish to review specific statutory language.

a. Police

The police process of investigating crime is the same for juveniles and adults. If a juvenile is apprehended in the act of committing a crime or near the site of a crime or if the juvenile is in danger or crisis, an arrest may take place (Connecticut Statutes Sec. 17-65). Once arrested, the juvenile is referred to the Juvenile Court at the earliest possible time and, if deemed necessary by the police, taken to a detention facility.

Juveniles also come into the system as a result of police investigations. In this case, the police officer prepares a written report and submits this to an officer of the Court. Assuming that there is evidence to believe that the child has committed the alleged act, a warrant for arrest and/or notice to appear may be given by the Court.

b. Court intake and adjudication

The child who has been apprehended and/or referred to the Court is interviewed by a probation officer (Court rules, Section 1102). This officer determines whether there is probable cause to believe the child committed the alleged offense and whether there is need for a court hearing. The latter decision is based on a number of factors, including but not limited to the number of prior referrals of the juvenile, the seriousness of the alleged offense and the attitude of the child. The latitude for such discretion in the case of a serious offense is considerably reduced.

At the initial interview, the child and parents/guardians are requested to be present and are informed of their legal rights. They are asked to make a plea and whether they wish a court hearing. Non-judicial supervision may be granted if the court's accountability is deemed to be "less exacting" and if there is no request for a hearing.

Detention of those apprehended or otherwise referred to the Court after the initial interview is the prerogative of the judge, on recommendation of the probation officer. The judge must find in the detention hearing that there is probable cause that the child committed the offense and that one of the following conditions is met:

1. There is a strong probability that the child will run away;
2. There is a strong probability of more offenses being committed if the child is released; or
3. There is reasonable cause to believe that release to home would not be in the best interest of the child or community.

(Court Rules, Section 1107)

A child cannot be maintained in detention more than 10 days without a court hearing or more than 15 days with a hearing. Any further detention requires a further hearing. He/she may be released from detention if further detention is deemed unnecessary by the case work supervisor.

If the juveniles is over 14 years of age and if either murder is alleged or the offender is accused of an A or B felony and has a prior record of commission of an A or B felony, the Court may bind the case over to adult court provided that probable cause has been established (Public Act 76-194). Once bound over, the case proceeds in the manner outlined for adult court, which is outlined in section IV.C.

Adjudication in juvenile session proceeds in as informal a fashion as the requirements of due process and fairness permit (Court Rules, Section 1111). In the case of a serious offense, the use of this yardstick reveals that the proceedings would be almost as formal as adult court, except that there would be no public access or jury trial. The right to counsel is guaranteed, including, where needed, court appointment of counsel (Court Rules Section 1122, Public Act 76-235 and Connecticut Statutes Section 17-66). Testimony may be sought if guilt is denied. A finding of delinquency requires that the Court determine that the acts took place, that the child was responsible, and that the acts constitute delinquency.

Disposition of a juvenile who admits to committing or is otherwise adjudicated to have committed a delinquent offense is dependent upon a social history and recommendation by a probation officer. The Court utilizes three main dispositions: (Connecticut Statutes Section 17-66 and Court Rules Section 1114).

1. Dismissal, with or without a warning;
2. Probation, with or without stipulations; and
3. Commitment to DCYS for up to 2 years, with extensions for an additional 2 years under certain conditions (Public Act 75-226 and Connecticut Statutes, Section 17-69).

Any disposition made by the Court may be appealed by the child or parent/guardian. However, the disposition need not be stayed pending the appeal. (Public Act 75-602).

Since the dismissal is self-explanatory, it is necessary to further discuss only probation and commitment to DCYS.

c. Probation

Probation covers a range of activities from minimal supervision with no services to intensive supervision with services. Both intensity of services and supervision are determined by the probation officer, who is instructed to take into account the child's amenability to services, the

needs determined by the social history, the stipulations which may be specified by the Court and, in some cases, the severity of the offense(s) committed. If a child violates the terms set by the Court order, he/she may be returned to the Court.

Services provided by Juvenile Probation are primarily through referral to services in the community--vocational, educational, family and individual counseling, etc. Since Probation has no funds of its own to contract for services, the utilization of any service by a client on probation is dependent upon acceptance of financial liability by some party. In a limited number of cases, the Probation Department may facilitate the placement of a child within a residential institution. (The extent of the practice varies from district to district.)

d. DCYS (Department of Children and Youth Services)

The services and procedures of DCYS are more complex and require a more detailed explanation. DCYS both operates and contracts for facilities designed to hold and rehabilitate delinquent youth. The delinquency facility operated by DCYS is the Long Lane School. Long Lane has a number of different populations in residence.

1. Children awaiting placement in another institution and currently undergoing diagnosis, observation, etc.;
2. Children in for a short stay, pending a period of supervision in their home community;
3. Children for whom no other suitable placement is available, such as chronic runaways from other facilities, those assessed as dangerous and repeated offenders.

The third group are generally housed in a 36-bed secure unit. The physically-restricted facilities in this unit, however, make long-term stays (in excess of 6 months) very difficult. Many juveniles do stay longer than 6 months, despite these limitations.

DCYS also contracts for placement in a wide range of treatment centers. These centers range from group homes to in state and out of state residential centers offering varying types of security. Placement in these facilities may be made directly from Court (with commitment to and prior approval of DCYS) or after placement at Long Lane. In those cases where the Court requests a placement which is deemed to be unavailable or unworkable, DCYS may make alternative arrangements, informing the Court of the action taken. The data in section B reveal that, despite these contracting procedures, there are not sufficient resources through DCYS to deal with serious offenders.

The agreement of the private facility is necessary prior to placement. During the child's stay at the facility, the violation of certain rules may result in return to DCYS. DCYS has no specific procedures for evaluation of these contract facilities (other than fiscal monitoring). There has been some recent activity to improve this capacity through an LEAA-funded project.

Aftercare is the name given to the status of children who are under the care of DCYS and not placed at Long Lane. The Department is directed by statute to place a child in aftercare when this is in the best interest of the child or youth. The Commissioner of DCYS may discharge a child from commitment (without hearing) or extend commitment (with hearing) when these are deemed in his/her best interest. If the juvenile is found to be dangerous to himself or others, and cannot be safely contained in a juvenile institution, the Commissioner may petition the Court for a hearing to transfer the juvenile to an adult correctional institution. A court hearing is required to implement such a transfer.

Escape from the custody of DCYS results in a teletype message being issued to law enforcement personnel throughout the state. In addition, Long Lane School has a small security force with arrest powers for escapees. It generally takes a longer time for escapees from contracted facilities to be reported to DCYS. Once informed, police are expected to pick up the child and return him/her to the custody of DCYS. The relative priority of this re-arrest activity varies from community to community and case to case.

B. Serious Juvenile Offenders in Connecticut - A Review of the Data

In its investigation of the nature and scope of serious juvenile crime, the Task Force raised a number of questions which could only be answered by an examination of the data kept by the juvenile court. This section of the full report is an analysis of that data provided by the Judicial Department in response to a request from the Task Force.

The analysis will be organized around the following three themes:
1) the number of juveniles involved; 2) the characteristics of the juveniles involved; and 3) the court's response to the offender.

There are three measures of juvenile crime which will be used throughout this report. One measure is the number of referrals received by the court. A referral represents each time the police, school, etc., made a formal, written referral to the court alleging a juvenile's involvement in one or more criminal acts. Each referral may contain several offenses, which introduces another measure of juvenile crime. The number of offenses referred represents the number of different acts which allegedly occurred or the number of separate charges made involving the same act. The third level of measurement refers to the number of different juveniles who were involved, regardless of how many different times they were referred. For example, an individual referred to the juvenile court on June 10, 1977, for allegedly committing two serious offenses, and the same individual referred on July 1, 1977, for allegedly committing one serious offense, would show up in the data as two serious referrals, three serious offenses, and one juvenile referred for one or more serious offenses. These three variables--referrals, offenses, and juveniles--represent the three different measures of serious juvenile crime which will be considered.

1. The Number of Juveniles Referred and Adjudicated for Serious Offenses

The Task Force has designated a category of offenses which involve the use of violence or force against a person or which have the potential for causing physical harm to a person. The list of specific offenses is identified in Appendix A, but, in general, they can be grouped into the following categories: arson, assault, burglary (first degree only), kidnapping, robbery, homicide, and sexual assault.

The proportion of juveniles who were referred to the court for one or more serious offenses was small when compared with the total intake at the court. Table 1.0 shows that in 1976, fewer than 5% (443) of all the juveniles referred to the court were referred for a serious offense. In the same year, approximately 3% (481) of all the referrals received contained at least one serious offense. Of the total number of offenses charged in the referrals, fewer than 3% (522) were for serious offenses.

In 1977, the total number of juveniles referred to the court dropped slightly, from 8,995 to 8,859, but the number referred for serious crimes declined by more than one third (from 443 to 292). Only 3.3% of all the juveniles who were referred to the court that year were referred for a serious offense. In addition, the proportion of referrals involving at least one serious offense and the proportion of all offenses which were designated serious declined to 2.3% and 1.8%, respectively, in 1977.

Table 1.0
JUVENILE COURT WORKLOAD - 1976, 1977

	All Offenses	Serious Offenses Only	Percent of Total
Juveniles			
referred in 1976	8,995	443	4.9%
Referrals			
in 1976	14,046	481	3.4%
Offenses referred			
in 1976	19,572	522	2.7%
Juveniles			
referred in 1977	8,859	292	3.3%
Referrals			
in 1977	13,875	318	2.3%
Offenses referred			
in 1977	19,564	359	1.8%

Table 1.1 is an attempt to illustrate the fate of juveniles referred for one or more serious crimes in 1976 and 1977. Of the 443 juveniles who were referred in 1976, 211 (47.6%) were adjudicated delinquent for a serious offense. Slightly more than half (52.4%) of those referred for a serious charge were not adjudicated delinquent on a serious charge, although some of the juveniles may have been adjudicated delinquent on less serious charges. Although there was a significant drop in the number of juveniles referred for a serious offense in 1977, the percentage of those referred who were adjudicated delinquent for a serious offense increased significantly ($\chi^2 = 39.05, p \leq .01$) from nearly 48% to over 70%.

Table 1.1
PROPORTION OF JUVENILES REFERRED FOR A SERIOUS OFFENSE WHO WERE ADJUDICATED DELINQUENT* - 1976, 1977

	Juveniles Referred	Adjudicated Delinquent		Not Adjudicated Delinquent	
		Number	Percent	Number	Percent
1976	443	211	47.6	232***	52.4
1977	292	208	71.2**	84***	28.8

*as of 9/30/78

**The percentage adjudicated delinquent could be higher as some of the 84 cases listed as not adjudicated might still be pending disposition;

***Some of the juveniles listed as not adjudicated delinquent for a serious offense may have been adjudicated delinquent for a less serious offense.

Table 1.2 shows the year of adjudication by the year of referral. Since there is a degree of caseload overlap from year to year, the juveniles who were adjudicated in any given year are not necessarily the same juveniles who were referred in that year.

Table 1.2
JUVENILES ADJUDICATED DELINQUENT FOR ONE OR MORE SERIOUS OFFENSES
Year of Adjudication by Year of Referral*

Year Referred	Number Referred	Year Adjudicated			Not Adjudicated**
		1976	1977	1978*	
1975	---	50	0	0	---
1976	443	149	61	1	232
1977	292	0	151	57	84
		199	212	58	316

*includes disposition data throughout 9/30/78; no 1975 or 1978 referral data is included.

**Not adjudicated delinquent for a serious offense.

As indicated by Table 1.3, only 6% of the 443 juveniles referred for a serious offense in 1976 were referred more than once that year. Of the 292 juveniles referred in 1977, only 7% were referred more than once. No statistically significant difference between years was observed; Chi-square value was .03.

Table 1.3
NUMBER OF TIMES REFERRED FOR A SERIOUS OFFENSE

Year of Referral	Juveniles Referred Once		Juveniles Referred Twice		Juveniles Referred Three Times		Juveniles Referred Four Times	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1976	416	93.9%	19	4.3%	5	1.1%	3	0.7%
1977	272	93.2%	15	5.1%	4	1.4%	1	0.3%

Referring to Table 1.4, only 12% (52) of the juveniles referred for a serious offense in 1976 were referred for more than one offense during the year. In 1977, the 49 juveniles who were referred for more than one offense during the year constituted 17% of the juveniles referred for a serious offense that year.

The number of juveniles referred for more than one offense during the year remained relatively stable (52 to 49); the drop in total number of juveniles referred created a relative increase in the number of multiple offenders. In other words, there were not more juveniles who had been referred for more than one offense, but fewer juveniles who had been referred for only one offense.

Table 1.4
NUMBER OF SERIOUS OFFENSES REFERRED PER JUVENILE

Year of Referral	One Offense Referred		Two Offenses Referred		Three Offenses Referred		Four Offenses Referred		Five Offenses Referred		Six Offenses Referred	
	NR	PT	NR	PT	NR	PT	NR	PT	NR	PT	NR	PT
1976	391	88.3%	36	8.1%	9	2.0%	5	1.1%	0	0.0%	2	0.5%
1977	243	83.2%	34	11.6%	12	4.1%	5	1.0%	0	0.0%	0	0.0%

NR - Number
PT - Percent

Table 1.5 illustrates the number of juveniles who had more than one referral which resulted in adjudication delinquency for a serious offense. Of the 199 juveniles adjudicated delinquent for a serious offense in 1976, only 6% (12 juveniles) had more than one referral which resulted in an adjudication of delinquency. In 1977, the proportion of juveniles who had multiple referrals which led to multiple adjudications of delinquency increased to 10% (19 juveniles out of 208).

Table 1.5
NUMBER OF SERIOUS REFERRALS ADJUDICATED DELINQUENT
(PER JUVENILE)

Year of Adjudication	One referral Adjudicated		Two referrals Adjudicated		Three referrals Adjudicated		Four referrals Adjudicated	
1976	(187)	94.0%	(11)	5.5%	(1)	0.5%	0	
1977	(189)	90.0%	(14)	6.7%	(4)	1.9%	(1)	0.5%

There was no difference between 1976 and 1977 in either the proportion of juveniles who had multiple referrals within the year or the proportion who had multiple offenses referred within the year. Although the difference between years for those who were adjudicated delinquent on more than one referral was not statistically significant, it approached significance and could become significant if the adjudication rate is maintained at its present rate or continues to grow.

The preceeding tables indicate that most juveniles who come to the court for serious offenses are not referred more than once (for a serious offense) or for more than one serious offense during a given year. However, to get a more accurate estimate of the number of juveniles who ever repeat serious crimes, a period of time longer than a year must be examined. The total sample included in this study involves 487 juveniles who were adjudicated delinquent for a serious offense during 1976 and 1977.* The records of these juveniles were examined back to January 1, 1975, when the Juvenile Court's computerized information system became operative. During the total time studied, 82 juveniles (17% of the sample) had been referred to the court more than once for a serious offense. This is well above the 6% of juveniles with multiple serious referrals within 1976 and 7% within 1977. However, only 49 juveniles (10% of the sample) had been adjudicated delinquent on more than one referral during the total time examined. This compares with 6% of the juveniles in 1976 and 10% in 1977 who had more than one referral which resulted in an adjudication of delinquency during the year. Note that the proportion of juveniles who were serious repeaters (adjudicated delinquent on more than one serious referral) was the same in 1977 as it was for the time between 1/1/75 and 9/30/78. There are two possible interpretations. First there may be a tendency for a smaller proportion of juveniles to be responsible for a greater proportion of the serious offenses. The increasing likelihood of being adjudicated (Refer to Table 1.1) would also increase the likelihood of being adjudicated on more than one referral.

*This sample includes those who were referred in 1976 and 1977 but not adjudicated until 1978.

Table 1.6
NUMBER OF JUVENILES ADJUDICATED DELINQUENT
FOR A SERIOUS OFFENSE - 1976, 1977*

Offense	1976		1977	
	Number	Percent	Number	Percent
<u>Arson</u>				
Arson I	3	1.5	12	5.8
Arson II	1	0.5	8	3.8
Arson III	11	5.5	14	6.7
<u>Assault</u>				
Assault I	20	9.5	9	4.3
Assault II	48	23.6	42	20.2
Assault I, victim 60 yrs.	1	0.5	3	1.4
Assault II, victim 60 yrs.	0	0.0	1	0.5
Assault II, firearm, victim 60 yrs.	1	0.5	0	0.0
Assault II, firearm	1	0.5	0	0.0
Assault on Peace Officer or Fireman	13	6.5	11	5.3
<u>Burglary</u>				
Burglary I	11	6.0	7	3.4
<u>Kidnap</u>				
Kidnap I	0	0.0	1	0.5
Kidnap II	0	0.0	1	0.5
Unlawful restraint	3	2.0	3	1.4
<u>Homicide</u>				
Murder	0	0.0	1	0.5
Manslaughter I	0	0.0	1	0.5
Manslaughter II	0	0.0	1	0.5
Felony murder	0	0.0	1	0.5

Table 1.7
NUMBER OF JUVENILES ADJUDICATED DELINQUENT
FOR A SERIOUS OFFENSE - 1976, 1977*

OFFENSE	1976		1977	
	Number	Percent	Number	Percent
<u>Robbery</u>				
Robbery I	27	13.2	22	10.6
Robbery II	48	24.2	56	26.9
<u>Sexual Assault</u>				
Sexual Assault I	6	3.0	8	3.8
Sexual Assault III	4	2.5	6	2.9
Sexual Assault III, firearm	1	0.5	0	0.0
Total.....	199	100.0	208	100.0

* If a juvenile were adjudicated delinquent for more than one serious offense, only the most serious offense is included in this table.

Being adjudicated on more than one serious offense does not necessarily imply that a juvenile was referred more than once, since each referral can contain a multiple number of offenses. In the same vein, being adjudicated delinquent on more than one referral does not necessarily mean that the juvenile has been in court repeatedly. Since the average length of time for processing a serious offense from referral to disposition was approximately four months, any referrals received between first referral and disposition were likely to have been disposed of at the same time (examination of the records revealed this tendency). Most of the juveniles who have multiple offenses adjudicated delinquent, then, generally have only one disposition for all offenses. To further illustrate this point, of the 208 juveniles who were adjudicated delinquent for one or more serious offense in 1977*, only 8 (3.8%) had one or more prior, separate dispositions which included an adjudication of delinquency for a serious offense. If the juvenile justice system processed serious offenders more quickly and more efficiently, some of the offenses which were referred during the period of time between first referral and disposition might have been prevented. At the same time, the number of juveniles who repeat and have separate disposition dates might increase with the efficiency of processing.

The number of juveniles adjudicated delinquent in 1976 and 1977 for each serious offense is shown in Table 1.6. These offenses have been grouped according to offense type in Table 1.7. As illustrated in Table 1.8, there was a significant increase from 1976 to 1977 in the number of juveniles adjudicated delinquent for arson. There was no significant change in the number of juveniles adjudicated delinquent on other offenses.

Table 1.7
NUMBER OF JUVENILES ADJUDICATED DELINQUENT FOR A
SERIOUS OFFENSE (GROUP) 1976, 1977

Offense Group	1976		1977	
	Number	Percent	Number	Percent
Arson	15	7.5	34	16.3
Assault	84	42.2	66	31.7
Burglary (first degree only)	11	5.5	7	3.4
Kidnap	3	1.5	5	2.4
Homocides	0	0	4	2.0
Robbery	75	37.7	78	37.5
Sexual Assault	11	5.5	14	6.7
	199	100.0	208	100.0

*For those adjudicated delinquent more than once, the most recent offense with a different disposition date was used.

Table 1.8
CHANGE IN INCIDENCE OF OFFENSE TYPE FROM 1976 TO 1977

Offense	χ^2	Direction of Change
Arson	6.60*	Increase
Assault	3.22	Decrease
Burglary	.88	Decrease
Robbery	0	Increase
Sexual Assault	.15	Increase
Kidnap/Homicide	3.00	Increase

*significant at p .05

2. Characteristics of Serious Juvenile Offenders

The characteristics of those juveniles referred for a serious offense and those adjudicated delinquent for a serious offense did not vary significantly with regard to age, sex, or race/ethnicity. Tables 2.0 and 2.1 indicate the age at referral for both groups, as well as the sex and race or ethnicity of the two groups.

