



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Susan I. Hamilton, MSW, JD
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Judiciary Committee - March 14, 2022
Raised H.B. 5417

An Act Concerning Juvenile Justice and Services and Firearms Background Checks

Mission Statement of the Division of Public Defender Services

Striving to ensure justice and a fair and unbiased system, the Connecticut Division of Public Defender Services zealously promotes and protects the rights, liberty and dignity of all clients entrusted to us. We are committed to holistic representation that recognizes clients as individuals, fosters trust and prevents unnecessary and wrongful convictions.

The Office of Chief Public Defender (OCPD) **opposes** certain sections of ***Raised Bill 5417*** as currently written. **Section 1** at lines 11 - 15 would require that an assessment be done immediately for all children on their initial court appearance regardless of the charge and prior to any finding of guilt for the charged offense. While OCPD appreciates the importance of providing timely and appropriate services to children, a delinquency proceeding is a criminal proceeding, and this requirement would violate the child's constitutional rights at this stage of the case. However, it's important to note that there are already existing opportunities for children to be evaluated and provided with services immediately in cases that are handled non-judicially by probation and in cases where the court has detained the child or placed the child on suspended orders of detention. In addition, assessments and services are provided regularly for children as part of any probation disposition.

Similarly, lines 51-58 of Section 1 would permit the court to place a child on GPS monitoring if the child is charged with a second or subsequent motor vehicle offense. As currently written, this could be done immediately, again without any finding of guilt or public safety risk by the court, which raises constitutional issues. Under existing law, the court

March 14, 2022

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already has the authority to issue electronic monitoring when a child is released and placed on suspended orders of detention, and this can also be ordered as part of any probation supervision.

Section 1 would also allow a child to be held in a community correctional center or lock up for longer than the current six hours if a police officer believes the child poses a public safety risk and is seeking a detention order. Given the new CSSD process that allows law enforcement immediate 24/7 access to the information needed to pursue a detention order, OCPD believes the current 6 hour holding period is sufficient. However, if this period is extended, there should be a statutory limit on the total number of hours a child can be held during this investigation period. (See, SB 16 at line 1407, which caps this at a maximum period of 8 hours).

Section 2 of this bill would amend Sec. 46b-133d to allow proceedings involving certain homicides to be eligible for a blended sentence if the case is not transferred to the adult court. Under existing law, this option already exists for crimes of a sexual nature and would require the juvenile court to issue a 3-pronged sentence: (1) Up to sixty months of a juvenile sentence; (2) a minimum 5-year period of special probation following the juvenile sentence; AND (3) an adult sentence, which is stayed if the child complies with the first 2 prongs of this sentencing scheme. In addition, this section would require any case so designated as a serious homicide or sexual offender prosecution to be transferred to the adult court unless the child waives their right to a jury trial. OCPD opposes this section, in part, because there is no minimum age limit on when this designation can be used, which could in effect result in children well under the age of 15 being transferred to the adult court.

The Office of Chief Public Defender requests that the Committee take no action on this this proposal.