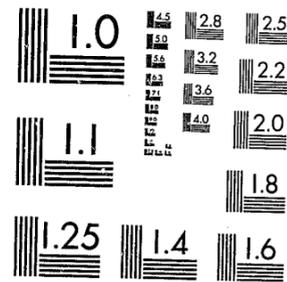


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THE SERIOUS JUVENILE OFFENDER
TASK FORCE REPORT

EXECUTIVE SUMMARY

Task Force on Serious Juvenile Offenders

Convened by

Connecticut Justice Commission

June, 1978 - January, 1979

80854

CONNECTICUT JUSTICE COMMISSION 75 ELM STREET, HARTFORD, CONN. 06115

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EXECUTIVE SUMMARY OF TASK FORCE ON SERIOUS OFFENDER REPORT

I. Introduction

The commission of serious crime by juveniles has become a topic of attention throughout the United States. The public is shocked by news headlines of youths involved in serious crimes, and feels inadequately protected.

In Connecticut, juvenile jurisdiction ends at age 16. It appears that a small minority of juveniles are involved in serious crime (3.3% of the 8,859 juveniles referred to the Juvenile Court in 1977). There is no indication that there has been an increase in the number of juveniles arrested for serious crimes in recent years. In fact, the number of serious offenders referred to the court in 1977 was significantly less than in 1976 (433 in 1976 and 292 in 1977). The lack of evidence for an increase in serious juvenile crime in recent years places the Connecticut situation in proper perspective. However, these facts should not be an excuse for inaction.

The problem of serious juvenile offenders has no single, simple solution. Concerted effort by a number of institutions--family, schools, employers, courts, police, legislators, youth-serving agencies and others--is required. This report addresses the response that the justice system can make toward handling the problem presented by the serious juvenile offender. It is based on two principles. First, the Community must be better protected from serious offenders and second, the long-term goal of intervention must be to prevent future crime through fostering individual responsibility and respect for law.

II. Task Force Formation and Mission

The Report on Serious Juvenile Offenders in Connecticut was developed by a Task Force organized by the Connecticut Justice Commission. A full list of Task Force members is given in Appendix A of this summary. The Task Force was convened as a response to widespread concern about the problem of serious juvenile offenders by citizens, legislators, professionals, and the news media. A proposal requiring bindover of serious or repeat juvenile offenders to the adult jurisdiction was introduced in the last legislative session as a result of a broad review of juvenile justice by the Legislative Program Review and Investigations Committee.

In light of this activity, the Justice Commission felt that it was important to examine thoroughly serious juvenile crime in Connecticut. Following a symposium on serious juvenile crime in June of 1978, a task force was formed to define serious offenses, determine the nature and scope of serious juvenile crime, explore current methods of handling the problem and possible alternatives and recommend policies and program options.

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III. Toward a Serious Juvenile Offender Policy for Connecticut

The Task Force examined a number of issues relating to the problem of serious juvenile crime. Their conclusions are summarized below.

WHAT IS A SERIOUS OFFENSE?

The Task Force defined a serious offense as a felony offense involving the use of violence or force or the immediate danger of personal harm. Using this definition, each offense in the felony code was examined. Thirty-nine offenses met the criteria for seriousness and are listed in Appendix B. The major crimes included are homicide, kidnapping, assault, sexual assault, arson, and robbery.

HOW MANY SERIOUS JUVENILE OFFENDERS ARE THERE?

Four hundred forty-three juveniles were referred to the Juvenile Court in 1976 for serious offenses. This represents 4.9% of the 8,995 juveniles referred to the court that year. The number of juveniles referred to the court in 1977 dropped only slightly to 8,859, but the number referred to the Court for serious offenses dropped by more than one-third. The two hundred ninety-two juveniles who were referred for serious offenses in 1977 represent only 3.3% of all juveniles referred that year. The number of juveniles who were adjudicated delinquent for serious offenses in 1976 and 1977 was 199 and 208, respectively. In 1976, 199 juveniles were adjudicated delinquent for serious offenses, more than three-quarters for robbery or assault. In 1977, 208 juveniles were adjudicated delinquent, with two-thirds found guilty on robbery or assault charges. Of the juveniles who were adjudicated delinquent in 1976, 11% (21) were found delinquent on more than one serious charge, and in 1977, only 9% (19) were found delinquent on multiple serious charges. In sum, only a small proportion of the juveniles referred to the court had been referred for serious offenses. Approximately 200 juveniles per year were adjudicated delinquent for serious offenses during the two years studied, and only about 10% of them were adjudicated delinquent on more than one serious offense during the year. The majority of the juveniles adjudicated delinquent for serious offenses in both years were referred on robbery or assault charges.