It is interesting to note that the median age at referral for those referred for a serious offense was 14.5 and the median age at referral for those adjudicated delinquent for a serious offense as 14.9 years. This means that approximately half the juveniles were well past their 15th birthday at the time their cases were disposed.

There were, however, some significant race (ethnic) and sex differences with regard to the type of offense for which a juvenile had been adjudicated delinquent, as indicated in Tables 2.2 through 2.6.

Table 2.2 illustrates the race (ethnic) breakdown of each of the seven offense types. For example, there were 48 juveniles adjudicated delinquent for arson in 1976 and 1977; 38 juveniles, or 79.2% of them were white, seven juveniles or 14.6% were Black, and three juveniles or 6.2% were Latin. The totals at the bottom of the table indicate the race or ethnic distribution of the total number of juveniles (399) who were adjudicated delinquent during 1976 and 1977.

Table 2.2
RACE/ETHNICITY OF JUVENILES ADJUDICATED DELINQUENT FOR EACH
SERIOUS OFFENSE GROUP (1976 & 1977)

Offense Group	White		Black		Latin		Total
	Number	Percent	Number	Percent	Number	Percent	
Arson	38	79.2	7	14.6	3	6.2	48
Assault	57	39.3	68	46.9	20	13.8	145
Burglary	12	66.7	3	16.7	3	16.7	18
Kidnap	4	50.0	2	25.0	2	25.0	8
Robbery	41	27.2	92	60.9	18	11.9	151
Sexual Assault	6	24.0	16	64.0	3	12.0	25
Homicide	0	0.0	4	100.0	0	0.0	4
Total	158	39.6%	192	48.1	49	12.3	399

Table 2.0
CHARACTERISTICS OF JUVENILES REFERRED FOR A
SERIOUS OFFENSE (1976-77)*

Age at Referral

<u>Age</u>	<u>Number Referred</u>	<u>Percent Referred</u>	
7	2	0.2	Mean age at referral 13.9 years
8	4	0.4	
9	8	0.8	
10	22	2.2	Median age at referral 14.5 years
11	40	4.0	
12	73	7.3	
13	144	14.3	
14	214	21.3	
15	481	47.8	
16	18	1.8	
17	1	0.0	
Not Coded	9	0.0	
	<u>1016</u>	<u>100.0</u>	

Sex

	<u>Number</u>	<u>Percent</u>
Males referred	873	86.5
Females referred	136	13.5
Not Coded	<u>7</u>	<u>--</u>
	<u>1016</u>	<u>100.0</u>

Race/Ethnicity

	<u>Number</u>	<u>Percent</u>
White	415	41.5
Black	448	44.8
Latin	136	13.6
Other	3	0.0
Not Coded	<u>14</u>	<u>0.0</u>
	<u>1016</u>	<u>100.0</u>

*Includes those referred in 1975 but not adjudicated until 1976.

Table 2.1
CHARACTERISTICS OF JUVENILES ADJUDICATED DELINQUENT
FOR A SERIOUS OFFENSE (1976-1977)

Age At Referral

<u>Age</u>	<u>Number</u>	<u>Percent</u>	
7	0	0.0	Mean age at referral for juveniles adjudicated 14.0 years
8	1	0.2	
9	9	0.0	
10	6	1.5	Median age 14.9 years
11	13	3.2	
12	29	7.2	
13	64	15.9	
14	96	23.9	
15	186	46.3	
16	7	1.7	
17	<u>0</u>	<u>0</u>	
	411	100.0	

<u>Sex</u>	<u>Number</u>	<u>Percent</u>
Males Adjudicated Delinquent	347	86.3%
Females Adjudicated Delinquent	<u>55</u>	<u>13.7%</u>
	<u>402</u>	<u>100.0%</u>

Race/Ethnicity

	<u>Number</u>	<u>Percent</u>
White	207	43.2
Black	216	45.1
Latin	56	11.7
Other	<u>---</u>	<u>---</u>
	479	100.0

Table 2.3 is a table of the results of chi-square tests of significance which were done on the data contained in Table 2.2. Whites were significantly more likely to have been adjudicated delinquent for arson ($p \leq .01$) and significantly less likely to have been adjudicated delinquent for robbery ($p \leq .05$) than would be expected by examining the proportion of whites in the total sample of adjudicated delinquents. Blacks were significantly more likely to have been adjudicated delinquent for robbery ($p \leq .05$) and significantly less likely to have been adjudicated delinquent for first degree burglary ($p \leq .05$) or arson ($p \leq .01$). Latins were adjudicated delinquent for each of the offense types in proportion to their numbers in the total sample.

Table 2.3
CHI-SQUARE VALUES TO ACCOMPANY TABLE 2.2

Offense Group	Race/Ethnicity		
	White	Black	Latin
Arson	18.90**	11.20**	1.55
Assault	0.00	.06	.21
Burglary (1st degree)	3.50	4.07	.45
Kidnap	.30	1.05	.90
Robbery	6.05*	4.92*	.06
Sexual Assault	1.64	1.30	0.00
Homicide	2.10	1.90	0.00

*significant at $p \leq .05$

**significant at $p \leq .01$

Table 2.4 shows the proportion of juveniles within each of the three race or ethnic groups who were adjudicated delinquent for each of the seven different offense types. For example, 36% of the whites were adjudicated delinquent for assault, 26% for robbery and 24% for arson. Among Blacks, robbery accounted for 48% of the adjudications of delinquency, and assault for 35%. Among Latins who were adjudicated delinquent 41% were for assault and 37% for robbery.

Table 2.4
OFFENSE BREAKDOWN FOR EACH RACE/ETHNIC GROUP

Offense	Race or Ethnic Group					
	White		Black		Latin	
Assault	(57)	36%	(68)	35%	(20)	41%
Robbery	(41)	26%	(92)	48%	(18)	37%
Arson	(38)	24%	(7)	4%	(3)	6%
Burglary	(12)	8%	(3)	2%	(3)	6%
Sexual Assault	(6)	4%	(16)	8%	(3)	6%
Kidnap	(4)	2%	(2)	1%	(2)	4%
Homicide	(0)	0%	(4)	2%	(0)	0%

Table 2.5 illustrates the sex breakdown of the juveniles adjudicated delinquent during 1976 and 1977 for each of the seven offense types. For example, of the 48 juveniles adjudicated delinquent for arson, 44 or 91.7% were males, while 4 or 8.3% were females. This can be compared to the distribution of males (86.2%) and females (13.7%) in the total sample indicated at the bottom of the table.

Table 2.5
SEX OF JUVENILES ADJUDICATED DELINQUENT FOR EACH SERIOUS OFFENSE GROUP (1976 & 1977)

Offense Group	Males		Females		Total Number
	Number	%	Number	%	
Arson	44	91.7	4	8.3	48
Assault	109	75.2	36	24.8	145
Burglary	15	83.3	3	16.7	18
Kidnap	7	87.5	1	12.5	8
Robbery	141	93.4	10	6.6	151
Sex Assault	25	100.00	0	0.0	25
Homicide	3	75.0	1	25.0	4
Total	344	86.2%	55	13.7%	399 100.0%

Table 2.6 shows the results of chi-square tests of significance done on the data presented in Table 2.5. In proportion to their numbers in the total sample (55 out of 399), females were significantly more likely to have been adjudicated delinquent for assault ($p \leq .01$) and less likely to have been adjudicated delinquent for robbery ($p \leq .05$). Males were not adjudicated delinquent for any offense significantly more or less than would be expected by their overall proportion of the total sample.

Table 2.6
CHI-SQUARE VALUES TO ACCOMPANY TABLE 2.5

Offense Group	Chi Square Values	
	Males	Females
Arson	.21	1.33
Assault	2.06	12.72**
Burglary	.07	.45
Kidnap	0.00	0.00
Robbery	.92	5.81*
Sex Assault	.40	3.10
Homicide	0.00	0.00

*significant at $p \leq .05$

**significant at $p \leq .01$

The geographic distribution of serious juvenile crime is illustrated by three maps. Map 2.0 illustrates the average number of referrals for a serious offense per year for the same two year period. Map 2.1 indicates the average number of serious offenses referred per year for the years 1976 and 1977. The average number of juveniles adjudicated delinquent per year for serious offenses during the same time period is shown in Map 2.2. A town by town table of the same data is included for quick reference.

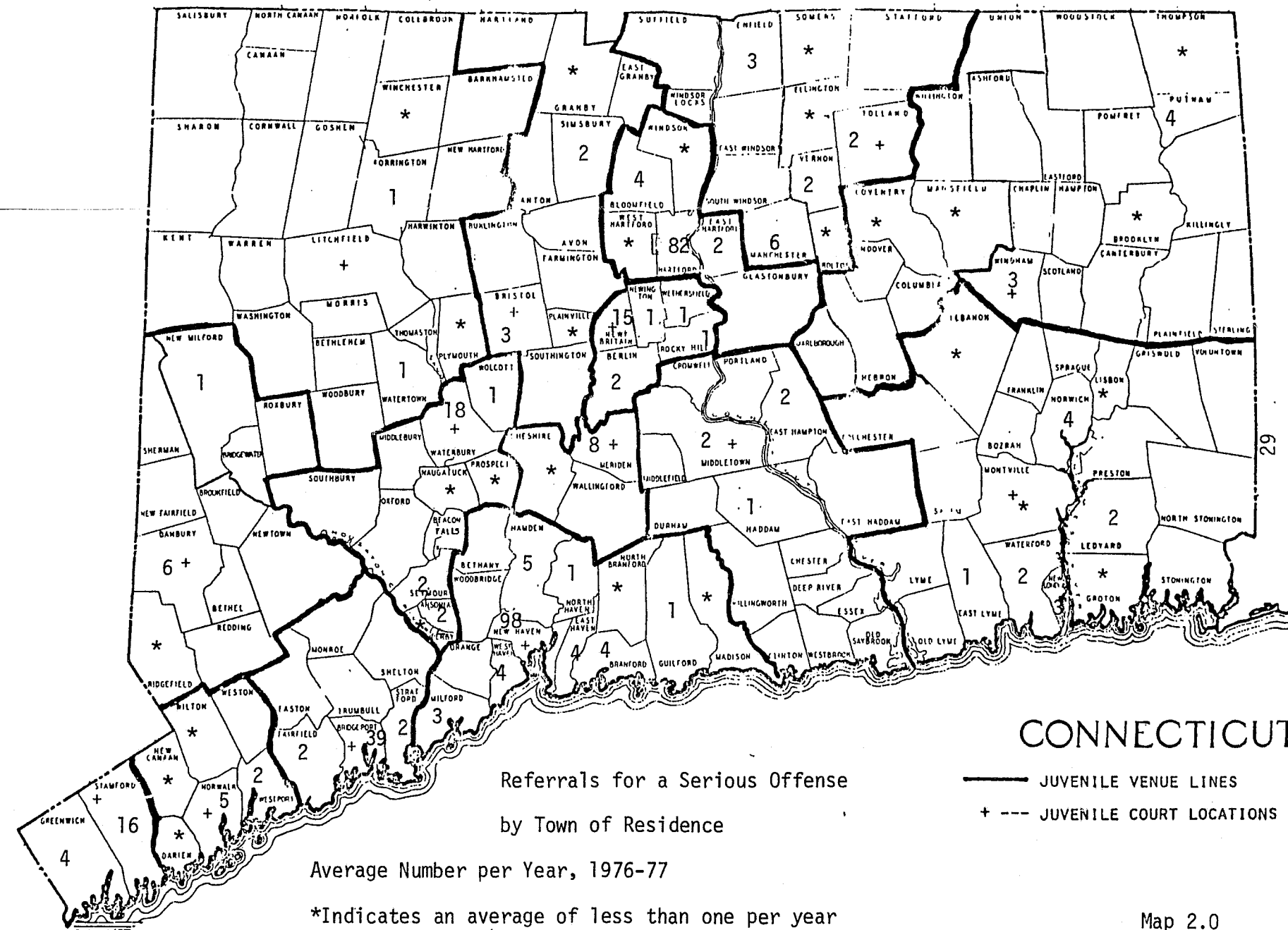
As might be predicted, towns with higher populations also had greater numbers of serious offenses referred. The correlation coefficient* between town population and number of serious offenses referred was .76. (District values were .75, .77, and .88 for Districts I, II, and III, respectively). The correlation coefficient of .76 indicates that 57% of the variation in the number of offenses referred in each town** was accounted for by the variation in the number of town residents.

*a correlation coefficient is a numerical indication of the degree of relationship between two variables; the Pearson product-moment correlation coefficient was used here.

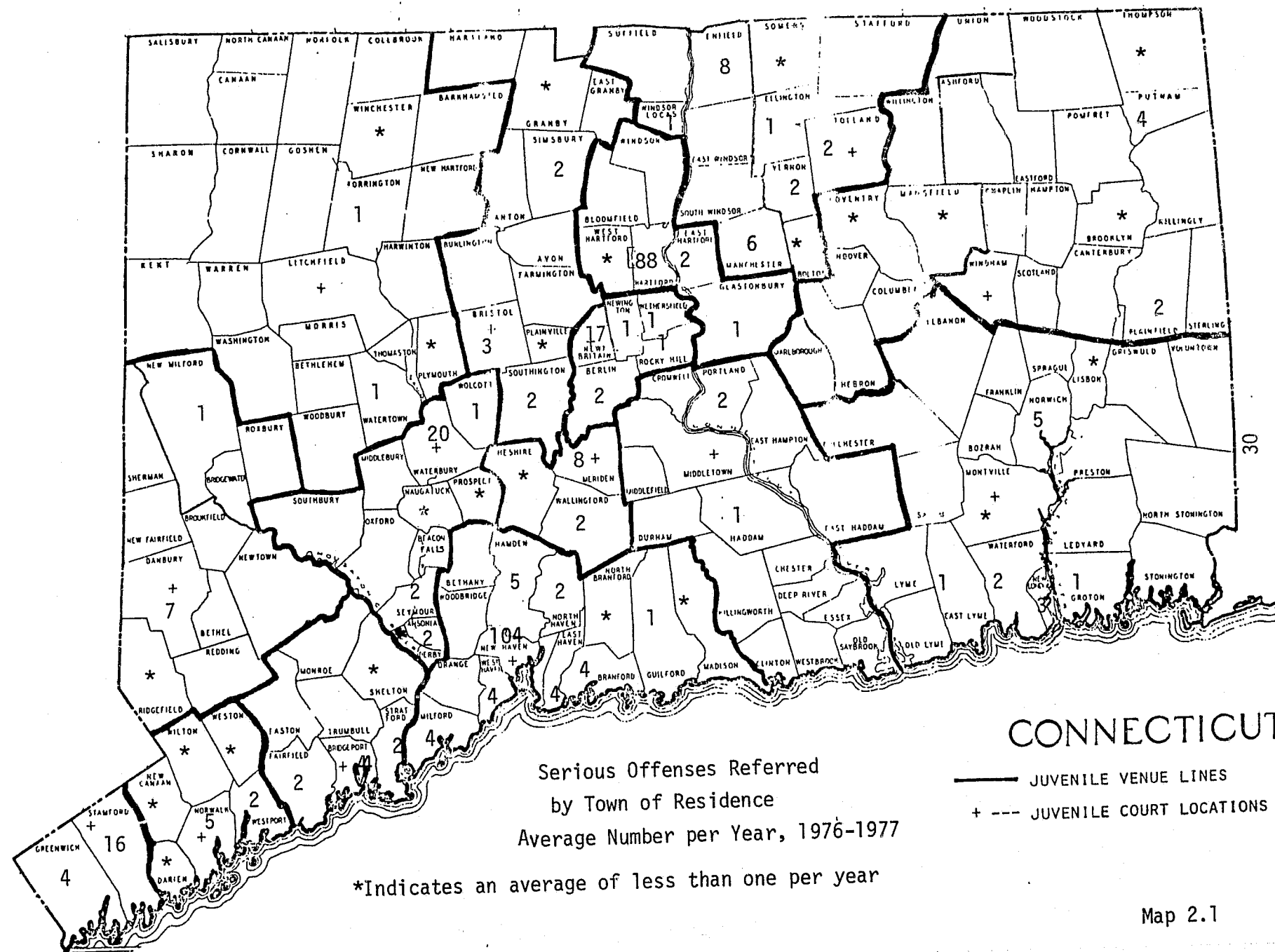
**only those towns with an average of at least one serious offense referred per year were included in the computation.

Venue Districts for Juvenile Matters

July 1, 1978

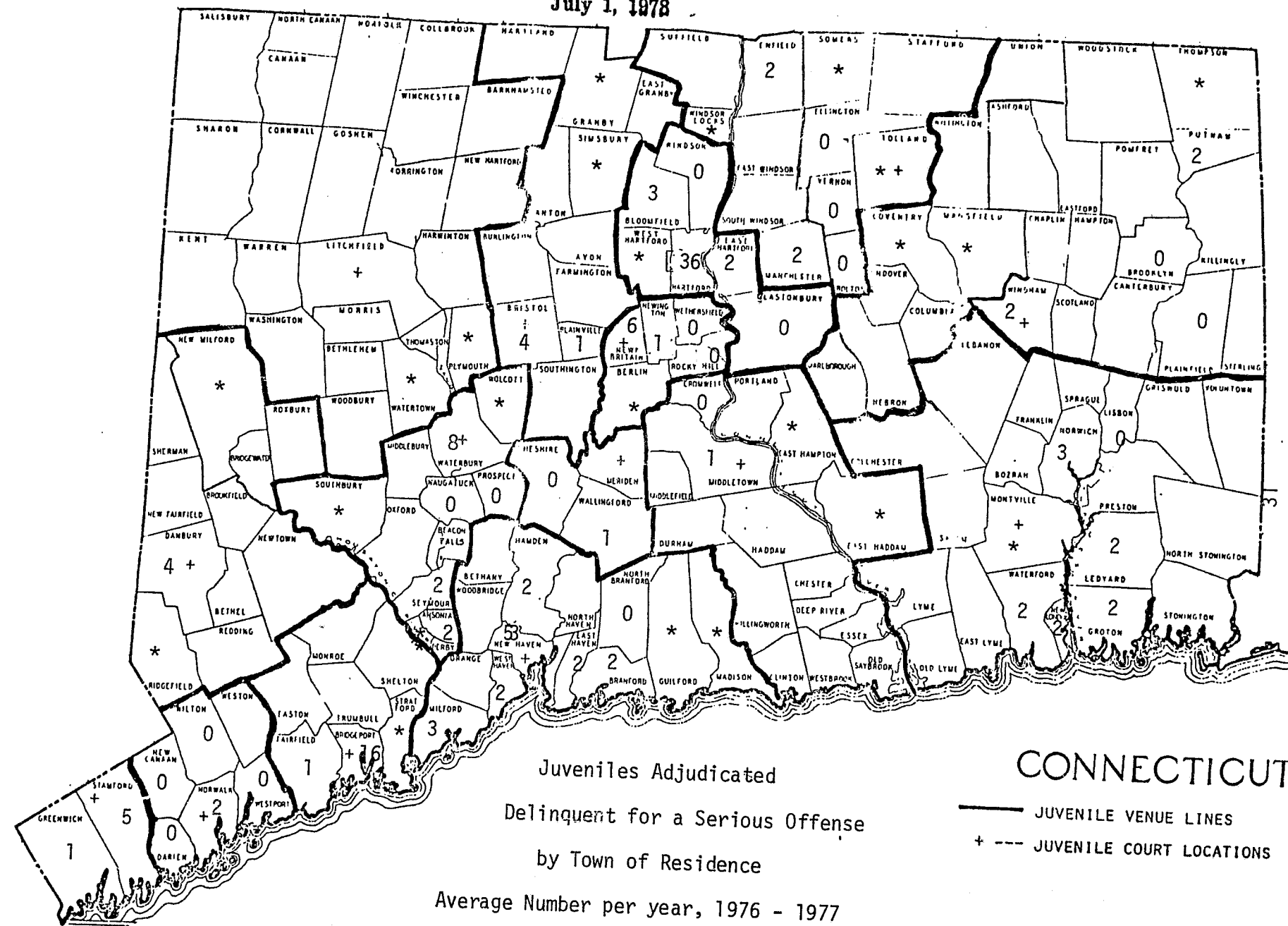


Venue Districts for Juvenile Matters July 1, 1978



Venue Districts for Juvenile Matters

July 1, 1978



*Indicates an average of less than one per year

0 Indicates one or more referrals but no adjudications of delinquency

Map 2.2

TOWN LIST OF SERIOUS JUVENILE CRIME INDICATORS

Town	Serious Referrals			Serious Offenses Received			Juveniles Adjudicated Delinquent (Serious Offense)		
	1976	1977	Avg.	1976	1977	Avg.	1976	1977	Avg.
<u>District I</u>									
Bridgeport	41	37	39	44	45	44	12	20	16
Fairfield	1	2	2	1	2	2	2	0	1
Shelton	1	0	*	1	0	*	0	0	0
Stratford	3	1	2	3	1	2	0	1	*
Norwalk	9	1	5	9	1	5	4	0	2
Westport	4	0	2	4	0	2	0	0	0
New Canaan	1	0	*	1	0	*	0	0	0
Darien	0	1	*	0	1	*	0	0	0
Wilton	1	0	*	1	0	*	0	0	0
Stamford	26	6	16	26	6	16	6	4	5
Greenwich	5	3	4	6	3	4	1	1	1
Danbury	12	1	6	14	1	7	5	3	4
Ridgefield	1	0	*	1	0	*	0	1	*
New Milford	0	2	1	0	2	1	0	1	*
Torrington	2	0	1	2	0	1	2	0	1
Plymouth	1	0	*	1	0	*	0	1	*
Watertown	0	2	1	0	2	1	0	1	*
Winchester	0	1	*	0	1	*	1	1	1
<u>District II</u>									
New Haven	114	63	88	132	75	104	54	53	53
Branford	4	5	4	4		4	0	4	2
East Haven	3	5	4	3	5	4	4	1	2
Guilford	1	1	1	1	1	1	1	0	*
Hamden	6	3	5	7	3	5	2	2	2
Madison	1	0	*	1	0	*	1	0	*
Milford	1	5	3	1	8	4	2	4	3
N. Branford	0	1	*	0	1	*	0	0	0
N. Haven	1	1	1	2	2	2	0	1	*
W. Haven	5	3	4	5	3	4	2	1	2
Woodbridge	0	0	0	0	0	0	1	0	*
Waterbury	23	13	18	24	17	20	13	4	8
Ansonia	4	1	2	7	1	2	4	0	2
Derby	1	0	*	1	0	*	1	0	*
Naugatuck	1	0	*	1	0	*	0	0	0
Prospect	0	1	*	0	1	*	0	0	0
Seymour	0	3	2	0	3	2	0	3	2
Wolcott	1	1	1	1	1	1	0	1	*
Meriden	10	5	8	11	6	8	4	3	4
Cheshire	1	0	4	1	0	*	0	0	0
Wallingford	4	0	2	4	0	2	1	1	1
Middletown	3	2	2	3	2	2	2	0	1
Cromwell			0			0	0	0	0
E. Hampton	2	1	2	2	1	2	1	0	*

