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Written Testimony in Opposition to S.B. 365

My name is Emily Leen and I currently work as an Research and Policy Legal Intern with Connecticut Voices for Children. I am submitting this written testimony today to voice my opposition to S.B. 365, An Act Concerning Juvenile and Criminal Justice Reforms. My testimony will focus on two specific sections of the bill: (1) Section 7, which provides for the automatic transfer of serious juvenile offenders to the adult docket; and (2) Section 6, which requires courts to order GPS monitoring for a young person charged with a delinquency offense in the pre-adjudication phase.

First, I am opposed Section 7(a)(3), which calls for the lowering of the age that a young person may be transferred to the adult docket from fifteen to fourteen, "if charged with the commission of a class A felony or class B felony that constitutes murder, violent sexual assault or violet crime involving a firearm...." Leading psychologists have found that young people, particularly those fifteen years old and younger, may not be competent to stand trial in an adult criminal court. They even suggest that, to avoid the judicial system getting bogged down with motions and hearings to determine the competency of a youth defendant, a state legislature may want "to set the minimum age of adult adjudication at an age at which competence to stand trial is not potentially an issue in every case."[1] To protect young persons, who are not likely competent to stand trial, and avoid the likely delays from constant judicial determination of competency, the legislature should follow the research and not allow this lowering of the age that

[1] Grisso, T., Steinberg, L., Woolard, J., Cauffman, E., Scott, E., Graham, S., ... & Schwartz, R. (2003). Juveniles' competence to stand trial: A comparison of adolescents' and adults' capacities as trial defendants. Law and Human Behavior, 27(4), 333-363.

a young person may be transferred to the adult docket from fifteen to fourteen, regardless of the specific charges.

In addition, I am opposed to Section 7(b), which changes the statute on discretionary transfer of young people to the adult court from being when "the court finds that…the best interests of the child *and* the public will not be served by maintaining the case in the superior court for juvenile matters" to a lowered standard of *or*. This means that the court must only show that either the best interests of the child *or* the public will not be served by keeping the matter in juvenile court, but not both. I can think of no instance in which a child's best interests would be served by adjudicating their charges in adult criminal court, rather than juvenile court. In addition, research by the Justice Policy Institute in 2020 showed that transfer laws actually do not advance public safety, as they often claim to, and they serve to worsen existing racial and ethnic disparities.[2] When comparing young people with similar crimes and past encounters with the justice system, those who entered the adult system are 30% more likely to be re-arrested after returning to their community than young people who stayed in the juvenile system.[3] We should not be passing legislation that would make it easier and more likely that a young person would be transferred to adult criminal court.

There are multiple other sections of this statute, which I take issue with, like Section 6, which requires the court to order GPS monitoring for a young person charged with a delinquency offense in the pre-adjudication phase. I see that as an egregious constitutional violation by the state of a child's substantive due process right to bodily integrity.[4] To require the judicial system

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[2] Justice Policy Institute. (2020). The Child Not the Charge: Transfer Laws are Not Advancing Public Safety. 1-24.
[3] Nellis, A. (2011). Addressing the collateral consequences of convictions for young offenders. The Champion, 20-27.
[4] B. Jessie Hill. (2015). Constituting Children's Bodily Integrity. Duke Law Journal, 64(7), 1295-1362 (citing Ingraham v. Wright, 430 U.S. 651, 673 (1977)).

to actively participate in this constitutional violation is tantamount to requiring a doctor to violate the hippocratic oath that they have sworn to follow.

For the foregoing reasons, I respectfully request that, in its current state, S.B. 365, An Act Concerning Juvenile and Criminal Justice Reforms, not be passed.