

# Age of Arrest

## Policy Brief

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In collaboration with



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# About 904WARD

904WARD began in 2015 with a small group of friends who came together to talk openly, challenge each other, support each other, and take action together to build a more inclusive Jacksonville.

We are a diverse group made up of people committed to creating a community of inclusion for all. We take pride in mobilizing thousands of volunteers every year to create racial healing and equity.

An inclusive community begins with understanding each other better.



**Mission:** 904WARD creates racial healing and equity through deep conversations and learning, trusting relationships, and collective action.

**Vision:** An end to racism in Jacksonville and beyond so all people thrive.

# Age of Arrest

## Executive Summary

Under current Florida law, children younger than seven years old may not be arrested, charged, or adjudicated delinquent, except in cases involving specified forcible felonies. However, Florida law does not establish a minimum age of arrest or juvenile court jurisdiction for children ages seven and older. As a result, elementary- and middle-school-aged children may enter the juvenile justice system.

This policy brief examines Florida's current statutory framework alongside developmental research, national trends, and comparative state practices related to the minimum age of arrest. Research in child psychology, neuroscience, and juvenile justice indicates that children under the age of 12 generally lack cognitive development, impulse control, and legal comprehension necessary for formal criminal responsibility. National data also show that early justice system involvement is associated with increased educational disruption, trauma exposure, and higher rates of future system contact.

This brief further reviews disparities in juvenile arrests, costs of juvenile processing, and alternative intervention models. Additionally, this brief examines policy options for Florida lawmakers, including raising the minimum age of delinquency jurisdiction and expanding diversion and community-based responses for young children.

With the recognition that legislation in Florida often serves as the trial ground for legislation that is spread across the country, the information contained has both local and national implications.

## *Kaia Rolle*

***Creating the minimum age of arrest*** In September 2019, Kaia Rolle, a six-year-old kindergarten student at Lucious and Emma Nixon Academy in Orlando, Florida, was arrested following a behavioral incident at school. According to school reports, the incident involved disruptive behavior and physical contact with a school administrator. A school resource officer was called to intervene and arrested the child using zip-tie restraints. Body camera footage later released publicly documented the arrest and subsequent processing.

Charges against Kaia Rolle were dismissed the following day. Subsequent administrative investigations resulted in disciplinary action against law enforcement personnel involved. The incident received national attention and contributed to legislative discussions regarding the minimum age of arrest in Florida. In 2021, the Florida Legislature enacted the Kaia Rolle Act, which limits arrests of children under seven years old except in specified circumstances (Stanford Libraries, 2020).

Processing children, particularly our youngest children in juvenile court raises numerous issues. By criminalizing childhood behavior, the state misses opportunities for early intervention, diversion into supportive services, mental health care, family support, and educational remediation. In addition, it is extremely costly to process childhood behavior in a courtroom. Often, this cost is passed along to families who are already facing economic barriers. When considering the availability of judicial resources, the impact of confinement or long-term social service involvement and possible community disruption it is important to understand the implications from a developmental, best practice and cost perspective.



*Kaia, who was 6 at the time, was restrained and taken to a juvenile facility after having a temper tantrum in her Orange County elementary school.*

### **Background & Current Legal Landscape in Florida**

Florida Statute, Chapter 985 governs juvenile justice proceedings. While the *Kaia Rolle Act* prohibits arrest and delinquency adjudication for children under age seven (with limited exceptions), the statute does not establish a minimum age of arrest beyond that threshold. Consequently, children ages seven and older remain eligible for arrest, detention, and juvenile court processing.

There is growing consensus among child psychologists, educators, and juvenile justice advocates that 12 should be the minimum age of arrest. This standard is supported by the United Nations Convention on the Rights of the Child, which recommends 14 as a global minimum. Nationally, policy reforms increasingly reflect developmental research and emphasize diversion and service-based interventions for younger children. Let's explore why.



## Development and the Cost of Justice Involvement

Children's brains develop in phases, with the part of the brain that controls long-term consequences continuing to develop through young adulthood ([The Teen Brain: 7 Things to Know - National Institute of Mental Health \(NIMH\)](#)). Extensive research in child development and neuroscience demonstrates that children under the age of 12 typically exhibit limited impulse control, emotional regulation, and capacity to understand legal consequences. As brain development progresses into adolescence, children naturally grow their capacity to do all three. In essence, with age-appropriate correction and support, many children develop out of "rule breaking behavior" as they move through the stages of brain development. Likewise, the age-crime curve shows the same pattern, crime increases during adolescence, peaks in late adolescence and declines by early young adulthood ([National Library of Medicine, 2024](#)).

