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Good afternoon Senator McDonald, Representative Lawlor and members of the Judiciary Committee. My name is Andrew Schneider and I am the Executive Director of the ACLU of Connecticut and I am here today to address the ACLU's concerns with many of the proposals currently before the Committee, particularly those that seek to limit judicial discretion and extend mandatory sentencing terms.

Most scientific studies have shown that states that increase incarceration rates the least are just as likely to experience decreases in crime as those that increased them the most.\* US Supreme Court Justice Anthony Kennedy said it well at the Annual Meeting of the American Bar Association in August, 2003, "Our resources are misspent, our punishments too severe, our sentences too long...I can accept neither the necessity nor the wisdom of federal mandatory minimum sentences. In too many cases, mandatory minimum sentences are unwise and unjust."

The legislature can respond firmly to criminal offending and levy stiff sentences while also preserving the independence of the judiciary and the integrity of the criminal court process. Legislatively mandated sentences undermine the independence of the judiciary and shift the authority of crafting appropriate sentences from judges to legislators. Judges are trained to consider the accumulated facts and circumstances of a criminal event and the characteristics of the defendant, and use their institutional wisdom to develop a suitable sentence. The tragic events that prompted these legislative proposals are not the result of inappropriate action by any sentencing judge. Efforts to strip their authority are unwarranted and would likely result in over-incarceration and extensive overcrowding.

Mandatory minimum sentences are a counterproductive approach to combating criminal offending. They have been demonstrated to have little impact on rates of crime, while having detrimental consequences to the operation and fairness of the criminal justice system. Connecticut already has one of the worst disparities in rates of incarceration in the country.

For every 100,000 residents Connecticut incarcerates 211 whites; 2,532 blacks and 1,401 Hispanics.\* \*

The likelihood of increased rates of incarceration if Connecticut goes down this path will cost taxpayers well over a hundred million dollars and require an already taxed Department of Corrections to recruit hundreds more medical professionals, correctional officers and other staff to oversee the growing population. This costly investment is a grim prospect that doesn't guarantee significant payoff in crime reduction.

The ACLU champions effective criminal sanctions that punish offenders, limit recidivism and encourage rehabilitation. We believe mandatory minimum sentences are the wrong approach and therefore urge rejection of those bills that include them.

\*Unlocking America, The JFA Institute, Washington, DC, November 2007.

\*\* State By State Statistics, The Sentencing Project, Washington, DC, 2004.