

Sent: Tuesday, September 5, 2017 8:17 AM

To: Carino, Francis

Dear Attorney Carino,

The Commissioner asked me to respond to your email. I have read your analysis below and I agree with the question was facing adult charges in adult court and, therefore, should have been housed in an adult center. The correct housing for an individual this age would have been Manson Youth Institution in Cheshire, not the Center.

Without knowing more, I cannot assess whether this is an isolated incident or part of a larger pattern. Did the state police spoke at DOC to receive their information?

Please feel free to call or to e-mail to discuss further. I'm at (860) 692-6961.

- Nicole

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From: Carino, Francis

Sent: Thursday, August 31, 2017 3:46:29 PM

To: Semple, Scott

Subject: Housing a 16 or 17 year old arrested on adult PRAWN warrant

Commissioner,

Last night I was contacted by the Connecticut State Police from Troop H because they had arrested a 17 year old on a PRAWN warrant for failure to appear in GA-4 to answer to several title 14 motor vehicle offenses. Bond was set on that warrant at \$5,000 cash or surety. Their question was where they would house the defendant if he was unable to post the bond. The Sergeant was told he could not bring the defendant to the Hartford Community Correctional Facility because he was under 18 years of age. He was also told that he could not bring the defendant to the Hartford Juvenile Detention Center because he was not charged with any juvenile charges.

According to CGS §46b-120(4)(B) and (9)(B), a 16 or 17 year old that is charged with “(i) an infraction, except an infraction under subsection (d) of section 21a-267, (ii) a violation, except a violation under subsection (a) of section 21a-279a, (iii) a motor vehicle offense or violation under title 14, (iv) the violation of a municipal or local ordinance, or (v) the violation of section 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a,” is not a juvenile and therefore would be handled in the adult criminal court.

Since this defendant was originally charged with offenses classified as violations, infractions and title 14 motor vehicle offenses, he was being handled as an adult and his case was being heard in the adult court for the Geographical Area of Waterbury. When he failed to appear for a hearing in that court, the PRAWN warrant was issued alleging that he failed to appear in violation of CGS §53a-173.

The charges he has pending, including the new charge of failure to appear, are all adult offenses and all fall within the jurisdiction of the adult court. The defendant is not a “juvenile” and none of his charges are juvenile offenses. As such, he cannot be admitted to a Juvenile Detention Center. Since he is an adult for all purposes regarding these charges, the Hartford Correctional Facility would appear to be the appropriate place to house this defendant if he did not post the specified bond.

Fortunately, the defendant was able to post the bond in this case so the issue became moot. Because it is likely to occur again however, I would like to get some clarification regarding how such defendants should be handled in the future. I would be happy to discuss this matter further with you if you have any questions.

Francis J. Carino
Supervisory Assistant State’s Attorney