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Winfield, Representative
Steve Stafstrom

SENATORS: Kasser, Kissel, Bizzarro,
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REPRESENTATIVES: Blumenthal, Rebimbas,
Carpino, Conley, Currey,
Dubitsky, Fishbein, Fox,
Godfrey, Harding, Hill,
Horn, Labriola, Luxenberg,
McGorty, Miller, O'Neil,
Palm, Porter, Riley,
Smith, Walker

REP. STAFSTROM (129TH): Folks, can I have your attention please? We are going to call to order the judiciary committee public Hearing for March 9, 2020. Chairman Winfield is going to read the safety instructions.

SENATOR WINFIELD (10TH): Good morning. In the interest of safety, I would ask you to note the location of and access to the exits in this hearing room. The two doors through which you entered the room are the emergency exits and are marked with exit signs.

In the event of an emergency, please walk quickly to the nearest exit. After exiting the room, proceed to the main stairs and follow the exit signs to one of the fire stairs. Please quickly exit the building and follow any instructions from the

Capitol Police. Do not delay and do not return unless and until you are advised that it is safe to do so.

In the event of a lockdown announcement, please remain in the hearing room and stay away from the exit doors until an all clear announcement is heard.

At this time I will make an announcement that we have made several times, particularly because there are a lot of people in the room with shirts. You are fine to be in the room with your shirts.

Please do not be directly in the view of the camera and if you are testifying we ask that you don't have the shirt clearly visible while you are testifying which usually means a jacket, a something or maybe flip it inside out, whatever the case may be. Thank you.

REP. STAFSTROM (129TH): Thank you. And just on that point, obviously we need to -- we expect a lengthy public hearing today. We have a number of folks signed up to testify so we do need to maintain decorum for the day.

In addition to the shirts, we'd ask that folks not make any audible signs, either for or against any particular statement made by those testifying.

We will as is our custom reserve the first hour for elected officials and state agency heads. And then we will alternate between that list and the public list after the first hour.

Everyone including agency heads and elected officials will have a three minute time limit in which a bell will go off after three minutes. There may be questions after that but we would ask when

the bell goes off that you please summarize at that point.

If you have submitted written testimony, we have that written testimony. There is no need to read it to us. You can summarize the written testimony. That tends to be more persuasive and effective anyways than simply reading your written testimony which we already have before us.

All right. So with that, we are going to get started with Marc Pelka, Undersecretary of Criminal Justice Policy and Planning.

COMMISSIONER MARC PELKA: Good morning, Chairman Stafstrom, Chairman Winfield, Ranking Member Rebimbas, Ranking Member Kissel and members of the Judiciary Committee. It's an honor to be in front of you again, it's becoming a Monday morning routine and I'm thrilled to be with you.

I'm joined by my esteemed and distinguished colleague Eleanor Michael who is Assistant Division Director at OPM's Division of Criminal Justice Policy and Planning. Without her expertise, analysis, insight and work on this, I wouldn't be in front of you today with legislation to speak of.

I wanted to thank the members of the committee for engaging conversation across our state on the topic of the impact of criminal records on reintegration to society after incarceration, achieving goals regarding gainful employment, stable housing, occupational licensing, access to government assistance, access to so much more in our society. And the discussion of the collateral consequences has been a topic that cuts across so many areas.

Thanks also to Governor Lamont for his leadership of this and giving us the opportunity to assist him on House Bill 5019 and thanks to those who worked on Senate Bill 403 which is also referenced in my testimony.

It feels like many of us are united in the same goal of lowering barriers to achieving success in society to enable people who have achieved and overcome the criminal justice system to move forward effectively and H.B. 509 (sic) is trying to achieve that goal.

It uses an automated, establishes an automated record clearance process that builds on our existing pardons process. The pardons board does in person reviews for virtually all convictions for non-violent. It does, it can bypass the review process and we rely just on appear.

This adds a third tier of automated erasure for a lower level non violet misdemeanors that are appropriate for an automated process to enable the Board of Pardons and Paroles to focus on more serious and compliant cases.

The scope of the bill establishes a seven year waiting period from your most recent conviction, misdemeanor or felony and it has a scope that includes all class D misdemeanors, most class C misdemeanors, possession of controlled substances for prior to 2015 and after 2015.

