

**RESOLUTION REGARDING JUVENILE AND ADULT JUSTICE, ESCALATING  
CRIME, AND PUBLIC SAFETY**

**A RESOLUTION OF THE BERLIN TOWN COUNCIL URGING GOVERNOR LAMONT  
AND THE GENERAL ASSEMBLY TO ADDRESS JUVENILE JUSTICE  
INSUFFICIENCIES, ESCALATING CRIME, AND PUBLIC SAFETY.**

**WHEREAS**, the Town of Berlin, with a population of approximately 20,000 residents, situated in the center of the State of Connecticut, has become a target for criminal activity and,

**WHEREAS**, since 2012, state law makers have passed significant legislation, which has emboldened criminal behavior, and left residents vulnerable and afraid; and,

**WHEREAS**, that legislation includes changing the age of juvenile court jurisdiction from, up to 16 years of age, to up to 18 years of age; and, has resulted in confusion regarding police interrogation, secure holding, release options, and disclosing names in police reports and affidavits when a 16 or 17 year old is both a juvenile, and an adult at the same time, in the same case, as some offenses are to be charged as juvenile matters while others are to be charged as adult matters; and,

**WHEREAS**, a court order is now required to place any juvenile in a juvenile detention center, regardless of the seriousness of that charge; and,

**WHEREAS**, the reasons that a judge can sign such an order have been reduced by eliminating the ability to detain an arrested juvenile based on the possibility of a flight risk, or where they pose a risk to themselves, or where they have violated previously ordered conditions of release; and,

**WHEREAS**, at least temporarily, during the COVID-19 pandemic, even where such an order is obtained, law enforcement is required to notify the detention center which will then subject the court order to screening by an administrative judge, who has authority to vacate said order, and deny admission to detention; and,

**WHEREAS**, all offenses such as truancy, runaway, beyond control, and indecent/immoral behavior, within the Family With Service Needs (FWSN), are no longer handled by the juvenile court, and instead are now sent to their respective local Youth Service Bureau (YSB). There are no provisions or consequences if the juvenile, or the family, denies responsibility for the offense, or if they fail to appear, or cooperate, with the services offered by YSB. A referral to court is no longer an option.

**WHEREAS**, adjudicated juveniles can no longer be committed to the Department of Children and Families (DCF) for treatment. Rather, only probation supervision, with or without residential placement is an option; and,

**WHEREAS**, in 2018, the Connecticut Juvenile Training School (CJTS) was closed, leaving no secure treatment facility for adjudicated delinquents. While a program was created at the two pre-trial detention centers, said programming, combined with the physical layout rendered it

inadequate compared to CJTS. Recently, a secure treatment facility was created in Hamden with limited capacity; and,

**WHEREAS**, the amount of time that an adjudicated delinquent can be put on probation supervision, with or without residential placement, has been reduced. Previously, there was no limit to the amount of time a juvenile could be put on probation. Juveniles could be committed to DCF for 18 months for minor offenses, and such commitments could be extended, after a hearing, for an additional 18 months, for a total of 36 months, if the court found such extension to be in the juvenile's, or the public's, best interest. Juveniles adjudicated for serious juvenile offenses (SJO) could be committed for up to 48 months. Now, all adjudicated delinquents can be placed on probation supervision, with or without residential placement, for 18 months, with a possible extension of 12 months, for a maximum of 30 months, regardless of the seriousness of the charge. The result is such that if a juvenile is not transferred to adult court, whether adjudicated for burglary or murder, the maximum they face is 30 months of probation supervision, with or without residential placement; and,

**WHEREAS**, a juvenile age 14 or older, charged with a Class A or B felony, or arson, or murder was automatically transferred to the adult criminal court and prosecuted as an adult unless the State's Attorney elected to send the case back to juvenile court. Class C, D, E, and unclassified felonies could be transferred if requested by the juvenile prosecutor, and the court found probable cause. The transfer laws have changed such that the minimum age for transfer is now 15, and several but not all Class B felonies are no longer automatically transferred. Additionally, to transfer a case that is not an automatic transfer, the state must prove that said transfer is in the best interest of the juvenile. It is difficult to meet this threshold when one considers the fact that a juvenile will lose all the protections afforded by adjudication in juvenile court, including confidentiality, separation from adult offenders, limited sentencing options, and, ability to erase the record; and,

**WHEREAS**, the totality of these circumstances has sent a strong, unintended message to our youth that we will not hold them accountable for their actions; and,

**WHEREAS**, we have witnessed a pattern of criminal behavior across Connecticut, and in Berlin consisting of groups of juveniles and adults entering our neighborhoods in groups, in search of unlocked vehicles, smashing car windows to gain access to locked vehicles, stealing valuables, and where either the keys or a fob are located, stealing the vehicle; and, escalating to the point of a report of shots fired at a resident in another town attempting to intervene during the commission of one such crime; and

**WHEREAS**, we are witnessing a trend wherein these youth offenders are using the stolen vehicle to commit more serious crimes; and,

**WHEREAS**, while we acknowledge that motor vehicle break-ins and vehicle theft are crimes of opportunity, we are equally cognizant of the fact that current policing standards prevent officers from, among other things, engaging in pursuit. As a result, our officers find themselves being baited by drivers of suspicious vehicles to engage in pursuit, and worse are encountering situations wherein once the officer pulls to the side of the road, the occupants of the vehicle turn around, and drive toward the cruiser; and,

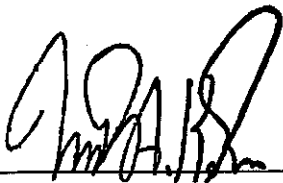
**WHEREAS**, further proposed changes such as the relaxation of minimum ages, decriminalization of certain offenses, restrictions on automatic transfers, and the probability of removing School Resource Officers from our schools will only serve to exacerbate current problems; and

**WHEREAS**, we ask that additional tools be provided to both law enforcement and the courts to hold juveniles and adults accountable.

**NOW, THEREFORE, BE IT RESOLVED BY THE BERLIN TOWN COUNCIL AS FOLLOWS:**

1. That the Berlin Town Council strongly encourages the Governor and the General Assembly to recognize that matters pertaining to juvenile and adult justice insufficiencies, escalating crime, and public safety have resulted in serious consequences for the citizens of Berlin, the town itself, and its law enforcement, along with a corresponding lack of consequences to those perpetuating this criminal activity.
2. That the Berlin Town Council strongly encourages the Governor and the General Assembly to meet with local leaders to understand the seriousness of ongoing criminal behavior, and require lawmakers to address these problems with meaningful, impactful juvenile and other criminal justice reforms that balance the need to protect our youth with the need to protect our residents.
3. That in the interest of fairness, and to ensure the State of Connecticut is responding to the needs of its constituents, the Berlin Town Council supports and strongly encourages a meeting with the Governor and the General Assembly to partner and identify solutions that are in the best interest of all stakeholders.
4. That absent collaboration and meaningful reform, this type of criminal activity will increase and can potentially become more violent – a grave threat to the public safety of our residents, and a disservice to both our youth and municipality.
5. That the Berlin Town Council is unwilling to wait until someone gets hurt, or a significant incident occurs, to seek accountability for the problems within the juvenile justice system and other criminal justice reforms that are creating havoc in our town.

**PASSED AND ADOPTED this 5<sup>th</sup> day of January 2021**  
**Berlin Town Council**



BY: **Mark H. Kaczynski, Mayor**