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State Victim Advocate

Testimony of Natasha M. Pierre, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Wednesday, March 4, 2015

Good afternoon Senator Coleman, Representative Tong and distinguished members of the Judiciary Committee. For the record, my name is Natasha Pierre and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Senate Bill No. 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, and*
House Bill No. 6926, *An Act Concerning Lengthy Sentences for Crimes Committed by a Child or Youth*

Enhancing Crime Victim's Rights

The Office of the Victim Advocate (OVA) supports the following proposals to enhance crime victim's rights:

Section 11 of House Bill No. 6926 requires the state's attorney to provide additional detailed information regarding a defendant's period of confinement, pursuant to a plea agreement, to victims of crime who request such information. This will ensure that victims understand the nature of the sentence and the potential impact that credits for good conduct and programming will have on the period of confinement.

Section 12 of House Bill No. 6926 will add two crimes, manslaughter first degree and manslaughter first degree with a firearm, to the list of crimes that are ineligible to earn risk reduction credits. Currently, a defendant convicted of six specific crimes, including murder, are ineligible to earn risk reduction credits. However, a defendant originally charged with murder, may accept a plea agreement and be convicted of manslaughter, thus becoming eligible to earn risk reduction credits. To ensure that murderers are not earning risk reduction credits, as intended, at minimum, those crimes should be added to the list.

Juvenile Sentencing

The OVA is an active member on the Sentencing Commission, which has been diligently working to address the U.S. Supreme Court's rulings in Miller v. Alabama and Graham v. Florida regarding the sentencing of juvenile offenders.

While the OVA realizes that, in some cases, a juvenile offender may be worthy of a "second chance" and be considered for the potential of early release, from the victims' perspective, the age of the offender does not lessen the impact suffered as a result of the crime. The OVA strongly believes that there are cases where a juvenile offender has clearly and consistently demonstrated their propensity for violence and are a continued threat to victim and public safety. These instances require us to carefully consider the impact of Senate Bill No. 796 and House Bill No. 6926, not only on the juvenile offender, but also on the victim and public safety.

The decision in Miller v. Alabama requires the court to consider certain factors prior to sentencing a juvenile offender, convicted of murder, to a life sentence. The decision **does not** prohibit the court from sentencing a juvenile to life, rather, the court must consider all information about the juvenile's maturity, influence and appreciation of the consequences of his/her criminal conduct.

There are only **FOUR** cases in Connecticut that are impacted by Miller v. Alabama; Connecticut has always been cognizant of reserving the life sentence for the worst of the worst, even more so, when the offender is a juvenile. Additionally, Connecticut routinely reviews information concerning the juvenile's history as part of the pre-sentence investigation report to the court. Although the four defendants impacted by Miller v. Alabama will be resentenced, as agreed upon by the State's Attorneys, it is possible that life sentences will again be imposed.

The decision in Graham v. Florida requires a process for a juvenile offender, serving a lengthy sentence, to be able to demonstrate substantial rehabilitation and maturity and have a meaningful opportunity for early release consideration. This decision comes from a Florida case in which a juvenile was sentenced to, effectively, a life sentence for a crime other than murder. Moreover, there was no opportunity for early release as Florida does not have an established parole system.

The issues in Graham v. Florida do not exist in Connecticut. First, Connecticut does not sentence juveniles to a life sentence for crimes other than murder. Second, Connecticut has a well-established parole system whereby a person becomes eligible for parole after serving a certain percentage of their sentence, based on the crime or crimes committed. For example, if a person is convicted of a non-violent crime and sentenced to more than 2 years, the person would be eligible for parole consideration after serving fifty percent (50%) of their sentence, minus any credits for good conduct and programming. A person sentenced for a violent crime, other than murder, must serve eighty-five percent (85%) before becoming eligible.

Essentially, the proposals before you establish a separate eligibility process for juvenile offenders, who were convicted to a lengthy sentence (10 years or more), to seek early release consideration: a person sentenced to 50 years or less would become eligible after serving sixty percent (60%) or twelve years, whichever is greater and a person sentenced to more than 50 years, would become eligible after serving thirty years. If after a hearing, the Board of Pardons and Paroles determines that continued confinement is required, the Board would have discretion to reassess the person's suitability for a new parole hearing, but not earlier than two years after the denial.

The OVA opposes the establishment of said separate eligibility process for juvenile offenders because

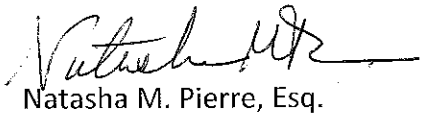
1) Connecticut already considers all factors, including maturity, family background, educational history, criminal history, substance and/or mental health history, prior to sentencing a juvenile to a lengthy term of confinement. Juvenile offenders whose cases are transferred from the juvenile delinquency docket to the adult criminal docket are largely due to the seriousness of the offense and/or the continued criminal conduct of the offender.
2) Connecticut has a system in place for most offenders, whether juvenile or adult, to seek sentence reduction opportunities and early release opportunities.
3) The proposal appears to allow multiple parole hearings, which goes well beyond any interpretation of the Graham decision.

The OVA, as well as most crime victims, generally understand that juvenile offenders will be treated slightly different in the criminal justice world. Whether the criminal matter is transferred to the adult criminal docket, is approved for youthful offender status or remains on the juvenile delinquency court docket, victims maintain the rights to be informed and heard. Furthermore, there is a general understanding that efforts towards rehabilitation are more prevalent when it comes to juvenile offenders.

However, the emotional, financial and psychological impacts suffered by a victim as a result of crime are no less if the crime is committed by a juvenile. Juveniles convicted of serious, violent crimes and sentenced to lengthy terms of confinement, should expect that such criminal conduct will have significant and severe consequences. It is more than likely that a juvenile offender charged with a serious, violent crime, has had a prior history of involvement with the criminal justice system and that efforts towards rehabilitation have been unsuccessful. Those rising to the level of lengthy periods of confinement should not be unduly rewarded by an exaggerated interpretation of a decision by the Supreme Court of the United States.

I strongly urge the Committee to carefully review Miller v. Alabama and Graham v. Florida to ensure a complete understanding of the decisions as well as to recognize that Connecticut requires very few changes to be in compliance with the requirements of both decisions. Thank you for consideration of my testimony.

Respectfully submitted,



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