

233 Broadway, 12th Floor  
New York, NY 10279

Tel: (212) 334-1300  
Fax: (212) 941-9407  
www.vera.org



March 24, 2009

To: Senator Andrew J. McDonald, Co-Chairman  
Representative Mike Lawlor, Co-Chairman  
Members of the Joint Judiciary Committee

From: Barbara Tombs, Senior Fellow, Vera Institute of Justice

Re: Support for Bill No. 6697

Dear Senator McDonald and Representative Lawlor:

I would like to thank Senator McDonald and Representative Lawlor, as well as members of the Judiciary Committee for the opportunity to testify before you in support of Bill No. 6697, which establishes the Connecticut Sentencing Commission. My name is Barbara Tombs and I currently serve as the Senior Fellow in the Center on Sentencing and Corrections at the Vera Institute of Justice in New York City. I have been involved in the development of sentencing policy for over 15 years and have served as the Executive Director of both the Minnesota and Kansas sentencing commissions. In addition, I have worked with over 12 state sentencing commissions in a variety of capacities from assisting in the development of a commission to creating data capacity and analyzing sentencing trends.

Currently there are sentencing commissions in 23 states and five additional states are considering or have recently created a new commission, including California, Illinois, South Carolina, New Hampshire and Connecticut. Sentencing Commissions are involved in a variety of sentencing related activities across the country and function at varying levels of effectiveness. Commissions operate in guideline and non-guideline states and in determinate and indeterminate sentencing structures. There is no single structure or design for the creation of a sentencing commission. There are however, certain elements that all effective sentencing commissions incorporate.

Effective sentencing commissions have a clearly defined purpose that guides the focus of their work and prevents duplication of duties or responsibilities with other criminal justice agencies. Commissions are viewed as an objective non-partisan body that utilizes data driven analysis to support the development of proportional, just and effective sentencing policy that promotes public safety. Sentencing commissions are comprised of members from across the various components of the criminal justice system to provide insight into the various impacts of sentencing policy that enables a state to create a sentencing system that is rational, efficient and cost effective.

The greatest value a sentencing commission provides is the ability to use data and research to understand the impact of sentencing policy on the various aspects of the criminal justice system including the courts, corrections, and parole. Although numerous criminal justice agencies may collect data specific to their individual agency, a commission provides the ability to look at the impact of sentencing policy from a system wide approach, thus enabling a state to measure the impact of that policy from both a resource and public safety perspective. In addition to, or as part of, analyzing particular statutes, a sentencing commission can collect and evaluate sentencing data and provide an invaluable service to a particular state. When a commission receives and analyzes sentencing data, it can make informed decisions about the current state of sentencing; determine whether the sentencing laws are having their intended consequences, and make educated projections about the future impact of sentencing policy. Collecting sentencing data facilitates good decision making and more accurate reporting on the state of sentencing outcomes to the legislature. These reports can be a neutral discussion of the existing policy, with or without explicit recommendations to correct specific problems. For example, reports can show the link between sentencing practices and policies to the prison capacities of the state. This ensures that when a law is passed, the full financial implication of the law is understood.

The establishment of a Sentencing Commission in Connecticut would provide the state with the ability to evaluate sentencing statutes, policies and practices and serve as resource for the governor, legislature, and state criminal justice agencies on matters related to sentencing. The state would have information available based on data analysis and research on which to make decisions about prison diversions, parole releases or sentence enhancements. This information would help avoid the prison overcrowding crisis faced by states like California or Michigan, where mass releases are being viewed as an alternative to rising prison populations. By contrast, sentencing commissions in Washington and Kansas have enabled the state to control the growth of their prison population by ensuring sufficient capacity for violent and chronic offenders while providing an alternative non-prison punishment for offenders who pose a limited threat to public safety.

Although the establishment of a sentencing commission does require a resource investment by the state, the cost benefit for the state is significant. When sentencing policy can be developed, evaluated and modified based upon both impact on public safety as well as efficient use of judicial and correctional resources, the state is in the position to be proactive rather than reactive to how it will utilize limited resources. An appropriately staffed commission will provide a level of knowledge and expertise that will enable the state to avoid a prison population crisis and make informed conscious decisions on how and when to use criminal justice resources.

The structure and mandate of the sentencing commission established in this bill exemplifies the elements of the most successful sentencing commissions from across the country. The bill contains a well defined mission, a representative membership, and clearly defined duties and tasks. More importantly, the commission proposed addresses the specific needs of Connecticut by preserving judicial discretion, utilizing data driven analysis and developing sentencing policy that is rational and effective. I believe this is an excellent opportunity for the state to address its fragmented sentencing system in a comprehensive manner that will ensure violent offenders are removed from society, while providing rehabilitative alternatives to low level offenders. A sentencing commission will enable the state to make informed decisions on how and when to use limited resources while ensuring public safety remains its top priority.