

Dear Senators of the Corrections and Criminal Law Committee:

We are public defenders practicing in the Marion County major felony courts and we zealously urge you to support Senate Bill 368. SB 368 cures significant deficits in the juvenile code and provides for more equitable treatment of youth involved in the juvenile justice system. Among the topics SB 368 addresses, we'd like to draw your attention to the following in particular:

- **Children should not be held in adult facilities pending trial**

In Marion County, the adult jail does not offer any of the opportunities made available to children held in the Juvenile Detention Facility. Specifically, children held at the adult jail cannot earn school credit, participate in therapeutic interventions, or even go outside. When faced with a pending major felony case, defendants often remain incarcerated for a year or longer. Without any of the above services, juveniles held in adult facilities have little to no opportunity to maintain their education or protect and improve their physical and mental health.

- **Abolish juvenile Life Without Parole**

For decades, research has shown that children's brains are not fully developed until at least their mid-twenties. By sentencing a child to Life Without Parole, we are ignoring our State Constitution's pronouncement that rehabilitation should be our criminal justice system's focus. By allowing for children to be sentenced to Life Without Parole, we allow a child's faulty decision to determine the trajectory of their entire life.

- **Eliminate direct file offenses entirely**

As mentioned previously, children's brains are not developed enough to fully weigh the consequences of delinquent actions. Burdening a child with an adult conviction negatively impacts the rest of the child's life by hindering their ability to find employment, access social programs, and further rehabilitate themselves. Our community is harmed when children are laden with these collateral consequences of an adult conviction. Furthermore, the direct file provisions demonstrate an area of great racial disparity – last year, 74% of all direct file cases were black defendants. Finally, often times Courts sentencing children on direct file offenses are limited by available sentencing alternatives. Juvenile courts are uniquely prepared to offer treatment designed to reduce recidivism and rehabilitate children. Adult courts are not.

- **Allow Sentence Modifications for Juveniles Convicted of Adult Offenses**

This bill would allow for sentence modifications when a child is convicted of an adult offense and has served fifteen years of their sentence. This provision acknowledges that none of us are the same person we were fifteen years ago. The difference between the mindset of a 15 year old and a 30 year old is clearly astounding. Research on adolescent brain development supports reduced recidivism and criminogenic thinking as a child matures into their twenties. Allowing a child to seek sentence modification would motivate the child to focus on rehabilitation and preparing to rejoin our community as a productive adult.

Thank you for considering Senate Bill 368. We hope you will offer your support for this bill. Our criminal justice system is plagued by systemic racism at every turn. This discriminatory system is particularly harmful to children when they are thrust into the adult system. SB 368 can address some of the worst outcomes for children who most need our community's help and support.

Sincerely,

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