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From: Nick Yanicelli <nyanicelli@outlook.com>
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To: JudTestimony
Subject: Testimony in support of S.B. 952, An Act Concerning A Second Chance Society
Attachments: CRISP Crime Reduction and Improved Safety For the Public Act and Effect Criminal Justice Reform.docx; MJI Testimony in support of S.B. 952, AAC Second Chance Society..docx

Senator Coleman, Representative Tong and Members of the Judiciary Committee,

Re: Testimony in support of S.B. 952, An Act Concerning A Second Chance Society.

Testimony of Nicholas A. Yanicelli, MJI President

We are pleased to have this opportunity to submit testimony today in support of many of the principles included in S.B. 952, An Act Concerning A Second Chance Society.I am Nicholas A. Yanicelli, President of Malta Justice Initiative, representing a group of Connecticut citizens including business, clergy, law enforcement and formerly incarcerated people who want to change the Connecticut's criminal justice system.

The enactment of criminal justice reform is not equivalent to being soft on crime. Quite to the contrary, such reform makes it possible to dramatically cut costs, improve public safety and restore rehabilitated offenders to their families and communities.

S.B. 952 embodies many of the initiatives of other states as well as many of the criminal justice reforms recommended in "The Justice Imperative, How Hyper-Incarceration Has Hijacked The American Dream" a collaborative examination of Connecticut's criminal justice system. We welcome it.

It is long overdue for the State of Connecticut to enact legislative reforms and implement policy changes. Blue states and red states alike have seen the light. They have enacted legislative reforms and implemented policy changes that have right-sized their prison populations, saved taxpayer dollars, and reinvested a portion of such savings in diversionary treatment and support programs. Such reforms have led to both lower recidivism and improved crime rates. These results have been realized by (1) diverting non-violent drug offenders from incarceration to alternative treatment programs; (2) revising harsh sentencing laws that eliminated discretion and imposed long-term minimum mandatory sentences for inmates without a history of violence and/or for crimes where violence was not used or threatened; (3) expanding the use of parole and probation; (4) providing more-effective educational and vocational training to offenders; (5) providing post-release support and eliminating punitive post-release restrictions that place undue burdens on ex-offenders in the housing and job markets and thereby frustrate re-entry and make re-incarceration a likelihood.

Connecticut's current recidivism rate of 67% is a disgrace in comparison with the national rate of 43%. By adopting smart on crime reform, Connecticut can drive its recidivism rate down to 1 of every 3 releasees. Empirical studies show a direct correlation between lowering recidivism and lower crime rates.
It is estimated that treatment of non-violent drug offenders (who constitute at least half of our current prison population) can be accomplished at less than a third of the annual cost of incarceration. A RAND study (conducted over 30 years) concluded that for every $1 dollar spent on educational or vocational inmate training, a state can expect $4-5 of savings relative to the expense of re-incarceration.
The potential cost savings for Connecticut are enormous.

Connecticut spends in excess of $1 billion annually and $51,000 per bed per year on our prison system. The per bed cost is the third highest in the United States. There are hundreds of millions to be saved on an annual basis. In the face of the current billion dollar deficit, prison reform is a cost-saving measure that can yield immediate results.
We trust S.B. 952, An Act Concerning A Second Chance Society will be the investment that leads the way for Connecticut to seize the opportunity to right-size our prisons, save taxpayer dollars, lower our recidivism rate, improve crime rates, stop the revolving door of our current prison system, treat and rehabilitate offenders (many of whom are themselves victims of life-long abuse) and return offenders who have served their time to their families and communities.
Respectfully and with the public interest in mind,