And the purpose is to ensure that those records are cleared away after that waiting period has been completed for eligible offenses. And that scope enables the automated process to proceed which builds on what already exists within our system for the handling of dismissal, acquittal or nolling of

criminal charges where there is a largely automated process of notification.

The impact of this bill is the fact that it uses the term erasure. It doesn't create something new, some subgroup, it actually establishes what we already have codified into law regarding erasure.

When a record is erased, it is not necessarily deleted or destroyed, rather it is segregated, non-searchable, accessible only in special circumstances established by that particular criminal justice agency.

What it means is it will not show up on a background check in most cases. What it means is people will be able to move forward effectively into society.

I think the three final points I'd like to raise is that misdemeanors really do matter. Like felony convictions, they remain permanently on your record. They also matter because they put people at a competitive disadvantage when they're interviewing for a position and HR professionals have indicated that they are affected by seeing a misdemeanor show up in a background check.

And this bill, in closing, looks to overcome the limits that are inherent in a petitions based pardons process to enable people to experience the full relief that comes from criminal record erasure and it can be implemented in a seamless and effective way. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you. Questions for Mr. Pelka? Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good morning, sir.

COMMISSIONER MARC PELKA: Morning, sir.

REP. FISHBEIN (90TH): You and I have spent a lot of time talking over the last few months about this issue and I have really enjoyed those discussions. I just had some questions about 5019 as you've presented it.

In lines 25 through 29, you're proposing that there be additional training because my understanding is that members of the Board of Pardons and Paroles already get training. This would be additional training.

I take it showing those individuals that if they don't grant a pardon, that there are collateral consequences that may result from their discretionary act. Is that the reason for this?

COMMISSIONER MARC PELKA: Mr. Chairman, yes, that's right. The bill recognizes that it does not apply to all people who are seeking erasure of record. So this element of the bill looks to make fairer the existing pardons process, both by enabling state police to waive the criminal background check fee and per your question, sir, to require annual training.

That would allow the Board to be, receive annual and updated information regarding the full scope of and breadth of collateral consequences. I learned about them myself through the collateral consequence counsel process and this seems like valuable information for the Board to pass.

REP. FISHBEIN (90TH): Well, I'm specifically looking at lines 25 to 29 because we will get to the background check and that kind of stuff and what

that says is a formalized training program and my understanding is there is already formalized training program.

COMMISSIONER MARC PELKA: Yes, sir.

REP. FISHBEIN (90TH): To be completed annually and my understanding is that that program is already completed annually so this is nothing new right now.

Including information concerning collateral consequences, a person with a criminal record may face due to having a criminal record such as when applying for housing or employment.

So, you know, I take it that that's sort of like a guilt aspect. If you don't grant everyone a pardon, you know, there is going to be collateral consequences from this.

So my question is why is this included? I mean, I would think the standards for pardons, you know, that would be really important. But why the, and I could be wrong, why the guilt aspect of this?

COMMISSIONER MARC PELKA: Mr. Chairman, the -- I, the Board of Pardons and Paroles is a set of decision makers and staff with expertise and weighing different factors when they make a decision.

On the parole side, they use a structured decision making instrument because a lot of information comes at them. And they learn how to weight that information to inform their overall decision.

At the core of their role as decision makers, is using their discretion developed from their background, their knowledge and their training. So I felt that including training on collateral

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consequences would provide more information that they could use to structure their decisions in response to the pardon applications.

There does not seem to be a set curriculum or best practice for pardon decision making across our country in the way that there is for the parole side.

I engaged the Robina Institute at the University of Minnesota which is a tremendous resource for parole decision making information and I asked if there was anything on pardons and there wasn't.

I think this is a good step to incorporate elements into the annual training for our decision makers without a biasing but instead relying on their role as independent decision makers and we can grow it over time. I have in fact asked Robina if there would be potential for further work together on this topic regarding training.

REP. FISHBEIN (90TH): So have you had the chance to review S.B. 403 in conclusion with 5019?

COMMISSONER MARC PELKA: Mr. Chairman, yes I have.

