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**John DeStefano, Jr.**  
*Mayor*

**Testimony of the City of New Haven  
Submitted to the Judiciary Committee**

*In Support of*

**H.B. No. 6582 (Raised) AN ACT CONCERNING THE RECOMMENDATIONS  
OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT  
TO CERTIFICATES OF REHABILITATION**

*Submitted by*

Althea Marshall Brooks, Community Services Administrator, City of New Haven  
March 11, 2013

Good morning, Senator Coleman, Rep. Fox, and distinguished members of the Judiciary Committee. Thank you for the opportunity to testify on behalf of HB 6582, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Certificates of Rehabilitation. As Community Services Administrator for the City of New Haven I over see the Prison Reentry Initiative.

Launched in 2008, the Reentry Initiative works with community partners, state agencies and other reentry stakeholders to support the reintegration of formerly incarcerated residents into the New Haven community. Since its inception, the Initiative has served over 1,000 men and women who were formerly incarcerated by providing information, advocacy and assistance overcoming the barriers they face in obtaining lawful employment, affordable housing, identification and other measures of productive citizenship. We help individuals compile pardons application packages and conduct trainings on the pardons system in Connecticut. Based on these experiences and on research on other states' pardons systems, I've concluded that this bill would help to remedy several deficiencies in Connecticut's current system of provisional pardons.

My testimony is in support of the proposed bill H B 6582 which is The Connecticut Sentencing Commission's proposed creation of a Certificates of Rehabilitation Program. The Program will provide a means of removing legal barriers arising from a criminal record separate and apart from seeking a pardon which has limitations for reentrants due to the fractional number that are granted. Certificates of Rehabilitation are an essential resource states can offer to support reentry – and thus promote public safety – by lifting statutory bars to jobs, licenses or other necessities such as housing that result from a conviction history. Certificates may be used to provide a way for qualified people with criminal records to demonstrate rehabilitation or a commitment to rehabilitation. Individuals with prior criminal convictions in Connecticut face barriers to employment, licensing and public housing. Without a job and a place to live, reentrants rate of recidivism exponentially increases.

The reforms proposed in H.B. 6582 are similar to measures that have been successfully implemented in two other states, New York and Illinois, where individuals with criminal convictions can apply for Certificates of Relief from Disabilities and Certificates of Good Conduct. In New York, courts can

issue these certificates at the time of sentencing, which may prevent individuals from forfeiting licenses or employment. In both states, these certificates may be issued to reduce barriers to housing and other areas of need, as well as for employment purposes.<sup>1</sup>

Certificates of rehabilitation benefit job seekers, employers, and the state in a number of ways:

- Employers retain their discretion to individually assess every applicant and do not have to forego an opportunity to hire qualified employees because of some federal, state, and local laws and regulations that exclude people with certain criminal records.
- Individuals with criminal records who have completed relevant job training and education programs can be eligible for those jobs.
- Criminal records remain accessible for law enforcement purposes.
- Certificates can offer a presumption of rehabilitation for job applicants--or at a minimum an individual's commitment to rehabilitation--and shift the burden to the employer and licensing agency to demonstrate that the individual is not suitable for the job or license sought.
- Certificates can provide clear guidance to occupational licensing agencies or employers when considering an applicant's suitability for a particular license or job. For example, New York and Illinois have enumerated in their laws the factors employers must consider when evaluating a job applicant with a criminal history.

The proposed bill would remedy one major deficiency in the current provisional pardons process, which is that it takes far too long to be effective in helping returning residents to rehabilitate themselves through employment. The current applications process for a provisional pardon is the same as that for a full expungement pardon, meaning that prospective applicants must spend several months obtaining official records, writing essays, and collecting letters of recommendation. The volume of these lengthy applications submitted to the Board of Pardons and Paroles means that applicants generally wait a year after submission before they receive a response. While this kind of time-consuming, deliberative process may be sensible for the weighty decision to fully expunge someone's record, these kinds of delays are counterproductive in issuing a provisional certificate that does not block anyone from viewing the criminal convictions on someone's record.

