
March 22, 2012

Members of the Judiciary Committee:

Please accept this written testimony as evidence of my full support of the proposed "second look" legislation advanced by the Quinnipiac University School of Law Legal Clinic. My support for "second look" is not based solely on what can be said to be an objectively deplorable state of affairs for juvenile offenders sentenced as adults to unnaturally long sentences, but as a clinical social worker with a professional expertise in working with adolescents involved in the juvenile justice system. My support is also based on my role as a university professor who has taught graduate-level courses on juvenile justice to future Master's-level social workers.

If you will permit me to belabor a point with which I am certain this body is familiar, the juvenile justice system has its very roots in the profession of social work when the first juvenile court was created by my predecessor Jane Addams and her colleagues in Chicago, Illinois over 100 years ago. At that time the goal was to provide an opportunity for rehabilitation, not punitive detention. Even in 1899 it was understood that incarcerating young people not only placed them in perilous social situations within the traditional prison institution, but also thwarted their ability to develop into productive and contributing members of society. Ostensibly prisons were "schools of crime" where the youthful inmates were more apt to hone their criminal skills from the hardened adults than to reform their behavior.

Without the benefit of the science and empirical evidence so readily available to us today, they recognized that children were not simply "small adults," but ever-evolving individuals who were incapable of the sound judgment of adults, yet fully capable of learning from their transgressions and moving forward with their lives in a positive manner. The question I pose to the esteemed members of this committee, thus, is why the concept proposed by "second look" is even necessary given what scholars and practitioners have offered as evidence of the same? There has been no evolutionary process which has changed the fundamental make-up of the adolescent psyche to such a degree that the reality of their inability to make sound, long-term decisions and effectively regulate their impulsive behavior. Furthermore, science supported the conclusions of those pioneering social workers when they discovered that the brain is not considered fully-developed and capable of such emotional regulation and executive functioning until one's early-to mid-twenties.

Aside from their incomplete neurological development, it is socially and economically incompetent on the part of government to incarcerate juveniles for what amounts to a life sentence given the near certainty of their inability to participate fully and positively in society upon release. The very notion upon which the current legislation is based, at least in part, is the very foundation for the undoing of its own goals – to remove a child from society and return him/her to that environment decades upon decades later, having received little to no formal

academic education concurrent with vast exposure to socially-dysfunctional behavior and cognitive processing is a recipe for these young people's inevitable disaster.

Any policy or program implemented at any level must bear the responsibility of effective and unbiased evaluation to determine its efficacy toward meeting the stated goals. To provide no means by which to determine the effectiveness (or lack thereof) of 40-year incarcerations not only tremendously disadvantages the incarcerated youths, but is also an unwise use of human and economic capital if the intervention is ineffective. If 14 year old children are sentenced to 50 years in prison as adults and they are never evaluated to determine whether or not their behavior has improved as desired, to what end are they receiving these lengthy sentences? The passage of a preordained time alone is a poor standard by which to determine the effectiveness of anything. Such is usually the outcome of those who bend to political, social or economic pressures or those whose individual biases guide their thinking regardless of the inconvenient truth of a situation.

There are two inconvenient truths related to the current situation of incarcerated young people languishing hopelessly in prison with no viable probability for their timely release. First is that their incarceration is a greater economic burden than their rehabilitation and second that these sentences serve only to further cement the seemingly intractable racial and social stratifications present in society.

Social work scholar Phyllis Day wrote in 2006 that "Society has great faith in the juvenile justice system, but the fact is that it perpetuates institutional racism and classism." Certainly her words continue to resonate with those of us who are outraged by the existing sentencing guidelines for youth in Connecticut. The fact that African-Americans comprise approximately 10% of the state population, but are over-represented by four to six times that rate in the Connecticut juvenile justice system is not surprising to those who follow such disparities, but it is deplorable and shameful. According to the Legal Clinic of the Quinnipiac University School of Law (2012), over 60% of the incarcerated youths in Connecticut serving sentences of 50+ years are African-American. It is highly improbable that such a disparity is purely by happenstance. Rather this represents a clear intentionality on the part of the judicial system to effectively remove African-Americans from society physically and, if they survive to attain their eventual release, they will be disenfranchised politically as their felony charge will make them ineligible to vote.

Additionally, they will leave prison with no true skill set which translates into the type of gainful employment they can use to sustain themselves which presupposes they would be employed at all despite their felony criminal record. Data show that they will face discrimination in housing and benefits eligible for low-income individuals and families such as TANF to say nothing of the general social stigma of having been in prison for more than half of one's life.

The economic impact of incarcerating a child for five decades also bears attention. According to a 2008 report written by Christopher Reinhart on the cost of incarcerating an inmate in the Connecticut Department of Corrections, the cost per inmate annually in 2006 was over \$44,000. Specifically, the cost for juvenile offenders ranged from \$83,000 to \$335,000 for a career criminal. Conversely, the annual tuition, fees, room and board for an in-state undergraduate student at the University of Connecticut is just over \$22,000 ... for every one young person

Connecticut loses the revenue from taxes and consumer spending from these young people now lost from the workforce, and society loses future doctors, lawyers, scientists, and civil servants whose contributions, now unrealized, could literally have changed the world.

Again I ask ... to what end?

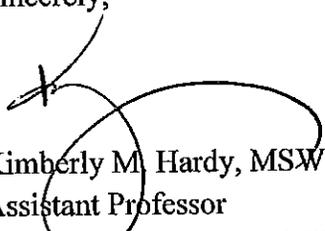
Ladies and gentlemen of the committee, it is imperative that you seize on your urgent responsibility today. No valid, unbiased evidence exists which supports the sentencing guidelines as they are presently written offering no hope of escape from a judicial system that seeks to punish rather than rehabilitate. In the face of compelling, empirical evidence the way forward seems remarkably clear and the opportunity to renew (or establish) society's faith in the juvenile justice system is within your grasp.

In this country we have collectively determined that formal adulthood begins at a particular age (17 or 18 depending on state laws) because it is universally recognized that children are not capable of making serious life decisions with the same, keen awareness as adults. If we believe this ever, we must believe this now and afford the *opportunity* for young people to be released from confinement before their lives become nothing more than fodder for predatory adults in the criminal justice system. You must believe in the power of redemption and restore the original mission of the juvenile justice system to one of rehabilitation where the impetuosity of youth – albeit for serious offenses – is mitigated by an understanding of basic human development.

I encourage you to make your decision regarding the proposed “second look” legislation with an eye toward a theoretical understanding of juvenile delinquency that is based on the developmental levels of young offenders rather than on the politically-expedient “zero-tolerance” predicated by those who came before you.

Lastly, please allow me to express my sincere appreciation for the opportunity to share my testimony on this incredibly important issue. What may seem a daunting task is actually rather uncomplicated if you but believe in the power of the human spirit to overcome indiscretions made early in life and give way to lives of meaning and purpose.

Sincerely,



Kimberly M. Hardy, MSW, PhD
Assistant Professor
UConn School of Social Work

