

**TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY
In Support Of
S.B. 796, AN ACT CONCERNING LENGTHY SENTENCES FOR CRIMES
COMMITTED BY A CHILD OR YOUTH AND THE SENTENCING OF A
CHILD OR YOUTH CONVICTED OF CERTAIN FELONY OFFENSES**

Judiciary Committee

March 4, 2015

Senator Coleman, Representative Tong, Senator Doyle, Representative Fox and esteemed members of the Judiciary Committee

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization affiliated with University of Connecticut School of Law in support of **S.B. 796, An Act Concerning Lengthy Sentences For Crimes Committed By A Child Or Youth And The Sentencing Of A Child Or Youth Convicted Of Certain Felony Offenses**. The Center supports this important piece of legislation as it will ensure that Connecticut is compliance with the United States Supreme Court 2012 decision, *Miller v. Alabama*, which holds that **no juvenile may receive a mandatory life without parole sentence**. *Miller v. Alabama*, 132 S. Ct 2455 (2012). More importantly, this legislation requires that the courts engage in **an individual, fact specific inquiry** into the maturity, development and capacity for rehabilitation of any juvenile facing the possibility of a life sentence for a serious felony. **Only after such an inquiry**, if life without parole is deemed necessary, may the court award such a sentence. This legislation is essential **to ensure that Connecticut is protecting the rights of juveniles based on their status as youth**.

Board of Directors

Douglas Colosky, Chair
Claudia Connor, Vice Chair
Jill J. Hutensky, Treasurer
Natalia Xiomara-Chieffo,
Secretary
Mario Borelli
Rudolph Brooks
David Cooney
Timothy Diemand
Kathryn Emmett (ex officio)
Robin Keller
Nichelle A. Mullins
Paul Sarkis
Martha Stone (ex officio)
Antonia Thompson

Advisory Board

Miriam Berkman
John Brittain
Brett Dignam
L. Phillip Guzman
Wesley Horton
Elizabeth Morgan
Eileen Silverstein
Preston Tisdale
Stanley A. Twardy, Jr.
Stephen Wizner

Executive Director

Martha Stone, JD
65 Elizabeth Street
Hartford, CT 06105
Phone 860-570-5327
Fax 860-570-5256

www.kidscounsel.org

The Center provides holistic legal services for Connecticut's poorest and most vulnerable children through both individual representation and systemic advocacy. Through our TeamChild Juvenile Justice Project, the Center collaborates with the Juvenile Probation Offices in Hartford and Bridgeport to improve our clients' juvenile justice outcomes by securing needed services through community agencies or the school system. We also run Disproportionate Minority Contact (DMC) Reduction Projects in Hartford, Bridgeport, New Haven and Waterbury, where we work with local stakeholders to develop strategies to reduce the disproportionate representation of youth of color in our juvenile justice system. One of our key areas of focus has been the reduction of school-based arrests occurring in the state's most needy urban communities, like Bridgeport.

Youth Are Less Culpable Than Adults & Have a Greater Capacity to Rehabilitate

The United States Supreme Court based its decision in *Miller v. Alabama* on extensive research on the development of the brain and used this information in arriving at its conclusion against life without parole for juveniles. It reasoned:

“a child’s character is not as ‘well formed as an adult’s; his traits are ‘less fixed ‘and his actions less likely to be ‘evidence of irretrievabl[e] deprav[ity]. Our decisions rested not only on common sense – on what any parent knows – but on science and social science as well. In *Roper*, we cited studies showing that “[o]nly a relatively small proportion of

adolescents” who engage in illegal activity “develop entrenched patterns of problem behavior.” (quoting Steinberg & Scott, *Less Guilty by Reasons of Adolescence: Developmental immaturity, Diminished Responsibility and the Juvenile Death Penalty*, 58 *Am. Psychologist* 1009, 1014 (2003)). And in *Graham*, we noted that ‘developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds’ . . . We reasoned that those findings – of transient rashness, proclivity for risk and inability to assess consequences – both lessened a child’s “moral culpability” and enhanced the prospect that, as the years go by and neurological development occurs, his “deficiencies will be reformed.” *Miller*, 132 S. Ct. 2464-65 (internal citations omitted).

In other words, the underdevelopment of the brains of juveniles **make them more impulsive, more susceptible to peer pressure, less able to understand risk and fathom consequences.** Research shows their **brains continue to mature until the age 24** and possibly beyond, and therefore youth under the age of 18, are still developing their own personal character. Given that fact, children are more readily able to rehabilitate than are adults.

Current Sentencing Practices Disproportionately Impact Connecticut’s Youth of Color

Even though Black and Latino youth comprise only 16% of Connecticut’s total population, they represent 88 % pf all juvenile offenders serving sentences of more than 10 years and 92% of youth sentenced to more than 50 years.¹ Additionally, Black and Latino youth serve longer sentences than when convicted of the same crime as their white counterparts. In Connecticut, a Black youth convicted of felony murder will serve 38 years, a Latino youth will serve 40 years and a white juvenile will serve 32 years.²

S.B 796 Will Serve to Limit Litigation and to Increase Supervision of Parolees

Connecticut is in need of a clear legislative rule for the sentencing of juveniles for serious crimes. **S.B. 796 will achieve the clarity needed.** Currently, over 150 cases on this issue have been raised in the Connecticut courts using the Supreme Court’s reasoning in *Miller*. This litigation is bogging down the courts and could result in significantly different outcomes, fostering further litigation. S.B. 796 will establish a clear rule from the beginning about a juveniles sentencing, ensuring that these youth are granted an appropriate sentence from the get go, and then subsequently subject to parole supervision.

In closing, the Center for Children’s Advocacy urges the Committee to pass **S.B. 796** so that these important changes may become law.

Thank you for your time and consideration.

Respectfully submitted,

/ s /

Marisa Mascolo Halm, Esq.
Director, TeamChild Juvenile Justice Project

¹ Data compiled from the U.S. Census (2010) and the Connecticut Department of Corrections (population data 7/11/11; juvenile data 9/28/11).

² *Id.*