



**TESTIMONY OF THE AMERICAN CIVIL LIBERTIES UNION OF CONNECTICUT
FOR THE SENTENCING COMMISSION
NOVEMBER 21, 2013
Regarding
SENTENCE MODIFICATION FOR JUVENILES**

To Justice Borden and members of the Sentencing Commission:

My name is Sandra Staub, and as Legal Director of the ACLU of Connecticut, I am testifying in support of the Commission's proposal to allow sentence modification for people who are serving long adult prison sentences for offenses committed when they were less than 18 years old.

We are pleased that the Commission has recognized that developmental differences of adolescents should be reflected in Connecticut's parole eligibility rules for juvenile offenders. The Commission's proposal acknowledges the great potential for adolescents to be rehabilitated and reintegrated into society. Additionally, recent U.S. Supreme Court jurisprudence necessitates changes to the juvenile justice sentencing scheme in Connecticut.

In June of 2012, the U.S. Supreme Court in *Miller v. Alabama* held that mandatory life sentences without the possibility of parole for those under the age of 18 at the time of their crime violate the Eighth Amendment's prohibition on cruel and unusual punishments. The Court specifically noted the juveniles' "diminished culpability and greater prospects for reform." At least ten states have already changed their laws to comply with the Supreme Court's *Miller* ruling. The Commission's proposal is important because it will again encourage the Connecticut General Assembly to pass legislation that will bring Connecticut into compliance with the law and give all juvenile offenders serving lengthy sentences the chance to show they have rehabilitated, matured, changed their ways, and made amends.

Criminal sentences are meant to serve four purposes: retribution, deterrence, rehabilitation and incapacitation. Giving lengthy sentences to adolescents, without providing for the possibility of earlier parole for appropriate candidates, serves none of these purposes. Studies show that adolescents' brains are less fully developed than adults. This makes them more likely to be swayed into crime by peer pressure, or to be influenced by an adult. Additionally, adolescents are less capable of realizing the consequences of their actions; and, thus, they are less culpable for their actions than adults. Adult sentencing laws also fail to take into account that many adolescents who are sentenced to life without parole and other lengthy sentences grew up in dysfunctional and abusive environments—situations from which they were unable to remove themselves.

Lastly, adolescents are at a disadvantage in navigating the criminal justice system and are often unable to assist in presenting their own defense. A mechanism allowing for parole hearings will allow the state to reassess which individuals are truly culpable and to adjust the sentences, if appropriate.

The state pays thousands of dollars every year for each person in prison with the intention of protecting society from truly dangerous people by keeping them isolated from everyone else. Because their brains are still developing, however, it is next to impossible to tell at the time of sentencing how adolescents will turn out. Were they inherently bad and dangerous? Were they merely acting on impulse? Or were they persuaded by others into criminal behavior? The ability of adolescents to grow and reform means they do not represent the same threat to society as adult criminals. Every time the state chooses to incarcerate an adolescent for decades, it is choosing to use hundreds of thousands of taxpayer dollars rather than allow that adolescent to grow up to become a productive, tax-paying member of society. Such a choice is not only harmful, it is fiscally irresponsible.

Additionally, ethnic and racial disparities in the population of people serving long prison sentences reveal disturbing patterns in sentencing. Although Caucasians make up 71 percent of the state population, only 12 percent of the juvenile offenders serving sentences of more than 10 years and 8 percent of those serving more than 50 years are Caucasian. The remainder of each group is made up of African American and Latino juvenile offenders. Such a dramatic disparity raises serious concerns about the role race plays in sentencing and enforcement. Taking steps to protect all children from permanent and lengthy sentences will also help to eliminate some of these racial disparities, ensuring that adolescents of every race will be given the same opportunities.

Thank you for your time and hard work.