

Legislative History for Connecticut Act

SB 45	PA 620	1975
Senate p. 2506-2527 3303		(23)
House p. 5508-5519 5719-5721		(15)
Judiciary p. 349-394, 424, 454-455		(49)

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1975

VOL. 18
PART 5
2066-2623

May 23, 1975 C.G.C. 50

Calendar.

THE CLERK:

Turning to the top of page 7, calendar 864, file 878 favorable report of the Committee on Finance, substitute Senate Bill number 1306 AN ACT CONCERNING THE EXPANSION OF POWERS AND RESPONSIBILITIES OF THE CONNECTICUT DEVELOPMENT AUTHORITY.

THE CHAIR:

Senator Beck.

SEN. BECK:

Mr. President, I move acceptance of the Finance Committee's favorable report, and placing the bill on the Consent Calendar. Mr. President, this expands the powers and responsibilities of the Connecticut Development Authority to permit more flexible use of their funding, which will permit financing of warehouse, wholesale, distribution or trucking freight terminal facilities. It had the unanimous support of the Committee, and we hope that it will help the economic base of the state.

THE CHAIR:

. . . to Consent. If there is no objection, it is so ordered.

THE CLERK:

Still on page 7, middle of page, calendar 875, file 891 favorable report of the Committee on Judiciary, substitute for Senate Bill 45 AN ACT CONCERNING SUITABLE TREATMENT OF JUVENILE OFFENDERS.

THE CHAIR:

Senator Barry.

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SEN. BARRY:

Mr. President, I move acceptance of the committee's favorable report, and passage of the bill.

THE CHAIR:

would you care to remark on it, Senator?

SEN. BARRY:

Mr. President, I would defer at this time to the author of the bill, Senator Lieberman for his remarks.

THE CHAIR:

Senator Barry has yielded to Senator Lieberman.

SEN. LIEBERMAN:

Mr. President in some senses I should yield back to Senator Barry for the work that he has done on this bill. This is a bill that I introduced at the beginning of the Session. Actually I introduced one similar to it last year, to respond to the problem of juvenile crime at its worst. People in the cities that I represent, New Haven and West Haven. I'm sure people throughout the State in various places have been victimized, in very serious ways, by what I would call juvenile criminals. And this is, these are acts performed by a very small number of juveniles but they do extreme damage to people and property in our society. And they raise the question, and this has been raised by many people, as to whether the special protections that we afford to juveniles ought not to be modified in some limited way, to allow for more severe handling of those juveniles who are multiple offenders and who prove themselves in some sense as unworthy, and another perhaps a

better word, would be unresponsive to the traditional juvenile justice system.

Mr. President, what we are saying is that there are a small number of juveniles who simply cannot be contained or treated or rehabilitated within the confines of the LongLane School as it exists now. And what happens is that they are constantly being apprehended, sentenced to LongLane through the juvenile justice system. They escape or come out on furloughs and commit other serious crimes. That set of facts does not help, certainly does not help society which is victimized by those crimes. It does not help the individuals I would contend, because they are obviously in need of some more serious, more confined kind of treatment. It does not help, in fact it hurts the entire focus of our department of Children and Use Services for the great majority of juveniles committed to their care are at the LongLane School, who can benefit from that kind of minimum security confinement. And so this bill says that there are limited circumstances under which we should provide that a juvenile, that is one between the ages of 14 and 16 who commits a Class A or B felony, which are serious crimes, can be transferred from the juvenile court to the superior court for trial and sentencing. If a series of standards are met that go to the record of the individual, the ability of the juvenile justice system to treat the individual, and the ability of the superior court and its institutions to treat the individual. There is also provided, mandated if you will, in here, the provision within the department of Children and Youth Services,

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of a maximum security facility. what we're aiming for in this bill, is not to lock kids up and throw the key away. We're aiming to create maximum treatment facilities so that society will be protected, and so that the individual juveniles will hopefully be broken out of the pattern of crime that some of them have gotten into. And I repeat again that this is a small number. This bill would be used for an extremely small number of those juveniles who are committed to the care of the Juvenile Justice System, each year.

The bill as it appears in the file, is not the original bill I put in. It went through a great deal of work and effort in the Judiciary Committee, and particularly under the guidance of a subcommittee headed by Senator Barry. I believe that this bill can point the way for those several other states around the country that are looking at this same problem. And I wanted to thank the Judiciary Committee, and again particularly Senator Barry and members of his committee for the work that they did on this bill to make a start in alleviating this problem and the fear that goes with it, so perhaps it's fair to yield back to the good Senator from the 4th, if he wishes to add anything more specific.

THE CHAIR:

Will you remark further? Senator Barry.

SEN. BARRY:

Mr. President my thanks to the distinguished Majority Leader. The bill does in fact do what he has said, and I think there are a couple of points that should be made. If you will

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look at the bill you will see that there are certain pre-conditions before any child between the age of 14 and 16 can be transferred to the Superior Court for disposition of his case. And one of those pre-conditions, is that there be no state institution designed for the care and treatment of children to which the court may commit such child which is suitable for his care and treatment. Now, when I saw that section originally and having heard the witnesses at the full Judiciary's hearing, it was obvious that there is no such state institution, and therefore that element, or that pre-condition, would be met automatically. I might say parenthetically that I will have on every member of the General Assembly's desk before we adjourn and I think by the end of next week, a documentation of just what facilities are available for the age group that is generally known as teen-agers in Connecticut.

And I think that will shed some light on the, this area, what I regard as being extremely deficient, and I would hope that we would look it over and its purposes to get some legislation out in 1976. But in this bill, we talked with psychiatrists, with probation people, with people from D.C.Y.S., with members of the court staff, juvenile court staff, and with juvenile judges. And what we're talking about here in terms of a transfer to the Superior Court is an extremely small number of children. And what we have done in this bill, is to say that under these circumstances,

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shown that there is no such state facility in the State of Connecticut that can treat him from a psychiatric point of view. And

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that in itself would not be enough. So that Section 2 of the bill mandates that the Department of Children and Youth Services, set up such a facility. And we know in these bad economic times there's no way that the State of Connecticut is going to build one. There's no way that they're going to spend an awful lot of money on one. But every psychiatrist we talked to said that what is needed is a maximum security psychiatric facility for those very, very few people in this age group who do not respond to whatever facilities we have now available, and who need maximum security, which is not afforded at LongLane. So that what is going to be used and what it is, the purpose of this legislation is to mandate the Department of Children and Youth Services to set up such a division, such an installation for this treatment. It is contemplated that they'll use the new building at LongLane School which is now under construction. Also available is one unit at the Whiting Forensic Facility at the Connecticut Valley Hospital. But whatever they use, they will be under a mandate to do it. It's expected that we might be talking about less than five children in any given year, and maybe that may be an exaggeration, but I think that the bill is a good bill. If it does nothing else, it compels that maximum security psychiatric facility be ordained in the State of Connecticut, and there isn't one now. Doctor Dorothy Lewis of New Haven estimates that 17% of the children in this age group have psychoses. And that there are schizophrenic children who are not being treated, who are in our correctional institutions, so that this goes a long way toward taking

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care of those children I believe. And I think you should know that this bill does not mean that one child transferred will ever do any time at the Somers Correctional Institution. If such a transfer is mandated, trial or plea is done in the Superior Court. The only place that they could be confined that has any kind of security in the State would be Cheshire, which is a correctional institution.

Federal law requires that they not be commingled with adults, and if we were to do it, we would lose Federal funds, so I would urge adoption, if there is no objection, Mr. President, I would move it to the Consent Calendar.

SEN. SMITH:

Mr. President.

THE CHAIR:

Senator Smith.

SEN. SMITH:

I yield to Senator Guidera.

THE CHAIR:

Senator Guidera.

SEN. GUIDERA:

Mr. President, I rise to oppose this bill. Mr. President, it seems to me that we're reacting very, very severely, and very very strongly to a, no doubt, a situation that does exist in the State of Connecticut, and has existed for many many years. It's nothing new in this state that there are young people who are constantly in trouble, constantly involved with violent crimes, who

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commit a crime not more than ten seconds after they're released from juvenile court. But I have to ask myself, what's wrong with the juvenile court system of this state? First we found out that juvenile court couldn't handle 16 and 17 year olds, so we came up with youthful offender. Now we find out they can't handle certain 14 year olds. I suppose next year or the session after, we'll be back here saying they can't handle certain 10 year olds.

There's no question, Mr. President, but that society is changing, the young people are more aware of what's going on, more attuned to violence today than they ever have been in the past, but it seems to me that this piece of legislation is a gross over-reaction to a situation that we have. I don't object to placing young people who have committed 35 or 40 violent crimes in some kind of maximum security facility. But I don't want to do it in the Superior Court. A 14 year old could stand trial as an adult in the Superior Court. And it's not true, from the way I read the Youthful Offender Statute, that the young man who is 14 and commits a Class B felony who goes to the Superior Court, it's not true that he could escape youthful offender. Because the youthful offender statute says that you simply can't have committed a Class A felony. So it's possible under this statute that someone who has committed a Class B felony could be transferred to the Superior Court, could there be treated under the youthful offender statute as I read them, under their present language. I read various things in this particular piece of legislation. No institution or state agency designed for the care and treatment of the individuals.

individual. I read language that he shall stand trial as if he were a 16 year old which means he can stand trial as an adult. I read maximum security institution. I read Section 3, the language may detain such child.

Mr. President, I think this is a gross over-reaction. Now I understand, I recall very recently down in New Haven a 15-year old committed a murder on a Yale college student, and we deplore this kind of situation, but I simply have to stand up and ask, what is wrong with the juvenile court system of this state, that they can't sit down and devise for us, and recommend to us, some method of their taking care of this particular problem. Why do they constantly have to come to this General Assembly, and admit failure in the handling of certain kinds of young people. Admit failure in certain kinds of cases.

Seems to me, Mr. President, that we ought to defeat this bill. And we ought to send a note back to the juvenile court judges and the personnel of this state, and say you've got to do something about this problem, because you're the ones, many many years ago, that we gave the problem to. Mr. President, I don't think there's anybody in this Circle who comes from a more conservative district than I do. There's nobody in this Circle who is probably more of an individual who stands for law and order than I do, but I think this particular piece of legislation is a gross over-reaction. When we have so many adults who are getting away literally with murder, daily on the streets, and we can't seem to handle those problems, why can't we do something to show a little

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compassion, to show a little imagination in our juvenile court system, and do something really effective within that system, and not within the Superior Court, for these young people.

Mr. President, I hope anybody with a conscience will stand up and vote against this piece of legislation, and I ask that when the vote be taken, it be taken by roll call.

THE CHAIR:

Will you remark further? Senator Neiditz.

SEN. NEIDITZ:

Mr. President, I valued, come to value the feelings on these subjects, of my friend Senator Guidera, and I think in fact, a close reading of this bill would indicate that his concerns, or some of his concerns as I've just heard them, are addressed in this bill. When the original proposal came in, there was no emphasis on treatment. We have, Senator Barry and the whole committee, which spent a lot of time on this and with a lot of the people from these departments, we shared the concerns that you have, and this will be the first time we are in effect, mandating treatment, for the first time, if this is used. If this procedure is used. It's not a mandatory procedure. It's another tool that the Juvenile Court Judges have. I think more important, in response, because I clearly, I think this bill is important, I clearly do not think that it should be a controversial issue. I will agree with Senator Guidera that we have, there's much to be desired in the way we handle problems of our young people. Both those who get into the criminal justice system, and those who do not get in-

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to the criminal justice system. As a matter of fact, Mr. President, children in this state who are fortunate enough, in some cases, to get into the criminal justice system via the juvenile court, receive better treatment than children who don't.

I was almost, I've said several times to people that it really would be better for a child in this state who has some emotional problem, to steal an apple, and he would get better care from the State of Connecticut, than if he didn't steal that apple. Because he would be before juvenile court judges like Margaret Driscoll and Judge Conway and Judge Higgins and Judge Glass and Judge Breneman, Judge Gill, people who do have compassion and who do feel the same frustrations that many of us feel in the inability to provide all, the whole gamut of services that the children of this state need. But I will tell you this, Mr. President, that the juvenile court judges are better advocates than anyone else in our bureaucracy, or anyone else in this state, in banging their fists on a desk and say, I want that child admitted to that institution. I want that child to have this care. And when they're met with resistance that, well, we have to fill out forms, we have to fill out papers . . . I've heard Judge Driscoll, she'll bang her fists, I want that child admitted by 5 o'clock today. I think there is the care and there is the concern. Now we passed a bill the other day, setting up a study commission made up of, I think it's in 6 members of the Legislature, and several members of the juvenile court judges to study the whole problem of the juvenile courts. We have another bill, I think, on our calendar today, I

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don't know if it will come up today or, I think the next time we meet, in the area of status offenses, where we are mandating a study jointly done by 6 members of the Legislature and the Council on Human Services, to study the alternate procedures and institutions or facilities that might be used when the Federal Law mandating that status offenders, namely runaways and truant, and whatever, are, cannot be put in the same institutions with other juvenile offenders.

we do care about this, and I think this is a, it may have originally been in response to a serious problem, and perhaps was being looked at in a negative way. I mean, I commented at our committee hearing, that yes, there was a lot of yahoo-ism from one newspaper in the state, editorially, on and on and on. The same newspaper which never wants to spend a nickle for human services for children or old people or anyone else. Yes, they're the first out there beating the drums, but they're never for anything, I've never seen them for anything positive yet.

But this is not the bill. I mean, I think I share Senator Guidera's feelings, but I think this bill goes in a positive direction. We're saying, have the security, but you must have the treatment with it. And I think that's the important thing, so I hope that the Senator would reconsider, because I think this is important enough for us to act in unanimity, because I think we, our goals are the same.

THE CHAIR:

Senator Ciccarello.

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SEN. CICCARELLO:

Just one question, Mr. President through you to Senator Barry, the transfer of jurisdiction to the Superior Court, is that irrevocable, so that the Superior Court, if it determines the individual is guilty, would not be able to return the child to juvenile court facilities?

SEN. BARRY:

Mr. President, through you. The child, once convicted in the Superior Court would be, would then have to be remanded to some juvenile facility, because I don't think that, that's why I stated into the record, to expand on the legislative intent here, that the State of Connecticut, I don't believe, wants to mix children with adults, and certainly we stand not only from a sociological point of view, but from a purely economic view, to lose a lot of Federal funds if this were done. So that it is not permitted under Federal law, and it is not contemplated in this law.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Yes, Mr. President, I stand to support this bill. And I do want to say, Mr. President, members of this Circle, I do so with very very mixed emotions. I say that because in a major sense Senator Guidera is correct. He's right. While at the same time I think that the need for this legislation should be recognized, is really a reflection of all of our failures, both as general Assembly as regard to our silence on the operation of our juvenile court

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system, based on our reluctance and our silences to break up the concentration of poor families, and to believe that we are containing crime within certain other areas while ignoring crime which exists in our own areas. And I'm reminded, Mr. President and members of this Circle, of when I was a youngster and my almost first brush with the law. And I say almost because a gentlemen who did not want to see me get in trouble took me to my mother. And I had expected a good licking, but all my mother did was simply look at me, and tears began to roll down her eyes, and I didn't get that licking as I expected. But it was enough of a licking to tell me that it was wrong to steal and that I should never do it again, and thank God, I never did.

But I want to point out something too. I just turned 40, I know I don't look it. I just turned 40 Mr. President, and maybe it can be alleged that I'm getting old--I don't know. No reflection on you, Mr. President.

THE CHAIR:

I didn't take it personally, Senator. (laughter)

SEN. SMITH:

. . . or my colleague to my left. But I do say this, that we have created a monster, and in a major sense we're not talking about children any more in the major sense of the word children. And the meaning of children. As time has progressed, the young people of yesteryear took a long long time, for them to grow up. And there was a time when many and often, that, especially those of us who can remember our childhood days, we had a chance to be

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children. And to play. To be children, without any responsibilities whatsoever, of those that were maintained by adults. But through the media, through television, motion pictures, the educational system; you name it, and our children, quote, unquote, have matured more rapidly in this generation than in any generation before.

We have some 14 year olds bigger than Senator Hannon. I won't say more mature, but most certainly the physical sense, just as big, if not bigger. And in many instances these are grown men. They are not children. They are grown men. Now getting back to what Senator Guidera has pointed out, is that before one of these children come under this particular bill, they will have had to have gone through that juvenile system, that we talk about, that is in failure, and the only thing that I'm afraid of, Senator Lieberman and Senator Barry about this, is that Senator Guidera is so correct about the juvenile system. Is that I can see a lot of youngsters who could otherwise be helped, if we concentrated more action toward the juvenile system, being turned over to the Superior Court because they feel they can't handle the problem.

But I say that something must be done, and done rapidly, about the monster we have created, while at the same time the reluctance that I have in my heart, which maybe in a large sense might seem too that I have lost any compassion. It has to be because of dealing with a situation which exists and hopefully, we will see to it that the position that Senator Guidera has taken, will be taken care of. And so I submit to my colleague, Senator

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Lieberman and Senator Barry that if we want to take credit as we all like to do, for sponsoring legislation, whether it be landmark or not, then most certainly we must make a commitment to see to it that we shore up the other failures. We have a parental responsibility law in this state, and it calls for investigation of family surroundings, of the family environment to see whether or not parents may be at fault in certain situations.

It may be pathetic, sad but true that oftentimes adults must be made and forced to take care of their responsibilities, and I think their children would love them more for it, if they did. And so, Mr. President, members of this Circle, I've thought an awful long time about this piece of legislation. Ever since Senator Lieberman held his press conference on it, and I was besieged by a lot of questions from news media. How do you feel about it, and what's going to happen to some children? If its the son of a Senator or the Judge or somebody, they're not going to be referred to this, they'll go through the same system. That may be true, but that has nothing whatsoever to do with the fact that we created that monster, and that problem of treating one child different from another, solely because of where they live or who their parents are, or what their income is. That too, is another problem that we most certainly must deal with, when we find it to be. And the news media is going to have to have a responsibility in this whole affair. So I would hope that this particular bill and the objectors will be given an opportunity, and hopefully, as I said before, Senator Barry and Senator Lieberman,

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will also be committed as I will be, along with them, to try to shore up those failures in the juvenile court system.

THE CHAIR:

will you remark further?

SEN. BARRY.

Mr. President.

THE CHAIR:

Senator Barry.

SEN. BARRY:

Speaking for the second time, I too want to agree with much of what Senator Guidera said and certainly with what Senator Smith said. After you've been to all of the psychiatric facilities in the state as I have in the last several weeks, to all the childrens' units, and seen them, you realize that there really isn't any place that you can put young people where they can't simply walk off. And I think that this bill, if it does nothing else, if it doesn't cause one child to be transferred to Superior Court, it will have its good effect in getting the maximum security psychiatric facility off the ground. And I regard that as a crying need in this state.

Let me say that I could not support Senate Bill 45 if it did not contain Section 2. And I agree with what has been said, that we have failed and that society has failed, and that has a lot to do with where we are today in the treatment of juveniles, both criminal and non-criminal. Let me just tell you some very very briefly, read to you what kind of young person we're dealing

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with. George Z. aged 16, he's been referred to juvenile court, 66 times since 1965. Referrals consist of breach of peace, burglary, larceny, larceny two, robbery, assault, escape from an institution, arrested 10 times since his 16th birthday. This is when he was 16, he had 66 referrals. All felony arrests. Escaped approximately 10 times from state institutions.

Henry, aged 16, 64 times he's been referred to juvenile court since 1967. Breach of peace, assault, robbery, larceny, rape, youth committed murder in 1973 at age 16, escaped from juvenile institutions several times.

Ernest, age 15, 51 referrals since 1967. Referrals consist of breach of peace, larceny two, burglary, assault, escape from institutions. He escaped approximately 8 times.

