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**Testimony in Support of Governor’s Bill No. 952,
AN ACT CONCERNING A SECOND CHANCE SOCIETY**

Good afternoon Senator Coleman, Representative Tong and distinguished members of Judiciary Committee. My name is David McGuire. I am the Staff Attorney at the American Civil Liberties Union of Connecticut (ACLU-CT) and I’m here to testify in support of the Governor’s Bill, No. 952, An Act Concerning A Second Chance Society.

Over the past four years, Governor Malloy has introduced several reforms, with broad popular support, which began to address the state’s incarceration crisis. These reform efforts pushed the state’s prison population to a 16-year low and successfully resulted in a significant drop in violent crimes. In 2013 the drop in violent crime in the state was more than double the rest of the nation.

We can and should laud these efforts while also recognizing that we can do more to reduce the negative impacts of our expensive, overburdened criminal justice system.

A brief accounting makes clear the seriousness of the challenge, showing why this bill is a critical addition to the work already accomplished. Between the late 1970s and the 2000s, the Connecticut state prison population exploded from less than a few thousand to almost 20,000 in 2008.¹ As mass incarceration ballooned in our state, so did spending. Between 1999 and 2012, spending on prisons increased 178 percent, from \$250-million to almost \$700-million.² Each prisoner represents a tremendous cost to Connecticut taxpayers--about \$93 dollars per day or around \$34,000 per year.

That \$34,000 doesn’t include employee benefits, pension contributions, debt reduction, and statewide administrative costs, which push the actual annual per-inmate bill up to of \$50,262.³ That equals two years of tuition at UConn.

There are other, even more salient but less measurable costs of high incarceration rates – broken families and communities, huge numbers of people stigmatized and less able to live and work as productive citizens, children facing a bleaker future because money that could have gone to education and infrastructure was instead plowed into incarceration.

¹ <http://www.prisonpolicy.org/profiles/CT.html>

http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/populationforecast/prison_pop_projection_february_2014_pdf.pdf

² <http://cbia.com/govaff/pdf/2013/TurningTheTide.pdf>

³ <http://www.vera.org/files/price-of-prisons-connecticut-fact-sheet.pdf>

As the public recognizes, now is the time when we need to be smart about how we invest those resources, reserving incarceration for those who pose a grave threat to public safety. Meeting this challenge and this need, each of the bill's provisions is aimed at making smart use of limited corrections and law enforcement resources while lessening the burden of mass incarceration on Connecticut communities.

Section 1 of the bill will de-felonize simple drug possession, making simple possession of small amount of any controlled substance a misdemeanor and eliminating all mandatory minimums for drug possession.

Reducing simple drug possession charges to a misdemeanor is in the interests of Connecticut families and communities. First, it will allow law enforcement to focus its resources on more serious offenses, by freeing up police resources, reducing prosecutorial workloads, and reducing the heavy felony caseload in our courts. Corrections costs will also be reduced.

Second, it will ensure that the lifelong stigma of a felony conviction, with its potentially devastating social and economic consequences, does not attach for simple possession of drugs. This is particularly important in light of the disparate racial impact of drug arrests, convictions, and sentencing. We have heard from people who have been convicted of drug crimes that while a person can recover from an addiction, it's nearly impossible to recover from a conviction. The thousands of collateral consequences that attach have been documented by the NACDL and other organizations. But one doesn't need to know all the details to recognize the crippling stigma that attaches to a person carrying the felony label, creating huge challenges for future employment, housing, and contributing to one's community. This bill's reduction of felonies to misdemeanors will make a huge impact for Connecticut citizens and their families, allowing them to move forward.

Third, by eliminating mandatory minimums for drug possession, the bill returns discretion to judges, who have the facts before them to decide on appropriate sentences that can best protect public safety.

Fourth, it will ensure that people with drug problems can focus on treatment rather than getting worse in prison.

These reforms aren't just good policy, they're good politics. A recent Quinnipiac poll found that Connecticut voters widely support reducing currently draconian penalties for small amounts of illegal drugs for personal use from a felony to a misdemeanor. By even greater margins, 82-to-15 percent, voters support eliminating harmful mandatory minimum sentences for small amounts of illegal drugs. Voters believe judges should be able to evaluate cases on their merits. This bill would restore judicial authority.

Section 9 of the bill will create an expedited pardons review process for those convicted of non-violent crimes. This section will also increase the number of full-time Board of Pardons and Paroles members and would permit all Board members to serve on both pardons and parole panels.

The ACLU-CT strongly supports this language, given that many of the people impacted have spent many years incarcerated for offenses that under the new law would not even be felonies. This furthers the interest of having a fair and just criminal justice system.

Section 10 calls for the Board of Pardons and Paroles to develop a pardon eligibility notice that would contain information clarifying the pardons process and procedures. Further, this section requires that the notice be sent out at the following specified times: (1) when sentenced, (2) when released by the Department of Correction, (3) at completion or discharge from a parole, and (4) at the completion a period of probation or conditional discharge.

It is sound public policy to inform people when there is an opportunity to become productive and contributing members of their communities without the barriers of a criminal record.

Sections 11, 12 and 13 will create an expedited parole procedure to ensure that people convicted of non-violent offenses are considered by the Board of Pardons and Paroles prior to their parole eligibility date, and mandates the use of a risk-based structured decision making tool and pre-defined release criteria. Furthermore, these sections will limit the number of permanent barriers that often prevent formerly incarcerated people from getting jobs and housing.

The requirement to use risk-based structured decision-making will help ensure a timely and safe transition of incarcerated people back to their communities and will allow board members to make evidence-based decisions in a standardized manner. Support for the use of evidence based decision making process is widespread. A 2007 report by the National Center for State Courts concluded that this process enables the board to make a reasonable assessment of the risk of future convictions. A Department of Justice report, with the Institute of Corrections, estimated that application of this policy could reduce recidivism rates by 10-30% if applied throughout the country.

The provisions limiting collateral consequences will enable long-lasting reintegration into society, thereby improving public safety. In California, which recently revamped reentry services for some formerly incarcerated people, the recidivism rate after 18 months fell to just 4.7 percent of former life sentence prisoners compared to 45 percent of all inmates. Connecticut's recidivism rate is roughly on par with California's overall 45 percent. We believe these reforms will dramatically reduce recidivism in our state.⁴ Citing a Pew study, the Connecticut Business & Industry Association estimates that if Connecticut reduced its recidivism rate by just 10 percent, the state would save \$20 million per year.⁵

In summary, the ACLU-CT fully supports a fair and effective criminal justice system that holds people proportionally accountable. Community safety and fiscal responsibility can act as a unifying force for meaningful bipartisan criminal justice reform. We urge you to take this opportunity to pass Governor's Bill 952 and pass comprehensive reforms to reduce the burden of incarceration on communities and focus criminal justice dollars on interventions that foster public safety.

⁴ <http://www.ct.gov/doc/lib/doc/PDF/PDFReport/annualreport2013.pdf>

⁵ <http://cbia.com/govaff/pdf/2013/TurningTheTide.pdf>