



TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE
FOR THE SENTENCING COMMISSION

NOVEMBER 29, 2012

Regarding
SENTENCE MODIFICATION FOR JUVENILES

Good morning Judge Shortall and members of the Sentencing Commission. My name is Abby Anderson and I am the executive director of the Connecticut Juvenile Justice Alliance. The Alliance is a statewide, nonprofit organization working to reduce the number of children and youth entering the juvenile and criminal justice system, and advocating a safe, effective and fair system for those involved.

The Alliance strongly supports the Commission's proposal to allow sentence modification for individuals who are serving long adult prison terms for crimes committed before they were 18 years old. There is currently no automatic mechanism in Connecticut for review of a juvenile sentence after 10, 20, or even 50 years to determine if that sentence remains appropriate. We believe it is ethically, morally and fiscally wrong to lock children up and "throw away the key."

Science now has proof that a teenager's brain is still developing until the age of 25; those who commit crimes as juveniles are very different from adults. We believe children should be held accountable for their actions, but we also understand that their brains are not nearly finished growing. Your proposal would uphold the ability to hold people accountable for their crimes and take into account brain science as the change would not guarantee release, but simply guarantee sentence review. A person found to have not matured would not be released on parole.

As you know, children as young as 14 are automatically tried as adults in Connecticut for certain crimes, and can serve the maximum term of life without the possibility of parole. A number of children are serving lengthy sentences for the charge category felony murder, even if they did not personally kill someone. The charge requires only that the juvenile be engaged in a felony (most often a robbery), that someone died as a result (even by accident), and that the juvenile knows that one of his co-felons was carrying a dangerous weapon. Because children tend to discount consequences and act in groups or with older adults, a 14-year-old serving as a "lookout" for someone else's drug-deal-gone-bad, a 16-year-old serving as a driver for someone else's robbery of a grocery store, or a younger backseat companion in a drive-by shooting can receive just as much prison time as the older person who planned the crime and pulled the trigger.

Brain science tells us that children have a greater capacity for change than adults. Even if a child commits a very bad act, it does not mean he or she has a permanently bad character and is incapable of rehabilitation. This was confirmed by the U.S. Supreme Court, in both *Graham v. Florida* and *Miller v. Alabama*. Connecticut law currently gives up on some children and denies them a "meaningful opportunity for release," which the *Miller* and *Graham* cases, taken together, require. Connecticut policies also disproportionately effect minorities, as 89% of individuals serving sentences of 10 years or more for crimes committed when they were under the age of 18 are African American or Hispanic.

The proposal would not jeopardize public safety because a second look would not guarantee release. Release would be possible only if, after thorough review, it is established that an individual has truly rehabilitated. Supreme Court precedent, the momentum of Connecticut policy change and hard brain science all point to this proposal being the right and necessary step for the Sentencing Commission to take. Thank you for your time and attention.