

The Sentencing Project

Criminal Justice Issues and Prisoners' Rights

<https://www.sentencingproject.org/publications/letter-in-support-of-connecticut-hb-6581-and-sb-1062/>

Public Facing Advocacy Writing

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April 11, 2013

RE: The Sentencing Project Endorses HB-6581 and SB-1062

Dear Chairman Coleman and Chairman Fox,

The Sentencing Project is a national nonprofit research-based advocacy organization focused on various criminal justice issues. These include the issue of juveniles serving lengthy prison sentences, including life without the possibility of parole. We applaud the introduction of HB-6581 and SB-1062, which seek to bring Connecticut into compliance with two recent U.S. Supreme Court cases, *Graham v. Florida* ((130 S. Ct. 2011 [2010])) and *Miller v. Alabama* (567US___[2012]). These legislative proposals clearly reflect a thoughtful attempt to represent the spirit and the letter of these two landmark rulings.

Nationally, there are more than 2,600 people serving juvenile life without parole (JLWOP) sentences. In 2011, The Sentencing Project surveyed these individuals to learn more about their history, in an attempt to better understand how they came to commit an act of violence. We issued our findings in a report called, [*The Lives of Juvenile Lifers: Findings from a National Survey*](#).

What we learned is that the vast majority of these individuals, largely persons of color, were themselves the victims of violence and neglect long before they turned to crime. On the whole, their home environments were marked with poverty, mistreatment, substance abuse, familial incarceration, community violence, and an overall lack of positive, adult guardianship.

Despite these early signs of trouble which are so common among this population, these factors are rarely included in the sentencing decision. In *Graham v. Florida*, the Court ruled that individuals who are convicted of non-homicide offenses for crimes committed before their 18th birthday must be allowed a meaningful opportunity of parole. In HB-6581, legislators have wisely expanded the category of individuals to include those serving 10 years or more who, in accordance with Connecticut law, are otherwise required to serve at least 85% of their sentence.

Regardless of the influences of childhood factors, the sentence of life without parole for homicide offenses is non-discretionary in Connecticut; a meaningful opportunity for parole is decidedly excluded from this mandatory sentencing structure. The *Miller v. Alabama* decision ruled this unconstitutional. The Court held that a judge or jury can no longer bypass important and relevant factors about youth in sentencing decisions. The Court noted several specific factors that must be considered in cases involving LWOP for individuals under 18.

SB-1062 requires that the mitigating factors enumerated in the *Miller* opinion be considered at the time of sentencing. These factors acknowledge the reality that was borne out in our research repeatedly: youth who commit acts of violence are very frequently enduring violent and neglectful treatment in their own lives. This, compounded with the fact that adolescents lack the maturity to appreciate the consequences of their actions and are unduly susceptible to peer pressure, requires a different, age-appropriate sentencing scheme that allows for these factors to mitigate the length of sentence.

Adolescent brain science confirms that young people have a reduced capacity to understand the consequences of their actions, a reduced capacity to restrain impulsivity, an undeveloped sense of remorse, and are also impulsive. Science also tells us that teenagers are uniquely susceptible to peer pressure particularly negative peer pressure because their sense of independence and autonomy is still being formed and continues to evolve until their mid-twenties. Of course, one need not be an adolescent brain expert to understand that teenagers often act in ways that are difficult to understand. The Supreme Court has repeatedly required states to take this knowledge into account in its sentencing structures for youth through this series of opinions.

The value of taking a second look at young prisoners after an initial period of incarceration was confirmed in our survey research as well. We gathered information from respondents about their efforts at rehabilitation, education, and family connections. We also asked them about disciplinary actions taken against them in prison. What we learned is that prisoners are actively engaged in self-improvement, stay in regular contact with their families, and are less likely to violate prison rules as they mature into adulthood. Specifically, we found the following:

We urge the Connecticut legislature to act swiftly to pass these important legislative proposals that will bring Connecticut into compliance with *Graham v. Florida* and *Miller v. Alabama*.

Sincerely,

Marc Mauer
Executive Director

Increase in number of women incarcerated in the U.S. since 1980

Sentencing Policy

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