*Indicates an average of less than one per year

Town	Serious Referrals			Serious Offenses Received			Juveniles Adjudicated Delinquent (Serious Offense)		
	1976	1977	Avg.	1976	1977	Avg.	1976	1977	Avg.
<u>District II</u>									
Haddam		2	1	0	2	1	0	1	*
Montville	0	1	*	0	1	*	0	1	*
East Lyme	2	0	1	2	0	1	0	0	0
Groton	0	1	*	0	2	1	2	1	2
Lebanon	1	0	*	1	0	*	0	0	0
Lisbon	1	0	*	1	0	*	0	0	0
New London	5	1	3	5	1	3	0	0	0
Norwich	4	5	4	5	5	5	2	1	2
Waterford	0	3	2	0	3	2	1	3	3
Southbury			0	0	0	0	1	0	*
<u>District III</u>									
Hartford	93	72	82	95	80	88	28	44	36
Bloomfield	4	4	4	4	5	4	4	2	3
E. Hartford	3	2	2	3	2	2	3	1	2
Glastonbury	2	0	1	2	0	1	0	0	0
W. Hartford	0	1	*	0	1	*	1	0	*
New Britain	19	11	15	22	13	17	5	7	6
Berlin	2	1	2	3	1	2	0	1	*
Newington	2	0	1	2	0	1	2	0	1
Rocky Hill	2	0	1	2	0	1	2	0	1
Wethersfield	1	1	1	1	1	1	2	0	1
Bristol	1	5	3	1	5	3	0	0	0
Granby	1	0	*	1	0	*	2	5	4
Plainville	1	0	*	1	0	*	1	0	*
Simsbury	0	4	2	0	4	2	0	1	*
Southington	1	1	1	2	1	2	0	0	0
Bolton	1	0	*	1	0	*	0	0	0
Ellington	1	0	*	2	0	1	0	0	0
Enfield	1	5	3	11	5	8	3	1	2
Manchester	6	6	6	7	6	6	0	4	2
Somers	0	1	*	0	1	*	0	1	*
S. Windsor									
Tolland	3	0	2	3	0	2	0	1	*
Vernon	1	2	2	1	2	2	0	0	0
Windsor Locks	2	0	1	2	0	1	1	0	*
Willimantic	3	3	3	3	3	3	0	4	2
Ledyard	3	1	2	3	1	2	3	1	2
Windsor	0	1	*	0	0	0	0	0	0
Brooklyn	1	0	*	1	0	*	0	0	0
Coventry	1	0	*	1	0	*	1	0	*
Mansfield	0	1	*	0	1	*	0	1	*
Plainfield	3	0	*	3	0	*	0	0	0
Putnam	0	9	*	0	9	2	0	4	2
Thompson	0	1	*	0	1	4	0	1	*
Missing/unknown	1	0	*	2		*	0	1	*

3. Case Processing and Disposition Data

The length of case processing from referral date to disposition date averaged approximately four months, with a range of zero to 682 days. (See Table 3.0 for exact figures. Even though the average length of time for case processing was slightly over four months, nearly half of the cases had been handled from referral to disposition within 90 days. A small percentage of cases took an unusually long time to process and tended to inflate the average. For example, sixteen percent required from 6 months to nearly two years to process. The distribution of cases disposed at 30 day intervals is illustrated in Table 3.1.

Table 3.0
LENGTH OF CASE PROCESSING* FOR JUVENILES ADJUDICATED
DELINQUENT FOR A SERIOUS OFFENSE - 1976-77

District**	Number of Referrals	Length* Days	Months
I	88	156.5	5.2
II	254	126.2	4.2
III	186	108.1	3.6
Total	518	124.9	4.1

*average number of days between referral date and disposition date

**District I includes Fairfield and Litchfield Counties;
District II includes New Haven, Middlesex and New London Counties; and,
District III includes Hartford, Tolland and Windham Counties.

Table 3.1
PERCENTAGE OF ALL SERIOUS OFFENSE REFERRALS DISPOSED,
AT 30 DAY INTERVALS

Within 30 days	9%
Within 60 days	28%
Within 90 days	49%
Within 120 days	65%
Within 150 days	75%
Within 180 days	84%
Longer than 180 days	16%

The number of juveniles who were given each of the available dispositions is indicated in table 3.2. Because there were thirteen different dispositions coded, the dispositions were combined by type for the purpose of discussion. Table 3.3 shows the percentage of adjudicated delinquent juveniles who were given each of the three disposition types: 1) dismissed with a warning; 2) committed to DCYS and placed at Long Lane, direct placement, or recommitted; and 3) all programs, with or without placement, where the court maintains the responsibility for or supervision of the child. Table 3.4 is a table of the results of chi-square tests of significance comparing the distribution of dispositions for each offense with the overall dispositions. None of the chi-square values reach significance, which may indicate that the observed differences in the distribution of dispositions is not explained by the differences in offenses committed. This coincides with the philosophy often expressed by the court that the disposition is based primarily upon the juvenile's needs rather than primarily upon the severity of the offense.

Table 3.4
TABLE OF CHI-SQUARE VALUES DISPOSITION TYPE BY OFFENSE

	Dismissed w/Warning	Committed to DCYS			Court Supervision Programs
		Long Lane	Direct Placement	Recom- mitted	
Arson	1.03	.53	0	2.10	1.79
Assault	.56	1.06	.12	0	.05
Burglary	2.90	0.00	0	.90	1.64
Robbery	.88	.16	1.73	1.24	.11
Kidnap	.14	.90	0	0	0
Sex Assault	.18	.23	3.12	0	.08
Homocide	1.10	3.80	0	0	.55
p ≤ .05 3.84					
p ≤ .01 6.64					

As can be seen from the table, approximately 26.7% of all adjudicated serious offenders are committed to DCYS. The largest percentage (54.5%) are given some form of probation.

When disposition type was examined for race or ethnic differences, no differences between the three major disposition types reached statistical significance. Table 3.5 shows the distribution of disposition types for the three race or ethnic groups, and Table 3.6 shows the results of chi-square tests which were done on the data presented in Table 3.5.

Table 3.2

DISPOSITION OF JUVENILES ADJUDICATED DELINQUENT, 1976, 1977

Disposition	1976		1977	
	Number	Percent	Number	Percent
Adjudicated Delinquent and:				
Dismissed with warning	40	20.1	36	17.3
Probation	61	30.7	69	33.2
Probation & placement	3	1.0	8	3.8
Committed to DCYS--Long Lane	27	14.1	37	17.8
Suspended Commitment to DCYS	7	3.5	9	4.3
Special Court Program	4	2.0	1	0.5
Special Court Project	0	0.0	1	0.5
Recommitted to DCYS	11	5.5	8	3.8
Suspended Commitment to DCYS & Special Court Program	0	0.0	3	1.4
Judicial Supervision	3	1.5	0	0.0
Suspended Commitment to DCYS & Probation	23	11.6	25	12.0
Suspended Commitment to DCYS & Probation & Placement	3	2.0	1	0.5
Committed to DCYS - Direct placement	16	8.0	10	4.8
	199		208	

Table 3.3

DISPOSITION TYPE BY OFFENSE GROUP (1976+1977)

Offense Group	Adjudicated Delinquent Dismissed w/warning	Adjudicated Delinquent Committed to DCYS			Adjudicated Delinquent & maintained under court supervision*	
		Long Lane	Recom-mitted	Direct Placement	without plac.	with plac.
Arson (49)	12.3% (6)	12.3% (6)	0.0% (0)	6.1% (3)	69.4% (34)	0.0% (0)
Assault (150)	21.3% (32)	12.7% (19)	4.7% (7)	5.3% (8)	48.7% (73)	7.3% (11)
Burglary (First degree only) (18)	33.3% (6)	16.7% (3)	11.1% (2)	5.6% (1)	33.3% (6)	0.0% (0)
Robbery (153)	15.7% (24)	16.7% (26)	6.5% (10)	8.5% (13)	50.3% (77)	2.0% (3)
Kidnap (8)	25.0% (2)	25.0% (2)	0.0% (0)	0.0% (0)	50.0% (4)	0.0% (0)
Sexual Assault (25)	24.0% (6)	20.0% (5)	4.0% (1)	0.0% (0)	48.0% (12)	4.0% (1)
Homicide (4)	0.0% (0)	75.0% (3)	0.0% (0)	0.0% (0)	0.0% (0)	25.0% (1)
Totals (407)	18.7% (76)	15.7% (64)	4.9% (20)	6.1% (25)	50.6% (206)	3.9% (16)

*Includes all programs where court maintains responsibility or supervision over juvenile -- probation, suspended commitment to DCYS, special court project, special court program, and combinations of the preceding with or without additional placement.

Table 3.5
DISTRIBUTION OF DISPOSITION TYPE BY RACE/ETHNICITY

	<u>White</u>		<u>Black</u>		<u>Latin</u>		<u>Total</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Dismissed with warning	40	19.3	35	16.2	10	17.5	85	17.7
Court Supervision	120	58.0	123	56.9	25	44.6	268	55.9
Committed to DCYS	47	22.7	58	26.8	21	37.5	126	26.3

Table 3.6
CHI-SQUARE VALUES TO ACCOMPANY TABLE 3.5

	<u>White</u>	<u>Black</u>	<u>Latin</u>
Dismissed with warning	.29	.28	0
Court Supervision	.15	.04	1.26
Committed to DCYS	1.00	.02	2.69

Race or ethnicity did not appear to be a key factor in determining whether a youth was committed to DCYS, dismissed, or kept under the court's supervision in 1976 and 1977. However, when the three different placement or disposition types for juveniles committed to DCYS were examined, significant differences were found. Table 3.7 shows the distribution of juveniles who were 1) placed at Long Lane, 2) received direct placement (in a group home) and 3) recommitted to DCYS. Table 3.8 shows that White juveniles were significantly more likely to be directly placed in group homes, while Latins were significantly more likely to be placed at Long Lane upon commitment. Whether this difference reflects a subtle form of discrimination operating within the justice system or merely a lack of available placement facilities for Spanish-speaking youths, cannot be determined by this data.

Table 3.7
DISTRIBUTION OF PLACEMENT TYPES - JUVENILES COMMITTED TO DCYS

	<u>White</u>		<u>Black</u>		<u>Latin</u>		<u>Total</u>	
Placed at Long Lane	26	12.6	34	16.3	15	26.8	75	15.6
Direct Placement	15	7.2	13	6.3	1	1.8	29	6.1
Recommitment	6	2.9	11	5.3	5	8.9	22	<u>4.6</u> 26.3

Table 3.8
CHI-SQUARE VALUES TO ACCOMPANY TABLE 3.7

	<u>White</u>	<u>Black</u>	<u>Latin</u>
Placed at Long Lane	1.14	0	3.93*
Direct Placement	3.93*	0	1.40
Recommitment	1.64	.09	1.27

*significant at $p \leq .05$

Summary of Data

The proportion of juveniles who had been referred to the Court for one or more serious offenses in this sample was small (3-5%) when compared with the total intake at the court. At the same time, there appeared to be a downward trend in the number of juveniles who were referred for serious crimes and a decline in the number of serious offenses referred, both of which far exceed the overall decline in total court intake. Most of the juveniles who came into the court for a serious offense were referred only once for one serious offense. Over a three year period, only 17% (82 juveniles) had been referred more than once, and only 10% (49 juveniles) had been adjudicated delinquent on more than one serious referral.

Approximately 200 juveniles per year were adjudicated delinquent for a serious offense in 1976 and 1977, with about 10% in each year who had multiple referrals or offenses. Robbery and assault accounted for 70-80% of the delinquency adjudications for serious offenses, but the number of juveniles adjudicated delinquent for arson more than doubled from 1976 to 1977.

There were sex and race or ethnic differences in the type of offense for which juveniles were adjudicated delinquent. Females were (only 14% of those referred and adjudicated) more likely to have been adjudicated delinquent for assault and less likely to have been found delinquent for robbery. Whites were more likely to have been adjudicated delinquent for arson and less likely for robbery, while the reverse was true for Blacks. Blacks were also less likely to have been adjudicated delinquent for first degree burglary.

The geographic distribution of serious juvenile offenses was, predictably, concentrated in the larger cities. More than half (53%) of all the serious offenses referred in the 2 year period were referred in Connecticut's three largest cities--Bridgeport, Hartford and New Haven. Large, rural sections of northeastern and northwestern Connecticut were relatively free of any serious juvenile crime.

The length of time for case processing varied from one Juvenile Court District to another, and the number of days between referral and disposition ranged from zero to 682 days. However, half of all cases in the State were disposed of within 90 days.

There are three basic kinds of dispositions for adjudicated delinquents: dismissed with a warning, probation or other court-supervised program, and commitment to DCYS. The type of disposition was not systematically related to the type of offense for which a juvenile had been adjudicated delinquent. Disposition could not be predicted from the type of offense committed. Nor was disposition selected on the basis of race or ethnicity, with the exception of one area. Among juveniles who were committed to DCYS, whites were significantly more likely to have been placed in a group home rather than Long Lane, and Latins were significantly more likely to have been placed at Long Lane.

A typical serious juvenile offender in Connecticut, then, might be a 15 year old, urban male, referred for assault or robbery and placed on probation or court-supervision, who does not commit another serious offense while under the juvenile court's jurisdiction.

Most of the data in this study was recorded over a two-year period of time although some of it covers the period of time from January 1, 1975 to September 30, 1978. Long range trends can not be predicted accurately from this data, but there are a number of possible trends:

a decline in the number of juveniles referred to the court for any offense;

an even more marked decline in the number of juveniles referred for a serious offense;

a slight tendency for a relatively smaller number of juveniles to be responsible for a greater number of serious offenses (perhaps created by a decline in the number of juveniles referred for only one offense, and the increasing likelihood of being adjudicated);

an increasing likelihood for those who are referred for a serious offense to be adjudicated delinquent (48% of those referred in 1976 were adjudicated delinquent, while 70% of those referred in 1977 were adjudicated);

a significant increase in the number of juveniles adjudicated delinquent for arson.

Study of this data over a longer period of time would reveal long range trends and make long range planning more effective.

C. Programming for Serious Juvenile Offenders

One of the purposes of the Task Force, as stated earlier in this report, was to explore the existence and effectiveness of alternative ways of dealing with serious juvenile offenders. Included in that objective, was an interest in examining alternative programming for the serious juvenile offender.

Considering treatment alternatives for the serious juvenile offender would seem, from the outset, to imply that something different should be done with those offenders. It would also seem that such a recommendation would have resulted from a finding that the current treatment options are inadequate. While many, if not most, juvenile justice professionals and members of the general public alike might agree with such a finding, there is little or no evidence to believe that such an opinion is founded in a systematic analysis of what has happened to serious juvenile offenders once adjudicated delinquent.

There are several important explanations for this apparent absence of knowledge regarding treatment dispositions for the serious juvenile offender. First, evaluating the effectiveness of social programs in general and delinquency programs in particular is still not only a relatively recent innovation, but is almost always perceived as relatively low priority.

Second, even when there is both interest in and priority attached to program evaluation (typically in the form of grant funds), there are few opportunities to apply rigorous social science analysis to most delinquency programs. It is frequently either inappropriate or impractical to use stringent evaluation techniques to answer the questions surrounding an understanding of treatment dispositions for serious juvenile offenders.

A third, and certainly the most important factor influencing the absence of knowledge regarding treatment dispositions, is the difficulty in differentiating between treatment for serious offenders as opposed to delinquents adjudicated for less serious offenses. While the identification of what is available and what is used for serious juvenile offenders would not appear to pose any substantial research questions, there is an underlying assumption that poses formidable obstacles in answering such questions. That assumption is that seriousness of offense is a significant criterion in the allocation of treatment.

While there is evidence to suggest some relationship exists between seriousness of offense adjudicated for and severity of sanction imposed by the Connecticut Court, the Connecticut Department of Children and Youth Services apparently makes a conscious effort not to allocate treatment dispositions according to seriousness of offense.¹ It is important to point out that most other states share the philosophy of basing treatment on factors other than the seriousness of the offense.²

¹This finding is based on a preliminary analysis of Court data and a personal interview with the Assistant Director of Treatment, DCYS.

²Intervening with Convicted Serious Juvenile Offenders, Dale Mann, N.I.J.J.D.P., 1976, P. 70.

In short, serious offenders are apparently exposed to the same or a similar myriad of treatment dispositions offered to youth adjudicated for less serious offenses. Therefore, the opportunity to analyze the effectiveness of treatment for that group of offenders is, at present, virtually impossible.

Although the unavailability of information on programming for serious juvenile offenders seriously impinged upon the Task Force's ability to formulate recommendations on the basis of a systematic analysis of the problem, it was nonetheless important to review whatever was available on (1) what treatment dispositions are available for serious juvenile offenders; (2) what is used and (3) what works.¹ The review of those three concerns follows.

1. Availability of Programs

In order to determine the programming currently available for serious juvenile offenders, four sources of information were reviewed. They were:

- (1) The Court computer based information system (JUSTIS) placement codes;
- (2) The DCYS file of residential facilities;
- (3) The LEAA computer based file (PROFILE) of grants for programs or projects relating to serious juvenile offenders; and
- (4) The general literature available on treatment for serious juvenile offenders.

The placement codes in the Judicial Department's information system identify 79 different residential treatment options. Included in that list are private care facilities, Long Lane School, group homes, placement in a foster or relative's home, training schools and others. The Department of Children and Youth Services' file of residential facilities contains those 79 treatment options as well as others. The DCYS file was compiled as the result of a survey of residential facilities taken during the spring and summer of 1978.

