



**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE VICTIM ADVOCATE**

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Statement by: Carol L Lavery
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To: House Judiciary Committee
Re: House Bill 1999
Sentencing Juveniles to Life Without Parole

Thank you Chairman Caltagirone and members of the House Judiciary Committee for the opportunity you have provided to me, and to victims and survivors of crime, to address you this morning on the issue of juveniles sentenced to life without parole. The victim/survivors from whom you will hear today represent the almost 300 victims registered with the Office of the Victim Advocate for post sentencing services, who are family members of victims killed by juveniles, now serving life sentences in the Department of Corrections.

When I inevitably am asked about what "victims" think regarding various policy issues, my response has become somewhat predictable. Victims' opinions vary. I learned a long time ago, not to take for granted any position when talking with victims. Their perspectives are only partially driven by their experience with victimization itself and the consequential criminal justice processes.

While that multiplicity of belief exists, definite clusters in thinking from victim/survivors and victim service professionals also exist. Among those are their expressed desires for offender

accountability; for their legal rights as crime victims to participate in the justice system; for truth in sentencing; for protection from the offender and from others who may threaten them on behalf of the offender; and beyond their own protection, protection for the community and for their families. And they desire to be made whole as much as humanly possible: financially, emotionally, physically, and spiritually. As we know, and as you will hear, much of that remains elusive if not unattainable.

Victims are an integral part of our justice system and their needs and wants must always be considered in the development of policy and law, and in individual cases processed through our criminal and juvenile justice systems.

We as a society often place a value or a judgment on victims, according to whether or not they report crimes committed against them, their willingness to testify as witnesses. In fact the preamble of the Crime Victims Act specifically states that the purpose of victim's rights is partially to ensure their cooperation. It states that "The General Assembly finds and declares as follows: 1) In recognition of the civic and moral duty of victims of crime to fully and voluntarily cooperate with law enforcement and prosecutorial agencies and in further recognition of the continuing importance of victim cooperation to State and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this Commonwealth, all victims of crime are to be treated with dignity, respect, courtesy and sensitivity. (2) The rights extended to victims of crime....are to be honored and protected by law enforcement agencies, prosecutors and judges in a manner no less vigorous than the protections afforded criminal defendants."

Just as the court must consider the impact of the crime on individual victims in making their sentencing decisions, it is critical that policy makers consider the impact on victims as they debate these and similar issues involving life without parole for juveniles. It is too easy to be dismissive of victims and their concerns, as secondary, as unimportant, as non-rational, as irrelevant. Yet, victims are key to the functioning of our justice system. Their belief in the system as one that is just, not only for the accused, but for them as the person harmed, is critical if we expect them to voluntarily participate in its processes; if we expect them to be good citizens.

And so I must acknowledge the invitation extended to victim activists and advocates to participate in this hearing today. You will hear individual's stories about how offenders currently serving life without parole inflicted irreparable harm upon one of their loved ones, upon them, and upon their whole families. This harm is not secondary, unimportant, non-rational or irrelevant. It is real. It has impacted their ability to function emotionally and physically. It certainly has impacted them financially, and has become part of their life in the past, present, and future.

I expect that you will hear that they as victims valued the options available in the criminal justice system in sentencing these juveniles. The range of options for the prosecutor and judge often included the death penalty. These were horrific crimes, with horrific consequences. And so for so many victims, justice means a court process which allows a range of sentencing options from the death penalty, to life without parole, to maximums and minimums. For so many of the victims of the offenders currently serving life without parole, these families requested that the prosecuting district attorney not seek the death penalty. They wished for life without parole for that offender, which was in fact the outcome of the justice system process. Removing life without parole as an option due to the age of the offender disregards the extent of the harm inflicted by that offender. Victims look for offender accountability and that accountability takes into consideration the extent of the harm, and also allows a full range of sentencing options for that offender.

The second issue which I wish to address is the victim's need and desire for meaningful participation in the justice process. The Crime Victims Act statutorily creates that participation through mandated rights and services include both notification of and input into significant proceedings and decisions. This input benefits both the victims and the system itself. It provides information to the court which assists in determining the sentence as well as gives to the victim a role in the justice process beyond the observer, recognizing them as the object of the harm caused. The notifications provided to victims about status of the offender and about pending parole or release decisions provide victims with some semblance of control.

The Office of the Victim Advocate has an average of 30,000 victims registered for these services. It is a highly valued service by victims. But, while it can provide them with some sense of control, it cannot provide a sense of peace, which brings us to the issue of "closure." Probably one of the most meaningless concepts that have been proffered about victims of crime over the years is the concept of "closure." Ask any of the victims who come before you now or in the

future if they have had "closure." For homicide families, there will eventually be periods of quiet, if one can call that closure, but the impact never truly goes away. They are often able over time to move into a new sense of that quiet. For those whose offender's were sentenced to life without parole, they anticipate quiet. They expect to never face that offender's release back to the community, to face him or her on the street, to fear for themselves or their families or their communities. Many of these victims expressed a preference during prosecution for life without parole as an option as opposed to the death penalty because of the numerous, long term and on-going appeals of capital punishment. They hoped for the certainty of life without parole. Their active participation in that dialogue with the prosecutor, and the sentence imposed by the judge, defined justice in their case for their murdered loved one.

Lastly, I wish to speak to truth in sentencing. We pride ourselves in Pennsylvania as being a state that values truth in sentencing. In this Commonwealth victims know that a sentence with a minimum of 10 years means that the offender will serve a minimum of 10 years, whether in a community corrections center or in a state high security facility. Truth in sentencing means that victims can trust what they are told by prosecutors, judges, corrections, probation and parole. They can trust the sentence pronounced in court. Yes, there are exceptions, but those exceptions are notable and explainable, and derived from a process. Any statutory change which retroactively changes offenders' sentences is an assault upon that truth, and destroys victims' faith in the justice system and in justice. The impact upon victims must be considered.

In conclusion, I want to recognize that the issues before you are very difficult, with significant impact upon the lives of offenders, of victims, the families of both, and the community as a whole. As an advocate, and on behalf of victims of crime in the Commonwealth, I appreciate the public debate and the due consideration of all sides. Once again, thank you for including victims, victim activists, and their advocates in your hearing today. I urge you to ensure that those voices are included throughout your deliberations on this bill and others that come before you on this and similar issues. I thank you for this opportunity on behalf of all of victims whose voices were silenced by murder, and on behalf of all of their loved ones.