



# SECOND CHANCE FOR JUSTICE

## JUVENILE JUSTICE AND CRIMINAL JUSTICE PACKAGE

**Protecting Miranda Rights for Kids Act • Community-  
Based Gang Intervention Act • Eliminating Debtor's  
Prison for Kids Act**



LED BY  
CONGRESSMAN **TONY CÁRDENAS**,  
CONGRESSWOMAN **KAREN BASS** AND  
SENATOR **CORY BOOKER**

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## MESSAGE FROM REP. CÁRDENAS

Since first being elected to office – from the State Assembly to the LA City Council and now in Congress – one of my main goals has been to promote public safety with law enforcement collaboration for fair, smart-on-crime policies for youth opportunity and justice through all aspects of the justice system.

Growing up in Pacoima, I witnessed the long-lasting effects of our broken criminal and juvenile justice systems. I saw how systemic problems keep

young Americans in a perpetual cycle of incarceration. We all make mistakes when we're young, but those mistakes should not determine our futures. American children belong in schools, not in prisons, and everyone deserves a **second chance**.

In 2000, as a California State Assemblyman, I co-authored and passed the Schiff-Cárdenas Juvenile Justice Crime Prevention Act which has provided local communities with approximately \$120 million per year, the single, largest appropriation of state funds for youth crime prevention in the history of the United States. Confirming its effectiveness, a report from the Rand Corporation indicates that statewide efforts after the passage of the Schiff-Cárdenas Act have resulted in lower law enforcement costs and a measurable positive effect on young people who participate in it.

Now in Congress, I'm leading the **Second Chance for Justice legislative package** because I believe our children deserve to live in a world where they can change for the better, and where their future is not be defined by a single mistake. That is the world I am fighting for every day.

# WHY WE NEED A **SECOND CHANCE** FOR JUSTICE LEGISLATIVE PACKAGE

The U.S. invests more in keeping children in prison than any other country in the industrial world. For too long, we have relied on a juvenile justice model that prioritizes wasteful incarceration over efficient, effective rehabilitation. The United States has the highest youth incarceration rates of any developed nation.

Each year, 76,000 of America's youths are tried or sentenced as adults – most of whom are prosecuted for nonviolent offenses. Children under the age of 18 are not allowed to vote, yet in many states, children as young as seven can be tried as adults. We know that locking up children does not reduce crime or the rate of juvenile recidivism. Youth incarceration has the opposite effect. While incarcerated, children are often provided with inadequate education instruction, health care and counseling services and are at greater risk of maltreatment, physical and psychological abuse, sexual assault and suicide.

Given the current climate, bold juvenile and criminal justice reform have never been more important. The Second Chance for Justice Package Includes three legislative bills that aim to reform the criminal and juvenile justice system by protecting children during police interrogations; supporting community-based organization and their work to further evidence-based prevention and intervention initiatives for at-risk youth that reduce crime in communities and implement smart youth justice alternatives; and eliminating the practice of collecting juvenile fines and fees that are harmful to children and families.



# BY THE NUMBERS

While the number of children arrested and incarcerated has declined in recent years, America's children continue to be criminalized at alarming rates. Many children—particularly children in poverty, children of color, children with disabilities, children with mental health and substance abuse challenges, children abused or neglected, children in foster care and LGBTQ children—are pushed out of their schools and homes into the juvenile justice or adult criminal justice systems.

In 2019

**696,620**

youth under the age of 18 were arrested in the U.S.

**67%**

of children in the juvenile justice system were children of color. Children of color are also disproportionately transferred to the adult criminal justice system, where they are tried and prosecuted as adults.

Black children are

**2.5 TIMES**

more likely to be arrested than white children.

**653**

children were incarcerated in adult prisons on any given night in 2019.

# PROTECTING MIRANDA RIGHTS FOR KIDS ACT

## THE PROBLEM:

Research shows that children waive their Miranda rights at extremely high rates, with several studies putting it at roughly 90 percent. Children are much more likely than adults to make false confessions. A study of exonerations found that 42 percent of exonerated children had falsely confessed, compared with 13 percent of adults. The American Academy of Children and Adolescent Psychiatry recognizes that children's brain development, specifically the area related to reasoning, continues to mature well into early adulthood and that children should have an attorney present during questioning by police or other law enforcement agencies. The cases known as the Central Park Five are one of hundreds of cases of proven false confessions resulting in minors who falsely confess, get convicted and end up spending years in prison. Sadly, these kinds of cases continue to happen today.

