

National Organization of Victims of Juvenile Lifers



Testimony of Bobbi Jamriska:

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I'd like to start by thanking this committee for the opportunity to speak on behalf of National victims of individuals serving Juvenile Life without Parole. As a National Representative and Member of the National Organization of Victims of "Juvenile Lifers", I hope to bring the larger perspective of the victims of these crimes from across the nation. While the decisions here will apply only to Pennsylvania cases, the broader national view is one that is important in your deliberations.

My own investment in this issue, at both the State and National level is as a victim, first and foremost. My 15 year old, pregnant sister was brutally murdered at the hands of a 15 year old boy who is currently serving LWOP here in Pennsylvania. As a member of what one mother called, 'the club you don't ever want to be a member of', I have come to realize the issue is much bigger than my individual pain and story. There is an entire community of survivors who live with pain similar to mine every day. It is for them, that I stand before you today.

The proposal of HB1999 is one of great concern for the victims of these crimes. The changes to both the future sentencing, as well as, the retroactive sentencing changes are what I would consider the equivalent of throwing a blanket over a hole in the ground and claiming it has been repaired. The issues of JLWOP and sentencing of Juvenile murderers in Pennsylvania is a complicated problem. The premise that simply eliminating sentencing of this nature, both for future and past cases is probably the most damaging, and least effective possible way to go about addressing the issues at hand.

The ramifications of such sweeping legislation would be irreparable damage to the ability of the legal system to work as designed and the re-victimization of countless victims whose loved ones were murdered. The judicial system should have a fairly rigorous gating process for when and how this sentence is applied. However, there are situations in Pennsylvania, for example in the case of Danni Romig, where there can be no question that justice was served by imprisoning her rapist/murderer to life. In spite of our overwhelming desire to believe otherwise, there are bad seeds, individuals who are not fit to be part of a lawful functioning society. There has to be within the legal system a means to keep these individuals from doing more harm to the innocent. The effects of the bill as proposed would be the re-victimization of victims throughout

the state, the potential for people who truly deserve to be jailed to be released, and the potential for Parole Boards to make decisions that could potentially cost people their lives.

The position that NOJVL holds in regard to these proceedings is as follows:

- Support for a dialog on review of juvenile sentencing procedures for homicide cases, this dialog shall include victim's representation, in addition to any other interested parties. (The resolution sponsored by this panel for the purpose of examining this issue currently does NOT include victim representation.)
- Establishing check points that protect children in these situations, relying on the criminal justice system to function as designed, however, NOT fully eliminating JLWOP as a sentencing option.
- Absolutely NO consideration of any law changes that will retroactively apply to individuals currently serving JLWOP.
- An understanding that such a balance can be struck in which juvenile's are treated differently than adults in the court system, while also being respectful to the rights of the victims of these crimes.

The benefit of considering the above position in this public debate would be to trust our legal system to function in the manner it was designed, balancing the very scales Lady Justice holds on to in the façade of the United States Supreme Court. A more practical benefit would be avoidance of the traumatic re-victimization of the victims of these crimes at the hands of a court system that promised them closure. The proponents of a more stringent system to manage the number of accused murderers who face JLWOP would also be served by the approach proposed.

What this Bill will mean to Victim's and Victim's Rights

Let's first consider the sentence of Life without Parole, as compared to other sentences handed down by the judicial system. In any court case, where the prosecution seeks and the defendant is ordered to serve Life without Parole, the finality of that sentence is clear and closed to interpretation. A sentence of Life without Parole, means, the judicial aspect of the painful ordeal of being a victim of this horrific crime is over. To help clarify this point, let us consider the alternative. A sentence with a finite number of years sets the expectation that there will be future dates when the victim will have to interact with the court system again. The expectation is that parole hearings will be part of the future, or the very reality that the perpetrator will go free. A death penalty sentence is also one where the victim knows that the door on the judicial system is not closed. The victims anticipate both rigorous and frequent appeal hearings and even the possibility of a stay of that execution. In either of the latter two sentences, the victim spends their days in limbo, never knowing when the next letter or call that is going to re-open those old wounds is coming. They basically sleep with one eye open, knowing that it is always just around the corner. The victim's and families, who are in the groups without closure, can properly prepare and remain prepared for future court dates.

