



Connecticut General Assembly's Commission on Equity & Opportunity  
18-20 Trinity Street, Hartford, Connecticut

Testimony of Subira Gordon  
before the Judiciary Committee  
March 21, 2018, 10:00 AM ~ LOB Room 2C  
In Support of SB13 “An Act Concerning Fair Treatment For Incarcerated Women”  
and HB5544 “An Act Concerning the Recommendations of the Connecticut Sentencing  
Commission with Respect to Misdemeanor Sentences.”

Senators Doyle and Kissel, Representative Tong, and Distinguished Members of the Judiciary Committee:

Thank you for the opportunity to speak today about SB13 “An Act Concerning Fair Treatment For Incarcerated Women” and in support of HB5544 “An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences.” My name is Subira Gordon and I am the Executive Director of the Connecticut General Assembly’s Commission on Equity and Opportunity (CEO). The mission of the CEO is to inform and engage policy makers about constituent needs for the African American, Asian American, Pacific Islanders, and Latino and Puerto Rican populations in Connecticut. We are a legislative agency with a data-driven, cross-cultural approach to policy innovation, and our primary focus is to recommend legislation that aims at eliminating disparities by creating opportunities, building connections, and promoting change.

SB 13 allows women who have been incarcerated to be treated with fairness and dignity. The proposal will:

- Prohibit shackling of pregnant inmates during labor;
- Require DOC to provide female inmates with feminine hygiene products at no cost;
- Require DOC to establish child friendly visitation policies;
- Prohibit non-medical staff of the opposite gender from viewing or interfering with incarcerated women engaged in personal activities such as undressing, using toilet facilities, or showering;
- Require DOC to establish and provide parenting support as well as pre-natal and post-partum services and supports;



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- Require DOC, the BOPP, and CSSD to utilize a gender responsible approach to risk assessment strategies that recognizes the unique risks and needs of female offenders;
- Enhance requirements for gender-specific and trauma-related trainings for correctional staff; and
- Require DOC to develop and implement a policy regarding transgender inmates.

As recently as 2017 23 states prohibits shackling during labor which still leaves a significant number of states allowing pregnant inmates to be shackled while pregnant and even during labor. SB 13 aligns Connecticut with those states that have been leaders on this issue. This bill takes what has been an administrative policy under the current commissioner and proposes to make it the law. In 2010 the American Medical Association passed a resolution stating “the use of shackles to restrain a pregnant woman during the birthing process is a barbaric practice that needlessly inflicts excruciating pain and humiliation”.

Although Connecticut has been innovate and made significant policy changes that has resulted in a lower prison population we still have one of the highest racial disparities in the prison system. While I do not have specific numbers on York I would think that the trend would be the same there. This legislation specifically the section that addressees the barbaric practice of shackling a woman while she is giving birth will be a good step in the right direction to allow women who are incarcerated to have some level of dignity despite their circumstances.

**The commission is requesting the following changes be made to the bill:**

- Add language that requires a written “Pregnant Women’s Bill of Rights” that has everything that is listed in the bill plus whatever services York provides- we want to come up with a good name for this.



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- Tighten up language around the carve-out for CO's discretion to restrain pregnant women outside of labor and delivery
- Add to language that restraints/shackling is prohibited during transport of ANY type for a person in their 3rd trimester. This includes transporting people in the facility and across the facility, to court dates, etc.
- Add a section that requires comprehensive annual reporting to OLR
- Adding to Section 4 that the commissioner will create visitation policies for women with children under 18 In consultation with stakeholders that have a primary focus on children with incarcerated family members and parenting with incarcerated parents.
- Adding language that requires bonding time with a newborn- the bill already has language around lactation and breast pumping.

HB5544 – As you are already aware, the Connecticut Sentencing Commission last year approved recommending reducing misdemeanor sentencing from 365 to 364 days. Currently any state misdemeanor offense with a sentence of one year or more is treated as an “aggravated felony” by the federal court system.

It is our opinion that “364” has several benefits to both the state and the individual. One of which is that it would minimize significant backlog of cases in the judicial system because now prosecution and defense can negotiate a plea down from Felony to Class A Misdemeanor without risking federal reclassifying of the state misdemeanor as a federal felony. That matters to everyone -regardless of citizenship status because a Misdemeanor that carries a maximum 365 one-year sentence can also be considered a Felony at the Federal level because the Feds only look at the maximum possible sentence that could be imposed, what the statute allows the judge to do, not the actual sentence that was imposed. This matters to a citizen who moves to another state because that state may follow the federal model. This matters to a citizen who applies for any federal license, for example, a license to practice law in federal court, an interstate



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commercial driver's license (CDL), pilot's license, federal firearms dealer license (FFL), a person who straightens out their life and goes to medical school and then applies to the DEA for prescription privileges; there may be other federal licenses. It would be very easy for Congress to pass a law prohibiting licensure to people with felony convictions. Even if the conviction is for a misdemeanor, a 365 possible maximum sentence for a misdemeanor may also affect federal employment opportunities, because 365 possible maximum sentence is a felony, according to the feds; may also affect ability to obtain federal contracts or an individual's employer's ability to obtain a federal contract because the employer may be required to certify that s/he is not employing people with felony convictions. Entry into the armed forces may potentially be affected if the individual has a 365 day conviction, because the feds can reclassify that as a felony; 364 guarantees the individual is in the misdemeanor category and doesn't cross the federal felony threshold. Our understanding is that a CT Misdemeanor maximum possible sentence is 365 days; CT Felony maximum possible sentence is over one year. For non-citizens and green card holders, "364" allows them to plead down from a Felony to a Class A Misdemeanor without the risk of the Feds reclassifying the Class A Misdemeanor as a felony or aggravated felony; no more haggling, stale-mating, and bottle-necking the Connecticut Judicial system. This recommendation may also save money. Reclassifying a misdemeanor as an aggravated felony automatically initiates detention and/or deportation, which is an expensive judicial procedure, the cost of which is borne by taxpayers "364" benefits undocumented immigrants and green card holders but benefits more citizens than any other group.

Thank you for your time and I urge passage of both SB13 and HB5544 as described herewith.