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Testimony from:

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In SUPPORT of HB 659,

“AN ACT concerning Juvenile Law – Continued Detention – Minimum Age.”

March 26, 2019

Senate Judicial Proceedings Committee

My name is Jesse Kelley, and I am the Government Affairs Specialist for the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including juvenile justice reform, which is why HB 659 is of special interest to us.

The juvenile justice system is predicated on the recognition that children are not the same as adults and their mistakes should be treated differently. Periods of detention can profoundly traumatize young people. Research has shown that detention is associated with lasting negative outcomes for youth and therefore must be used with caution to ensure that low-level, nonviolent juvenile offenders do not sink deeper into the criminal justice system.¹

If passed, HB 659 would codify necessary protections to limit the use of detention for children under the age of twelve. The R Street Institute supports this legislation because most crimes committed by young people are low-level, and when a young person spends any amount of time in detention, the likelihood of future incarceration is increased.

The overwhelming majority of crimes committed by children are relatively minor, nonviolent offenses. In fact, only about 5 percent of young people in the juvenile justice system are even accused of committing a violent crime.² Despite this low number, young people are often detained in youth detention centers regardless of whether it is best for them or for public safety.

¹ Paul Kelly. “Why Detention is Not Always the Answer.” Arkansas Advocates for Children and Families. April 2014. http://www.njjn.org/uploads/digital-library/AR_Why-Detention-Is-Not-Always-The-Answer-Web.pdf

² David Gottesman and Susan Wile Schwarz. “Juvenile Justice in the U.S. Facts for Policymakers.” National Center for Children in Poverty. July 2011. p.1 http://www.nccp.org/publications/pdf/text_1038.pdf

Furthermore, juvenile detention can often lead to longer terms of incarceration. The stated purpose of juvenile detention is to ensure that youth appear for court hearings and do not commit subsequent crimes while awaiting their adjudication hearing.³ But too often, youth are held in detention centers because of a lack of more humane, less restrictive alternatives. Relying on incarceration instead of more effective and appropriate responses to juvenile offenses can be very harmful to children. In fact, studies have found that inappropriate uses of detention can actually drive youth further into the system.⁴

It is ultimately harmful to our communities to house young people in detention. It is commonly believed that victims of crime want the harshest punishments possible for defendants, including periods of youth detainment. But in reality, victims prefer accountability. For example, recent polling has shown that by a margin of three to one, victims of crime prefer community-based rehabilitation or mental health and substance abuse treatment over any period of detention for the offender, because they understand it reduces recidivism rates and keeps us all safer.⁵

For these and other reasons, we support advancing HB 659 and will make ourselves available for additional questions.

Thank you for your consideration,

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³ James Austin, Kelly Dedel Johnson, and Ronald Weitzer. "Alternatives to the Secure Detention and Confinement of Juvenile Offenders." U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention. September 2005. <https://www.ncjrs.gov/pdffiles1/ojjdp/208804.pdf>

⁴ Justice Policy Institute, "The Dangers of Detention. The Impact of Incarcerating Youth in Detention and Other Secure Facilities," The Annie E. Casey Foundation, Dec. 9, 2007. <http://www.aecf.org/resources/the-dangers-of-detention>.

⁵ Alliance for Safety and Justice. "Crime Survivors Speak." August 2016. p.5
<http://allianceforsafetyandjustice.org/CrimeSurvivorsSpeak/>