

**A Study of Juvenile Transfers
in Connecticut 1997 to 2002**

Final Report

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The opinions, findings, and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the U.S. Department of Justice.

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I. BACKGROUND

A. National Perspective

In the 1980's and early 1990's, the United States experienced a large increase in public concern about juvenile violence, in general, and gang crimes, in particular. In response to this societal concern, state legislators across the country enacted legislation designed to increase the frequency with which juveniles would be tried and sentenced as adults. Revised statutes made it easier to transfer, waive, remand or certify juveniles for trial and sentencing in adult court (Redding, 2003). While the process through which juveniles could move to adult court varied greatly from state to state (e.g., discretionary, presumptive and mandatory judicial waiver; automatic transfers/statutory exclusions based on the charge seriousness, age, and/or prior adjudications; juvenile prosecutor discretion to direct filing cases in adult court), from 1990 to 1996 a total of 40 states passed legislation creating new standards for transfer that expanded the number and types of cases where transfer could occur (Fagan and Zimring, 2000, p.3). Moreover, by 2003, 31 states had enacted laws to automatically transfer serious juvenile offenders to the adult court compared to just 14 states in 1979 (Steiner and Hemmens, 2003).

While making it easier to transfer juveniles to the adult court addressed the public outcry for “*adult time for adult crime*,” it has also received more than its share of criticism. Critics have expressed concern about:

- ◆ **Who gets transferred to the adult court.**
 - In 2002, the majority of the delinquency cases judicially waived were non-person offenses. (Snyder and Sickmund, 2006).
 - For most of the period from 1995 to 2002, black youth were more likely than white youth to be judicially waived regardless of offense type. However, it was noted by the authors that the data were not controlled for the seriousness of the offense within the general offense categories or for differences in the seriousness of the juveniles' offense histories. (Snyder and Sickmund, 2006).
- ◆ **Whether transferred juveniles actually receive more severe sanctions in adult court than they would have received in juvenile court.**
 - As stated by Butts and Mitchell, “the consensus appears to be that increasing the use of adult court for young offenders does not ensure conviction in adult court nor does it guarantee incarceration even for those youths who are convicted.” (Butts and Mitchell, 2000, p.198).

- Rather, Butts’ and Mitchell’s review of the literature suggests that while sanctions may be more certain and severe for the most serious and violent cases (the minority of the cases transferred), sentences are often comparable and sometimes even less severe for those juveniles transferred for non-violent cases.

◆ **Concern about placing juveniles in adult correction facilities.**

- Correctional facility administrators in Florida responding to questions during in-depth interviews indicated that offenders under the age of 18 have special needs and pose special problems for correctional managers. The administrators reported that inmates under 18 have greater needs for personal guidance, for programs aimed at life skills development and anger management, and for educational and vocational programs. (Bishop, 2002).
- Research suggests that placing juveniles in adult jails and prisons greatly increases the likelihood of their committing suicide, being sexually assaulted, and being assaulted with a weapon. (Fagan, 1989).

◆ **Concern about the impact of transfer on recidivism rates.**

- In Florida, a study of juveniles transferred and not transferred found that the transferred juveniles had higher rates of felony recidivism than did their non-transferred counterparts (49.3% vs. 35.4%). (Bishop, 2002).
- A study that compared young robbers and burglars in New York (where 16 year olds are tried as adults) and New Jersey (where they are typically retained in the juvenile system) found that the robbers handled by the adult system were more likely to recidivate than those kept in the juvenile system. The two groups of burglars did not show differences in rates of recidivism. (Fagan 1991, 1995, 1996).

Perhaps criticism of the expanded use of transfer is best summarized by Butts and Mitchell who stated:

“As a crime control policy, adult court transfer may symbolize toughness more than it actually delivers toughness. Moreover, the symbol may have a high price. Sending more juveniles to adult court may not result in significantly more punishment for more offenders, but it may mean longer pretrial delays, more pretrial incarceration with fewer services to address youth problems, greater population management problems in prisons and jails, and greater exposure of youth to adult crimes.” (Butts and Mitchell, 2000, p.201).

B. State of Connecticut

Consistent with the national trend of the 1990's, the State of Connecticut passed legislation in 1995 (found in Connecticut General Statutes 46b-127) that changed the nature of the crimes that were transferable and made it easier to transfer juveniles to adult court thereby increasing the number of juveniles that could be transferred from the Superior Court, Juvenile Matters (juvenile court) to the Superior Court, Criminal Division (adult court).

Connecticut's juvenile court has jurisdiction over juveniles who were up to the age of 15 at the time of their offense. Prior to the 1995 legislation, automatic transfers in Connecticut were limited to 14 and 15 year old juveniles who were charged with murder or a class A Felony. These cases were reviewed for transfer, which required a probable cause hearing in juvenile court. In addition, prior to the 1995 legislation, 14 and 15 year old juveniles charged with repeat class A and/or B felonies could be transferred if probable cause was established at the transfer hearing in juvenile court, and the juvenile was found not amenable to any facility for the care of juveniles and required a more secure environment or longer term of supervision than the juvenile system could provide.

The 1995 legislation:

- ◆ Required automatic transfer of any child charged with a class A or B Felony provided the child was at least 14 years of age at the time of the act (automatic transfer).
- ◆ Allowed any child charged with the commission of a class C, D or Unclassified Felony to be transferred at the request of the juvenile prosecutor provided the child was at least 14 years of age at the time of the act and the court found ex parte that there was probable cause to believe the child committed the act for which he/she was charged (discretionary transfer).
- ◆ Allowed adult court prosecutors to file a motion to send class B Felony cases back to juvenile court.
- ◆ Allowed the adult court to file a motion to send class C, D, or Unclassified Felony cases back to juvenile court.

In 2002, the Juvenile Justice Advisory Committee selected Spectrum Associates to design and implement a research project to better understand the implementation and impact of the state's 1995 transfer legislation. Specifically, the study was designed to determine:

- ◆ The frequency with which juveniles are transferred to the adult court, and how often adult courts exercise the option of sending transferred juveniles back to juvenile court.
- ◆ Who is transferred to the adult court, and who the adult court returns to the juvenile court.
- ◆ What dispositions and sanctions are imposed by the adult court on transferred juveniles, and how that compares to similar juveniles handled by the juvenile court.
- ◆ How the juvenile and adult justice system practitioners view the transfer process and make transfer decisions; and what changes, if any, system practitioners would like to see made to transfer legislation.

II. METHODOLOGY

A. Quantitative Research

The first three objectives of the study (the frequency of transfer, who gets transferred, and the dispositions/sanctions imposed) were addressed using quantitative data from both the court and correctional systems (both juvenile and adult).

1. Court Data

This study includes all felony cases for juveniles who were 14 or 15 at the time of their offense and were referred to juvenile court in 1997 through 2002. The cases were identified through both the juvenile and adult court data systems.

Large electronic data files were received from both the juvenile and adult court systems. However, Spectrum Associates needed to conduct extensive and time-consuming manual labor to organize, match, and correct data from these files.

Organizing

The juvenile court data system uses a unique identification number that links all of the cases for that juvenile making it easy to identify the various cases for a particular juvenile. However, the adult court data system is case-based and does not have a common identification number for each individual.

Therefore, the adult court data needed to be organized to link together cases for the same individual. A manual matching process using name and date of birth was implemented to link all of the cases in adult court for each individual included in the study.

Matching

While transfer cases cut across the two court systems, there is no unique identification number that matches individuals across the two systems. As the analysis needed to include data for each juvenile from both court systems, a manual matching process using name and date of birth was implemented to link data across the two court data systems.

Correcting

“Correcting” the data files included determining what actually happened with many of the cases for which a juvenile should or could have been transferred from juvenile to adult court. There were cases where the information recorded in the data files was not an accurate reflection of what actually happened with the case.

For example, when a juvenile is transferred to adult court and then sent back to juvenile court, the juvenile court data system has two options to record this activity: (1) overwrite the disposition code indicating that the case had been transferred with the final juvenile court disposition for that case, or (2) create a new case for that juvenile when the case came back to juvenile court leaving the case with the transfer disposition code intact. There are problems with both of these options. When a court overwrites the original transfer disposition code, it erases any record in the data system of that case being transferred to adult court, an obvious problem when trying to determine how many juvenile cases were transferred to adult court. However, if a new case is created when a transferred case is returned to juvenile court, it allows the counting of that transfer case to take place, but the juvenile’s juvenile court record reflects two felony level referrals in juvenile court for the one incident.

2. Corrections Data

To examine how long juveniles were actually incarcerated in either a juvenile or adult correctional facility, data were gathered from the two state correctional agencies: Department of Children and Families (DCF) (responsible for juvenile corrections) and Department of Correction (DOC) (responsible for adult corrections).

Neither DCF nor DOC could provide electronic data files containing the data needed for the study (i.e., admission and release dates, and specific placements made during a DCF commitment or a DOC incarceration). Therefore, Spectrum Associates obtained manual printouts documenting the juveniles' movements during their DCF commitments or DOC incarcerations. The necessary data were then abstracted from the printouts and entered into a computer so that analyses could be conducted.

The goal was to include correctional data for all of the juveniles in the study who received a DCF commitment or DOC incarceration for their crime. Data were available for the majority of the juveniles.

B. Qualitative Research

In addition to quantifying issues around transfer (e.g., how many juveniles are transferred, who gets transferred, what dispositions/sanctions are received), this study also sought information on practitioners' views of the transfer process, how they make decisions regarding transfer cases, and possible ways for improving the transfer process. To this end, Spectrum Associates conducted a total of 58 in-depth, in-person, one-on-one interviews with juvenile and adult court judges, prosecutors, and public defenders from across the state. The interviews were typically about 30 minutes long and conducted at the office of the justice system practitioner. The interviews were semi-structured providing the respondent with ample opportunity to provide an in-depth description of the transfer process from his/her perspective. The chart below displays the number of interviews conducted in each system with judges, prosecutors, and public defenders.

	Judge	Prosecutor	Public Defender	Total
Adult Court	8	10	17	35
Juvenile Court	7	8	8	23
Total	15	18	25	58

III. STUDY FINDINGS

A. Transfer Rates

This section of the report examines the frequency with which juveniles were transferred to and returned from the adult court from 1997 – 2002. After presenting data on the six-year data collection period overall, findings are broken out by year to display any trends that may have occurred over time.

1. Cases Transferred/Sent Back Over Six-Year Study Period

Figures 1a to 1c provide information on the number of cases transferred/sent back from 1997 – 2002 (total). These figures display information on:

- ◆ The numbers and type of cases transferred (Figure 1a).
- ◆ The percentage of transferable¹ cases that were transferred over the six-year period (Figure 1b).
- ◆ The number/percentage of transferred cases that were sent back to juvenile court (Figure 1c).

