



Legislative Testimony
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**Written Testimony Opposing
Senate Bill 187, An Act Concerning the Transfer of a Child
Charged with Certain Offenses to the Criminal Docket
and the Grounds for Detention of an Arrested Child**

Senator Moore, Senator Suzio, Representative Urban, and distinguished members of the Committee on Children:

My name is David McGuire, and I am the executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in opposition to Senate Bill 187, An Act Concerning the Transfer of a Child Charged with Certain Offenses to the Criminal Docket and the Grounds for Detention of an Arrested Child. As an organization committed to justice and equality, the ACLU of Connecticut strongly opposes this cruel and unnecessary bill, and we urge you to do the same.

This bill relies on a 1980s approach to justice when our state needs a 21st century approach. By criminalizing children who are in crisis, imprisoning children as young as 14 years old in adult facilities, and tying the hands of judges by requiring them to automatically send children who are accused of certain crimes into the adult court and jail systems, this cruel bill would take Connecticut backward. In the process, it would undermine children's wellbeing and jeopardize public safety.

This bill's proposal to respond to children in crisis with incarceration is a wolf in wolf's clothing—there is no hiding its dangerousness. A child who is experiencing a mental health crisis needs healthcare, not prison. A child who is unsafe at home needs safe, supportive shelter, not a correctional facility. Incarceration is not an appropriate response to a suffering child. We further worry that this bill could perpetuate injustice by disproportionately funneling girls, homeless youth, and LGBT youth, who are at a greater risk of unsafe home environments, into the justice system.

Furthermore, children are not miniature adults. They have different socio-emotional and physical needs, and their brains are still developing. Connecticut's adult court and incarceration systems are not equipped to handle these needs, and it is not in a youth's best interest to enter the adult justice system. Currently, Connecticut allows judges to exercise their discretion and consider all of the factors in a case when deciding whether to transfer a child to the adult court system. Creating a mandatory-minimum-style requirement for a judge to send a child to adult court purely based on which crime they are accused of, not their case as a whole, could incentivize over-charging by prosecutors and create an inequitable approach to justice.

In addition to subverting justice, this bill is unnecessary. Contrary to what some have claimed, Connecticut is not experiencing a youth crime wave; the number of youth arrests in Connecticut has dropped in recent years, not risen. In fiscal year 2011, 8,523 youth entered Connecticut's justice system. In 2015, that number was down to 6,981; by 2016, that number had dropped to 6,241. Recent data also shows that only a small percentage of older teens who enter Connecticut's juvenile court system are involved with the justice system later as adults.

Children's mental healthcare, safety, and wellbeing are serious problems in need of real solutions. This bill does not present any. We encourage this committee to stick with proven, evidence-based solutions to these issues, not punitive approaches that could perpetuate trauma and injustice.

We respectfully urge this committee to oppose this bill.