



Raise the Age and Law Enforcement

Raise the Age legislation, which will return 16- and 17-year-olds to juvenile jurisdiction effective 2010, is a major piece of public safety legislation. The US Department of Justice recently reviewed all available data on the subject and found definitively that keeping minors in the juvenile system discourages recidivism. The Centers for Disease Control earlier came up with a similar finding, stating that removing minors from the adult system would decrease violence in our communities.

Raise the Age advocates have listened carefully to police, prosecutors and municipal leaders in Connecticut about what the law will mean for them and their budgets. To prevent the collapse of the entire reform, the Alliance reluctantly agreed to certain compromises that address concerns about police time, prosecutorial procedure and possible costs. These include:

Motor vehicle offenses and infractions

When investigating a motor vehicle violation or accident, police can continue to treat 16- and 17-year-olds as adults. When a 16- or 17-year-old is out after curfew or violates a noise ordinance, it will not be a juvenile delinquent offense. The youth, as now, will receive a ticket. **During these police dealings with 16- and 17-year-olds, Raise the Age will cause only minimal changes in police policy and practice.**

Right to question minors

One of the fundamental protections we afford juveniles is that police may not question them without a parent or guardian present. Police and prosecutors argued that extending this protection to 16- and 17-year-olds would make investigation and prosecution of crimes significantly more difficult, time consuming and costly. With great regret, we agreed that 16- and 17-year-olds can be questioned without a parent and that a judge will rule, using a "totality of circumstances" test, on admitting those statements in court. However, the Alliance was able to include in this compromise that police, before questioning 16- and 17-year-olds, must make the youth aware of their right to have a parent present and "make reasonable effort" to contact the youth's parent.

Releasing minors

Police were concerned that supervising minors while waiting for parents to pick them up would take up time and space. We agreed, therefore, that 16- and 17-year-olds may be released to their own custody. There is no need for police to hold the youth in custody until a parent can be tracked down and come to the station. A written complaint and summons will be served on the parent or guardian for the child's court date.

The legislature, when it passed Raise the Age legislation in 2007, sent a clear message that 16- and 17-year-olds are not adults, but children. Therefore, those 16- and 17-year-olds, when in contact with the police, should be treated the same way as all other children. That has always been the goal of the Alliance. At the same time, we are committed to ensuring the on-time implementation of this statutory change on January 1, 2010, and decided to agree to these concessions – painful as they were for youth advocates to make.