A family or victims of individuals previously sentenced to Life without Parole have likely closed the door on what was an awful part of their life. There is never a day that the pain isn't there, but the thought that the perpetrator can ever be released is not one that need be considered. As a result, families and victim's in these cases tend to *NOT* keep up to date records or keep tabs on witnesses or information related to the case. The expectation that their interaction with the judicial system is complete, prompts many of those victims to not follow up on their rights granted by the legislature, including registration with the Victim's Advocate.

By law, in the Victim's rights bill, notification must be given to victims no later than 90 days prior to the parole so that they can be heard. The problem is, if the victim has not registered to be notified, they will not be aware of the proceedings. Given the finality of the sentence as it was originally granted, a clear disservice would be done to the bulk of the victim's in this circumstance, as they would not be informed regarding a matter as important as this. As much effort as our organization engages in to raise public awareness, there are many families that put these events in the past, and try to move on without any follow up. The potential exists in this current legislation, to simply re-sentence persons convicted of homicide without the input of the very people directly impacted by the prisoner's actions. This is a disturbing and unacceptable disregard for persons who have suffered unspeakable tragedy already in their lifetime. In order to fairly represent victims, each and every victim impacted by this type of ruling should be given a chance to be heard. The very act of speaking out on this subject is a trauma that individual had never expected, based on the perceived finality of the LWOP sentence granted.

The Good, the Bad, and the Ugly

There are many arguments on why this type of reform would make sense. Inappropriately high numbers of individuals serving these sentences are cranked out all over the media by inmate advocates. The Human Rights watch, on the basis of non-verifiable numbers, has identified Pennsylvania as the State having the most inmates serving this sentence. This is a far from dubious distinction for our State to claim. However, this issue is not about numbers and it is definitely not about the perception of the public at large. This issue is about human beings, who are no longer in this world, at the hand of violent offenders.

It is perfectly conceivable that people are wrongly accused and wrongly convicted. There are likely instances of being at the wrong place at the wrong time. Let us consider, it is also perfectly conceivable that there are truly 'bad seeds', individuals who are genetically predisposed to violence. A change to future state laws that would improve the gating process for children in the court system would be a practical and fair way to address these issues. It is absolutely unconscionable that a retroactive bill would try to identify those parties wrongly convicted, while likely releasing violent criminals who could kill again. I would respectfully submit that none of the legislature here or anywhere else in the United States has clearly separated a means for which the wrongly accused can be sorted from those who do belong in prison for the greater good of the community.

In addition to the flawed concept that all Juvenile offenders are fit to be released at some point, is the effect of the served sentence on that individual. The prison system is not really one where an individual will 'rehabilitate in most cases. The violent offender sentenced to prison is more likely going to become more violent over the time spent incarcerated. The vision of these poor little teenagers who were wrongly imprisoned is in direct contrast to the stark reality of the acts perpetrated by these individuals, you have heard some of their stories today. A noble and lofty thought that kids are different, they can't be held fully responsible. I would suggest the panel view the recent interview with John Lee Malvo, who boasted about the number of murders he committed in the media recently. This young man is representative of the criminals impacted by LWOP.

Parole Boards and the Consequences

The very concept of the Parole Board is fraught with its own challenges. The one thing that victims and offenders seem to agree on is that the Parole system does not work. The makeup of the Parole Board in Pennsylvania is solely by decree of the Governor:

“ Membership.--The board shall consist of nine members who shall be appointed by the Governor, by and with the advice and consent of a majority of the members of the Senate, and each of whom shall hold office for a term of six years or until that person's successor shall have been duly appointed and qualified, but in no event more than 90 days beyond the expiration of that person's appointed term.”¹”

In addition to the above political implications, there are the costs. The re-visitation of each of these cases, and subsequent parole hearings every three years will amount to a substantial cost, both monetary and emotional. The administrative costs of these hearings will be absorbed by Pennsylvania, when there are likely better ways for this money to be spent. The emotional toll on victims of a parole hearing every three years is incomprehensible. I wish that you never have to even consider that cost in your own personal lifetime.

In preparation for today's hearing, I visited the PA Parole Board to gather some information. On August 1, 2010, the time of this writing, there are currently 1084 absconders listed on the website.² The various natures of their crimes are not represented, so one cannot determine the seriousness of these individuals' crimes. That being said, it is obvious that there is a serious breakdown in the Parole system in Pennsylvania at this point in time.

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http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS_0_95573_634960_0_0_18/PA_ST_61_PA_C_S_A_s_6102.pdf

2

http://www.pbpp.state.pa.us/portal/server.pt/community/parole's_most_wanted/5365/most_wanted_list/57623

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The prevalence of cases in the media where paroled offenders, often in violation of their parole commit additional, unspeakable crimes is painful to consider. Two recent cases in the Pittsburgh media and one in Philadelphia speak to the consequences of flawed parole systems.

