

Dannel P. Malloy
Governor

Carleton J. Giles
Chairperson

STATE OF CONNECTICUT



TELEPHONE
(203) 805-6605

FAX
(203) 805-6652

BOARD OF PARDONS AND PAROLES
55 West Main Street - Waterbury, CT 06702

Testimony of Carleton J. Giles **Chairperson** **Board of Pardons and Paroles**

In Opposition to:

House Bill 5578, An Act Concerning The Recommendations Of The Connecticut Sentencing Commission With Respect To The Sexual Offender Registry.

Joint Committee on Judiciary **March 26, 2018**

Good morning Senator Doyle, Representative Tong, Senator Kissel, Representative Rebimbas, and honorable members of the Joint Committee on Judiciary. My name is Carleton Giles, and I am Chairperson of the Board of Pardons and Paroles. I am here today to provide testimony in opposition to House Bill 5578, *An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry* as currently drafted.

Today I speak to you as the executive and administrative head of the Board of Pardons & Paroles and as a member of the Connecticut Sentencing Commission. I recognize the hard work and dedication of the Commission, its committees, and those individuals who researched these difficult issues and worked together to develop the report entitled, *A Study of the Sex Offender Sentencing, Registration, and Management System* and the recommendations that report contains. I cannot, however, support the bill before you today because it does not reflect the recommendations adopted by the Sentencing Commission and it would significantly and detrimentally impact the Board of Pardons and Paroles' ability to fulfill its mission and statutory responsibilities.

First, HB 5578, although entitled *An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry* does not reflect the recommendations adopted by the Connecticut Sentencing Commission at its December 14th 2017

meeting. During the 2015 session, the legislature charged the Commission with examining the registration, management, and sentencing of sex offenders in Connecticut. The end result was a report detailing the work of the Commission, its findings, and its recommendations.

Towards the conclusion of the study various proposed recommendations were drafted by the Commission and discussed by various stakeholders. One of the drafts included language that placed the Sex Offender Registration Board within the Board of Pardons and Paroles for administrative purposes only. For many of the reasons I outline below, this was not a proposal that I could support, and as a result it was removed from further consideration and was not included in the recommendations section of the Commission's final report. The report was submitted for adoption as an agenda item at the Commission's December 14th, 2017 meeting and the Commission members, including myself, voted unanimously to adopt that report.

I was surprised to learn that HB 5578 included the language that had been omitted from the Commission's final report. The report I voted to adopt at the Commission's December 14th, 2017 meeting recommended the creation of a new eight-member Sex Offender Registration Board, had it included the language in section 2 of HB 5578, I would not have voted in favor of the report or its recommendations.

Second, and equally if not more concerning is the impact that this bill would have on the operations of the Board of Pardons and Paroles. As many of you are well aware, the Board of Pardons and Paroles fulfills a variety of post-conviction related functions. The Board is both a physical panel made up of individuals, as well as an agency vested with the independent authority to: (1) grant or deny parole; (2) establish conditions of parole or special parole; (3) rescind or revoke parole or special parole; and (4) grant pardons, commutations and certificates of employability. Additionally, the Board is responsible for administering incoming and outgoing parole transfers and extraditions under the Interstate Compact for Adult Offender Supervision: an agreement that facilitates transfers of supervision in fifty states and three U.S. territories.

The Board relies on information obtained from the Judicial Branch and numerous state, local and federal criminal justice agencies to obtain the information necessary to make decisions that serve to simultaneously protect the public and facilitate the successful reintegration of suitable individuals into the community. The Board has implemented an *evidence-based* decision-making process that is guided by sound, empirical research. This process has resulted in more efficient and effective outcomes—outcomes that make better use of public resources and, ultimately, reduce future crime.

While it might appear as though HB 5578's proposed "Sexual Offender Registration Board" would align well with the Board's mission and functions, the language in this bill would create administrative and fiscal obstacles with significant impact on agency operations.

HB 5578 would require the Board to utilize resources that are not available and perform functions that are not currently supported with no additional funding appropriated. Because the bill places the new "Sexual Offender Registration Board" within the Board of Pardons and Paroles for administrative purposes only, that Registration Board would require *separate* administrative and staff support to perform some of the following duties: prepare information for "placement panels," conduct and schedule placement hearings, process and track cases and record placement decisions, respond to

requests for information, fund panel member positions, notify victims, prepare a separate budget, submit administrative reports, build an IT infrastructure, and maintain required communication with the Judicial Branch and other registry involved agencies.

In addition, HB 5578 would create unique operational obstacles for the Board of Pardons and Paroles. The bill does not name an agency head for the Registration Board and leaves the Board of Pardons and Paroles in a limited and legally untenable role by referencing the “for administrative purposes only” language in section 4-38f of the Connecticut General Statutes. The bill creates two different types of board members with differing authority & qualifications. As mentioned above, the bill does not indicate who these appointed individuals will report to.

Furthermore, Sec 3 of HB 5578 potentially places the newly appointed registry panel members at conflict with the independent decisions of the Board’s existing panel members by creating a separate process by which the new placement panel members would review a registrant’s failure to meet the conditions of parole and move that individual to the public registry.

Thank you for your time. I am happy to answer any questions you may have.