March 3, 2021

The Honorable James Buck

200 W. Washington St.

Indianapolis, IN 46204

*Via Email*

Dear Chairman Buck:

Written Testimony Re: SB 197, HB 1256, and HB 1369 amendments

Trying and sentencing children in the adult system is not an appropriate or trauma informed justice response to youth in trouble with the law and will not improve public safety. It would roll back much of the progress already made in Indiana’s juvenile justice system over the last decade. Children and adolescents who become involved with the justice system often do so with complex medical, mental health, developmental, social, and legal needs. Most have been exposed to childhood trauma or adversity, which both contributes to their involvement with the justice system and negatively impacts their health and well-being. Research has established the significant impact of childhood trauma, adversity, or ACEs on the health and well-being of children and adolescents. Multiple studies have documented high prevalence rates of childhood trauma among justice-involved youth, with many studies finding over 90% of youth in the justice system have experienced at least one form of childhood trauma.\*

Youth who are likely victims of trauma themselves are not well served and in fact can be made worse in the Adult Court, where punishment, and not rehabilitation, is the primary purpose of incarceration. **Research in adolescent development shows that children are more amenable to treatment and intervention.** In the adult system, children are not afforded services that provide opportunities to mitigate toxic stress, acquire critical skills, competencies and experiences essential to their success asadults. Youth still have developing brains that are very resilient in the right settings with stable, protective adult relationships. These youth need education, skills training and stable adult relationships in order to be rehabilitated, decrease recidivism and improve public safety. this is clearly not available the adult court or justice system.

Tragically, children and youth in adult facilities are five times more likely to be sexually assaulted, are up to 9 times more likely to commit suicide and have a twofold increase in likelihood of being attacked with a weapon by other inmates or beaten by staff than those in juvenile facilities and. It is unacceptable to put any child or youth in an environment with this level of risk. Furthermore, placement in isolation (solitary confinement) to protect them from assaults causes permanent and detrimental impacts on mental and physical health and brain development.

Children who are tried in adult court are 34% more likely to commit additional and more violent offenses than those children treated for similar offenses in the juvenile system due to lack of rehabilitative services in the adult system, the dangers discussed previously that cause further toxic stress to developing brains as well as the collateral consequences of an adult criminal conviction that disadvantages youth’s opportunities and undermines communities. These consequences include barriers to obtaining school loans, education, employment, joining the military, housing, voting and other essential aspects of rehabilitation into a successful life. As a consequence, these children and youth are more likely to reoffend once they are released as they have no hope, social capital or stable protective adult relationships.

**Finally, direct file disproportionately impact minority youth** in Indiana. In 2017-18, 69% of all cases filed pursuant to the Direct File Statute involved African American children.  The Indiana Chapter of the American Academy of Pediatrics opposes any effort that will exacerbate the mass incarceration of youth of color. We must have a juvenile justice system 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.

SB 197, HB 1256, and HB 1369 must be amended to eliminate gun possession offenses from the direct file statute. All children charged with gun possession should have their cases begin in the juvenile court, which is best equipped to provide for their safety and treat their risks and needs.

\*The American Academy of Pediatrics Policy Statement “Advocacy and Collaborative Health Care for Justice-Involved Youth”

Sincerely,



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Sarah Stelzner, MD, FAAP

Advocacy Chair, Indiana Chapter

of the American Academy of Pediatrics