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Testimony from:

Jesse Kelley, Government Affairs Specialist, Criminal Justice Policy, R Street Institute

In OPPOSITION of SB 279, "A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure."

January 15, 2019

Committee on Corrections and Criminal Law

Chairman Young and members of the committee:

My name is Jesse Kelley and I am the Government Affairs Specialist and a criminal justice policy analyst for the R Street Institute; a nonprofit public policy research organization with a criminal justice and civil liberties team that focuses on evaluating policies related to criminal justice, the juvenile justice system and methods of effectively reintegrating the formerly incarcerated into society.

While it's true that young people can be guilty of serious offenses, and that the state has a duty to protect the public, it is equally important that the state address its responsibility not to treat minors in ways that can permanently harm their development and rehabilitation. Ultimately, nearly all incarcerated minors will return to their communities one day, and for this reason, the justice system should equip them for successful reentry.

Therefore, the R Street Institute stands in opposition to SB 279, which seeks to add attempted murder to the list of crimes for which a child may be transferred into the adult court system.

SB 279 would allow children as young as 12 to be transferred from the juvenile court system into the adult court system – an action which is of paramount concern and forms the basis of our opposition. Children, even those who commit violent crimes, are best served when they remain in the juvenile system. Certainly, children who commit violent acts have noteworthy risk factors and may need different, lengthier interventions, but depriving them of the services available to those in the juvenile justice system is not a smart solution.

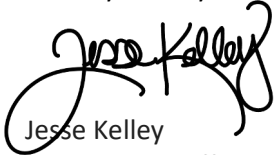
Furthermore, statutory exclusion for attempted murder is already included in Indiana Code § 31-30-1-4 for youth ages 16 and above—meaning this new legislation is aimed specifically at children ages 12 to 16. Trying children in the adult system often results in negative future outcomes and decreases public safety overall. Placing children in adult facilities isolates them, makes them extremely vulnerable to physical and sexual abuse and deprives them of appropriate rehabilitation.

In fact, there is evidence to suggest that placing youth in adult facilities is detrimental to public safety. Children transferred into the adult system have significantly higher recidivism rates. They are up to 77% [more likely](#) to be re-arrested than those who stay in the juvenile justice system.

Finally, the discretionary waiver processes this bill seeks to expand should be used only in the most limited circumstances, especially considering Indiana's Code § 31-30-1-2, which stipulates that once a child has been transferred into the adult system, that child will always be considered an adult for any future criminal involvement.

No child of 12 should be placed in an adult prison. The juvenile justice system is better suited to give youth the age-appropriate support and services they need, and affected children should remain within it whenever possible. Please oppose this legislation that will result in more children being added to the adult criminal justice system.

Thank you for your time.

A handwritten signature in black ink, appearing to read "Jesse Kelley", with a large, stylized loop at the end.

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