TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY
In Support Of
S.B. 1127: AN ACT CONCERNING MANDATORY MINIMUM SENTENCES FOR CHILDREN TRIED AS ADULTS

Judiciary Committee

March 30, 2015

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

The Center for Children's Advocacy urges the Committee to pass **S.B. 1127, An Act Concerning Mandatory Minimum Sentences For Children Tried as Adults**, the purpose of which is to permit the court to consider the individual and unique situation of a child who has been found to have committed a serious crime and depart from the minimum sentencing guidelines when such departure is warranted. In the spirit of Supreme Court jurisprudence concerning the youth in the juvenile justice system, **S.B. 1127 seeks to amend section 47b-127 of the Connecticut General Statutes to allow for exceptions to the mandatory sentencing guidelines that were created for adults.** This bill will add language granting the court the ability to use its discretion, based on good cause shown, to shorten the mandatory minimum sentence for a child convicted in adult criminal court.

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.

In *Miller v. Alabama*, the U.S. Supreme Court reasoned that children should not be held to the same standard as adults, given their limited development and maturity:

> "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

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> 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 youth **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.

For these reasons, **youth are more likely to rehabilitate than adults**. That said, they should not be categorically held to the same standard of punishment as adults, there should be some level of discretion when it comes to their sentencing. **We urge you to pass S.B. 1127 to grant the judicial authority this flexibility.**

Thank you in advance for your time and consideration.

Respectfully submitted,

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