

State Senator Dante' Bartolomeo
Testimony on Risk Reduction Credit Program
Committee on Judiciary Public Hearing
March 22, 2013

Senator Coleman, Representative Fox, Ranking Members Kissel and Rebimbas, members of the Committee: thank you for taking the time to consider my testimony this morning.

I am here today to testify on a subject of great importance to me not only as a State Senator, but also as a resident of the City of Meriden, as a parent, and as someone who cares about the safety of her fellow citizens: Connecticut's Earned Risk Reduction Credit program.

Last June, our community was shattered when local gas station owner Ibrahim Ghazal was shot to death by Frankie Resto, a confirmed gang member who previously had been convicted on a felony charge of first-degree robbery after holding up another individual at knifepoint in Meriden back in 2006.

Following his arrest in July of that year, Resto began serving a 13-year prison sentence in January 2007 that was to be suspended after six years and three months of incarceration.

Before even being sentenced on the robbery charge, Resto was involved in a violent incident in prison in which he fought with and stole from another inmate.

The same month he was sentenced, he was again in trouble with prison officials, this time for attempting to obtain contraband. Between October 2007 and May 2008, Resto was cited in two prison assaults, and then was involved in another fight two months later. By early 2009, the Department of Corrections had assigned Resto to a separate security unit for high-risk offenders after it was determined he was a member of the Latin Kings gang.

In spite of the violent nature of the crime for which he was convicted, and despite his demonstrated pattern for engaging in aggressive and insubordinate behavior in prison, Frankie Resto was free to participate in the Risk Reduction Credit program, as his conviction for robbery did not fall under any of the six offenses that are currently excluded.

Even after his propensity for violence led to him being identified as a security risk, Resto still earned 199 days of credit. And rather than being ineligible for the program as a result of his prior acts, he was instead able to earn credits *retroactive* to the beginning of his sentence in 2006.

About four months after being granted parole in February 2012, Resto entered Meriden's EZ Mart gas station on East Main Street with a handgun in the early morning hours of June 27th and demanded money from 70 year-old Ibrahim Ghazal, a native of Jordan who had owned the store for only three weeks. Despite being given cash from the register by Mr. Ghazal, Resto shot him anyway, and Mr. Ghazal passed away at the hospital a short time later.

Although I'm aware that there have been other instances of crimes being committed by individuals subsequent to their participation in the Risk Reduction Credit program, the murder of Mr. Ghazal has resonated with me for obvious reasons. As a State Senator and in my previous role as a Meriden City Councilor, I've given my unconditional support to the widow and children of Mr. Ghazal. The pain they feel and the sense of loss that they must live with every day is obvious, as this senseless killing has deprived them of a loving husband and a father who wanted nothing more than to run a business and support his family.

Given the devastating impact Frankie Resto's early release has had on the community that I live in and represent, the only responsible decision is to enact immediate and decisive changes in the interest of public safety. While I respect the intent of the program and its efforts to reduce recidivism, there are simply too many violent individuals abusing this initiative. Drawing the line at six offenses is not enough to keep our citizens safe when criminals are able to earn credits even after being convicted of felonies including:

- 1st Degree Manslaughter (with and without a firearm)
- 1st Degree Assault
- Assault of a pregnant woman causing termination of that pregnancy
- 1st Degree Sexual assault
- Aggravated sexual assault of a minor
- 1st Degree Rape
- 1st Degree Kidnapping (with and without a firearm)
- 1st Degree Arson
- 1st Degree Robbery and 1st Degree Burglary
- Human Trafficking
- Employing a minor in an obscene performance
- Acts of terrorism

There is no excuse for continuing to allow individuals who have committed heinous crimes such as these to benefit from this program. We owe it to the families of victims like Mr. Ghazal to make sure we keep our communities safe, and after witnessing firsthand the consequences of this program's shortcomings in my community, I firmly believe that we need to add these and other serious crimes to the list of excluded offenses.

In July of last year, I became the first public official to call for specific changes to the Risk Reduction Credit program by proposing that individuals convicted of either an A or B felony would be ineligible, as would anyone convicted of more than one felony offense. This would add over 30 additional violent crimes to the current list of six excluded from the program.

