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No Clear Link Between Juvenile Crime Spree, Legal Reforms

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A recent spate of serious juvenile crime, including a string of car thefts in which offenders fled police at high speeds and the slaying of an innocent 63-year-old man in Hartford, represent one of the most serious and brazen outbreaks in years.

The spree led to assertions from top state law enforcement officials that laws adding 17-year-olds to juvenile court, and making it harder to lock-up juveniles or transfer them to adult court, have made Connecticut more dangerous.

But a Courant review of five years of juvenile-crime data found that it would be hard to draw a straight line between the reforms and the recent outbreak.

Adding the 17-year-olds in 2012 has not overwhelmed the Connecticut juvenile court, as was feared. One major indicator shows that older teens handled in juvenile court are veering away from the criminal justice system in significant numbers, and only a relatively small number of them are being imprisoned later as adults.

But law officers said that restrictions on adult-court transfers and juvenile lock-ups have made their jobs harder and the public less safe — a statement that advocates refute.

"Since that statute was passed by the legislature, it's been extremely difficult -- not impossible, but extremely difficult -- to transfer [cases] to the adult court," Chief State's Attorney Kevin Kane said in an interview last week, echoing a position he took in a recent opinion piece in *The Courant*. He was joined by Francis J. Carino, supervisory state's attorney for juvenile matters in Kane's office. Both men said they feel that the limits on juvenile detention have tied the hands of prosecutors and police officers.

"We can't put kids into detention for their own best interest even if they are doing something that could be damaging to [them]," Carino said. The changes in the detention law haven't left prosecutors with much latitude, Carino said. "If it doesn't look like they've got enough evidence for detention or a transfer, they are not going to bother."

Martha Stone, UConn law professor and a pioneering children's rights and juvenile defense lawyer, makes the point that a juvenile can still be detained for dangerousness. She and other advocates are adamant that years' worth of research shows that locking up teen-agers for reasons other than a public-safety threat causes harm in the long run.

"No one has been able to show us, ever, that keeping a kid in detention for 10 days instead of four, is better for public safety," said Abby Anderson, executive director of Connecticut's Juvenile Justice Alliance, a key backer of the reforms.

While there has unquestionably been a recent uptick in serious juvenile offenses, reform advocates say it's too early to tell if the increase will persist.

Juvenile crime numbers have fluctuated in recent years.

In fiscal 2016, juveniles committed 688 serious crimes — such as felony assaults, robberies, and first-degree larcenies. The figure jumped to 793 in fiscal 2017, which ended June 30. That's the second highest total in the last five years.

But adult court and adult prison for the older teens have not proven to be reliable antidotes to crime, said Michael Lawlor, Gov. Dannel P. Malloy's point man on crime policy. The former prosecutor and legislator said the large majority of juveniles whose cases are transferred to adult court end up receiving probation. He said a juvenile judge could hand out a sentence of probation just as easily.

All class A felonies, such as murder and aggravated sexual assault of a minor, and some B felonies, such as first-degree manslaughter with a firearm, assault of an elderly person, and transferring a stolen gun, still trigger automatic transfers to adult court.

While one of these serious offenses can rock a community, Kane and Carino note a relatively small number of juveniles commit these top-tier violent crimes each year.

"Connecticut's at a crossroads," said Vincent Schiraldi, senior research fellow at Harvard Kennedy School and former chief of probation in New York City. "You can say to a kid, 'We have a nice warm bed for you in the juvenile lock-up,' or you can narrow the scope of the juvenile justice system, which you have done, and swim upstream to catch the mental-health issues and the effects of childhood trauma earlier."

THE REFORMS

Seventeen-year-olds were added to juvenile court in July 2012, part of the raise-the age reforms pushed by the advocates and passed by the legislature.

When Connecticut did this, it joined most of the rest of the country — at least 40 other states — in treating older teenagers as juveniles up to their 18th birthday. There was an increase in serious offenses when the older teens were taken away from adult court and added to juvenile court. Since then, the numbers of serious juvenile offenses have fluctuated, but not wildly so.

