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Testimony from:

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In SUPPORT of HB 421, “AN ACT relating to the detention of children.”

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House Criminal Justice Subcommittee

My name is Nila Bala, and I am the associate director of Criminal Justice Policy for the R Street Institute, which is 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, and that’s why HB 421 is of special interest to us.

Due to Florida’s current direct-file statute, many children end up in the adult system through prosecutorial discretion. This bill would change the current law that allows children to be housed pre-trial in an adult jail. With this change, Florida would be in compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP), which was reauthorized at the end of 2018. Once in compliance, Florida will also be able to access federal funding to help fund the juvenile justice services it currently provides.

The R Street Institute strongly supports housing children in juvenile facilities that are best equipped to serve their needs, because housing children in adult facilities is incredibly dangerous.

As the National Prison Rape Elimination Commission has made clear, “More than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk of sexual abuse.” Children incarcerated in adult prisons are at greater risk for both physical and sexual abuse than their peers in juvenile facilities.

Last September, we saw the death of Sonny Rugani in the Broward County Jail. He hanged himself after being direct filed and placed in an adult facility. Sonny was just seventeen, a Nutella- and Xbox-loving boy, and a former foster child. His death, and so many others, could be prevented by this bill.

Sadly, Sonny’s suicide is not an aberration, either. While the suicide rate for youth in the general population is around five per 100,000—a number that generally remains level in juvenile facilities—the

suicide rate for youth under 18 who are housed in adult jails is 36 per 100,000—a rate more than seven times higher than that of other young people.

This bill also improves public safety: The research is clear that children in adult facilities are isolated and deprived of developmentally appropriate rehabilitative services. When children are put at risk in this manner and fail to receive the proper services, they become more likely to commit crimes as adults. The best way to ensure we decrease future criminal activity is to hold children accountable while providing services to rehabilitate and reintegrate them with society. Adult facilities are no place to do this.

This bill provides Florida an opportunity to protect one of its most vulnerable populations: young people currently being housed in the adult system. Florida is one of only eight states who currently presume that youth who are charged as adults should be housed in adult jails pretrial. Ultimately, almost all justice-involved young people will be reintegrated with their communities. It is our responsibility to make sure they can be successful.

For these and other reasons, we support HB 421 and present ourselves available for additional questions.

Thank you for your consideration.

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