- In December of 2009, Ronald Robinson shot and killed Penn Hills Police Officer Michael Crawshaw execution style in his cruiser. Robinson was in violation of his parole for two previous sentences at the time of the crime.
- In July, 2010, Tushon Brown, who was released by the Pa. Parole Board on good behavior, was arrested for the rape and murder of a 14 year old girl, Lauren Deis, whose body was found, chopped up and wrapped in garbage bags outside a local High School.
- In September of 2008, Sergeant Patrick McDonald of the Philadelphia Police Department was shot and killed in the line of duty by a parolee who was released just weeks prior to the murder.

These stories, along with the unclear qualifications of the parole board make for a system that should be viewed with a healthy dose of skepticism. The decisions made by the Parole Board, can truly be a matter of life and death for citizens of Pennsylvania. The accuracy of their judgment of a prisoner as being fully reformed, as opposed to, a smart sociopath is a gamble at best, in which the consequences are very high.

The combination of the re-victimization of the people who suffered these crimes, the inability to truly discern the wrongly convicted and the true sociopath in this particular bill, and the trappings of the Pennsylvania parole system make this bill an unacceptable approach to the problem of Juvenile Life without Parole.

The NOVJL would implore this panel to examine a better, more clearly directed approach to this issue. A panel of all relevant parties, including victim's, should be convened to examine WHY there are so many Juvenile's in this state serving this sentence, and find a way to prevent those crimes in the future. The money that could be spent on these hearings should be spent on youth programs that educate and prevent crime and also on defense funds for future offenders to be assured fair representation and trials.

Any and all bills that include retroactive legislation are the equivalent of transferring the sentences given to these offenders to the victim's families. The sentence would equate to torturing these victims to relive the trauma over and over. This is a violation of the very trust that these victims are placing in the justice system in the first place. A verdict of Life without Parole is one where the family can feel a small piece of closure to a gaping wound that will never completely heal. This bill will do nothing more than rip that wound back open for these victims.

I thank you for your time and attention to our position on this matter.

Respectfully submitted by: Bobbi Jamriska on behalf of "The National Organization for Victims of Juvenile Lifers" (NOVJL) www.jlwopvictims.org

Addendum: About NOVJL

WHO WE ARE

We are a national organization made up of the victims' families of those killings who work to protect our voices in the national public policy discussion about the (appropriately) rare sentencing of extremely violent juveniles to long term sentences in criminal (adult) courts.

Anyone who has had a loved one victimized by an offender sentenced to life, or an effective life sentence, or who is supportive of victims of this type is invited to [join us](#). We welcome also any victim family of a non-murder case teen sentenced to life, or the victims' families of any killer under the age of 18, no matter the sentence or status of the offender, as well as the many who support us in the larger issue of victim's rights when violent offenders are juveniles. We support a robust national dialogue on this issue, but insist that the victims' families are key stakeholders in that discussion, and must be found, notified, and invited to participate in that debate.

Some of our founding principles:

1. We recognize that throughout the criminal justice system there are those that are unjustly and inappropriately sentenced. Some juveniles are unfairly imprisoned for life and we should provide some means to ensure this does not happen.
2. However, to release hardened criminals who are certain to kill, rape, harm again is not necessary in order to help those unfairly imprisoned. Most of these offenders committed truly indescribably awful crimes, ending the lives of wonderful and innocent people, devastating their families and friends. Most of them demonstrated a high degree of culpability, enough to earn them a life sentence as an adult. The facts of these cases must not be forgotten and should be primary in any public policy discussion about this issue. Advocates for the offenders must stop acting as if there were no crimes except the incarceration of a younger offender. Advocates for the offenders must embrace with sensitivity and respect ALL the victims of these crimes.
3. The prison system does not work to rehabilitate as it should, so it is very difficult to see most people getting less violent over time.
4. While no one wants to give up on a young person, it is indisputably true that a certain number of people are "bad seeds" and different from the misguided youth that many envision when JLWOP reformers seek to open the floodgates and offer parole to every one of these cases.
5. Parole boards are notoriously ineffective in segregating out those who are sociopathic but SMART and clever. They are good at keeping locked up the stupid and overtly violent, not the sociopaths.
6. It is a fact that parole supervision is woefully underfunded and therefore we cannot expect any meaningful supervision.
7. Some convicted at a young age are in the wrong place at the wrong time. But on the flip side, some who kill at such a young age are evidencing the fact that they are genetically and then by

upbringing predisposed to violence. Some children are genetically predisposed to great intellect, some to great athleticism a very small but deadly portion are predisposed to an inability to feel for others and a propensity for massive violence.