A review of the responses from the approximately 120 residential facilities that responded to the DCYS survey was conducted by the Justice Commission staff to identify what facilities are available in the treatment of serious juvenile offenders. The responses to five survey items in particular were used to determine if a facility would accept serious offenders.

¹It is important to note that the focus of this area of the serious juvenile offender problem was on treatment, or rehabilitative oriented programming. Hence, punishment alone or other limited interventions such as probation or verbal warnings were not considered during the review.

The items were:

- (1) Do you normally accept adjudicated delinquents?
- (2) Do you normally accept referrals with a history of assaultive behavior?
- (3) Do you normally accept referrals with a history of fire setting?
- (4) What are your admission criteria?
- (5) What are your rejection criteria?

The results of the initial screening of residential facilities are contained in Table I. Although 48 facilities indicated they would accept adjudicated delinquents, no more than 32 of the facilities were judged as possibly willing to accept the serious juvenile offender. Of the 32, 10 were judged as possibly or definitely accepting serious juvenile offenders only under specific circumstances such as pregnancy, drug abuse treatment, or diagnosis or others. Another 20 were judged as possibly accepting serious offenders without special circumstances and only 2 (Long Lane School and ELAN I) were judged as definitely accepting serious offenders.

TABLE I: RESULTS OF INITIAL SCREENING OF DCYS
FILE OF RESIDENTIAL FACILITIES

Will not accept adjudicated delinquent	Will accept adjudicated delinquent but not SJO	Will possibly accept SJO but only with special circumstances	Will possibly accept SJO	Will definite- ly accept SJO	Total facilities responding
72	16	10	20	2	120

Although it would appear from the analysis of survey responses that there may be 32 seperate facilities that would accept serious offenders, the working knowledge and experience of DCYS staff suggests that there are probably not more than two facilities available as treatment dispositions for serious juvenile offenders. They are Long Lane School and Elan I.¹

2. Utilization

Prior to making recommendations regarding what treatment dispositions should be used for serious juvenile offenders, the Task Force required information to contrast what should be done with what is being done. Justice Commission staff reviewed two sources of information to address this question: the preliminary data from the Court's Computer Based Information System and

¹The finding is based on a personal interview with the Assistant Director for Treatment, DCYS.

personal interviews with DCYS staff. However, the investigation yielded practically no objective data on what treatment dispositions are presently used for serious juvenile offenders.

The court data indicated that 22 of the 79 facilities listed in the Court's Information System were used as treatment dispositions for the serious juvenile offenders committed to DCYS with a direct placement. However, the actual use of those facilities could not be determined since the court's recommendation for treatment in a residential facility is technically only a suggestion to DCYS. Although DCYS officials indicate that they generally follow the court's recommendation, the Department actually has legal custody of the youth and can provide services to the youth at their own discretion within the parameters of the period ordered by the court.

DCYS maintains information on the location of youth committed from the court. However, there was no data readily available on the youth identified from the court data as serious offenders. As stated earlier, the Department's practice of not treating (and therefore not keeping track of) delinquents on the basis of the seriousness of their offense is intentional. Hence, any objective analysis of the treatment dispositions used for serious juvenile offenders would require case by case analysis, which was impossible in the time constraints.

It was possible to gather subjective evidence, however. Based on personal interviews with DCYS staff, it appears that Long Lane School and Elan I are the primary treatment dispositions used for the most serious of the adjudicated delinquents committed to DCYS. This is not surprising after reviewing the information on what exists.

3. Effectiveness

Regardless of what treatment dispositions are either available or used for Connecticut's serious offenders, the scope of the Task Force's recommendations on treatment alternatives is seriously limited by the amount and type of information on the effectiveness of the recommended interventions. As stated earlier, there is a substantial void in the availability of reliable evaluation findings on juvenile justice programs in general and serious juvenile offender programs in particular.

In order to review the limited amount of evidence available on the effectiveness of serious offender programming, Justice Commission staff examined two main sources of information: (1) the national literature published by either LEAA or general sources and (2) unpublished or undistributed reports on Connecticut programming.

Since what little evidence that does exist on Connecticut programming appears to indicate that Long Lane School and Elan I are the major treatment dispositions for serious juvenile offenders, the review of information on the effectiveness of those two resources was particularly important. Although there have been very limited attempts to review the effectiveness of both programs, neither program has been analyzed with scientific rigor

or intensity proportionate to the importance of each program in the disposition of Connecticut's serious offenders.

The availability of national level literature on the subject, although far from adequate, was more abundant than the data available on the state. While there are findings available from many evaluations of individual juvenile programs that may serve serious offenders, one national level source of information was particularly relevant to the Task Force's deliberations. Intervening With Convicted Serious Juvenile Offenders, Dale Mann, 1976, NIJJDP is the result of a review of serious offender treatment programming across the nation.

One of the most relevant observations of the Mann study is the suggestion that while security does appear to vary according to some behavior classification, treatment usually does not. The study does provide a classification of the various treatment interventions observed. They are:

- (1) Interventions based on clinical psychology and psychiatry;
- (2) Interventions based on sociology and social work;
- (3) Interventions based on schooling; and
- (4) Interventions based on career education.

In addition to observing the types of treatment interventions used, the Mann study included some assessment of the success of those interventions. Mann's major conclusion is that although some success was found for each type of treatment, there were no interventions that could be viewed as a panacea in the treatment of serious juvenile offenders.

The study did indicate that several similarities were observed in the more successful programs. They are reported as:

1. Client Choice: Successful programs maximized the discretion of the individual about whether or not to enter the program, which program to enter, and how long to stay.
2. Participation: Strategies that maximized the involvement of the offenders in their own rehabilitation made those individuals more sensitive to their own behavior, more accessible to peer influence, and more likely to support new behavior.
3. Clear Tasks: Those situations which elicited the most successful performances on the part of serious juvenile offenders did so, at least in part, because the juveniles could understand just what they were supposed to be doing.

4. Emulation: Programs that sought to instill responsible, fair, consistent, and thoughtful behavior in juveniles often succeeded by having a staff that acted in this way.
5. Early and Frequent Success: Since persistent failure was a hallmark of these youths, it was important to give them reasons to believe in themselves and in their own efficacy.
6. Reward Structures: Successful programs organized their incentives to reinforce behavior which could be perceived as desirable by both the program staff and the clientele.
7. Credible Training: The most effective training situations were the most similar to the real-world place where the new behavior was to be lived.
8. Hueristic Management: The best program ... encountered seemed to be using their failures as a guide to new initiatives and eventual success.

4. Recommendations

Both the inadequacy of what is known about the treatment of serious juvenile offenders and the little that is known gave rise to several recommendations on programming for the serious juvenile offender.

1. Research should be conducted to determine what treatment is being administered to Connecticut's serious juvenile offenders and how treatment decisions are made.
2. Evaluative research should be conducted on whatever treatment alternatives Connecticut is using for its serious offenders.
3. Further discussion should be held to consider the rehabilitation needs of serious offenders, the importance of the relationship between seriousness of offense and type of treatment on recommendations for the treatment of serious offenders, and the evaluative material on current resources.
4. Until more conclusive evidence to the contrary is available, Connecticut should seek to expand programs for serious offenders that stress the characteristics identified in the Mann study.

D. The 16 and 17 Year Old in Adult Court: Procedures and Programs

Most of the people in Connecticut concerned about youthful serious crime are in reality concerned with crime committed by 16 and 17 year olds. From a legal standpoint, those over the age of 16 are considered adults in this State. While the Task Force did not spend as much of its time and effort on this population as on those under 16, there was an examination of the processing of these young offenders through the adult system. This information also serves as a basis for comparison between the juvenile and adult systems for handling serious offenders.

The sketch given below of the adult justice system is much briefer than that given of the juvenile system, largely because this has been a secondary focus of Task Force activity. For the reader wishing more information on the adult justice system in Connecticut, A Plan to Improve the Criminal Justice System, Volume II, 1978, by the Connecticut Justice Commission provides a more detailed overview.

The adult system for arresting those involved in crime is almost identical to the juvenile system. Once apprehended, the adult offender is involved more immediately in an adversary system. The prosecutor must determine whether or not to prosecute the case. A plea may be negotiated, with counsel and prosecutor present. If the case is to be prosecuted, an arraignment hearing is held; pretrial motions may be made; eventually the case may come to trial. Sentencing for a felony in adult court involves a pre-sentence investigation performed by the Adult Probation Department. Possible dispositions include dismissal, probation or incarceration, each with a number of variations.

In addition to the "standard" adult court procedure outlined above, two additional procedures are available to 16 and 17 year olds in adult court: designation as a youthful offender and accelerated rehabilitation (accelerated rehabilitation is also available to those over the age of 18). The purpose of youthful offender status is to allow first-time adult offenders some of the same rights to confidential handling and erasure as juveniles. Youthful offender status is available to all 16 and 17 year olds who have not committed an A Felony, have not previously been a youthful offender and have no prior adult conviction record, (Connecticut Statutes 54-76). A formal eligibility investigation is required. If the accused offender is eligible and if the Court finds the defendant guilty of an offense, the Court may then find the person a youthful offender. The youthful offender status does not necessitate a more lenient disposition. Its major effect is to keep confidential the record of the offense and the court proceedings and, if the disposition is completed without further incident, to allow for erasure of the record.

The other possible disposition the Court may make is the granting of accelerated rehabilitation. Accelerated rehabilitation may be granted to any offender with no prior record. (Connecticut Statutes 54-76p). Unless good cause is shown, persons accused of A, B, and C felonies are not eligible. The victim (if any) of the crime is given the opportunity to be heard. If granted, accelerated rehabilitation results in withholding any court finding. The individual is placed on probation for up to 2 years. Successful completion of probation results in the original charge being dismissed and the record erased.

Probation for adults is largely the same as for juveniles with a similar variation in options present. The Adult Probation Department administers a priority system in order to decide the intensity of probation services to be offered. This point system takes into account amenability to treatment, number and type of prior offenses, type of current offense and other factors. The use of prior offenses as a weighing factor does bias the provision of services toward older offenders. Probation services themselves are not specifically geared to young offenders, with the exception of one pilot program in Hartford, the Pilot Specialized Probation Services project.

The Department of Correction administers both institutional and field services. Sixteen and seventeen year old offenders who are incarcerated are generally placed at either Cheshire (men) or Niantic (women). Younger offenders are eligible for the same range of services upon release as older adult offenders, including half-way houses, community supervision and services, etc.

E. The Current Processing of 16 and 17 Year Old Offenders In Adult Court:
Data Summary

Three sets of data were examined in an attempt to estimate the number of 16 and 17 year-old individuals convicted for committing serious offenses. One data set contained information from a sample of cases disposed of by the Court of Common Pleas. A second dealt with a sample of cases processed by the Superior Court and the third pertained to cases referred to the Department of Adult Probation.

The sample from the Court of Common Pleas consisted of 988 criminal cases that were disposed of by a conviction during calendar year 1977. (This represents approximately 1% of all the criminal cases disposed of by the Court of Common Pleas). An analysis of the 988 cases indicates that 127 involved 16 or 17 year olds. It also shows that none of these cases resulted in a person 16 or 17 years old being convicted for an offense defined as serious by the Task Force.

The Superior Court sample consists of all cases disposed of with a conviction during the first quarter of 1975. The sample yielded 651 cases of which 42 (6.5%) were 16 and 17 year old individuals.

A frequency distribution of the offenses of conviction for each of the 42 cases is contained in Table E.1. From this table, it can be seen that 11 (26.2%) of the 42 convictions were for offenses defined as serious by the Task Force.

TABLE E.1
Offense of Conviction for 16 and 17 Year Old Youths in the Superior Court
(First Quarter 1975)

Offense	Frequency
Assault II*	1
Assault III	1
Reckless Endangerment	1
Burglary II	2
Burglary III	7
Criminal Trespass I	1
Criminal Trespass II	1
Escape I	1
Escape from Custody	1
Manslaughter I*	2

Offense	Frequency
Larceny I	1
Larceny II	3
Larceny III	2
Robbert II*	4
Robbery III	3
Sexual Assault I*	1
Sexual Assault III*	1
Interfering with officer	4
Assault on an officer *	4
Narcotics (Combined)	<u>4</u>
	42

*Defined by Task Force as Serious

Table E.2 reveals that 164 (25.2%) of all the cases in the sample contained a conviction for an offense defined as serious by the Task Force. The table also shows that 6.7% (11) of the 164 convictions for serious offenses were accounted for by 16 and 17 year old individuals.

TABLE E.2
Distribution by Age Category of Convictions in Superior Court for Serious
Offenses (First Quarter 1975)

	Age 16&17	All other Ages	Total
Arson I	-	4	4
Arson II	-	1	1
Arson III	-	2	2
Assault I	-	5	5
Assault II	1	25	26
Burglary I	-	5	5
Kidnapping I	-	-	-
Kidnapping II	-	3	3

	Age 16&17	All other ages	Total
Unlawful restraint I	-	3	3
Murder	-	2	2
Manslaughter I	2	6	8
Manslaughter II	-	-	-
Misconduct w/MV	-	4	4
Capital Felony	-	2	2
Felony Murder	-	-	-
Larceny I	1	28	29
Shoplifting I	-	-	-
Robbery I	-	11	11
Robbery II	4	31	35
Promoting Prostitution I	-	-	-
Sexual Assault I	1	5	6
Sexual Assault III	1	3	4
Hindering prosecution I	-	-	-
Assault on peace officer/fireman	1	13	14
Manufacture of bombs	-	-	-
Possession of sawed-off shotgun or silencer	-	-	-
	<u>11</u>	<u>153</u>	<u>164</u>

In developing annual estimates of the number of 16 and 17 year olds convicted of committing serious offenses, the temptation is to simply multiply the quarterly figures by four. However, this method does not take into account variation in case processing that can be expected between quarters and between years. In an effort to minimize this effect, the estimates used in this report are based on the assumption that the relative distribution of offenses and offender characteristics is not subject to wide variation. That is, 16 and 17 year old individuals will account for approximately the same proportion of convictions and convictions for serious offenses in any given year as they did in the sample.

The table below contains the estimates for each of the last four years and for the average of the four. They are derived by assuming that 16 and 17

year old individuals account for 6.45% of all convictions in Superior Court and 1.68% of all convictions for serious offenses.

TABLE E.3
Annual Estimates of the Number of 16 and 17 Year Olds Convicted of Committing Serious Offenses

Time Period	Total Convictions	Est. Conv. of 16 & 17 Yr. Olds	Est. Conv. of 16 & 17 Yrs. Olds for Serv. Offen.
FY'74	2,876	186	49
FY'75	3,226	208	54
FY'76	3,472	224	59
FY'77	<u>2,854</u>	<u>184</u>	<u>52</u>
Average	<u>3,107</u>	<u>200</u>	<u>52</u>

Caution must be employed when using these figures. For example, if the actual ratio between the number of 16 and 17 year olds convicted for serious offenses and the total number of convictions was different by one percent then the average (52) would increase or decrease by 31.

The third source of data on 16 and 17 year old offenders was generated by a joint study of adult probationers at intake by the Department of Adult Probation and the University of Connecticut School of Social Work. The study collected information on all intakes between 7/1/77 and 11/1/77 which were processed and coded by 12/5/77. Of the 4065 cases referred during that time period, data was shared with the Justice Commission on 3716 cases. Not all referrals were included in the study due to oversight, error, damaged IBM cards, other technical problems in the collection and processing of data, and no-shows prior to intake.

Of the 3716 cases for which information was obtained, 438 (11.8%) were youthful offenders. Two hundred eighty youthful offenders had received such status for a misdemeanor charge and only 153 for a felony. (For five cases the offense was not coded). Of the youthful offenders who had committed felonies eleven were females and 142 were males. There was only one class C felony (a robbery II), while the remainder were class D or unclassified felonies. Of the 153 felonies, only 10 were considered serious offenses as the Task Force has defined.

- 1 - Misconduct with M.V.
- 6 - Assault II
- 2 - Arson III
- 1 - Robbery II
- 10

The offense for which youthful offender status and probation was granted most frequently was burglary III, a class D felony. Following burglary III is larceny IV, and larceny III. The distribution of offenses is shown in Table E.4.

Crimes against property (299) constituted 68.26% of youthful offender probation intakes during this 4 month period.

Limited information was collected on juvenile background. Of the 438 youthful offenders, 28 were known to have had a prior juvenile record involving probation, while nine were known to have been committed to DCYS on a delinquency petition as a juvenile. These figures probably underestimate the number of youthful offenders with prior juvenile court involvement, as data collection methods for this question were not necessarily systematic.

Of the 28 who had previous juvenile probation, 20 were referred to Adult Probation as a youthful offender for a misdemeanor charge and eight for a felony. Of the nine who had prior commitments to DCYS, 6 had been referred for misdemeanors and 3 for felonies.

There were 11 felony referrals who had either previous commitment or previous juvenile probation. Only three with known juvenile records (2 probation, 1 commitment) were referred for offenses designated serious by the Task Force. In other words of the ten youthful offenders who came to Adult Probation for serious offenses, three were known to have prior juvenile records. All three were males convicted of being a youthful offender for assault II.

The adult probation data was coded for court of conviction. Only 2% of the cases came from Superior Court, while the remaining 98% were referred from Common Pleas.

OFFENSE TYPE - Y.O.'s				
Court	Misdemeanor	Felony	Total	%
Superior	1	8	9	2%
Common Pleas	<u>292</u> 293	<u>138</u> 146	<u>430</u> 439	98%

Adult Probation reports that about 93% of the overall caseload is referred from Common Pleas.

If this information is accurate, then 16 and 17 year olds are less likely to be sentenced to probation via the Y.O. program than directly from Superior Court.

However, examining the Superior Court statistics in Table E.5 on Y.O. cases disposed and placed on probation, the Adult Probation data seems to underestimate the yearly total number of Y.O.'s being referred from

Superior Court. For the entire fiscal year '77 (which includes the four-month period of data collection by Adult Probation) there were 76 placed on probation, with an additional 12 being sentenced to probation following a period of confinement. It is not known how many of the twelve would show up as intakes during the fiscal year 1977, however. The discrepancy in numbers might be accounted for by one or more of the following means:

- 1) the period of time during which the data collection was made may have been atypical;
- 2) systematic exclusion of some of the data cards from the sample;
- 3) error.

It is extremely important to note that all three data samples were collected for other research projects and, therefore, the use of the data in this section contains severe limitations. The data is presented and analyzed here only for the purpose of developing a general estimate of the number of 16 and 17 year-old individuals convicted for committing serious offenses and more specifically, those given youthful offender status. Even within this context, caution must be employed when using these estimates.