**Figure 1a
Cases Transferred to Adult Court
(1997-2002)**

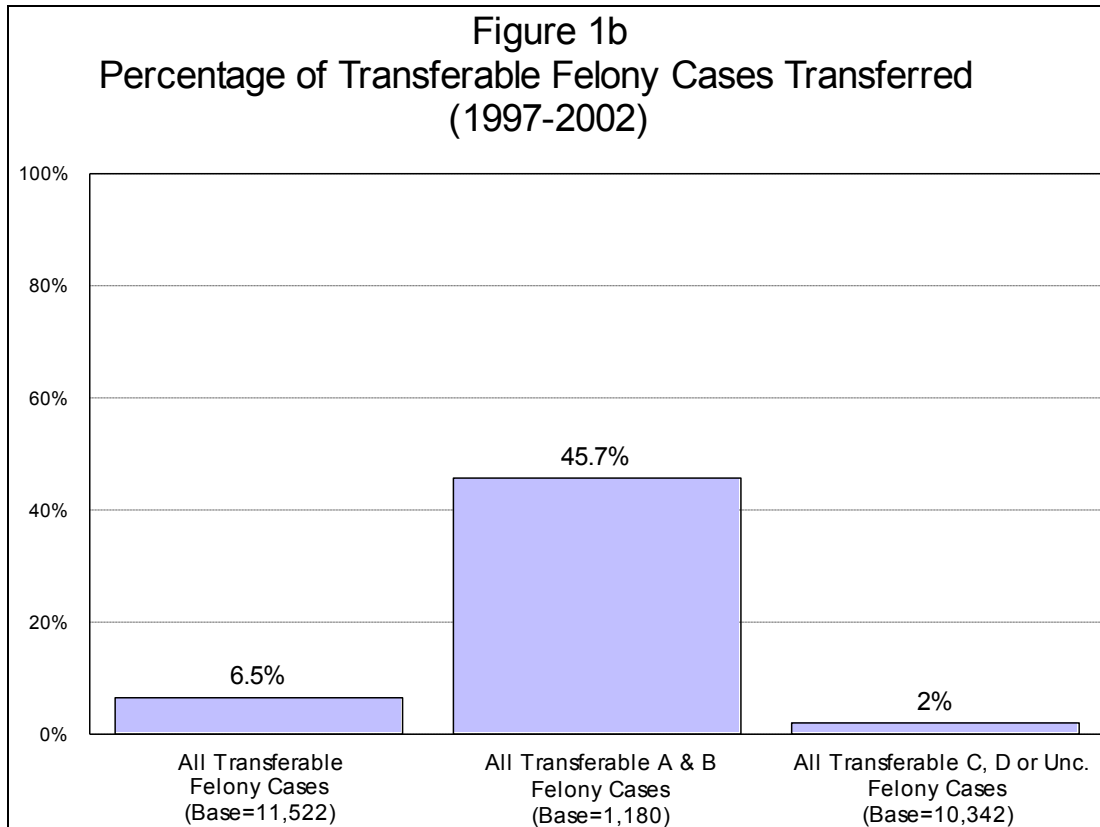
	%	N	Average Per Year
Automatic Transfer	72.1%	539	90
Discretionary Transfer	27.9%	209	35
Total	100.0%	748	125

As shown in Figure 1a:

- ◆ An average of 125 cases were transferred per year.

¹ A transferable case would be a felony level offense committed by an offender who was 14 or 15 years old at the time of the offense.

- ◆ Almost three-fourths (72.1%) of the cases transferred were automatic transfers (A/B Felony cases), and just over one-fourth (27.9%) were discretionary cases (C/D or Unclassified Felony cases).



As displayed in Figure 1b:

- ◆ Only 6.5% of all transferable felony cases were transferred to adult court.
- ◆ Only 45.7% of those cases that are defined by law as automatic transfer cases were actually transferred to adult court.
- ◆ Discretionary transfer was used only on occasion (2.0% of all C/D or Unclassified Felony cases for juveniles 14 or 15 years old at the time of the incident).

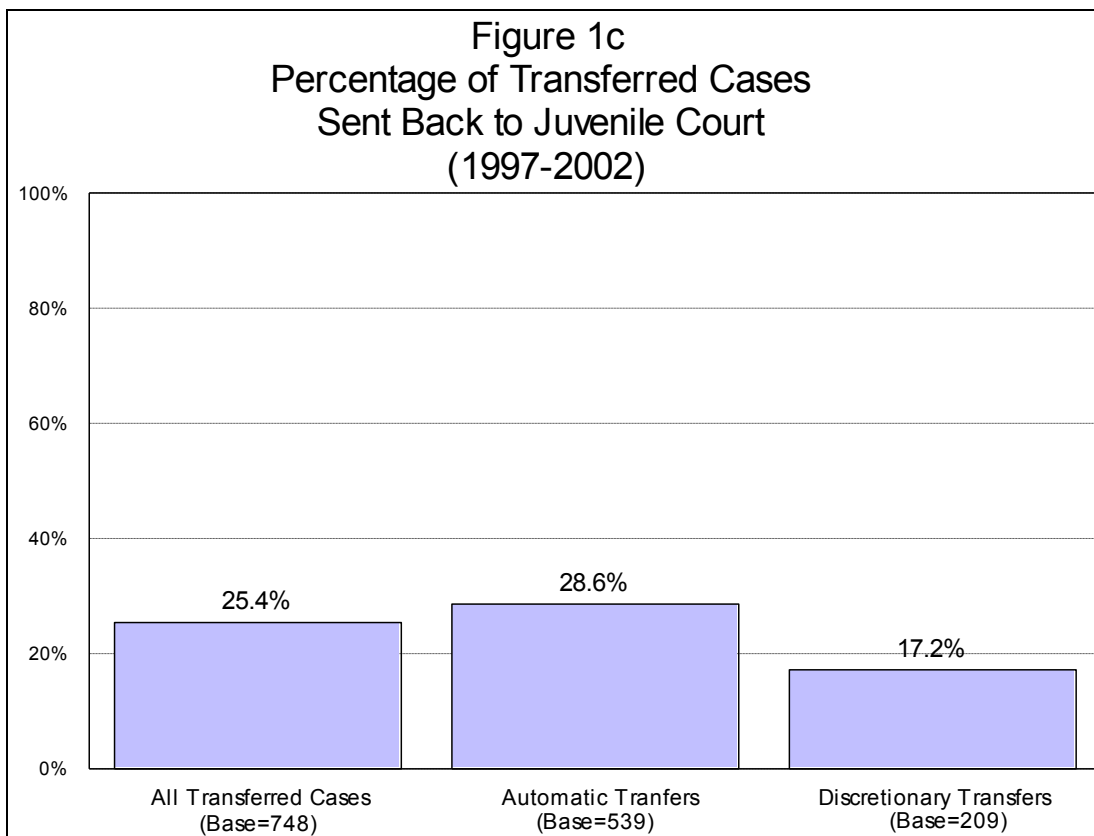


Figure 1c shows:

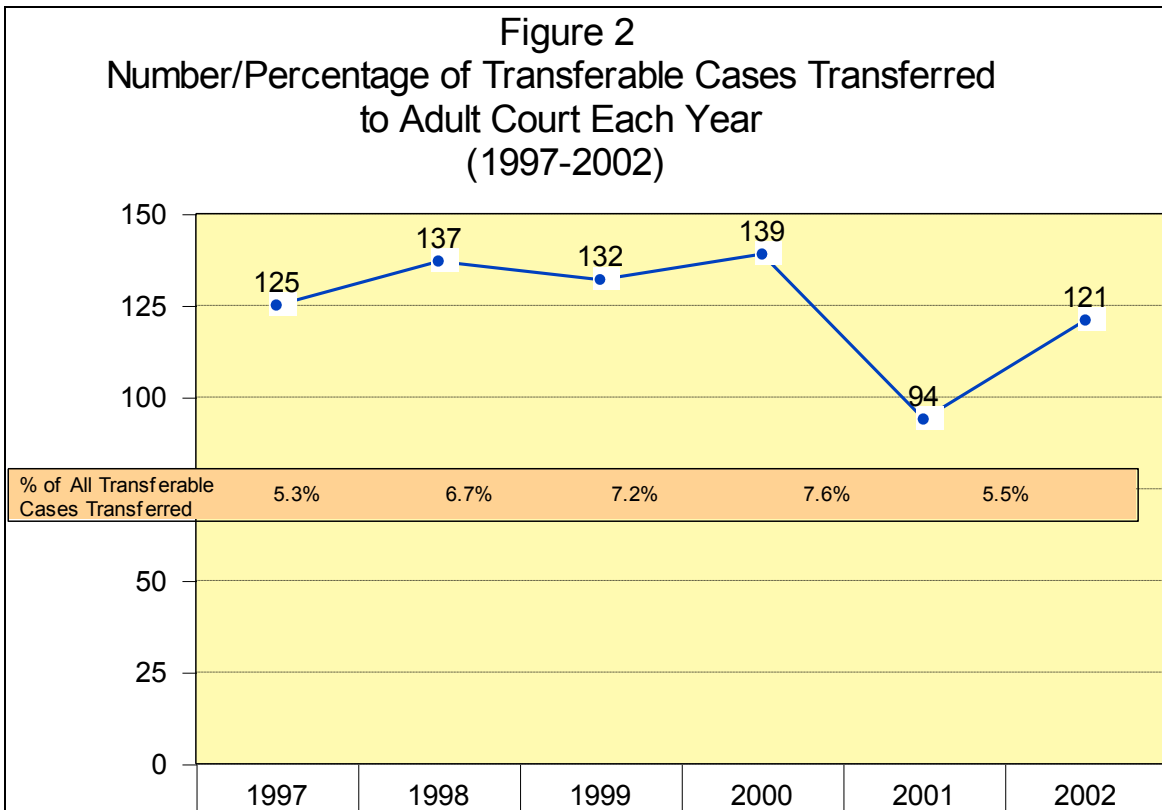
- ◆ Overall, one-fourth (25.4%) of the cases transferred to adult court were sent back to juvenile court.
- ◆ Automatic transfer cases were sent back at a greater rate than were discretionary transfer cases (28.6% vs. 17.2%).

2. Changes in Cases Transferred/Sent Back From Year to Year

Figures 2 – 5 display changes in transfer rates from year to year over the six-year study period.

a. Number and Percentage of Cases Transferred Each Year

Figure 2 displays the number and percentage of cases transferred each of the study years.



