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Testimony from:
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LB 1117, "A BILL FOR AN ACT relating to crimes and offenses"

February 12, 2020

Judiciary Committee

My name is Nila Bala, and I am the Associate Director of Criminal Justice Policy and Civil Liberties for the R Street Institute, which is a nonprofit, center-right, public policy research organization. I am writing in support of LB 1117, which would help to end the detrimental practice of direct file.

Direct file is a practice that allows prosecutors to directly charge children as if they were adults, and place them in the adult criminal justice system. Instead of allowing a third party, like a judge, to evaluate if they would be best served in the juvenile justice system, direct file allows prosecutors to make this unilateral decision.

Automatically removing children and placing them in the adult system is harmful to them, and goes against the conservative principles of human dignity, public safety, and fiscal prudence. Children are far more likely to face physical and mental harm, including increased risk of sexual abuse, in the adult system. They are unlikely to receive age-appropriate services, such as education, in an adult facility. And so it is no surprise that children in the adult system are more likely to reoffend compared to their counterparts who receive care in the juvenile justice system. Taxpayers pay for the result of increased reoffending and decreased integration of those young people. It is clear that the practice of direct file harms both these children, as well as our community.

The juvenile justice system is better for our children and their families. When children are in the juvenile justice system, their parents can remain involved in proceedings, rather than being shut out of the process. The juvenile system is far more likely to take advantage of community and religious organizations in helping to rehabilitate the youth and restore them to their families, schools, and communities.

There is a national trend of reducing the practice of direct file. In the rare case where a child should be in the adult system, a judge can still have a hearing to consider this matter. But direct file--giving full discretion to the prosecutors to make this decision--is detrimental.

As a conservative organization, we support ending this practice. Ultimately, nearly all justice-involved youth will eventually return to their communities, and the justice system needs to equip them with the skills needed for them to successfully re-enter society.

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