

# Center for Children's Advocacy

65 Elizabeth Street, Hartford, CT 06105

## TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF RAISED BILL NO. 5546, AN ACT CONCERNING SENTENCE MODIFICATION FOR JUVENILES

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

Through our TeamChild Juvenile Justice Program, the Center collaborates with the Public Defender's Office and the Probation Office. Our attorneys work to improve the child's juvenile or criminal justice outcome by securing needed services through community agencies or the school system. The Center's attorney represents the child on educational issues and access to mental health treatment, which may be at the root of the child's court involvement. Through our Disproportionate Minority Contact (DMC) Reduction Projects, the Center partners with the Local Interagency Service Teams (LISTs) in Hartford and Bridgeport, as well as our national partner, the Center for Children's Law and Policy, to develop strategies to reduce the disproportionate representation of youth of color in the juvenile justice system.

**The Center submits this testimony in support of Raised Bill No. 5546, An Act Concerning Sentence Modification of Juveniles, because this bill will require the Connecticut Sentencing Committee to recommend a procedure for sentence modification for individuals who were convicted of crimes committed as juveniles and have served a significant portion of their sentences and shown rehabilitation.**

Connecticut should provide individuals convicted of crimes committed as juveniles with a meaningful chance at sentence modification upon demonstration of rehabilitation because:

1. Teenagers' brains are not fully developed, so they are less able to weigh the consequences of criminal acts and are better able to rehabilitate with appropriate services; and
2. Lengthy juvenile sentences disproportionately affect minority youths, so providing an opportunity for sentence modification would help to address that disparity.

First, research continues to affirm that the adolescent brain is not yet fully developed. The frontal lobe, responsible for the ability to consider the consequences of one's behavior, is not fully developed until age twenty-five. Accordingly, an adolescent is less capable than an adult of controlling impulses, considering the consequences of his or her actions and resisting peer pressure.<sup>1</sup> However, brain development research also shows that teenagers have good

<sup>1</sup> See Elizabeth Cauffman, et al., Age Differences in Affective Decision Making as Indexed by Performance on the Iowa Gambling Task, 46 Developmental Psychology 193, 193-4 (2010).



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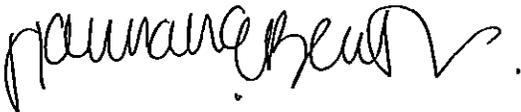
**potential for rehabilitation.**<sup>2</sup> In light of this research, providing a meaningful opportunity for sentence modification is important to ensure that youth are not excessively punished for actions where they were less culpable than adults and to ensure that juveniles who are able to rehabilitate are offered the opportunity to become contributing members of society.

Second, **lengthy prison sentences affect minorities far more than white juveniles.** In Connecticut, African Americans and Hispanics comprise only 16% of the population. However, African American or Hispanic individuals are 94% of youth sentenced to more than 50 years<sup>3</sup> Additionally, when convicted of the same crime, African Americans and Hispanics serve longer prison sentences than their white counterparts. In Connecticut, an African American juvenile convicted of felony murder will serve 38 years, a Hispanic juvenile will serve 40 years, and a white juvenile will only serve 32 years.<sup>4</sup> Although creating a meaningful procedure for sentence modification will not eradicate the disproportionate impact of our criminal justice system on minority youth, it will help to alleviate its impact for individuals.

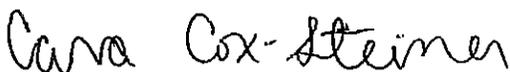
For the foregoing reasons, **the Center urges the committee to pass Raised Bill No. 5546,** which will require the Sentencing Commission to make recommendations regarding a procedure for sentence modification for individuals convicted of crimes committed as juveniles.

Thank you for your time and consideration.

Respectfully submitted,



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<sup>2</sup> The Supreme Court of the United States recognized this likelihood of rehabilitation in *Graham v. Florida*, reasoning that the state must give defendants like Graham some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.

<sup>3</sup> Data compiled from U.S. Census (2010) and the Connecticut Department of Correction (population data: 7/1/11; juvenile data: 9/28/11).

<sup>4</sup> Data compiled from U.S. Census (2010) and the Connecticut Department of Correction (population data: 7/1/11; juvenile data: 9/28/11).