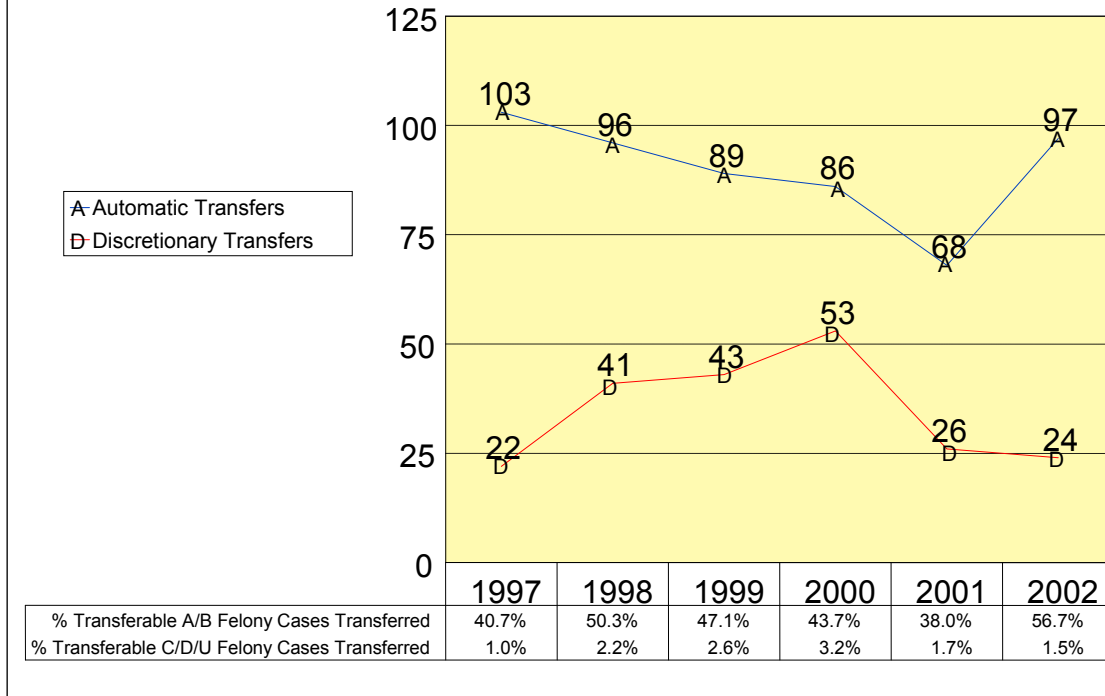
As shown in Figure 2:

- ◆ The number of cases transferred each year ranged from a low of 94 to a high of 139, and the percentage of all transferable felony cases that were transferred to adult court ranged from 5.3% to 7.6%. The peak for both was in 2000 (139 cases, and 7.6% of all transferable felony cases).
- ◆ The use of transfer increased gradually from 1997 to 2000, dropped dramatically in 2001 (94 cases, 5.5% of all transferable felony cases), and then increased in 2002 (121 cases, and 7.0% of all transferable felony cases).

b. Number and Percentage of Automatic and Discretionary Transfers Each Year

Figure 3 displays the number and percentage of automatic and discretionary transfer cases in each of the study years.

Figure 3
Number/Percentage of Transferable Automatic and
Discretionary Transfer Cases Each Year
(1997-2002)



As shown in Figure 3:

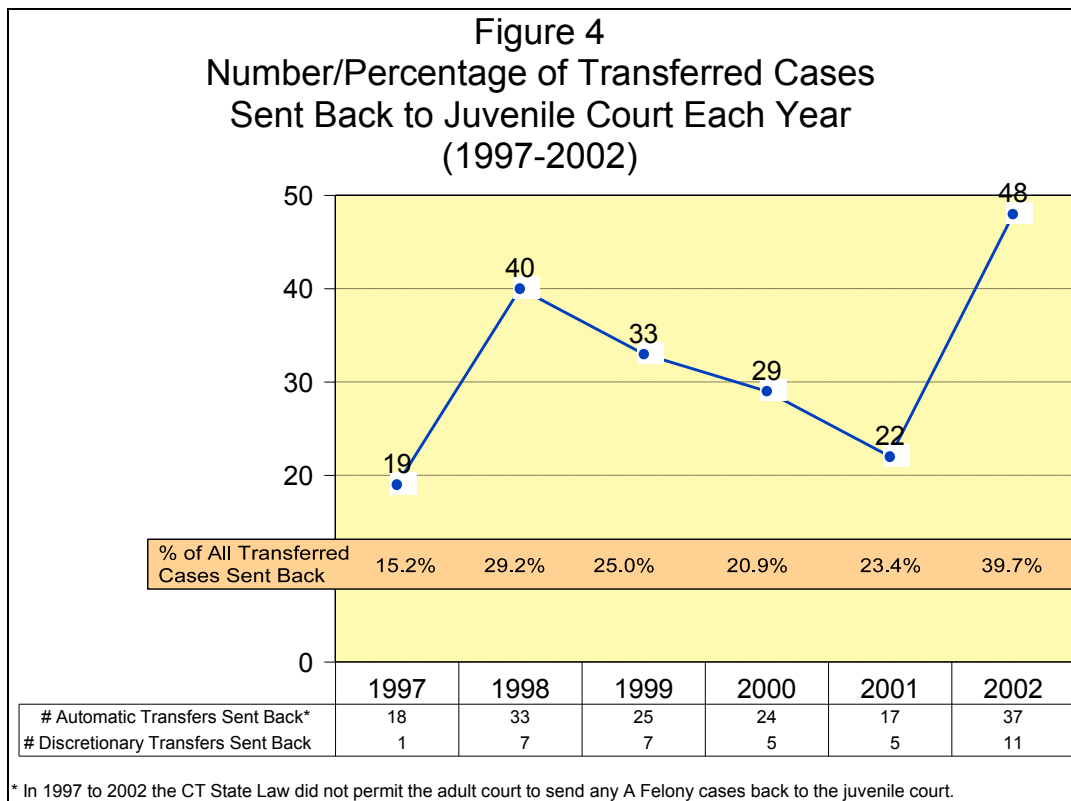
- ◆ From 1997 to 2000, the number of automatic transfer cases declined slowly each year and went from 103 in 1997 to 86 in 2000. In contrast to the decline in automatic transfer cases from 1997 to 2000, the number and percentage of discretionary transfers increased each year during that four year period and the number of such cases went from 22 to 53 (up almost 2.5 times) and the percentage of transferable C/D/U Felony cases transferred tripled (from 1.0% to 3.2%). As a result in 2000, discretionary transfers accounted for 38.1% (53 of 139) of all transfer cases compared to only 17.6% (22 of 125) in 1997.

- ◆ In 2001, the number and percentage of both automatic transfers and discretionary transfers dropped dramatically. Specifically:
 - The number of automatic transfers went from 86 in 2000 to 68 in 2001 (down 21% from 2000 and 34% from 1997), and the percentage of automatic transfer cases transferred went down to 38.0% (the lowest of any year in the study).

- The number of discretionary transfers went from 53 in 2000 to 26 in 2001 (down 51%) and almost back to the number of discretionary transfers in 1997 (N=22), the percentage transferred was almost cut in half (1.7% in 2001 vs. 3.2% in 2000).
- ◆ In 2002, the number of automatic transfer cases increased dramatically from 2001 (97 vs. 68, up 43%), and it was the largest number of automatic transfers in any year except for 1997 (N = 103). Moreover, after having dropped for three straight years, the percentage of automatic transfer cases that were sent to adult court increased greatly in 2002 (56.7%) and was the highest of any year in the study. As a result, discretionary transfers accounted for only 19.8% of all transfers (24 of 121) in 2002; very similar to 1997 when discretionary transfers accounted for only 17.6% (22 of 125) of all transfers, and quite different than the 38.1% (53 of 139) in 2000.

c. Number and Percentage of Transferred Cases Sent Back to Juvenile Court Each Year

Figure 4 displays the number and percentage of transferred cases that were sent back to juvenile court.



As shown in Figure 4:

- ◆ In 1997, only 19 cases (15.2%) of those transferred to adult court were sent back to juvenile court.
- ◆ In 1998, the adult court made greater use of this option as the number of cases sent back more than doubled (N = 40), and the percentage sent back almost doubled (from 15.2% to 29.2%).
- ◆ The percentage of cases returned to juvenile court then dropped to the 21% - 25% range for 1999 – 2001, and the number of cases went down to as few as 22 in 2001.
- ◆ In 2002 (the same year that automatic transfer cases dramatically increased, up to 97 from 68 in 2001), transfer cases sent back to juvenile court increased dramatically (up to 48 from 22 in 2001, and up to 39.7% vs. 23.4% of transferred cases).

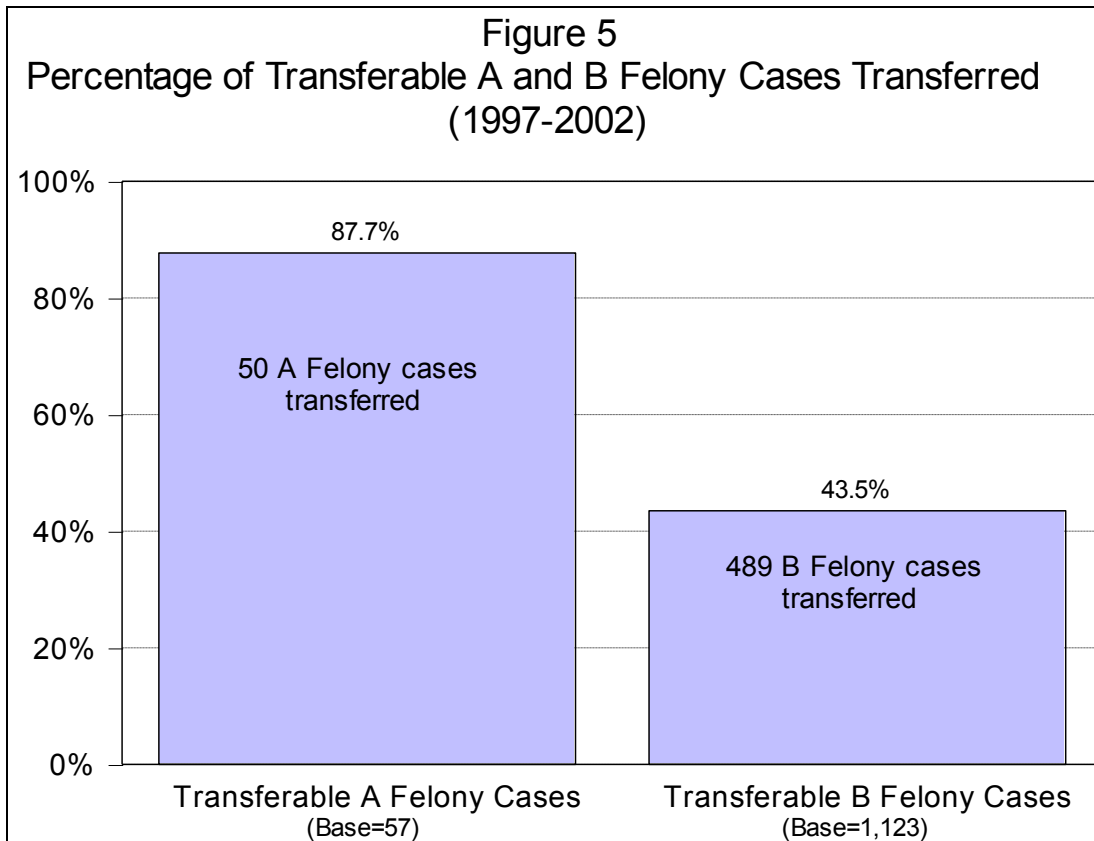
B. Handling of A & B Felony Cases (Automatic Transfers)

This section of the report focuses specifically on automatic transfers and contrasts findings for A Felony vs. B Felony cases. Data are presented for the six-year data collection period overall, and then broken out by year to display any trends that may have occurred over time.

