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Testimony of Amy Eppler-Epstein
In Support of HB 5578, And Act Concerning the Recommendations of the Connecticut
Sentencing Commission With Respect to the Sexual Offender Registry

March 26, 2018

I am writing in support of the Sentencing Commission's proposed recommendations to reform Connecticut's Sex Offender Registry, as now incorporated into HB 5578.

I have worked for over 30 years as an advocate for low income people, with a focus on housing and homelessness issues; and in the past two years, have also done work on "reentry," advocating to reduce the civil barriers and collateral consequences facing people with criminal records when they try to succeed in civil society.

In both of those areas of work, I have seen the serious harm and unfairness in Connecticut's current sex offender registry system. Under the current system, many people who all would agree pose little or no risk of any sex-related re-offense, are stigmatized and punished for life by their placement on the registry. Often, that punishment includes homelessness, because federally subsidized housing programs, along with many state programs, categorically prohibit occupancy to people on the life-time sex offender registry.

While the proposal does not satisfy every wish of every stake-holder in the discussions about changing Connecticut's sex offender registry, that is not surprising, since the process was designed to seek input from the broadest possible range of perspectives. But on the whole, the proposal balances the perspectives and needs of victims, people on the registry, and the public.

What the proposal succeeds in doing is making two enormously significant improvements over Connecticut's current sex offender registry:

- It creates registry tiers, based on individualized risk assessments, so that only persons found to be high, or in some cases moderate risk will be placed on a publicly accessible registry;
- It creates a system to enable people on the registry to petition for their removal altogether, or removal from the public to the law enforcement-only registry, based on demonstrated behavior (and after a significant waiting period).

These changes are huge improvements over the current system, and should go a long way towards increasing public safety; focusing scarce state resources on those at greatest risk of re-offending; reducing the collateral harms and civil consequences to persons formerly on the public registry, including homelessness; and respecting the rights of victims.

Two stories of recent clients of mine illustrate the need for reform of our current registry system.

In Dennis' case, he was placed on the lifetime registry years after his conviction. As he describes it, his sexual assault charges stemmed from a romantic relationship gone sour, in which the other party later recanted her allegations. Nonetheless, he entered a plea agreement, served his time, and only subsequent to his release was he placed on the registry, due to the retroactive application of the law. Ashamed of the label, he did his best to hide it from friends and acquaintances. He worked successfully for several decades as a long distance truck driver, and had no other serious involvement with law enforcement. Ultimately, after suffering a back injury, he was unable to keep working, and received social security disability. He spent a lot of time caring for his aging uncle, cooking for him, helping him with bathing and personal care; and, at the request of other family members, gave up his own apartment to move in with his uncle, in his uncle's federally subsidized public housing unit, to care for him full time.

Upon his uncle's death, he requested the housing authority to put the lease into his own name, as a remaining family member; but the housing authority could not do so, because they discovered that he was on the lifetime sex offender registry. The housing authority had no problems or complaints about him as a tenant, and indeed, his neighbors all wanted him to stay, since he regularly helped them with their chores and challenges; but the housing authority had no discretion, since being on a lifetime sex offender registry is a mandatory ground for denial of federally subsidized housing. Dennis came to me for help and representation in his eviction case in 2011; and this was my first glimpse into the flaws of our current sex offender registry system. Here was a man whose conviction was almost 25 years old; who had no convictions whatsoever for any violent or sexually related behavior in the 25 years since; who was a care giver and a helper for elderly and disabled people, and who the housing authority would have been happy to house. And yet he was at risk of eviction and homelessness because of his lifetime registration requirement; and the law provided absolutely nothing that he could do to petition for his removal from the registry. Dennis is submitting his written testimony today as well, so you can hear his thoughts in his own words.

In Fred's case*, he also faced a loss of subsidized housing, and imminent homelessness for both himself and his wife. Fred was 62 when he came to us. His conviction dated back 31 years, at a time when he was regularly getting high. His lifetime registration requirement was also applied retroactively, years after his conviction. In the intervening years, he had made major changes in his life. He had gotten involved with his church, where he was a deacon, with high enough responsibilities that he was one of the keepers of the church keys. He had remarried. He hadn't touched drugs for decades. He and his wife lived a simple life, receiving disability payments due to a serious heart condition, and living in an apartment subsidized with a federal Section 8 voucher. But at an annual recertification, the housing authority caseworker discovered his lifetime registry status, and moved to terminate the couple's Section 8 voucher, because of the mandatory federal rules barring people on the lifetime registry from receiving federal housing assistance. Once again, Connecticut's current system provides no mechanism for someone like Fred or Dennis to be removed from the public registry. And even though the

housing authorities in both cases saw nothing in the behavior of either of these men that caused any kind of danger to other tenants, or would otherwise warrant the termination of their federal housing assistance, these agencies had no choice, because of the mandatory requirements of federal law.

The proposed legislation would do much to correct this problem for others in situations like those facing Dennis and Fred. By enabling people to petition for removal from the public registry; and allowing people of low risk to be only on a law enforcement, not a public registry, the barriers and risks to subsidized housing faced by people like Dennis and Fred will be greatly reduced. People convicted of sex related crimes already serve their sentences and receive their punishment; they should not also have to be homeless, and stigmatized for life, especially when they pose little or no risk to the public. I urge the passage of HB 5578.

*Not his real name