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Testimony of Christine Perra Rapillo
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Raised Bill 5559 - An Act Concerning the Transfer of Cases of Repeat Juvenile Felony Offenders to the Regular Criminal Docket

Committee on the Judiciary
March 23, 2018

The Office of Chief Public Defender strongly opposes Raised Bill 5559, An Act Concerning the Transfer of Cases of Repeat Juvenile Felony Offenders to the Regular Criminal Docket. This bill is an unnecessary change to Connecticut's current transfer law. Current law mandates automatic transfer of the most serious felonies for any youth over the age of 15 and allows for the transfer of ANY felony after a motion by the prosecutor and a hearing before a judge. This bill would allow transfer for a child simply accused of a felony to be automatically transferred.

Transferring Youth to Adult Court is an ineffective tool for rehabilitation and does not enhance public safety.

Connecticut has worked for years to limit the number of youth being transferred to adult court because it is an ineffective tool for rehabilitation and does not promote public safety. Most youth who are transferred to adult court receive little or no jail time. One study by the Connecticut Office of Policy and Management showed that 80% of transferred youth received probation. A national Bureau of Justice Statistics Study found that transferred juveniles served an average of 3.5 years.¹ These youth return to their communities saddled with a criminal record and without the beneficial, age appropriate treatment and services provided under a juvenile sentence. Furthermore, studies show that individuals who were transferred and sentenced in adult court recidivate at a higher rate and graduate to more serious crimes than their counterparts who remained under juvenile court

¹ Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Bulletin, *Transfer of Juveniles to Adult Court: Effects of a Broad Policy on One Court*, December, 2012.

jurisdiction. Studies in New York, New Jersey and Florida have all shown increased levels of recidivism shown among youth who were transferred.² While a recent study showed some deterrent effect for juveniles transferred because of a serious violent felony, the same study found that recidivism for youth transferred on property and nonviolent felonies were nearly twice as likely to recidivate as their counterparts who remained in juvenile court.³

The current statutory process for transferring youth to the adult court is fair, just and workable.

The current process for transferring youth from the juvenile court to the regular adult docket is fair, just and workable. It provides sufficient due process to ensure that only youth charged with the most serious crimes or for who juvenile services can no longer safely rehabilitate them are prosecuted as adults. Automatic transfer should be limited to the most serious cases, Class A and those Class B felonies where the severity of the crimes justifies not considering the situation of the accused youth. The Pathway's study cited above indicated that transfer may decrease recidivism in cases of serious violence, it showed that transfer had the opposite effect for other felonies, the charges targeted by this proposal. The existing transfer law, C.G.S. 46b-127 provides for a fair, effective tool for prosecutors and the courts to use to determine if a case is appropriate for transfer. There is no reason to make automatic transfer easier. This important decision requires an assessment of the child and circumstances of the case and should continue to be made by the court after an opportunity for counsel to present evidence and make arguments. The Office of Chief Public Defender urges this committee to reject this proposal.

² Fagan, J. 1996. The comparative advantage of juvenile versus criminal court sanctions on recidivism among adolescent felony offenders. *Law & Policy* 18:77–112.

³ Pathways to Desistance, Maricopa, AZ