David, aged 16, 48 referrals. Roosevelt age 12, 44 times he's been referred since 1971. Burglary, larceny, larceny of motor vehicle, robbery, escape, etc. And the list goes on and on and on of case histories that I requested from the juvenile court, and from Michael Whelan, the advocate from the Juvenile Court in New Haven, and you get a sick feeling when you realize what a swinging door the juvenile court is. And when you go through Longlane and you see a place that, I pray to God doesn't burn down one of these days, and really is something that this assembly ought to address itself to in the future. You know, nobody likes to spend money I guess, on penal institutions. I found, in going to the mental institutions where children are, that nobody really wants them either, but that's another story and I'll report

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on them next week. But I think this whole area has to be revised, and I agree with what Senator Guidera and Senator Smith said. I don't think the juvenile court can possibly do a job 100%, or even approximately, approximating that figure with what we would like it to do on the basis of the number of judges, the number of social workers, the facilities to which it can send children, and most of all the behavioral, emotional, psychiatric care that is afforded to these children.

I would say also to Senator Guidera that he mentioned the case in New Haven. I looked into that case and I, you know that, too, is a tragic case. All of them are. All of them begin--the care of a young person at 16 who is referred 60 times to the juvenile court, should have begun when he was about 5 or 6 or 7. All you have to do is go down to High Meadows some day, and go through that place and talk to Mr. Leonard, the superintendent, and go over case histories, and see what a marvelous institution it is, and get some feeling for what, at least one institution in the state is doing.

And then you read the case histories of the boys at 16 and 17 who really didn't get that kind of care when they were young. Who didn't have that kind of opportunity or know about it. And who went to Longlane School and broke out 10 or 15 times. You know where they go when they break out of there? They go home. As bad as their home is, they go home. Almost every one of them. About 98% go home, which is the street, in a great many cases. We're not doing enough for them, and we're just making crime a

repetitive business in this state, and nobody can tell me that it starts at age 18 or age 19 or age 20.

But with specific reference to what Senator Guidera said about that New Haven case, I just want to point out that you don't need this law to transfer a youth who is accused of murder to the Superior Court. That's done under the section which is cited in Section 1 of this bill. Namely Section 17-60a, so that a murder, alleged murderer can be transferred now, after hearing, before the juvenile court.

And finally, Mr. President, I just want to say one more word. That I'm not sure that Senator Lieberman conceives of this bill as I do, but I do conceive of it as being probably just a stop-gap measure, and maybe one, certainly, that I feel can be eliminated in the future, when the juvenile court is properly funded and structured and complemented with staff, to take over the total role of criminal jurisprudence with young people. And I think we made a major step the other day when we passed the juvenile justice commission bill. I hope to serve on it, and I hope that when we come back, in future if we do, or at least when the report is filed, that all of you are here, will take serious note of this problem, and that some day, we will find the dollars to put into this area, which I regard as one of the real priority needs for our state. Thank you, Mr. President.

THE CHAIR:

Will you remark further? Senator Lieberman.

SEN. LIEBERMAN:

Mr. President the, what I'd call the agony, of the debate, the difficulty of the issue, reflects the process that I have gone through myself in coming to the point of introducing this bill. And I think that everyone who has spoken, has spoken with great eloquence. I was particularly moved by Senator Smith's remarks. I don't want to belabour the debate, I simply want to say this. It was only after the deepest personal consideration that I felt that there was any merit in taking this small step away from the traditional special privileges that we give to juveniles in our society. I want to say also that I have no illusion and no one should have any illusion that this bill will end the problem of juvenile crime. It is what Senator Barry and Senator Neiditz have said. Merely another possible tool in the hands of our Justice System, to aid society and aid the individuals that come before that system.

And I would say specifically in response to what I would consider the challenge put forward by Senator Smith, that this is merely a first step. This is merely the beginning and the rest that is to be done is the hard work that goes with the entire problem of lives that juveniles lead, the way our society treats juveniles, and the general way in which our juvenile justice is organized. I do not urge passage of this bill in the feeling that we can walk away feeling we've done the job that has to be done. We've not. We've really just begun to do an enormous job, and it will only be complete when we add the next steps to it.

THE CHAIR:

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. . .there no further remarks. A roll call vote has been requested. The Clerk will announce the immediate roll call vote in the Senate.

THE CLERK:

There'll be an immediate roll call vote in the Senate.
Will all Senators please return to the Chamber. (repeated)

THE CHAIR:

Ladies and Gentlemen. The question is on the adoption of calendar number 873 AN ACT CONCERNING SUITABLE TREATMENT OF JUVENILE OFFENDERS. Are all the Senators in their chairs? The machine is open. Will you cast your vote? Have you all voted? Check them out Marge. (aside) Machine is closed and locked. Clerk will tally the vote. Total voting 55. Necessary for passage 18. Yea total 54, nay total 1. The bill is adopted.

THE CLERK:

On page 7 of the calendar. Going back to the second item from the top, calendar 865, file 878 favorable report of the committee on Human Rights and Opportunities, substitute Senate Bill 1423 AN ACT CONCERNING, AN ACT EMPOWERING THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES TO ENTER INTO CONTRACTS FOR AND ACCEPT GRANTS OF FEDERAL FUNDS.

SEN. LIEBERMAN:

Mr. President.

THE CHAIR:

Senator Lieberman.

SEN. LIEBERMAN:

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
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THE PRESIDENT:

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With pleasure.

SENATOR LIEBERMAN:

Mr. President, Cal. 825 will be passed retaining.

SB-771 Cal. 826, I would move for acceptance and passage. as amended by House Amendment Schedule A, and if there is no objection, I would move the bill, as amended, to the CONSENT CALENDAR.

THE PRESIDENT:

Hearing none, it is so ordered.

SENATOR LIEBERMAN:

Mr. President, Cal. 828 we will take up in its order.

Cal. 832, I'm sorry, Cal. 830 will be passed retaining.

Cal. 873, I move Sub. S.B. 45, as amended by House Amendment Schedule A, to the CONSENT CALENDAR.

THE PRESIDENT:

Without objection, it is so ordered.

SENATOR LIEBERMAN:

Cal. 893, I would move Sub. S.B. 960, as amended by House Amendment Schedule A, to the CONSENT CALENDAR.

THE PRESIDENT:

Having no objections, it is so ordered.

SENATOR LIEBERMAN:

Cal. 927, I move Sub. S.B. 1213, as amended by House Amendment Schedule A, to the CONSENT CALENDAR.

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REPRESENTATIVE WEBBER (92nd):

I would announce to the Members of the General Law Committee that we're meeting on Tuesday at 10:00 A.M., for the purpose of designating sub-committee assignments for the interim and subject matters for same. Hopefully, all the Members of the General Law Committee will attend this meeting because assignments have been designated and allocated for every Member of the Committee. Thank you very much.

THE CLERK:

Calendar 1203, Substitute for Senate Bill 45, AN ACT CONCERNING SUITABLE TREATMENT FOR JUVENILE OFFENDERS.

THE SPEAKER:

The gentleman from the 56th.

REPRESENTATIVE BURKE (56th):

I move acceptance of the Joint Committee's Favorable Report and passage of the Bill in concurrence with the Senate.

THE SPEAKER:

The question's on acceptance and passage. Will you remark?

REPRESENTATIVE BURKE (56th):

Yes, Mr. Speaker. This Bill would permit the Juvenile Court to transfer to the Superior Court any child who has committed a class A or B felony other than the crime of murder. There is already a transfer provision for a child that commits the crime of murder. However, in order

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for the child to be transferred, he would have to be fourteen years of age, between fourteen and sixteen, and have already been adjudicated a juvenile delinquent by virtue of his having committed either a class A or a class B felony. However, prior to any such transfer, the Court would have to do an investigation under 17-66 which a social investigation of the child and, in addition, would have to hold a hearing to determine if there was probable cause that the child did commit the act. Secondly, that there is no institution suitable to care for such child. Thirdly, that the Superior Court is better equipped to dispose of and to sentence such child. And after any such transfer, the Superior Court would have explicit jurisdiction. Section 2 of the Act which in my view is really the key to the whole thing, provides for the establishment of a maximum security institution to which a child could be sentenced while still under the jurisdiction of the Juvenile Court. And, if you will examine the file copy, it is indicated that that institution must be devoted to the care and treatment of children by qualified medical experts, which children are under the jurisdiction of the Court. And, in determining whether or not to transfer the child, the Court would have under Section 3 of the Act, the power to detain the child in order to evaluate him. This Bill, Mr. Speaker, is the so-called Lieberman Bill, Senate 45, that had some attention in the beginning of the Session. It should be noted very clearly that the experts, both from the Juvenile Court and the Department of Youth Services, estimate that only five children in the entire State of Connecticut at the present time, would be suitable

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or possibly suitable transfers. As I indicated, this would be for children who are sort of acting out what you might call hard-core delinquents. This is somewhat different than the original concept. The original concept of this Bill merely provided for the transfer under section 1. The Judiciary Committee felt that in order to maintain the integrity of the Juvenile Justice System, that Section 2 was necessary. In other words, that we mandate that a child - that there be an institution that would care medically and psychiatrically for a problem juvenile and then only in the event that that were unsuccessful, would a transfer be made. I'd like to point out Mr. Speaker, and Members of the Assembly, that I've discussed this matter with Commissioner Maloney as recently as yesterday and that he points out that this maximum security institution is presently under construction at Longlane and is due for completion in October of this year. In addition to that, the Department of Children and Youth Services has made an arrangement with the Institute of Living for further treatment of the juveniles that would likely come within the scope of this. In addition to that, there are on-going discussions between the Department of Mental Health and the Department of Children and Youth Services concerning placement of disturbed children at the Whiting Forensic Institute and, in fact, there is a statute in existence now that permits such transfer. The key concept of this Bill, as I indicated, is in Section 2 and that is that there will be a place to treat, within the framework of the juvenile system, children convicted of

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delinquency by virtue of the underlying class A or B felony. I think that for purposes of Legislative intent, it should be stated that Commissioner Maloney and others feel that it would be very unlikely there would be any transfer to the Superior Court because of the establishment of the facilities that I have indicated.

Mr. Speaker, it was the feeling of the Judiciary Committee and many others, that this really wasn't a concept that we readily embraced. It's nothing we came to too easily but in this small number of five to ten cases, there is a need for confinement in a maximum security institution. It ought to be well understood that this is only a temporary situation and I refer to Chief Judge Thomas D. Gill's Report to the Judicial Department dated December 13th, 1974 in which he very aptly outlines this and I won't read it because I don't want to prolong the introduction of the Bill.

Finally, you'll note the fiscal impact - any additional costs would be absorbed within the budget of the affected agencies. I move passage of the Bill.

THE SPEAKER:

Are there further remarks on the Bill? The gentleman from the 87th.
REPRESENTATIVE DE MENNATO (87th):

Mr. Speaker, it's unfortunate that this Bill has become necessary, but necessary it is. We've had several instances during the past several years, indeed the past several months, where a juvenile offender has been able to be put into the category of - and it's very unfortunate - hardened

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criminals. At a very tender age. Our present facilities are incapable of handling this small amount of children who fall into this category. We've had many documented cases where children who are in this category continuously escape from these institutions which are not equipped to handle them. Unfortunately, at the end of a long list of crimes, finally we come to the biggie and that's murder one. And it happens time after time after time. Unfortunately, society has been made to suffer because the State of Connecticut has not come to grips with this problem in the past. I think that passage of this Bill will be a major step forward in realizing our responsibilities to protect the citizens of this State. It's something which has been needed for quite a while and passage of it should not be delayed any longer. I urge acceptance of this Bill. Thank you.

THE SPEAKER:

Will you remark further on the Bill? The lady from the 18th.

REPRESENTATIVE KEMLER (18th):

Mr. Speaker, through you please, a question to the proponent of the Bill.

THE SPEAKER:

Please frame your question.

REPRESENTATIVE KEMLER (18th):

Representative Burke, I am not clear really, you say that maximum security institutions will be within the scope of the Department of Children

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and Youth by October 1st, is that correct? According to the note on the file copy -

REPRESENTATIVE BURKE (56th):

Through you, Mr. Speaker, that's correct.

REPRESENTATIVE KEMLER (18th):

Again, through you, Mr. Speaker, if we - when will this Bill become effective - also October 1st?

REPRESENTATIVE BURKE (56th):

Through you Mr. Speaker, yes.

THE SPEAKER:

The lady from the 18th has the floor.

REPRESENTATIVE KEMLER (18th):

Can we then expect that by the time this Bill becomes effective, we will have a maximum security facility within the Department of Children and Youth Services and, therefore, no children will be sent to any adult maximum security facility?

REPRESENTATIVE BURKE (56th):

(Tape #11)

Through you, Mr. Speaker, that is exactly the intention of this Bill. However, it's quite clear under Section one of the Bill that the maximum security institution at Longlane, just the fact of its existence, would not prevent a transfer. Perhaps I ought to paraphrase just quickly, Judge Gill's remarks because they certainly express the intention of this Bill. Contained in the Report of December 13th, Judge Gill indicates that the

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legal exit from the Juvenile Justice System to the Criminal Justice System resulting in such a transfer statute, must be carefully guarded by Judges of this Court for it is a justifiable mechanism for only a very small body of disruptive youngsters, but since their potential for harm is all out of proportion to their numbers, it must exist, however sparingly it may be utilized.

THE SPEAKER:

The lady from the 18th has the floor.

REPRESENTATIVE KEMLER (18th):

Thank you Mr. Speaker.

THE SPEAKER:

Will you remark further on the Bill? Gentleman from the 33rd.

REPRESENTATIVE DZIALO (33rd):

Yes sir, Mr. Speaker. I rise in support of the Bill. I'd like to associate myself with the remarks of Mr. Burke and Mr. De Mennato. Long lane has had many serious problems and this Bill would help the Superintendent at that institution to curb some of the problems that have been plaguing, not only that institution, but the residences within the close proximity to Longlane. I would urge all Members to vote in favor of this Bill.

THE SPEAKER:

For further remarks, the gentleman from the 49th.

REPRESENTATIVE MAZZOLA (49th):

Yes Mr. Speaker. A couple of questions, through you sir, to the proponent of the Bill, if he can hear me.

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THE SPEAKER:

Please frame your question. Will the Members please be seated. I think it would be useful if we all recall and remember that we are a deliberative body and we do ourselves and each other a disservice when we continue to proceed in the fashion that we have in the past hour and a half. I would respectfully suggest that if a conference is necessary and they indeed are, Members are more than welcome to use my office, the corridors, but please, I most respectfully urge the entire Membership to extend every courtesy to each other. Now, the gentleman from the 49th has the floor.

REPRESENTATIVE MAZZOLA (49th):

Thank you Mr. Speaker. Just a couple of questions on this Bill to Representative Burke who's reporting it out. Through you, sir. And the first one is just a policy question. Representative Burke, on the 13th of this Month and on the 19th of this month, the Senate passed a Bill which came out of Judiciary which is entitled AN ACT CONCERNING A COMMISSION TO STUDY JUVENILE JUSTICE AND DELINQUENCY PREVENTION which is file 472. Don't you think sir, that before we enact a Bill like this, we should get the report of that Commission?

THE SPEAKER:

Does the gentleman care to respond?

REPRESENTATIVE BURKE (56th):

Through you Mr. Speaker, no doubt this whole subject matter in this area that the present Bill addresses itself to will be considered by that Commission. However, it is felt by the Juvenile Court, however reluctantly, and by the Department of Children and Youth Services that at the present

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time there are a small number of youngsters, as I indicated, that may very well have to be dealt with in the Superior Court. It is hoped, as I think I have expressed, that that will not be necessary because of the recognition for the first time as far as I'm concerned, that a child has a right to treatment in the Juvenile Justice System. And for those reasons, I feel that the time is now to pass this Bill.

THE SPEAKER:

The gentleman from the 49th has the floor.

REPRESENTATIVE MAZZOLA (49th):

Representative Burke, in your remarks, you said this was a temporary move. What do you mean by temporary? How long is this going to be in effect before we go into other measures?

THE SPEAKER:

Does the gentleman care to respond?

REPRESENTATIVE BURKE (56th):

Through you, Mr. Speaker, this Bill of course, could be repealed at any time. As I just said, Section 2 establishes a maximum security institution devoted to the care and treatment of children. It is this concept that I think is beginning only now. In addition, I also mentioned the facilities at the Institute of Living and the possibility of utilizing the Whiting Forensic Institute. I think the Juvenile Court Commission that was recently created will pick up from here.

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THE SPEAKER:

The gentleman from the 49th.

REPRESENTATIVE MAZZOLA (49th):

Through you Mr. Speaker, you mentioned maximum security now, I'll refresh my mind a little bit. Does that also include institutions which would be allowed to use mace at any time?

REPRESENTATIVE BURKE (56th):

Through you Mr. Speaker, I don't understand the question.

THE SPEAKER:

Does the gentleman care to rephrase his question?

REPRESENTATIVE MAZZOLA (49th):

Yes. Mr. Speaker, maximum security is a whole different concept. Under maximum security, in the event of a disturbance, mace is freely used where in other institutions that are not maximum security, that is not the case. Am I correct?

REPRESENTATIVE BURKE (56th):

Through you, Mr. Speaker, I don't know. However, the intention of this maximum security institute is one that would be a closed structure, therapeutic setting.

THE SPEAKER:

The gentleman from the 49th has the floor.

REPRESENTATIVE MAZZOLA (49th):

Through you Mr. Speaker, Mr. Burke, a person transferred under this

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Bill be entitled to be treated as a youthful offender?

REPRESENTATIVE BURKE (56th):

Through you Mr. Speaker, if the person was transferred to the Superior Court, tried and convicted in the Superior Court, no.

THE SPEAKER:

The gentleman from the 49th has the floor.

REPRESENTATIVE MAZZOLA (49th):

Through you Mr. Speaker, would a person who committed a class B felony, prior to his 16th birthday, then committed another class B felony after his 16th birthday, be eligible for treatment as a youthful offender?

THE SPEAKER:

Does the gentleman care to respond?

REPRESENTATIVE BURKE (56th):

Through you Mr. Speaker, this Bill has nothing to do with the youthful offender act.

REPRESENTATIVE MAZZOLA (49th):

Thank you Mr. Speaker.

THE SPEAKER:

The gentlam from the 49th still has the floor.

REPRESENTATIVE MAZZOLA (49th):

Yes Mr. Speaker, just a comment briefly on the Bill. Mr. Speaker, I would be definitely opposed to this Bill and I think it just shows a failure of our Juvenile Courts and our Juvenile facilities to take care

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of a problem that we've given to them. They're coming in and asking us to lower ages so they can transfer to Superior Court. I can envision them coming in to do the same thing with people ten and with people eight, if they feel they can't deal with them themselves the way they are supposed to. We've given them the responsibility and I don't think we should take it away until they deal with it. I would, therefore, oppose the Bill, Mr. Speaker, and I hope every one else would look at this Bill and oppose it also.

THE SPEAKER:

Will you remark further on the Bill? The gentleman from the 93rd.

REPRESENTATIVE STOLBERG (93rd):

Mr. Speaker, because several of us in this area do not find this in our files and also because an Amendment may well be appropriate, I would ask that this be passed temporarily.

THE SPEAKER:

The Motion is to pass the matter temporarily. Is there objection to the matter being passed temporarily? There being no objection, the matter will be passed temporarily.

THE CLERK:

Bottom of page three, Calendar 1216, Substitute for House Bill 8393,
AN ACT CONCERNING TECHNICAL AMENDMENTS TO COURT ADMINISTRATION.

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House of Representatives

Saturday, May 31, 1975

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mms

Calendar 1119. Substitute for House Bill 5179.

THE SPEAKER:

The gentleman from the 34th.

REP. O'NEILL (34th):

May that item be passed retaining its place?