TABLE E.4

Frequency of most serious offense of youthful offenders referred to Adult
Probation

Offense	Felony/Misd.	Frequency	% of all y.o.'s
Burglary III	F	95	21.68%
Larceny IV	M	56	12.78
Larceny III	M	46	10.50
Breach of Peace	M	30	6.84
Larceny II	M	28	6.39
Criminal Trespass I	M	19	4.33
Using MV w/o perm.	M	18	4.10
Criminal Mischief III	M	18	4.10
Assault III	M	15	3.42
Criminal Trespass III	M	10	2.28
Disorderly Conduct	M	10	2.28
Interferring w/officer	M	8	1.82
Criminal Mischief II	M	7	1.59
Possession Marijuana	M	7	1.59
Assault II	F	6	1.36
All other felonies (f ≤ 5)	F	24	5.47
All other misdemeanors (f ≥ 5)	M	36	8.21
Offense not coded	-	5	1.14
Total offenses		438	100.00

TABLE E.5

SUPERIOR COURT--YOUTHFUL OFFENDER CONVICTIONS

	1976-77	1977-78
Total cases disposed	4486	3750
Y.O. cases disposed	175	94
Public defenders	99	39
Charges disposed	241	101
<u>NO CONVICTION</u>	(8)	(0)
Nolled, withdrawn or Transferred to common pleas.....4		.....0
Dismissed.....1		.....0
Acquitted--court.....3		.....0
Acquitted--jury..... $\frac{0}{8}$		.....$\frac{0}{0}$
<u>CONVICTION + SENTENCE</u>	(167)	(94)
Guilty/nolo to		
Original charge.....30		.....13
Substitute charge.....134		.....81
Convicted by		
court.....3		.....0
jury..... $\frac{0}{167}$		.....$\frac{0}{94}$
<u>SENTENCED--CONFINED</u>	(37)	(17)
CCI-maximum security.....3		.....0
Cheshire, probation conditional discharge.....6		.....3
Cheshire, no probation, conditional discharge.....14		.....4

<u>SENTENCED--CONFINED (Cont'd)</u>	<u>1976-77</u>	<u>1977-78</u>
CCC; Niantic, probation conditional discharge.....8	.....9	
CCC; Niantic, no probation conditional discharge..... $\frac{6}{37}$	.....$\frac{1}{17}$	

<u>SENTENCED--NOT CONFINED</u>	(129)	(77)
Suspended sentence, probation, conditional discharge	107	76
No probation, conditional discharge	18	1
Fines only	4	0
Other	0	0
Committed mental health treatment	$\frac{0}{129}$	$\frac{0}{77}$

V. PROBLEM AREAS IDENTIFIED

The policies and data on how juveniles and young adults who are involved in serious offenses are being handled in Connecticut today point out a number of problems. The Task Force examined each of the problems summarized in the five statements below:

- A. The Juvenile Court has no mandate to utilize special procedures to insure that juveniles accused of committing serious crimes will be handled in a way which insures swift prosecution and protection of the community from danger while safeguarding the rights of the accused. Juveniles involved in serious crimes are not systematically handled differently from other juveniles prior to adjudication.
- B. The ability of the juvenile justice system to insure safety of the community through the dispositions available is limited. The two-year limit of the current commitment period, the large number of institutional runaways handled each year by the Juvenile Court (164 and 170 in 1975 and 1976), the lack of long-term secure facilities anywhere in the state and the lack of rehabilitation programs for serious offenders are examples of the problem.
- C. The grounds for bindover of accused serious offenders to adult adjudication are very tight. Less than 10 individuals were bound over in the last 3 years, despite a much larger number of serious offenders being processed (approximately 360 per year in 1976-1977).
- D. Sixteen and seventeen year olds with previous juvenile offense records may be granted inappropriate privileges in adult court.
- E. How serious offenders are being handled in the state has not been monitored and, because of this, it is hard to find data on the problem and difficult to determine how successfully the problem is being handled.

A final problem area reviewed in this report is ongoing and involves public education. The Task Force is concerned that in a number of key areas the public has been inadequately and/or inaccurately informed about the problem of serious juvenile crime in Connecticut. The Task Force feels that providing relevant information to the public is also a goal. The most important areas in which public education must take place are reviewed at the end of Section VI.

These five problem statements, coupled with a concern for accurate education of the public, were identified through an analysis of the policy and activity of the Connecticut justice system. They are the major problem areas on which the remainder of this report focuses. The correction of each of these problems represents a goal of the Task Force on Serious Juvenile Offenders. The alternative ways of meeting each goal and the Task Force recommendations are reviewed in the following section of the report.

VI. ALTERNATIVES AND RECOMMENDATIONS

Statement of Overall Philosophy of the Task Force

The Task Force on the Serious Juvenile Offender has been guided by a number of principles in making its recommendations. Prior to outlining the specific recommendations, it is important to review these principles.

First, the Task Force feels that it is essential that accused serious offenders be handled in a manner which both protects the community and protects the rights of those accused.

Second, the Task Force feels that the justice system should have available a continuum of increasingly greater controls from the juvenile through the adult system. The data available indicate that most juveniles do not repeatedly commit serious offenses. This supports the contention that the juvenile system can handle the vast majority of cases. Treating all juveniles who are involved in serious offenses in the adult system puts the juvenile into contact with adult criminals who, in many cases, have long criminal histories. By itself, this contact could increase the number of repeat offenders. The adult system should be a back up on those cases where a juvenile is not amenable to the services available in the juvenile system. Concurrently, the juvenile system should be strengthened to insure that more controls are placed on serious offenders.

Third, Task Force members stressed the need to balance rehabilitation with custody, help with community security. The prevailing philosophy of the juvenile justice system stresses "the best interest of the child." Juvenile justice is seen primarily in the role of a parent or substitute parent. This doctrine is a recent development. Prior to the institution of the juvenile justice system, all juveniles committing crime were treated as adults. The Task Force feels that the "substitute parent" role is not appropriate for all cases. Punishment may be necessary in some cases and community protection may not be adequately served by this role. On the other hand, treating all juveniles as adult criminals is also detrimental. Most young people involved in criminal acts can be rehabilitated. The chance for this could often be lost in an adult prison. The Task Force feels that the issue of the serious offender highlights the need for a change in the current philosophy of the juvenile justice system to a philosophy involving both rehabilitation and custody in a measure appropriate to the individual and the crime he/she has committed.

Fourth, the Task Force feels that a number of broad, system-wide problems have impact on the handling of serious juvenile and young adult offenders. (One example is the coordination of Probation and DCYS services relating to disposition.) These are major problems for which the Task Force has merely recommended further study. In most cases, their broad implications have placed them beyond the scope of the Task Force's mandate.

Finally, the Task Force is operating under the understanding that despite the many hours of work and discussion that have gone into the preparation of this report, there is more work to be done. Certain essential information on sentencing procedures in adult court and on DCYS handling of serious offenders are not currently available; the impact of the recommendations made will have to be monitored and, if necessary, the recommendations will have to be revised. The Task Force has strongly recommended that an ongoing review body find answers to some of the unanswered questions and monitor implementation of their recommendations.

The overall philosophy of the Task Force is that the problem of serious juvenile crime can be effectively handled and that Connecticut appears to be in a much better position to do this than are many other states. The solution will require developing a number of actions which together will serve both to strengthen the resources which are available and to create those which are needed and are not currently available.

Specific Alternatives Examined and Recommendations Made

The Task Force on Serious Juvenile Offenders examined a wide range of options to solve the problems outlined in the previous section. The material presented below describes the alternatives examined, with a brief narrative on some of the key advantages of each option. Following each set of alternatives, the Task Force recommendations are given with reasons to support each recommendation. The recommendations of the Task Force are presented in narrative form, with a chart in Appendix B comparing each of the recommendations to the current policies and programs. Each recommendation is meant to apply only to serious offenders.

<u>Problem</u>	<u>Alternative Solutions Considered*</u>
A. No special procedures are currently used for handling accused serious offenders	<ol style="list-style-type: none"> 1. Keep the current system 2. Modify detention regulations to make it easier to place serious offenders in detention and to make sure that they remain there 3. Change the intake operation to insure less plea negotiation and discretion outside of court 4. Set timetables for the speed of adjudication of serious offenses

Discussion: The current system for handling juvenile delinquents does not have special procedures for handling juveniles accused of committing a serious offense. Despite this, the advocates of the first alternative above stress the lack of additional offenses being committed by accused serious offenders awaiting trial, the relative speed of the current juvenile adjudicatory system (compared to the adult) and a general tendency by the Juvenile Court to handle serious offenses more formally.

The current detention regulations allow for placement of a child into detention only for a limited set of reasons (see section IV.A.1.b.). These reasons are limited to the point that accused serious offenders must be released unless there are grounds which specifically permit detention. Another route for possible exit from detention is the case work supervisor, who has authority to release any child from detention when she/he believes this to be advisable. For serious offenders, these procedures are insufficient safeguards.

Intake at the Juvenile Court is handled by the probation department officer who acts as a court advocate. The probation office has the responsibility for court processing and disposition recommendations. The officer may negotiate changes in charge and may determine whether or not a court hearing is necessary within the limits allowed by the court. Extensive para-legal responsibilities are given to a person without extensive legal training. There may be a need to have at least all serious offender cases handled by a legally trained full-time advocate (prosecutor). Another alternative is to allow no discretion in charge or plea negotiation except on the court record. This would make juvenile proceedings for accused serious offenders more similar to adult proceedings, and eliminate the danger of charges being lessened without knowledge and approval of the court.

*In general the alternatives presented are not mutually exclusive. In many cases, the Task Force has recommended a combination of solutions.

The final alternative examined in the handling of accused serious offenders is a timetable for adjudication. The importance of speedy adjudication of serious offenses from the standpoint of public confidence in the juvenile justice system is clear. There are a number of alternative ways of going about this, including setting timetables across the board or for specific categories of accused offenders and setting limits on court action at adjudication and disposition.

Recommendations:

IN ORDER TO ENABLE THE JUVENILE JUSTICE SYSTEM
TO HANDLE ACCUSED SERIOUS OFFENDERS IN A WAY
WHICH INSURES PUBLIC SAFETY AS WELL AS PROTECTS
RIGHTS TO DUE PROCESS, THE TASK FORCE RECOMMENDS
AN ACCUSED SERIOUS OFFENDER DESIGNATION INCLUDING
THE FOLLOWING ELEMENTS:

1. INTAKE FOR ACCUSED SERIOUS JUVENILE OFFENDERS SHOULD BE HANDLED BY A FULL-TIME ADVOCATE (PROSECUTOR), RATHER THAN A PROBATION OFFICER. THE MANNER OF ORGANIZING FULL-TIME ADVOCATES COULD BE SIMILAR TO THE FULL-TIME PUBLIC DEFENDER PROGRAM WHICH IS CURRENTLY OPERATING. NO DISCRETION SHOULD BE ALLOWED ON ALTERING ANY CHARGE WITHOUT IT APPEARING ON THE RECORD.

2. DETENTION REGULATIONS SHOULD BE MODIFIED IN ORDER TO ALLOW THE COURT TO PLACE IN DETENTION ANY CHILD FOR WHOM THERE IS PROBABLE CAUSE TO BELIEVE A SERIOUS OFFENSE HAS BEEN COMMITTED AND FOR WHOM DETENTION IS NECESSARY. THIS MODIFICATION WOULD REPLACE THE CURRENT "BEST INTEREST OF THE CHILD AND COMMUNITY" GROUNDS FOR DETENTION. THE CURRENT GROUNDS FOR DETENTION REQUIRE SUBSTANTIAL INTERPRETATION AND ALLOW FOR DISPARITIES ON HANDLING AND DETENTION. WHERE THE COURT IS ASSURED THAT REASONABLE SUPERVISION EXISTS IN THE COMMUNITY, A DETENTION ORDER MAY BE SUSPENDED. JUVENILES DETAINED FOR ALLEGED SERIOUS OFFENSES MAY NOT BE RELEASED EXCEPT BY A COURT HEARING OR BY EXPIRATION OF A COURT ORDER. CHILDREN PLACED IN DETENTION SHALL BE ENTITLED TO AN ADJUDICATORY HEARING WITHIN 7 DAYS AND A DISPOSITION WITHIN AN ADDITIONAL 7 DAYS.

3. THE CHILD PLACED IN DETENTION FOR A SERIOUS OFFENSE SHOULD NOT BE RELEASED FROM DETENTION WITHOUT A COURT HEARING. THIS WOULD PROHIBIT RELEASE BY A CASE WORK SUPERVISOR IN THESE CASES.

4. A TIMETABLE OF 7 DAYS BETWEEN REFERRAL AND ADJUDICATION, WITH AN ADDITIONAL 7 DAYS BETWEEN ADJUDICATION AND DISPOSITION BE ESTABLISHED FOR ALL ACCUSED SERIOUS OFFENDERS WHO ARE DETAINED. A TIMETABLE OF 14 DAYS BETWEEN EACH STAGE BE ESTABLISHED FOR SERIOUS OFFENDERS WHO ARE NOT IN DETENTION. IT IS RECOGNIZED, THAT THIS IS AN IDEAL FRAMEWORK WHICH SHOULD ENCOURAGE PRIORITY DOCKETING OF CASES. IT SHOULD ALSO INSURE SWIFT TREATMENT OF SERIOUS OFFENSES, AND MINIMIZE THE DANGER OF ADDITIONAL OFFENSES BEING COMMITTED WHILE AWAITING COURT ACTION.

Rationale:

The basic thrust of these recommendations is to avoid the possible situation of which an accused serious offender might be lost by the system because of inappropriate bargaining by the probation officer or for the child to be released into the community and commit more crimes while awaiting trial. While no documented cases illustrating these problems were discovered by the Task Force, the potential for them exists under the current regulations.

The recommendations also seek to speed the justice process for serious offenders. Data from the Juvenile Court indicate an average of 3-4 months between the time of referral and the time of final disposition of serious offense cases. This, while not extremely speedy, is somewhat faster than the handling of similar cases in adult court perhaps partly because of the additional requirements of due process in the adult system. The flagging of these cases for special handling should include the setting of more expeditious timetables for disposition.

Problem

B. The inability to insure community safety and adequate rehabilitation through the dispositions available in the juvenile system.

Alternative Solutions Considered

1. Leave the current system of juvenile resources unchanged.
2. Increase the length of time commitment to DCYS for serious offenses.
3. Allow the Court to set minimum time periods away from home and family.
4. Mandate that the Court set minimum time periods away from home and family for certain offender categories.
5. Alter the discharge and aftercare policies of DCYS to allow for Court review.
6. Enhance the enforcement capability relative to escapes from the custody of DCYS.
7. Provide the mandate and resources to DCYS to operate a secure, long-term facility for serious offenders who cannot be kept from running away elsewhere.
8. Mandate that DCYS provide a more complete continuum of services for serious offenders and develop the capability to evaluate these services, providing to DCYS resources necessary to accomplish this.
9. Mandate that the Court perform thorough diagnostic evaluations of all serious offenders and provide the resources necessary for this.
10. Adopt a unified probation/DCYS system, with one agency responsible for recommending and implementing disposition.

Discussion:

A wide range of possibilities were examined to increase the ability of the juvenile justice system to protect the community and rehabilitate the offender in the case of juveniles committing serious offenses. The possibilities primarily focus on two areas: the court/DCYS relationship and changes within DCYS services.

Most of the recommendations for change assume that the juvenile justice system ought to have a greater ability to deal with the custodial side of their role (as opposed to the rehabilitative side) when it comes to serious offenders. Proponents of leaving the current system intact do not share this assumption. Some believe that when the primary goal is custody, these juveniles should be handled by adult institutions; opponents argue that adequate custody can be achieved within a modified juvenile system.

Increasing the length of commitment period to DCYS beyond the current period of 2 years allows the Juvenile Court to mete out harsher penalties than may currently be given. Allowing the court to set minimum time periods away from home or family is another step in that direction. The idea behind minimum time periods away from home is that the community may be assured of protection for a given period of time. Mandatory (legislated) minimum time periods might be set up for certain categories of offenders, such as murderers and repeat (second time) serious offenders. These mandatory minimums would reduce disparity of dispositions and insure consistent community protection. The opposing argument is that mandatory minimums fail to take into account particular cases, and may be too rigid. The specific length of the minimum period may also be arbitrary. Finally, any recommendation for minimum "sentences" away from home necessitates additional treatment and custody resources beyond those presently available (see alternatives considered under item D, which follows). Not providing these resources would result in less rehabilitation and more recidivism of these juveniles as they become adults.

The remaining options considered under community protection focus on DCYS and the sources available through the Department. One suggestion (#5) is to tighten up discharge and aftercare policies to require court review in the case of serious offenders, either for all serious offenders or at least for those under some minimum time period away from home sentence. The concept behind this suggestion is that the Court would be in a position to check the unilateral authority of DCYS to act in the best interest of the child.

A second DCYS problem addressed is that of escape from custody. All escapes are currently handled as runaways from an institution. Proponents of a change in this area state that escape from custody by a serious offender is a serious offense which ought to call forth a special response by DCYS and local police to apprehend the escapee. Once returned to custody, one alternative is to give the court and DCYS the ability to impose sanctions which would lower the possibility of re-escape. This may include placement in a secure facility or, if that fails, transfer to adult court. In the case of serious offenders, dictating the type of treatment setting solely by "the needs of the child" may be inappropriate. Escape and recommitment of serious crime are other factors which must be taken into account.

Another DCYS alternative considered (#7) is the addition of a secure*, long-term institutional resource which places a higher priority on custody

*Note: Security within a juvenile setting refers to the ability of the program to retain juveniles without escapees. This may or may not necessitate the same types of physical security used in adult prison. The experience of Connecticut's most secure placement, Elan, clearly demonstrates that security may be accomplished with minimal physical barriers.

than the resources currently available to DCYS. Proponents of this alternative feel that:

1. Current secure facilities at Long Lane School are unsuitable for long-term stays because of the limited size of the physical plant;
2. A secure facility is necessary for certain serious offenders and others who cannot be maintained in less secure institutions. This need will increase when (and if) the Court's time of commitment is lengthened; and
3. DCYS is the most appropriate agency to oversee the operation of the facility. It would add needed service to their currently available alternatives.

Finally, in the area of recommendations focused primarily toward DCYS, DCYS does not have available (or has available at less-than-desirable levels) a number of services. Among those virtually unavailable are intensive community supervision and reintegration facilities for juveniles returning from residential placements to their home community. Residential placements who will accept serious offenders are also lacking. In addition, DCYS does not have the resources to evaluate the effectiveness of programs used. Proponents of this alternative feel that increasing DCYS resources in these two areas will decrease recidivism and increase the success of rehabilitation.

The ninth alternative focuses on the Court's responsibility to gather all information necessary prior to disposition. Diagnostic evaluations are currently performed on a hit-or-miss basis. Those in favor of this alternative feel that these evaluations should be routinely done on those individuals who are adjudicated for serious offenses. This diagnostic information could then be used by Probation and DCYS to recommend and implement disposition.

The final alternative, a modified probation and juvenile care and custody system, is in effect in a number of states. The adoption of this alternative, in the opinion of those who favor it, would allow for a single agency to recommend disposition, secure resources necessary and implement disposition recommendations. The adoption of this alternative has implications which reach far beyond the serious offender problem.

Recommendations:

IN ORDER TO INSURE COMMUNITY SAFETY AND EFFECTIVE
REHABILITATION THROUGH THE JUVENILE JUSTICE SYSTEM,
THE TASK FORCE RECOMMENDS THE CREATION OF SERIOUS
JUVENILE OFFENDER DISPOSITIONS. THE ELEMENTS OF
THESE DISPOSITIONS ARE:

1. THE TIME PERIOD OF COMMITMENT TO DCYS BE LENGTHENED TO UP TO 4 YEARS FOR ADJUDICATED SERIOUS OFFENDERS. THIS TIME PERIOD WOULD BE RENEWABLE FOR 2 YEARS UNDER THE SAME CONDITIONS AS IS THE CURRENT TIME PERIOD.

2. THE COURT BE EMPOWERED TO SET UP TO A SIX MONTH PERIOD AWAY FROM HOME OR FAMILY, IN A SECURE FACILITY OR, IF DEEMED UNNECESSARY OR UNAVAILABLE, ANOTHER FACILITY UNDER THE JURISDICTION OF DCYS.

3. IN THE CASE OF THOSE ACCUSED OF A SERIOUS OFFENSE, BUT NOT BOUND OVER TO SUPERIOR COURT, ADULT SESSION, (I.E. ACCUSED OF AN A FELONY OR A SECOND-TIME SERIOUS OFFENSE WITH PRIOR COURT-ORDERED TREATMENT), THE COURT SHALL IMPOSE A MINIMUM OF A MANDATORY ONE YEAR PERIOD AWAY FROM HOME COMMUNITY OR FAMILY UNDER THE CUSTODY OF DCYS ON A FINDING OF DELINQUENCY FOR THE SERIOUS OFFENSE.

4. DCYS BE PROVIDED WITH THE MANDATE AND RESOURCES NECESSARY TO HAVE AVAILABLE A SECURE, LONG-TERM RESOURCE. ONE CRITERION FOR PLACEMENT IN THIS SECURE FACILITY SHOULD BE THE COMMISSION OF A SERIOUS OFFENSE.

5. ESCAPE FROM ANY FACILITY UNDER THE JURISDICTION OF DCYS SHOULD REPRESENT A CLASS C FELONY (AS IT IS FOR ADULTS) AND SHOULD BE CONSIDERED AN ADDITIONAL SERIOUS OFFENSE. APPREHENSION OF ESCAPED SERIOUS OFFENDERS SHOULD BE INSURED THROUGH SPECIAL, PROMPT NOTIFICATION OF LOCAL POLICE. ONCE NOTIFIED, IT IS EXPECTED THAT POLICE WILL ISSUE SPECIAL INSTRUCTIONS TO ALL OFFICERS IN A FASHION SIMILAR TO THAT USED FOR ADULT ESCAPEES. ONCE APPREHENDED, A HEARING SHALL BE HELD BEFORE THE COURT OF JURISDICTION (DEPENDING ON THE AGE OF THE ESCAPEE). IF THE JUVENILE HAS ESCAPED FROM A SECURE FACILITY, HIS SECOND SERIOUS OFFENSE WOULD CONSTITUTE GROUNDS FOR POSSIBLE BINDOVER. ESCAPE FROM ANY OTHER PROGRAM OR FACILITY WHILE UNDER THE STIPULATION OF THE COURT OR DCYS SHALL FOLLOW SIMILAR PROCEDURES EXCEPT THAT, UPON RETURN TO CUSTODY, THE ESCAPE SHALL BE CONSIDERED GROUNDS FOR PLACEMENT IN A SECURE FACILITY.

