

**Testimony of Yale Prison Initiative in support of H.B. No. 6581, An act concerning the recommendations of the Connecticut sentencing commission regarding lengthy sentences for crimes committed by a child or youth and S.B. No. 1062, An act concerning the recommendations of the Connecticut sentencing commission regarding the sentencing of a child convicted of a felony offense.**

March 11<sup>th</sup>, 2013

My name is Naima Sakande and I am testifying on behalf of the Yale Prison Initiative. We urge the Committee on Judiciary of the General Assembly of the State of Connecticut to pass Bill No # 6581 and Bill No # 1062 and hope that these bills will ultimately result in more just sentences for juvenile offenders in Connecticut.

According to Human Rights Watch, there are currently 2,589 youth offenders serving sentences of life without parole in the United States. Whilst the US is amongst only a small handful of countries where the sentence is not yet abolished, the University of San Francisco Law School has found that we are the **only** country in the world that has any minors serving this sentence. In the Miller v Alabama case of June 2012, the Supreme Court ruled that life without parole for minors was 'cruel and unusual' punishment, violating the 8<sup>th</sup> Amendment. We urge this Committee to comply with international norms regarding juvenile sentencing and uphold the Supreme Court decision in the state of Connecticut.

The Yale Prison Initiative has been tutoring in Connecticut's only juvenile facility for nearly five years now. Our tutees are studying to pass their GED exams, an alternate high school diploma. It is easy to tell which of them have just arrived and which have been in for a while. The new kids swagger in, shooting the Correctional Officers defiant looks and smiling and winking at fellow inmates walking single file past our small conference room window. The veterans are quiet, shake our hands respectfully and wait with patience as we try to remember how to do long division. I once had the good fortune to be tutoring a seventeen-year-old boy who had been serving a three-year sentence and who was getting out very soon. In our last session before his release, we chatted about life on the outside. I asked what he was looking forward to. He said getting to help out his mom again. He would look for a good job and provide for her. He was ashamed of what his imprisonment had put her through. His one aim was to avoid ever being sent back again.

Dishing out life sentences to minors is a public acknowledgment that we no longer believe in the restorative aspect of the judicial quadrangle of justifications. Retribution, deterrence and incapacitation are the only ones we can truly be interested in if this sentence is still on the table for people under eighteen. Can people ever change? Absolutely, especially if they are children. Locking children up for life is cruel and unusual. We believe the state of Connecticut is progressive enough to recognize that this sentence *must* be taken off the table for juvenile offenders and so urge the Committee to pass these bills.

March 11, 2013

Statement to the members of the  
Connecticut Joint Committee on Judiciary  
by Alexander Emmons  
Legislative Advocate, Amnesty International in Connecticut  
Testifying in favor of SB- No. 1062 and H.B. No. 6581

My name is Alexander Emmons. I am an undergraduate at Yale University, and an advocate for Amnesty International, USA. I am representing the voices of the five thousand dues-paying Amnesty International Members in the state of Connecticut.

Last year, Amnesty International joined a coalition of groups fighting to abolish the Death Penalty in Connecticut. This year, SB-1035 provides another opportunity for Connecticut to advance Human Rights. Amnesty International, as well as Human Rights Watch, and the ACLU have all published reports arguing for changes to juvenile sentencing practices across the country.

There are currently 9 prisoners in Connecticut serving life sentences without parole for crimes they committed as minors. The International Covenant of Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC) both argue against this practice, affirming the restorative role of the justice system. Any justice system that mandates life in prison as a sentence for minors is a violation of human dignity. Sentencing a minor to life without parole is a denial that a minor can ever grow into a different adult.

In its sentencing requirements, America is unique among developed Democracies. Most European nations have maximum sentences for minors under 15 years, and have lower crime rates. There is even already precedent in American law for sentencing requirements on minors to be made more lenient. In 2010 the Supreme Court, in *Graham v Florida*, ruled that life without parole sentences for minors is cruel in non-homicide cases. Connecticut should follow suite by recognizing such sentences are cruel and unusual.

Sentencing minors for life without parole does not make our society more secure. It does not deter crime. It only denies that a minor can change as they mature, and that is an act of cruelty.

Testimony of Nia Holston, Black Student Alliance, Yale College

SB No. 1062, An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding the Sentencing of a Child Convicted of a Felony Offense

And,

HB No. 6581, An Act Concerning the Recommendations of the CT Sentencing Commission Regarding Lengthy Sentences for Crimes Committed By a Child or Youth

March 11<sup>th</sup>, 2013

My name is Nia Holston, and I am a junior at Yale University. I am the Political Action Chair for the Black Student Alliance at Yale, and we express our voices in support for SB No 1062, and HB No. 6581, regarding juvenile sentencing reforms.

We know that in Connecticut, children ages 14 to 17 that are charged with certain crimes are automatically tried in adult court and subject to mandatory lengthy adult prison terms. We believe this is an unjust manifestation of our broken criminal justice system, and that if we wish to live in a more equitable society, we must move to end this practice.

Researchers have unequivocally shown that juvenile brains are underdeveloped, and are prone to more impulsive thinking, which can lead to rash, sometimes even tragic decisions. Researchers have also shown that harsh adult sentences are not mandated evenly; often, black juvenile offenders are given harsher sentences than white juvenile offenders.