THE SPEAKER:

Is there objection? Hearing none, the matter's retained.

THE CLERK:

Calendar 1180. Substitute for House Bill 8236.

THE SPEAKER:

The gentleman from the 34th.

REP. O'NEILL (34th):

May that item be passed retaining its place?

THE SPEAKER:

Is there objection? Hearing none, the matter is retained.

THE CLERK:

Calendar 1184. Substitute for House Bill 5176.

THE SPEAKER:

The gentleman from the 34th.

REP. O'NEILL (34th):

May that item be passed retaining its place?

THE SPEAKER:

Objection? The matter is retained.

THE CLERK:

Page 5. Calendar 1203. Substitute for Senate Bill 45. AN

ACT CONCERNING SUITABLE TREATMENT OF JUVENILE OFFENDERS. From the
Committee on Judiciary.

House of Representatives

Saturday, May 31, 1975

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THE SPEAKER:

The gentleman from the 56th.

REP. BURKE (56th):

I move for acceptance the Joint Committee's Favorable Report and passage of the Bill in concurrence with the Senate.

THE SPEAKER:

Question is on acceptance and passage. Will you remark sir?

REP. BURKE (56th):

Mr. Speaker, I'll yield to Representative Stolberg.

THE SPEAKER:

The gentleman from the 93rd.

REP. STOLBERG (93rd):

Mr. Speaker, the Clerk has an Amendment LCO Number 9863.

Will the Clerk please read the Amendment?

THE SPEAKER:

Clerk please read House "A".

THE CLERK:

House Amendment Schedule "A" offered by Mr. Stolberg of the 93rd district. LCO Number 9863:

After line 52, add a new section 4 as follows:

"Section 4. This Act shall take effect January 1st, 1976".

THE SPEAKER:

The gentleman from the 93rd.

REP. STOLBERG (93rd):

I move the Amendment.

THE SPEAKER:

Question is on adoption of House "A". Will you remark?

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REP. STOLBERG (93rd):

Mr. Speaker, the Amendment merely changes the effective date of the Bill from October first '75 to January first '76. This will give move leeway for the maximum security facilities at Long Lane to be completed to effectuate the Bill.

THE SPEAKER:

Remark further on House "A"? If not, the question is on its adoption. All those in favor will indicate by saying Aye. Opposed? House "A" is adopted. Remark further on the Bill as amended? The gentleman from the 56th.

REP. BURKE (56th):

I believe this Bill was fully discussed and debated yesterday and I move passage of the Bill as amended.

THE SPEAKER:

Remark further on the Bill as amended? If not, will Members be seated and the staff come to the well. The machine will be open. Have all the Members voted? Is your vote properly recorded? If so, the machine will be closed. The Clerk will take a tally.

THE ASSISTANT CLERK:

Total Number Voting.....	127
Necessary for Passage.....	64
Those voting Yea.....	123
Those voting Nay.....	4
Those absent and not Voting.....	24

THE SPEAKER:

The Bill as amended is passed.

THE CLERK:

Calendar 1218. Substitute for House Bill 6339. AN ACT

CONCERNING THE TAKING OF APPLICATIONS FOR ADMISSION AS ELECTORS IN ANY

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PRESIDING: Senator David H. Neiditz, Chairman
Senator David M. Barry, Vice Chairman

COMMITTEE MEMBERS PRESENT

SENATORS: Barry, Rome, Guidera, Neiditz

REPRESENTATIVES: Weigand, Sponheimer, Quinn, Lowden, Clark
Tobin, Liskov, Leeney, Tulisano, Burke,
Mannion, Willard, Morris, Bordiere, Nevan

SENATOR DAVID H. NEIDITZ: Are there any Legislatures other than
Senator Lieberman who wish to testify REST IS INAUDIBLE -
NOT SPEAKING INTO THE MIKE.

SENATOR JOSEPH LIEBERMAN: Senator Neiditz and Members of the Judiciary
Committee, I appreciate the opportunity to come before you this
morning to speak in behalf of COMMITTEE BILL 45. I intend to be
as brief as possible because I know that this is a day in which you
want to hear Members of the Public. I expect that you will, you
will have an interesting morning of testimony on this particular
Bill, both pro and con, and I hope it's helpful to you in your con-
sideration of the Bill.

Personally, I wish that I did not introduce this Bill, and we are
not here before you speaking on behalf of it. Because the concept
of imposing harsher penalties on Juvenile Offenders, youthful
offenders is something that cuts against my instinct and my per-
sonal belief in the special protections afforded to youthful of-
fenders under the laws of our State. However, I've worked on this
problem of Juvenile Crime, in some detail and at some length over
the past year and a half now. And I have come to the conclusion
that the general philosophy that is espoused in our law and that
I'm sure that most of us share of providing special protections
and opportunities to youthful offenders.

There's not in all cases, meet with reality. Which is to say that
there is a small number of Juvenile Offenders in this State, and
perhaps throughout the country who are perennial repeaters who
commit serious crimes and for whom the current correctional system
Juvenile Detentions Systems is a failure. It is a failure because
they find themselves on a revolving door system between a commission
of a crime, appearance in court, sentencing to Long Lane, escape
or a release on week-end pass and commission of another crime and
so on. I've seen files of individuals where this pattern has re-
peated itself 30 and 40 times over a period of a year or two. That
system is clearly not benefiting society insofar as society is the
victim both in person and in property of the crimes being com-
mitted. In my opinion it is not benefiting the Juveniles involved
either. For surely they have been allowed to remain without inter-

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SENATOR JOSEPH LIEBERMAN: (CONTD.) vention by the State on a treadmill of crime which inevitably will lead to serious, very, very serious offenses and incarceration in an adult criminal facility, correctional facility. And so we bring COMMITTEE BILL 45 before you which is an attempt to create a system whereby this limited number of Juveniles who are committing serious crimes and not being adequately handed in our current detention facilities, can have their cases transferred to the Superior Court and be tried and sentenced according to adult criminal proceedings.

You will note in the BILL as it is put before you that this provision would relate to those who commit Class A and Class B felonies which of course are most serious crimes in our State. We also establish in the BILL a procedure whereby a Hearing will have to be held and findings made in the Juvenile Court that the Juvenile has committed the Act for which there is reasonable cause to believe that the Juveniles committed the Act for which he is charged. That there is no State Institution designed for care and treatment of children to which that Court may commit such child which is suitable for his care of treatment.

And that the facilities of the Superior Court provide a more effective setting for disposition of the case. I believe that we herein are creating a system which is fair and realistic. The second, I believe that if this BILL were passed and became Law it would, it would accomplish part of what my aims are. And that is, when implemented it would protect society from crimes against person and property committed by the small number of hard-core Juvenile Offenders. Of itself, it would not necessarily help the Juveniles involved. And that is the second part of the problem that all of us have to face, and that we have talked about it to some length in this room in the past. And it is the question of the treatment afforded to Juveniles. I don't think any of us want to create a system where Juveniles, even those who are convicted under this procedure are sent to Somers, for instance, and mixed indiscriminately with the adult convict population. What my hope is here is that we are affording a maximum security confinement treatment opportunity for these Juveniles, which again in my opinion holds much more hope of helping them and moving them toward lives that are more productive and less hazardous than the current system.

We have talked in the past about several of the facilities that are available in the State to handle Juvenile Criminals in this way and perhaps you'll hear further testimony from various people who come before you. Briefly I would suggest that they are the new maximum security facility that's currently under construction at Long Lane, on the grounds at Long Lane. The facility that is planned for construction at Cheshire, the new cottages and the existing Whiting Forensic Institute on the grounds of the Connecticut Valley Hospital which is you know, is a facility for the Criminally Insane. The shorter that is I see the facts are that the increase in Juvenile Crime has been staggering. The National Statistics and the State's Statistics show that, perhaps you have been following the articles that have appeared in the New York Times over the last several months which indicate not only

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SENATOR JOSEPH LIEBERMAN: (CONTD.) the serious and increasing range of the problem but the fact that we are not alone in attempting to come up with a solution to it in Connecticut. There are several other States which are considering Bills such as this. In fact 42 States and including our own, of course, have some procedures in Law that give the Family Court's authority in certain defined situations to transfer a case that is a serious Juvenile Crime to the Criminal Court. So that basically what we are asking for is a response to a real problem and an extension of a system that exists now. I appreciate the opportunity to come before you and if there are any questions that I can answer I will be happy to do so at this time.

REPRESENTATIVE MARTIN B. BURKE: Mr. Chairman.

SENATOR DAVID H. NEIDITZ: Representative Burke.

REPRESENTATIVE MARTIN B. BURKE: Senator in an AP story, yesterday, Judge Gill, speaking on behalf of himself and the other 5 Juvenile Court Judges, was quoted as saying that he would support the approach of your Bill as a temporary interim measure. Those are my words, until the facility of Long Lane, the 36 bed, security facility were completed. And that they embrace this concept of transfer in its discretionary wording, only reluctantly. And, I wonder how you feel about the continuance of this concept after adequate Juvenile, let's say, maximum security facilities are developed.

SENATOR JOSEPH LIEBERMAN: Well, Representative Burke, this Bill is a product of the several conferences with as many of the people that I could find to sit down with who were concerned with this area, including the Judges of the Juvenile Court, Commissioners of Corrections and Children and Youth Services, as well as people who are in the treatment system. And Judge Gill was party to the development of this particular BILL that is before you. In my opinion the particular provisions of the BILL will, in the current state of facilities be used in a very small number of cases. The people that I have talked to have indicated that we're talking merely about 2, 3, 4% of the, of the population that comes before the Juvenile Courts of our State. That percentage would be decreased once the maximum security facility at Long Lane is available. However, it is my feeling and I believe, although you may hear from representatives of the other departments, that it is the feeling also of the Department of Children and Youth Services and Corrections that there will still be certain cases and extremely limited number of cases in which we would still want to have the opportunity for a trial in the Superior Court and sentencing to an adult criminal facility.

REPRESENTATIVE MARTIN B. BURKE: Thank you.

SENATOR DAVID H. NEIDITZ: Senator Rome.

SENATOR LEWIS B. ROME: Yes, Senator Lieberman, we're really dealing here with basically the 14 to 16 age group, is that correct?

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SENATOR JOSEPH LIEBERMAN: That's correct.

SENATOR LEWIS B. ROME: My concern is if in fact we're looking for the missing links. Wouldn't the link be better found in a change in the operations and improvement of the operations if that's necessary of the Juvenile Court itself? One of the concerns we have with the 14 to 16 year old, even in the very few cases the 2 or 4 % is that we're trying to keep them from returning to a prison life. Even on a temporary basis, I visited various prisons in the State, and even on a temporary basis I have a great concern about what happens to a 14 to 16 year old who is put in with the adult prison population in Connecticut. As an example here, the trial that you talk about in the Superior Court could be as well done with some changes in the Juvenile Court and it handled with all of the protections to the State as well as the individual. But the ultimate protection that is in fact somewhere in our penal system we can rehabilitate this child, it's still a child under 16, that we will not do either he or she or society any permanent damage. Concern here is for that small group, and remember we're only, we're only talking about them after conviction, really, the, the handling of them after conviction, you're really almost suggesting that not, that you're not, you're not going to have any more crime out there, but that you've given up on that individual, 14 to 16, that particular individual. Because if in fact you thought there was any hope of rehabilitation, you would find some where in our system or an improvement in that system, for rehabilitation. And that you're saying your concerned about them repeating crimes.

Well this only takes of them who have been caught. You're not talking about constant crimes to people who are not caught. But because our system only deals with those who are caught. Having been caught, having gone through our system to put them into a hopeless pattern of no chance for rehabilitation. I'm just concerned with whether or not the statistics may show a temporary down-turn. But the ultimate will see these people again and again after they are no longer Juveniles. After they've become a part of a senior population. And I think anyone who has spent any time at any of the prisons and it's a sad situation, I don't know the answers to it, to the prisons, I'm just beginning to learn the problem. But I don't think this is the answer. I think the missing link is not Superior Court for them. But a change perhaps in how the Juvenile Court operates these of these serious crimes.

And not putting them in Somers. But perhaps immediately finding a better alternative to Somers. It's just, I think you're dealing, your BILL deals and I understand how you've your soul to come up with this, and you've prefaced your remarks by saying, you wished you weren't here. You know, having to come before, I know the problem is there. But I think we're, we're solving the problem of Juvenile crime by kidding overhead those who we capture, and only those who we capture, and saying we're going to give up on you. And I don't think that's the missing link we're looking for.

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SENATOR LEWIS B. ROME: (CONTD.) And I really gave a comment rather than, but I wonder if you would respond.

SENATOR JOSEPH LIEBERMAN: Thank you, Senator Rome. I think we have common goals but a different perception of what's happening now. I view the current system as the hopeless system. In the sense that there is constant contact with it without alteration of behavior of the individuals involved. My goal is rehabilitation as well. And on terms of the fact that we're dealing with those who are caught in this proposal, that's exactly the population that I'm troubled by and I believe that the people that we've been working with, unless they're troubled by it, is the Juvenile's who have the repeated contact with the Law Enforcement System without apparent effect.

Now frankly - -

SENATOR LEWIS B. ROME: . . . be handled through changes in the Juvenile System itself?

SENATOR JOSEPH LIEBERMAN: I am, I, I think that's a very serious and good question. And my conclusion has been that we need the extra protection in law that is afforded by this, would be afforded by this BILL if it became Law in the special procedures and punishments of the, and incarceration of the Superior Court. In other words I have the, I start with the premise, that most of the Juveniles who come in contact with the Law Enforcement System can be adequately handled and attempted attempts at Rehabilitation can be made within the Juvenile Court. But still there will be those of, for whom the special responses of the Superior Court and the Correctional System are necessary. Now I don't want Commissioner Manson and Commissioner Maloney all our discussions don't in any sense want to see the criminal, to see people convicted under this proposal sent to Somers and mixed with the convict population there. And I know that that would not happen. I know with the Correctional System as it is - -

SENATOR LEWIS B. ROME: It may not happen now but it may be easier to do that later on if in fact there's a back-log in case . . . has piled up and we have some serious problems that

SENATOR JOSEPH LIEBERMAN: This is something else here, and this is again a painful kind of judgement that I've made. I, I believe in Rehabilitation. But the more I study these, and I believe in the special opportunities through Rehabilitation that we provide for Juveniles, but the more I consider this problem, the more I come to the conclusion that there are a small number of Juveniles for whom Rehabilitation will be so difficult that incarceration with the attempts at Rehabilitation may be the best thing that we can do. And I, I don't want to cite from my own subjective judgement, let me cite somebody else's subjective judgement. There's a Doctor Robert Martinson, who was quoted recently in one of the Times articles. It was written a book called, "The Effectiveness of Correctional Treatment," who said simply that there's no fear among some of these kids, they know if they are caught they'll get away with it. And I think that the adoption of a Law

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SENATOR JOSEPH LIEBERMAN: (CONTD.) of this kind creates a disincentive. And I hesitate to use the word deterrent but that's really what it amounts to, for this small segment of the population.

I want to say something else, it's briefly too. And I think Commissioner Manson, I'm certain Commissioner Malloy maybe will testify or his representative on more length on this. The presence of this small number of hard-core Juveniles is had an extremely negative and destructive effect on Long Lane and it's capacity to deal with 95, 8 - 9 % of the Juvenile population there who really are able to be Rehabilitated in that context. And that's another one of the costs of the current system in my opinion.

SENATOR DAVID H. NEIDITZ: . . Representative Clark.

REPRESENTATIVE THOMAS C. CLARK: I have a problem, one of my basic problems with this Bill is, as I understand your testimony, what we're trying to do is to really is to ride with the heart more than we should have done, really. And we all know that Legislative intent can often get lost in the shuffle. But I don't see any mention of that here and I'm just afraid that in the case of the Juvenile who gets involved in a serious incident only once, but the social pressure may be just too great for the prosecutor to over look shuffling this person right into our hard core Penal System right away. So I'm disturbed at your, that while you're talking about the recidivist you don't mention it at all in this Legislation.

SENATOR JOSEPH LIBERMAN: Well, I appreciate your concern and obviously we can work together on that. The original Bill as it was drafted in fact, did set up a standard of recitivism, it said that this question would be the second commission of a Class A or B Felony in contact with the court. And I'm happy to except that as an amendment. I think the feeling was in coming forward with this draft was that there might be some first time cases that were so serious that there, and on findings in the Juvenile Court that required the special facilities offered here. But in fact my understanding of the realities of the situation is that the population we're dealing with, even if you said the 4th or 5th offense that we would still get to the small number of Juveniles that I have in mind, if you know what I mean. In other words this is the number, the small group that continues to repeat offenses so that if they, in the wisdom of the Committee it was felt the literal spelling out of some kind of recitivism as a ground for implementation of this statute, I certainly would feel no problem with that.

REPRESENTATIVE THOMAS C. CLARK: I have another fundamental problem to I think. And that is that I was talking with the people in my town that work with Juveniles, it had to do with our delinquents They have been extremely concerned about the cutting out for instance of this funds for the Wilderness School, which in their opinion has a great benefit to the vast majorities It seem that we're going in the opposite direction of really giving hard at a very small issue, while the other hand ignoring

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REPRESENTATIVE THOMAS C. CLARK: (CONTD.) at least from the Senate, from our Legislative stand point, the vast majority. It seems as though that's a kind of over reaction to maybe what seems to be a problem when we're really ignoring the true problem.

SENATOR JOSEPH LIEBERMAN: Well, I don't know that one follows from the other. For instance I personally hope that we, that we re-store State support for the Wilderness Group because it's a good program. I have my doubts about whether the Wilderness School will, this proper chanel for dealing with, I think it is not, for the small number of kids we're talking about here. But for many of the Juveniles that overwhelming percentage have contact with the Court and Correctional Facilities, the Wilderness School offers, you know, an interesting new possibility for rehabilitation.

REPRESENTATIVE THOMAS C. CLARK: What I'm driving at is we have only a certain limited pool of funds.

SENATOR JOSEPH LIEBERMAN: Yes.

REPRESENTATIVE THOMAS C. CLARK: And I hate to see us gear up the Superior Court with all of it's expenses and it's private problems and all of the delay that can . . . there to handle 4% when maybe we would be better off spending that same money to handle the 84%.

SENATOR JOSEPH LIEBERMAN: I think the problem of that 4% is serious enough to society that it deserves that kind of attention. That's my personal opinion.

SENATOR DAVID H. NEIDITZ: Senator Guidera.

SENATOR GEORGE C. GUIDERA: Senator, I, I just have a couple of questions that are dealing with TOO MUCH INTERFERENCE I understand how this Bill came before the Committee, . . . of a similar nature was here before as 7374. I think that it is critical that you not accompany the Bill with respect to TOO MUCH NOISE AND NOT SPEAKING INTO THE MIKE THEREFORE MOST OF THE QUESTIONS CANNOT BE HEARD 14 or 16 year old stand trial . . . as an adult. But if he were 16 he would go on with youthful offender treatment. And unless he committed a Class A felony in other words he would commit a Class B Felony and still go.

SENATOR JOSEPH LIEBERMAN: That's a good point.

SENATOR GEORGE C. GUIDERA: So I would think that Class B should be knocked out of this. And certainly I feel that CANNOT BE HEARD I can recall when I first started practicing Law some 7 or 8 years ago, we heard how Juvenile Court could not handle young people between 15 and 18, so we came up with Youthful Offenders. Now we find out that they can't handle 14 and 16 year olds who have a record of repeated offenses. I would think that should investigate what's going on why can't they handle

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SENATOR JOSEPH LIBERMAN: I hope that you will, you will have before you and look fact to fact behind me but, representatives of the Juvenile Court, course as well as the other departments, Children and Youth Services particularly. And I hope that they will respond because we have had discussions about that problem and I hope they will also respond into the question that Representative Clark of the extent to which a system like this would be used. And the way in which this would relate to the other Rehabilitation and Correctional Opportunities available to Juvenile Offenders.

