

Testimony in Support of HB 5221: An Act Concerning The Recommendations of the Connecticut Sentencing Commission Regarding Lengthy Sentences for Crimes Committed By A Child or Youth And the Sentencing of A Child or Youth Convicted of Certain Felony Offenses

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My name is Deborah Barbi. I am from Wallingford; I'm a second-year student at Quinnipiac University School of Law, and an intern with its Civil Justice Clinic. I believe this bill is a long-overdue response to several problems with our justice system, including the shockingly high incarceration rates and much longer sentences for Connecticut's black and Hispanic youth as compared to white youth.

As discussed in the recent CPTV documentary *Color of Justice*, Connecticut has a problem with disparate minority contact in our justice system. This means that whether intended or not, minority teens have been and are being treated more severely at several points along the justice system than majority teens, including transfers to adult court.

Minority juveniles experience much higher transfer rates to adult court than their majority peers. In a study conducted by Spectrum Associates, 61% of juveniles transferred to adult courts were black or Hispanic, while only 37% were white.ⁱ And, fewer black and Hispanic youths are transferred back to juvenile court than white youth.ⁱⁱ

Treating children like adults subjects them to harsher adult punishments, including mandatory minimums and parole ineligibility, puts them at a great disadvantage in regards to assisting in their defense and understanding the consequences of a plea bargain, requires them to make decisions that affect their Constitutional rights when we don't judge them old enough to vote or serve as jurors, and gives them a permanent criminal record, which means more hardships down the road.ⁱⁱⁱ

I have seen first-hand the challenges of being a child in the adult justice system. My cousin, Jan, was charged in 2007 of illegal possession of explosives, a felony, among other charges. Jan is from West Hartford and was 17 when he was arrested. He had no idea the seriousness of the charges against him, and had never had a prior interaction with the police. In fact, at that age he did not have a driver's license, had never been on a date, and had not finished high school.

Due to the nature of his charges, the police had the discretion to treat him as an adult. He was arrested, handcuffed and taken to the police station, asked to sign away his Miranda rights, and give a written statement to the police – all before he had any contact with his parents. He was a child being treated like an adult, and asked to make decisions and grasp concepts he couldn't possibly have understood. Sadly, his story is very common.

Children treated as adults are put at a serious disadvantage to those considered juveniles, and they often face much longer sentences. And what's worse, these disadvantages are affecting our minority communities at a vastly disproportionate rate.

This legislature has a chance to do something about it. No matter what piece in our broken system is racially biased and placed these minority youths in prison for decades at disparate rates, this bill would give them a second look. Furthermore, this bill would impose sentencing rules for juveniles in adult courts, requiring courts to take into consideration the youth and circumstances that come before them. As a citizen, as a cousin, as a Christian, I believe that this bill is absolutely necessary to allow some room for justice in the justice system.

ⁱ Spectrum Associates, Market Research Incorporated, *A Study of Juvenile Transfers in Connecticut, 1997 to 2002*, Final Report 16 (Apr. 3, 2006), available at <http://www.housedems.ct.gov/jjpoacc/docs/2007/JuvenileTransfersReport2006.pdf>. A later study found racial imbalances in both transfer decisions and secure confinement decisions, even when controlling for risk factors. Spectrum Associates, *A Second Reassessment of Disproportionate Minority Contact in Connecticut's Juvenile Justice System* 39 (2009), available at http://www.ct.gov/opm/lib/opm/cjppd/cjjjyd/jjydpublishations/final_report_dmc_study_may_2009.pdf.

ⁱⁱ Office of Policy and Management, *Biennial Report on Disproportionate Minority Contact Fiscal Years 2010-2011* (Dec. 31, 2011), available at <http://www.ctjja.org/resources/pdf/DMCBiennialReport123111.pdf>.

ⁱⁱⁱ See *Graham*, 560 U.S. 48, 78 (2010) (“[T]he features that distinguish juveniles from adults also put them at a significant disadvantage in criminal proceedings. Juveniles mistrust adults and have limited understandings of the criminal justice system and the roles of the institutional actors within it. . . . Difficulty in weighing long-term consequences; a corresponding impulsiveness; and reluctance to trust defense counsel seen as part of the adult world a rebellious youth rejects, all can lead to poor decisions by one charged with a juvenile offense.”); *Miller v. Alabama*, 132 S. Ct. 2455, 2468 (2012) (“[failure to consider youth] ignores that [a young defendant] might have been charged and convicted of a lesser offense if not for incompetencies associated with youth—for example, his inability to deal with police officers or prosecutors (including on a plea agreement) or his incapacity to assist his own attorneys.”).