



The **CAMPAIGN** for the
FAIR SENTENCING
of **YOUTH**

BILL: SB 256

TITLE: Regards sentencing offenders under 18 when committed offense

DATE: June 24, 2020

POSITION: SUPPORT

COMMITTEE: Senate Judiciary Committee

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Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Judiciary Committee:

The Campaign for the Fair Sentencing of Youth (CFSY) respectfully submits this testimony for the official record to express our **SUPPORT for SB 256**. We are grateful to Senator Manning and Senator Lehner for their leadership in introducing this bill and appreciate the Ohio Legislature's commitment to ensuring that no child is told that they have no hope for a future other than to die in prison. We urge the Committee members to vote in favor of SB 256 because it will provide meaningful opportunities for people, who became involved in the adult criminal justice system despite their youth, to demonstrate rehabilitation and suitability for a second chance at life outside prison walls. This is a crucial step in upholding the constitutional and human rights of young people in Ohio and an opportunity to join the growing number of states who have banned the practice of sentencing children to die in prison.

I serve as Senior Policy Counsel for the CFSY. I offered both verbal and written testimony in support of SB 256 at a previous hearing on February 19, 2020. Therefore I will endeavor to not be duplicative here. Prior to working for the CFSY, I began my legal career working as a prosecutor in the Tennessee Attorney General's Office. In fact, I went to law school for the sole purpose of becoming a prosecutor, after obtaining an internship with the district attorney's office in Nashville while I was in college. I had been interested in law enforcement since I was a child, so I jumped at the chance to spend a summer working with the county prosecutor's victim-witness program. My experience that summer solidified in me a commitment to devoting my career to protecting public safety and vindicating victims by ensuring that people who had caused harm by breaking the law were punished. In law school I focused on taking every class available that would make me a more effective prosecutor. When I went to work as an Assistant Attorney General, I assumed I would continue in that role for the duration of my career. But I had a great deal left to learn about the criminal justice system.

Several years into my career, I was invited by one of my old university professors to teach a law class in conjunction with an innovative new college prison program. This marked my first opportunity to regularly engage, outside a courtroom, with people who had broken the law. I was amazed at what I discovered. Although several of the people in my class were serving lengthy sentences, including life without the possibility of parole, for violent offenses they committed when they were under the age of 18, each one of them was profoundly gifted, committed to rehabilitation, and striving for an opportunity to demonstrate transformation and suitability for a second chance. I did not expect to encounter people whom I would be happy to have as my neighbors, but this is precisely what I found.

Over the past thirteen years, I have taught several more times in the prison program. One of the most basic, but life-changing lessons that has consistently been brought home to me is that people are more than their worst mistake. Young people in particular have profound rehabilitative potential. Because their brains are still developing, they can experience dramatic positive transformation, move beyond their worst moment, and live healthy, productive lives. I never imagined when I started my career as a prosecutor that I would one day be an advocate for juvenile sentencing reforms such as SB 256. But I have come to understand that for justice to be done, when we recognize that a person has been rehabilitated, especially a person who was sentenced as a child, we must provide them with a meaningful opportunity for release.

As someone who has prosecuted hundreds of cases, I continue to place great value on public safety and concern for the rights and healing of victims. But these priorities must be balanced with other cherished values, such as our beliefs in redemption and second chances and our concern for the well-being and positive development of all children. The need for age-appropriate sentencing does not offend our commitments to victims and public safety. In fact, many of these young people have themselves been victims. Nationally, almost 80 percent of these youth witnessed violence in their homes and over half experienced violence weekly in their own neighborhoods.¹ Half were physically abused and 20 percent were sexually abused.² And when they are granted release, their rate of recidivism is as low as 1 percent.³ The majority of children who commit crimes outgrow their illicit behavior,⁴ which means long prison sentences without parole eligibility prematurely abandon hope for many youth who would likely mature into contributing members of society.

SB 256 is in line with recent Supreme Court decisions and the national trend away from extreme sentences for children because it abolishes life without the possibility of parole, provides an opportunity for parole review after 25 or 18 years, and sets forth the factors particular to youth to be considered at the time of original sentencing and at the parole review. In short, it gives people hope.

¹ Ashley Nellis, The Sentencing Project (2012). *The Lives of Juvenile Lifers*. Available at http://sentencingproject.org/doc/publications/jj_The_Lives_of_Juvenile_Lifers.pdf

² *Id.*

³ <https://medium.com/philadelphia-justice/new-study-finds-1-recidivism-rate-among-released-philly-juvenile-lifers-607f19d6d822>

⁴ Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty, Laurence Steinberg and Elizabeth Scott, *American Psychologist*, December, 2003.

I see the importance of hope and the value of a chance at redemption in the members of the CFSY's Incarcerated Children's Advocacy Network ("ICAN"). My friends and colleagues Eric Alexander, Xavier McElrath-Bey, Catherine Jones, Eddie Ellis, Ashlee Sellars and so many other formerly incarcerated individuals serve as shining examples of how children, even those who have committed or been involved in violent crimes, can transcend their darkest moments and go on to make beautiful contributions to society by mentoring at-risk youth, helping individuals transition back to society after incarceration, serving as schoolteachers and counselors, leading restorative justice initiatives, and raising loving families. These fine people, once regarded as deserving nothing more than a prison cell, are living testimonies of young people's capacity for change.⁵ We need juvenile sentencing policies like those set forth in SB 256 that do not consign a child to permanent punishment, but instead leave room for their promise.

I am grateful for the opportunity to represent the Campaign for the Fair Sentencing of Youth in supporting SB 256. Ohio can look to states such as Arkansas, West Virginia and Utah as examples of how to hold youth accountable for serious crimes in age-appropriate ways, acknowledging their potential to make dramatic positive change. SB 256 balances the needs to protect the community from safety threats, to ensure justice for victims, and to rehabilitate incarcerated individuals to rejoin society as productive contributors. I have learned that no single act as a teenager should destine a person to die in prison with no meaningful opportunity for review of who the person goes on to become and whether the person has experienced rehabilitation. I ask you to support SB 256 and give children the opportunity to demonstrate that they can change for the better.

Thank you,

Preston Shipp
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⁵ Incarcerated Children's Advocacy Network,
<http://fairsentencingofyouth.org/incarcerated-childrens-advocacy-network/>