

Judiciary Committee

Public Hearing

Friday, March 23, 2012

Written Testimony of Coalition for Criminal Justice Reform ("CCJR") In support of:

- S.B. No. 453 (Raised) An Act Concerning Certificates of Relief from Barriers Resulting from Conviction of a Crime (the "Senate Bill") and
- H.B. No. 5546 (Raised) an Act Concerning Sentence Modification for Juveniles (the "House Bill") (collectively, the "Bills").

Introduction

My name is Brian O'Shaughnessy and I am a Board Member of the Coalition for Criminal Justice Reform ("CCJR"). I am here to testify in support of two bills being given consideration at today's hearing.

CCJR

CCJR is a grass roots organization founded in late 2010. We are an eclectic group of Connecticut citizens consisting of professionals, reentry service providers, prison volunteers, academics, families of the incarcerated and the formerly incarcerated. Our members come to our group from a variety of perspectives and we are not political activists by nature. Several of our members are presently serving on the Sentencing Commission. As a group, and as responsible citizens of the State of Connecticut, we readily acknowledge the need for law enforcement that protects us and incarcerates the truly dangerous.

In our short life, we have met with many state leaders within OPM, the Departments of Corrections, and Parole and CSSD to learn and exchange ideas regarding how our criminal justice system operates and affects our daily lives. Many of our members are prison volunteers and reentry professionals especially concerned with supporting the formerly incarcerated in the struggle to gain the skills, confidence and self-respect necessary to safely and securely reintegrate into society. The most recent OPM recidivism study highlights that effective reentry strategies are now a crucial fiscal and public safety concern.

Support of the Bills

We support both bills because they share a general acknowledgement that at some appropriate time in the future, subsequent to the commission of an offense, and in the appropriate circumstances, an individual should be able to establish that they have earned the right to live a life unrestrained by the past.

The House Bill

While the underlying premise which justifies the reevaluation contemplated by these bills is vastly different, both bills are compelling and CCJR supports them wholeheartedly. The House Bill has merit because it seeks, at a minimum, to continue the process of discussion and analysis with which the Sentencing Commission is presently engaged regarding the creation of a review process for lengthy

prison sentences imposed upon children. We support the continued review of this issue by the Sentencing Commission and urge the ultimate adoption of legislation that formalizes a process whereby lengthy prison sentences imposed upon children can be reviewed for possible modification.

This review is appropriate because children are different. Our laws have always recognized this simple fact. Every crime is unique and each individual involved in a criminal act is different. We support the adoption of a process that formalizes the review of lengthy prison sentences imposed upon children. Age at the time of the crime, level of participation in the crime and the demonstrated commitment to leading a productive, law abiding life should all be reviewed.

The Senate Bill

The House Bill regarding sentences imposed upon children is compelling, but limited in its application because of the small number of incarcerated citizens impacted. In contrast, the Senate Bill, because it addresses barriers to employment and housing, deals with an issue that has relevance to all formerly incarcerated citizens of this state, their families and the communities to which they belong. In fact, facilitating the reintegration and employment of the formerly incarcerated is an issue that impacts every Connecticut citizen. Effective reentry will make our communities safer and will produce productive tax paying citizens.

Across the country, states prohibit former offenders from working in scores of professions, often when there is no rational connection between the prohibition and public safety. A new American Bar Association study funded by the National Institute of Justice counted approximately 38,000 statutes that impose consequences on people convicted of crimes. As highlighted in our last gubernatorial election, Connecticut has had the worst state economy for the creation of new jobs during the past 20 years. Any restriction on employment can be devastating in a jobs poor economy.

Nationally, there is a growing consensus that effective and holistic reentry planning reduces recidivism. A reduction in recidivism is, of course, a reduction in crime. This obviously saves money, but more importantly, effective reentry stabilizes families and makes the communities most impacted by incarceration safer. Integral components of effective reentry are jobs training, reuniting with family and the general creation of community connections. The Senate Bill is an attempt to facilitate these crucial components of reentry. The most recent OPM recidivism study is the latest testament to the fact that the manner in which we arrest, incarcerate and then reenter the formerly incarcerated does not reduce crime. To summarize the results of that study, 80% of those incarcerated are rearrested within 5 years of discharge and over 50% return to prison.

Nationally, there is a growing consensus that an over reliance on incarceration has made our poorest communities less safe. One of the reasons is that there is extremely limited economic opportunity in the communities most impacted by incarceration. The other simple fact is that incarceration is a trauma to the family impacted. For the past 10 years, our state's prison population has stayed relatively constant between 17,000-19,000 people. This number tells only part of the picture. To maintain this number, we admit or discharge a total of between 65,000-70,000 people each year. Each act of admitting or discharging an individual from prison is a traumatic act that destabilizes that individual and his or her family. Well over 50% of the citizens impacted come from our states poorest cities. The communities impacted by this dynamic are the same communities that experience all of the issues

related to economic disparity: poor educational achievement, substance abuse, unstable families, and poor mental and physical health.

Increasingly, our poor urban populations with limited job skills are going to prison. When they reenter, they are met by one of the worst job markets in the nation. A prison record often makes accessing a weak job market a pipe dream. Unable to access a secure foothold in their communities, these individuals end up returning to prison, leaving children and families trapped in a hopeless cycle of generational poverty.

The Senate Bill is a modest step in the right direction to support the efforts of the formerly incarcerated to reintegrate. Employment and housing are all basic needs that once met will increase the likelihood that the formerly incarcerated will not recidivate. After 40 years of increasing levels of national incarceration, our nation's prison population has leveled off for the first time. Increasingly, states are seeking to address crime through economic and community based approaches that rely less on incarceration and which do not have such long lasting inter-generational effects on our poorest communities.