1. Transferring of A & B Felony Cases Over Six-Year Study Period

Figure 5 displays:

- ◆ The number of A Felony and B Felony cases transferred from 1997 – 2002.
- ◆ The percentage of all transferable A Felony and B Felony cases that were transferred to adult court.



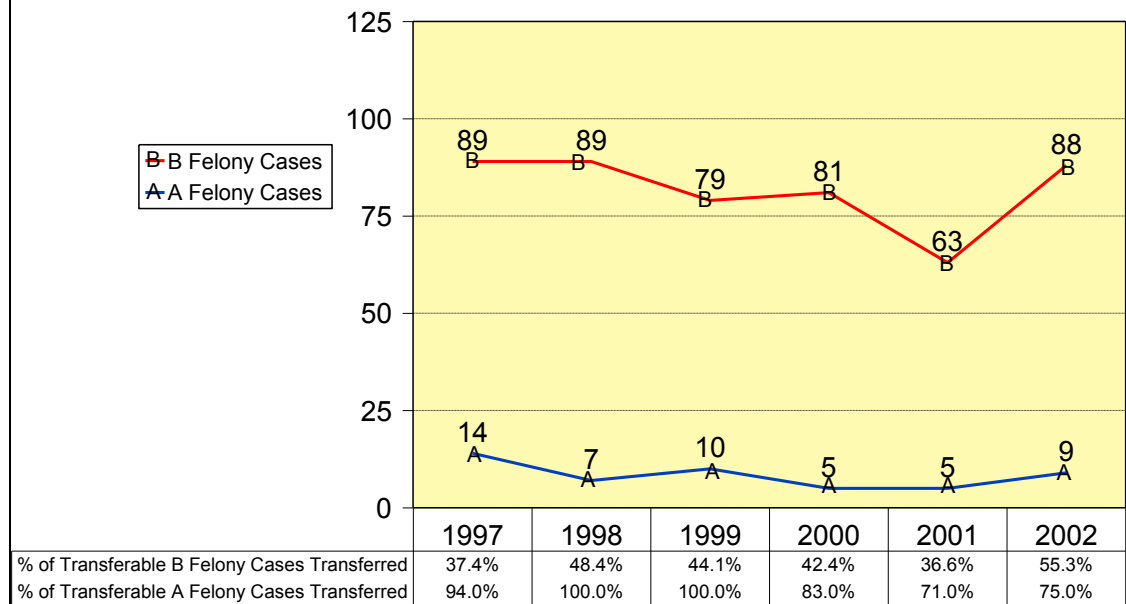
As shown in Figure 5:

- ◆ Over the six-year period, only 50 (9%) of the 539 automatic transfer cases were A Felony cases whereas 489 (91%) were B Felony cases.
- ◆ 87.7% of the transferable A Felony cases from 1997 – 2002 were transferred to adult court, while only 43.5% of the transferable B Felony cases were transferred to the adult court.

2. Transferring of A & B Felony Cases Each Year

Figure 6 displays the number and percentage of transferable A Felony and B Felony cases transferred each year during the study period.

Figure 6
Number/Percentage of Transferable A and B Felony Cases
Transferred to Adult Court
(1997-2002)



As shown in Figure 6:

- ◆ In 1997, 14 A Felony cases were transferred. This was the most of any year.
- ◆ From 1997 – 1999, all but one of the 32 transferable A Felony cases were transferred. However, it appears that from 2000 – 2002 some discretion was applied to these cases, as six (24%) of the 25 transferable A Felony cases were not transferred.
- ◆ The number of B Felony cases transferred was typically in the 79 – 89 range, but was only 63 in 2001.
- ◆ The percentage of transferable B Felony cases transferred ranged from a low of 36.6% in 2001, to a high of 55.3% in 2002. Thus, consistently decisions were made such that 45% - 63% of B Felony cases (automatic transfers by law) were not transferred to adult court.

C. Characteristics of Juveniles Transferred

This section focuses on the background and offense characteristics of juveniles transferred to the adult court. Data are presented for the 1997 – 2002 study period in the aggregate.

1. Background Characteristics of Juveniles Transferred

Figure 7 displays background characteristics of the juveniles transferred to adult court from 1997 – 2002.

Figure 7
Background Characteristics of Juveniles
Transferred to Adult Court
(1997-2002)

		%	N
Gender	Male	93%	577
	Female	7%	42
	Total	100%	619
Race/Ethnicity	African-American	40%	248
	White	37%	230
	Latino	21%	130
	Asian	0%	3
	Other	1%	4
	Total	100%	615
Prior Delinquency Referral to Juvenile Court	Yes	70%	418
	No	30%	179
	Total	100%	597
Prior Juvenile Commitment	Yes	16%	94
	No	84%	504
	Total	100%	598

As shown in Figure 7:

- ◆ 93% of those transferred were male, and only 7% were female.

- ◆ Transferred juveniles were almost twice as likely to be African-American (40%) or White (37%) than to be Latino (21%).
- ◆ While most juveniles transferred had a prior juvenile court referral (70%), only 16% had a prior delinquent commitment to DCF.

2. Type of Offenses Committed by Juveniles Transferred

Figure 8 displays offense information on cases transferred to adult court.

Figure 8
Characteristics of the Offenses for Which Juveniles Were
Transferred to Adult Court
(1997-2002)

		%	N
Type of Offense *	Violent Crime	51%	317
	Potentially Violent Crime	28%	176
	Other Crimes Against Persons	11%	66
	Crimes Against Property	6%	35
	Drug Crimes	4%	25
	Total	100%	619
Most Frequent Charges	Sexual Assault	31%	190
	Robbery	23%	143
	Assault	18%	110
Firearm Charge	Yes	16%	98
	No	84%	521
	Total	100%	619

* "Violent crimes" include murder, sexual assault, and assault; "potentially violent crimes" include robbery, arson, and kidnapping; "other crimes against persons" include firearm/weapons charges and risk of injury; "crimes against property" include larceny and burglary; and "drug crimes" are typically the sale of drugs.

As shown in Figure 8:

- ◆ Almost four-fifths (79%) of those transferred to adult court were charged with a violent (51%) or potentially violent (28%) offense. Another 11% were charged with another type of person offense. Only 6% were charged with a property crime and only 4% were charged with a drug crime.

- ◆ Specifically, the most frequent charges of those transferred were: sexual assault (31%), robbery (23%), and assault (18%).
- ◆ 16% of the transferred juveniles were charged with a firearm charge.

3. *Number of Transfers by Juvenile Court*

Figure 8a displays the number of juveniles transferred in each of the 13 juvenile courts from 1997 – 2002.

Figure 8a
Juvenile Court From Which Juveniles
Were Transferred to Adult Court
(1997-2002)

	%	N
Hartford	25%	147
New Haven	18%	106
Bridgeport	12%	72
Waterbury	9%	51
Waterford	7%	43
New Britain	6%	37
Rockville	6%	34
Stamford	4%	26
Willimantic	4%	26
Danbury	3%	16
Middletown	3%	20
Torrington	2%	14
Norwalk	1%	8
Total	100%	600

As shown in Figure 8a:

- ◆ Three of 13 juvenile courts account for over one-half (55%) of all transfer cases (i.e., Hartford, 25%; New Haven, 18%, and Bridgeport, 12%).

D. Sanctions Imposed

This section of the report examines the sanctions imposed on juveniles transferred to and processed by the adult court. In those instances where data were available, comparable findings are also presented for juveniles transferred to the adult court but sent back and processed by the juvenile court.

Specifically, this section looks at the following sanctions:

- ◆ Final disposition (i.e., incarceration, probation or other) (includes adult and juvenile court dispositions).
- ◆ The length of the sentence received (adult court only).
- ◆ Number of years incarcerated before the offender's first release home (includes DOC and DCF).
- ◆ The percentage of their sentence for which transferred juveniles were incarcerated (DOC only).

All data presented in this section of the report are aggregate 1997 – 2002 data.

1. Final Disposition

Figure 9 displays the final disposition for transferred juveniles who were processed in adult court compared to those juveniles who were sent back to juvenile court.

Figure 9
Final Case Disposition for Juvenile Transfer Cases

	Juveniles Kept in Adult Court (Base=393)	Juveniles Sent Back to Juvenile Court (Base=169)
Incarceration	36%	24%
Adult Facility	33%	0%
Juvenile Facility (with Juvenile Commitment)	3%	24%
Probation	57%	51%
Other	7%	25%
Discharge	2%	4%
Accelerated Rehabilitation	1%	0%
Nolle	5%	14%
Not Guilty/Not Prosecuted	0%	6%
Miscellaneous	0%	1%

As shown in Figure 9:

- ◆ Regardless of where the case was ultimately handled (adult or juvenile court), the majority of transferred juveniles did not receive incarceration (adult court cases, 64%; and juvenile court cases, 76%).
- ◆ Differences were found when comparing juvenile vs. adult court dispositions. Specifically:
 - Transferred juveniles processed in the adult court were somewhat more likely than those returned to juvenile court to be incarcerated (36% vs. 24%) and were also slightly more likely to be placed on probation (57% vs. 51%).
 - Transferred juveniles returned to juvenile court were much more likely than those processed in adult court to receive no formal sanction, e.g., nolle, not guilty/not prosecuted (20% vs. 5%).