SENATOR DAVID H. NEIDITZ: Senator Barry.

SENATOR DAVID M. BARRY: Senator Liberman, the the beginning of Line 29 or at Sub-Section 2, one of the pre-requisites apparently for transferring the cases to Superior Court is that there will be no State Institutions designed for the care and treatment of the child to which the child may be committed, which is suitable for his care and treatment. I don't know of any existing facilities now that would fit this description and I'm not sure, yes, I think that the places that you mentioned ah, the State Institutions I don't know of any of them that really get involved with any children in a Children's or Adolescence Program over age 14. I think that this Bill is ah, I support it in concept. I support the ah, Superior Court being involved. I think what it points out and I also support Senator Rome's and Guidera's suggestions that there be an upgrading of the Juvenile Court facilities. I think what all of it points up and the Juvenile problem points up is that this State has really neglected in terms of psychiatric care, in terms of an in-patient facilities, that whole age group up to adulthood. And I think that if we are going to go this route we're going to go into the study of the Juvenile Court System and improving ah, that area of the jurisdiction, that we ought to tie it in with a study of, and a funding of, an appropriate funding of facilities for the care of the behavioral problem child, the emotionally and mentally disturbed child. Particularly in the 14 to 18 age group.

SENATOR JOSEPH LIBERMAN: I agree

SENATOR DAVID M. BARRY: Parenthetically ah, I'm working on one at the moment. It'll be, I hope in print by May 1st. But I mention that because I think it's all inter-related. So, I didn't know what facility you had in mind with that section

SENATOR JOSEPH LIBERMAN: Well, that was aimed at creating as one standard of the determination by the Juvenile Court that, and I personally had that particularly in mind, the judgement at Long Lane would not be suitable in the judgement of the Court for the incarceration or treatment of this particular offender.

SENATOR DAVID H. NEIDITZ: Senator Rome.

SENATOR LEWIS B. ROME: Just to comment, I happen to agree with everything Senator Barry said with the exception of, I think the implication was that he would support the Bill, maybe I'm incorrect. The concept of the Bill, the problems that identify are identified by the Bill, are important to be brought before

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SENATOR LEWIS B. ROME: (CONTD.) this Committee. I think you have done the Committee a service. I think what he's high-lighted is what I've really awkwardly tried to highlight before, and that is, we really haven't paid as much attention to the needs of the Juvenile Court, and the functioning of the Juvenile Court as we have to all the other courts in the system. And that's awful. I've been here a number of years and it's my fault and it's our fault. It's functioned differently. Less openly, because ah, by design. And as a result we've paid less attention to it than we really ought to have, and I think ah, your Bill highlights our need to pay some attention. And in addition to other things that you and I could debate as to whether they were worthy in the Bill or not. But I, I personally think that we owe you a debt of appreciation in having highlighted those problems and I hope we can work on this Legislation and to solve the problems which I think we, in our own way identify differently.

SENATOR JOSEPH LIBERMAN: Thank you for your comments. I perhaps, there are no more questions, I just want to convey this sentiment. I feel a real personal sense of urgency about this and perhaps you did to, in what we've said. At the risk of appearing overly dramatic, I want to tell you that last year at this time I had a discussion with ah, the advocate in the Juvenile Court System in New Haven. And we were talking about several of the cases, and actually not several, three or four cases, of Juveniles that he had seen so through that system 30 or 40 times. And I remember when some clarity had been said, one of these kids ah, if something is not done or provided, a maximum security facility for them, is going to kill somebody someday. And one of those kids is arrested and under, has been arrested and charged with the murder of a 20 year old Yale student in New Haven. And obviously there's a lot of that process left to go but that, that goes, that happens and I think that whatever we can do in this session to respond to that immediate reality I would, I would personally appreciate it, is what I guess I am asking, from this Committee.

SENATOR LEWIS B. ROME: One of the problems . . . he need not have been treated perhaps as he was treated before he, occasions that he was here before the Juvenile Court. It may not be of necessity that he be treated by the Superior Court, there may be a different kind of treatment afforded, properly afforded him by the Juvenile Court. At that 30 or 40 times, it astounds me that the Court didn't recognize a more serious problem. But I think it's for us to recognize which failings of that Court and the advantages of that Court are. And reidentify - - -

SENATOR JOSEPH LIBERMAN: Okay, I have no, I'm not, I have no vested interest in giving these matters to the Superior Court in that sense. But I, the basic point I guess I'm trying to make is that there is a small hard core group that needs maximum security confinement and treatment and they need it now or else more people will suffer.

SENATOR DAVID NEIDITZ: Any more questions of Senator Lieberman?
CANNOT BE HEARD - TOO MUCH NOISE AND NOT SPEAKING INTO THE MIKE

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SENATOR DAVID NEIDITZ: (CONTD.) One bit of information that I suggested is the waiting period . . . security reasons . . . 6 months, ah, we have to address ourselves to where . . . and what type of . . . pending trial. And this is a problem for the whole criminal system. Where by taking them out of the Juvenile system and putting them into Superior Court when they . . . we don't have to . . . Simms Street Jail, pending trial or whatever facilities would be a problem. I think that we've opened up a lot of things. And I agree with Senator Rome, we have to do this service by breaking up the issue. Maybe it would never be here. Maybe with the money question . . . or whatever we'd never get to look at this and we'd put it off for another year. So I think this has given us vehicle for getting into a very serious situation. One that has been with us for a long time and got highlighted by the events in New Haven and other places. COUGHING I think our discussions you learn that we are talking about a small number of children. I think it's the concern of the Committee and the Sub Committee that Senator Barry will head, . . . a whole range . . .

SENATOR JOSEPH LIEBERMAN: Well I share your concern, and I thank you for your time and sincerity of your questioning.

SENATOR DAVID NEIDITZ: There are 2 more Legislators who wish to speak, and it is my intentions after they are finished their brief remarks of the Hearing on SENATE BILL 45, the one that Senator Lieberman addressed himself to, and then on SENATE60. Then go through the other Bills in the order of how they appear. That . . . to the problem, the specific problem that there's a Commissioner or Representative hereNOT USING MIKE . . . Senator Martin.

SENATOR MARY MARTIN: Mr. Chairman and Members of the Committee. I'm Senator Mary of the . . . I'm here to speak on BILL 355. I submitted this Bill in answer to parents in my District who are concerned about their children between 16 and 18 years old. These youngsters seem to be in a state of limbo. They can quit school, they can run away from home, and the parents are still responsible for them. It is my intentions in submitting this Bill to change Section 17-53 of the Statutes to define a child as being someone under 18 years of age. And I think that any of you, most of you are attorneys, and I think that you realize what I am talking about. They can do anything that they want after the age of 16, and still be responsible, their parents have to be responsible. And it's the concern of many parents who have no control over this that this section be changed.

SENATOR DAVID NEIDITZ: Thank you. Any questions on the motion?

SENATOR LEWIS ROME: Just an observation, -

SENATOR DAVID NEIDITZ: Senator Rome.

SENATOR LEWIS ROME: Just an observation, I think I personally have overlooked that the question was raised just a moment ago, what status do we have between 16 and 18, and the answer is that I don't

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SENATOR LEWIS ROME: (CONTD.) believe we have any.

SENATOR MARY MARTIN: We have none, no. I've had many Law Enforcement Officers and Prosecutors and so forth in my District research this and there is nothing for those children. And I understand that in Massachusetts and Rhode Island does have a law such as this.

SENATOR LEWIS ROME: I think that we owe you also a debt for bringing a debt of gratitude for bringing this to our attention. But I it's an area where we have no enforcement provisions and it's a gray area and I'm sure that the police would be very interested in knowing what to do on calls that they must received by the hundreds.

SENATOR MARY MARTIN: And I think that it would be to the benefit of the people of the State and to your credit if something were done about this. Thank you very much.

SENATOR DAVID NEIDITZ: Representative DeZinno.

REPRESENTATIVE BENJAMIN DEZINNO: My name is Representative Benjamin De Zinno from the 84th District, Meriden and Wallingford. I'd like to address the Committee about COMMITTEE BILL 5452. It's a Bill proposed by me and I would to call the Committee's attention that when I brought before the LCO the original material needed to draft the Proposed Bill, the reason behind it being that back in my District, back in my District we've had incidents on a few occasions, primarily before the schools that children that have new adopted parents have had their name not removed from the records but just with a line drawn through the old family name and the new adopted family name just inserted someplace on the record. And I notice that on Line 21 of the COMMITTEE BILL the wording is "Shall substitute the new name of such child on it's records." My intent was to have the old family name completely obliterated. Either by cutting out or removing the record or blocking out in such a manner that the old family name is never known by anybody. And to achieve this, because of school records and sometimes hospital records, I further ask that the parent, the new parent proceed through the Probate Court, so that the Probate Court Judge and his wiser wisdom at the time of each individual request could grant with a legal necessary papers that have to be filled in, that the parent could go to the school or could go to a hospital, whatever the situation may be and thereby request through this same Probate Court that complete removal of that old family name. Now in checking with the parents attorneys and checking with the Judge of Probate back in my home district, at present there's no statute or regulation covering such a request. Obviously also must be included into the Committee Bill, should be certainly at the discretion of the parent we can visualize the child that might have been a patient at one time at one of our hospitals, let's say Newington, when the child was one or two years old and if the records are completely removed, showing the old family name, that when that child is 16, 17, 20, 21, if they want to refer back to the old records they would be unable to. I also like to call the Committee's attention that, in adopting children that the old family name originally located

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REPRESENTATIVE BENJAMIN DE ZINNO: (CONTD.) on the birth certificate is actually removed from the City Clerk's or Town Clerk's Office. A new birth certificate is issued and the old birth certificate is place for safe keeping in the vault in the Secretary of State's Office here in Hartford. In concurrence with the Judge of Probate back in our home district, he feels that this is a good Bill. Is there any questions? Thank you.

SENATOR DAVID NEIDITZ: I will now hear the Hearing on SENATE BILL 45. And if there are people on SENATE BILL 45 in the back of the room, I wonder they could be brought up here. . . . NOT SPEAKING INTO THE MIKE - DR. DOROTHY LEWIS.

DR. DOROTHY LEWIS: I am Dr. Dorothy Lewis, M.D., I'am an Adult and Child Psychiatrist. And I'm one of the founders along with Mr. Ernest Heal, the Director of Probation of the Second District of New Haven and Judges McLinden and Conway of the Juvenile Court Clinic in the Second District of New Haven. To the best of my knowledge the first Court Clinic in Connecticut.

I, in addition, was Director of that Clinic for over 3 years. And I would like to speak against the Bill that's before us. During the period of time that I worked in the Juvenile Court in the Second District, approximately 450 children were referred to our clinic. We found that the children that were referred to us were by enlarge representative of the rest of the Juvenile Court population in most respect racially, social economically in terms of age. The only way in which they differed from the group that generally came through the court was, that we tended to see the more serious offenders. We tended to see that children who had committed more offenses than the average number of children coming through the courts. Therefore I'm speaking from knowledge of the more serious offenders.

A significant percentage of the children that we saw suffered from some form of Central Nervous System defunction. This ranged from recurrent black-out spells to various forms epilipsy, and many of these disorders were related to the offenses which they had committed. Of the four murderers and one rapist and attempted murderer, whom we saw over the first 3 years. Every single one of them suffered from some form of Central Nervous System defunctions, not only that, of some form of Central Nervous System defunction that could be diagnosed and for which treatment existed. Appropriate treatment recommendation could be made. Unfortunately they rarely could be carried out, because we didn't have the facilities to which to refer these children.

Approximately 17% of the children whom we saw, manifested clear psychotic sympton. These sympton were often related to the kinds of assences that they had committed and they were sympton for which treatment are known and good recommendations could be made. Unfortunately we did not have the facilities to which to refer them. An additional 10% of the children referred to us suffered from a combination a Central Nervous System defunction and psychotic-symptom-atology. When appropriate treatment could

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DR. DOROTHY LEWIS: (CONTD.) be instituted the results were often gratified. I recall a boy who had 17 charges brought against him. One of those charges was an attempt to murder an infant. Diagnostic evaluation revealed the boy to be a timed psychotic. In that particular case we were lucky. We were able to obtain appropriate residential placement for this child in a Therapeutic Center. Within that setting appropriate medication was instituted and this has enabled this particular child to remain out of legal trouble and to continue his education. This was one of the rare times when we were able to get the kind of care for a child that was needed. I could - -

SENATOR DAVID NEIDITZ: Senator Barry.

SENATOR DAVID BARRY: Excuse me, can we interrupt here? Excuse me, Doctor, was that care available in Connecticut or was that child referred out of State?

DR. DOROTHY LEWIS: That care with that particular child and I have changed certain aspects identifying aspects of this, because I feel this in the interest of confidentiality I can't tell you exactly where. That care was available in Connecticut. However that child I think it is fair to say, was younger than 14, which is why we were able to get the care that we needed for that child.

SENATOR DAVID BARRY: Was that a facility that he could have walked away from or was it a security facility?

DR. DOROTHY LEWIS: That particular facility was a, for that child, was not a secure facility, but it was a facility which was capable of handling that particular child. So that it was not a, it was not the kind of facility that I would like talk about. The kind of facility that we need. No it is, it was a facility that had a high number of staff to children which of course changes certain needs, in terms of structure and in terms of security. And it was a rare facility. It was a facility that also saw very few children. And we were fortunate in getting this child in. I could mention dozens more similar cases, usually no residential setting was available. At times schizophrenic children had to be sent to Long Lane because no closed children's setting for older adolescence was available. Long Lane was not equipped to handle such disturbed children. And they were sometimes placed in seclusion and placed in stripped down rooms because there was not adequate professional staff to care for them. Actually there's no reason to feel that a correctional facility should be able to care for schizophrenic children, since schizophrenic children should not be sent to a correctional facility.

In this particular case the parent were given the choice since the child clearly had to be in a residential setting that was fairly secure and the parents were given the choice of having the child placed on an adult closed psychiatric ward or Long Lane, which is at least a children's facility, and the parents firmly wanted their child at a facility for children, even though it was correctional because they did not want their child in an adult therapeutic facility. I don't need to stress the fact that

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DR. DOROTHY LEWIS: (CONTD.) an adult correctional facility would have been absolutely out of the question from the point of view of the parents and quite inappropriate. So this child was sent to Long Lane and Long Lane was asked to care for a very seriously disturbed child, for whom it did not have facilities.

There is no question but that some of the children coming through the courts really are pretentiously dangerous. I would have to be incredibly naive having practically lived at that court for 3 years not to say some of these children are pretentiously dangerous. They need to be in a closed, well supervised therapeutic setting. But no child should be placed in an adult jail or prison ever. The whole purpose of the Juvenile Courts is to give special attention to these particular very troubled children. To give up and turn these children over to the adult court would be not only a serious criticism of the Juvenile Court but also an admission that we don't wish to give the Juvenile Court the facilities that it needs to function appropriately.

I would be pleased to meet with the Legislators interested in this problem, to draft an appropriate Bill for the creation of a secure closed Therapeutic Diagnostic and Therapeutic Center for offenders, that would be appropriate to the needs of child offenders. What's more I would be willing to work personally within such a setting to demonstrate that it is possible to contain such children in humane therapeutic secure settings and not in prison with adult criminals. I agree with Senator Rome, I am in favor of a secure facility. But the answer to this problem is to strengthen our facilities for the Juvenile Court. I think that Connecticut should be known as a State in which a secure closed Diagnostic and Therapeutic Setting could be created to meet the needs of these children. And that we were not going to go backwards and send many brain damaged, many psychotic, many incredibly disturbed children into the adult prisons.

SENATOR LEWIS ROME: Or back to the adult world before they are ready.

SENATOR DAVID NEIDITZ: Dr. Lewis, once more could you give us your affiliation, I think that some of the Members of this Committee NOT SPEAKING INTO MIKE - testimony.

DR. DOROTHY LEWIS: Yes, I'm an Adult Psychiatrist and a Child Psychiatrist, I was one of the founders along with Mr. Heal and Judges McLinden and Conway of the Juvenile Court Clinic in Connecticut and I was it's first director and remained it's director for over 3 years. I'm presently Clinical Director of the Hill-Field Station of the Connecticut Mental Health Center.

REPRESENTATIVE MARTIN BURKE: Mr. Chairman.

SENATOR DAVID NEIDITZ: Representative Burke.

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REPRESENTATIVE MARTIN BURKE: Doctor I wonder whether the facility of Long Lane, presently under construction would serve at least as a nucleus or a beginning point for the Diagnostic Treatment Center that you have portrayed?

DR. DOROTHY LEWIS: I would have to know more about that facility. I think that the facility is only as good as the people who run that facility. The people who, you know, who are hired to take care of the children and to treat them, must be trained individuals who understand the problems. And who do not fear as a prison for children so that certainly it has a potential. But it has to be staffed appropriately if you wanted to perform the functions that we are talking about.

REPRESENTATIVE MARTIN BURKE: What I'm suggestioning is there has been a commitment, of course the funds on behalf of the State, at this particular facility and it might be a good starting point to develop the concept that you speak about. I'd like to just mention there are, there is a COMMITTEE BILL that up's for Public Hearing today concerning the Child's Right to Treatment, which I think also get's at, from a legalistic stance what you are talking about. It's a constitutional concept that if a child is going to be treated in the Juvenile Courts and give up some of his new process rights an adult would have, then the courts have an obligation in their dispositions to either afford him the treatment necessary or really to release him. And that, of course is a last result, ah resort. I call your attention to BILL 8285, perhaps at some point you could look at it, if you had any comments you could give them to the Committee:

DR. DOROTHY LEWIS: I'd like to see it. I'm not familiar with the BILL.

REPRESENTATIVE MARTIN BURKE: I believe it's back on the table.

DR. DOROTHY LEWIS: As you present it, it seems in the same spirit of what we're talking about.

REPRESENTATIVE MARTIN BURKE: I think it is.

SENATOR DAVID BARRY: Mr. Chairman.

SENATOR DAVID NEIDITZ: Senator Barry.

SENATOR DAVID BARRY: Doctor, the Sub-Committee accepts your offer to meet with us in connection with drafting Legislation. Could I have your address, please? Where we can reach you?

DR. DOROTHY LEWIS: Yes, you can - okay - shall I give it to you now?

SENATOR DAVID BARRY: Yes please.

DR. DOROTHY LEWIS: I can give you, I can be reached at the Yale Child Study Center, 333 Cedar Street, New Haven. And it's number if 436-8220.

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SENATOR DAVID BARRY: Thank you.

SENATOR DAVID NEIDITZ: Are there any questions of Dr. Lewis?
Thank you very much. Dr. James Black.

DR. JAMES BLACK: I'm Dr. Black and I'm the President of the Connecticut Council of Child Psychiatry. And as President of the Council of Child Psychiatrists which is a professional organization representing virtually all of the Child Psychiatrists in the State. I'd liked to speak on behalf of the, that organization now positioned to SENATE BILL 45 as it is written.

As a Child Psychiatrist we cannot be opposed to placing children in Correctional Institutions along with adults who may have committed significant crimes. Children who are under early adolescence are going through a crucial developmental phase and at that, contri - and at that are a considerable risk of being traumatised, marring their developmental maturation should they be housed with adult criminals. We believe it is important that the State find suitable alternatives to such a plan move such as an effective therapeutic maximum security unit for Juvenile offenders. We recognize the seriousness of the problem posed by the recititist delinquent child. However an appropriate solution to a significant problem may only serve to compound the problem further by presenting the children with row models which might potentially intensify their delinquent trends that they have already persued in their behavior in the past. So as a consequence we really have no alternative but to ask that the SENATE BILL 45 be defeated. That pretty much ends my statement.

SENATOR DAVID NEIDITZ: Any questions of Dr. Black? Senator Barry.