Swift legislative action is necessary. In June of 2012, in *Miller v. Alabama*, the Supreme Court held that mandatory sentences of life without parole for juveniles violate the Eight Amendment's ban on cruel and unusual punishment. We urge the Judiciary Committee to take the right course of action, and pass these recommendations.

**Testimony of the Yale College Democrats in support of H.B. No. 6581 and S.B. No. 1062, Committee on Judiciary, General Assembly, State of Connecticut**

March 11<sup>th</sup>, 2013

Dear Madam, Sir,

My name is Christian Rhally and I am testifying on behalf of the Yale College Democrats. We urge the Committee on Judiciary of the General Assembly of the State of Connecticut to pass H.B. No. 6581 and S.B. No. 1062, which support the Juvenile Sentence Reconsideration Proposal. I am glad to also give you an overview on sentencing mechanisms for juvenile offenders of aggravated crimes in Switzerland.

In particular, areas of concern in Connecticut are life-without-parole sentences for juveniles. Under the current law in Connecticut, a juvenile older than 13 who commits a capital felony will receive a mandatory sentence for life without parole. We do not want to diminish the gravity of these heinous crimes. However, we do believe that a juvenile offender cannot be subjected to the same sentences that are applied to adult offenders.

Having talked with law students at the University of Fribourg in Fribourg, Switzerland, here is an overview on sentencing mechanisms for juvenile offenders or aggravated crimes in Switzerland:

Intentional murder in Switzerland is punished by imprisonment of at least 5 years (§ Art. 111 CP). Intentional murders in which the offender was particularly unscrupulous, or in which the behavior or the goal of the offender was particularly heinous, are punished by “life-long imprisonment” or imprisonment of at least 10 years (§ Art. 112 CP). However, these punishments can only be applied to adult offenders who are at least eighteen years old. For offenders between the age of ten and below the age of eighteen, Swiss law prescribes punishment according to the Codex of juvenile justice in Switzerland (§ Art. 3<sup>1</sup> DPMIn). Before the age of ten, offenders are under the age of criminal responsibility and are not subject to any penal intervention (§ Art. 4 DPMIn).

Swiss law prescribes imprisonment from one day to one year for juvenile offenders between the ages of fifteen and below the age of eighteen (§ Art. 25<sup>1</sup> DPMIn). For offenses for which the Codex of criminal justice in Switzerland prescribes imprisonment of at least three years – which include intentional murder –, juvenile offenders between the age of sixteen and below the age of eighteen are condemned to imprisonment of at most four years (§ Art. 25<sup>2a</sup> DPMIn). Moreover, criminal justice authorities hear the juvenile offender personally before the punishment is declared (§ Art. 4<sup>2</sup> PPmin). The juvenile offender or their legal representative can also appoint an attorney (§ Art. 23 PPmin).

For offenders between the age of ten and below the age of eighteen, “imprisonment” must be undertaken in an institution for juvenile offenders, which guarantees to support the education of each juvenile offender, as well as to have an environment suitable for preparing the offender to their social reinsertion after their release (§ Art. 27<sup>2</sup> DPMIn). Furthermore, juvenile offenders must also have the possibility to start, continue, or end a vocational training, or have the possibility to

Jacob Wasserman  
Legislative Captain, Yale College Democrats  
March 11, 2013  
S.B. No. 1062 and H.B. No. 6581: In Support

My name is Jacob Wasserman, and I am a current student at Yale University. Little discussed but of great importance, the mandatory sentencing of youth to adult prison terms, most egregiously to life without chance of parole, must end. If justice and fairness is to be the goal of Connecticut's criminal justice system, I urge the General Assembly to pass S.B. No. 1062 and H.B. No. 6581.

Without a doubt, criminal offenders must be punished to the fullest extent of the law, according to their culpability. Importantly, scientific studies have shown time and again that juveniles differ vastly from adults in areas like risk assessment, control of impulses, susceptibility to peer pressure, and mature judgment skills. To hold them to the same standards of culpability and sentencing as adults would be unjust. Indeed, in three cases within seven years, the Supreme Court has ruled that these differences between juveniles and adults must be accounted for in the criminal justice system. The "mitigating qualities of youth," a "condition of life when a person may be most susceptible to influence and to psychological damage" led the justices to strike down mandatory life sentences without chance of parole for juveniles as unconstitutional "cruel and unusual punishment" in their opinion in *Miller v. Alabama*. Juveniles, they agreed, are "less deserving of the most severe punishments" due to their "diminished culpability and greater prospects for reform."

Of the youths affected by this law, a huge majority are African-American or Hispanic. Many of the incarcerated come from abusive and neglectful homes. Domestic violence, poverty, and lack of education are common problems facing these juveniles. However, there is hope: adolescent brain development studies have shown that juveniles have a greater ability to reform as productive members of society. Mandatory sentencing laws which deny even the possibility of parole take away any chance for successful rehabilitation to occur. Indeed, it is astonishing that our nation is the sole democracy in the world where life sentencing without chance of parole for juveniles is allowed.

As a young person myself, I can hardly imagine juveniles younger than myself imprisoned for the rest of their lives, mandatorily and without a possibility of release. The General Assembly needs to pass these bills as soon as possible. The moral, financial, and societal costs of such incarcerations are too pressing to let stand any longer.

Jacob Wasserman

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