

CANDACE HUDSON
Founder
Understand Before You Judge

Proponent Testimony S.B. 256
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Chairman Eklund and members of the Senate Judiciary Committee. I truly appreciate the opportunity to speak today concerning a topic of great social interest. The plight of juvenile offenders serving indefinite sentences for offenses they committed or participated in when they were children in Ohio's penal system should be of grave importance to all of us. I use the word plight not to offend anyone, but to emphasize the reality that exists here in Ohio for children transferred to adult courts and sentenced to life in prison. I am an advocate for these forgotten voices. I try my best to document the personal stories of prisoners who have spent decades in prison since they were children, My research and inquiries into the lives and backgrounds of these prisoners, which is of utmost importance when discussing juvenile reform, as well as their experiences appearing before Ohio's Parole Board has compelled me into action. Something is terribly wrong within our Criminal Justice System.

Something is wrong when the appetite for punishing delinquent behavior supercedes the necessity of rehabilitation and affording second chances to offenders deserving of one, thus ensuring the safety of our citizens and our communities. Something is wrong in our society when fear and not facts influences discussions on Juvenile Justice Reform and prohibits any 'meaningful' initiatives toward alleviating the tremendous burden placed on the shoulders of our most dependent and vulnerable members of society: Our children. It has been widely discussed and the concluding facts undeniable.

The "tough on crime" rhetoric of the 1980s and 1990s propelled draconian laws that created the largest prison population in the world. The chorus of "lock them up and throw away the key" and "you do the crime, you do the time" served as political slogans for politicians vying to win elections and propelled the influx of juvenile offenders into the adult criminal justice system. The once prevalent idea of reforming delinquent behavior of juveniles through care and treatment in facilities designed to provide a safe and secure environment conducive to helping youth offenders change their lives for the better was mostly abandoned here in Ohio. The facts attest to this point.

The Mandatory Transfer policies enacted into law in 1997 by the General Assembly of Ohio removed the once longstanding safeguards that protected troubled and at risk youth from experiencing the most severe forms of retribution via the justice system because of their unique status as children. Transferring a juvenile to adult court for criminal prosecution was once viewed in Ohio as the most severe penalty imposed on a delinquent offender and judges, prosecutors and politicians were reluctant to initiate such a process before considering all the mitigating and relevant factors of each individual case before them. But for the past 23yrs transferring a youth to adult court and subsequently to prison is the norm, and not the anomaly.

It is well known today, thanks to scientific research that the general characteristics associated with youth are impulsivity, wrecklessness, heedless risk taking and the inability to extricate oneself from horrible situations, which makes youth offenders less culpable than adults. Science has verified what every parent in Ohio already knows, that children are distinctively different from adults. We as a society have expected the youth, our children, to exercise the judgement and maturity that none of us could have exercised if we were faced with similar circumstances in our youth. It is time for us to acknowledge what the facts verify, that most juvenile offenders emanate from fragile, oftentimes abusive and drug exposed households, impoverished communities and crime ridden environments. We must cease the practice and process of punishing our children for being children.

I am no apologist for prisoners. I do not excuse criminal behavior or trivialize the hurt, pain and sense of loss caused by violence. I believe people should be held accountable for their actions. I believe that reintegrating juvenile offenders back into society is in the interest of justice and doesn't place society or we as citizens at risk of being harmed. I urge this committee to recommend affording these men and women the chance many of them weren't afforded as youth. Thank you for your time.