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Written Testimony in Support of House Bill No. 7050, An Act Concerning the Juvenile Justice System

Good afternoon Senator Coleman, Representative Tong and distinguished members of the Judiciary Committee. My name is David McGuire. As staff attorney for the American Civil Liberties Union, I am here in Support of House Bill No. 7050, An Act Concerning the Juvenile Justice System.

I would first like to commend the committee for raising such an important piece of legislation. The legislature has taken great steps to reform Connecticut's Juvenile Justice System in recent legislative sessions, and this bill will bring our state one step closer to ensuring that our youth are treated fairly. These amendments would bring our juvenile sentencing scheme into line with judicial trends by accounting for major differences between children and adults. In recent years, the U.S. Supreme Court has relied on scientific studies about adolescent brain development. The Court has stressed that youth are less culpable for their crimes and more capable of rehabilitation. In *Miller v. Alabama* (2012) the Court specifically noted juveniles' "diminished culpability and greater prospects for reform." The Court has made unquestionably clear that children are different than adults and that difference must be reflected in how courts sentence children in adult court.

Section 1 raises the minimum age for automatic transfer from the juvenile docket to the regular criminal docket from 14 to 15. This section would also make progressive changes to transfer of cases from the juvenile matters docket to the adult criminal docket. Under this bill class B felonies would no longer result in the automatic transfer to adult criminal court. This comports with recent United States Supreme Court jurisprudence and is sound public policy. This appropriately leaves it up to courts to decide if the charged child's development and fact of the case necessitate the transfer of the class B felony case to adult court.

There are inconsistencies regarding the admissibility of statements made by children. Statements taken from children under age 16 outside the presence of a parent are inadmissible in delinquency prosecutions. Section 2 would extend these protections to 16 and 17 year olds, as well. Children are far more susceptible to duress and coercion especially in stressful and intimidating law enforcement atmosphere. Until a youth offender has reached the age of adulthood, considerations must be made for their age and development.

Section 4 of this bill prohibits the shackling of any youth under the age of 18 unless restraint is necessary to ensure the safety of the public. Currently, shackling of juveniles occurs without regard to important factors such as height, weight, gender, offense or threat to public safety. We firmly believe that the shackling of youth under the age of 18 is an unjust practice.

Youth are far more susceptible to emotional, physical and psychological harm and the majority of youth that enter the juvenile justice system have experienced some form of harm in this nature before they are offenders. Shackling has a negative effect on the emotional and psychological wellbeing of youth. The shackling of juvenile's is inhumane and reinforces the notion that these youth are deserving of humiliation and shame. This practice is inconsistent with the rehabilitation goals of the juvenile justice system.

The majority of youth offenders are not charged for serious crimes and are not harmful or dangerous in a court room. In 2014, South Carolina, Washington, North Dakota and Alaska passed legislation banning the use of shackles on youth under the age of 14.¹ In 2015, legislation has been introduced in eight other states that would end indiscriminate juvenile shackling.² We urge Connecticut to join these states and end the practice of indiscriminate juvenile shackling.

Collectively, these amendments make Connecticut's juvenile justice system more fair and just. We urge the committee to pass this bill.

¹ <http://njdc.info/wp-content/uploads/2014/09/CAIJS-Progress-March-20151.pdf>

² Nebraska, Indiana, Colorado, Mississippi, Missouri, Utah, Minnesota and Tennessee