REP. FISHBEIN (90TH): And in that proposed bill, its required that when a pardon is denied that a written decision be issued giving the person who is attempting to get a pardon notice as to what they did not do, it that, that's correct?

COMMISSIONER MARC PELKA: Mr. Chairman, yes, that policy is indeed in Senate Bill 403. It's our understanding and my testimony that the Board is already required to provide a statement under Section 54-124AHA3.

It specifically says that they have to adopt regulations requiring Board members to issue written statements containing the reasons for rejecting any application for pardon.

So that is one piece of input that we provided and we wanted to work with the proponents of the bill just to ensure that that statute is sufficient but as our read that they already are issuing reasons for their decision making.

REP. FISHBEIN (90TH): So with that sort of notice situation in mind, why would it not be appropriate for the Board of Pardons and Paroles to issue a decision so that the victim knows why the pardon was granted to balance the situation? Nobody has even mentioned that, the balance.

COMMISSONER MARC PELKA: Mr. Chairman, I have not -- I have been really supportive and proud of the work the Board has done with victims regarding notification so there is an automatic victim notification process for anyone who signs up to track the case of a perpetrator moving through the certainly justice system.

And that applies at the pardon end of things and so I'm sure there is always more work to do to give victims voice. I support victims giving the ability to provide input on a case, impact statements and to track it. So victims are following along through the automated process or through the public notice of the pardon hearing.

REP. FISHBEIN (90TH): Would you be supportive of some sort of writing to that effect? Because I get the calls, you know, I was a victim of a crime, usually a domestic violence crime and its 10 years

later, you know, my significant other, whoever, you know, perpetrated the crime has now gotten a pardon. I have no idea why. So would that be something that you would be open to working with to protect victims here?

COMMISSIONER MARC PELKA: It's a great question, Mr. Chairman and my colleague was just speaking with someone from the Parole Board. I'm not sure if you would care to weigh in or I'd be happy to pause for -- thank you, ma'am.

MS. ELEANOR MICHAEL: Yes, hi I was just speaking with the Parole Board. It's my understanding --

REP. STAFSTROM (129TH): If you could just make sure to identify yourself for the record.

MS. ELEANOR MICHAEL: Oh, sure. Eleanor Michael, Assistant Division Director, Criminal Justice Policy and Planning Division at OPM.

REP. STAFSTROM (129TH): Thank you.

MS. ELEANOR MICHAEL: It's my understanding from my conversations with the Board that they do currently issue their reasons for the pardon to the petitioner and that those reasons I believe could be publicly available. Did I get that correct? Yes.

REP. STAFSTROM (129TH): And let me just interject, Representative Fishbein. I know we do have representatives of the Board of Pardons and Paroles signed up to testify later so perhaps some of these may be better directed to the Board itself rather than to the Office of Management of --

REP. FISHBEIN (90TH): Thank you. And I wish I had the recent file that I represented somebody before

the Board and maybe I can look up the letter that was issued but I'll go on, thank you.

Mr. Pelka, it appears that your line as far significantly erasure so to speak is significantly differ than what's contemplated in S.B. 403. Because I think felonies are considered in S.B. 403 and you do not consider felonies to fall within this, the gamut, correct?

COMMISSONER MARC PELKA: Mr. Chairman, that's correct. I think there is support across for proponents of 403 and 5019, there's a shared goal of getting policies through to establish the automated process.

It was -- a lot of work went on for an RN to land on the scope that we were comfortable with on 5019 and I'm grateful that 403 is part of the discussion now as well.

I think that we brought a number of criteria into consideration. First and foremost, that the bill can be effectively implemented in year one. It is a change for our state to establish an automated record clearance process when we currently only know a one by one petition process.

Fortunately we have a growing number of states from Pennsylvania, Utah, New Jersey and California that have enacted these polices so we looked at what those states have done to set a scope.

We looked at input provided by various stake holders and criminal justice agencies on how it was to be implemented effectively from year one. We tried to balance competing input and concerns and find the right balance so that a bill can move forward that

people would be generally comfortable with and we tried our best to accommodate that.

REP. FISHBEIN (90TH): No, I appreciate that and you and I have had significant discussions and you know that I am willing to do something here. It's just where is that line.

