

Amy O'Connor
Testimony before the Judiciary Committee
March 11, 2013
Support for HB 6581 and SB 1062

Good afternoon Senator Coleman, Representative Fox, Representative Holder-Winfield, and other members of the Judiciary Committee. My name is Amy O'Connor, and I am a student at Quinnipiac University School of Law and a resident of New Haven. I am testifying today in support of HB 6581, An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding Lengthy Sentences for Crimes Committed by a Child or Youth; and SB 1062, An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding the Sentencing of a Child Convicted of a Felony Offense.

Since July I have been working with other students, as well as professors, in Quinnipiac's Civil Justice Clinic, in efforts to reform juvenile sentencing practices in Connecticut. Joint efforts with the Yale Law School's Lowenstein Clinic produced a report entitled *Youth Matters: A Second Look for Connecticut's Children Serving Long Prison Sentences*. This report was submitted with the joint testimony of the Civil Justice and Lowenstein clinics, and I urge you to read it carefully. The report draws upon testimony presented to the Connecticut Sentencing Commission at a public hearing in November, as well as interviews that we conducted with nine inmates who are currently serving sentences ranging from 20 to more than 60 years for crimes that occurred when they were children. This report incorporates the voices of these individuals. Many had childhoods of poverty, abuse, and neglect. Yet we found that these men and women, who have spent in some cases more than half their lives in prison, have become mature, thoughtful, and caring adults. They are tutoring fellow inmates and serving as certified nursing aids and hospice volunteers, and they are capable of making positive contributions to their communities.

Along with Quinnipiac's Civil Justice Clinic, I support HB 6581, which provides a "second look" for children serving lengthy prison sentences. This bill does not guarantee release, but rather the chance for a hearing after the individual has served a substantial portion of her sentence. The purpose of this hearing is for the parole board to determine whether an individual has truly rehabilitated and can be safely released into the community.

The bill applies to individuals who were involved in crimes at a young age. Sometimes the root cause of the behavior that brings children into the criminal justice system starts with trauma brought on by pervasive violence during their childhoods or adolescence. But evidence shows that children and adolescents who have lived through trauma have the ability to overcome the obstacles it poses after receiving treatment. They can be rehabilitated.

A national survey of juveniles serving life-without-parole sentences shows that 80% witnessed violence in the home.¹ The vast majority of those surveyed perceived their neighborhoods to be unsafe, saw drugs sold openly in their neighborhoods, and witnessed violence in their neighborhoods on a weekly basis. Additionally, many were victims of abuse.

In a 2012 report of the Attorney General's National Task Force on Children Exposed to Violence, experts say that exposure to violence causes major disruptions of the basic cognitive, emotional, and brain functioning that are essential for optimal development; these disruptions often leave children

¹ The Sentencing Project, *The Lives of Juvenile Lifers: Findings from a National Survey*, March 2012.

traumatized.² Chronic, pervasive, environmental violence, such as living in a violent home or neighborhood, can cause children and adolescents to develop symptoms such as anxiety, helplessness, numbness, difficulties concentrating, and a belief that they have no future.³ Furthermore, they may become desensitized to threat and engage in high levels of risk-taking and dangerous activities—with the root cause being trauma brought on by exposure to domestic and community violence. When exposed to trauma or mistreatment, a youth may cope by resorting to indifference, defiance, or aggression to protect her or himself.⁴ These protective behaviors, which experts describe as a means to survive emotionally or literally, can bring youth into the juvenile justice system.

What is important to this discussion is that children exposed to violence are not beyond help. Evidence-based interventions can help repair the emotional damage done to children as a result of exposure to violence and can put them on a course to being well-adjusted, law-abiding, and productive citizens.² One such treatment is cognitive behavioral therapy, or CBT, which has been shown to be particularly effective for youth in the juvenile justice system.⁵ Currently, the Connecticut Department of Correction runs cognitive behavior therapy programs, as well as trauma group programs.⁶ Programs like these have great potential to help youth serving lengthy adult sentences become healthy, and overcome the trauma they've experienced. Additional programs supporting anger management techniques and alternatives to violence are run at a number of other facilities.⁶

Many youth victimized by pervasive violence react in ways that can involve them in the juvenile or criminal justice systems. With the right treatment, these youth can become healthy and rehabilitated adults. HB 6581 allows them a "second look," so that they can be reevaluated after serving a substantial portion of their sentence. Release would be possible only if, after thorough review, the parole board determined that someone had truly rehabilitated and could be safely released.

We also support SB 1062. This bill provides criteria for the sentencing court to consider, including, among others, (1) the child's history of trauma, abuse or neglect and (2) the child's history of mental illness or substance abuse. As described above, traumatic incidents can dramatically influence child or adolescent behaviors. Thus, consideration of these factors is imperative in ensuring that the youth receives the appropriate sentence.

Thank you for your time today. I'm happy to answer any questions.

² U.S. Department of Justice, *Report of the Attorney General's National Task Force on Children Exposed to Violence* (December 2012).

³ National Child Traumatic Stress Network Juvenile Justice Working Group, *Victimization and Juvenile Offending* (2004).

⁴ National Center for Mental Health and Juvenile Justice, *Trauma Among Youth in the Juvenile Justice System: Critical Issues and New Directions* (June 2007).

⁵ National Child Traumatic Stress Network Juvenile Justice Working Group, *Trauma-Focused Interventions for the Juvenile Justice System* (2004).

⁶ State of Connecticut, Department of Corrections webpage, www.ct.gov/doc