2. Length of Sentence

Figure 10 displays the length of the sentence received by transferred juveniles who were convicted in adult court. Comparable data were not available for those juveniles returned to juvenile court.

Figure 10
Length of Sentence* for Transfer Cases Kept in Adult Court

	%	N
All time suspended	10%	13
Up to 1 year	19%	24
More than 1 year to 2 years	20%	25
More than 2 years to 4 years	27%	34
More than 4 years to 6 years	13%	16
More than 6 years to 8 years	2%	3
More than 8 years to 10 years	3%	4
More than 10 years	7%	9
Total	100%	128

* This table does not include time suspended unless all time was suspended.

As displayed in Figure 10:

- ◆ One-tenth (10%) of the juveniles sentenced to DOC had all of their prison time suspended.
- ◆ Almost one-half (49%) were sentenced to two years or less (all time suspended, 10%; up to 1 year, 19%; one to two years, 20%).
- ◆ About one-fourth (27%) received sentences of two to four years.
- ◆ 13% received sentences of four to six years.
- ◆ 12% were sentenced to over six years (including 7% who received more than 10 years).

While data were not available on the length of sentence for those transferred juveniles who were returned to juvenile court, it is important to note that the maximum length of commitment in juvenile court is four years. As such, the data reveal that one-fourth (25%) of those juveniles convicted in the adult court received sentences that were longer than the longest possible commitment period in

juvenile court. All 32 juveniles who received adult court sentences of longer than 4 years were convicted of violent person crimes (i.e., assault (N=10), murder (N=9), robbery (N=7) or sexual assault (N=6)).

3. Length of Incarceration

Figure 11 displays information on how long transferred juveniles were incarcerated in a DOC facility as of March 31, 2006. This table displays: (a) the length of DOC incarceration for all juveniles transferred and receiving DOC incarceration; (b) the length of DOC incarceration for those juveniles transferred who were discharged as of March 31, 2006; and (c) the length of DOC incarceration for all juveniles transferred who remained incarcerated on March 31, 2006.

Figure 11
Number of Years Incarcerated Within a DOC Facility Before First Release*

	All Transferred Juveniles Receiving DOC Incarceration (Average 29 months)		Those Released as of 3/31/2006 (Average 24 months)		Those Still Incarcerated as of 3/31/2006 (Average 60 months)	
	%	N	%	N	%	N
Up to 1 year	28%	27	33%	27	0%	0
More than 1 year to 2 years	20%	19	23%	19	0%	0
More than 2 years to 4 years	33%	31	33%	27	29%	4
More than 4 years to 6 years	13%	12	9%	7	36%	5
More than 6 years	6%	6	1%	1	36%	5
Total	100%	95	100%	81	100%	14

* The time incarcerated included in this table is the time served prior to a juvenile's first release from a DOC facility and does not include any time spent in a DOC facility prior to the disposition of the case. If a juvenile was re-incarcerated for a violation of the conditions for his/her release (e.g., parole, transitional supervision), the time spent re-incarcerated in a DOC facility is not included in this table.

Figure 11 displays the following:

- ◆ Data on the 95 transferred juveniles who were incarcerated during 1997 – 2002 show:
 - These juveniles averaged 29 months in prison as of March 31, 2006.
 - About one-half (48%) have spent up to two years in a DOC facility, one-third (33%) spent more than two years to four years in a DOC facility, and 19% spent more than four years in a DOC facility.

- ◆ A look at the data for those released vs. those still incarcerated as of March 31, 2006:
 - Reveals much longer incarceration lengths for those juveniles still incarcerated compared to those released prior to March 31, 2006 (i.e., an average of 60 vs. 24 months; and 72% vs. 10% incarcerated for more than 4 years).
 - Suggests that the overall average incarceration length for the 95 transferred juveniles incarcerated will increase substantially after the 14 youth still incarcerated as of March 31, 2006 are discharged by DOC.
 - Shows that while the percentage of juveniles incarcerated for less than two years will remain at 48% after the 14 juveniles are discharged the percentage that are incarcerated for more than 6 years could increase considerably (9 of the 14 juveniles have served 2 – 6 years as of March 31, 2006 and remained incarcerated as of that date).

Figure 12 displays the percentage of the prison sentence served by the 81 transferred offenders who were incarcerated in DOC during the study years and released by March 31, 2006.

Figure 12
Percent of Prison Sentence Served in a
DOC Facility Before First Release*

	%	N
Up to 50%	16%	13
50% to 64%	17%	14
65% to 74%	26%	21
75% to 84%	10%	8
85% to 94%	15%	12
95% or more	16%	13
Total	100%	81

* The time incarcerated included in this table is the time served prior to a juvenile's first release from a DOC facility and does not include any time spent in a DOC facility prior to the disposition of the case. If a juvenile was re-incarcerated for a violation of the conditions for his/her release (e.g., parole, transitional supervision), the time spent re-incarcerated in a DOC facility is not included in this table.

As shown in Figure 12:

- ◆ The percentage served by these 81 transferred juveniles ranges considerably as:
 - 16% served up to 50% of their sentence before their first release.
 - 43% served 50% – 74% of their sentence.
 - 25% serve 75% – 94% of their sentence.
 - 16% served 95% or more of their sentence in DOC facilities.

While not in the table above, these offenders averaged serving 70% of their sentence in prison prior to their first release from a DOC facility.

Of the 169 transferred juveniles that were sent back to juvenile court, 41 of them received a DCF commitment as the final disposition for their case. DCF placement data were available for 36 of these juveniles. Figure 13 displays information on the number of years transferred juveniles committed to DCF actually spent in a DCF facility before their first release home.

Figure 13
Number of Years Placed Within a Juvenile Residential Facility
Before First Release

	All Transferred Juveniles Sent Back to Juvenile Court Receiving DCF Placement (Average 20 months)	
	%	N
Up to 1 year	22%	8
More than 1 year to 2 years	44%	16
More than 2 years to 4 years	33%	12
More than 4 years to 6 years	0%	0
Total	100%	36

* The placement time included in this table is the time spent within a DCF facility prior to a juvenile's first release and does not include any time spent in pre-trial detention. If a juvenile violated the conditions for his/her release (e.g., parole) and was placed back in a DCF facility, that time is not included in this table.

As displayed in Figure 13:

- ◆ The 36 juveniles who received a DCF placement were in a DCF facility an average of 20 months (compared to at least 29 months for DOC).

- ◆ About two-thirds (64%) were placed in a DCF facility for up to two years (compared to 48% for those incarcerated by DOC).
- ◆ Consistent with the law, none of those placed in DCF facilities spent more than 4 years in placement (compared to at least 19% for those incarcerated by DOC).

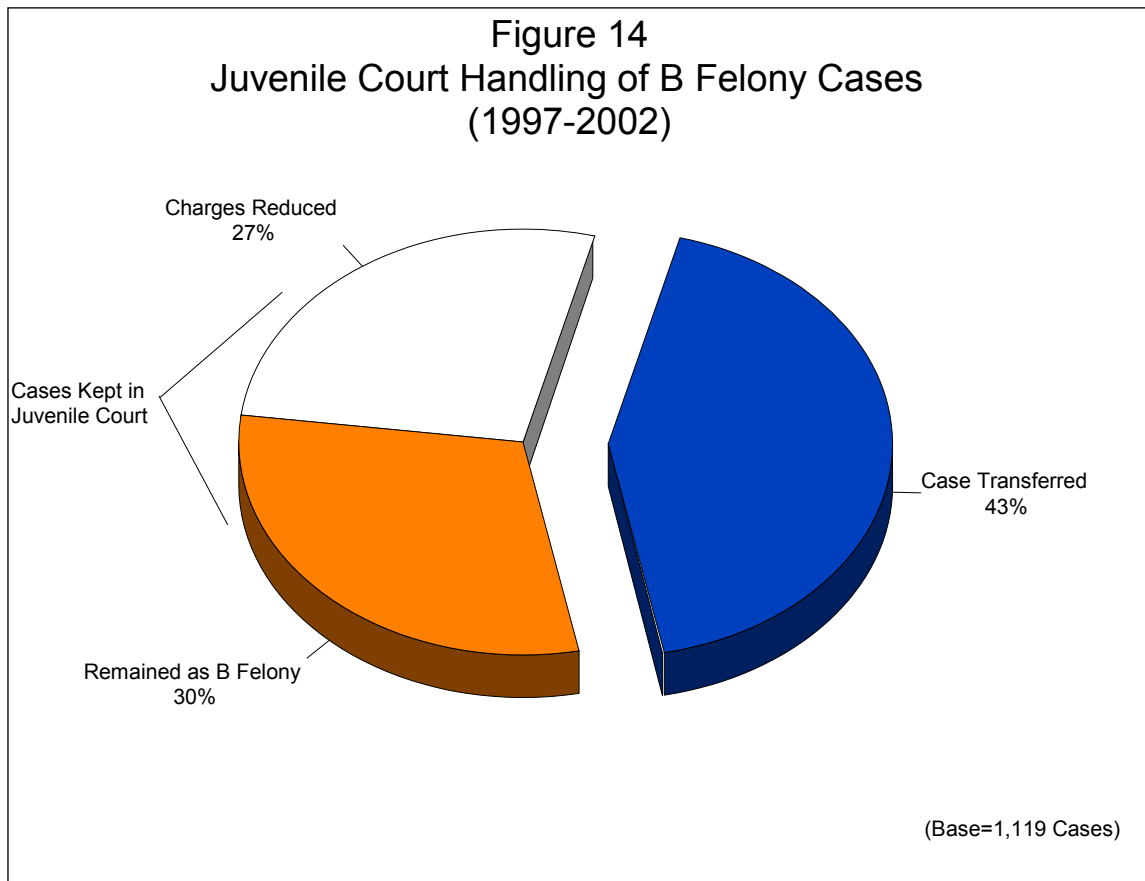
E. B Felony Cases

As the research found that B Felony cases were often not automatically transferred to adult court, Spectrum Associates took a close look at B Felony cases. Specifically, Spectrum Associates examined:

- ◆ How the juvenile courts handled B Felony cases (i.e., transferred, kept in juvenile court as B Felony cases, or kept in juvenile court with charges reduced to C/D/U Felonies).
- ◆ The characteristics of B Felony cases that were disposed in adult court compared to those that were disposed in juvenile court (includes both those whose charges were reduced and those whose charges remained as a B Felony).
- ◆ The final disposition of the B Felony cases in each of the courts (juvenile and adult).

1. Handling of B Felony Cases

Figure 14 displays juvenile court handling of B Felony cases across the state.