COMMISSIONER MARC PELKA: Yes, sir.

REP. FISHBEIN (90TH): So one of your carve outs -- well, first of all class D misdemeanors, you and I talked about on Friday and have you been able to ascertain whether or not class D misdemeanors are anything other than election offenses?

COMMISSIONER MARC PELKA: Mr. Chairman, we used similar to Representative Fishbein, we tried, we used the OLR report to start with to get a list of all of the offenses by class.

It did not include class D as in dog misdemeanors so we consulted a penal code summary from the judicial branch. We did not see inside the class D misdemeanors. We have two, four, about eight of them. And we don't see anything involving violation of public trust.

I would be happy to go through them. There has been a number of changes in recent years in Connecticut to move unclassified misdemeanors into the class D misdemeanor category.

I would note for the chairman that violation of public trust was actually one of the criteria that we sought to exclude from the bill and so that we have felt comfortable with D because we didn't see any of those inside that category along with other offenses.

REP. FISHBEIN (90TH): All right. Well, we did some research ourselves and we found that the violation of 9-56, application for enrollment by an unaffiliated elector would fall within a class D misdemeanor.

Erasure of name not on registry list which I think is another election offense which I think that would impact upon the concern.

9-361 which is primary or enrollment violations. 9-396 has to do with valid votes at caucuses and eligibility. Those are just some of them. It appears that all the ones that we were able to find are election offenses.

But specifically in at line 102, you contemplate erasure for possession of a controlled substance under 21A279 which is different than cannabis so, you know, somebody could be in possession of cocaine, be convicted under this and you're okay with just getting rid of it seven years post-conviction?

COMMISSONER MARC PELKA: Mr. Chairman, yes. We -- the bill does indeed include possession of controlled substances and I am comfortable with that inclusion. The -- and the reason is that in 2015, the legislature in its wisdom reclassified possession of controlled substances down to a misdemeanor, included possession of all controlled substances in that category.

We have higher tier offenses for possession, manufacturing, distribution. We felt comfortable that possession although including all controlled substances reflected ones ingestion or possession of that drug.

I applaud Connecticut for moving in that direction in 2015. And I have heard a lot of compelling stories from people, justice impacted describing the experiences they went through while experiencing a substance addiction.

And they worked very hard to move through the criminal justice system, to move through a recovery. They are now applying for jobs, for housing and their record come back with possession of a controlled substance on there and they're force to relive an experience of an individual that no longer feels like themselves.

And I think that part of the reason why Connecticut modified its controlled substance laws is it, because of changing attitudes in behavioral health, in criminal justice, concerning responding to substance use.

And the policy of including controlled substances is for 2015 forward is aligned with the seven year waiting period and that's why I became comfortable with that inclusion.

REP. FISHBEIN (90TH): So how is one because you kind contemplate seven years post-conviction? One applies to be a pharmacist let's say and had previously been convicted of possession of a controlled substance. How is the or maybe they're not supposed to be able to, CVS or Rite Aid supposed to ascertain whether or not this person may be of concern because of that prior conviction that they now have no record of, if that is a proper question.

COMMISSONER MARC PELKA: No, Mr. Chairman, that is a great question and that is something that we have encountered in a variety of different fronts. And

what we have come to kind of conclude overall is that there are criminal record, criminal record checks are ubiquitous whether we are talking about private employers, boards and commissions, state agencies, local agencies and down the line. And a record is one part of the overall application that is reviewed.

Although this creates a process for the automated record clearance for someone after seven years without a new conviction, the application for that individual would allow the employer to interview that person.

If that person appears on a registry or has other criminal convictions that are not cleared, if there is other review that is conducted as part of a licensing of a pharmacist, that would all come up. This is but one piece of an overall picture.

And currently, people with a possession of controlled substance which is a misdemeanor are eligible to petition the Pardons Board three years after their conviction, provided they're not incarcerated or supervision.

So this is really meant to create a third tier below the current existing options to provide a seamless process for erasure.

REP. FISHBEIN (90TH): Well, that's a portion of the global discussion, why isn't the Board of Pardons and Paroles sufficient to deal with these things.