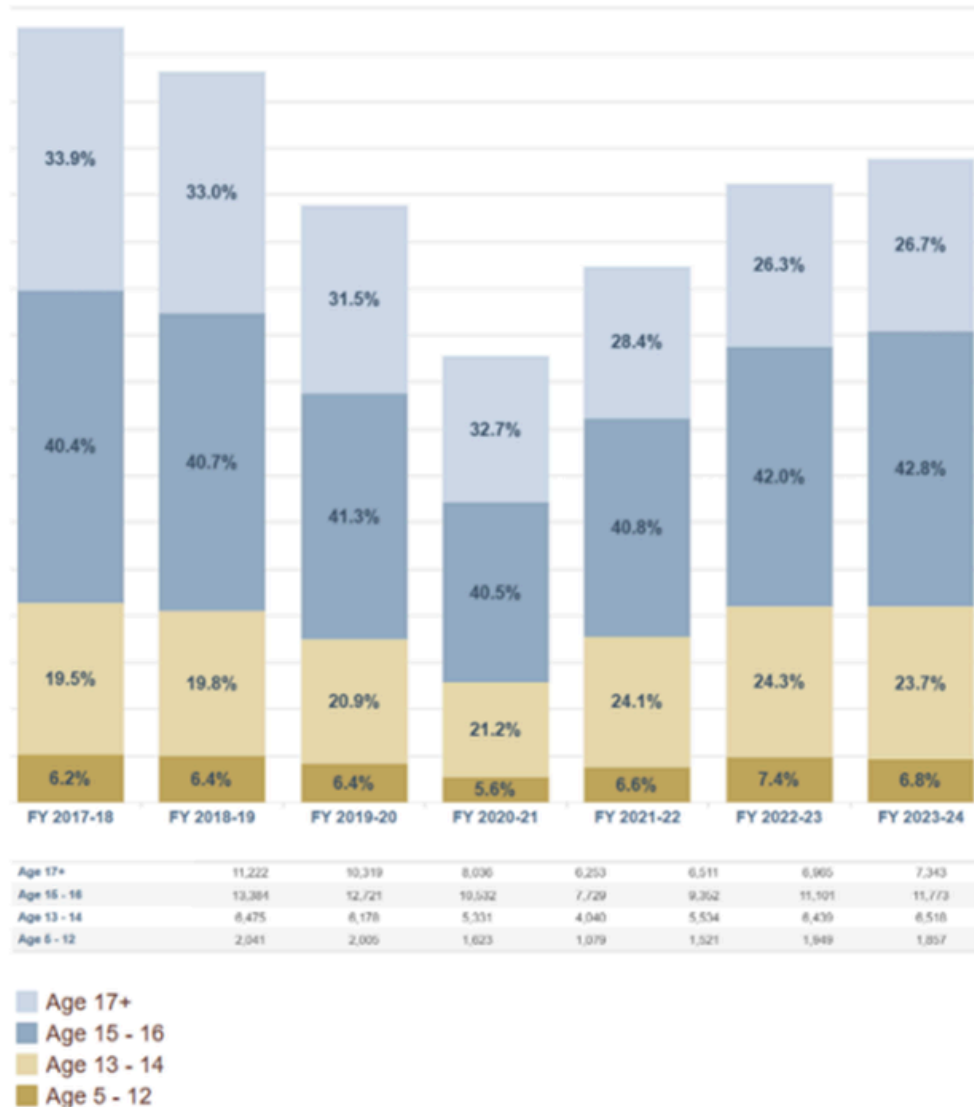
Studies published by the American Academy of Pediatrics and the National Academy of Sciences indicate that early exposure to the justice system can increase psychological stress, interfere with academic development, and elevate the likelihood of future justice system involvement and confinement. Referral to court increases the risk that a child will have future contacts and ultimately may eventually result in confinement.

Juvenile confinement is costly in more ways than one. The average state cost for the secure confinement of a young person is now \$588 per day, or \$214,620 per year, a 44 percent increase from 2014 ([Justice Policy, 2020](#)). Confinement also has a negative impact on the very measures that school discipline is trying to protect against. A 2008 study by Hjalmarsson reveals the difference in educational attainment between youth confined and those without justice involvement. While 67 percent of non-confined youth in a sample of 9,000 finished high school, only 18 percent of confined youth eventually graduated ([Justice Policy, 2020](#)).

