



Testimony Re: H-7608
House Committee on the Judiciary
March 16, 2016
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Thank you to Chairman Keable and members of the House Committee on the Judiciary for the opportunity to testify in support of H-7608, a bill that would prohibit the incarceration of children age 12 and under at the Rhode Island Training School (except in cases involving capital offenses and felony sex offenses).

We thank this committee and members of the House of Representatives for unanimously passing an identical bill last legislative session and we are hopeful that this legislation will have your support again this year.

In late 2014, Rhode Island KIDS COUNT learned through news accounts that a 9 and 10 year-old boy were detained at the Training School for several days. These boys were held in the detention unit, which houses youth up to age 19, including youth awaiting transfer to adult prison for serious crimes. While the behavior that led to the boys' detention was unquestionably troubling, there are more appropriate alternative placements for youth of this age.

After researching the Rhode Island General Laws and consulting colleagues in other states, we were surprised to learn that Rhode Island is one of only 12 states that do not have either a statutory minimum age for incarceration or for delinquency jurisdiction. Although some states have a very young lower age limit, this prompted our effort to advocate for the establishment of a minimum age in Rhode Island.

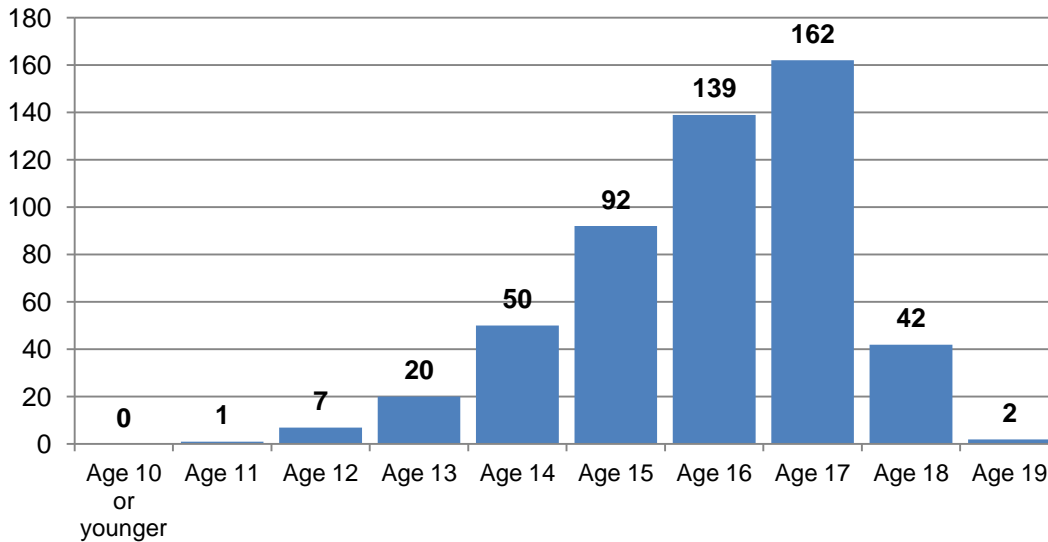
When a child in elementary school exhibits law-breaking behavior, it is almost certainly an indication that there are some family problems and/or mental health issues present. Placement in a correctional facility does little to address these issues and the trauma of this experience can actually harm a child's emotional and mental health. When a child's parents are unable to provide a minimum degree of supervision, the Department of Children, Youth and Families (DCYF) has the duty to investigate and, if necessary, place the child in foster care or an out-of-home setting.

Protecting public safety is critically important and we recognize that children who engage in law-breaking behavior need to be held accountable. However, preventing future offending is best achieved in a setting that is conducive to addressing their behavioral, mental health, and family issues. Research clearly shows that locking up children can actually exacerbate criminal behavior and that children who are incarcerated are more likely to be arrested again in the future. It is especially concerning and harmful for younger children to be placed with much older and more serious offenders.

Importantly, Rhode Island has the capacity to care for children with troubling behavior and does not need to place young children at the Training School. During 2015, there were a total of eight children age 12 or

younger held at the Training School. This represents less than 2% of the youth at the Training School during the year (see chart below.) Rhode Island has existing service providers capable of caring for children with serious issues and challenging behavior and there are many service options that would be more appropriate than incarcerating a young child at the Training School.

Youth at the Training School, Calendar Year 2015



Source: Rhode Island Department of Children, Youth and Families (2015)

We know that the Family Court and DCYF work hard to find ways to address law-breaking behavior without sending children to the Training School. Children age 10 and under committed 0.8% of offenses referred to Family Court during 2015, 1.5% were committed by children age 11, and 5.4% were committed by children age 12. The overwhelming majority of these children were not incarcerated. This bill establishes in law what is already being practiced for all but a handful of pre-teen children referred to Family Court each year.

Finally, this legislation provides protection to children whose parents are not able to effectively advocate for their children's needs. For children from healthy, functioning families, a child's arrest would likely lead his or her parents to frantically call anyone they could think of to avoid having their child held at the Training School. Children from families struggling with substance abuse, mental health, poverty, or other problems may not have adults in their lives able to provide this level of advocacy.

Rhode Island has made tremendous progress over the past several years reducing the number of children that are held at the Training School. H-7608 will ensure that the system connects young children and their families with community-based services and supports and help Rhode Island continue on its path of juvenile justice reform.