In fiscal 2012, there were 542 serious juvenile offenses; in fiscal 2013, following the raise-the-age initiative, the number climbed to 769. In fiscal 2014, it rose again, to 825; then dropped to 748 in fiscal 2015, dipped again, to 688, in fiscal 2016; and rose in fiscal 2017, to the 793 figure.

Told of those numbers, Marcy Mistrett, chief executive officer of the Washington, D.C.-based Campaign for Youth Justice, said Connecticut's experience reflects the national trend: Adding the older teens has not come close to overwhelming the court or producing lasting increases in crime.

"We see these ebbs and flows," Mistrett said of Connecticut's numbers, "but over time, it has remained within a range." It would be unfortunate if Connecticut overreacted to an increase, Mistrett said.

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Abby Anderson,
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Juvenile Justice Alliance

"There's no denying we've had the high profile incidents, but we don't yet know if [the recent uptick] is a trend or a cluster," said Anderson, of the Juvenile Justice Alliance. "You don't want to respond to a group of offenses with massive policy reversals."

On Jan. 1, 2016, it became harder to transfer juveniles to adult court. For murder and other violent crimes, the transfers remained automatic. But some robbery offenses and other crimes that had been automatic, were made discretionary — that is, a judge could decide to keep the case in juvenile court.

For the prosecution to win a transfer, it now has to prove that the shift to adult court is in the best interest of the juvenile and the public. Prosecutors wondered when it would ever be in the youth's best interest to transfer him away from the protections of the juvenile court.

That aspect of the reforms has been a hindrance to police officers and prosecutors, Carino said, adding that the law enforcers would like to have more latitude, on a case by case basis, to transfer or detain. "We are not talking about a large percentage of kids... there's a small group of kids that get involved in crimes across this state that pose a threat." Carino said.

Predictably, the discretionary juvenile-to-adult court transfers have plummeted, dropping from 45 in fiscal 2012, to 6 in fiscal 2017. Lawlor, Malloy's crime guru, reiterated that most kids transferred to adult court, with the exception of the few charged with the most violent offenses, received probation.

Why not keep the cases in juvenile court and spare the young offenders a felony record that could hamper them the rest of their lives, Lawlor argues. However, Lawlor said the administration is open to relaxing the demand that a transfer satisfy both the best interest of the teen-ager and the public's safety.

On Jan 1., 2017, it became harder to put young offenders into juvenile detention. Prosecutors are now largely limited to the argument that the youth would be a danger to public safety, was wanted by another jurisdiction, or had a history of failing to appear in court.

Prosecutors or police could no longer win detention orders by saying that the youth needed to be locked up for his or her own safety, or that the youth was violating the conditions of release by using drugs, hanging with a gang, or breaking curfew.

In other words, it was no longer sufficient to argue that the youth was a danger to himself, had mental health issues, or a dysfunctional family life — a combination that most young offenders are indeed experiencing. With this reform, the legislature was saying that for young offenders with those problems, therapy and treatment in community-based programs, not the juvenile lock-up, was the better option.

The advocates interviewed for this story all said that the problem isn't that it got harder to lock-up traumatized kids. They said the issue is that the community-based treatment and therapy programs — which they say work better than jail for troubled kids who don't pose immediate public-safety threats — have been woefully underfunded.

Kane said he agrees that there are resources outside of the courtroom that can help youth — if those programs are properly funded.

Sarah Eagan, the state's child advocate, said Connecticut has not reinvested into those programs a meaningful amount of the money saved from the sharp drop in the number of kids confined at the state's high-security juvenile jail — the Connecticut Juvenile Training School in Middletown. In June of 2014, 151 kids, all of whom had failed multiple times in court-ordered programs, were housed at the training school. In August, there were 49. Malloy has ordered the training school to close next year.

As one might expect, the number of kids in the shorter-term juvenile detention centers in New Haven and Bridgeport has dropped markedly — from a high of 63 in August of 2016, to a low of 31 in January of 2017, when the change in the law kicked in.