SENATOR DAVID BARRY; Dr. Black would be another resouce and to the association of Child Psychiatrist.

RESPONSE INAUDIBLE - NOT USING MIKE.

SENATOR DAVID BARRY: I didn't get you phone number either . .

DR. JAMES BLACK: Alright, it's in Hartford 236-4511, Extension 238.

SENATOR DAVID NEIDITZ: Mary Brogden.

MARY BROGDEN: Good Morning. Thank you. I'm Mary Brogden, from Guilford, Connecticut, and a Board Member of the Family Counseling Service of Greater New Haven, Inc. This is a non-profit Private Family Counseling Agency, at 1 State Street, New Haven. I represent an agency which has been involved in Special Services to Pre-Delinquent Youth and Families referred from the Juvenile Court and Police. The experience of Family Counseling and other agencies across the country is really testimony to the fact that youth charged with crime can be rehabilitated. A Bill which transferred a child charged with a felony from the Juvenile Court to the Superior Court really does neither address itself to the issue which we would like to alter. We believe that the youth charged with a felony needs to be confined. However it is our opinion that confinement should include Diagnostic and Treatment

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MARY BROGDEN: (CONTD.) Services for the best interest - Pardon, Sir.

SENATOR DAVID NEIDITZ: NOT USING MIKE - . . . found guilty, not just charged with a crime. Alright go ahead.

MARY BROGDEN: No we were saying, thinking of charged on the basis of our reading of the proposed BILL from the time the youth is apprehended, charged and found guilty if you want, with a felony needs to be confined. However it is our opinion that that confinement should include Diagnostic and Treatment Services for the best interests of the child and society. It is neither humane nor economically sound to propose confinement without treatment and services. And we urge that the Committee report no option on SENATE BILL 45.

SENATOR DAVID NEIDITZ: Gary Pudaloff.

GARY PUDALOFF: My name is Gary Pudaloff, I'm presently a Staff Attorney for Hartford Institute of Criminal and Social Justice, here in Hartford, however I'd like to speak from private experiences Executive Assistant to the Chief Judge of the District of Columbia Juvenile Superior Court and as a former Professor of Law at the . . . Law School in Washington.

As a practising attorney who has handled what were called in Washington, Wavier Hearings, which Senator Lieberman's Bill would classify Transfer Hearings. I'd like to bring to the Committee's attention some practical problems that I see. First I might point out that the Supreme Court of the United States has addressed itself to this type of Hearing in Kemp virsus the United States. It does call for a full blown Hearing where the child must be represented by Council and has the right to present evidence as to facilities that are available. I would suggest as other people have that this also raises the question of not only what facilities are available but what facilities should be available. The Supreme Court is never addressed itself to that particular problem but I would submit that there may be a very valid equal protection problem here of the child who may or may not be labeled as an adult simply because the facility does not exist in one area and does exist in another.

I think as a practical matter too, the resources that it would take to present Juvenile Court is constituted to hear this type of Hearing would be phenomenal. Under the disposition in Juvenile Courts now, many cases are closed out because the Juvenile is going to be, is going to have a disposition based on an adjudication of delinquency in one case. If this Transfer Statute were enacted and if the goal of it is to identify 3 or 4% who are going to be repeaters, it seems to be necessary to try the Juvenile for every offense charge whether it would make any difference at the present disposition. Which would mean a kid would be, a child would be placed on probation and may have 2 or 3 charges pending, which you would have to try him for in case some day he came up for a Transfer Hearing, it would be necessary to know if he was ever adjudicated on those particular charges.

GARY PUDALOFF: (CONTD.) It seems to me to be somewhat of a waste of resources. I might also say that that from practical experience these Hearings themselves may take 2 to 3 days with a lot of extra testimony as to what the child needs are with the States capabilities are and I think per to, if you are talking about 2 to 3 % I think that the resources could be better used elsewhere. I'd only like to add one other theoretical rather than practical comment. It seems to me that this Bill makes the error. In looking at the Juvenile Court as a Service Rendering Agency, I think the time has come in Connecticut as it has in many other jurisdictions to look on the Court as a Judicial Body and give it all the powers that other Judicial Bodies in the State has. If one takes a look at what is happening in other jurisdictions, some of the best changes in Juvenile facilities have come because Juvenile Courts have continued their jurisdiction even after the child has been committed to an Administrative Agency. I would only cite for an example a decision in the District of Columbia, which is called in the matter of Savoy, which my, ah, the man I work for Chief Judge Green, sitting as a Juvenile Court Judge ordered the City to modify it's facilities to meet the needs of the Juveniles for the District of Columbia. The Bills have been pending before the City Council, before the Congress of the United States and unfortunately it took a strong Judicial action to get such a facility built. I think if we start to look at the Juvenile Court as a Judicial Body and give it the powers that it needs, some of these problems that now exist can be remedied by Judicial opinion as well as I think a review of the Legislation as it presently exists in Connecticut. Thank you.

SENATOR DAVID BARRY: Mr. Chairman.

SENATOR DAVID NEIDITZ: Senator Barry.

SENATOR DAVID BARRY: Well as an attorney how would you feel about a transfer of the entire Juvenile Court into an Intergraded Court System? Into the Superior Court?

GARY PUDALOFF: My feeling, having worked on, that's really what happened in Washington in 1970. It became effective in February 1971. If you mean, Senator, to have a Family Division of an, of a one tier court system, I'm very much in favor of that. I think it has some practical effects of mainly giving, let's say the Chief Judge the ability to assign judicial man-power to handle the cases in a much more expeditious manner than he could with, usually what happens with the, an independent court, there just simply isn't enough Judge Power. But I think that there should be Family Division. I think Judges that show certain interests and abilities should only be assigned to that Division. I think that the day is probably coming when the judicatory phases in Juvenile trials will be, for all intense and purposes the same as adults. But I would hope that the dispositional alternatives would remain with those Judges sitting in the Family Division. I am very much in favor of all the due process rights that the judicatory stage, and I think the place where the Juvenile Courts really still has it's meaning or Family Division

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GARY PUDALOFF: (CONTD) has it's meaning is more in the dispositional stage rather than the judicatory stage.

SENATOR DAVID NEIDTZ: Any questions? Thank you very much for coming. Irmgard Wessel.

IRMGARD WESSEL: I'm Irmgard Wessel, I'm Board Member of Citizens for Better Correctional Institutions and Organizations, which I represent here today.

Citizens for Better Correctional Institutions is a four year old prison reform and advocacy group which has it's roots in New Haven, Connecticut as part of a church organization. It's been funded by a private organization since it's inception. I'd like to say that I'm part of that group because professionally I'm a Case Worker in a Family Agency, and I deal with Juveniles working very closely with Juvenile Delinquents who are referred to us by the New Haven Police Department and the Juvenile Court in New Haven. And also as a member of Citizens for Better Correctional Institutions I have an opportunity to hear the stories from the Adult Correctional Department and it's on this issue that I would like to speak today.

We feel we are qualified to speak here because of our extensive contact with adults in the criminal justice system, has shown us how difficult it is for younsters as well as adults to deal in that system. And for that reason we would like to see SENATE BILL 45 boxed. We do see children as miniture adults, which is I think the question that's come up here today by the various people who have spoken for or against the Bill. Children are children even though they may have been charged and comitted and charged with serious crimes. We know that neither the Juvenile Court nor the Adult Court at this point is the final agency which makes the disposition of these youngsters. However we feel very strongly that the Superior Court or the Adult Correctional System cannot deal with even though, a small number of Juvenile Offenders because they have difficulty in dealing with just the Adult Offenders who have committed serious crimes. Instead of using legal games to decide whether a youth belongs to the Juvenile Court or to the Superior Court we feel this Legislature ought to address itself to the treatment aspect of these youngsters.

As Senator Leiberman earlier noted, the problem with a young man in New Haven, and since the name has appeared in the newspaper and you have heard it here today, his name is Eric Washington, he's 15 years old. He has been charged along with several other young people with murdering a Yale student. On March 4th, 1975 this young man and at the suggestion of Judge Conway was asked to have his case trans - or, the Judge asked to have the case transferred to from Juvenile Court to Superior Court. And last evening the New Haven Register where the transfer was discussed, it also is already evident that there will be an appeal, because Eric Washington's lawyer are going, lawyers are going to appeal his transfer from one court to the other. It seems that much time and money will be spent on the legal battles instead of using the

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IRMGARD WESSEL: (CONTD.) State funds to start rehabilitating these youths. We do have to remember that a 15 year charged with a murder is going to be out on the street before he's 30. And I think that several of the Legislators have referred to this, that we know that nobody will stay in the system. So are we going to start rehabilitating a 15 year old who has committed a murder or are we going to throw them into an adult system where he will get lost.

BILL 45 will not act as a deterrant, to the disappointment of many people who are supporting this Bill. We know and there has been a lot of evidence which I'm sure that Dr. Lewis and Dr. Black can attest to, that children who commit murder do not plan to commit a murder, it just happens, and they are not in touch with their feelings, they are not reasoning adults. Matter of fact they are very sick young people. And so we will not deter of a youngster from going that road.

Those youngsters who have committed serious crimes against others do need to be contained. There's no question about this. The Legislature ought to address itself to this issue thru the Department of Children and Youth Services which your Legislature and your predecessor's have created and worked with the Department of Mental Health to see that services can be provided. I would also like to offer my assistance to Senator Barry if I can be of any help as a Case Worker who not only sees the youngsters in the Court System but sees the community at large and also knows some of the parents and some of the offenders who have come out of the Adult Correctional Systems, who by the way are the people who have asked me to be here. The men who have gone through Somers have stated very clearly they would not want a 15 year old to ever come to Somers.

SENATOR DAVID NEIDITZ: Any questions?

SENATOR DAVID BARRY: I would just like to request Mrs. Wessel's address to - -

IRMGARD WESSEL: Family Counseling, New Haven, 1 State Street, 06511. 865-1125 is the phone number. Thank you very much.

SENATOR DAVID NEIDITZ: Mr. John Dorman.

JOHN DORMAN: My name is John Dorman, I'm an attorney, I'm an Administrative Procedures Officer of the Department of Children and Youth Services. On behalf of the Commissioner and the Department I would like to stongly endorse COMMITTEE BILL 45. I would also, to save time, I would like to say that I agree with virtually all of what Senator Lieberman had to say on the subject of the Bill. Including, of course, his reluctance to be here at all. I think that is also the attitude of our department. We do not like the use of adult facilities and adult courts to solve Juvenile problems. But for the third successive year in a row, we are here because we feel it is necessary. But I think one thing that's been over looked in the testimonies todate, is the perspective on this as far as actual numbers are concerned,

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JOHN DORMAN: (CONTD.) Senator Lieberman spoke of percentages. I would like to speak to particular cases, I think that in my estimate and I am sure that the Commissioner agrees with me, the range of children that we're talking about who might be effected by this Bill, would probably be somewhere between 5 and 10 a year. We are talking of children not who are sick, as Dr. Lewis was discribing, we are talking ab out children who have screened medically, who have had all medical aspects of being explored, either by the Court or by our Department, who have committed an offense and usually several offenses, which involve extreme danger to the community.

Who have shown propensities to run, which cannot be contained by our institutions. We are not saying that these children are abandoned. We are saying that the, the state does not have and cannot afford the resources to construct a special facility for them. And the existing facility particularly at Cheshire, will enable them to go to a place which really is secure. Which is necessary for the community protection. And such treatment as they will get, under those circumstances, will take place at Chesire. It's a hard choice, but we think a necessary choice.

I'd like to say with reference to our new facility, at Long Lane, which we hope will be finished in the Fall, but what with strikes and the weather we cannot be absolutely sure of this. I would think that that would cut that number down. It might cut it down to zero but as Senator Lieberman said, we feel the necessity of having a Bill like this as a back stop. To take care of the cases which have been referred to us, of very serious offenders with whom everything that we know of has been tried. But who cannot be contained and who are still a danger to the public. We are not sure, we will not know until we get this new facility in operation, how many children in this category it can take care of.

One thing that we are concerned about is that we do not want this new facility to be a super maximum facility Institution, complete with guards and clubs and mace and all the things which go with a very high security price. Because we want to use this for treatment for children who do need confinement but who do not need the type of atmosphere which a truly maximum security facility has. So this may not be able to cover everything. So we want the Bill both for the existing conditions which we have at the moment, which have become progressively more serious as in the last 5 years notably. And we also don't want to time limit on it to take care the eventuality that perhaps our new facility will not fully do the job.

Now I might also say personally, I've drafted a good portion of this Bill, ah, if Senator Barry or someone else wants to try to draft another Bill I would like to volunteer my assistance too, even though I seem to be on the opposition to most of the people who are doing the drafting. I think we can always try again. But I would like to say, of this Bill that Judge Gill worked with us, my Commissioner worked on it, I worked on it. We've, we were, this is the third year we've presented, or somebody has presented some kind of Bill like it. We feel we have billed in not only

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JOHN DORMAN: (CONTD.) essential elements of due process, but we've billed in all of the protections which are going to be immediate, obviously cumbersome to handle, but which we feel are necessary to screen out the children who simply don't belong in Cheshire. But we feel we have a balanced Bill here. We're dealing with a situation which we all deplore, which none of us really like to be a part of, but which is, in the interest of protecting the public, a necessary Bill. And for that reason we thoroughly endorse it in spite of the reluctance I've expressed.

SENATOR DAVID NEIDITZ: PARTS OF THIS IS INAUDIBLE AS SENATOR NEIDITZ WAS NOT SPEAKING INTO THE MIKE - There were several comments made in the drafting of this, and naturally any of the comments made

JOHN DORMAN: Well, I think for instance I would take up some of the comments, for instance I feel that there is an inadequate, a question of recitivism. I think there is adequate protection as the Bill is drafted to insure the virtually only recitivist will be introduced into this process. I think the elaborate screening procedures are going to make it virtually impossible that a court will send us a first offender. Even on a Class B felony. Unless there is something terribly extreme about the case. I don't think we need it, I don't think you need to ah, ah, pause on that. I think it was also suggested that perhaps Class B felony should be eliminated. Which was the case with the original Bill which Senator Lieberman introduced. Class B felonies include rape, and they include armed robbery and they include the very kind of offenses which we need to protect the public against. So I don't think that should be eliminated.

I think it was, I don't know that it was specifically but ah, I think the courts the process, is it takes place in fact, does include a medical screening and certainly any Bill, ah, any petition presented by our Department would only be done after the medical screening. Now you might want to make that more explicit in there.

SENATOR DAVID NEIDITZ: NOT USING MIKE - INAUDIBLE

JOHN DORMAN: The psychiatric exam and the physical examination. I mean if you want to include that, ah, explicitly, ah, I think that might be an improvement. Ah, I think it will be done anyway. But that might take care of some of what Dr. Lewis was talking about.

SENATOR DAVID NEIDITZ: INAUDIBLE NOT USING MIKE - what Superior Court under present Law makes

JOHN DORMAN: I would say Cheshire and Somers.

SENATOR DAVID NEIDITZ: INAUDIBLE NOT USING MIKE - under present Law this concern facility and Somers would be appropriated

JOHN DORMAN: Yes, because I would think, although you might want

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JOHN DORMAN: (CONTD.) to limit that too. I would think it would be unlikely that a child of this age would be sent to Somers. Ah, I think, I think Cheshire ah, is the proper facility.

SENATOR DAVID NEIDITZ: NOT USING THE MIKE

JOHN DORMAN: Well, I think a Cheshire will be better than the existing Cheshire. The thing that I want to emphasize there is that we have an immediate existing problem in that we have to deal with what facilities that we have at the moment. Ah, I think that the new Cheshire is going to be able to take care of the situation better but that's going to take some years to build. And the existing Cheshire is something that we have some experience with. We've transferred 9 children to Cheshire under existing laws in the last 3 years roughly. We followed them carefully. Although the success rate has not been high but it, ah, at least served the purpose of protecting the public and in a couple of instances resulted in quite impressive rehabilitation.

SENATOR DAVID NEIDITZ: What about the NOT USING THE MIKE

JOHN DORMAN: I feel there is, I, I, yes, yes I do feel that there is some determent. I don't think ah, I don't think for example that crime will like murders probably determent, but I think that some things, robberies particularly for instance. Possibly rape, although I don't know enough about that. But I do think that the existence of this Bill will become known and a significant fraction of the Juvenile population who is, that segment which is involved with the police and with the court.

SENATOR DAVID NEIDITZ: INAUDIBLE - NOT USING THE MIKE . . . postage stamp.

JOHN DORMAN: Well, I think you need postage. I mean my, our experience Senator is that work of this sort does get around quite rapidly, just through children talking to each other about it. And I don't, I'm not great for determents but I think there's some determent effect in this.

UNIDENTIFIED PERSON: Mr. Chairman.

SENATOR DAVID NEIDITZ: Senator Guidera first.

SENATOR GEORGE GUIDERA: Ah, I suppose the question hasn't been asked yet, is what . . . INAUDIBLE TOO MUCH NOISE AND NOT SPEAKING INTO THE MIKE - how familiar with the old common law rule the particular situation, assuming we were to go along with this Bill, it would seem in other words applying 13 years . . . 364 days old, ah, what makes this any different than someone 14 years and a day old?

JOHN DORMAN: Ah, I think that to some extent Senator, won't have to be arbitrary, I mean any, any ah, cut-off year is going to produce that kind of a line, that kind of a question. And I, I do think we have some basis for this though. We have studied the records ah, at the Commissioner's level and in my level of our serious offenders over say, the last 5 years. I think that most of them turn out to be 14 or 15. I should say practically all of them.

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JOHN DORMAN: (CONTD.) We have one 13 year old now, we would probably would consider for this kind of an action if it were available to us, but he is the only one that I can recall at that age, ah who was reached the extreme of acting out the behavior, dangerous behavior which this kind of process would envisit. So I think it's a fair compromise which of course it is.

SENATOR GEORGE GUIDERA: Why can't you, why couldn't the Juvenile Court have the same sort of treatment for 14 and 16 year olds as Circuit Court . . the old Circuit Court . . Court of Common Pleas has for youthfull offenders . . 16 and 18 year old.

JOHN DORMAN: I don't- -

SENATOR GEORGE GUIDERA: . . . Superior Court. NOT USING MIKE CORRECTLY.

JOHN DORMAN: Well with respect, Senator, I don't know what kind of treatment they have for youthful offenders, I think that's ah -

SENATOR GEORGE GUIDERA: They can do a number of things, they can give them jail terms, ah what usually happens they some other way, such as on probation but again I 16 years old . . . to commit a Class B felony, aren't going to be treated probably more leniently in the Court of Common Pleas, and I 15 Class B felony and find myself in Juvenile Court Superior Court.
WAS NOT USING MIKE CORRECTLY THEREFORE MADE TESTIMONY VERY DIFFICULT TO UNDERSTAND.

JOHN DORMAN: Well -

SENATOR GEORGE GUIDERA: 14 to 15 year olds are going to be treated more harshly. INAUDIBLE.

JOHN DORMAN: Well, I don't know. You might have abit more figuers at your command than I do Senator, I would, I would assume if a 16 year old commits a Class B felony, he's not going to get probation, he's going to get some kind of variable incarceration. Ah, I would also point out however here that this isn't just going to be everyone who commits a Class B felony, this is going to be a child who's committed a Class B felony who has been thoroughly screened. In other words, specific findings have been made, that a Juvenile system is not appropriate for him. So they're in a somewhat different category. I don't know if you can exactly compare them.

SENATOR DAVID NEIDITZ: Representative Tobin.

REPRESENTATIVE ROBERT TOBIN: Most of the discussion has been with regard to the question of facilities. Why do you feel that the Superior Court with it's publicity and with the adult juries and as you say with only handling 6 to 8 cases a year and then would have no real expertise in terms of disposing of the cases. Why do

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REPRESENTATIVE ROBERT TOBIN: you feel that the Superior Court is a better form for handling these cases, better Judicial form ?