The Malta Justice Initiative

Nicholas a. Yanicelli, President

P.S.
As you know, MJI has recently published "The Justice Imperative – How Hyper Incarceration Has Hijacked the American Dream", a well-researched book on potential criminal justice reform for Connecticut. Our editorial committee consists of thought leaders across the faith, business and educational communities.
Malta Justice Initiative has no pretense that our concepts will be accepted whole cloth or in part but we do think that it would be beneficial for our legislators to at least know of this unprecedented book's existence and some of its core concepts for the general benefit of public safety and fiscal prudence.
For these reasons, we also urge examination of the Crime Reduction and Improved Safety for the Public Act ("CRISP"), a model bill based on Delaware's 2012 overhaul of its criminal justice system, a .pdf copy of which is attached.
We are committed to ministering and advocating for the incarcerated community and their families by:

- Educating and informing the general public about the need to reform our criminal justice system, both in Connecticut and nationally
- Advocating for legislative reform
- Visiting the incarcerated, affirming their human dignity and ministering to their spiritual needs
- Facilitating inmate re-entry to their families and communities as rehabilitated, employed, law-abiding, tax-paying citizens
- Promoting the critical need for society to recognize the need to hire former offenders

We invite people of all faiths to join us in bringing about overdue reform of our criminal justice system, where the human dignity of the incarcerated is recognized along with the victim's right for justice while enhancing public safety.

Thank You

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THE CRIME REDUCTION AND IMPROVED SAFETY FOR THE PUBLIC ACT ("CRISP")

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF CONNECTICUT

SECTION 1. TITLE

This Act shall be known as the CONNECTICUT CRIME REDUCTION AND IMPROVED SAFETY FOR THE PUBLIC ACT ("CRISP").

SECTION 2. FINDINGS AND DECLARATIONS

The State Legislature of Connecticut in 2015 hereby finds and declares the following:

a. This Act is intended to amend the Connecticut Code and effect criminal justice reform in order to reduce crime, enhance public safety, lower recidivism, cut and control costs and provide for more effective treatment, rehabilitation and restoration of offenders as useful, law-abiding citizens within their families and communities;

b. Our State Department of Correction ("DOC") and current criminal justice system is responsible for incarcerating approximately 16,500 offenders annually and releasing into our communities thousands of ex-offenders each year, many at the end of their prison term without adequate supervision or support;

c. The average annual incarceration cost for each state prisoner in 2014 was approximately $51,000 (third highest in the U.S.), resulting in total incarceration costs in Connecticut of over $1 billion; such costs are neither sustainable nor justified by the under-achieving results;

d. The rate of recidivism (return to prison within two years of release) is about 2 out of every 3, well above the national average of 43%;

e. It is estimated that approximately two-thirds of our offender population are substance abusers; without adequate treatment, they are likely to become repeat offenders;

f. It is estimated that at least 25% of convicted offenders have serious mental health needs that require treatment;

g. Over ninety-five percent of all incarcerated prisoners will eventually be released back into our communities; if left untreated or inadequately unsupervised and supported, they are likely to end up back in prison;

h. Connecticut has seen its prison population soar from 3,845 in 1980 to 16,500 today;

i. There are an estimated additional 4,500 offenders on parole and 45,000 under supervision in our state;

j. The majority of the increase in our prison population over the past 30 years is represented by drug users;

k. Most of these drug offenders do not have either a criminal history of violence or did not commit a violent offense, as evidenced by 2012 federal drug statistics for Connecticut; weapons were used in only 10% of federal drug cases in Connecticut during 2012 and serious criminal histories were found in only 20-35% of such drug cases;

l. Our prison population in Connecticut is aging; as the prison population ages, our costs are likely to dramatically increase beyond the current $51,000 per bed per year price tag;

m. Our prison population is disproportionately Black and Hispanic (66%), despite the fact such groups constitute only 24% of our population;

n. Most offenders upon their release are saddled with punitive restrictions (e.g., public housing ineligibility, lack of a driver's license, limits on public assistance) that impede their ability to succeed on the outside;

o. Current educational and vocational training in prison has been largely ineffective in that completion rates are low; in 2011-2012, 16,905 inmates received educational instruction, but only 574 (3.4%) were awarded GEDs and 1,821 inmates were provided vocational training, but only 390 (21%) received completion certificates;

