

Written Testimony favoring SB 272

May 9, 2016

Dear Ohio Senators and Representatives,

I am the director of the Vincentian Ohio Action Network (VOAN) and write today in favor of SB 272. VOAN is a non-profit organization formed by the Society of St. Vincent de Paul in the Columbus Diocese of the Roman Catholic Church, which covers 23 counties in Central and Southern Ohio. We work to empower members in the community and partner with them to address issues critical to their lives and to reducing poverty. The reform of our criminal justice system is a top priority of our work due to the long ranging implications that involvement with the justice system has on individuals and families and on broader society. We carry a deep concern for juvenile offenders, especially those who are serving indefinite or life sentences.

Recent research and child brain development experts demonstrate the brains of children are significantly different than adults and “adolescents are less culpable than typical adults because of their diminished decision-making capacity.” In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the U.S. Supreme Court affirmed youthful offenders to have “diminished capacity” and also “greater prospects for reform” than their adult counterparts. Punishment for crime must take into account this research, and ensure the justice system provides necessary support and programming that would assist juveniles to a positive reintegration back to society.

The population of children who have committed violent crimes are not simply perpetrators of crime, but most have suffered trauma and violence themselves. As children, they are more susceptible to copying this behavior or giving into peer pressure from outside influences. Nearly 80 percent of juvenile lifers reported witnessing violence in their homes; more than half (54.1%) witnessed weekly violence in their neighborhoods. Half of these children have been physically abused. In order to stop the cycle, we need to look at these children with compassion, mercy and hope for their future.

This issue also demands critical attention due to the fact that extreme and harsh sentences for children disproportionately impact children of color. On average across the country, black children are serving life without parole at a per capita rate that is 10 times that of non-minority children. We must work to undue this type of disparity.

VOAN affirms the sentiment given by Pope Francis, who during a speech to Congress in 2015 said, “a just and necessary punishment must never exclude the dimension of hope and the goal of rehabilitation.” While it is important to ensure accountability for violent crimes, it is immoral to send the message to any child that they are damaged beyond repair. Life without parole for youthful offenders offers no hope for incarcerated children and makes an inhumane determination at the time of the offense, throwing aside any chance for rehabilitation and restoration back to society. This is something that must change.

Furthermore, we support the utilization of developmentally appropriate sentencing for youth offenders and a periodic review before the parole board using these developmentally appropriate standards. We would also support parole eligibility beginning even before the 15 years mentioned in this bill (or by age 40) in order to diminish long term impact of institutionalization and ease transition back to society if an earlier parole might have been granted. This also implies we must ensure juveniles have access to programing and supports while incarcerated that support restoration and reentry. While we recognize this is not included in the current bill, but want to encourage the legislature to work to improve access to reentry programming for all who are incarcerated as part of the commitment to reducing crime and supporting incarcerated children and adults who wish to improve their lives and may return to the community in the future.

In conclusion, the Ohio legislature needs to recognize that juvenile offenders are not the same as adults and need processes that are tailored to their age and situation, offering hope and possibility for redemption and mercy. It is for these reasons that we urge your support for SB 272.

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