As shown in Figure 14:

- ◆ Statewide, about two-fifths (43%) of the B Felony cases were transferred to adult court, and about three-fifths (57%) were handled in juvenile court.
- ◆ Those cases handled in the juvenile court were almost equally likely to:
 - Remain as B Felony cases (30% of all B Felony cases).
 - Have the charges reduced (27% of all B Felony cases).

Figure 15 breaks out the handling of B Felony cases by juvenile court.

Figure 15
Handling of B Felony Cases by Juvenile Court Location

	Bridgeport	Danbury	Hartford	Middletown	Montville	New Britain	New Haven
Total Number of B Felony Cases	138	19	256	44	74	81	218
Case Transferred	37%	84%	43%	50%	47%	41%	37%
Case Not Transferred, Charges Reduced	33%	5%	16%	2%	39%	14%	44%
Case Not Transferred, Charges Not Reduced	30%	11%	41%	48%	14%	46%	19%

	Norwalk	Rockville	Stamford	Torrington	Waterbury	Willimantic
Total Number of B Felony Cases	27	54	40	15	118	35
Case Transferred	22%	56%	45%	80%	36%	63%
Case Not Transferred, Charges Reduced	33%	20%	20%	0%	35%	17%
Case Not Transferred, Charges Not Reduced	44%	24%	35%	20%	30%	20%

As shown in Figure 15:

- ◆ The use of transfer for B Felony cases varied greatly across the 13 juvenile courts. Specifically:
 - Two courts transferred the large majority of B Felony cases to adult court (i.e., Danbury, 84%; and Torrington, 80%).
 - Seven of the juvenile courts transferred 41% – 63% of B Felony cases (Willimantic, 63%; Rockville, 56%; Middletown, 50%; Montville, 47%; Stamford, 45%; Hartford, 43%; and New Britain, 41%).
 - Three courts transferred just over one-third of B Felony cases (i.e., Bridgeport, 37%; New Haven, 37%; and Waterbury, 36%).
 - One court transferred only one-fifth of the B Felony cases (Norwalk, 22%).

- ◆ Juvenile courts also varied in how they handled those cases that were not transferred.

Specifically:

- Five courts kept the B Felony cases as B Felonies even though these “automatic transfer” cases were not transferred (i.e., Hartford, Middletown, New Britain, Stamford, and Torrington).
- Two courts reduced the charges when keeping B Felony cases in juvenile court (i.e., Montville and New Haven).
- Five courts did a mix of both (i.e., Bridgeport, Norwalk, Rockville, Waterbury and Willimantic).

2. Characteristics of B Felony Cases

Figure 16 displays the characteristics of all juveniles charged with B Felonies broken out by the court where the case was disposed (adult vs. juvenile). It should be noted that the cases with a final disposition in juvenile court includes both those cases that were transferred to adult court and sent back and those cases that just stayed in juvenile court.

Figure 16
Background Characteristics of Juveniles
Charged with B Felony
by Final Court of Disposition (1997-2002)

		Final Disposition in Juvenile Court *		Final Disposition in Adult Court	
		%	N	%	N
Gender	Male	89%	677	96%	301
	Female	11%	80	4%	11
	Total	100%	757	100%	312
Race/Ethnicity	African-American	44%	333	43%	134
	White	37%	278	32%	100
	Latino	18%	138	23%	72
	Asian	1%	4	0%	1
	Other	1%	4	1%	3
Total	100%	757	100%	310	
Prior Delinquency Referral to Juvenile Court	Yes	70%	531	74%	220
	No	30%	226	26%	79
	Total	100%	757	100%	299
Prior Juvenile Commitment	Yes	9%	68	14%	42
	No	91%	689	86%	258
	Total	100%	757	100%	300

* Juveniles whose cases had a final disposition in juvenile court may have been transferred to adult court and sent back, or may have just stayed in juvenile court.

As shown in Figure 16:

- ◆ While most B Felony case defendants were male regardless of the court of disposition, females accounted for almost three times as many cases handled by juvenile court as those cases handled by adult court (11% vs. 4%).
- ◆ For both juvenile and adult court, African-Americans accounted for about two-fifths of the cases, White juveniles about one-third, and Latino juveniles about one-fifth.
- ◆ B Felony cases processed in adult court were just slightly more likely to have a prior delinquency referral than those handled in juvenile court (74% vs. 70%), and to have a prior juvenile commitment (14% vs. 9%).

Figure 17 displays the type of offense and most frequent charges for those B Felony cases disposed in juvenile vs. adult court.

Figure 17
Characteristics of the Offense for
Juveniles Charged with B Felony
by Final Court of Disposition (1997-2002)

		Final Disposition in Juvenile Court *		Final Disposition in Adult Court	
		%	N	%	N
Type of Offense **	Violent Crime	27%	204	56%	174
	Potentially Violent Crime	10%	76	37%	116
	Other Crimes Against Persons	6%	45	4%	14
	Crimes Against Property	55%	414	3%	8
	Drug Crimes	0%	1	0%	0
	Minor Offenses	2%	16	0%	0
Total		100%	756	100%	312
Most Frequent Charges	Sexual Assault	20%	150	35%	109
	Robbery	9%	71	36%	113
	Assault	7%	54	21%	64
	Larceny	47%	353	2%	7

* Juveniles whose cases had a final disposition in juvenile court may have been transferred to adult court and sent back, or may have just stayed in juvenile court.

** The "violent crimes" include murder, sexual assault, and assault; "potentially violent crimes" include robbery, arson, and kidnapping; "other crimes against persons" include firearm/weapons charges and risk of injury; "crimes against property" include larceny and burglary; and "drug crimes" are typically the sale of drugs.

As shown in Figure 17:

- ◆ B Felony cases disposed in adult court were much more likely to be charged with a violent or potentially violent offense than were the B Felony cases disposed in juvenile court (93% vs. 37%), whereas B Felony cases disposed in juvenile court were much more likely than those handled in adult court to be charged with crimes against property (55% vs. 3%).
- ◆ B Felony cases disposed in adult court were much more likely than those handled in juvenile court to be charged with robbery (36% v. 9%) and assault (21% vs. 7%), whereas B Felony cases disposed in juvenile court were much more likely than those handled in adult court to be charged with larceny (47% vs. 2%). Sexual assault cases accounted for a sizable percentage in

both courts, but accounted for a larger percentage of B Felony cases handled in adult court than in juvenile court (35% vs. 20%).

3. Final Dispositions of B Felony Cases

Figure 18 displays final case disposition of juveniles charged with B Felonies broken out by court of disposition.

Figure 18
Final Case Disposition for
Juveniles Charged with B Felony
by Final Court of Disposition (1997-2002)

	Final Disposition in Juvenile Court *		Final Disposition in Adult Court	
	%	N	%	N
Commitment/Incarceration	20%	149	31%	83
Probation	54%	404	61%	166
Conviction, Discharged	8%	57	1%	3
Nolle	13%	101	6%	15
No Conviction or No Prosecution	4%	27	0%	1
Miscellaneous	2%	14	1%	2
Total	100%	752	100%	270

* Juveniles whose cases had a final disposition in juvenile court may have been transferred to adult court and sent back, or may have just stayed in juvenile court.

As shown in Figure 18:

- ◆ B Felony cases processed in adult court were somewhat more likely than B Felony cases handled in juvenile court to result in incarceration (31% vs. 20%) or probation (61% vs. 54%).
- ◆ B Felony cases processed in juvenile court were much more likely than B Felony cases handled in adult court to be handled informally (27% vs. 8%).

F. System Practitioner Interviews

To gather in-depth information on how the transfer process is actually being implemented in the courts across Connecticut, in-depth interviews were conducted with juvenile and adult court judges, prosecutors, and public defenders. The semi-structured interviews included questions that explored:

- ◆ Practitioners' perceptions of how the transfer process works (e.g., charging in juvenile court, the process of handling automatic transfers, the process of handling discretionary transfers, adult court arraignment, and sending cases back to juvenile court).
- ◆ Practitioners' suggestions on improving the transfer process.
- ◆ Practitioners' thoughts on possible changes to transfer/age of jurisdiction legislation.

We ask the reader to keep in mind that this section of the report presents the perceptions of the 58 system practitioners interviewed.

1. System Practitioners' Perceptions of How the Transfer Process Works

a. System Practitioners' Perceptions of Charging in Juvenile Court

Study participants indicated that in most juvenile court offices, the court clerk records the charges on the petition from the police report for the case. The juvenile prosecutor then reviews the charges, and can make modifications as he or she sees fit using a substitute petition form.

In some juvenile court offices, the juvenile prosecutors have developed relationships with police departments in the area. When this is the case, the police may have consulted with the prosecutor prior to recording the charge(s) on the arrest report.

Respondents in two locations cited different processes for charging in their court location. One respondent said that the juvenile prosecutor changes the charges in open court, and he was not sure if the clerk's office then did a substitute petition form or how the charge was changed in the computer. Another respondent said that in his court, the prosecutor just changed the charges on the original petition rather than using the substitute petition form.

b. System Practitioners' Perceptions of Automatic Transfers in Juvenile Court

When a juvenile is charged with committing an A or B Felony when he/she was 14 or 15 years old, it is an automatic transfer case.

At a hearing in juvenile court, the charges, facts of the case and the juvenile's age at the time of the incident are stated for the record; and the juvenile is advised of his/her rights. The juvenile court judge signs the Order of Transfer. There is little opportunity for decision making on the part of the judge, and a number of respondents said the judge's signature was just more of a "rubber stamp" than anything else.

The transferred case is set for the next arraignment in adult court. Oftentimes a juvenile will be presented in juvenile court in the morning and arraigned in adult court that afternoon.

In most (but not all) court locations there is a great deal of communication between the juvenile prosecutor and the adult prosecutor at the onset of a transfer case, and the prosecutors in many court locations communicate about most (if not all) transfer cases. Typically, the juvenile prosecutor will contact the adult prosecutor as the case starts in juvenile court. At a minimum, the juvenile court prosecutor will give the adult court prosecutor a "heads-up" that a transfer case is coming; and often, the juvenile prosecutor will also indicate to the adult prosecutor his/her opinion on whether the case should stay in adult court or be sent back to juvenile court.

The counsel for the juvenile is not allowed to argue in court about a case being transferred. Rather, the only issue the juvenile's counsel can address at the juvenile court hearing for automatic transfer cases is that of pre-trial detention.

