

## MEMBERS

- ACLU of Indiana
- Black and Latino Policy Institute
- Boys and Girls Clubs of Indianapolis
- Central Justice Network
- Children's Policy and Law Initiative
- Concerned Clergy of Greater Indianapolis
- Desmond Tutu Peace Lab, Butler University
- Edna Martin Christian Center
- Indiana Minority Health Coalition
- Indianapolis PFLAG
- Indiana Re-Entry
- Indianapolis Urban League
- IPS Community Coalition
- Keeping Families Connected
- Kids' Voice of Indiana
- Marion County Commission on Youth
- Marion County Public Defender Agency
- The Indianapolis Ministerium
- NAACP Indianapolis
- National Council of Negro Women, Inc.
- One Heart Indiana
- Prevent Child Abuse Indiana, A Division of The Villages

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Dear Members of the Senate Corrections and Criminal Law Committee:

January 28, 2020

With over 30 organization members and counting, The Indiana Coalition for Youth Justice works to achieve more fair, equitable, and effective outcomes for children by embracing a developmental approach to the treatment of all children and emerging adults in the justice system. Our vision, mission, and goals reimagine the current system into one that utilizes a culturally-responsive, trauma-informed developmental approach that is based on the science of brain development. Research has shown that such an approach lowers recidivism rates, promotes public safety, and leads to improved outcomes for children.

Senate Bill 449, currently under consideration of the Senate Corrections and Criminal Law Committee, would roll back any progress already made in the Juvenile Justice system and we must consider how this impacts all children- their futures and their potential to live productive adult lives.

Twelve and thirteen-year-olds are best served in the juvenile court where rehabilitation takes priority as the purpose for incarceration. Many rehabilitative services offered within the juvenile system are not available once a child transfers to the adult system. In the juvenile facilities, rehabilitative, educational, life-skills oriented, and age-appropriate therapeutic treatment options can occur as courts supervise their care in secure confinement up to age 21. Further, including "attempted offenses" to apply to listed offenses under the Direct File Statute will greatly increase the number of sixteen and seventeen-year-olds who are automatically transferred into adult court upon filing of charges by a prosecutor with no judge involved in that decision.

According to the Equal Justice Initiative (EJI), children are five times more likely to be sexually assaulted in adult facilities than in juvenile facilities and nine times more likely to commit suicide. Once a child is waived over to adult court, the child is often held in advance of trial in adult jails, exposed to adult offenders, or placed in isolation (solitary confinement) to protect them from assaults from older inmates. Transfer and Waiver to Adult Court disproportionately impacts children of color. Nationwide, 52% of cases in Adult Court involve African American children. Here in Indiana in 2017-18, 69% of all cases filed pursuant to the Direct File Statute involved African American children.

Children who are tried in adult court experience much higher recidivism rates than children handled in the juvenile justice system. Research shows they are 34% more likely to commit additional and more violent offenses than those children treated in the juvenile system. Moreover, a felony conviction is a hard thing to overcome. Collateral consequences follow them, placing barriers to education, employment, military enlistment, housing, and other essential aspects of life. Consequently, these children are more likely to reoffend once they are released.

In many cases, children lack the competency to stand trial. Many children who are 12 and 13-years-old do not understand due process and how to protect their rights through the judicial proceedings, even in the juvenile system. Moreover, children that age are seriously challenged to understand conditions that exist in order to make a decision if they are presented with a plea agreement while in adult court. At ages 12 to 14, cognitive capability is limited, and is even more compromised if there is serious trauma in the child's life.

The members of the Indiana Coalition for Youth Justice stand together in opposition to Senate Bill 449.

*Over*



MEMBERS *(continued)*

- Purpose for my Pain
- RISE Indy
- St. Luke's Social Action Committee
- Stop the Violence Indianapolis
- United Methodist Women of Indiana
- United Northeast Community Development Corporation
- VOICES, Corp.
- We LIVE, Inc.
- Westminster Neighborhood Services, Inc.
- Youth Advocate Program, Inc.
- Youth Empowered, Inc.

Sincerely,

**JauNae Hanger**

Children's Policy and Law Initiative of Indiana (CPLI)  
Founding Member of ICYJ

**Sarah Williams**

Marion County Commission on Youth, Inc. (MCCOY)  
Founding Member of ICYJ

**ICYJ Steering Committee:**

Pastor Ivan Douglas Hicks, Ministerium  
Dr. Gwendolyn Kelley, Children's Policy and Law Initiative of Indiana (CPLI)  
Toby Miller, One Heart  
Jan Nichols, Children's Policy and Law Initiative of Indiana (CPLI)  
Rev. Richard Reynolds, Ministerium  
Sandy Runkle, Prevent Child Abuse Indiana, Division of The Villages

