

**TESTIMONY
THE EMBRACING PROJECT
BEFORE THE NEVADA ASSEMBLY JUDICIARY COMMITTEE IN SUPPORT OF
ASSEMBLY BILL 272**

APRIL 9, 2011

First, I'd like to thank Chairman Horne and the Judiciary Committee for providing me the opportunity to testify today in support of AB 272. Thank you.

My name is Esther Rodriguez Brown and I am the Founder and Executive Director of The Embracing Project, a nonprofit, community-based organization that examines the parallels between gang violence and genocide and is dedicated to improving the lives of inner city youth and their families by providing quality programming and self-enrichment opportunities.

As a youth advocate, one of my priorities is ensuring that detained children and their families receive appropriate services to help them transition back into their communities in a positive manner.

There are a number of factors that make this difficult when a child is placed into the adult justice system. When children are tried as adults, parents are not always notified of court dates or issues regarding their child. This makes it hard for them to provide support for their children. Children in the adult system can also be bailed out and end up back in the streets without receiving any type of services to address their behavioral issues. These problems are avoided in the juvenile system, where there is a greater focus on addressing mental health and behavioral disorders. If children end up in adult jails or prisons, however, the problems become even worse.

Most adult jails and prisons do not have the resources in place to focus on rehabilitation and education directed specifically towards children. There is no education requirement; even when youth are provided access to textbooks, their schooling is catastrophically disrupted during their incarceration. When these children are released and allowed to return to their communities, they often find it impossible to catch up with their classmates. This can lead to dropping out of school and a life of severely limited options. For too many children, the end result is a return to the criminal justice system.

In addition to suffering from a lack of education, youths in adult prisons or jails are frequently the victims of violence. According to a report by the Bureau of Justice Statistics, under-18 youth comprise about one percent of the prison population but nearly eight percent of the victims of violence. In addition, approximately twenty percent of the victims of inmate-on-inmate sexual violence in adult prisons are under the age of 18. These are shocking statistics. Regardless of their transgressions, putting children into situations where they are going to be victimized is both cruel and immoral.

Some adult jails and prisons have addressed the increased danger to children held in their facilities. Unfortunately, one common method is to separate youth from the general prison population by putting them into solitary confinement, with almost no human contact. Social contact is incredibly important during a child's development, and solitary confinement prevents children from learning to function responsibly around other people. Being locked down for most of the day in a small cell can also cause anxiety and paranoia, and increases existing mental disorders.

In addition to being bad for children, trying children as adults and placing them in adult facilities is bad for society. As a matter of public safety, trying children as adults doesn't prevent crime or delinquency. The Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice concluded that prosecuting youth as adults has little or no deterrent effect on juvenile crime. Studies have also shown that youth who are transferred from the juvenile court system to the adult criminal system are 34% more likely to re-offend than youth retained in the juvenile system. If there is no deterrent effect and transferring youth to the adult system makes them more likely to re-offend, then, as a practical matter, trying children as adults creates more crimes than it prevents.

The juvenile justice system gives children greater access to education and treatment and keeps them safe from violence at the hands of adult prisoners. This greatly improves the chances that these youthful offenders will be rehabilitated instead of having to be reincarcerated.

Assembly Bill 272 addresses many of these concerns. By raising the age at which children can be tried as adults and removing children from adult jail facilities, AB 272 will help to ensure that the Nevada justice system is focused on protecting and rehabilitating youth instead of punishing them.

In addition to today's testimony, we have circulated a letter urging the Committee to support AB 272, and that has been submitted for the Committee's consideration.

To create better communities we have to invest in our children. When they make mistakes, they should be disciplined, but they also must be treated and educated. Adult prisons are intended for adults and therefore are not developmentally appropriate for youth.

In a recent report on State Trends by the Campaign for Youth Justice, Nevada was identified as one of 24 states that have begun to reform their treatment of juveniles. I urge you to continue this trend. It's time for us to look out for youth instead of locking them away!

Thank you for your time and consideration.