In addition, I also recommended that the Department of Corrections end the practice of awarding credits to inmates who are on the waiting list for Risk Reduction programs but are not currently enrolled. If an inmate is not actively participating in any of these initiatives, it doesn't make sense to reward them simply for waiting.

With regards to the two relevant bills before you today, I would like to register my opposition to Committee Bill 123, "*An Act Repealing the Risk Reduction Credit Program.*" While this bill would accomplish the goal of keeping dangerous criminals from participating, it simply goes too far.

One of the key distinctions I made in my proposal last year was between violent and non-violent offenders; and the Risk Reduction program can be a valuable tool in our efforts to effectively rehabilitate non-violent criminals. We would be better served by retaining the program for the benefit of these individuals while enacting more restrictions with regards to violent offenders.

Regarding Raised Bill 6657, "*An Act Concerning Sentencing and Risk Reduction Credits,*" I believe the bill is a step in the right direction, but needs to offer more specificity. By excluding offenses that "*involve the use, attempted use or threatened use of physical force against another person,*" Connecticut will have to rely on interpretation on a case-by-case basis rather than simply excluding specific violent offenses.

Such an important change to the Risk Reduction program should provide as little ambiguity as possible rather than incorporating overly broad language that could lead to misinterpretation or abuse of the law. And it would be beneficial to add the provision I mentioned previously that would prohibit inmates on waiting lists from earning credits, as well as mandating that individuals identified as security risks or who commit violent acts in prison lose their Risk Reduction Credit privileges.

On behalf of all of Connecticut's citizens, it's our obligation to help make our communities safer, and I wholeheartedly believe that the restrictions I've proposed to the Earned Risk Reduction Credit program this morning will help accomplish that goal. Thank you again for taking the time to hear my testimony this morning. At this time I'm happy to answer any questions.

State Senator Dante' Bartolomeo
*Proposed List of Additional Felonies Excluded from the Earned
Risk Reduction Credit Program*

Class A/B Felonies Involving Violence/Exploitation

- 1st Degree Manslaughter (Class B Felony)
- 1st Degree Manslaughter with a firearm (Class B Felony)
- 1st Degree Assault (Class B Felony)
- 1st Degree Assault of a blind, elderly, disabled, pregnant or mentally retarded person (Class B Felony)
- 1st Degree Assault of an employee of the Department of Correction (Class B Felony)
- Assault of a pregnant woman resulting in termination of pregnancy (Class A Felony)
- 1st Degree Sexual assault (Class A/B Felony)
- Sexual assault in spousal or cohabitating relationship (Class B Felony)
- Aggravated sexual assault of a minor (Class A Felony)
- 2nd Degree Sexual assault (Class B/C Felony)
- 1st Degree Rape (Class B Felony)
- 3rd Degree Sexual assault with a firearm (Class B/C Felony)
- 1st Degree Promoting prostitution (Class B Felony)
- 1st Degree Kidnapping (Class A Felony)
- 1st Degree Kidnapping with a firearm (Class A Felony)
- 2nd Degree Kidnapping (Class B Felony)

- 2nd Degree Kidnapping with a firearm (Class B Felony)
- 1st Degree Burglary (Class B Felony)
- 1st Degree Arson (Class A Felony)
- 2nd Degree Arson (Class B Felony)
- 1st Degree Robbery (Class B Felony)
- Trafficking in persons (Class B Felony)
- Employing a minor in an obscene performance (Class A Felony)
- Promoting a minor in an obscene performance (Class B Felony)
- Importing child pornography (Class B Felony)
- 1st degree Possession of child pornography (Class B Felony)
- Acts of terrorism
- Computer crime in furtherance of terrorist purposes (Class B Felony)
- Possession of a weapon or dangerous instrument in a correctional facility (Class B Felony)
- Rioting in a correctional facility (Class B Felony)

Additional Class A/B Felonies

- 1st Degree Larceny (Class B Felony)
- 1st Degree Money Laundering (Class B Felony)
- 1st Degree Identity Theft (Class B Felony)
- 1st Degree Computer Crime (Class B Felony)
- 1st Degree Vendor Fraud (Class B Felony)