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**Testimony of W. Theodore Koch III,
Executive Board member,
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Committee on the Judiciary – March 10, 2021

RE: Raised Senate Bill 978 – AN ACT CONCERNING PAROLE OPPORTUNITIES FOR INDIVIDUALS SERVING LENGTHY SENTENCES FOR CRIMES COMMITTED BEFORE THE INDIVIDUAL TURNED TWENTY-FIVE YEARS OF AGE

Members of the Judiciary Committee:

The Connecticut Criminal Defense Lawyers Association, a statewide organization of over 350 criminal defense attorneys, expresses **support** for Raised Senate Bill 978 – An Act Concerning Parole Opportunities For Individuals Serving Lengthy Sentences For Crimes Committed Before The Individual Turned Twenty-Five Years Of Age. This Bill has the dual attributes of promoting justice, and of saving money.

How Raised Senate Bill 978 Promotes Justice:

This Bill expands upon Public Act 15-84, which created parole opportunities for serious offenders who were under eighteen years old. PA 15-84 was based on advances in brain science, which demonstrated that teenagers are less criminally culpable than adults by virtue of their biological immaturity. In other words, younger people have a unique capacity to reform, no matter how vile their crimes were.

However, that same science applies not only to people under age 18—it applies all the way until the brain reaches complete neurobiological maturity, which is not until about age 25. See generally *Age of Opportunity: Lessons from the New Science of Adolescence*, by Laurence Steinberg; and *The Teenage Brain: A Neuroscientist's Survival Guide to Raising Adolescents and Young Adults*, by Frances Jensen.



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The experiences of CCDLA members who have represented the middle aged men to whom PA 15-84 granted a new lease on life is this: The science is true in practice. These men, who committed such horrific deeds as teenagers, are categorically reformed, humbled, committed to their own redemption, and to that of others. When the Parole Board grants their release, members of the Board often remark that there is nothing more that the Department of Corrections can do for these men. Moreover, because many of them have become tutors and mentors to younger inmates, it would benefit society for them to be released, and continue their redemptive work on a larger scale.

The fact that there is presently a bright line at age 18 means that there are many more men such as these, in our prison system, today, who are equally as redeemed and rehabilitated, but who do not have the opportunity to demonstrate it. Many CCDLA members have visited with them and been struck by the realization that their continued incarceration no longer makes sense.

This Bill provides a unique and sorely needed opportunity for the return of rehabilitated people back into our society. Petitions for habeas corpus and direct appeals are not effective processes for that, because those processes ask whether trial was fair, and whether the petitioner is guilty. The petitioner's redemption is irrelevant to these processes. The Parole Board, however, is uniquely suited to evaluate each applicant's sincerity, and to release the worthy candidates.

The sentence modification process likewise is not a good fit, because it relies on the individual decisions of prosecutors and the varying views of victims' families, rather than on any deliberate statewide policy.

How Raised Senate Bill 978 Saves Taxpayer Money

Incarceration is expensive. This will simply reduce that cost. Prisoners have the right file various claims for post-conviction relief: habeas corpus and appeals thereof, petitions for new trial and appeals thereof, petitions for new DNA testing, and so on. Each of these costs money. The issue is often not about guilt or innocence—it can be about whether the proceedings were fair, whether counsel was effective, and so on. If you have no other realistic way to seek release, you may use these mechanisms if they are available to you. This Bill would convert that energy into the far more realistic, productive, and pro-social process of earning release by actually accepting responsibility for what you did, reforming and rehabilitating yourself, and presenting the fruits of your labors to the Parole Board. It will save the cost of countless other collateral proceedings, and convert tax consumers into taxpayers.