



**Office of the Chief Public Defender**  
**State of Connecticut**

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**TESTIMONY OF CHRISTINE PERRA RAPILLO**  
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**COMMITTEE ON THE JUDICIARY**  
**March 30, 2011**

**R. B. No. 1163 - AN ACT CONCERNING ASSAULT OF A SCHOOL EMPLOYEE**

The Office of the Chief Public Defender opposes passage of **Raised Bill 1163, An Act Concerning Assault of a School Employee**. This proposal would enhance penalties for the crime of Assault in the Third Degree if the assault was on a school employee. Assault in the Third Degree is currently a Class A misdemeanor, punishable by up to 1 year in prison and is considered to be a regular juvenile delinquency offense. This proposed bill would make assaulting a school employee a felony and a serious juvenile offense (SJO). This proposal is unnecessary and will run contrary to the current efforts to decrease the numbers of arrests that occur in school.

Clearly, this bill is aimed at young people who attend school. While violence in school is never acceptable, current law is sufficient to hold accountable those who might assault a teacher or school employee. People who commit a serious assault can be charged with a felony under our current law. Children who do so can be transferred to adult court. This law is aimed at children, many of whom do not understand what they are doing or are acting out in school because of mental health or behavioral disorders that have not been appropriately treated. Enhancing the penalty when the victim is a teacher is unfair and sets children up to commit mistakes that they cannot recover from.

Charging these children with a felony or an SJO accomplishes nothing and will actually decrease the chances that they will be able to recover from their mistakes. For those children over the age of juvenile court jurisdiction, a felony conviction deprives them of their right to vote and will forever limit their ability to find employment. There have been many national studies on the increase in school based arrests. Schools have imposed "zero tolerance" policies and utilize police officers to enforce disciplinary policies. As more has been expected of schools, they have become less tolerant of student behavior and will often arrest a child for incidents that would have only led to a detention or a suspension in an earlier time. The state's Juvenile Justice Advisory Committee (JJAC) has supported many efforts to increase awareness of the problem of school based arrests and is currently funding programs in numerous communities that have

Office of the Chief Public Defender  
Christine Rapillo  
Raised Bill No. 1163  
Page 2

schools and police departments working together to create more reasonable codes of discipline. Three Connecticut cities are receiving support from the Annie E. Casey Foundation to create protocols that will lead to more graduated sanctions and less arrests. An enhanced penalty statute aimed at school children runs contrary to everything we have learned about brain development and children. We know that they react out emotion and often are not able to process the potential consequences of what they do. Assault on a teacher is already a crime and Connecticut already has a well functioning criminal and juvenile justice system that is capable of enforcing accountability on young people without enhanced penalties. This proposal is overly punitive and unnecessary and the Office of the Chief Public Defender urges this Committee to reject it.