But if I am working, I'm the HR director at Rite Aid, how do I even know to ask this individual about that prior conviction that has now been erased? I mean, I guess I could put on the application have

you ever had a prior conviction erased which sort of works in the, in a negative with the policy here and I don't know that that would be inappropriate.

If that's what you want to see happen, that's fine because then it just opens up and I don't know why we are spending lot of time dealing with this. But I wouldn't be able to interview that individual as to that. So how would I have notice?

COMMISSONER MARC PELKA: The, one reason why, Mr. Chairman, we chose to use the term erasure as opposed to sealing or some new term for this is because there is really strong, established codified statute around consideration of a criminal record or a non-conviction, someone who has received an erasure.

So we wanted to build on that because there's a much more solid place to operate than to try to create something new. So the law it specifies that someone who had an erasure can say and in a legal way, that they were not arrested and convicted for that offense. The statutes specifically permit them to say that they were not convicted for that offense.

And I would say that people who have these convictions deserve a right to move on with their lives and if the person applies at any pharmacy for a position and they can demonstrate effectively through the remainder of their application that they're the right person to hire, then I think they should get the job.

We shouldn't exclude them from that opportunity but that's why we narrowly drew the classes and offenses to be part of this because of the implications that

through you, Mr. Chairman, are being raised right now.

REP. FISHBEIN (90TH): So I take it that as the HR director, I would have no way of knowing that given the intent of his law?

COMMISSONER MARC PELKA: Mr. Chairman, that's correct. The record once erased would not appear in a background check. It would not be -- it would be as if that person received a pardon for that conviction.

If the person had any other conviction within their case that was attached to the possession offense, if that person had any other convictions in their record that had not been cleared, those would all show up in a background check.

I fully concede that one limitation of clean slate compared to the pardon is that clean slate applies on an offense by offense basis, not case by case or not the person's entire record which is why I'm comfortable with the automated process by charge. So certainly not be person or by case, Mr. Chairman.

REP. FISHBEIN (90TH): So I wanted to shift of the exemptions. Although you find class C and class D misdemeanors to be erasable, there is certain carve outs that sort of shout out to me that other third parties have been involved in these carve outs.

So the first one is the family violence crime would, if it's a -- well, it's more likely a C under this. So it's a class C misdemeanor but it's a family violence crime, it would not be erased.

So why -- well let me, before I ask the question, let me just set it up with its not based upon conduct, it's based upon the charge.

For instance, not to get gory or graphic, but if I hit you over the head with a wrench, that is not a domestic violence crime. If I hit my wife over the head with a wrench, god forbid, that would be a domestic violence crime. It's the same bad act.

Why did you choose to exempt just that domestic crime as opposed to the bad act which me hitting you could be even worse?

COMMISSONER MARC PELKA: Mr. Chairman, because we already excluded offenses involving bodily harm, we also excluded offenses that were sexual in nature, involved stalking, fire arms related, DUI or drug and still some other categories. So we felt that was a good start for really avoiding the types of offenses that had by their nature a victim attached to it.

We were -- we believed, we didn't have to be told this by any advocacy group, that we needed to include the family violence flag because that would be broader, that just on offense alone would be inadequate for acknowledging that family violence crimes take on a much different element than some of the other charges.

So I think with automation and moving beyond, there is, it is happening across our society. We are recognizing inherent limitations in existing practice and we are trying to figure out how to use automation to provide something with greater fairness to scale.

And this is the first time that we have contemplated or no it's not, it was considered last session, but this would be a step forward into automation. It's one that's best taken incrementally.

And that's why we included these exemptions and qualifications to ensure that they could be effectively implemented in year one, that a variety of criminal justice stakeholders can embrace this and that we could demonstrate proof of concept to build up over time.

Coming in immediately without acknowledging the impact of family violence crimes on people in our state would have been a non-starter for me.

REP. FISHBEIN (90TH): Well, there is impact on every violence crime on the people of our state. I'm not -- you're the one who decided to carve out --

COMMISSIONER MARC PELKA: Yes, sir.

REP. FISHBEIN (90TH): So my act against you would be erased. My act against my wife would not under your law.

