



**Testimony of Olivia  
Naugle  
Youth Justice Campaign Strategist  
The Sentencing Project**

**In Opposition of Bill 25-791 (Titles I  
through III only)**

Before the Committee on the  
Judiciary and Public Safety

May 30, 2024

Chair Pinto and members of the Committee on the Judiciary and Public Safety:

The Sentencing Project **opposes Bill 25-791, the “Utilizing Partnerships and Local Interventions for Truancy and Safety (UPLIFT) Amendment Act of 2024” (Titles I through III only).**

Established in 1986, The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.

Titles II and III of this legislation would limit the use of diversion, consent decrees, deferred disposition agreements, and deferred adjudication agreements for youth charged with certain offenses. This would create more justice system involvement and incarceration for youth, which is generally more harmful than alternatives.

The Sentencing Project opposes the sections of the legislation being discussed today for three main reasons:

- 1.) Diversion is beneficial for most youth and this bill would limit its use.
- 2.) For those youth who are part of the system, contacts should be as brief as possible and this bill takes away discretion from the court, creating greater system involvement.
- 3.) Youth incarceration harms the well-being of youth and is disproportionately imposed on Black and other youth of color.

### ***Diversion is beneficial for most youth***

Title II of this legislation would limit diversion for youth charged with a broad array of offenses, which will put more youth further into the justice system. Specifically, Title II would limit diversion for youth “charged with committing a dangerous crime while armed with or having readily available a knife, pistol, firearm, or imitation firearm.” “Dangerous crime” encompasses a wide range of conduct and this proposal could exclude youth engaged in low-level offenses such as acting as a go-between to distribute a controlled substance, shoplifting in many instances, and pickpocketing from the rehabilitative opportunities they need. This proposal goes against clear evidence showing that formal involvement in the justice system tends to reduce young people’s future success and harm public safety.<sup>1</sup> Studies find that youth diverted from the justice system have a far lower likelihood for subsequent arrests, are less likely to be incarcerated, commit less violence, have higher rates of school completion and college enrollment, and earn higher incomes in adulthood.<sup>2</sup>

---

<sup>1</sup> Mendel (2022); Cauffman, E., Beardslee, J., Fine, A., Frick, P.J., & Steingberg, L. (2021). Crossroads in juvenile justice: The impact of initial processing decision on youth five years after first arrest. *Development and Psychopathology* 33, 700-713. doi:10.1017/S095457942000200X.

<sup>2</sup> Mendel (2022), see note 2.

Diversion can also be a critical tool in combating racial and ethnic disparities in the juvenile justice system. National data show that Black youth are far more likely to be arrested than their white peers<sup>3</sup> and far less likely to be diverted from court following arrest.<sup>4</sup> These disparities have serious long-term consequences: youth of color facing a greater likelihood of formal court involvement means they accumulate records and face harsher consequences for subsequent arrests. Instead of limiting the use of diversion, diversion opportunities should be expanded with an explicit focus on reducing racial and ethnic disparities.

***For those youth who are part of the system, contacts should be as brief as possible***

Title III of the legislation restricts the use of consent decrees, deferred adjudication agreements, and deferred disposition agreements for youth charged with a broad swath of conduct. Specifically, youth charged with "committing a dangerous crime or a crime of violence while armed with or having readily available a knife, pistol, firearm, or imitation firearm" will be ineligible for relief. This will take away sentencing options that may best fit the young person and create greater system involvement. For those youth who are part of the system, contacts should be as brief as possible, referring youth to community-based service providers and avoiding lengthy contact with the court.

A review of official juvenile court referral histories of youth born in 2000 showed that most youth (63 percent) who enter the justice system for delinquency never return to court on delinquency charges.<sup>5</sup> It also showed that youth whose most serious offense at first referral was a weapons charge had a 33 percent re-referral rate, which was less than the average of 37 percent. Finally, regardless of the offense, youth whose first juvenile court referral received a formal sanction (youth adjudicated for an offense and who received a disposition of placement, probation, or some other sanction) were more likely to return to juvenile court.<sup>6</sup>

Interventions like arrest, detention, and probation are generally harmful for youth when compared with alternatives. Removing youth from their homes and communities harms public safety by increasing the likelihood that youth will commit new offenses and return to the justice system. In a

---

<sup>3</sup> OJJDP Statistical Briefing Book. Trends in arrest rates by race for All offenses (rates are per 100,000 in age group) Released on November 16, 2020.

<sup>4</sup> Rovner, J. (2016). Racial disparities in youth commitments and arrests. *The Sentencing Project*; Padgaonkar, N. T., Baker, A. E., Dapretto, M., Galván, A., Frick, P. J., Steinberg, L., & Cauffman, E. (2021). Exploring Disproportionate Minority Contact in the Juvenile Justice System Over the Year Following First Arrest. *Journal of Research on Adolescence*, 31(2), 317–334; Gase, L. N., Glenn, B. A., Gomez, L. M., Kuo, T., Inkelas, M., & Ponce, N. A. (2016). Understanding Racial and Ethnic Disparities in Arrest: The Role of Individual, Home, School, and Community Characteristics. *Race and Social Problems*, 8(4), 296–312.

<sup>5</sup> Puzzanhera, C. and Hockenberry, S. (2022) Patterns of Juvenile Court Referrals of Youth Born in 2000. Office of Juvenile Justice and Delinquency Prevention.

<sup>6</sup> See note 5.

review of juvenile justice research, the National Academies of Science noted, “Well-designed community-based programs are more likely than institutional confinement to facilitate healthy development and reduce recidivism for most young offenders.” Further, the National Academies found that “these effects can be found even when these interventions are applied in community settings with relatively high-risk adolescents.”<sup>7</sup>

***Youth incarceration harms the well-being of youth and public safety***

Titles II and III of this legislation are likely to result in a greater likelihood of incarceration for youth. As The Sentencing Project documented in *Why Youth Incarceration Fails: An Updated Review of the Evidence*,<sup>8</sup> incarceration is a failed strategy for rehabilitating youth and protecting the public. It increases the likelihood that youth will return to the justice system, impedes young people’s success in education and employment, and does lasting damage to their physical and mental health. Further, it exposes young people, many of whom have experienced trauma, to abuse. These harms of incarceration are inflicted disproportionately on Black youth and other youth of color.

For these reasons, we urge that the committee not advance this proposed legislation.

Thank you for your time and attention. If you have any questions or need any additional information I am happy to assist and can be reached at the email address below.

Sincerely,

Olivia Naugle  
Youth Justice Campaign Strategist  
The Sentencing Project  
[onaugle@sentencingproject.org](mailto:onaugle@sentencingproject.org)

---

<sup>7</sup> National Research Council. (2013). *Reforming juvenile justice: A developmental approach*. National Academies Press.

<sup>8</sup> Mendel, R. (2023). *Why youth incarceration fails*. The Sentencing Project.