As discussed previously in this report (Section III. E), despite statutes to the contrary, B Felony cases are not always transferred. Juvenile and adult court practitioners were asked why B Felony cases were not always transferred even though they are classified as "automatic transfers" in the statute. The reason cited most often by court system practitioners for not transferring B Felony cases was that there were more services available for the juvenile in the juvenile system (e.g., more treatment/rehabilitation oriented facilities, and sex offender programs). Two other reasons mentioned by a number of the respondents were: (1) the incident was not as serious as the charge would indicate, so despite meeting statute requirements the overall facts or intent indicate the case does not warrant transfer (e.g., larceny

1 charge reduced to use of a motor vehicle without permission); and (2) upon review of the case, the prosecutor believes that the police overcharged the juvenile as defined by statute requirements.

c. System Practitioners' Perceptions of Discretionary Transfers in Juvenile Court

All discretionary transfers start with a motion to transfer filed by the juvenile prosecutor. At a hearing in juvenile court, the charges, the facts of the case, and the juvenile's age at the time of the incident are stated for the record; and the juvenile is advised of his/her rights. If the court finds, without a proceeding, that there is probable cause to believe the child committed the act for which he/she is charged, the judge signs the Order to Transfer.

The counsel for the juvenile is not allowed to argue in court about whether or not a case is to be transferred. The only issue the defense counsel can address at the juvenile court hearing is the issue of pre-trial detention.

As is the case for the automatic transfers, for the discretionary transfers there is typically a lot of communication between the juvenile prosecutor and the adult prosecutor from the start of a transfer case. In addition, in some court locations, an understanding has developed over time between the juvenile and adult court prosecutors that the adult court may or may not want certain types of cases. For these types of cases, the juvenile court prosecutor likely will not contact the adult prosecutor, and will not transfer the case. Typically the C, D, or Unclassified Felony cases that get discussed are sexual assault, assault, or robbery cases.

For the vast majority of the C, D, or Unclassified Felony cases referred to juvenile court there is no communication between the juvenile and adult prosecutors, as the cases are not even considered for transfer by the juvenile prosecutors. The factors that impact whether or not a discretionary transfer case gets transferred are:

- ◆ The seriousness of the offense and the facts surrounding the incident (e.g., more likely to transfer violent, drug or sex offenses).
- ◆ The offender's prior juvenile court history.
- ◆ Whether or not there was significant injury to a victim.

- ◆ Whether or not the case involves co-defendants that are 16 years old or older (more likely to be transferred).
- ◆ The possible dispositions of the case in the two courts (i.e., juvenile vs. adult).
- ◆ The juvenile's age (how close to age 16), and whether or not the resources available in the juvenile system have been exhausted for that juvenile.

d. System Practitioners' Perceptions of Adult Court Arraignment

Regardless of the charge level, the adult court arraignment is typically held in the Geographical Area (GA) or Part B court. The arraignment is held in a closed courtroom and the file is sealed. The adult prosecutor may request bond and the adult defense counsel can argue for a reduced bond or to have the defendant released on a promise to appear. The adult court judge determines if there is probable cause for the case, and whether or not the juvenile will be held pending his/her trial.

Usually a Part A or Judicial District (JD) prosecutor will review a transfer case to determine if the case is more suitable for the Part A or Part B court. However, in some court locations the Part B prosecutor reviews the cases. On occasion, the judge may play a role in determining which adult court will handle the case.

Typically, A Felony cases are handled by the Part A or JD courts. The handling of B Felony cases is more mixed (some in Part A and some in Part B), and the lesser felony cases (C, D, Unclassified) are typically handled in the Part B courts.

e. System Practitioners' Perceptions of Sending a Case Back to Juvenile Court

As discussed earlier in this report, the juvenile and adult court prosecutors generally talk about transfer cases from the start of the case, before it is transferred to adult court. Oftentimes, the decision on whether a transfer case will be sent back to juvenile court is made before the case is transferred to adult court. In many court locations, if the adult prosecutor does not want a particular case it is never sent to the adult court in the first place so the practice of sending cases back is more limited.

B, C, D, and Unclassified Felony cases transferred to adult court can be sent back to juvenile court. It is the perception of most of the respondents that only the adult prosecutor (typically the Part A prosecutor) has the discretion to file a motion to send a case back to juvenile court. However, there

were respondents in a few locations who said that a judge can decide that he/she wants to send a case back to juvenile court and the judge can do so without the prosecutor filing a motion.

In some courts, if the Part A prosecutor decides not to keep a transferred case it will go back to juvenile court. In other courts, the case will go to the Part B prosecutor for review to determine if it will stay in the GA court or go back to juvenile court.

There is a 10-day statutory period during which the decision to keep or send back a case must be made.

The adult court judge can accept or deny a motion to send a case back to juvenile court. If the judge does not sign the motion, the case stays in adult court.

2. System Practitioners' Suggestions On the Issue of Transfers

During the interview, the system practitioners were asked if they had any suggestions for legislation around the issue of juvenile transfers. The respondents gave a wide range of suggestions. Some of the suggestions were consistent across the different types of practitioners participating in the study (i.e., judges, prosecutors, and public defenders), while other suggestions were made by only certain categories of study participants.

Suggestions Made Across Practitioner Type

Reduce the Number of Cases Transferred Via More Discretion

Many of the 58 study participants suggested that the overall number of transfer cases should be reduced, and that this could be accomplished by increasing system practitioner discretion on whether a case should be transferred or not. Some study participants felt that all cases should be discretionary (eliminate automatic transfers), while others suggested moving some cases that are automatic to discretionary transfer status. Representative verbatim responses are listed below.

- “More discretion. Not all A & B Felonies should be automatic. Juvenile prosecutor should have more discretion. Look at prior record, history and resource used so far.” (juvenile prosecutor)
- “One of the arguments for not allowing automatic transfers should be to consider the competency of the juvenile. There’s been lots of scientific studies that show chronological age doesn’t necessarily match a juvenile’s actions or ability to make decisions. There should be some discussion about the juvenile’s competency.” (juvenile public defender)
- “I think that automatic transfers should be eliminated. Establish a hearing to transfer.” (adult public defender)

- “Transfers should not be mandatory. In general, kids have mental health issues. Trust the judge to make these decisions. You know that kids are coming back, so what is the point of the transfer.” (juvenile court judge)
- “I think that class C (felony) or below should always remain in the juvenile court. I think only B Felony and above should be considered for transfer.” (adult court judge)
- “There should not be any automatic transfers.” (adult prosecutor)

Increase the Services Provided by the Adult System

Many participants said that if juveniles are going to be transferred, the adult system needs to provide more services to these juveniles. The suggestions ranged from just a general increase in the services available to some specific mentions of an in-state placement option for sexual offenders.

Representative verbatim responses are listed below.

- “Services for 14 and 15 year olds on the adult side. My problem is that there’s nothing we can do with them. (We) need an alternative place to incarcerate them. The judges don’t even want to put them in Manson, at least some of the judges.” (adult prosecutor)
- “(There is) a lack of services. Simply incarcerating automatic transfers will not rehabilitate them. If (the juveniles are) not receiving education services, counseling, they’re just languishing in jail. Kids transferred are incarcerated with people who have committed more serious offenses. They learn more deviant behaviors being locked up with them.” (juvenile public defender)
- “If keep transferring (juveniles to adult court), get more treatment options to adult (side).” (juvenile court judge)
- “Provide greater resources to judges, prosecutors, and defense bar. There needs to be more treatment and detention placements. There are not many placement options for these kids (on the adult side).” (adult prosecutor)

Other Suggestions Made By Specific Categories of Practitioners

Judges

Several judges said that C, D and Unclassified Felony cases should not be considered for transfer, and that A and B Felonies should be discretionary transfers.

Several judges said that, in general, the judge should have more discretion over who gets transferred to adult court. Typically they indicated that they would like to have a hearing, or at least a formal argument where both sides present their case and the judge would make the final decision about transferring a case or not.

Prosecutors

While several of the prosecutors stated that they liked the transfer statute the way it is, some said they would like more discretion especially with the B Felony cases.

Public Defenders

Almost all of the public defenders felt the transfer decision should be in the hands of the judge. Many felt there should be a hearing where both sides present their case.

Many public defenders felt automatic transfers should be eliminated, and some public defenders felt that transfers of all kinds should be eliminated.

Some public defenders suggested, as an alternative to transferring juveniles, that the juvenile court be allowed to hand out harsher or longer punishments.

3. System Practitioners' Reactions to Possible Modifications to Legislation Regarding Transfer and Age of Jurisdiction in Connecticut

During the interview, prosecutors and public defenders (not judges) were asked for their reactions to specific possible changes to legislation on transfer and age of jurisdiction in Connecticut.

Use of Automatic Transfers

With regard to automatic transfers, prosecutors and public defenders were asked which of the following they most preferred:

- (1) all 14 & 15 year old juveniles charged with an A or B Felony should be automatically transferred,
- (2) only those 14 & 15 year olds charged with an A Felony should be automatically transferred, or
- (3) automatic transfers should be eliminated and all transfers should be discretionary.

Figure 19 below displays the responses.

Figure 19
Preference for How CT Legislation Should Handle Automatic Transfers for 14 & 15 Year Olds

	Juvenile Court Prosecutor	Juvenile Court Public Defender	Adult Court Prosecutor	Adult Court Public Defender
	N	N	N	N
Those charged with A or B Felony should be transferred automatically	4	0	3	0
Only those charged with an A Felony should be transferred automatically	2	1	4	0
There should be no automatic transfers, all transfers should be discretionary	1	7	3	17
Don't know/refused	1	0	0	0
Total	8	8	10	17

As seen in Figure 19:

- ◆ The prosecutors were more supportive of automatic transfers than were public defenders.
- ◆ 13 of the 18 prosecutors felt at least A Felony cases should be automatically transferred, and 7 of the 18 said B Felonies should also be automatic. In contrast, 24 of the 25 public defenders said there should be no automatic transfer.

Adult Court Discretion for Sending Transfer Cases Back to Juvenile Court

The prosecutors and public defenders were asked for their preference with regard to sending transferred cases back to juvenile court. Options given were:

- (1) adult court should be able to send back any transferred case including A Felony cases,
- (2) adult court should not be allowed to send back A Felony cases to juvenile court but should be able to return other cases as they see fit, or
- (3) adult court should not be able to send back any cases to juvenile court.

Figure 20 shows their responses.

Figure 20
Preference for How CT Legislation Should Handle Sending Transferred Juveniles Back to Juvenile Court

	Juvenile Court Prosecutor	Juvenile Court Public Defender	Adult Court Prosecutor	Adult Court Public Defender
	N	N	N	N
Adult court should be able to send back any juveniles (including A Felony cases)	1	8	8	17
Adult court should not be able to send back A Felony cases, but all others as they see fit (current law)	4	0	2	0
Adult court should not be able to send back any cases	1	0	0	0
Don't know/refused	1	0	0	0
Total	7	8	10	17

As displayed in Figure 20:

- ◆ All 25 of the public defenders and 8 of the 10 adult court prosecutors said the adult court should be able to send any case back to juvenile court.
- ◆ In contrast to the above, five of the six juvenile court prosecutors responding want limitations on the adult court, with four wanting to keep the legislation as it is currently (adult court cannot send back A Felony cases, but can send back others as they see fit).