JOHN DORMAN: Well I think that ah, my feeling and this also Judge Gill's feeling is that from a constitutional stand-point at least, if you are exposing an individual to a prison sentence an adult prison sentence, that it is appropriate to give them a forum, which includes the complete for constitutional rights, as compared with the Juvenile Court which could most of them but not all of them. And if, and I think it's mostly from a new process standpoint that we, we transfer to Superior Court in this Bill.

REPRESENTATIVE ROBERT TOBIN: My concern is however, that in dealing with dispositional aspects you wouldn't want people to act expertise in dealing with juveniles, in the number of cases that you are talking about, 6 to 8 cases per year. A Judge of the Superior Court level, on the basis of that number certainly would not develop an expertise in dealing with Juvenile serious offenders.

JOHN DORMAN: Well, that's assuming, I, I, agree with you there, assuming that his problem whether the 14 or the 15 year old is that much different from what it's going to be with a 16 year old. I mean he's, he's dealing with an offense, of a serious act that's been committed. His first job was to preside over the processes of determining whether it's been committed. Then on this position he's going to, I imagine he does as in adult cases. He's going to try to look at the individual characteristics of this offender and try to come up with a sentence which is going to be in the public interest. I don't know as that function is that different. I don't know that there is a special expertise which is required for that type of function.

REPRESENTATIVE ROBERT TOBIN: Well is it your contention then that the disposition of an adult and the disposition of the, of a 14 to 16 year old youth would be the same and would be based upon the classification of the crime?

JOHN DORMAN: Well I don't think, I don't think it's the same in all institutes. But I think that we're dealing with a major felony. I think, that I think that the process is pretty close to parallel. If we're dealing with truancy and governing ability the various collection of stated offenses or other more minor offenses, I think probably the expertise of Juvenile Court Judges is desirable. But I, I don't know that that reasoning applies to disposing of a case of major felony.

REPRESENTATIVE ROBERT TOBIN: The ah, you mentioned that there would be psychiatric examinations, and my experience there's been many cases where medical experts differ as to whether a, whether there is a true psychosis or a character disorder. Would those cases go to the Superior Court for full blown trial on the issue of insanity, with publicity and an adult jury?

JOHN DORMAN: Well I suppose, I mean, ah I, I think that to some extent that's a little harder to predict. There would be that road avail-

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JOHN DORMAN: (CONTD.) able to defense council. Ah, if he chose to take it, I mean. We wouldn't have much control over that, but I would, it would always be possible to make it a of insanity there.

REPRESENTATIVE ROBERT TOBIN: Well now I think, I think and I may be mischaracterizing your testimony but I think that you said there would be a full medical screening before they went to the Superior Court level. Now assuming that there are cases which there are, which involve differences of opinion amongst Child Psychiatrist's would it be your impression that those cases would go to the Superior Court with a full blown trial before a jury and a question of insanity and mental . . . TWO SPEAKING AT SAME TIME?

JOHN DORMAN: I think , I think some of them would do that. I think at least . . . cases referred by a department and I would suspect this of the Juvenile Court, that if we got a difference of opinion on our initial screening process we would do our very best to get that resolved, and if it were resolved in favor of the mental illness child, we wouldn't send them to Superior Court. If we sent them, if there was however a conflict and ah, we concluded that there was no mental illness, if they went to Superior Court for it, then Counsel for the child would of course have access to the records to the screening and might choose to raise it again there. But I would say that our department would not knowingly send any child to Superior Court under this Bill, we believe to be mentally ill. Now we might be of some doubt due to this conflict and experts, but we would just have to resolve that by a case by a case basis.

REPRESENTATIVE ROBERT TOBIN: There's also been some indication from Representatives of the Juvenile Court that they feel that this is only a temporary solution until facilities are available. I think this quotation in the news article today on Judge Gill that the Judges support the approach but only until a more secure facility is available, is that basically your approach?

JOHN DORMAN: Well I, with the qualification I mentioned in my testimony that we would hope that our new facility of Long Lane will be able to take care of most of the institutes where the child was in need of very secure settings. We do not however, we simply, we do not want a Representative to the Legislature at this time, until we've had an opportunity to get ah, the new building open and see how it operates. We don't want a Representative to Legislature to, that will bring a complete end to the need for a transfer to adult facilities. We don't know whether that's the case.

REPRESENTATIVE ROBERT TOBIN: Even when these facilities are available would it be your position that the Superior Court would retain the jurisdiction for the trial and dispositional TWO SPEAKING?

JOHN DORMAN: Well, it would be our position that this Bill that was enacted, we would ask that it not be repealed. But it will be our expectation that this Bill would be used very, very little.

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JOHN DORMAN: (CONTD.) Even less than the possible ten cases a year, that I'm . . .

SENATOR DAVID NEIDITZ: Representative Burke.

REPRESENTATIVE MARTIN BURKE: We can agree, I assume, that the basic reason for being of the Juvenile Justice System is rehabilitation is treatment.

JOHN DORMAN: I would certainly agree with that, Representative.

REPRESENTATIVE MARTIN BURKE: With that in mind I'm very concerned about the statistics that Dr. Lewis brought to us today concerning especially the four children that were they adults, would have committed a homicide of some form. And the fact that all of them that were studied and treated had Central Nervous System Disorders and the further statistics of the, I assume that these would be classified as hard-core Juvenile Offenders, that 17% of them seen in that New Haven Clinic had psychotic systems. So I would pose the question, "How do you propose to treat these individuals, were they transferred to the Superior Court and subsequently incarcerated in either Somers or Cheshire"?

JOHN DORMAN: Well, I think that if they have medical dis - -, to begin with them, if they have medical disorders which require medical treatment they should not be transferred to the Superior Court and they should not be transferred to Cheshire or Somers. They should be in a highly and appropriate hospital and that's a whole other set of difficult questions we have.

REPRESENTATIVE MARTIN BURKE: Yeah, but I wonder if SENATE BILL 45 has that safeguard in it?

JOHN DORMAN: Well, I did suggest in response of if you want to put in something additional, ah, on medical screening and disposition of cases in the event there, that a medical problem is turned up, I think that might be an appropriate amendment to the Bill.

REPRESENTATIVE MARTIN BURKE: Well, it seems clear to me that we're talking about 4 would-be homicide cases in New Haven have all having some physiological or emotional problems that then it might be a fair assumption that all hard-core Juvenile Offenders have other medical or emotional problems, and therefore I don't think SENATE BILL 45 addresses itself at all to this. Because it's designed for the so called hard-core offender.

JOHN DORMAN: Well, you see I don't happen to agree with that, Representative Burke. I do not believe that all hard-cord Juvenile Offenders have medical problems. And I, I'm not a doctor, I'm a lawyer, but I do base that on the fact that we have had our own physician's who I believe to be competent both medical doctor and in both, Internist and Psychiatrist, examine ah, children who we believe to be hard-core offenders and they have not found medical problems. So I don't accept that promise. I'm

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JOHN DORMAN: (CONTD.) not questioning Dr. Lewis's 4 cases. But 4 cases don't light the universe and that has not been our experience.

SENATOR DAVID NEIDITZ: MOST OF THIS TESTIMONY CANNOT BE HEARD - NOT SPEAKING INTO THE MIKE - universe by taking care of 4 a year by themselves.

JOHN DORMAN : Well, that's as we perceive it Senator. That's where we perceive our problem to be roughly in that range. And we've definitely not been able to come up with what seems to be a viable alternative, ah, from the stand-point of public protection and I think, even as I repeat that I'm aware that we've talked very little about public protection in the department because our primary goal is Rehabilitation. But I think in these cases the emphasis has to shift somewhat, as to where our priority is. And this Bill represents the priority of protection of the public in these very few cases.

SENATOR DAVID NEIDITZ: Senator Barry.

SENATOR DAVID BARRY: Representative Burke's statement there is something tht's been gnawing at me. Your're talking about, is it your conclusion that normal kids ah, commit serious crimes? I mean is that an assumption that's made by your department?

JOHN DORMAN: Well, I'm not assuming that normal kids I mean almost by definition normal kids, if you mean socially well adjusted. . . . The mostly well adjusted kids, I think no they don't commit crimes, but ah, it is certainly my understanding, and I think this would be backed up at least by many psychiatrist's, that there are children who have character disorder's which are not treatable medically, which are not diagnosable medically except in the some such term as character disorder, ah which leads them to do these things. And these are not medical problems. Where we're told this incidently practically every week when we try to send kids to Connecticut Valley Hospital or Norwich, they say, "No, we think" we get them back, constantly. We're told they're not fit subjects for medical treatment, that they have a character disorder or a personality disorder or something.

SENATOR DAVID BARRY: That personality disorder's are not treatable?

JOHN DORMAN: Some of them are probably not. I mean, I think, as I say my own expertise is pretty limited on this, but - -

SENATOR DAVID BARRY: Let me ask you this, Mr. Dorman. Can you furnish the Committee or the Sub-Committee with some case histories of people who are young people, who have ultimately committed serious crimes, such as murder. And I am not referring now to the Washington case but, because that's pending, but some case histories of young people who have been involved in most serious crimes. And furnish them to us with the names eliminated, and give us an idea over the period of the years in which they came to the point where the ultimate crime was committed, as to what they had been involved in before and what treatment was offered

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SENATOR DAVID BARRY: (CONTD.) them by the State, what examinations were done of them over the years prior to the commission of this crime. I'm told that, and I've visited many of these Institutions and I understand that some of them are 7 and 8 years old in some of our facilities. Had they not had the opportunities to be where they are in these very limited facilities we provide in Connecticut might well end up being involved in 40 things and ultimately a murder. So my question is, can we have some case histories that would show, you have said that all medical aspects have been explored by the department, now I'm interested in knowing what aspects have been explored and by whom and during what period of the maturation the child from age 8 to 15 or whenever the culminating crime was committed. Is that possible?

JOHN DORMAN: Yes I'm sure it is. It might take me some time to get it together but I'm sure that we can do it.

SENATOR DAVID BARRY: And my only other question was that I understood when I visited Long Lane recently, that the maximum facility installation there will terminate, I think it's going to be a transfer, isn't it, from Meriden School for Boys from the Meriden
- - - -TWO SPEAKING AT ONE TIME.

JOHN DORMAN: Well yeah, I think we anticipate that the two sort of medium security units, which we have in Meriden will be closed down and the populations presently there will be transferred to this unit.

SENATOR DAVID BARRY: Do you presently have any rehabilitation program at Cheshire or Long Lane?

JOHN DORMAN: Well, we certainly have one in Long Lane, ah, positively. Cheshire has a variety of programs ah, I think they're short on what I would call a general area of counseling. But they have an Academic Program, a Recreation Program and ah, ah, some Counseling. they have a Special Program which ah, for ah, fairly small percentage of the population, which is a sort of Group Therepy type of program. At Long Lane we have an extensive so called Behavior Modification Program which we've had now for approximately 3 years in addition to the Academic Program and the Recreation Program, ah and ah, I certainly think that we have full scale program there. But of course, we're talking ah, in order to avail themselves to the programs at Long Lane, we have to be able to keep them safely at Long Lane. Now what we're talking about in this Bill is not the great children were cared for by our department, but there's a very small percentage that we cannot safely keep in Long Lane.

SENATOR DAVID BARRY: Yeah, but they had years growing up to that What was done for those, that 4 or 5 a year when they were not 14 or 15, but when they were 8 or 9 or 10 when they were on the street, when they were stealing cars and vandalism and all that kind of thing. I think that's what we need to know. What kind of facilities are available for them and what your're department has done for them.

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JOHN DORMAN: Oh, I see. Well if you want to get back to the earliest . . . Senator, the only qualification I'd have to make of saying I'd be able to produce these, I don't think there's any problem. We have to rely there on the Juvenile Court records, which our department is not in the power to release, but I would think that if I explain it to Judge Gill that we're blotting out names of the, ah he would be willing to let us use those records. Our department generally doesn't see them until they're 14 or 13, and so what's happened to them in those, as you suggest are often very critical years, is not something that we have any direct control over. And when I'm making representations about medical care I'm referring only to the period after we've had the child, obviously.

SENATOR DAVID BARRY: Which is usually after 14?

JOHN DORMAN: Usually after 14 or say after 13. 13, 13 or 14.

SENATOR DAVID BARRY: Could you obtain for us the records prior to that?

JOHN DORMAN: Well those would be the, what records we have would be in the Juvenile Court records mostly. The . . . well mostly in the Juvenile Court records and I would have to clear it with Judge Gill, but I think as long as I eliminated the names, I think he'd probably be willing to ah -

SENATOR DAVID BARRY: Thank you.

SENATOR DAVID NEIDITZ: INAUDIBLE - NOT SPEAKING INTO THE MIKE

SENATOR DAVID BARRY: Either way. The thing is, well the thing is that they are continuous records. I'm talking about an individual . . . I don't want for the record of somebody up to age 14 and somebody else from 14 to 16. I want the record on one individual, whether or not he ever had the opportunity to go to High Meadows for example. Or whether he didn't. And all of the things he was involved in, a case history on an individual. On several . . . The whole thing.

JOHN DORMAN: Well, we have those, and we would have the continuous record in our records. The only thing is that where it's prior to our commitment, what we have is a copy of the Juvenile Court record which we cannot release without Judge Gill's approval, but I don't see any problem with getting that.

SENATOR DAVID NEIDITZ: Representative Quinn.

REPRESENTATIVE JOHN QUINN: Thank you Mr. Chairman. Mr. Dorman I think one of the questions we are concerned with here is the actual treatment facilities that the CYS has at this time or will have in the future. And I was wondering what your department's stand is on, actually what do you have for treatment of these kids safeguard that they can get treatment? Now my understanding is that Meriden, you're talking about shipping them to the new facility in Long Lane, . . . the Treatment Unit, which you so call Treatment Unit, I believe is . . . is the High Security Unit over there, also. The Treatment Unit is really just the High Security

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REPRESENTATIVE JOHN QUINN: (CONTD.) Unit that you have over there. There's really no, as I can see, treatment of the individual on a costly basis, clinical sense. It's more of a punishment sense than anything else. It's a cell block. Ah, and I was wondering, what do you have in mind for your new facility to deal with these kids in a therapeutic atmosphere to help to rehabilitate them along with their need for of course, some kind of Security System but also rehabilitative needs for these children. What is your, are you going to change your definition, what seems now Treatment Unit is really cell blocks as compared to what your new facility will be at Long Lane.

JOHN DORMAN: Well, ah, I, I, I can't by any means give you all the specifics at this time. Because we're still some months away from opening. But I do know what we've are doing, is to make some new units, much more like ah, in terms of treatment and counseling facilities available to the children who are in there. Much more like the existing set-up in the cottages. I agree with you largely, with your characterization of the Treatment Unit, I think it's a cell block. And I think the architecture itself militates against us doing anything effective or even humane. The Treatment Unit is an outrage and we use it because it's the only, the only reasonably secure facility that we have. Ah, the cottage half, I don't think is much better, but these two will go by the board. The new facility does allow room for, it's not a cell block and allows opening up of room so that the children can move around, there will be class rooms, there will be a day room, they will have access to a pool, they will have access to the gym and hopefully they will also have an adequate number of Social Workers in there for counseling purposes. And we will, I assume carry over our Behavior Modification Program to the new unit too.

REPRESENTATIVE JOHN QUINN: Just a comment to you then, as far as what I see your Behavior Modification Program to be at Long Lane at this time. The Sub-Committee on the youth of the Human Services Committee had visited Long Lane about a week and a half ago. Your Token of Kindness System, your're playing a game with kids who know how to play the game and their going to come out of there fine, with the Token of Kindness System. But the questions we asked the Staff was is there any group work available for these kids, and only one cottage they said that they had workers who are there that can handle group work with the kids. And the Token of Kindness System you have to deal with emotions of the cottage life itself, and apparently it's not being dealt with in a therapeutic way right now. So I think that your're talking about kids who are going to get through this in a good system of a Token of Kindness where they can look like they have succeeded because they have got their tokens to buy their cigarets or they have got tokens to go on week-end leaves and they finally get out of the place. They've ran the game on you, as they've run on all society. They haven't gotten any rehabilitative help, they are going to go back into the social structure and run the game again until they get caught again. What I'm saying is this is just a suggestion that when you do open up this new cottage, the, you like into the more critical sense of the word treatment, instead of the sense which

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REPRESENTATIVE JOHN QUINN: (CONTD.) you have right now and provide staff necessary for group work, which is not provided now. And this is just my suggestion to you, seeing what we have seen at Long Lane.

JOHN DORMAN: Well, I do think, I mean I'm not, I didn't come here to TWO SPEAKING AT ONCE.
I do happen to know that we are short of Social Workers TWO SPEAKING AT ONCE.

REPRESENTATIVE JOHN QUINN: Well no, it's just to say that I hate to see a kid - - - I hate to see a kid go into this Long Lane initially Mr. Dorman, and then end up having to go to Superior Court because you didn't provide the accurate Rehabilitation Treatment needed at the lower level before he got involved in this Superior Court type of problem.

JOHN DORMAN: Well so would I.

REPRESENTATIVE JOHN QUINN: That's my point. Thank you.

JOHN DORMAN: Alright.

SENATOR DAVID NEIDITZ: Thank you. Representative Tobin.

REPRESENTATIVE ROBERT TOBIN: I just have on question and it's a major concern of mine and this is the question of expertise in dealing with Juveniles at the Superior Court level. Indicated that under presence circumstances you felt that there would be 6 to 8 cases a year of Class A or Class B felonies go to the Superior Court level. Do you have any statistics as to how many total cases Class A and Class B felonies are now handled in the Juvenile Court?

JOHN DORMAN: No. I have no statistics on it. And one reason I have none is that ah, very often I find these, I mean you have multiple charges and a finding is made is simply one of the delinquency. Ah, the court does not by any means always or even usually specify the exact nature of the findings. So we've collected notes We've got a impression on a case by case basis. But that's about it.

REPRESENTATIVE ROBERT TOBIN: Let me ask this then. On what do you base the figure of 6 to 8 cases a year that would be going to Superior Court?

JOHN DORMAN: Based on largely on the cases, on the number of cases we've either transferred or sought to transfer, to Cheshire, under the existing Cheshire transfer laws 17-420. We, we assume things are going to remain about the same and although we haven't transferred that many, ah one of the reasons we haven't transferred as many is we had potential cases, is a lot of the evidences have been lost under the existing system which we do not feel will be lost, where the court advocate can right from the beginning, take charge of the case and assure preservation of the evidence.

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REPRESENTATIVE ROBERT TOBIN: It would seem worth while along with the other statistics that your're going to get from Senator Barry that if we could know how many cases that the Juvenile Court handles in a year, Class A and Class B felonies, then we can have some idea of where the expertise does lie in terms of exposing of these cases.

JOHN DORMAN: Well I can ah, as I say I can't promise that I can give you any very reliable statistics but I'll be very glad to dig into the question and go into the question with the court too.

SENATOR DAVID NEIDITZ: Representative Nevas.

REPRESENTATIVE ALAN NEVAS: Mr. Dorman, ah, I gather from what you have been saying that the proposal on COMMITTEE BILL 45 is, would relate only to the most extreme situations. Ah, TWO SPEAKING AT ONCE, would, as you've represented the Committee be somewhere between 6 or 8 or 10 a year, is that what . . .

JOHN DORMAN: That's what I would estimate.

REPRESENTATIVE ALAN NEVAS: Can I ask you this serious - do you think that the imposition if the Bill were to be recommended by this Committee, the imposition of a neumerical limitation that is to say, no more than X, no more than 10 a year or 8 a year, could be recommended under this procedure, so that the court would be very careful in selecting those individuals whom they might recommend? Do you think that such a maximum limitation could be a reasonable one or an unreasonable?

