



Office of the Ohio Public Defender

Timothy Young, State Public Defender

Testimony in Support of Senate Bill 256 Juvenile Parole Eligibility Sponsors Senators Lehner and Manning

Chairman Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity to provide testimony on behalf of the Office of the Ohio Public Defender (OPD) in support of Senate Bill 256.

You don't have to search hard to learn why protecting our most valuable resource – our children – should prevail among all other considerations. Nelson Mandela espoused, "The true character of a society is revealed in how it treats its children." President Herbert Hoover said, "Children are our most valuable resource." Despite what we know about the vulnerability, value, and rehabilitation of children, the United States is the only country in the world that throws away children's lives by sentencing them to die in prison. Ohio has an opportunity to change that *now* by passing Senate Bill 256 (SB256).

SB256 abolishes the sentence of life without the possibility of parole for children and grants parole eligibility for children sentenced to extreme sentences in adult prison. The bill does not guarantee release from prison, but it does give incarcerated children a reason to hope and a reason to work towards bettering themselves in prison. If passed, this bill would give children a reason to strive towards completing their education, rehabilitation, and a reason to take advantage of prison programming – all so they can grow into productive adults. This bill will give them a chance to return to their families and become contributing members of their communities. Without a reason to work toward rehabilitation, without a reason to hope, Ohio is trying to solve one tragedy with another by throwing away the lives of these children.

Not only is sentencing children to die in prison morally objectionable, the science shows that this kind of extreme sentencing is unnecessary for public safety. The human brain does not fully mature until a person reaches their mid-twenties. Until that time, children have a weaker ability to control their impulses and make good decisions.¹ The U.S. Supreme Court and Ohio Supreme Court have recognized that juveniles are different, and even those who commit crime are less culpable and uniquely hardwired for successful rehabilitation.² The science is supported by data which shows that individuals who commit an offense as a child have extremely low rates of recidivism after release from prison, around 1%.³ Given what we

¹ Antoinette Kavanaugh, *A Wrinkle in Time: Resilience and the Adolescent Brain's Ability to Changes*, 2018 Juvenile Defender Summit, May 11, 2018; citing Chein, Albert, O'Brien, Uckert and Steinberg (2011).

² *Graham v. Florida*, 560 U.S. 48 (2011); *Miller v. Alabama*, 567 U.S. 460 (2012); *Montgomery v. Louisiana*, 577 U.S. ___ (2016); *State v. Moore*, 149 Ohio St.3d (2016).

³ Tarika Daftary-Kapur and Tina M. Zottoli, *Resentencing of Juvenile Lifers: The Philadelphia Experience*, Montclair State University, <https://www.msudecisionmakinglab.com/philadelphia-juvenile-lifers>

know about brain development and a child's capacity to change, it is irresponsible to spend up to \$4 million to incarcerate a person who has been rehabilitated.

Many of the children who commit criminal offenses are themselves victims. Nationally, almost 80% of juvenile offenders witnessed violence in their homes and over half experienced violence weekly in their own neighborhoods.⁴ Approximately half of all juvenile offenders were physically abused.⁵ SB256 is not a second chance for these children, it is the first chance they have ever received. SB256 is the first step towards reforming our criminal justice system and making it accountable to Ohioans.

SB256 is supported by the judges, including former Ohio Supreme Court justices, victims, religious leaders, released juvenile offenders, families of incarcerated juvenile offenders, former prosecutors, juvenile development experts, and legal experts. Common sense, the courts, and science tell us that children are different and deserve special consideration and hope. The character of Ohio cannot be that of a state that throws away its most valuable resource, its children.

Thank you for the opportunity to provide testimony in support of SB256. The Ohio legislature must pass SB256 immediately.

⁴ Ashley Nellis, *The Lives of Juvenile Lifers*, The Sentencing Project, 2012

<https://www.sentencingproject.org/wp-content/uploads/2016/01/The-Lives-of-Juvenile-Lifers.pdf>

⁵ *Id.*