6. A FULL PSYCHOLOGICAL AND PHYSICAL DIAGNOSTIC WORK-UP SHOULD BE MANDATED FOR EACH ADJUDICATED SERIOUS OFFENDER AT THE COURT LEVEL PRIOR TO DISPOSITION AND NECESSARY RESOURCES PROVIDED TO THE COURT TO PERFORM THIS EVALUATION. THIS EVALUATION WILL ENABLE THE COURT TO MAKE THE BEST POSSIBLE DISPOSITION DECISIONS. IF AN EVALUATION HAS ALREADY BEEN PERFORMED, THE COURT SHOULD USE THIS.

7. DCYS SHOULD BE MANDATED AND GIVEN RESOURCES TO PROVIDE CERTAIN SERVICES WHICH ARE NOT NOW AVAILABLE AT ALL OR IN SUFFICIENT QUALTITITES AND WHICH HAVE BEEN PROVEN SUCCESSFUL IN DEALING WITH SERIOUS OFFENDERS. AMONG THESE OPTIONS ARE INTENSIVE COMMUNITY SUPERVISION AND REINTEGRATION PROGRAMS IN THE COMMUNITY FOLLOWING RELEASE FROM AN INSTITUTION. DCYS SHOULD ALSO BE MANDATED AND GIVEN RESOURCES TO PERFORM EVALUATION OF THESE PROGRAMS. (THE ONGOING REVIEW AND MONITORING COMMITTEE RECOMMENDED IN THIS REPORT SHOULD MORE THOROUGHLY EXAMINE THESE SERVICE NEEDS).

8. FURTHER STUDY SHOULD BE UNDERTAKEN TO DETERMINE METHODS TO INCREASE THE COORDINATION OF JUVENILE PROBATION AND DCYS SERVICES. THIS RECOMMENDATION,

WHILE BROADER THAN THE TASK FORCE MISSION, HAS IMPLICATIONS FOR MORE STREAM-LINED AND EFFECTIVE HANDLING OF SERIOUS JUVENILE OFFENDERS.

Rationale:

The basic impetus behind the first two recommendations above is to expand the options available to the Juvenile Court to handle serious problems in a serious manner. The Court cannot commit beyond two years at the present time and does not have the ability to set any conditions on the commitment to DCYS. These recommendations would expand the options for adjudication of serious offenses. They would also require Court review of any modifications of the out-of-home placement of the child prior to a specific date. (Together these recommendations would also require changing the jurisdictional age of DCYS to 21 to cover the case of certain serious offenders).

The mandatory minimum for a class A felony and repeat serious offenders protects the community through minimizing sentencing disparity. This recommendation carries with it the need for the juvenile justice system to expand and upgrade its resources to deal with this population.

The fourth and fifth recommendations represent attempts to provide DCYS with more resources and statutory power to handle serious offenders. In the secure facilities area, DCYS currently has a 36-bed secure facility at Long Lane which is not suitable for long-term placement (beyond 4-6 months) because of physical plant limitations. The Department also uses certain residential care facilities, among which the facilities of Elan in Maine are considered the most secure (Approximately 50 beds are used at any one time at Elan by adjudicated delinquents from Connecticut). These facilities are inadequate. Assuming that approximately 12% of serious offenders require a long-term (average stay 1 year) secure placement (this is the approximate number of repeat offenders), 20 beds are necessary. With this new programming available, the juvenile system would have available a number of levels of security.

The recommendations concerning escape from custody represent an attempt to:

1. Give DCYS and the Court a more effective way to handle escape by serious offenders; and

2. Give grounds for more effective police handling of escape from custody. Juvenile Court records for 1975 and 1976 indicate a total of 164 and 170 run-away from institution cases adjudicated in each respective year. Many more runaways uncaught and/or unadjudicated. Additional secure facilities may help ease this problem, but unless huge facilities are constructed, there will not be enough additional secure facilities to solve the problem. Additional firmness in the way in which runaways are handled by all agencies involved--police, Courts and DCYS--is recommended as a major step forward in handling this problem.

The need for diagnostic services (recommendation #6) was clearly documented in a survey of Juvenile Court judges. It is important to deal with

the serious offender in a way which insures effective rehabilitation. These young offenders as indicated in Delinquency in a Birth Cohort by Wolfgang, et.al., are the most likely to commit additional offenses as adults. If the resources can be identified which will rehabilitate (rather than merely hold) the young offender, then this is obviously the most desirable course of action.

The eighth recommendation above flows naturally from the sixth. Once needs are discovered, it is necessary to have the resources to meet these needs. Especially if the juvenile is to be under care for a longer period of time, more and a wider range of resources are needed. In addition, the larger the number of resources being used, the more essential it becomes to have a capability to evaluate these resources to determine what resources are effective for what children, how resources can be improved, etc. This evaluation will help identify those resources which are successful in working with serious juvenile offenders.

The final recommendation designed to improve disposition of offenders is to study methods of bringing about greater coordination of juvenile justice services involved in the disposition process (i.e. probation and DCYS). The Task Force did not study this situation in detail. However, in the course of the Task Force investigations, a number of problems in determining and implementing disposition recommendations seemed to have their origin in inter-departmental coordination.

Problem

C. Limited grounds for transfer to adult court

Alternative Solutions Considered

1. Leave the current transfer statute.
2. Allow for discretionary transfer of accused murderers and second-time serious offenders with prior DCYS commitments.
3. Allow for discretionary transfer of accused murderers and second-time serious offenders regardless of prior DCYS involvement.
4. Allow for discretionary transfer of murderers and other serious offenders who have a prior commitment to DCYS for any delinquency (not status offenses).
- 5.-8. Mandate transfer of juveniles fitting one of the sets of criteria outlined above by the Juvenile Court.

Discussion: The three basic alternatives in the area of transfer to adult court are mandatory transfer discretionary transfer and no transfer. The Task Force examined only the first two, mandatory and discretionary, feeling that the Juvenile system requires the back up of the adult system in at least some cases.

Mandatory bind-over eliminates court discretion and removes certain classes of juveniles from the juvenile justice system. The approach assumes that juveniles who have committed certain offenses can be more effectively handled in the adult system, by both courts and correction or probation. It also assumes that transfer to adult court should depend primarily on the offense committed and secondarily on the prior record of the defendant; other factors such as ability to be effectively rehabilitated or contained in the juvenile institutions are not taken into account. Behind this is the assumption that the discretionary transfer system that exists currently is being mishandled.

Discretionary bind-over makes a different set of assumptions. Discretionary bind-over assumes that other facts besides the offense type and prior record must be taken into account in making a transfer decision and that discretion will be used in a fair manner. It also assumes that the juvenile institutions, now or in the future, can effectively handle many serious offenders.

Within each of these two broad transfer models, a number of options may be considered. The first two options presented above are the most limited in the range of juveniles considered. (The current transfer statute takes in accused murderers and the second-time A or B felony offenders). The third

and fourth options presented are increasingly broad. The fourth would allow for the most transfer. The opinions on the pros and cons of these options focus on two major variables: protection of the community and security of facilities available to DCYS. The lower the confidence in DCYS facilities and the greater the concern for community safety, the wider the net of possible transfer to adult court which is considered. Unfortunately, opinions on this issue are assumptions based on scant data.

Recommendations:

IN ORDER TO INSURE THAT JUVENILES WHO ARE ACCUSED
OF SERIOUS CRIMES AND ARE NOT ABLE TO BE HANDLED
IN THE JUVENILE JUSTICE SYSTEM ARE GIVEN NECESSARY
DISPOSITIONS, THE TASK FORCE RECOMMENDS:

1. A TRANSFER HEARING BE REQUIRED FOR ALL WHO MEET THE CRITERIA FOR BEING TRANSFERRED TO ADULT COURT, OUTLINED AS FOLLOWS:

ACCUSED FIRST TIME CLASS A FELONY OFFENDERS AND ANY OFFENDER WHO IS ACCUSED OF A SERIOUS OFFENSE AND HAS A PRIOR ADJUDICATION FOR A SERIOUS OFFENSE. OFFENDERS MUST ALSO BE OVER THE AGE OF 14.

2. THE JUDGE SHOULD BE INSTRUCTED TO TAKE INTO ACCOUNT PROBABLE CAUSE TO HAVE COMMITTED THE OFFENSE, THE SERIOUSNESS OF THE OFFENSE AND PRIOR RECORD OF THE JUVENILE, THE PROTECTION OF THE COMMUNITY AND THE ABILITY OF THE JUVENILE JUSTICE SYSTEM TO HANDLE THE CUSTODY AND TREATMENT OF THE ACCUSED OFFENDER AT ANY TRANSFER HEARING.

Rationale:

The Task Force feels that the grounds for transfer in the current statute are too narrow and should be broadened. However, the Task Force also unanimously agrees that, especially given the recommendations to add custody resources to the juvenile justice system as are contained in this report, mandatory transfer based solely on the offense or offense history of the defendant would be unwise. The data indicates that 5 juveniles have been bound over since the enactment of the transfer statute three years ago. Most of the juveniles transferred have been faced with a murder charge. Those not bound over have been handled within the juvenile justice system, despite the lack of secure resources. The Task Force feels that the court should be mandated to consider transfer of a much wider group of juveniles for whom bind-over might be necessary (estimated average of 15 per year). However, echoing the statement of philosophy given earlier, the adult system should be used as a backup to the juvenile system, available to handle those for whom even the new serious offender dispositions are not deemed adequate.

In addition, the data indicates that the adult system and juvenile system incarcerate or institutionalize roughly the same percentage of serious

offenders. The concept that the adult system is consistently more punitive or harsher is not supported by the evidence. More accused serious offenders are lost in an early stage in the adult system through nolle, diversions, plea bargaining and other reasons. While the juvenile system adjudicates a much higher percentage of those accused, the percentage of those given an institutional disposition is much lower. The net effect is to make the percentage of those accused who are institutionalized roughly the same. The conclusion to be drawn from this is that the adult system, where penalties are greater, is the most effective way to deal with repeated serious offenders. Coincidentally, increasing the ability of the juvenile system to insure community safety through its handling of the vast majority of those juveniles apprehended for serious crimes is necessary.

In conclusion, the Task Force recommends requiring a transfer hearing in which the juvenile court must weigh the available evidence, the charge and the prior record of defendant (both criminal and treatment) and, on this basis, determine transfer. It also recommends expanding bindover grounds, with the result that this consideration be given to many more cases than are currently considered for transfer. Coupled with a strengthened juvenile system, this recommendation results in the creation of expansion of 2 levels of greater security beyond those currently available in the Juvenile Court.

<u>Problem</u>	<u>Alternative Solutions Considered</u>
D. 16 and 17 year olds with previous offense records may be granted inappropriate privileges in the adult system.	<ol style="list-style-type: none"> 1. Leave the current system for handling 16 and 17 year olds intact. 2. Make use of both accelerated rehabilitation and youthful offender status on successive offenses by 16 and 17 year olds impossible. 3. Mandate the use of the juvenile record before granting youthful offender or accelerated rehabilitation. 4. Modify adult sentencing guidelines re: serious offenders.

Discussion: The adoption of the first alternative implies that there are no major (or solvable) problems in the adult system. The information available does not show that a majority of 16 and 17 year olds who are convicted for committing serious offenses go unpunished.

The second alternative considered by the Task Force would make the use of accelerated rehabilitation and youthful offender options mutually exclusive. Task Force members felt that the use of both of these privileges on successive offenses by young offenders violated the intent of the two statutes. While the intent of each statute is generally well-served at the present time, the action recommended would curb potential abuse.

A third alternative for changing the processing of 16 and 17 year olds would require that the juvenile adjudication and pending case record be summarized and presented to the Court prior to granting either accelerated rehabilitation or youthful offender status for all accused felony offenders who are seeking these privileges. Currently, the granting of either of these privileges is dependent only upon age and type of offense (not an A felony for youthful offenders and not an A, B, or C felony for accelerated rehabilitation unless good cause is shown). Requiring the use of the juvenile record in these decisions would reduce the potential that a serious or repeated juvenile offender would be granted these special privileges as an adult.

The fourth alternative was also considered briefly. The Task Force recognized that, while there are other groups working on the development of sentencing guidelines or some related tool as a way to bring about greater uniformity in adult dispositions, this general problem spills over onto the serious young adult offender question.

Recommendations:

IN ORDER TO INSURE THAT 16 AND 17 YEAR OLDS DO NOT HAVE OPPORTUNITIES TO UTILIZE ADULT COURT PRIVILEGES WITHOUT ADEQUATE SAFEGUARDS FOR ABUSE, THE TASK FORCE RECOMMENDS:

1. THE USE OF YOUTHFUL OFFENDER AND ACCELERATED REHABILITATION PROGRAMS SHOULD BE MUTUALLY EXCLUSIVE FOR 16 AND 17 YEAR OLDS.
2. THE JUVENILE RECORD MUST BE SUMMARIZED FOR THE COURT AND USED IN THE GRANTING OF EITHER ACCELERATED REHABILITATION OR YOUTHFUL OFFENDER STATUS FOR ANYONE ACCUSED OF A FELONY OFFENSE BETWEEN 16 AND 18 YEARS OLD.

Rationale:

While the Task Force was unable to document numerous cases of abuse of the youthful offender plus accelerated rehabilitation options by those involved in serious offenses, it was felt that there is a strong potential for abuse of these options by young offenders. A high percentage of 16 and 17 year olds use the youthful offender option, revealing the potential for abuse. (Data are not available on those using accelerated rehabilitation because this is a pre-adjudicated status).

We recommend that the use of one of these options should preclude the use of the other among this age group. Youthful offender status is not available to those over the age of 17, precluding the use of both options by older offenders. The Task Force felt that, despite the fact that the youthful offender option was not a disposition (many serious youthful offenders are incarcerated), this option should be retained as the privilege it was originally designed to be.

The second recommendation on 16 and 17 year olds is made for reasons similar to the first. The Juvenile record of anyone accused of committing a felony offense who is seeking one of these two privileges ought to be available and used by the Court. The Task Force feels that there is a great deal of difference in the way an individual who is apprehended for the first time at age 16 and the individual who has a long and serious history of juvenile offenses and is apprehended for the same crime should be handled. There is no advice in the statutes concerning the review and use of the juvenile record in granting either of the privileges mentioned. While the juvenile record is now available, the Task Force recommends that the Court be required to take the juvenile adjudication and pending case record into account in granting either accelerated rehabilitation or youthful offender status to any accused felony offender. (The addition of the large number of persons accused of misdemeanors would be prohibitive in terms of time and cost.)

The Task Force has made no recommendations in areas which relate to the overall operations of the adult Superior Court. It was felt that, despite the impact of these operations on young offenders involved in serious crimes, these operations are well beyond the scope of the Task Force mission. In addition, a number of key issues, such as sentencing, are currently under study by other groups.

A final concern of the Task Force in relation to the handling of 16 and 17 year olds in adult court is the lack of specialized services available within the Departments of Adult Probation and Correction. This issue was also raised by the Legislative Program Review and Investigations Committee in their 1977 report on Juvenile Justice in Connecticut. The Task Force concurs in the recommendation made in the report that specialized caseload units be studied and, if deemed feasible, implemented by these Departments.

Problem

- E. No one has monitored how serious offenders are being handled in the State.

Alternative Solutions Considered

1. Create a Review Commission to evaluate how successfully serious offenders are being handled and to monitor the implementation of recommendations.

Discussion: The State has not paid specific attention to the problem of serious juvenile offenders. Because of the need to better evaluate how this problem is being treated and to monitor the far-reaching implications of the recommendations presented in this report, Task Force members suggested an ongoing review body be set up.

Recommendation:

IN ORDER TO EVALUATE MORE THOROUGHLY THE HANDLING
OF SERIOUS JUVENILE OFFENDERS AND TO MONITOR THE
IMPLEMENTATION OF THE RECOMMENDATIONS:

1. AN ONGOING REVIEW COMMISSION BE SET UP UNDER THE JURISDICTION OF THE CONNECTICUT JUSTICE COMMISSION.
2. THIS REVIEW COMMISSION BE INSTRUCTED TO REPORT ANNUALLY TO THE LEGISLATURE ON THE PROGRESS MADE IN IMPLEMENTING RECOMMENDATIONS AND ADDITIONAL CHANGES NECESSARY, IF ANY.

Rationale:

This review commission would serve a number of valuable functions. First, it would be able to further determine the types of programs which are successful in rehabilitating serious juvenile offenders. Second, the Commission could oversee the implementation of the recommendations. Because of the extensive changes recommended, an implementation period of 2-3 years is anticipated. Third, the Commission could examine related problem areas, such as the relationship of probation and DCYS as related to disposition. Fourth, recommendations for additional changes could be made, based on evaluation of the new programs and procedures. The Task Force feels that without this ongoing review body, the thrust of the recommendations may be lost.

CHART: SUMMARY OF TASK FORCE RECOMMENDATIONS

Objective	Proposed Solutions
A. Enable the juvenile justice system to handle accused serious offenders in a way which ensures public safety and protects rights to due process through an accused serious offender designation.	<ol style="list-style-type: none">1. Require that accused serious offenders be handled by a full-time advocate. Eliminate off the record bargaining.2. Modify detention rules to insure that serious offenders may be placed in detention if necessary and that release may not be granted except by the Court.3. Insure speedy adjudication and disposition for those accused of serious offenses.
B. Insure community safety and effective rehabilitation through special serious juvenile offender dispositions.	<ol style="list-style-type: none">1. Lengthen the time commitment to DCYS by the Court to 4 years for adjudicated serious offenders.2. Empower the court to set up to a six month time period before which the child could not return to the home community or family.3. Mandate imposition of a one-year period away from home community under the custody of DCYS on a finding of guilt in those cases where the offender has committed a class A felony or second-time serious offense.4. DCYS should be provided with the mandate and resources necessary to operate a secure, long-term institutional resource.5. Escape from custody should be handled as a serious offense. Better coordination of police, DCYS and Court resources around escape is recommended, with the classifying of escape from custody as an additional serious offense allowing for court review.6. Mandate and provide resources to the Court to insure that complete diagnostic evaluations for all adjudicated serious offenders prior to disposition are available.7. Provide DCYS with resources necessary to expand services which have shown effectiveness with serious offenders.

Objective	Proposed Solutions
	<ol style="list-style-type: none">8. Study increased coordination of juvenile probation services and DCYS in order to insure greater comprehensiveness of disposition recommendations.
C. Insure that the Superior Court, Juvenile matters, has sufficient options for handling accused serious offenders who are not amenable to being handled in the juvenile system.	<ol style="list-style-type: none">1. Mandate that the Court consider transfer of both of the following categories of juveniles to adult court: (Any accused serious offender) and any other accused serious offender who has been previously adjudicated for a serious offense. When there is probable cause to believe the offense was committed and when it determines that the juvenile cannot be safely contained and rehabilitated within and/or served by adult institutions, mandate that transfer to adult court occur.
D. Insure that 16 and 17 year olds with previous offense records may not be granted appropriate privileges in the adult court system.	<ol style="list-style-type: none">1. Make use of the youthful offender and accelerated rehabilitation privileges on successive offenses by 16 and 17 year olds impossible.2. Mandate review and use by the Court of the juvenile adjudication record of all accused felony offenders prior to granting either of the above privileges.
E. Provide for ongoing monitoring of how serious offenders are being handled in the State.	<ol style="list-style-type: none">1. Create a review commission under the jurisdiction of the Connecticut Justice Commission.2. Instruct the Review Commission to report annually to the Legislature concerning the progress made in implementing recommendations and any additional changes which are necessary.