JOHN DORMAN: Well, I think it's an unusual one. I, I ah, I personally feel confident in my prediction of a maximum of 10 is correct. The same as I'm, ah, it is a prediction and if the number should vary on this, ah I in a sense . . . I would hate to have the court limited by an arbitrary number which cuts them off at a certain point.

REPRESENTATIVE ALAN NEVAS: I recognize that, but I think that you also . . . with being suggested here. It's ah, it's quite an extreme deviation from current practice. And there would be some reluctance, I think that's expressed here this morning on the part of some members of the Committee to go along and perhaps the imposition of some kind of maximum ah, a parallel might be the Wire Tap Bill which met tremendous resistance, ah, finally got through because a limitation was imposed. Ah, if in fact the experience was that 10 or 8 or whatever the limitation was too low, at least the Legislature would have retained the control so that you would have to come back and ask that it be amended and produce statistics and data to indicate why it should be increased.

JOHN DORMAN: Ah, well Representative I would certainly prefer to have a Bill which had a limitation of say 10 on it than have no Bill. I would rather have it unlimited but if that's the compromise which the Committee in it's wisdom believes is appropriate then that would certainly be an improvement on where we are now.

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SENATOR DAVID NEIDITZ: Mr. Bordon, our Chief Counsel.

MR. BORDON: Mr. Dorman, I'm a little bit struck by the ingenuity of some of the language in the Bill. Ah, Line 34. In referring to the Institutions to which the Superior Court could sentence the transferred Juvenile. The languages Institutions which are more suitable for the care or the treatment of such child. Now these, the Institutions that we are talking about are Somers and Cheshire, which I, I have never conceived of as Institutions for the care or treatment of children. And I'm wondering whether this isn't simply a way of saying, of euphemistically saying something that you really mean and that is that they are simply going to be incarcerated as adults but clothing it in language which sound like the language we use for Juvenile Court commitment, which is care and treatment. And could a Juvenile Court make a finding that Cheshire or Somers is an Institution for the care of the treatment of a child, and if not what effectiveness will this Bill have?

JOHN DORMAN: Well, to begin with I would agree with you to some slight extent. I think there is a little touch of the euphemism and so is the language but I do believe that I can't really speak for Somers or as a matter of fact I would hope that no child ever winds up in Somers, but I think, I think certainly in Cheshire the child gets good care. Ah, it is, it's a horrendous looking place, but the actual life inside of the wall isn't that bad for a child to learn how to adapt to the regime imposed there. They, they get, they get care, they get education, they get good food, they get recreation. Ah, treatment they don't get much of. But I still think this talks comparatively, I think they give or given some of the children I have in mind, we have transferred to Cheshire. I think they're getting better care and treatment there than we can give them in, certainly in the Treatment Unit, which has already been referred to.

MR. BORDON: In care, you mean simply custodial care, physical care. Your're not talking about care in the sense of, of TWO SPEAKING SAME TIME.

JOHN DORMAN: Educational care, medical care yes, yes. I think that's all care.

SENATOR DAVID NEIDITZ: INAUDIBLE - SENATOR NEIDITZ IS NOT USING THE MIKE THEREFORE CANNOT BE HEARD.

JOHN DORMAN: Yes, well I, I appreciate your courtesy Senator, and I'll do my very best to get together what I, what I think you want and if I don't come up with it the first time I hope you won't hesitate to prod me in and I'll get after it.

SENATOR DAVID NEIDITZ: Sue Cavello. You signed up on 2 Bills, but we on 45 .

SUZANNE COVELLO: I wanted to say, NOT SPEAKING INTO MIKE, how you were going to take these Bills. I'm speaking to 3 Bills. And the main one I want to speak to is 8304, and it does include testimony reference specifically to 45 and 960 but I think it

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SUZANNE COVELLO: (CONTD.) would probably be more appropriate if I speak after those 2 Bills are heard.

SENATOR DAVID NEIDITZ: Is there anyone else on SENATE BILL 45? Just sign. I don't have your name here .

MICHAEL WHALEN: My name is Michael Whalen, I am the Court Advocate for the Juvenile Court in New Haven. This is my NOISE - This is my second year up here as some of you gentlemen may remember. I certainly am in support of SENATE BILL 45. And I think that some of the information that was asked of Mr. Dorman I might be able to supply the Committee. Ah, last year when we were up here, I believe I gave you at least the majority of the Members of the Committee, case histories, anonymous case histories of some of our more severe delinquents.

Ah, I happen to have some of that information with me today. Although with Mr. Dorman's coaching I think I'd better get permission from Judge Gill before I release any of this information also. They are anonymously set forth and I think they do represent the situation as we are concerned with it and that it will be of great benefit to the Committee. I might just mention in response to the concern expressed by some of the Members of the Committee that the Psychological Information and Psychiatric testing is not done as a last ditch, ah effort at trying to solve a child's problems. Just looking briefly at 5 case studies I have in front of me I see that ah, in one of the more severe cases, a boy who had been referred to the court more than 60 times, his first Psychological Examination was done at the age of 13. A result of that examination revealed him to be border line intelligence. Ah, there was a recommendation that he be committed to Connecticut Valley Hospital because he had suicidal tendencies. As Mr. Dorman has stated, many times Connecticut Valley Hospital or other Psychiatric Institutions do not agree with the findings of Juvenile Court, Clinic Psychologists or Psychiatric people who have done examinations. This boy was transferred to Connecticut Valley 3 times, ran from the Institution 3 times. Once he turned 16 he was within a period of 2 months sentenced to 3 to 5 years at Cheshire as an adult. A second study I look at shows an examination which took place at the child's age of 12, revealing border line intelligence, dull normal performance. And Psychiatric Examination revealed that the youth cannot read on a first grade level. It's my explicit knowledge that subsequently this youth was examined on 2 or 3 occasions, eventually admitted to 6 or 7 rapes in the City of New Haven, and is presently awaiting trial on murder charges. Which had occurred when he had turned 16.

I think the Committee will find if I am able to get this information to it, that in the majority of instances ah, examinations of this type which the Committee seems concerned with are conducted as early an age as possible. I think the key line which in Bill 45 is that's stated in Line 29, that there is no State Institution designed for the care or treatment of children in which the Juvenile Court may commit such child which is suitable for his care or treatment. I think that is the basic problem that we've

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MICHAEL WHALEN: (CONTD.) been faced with for the last number of years. The problem has escalated. I think Mr. Dorman and the Commissioner in the Department of Children and Youth Services are in the unique position of having to come here before this Committee and saying that there are a certain number of youths we can't handle. We can't, we've done what we can. We've had them in Long Lane. We referred them out of Long Lane. We are unable to deal with them. We need another facility. The facility which is being constructed, which will house 36 children is not, in the estimation of the Department of Children and Youth Services, should not be designed for the hardest-core Juvenile Delinquent who is committed to the Department of Children and Youth Services. In order to maintain that facility as such, the Commissioner would be forced to maintain a maximum security lock-up, follow up situation for all 36 children. He doesn't do it that way. I don't think it's going to be in the most rehabilitative aspects for 36 children. If he has to design a facility so that 34 people are treated the same way as 2 children who he feels are a complete menace and who he thinks have to be locked up on a nightly basis, an hourly basis, and constant surveillance, it's going to defeat the purpose of this diagnostic and research facility.

I agree with Mr. Dorman that problem we were speaking of here today, is a very limited one. I would hope that in numbers which he has expressed to this Committee turn out to be exaggerated numbers. And then at a meeting with Commissioner Maloney 3 weeks ago, he said that of 7 motions of transfers to Cheshire that he's made in the last 3 years, if he had his facility which will be available to him once it's completed at Long Lane, he could only think of 2 cases where he would still have moved to transfer the child to Cheshire. It is my desire or I think it is the desire of the Department, that no child should be transferred to Cheshire until it's absolutely necessary.

I think a point that bears stressing is the great reluctance of both the Department of Children and Youth Services and the Judges of the Juvenile Court and I might say for myself as Court Advocate, to move for such a transfer and have a child bound over to Superior Court or to the Cheshire facility. We have however found that in certain situations ah, the situation has gotten beyond the control of both the Courts and the Department. We have a specific case where a 19 year old housewife is brutally raped at knife point with a 5 week old child in her arms. The Department of Children and Youth Services moved to transfer this child to Norwich State Hospital. Norwich State Hospital said this child was not susceptible to Psychiatric or Psychological Treatment, gave him back to the Department of Children and Youth Services and suggested that he be released on a week-end temporary basis. He was released on a Friday afternoon, he was apprehended before the day was out for attacking an 85 year old woman and her 56 year old daughter. He subsequently escaped from ah, the Department of Children and Youth Services, was apprehended in Virginia, was returned to Connecticut and while being escorted up the stairs in Meriden escaped for at least a 3rd time, and presently, and to the best of my knowledge, is being incarcerated in Springfield and answering to criminal charges in Massachusetts.

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MICHAEL WHALEN: (CONTD.) I agree with Dr. Lewis, when she states that no child who has got Psychotic problems, Neurotic problems, Physiological problems should be sent to Cheshire or incarcerated because that child represents a menace to society. It is certainly the opinion of the Department of Children and Youth Services and I think from the Juvenile Court, that a child who requires medical treatment, can be treated, should certainly be given this treatment.

However we have referred a situation such as this to the intake facilities of these Institutions. And a great number of circumstances they have given the children back to us. At that point ah, I think it does become a question of whether society is going to be protected or whether this child is going to be ah, put through a series of Psychological experiments which are going to lead him, him or her, to be on the streets of Connecticut. I strongly felt as I drove up here - -

SENATOR DAVID NEIDITZ: INAUDIBLE - NOT USING MIKE

MICHAEL WHALEN: Yes sir. Well I think to a certain extent that the, Mr. Dorman and the Commissioner would, would agree that when you have a child who has been referred to the Department and ah, you get a response from a Psychiatric In-take Unit someplace, that this child ought to be allowed to go out on a week-end to see how he makes out back in the community. But allowing him to do so is an experiment. I don't think anybody says that there is any degree of assurance that something will not happen. A former Director of the School for Boys, at one time expressed the opinion to me that a boy who was in Meriden, had deteriorated physically and mentally to such a state, that in good conscience he could not keep that child in Meriden in a secured facility without endangering this child. He let the child out for the week-end and according to all reports the child caused over \$100,000 worth of damage before he was brought back to the facility. This child also got extensive publicity in New York and nationwide reporting services as having escaped from the custody of the different departments of the Juvenile System or the Department of Children and Youth Services 22 times.

Certainly at some point in time a decision should have been made that this boy should have been incarcerated in a more secure facility. And I think it's kinda asking a bit much of the Department of Children and Youth Services when they come in here and say, look we've got a problem we can't handle, we're admitting we can't handle, and then turn around and say why can't you handle it when they have been striving to do so since their creation. Certainly, hopefully a merger of the Welfare Department and Connecticut Mental Health with the Department of Children and Youth Services the situations that regard children will hopefully lead to stemming the situations before they get to the point they have.

I certainly agree with any Member of the Committee who thinks that situation whether it be a Washington or anybody else, should have been curtailed at the time when the child was 8 years old.

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MICHAEL WHALEN: (CONTD.) The sooner you can do it, the better. And hopefully with Commissioner Maloney now heading these combined services will have the possibility of more aggressive action by the Protective Services Department of the Welfare Department. We will have more effective mental and psychological examinations and that we will have greater alternatives. Where I think as regards what I consider to be one or two situations a year, Cheshire has to be a possibility. I agree with Mr. Dorman in that this situation will become known on the streets almost immediately. It's my experience and my feeling that the number of referrals in New Haven being double that of Hartford and Bridgeport, is largely the result of the fact that the New Haven Juvenile community knows that at the present time there is only one sanction. That's Long Lane. And they're not afraid of it.

REPRESENTATIVE MARTIN BURKE: Mr. Chairman.

SENATOR DAVID NEIDITZ: Representative Burke.

REPRESENTATIVE MARTIN BURKE: I think it's a fair summary of your testimony that on Line 29 in BILL 45, the line which there is no State Institution designed for the care and treatment of children to which said court may commit such child which is suitable for his care or treatment. If I understand your testimony correctly that, that probably is the primary reason for SENATE BILL 45.

MICHAEL WHALEN: That is correct.

REPRESENTATIVE MARTIN BURKE: Well, it occur's to me that what your're asking ah, and what the proponents of the Bill are asking the Legislature to do, is to go in the back door to solve this problem. When it, at least in own personal view, is very apparent that we don't have, and everybody's said it, every speaker on our other side today, we don't have proper facilities. I just wonder whether we're not putting blinders on by trying to solve it with enessence of criminal statute rather than putting some money at that end of the system that's been needed for so many years. And whether this is an austere year or not, I don't think this, I think this is a matter of priority and not one we can say we can't afford this year. I certainly haven't made up my mind yet on SENATE BILL 45, b ut I think it takes the wrong approach.

MICHAEL WHALEN: I agree with you to great extent . And I've heard Dr. Lewis make this argument before very effectively. I think however that we have to consider Mr. Dorman's statement that at the moment we have to deal with the facilities that are available to us. Facilities that are available to us at the moment are Long Lane School, and the not yet constructed, more secure facility. As regards Meriden, I don't even consider that as being available to us because we've had a least one Federal Judge say he didn't consider it a fit place to keep a child. However dealing with what is available to us I don't think that we can afford to wait until we get a clinical, residential facility which will accommodate one or two children a year, staff it, figure out how it's going to work. I think that at the moment as Mr. Dorman has said, it's difficult for his department

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MICHAEL WHALEN: (CONTD.) which is basically concerned with the children as opposed to society to come in and say, we've gotten to the point where society has to be considered first. I'd like to make one other point. I think it's Mrs. Hessel who suggested that last week or on March 4th, Judge Conway asked that Eric Washington be bound over to Superior Court. The decision to bind Eric Washington over to Superior Court was made after a 3 day full scale Hearing at which I represented the Juvenile Court and he was represented by Council. It was not a decision that was made lightly. I think Judge Conway indicated that he had spent more than 30 hours in making his decision. Before it was made Judge Conway availed himself with himself of another provision of the murder chance per statute, which is provided for in BILL 45, that prior to any such transfer bind over situation, an investigation be made in accordance with Section 1766, to give the court a basis for finding that there is no State Institution designed for the care for children which will accommodate them. I think the Judge's decision was that after 3 days of Hearing, checking all the Psychological Reports, Back-ground Reports, Probation Officer Reports were made available to him, there was no State Institution designed for the care of children which was suitable for Eric Washington.

And I take exception to anybody suggesting it was a unilateral decision made by any one man.

REPRESENTATIVE MARTIN BURKE: I think my point is just simply that I agree with you that there are no facilities. And the approach SENATE 45 takes, in my view, is the wrong approach. Right this year the Legislature ought to concern itself with adequate facilities.

MICHAEL WHALEN: I'd, I'd be more than happy to see that, but in-until I see, saw something like that coming, I think it's important that we provide a facility for making sure that these isolated cases be off the street. Now my experience over the last 2 years has been absolutely shocking. The Committee has asked for statistics and I certainly will endeavor to provide them with statistics such as ah, George, age 16, referred 66 times since 1965 - Henry age 16, returns, referred 64 times since 1967 - 51 times in 67, 48 time in 68. Four brothers referred a total of over 120 in the last 3 years. Then we get to the type of crime that we're talking about, ah, my feeling coming up here was the victem's would make much better witnesses would make much better witnesses in support of this Bill than I would. When a woman who was shot in New Haven, in the stomach after offering no resistance in a Super Market robbery, ah, if she had known that this was the 3rd time that the child had shot her, had walked into a store wielding a qun and was still on the streets, I think maybe she would have made a good witness. When the 85 year old woman with the 56 year old daughter was the victim of sexual attack less than 6 months after a 19 year old housewife was a victim of an attack by the same person, I think she would have made a good witness. We've got people that have been hospitalized for an extended period of time. Certainly we have somebody that's dead. I don't think that the Gary Stein situation or the recent

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MICHAEL WHALEN: (CONTD.) murder in Hartford should be end all or the excuse for incarcerating young children. Certainly it does reflect the problem.

SENATOR DAVID BARRY: You going to send us INAUDIBLE NOT USING MIKE

MICHAEL WHALEN: I would like, I would like to send - -

SENATOR DAVID BARRY: Would you send the case histories REST IS INAUDIBLE - NOT USING MIKE

MICHAEL WHALEN: I have case histories and as soon as I'm authorized by the Chief Judge I will be more than happy to send them to you.

SENATOR DAVID BARRY: INAUDIBLE NOT USING MIKE

MICHAEL WHALEN: I would be more than happy to do so.

SENATOR DAVID BARRY: INAUDIBLE NOT USING MIKE

MICHAEL WHALEN: I think that Mr. Dorman would probably be in a better position to get that but I'm sure that information is available.

REPRESENTATIVE ROBERT TOBIN: Senator.

SENATOR DAVID BARRY: Representative Tobin.

REPRESENTATIVE ROBERT TOBIN: Why do you feel that the Superior Court is the, is the better forum for handling cases of this type? I think we can all agree that there's a lack of facilities for handling Juvenile Offenders. Why is the Superior Court the better forum for handling this type of case?

MICHAEL WHALEN: Well I think the Council for the Committee would probably be ah, be able to illuminate on that situation somewhat. As some of the Members of the Committee may remember I came up here last year asking that the Juvenile Court Judges be given the power to sentence directly to Cheshire. That Bill admittedly was fought with constitutional problems. As the Chief Judge of the Juvenile Court has often stated he is not going to see or would not like to see the Juvenile Court turned into a Criminal Court. Basically still a Civil Court sitting in parents patriot to the child. The Judges of the Juvenile Court do not make sentences. They do not make determinations of length of sentences. They can not under the Statutes as presently constituted. The Judge of the Juvenile Court has the power to adjudicate and to commit to the Department of Children and Youth Services and after that the determination of length of stay is made by that Department. I would like to see a Judge given the power to set sentences. I would like to see a Judge given the power to commit to certain Institutions whether it be Cheshire, whether it be Connecticut Valley Hospital whether it be Norwich, whether it be Long Lane School. But I think it ought to be a judicial determination rather than one which has been made exclusively by the Department of Children and Youth Services up to this time. I certainly think

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MICHAEL WHALEN: (CONTD.) that the Department should be in a position to ask that a Court make that determination.

REPRESENTATIVE ROBERT TOBIN: Well, as I understand it over the past 6 or 7 years the trend of Supreme Court decisions has been to make the Juvenile Court more of a court in terms of due process rights and the cases out of Texas and which went to Supreme Court. Again I don't think you are really answering the question as to why the Superior Court as opposed to the Juvenile Court, and I use the word Court, is the better forum for handling this type of case.

MICHAEL WHALEN: Well, as constituted the Juvenile Court doesn't have the power to commit into those Institutions. If the ah, Representative is suggesting that the Juvenile Court Judges should be the ones to be able to determine where the child is sent or the child should be sent to Cheshire, I really don't have much quarrel with that. The only thing I can say is that Bill was brought before this Committee last year and it was referred back again and I have to agree that after checking out the history of the Juvenile Courts system in this State, that it would probably be susceptible to constitutional attack.

REPRESENTATIVE ROBERT TOBIN; Constitutional attack on what basis?

MICHAEL WHALEN: Well, the majority of statutes which exist throughout the country, although they are providing due process for Juveniles, ah, to a greater extent than formally, we have not gotten around to a Jury Trial in Juvenile Court for Juveniles. I don't that you would find that we would be able to sentence a child to Cheshire or commit a child to Cheshire without the benefit of a Jury Trial which is available in Superior Court and is not presently available under a Juvenile Court System.

