

Testimony of Michael J. Daly of Simsbury in support of HB 6219,
Labor and Public Employees Committee Public Hearing,
Thursday, February 16, 2017

Good Afternoon Representative Porter, Senator Gnomes, Senator Miner and distinguished members of the Labor and Public Employees Committee, for the record my name is Michael Daly of Simsbury and I am submitting testimony in support of H.B. 6219, "An Act Concerning Community Re-entry by Persons Who Were Incarcerated".

By way of background, I am an honorably discharged Vietnam Era Air Force Veteran, having served on the Air Force One Communication Team in Europe and Washington D.C. I am retired from American Airlines, have had a legal career as a successful commercial litigator. I am a type one diabetic and use an insulin pump, I am a cancer survivor, have spent many days undergoing chemo therapy and during and after my treatment have raised over \$75,000.00 for cancer survivorship programs. As a result of my chemo therapy treatments I am hearing impaired and suffer severe balance issues. I have spent many years volunteering at the Hole in the Wall Gang Camp, Connecticut Children's Medical Center, the Connecticut Challenge and the Jordan Porco Foundation and my church. Most would say I have had an impressive career with many good deeds. Next week I do not think anyone hearing this testimony will remember my accomplishments my challenges or public service. You will probably only remember the one thing I am about to tell you, the one thing that now defines me.

I was a bankruptcy trustee. In 2009, I deposited bankruptcy estate funds in the amount of \$10,100.00 into my personal account. At the time I was holding in excess of 7 million dollars in bankruptcy trust funds which were all properly accounted for. I understand and accept my violation of the public trust and have accepted the consequences of my action. I made full restitution well before I plead, I served 14 months of an 18 month sentence at Devens Federal Medical Center in Ayer, Massachusetts and paid a \$15,000.00 fine. I have completed 3 years on probation, without any incident, and have been attempting to move forward and re-build my life.

I applaud this bill and the efforts of the legislators and staff that are bringing it forward. This bill and similar legislation is necessary to assist those that are trying to move on with their lives in a positive and constructive manner. The purpose of HB 6219 is to "improve the rate of successful reentry for persons released from correctional facilities through the provision of enhanced employment opportunities". After a period of incarceration, some of the most important things that an individual needs is a way to re-establish their self-esteem and self-respect, to be able to support their family; and to feel like they are able to contribute to society in a positive way.

No amount of legislation can abolish or change the public perception of those with a criminal conviction and of those who have been incarcerated. Only those who are re-entering can effect that change through hard work, honesty and a willingness to prove to society that we are not defined by past bad acts, can be trusted with responsibility and can make a meaning contribution. However, your partnership in legislation such as this proposed bill is necessary to give us that opportunity. The rest is up to us.

In order to remain true to the goal of this and similar legislation, there has to be a periodic review to ensure that the measures the legislature enacts are followed, the results measured and changes made to ensure that the legislation accomplishes what the legislature set out to do.

With that thought, I would like to briefly address the fact that there are currently programs in place designed to help those attempting re-entry. These programs, as well as efforts such as this bill, are designed to enhance the chance of success for persons being released, but as these programs evolve, there has to be mechanisms that provide feedback, measure success and provide input so that these programs can be further refined and fine-tuned. 3 examples of these programs are: The certificate of employability; the bonding program through the Connecticut Department of Labor and finally the ability to apply and receive a real estate sales person's license.

The certificate of employability and bonding program are specifically designed to assist with re-employment. There is language in the statutes regarding the receipt of a real estate sales person license that specifically allows consideration and licensure of those with a conviction. This demonstrates a clear legislative intent to allow this license to be a way for those with convictions to secure employment. Had that not been the intent, specific allowance could have been included to specifically disqualify those with a conviction similar to the language in the statutes governing insurance licenses. All 3 programs are efforts to assist with re-entry and I have attempted to avail myself of each of these programs. These programs and the feedback necessary are clearly part of the goal of the pending legislation.

I applied for a certificate of employability, a certificate of employability is granted on application to the board of pardons and paroles. The certificate provides the ability to demonstrate to prospective employers' compliance with the terms and conditions of probation. I was applied for this certificate, but was told I was not eligible to participate in the program because I have a federal conviction. I was told that if I had a state conviction from another state I would qualify, but not with a federal conviction. This appears to be a distinction without a difference. It would not be any additional hardship for those investigators who are reviewing applicants with federal convictions to discuss cases with federal probation officers in the same manner they do with state probation officers. The certificate of employability is nothing more than a review for compliance with the terms and conditions of probation and to verify there have been no further issues. I think that as these programs are reviewed, issues such as this should be addressed and the program refined to meet the stated objective.

The federal/ state bonding program is another area that should be reviewed. When I was hired at my current position, I offered to explore the bonding program through the department of labor. Unfortunately, because I had been hired for a 25 hour a week job rather than a 30 hour a week job, I was not eligible for a bond. Isn't it better that someone attempting to re-enter society have a 25 hour a week job rather than no job at all? Fortunately, this did not prevent me from getting the job, however, it would be helpful if anyone applying for a job could secure the bond. This inability to bond, could well have cost me my job. I don't believe this was the intention of the federal or state enabling legislation.

Finally, the prejudice is apparent in the state agencies despite the legislative policy and executive branch guidance to the contrary. I applied for a realtor's license. The statute states that a conviction is not an absolute bar to obtaining the license. However, the process was very lengthy and cumbersome and discouraging. Upon my release, I applied for the real estate sales person license. I was told that there would be an investigation before I would be able to take the test. In May 2014 I was given permission to take the test. I took the test in June or July of 2014 and passed the test. Subsequently, I was contacted and told that there was another investigation that had to be conducted. At that time I was even told by the investigator at the Department of Consumer Protection that there should not be a problem. I submitted the necessary paperwork and affidavits that were requested and had a hearing in June 2015. However, on the day of the hearing, the investigator I had spoken with told the panel he did not recommend approval of my application and left the room. I was not given a report to review and I was

not given any opportunity to question or examine the investigator. Clearly at that point, I was at an extreme disadvantage. I began by explaining my situation and the steps I had taken since release. The panel only focused on the events leading to my conviction and questioned me about how I could have let something like this happen. At the time I was working as the Controller of a small company in Simsbury and my employer in addition to several other people were there to speak on my behalf. As the hearing progressed, it to the attention of the board that I was still on probation. Any serious investigation or report would have disclosed that fact. No credibility was given to the fact that my probation officer had no objection to my receipt of a license. As a result of my continued probation, the hearing was considered premature and continued until my probation was completed. At this time I am awaiting another hearing, but am not very optimistic about the outcome.

I support and applaud your efforts today with HB 6219. Re-entry is far more difficult than putting yourself through school, law school fighting cancer and even serving time. It is one of the few times we are defined by the acts of a single moment. It is my hope that any bill passed and signed into law will include provisions or directives for review so that the legislative intent of these bills are met.

Thank you for allowing me this opportunity. I am available to answer any questions you may have.