A study, cited by the Annie E. Casey Foundation, who has supported developing best practices for juvenile justice programs for decades, has numerous implications for policy and practice development. It states that one of the most promising approaches is addressing alleged delinquency outside of the formal justice system by reducing the number of young people arrested for less serious offenses and diverting a far greater share of youth following arrest ([How Youth Incarceration Undermines Public Safety - The Annie E. Casey Foundation, 2023](#))

Establishing a minimum age of arrest is one such measure that can be taken to reduce this number.

Florida Department of Juvenile Justice Delinquency Profile 2024 for Statewide Youth Arrests and Intake, split by age.



## Comparative State and National Context

Florida is the only state with a minimum age threshold of seven, the youngest minimum age threshold of any state. The most common minimum age threshold is 10, though some states and territories are as high as 13. The federal government stopped releasing detailed arrest data by age in 2020. However, in 2019, over 60,000 children age 12 and under were arrested or referred to the juvenile justice system in the United States. Approximately 3,500 of those children were under the age of 10. In the five key offense categories of larceny-theft, drug abuse, aggravated assault, robbery, and weapons, Florida's 2020 juvenile arrest rate was higher than the national average in four of the five categories.

Several states, including California, Massachusetts, and Maryland, have enacted laws establishing a minimum age of arrest or juvenile court jurisdiction, set between ages 10 and 13. Internationally, the United Nations Committee on the Rights of the Child recommends a minimum age of criminal responsibility of at least 14. When comparing those states - California, Massachusetts, and Maryland - to Florida for 2020 juvenile arrests, Florida's rates are higher than Maryland in three of the categories and equal in one category, higher than California in four of the categories, and higher than Massachusetts in all five categories (Office of Juvenile Justice and Delinquency Prevention, 2022).

Florida's current framework is out of alignment with both national reform trends and international standards related to childhood development and justice system involvement. Additionally, the current policies have not led to a decrease in juvenile crime or delinquency relative to states with higher minimum age thresholds. This discrepancy between Florida's approach and comparable outcomes in other jurisdictions invites consideration of whether alternative policies might better serve both youth development and public safety objectives.

### **Additional Policy Approaches in Other States**

States that have reformed their minimum age policies have implemented various approaches. Some states, such as Utah, Connecticut, Delaware, and New York, have amended their statutes to establish a minimum age threshold of 12 with clearly defined exceptions for serious offenses and provisions for judicial oversight in exceptional cases. Several jurisdictions have paired these statutory changes with increased investment in community-based interventions, school-based behavioral supports, trauma-informed care, and family services specifically designed to address the needs of children under 12. A number of states have established or enhanced data collection requirements to ensure consistent reporting of juvenile arrest and detention information disaggregated by age, race, gender, offense type, and geographic location, enabling ongoing evaluation of policy impacts. Some reform efforts have included evidence-based training programs for law enforcement, educators, and school resource officers focused on child development, de-escalation techniques, and alternatives to arrest.

Additionally, certain states have created advisory mechanisms that incorporate input from families, educators, youth advocates, and individuals with lived experience in the juvenile justice system to inform policy implementation and provide ongoing oversight. These approaches provide a range of models Florida policymakers might consider when evaluating whether modifications to the state's current framework would better align with developmental research, fiscal priorities, and public safety goals.



# Conclusion

The juvenile justice system has evolved through four periods since the juvenile courts' creation more than a century ago: the Progressive Era (1899–1960s), the Due-Process Era (1960s and 1970s), the Get-Tough-on-Crime Era (1980s and 1990s), and the contemporary reaffirmation of the Kids-Are-Different Era (2005 to the present) [Luna, 2017; National Research Council, 2013].

Research has clearly established that kids are in fact different from adults in a variety of ways, resulting in every single state establishing maximum age limits for arrest for status offenses. However, as late as 2019, 45 states had not enacted lower age limit statutes. This meant that 90 percent of states allowed youth of any age to be brought to the juvenile court on a status offense and that 60 percent allowed youth of any age to be brought to the juvenile court on a delinquency offense. ([Age Boundaries of the Juvenile Justice System | Office of Juvenile Justice and Delinquency Prevention, 2024](#)).

Florida's juvenile justice statutes have evolved over time, including reforms such as the Kaia Rolle Act, though differences remain between Florida's framework and approaches adopted in other states. Developmental research, national policy trends, and comparative data provide various perspectives on how formal arrest and court involvement affect younger children and community safety outcomes.

States have taken different policy approaches regarding minimum age thresholds, diversion programs, behavioral health services, and community-based interventions, each reflecting distinct priorities and contexts. As Florida's policymakers, stakeholders, and communities continue discussions about the state's juvenile justice framework, these varied models and the available research offer information that may inform future considerations about how best to balance child development, public safety, and resource allocation within Florida's unique context.