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**Testimony In Opposition to House Bill No. 1129,
An Act Concerning A Pilot Program To Identify And Track The Homeless,
Addicted or Mentally Ill Persons Entering The Justice System and
Concerning The Earned Risk Reduction Credit Program**

April 1, 2015

Good afternoon Senator Coleman, Representative Tong and members of the Committee on Judiciary. My name is David McGuire. As the Staff Attorney for the American Civil Liberties Union of Connecticut, I am here to oppose House Bill No. 1129, An Act Concerning A Pilot Program To Identify And Track The Homeless, Addicted or Mentally Ill Persons Entering The Justice System and Concerning The Earned Risk Reduction Credit Program.

Many people in the Connecticut prison system suffer from chronic homelessness, drug addiction and mental illness. According to a report by the Council of State Governments Justice Center, three-quarters of those returning to prison have some sort of substance abuse problem. The need and the failure to provide drug treatment is not just a national problem. Several years ago, it was estimated that of more than 6,000 people incarcerated in Connecticut who needed treatment, fewer than half actually got any services of this kind.¹

The Council of State Governments Justice Center's report also revealed that the incidence of mental illness is two to four times higher in prison than in the general population. Furthermore, 10 percent of those entering jail have experienced homelessness in the months before becoming incarcerated and 20 percent of inmates with mental illness report homelessness.² These statistics highlight the need for meaningful treatment and not incarceration for those dealing with drug addiction, mental illness or homelessness.

Section one would establish a pilot program to identify and track the homeless, addicted or mentally ill persons entering the criminal justice system. The ACLU of Connecticut supports the intent of therapeutic treatment in lieu of incarceration but the section's vague language may invite serious due process and privacy violations. We also believe the identification and tracking should be handled by an agency other than the prosecutors. It is absolutely essential that these vulnerable population do not have their right to counsel and right against self-incrimination not infringed upon.

¹ http://articles.courant.com/2010-01-24/opinion/10012312585697_1_methadone-dependence-prisoners

² <http://csgjusticecenter.org/reentry/facts-trends/>

Section two would limit the number of people eligible for the earned risk reduction credit program (“program”). Reducing the program is bad public policy and will make Connecticut less safe, contribute to costly prison overcrowding and make Connecticut’s prisons more dangerous for staff and prisoners. The removal of earned risk reduction credits will create a disincentive for offenders to behave and engage in programming while in prison.

Studies have shown that in addition to lowering costs of incarceration credit reduction programs improve offender success in the community and reduce recidivism. The programs reduces crime by better preparing offenders for reentry into Connecticut towns and cities by encouraging meaningful participating in adult education, substance abuse recovery, counseling and other programs that improve their chances of success upon release. These opportunities promote offender rehabilitation by fostering good behavior, better decision making, and participation in programs.

There has been a significant decline in Connecticut’s prison population since the program was implemented. Connecticut’s prison population peaked at 19,894 in February 2008. As of January 2015, the prison population was down to 16,167. This reflects a 17 percent drop in Connecticut’s prison population. With the aggregated benefits of the earned risk reduction program, it is not good public policy to make fewer people eligible to earn credits. This bill would undo the progress that the state has made through this program. We urge you to reject this bill.

For these reasons we urge the committee not to take action on the House Bill 1129.