**90%**  
OF KIDS WAIVE THEIR  
MIRANDA RIGHTS

## THE SOLUTION:

The **Protecting Miranda Rights for Kids Act** seeks to protect children during police interactions and ensures their due process Constitutional Rights are upheld by requiring law enforcement to notify and contact parents or guardians in the event a child is arrested or detained.

## THE DEEP DIVE

The legislation will:

- Require law enforcement to notify and contact parents or guardians in the event a child is arrested or detained;
- Require children to consult with legal counsel in person before they can waive their Miranda rights;
- Require all interrogation of a minor to take place with an appointed legal counsel physically present at the time of interrogation;
- Make inadmissible in any criminal prosecution brought by the U.S., any statement given by a minor during a custodial interrogation that does not comply with the requirements; and
- Defines a "minor" as an individual who is 17 years old or younger.

# COMMUNITY-BASED GANG INTERVENTION ACT

## THE PROBLEM:

Our nation currently locks up a far greater share of its youth population than any other developed nation. The overwhelming majority of these youth are held for non-violent crimes. Study after study has shown that the confinement of youth is ineffective in rehabilitating youth and extremely costly compared to evidence-based rehabilitative alternatives.

Community-Based Gang Intervention (CBGI) has been highly successful in states, such as California. CBGI identifies situations in which gang-related crime could result in revenge crimes, financial impacts on the families of the victims and alleged criminals and general deterioration to the community. Using intervention specialists, stops escalation of violence, while moving youth away from opportunities to join gangs.

However, a large majority of state spending on juvenile justice-related programs continues to go towards the cost of confining our youth while a minimal share goes towards delinquency prevention. Meanwhile, non-profit organizations and agencies dedicated to providing delinquency prevention programs such as CBGI continue to go underfunded.

## THE SOLUTION:

The **Community-Based Gang Intervention Act** will allow the Office of Juvenile Justice and Prevention to provide funding and direction for agencies to intervene in the lives of young people who are at-risk, keeping them out of the prison system and making communities safer. By passing this bill, we can provide the necessary framework for communities and the government to work together to prevent gang violence before it begins.

## THE DEEP DIVE

The legislation will:

- will help prevent and decrease youth gang violence; and
- continue landmark legislation that Congressman Cárdenas authored in the California State Assembly with then-assemblyman Congressman Adam Schiff, legislation that to this day provides millions of dollars across California for evidence-based gang prevention and intervention efforts.

# ELIMINATING DEBTOR'S PRISON FOR KIDS ACT

## THE PROBLEM:

Currently, most states and many localities continue to charge juveniles and their families fines and fees within the juvenile justice system. Many families cannot overcome the financial burden of compounding legal charges, which can have devastating effects for these families and their communities. The types of charges faced by these children and their families vary, but include things like: court expenses, fees for a public defender, fees for evaluation and testing, probation supervision fees and costs, fees for participation in diversion programs, treatment costs (including mental health treatment and rehabilitative programming), the cost of GPS monitoring, and the cost of care.

These costs create new obstacles for children and their families and are problematic when youth who would otherwise remain at home with their families may be incarcerated solely because they are unable to pay fees. This is true even when they pose no danger to the community and have no immediate need for services. Rather than improving public safety, this practice contributes to increased risks, as a report in Tennessee found that the imposition of fines and fees can significantly increase the likelihood of youth reoffending. Many of these juveniles are too young to have jobs themselves and can be pressured into committing crimes to pay off mounting legal fees.

## THE SOLUTION:

The **Eliminating Debtor's Prison for Kids Act** will establish a grant program to provide meaningful resources for intervention programs to prevent juveniles' initial involvement in the justice system.