Age Eligibility for Transfer

The prosecutors and public defenders were asked for their preference with regard to the age at which juveniles can be transferred to adult court. Options were:

- (1) not allow the transfer of juveniles of any age from juvenile court to adult court,
- (2) only allow transfer of 14 & 15 year old juveniles (current law), or
- (3) allow the transfer of juveniles under 14 years old under certain circumstances.

Figure 21 shows their responses.

Figure 21
Preference for CT Legislation on the Age at Which Juveniles can be Transferred to Adult Court

	Juvenile Court Prosecutor	Juvenile Court Public Defender	Adult Court Prosecutor	Adult Court Public Defender
	N	N	N	N
Allow juveniles under 14 to be transferred in certain circumstances	0	0	7	0
Only allow 14 & 15 year olds to be transferred (current law)	7	0	3	7
Not allow any juveniles to be transferred	0	7	0	10
Don't know/refused	0	1	0	0
Total	7	8	10	17

As shown in Figure 21:

- ◆ The majority of adult court prosecutors (7 of 10) supported the idea of allowing juveniles under the age of 14 to be transferred to adult court under certain circumstances. No other study participants desired this expansion.
- ◆ All of the juvenile court prosecutors support the current approach where juveniles 14 and 15 years old can be transferred.
- ◆ All of the juvenile public defenders said that they prefer to not have any transfers. The adult court public defenders were more mixed, with 7 of the 17 (about 40%) preferring that the law stay as it is, and 10 of the 17 (about 60%) preferring to not have transfers.

Factors to be Considered in Transferring Cases

The prosecutors and public defenders were asked the extent to which they agreed or disagreed that factors other than the charge (offense) and the juvenile’s age at the time of the offense should be considered when deciding to transfer a case to the adult court. Figure 22 shows their responses.

Figure 22
Extent Practitioners Agree/Disagree That Transfers Should Be Based on Factors Other Than Age and Charge

	Juvenile Court Prosecutor	Juvenile Court Public Defender	Adult Court Prosecutor	Adult Court Public Defender
	N	N	N	N
Strongly agree	4	7	5	14
Somewhat agree	2	0	4	3
Somewhat disagree	0	0	0	0
Strongly disagree	0	1	1	0
Don't know/refused	1	0	0	0
Total	7	8	10	17

As displayed in Figure 22:

- ◆ Almost all of the prosecutors and public defenders said that factors other than the charge and the age of the juvenile should be considered when determining if a case should be transferred.
- ◆ Over 80% of the public defenders and about one-half of the prosecutors “strongly agreed.”

Those respondents who felt other factors should be considered were asked who should consider the factors, and what factors should be considered.

With regard to who should be considering the factors, we found:

- ◆ Typically the prosecutors felt the prosecutors were the ones who should be considering the factors and determining whether or not a case gets transferred. A couple of prosecutors said a judge should be the decision-maker.
- ◆ The public defenders typically felt a judge should be considering the factors and making the transfer decision. A few public defenders said a prosecutor should consider the factors, but most said a judge or anyone other than a prosecutor should be deciding. A few public defenders mentioned using a hearing board to consider the factors.

The factors that the prosecutors and public defenders said should be considered when determining whether or not a case should be transferred are:

- ◆ **The factual basis of the case.** Do the facts support the charges? Is the case winnable? Did the police overcharge?
- ◆ **The circumstances surrounding the case.** What was the offender’s involvement in the case? “There may be a dead body and a gun, but what really happened? Was it self-defense?”
- ◆ **The services that could be provided to the offender in adult court versus juvenile court.** Is the juvenile better off being in juvenile court? What services or interventions have already been attempted? Have they exhausted all the available juvenile services?
- ◆ **Prior record/court history.** Does this juvenile have a history of similar behavior? Has he/she been arrested/referred to court before?
- ◆ **Mental capacity/competency/substance abuse issues.** Did the juvenile fully understand what he/she was doing? Did he/she understand the consequences of his/her actions? Does the individual have a mental illness, learning disability, or other psychiatric issues? Are there substance abuse issues?
- ◆ **Family background.** Is this juvenile from a dysfunctional family? Does the family have other problems? Is the offender living in a stable environment? Does the child have a DCF history, or has the child been removed from the family? Is the offender a victim of abuse?
- ◆ **Impact/stance of the victim.** How serious were the injuries to the victim? How does the victim feel about what should happen to the offender (e.g., jail vs. treatment)?

Age of Jurisdiction

The prosecutors and public defenders were asked for their preference with regard to the minimum age of jurisdiction for adult court in Connecticut. Figure 23 displays the results.

**Figure 23
Preference on Minimum Age of Jurisdiction for Adult Court**

	Juvenile Court Prosecutor	Juvenile Court Public Defender	Adult Court Prosecutor	Adult Court Public Defender
	N	N	N	N
16, as it currently is	6	0	9	5
18	1	6	1	10
Some other age	0	2	0	2
Total	7	8	10	17

As shown in Figure 23:

- ◆ The overwhelming majority of the prosecutors (15 of 17) felt the minimum age of jurisdiction for adult court should stay at 16.
- ◆ In contrast, the public defenders (16 of 25) typically suggested changing the minimum age of jurisdiction for adult court to 18 years of age. However, juvenile court public defenders (6 of 8) were much more likely than adult court public defenders (10 of 17) to be in favor of raising the age to 18.

If the minimum age of jurisdiction for adult court were changed from 16 to 18, the issue of transfer from juvenile to adult court would need to be addressed. The prosecutors and public defenders were asked what best reflected their opinion:

- (1) 14, 15, 16 and 17 year old juveniles would be eligible for transfer from juvenile to adult court,
- (2) only 16 and 17 year old juveniles would be eligible for transfer, or
- (3) there should be no transfer from juvenile court to adult court.

Figure 24 displays their responses.

Figure 24
Preference on Age of Transfer if Minimum Age of Jurisdiction for Adult Court Were Raised to 18 Years Old

	Juvenile Court Prosecutor	Juvenile Court Public Defender	Adult Court Prosecutor	Adult Court Public Defender
	N	N	N	N
14 to 17 year olds eligible for transfer	5	1	9	6
Only 16 & 17 year olds eligible for transfer	2	3	1	3
There should be no transfers from juvenile to adult court	0	4	0	8
Total	7	8	10	17

As shown in Figure 24:

- ◆ If the minimum age of jurisdiction in adult court were raised to 18, the prosecutors typically felt that 14 to 17 year old juveniles should be eligible for transfer to adult court.
- ◆ About one-half (12 of 25) of the public defenders felt there should be no transfer to adult court if the age were raised to 18, while others were divided between 14 – 17 year olds (N=7) or 16 and 17 year olds only (N=6).

IV. Juvenile Justice Advisory Committee Recommendations

Important Note

The recommendations provided in this section of the report were developed and written by the Juvenile Justice Advisory Committee (JJAC). The recommendations are provided in this report to inform the reader of the direction the JJAC feels should be taken in Connecticut with regard to the transfer of juveniles from juvenile to adult court.

The issue of transferring juvenile offenders to the adult system is a topic of national interest. In 2002 the Juvenile Justice Advisory Committee began a research study on the transfer of juveniles to adult court in Connecticut. The study focused on legislative changes from P.A. 95-225, which was effective October 1, 1996 and significantly changed the process and increased the types and numbers of juveniles eligible for transfer to the adult criminal court docket. Spectrum Associates Market Research Incorporated was selected to conduct the Juvenile Transfer Study. These recommendations are based on the information and findings of the study, and the experience and expertise of the JJAC and its Advisory Committee on the Transfer Study.

Recommendation I:

The JJAC recommends that the Connecticut General Assembly modify the juvenile transfer statute to:

- A) Allow children accused of B felonies to be handled under the discretionary provisions of the current law rather than as automatic transfers.**

Currently, children accused of B felonies must be transferred to the adult court under the automatic provisions of 46b-127(a) and then sent back to the juvenile court if that is what the court prosecutors decide is most appropriate. Study data show that only about 44% of the now automatic B felonies are being automatically transferred.

Automatically transferring every B felony and returning most to juvenile court is not an efficient method to address these cases. Prosecutors already eliminate much of this paper shuffling by communicating on initial decision-making and skipping the automatic transfer

process if the case is intended for juvenile court. Allowing the B felonies to be treated as discretionary transfers under 46b-127(b) will reduce the number of hearings and eliminate unnecessary paperwork without sacrificing public safety since this is essentially current practice.

B) Extend the time limits for adult prosecutors to file motions to return transferred cases to juvenile court from 10 working days to 45 working days.

According to system practitioners, the current 10 working day limit to return both automatic and discretionary cases to the juvenile court does not allow sufficient time to process these cases and therefore the time limit is often waived by the prosecutor and defense counsel.

Prosecutors need additional time to schedule the multiple hearings involved in these transfer cases and to gather more information on the juveniles involved and from the victims.

Extending the time to 45 working days will provide a realistic and reasonable period of time to process these cases and allow prosecutors to make more informed decisions.

Recommendation II:

The JJAC recommends that the Judicial Branch, the Department of Children and Families (DCF) and the Department of Correction (DOC) should insure that the computer-based data systems in place for both adult and juvenile court and corrections information allow for tracking of individuals between systems.

It has taken Spectrum Associates over two years to collect, organize and analyze quantitative data for the six years included in the study—1997-2002. While electronic data files were provided by the Court Support Services Division of the Judicial Branch for the juvenile and adult courts, the data from the two systems had to be matched manually using name and date of birth as there was not an identification number that linked records in the two systems. In addition, there were many juveniles for whom the information about a possible transfer case was not in agreement in the two systems (e.g., juvenile court data indicated a transfer but no information was provided in the adult court data file; adult court data indicated a 14-year old having an adult court case but no information about a transfer case provided in the juvenile court data). For these juveniles a manual search of hard copy records at the various juvenile probation and court locations and/or the adult court records was conducted to determine the handling of each transfer case. For corrections data, neither DCF nor DOC could

provide computer data documenting admission and release dates and specific placements made during DCF commitments or DOC incarcerations. The ability to provide computer data for future studies of the juvenile transfer process and to generate regular reporting of information on the transfer process from both the juvenile and adult court and corrections agencies should be incorporated in agency information system upgrades.