WHAT AGES OF SERIOUS OFFENDERS WERE CONSIDERED BY THE TASK FORCE?

By definition, Connecticut law ends the juvenile delinquency jurisdiction at age 16. Crime committed by 16 and 17 year olds is handled in the adult court. However, citizen concern over serious young offender crime extends beyond juveniles to 16 and 17 year olds. Because of this, the Task Force has addressed this problem in its recommendations.

WHAT IS THE ROLE OF THE JUVENILE JUSTICE SYSTEM?

The juvenile justice system deals with neglect and child abuse cases as well as delinquency. Most delinquent cases do not involve serious

offenses, and in those cases a concern for the needs of the child predominates. However, the Task Force feels that in serious cases the juvenile justice system should be modified to address the necessary concern for community safety.

WHAT IS THE ADVANTAGE OF A COMBINED JUVENILE/ADULT SYSTEM APPROACH?

The creation of a serious offender level in the juvenile system allows for stiffer sanctions to be placed on those found to have committed a serious offense. The adult system should be used to deal with individuals who cannot be handled in a strengthened juvenile system. This approach would create a series of levels in the handling of juveniles in the justice system, as outlined in Figure A below.

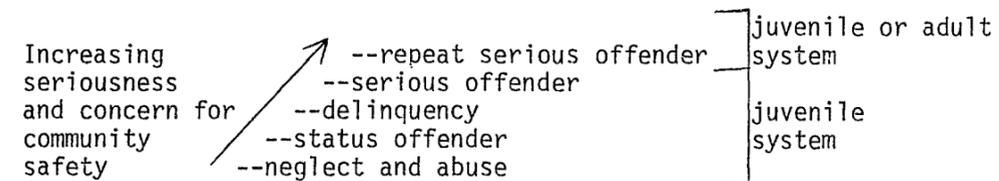


Figure A: Levels of the Justice System Relating to Juveniles

IV. Recommendations

The Task Force makes five basic recommendations, three for special handling of juveniles, one with respect to 16 and 17 year olds, and the last for ongoing review of the problem.

- *Create an accused serious juvenile offender designation beginning at the point of police referral to improve prosecution of serious offender cases and to improve protection of the community.
- *Create an adjudicated serious offender disposition in Juvenile Court, allowing for lengthier and more secure sanctions on adjudicated serious offenders as well as stronger rehabilitative efforts.
- *Expedite bindover to the adult courts of dangerous offenders who cannot be safely or effectively handled as a serious offender within the juvenile system.
- *Prevent the potential misuse of youthful offender and accelerated rehabilitation options by 16 and 17 year olds who are treated by Connecticut law as adults.

*Create a Review Commission to oversee the implementation of the recommendations.

Each of these five major points contains a number of recommendations. These recommendations are reviewed briefly below. Each of these recommendations is meant to apply only to serious offenders. A much more thorough review of the recommendations, as well as the rationale behind each of them, is contained in the full Task Force report.

Recommendation 1 Create an accused serious juvenile offender designation

- handle these cases with full-time prosecutors (advocates)
- allow no discretion without court review
- allow referral for a serious offense as a criterion for detention
- prohibit release of accused serious offenders from detention except by court order
- expedite cases through adjudication and disposition with target timetables of 28 days or less from referral to disposition

Recommendation 2 Create a serious offender disposition in Juvenile Court

- extend the time of allowable commitment to the Department of Children and Youth Services (DCYS) from 2 to 4 years
- allow the Court to set up to a 6 month period away from community and family under DCYS jurisdiction for those age 14 or over
- mandate a 1 year minimum time away from community and family for any child meeting bindover criteria (see Recommendation 3) who was retained by Juvenile Court
- mandate and provide resources for DCYS to make available a long-term secure facility as well as other effective serious offender rehabilitation programs and require DCYS to evaluate their effectiveness
- make escape from a lawful placement a serious offense and develop special procedures for police apprehension and return to court of escapees
- remove the ability of DCYS to discharge a serious juvenile offender prior to the expiration of commitment without a Court hearing
- study, through the ongoing Review Commission (see Recommendation 5), ways to bring about greater coordination of Juvenile Probation and DCYS functions

Recommendation 3 Expedite bindover to adult court where necessary

- mandate a bindover hearing for all juveniles accused of class A felonies and for second-time serious offenders age 14 or over.
- instruct the Court to take into consideration the failure of past court-ordered treatment as a grounds for determining lack of amenability to juvenile services.

Recommendation 4 Prevent potential misuses of youthful offender and accelerated rehabilitation by 16 and 17 year olds

- require summary and use of juvenile record as a criterion prior to granting either status to an accused youthful felony offender
- disallow the use of both options in successive offenses by those under the age of 18

Recommendation 5 Create an ongoing Legislative Review Commission to oversee the implementation of the recommendations

- place this Review Commission under the auspice of the Connecticut Justice Commission
- require annual reports to the Legislature on how the recommendations are being implemented and additional changes where necessary.