Appendix B gives an overview of how the recommendations made above relate to the current processing of juveniles from arrest to disposition and treatment. These charts indicate that almost every stage of the processing of serious juvenile offenders will involve special handling. They also illustrate that the recommendations are interdependent. No one recommendation by itself will solve the problems and leaving out one set of proposed responses will render the others ineffective or unworkable.

Appendix F shows the draft legislation proposed by the Task Force stemming from the recommendations. Not all of the Task Force recommendations are reflected in the draft legislation, since some involve court rule or programming changes not requiring legislation.

Public Education: An Overview of the Task

This report has revealed a number of areas in which those who have reported on serious juvenile crime in Connecticut have had incomplete information or have made false assumptions. The Task Force feels it important to address the myths that have been formed as a result of statements on the problem which have been made in the past in order to help the citizens of Connecticut understand the nature of serious juvenile crime in this state. This awareness may help clarify the solutions to the problem.

Among the important pieces of information which must be disseminated are the following items.

- MYTH: A juvenile offender in Connecticut is anyone under the age of 18 who commits a crime.
- FACT: In Connecticut, the juvenile jurisdictions stops at age 16. Anyone 16 years of age or older who is accused of committing a crime is tried as an adult in this state.
- MYTH: There is very large and rapidly increasing number of juveniles involved in committing serious offenses in Connecticut.
- FACT: While public figures in certain states, such as New York, have pointed to a rise in serious juvenile crime, Connecticut has not experienced this situation. In the past two years, the number of serious felony offenders being referred by police has actually declined from 443 to 292. These serious offenders represent 3-5% of the 9,000 juveniles referred to the Court in a year. These figures do not support the contention that serious juvenile crime is rampant and growing. They should not be used, on the other hand, to justify the conclusion that nothing needs to be done or that further reduction of these figures is not both possible and desirable.
- MYTH: The adult jurisdiction is the only way to effectively handle serious juvenile offenders.
- FACT: The adult system, at least in part because of additional requirements for due process, does not actually sentence a greater proportion of those entering than does the juvenile system. Sentences given in adult court, however, do result in somewhat longer periods of incarceration than corresponding juvenile institutionalizations. Another alternative to exclusive reliance on the adult system to more effectively handle serious juvenile offenders is to develop a serious offender sanction within the juvenile justice system. This level of sanction should include tougher penalties than those currently available. The adult system can then be used to deal with those repeated or very serious offenders who are notable to be handled within this new level of juvenile sanctions. This alternative is a more organized and complete way of handling the serious offender problem.
- MYTH: Mandating longer periods of incarceration can be done without significant consequences.

FACT: A young prisoner, if not successfully rehabilitated, faces a long criminal career. Incarceration as an across-the-board solution, without attempting rehabilitation, is not practical.

In addition, incarceration is very costly, between \$7,304 and \$15,386 per year per person depending on the institution. If all adjudicated juvenile and young adult (16 and 17) serious offenders were incarcerated for a minimum of 3 years, (about 200 are adjudicated per year), it would cost the state about \$5-6 million per year to house them.

On the other side of the question, effective security in the institutional setting is necessary and can protect the public from serious crime, which itself is costly. For at least the proportion of serious offenders who repeat (approximately 30% repeat once, 10% more than once), it is essential to provide effective security, regardless of the cost.

A range of options, providing a combination of the necessary security and effective rehabilitation, is the most effective way of handling the problem.

Educating the people of Connecticut in these 4 areas is part of the ongoing mission of the Task Force. These 4 statements set a framework over the reality of serious juvenile crime in Connecticut. It is the role of the Task Force members and other informed public officials to inform the public of the nature of serious juvenile crime in Connecticut and of effective ways to handle the problem.

Appendix A

OFFENSES LABELED AS SERIOUS BY THE TASK FORCE

All Class A Felonies:

murder
felony murder
kidnapping I
kidnapping I with a firearm
conveying of unauthorized items into a correctional or humane institution or to inmate outside institution..

The following Class B Felonies:

manslaughter I
manslaughter I with a firearm
assault I
assault I (victim over 60 years of age)
sexual assault I
sexual assault I with a firearm
promoting prostitution I
kidnapping II
kidnapping II with a firearm
burglary I
arson I
larceny I (only those cases involving extortion)
robbery I
employing a child in an obscene performance
manufacture of bombs
extortionate extension of credit, conspiracy
advances of money or property to be used in extortionate extensions of credit
participation or conspiracy in use of extortionate means

The Following Class C Felonies:

manslaughter II
manslaughter II with firearm
arson II
robbery II
assault on a peace officer with a firearm

The Following Class D Felonies:

misconduct with motor vehicle
assault II
assault II with firearm
assault II victim over 60
assault with firearm victim over 60
sexual assault II
sexual assault III with firearm
unlawful restraint II
arson III
hindering prosecution I
possession of a sawed-off shotgun or silencer

APPENDIX B

Stages for Special Handling of Accused and Adjudicated Serious Juvenile Offenders

Stage	Summary Current Rules	Proposed Special Action
I. Police		
A. Investigation	Rules of evidence same as adults; no evidence obtained by coercion	No Change
B. Apprehension arrest	Only arrested when caught in the act, speedy information or in crisis (e.g. run-away or in danger), all with probable cause; rights to silence; rights to speedy referral.	No Change
C. Referral	Complaint to juvenile court stating facts in writing	No Change
II. Probation/Court Adjudication		
A. Intake/assessment	Probation officer determines whether probable cause and need for court hearing based on number or prior referrals, seriousness of offense and other factors.	Processing should be handled by a full-time advocate. No discretion to probation officer or advocate prior to court appearance.
B. Interview	Child and parents/guardians present; inform re: rights; admission or denial of guilt and/or judicial hearing; non-judicial supervision an option if court accountability is "less exacting" and if no request for hearing.	No initial interview. All referrals will be presented before the court. A plea hearing will be held by juvenile court, with advocate recommending plea.
C. Detention	Only judge has authority if probable cause and if one of the following:	Add, replacing three (3) the offense is classified as serious. In those cases where

CONTINUED

1 OF 2

<u>Stage</u>	<u>Summary Current Rules</u>	<u>Proposed Special Action</u>
II. Probation/Court Adjudication		
C. Detention	<ol style="list-style-type: none"> 1. strong probability of runaway, 2. strong probability of more offenses, 3. reasonable cause to believe release to home would not be in best interest of child or community given serious nature of offense. 24-hour maximum before detention petition file and for detention decision or hearing; no detention hearing necessary if expressly waived; 10 days maximum without hearing, 15 days with. 	<p>the court is sufficiently assured that reasonable supervision of the juvenile is available detention may be suspended. Juveniles detained for alleged serious offenses may not be released from detention, except where the time period has expired or with a court hearing. Right to plea hearing within 7 days;</p>
D. Bind-over to adult court	May be done if over 14 years of age and murder is alleged or repeat offender of class A or B felony, and only if reasonable cause, no state juvenile institution has suitable treatment and adult court is more suitable for disposition and sentence. If a murder charge the safety of the community may be additional grounds for transfer.	<p>Change as follows: A hearing must be held if over 14 years of age and an A Felony is alleged or repeat offender of a serious offense, if the juvenile has a record of prior court ordered treatment. If the Court assesses that the adult court is more suitable for disposition and treatment, bind-over to adult court will occur. Prior treatment failure may be taken as a grounds for non-amenability to treatment within the juvenile justice system. A timetable of 7 days between referral and adjudication and an additional 7 days between adjudication and disposition should be set for all serious</p>

II. Probation/Court Adjudication

<u>Stage</u>	<u>Summary Current Rules</u>	<u>Proposed Special Action</u>
D. Bind-over to adult court		offense cases in juvenile court.
E. Timetable	No specific timetable for hearing of juvenile court cases.	Place a timetable of 14 days from referral to adjudication and from adjudication to disposition for serious offenders who are not detained. Shortening this timetable to 7 days between each stage for those in detention.
F. Adjudicatory	<p>Proceedings "as informal as the requirements of due process and fairness permit," right to counsel guaranteed, including appointment if interests of child and parent conflict or if fair hearing necessitates appointment.</p> <p>If guilt is denied advocate/court & child/parent/attorney elicit testimony (may be narrative), with right to confrontation guaranteed. Finding of delinquency requires:</p> <ol style="list-style-type: none"> 1. Acts took place 2. Child was responsible. 3. That the acts constitute delinquency 	

Stage	Summary Current Rules	Proposed Special Action
III. Disposition hearing		
A. Social history	Social investigation mandatory; basis for disposition recommendation.	A full diagnostic evaluation should be obtained by the Court prior to disposition
B. Alternative 1. dispositions	Dispositions include warning/dismissal, probation or commitment to DCYS for up to 2 years.	For serious offenses, the court may commit to DCYS for up to 4 years ² . and, in addition may specify a time period to be sent away from the home community or family. If the delinquent is over 14 years of age, has been adjudicated for an A Felony or for a second serious offense with prior court-ordered treatment experience, then at least one year commitment away from home under the custody of DCYS shall be imposed.
C. Appeals	Similar to adult appeal procedure; pending appeal child may be detained (rare) released or bailed; court disposition need not be stayed pending appeal.	No Change
IV. DCYS ³ .		
A. Custody and Treatment	Department has wide-ranging responsibilities, including operation of and contracting with facilities, insuring for food, clothing, shelter and other needs, education and care treatment plan mandated.	A wider range of services, including more intensive community supervision, expanded evaluation capabilities and programming for reintegration of juveniles placed outside the home community is necessary to rehabilitate the serious offender.

Stage	Summary Current Rules	Proposed Special Action
A. Custody and Treatment		long-term institution resource must be available to DCYS. (One of the criteria for placement in this facility shall be the commission of a serious offense.)
B. Aftercare	Aftercare by the Department when "in the best interest of the child or youth."	For serious offenders, placement may not be made in the home community prior to minimum date (if any) set by the court unless a hearing is held before the court to modify the disposition.
C. Discharge	Discharge by the Commissioner when "in the best interest of the child."	Discharge of serious offender prior to expiration of commitment may not take place without a court hearing.
D. Extention of Commitment	Must show "in the best interest of the child"; hearing mandatory.	No change.
E. Escape from Custody	Request by Commissioner to law enforcement personnel (no warrant necessary); Escape is handled in-house by DCYS without a court hearing.	See note 4 which follows.
F. Transfer to Adult Facilities	When dangerous to self or others, hearing required.	(If secure facilities are available to DCYS, this would eliminate the need for transfer)
V. Adult Court Bind-Overs (See attached issue paper)		
A. Disposition	Court disposes based on pre-sentence investigation and other factors, primary disposition alternatives include	Add: For youths bound over because of escape from custody, incarceration shall be required on a finding of guilt without

<u>Stage</u>	<u>Summary Current Rules</u>	<u>Proposed Special Action</u>
A. Disposition	incarceration dismissal and probation.	good reason. If no finding of guilt, child is referred back to DCYS for completion of ongoing term of commitment.
B. Department of Correction	Department is responsible for both institutional and field services; no special services are currently available for juveniles. ⁵	Specialized services for young offenders to be explored. (Ties in with youthful offender recommendations).

1. The Task Force also felt that there are a number of jurisdictional problems relating to disposition, custody and treatment between courts, probation and DCYS. Consolidating probation with youth services may solve some of these problems. Such unification might allow a single agency to perform and/or contract for diagnostic and treatment/custody functions, as well as making disposition recommendations to the court. The Committee strongly recommends that the ongoing review body recommended in this report study this situation and report back with recommendations for necessary change.

2. This would require a change in DCYS and juvenile matters jurisdiction up to age 21 in certain cases.

3. Note: Not all juveniles adjudicated delinquent for serious offenses are committed to DCYS or placed in an institution.

4. Escape from custody shall be defined as unauthorized (without just cause) departure from any program or facility operated by or under stipulation of DCYS. Escape from custody by a serious juvenile offender from a secure facility operated by DCYS shall represent a class C felony (as for adults). Apprehension should be the primary responsibility of local police. Special, prompt notification of police by DCYS or the Court is required for serious offenders. Once notified in this way, home community police are expected to issue special instructions to all officers in a fashion similar to that used for adult escapees. Once apprehended, a hearing before the judge of juvenile session shall be held as per a serious offense. If probable cause, and lacking readily justifiable reasons for runaway, the court may consider this an additional serious offense. (This allows transfer to adult court to be considered.) Escape by a serious offender from any other program while under custody, this escape shall be considered grounds for placement in a secure facility (rather than grounds for transfer).

Stages for Special Handling of Serious 16 and 17 Year Old Offenders

<u>Stage</u>	<u>Summary Current Activity</u>	<u>Proposed Special Action If Any</u>
I. Disposition		
A. Findings as a youthful offender	Must be 16-17, not have committed a felony and not a previous youthful offender; requires formal investigation; routinely granted if eligible; juvenile record is available, but specific use not indicated. (general policy is to seek juvenile record on felony offenses) ² .	For felony offenses, the investigation process should require the juvenile court record must be reviewed by probation and summarized before the court as an additional factor to determine eligibility for youthful offender status and for determination of disposition ¹ Y.O. status should not be available to anyone previously granted accelerated rehabilitation.
B. Dispositions	Judge may commit, impose fine, suspend or impose sentence and suspend execution. Period less than three years, with probation extended to five years if necessary.	No Change.
C. Accelerated rehabilitation.	Unless good cause, not applicable for A,B, & C felonies; first offender; No court finding but released to probation for up to 2 years; notice to victim with opportunity to be heard.	Accelerated rehabilitation should not be available to any 16 or 17 year old previously granted youthful offender status. As in Y.O. determination, if a felony is alleged then juvenile record must be reviewed and summarized prior to granting accelerated rehabilitation.
1. The Subcommittee also recommends that Juvenile Court personnel develop well-defined uniform adjudicatory and disposition designations in order to minimize possible confusion on the adult court.		
2. Court must also take age and physical incapacity of victim (if any) in granting Y.O. status.		

<u>Stage</u>	<u>Summary Current Activity</u>	<u>Proposed Special Action If Any</u>
II. Services	Choice between probation and correctional incarceration, many DCYS-type services not available; post-incarceration services available (Same as adults), but not generally utilized.	The feasibility of specialized caseloads with staff who have expertise in dealing with younger offenders should be explored by Probation and Corrections.

Appendix C

A Glossary of Commonly Used Terms and Abbreviations

- Accelerated rehabilitation - a program for first offenders of generally lesser offenses in which court-adjudication is withheld and the accused offender is placed on probation
- Adjudication - The determination of guilt or innocence by the Juvenile Court
- DCYS - Department of Children and Youth Services
- Disposition - the determination of sentence or treatment for those adjudicated as guilty by the Juvenile Court
- Institution - a residential facility involved in the treatment or custody of adjudicated delinquents
- Juvenile - in Connecticut law, a juvenile is a person under the age of 16
- Juvenile Court - refers to the Superior Court, Juvenile matters
- Long Lane - the only delinquency institution operated by DCYS
- Referral - the process by which police bring an accused person to the attention of the Court
- Serious offender - a person who commits a serious offense
- Serious offense - an offense which involves the use of violence or force or threat of personnel harm, including murder, manslaughter, assault (including sexual assault), arson and robbery - for a list of specific offenses, see pages 7-9.
- Transfer - placement of a juvenile (under age 16) under the adjudication and disposition of the Superior Court, adult jurisdiction. Prior to the unification of the Court, the term for such a transfer was bind-over.
- Youthful Offender - any first offender aged 16 or 17 who has not committed an A felony and has been granted this status by the Court. Allows for erasure of the record of the offense.

Appendix D
Bibliography

The following is a list of materials selected from a much greater number of reports available. (A complete literature search is available from the Connecticut Justice Commission).

I. Selected source materials on Serious Juvenile Offenders

Alternative Definitions of "Violent" or "Hard-Core" Offenders: Some Empirical and Legal Implications, Juvenile Justice Research Team, Governor's Commission on Crime Prevention and Control (Minnesota), Jan., 1977, 81 pp.

Confronting Youth Crime, Twentieth Century Fund, Holmes & Meier Publishing Co., Inc., 1978, 120 pp.

Delinquency in a Birth Cohort, Marvin E. Wolfgang, Robert M. Figlio, and Thorsten Sellin, Chicago, 1972.

"Findings and Implications of the Dangerous Offender Society," Donna Hamparian, unpublished paper presented in Middlebury, Ct., June 2-3, 1978, 10 pp.

Intervening with Convicted Serious Juvenile Offenders, Dale Mann (Rand Corporation), July, 1976, 116 pp.

The Serious Juvenile Offender, Proceedings of a National Symposium, September 19 & 20, 1977, Minneapolis, Minnesota, U.S. Department of Justice, 183 pp.

"Serious Juvenile Offender Program," Minnesota Department of Correction, June, 1978, 19 pp.

Violent Delinquents, Paul A. Strasberg (Vera Institute of Justice), 1978, 272 pp.

II. Selected Source materials - the Connecticut Juvenile Justice System

"Juvenile Court for the State of Connecticut," Annual Report, 1976, 33 pp.

Juvenile Justice, Connecticut Justice Commission 1979 Plan, 523 pp.

Juvenile Justice in Connecticut, Legislative Program Review and Investigations Committee, 1978, 171 pp.

The Legal Rights of Children, A Reference Work, Auerbach Service Bureau, 1978, 367 pp.



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APPENDIX F

DRAFT LEGISLATION PROPOSED BY THE TASK FORCE

AN ACT TO PROVIDE FOR THE RESPONSIBLE AND EXPEDITIOUS HANDLING
OF JUVENILES AND YOUNG ADULTS INVOLVED IN THE
COMMISSION OF SERIOUS CRIMES

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

Section 1: Section 51-301 of the general
statutes is amended to add the following definition:

"Serious juvenile offense" means the violation by a child, including
attempt or conspiracy to violate, Section 54a, 54b, 54c, 55, 55a, 56, 56a,
57, 59, 60, 60a, 70, 70a, 71, 72b, 86, 92, 92a, 94, 95, 101, 111, 112, 113,
122(a)(1), 123(a)(3), 134, 135, 166, 167c, 174(a), or 211 of Title 53a
of the general statutes, Section 80a, 390, 391, or 392, or Title 53 of the
general statutes, P.A. 77-422(1), (2), or (3), P.A. 77-577, or for having
without just cause run away from any secure placement other than home while
committed as a delinquent child to the Commissioner of Children and Youth
Services for a serious juvenile offense. "Serious juvenile offender" means
any child adjudicated a delinquent child for commission of a serious juvenile
offense.

Section 2: Sections 51-307 and 51-308
of the general statutes are repealed and the
following is substituted in lieu thereof:

(a) The court shall hold a transfer hearing to determine whether it is
appropriate to transfer and may transfer from the docket for juvenile matters
to the regular criminal docket of the superior court any child referred for

the commission of a class A felony, or for any serious juvenile offense if
such a child has previously been adjudicated a delinquent for a serious
juvenile offense, if such child has attained the age of fourteen at the time
the alleged delinquent act was committed. No such transfer shall be valid
unless, prior thereto, the court has caused an investigation to be made as
provided in section 51-315 and has made written findings after a hearing,
that there is probable cause to believe that (1) the child has committed the
act for which he is charged and, (2) the child is not amenable to treatment
in any institution or state agency or other available facility designed for the
care and treatment for children to which said court may effect placement of such
child which is suitable for his care or treatment and (3) the sophistication,
maturity, and previous adjudications of the juvenile are such that the facilities
used for regular criminal sessions of the superior court provide a more
effective setting for the disposition of the case and the institutions to which
said court may sentence a defendant sixteen or over are more suitable for the
care and treatment of such child. Upon the effectuation of the transfer, such
child shall stand trial and be sentenced, if convicted, as if he were sixteen
years of age. If the action is dismissed or nolle or if such child is found
innocent of the charge for which he was transferred, the child shall resume
his status as a juvenile until he attains the age of sixteen.

(b) There shall be established or designated by the Department of Children
and Youth Services a secure facility or facilities within the state devoted to
the care and treatment of children by qualified medical experts which children
are under the jurisdiction of the superior court, a prerequisite to admission
to such a facility being adjudication for a serious juvenile offense.

