



To: Chairman Allen, Committee On the Judiciary & Public Safety
From: Carole Bernard, Chief Executive Officer
Re: 24-0338, Redefinition of Child Amendment Act of 2021
Date: October 22, 2021

The Amara Legal Center (“Amara”) provides free, high-quality, trauma-informed holistic legal services in the D.C. Metropolitan area to anyone involved in commercial sex work whether that involvement is by choice, coercion, circumstance or necessity. Our clients are sex trafficking survivors and sex workers who are marginalized in society and face complex legal issues.

Amara is the only legal service provider in the District of Columbia whose sole mission is to serve this population. Since its founding in 2013, Amara has provided free legal services to over 500 clients in the DC-metropolitan area. Amara employs a culturally-specific, trauma-informed, multidisciplinary approach to legal advocacy. Toward that goal, we provide full representation, limited scope representation and legal advice in the following matters: criminal defense, civil protection orders, divorce, child custody, child support, victim-witness advocacy, criminal record sealing, name change, gender marking changes, expungement and vacatur of criminal records.

Amara unequivocally supports the Redefinition of Child Amendment Act of 2021.

The Redefinition of Child Amendment Act would ensure that all cases involving children under the age of 18 years of age, who are accused of criminal code violations begin in juvenile court. Under this bill, children could still be transferred to adult criminal court, but only after a judge examines the unique circumstances of the youth, their capacity for rehabilitation in the



juvenile system, and the interests of the public in transfer. For the reasons set forth below, Amara supports ending the practice of directly filing accusations against youth in adult criminal court and asks the DC Council to commit to providing rehabilitation, support, and services for children who desperately need them rather than committing them to an adult system that will only inflict more harm.

Justice-involved youth have experienced high rates of trauma and sexual abuse.

Many youth in the justice system have experienced or witnessed violence and trauma. A National Child Traumatic Stress Network (NCTSN) study found that up to 90% of justice-involved youth report exposure to some type of traumatic event.¹ While this is true among all youth, it is particularly true of girls and other gender minorities.² In a 2009 study of delinquent girls in South Carolina, 81 percent reported a history of sexual violence, and 42 percent reported dating violence.³ Further, the NCTSN review of literature on trauma and girls' delinquency emphasizes the causal role that unaddressed trauma can play in the criminalization of girls.⁴ These statistics are particularly troubling to Amara, as we know that intersecting factors such as involvement in the juvenile and criminal legal systems, unequal school discipline

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3714673/>

² *Id.*

³ <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2019/02/The-Sexual-Abuse-To-Prison-Pipeline-The-Girls%E2%80%99-Story.pdf>

⁴ "For many of these adolescent females, there appears to be a link between the experience of abuse and neglect, the lack of appropriate treatment, and the behaviors that led to arrest," *Id.*



policies, involvement in the child welfare system, and a history of physical and sexual abuse increase a youth's vulnerability to trafficking and exploitation.

The primary goals of the juvenile justice system, in addition to maintaining public safety, are skill development, rehabilitation, addressing treatment needs, and successful reintegration of youth into the community. When juveniles are charged as adults, they are more likely to be denied access to many essential programs and services, specifically treatment and counseling services that are essential to healthy development and overcoming trauma.⁵

Additionally, education is closely linked to reducing re-offending; youth's successful re-entry to their communities is compromised when they are deprived of adequate and appropriate educational opportunities.⁶ Without access to these essential services, coupled with the fact that adult charges are more difficult to have sealed or expunged, juveniles charged as adults will have less access to meaningful employment, higher recidivism rates, and vulnerability to victimization and exploitation like human trafficking.

Finally, Youth in the adult criminal justice system face a higher risk of sexual abuse, physical assault, and suicide.⁷ This is incredibly harmful to a youth's mental wellness, especially those that have likely already experienced trauma, further complicating their rehabilitation. Juvenile court is the developmentally appropriate venue to ensure youth offenders are able to

⁵ <https://jlc.org/issues/youth-tried-adults>

⁶ *Id.*

⁷ *Id.*



access the specialized services and education, and to reduce the risk of reoffending, recidivism, and ensure public safety.

The current law disproportionately impacts Black youth.

It cannot be ignored that this problem disproportionately impacts Black children. While 14% of all youth under 18 in the U.S. are Black, 42% of boys and 35% of girls in juvenile facilities are Black.⁸ Additionally, one study found that while Black youth made up 35% of delinquency cases, they made up over half (54%) of youth judicially transferred from juvenile court to adult court.⁹ Indeed, these statistics are representative of our own clients at Amara.

Black women and girls and individuals of color from the LGBTQIA+ population are disproportionately represented in sex trafficking cases, less likely to be identified as victims, and more likely to be criminalized.¹⁰ Nearly 60 percent of all juvenile prostitution arrests are Black children.¹¹

The current law and means by which children are charged in adult criminal court contributes to trauma, racial inequity, poverty, marginalization, and exploitation. District youth should not be automatically placed into an adult criminal legal system that will do nothing to address the root causes of their criminal involvement. Instead, the District must examine deeper

⁸ <https://www.prisonpolicy.org/reports/youth2019.html>

⁹ *Id.*

¹⁰ Snapshot on the State of Black Women and Girls: Sex Trafficking in the U.S., a report published by the Congressional Black Caucus Foundation.

¹¹ *Id.*



the root causes of criminal activity among youth and invest in programing and supportive services that foster rehabilitation through the juvenile system. The Redefinition of Child Amendment Act seeks to do just that, and its enactment will result in better outcomes for youth and communities, will treat children as children, and will make significant steps forward in advancing racial equity.

As always, we are pleased to work with Chairman Allen and his staff in this effort and are available to answer any questions that the committee may have.