

THE GOOD FIGHT

2020 IN REVIEW

In 2020, Human Rights for Kids led a national movement in state and federal courts, state legislatures, and in the U.S. Congress to protect the human rights of children in the U.S. Justice System. Our advocacy efforts helped lead to the passage of three new paradigm shifting laws in Virginia, the introduction of more than a dozen state bills, and two new bills in the U.S. Congress. We helped win a case in the Washington State Supreme Court which retroactively ended mandatory minimum/presumptive sentences for children prosecuted as adults. And we were once again back at the U.S. Supreme Court arguing on behalf of children who were convicted by an unconstitutional and racist Jim Crow-era law in Louisiana.

FIGHTING FOR RACIAL JUSTICE IN THE U.S. SUPREME COURT

In April, the U.S. Supreme Court ruled in *Ramos v. Louisiana* that it was a violation of the 6th Amendment for people to be convicted by non-unanimous juries. Writing for the majority, Justice Gorsuch discussed at length how the founding fathers intended to incorporate jury unanimity into the Bill of Rights and how Louisiana's law was motivated by racial animus toward black Americans. A month later, the Court decided to hear *Edwards v. Vannoy* to determine whether the Ramos decision should apply retroactively to past cases.

As these events unfolded, HRFK sprung to action and conducted outreach to more than 1,600 individuals who are currently incarcerated in Louisiana's prisons for crimes they were convicted of as children.



We wrote letters to people who were incarcerated and spoke with their family members.

And with the support of the Polsinelli Law Firm, we filed an Amicus Brief with the U.S. Supreme Court on behalf of children convicted by non-unanimous juries – 90 percent of whom are black – arguing that the *Ramos* decision was a substantive rule that prohibited Louisiana and Oregon from criminalizing blackness and minorities as a class. We concluded this argument to the Court, by stating that “the rights of black children to simply exist outweigh any interest that these states might shamefully muster to the contrary.” The case was heard on December 2nd and we expect a decision by the summer of 2021.

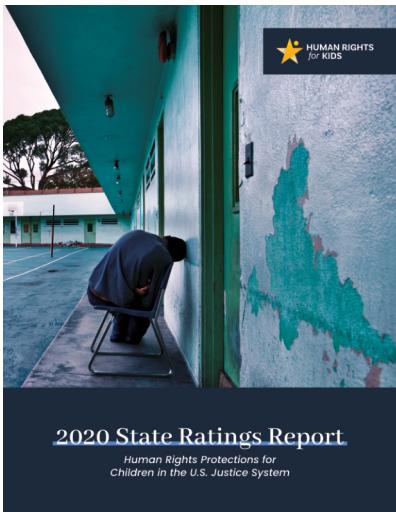
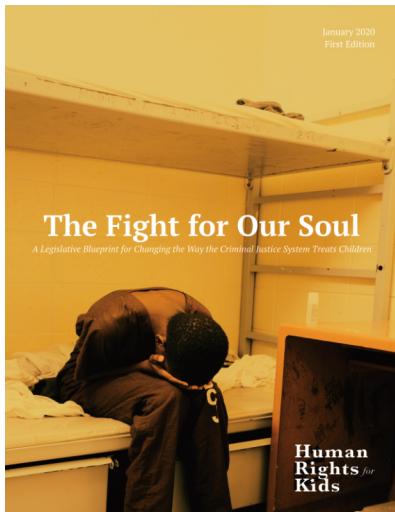
ENDING MANDATORY MINIMUM SENTENCES FOR CHILDREN