## THE DEEP DIVE

The legislation will:

- incentivize states to terminate the harmful practice of using fines and fees in the juvenile justice system by providing grants to mental and behavioral health programs for at-risk youth;
- eliminate unnecessary and cumbersome fees and fines from the juvenile criminal justice system that can keep many families from falling deeper into debt;



# SUPPORTING ORGANIZATIONS



- The Sentencing Project
- Human Rights for Kids
- National Juvenile Justice & Delinquency Prevention Coalition
- Coalition for Juvenile Justice
- Campaign for Fair Sentencing of Youth
- National Juvenile Justice Network
- Brennan Center for Justice
- Anti-Recidivism Coalition
- Juvenile Law Center
- Revolve Impact
- Alianza for Youth Justice
- Coalition for Engaged Education
- New Earth
- Berkeley Law Policy Advocacy Clinic
- National Center for Youth Law
- National Juvenile Defender Center
- New Directions for Youth
- Alliance for Community Empowerment (ACE)
- The Professional Community Intervention Training Institute (PCITI)
- Visionary Youth
- Champions In Service

# ENDORISING QUOTES

"We are heartened to see a slate of bills that invest in mental health care and prevention, respond to youth in age-appropriate ways, and **move away from failed models of incarceration that harm youth and undermine public safety.**"

**Jessica Feierman**, *Senior Managing Director*, **Juvenile Law Center**

"ARC thanks Representative Cardenas for introducing these transformational pieces of legislation long overdue. America's values of mercy, forgiveness, and second chances are embedded in these legislative efforts that would bring hope and redemption to those impacted by mass incarceration. These laws would also ensure that our children would receive constitutional protections and age appropriate care that would help reverse mass incarceration America so desperately needs."

**Michael Mendoza**, *Director of National Advocacy* at the **Anti-Recidivism Coalition**

As long-time activists and community leaders working to dismantle juvenile incarceration, we whole-heartedly support Congressman Tony Cárdenas' criminal & juvenile justice package. His continued fight for equity and justice is an inspiration, one we hope other politicians will recognize the urgency of and stand in solidarity with. Rep. Cárdenas' pursuit for community-based gang intervention, reversing mass incarceration, and protecting kids caught up in the system is necessary and noble work in the quest for liberation from an oppressive and unjust establishment. Rep. Cárdenas' has my personal support, along with that of my organization, New Earth, which has been diligently striving to provide mentorship, education, and vocational pathways for systems-impacted young people for the last 17 years."

**Dr. Harry Grammer**, *Founder & President*, **New Earth**

"We have an epidemic of childhood trauma in our country which is one of the leading causes for why so many children end up in our justice system. Sadly, these traumas are often exacerbated, rather than treated, when our kids enter the system. By investing in programs that center community-based intervention and trauma-informed treatment models we will actually start to address the root causes of juvenile delinquency and crime and give children the resources needed for healing and long-term success. Community healing and restoration is at the center of this legislative package and we are grateful to Congressman Cárdenas for his leadership in introducing it."

**James Dold**, *CEO & Founder*, **Human Rights for Kids**

# ENDORISING QUOTES

"More than 50 years ago, the U.S. Supreme Court recognized that confessions from youth 'require special caution,' but most children questioned by law enforcement waive their constitutional rights without ever understanding them. By ensuring young people consult with an attorney prior to waiving their rights and being interrogated, the Protecting Miranda Rights for Kids Act protects both children's constitutional rights and the integrity of the legal system. The National Juvenile Defender Center is pleased to offer our enthusiastic support for this legislation and for the entire reform package offered by Rep. Cárdenas and Rep. Bass."

**Mary Ann Scali**, *Executive Director*, **National Juvenile Defender Center**

"This package is a historic recognition that involvement in the criminal legal system is harmful for all, especially young people. By protecting the constitutional rights of children, [the bill package] seeks to correct many of our failed tough-on-crime policies that disproportionately impact communities of color and offers comprehensive investments in proven-effective approaches to reducing crime and recidivism and improving public health and safety. I'm excited to see our leaders investing in community-centered, health-based prevention and intervention strategies that will benefit our most under-served communities for generations to come."

**Frankie Guzman**, *Director of the Youth Justice Initiative* at the **National Center for Youth Law**

"Alliance for Community Empowerment has witnessed first-hand the positive transformation that occurs when there is an investment of time, resources, and role models for justice-involved youth. The Criminal Justice/Juvenile package is critical in not only providing the resources our justice-involved youth need, but also in changing the narrative of how we as a country heal, support, and empower our most vulnerable youth. Stronger Together."

**Michelle Fuentes-Miranda**, *President and Founder*, **Alliance for Community Empowerment**

"If service is below you then leadership is beyond you. PCITI understands and truly lives by this quote. I am honored to be part of the Congressman's Juvenile Justice Advisory Council because the Congressman and this group have set the benchmark for others to measure themselves by. I salute the Congressman for all his outstanding work and for being a leader in our communities."

