

CCDLA
“Ready in the Defense of Liberty”
Founded 1988

**Connecticut Criminal Defense
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**Judiciary Committee Public Hearing
April 1, 2011**

**TESTIMONY OF JENNIFER L. ZITO, PRESIDENT OF
THE CONNECTICUT CRIMINAL DEFENSE LAWYERS ASSOCIATION,
IN SUPPORT OF RAISED BILLS NOS. 1095, 1229, 6634, 6636,
6637 AND 6638**

Dear Chairman Coleman, Chairman Fox and Distinguished Members of the Judiciary Committee:

I submit this written testimony on behalf of the CCDLA in support of the following raised bills:

1. CCDLA supports Raised Bill 1095, An Act Limiting The Use Of Restraints On A Child Who Is Subject To A Delinquency Proceeding, and hereby adopts the testimony of the Chief Public Defender’s Office in support of this bill which seeks to amend the law to prevent restraining juveniles in shackles or other devices prior to adjudication unless the judge determines it is necessary for public safety or the child in being transported from one place to another;
2. CCDLA supports Raised Bill 1229, An Act Concerning Evidence And Detention In Juvenile Matters providing for pre-trial detention credit for juveniles and hereby adopts the testimony of the Chief Public Defender’s Office in support of this bill;
3. CCDLA supports Raised Bill 6634, An Act Concerning Child Welfare and Detention In Juvenile Justice System And Erasure Of Juvenile Records, and adopts the testimony of the Chief Public Defender’s Office relative to this bill;
4. CCDLA supports Raised Bill 6636, An Act Concerning Children Convicted As Delinquent Who Are Committed To The Custody Of The Commissioner Of

Children And Families, to amend C.G.S. §17a-7a to increase the Commissioner's ability to formulate reentry plans for committed delinquent

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children, and hereby adopts the testimony of The Office Of The Chief Public Defender in support of this bill;

5. CCDLA supports Raised Bill No. 6637, An Act Concerning Determination Of Competency In Juvenile And Youth In Crisis Matters, and hereby adopts the testimony of the Chief Public Defender's Office in support of this bill; and
6. CCDLA supports Raised Bill No. 6638, An Act Concerning Juvenile Justice, and hereby adopts the testimony of Christine Rapillo, Director of Juvenile Delinquency Defense in the Office of the Chief Public Defender in support of this bill.

Respectfully submitted, CCDLA

By, Jennifer L. Zito, Its President

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TESTIMONY OF JENNIFER L. ZITO, PRESIDENT OF THE CONNECTICUT
CRIMINAL DEFENSE LAWYERS ASSOCIATION, IN OPPOSITION TO
RAISED BILL NO. 1164 AND 1226

Dear Chairman Coleman, Chairman Fox and Distinguished Members of the Judiciary Committee:

CCDLA opposes Raised Bill 1226, **An Act Concerning the Impact on Municipalities of the Increased Age of Juvenile Jurisdiction** and Raised Bill 1164, **An Act Delaying Implementation of Provisions to Raise the Age of Juvenile Court Jurisdiction for Youths Seventeen Years of Age** until July 2014. These proposals are unnecessary and serve only to stymie passed Raise the Age legislation intended to remove 17 year olds from the adult court system to the juvenile court system originally in 2010. The juvenile age was raised to 17 in Connecticut to prevent escalated crime, keep kids safe, prevent a further drain on State resources in branding minors as convicted criminals, and invest in our children through prevention, diversion and rehabilitation at a more cost efficient rate than incarceration. The focus was on decreasing crime and producing productive citizens rather than career criminals. Notably, the Judicial Branch also supports moving 17 year olds into the juvenile court system in 2012 and opposes the proposed delay.

The transition of 16 years olds into the juvenile system has been successful without overburdening the system. Perpetuating the current divergent treatment of 16 year olds versus 17 year olds thwarts the purpose of Raise the Age legislation, and subjects 17 year old children to an outdated youthful offender program that was strategically not updated or improved—i.e. allowing the YO transfer statute to stand notwithstanding substantiated abuse of felony transfers or providing them better diversionary services -- due to the expectation that 17 year olds would enter the juvenile court system in short order. Allowing these teens to be treated so differently is unfair to Connecticut's youths, and

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unduly burdens the adult courts and probation resources.

As a result of delaying implementation of the legislation for 17 year olds, there already exists a class of 17 year olds charged with certain felonies that excluded them from YO eligibility and placed them in adult court; these same felonies would not otherwise have mandated their removal from juvenile court. As a result, these children have suffered, and will continue to suffer, the consequences of an adult prosecution and conviction. It is unjust that 17 year olds continue to be routinely transferred to the adult docket for most any felony violation due to the unfettered discretion of the State to transfer cases when they should be in the juvenile court system. 17 year olds are further prejudiced by the collateral consequences of a YO conviction: should the need arise in the following 5 years for them to apply for Accelerated Pretrial Rehabilitation they, unlike the 16 year old juvenile, would be denied eligibility based on their prior YO status. We will continue to fail this class of teens if their removal to the juvenile court system is delayed any further.

By delaying Raise the Age for seventeen year olds an additional 2 years the State will incur the more dangerous cost of high recidivism rates for youth who go through the adult system and emerge as uneducated, unskilled and unproductive citizens with a criminal record. They will be unfairly denied educational and employment opportunities at a young age for offenses they committed when their brain development was incomplete. Raise the Age legislation was urged and passed to correct this systemic problem effective 2010. It was already delayed two years to 2012 to accommodate Governor Rell's prior budget; and while not needed now, any municipal impact studies could and should have been conducted during that period. Two more years of 17 year olds passing through the adult system will serve only to jeopardize community safety, and unjustly poise more of our youth for a life of struggle and crime.

Our seventeen year olds need to be afforded the protections of the juvenile system coupled with the programs and services attendant thereto. For these reasons, CCDLA urges this Committee not to report favorably on either Raised Bill 1226 or 1164.

Respectfully submitted, CCDLA
By Jennifer L. Zito, Its President

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TESTIMONY OF JENNIFER L. ZITO, PRESIDENT OF THE CONNECTICUT
CRIMINAL DEFENSE LAWYERS ASSOCIATION, IN SUPPORT OF RAISED
BILL NO. 1228

Dear Chairman Coleman, Chairman Fox and Distinguished Members of the Judiciary Committee:

CCDLA strongly supports Raised Bill 1228, **An Act Concerning The Erasure Of Criminal Charges That Have Been Nolled Or Dismissed Or For Which The Defendant Has Been Found Not Guilty**, which seeks to require erasure or deletion of records of charges that have been nolled or dismissed, or where a person has been found not guilty even if other counts against the defendant are not entitled to erasure. The purpose of the bill is to allow erasure of an entitled count whether it is contained in a single or multi count information when the case is disposed of. This is particularly necessary in today's electronic age where arrest and conviction records are readily available to the public. Access to records containing dismissed or not guilty counts interferes in employment opportunities for defendants who have been charged in multi-count indictments of far more serious charges than those for which they were convicted.

Connecticut law should evenly apply its erasure provisions to all charges that are nolled, dismissed or the subject of acquittal regardless if the charges were coupled with others for which convictions stand. Erasure should remain automatic so as not to prejudice pro se parties and should be observed by all police, courts, including CSSD, and State's Attorneys as required by law.

Respectfully Submitted, CCDLA
By Jennifer L. Zito, Its President