STATE OF CONNECTICUT
OFFICE OF THE CHILD ADVOCATE
999 ASYLUM AVENUE, HARTFORD, CONNECTICUT 06105

Jamey Bell, JD
Child Advocate

Testimony of Jamey Bell, Child Advocate,
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, &*
SB 1062, *An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding the Sentencing of a Child Convicted of a Felony Offense*
Judiciary Committee
March 11, 2013

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas, and distinguished members of the Judiciary Committee: we appreciate the opportunity to testify before you today **in support of HB 6581 and SB 1062.**

The mandate of the Office of the Child Advocate (OCA) includes evaluating the delivery of state funded services to children and advocating for policies and practices that promote their well being and protect their special rights.

The OCA supports reform of current sentencing statutes in Connecticut which treat children who commit certain crimes as though they were adults. Children ages 14 to 17 charged with some crimes are automatically tried in adult court and subject to mandatory lengthy no-parole prison terms, including life without the possibility of parole.

HB 6581 provides parole eligibility rules tailored for juveniles. Individuals serving sentences of more than 10 years for crimes that occurred before they turned 18 would have an opportunity to be heard by a parole board after serving a substantial portion of their sentences. Release would not be guaranteed but would be possible only if, after thorough review, the parole board determined that a person had truly rehabilitated and could be safely released.

SB 1062 eliminates mandatory life-without-parole sentences for juveniles and allows judges to consider youth-related factors in sentencing juveniles transferred to adult court.

The OCA urges the Committee to approve these bills which are recommended by the Connecticut Sentencing Commission.

Advances in science over the past several years have provided solid evidence that the adolescent brain is not fully developed until far into the twenties, and that the last features of the brain to develop are those that control judgment, decision-making and proper understanding of the

consequences of actions. Already this information has dramatically influenced many of our public policies and practices regarding service delivery to children and youth across many realms including child welfare, education, mental health, medicine, and the judicial system.

The OCA, through its unique authority, works closely with all state agencies having responsibility for children and youth to ensure that policies, procedures and practices reflect awareness of this knowledge and serve children and youth in a *developmentally appropriate way.* In particular, OCA has committed extensive time and effort over the past 15 years to ensuring that the Department of Children and Families (DCF), responsible for child protection, children's mental health, juvenile justice and prevention, and the Court Support Services Division (CSSD), responsible for supporting the Judicial Branch's work, incorporate evolving knowledge and best practices into their work with Connecticut's children and families. We have witnessed significant change in policies and practices affecting children because of their receptivity to and incorporation of new/best practices consistent with evolving science, such as maximizing opportunities for infant and child brain development, monitoring developmental milestones and supporting secure attachment to consistent caregivers. CSSD and DCF have reported positive outcomes from statewide prevention and early intervention efforts resulting in fewer numbers of children involved with the court system and decreased delinquency commitments. These and other state systems are likewise incorporating the most recent discoveries and information about brain development in older children, adolescents and young adults, including to inform such new policies as specific and extended support for youth "aging out" of foster care.

Yet, the Civil Justice Clinic of the Quinnipiac University School of Law reports that Connecticut currently has 267 individuals serving sentences of more than 10 years for offenses committed under the age of 18. Since the suicide death of 16 year old David B. at MYI in 2005, the OCA has worked extensively and collaboratively with the Department of Correction (DOC) at both York Correctional Institution and Manson Youth Institution to implement changes to the conditions of confinement and rehabilitative programming provided to juvenile offenders. We have advocated for change informed by the understanding of the unique needs of adolescents, and a focus on developing their capacity to live healthy and productive lives upon release through education, vocational and social skill development, and mental health and substance abuse services. Over the past 5 years, DOC leadership and prison administrators have welcomed the OCA into their facilities serving the youngest inmates in their efforts to achieve safety and security for both inmates and staff, as well as maximize the rehabilitation potential for those in custody. Through this collaboration, we have witnessed firsthand the harsh realities of incarceration for these young people, as well as their *potential for positive development* through maturation, education, and access to appropriate rehabilitative programming and health services.

The profiles of two young women with whom we have worked closely demonstrates the advisability and the potential of providing young offenders a second look and possibility of release after serving a portion of their sentences.

One young woman, well known to the OCA through our work with the adult women's prison, was only 17 years old when she was incarcerated on charges relating to the death of her newborn. Prior to this, "S" was a typical teen, living in a stable intact family with no DCF involvement. She was an exceptional student, on her way to college and the pursuit of her

dreams, when she was faced with an unexpected pregnancy. She most likely dissociated as some immature and panicked young women do, and hid the pregnancy. She delivered her baby alone and did not seek out medical attention or a safe place to leave her child. She was sentenced at age 18 to an 18 years sentence for manslaughter. She received her high school diploma at YCI, and has pursued whatever education she can within the facility. After a period of adjustment and fear, she accepted and faced her circumstances and now embraces all the help that is available to her. She works all day within the facility, takes on-line classes when they are available to her, has been a mentor to other youth and adults within the facility, and wants to make a difference by helping others when she is released.

Another young woman with whom we work closely is "E", whose short life so far has been a portrait of persistent instability and misery. She is 21 years old now, and was sentenced to 32 years for a murder committed when she was a juvenile. DCF has been involved with her family since before she was born, with at least 18 referrals, and numerous substantiations. She and her siblings spent multiple years in and out of foster homes, residential placements, detention and hospitals. She was a special education student whose attendance was sporadic. Her family constantly struggled and she experienced multiple disruptions, poor supervision, abuse and multiple forms of neglect and violence-- while she was a small child and throughout her adolescence. The day before she committed the crime for which she is sentenced, she was in hospital ER after being sexually assaulted.

Although E is struggling at YCI, our assessment is that with stable adult influence, she would have a good chance of doing well post-incarceration. She has nine siblings, including younger brothers who are stable and receiving services from DCF and DMHAS. She loves her family and that provides internal motivation.

Poor judgment, poor impulse control and susceptibility to peer influence are all commonly associated with adolescence. Brain and social science research tells us why. It also shows that teenagers have good potential for rehabilitation. These considerations support developing public policy around sentencing which recognizes these differences between juvenile offenders and adult offenders. Therefore the OCA supports legislative changes entitling juvenile offenders serving lengthy sentences to meaningful review after a portion of their sentence is served, and release for those individuals who can demonstrate that they have matured and rehabilitated. The OCA similarly supports eliminating mandatory life-without-parole sentences for juveniles and allowing judges to consider youth-related factors in sentencing juveniles transferred to adult court.

Thank you for this opportunity to testify, and we look forward to working with you to institute these humane, evidenced-based and forward-thinking reforms for the benefit of Connecticut's young people and the state.