p. Empirical evidence strongly suggests lower recidivism directly correlates with lower crime rates;

q. If Connecticut can slow its current revolving door prison system and drive the recidivism rate from 2 of every 3 ex-offenders down to 1 of every 3 releasees, we can realize lower crime rates;

r. If Connecticut can divert non-violent offenders (particularly non-violent drug users) to probationary programs that treat and supervise offenders in lieu of expensive incarceration, we can dramatically bring down the costs of our corrections system;

s. Empirical studies and results from other states strongly suggest the costs of alternative treatment and supervision in the community range from 10% to 33% of the costs of incarceration;

t. Connecticut's DOC has estimated the costs of supervising an offender in the community is about one-third ($32.66/day) the costs of incarceration ($95.16/day);

u. A RAND study (conducted over 30 years) concluded that for every dollar spent on inmate education, $4-5 dollars is saved in re-incarceration costs;

v. This Act contemplates that while completing a court-ordered individualized treatment and rehabilitation program, each offender will remain in the community and participate in all activities of family and society;

w. The Act envisions as an incentive and condition for successfully completing a diversionary probation program or parole program and remaining clean and crime-free for a specified

period of time, an offender can have her/his criminal record expunged and thereafter can face future life without the felony or misdemeanor yoke that frustrates re-entry efforts;

x. The aforementioned costs and heretofore unsatisfactory results, in both human and taxpayer terms, mandates the enactment and implementation of this proposed legislation;

y. This Act is aimed at treating non-violent alcohol and drug offenders as a health problem and not a criminal one; this Act is not intended to result in leniency for or the earlier release of truly violent offenders;

z. The programs and services mandated herein can be used to serve others as follows: as a resource for incarcerated citizens needing transitional support for successful community re-entry; for other citizens (including military veterans) needing treatment and rehabilitation for alcohol and drug addiction and related mental disorders; and, with Judges given sentencing discretion, other non-violent offenders can be given court-ordered individualized treatment and rehabilitation programs in lieu of unduly expensive incarceration;

aa. Research and operating results from similar reform in other states strongly suggest that this Act will save hundreds of millions in tax dollars; such savings are far more than what will be needed to fully fund community-based treatment and support programs;

bb. Among the best evidence of the potential cost-savings and better results is the documented success of similar reforms in other states, including, but not limited to, California, Texas and Michigan. California's Substance Abuse and Crime Prevention Act mandated that non-violent drug offenders not be incarcerated in jail or prison but be treated in drug treatment centers. These offenders were viewed as health and rehabilitation clients, not prisoners to be incarcerated. The California Act created a Research Office at the University of California at Los Angeles to conduct ongoing statewide research to assess the results from the Act. The following are some of the research findings:

(i) Over 700 community-based treatment centers were licensed, 140,000 offenders received treatment and 60,000 completed treatment programs. This was 10 times the number previously served in treatment programs;

(ii) A 71 percent drop in drug use was realized among those who completed the treatment programs;

(iii) Approximately twice as many were employed after completing treatment than were prior to treatment;

(iv) A 32 percent reduction was achieved in number of prisoners serving time in jails and prisons for drug offenses;

(v) For every dollar invested in the program, taxpayers saved over two dollars;

(vi) The Act diverted 140,000 Californians from incarceration, placing them instead in treatment and rehabilitation programs. Average annual treatment and rehabilitation costs per person were $3,600 in 2013, while the costs of a year in prison was $36,000; and

(vii) The California Act caused the closing of a women's prison and rendered unnecessary the construction of a new men's prison, resulting in taxpayer savings of $500 million.

cc. Texas provides a further illustration of the benefits of becoming "smart on crime". Rather than spending $2 billion on three new prisons, Texas elected in the early 2000s to expand probation and invest $241 in treatment programs for non-violent offenders; as a consequence of such measures, crime rates fell and Texas ended up closing three prisons, saving hundreds of millions in the process; and

dd. Michigan was able, through reforms similar to those mandated by CRISP, to reduce its prison population by 10%, lower recidivism from 50% to 33%, close 21 facilities, cut costs by 12%, lower the crime rate and retrain 3,200 corrections officers as case administrators and probation officers.

