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[PRESS TOOLKIT](#)

Members of Congress Join Advocacy Groups to Urge Passage of Bi-Partisan Legislation to Treat Children Like Children in the Federal Legal System During Youth Justice Action Month

Washington, DC – Advocacy groups and Members of Congress, including Representatives Tony Cárdenas (D- CA), Karen Bass (D- CA), and Bruce Westerman (R-AR) are urging the passage of bipartisan legislation to treat children like children in the federal criminal legal system. Congressman Cárdenas will appear at a press conference today at 10am ET alongside advocacy groups that include formerly incarcerated youth to discuss pending legislation at the House Triangle outside the U.S. Capitol Building.

The press event comes after the introduction of Congressman Cárdenas' commemorative Resolution recognizing October as Youth Justice Action Month.

“Growing up in Pacoima, I witnessed how our broken criminal and juvenile justice systems kept neighborhood kids in a perpetual cycle of incarceration,” said **Congressman Cárdenas**. “I saw how systemic problems literally ruined the lives of generations of children. We all make mistakes when we’re young, but those mistakes should not determine our futures. I’m leading the Second Chance for Justice legislative package with Congresswoman Bass and Senator Booker because I believe our children deserve to live in a world where they can change for the better, and where their future is not defined by a single mistake. Our bills will provide smart, meaningful solutions and close loopholes that treat at-risk kids like criminals. Investing in children is one of the best things we can do, and I’m proud our package embodies the principles that will give them the second chance they deserve.”

“My resolution to recognize October 2021 as National Youth Justice Action Month aims to shine a light not only on children’s potential for rehabilitation and growth, but also on how our antiquated juvenile justice system keeps them from doing so,” continued **Congressman Cárdenas**.

The legislation being discussed will establish age-appropriate protections for youth who are arrested, align the federal government with human rights standards by establishing a minimum age for juvenile court jurisdiction and heightened procedural safeguards that limit the prosecution of children in adult court, and eliminate life and de facto life without parole sentences for children.

“Studies have proven that punishing children the way we punish adults does not advance public safety,” said **Rep. Karen Bass, co-Chair of the Congressional Caucus on Foster Youth**. “After decades of increasingly punitive and failed juvenile justice policies, it’s time to take a step

in a direction that recognizes that children are different than adults, that they have enormous potential for rehabilitation, change, and growth, and that we can do better to meet their developmental needs. We must pass bipartisan legislation to treat children like children in the federal criminal legal system.”

“I continue to support a bipartisan solution to address the needs of children in the federal legal system. Protecting children who are victims of sexual crimes is essential, and recognizing and enforcing age-appropriate options for sentencing is a must. While I am a firm believer in the justice system, Congress must work to ensure there are more appropriate options in the sentencing of juveniles and empower judges with sentencing discretion based on the child’s circumstances,” said **Congressman Bruce Westerman (R-AR)**.”

“The First Step Implementation Act seeks to right a serious wrong in our criminal justice system, specifically the inhumanity of sentencing children to life in prison without parole,” said **Senator Dick Durbin (D-IL)**. “I remain committed to making our justice system fairer by reforming the antiquated sentencing laws that force children to grow up behind bars without an opportunity to reenter society. With the bipartisan support of my colleagues, we have a real chance to pass this legislation and give children in prison a second chance.”

Package Summary

H.R. 2834/S. 2498, the Protecting Miranda Rights for Kids Act, by Congressman Tony Cardenas (D-CA) and Senator Cory Booker (D-NJ) - requires parents to be notified when a child is arrested and requires that the child consult with legal counsel before they can waive their constitutional rights and be subject to a custodial interrogation. Approximately 700,000 children are arrested every year in the United States. In most cases these children waive their constitutional rights without fully understanding what they are or the consequences of waiver.

“Miranda Rights for Kids recognizes and upholds the innate differences between children and adults. This law ensures that children have the same constitutional protections adults do, when deciding to give up their rights. Children in police custody are vulnerable, and often come from underserved communities. The vast majority of them are victims themselves, and when faced with police interrogation, operate out of fear as opposed to full comprehension of the law. This law is integral in reforming our justice system into one that values protecting our children, which is something that people from both sides of the aisle can support and get behind,” said **Michael Mendoza, Director of National Advocacy at the Anti-Recidivism Coalition**.

H.R. 2908, the Childhood Offenders Rehabilitation and Safety Act, by Congresswoman Karen Bass (D-CA) - establishes a minimum age of 12 for criminal culpability for children; increases the minimum age for a child to be tried as an adult from 13 to 16; eliminates the felony murder rule for children; prohibits the placement of children in adult jails or prisons; requires data collection on youth who come into the federal criminal justice system; and establishes a grant block program for treatment and services for children under 12 and child victims of commercial sexual exploitation.

Between 2013 and 2018 more than 30,000 children under the age of 10 were arrested and subsequently faced delinquency or criminal proceedings. Children this young can never form the Mens Rea necessary to be found competent to stand trial. At the federal level, there is no minimum age for arresting children.

