

**Testimony from
Dr. Timothy Black
Associate professor of sociology and
Director of the Center for Social Research at the University of Hartford**

Judiciary Committee Testimony

Opposing the following Bills

Raised SB 641: An Act Concerning Repeat Violent Offenders

**Raised HB 5876 An Act concerning Mandatory Life Sentences for
Repeat Violent Offenders**

Raised HB 5915: An Act Concerning Persistent Dangerous Felony Offenders

HB 5035 An Act Concerning Repeat Violent Offenders, Burglary and Pardons and Parole

Good afternoon, I'm Professor Tim Black from the University of Hartford and the director of the university's Center for Social Research. I'm here today to raise some concerns about Senate Bill 641 and House Bills 5876, 5915 and 5035. As you are aware the Connecticut prison population has followed national trends and grown exponentially over the past 20 years. In fact, in 1985, there were 5,422 men and women behind bars in Connecticut, today that number is approaching 20,000. Moreover, a recent Pew Center report shows that Connecticut is among five states that spend more on Corrections than it does on Education.

At the turn of the century, Connecticut started down an important path towards reforming its criminal justice laws to decrease its prison population and reduce the heavy tax burden associated with incarceration. Connecticut moved carefully on these matters, implementing evidence-based models of diversion programs and alternatives to incarceration, and slowly recognized that community-based treatment of substance abusers and the mentally ill reduced recidivism among these populations and was more cost-effective. As a consequence, the prison population decreased modestly between 2003 and 2006.

The trend has been drastically reversed due to the state's response to the horrific Cheshire murders; in fact, gains made in reducing the prison population have been reversed and the Connecticut prison population is approaching an unprecedented number of 20,000 inmates. The bills before this committee are likely to increase this number further and turn back the clock on state prison reforms. I want to encourage the committee to reject these bills for several reasons.

First, governing by crisis always has been and always will be a misguided form of governing. Rational decisions based upon state of the art research should be the basis for policy reform, not impulsive, emotional

decisions that are intended to make the public feel better.

Second, states that have adopted punitive legislation, like three-strikes legislation, in response to similar tragedies have regretted it. These policies have not proven to have more of an effect on decreasing violent crime than states without these policies and they have increased costs exponentially – for instance, in California, Three Strikes is costing an additional one-half Billion dollars a year.

Third, mandatory sentencing prohibits judicial discretion – discretion based upon the facts of a case and the biographies of offenders. The one-size-fits-all model is contradictory to the concept of justice and the training of justices, and it results in so-called false-positives – the lengthy incarceration of individuals whom by standards of reason would not be sentenced accordingly. Making sure the system is complying with procedures, like making sure pre-sentencing transcripts and all of other required information is available to parole boards, would be a much more worthwhile effort than creating one-size-fits-all sentencing models.

Last, Connecticut has recently been identified by the Justice Policies Institute of having the fourth highest disparity in black-white incarceration rates and the highest disparity in Latino-white incarceration rates in the nation. And there is something to the old saying that when white people sneeze, communities of color catch cold. So, for example, two white men entered a home in Cheshire and committed one of the most heinous crimes imaginable. But punitive policy retribution is likely to have disparate consequences for the most vulnerable populations, who in this state are communities of color. Why? Because vulnerable populations tend to be the unhealthiest, most marginalized, most desperate populations. Consider for a moment that in this wealthy state of ours, nearly 1/3 of black and brown children 6 years and younger live below the poverty line – one-third! That's unconscionable! But these conditions combined with poor schools, poor health, poor housing, and poor employment opportunities become criminogenic.

Given these large racial disparities in incarceration rates, I would agree with the Justice Policy Institute's recommendation that the racial impact of all criminal justice policies should be assessed for disparate impact before they are passed. Moreover I would suggest that the state proceed along two paths: to adopt rational,

evidence-based criminal justice policies to address the population already in the criminal justice system, and to make major investments in poor communities – especially communities of color – in education, housing, employment and health care, so that these individuals do not become involved in the criminal justice system in the first place. Thank you.