8. No bill to date has separated the wrongfully sentenced to those who need to be locked up for all of our safety and for their own sake so they don't kill again.

9. Funding youth programs, ensuring enough money for good representation at the trial level is more effective in helping troubled youth than these feel good, do bad bills.

10. Parole hearings regularly throughout a long prison sentence of a truly horrific murder case constantly re-traumatize the close family and friends of the victim. To deprive a family of legal finality in some cases in tantamount to torture.

11. Retroactive proposals for reform must not violate victims' rights to full participation in advance of any decision to change the sentence.

Our **Board of Directors** includes: President, Daniel Horowitz, a California Attorney whose wife was murdered by a juvenile sentenced to life. Vice-President, Dora Larson, an Illinois Victim Advocate, whose daughter Vicki was raped and murdered by a juvenile lifer. Treasurer Jody Robinson, a Michigan wife and mother, whose brother Jimmy was murdered by a juvenile lifer. Past President, Maggie Elvey, a California Victim Advocate whose husband Ross was murdered by two juvenile lifers. Secretary/Founder Jennifer Bishop-Jenkins, Illinois, whose sister, brother in law, and baby were murdered by a juvenile lifer. Our members include dozens of family members in a dozen states that we have found through our own efforts, with no help or support, despite the millions being spent by foundations and offender advocacy groups to find, support and advocate for their killers. We are also grateful for the support among our members of the many in prosecution, law enforcement, and victims' rights who have been our vital allies in recent years.

Over a thousand juvenile murderers and violent teens in the USA (higher numbers supplied by offender advocates have been disputed) have been sentenced to Life without the Possibility of Parole for crimes committed before they turned 18. The acronym often used for that sentence is JLWOP - Juvenile Life without Parole. Most have been incarcerated for committing unimaginably horrific and aggravated murders or multiple murders. Most of them are the actual killers, and very few of them are the accomplices convicted of "felony murder".

Crime Victims in all 50 states in our nation have a legal and/or constitutional right to be informed of and heard in all procedural matters pertaining to their cases. Our rights are generally, with notable exceptions, recognized and enforced in two of the three branches of government: Judicial (trials, hearings, sentencing, appeals) and the Executive Branch (incarceration, clemency, parole) but not in the Legislative Branch (bills proposed that would retroactively reduce sentences). Advocates who claim to support the human rights of the guilty offenders and who wish to change the JLWOP sentences in place should also recognize and support these innocent and brutally traumatized victims' rights as well - and not just in court but in any matter of government pertaining to our cases.

We call on all advocates who wish to reform the JLWOP sentence to first devote the resources to build bridges of understanding to the victims of these crimes; to find, notify, support and empower the victims' families in this process. They have expended years of resources and energy and millions of dollars nationally on the offenders. Nothing for the victims. The advocates for the young offenders have formed a privately funded national organization that will have a full time staff person to coordinate all the national efforts to end the JLWOP sentence. It is our estimate that already a million or more dollars have been spent to advocate that these offenders receive opportunities for early release from their life sentences. But not once have they spent a dime on victim notification or outreach, and not so much as even asked for a meeting with any victims' families. It is time they re-evaluated their strategy and started behaving in a manner consistent with Restorative Justice Principles: an approach that bring all the stakeholders to the table.

If the victims of these crimes are not key stakeholders in this discussion, then who else would be?

To be clear, we support reforms in the criminal justice system, and we do not support the incarceration of the innocent. We know the "system" makes mistakes and of course oppose wrongful convictions. The debate about JLWOP has nothing to do with the issue of wrongful convictions- an entirely separate and very serious issue which must be addressed by the mechanisms created to do so - the appeals process and the executive clemency process. Everything that we discuss on this website about the sentencing of juvenile killers and violent teens should be considered applicable only to the guilty, and even in those cases only to those who not mentally ill, and legally culpable for their actions.

WHY WE ARE HERE

There is a national discussion among some criminal justice, human rights, and offender advocates about the appropriateness of the Life Without Parole sentence for any offender, and there should be - it is an extremely serious punishment. We know this is a very difficult question. We know it better than most people do, actually.