**Dr. Aquil Basheer**, *Founder and Executive Director*, **The Professional Community Intervention Training Institute (PCITI)**

# ENDORISING QUOTES

"Congressman Cardenas continues to show his unwavering commitment to our country's most vulnerable youth populations who are most susceptible to the criminal justice system. The proposed justice bills by the congressman provide the needed support that our youth deserve!"

**Dr. Robert A. Hernandez** and **Jasmine Hermosillo**, **Visionary Youth**

"Champions in Service has had the good fortune of working closely with Congressman Cardenas for over 25 years, who has been in the vanguard for establishing innovative legislation and best practices for Juvenile Justice initiatives. Congressman Cardenas sentencing project, human rights for kids & juvenile justice and delinquency bills will insure that our nation's most precious resource, our Children ,will be treated in a manner that will assist them in avoiding unnecessary punitive policies, rather provide programs & services that will allow them to redirect their lives down positive paths! We are grateful for his passion for equitable policies and industry standards which allow our youth to flourish!!"

**Bobby Arias MSW MPA**, *President* and **Blinky Rodriguez**, *Executive Director*,  
**Champions In Service**

"Fees and fines put additional stress on already vulnerable families, especially Black, Brown, and Indigenous youth who are over-policed and over-punished in the juvenile system. This bill is a win-win that encourages states to end this harmful practice in exchange for vital resources to support young people who need it most."

**Devan Shea**, *Deputy Director*, **Berkeley Law Policy Advocacy Clinic**

**SOCIAL MEDIA**

**TOOLKIT**

# SUGGESTED SOCIAL MEDIA POSTS

## Hashtags:

#SecondChance

#MirandaRights4Kids

#CommunityGangIntervention

#EliminateDebtorsPrison

## Accounts to tag:

@RepCardenas

@RepKarenBass

@CoryBooker

## General

- “With every child that’s imprisoned, we maintain our nation’s endless cycle of incarceration, ultimately harming our youth and undermining public safety. It is time to take the first step to end this cycle with the #SecondChanceforJusticePackage.”
- “The U.S. has the highest rate of youth incarceration out of any developed nation. American children deserve to be in schools, not prisons. Moving away from criminalizing our children is long overdue, they deserve an opportunity to change for the better. #SecondChanceforJusticePackage”
- “Youth of color are over-policed and over-incarcerated: 67% of children in the juvenile justice system are children of color. If we want to make our country more equitable, we must begin with giving our most vulnerable young people the resources that they need most and a #SecondChance.”

## Support

- “With every child that’s imprisoned, we maintain our nation’s endless cycle of incarceration, ultimately harming our youth and undermining public safety. It is time to take the first step to end this cycle with the #SecondChanceforJusticePackage.”
- “The U.S. has the highest rate of youth incarceration out of any developed nation. American children deserve to be in schools, not prisons. Moving away from criminalizing our children is long overdue, they deserve an opportunity to change for the better. #SecondChanceforJusticePackage”
- “Youth of color are over-policed and over-incarcerated: 67% of children in the juvenile justice system are children of color. If we want to make our country more equitable, we must begin with giving our most vulnerable young people the resources that they need most and a #SecondChance.”

# SUGGESTED SOCIAL MEDIA POSTS

## **Protecting Miranda Rights for Kids Act:**

- “It is unconscionable that children often do not have an attorney present during questioning by police. To promote equity and justice in our legal system we must protect our children’s Constitutional Rights through the #ProtectingMirandaRights4Kids Act.”

## **Community-Based Gang Intervention Act:**

- “Study after study has shown that confining youth is ineffective and costly. By passing the #CommunityBasedGangIntervention Act we can provide long-lasting, cost-effective opportunities for youth and prevent gang violence before it begins.”

## **Thank you:**

- “We commend @RepCardenas for his leadership on the #SecondChanceForJusticeAct — a historic and necessary investment in rehabilitating and empowering justice-impacted youth.”
- “Thank you, Reps. Cárdenas and Bass and Senator Booker, for leading the #SecondChanceforJusticePackage. We commend your continued leadership in the fight for equity and bringing justice to systems-impacted youth.”

## **[Graphics HERE](#)**

## Contact Us

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