

CCDLA
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Founded 1988

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February 25, 2010

Hon. Andrew J. McDonald, Senator
Hon. Michael P. Lawlor, House Representative
Chairmen, Judiciary Committee
Room 2C, Legislative Office Building
Hartford, CT 06106

Re: Raised House Bill No. 5248, An Act Establishing a Sentencing Commission

My name is Conrad Ost Seifert and I am an attorney practicing in Old Lyme.

I mostly handle appeals and criminal defense. I am the President of the Connecticut Criminal Defense Lawyers Association, CCDLA, and I am submitting this testimony on behalf of the CCDLA.

The CCDLA supports raised Bill No. 5248 which would establish a Sentencing Commission in the State of Connecticut. We believe that the creation of this Commission, with a precise mission statement, designated membership, proposed duties, and delineated authority, as detailed in the proposed bill, would lay the groundwork for data driven, non-partisan, sentencing policy and reform. We support sentencing policies that are fiscally responsible and take into account racial impact analyses. This type of deliberate and focused evidence based research and analysis makes for sound criminal justice policy. Too often in the past, enacted policy was based upon political necessity

with little or no relationship toward the consequences to the criminal justice system and the people and agencies affected by such legislation.

We first note that our past-president and current member, Attorney Thomas Ullmann, chaired the working group that drafted the proposal ultimately adopted by the Sentencing Task Force. The group consisted of well respected members of the judicial branch, legislature, criminal justice agencies, and academia. It is our belief that the proposal is one of the most important pieces of legislature to come out of the tragic Cheshire incident and is a global long term statement that frames a commitment by Connecticut to a rational, data driven sentencing policy.

Two concerns with this proposal have been alleviated. There appears to be unanimous agreement from all major criminal justice actors that a Sentencing Commission in Connecticut does not equate to sentencing guidelines. In addition, it appears that safeguards have been included in the proposal that would ensure that confidential data collected by the Sentencing Commission would remain confidential and would only be utilized for its research capacity.

What is laudable about the proposal is its collaborative and inclusive composition. It is politically balanced. It is represented fairly by each branch of government. It includes a representative of every criminal justice agency. It includes those community members who have played some role within the criminal justice system.

The Sentencing Task Force actually laid the groundwork for this proposal. It demonstrated that a collaborative effort by those who are sometimes adversaries in the day to day operation of the criminal justice system could reach agreement as to legislation based upon negotiation and consensus. The mental health diversion bill, and

probation modification legislation, enacted during the last legislative session, demonstrates what collaboration among reasonable people could achieve. The creation of a Sentencing Commission allows this to take place on a much larger scale and with a view of long term collaborative efforts.

The mission and duties of the Sentence Commission are noteworthy. They encompass public safety, offender accountability, harm to victims and the community, community punishment and supervision, the imposition of just punishment, and meaningful and effective rehabilitation and reintegration of the offender.

It had become obvious during Sentencing Task force meetings that there is a lack of coordinated data sharing as well as a lack of whole areas of data gathering. It is obvious that until recently and in great part still to this day, Connecticut state agencies gather data they deem important, but not necessarily oriented to the system as a whole. This leaves a rather unfocused and self centered data gathering system. The Sentencing Commission would change this. The commission would gather existing data from all parties. Not only would the Commission coordinate the gathering of that research, but it would also fill in the gaps. This is what is needed to explore the effectiveness of existing and proposed legislation. The Commission would also integrate a fiscal impact statement as well as the statutorily mandated racial diversity impact statement.

This bill is a huge step in the direction of a non-partisan approach to mindful evidenced based analysis and recommendations regarding existing and proposed sentencing legislation and policies.

We support building upon the relationships that were cultivated by the emergence of the legislatively mandated Sentencing Task Force. The logical extension of this working group toward the creation of a Sentencing Commission makes complete sense to us.

We strongly urge passage of this bill creating a Sentencing Commission.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Conrad Ost Seifert". The signature is fluid and cursive, with a long horizontal stroke at the end.

Conrad Ost Seifert, Esquire
President, Connecticut Criminal Defense Lawyers Association

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