Section 3: Section 51-312 of the general statutes is repealed and the following is substituted in lieu thereof:

If it appears from a petition of alleged delinquency that the child is in such condition that his welfare requires that his custody be immediately assumed, the authority issuing the summons may endorse upon the summons a direction that an officer, or other person serving such summons, shall at once take the child into his custody. Such child may, by the judge, be admitted to bail, pending final disposition, or may be released in the custody of the probation officer, his parent or some other suitable person. When not so released, the child may be detained pending the hearing and disposition of the case under and by such order of commitment as the court or judge thereof directs. NO CHILD SHALL BE PLACED IN DETENTION OR THEREAFTER HELD UNLESS IT APPEARS FROM THE AVAILABLE FACTS THAT THERE IS REASONABLE CAUSE TO BELIEVE THAT THE CHILD IS RESPONSIBLE FOR THE ACTS ALLEGED AND THAT THERE IS (A) A STRONG PROBABILITY THAT THE CHILD WILL RUN AWAY PRIOR TO COURT HEARING OR DISPOSITION, OR (B) A STRONG PROBABILITY THAT THE CHILD WILL COMMIT OR ATTEMPT TO COMMIT OTHER OFFENSES INJURIOUS TO HIM OR TO THE COMMUNITY BEFORE COURT DISPOSITION, OR (C) REASONABLE CAUSE TO BELIEVE THAT THE CHILD'S CONTINUED RESIDENCE IN HIS HOME PENDING DISPOSITION WILL NOT SAFEGUARD THE BEST INTERESTS OF THE CHILD OR THE COMMUNITY BECAUSE OF THE SERIOUS AND DANGEROUS NATURE OF THE ACT OR ACTS SET FORTH IN THE ATTACHED DELINQUENT PETITION, OR (D) A NEED TO HOLD THE CHILD FOR ANOTHER JURISDICTION, OR (E) A NEED TO HOLD THE CHILD TO ASSURE HIS APPEARANCE BEFORE THE COURT, IN VIEW OF HIS PREVIOUS FAILURE TO RESPOND TO THE COURT PROCESS. NO CHILD SHALL BE RELEASED FROM DETENTION WHO IS ALLEGED TO HAVE COMMITTED A SERIOUS JUVENILE OFFENSE EXCEPT BY ORDER OF A JUDGE OF THE SUPERIOR COURT. In no case shall a child be confined in a

community correctional center or lockup, or in any place where adults are or may be confined, except in the case of a mother with a nursing infant; nor shall any child at any time be held in solitary confinement. When a girl is held in custody, she shall, as far as possible, be in charge of a woman attendant.

Section 4: Section 51-315 of the general statutes is repealed and the following is substituted in lieu thereof:

Prior to the disposition of the case of any child found to be delinquent, investigation shall be made of the facts as herein specified by the probation officer, and until such investigation has been completed and the results thereof placed before the judge, no disposition of the child's case shall be made. Such investigation shall consist of an examination of the parentage and surroundings of the child, his age, habits, and history, and shall include also an inquiry into the home conditions, habits and character of his parents or guardians. Where a child is or legally should be in attendance at school, it shall further contain a report of the child's school adjustment, which shall be furnished by the school officials to the court upon its request. The court shall, when it is found necessary to the disposition, cause a complete physical or mental examination, or both, to be made of the child by persons professionally qualified to do so. IN ALL CASES PRIOR TO THE DISPOSITIONAL HEARING OF A CHILD FOUND TO BE DELINQUENT FOR A SERIOUS JUVENILE OFFENSE THE COURT SHALL CAUSE A COMPLETE DIAGNOSTIC EXAMINATION TO BE SO MADE, UNLESS SUCH INFORMATION IS OTHERWISE AVAILABLE, WHICH SHALL INCLUDE PHYSICAL AND PSYCHOLOGICAL AND MAY INCLUDE MEDICAL, PSYCHIATRIC, NEUROLOGICAL, LEARNING DISABILITY, AND SUCH OTHER DIAGNOSES AS THE COURT DEEMS NECESSARY. IF SUCH CHILD IS COMMITTED TO THE DEPARTMENT OF CHILDREN AND YOUTH SERVICES, SUCH INFORMATION SHALL BE SHARED WITH THE DEPARTMENT OF CHILDREN AND YOUTH SERVICES.

Section 5: Section 51-321 of the general
statutes is amended to add the following subsection:

(e)(1) If the delinquent act for which the child is committed to the Department of Children and Youth Services is a serious juvenile offense, the court may set a period of time up to six months during which the Department of Children and Youth Services shall place such child out of his town of residence at the commencement of such child's commitment.

(2) If the delinquent act for which the child is committed to the Department of Children and Youth Services is a serious juvenile offense and if the child had been subject to a mandatory transfer hearing but jurisdiction was retained by Superior Court, Juvenile Matters, the court shall impose a period of one year during which the Department of Children and Youth Services shall place such child out of his town of residence at the commencement of such child's commitment.

(3) The setting of any such time periods shall be in the form of an order of the court included in the mittimus. For good cause shown in the form of an affidavit annexed thereto, the Department of Children and Youth Services, the parent or guardian of the child or the child may petition the court for temporary modification of any such order not to extend or reduce the term of such placement.

Section 6: Section 51-322(a) of the
general statutes is repealed and the following
is substituted in lieu thereof:

(a) EXCEPT AS OTHERWISE LIMITED BY SECTION 51-321 (e) OF THE GENERAL STATUTES, Commitment of children adjudged delinquent by the superior court to the Department of Children and Youth Services shall be for an indeterminate time up to a maximum of two years, OR, WHEN SO ADJUDGED ON A SERIOUS JUVENILE OFFENSE, UP TO A MAXIMUM OF FOUR YEARS AT THE DISCRETION OF THE COURT, unless extended as hereinafter provided.

Section 7: Section 17-415a of the general
statutes is repealed and the following is substituted in lieu thereof:

EXCEPT AS OTHERWISE LIMITED BY SECTIONS 51-321(e) and 51-322(a), the Commissioner of Children and Youth Services or his designee may, when deemed in the best interests of the child committed to the custody of the Commissioner as delinquent by the Superior Court, place such child on parole under such terms or conditions as the Commissioner or his designee deem to be in the best interests of such child. When in the opinion of the Commissioner or his designee it is no longer the best interest of such child to remain on parole such child may be returned to any institution, resource or facility administered by or available to the Department of Children and Youth Services.

Section 8: Section 54-76b of the general
statutes is repealed and the following is substituted in lieu thereof:

For the purpose of Sections 54-76b to 54-76n, inclusive, "youth" means a minor who has reached the age of sixteen years but has not reached the age of eighteen years and "youthful offender" means a youth who has committed a crime or crimes which are not class A felonies, who has not previously been convicted of a felony or been previously adjudged a youthful offender, OR BEEN AFFORDED A PRE-TRIAL PROGRAM FOR ACCELERATED REHABILITATION UNDER SECTION 54-76p, who is adjudged a youthful offender pursuant to the provision of said sections. The interstate compact on juveniles, except the provisions of article four thereof, shall apply to youthful offenders to the same extent as to minors below sixteen years of age.

Section 9: Section 54-76(a) of the general statutes is repealed and the following is substituted in lieu thereof:

(a) If the court grants such motion or if the court on its own motion determines that the defendant should be investigated hereunder and the defendant consents to physical and mental examinations, if deemed necessary, and to investigation and questioning, and to a trial without a jury, should a trial be had, the information or complaint shall be held in abeyance and no further action shall be taken in connection with such information or complaint until such examinations, investigation and questioning are had of the defendant. Investigations under sections 54-76b to 54-76n, inclusive, shall be made by an adult probation officer. WHEN THE INFORMATION OR COMPLAINT CHARGES COMMISSION OF A FELONY, THE ADULT PROBATION OFFICER SHALL INCLUDE IN THE INVESTIGATION A SUMMARY OF ANY UNERASED JUVENILE RECORD OF ADJUDICATIONS OF THE DEFENDANT.

Section 10: Section 54-76p of the general statutes is repealed and the following is substituted in lieu thereof:

There shall be a pretrial program for accelerated rehabilitation of persons accused of a crime, not of a serious nature. The court may, in its discretion, invoke such program on motion of the defendant or on motion of a state's attorney or prosecuting attorney with respect to an accused who, the court believes, will probably not offend again and who has no previous record of conviction of crime and who states under oath in open court under the penalties of perjury that he has never had such program invoked in his behalf, provided the defendant shall agree thereto and provided notice has been given by the accused, on a form approved by rule of court, to the victim or victims of such crime, if any, by registered or certified mail and such victim or victims have an opportunity to be heard thereon. Unless good cause is shown, this section

shall not be applicable to persons accused of a class A, class B, or class C felony NOR SHALL THIS SECTION BE APPLICABLE TO ANY YOUTH WHO HAS PREVIOUSLY BEEN ADJUDGED A YOUTHFUL OFFENDER UNDER THE PROVISIONS OF SECTIONS 54-76b TO 54-76n, INCLUSIVE. Any defendant who enters such program shall agree to the tolling of any statute of limitations with respect to such crime and to a waiver of his right to a speedy trial. Any such defendant shall appear in court and shall be released to the custody of the commission on adult probation for a period, not exceeding two years, and under such conditions as the court shall order. If the defendant refused to accept, or having accepted, violates such conditions, his case shall be brought to trial. If such defendant satisfactorily completes his period of probation, he may apply for dismissal of the charges against him and the court, on finding such satisfactory completion, shall dismiss such charges.

Statement of Purpose: To establish a statutory definition for the serious juvenile offender as a basis for the more expeditious handling of juveniles accused of committing a serious offense. To provide for more effective dispositions available to the Superior Court, Juvenile Matters, in relation to serious juvenile offenders. To expand grounds for bindover to adult court of juvenile offenders who cannot be safely or effectively handled as a serious offender within the juvenile system. To prevent the potential misuse of youthful offender and accelerated rehabilitation status by 16 and 17 year old offenders.

TABLE F.1.

Relationship Between Draft Legislation and Recommendations

<u>Legislative Section</u>	<u>Recommendations Contained*</u>
Section 1	Defines serious offense Recommendation B-5 Escape from Custody
Section 2	
(a)	Recommendation C-1--Transfer hearing and procedures
(b)	Recommendation B-4--Long-term secure resource
Section 3	Recommendation A-2--Detention
Section 4	Recommendation B-6--Diagnostic examination
Section 5	Recommendations B-5 and B-3--Mandatory minimum restricted commitments
Section 6	Recommendation B-1--Extention of length of commitment
Section 7	Recommendations B-1, B-2 and B-3--DCYS powers under mandatory minimum and extended length commitments
Sections 8 and 10	Recommendation D-1--Restricts use of accelerated rehabilitation and youthful offender status on successive offenses
Sections 9 and 10	Recommendation D-2--Use of juvenile record
*see pages	for a full listing of the recommendations

APPENDIX G

MINORITY POSITION

SERIOUS JUVENILE OFFENDER TASK FORCE REPORT

INTRODUCTION

First, it is fancy, not fact, to conclude that Connecticut is subject to a rampant increase in serious delinquent conduct. Indeed, both state (Juvenile Court Annual Reports) and federal (Justice Department) statistics indicate a leveling off and even a *decrease in delinquent conduct* over the past three years. It is of some significance to note that *Connecticut is already one of the most conservative juvenile jurisdictions in the country* with a maximum delinquency age of 15 and transfer to criminal docket above 13. When various individuals testifying at last year's public hearing before the legislature were asked for specifics, for example, invariably they cited cases involving youths (those over 16), not children. Despite the alleged outcry, Hartford and Bridgeport are *not* the South Bronx. In short, given some failings, the juvenile justice system in Connecticut has been doing something right, that is, more right than the criminal system.

At the risk of stating the obvious, it seems to go unrecognized that children make lousy criminals. The rate of conviction of children referred for a serious offense is *dramatically* higher than for adults arrested for the same crimes. And a higher percentage are incarcerated after conviction.

Which leads to the woeful state of juvenile incarceration in Connecticut. Unfortunately, most of our delinquent institutionalized children have been ill-educated, neglected or abused, and are physiologically and/or mentally disabled. They have been failed by the existing educational system in Connecticut which has become the object of severe criticism in the federal and state courts, being defined as discriminatory both racially and geographically, that is, as segregated and illegally financed. For an "opulent" state, it seems incongruous to witness a widespread panic in the educational systems due to deficits under federal law (e.g. P.L. 94-142). Yet the best estimates indicate that over 70 percent of serious juvenile offenders suffer from two or more learning disabilities. Project New Pride, LEAA, 1978. Child abuse and neglect among all socio-economic classes have reached epidemic proportions in Connecticut and, like educational failure, are causally related to delinquent conduct, but go unaddressed. See, Welch, Ralph

(Bridgeport), "Delinquency, Corporal Punishment, and the Schools", and Liazos, Alexander, "School, Alienation, and Delinquency" (Crime and Delinquency, July 1978.) Yet, in Connecticut's delinquency programs these very children, under the guise of therapeutic intervention, are frequently further neglected or abused. Can "treatment" be defined as placement in a 6' by 8' solitary cell, stripped to one's underwear, without sanitary facilities, and without heat, light or ventilation? This is not the Spanish Inquisition it is today at Connecticut's children's prison. Such conditions have been outlawed in the Connecticut prisons, LaReau v. Mac Dougall, 473 F. 2d 974 (1972), and in the neighboring states' training schools, Lollis v. N.Y. Department of Social Services, 322 F. Supp. 473 (N.Y., 1970), and Inmates of Boys' Training School v. Affleck, 346 F. Supp. 1354 (R.I., 1972), but not in Connecticut at Long Lane. Thus conditions illegal for adults in prison are condoned for our children.

Many Connecticut children are placed in facilities contracting with DCYS. Many of these facilities are little more than warehouses while a few provide additional services e.g. the report to LPRIC last year that at least one girl's group home was transporting its girls to the local red light district. The very few potentially therapeutic facilities are patently racist in their admission policies and are seldom willing to take children with problems more severe than acne. There are no DCYS regulations providing standards of care at its own, to say nothing of its contracted, facilities. Yet, year after year Connecticut taxpayers support this undefined, unmonitored nightmare of institutionalized children under the belief that it is "treatment" (and, to compound the travesty, at a budget which *should* provide much more e.g. approximately \$25,000 per year per child at the state training school). These abuses and others have been recently reported at length to the legislature (e.g. Juvenile Justice in Connecticut, LPRIC 1978, and The Department of Children and Youth Services: A Program Review, LPRIC 1979).

SUPPLEMENTAL RECOMMENDATIONS

Recognizing that getting tough with the kids is a foregone conclusion for this or any legislative session, the following generally assumes that all proposals of the majority will become reality. The following suggestions, it is submitted, merely offer retort to existing abuses and to those abuses potentially generated by the task force recommendations.

INTAKE AND DETENTION: The report recommends less discretion in discharge from detention and broader grounds for judicial resort to detention. Detention facilities in Connecticut are run by the judicial department, and have recently been the subject of substantial media scrutiny e.g. prior to being closed by the Fire Marshall, reported incidents at New Haven detention such as "hanging a kid off a fire escape by his ankles to quiet him down" and "having kids strip down and dance in front of the supervisor" (New Haven Journal-Courier 7/24/78, pp. 1, 8). In that detention represents the first custodial experience in the juvenile justice system for many children, some of whom are subsequently found not delinquent, it would seem critical to minimize abuses at least at that level. It is, therefore, recommended that, if the judicial department wishes to remain in the child-care/custody business, THE JUDICIAL DEPARTMENT SHOULD ENACT REGULATIONS SPECIFYING STANDARDS OF CARE AND CUSTODY AND STAFF QUALIFICATIONS FOR DETENTION FACILITIES.

SENTENCING AND TRANSFER ALTERNATIVES: The report recommends lengthier commitments and mandatory minimum time away from home, emphasis being on custody rather than treatment. This, of course, marks a radical departure from juvenile justice philosophy, perhaps occasioning sufficient erosion to necessitate TRIAL BY JURY. See, RLR v. State, 487 P. 2d 27 (Alaska Supreme Court, 1971).

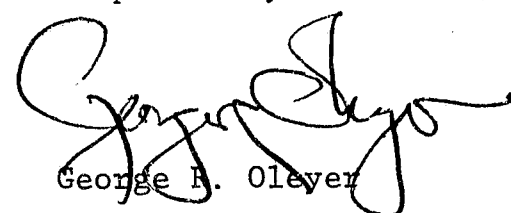
The report also substantially broadens the class transferable to adult criminal court. While the report apparently presumes the possibility of incarceration in prisons may reduce the incidence of delinquent conduct, there is no evidence to support that expectation. Standards for Juvenile Justice: A Summary and Analysis, p. 164 (Institute of Judicial Administration/American Bar Association Joint Committee, 1977). It should also be noted that the transfer and sentencing recommendations may even preclude Connecticut from receiving federal (LEAA) funding, depending on the execution of such recommendations.

The extension of commitment periods so that juvenile institutions will have custody of twenty year old youths, if adopted, would seem to logically lead to another conclusion, namely, that Connecticut, like nearly every other state in the country, increase juvenile jurisdiction to the age of majority. The report addresses weaknesses in the youthful offender procedure for 16 to 18 year olds and, it is submitted, that procedure exists only as testament to the fact that Connecticut now stands with only two other states at the lowest age jurisdiction, at sixteen. If our institutions are now to be equipped to handle older youth, and if perhaps even more flexible transfer provisions were available for 16 to 18 year olds, it would seem highly appropriate to ABOLISH YOUTHFUL OFFENDER PROCEDURES AND INCREASE JUVENILE JURISDICTION TO AGE 17.

COMMITMENT AND DCYS: The two recent studies by LPRIC cited above perhaps stand as sufficient condemnation of DCYS, were it not for the human misery between the lines of those reports. If there is to be any hope for community safety or rehabilitation of serious juvenile offenders, a significant restructuring of DCYS priorities and programs is in order. For the children, they have sacrificed some of their constitutional safeguards with the promise that they will be humanely treated rather than punished. Thus, to the extent DCYS offers simple custody (to say nothing of punishment) rather than rehabilitation, the system is a charade and cruel joke at the expense of our most powerless class. Ironically, however, *the ultimate sacrifice is borne by society in general, for those children today subjected to inappropriate, excessive, or insufficient "treatment," or mistreatment, are the embittered, frustrated seed of tomorrow's criminal harvest.* See generally, Task Force Report: Juvenile Delinquency and Youth Crime, President's Commission on Law Enforcement and Administration of Justice (1967); Kittrie, Nicholas, The Right to Be Different/Deviance and Enforced Therapy (1971); Wooden, Kenneth, Weeping in the Playtime of Others (1976); Goldstein, Solnit & Freud, Beyond the Best Interests of the Child (1973); Browne, Elizabeth, The Right to Treatment under Civil Commitment (1975). Yet the United States Supreme Court has long recognized that children *actually* receive neither treatment nor constitutional safeguards. Kent v. United States, 383 U.S. 541 (1966); In re Gault, 387 U.S. 1 (1967); In re Winship, 397 U.S. 358 (1970); Task Force Report: Juvenile Delinquency and Youth Crime, President's Commission on Law Enforcement and Administration of Justice (1967). In short, beginning effective treatment of serious juvenile offenders is not an option but a mandate.

There are models for effective treatment programs. See generally, Intervening with Convicted Serious Juvenile Offenders, LEAA, U.S. Department of Justice (1976); Juvenile Justice in Connecticut, LPRIC (1978). Such programs tend to be non-institutional, community based and are fiscally much more attractive than Connecticut's existing complex. In conclusion, it is therefore, also recommended that THE DEPARTMENT OF CHILDREN AND YOUTH SERVICES ENACT REGULATIONS PROHIBITING THE USE OF CORPORAL PUNISHMENT AT ALL CHILD CARE FACILITIES AND ESTABLISHING STANDARDS OF CARE AND CUSTODY FOR ITS FACILITIES; that DCYS MONITOR AND ASSESS PROGRAM COST AND EFFECTIVENESS; that DCYS EXAMINE ALTERNATIVES TO INSTITUTIONAL PLACEMENT; that DCYS PROMOTE CONTRACTUAL RELATIONS WITH PRIVATE FACILITIES WHICH MINIMIZE DISCRIMINATORY INTAKE PROCEDURES AND FOSTER A THERAPEUTIC COMMITMENT TO EACH CHILD, that DCYS PROMOTE AND PROVIDE FOR CONTINUING EDUCATION OF ITS EMPLOYEES WITHIN THEIR RESPECTIVE SPECIALTIES.

Respectfully Submitted,


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