If provisional pardons are intended to assist applicants in rehabilitating themselves through employment, they should be issued as soon as possible after release, during the period when the risk of recidivism is highest and stable employment has the largest impact on reducing recidivism. For example, an October 2008 study by researchers at the Urban Institute affirmed that individuals who were employed and earning higher wages after release from prison were less likely to recidivate in their first year out.<sup>2</sup> In Connecticut, recidivism rates dramatically decline once an individual has been out for more than 6 months.<sup>3</sup> With current processing and application times, however, it is virtually

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<sup>1</sup> See, e.g., The Bronx Defenders, *The Consequences of Criminal Proceedings in New York State: A Guide for Criminal Defense Attorneys and Other Advocates for Persons with Criminal Records* (February 2010).

<sup>2</sup> Christy Visser, Sara Debus, and Jennifer Yahner, *Employment after Prison: A Longitudinal Study of Releases in Three States*, Urban Institute Justice Policy Center (Oct. 2008), available at <http://www.urban.org/publications/411778.html>.

<sup>3</sup> State of Connecticut Office of Policy and Management, Criminal Justice Policy and Planning Division, *2010 Annual Recidivism Report* (February 2010), available at [http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/recidivismstudy/2010\\_0215\\_recidivismstudy.pdf](http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/recidivismstudy/2010_0215_recidivismstudy.pdf).

impossible for individuals to obtain provisional pardons to assist with employment in their first year after release, the period when they need it most.

The proposed bill would remedy this issue by enabling the Board to grant Certificates of Rehabilitation to applicants, where appropriate, at the time of granting parole or probation. While the Certificates of Rehabilitation could be revoked for violations of probation or parole, it would help reduce recidivism by reducing barriers to employment that reentering residents face in their first year after release. The bill would also allow courts to grant Certificate of Rehabilitation at the time of sentencing for less serious crimes. These remedies could potentially reduce the volume of provisional pardons applications before the Board, and thus the administrative burdens of processing them.

I urge the committee to also consider expanding Certificates of Rehabilitation to include certificates for housing and to require housing entities to consider Certificates in evaluating applicants. In so doing, the proposed bill would also help to reduce another important barrier to reintegrating formerly incarcerated residents. The Reentry Initiative works with many individuals who find it nearly impossible to obtain affordable housing, even with an income, because they are raising children, on disability, or elderly. While these individuals would normally qualify for federally subsidized housing, they face barriers because of their criminal records. Certificates of Rehabilitation would create a rebuttable presumption that the applicant had rehabilitated since the time of the offense. As is the policy of local housing authorities, the Certificates shall be granted or provided only if they are consistent with the safety of any victim of the offense.

Moreover, the U.S. Department of Housing and Urban Development (HUD) has begun to recognize these barriers and the impact they have on recidivism, given the research showing that formerly incarcerated persons who cannot find stable housing are more likely to recidivate. In June 2011, HUD Secretary Shaun Donovan wrote to public housing authorities across the country to urge them to offer a second chance to applicants with criminal convictions who can show evidence of rehabilitation. Certificates issued for the purposes of reducing barriers to housing would be valuable evidence of rehabilitation for individuals seeking stable housing and would be likely to reduce recidivism rates as a result.

To date, we have successfully served 12 reentrants and/or their families through our Reentry Housing Initiative operated in partnership with Elm City Communities (the Housing Authority of New Haven). It is a pilot public housing program developed in 2010 with twelve spots for applicants who normally would be rejected on the basis of their records. Although the program has been very successful (a 98% success rate), the need for affordable housing is overwhelming, and over 150 names remain on the waiting list. The HANH has now extended the program to include twenty (20) Section 8 Housing Subsidies for reentrants currently under supervision of Probation or Parole.

In conclusion, I support H.B. 6582's proposal to improve the current provisional pardons system by establishing Certificates of Rehabilitation Program that would replace or supplement the existing system in Connecticut, and urge the consideration of expanding these certificates to address housing needs.

Thank you for your time and consideration of this issue.