“Research consistently shows that involving youth in the legal system at very young ages does nothing to improve public safety and, in fact, increases harm for youth along with the chances

that they will become further enmeshed in the legal system. This bill recognizes that sending young children to court is never an appropriate response and that we need a system of support and accountability grounded in healing - not carceral punishment - for kids,” said **K. Ricky Watson Jr., Executive Director of the National Juvenile Justice Network.**

Approximately 76,000 children - 83% of whom are racial minorities - are prosecuted in the adult criminal legal system every year where they face the same severe punishment as adults. **In a number of instances where a crime involves drugs or violence, federal law permits trying children as young as 13 years old as adults in federal court.** This despite the fact that many of these children have been victims of crime themselves. Studies have shown that the overwhelming majority of children in detention facilities have been exposed to violence in their homes and communities.

“Children don’t belong in adult court. Our youth justice system was created to intervene in children’s lives who come in contact with the law in an age appropriate way. The harms of sending children to the adult system are numerous and include increased physical and sexual abuse, self harm and suicide, increased recidivism, and lifelong challenges to permanent employment, housing and physical and mental health. Automatic transfers to the adult justice system overwhelmingly punish children of color, particularly black boys. We owe it to our children and communities to do better and to treat kids like kids.” said **Marcy Mistrett, Director of Youth Justice, The Sentencing Project**

H.R. 2858, Sara’s Law and the Unfair Sentencing of Minors Act, by Congressman Bruce Westerman (R-AR) - would retroactively end life and de facto life without parole by giving individuals convicted of crimes as children the ability to petition a judge for sentencing review and modification after serving 20 years; give judges the ability to depart from mandatory minimums when sentencing children (up to 35% away from the minimum); and protect child sex crime victims from harsh sentencing when they commit acts of violence against their abusers.

For girls, the violence they experience prior to entering the system is particularly acute with nearly half having been exposed to 5 or more Adverse Childhood Experiences. Approximately 80% of girls sentenced to life imprisonment were victims of both physical and sexual abuse.

“Despite the well-established connections between childhood abuse and legal system involvement, girls continue to face harsh, punitive responses— often for trying to protect themselves from further harm from their abusers. This bill is a critical step towards disrupting the abuse-to-prison pipeline by allowing judges to consider a survivor’s childhood trauma and development in sentencing decisions,” said **Yasmin Vafa, Executive Director, Rights4Girls.**

Though considered earlier in some case proceedings, at the point of sentencing, one’s young age is generally not considered as a mitigating factor in deciding whether a sentence should be outside the range of the sentencing guidelines at the federal level, which is in violation of international human rights law which prohibits sentencing children by the same standards used for adults.

"For years, our country has maintained a justice system that treats our youth like criminals and predators. This approach, strengthened by media depictions of youth of color, has led to approximately 700,000 young people coming into contact with the justice system each year. Many of those children receive sentences that rob them of their humanity and fail to consider the support they truly need. It’s time we not only imagine a system that cares for children in their most formative years but works to make it a reality,” said **Marshan Allen, National Policy Director, Represent Justice.**

S. 1014 by Senators Durbin (D-IL) & Grassley (R-IA) - would retroactively end life and de facto life without parole by giving individuals convicted of crimes as children the ability to petition a judge for sentencing review and modification after serving 20 years. There are approximately 10,000 children serving life or life equivalent sentences in the United States. The U.S. is the only nation that continues to sentence children to die in prison.

“I was one of the kids that was given an extreme sentence at the age of 16, and I’ve proven in the last 15 years that change is possible. There are thousands of us who are home who have also proven the same thing. No child should be condemned to die in prison without possibility of release,” said **Eddie Ellis, Co-Director of Outreach & Member Services at the Campaign for the Fair Sentencing of Youth.**

According to recent findings, the treatment of children in the U.S. legal system is one of the largest government-sanctioned human rights abuses against children in the world today, highlighting the desperate need to prioritize children in criminal justice reform efforts.

“It is a human rights atrocity what we do to children in the American criminal legal system. Whether it is arresting elementary schoolers, prosecuting 12 and 13 year olds as adults, or sentencing children to die in prison - these are all human rights violations prohibited under international law. We do not have the moral authority to be a global beacon for human rights when every day in America we violate the human rights of our own children. Congress must pass, and the President must sign, comprehensive reform to wipe this stain from our country,” said **James Dold, Chief Executive Officer, Human Rights for Kids.**

Reform efforts currently underway in Congress have had strong bi-partisan support by lawmakers and advocacy groups across the nation.

“The United States is the only nation that still sentences children to life in prison with around 10,000 currently serving. It is good to see that Juvenile Justice reform efforts in Congress, such as ending life without parole for individuals that were convicted of a crime as children, have repeatedly received widespread support from lawmakers and advocacy groups from across the ideological spectrum. Treating kids like kids is something that can be championed whether you find yourself on the right, left, or center in today’s civil discourse.” **Anthony Lamorena, Federal Government Affairs Manager at the R Street Institute.**

If we are a nation that cares about children who have been victimized by physical and sexual abuse, and children exposed to violence, then we must care about children in the criminal legal system.

“Our compassion for children who have experienced abuse and neglect can’t stop at the doors of juvenile detention centers or criminal courts when the overwhelming majority of justice-system involved girls report being victims of multiple types of abuse and neglect. American children, 40 percent of whom are victimized by 2 or more types of violence, are exposed to violence and crime more than adults — yet they have a greater propensity than adults to heal, grow, and change. During Youth Justice Action Month, we are reminded that kids deserve the opportunity to grow and bring their renewed potential back to our neighborhoods.” **Bruce Lesley, President at First Focus Campaign for Children**

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