



Legislative Testimony
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Written Testimony Supporting Senate Bill 1542, An Act Raising the Age of Arrest of a Child and the Use of Handcuffs on Young Children

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel of the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in support of Senate Bill 1542, An Act Raising the Age of Arrest of a Child and the Use of Handcuffs on Young Children.

The ACLU-CT is an organization dedicated to ending mass incarceration, eliminating racial disparities in the criminal legal system, and reducing harms to justice-impacted people. Among the most vulnerable people who become enmeshed in the criminal legal system are young people under the age of eighteen, who suffer unique harms due to their involvement in the criminal legal system and are more likely to experience even wider racial disparities than exist for adults.¹ Recognizing these harms and disparities, the ACLU-CT believes that children should be supported with services and resources that support them, their families, and their communities, rather than criminalized, wherever possible.

According to a recent state audit, an overwhelming majority of transferred boys, and all of the transferred girls, in the adult system during 2019 lived in families previously investigated for child abuse or neglect, often multiple times.² The audit

¹ Colette Marcellin & Samantha Harvell, *Data Snapshot of Youth Incarceration in Connecticut*, URBAN INST. (May 2020), https://www.urban.org/sites/default/files/publication/102176/data-snapshot-of-youth-incarceration-in-connecticut_1.pdf.

² *Id.*

found that most boys in the system completed few or no programs while incarcerated.³ Young people will most likely be unable to change behaviors until their root issues and traumas are addressed in a rehabilitative, non-carceral setting.⁴ Because of systemic racism, Connecticut disproportionately incarcerates Black youth and youth of color at significantly higher rates than it does white youth.⁵ When comparing young people with similar crimes and past encounters with the justice system, those who entered the adult system were 30 percent more likely to be re-arrested after returning to their community than the young people who remained in the juvenile system.⁶

Connecticut is the last state in the northeast to have a minimum arrest rate that is lower than twelve. Currently, Connecticut arrests children as young as *ten years old*. In fact, the United Nations has stated that the minimum age for criminal responsibility should be *at least* fourteen, noting that twelve is too low an age for arrest. By raising the minimum age of arrest, children enmeshed in our criminal legal system would better be able to access necessary services: over 70 percent of youth involved in the criminal legal system have trauma or diagnosable behavior health conditions, like mental health or substance abuse. Children do not belong in prisons, ever. Arresting a child does not address the root causes of crimes, prevent the commission of future crimes, or increase public safety. Children who are arrested are much more likely to be rearrested. Involving children in the criminal legal system does not prevent or deter future crime.

Senate Bill 1542 would divert roughly 475 youth from arrest if the minimum age for arrest is raised to fourteen. Youth who are assessed to be low-risk, who are diverted from court, and do not go before a judge have lower rates of re-arrest after twelve months (12 to 24 percent) than youth assessed as high-risk who were handled

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Lonn Lanza-Kaduce, Donna M. Bishop, Charles E. Fraizer & Lawrence Winner, *Changes in Juvenile Waiver and Transfer Provisions: Projecting the Impact in Florida*, 18 U. DENVER L. & POL'Y 137 (1996).

judicially (45 percent).⁷ In 2024, most youth under fourteen were referred for misdemeanor offenses rather than felonies.⁸ Thirty percent of all cases of youth ages ten to fourteen are eventually discharged, dismissed, or nollied, usually with services in place.⁹ If Senate Bill 1542 were passed, children under fourteen would be referred, rather than to court, to their local Juvenile Review Board, Youth Service Bureau, or other appropriate community-based service. The JJPOC's "Diversion First Plan" requires that all children have access to diversionary services implemented uniformly. There are also several programs to specifically address incidents that occur inside of schools, like the Connecticut Child Health and Development Institute. Most children under the age of twelve are already being diverted after arrest. Raising the age to fourteen will have a low impact on our criminal legal system but raising the age will have a high benefit to children and communities as children will be able to get into diversionary programs faster and have their needs met. Senate Bill 1542 would also limit the use of handcuffs on children under fourteen, something that the ACLU-CT strongly supports. This bill is essential for breaking the cycle of incarceration that far too many children, especially Black children and children of color. As such, the ACLU-CT supports Senate Bill 1542, and urges this Committee to do the same.

⁷ *Raise the Age of Arrest in Connecticut to 14*, CONNECTICUT JUSTICE ALLIANCE (accessed Mar. 25, 2025), <https://ctja.org/raise-the-age>.

⁸ *Id.*

⁹ *Id.*