SECTION 3. PURPOSE AND INTENT

The State Legislature of Connecticut hereby declares the purpose and intent in enacting this Act to be as follows:

a. To enhance and improve public safety by reforming our prison and criminal justice system in ways that empirical evidence from other states suggests can save taxpayer dollars, more effectively rehabilitate offenders (particularly non-violent drug offenders), lower recidivism and thereby lower crime rates.

b. To amend our criminal justice system to provide for the treatment, rehabilitation and restoration of offenders as useful, law-abiding citizens within the community and thereby dramatically lower recidivism, reduce crime and save taxpayer dollars.

c. To recognize that loss of freedom, isolation and separation from family and friends is costly punishment for any human being; accordingly, upon release, further punishments that impede re-entry and lead to re-incarceration are counter-productive.

d. To assure that every convicted person is provided an individualized treatment and rehabilitation program that enables each person to improve her/his personal condition, social competency and economic efficiency.

e. To reform our current rigid, costly and ineffective approach that incarcerates far too many non-violent drug and other offenders for unduly lengthy prison terms who, if properly treated and supported, do not pose an undue public safety risk; non-violent offenders are those (1) whose crimes did not entail the use or threat of violence and (ii) offenders without a criminal history of violence.

f. With respect to crimes where violence was not used or threatened and offenders without a criminal history of violence, to abolish mandatory minimum sentencing laws in our state and return sentencing decision-making and discretion to our Judges.

g. To expand and promote the greater use of probation and parole, early release for good behavior, post-release supervision, alternatives to incarceration and other diversionary programs.

h. To expand and promote a comprehensive array of treatment, support, rehabilitative and re-entry programs and services, either directly provided or obtained elsewhere, including the following:

(i) Comprehensive substance abuse treatment programs, as a key component of rehabilitation programs within juvenile and adult correctional facilities, jails and prisons;

(ii) Academic and vocational programs, from functional literacy to college courses, with a focus on those skills for which demand currently exists in the marketplace (e.g., computer programming skills, healthcare billing and processing specialists);

(iii) Job counseling, training and placement;

(iv) Family-based connections, counseling and treatment programs, as positive involvement with family and children has been shown to be a driver of successful rehabilitation;

(v) Needed physical and mental health treatment services;

(vi) Mentoring programs; and

(vii) Daily living support upon release, including housing allowances, food, clothing and transportation for those who need such support. This support can be given for up to a year at a cost far less than the approximately $4,300 per month cost of incarceration.

i. The key group of offenders involved in these programs and services will be non-violent alcohol and drug offenders who qualify for probation conditioned on the successful completion of an individualized treatment and/or expanded rehabilitation program, approved by the court and monitored by probation staff and staying clean and crime-free. Non-violent status is defined as the absence of a history of violent behavior and an arrest or conviction that does not involve the use of violence or the possession and threat of a gun or other weapon used to render or threaten physical violence. The Act will require a close working relationship between the courts, our Department of Correction (DOC), Department of Mental Health and Addiction Services (DMHAS), the Court Support Services Division (CSSD), the probation department, the Sentencing Commission and the Board of Parole. State agencies will be asked to identify and change any existing laws or policies which restrict the full implementation of this Act. At each level, coalitions of public and private organizations should be formed to offer understanding and support for the crime prevention and rehabilitation benefits from this Act.

j. In addition to non-violent offenders who are diverted to probation, these reforms and the services are to be made available to those released from prisons or youth correctional programs who need an individualized treatment and rehabilitation program and/or economic support for transitioning from prison back into the community. If these programs and services are needed by released prisoners on parole and transitioning into communities, the court will require an individualized treatment and rehabilitation program be successfully completed and that the releasee stay clean and crime-free as a condition of parole. This community rehabilitation plan will be