



**SB 256 (133 GA) Testimony to the House Criminal Justice Committee**  
**Written Testimony Submitted for December 3, 2020**

Thank you, Chairman Lang, Vice-Chair Plummer and Ranking Member Leland, and House Criminal Justice Committee members.

My name is Gabriella Celeste. I am the Policy Director at Case Western Reserve University's, Schubert Center for Child Studies. We focus on bridging research and policy for the well-being of children. My 30-year career has focused on improving opportunities for youth. I offer this testimony as an interested party.

As a Center dedicated to the well-being of children and young people, we strive to advance public policy that reflects an understanding of child and adolescent development. The science is abundantly clear that children and adolescents are cognitively less developed – different from adults. Research also informs our understanding of how adverse life experiences – trauma, inadequate supports, environmental hazards – impact the development of the child. Significantly, the fields of cognitive development and social science have rejected the notion of a child being static: what a child does at the age of 14 or 17, does not define who that child will become. Developmental science has been relied upon by the U.S. Supreme Court which has held that imposing the highest level of culpability on youth is unconstitutional. This understanding has been adopted as policy by a number of other legislatures that recognize it is imprudent to hold children to the highest levels of responsibility, particularly as adult society itself has not resolved all of its failings to adequately protect children from harm and to ensure that they have a meaningful chance for a decent life.

Thank you Senators Manning and Lehner for introducing SB 256. Earlier versions of this bill have been introduced over the years without success. SB 256 represents a compromise. While the lengthy term of years required by SB 256 prior to even the possibility of release remains a concern, I urge serious consideration of SB 256 today. My comments focus on the importance of a developmental approach and how research informs our understanding of a “meaningful opportunity” for parole eligibility. Significantly, the developmental approach reveals that deterrence and retribution are at their nadir – whereas the possibility for rehabilitation and reform is at its highest – when applied to teenagers, justifying at least an opportunity for release.

Notably, October marked 10 years since *Graham v. Florida* was decided (*Miller v. Alabama* was decided two years later and *Montgomery v. Louisiana* made *Miller* retroactive in 2015) and still, **Ohio has yet to adopt policy that is consistent with the U.S. Supreme Court's central holding: that children who commit even heinous crimes are capable of change** and that because of their “diminished culpability and greater prospects for reform” children must have a “meaningful opportunity for release.” Significantly, these decisions were predicated not on the offense, but rather on the unique circumstance of youth.

Despite clear and abundant Supreme Court precedent and directives, Ohio is among a small handful of states (along with Georgia, Louisiana and Michigan) that, as noted in a [recent brief](#) by the Campaign for the Fair Sentencing of Youth, “*continues to sentence children to life without parole in new cases at a rate that far outpaces the rest of the country, and in contravention of the constitutional mandate established in Miller and Montgomery that the sentence be uncommon.*” With the Ohio Senate passage of SB 256 (29-4), Ohio finally has a chance to adopt a constitutional approach by allowing an opportunity for consideration – while certainly no guarantee – of release where a child has been sentenced to life.

This capacity for change in young people (and lack of a serious public safety risk) was reinforced in a [new Montclair State University study](#) finding a **recidivism rate of only 1.14% among released juvenile lifers** who were resentenced in Philadelphia (Daftary-Kapur and Zottoli). The findings in this study are consistent with scientific research that shows people age out of criminal behaviors and that lengthy prison sentences are not cost-effective to deter crime. The study analyzed data and outcomes associated with 269 juveniles sentenced to life from Philadelphia, including 174 who were subsequently released, looking at reconviction for any subsequent offense. The study estimated \$9.5 million in correctional cost savings over the first decade as a result of releasing the 174 juvenile lifers. These cost savings are a conservative estimate but offer valuable resources to for things like violence prevention programs and support services for victims and their families.

Three specific points about SB 256.

- **SB 256 is consistent with research showing that the vast majority of youth, even serious juvenile offenders, grow up and out of crime** as they mature to adulthood (Steinberg, Cauffman and Monahan). The Age-Crime curve shows how crime begins in adolescence, increases sharply in late adolescence/early adulthood, and then decreases to near zero where it plateaus for life (Hirschi and Gottfredson).
- **The terms in SB256 are consistent with the most severe restrictions** in the eight states (Arkansas, Louisiana, Massachusetts, Nebraska, Nevada, New Jersey, North Dakota, and Wyoming) that have the harshest punishments prohibiting parole eligibility before 20-30 years.
- **The parole eligibility terms SB 256 proposes for juveniles are the maximum term of years acceptable**, given how youth experience the passage of time more slowly and miss formative developmental milestones during their incarceration. Studies show “time passes faster for older individuals” (Ferreira; Wittman and Lehnoff). This research reveals that long terms of years have a disproportionately harsh impact on young people and warrants consideration for parole eligibility and a meaningful opportunity for release.

Let's be clear, this is not about being soft on crime - youth who have caused harm will be held accountable and will be punished. As a compromise bill, SB 256 means a child is not even eligible for *consideration* of release until their later adult years, beyond even what many other states consider “meaningful.” Indeed, I believe a person imprisoned as a child could be appropriate for release sooner than SB 256 permits. As such, SB 256 merely creates a small window of opportunity for rehabilitation. Only after having served a substantial prison sentence, would the person incarcerated as a child be eligible for a parole hearing, at which point they would still need to demonstrate their worthiness, showing a sincere understanding of the harm caused, authentic growth during their confinement and, despite all the violence and difficulties they may have endured, that they are not a threat to society. SB 256's inclusion of guidance to the Parole Board is critically important for this consideration. Having this opportunity for rehabilitation and release offers at least a hope for redemption.

As I noted in my Senate testimony, we saw this powerfully demonstrated when Governor DeWine recently granted commutation to Alexis Martin, a child sex trafficking survivor, who was arrested at 15 and pleaded guilty to murder after her trafficker was shot and killed by someone else during a robbery in 2013. Despite a childhood filled with physical and sexual abuse, and being trafficked as a teenager, she was prosecuted as an adult. While her life sentence had parole eligibility in 21 years, this was still a significant burden to bear for someone so young, with such trauma. Alexis nevertheless devoted her time in prison to supporting and advocating for other survivors of sex trafficking. And after serving six years, she was given a meaningful opportunity for another chance and was released into a residential treatment center.

All people, but especially those in the turmoil of adolescence, are more than their worst deed – SB 256 creates the possibility that a convicted young person may yet, one day, grow into their best self and perhaps even find a way to give back to society. I hope you share the belief that each child should have the opportunity to demonstrate his or her capacity for change, for growth – and that Ohio will be a safer place, a more decent place, when it recognizes the inherent potential of each young person.

Thank you for your consideration.

## Sources

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