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**Testimony of Carleton J. Giles
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In Support of:

Governor's Bill 5019, An Act Concerning Fair Futures Following Erasure of Criminal Records

**Joint Committee on Judiciary
March 9, 2020**

Good morning Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Rebimbas, and honorable members of the Joint Committee on Judiciary. My name is Carleton Giles, and I am the Chairperson of the Board of Pardons and Paroles ("Board"). I am here today to provide testimony in support of Governor's Bill 5019, *An Act Concerning Fair Futures Following Erasure of Criminal Records*.

This bill furthers our mission by strengthening the existing process for pardons and the erasure of records and by automatically erasing the criminal records of individuals convicted of certain low-level misdemeanors following the passage of an appropriate amount of time. I will speak to both aspects of this bill, respectively, and how they align with the Board's mission.

Strengthening the Pardons Process

This bill improves Connecticut's pardon process in several significant and meaningful ways. First, the bill removes what has been a financial challenge for some individuals seeking a pardon: the \$75 fee for criminal records. Although the Board does not charge an application fee for individuals seeking a pardon, we require applicants to obtain this information from DESPP to help them accurately remember and report their criminal history on our nine-and-a-half-page application form.

Second, this bill establishes an automated process for the erasure of criminal records. This requirement and accompanying funding are crucial to modernize and centralize the current antiquated patchwork by which records are erased today. This system will also make it easier for us to integrate our recently launched electronic pardon (e-Pardon) database into the state's criminal justice information systems, reducing the time it takes for individuals to obtain their pardon certificate and realize its impact.

Third, the bill helps further ensure that erased records are permanently deleted from the databases of private background check providers. Over the years we have received complaints from

some pardon recipients that their Connecticut criminal history record information was being reported by third party background check providers.

Automatic Erasure

This bill provides a well thought out path forward for automatic erasure here in Connecticut. Although the Board aims to expand awareness and access to pardons and certificates of employability, we recognize that it is simply not possible for the petition-based pardon process to provide relief to every deserving individual burdened by a low-level criminal record. We also recognize that the in-depth review and discretion attendant to the pardons process may not be necessary for otherwise law abiding individuals with low level misdemeanors.

Having said that, I do want to point out a few concerns that I have regarding the proposed bill. In this bill, certain misdemeanor offenses are excluded from those eligible for automatic erasure. Based on my experiences as both a police officer and as a Board Member considering whether to grant a pardon or parole release, I believe that the class C misdemeanor offense of harassment in the second degree, and the class D misdemeanor for ridicule on account of creed, religion, color, denomination, nationality or race, merit further review for possible exclusion from the automatic erasure provisions as well.

Additionally, I strongly recommend that you consider expanding the scope of our erasure statute to apply to all criminal history record information as defined by section 54-142g. Given the State's efforts to increase information sharing between criminal justice agencies, I believe that the erasure statute should be updated to apply to more than just police, court, and prosecutorial records.

Finally, I mentioned that this bill provides a well thought out path forward. I emphasize this fact because erasure is a complex process involving and impacting numerous agencies and stakeholders. This bill recognizes the complexity of record erasure in our criminal justice system while incorporating the experience and insight of those agencies. As drafted, this bill strikes a fair and necessary balance by allowing criminal justice agencies such as the Board, continued access to mission critical information while simultaneously removing obstacles for individuals with criminal records.

Therefore, the Board respectfully recommends the Committee's JOINT FAVORABLE report on Governor's Bill 5019.

Although I have submitted separate written testimony on Senate Bill 403, I want to briefly speak to it now due to time constraints. The Board strongly supports the antidiscrimination provisions of SB 403 but has significant concerns with the bill's erasure provisions as proposed. We are happy to provide any additional information the Committee might require, or to answer any questions you might have. Thank you.