The Task Force feels that the five recommendations presented above will make a major, lasting impact on the juvenile justice system. Instead of viewing the juvenile and adult justice systems as widely separate in resources and punishments, these recommendations call for a continuum of increasing controls. The juvenile justice system would have at its disposal a much more complete set of options for custody and rehabilitation than is currently available. The adult system, under these recommendations, would close potential loopholes for those just over the juvenile age and serve as a backup for the juvenile system.

Finally, the Task Force feels that public education is essential. It will be involved in an effort over the coming months to inform the citizens of Connecticut concerning the nature of juvenile justice and serious juvenile offenses in Connecticut and of the approaches that are required to handle the problem.

In summary, the Task Force finds that a 5-point program is needed:

- accused serious juvenile offender designation
- serious juvenile offender dispositions
- expeditious bindover to adult court

- prevention of potential misuses of special privileges in adult court
- creation of an ongoing Review Commission

Taken together, these 5 recommendations will reorient the juvenile justice system to both rehabilitate juveniles and maintain public safety.

APPENDIX A

TASK FORCE ON THE SERIOUS JUVENILE OFFENDER

<u>NAME/ADDRESS/PHONE OF TASK FORCE MEMBERS</u>	<u>REPRESENTING</u>
1. Honorable Ernest N. Abate Co-Chairman, Judiciary Committee 47 Rock Spring Road Unit #23 Stamford, Conn. 06906 348-7773 566-4483 Capitol	Legislature
2. R. Samuel Clark, Director Connecticut Child Welfare Association 60 Lorraine Street Hartford, Conn. 06105 236-5477	Private Agencies
3. Jacob Saxe, Chief Clerk Superior Court - Juvenile Matters P.O. Drawer N, Station A Hartford, Conn. 06106 566-7370	Court
4. Anthony Lovallo, Assistant Director, Treatment Department of Children and Youth Services 345 Main Street Hartford, Conn. 06115 566-3453	DCYS
5. Claire Hendricks, Director of Youth Service Human Services Administration City of New Haven 161 Church Street New Haven, Conn. 06510 865-3051 Mailing Address: 106 Mansfield St. New Haven, Conn. 06511	Youth Bureaus
6. Patricia Denuzze Public Defenders Office 999 Asylum Avenue Hartford, Conn. 06105 566-7566 Alternate Member: George Oleyer Public Defenders Office 784 Fairfield Avenue Bridgeport, Conn. 06604 549-6599	Public Defender

TASK FORCE ON THE SERIOUS JUVENILE OFFENDER

<u>NAME/ADDRESS/PHONE OF TASK FORCE MEMBERS</u>	<u>REPRESENTING</u>
7. A. Ray Petty, III, Network Administrator Department of Secondary Instruction 249 High Street Hartford, Conn. 06103 9-566-6074	Education
8. Robert Wiles, Hartford Institute of Criminal and Social Justice 15 Lewis Street Hartford, Conn. 06103 527-1866	Research
9. Lawrence Albert, Ed. D., Deputy Commissioner for Field Services Department of Correction 340 Capitol Avenue Hartford, Conn. 06115 566-3846	Corrections
10. William Heinz, Chairperson Fairfield County Police Youth Officers Association Bethel Police Department Bethel, Conn. 06801 744-7900	Police
11. Dr. Walter A. Borden 701 Cottage Grove Road Bloomfield, Conn. 06002 247-9756	Clinician
12. Robert Roggeveen Aetna Life Insurance Company Office of Corporate Social Responsibility Hartford, Conn. 06115 273-0123	Business
13. Edward Rodrigues, Esquire 118 Brooklawn Avenue Bridgeport, Conn. 06004 333-4009	Attorney
14. Richard Jackson Community Consultant Hartford Insurance Group Hartford Plaza Hartford, Conn. 06115 547-5000	Business

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Valerie LaMotte, Planning Analyst
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Dolly Reed, Research Analyst
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Frank Bonicor, Criminal Case Flow Manager, Judicial Department
John Borys, Director of Juvenile Probation Services, Judicial Department
Judge Frederica Brenneman, Juvenile Matters at Hartford
George Griffin, Deputy Director, Probation Department
Rob Huestis, Senior Regional Planner, Capitol Region Council of Governments
(representing Connecticut Youth Services Association)
Bruce Kay, Assistant Supervisor of Planning and Research, Probation Department

Appendix B

OFFENSES LABELED AS SERIOUS BY THE TASK FORCE

All Class A Felonies:

murder
felony murder
kidnapping I
kidnapping I with a firearm
convening 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

END