MICHAEL WHALEN CONTINUED: There have been attacks, New York had a transfer statute transferred to Elmira in cases of Felonies, ah that was susceptible to attack. And the leading case there got knocked down, they held that the court could not send the child to these Institutions without benefit of Jury Trial. So they gave them a mandate, try sending them over to Superior Court and having them get all the rights of Superior Court. Which is what we are seeking to do in this Bill. The child will have the benefit of a Jury Trial and will be tried as an adult.

REPRESENTATIVE ROBERT TOBIN: There have been Federal cases though, however which indicate that the Jury Trial is not required in Juvenile Court.

MICHAEL WHALEN: Not, I think the case is certainly hold that but they're also saying don't try and send him to an Adult Institution if you aren't going to give them a Jury Trial.

REPRESENTATIVE ROBERT TOBIN: What would be the facilities that the people who were bound over to Superior Court, where would they be sent now? Under Senate Bill 45?

MICHAEL WHALEN: I think that the proponents of this Bill certainly

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MICHAEL WHALEN: (CONTD.) envision Cheshire as being the primary recipient of these cases.

REPRESENTATIVE ROBERT TOBIN: What about Somers?

MICHAEL WHALEN: I don't think anybody connected with the drafting of this Bill is ah, has felt Somers would be an appropriate place for children.

REPRESENTATIVE ROBERT TOBIN: What about women?

MICHAEL WHALEN: Women, I, I really can't speak for them. I really don't know what the feeling on that is. To the present time we haven't we haven't run into the situation as regard women. There have been, ah cases in the past where ah, we have women accused of more violent crimes. There was a murder situation in New Haven about 3 years ago. But again I'd like to stress that what this situation or the decision to go to Superior Court is not an automatic thing and I think and I think it's ah, would remain a rarity ah, throughout the time it existed on the books. Ah, we had situations in the last 2 years, we've had other murders, the decision has not been made to, referred to Superior Court. Ah, there was another co-defendant in the Gary Stein Case. The decision was made not to refer to Superior Court. There have been rape situations which I don't think or armed robberies situations where I don't think they would be fit cases for referrals to Superior Court. I think what the Department is asking for, what the Court Advocates are asking for, what the Judges, the police and the victims are asking for is when we've got a bad one, when we've exhausted every facility known to the State for rehabilitating this child, when it appears that we've done everything that we could, let's lock him up. I agree with the rehabilitative aspect. I certainly agree that we need more mental facilities. We need more Psychological Workers, more Social Case Workers. But in the meantime let's keep the streets a little bit more secure.

REPRESENTATIVE ROBERT TOBIN: The fact that it's rare though, cut's both ways, doesn't it in terms of the question of the expertise of Superior Court Judges to deal with Juvenile Offenders? The fact that they are very rare, it's important, at least it seems to me to have people dealing with offenders who have expertise in the area involved and the fact that they are very rare, your're not going to have Superior Court Judges with expertise dealing with Juveniles.

MICHAEL WHALEN: I agree with that, but the safeguard which is built into that as I see it, is a Juvenile Court will still have exclusive original jurisdiction as regards any specific case. And if the decision is made to bind the child over to Superior Court that decision is going to be made by a Juvenile Court Judge, excuse me, and after the Court has been satisfied that the child meets all the requirements that are set forth in the Bill. So the expertise ah, which is the background for making the decision for going over to Superior Court, will be coming from the Juvenile Court System.

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REPRESENTATIVE ROBERT TOBIN: Can you send us any statistics on children who have been arrested Class A, Class B Felonies and have been treated successfully by the Juvenile Courts?

MICHAEL WHALEN: I can certainly provide you with statistics of the number of Class A and Class B Felonies, I don't know whether I can provide you with success stories.

REPRESENTATIVE ROBERT TOBIN: It's always good to get a balance . . . I agree.

SENATOR DAVID NEIDITZ: Mr. Bordon.

MR. BORDON: Is it the conception of this Bill that the Investigative Report under 1766, which is referred to on Line 26, would somehow follow the Juvenile to the Superior Court? Would that stay in the , I meant the Superior Court, would that, or would it stay in the Juvenile Court Files?

MICHAEL WHALEN: No, I certainly think that as regards the dispositive aspect of ah, of the ah, Juvenile Court or, pardon me, Superior Court proceedings, that that investigation would certainly be a part of the Superior records. Ah, it, I think it is probably the most important aspect of ah, the Bill as it is presently set forth in that ah, we are not saying that every murderer goes to the Superior Court. We're not saying that every murderer has to be locked up entirely, the thrust of the Bill is as I see it is that we do not have an Institution designed for the care of this child.

MR. BORDON: I'm just concerned about this and that is, this report provided for in this Bill would made before there's a final adjudication of guilt in Superior Court.

MICHAEL WHALEN: That's correct.

MR. BORDON: That's the probable cause stage in the, in the Juvenile Court. Ah, ordinarily in the Juvenile Court that report is not made until there has been adjudication of delinquency, and I'm concerned that there are no provisions for privilege of this material. Ah, that somehow this could be used in violation of the Juvenile's constitutional rights against self incrimination, When he gets over to the Superior Court, if it's available. And do you think if this Bill is considered favorably some edges should be written into it to make it clear?

MICHAEL WHALEN: I think that the cases which have been transferred and I might say that in the, there is a Transfer Statute in the case of murder on the books. It has been on the books for a number of years. The motions for transfers to Superior Court have been made in the past. Up to ah, 2 months no transfer was ever granted to Superior Court, just to give you some idea of the rarity. I know in the New Haven situation the report that came down from the Probation Officer and the Staff of the Juvenile Court did not touch on admissions of guilt or statements which would prejudice the rights of the child in Superior Court. I think those statements

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MICHAEL WHALEN: (CONTD.) in evidence or any suggestion's along those lines were very studiously avoided. So I think there are people other than yourself that were concerned with that. I don't think that the rights of the child have been prejudiced by the Social Investigation.

REPRESENTATIVE ROBERT TOBIN: Senator, can I ask one more question?

SENATOR DAVID NEIDITZ: Representative Tobin.

REPRESENTATIVE ROBERT TOBIN: Ah, you indicated that some children who commit the offense will be tried in the Juvenile Court, some will be transferred, and you've talked about constitutional arguments. Do you see any difficulty with equal protection arguments, ah under the 14th Admendment to the Constitution on the basis of these standards where one child is tried as an adult or another child is left behind to be tried in the Juvenile Court?

MICHAEL WHALEN: No more than I see any ah, any other prosecutorial decision which is made ah, to prosecute on a given charge or reduce the charge to a lesser offense. Ah, the argument was made in the Eric Washington case, ah, it'll probably come up again. I think it will withstand attack. I think simply, we've got a situation where we don't, contrary to the belief of some people, we don't want to see the wholesale transfer of problems from the Department of Children and Youth Services or Juvenile Court to Superior Court. I think it's our sincere desire that if this Bill hit's the books and ah, ah the facility at Long Lane works out the way it's envisioned, we won't see many transfer's at all. I would hope that we wouldn't have more than 1 a year.

SENATOR DAVID NEIDITZ: Senator Barry.

SENATOR DAVID BARRY: Ah, I'm not sure I understand why your're for this Bill. Is it because Cheshire would then be a available or the protection of Constitutional Rights or, or is it just an overall desire that ah, there should be some incarceration? Why is it you want it in the Superior Court, that's TWO SPEAKING TOGETHER.

MICHAEL WHALEN: I want it in Superior Court so that Cheshire would be available. That's number one. That Cheshire would be available with the Constitutional safeguards that incarceration in Cheshire will not be subject to the Constitutional attack.

SENATOR DAVID BARRY: For the lack of a Jury Trial?

MICHAEL WHALEN: For the lack of a Jury Trial or for the lack of ah, well basically the situation as it exists and the argument has been made, you cannot make a child susectible to Juvenile Court proceedings and then, then sentence to an Adult Institution. Take one or the other. Try him as an adult or try him as a Juvenile. We can't, the any Legislation or case that I read from other Districts, U.S. Court of Appeals, Texas, California, and New York ah, have come down you can't have a highbrid. Do it one way or another.

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SENATOR DAVID BARRY: Well, excuse me but you can waive your rights to a Jury Trial.

MICHAEL WHALEN: Yes, I - -

SENATOR DAVID BARRY: You do that under the Youthful Offender Act and you can still go to Cheshire, wouldn't that be possible to that in Juvenile Court as well?

MICHAEL WHALEN: I don't think so. We've had problems on that in the past. There's a Transfer Book or a Transfer Statute that's on the books now and it's very seldomly used. Ah, I think basically for that reason.

SENATOR DAVID BARRY: Are you talking about the transfer - -

MICHAEL WHALEN: from Long Lane to Cheshire. It's become very burdensome, it's become susceptible to attack, it's been done a number of times or at least in one instance I know by agreement of the child and his attorney. Ah, I think this is more constitutionally safeguarded. It's going to withstand attack better. Ah, and I sincerely believe as Mr. Dorman has stated, that in the instances in which we are going to move for a Transfer to Superior Court that it would be the feeling of the Court after a full Hearing that Cheshire would be the better place for the care and treatment of that child. Ah, when you are faced with the situation as we've been faced with over the last period of years, the first 3 months of 1974 ah, the 555 escapes or the first 9 months of the given year 555 escapes from Long Lane, ah, when these kids go out ah, when they leave Long Lane they're not walking from Meriden or Long Lane, Middletown to New Haven. They're not taking a safe by-way. They're stealing cars to get involved in police chases. We've had at least two instances in the last 2 months of youths trying to run down police officers in stolen cars while escapees from Long Lane.

SENATOR DAVID BARRY: Well it's presumed in Line 29 in that Sub-Section 2, for the Transfer that there is no facility that the Juvenile Court can transfer him to.

MICHAEL WHALEN: That is correct.

SENATOR DAVID BARRY: But it's also adherent in that language that, that there is some facility that Superior Court could put him to.

MICHAEL WHALEN: Yes.

SENATOR DAVID BARRY: You have to read that into before you could transfer to Superior, your're saying that there is some facility that is adequate for the care and treatment, and that is not in the alternative but that is, the word is and, the care and treatment. Now as of now, there isn't such a place. At least I wouldn't characterize Cheshire as being one. So that under this, under our present circumstances there wouldn't be any transfer anyway. Even if you had this law.

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MICHAEL WHALEN: Well, I don't, ah, perhaps the Senator is more expert with Cheshire than I am, I've been on 2 occasions, I've had a full tour of the place, I met with people in their After-Care Program, members of their different programs while there. I think the experience ah, of ah, Juveniles who have been transferred to Cheshire has been basically better than it would have been if they remained in Meriden. Ah, and I think in Section 3 it's the 4th Line, 30 ah 31, the facilities of Superior Court do provide a more effective setting for disposition, and the Institutions, and I would include Cheshire, ah, are more suitable to the care and treatment of such a child. Certainly ah, if a child is incarcerated in Cheshire and there's incarcerated under conditions which are more erroneous to the child than the facilities at Long Lane, he's still better off than if he's driving a stolen car and get's shot by a police officer, which has happened in the last 6 months.

SENATOR DAVID BARRY: Thank you.

SENATOR DAVID NEIDITZ: Thank you, gentlemen. John Borys.

JOHN BORYS: Thank you Senator. My name Borys, I'm Director of Juvenile Court Per Patient Services for the State of Connecticut. And I represent the Juvenile Court Judges in respect to ah, 20 Bills of 960.

We respectfully request your consideration of placing 960 under further Committee study, or study by any Commission constituted by this particular chamber for additional study in terms of it's impact especially on the parents whose children are exhibiting these kinds of behaviors in a community. Ah, we are not opposed to the consideration or removing status offenders per se out of the Judicial process of the Court. We are concerned that in our experience ah, the number of children who must be processed Judicially as a result of this kind of behavior, constitute long standing and very difficult problems ah, for both the child and the parent. Ah, we are concerned that ah, in addition to the removal of the status offender from the Bill that there is some guarantee the parents of this date there will be resources available to whom they can call upon for assistance in handling these kinds of very difficult, very severe problems.

SENATOR DAVID NEIDITZ: INAUDIBLE - NOT USING MIKE.

^{Al Alissi}
ALAN LEESY: Good morning, my name is Alan Leesy, I am a member of the INAUDIBLE School of Social Work and a member of Coalition for Juvenile Justice, and Chairman of the Schools Criminal Justice Task Force. The statement I'll be reading is a combined statement prepared by a number of faculty members, students and members of the Criminal Justice Task Force. I have copies for every member of the Committee which I've INAUDIBLE with you. Also included is a 72 page statement A Removal of Status Offenses from the Criminal Justice System. Two position papers from National Council on Crime

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SUZANNE CAVELLO: (CONTD.) Offenders differently than Juveniles who commit criminal acts. If Status Offenses are removed from the jurisdiction of the Juvenile Court, the problems of which they are symptomatic will have to be faced.

2. We also support the concept of Bill 45 which deals with Juveniles aged 14 or over who have committed Class A and Class B Felonies. We feel that there should be a procedure for handling these children using proper investigation such as outlined in the Bill. We must acknowledge that there are some, although few, children of this age whose size, physical development and criminal record make them comparable to Adult Offenders and who cannot be properly dealt with by the Juvenile Court and the Department of Children and Youth Services.

In closing I wish to restate our support of Bill 8304, to provide a comprehensive and coordinated study of the Juvenile Justice System.

SENATOR DAVID NEIDITZ: Judge Knierim.

JUDGE KNIERIM: Thank you Mr. Chairman and Members of the Committee. I'd like to change the scene a little bit to the Probate Courts for a few minutes if you will bear with me. The Bills before you today as you know, deal primarily with our Adoption Laws and those are handled in the Probate Courts.

The first Bill I'd like to address myself to is #5127. This Bill was apparently raised to solve a very serious problem that we have but, I'd like to suggest to you that it doesn't really to the job. The problem is that the new Adoption Law that was passed by the Legislature last year, requires that no child may be adopted unless it happens to be a Step-Parent Adoption or a Relative Adoption. Unless that child was placed by the Welfare Commissioner or by a Private Agency.

There are many children in the State who not so placed but never the less should be allowed to be adopted. And this Bill was apparently drafted to solve that problem. I oppose the Bill however, because it sets an arbitrary age beyond which the requirement of placement be waived. I think therefore that it would encourage the possibility of a Black-Marker Adoption situation. In other words people could go out of the state and buy a child bring it back and just wait out the 8 years during which time they could be guardians of that child. And after the child reaches the age of 8 they could go ahead and process the adoption and therefore they would violate our public policy. And that's the reason I oppose the Bill.

I do have a Bill which I'll speak to in a few minutes which I think will solve the problem in a little better way. BILL 5452 I was going to speak in opposition to but it's sponsor came before you this morning and made me aware of a problem which I just didn't know existed. This Bill requires that a name change be made by Institutions after an adoption takes place. No one has

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LT. HUGHES: (CONTD.) Connecticut Child Abuse Committee would like to see this Bill passed. It's purpose being to provide for the appointment of an attorney in Juvenile Court on custody matters. I have one more Bill I would like address if there's time. Is there? You've been sitting here all day.

COMMITTEE BILL 45, AN ACT CONCERNING TRANSFERS FROM JUVENILE COURT TO SUPERIOR COURT. Excuse me Gentlemen, that's the wrong one. No, that's the right one. AN ACT CONCERNING TRANSFER FROM JUVENILE COURT TO SUPERIOR COURT. The Connecticut State Police Department would be in favor of this Bill. And if you've been reading the paper the last six months I'm sure that you understand why. Ah, we are as aware as any other Agency that there are 6 ft. 4, 225 pound, 14 year olds who are beyond the ability of the Child Caring Institutions to cope with. And I would like to point out that this Bill does provide safeguards in that, the transfer would be made after a Hearing where there is reasonable cause to believe the child has committed the act which he's charged. That there's no State Institution designed for the care and treatment of the children to which the Court may commit such child which is suitable for his care and treatment and the facilities of the Superior Court provide a more effective setting and disposition of the case, etc. We definitely would testify for this with the safeguards built in.

REPRESENTATIVE THOMAS CLARK: I don't know if you were here at the . . . testimony.

LT. HUGHES: So I understand.

REPRESENTATIVE THOMAS CLARK: There are a lot of problems .

LT. HUGHES: I realize that. Again I would like to point out to you that I'm talking to you as 3 people today. I am talking to you as Doris Murphy Hughes, R.N., Psychiatric Nurse. I'm talking to you as Lt. Doris Hughes, Connecticut Police Department, 19 years. And I'm speaking to you as a Member of the Connecticut Child Abuse , Connecticut. Ah, there are a few childre between 14 and 16 who cannot be contained within the facilities of our Child Caring Institutions. I think that as a society we should hang our head, however these are the facts. And the facts are that they cannot be contained, that ultimately if they are not placed into the Superior Court Jurisdiction and contained in some reasonable Institution surroundings and they continue into trouble it goes to the ultimate end where we have recently witnessed for instance a murder. And I think that what we would like to do and what we must do sometimes are quite often two different things. And I think we must give our ah, Juvenile Court Authorities and Superior Court some discretion in this area for the protection of the public.

REPRESENTATIVE THOMAS CLARK: With your somewhat . . . background . . . do you think that the problem might be handled at least from the age we are talking about . Ah, one of the things that we are concerned about is if you put somebody into Superior Court . . . six months If your're talking

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REPRESENTATIVE THOMAS CLARK: about probably Standard Hearings before they even get to Superior Court Do you think that a maximum security MOST OF THIS TESTIMONY IS INAUDIBLE AS HE IS NOT SPEAKING INTO THE MIKE.

LT. HUGHES: We've been talking about planning, praying for and pleading for a Maximum Security or a Diagnostic Unit for so many years now it is simply not a reality. It is simply not a reality at this point in time. I sincerely hope it will be. However in the past year or year and a half you have read with me repeatedly that these young children between 14 and 16 cannot be contained within the facilities that the Juvenile Institutions have. Ah, even if it were temporary to the point when a Maximum Security Unit would be available. Something must be done. In the meantime if nothing is done, if the problem is not addressed even temporarily then it will continue and ah, if it goes, continues in the direction that it's been going there will be very many, many more serious consequences for the citizen's of Connecticut between now and the time the Diagnostic Unit is built. And I am one of the ones who has seriously prayed and plead and ah, talked for a Diagnostic Unit. This obviously is the answer. However it's quite a few million dollars away.

REPRESENTATIVE JOSEPH WEIGAND: Ah, perhaps I missed it but I don't think you addressed yourself to Bill 960. That was the one about removing runaways and truants and so forth from the ah, Juvenile Court. Ah, just from your experience you know, this ties in. It's going to be a problem also for State Police. From your experience do you have any opinion for or against that Bill?

LT. HUGHES: Well, ah, I know our State Police Commissioner at this point in time certainly agrees with the concept. We are certainly in , deeply involved within our Department with every aspect of diversion and alternatives to arrest that we could possibly develop. I will say this, I do recall that Massachusetts at one point in time ah, did something before they were quite ready. That is they closed all of their Juvenile Institutions. There was nothing else in place. And it was chaos. And while I, I would personally support the concept of Bill 960, and I'm sure that my Department would, ah, still we have nothing in place. Ah, and all of this anti-social behavior that children indulge in and they are children, they are our children. Ah, their symptoms and they had better be dealt with. We better have something else in place to deal with these symptoms before we take away what we have now. Now I would agree with you that it's these Status Offenses are a burden on the Juvenile Court. A much over-worked Court. Ah, however I'm very reluctant to see them removed until there is a , a really competent program designed and funded and in place and operational.

REPRESENTATIVE JOSEPH WEIGAND: I don't, ah, I'm not really advocating ah, an enactment of 960 because it's a burden on the Juvenile Court but because I think that's the right way to go, but you feel that there has to be something - -

LT. HUGHES: I agree that it's the right way to go, but ah, ah, you know, and I certainly do ah, subscribe to children's rights and