- 1 We teamed up with our partners at the Juvenile Law Center and Columbia Legal Services to file an Amicus Brief with the Washington State Supreme Court in the case of *In Re PRP Endy Domingo*. We argued – successfully – that the use of mandatory or presumptive sentences on children violated the Constitution’s ban on Cruel & Unusual Punishment. On September 17, 2020, the Court issued its opinion agreeing with our argument, and holding that “adult standard SRA ranges and enhancements for juveniles who possess such diminished culpability . . . [is] disproportionate punishment.” It is estimated that hundreds of people who received such sentences without consideration of their child status in Washington will be entitled to new sentencing hearings as a result of this victory!
- 2 HRFK successfully led the first-ever state legislative campaign to end the application of ALL mandatory minimum sentences for children sentenced in adult court. We worked closely with Delegate Vivian Watts of Virginia to pass HB 744 which gives complete discretion to judges to impose more age-appropriate and trauma-informed sentences for children. The new law also requires judges to consider the impact of Adverse Childhood Experiences and early childhood trauma on the child’s involvement in the justice system.
- 3 Following the passage of HB 744 in Virginia we teamed up with local attorneys, the National Association of Criminal Defense Lawyers, and the Virginia Legal Aid Justice Center to deliver a training to more than 350 criminal justice system stakeholders including judges, prosecutors, defense attorneys, probation officers, and other court staff on the requirements of the new law and to showcase the HRFK Bench Card that we developed to assist judges throughout Virginia with creating more just sentences for children who are tried in adult court.
- 4 HRFK’s President, Suzanne S. La Pierre, and CEO, James Dold, were published in the Virginia Journal of Social Policy & the Law at UVA Law School this summer! Their article, entitled, *The Evolution of Decency: Why Mandatory Minimum and Presumptive Sentencing Schemes Violate the Eighth Amendment for Child Offenders*, offers the first compelling legal scholarship outlining the Constitutional case against the use of mandatory sentences on children.

PROTECTING THE DUE PROCESS RIGHTS OF CHILDREN

- 1 HRFK successfully advocated for the passage of HB 746 in Virginia which now requires law enforcement agencies to notify a parent or legal guardian whenever a child is arrested. The law also creates new legal protections for children by requiring that they be afforded the opportunity to consult with their parent or guardian before they waive their Miranda rights or are subject to a custodial interrogation.
- 2 Following the passage of HB 746, we partnered with Rise for Youth and the National Association of Criminal Defense Lawyers to conduct a community training with parents and children in Virginia to educate them about their new rights. We also developed a Know Your Rights flier to serve as a resource for parents and children in the Commonwealth.
- 3 After nearly a year of advocacy work, HRFK successfully assisted Congressman Cardenas and Congressman Kennedy with the introduction of the Protecting Miranda Rights for Kids Act which would ensure children’s constitutional rights are protected when they are subject to arrest.

THE HRFK MODEL LAW & NATIONAL STATE RATINGS REPORT



In January we published our first ever model law, laying out the blueprint for policy changes to better protect the human rights of children in the justice system. And in October, alongside several state lawmakers and Congressman Tony Cárdenas, we launched the *2020 National State Ratings Report on Human Rights Protections for Children in the U.S. Justice System*. This report was the first nation-wide assessment of how well or how poorly states were doing at protecting the human rights of justice-system involved youth.

SARA'S LAW & KEIANA'S HOMECOMING!

Once again we spear-headed efforts to pass Sara's Law to protect child sex crime victims in the justice system. Legislation was introduced in Vermont, Oklahoma, and Virginia this year. Sara was able to testify alongside us in Vermont and was a guest feature in the Oklahoman newspaper fighting for child victims.

With the support of the Just Beginnings Collaborative, Sara was also able to team up with Maggy Krell, a human rights lawyer in California, to successfully advocate for the release of Keiana, a survivor who received a ten-year prison sentence for a crime committed against her abuser. After a visit to the beach, Keiana had a celebratory meal with Maggy and Sara. Keiana is now where she has belonged all these years: home.

PROTECTING KIDS FROM THE CORONAVIRUS



As COVID-19 rapidly spread across the nation, threatening our most vulnerable children, HRFK was there to respond. Upon invitation by the Congressional Black Caucus, HRFK was one of a handful of organizations asked to present directly to Speaker Pelosi and House Leadership on the impact of the virus on justice-system involved youth. Working with our partners in the Baltimore City Public Defenders Office, we were able to help prep a mother whose teenage son was incarcerated in Maryland so that she could speak alongside HRFK to underscore the importance of Congress protecting kids in the justice system from the global pandemic. As

a result of our advocacy, EVERY SINGLE POLICY REQUEST we made for children in the justice system was incorporated into the House-passed HEROES ACT! The mother was also reunited with her son after he was granted pre-trial release due to the zealous advocacy of his defense attorney.

Two of HRFK's Conservative Board Members, John Hambrick and John Ellem, were published by papers in Nevada and West Virginia, respectively, calling on Executive Branch officials to prioritize protecting incarcerated youth from COVID-19.

We want to thank all of our supporters, especially the Coalition for Public Safety, Represent Justice, the Weissberg Foundation, and the Just Beginnings Collaborative, as well as all of the people who have supported our work this year in ways big and small. None of this would have been possible without you!