We know that this public policy debate will likely be as complicated as the crimes, criminals, and victims that gave rise to the discussion. We are certainly prepared for a public policy debate based on the FACTS of the crimes, the offenders, the victims, the economic issues, public safety and public will. Thus far, offender advocates have had "issues" with the facts, and have been unwilling to devote a single dime of their millions of dollars spent on the offenders to date in order to also include the victims' families of these crimes in their efforts.

There is one thing we are very sure of -- victims have an absolute right to be at the table in any discussion about the sentence of the offenders in their cases. And yet everywhere we have turned we see advocates investing significant resources into reporting the injustice of the sentence without any serious attempt to empower the voices of the victims of these crimes. See who some of these advocates are.

To be concerned for the offenders without first addressing the needs of the victims themselves is to not come close to understanding the problem.

In the national debate generated by advocates for these younger killers, we are here primarily for one reason only - **to assert our right to be included in the discussion** - something, surprisingly, that generally is not happening. In the several states where there are proposals to abolish JLWOP, victims' families of those crimes have not been found and informed and supported to be part of the discussions. In fact, they have often been even deliberately ignored, excluded, or in some cases outright demonized.

In any such significant public policy discussions no key stakeholders should be kept away from the table. The Victims of these crimes are without a doubt key stakeholders. We were made as such through no choice or fault of our own by the very offenders that the advocates to end JLWOP are now working so hard to defend.

MYTHS ABOUT THE "JUVENILE LIFE" SENTENCE

Many advocates for the offenders now serving JLWOP sentences have made some fundamental errors, we feel, in the early years of their movement to reform the JLWOP sentence across the nation. Reading the materials from the offender advocates, there is a inaccurate picture of the whole situation being put out. Discussion about this from ANY perspective is welcome on our FORUM PAGE. Let us address some of these myths:

1. MYTH: That the real "problem" with the whole JLWOP situation is the age of the offender.

FACT: The real problem is that someone, or several someone's are dead - murdered - or horrifically injured, and that an offender or offenders chose to commit acts of unspeakable evil against other innocent living human beings. And there is nothing but devastation in the wake of a murder.

What is at issue in all these cases are horrible, horrible murders and in all these cases tragedy surrounds the entire scenario. The problems go SO much deeper than just the age of the offender. Advocates against JLWOP need to do a much better job of embracing the full complexity of all these cases and talking about the CRIMES, not just the age of the offender. Reading their materials one could almost miss that these offenders are all convicted murderers, no matter what other circumstances surround the cases.

2. MYTH: We solve this "problem" with a discussion focused on the offenders in prison.

FACT: We address this "problem" that cannot be "solved" by focusing on the crimes, prevention and the causes, public safety, offender accountability, and the staggering and life-changing harms done (to victims) in these tragic situations.

The advocates' focus has been, up to this point, almost entirely offender-centered and their messaging has been too much about "the poor kids in prison". This will not help them build the broad public support. They need to change their approach to one built on inclusiveness and restorative

their strategy and start with a focus on the crimes and the staggering consequences for the victims' families. Only then can a real dialogue proceed.

It is important to remember in these discussions that, for the most part, these killers sentenced to JLWOP are not just for "routine" killings - all of these cases had extremely serious degrees of what the law calls "aggravation" in order to achieve a sentence that serious, and in order to be legally tried as adults.

While we absolutely recognize the many and systemic flaws in the criminal justice system, especially as we are often victims of them ourselves, there is a genuine debate in general about prison sentences. The social question of broad generally far more harsh prison sentences resulting from the "tough on crime" mood of the nation for some decades, especially for non-violent crimes, is a real one. We know that the US Prison population are at historic highs. We believe that re-entry programs and educational opportunities and health care and restorative justice programs and mentoring and a whole host of other opportunities need to be created and rebuilt in prisons to encourage and support rehabilitation. We support criminal justice reform and we abhor human rights violations (as we are, again, victims of them ourselves - we know as few others do the depth of those violations). We have heard that almost 2/3 of the US prison population is behind bars for non-violent and drug related offenses. We question those who want to begin sentence reduction reforms with the "worst of the worst", instead of with the vast majority of non-violent offenders.

Only when the offender advocates start to publicly acknowledge the massive damage left behind by these crimes will we begin to have opportunities for restorative justice, where all stakeholders are at the table, recognizing the realities that brought us here, supporting each other in trying to heal what can be healed, transform that which is permanently and irreplaceably destroyed, and coming together about what we all do in the wake of these unmitigated tragedies.