

TESTIMONY OF SCOT X. ESDAILE
PRESIDENT, CONNECTICUT NAACP

COMMITTEE ON THE JUDICIARY

MARCH 23, 2012

H.B. No. 5546, AN ACT CONCERNING SENTENCE MODIFICATION FOR JUVENILES

Dear Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee:

Thank you for this opportunity to present testimony today. My name is Scot X. Esdaile and I am the President of the Connecticut NAACP. We submit this testimony regarding H.B. No. 5546, which directs the Connecticut Sentencing Commission to examine the feasibility of creating a procedure to take a "second look" at individuals serving long sentences for crimes committed under the age of eighteen. We are pleased to see the attention being given to this important issue, and we urge the Legislature act to create a mechanism to provide review of these long sentences imposed on children.

It is commonly known that minorities are disproportionately represented in Connecticut's prison population. Connecticut has the fourth highest discrepancy in the nation between the incarceration rates of African American and White individuals. What many may not know, however, is that this disparity is even worse when you look at the population of people incarcerated in adult prisons for crimes committed when they were children. Long sentences are disproportionately being served by youth of color. As the length of these sentences increases, so does the disparity. African Americans and Hispanics represent 85% of individuals serving adult sentences of more than three years for crimes committed under the age of 18. Of those children serving sentences of 50 years or more, 94% are African American or Hispanic. A mere 6% are White. In contrast, our state is 71% White.¹

The population of children serving long adult prison sentences is largely the result of changes to Connecticut law in the mid-1990s. In the late 1980s and early 1990s criminologists predicted a wave of violent crime that would be committed by a generation of so-called "super predators." There was an idea that some children were simply defective, perhaps as a result of their genes. States throughout the country, including Connecticut, responded to the "super predator" threat by imposing tougher sentencing on juveniles, exposing them to the very same

¹ Civil Justice Clinic, *Quinnipiac University School of Law, A Second Look: Review of Lifetime Incarceration of Connecticut Children* (March 2012).

penalties as adults. Connecticut changed its laws to automatically treat children as young as 14 charged with certain crimes as adults – with no discretion for the court to keep children in juvenile court.

Connecticut's experience with the automatic transfer statute has been that it disproportionately impacts youth of color. Studies conducted in Connecticut showed that African Americans accounted for 40% of juveniles transferred to adult court between 1997 and 2002.² A study analyzing 2006 data found racial imbalances in both transfer decisions and secure confinement decisions, even when controlling for risk factors.³ Children of color are serving extremely long adult sentences at disproportionate levels, without the chance to show they have matured and changed.

The wave of juvenile crime predicated two decades ago did not materialize. The “super predator” prediction turned out to be little more than a myth, especially when it came to ideas about genetics. Today, scholars, scientists, and mental health professionals recognize that children who commit bad acts are not permanently defective but instead have enormous capacity for change. The experts tell us that it is impossible for a judge to determine at the time of sentencing whether an adolescent will turn out to be a life-long criminal. This conclusion necessitates review of long juvenile sentences after a period of time. All juvenile offenders should be given a chance to show they have rehabilitated and to obtain release when they no longer present a threat to society.

For these reasons, the NAACP supports taking a second look at long sentences being served by children. We hope that the Judiciary Committee will take action on this issue.

² Spectrum Associates, Market Research Incorporated, *A Study of Juvenile Transfers in Connecticut, 1997 to 2002, Final Report*, Apr. 3, 2006, at 16, available at <http://www.housedems.ct.gov/jjpooc/JuvenileTransfersReport2006.pdf>.

³ Spectrum Associates, *A Second Reassessment of Disproportionate Minority Contact in Connecticut's Juvenile Justice System, 2009*, at 39, available at http://www.ct.gov/opm/lib/opm/cjppd/cjjyd/jjydpublishations/final_report_dmc_study_may_2009.pdf.