However, during the spate of crimes this past spring and summer, prosecutors apparently redoubled their efforts to win detention for kids who posed a danger to the public.

The number of detained juveniles rose — from the low 30s to the mid 50s by August, which was essentially the pre-reform average.

THE CRIMES

Police and prosecutors say the recent uptick has taken a toll, raised their frustration level, strained resources, and put the public in danger. The offenses in Greater Hartford since the start of the year have ranged from murder to serial car thefts.

In March, 15-year-old Keon Huff was shot in the head in the hallway of a Hartford apartment building. Charged was Tywone Edwards Jr., 17. As with many young offenders, both youths had trouble in school, difficult family histories, and frequent run-ins with the police.

In June, investigators were drawn into the search for a 17-year-old Manchester boy suspected in car thefts and burglaries that stretched from Greenwich to Vernon. As the crimes played out, authorities said they were bent on stopping the teen as crimes got more dangerous and violent. The youth has been arrested — and was placed in juvenile detention.

A 63-year-old Hartford man sitting on a North End park bench, drinking his morning beer, was killed in mid-July when he was struck by a stray bullet meant for the teen shooter's rival. The accused shooter, Deykevious Russaw, was 17. Witnesses say he was in the front passenger seat of a stolen Ford Escape. His accomplice, also charged in the slaying, was 16, authorities say.

Three days after the homicide, on Russaw's 18th birthday, the teen would hop a curb in the stolen SUV he was driving and ram into two people, critically injuring 56-year-old Rosella Shuler, who was waiting for the bus. Within two weeks, Shuler would die from her injuries at St. Francis Hospital and Medical Center.

Police departments have contended with a stream of car burglaries and thefts reports, arresting several juveniles for the crimes. Some of the theft cases had a high danger quotient, leading to police chases, and at least two car crashes.

In Newington in July, a person had their Mercedes Benz stolen at gunpoint. When Hartford police stopped the car, which had made a brazen getaway on the bus-only CTfastrak line, they arrested a 17-year-old boy. Among the charges leveled against him was kidnapping.

Another group of teens that month stole a car in Rocky Hill and crashed in Wallingford. Weeks later, a car full of teens from 13 to 17 years old, crashed in West Haven after alluding state troopers in an early morning chase northbound on I-95.

"I definitely feel the seriousness of the crimes has increased," said Manchester Police Officer Jay Wagner, who has encountered more than his share of car-theft cases and other juvenile crimes over the last year.

"In 15 years, I have never seen this amount of stolen cars, car break-ins and larcenies. It's crazy," Wagner said. "And the juvenile court doesn't punish these kids. In a lot of cases, we're writing a summons and releasing them to their parents. It's very frustrating to arrest a juvenile and then, a day or two later, be dealing with that same juvenile, breaking into a car."

THE UPSHOT OF REFORM

Kane and Carino said that other factors, beyond the raise-the-age initiative, such as positive changes in the way crime and delinquency are handled in schools, and the increased use of juvenile-review boards in towns and cities, are contributing to the overall decrease in juvenile crimes.

Advocates don't dispute that. They say that the downward trends helped to set the stage for the reforms, that these are ideas whose time has come.

"We have learned that we can't incarcerate ourselves out of problems," said Mistrett, of the Campaign for Youth Justice.

Whatever the catalyst, Connecticut has experienced the country's largest drop in the number of 18-to-21-year-olds who are imprisoned — a decrease of 60 percent from 2009 to 2017, without any corresponding bump in the crime rate.

Currently, the number of 18- and 19-year-olds locked up in prison is at its lowest point in decades,

The advocates said that the steep drop in the jailing of young adults strongly suggests that handling the older teens in juvenile court has diverted many of them away from, rather than into, the adult system.

In another key measure, juvenile arrests have been dropping for several years now.

In fiscal year 2011, 8,523 juveniles entered the court system. In fiscal 2015, 6,981 teen-agers were referred to court by police; in fiscal 2016, referrals dipped to 6,241.

<http://www.courant.com/breaking-news/hc-news-juvenile-crime-trend-reforms-0903-story.html>