COMMISSIONER MARC PELKA: I don't, Mr. Chairman, I'm not -- I guess -- if -- whatever I, that you would be charged with for bashing me over the head would not be included -- it's not in the bill so there wouldn't be no erasure.

I wonder if you're suggesting that if in the same case involving battery or something, there was a clearable offense, that offence should be cleared but the battery or whatever you were convicted of for bashing me over the head would remain on your record. I'm not sure if I'm answering your

question, Mr. Chairman, I'm sorry if I'm being slow but.

REP. FISHBEIN (90TH): So I'm looking at the class C misdemeanors and do you have a list of those in front of you?

COMMISSONER MARC PELKA: Yes, sir, I do, Mr. Chairman.

REP. FISHBEIN (90TH): Other than harassment in the second degree, I don't see any of them that could possibly be a domestic violence crime. Can you identify one?

COMMISSONER MARC PELKA: Mr. Chairman, I would say disorderly conduct would be one in class C that could reasonably have one attached. Mr. Chairman, criminally -- criminal trespass, criminal mischief is plausible.

And I think the -- and I think disorderly conduct was important because we consulted with members of law enforcement or with experience in law enforcement and we asked them for input not just on what the title would suggest regarding the offense, but how its charged.

What police officers experience and even the potential that there could be a family violence flag attached to a disorderly conduct compelled us to include that exemption, Mr. Chairman.

REP. FISHBEIN (90TH): All right. So then we get to tampering with an interlock device is another exception. Why did we -- there is very few exemptions here. Why did we select that one?

COMMISSONER MARC PELKA: Mr. Chairman, there is admittedly, you know, looking at these two classes, there is not, you know, these classes are organized in our code in such a way as representing the lowest level, least severe offenses.

The maximum jail term for a class C is 30 days. For a class C it's three months. So you're unlikely to find, you know, many of those offenses involving bodily harm or perhaps some of the other -- it takes until you get to class B as in boy before you begin getting into stalking.

So I would say in response to your question, that we included the -- in terms of the criteria used, we excluded driving under the influence of alcohol or drugs and we went one step further to include tampering with the interlock device or drinking while driving, recognizing those could be part of a chain of events culminating in a DUI conviction. Those could be offenses that would be charged down to that level. Those could be indications of behavior relating to.

Again, I really hope that in after year one or two of implementation there is -- this is something that is celebrated as it is in Pennsylvania and Utah that we would get a chance to make a case for perhaps broadening it or refining it but at this point, year one, we are just getting started, Mr. Chairman.

REP. FISHBEIN (90TH): Well, I'm just looking at the policy here, you know on one end we are saying that these people things happened in the past seven years or more, they have no propensity to commit a crime.

But then on the other hand we are saying that some of these people do. And I'm looking at why that selection is being made.

COMMISSONER MARC PELKA: Yes, sir.

REP. FISHBEIN (90TH): Another carve out, specific carve out is loitering near a school. I mean, you would erase somebody with a cocaine possession conviction but you would not erase somebody loitering near a school. So can you please explain why?

COMMISSONER MARC PELKA: Mr. Chairman, I think the possession of a controlled substance includes people who were convicted long ago of that offense and not for dealing, not for distributing, not for manufacturing, but for ingesting and using drugs.

In the last several years, the state has learned that criminalizing to a strong degree that offense causes great harm and as, and also has tremendous impact on an aggravating racial and ethnic disparities in our criminal justice system.

But it also ties in I think to the broader discussion around the legalization of the adult use of cannabis. I think that the bill is straddling a lot of different concerns.

I know that with each response I give I'm probably making some people more comfortable and making others very uncomfortable for not going far enough or going too short.

I think that the loitering in and around a school is not a, one of the offenses in class C that is charged at a very high level. It, we were able to

get some numbers of, a number of convictions and it's not near the top.

In discussing it with attorneys and police, we heard -- we felt that it was an offense that could be suggestive of the potential for harm or danger to be caused to a young person or to a school. And that's why it felt safer to exclude that if it meant that a stronger, bipartisan bill could move forward with earning some support.

REP. FISHBEIN (90TH): Thank you. Mr. Chairman, I have more questions. I just don't want to monopolize so I don't know why if you want to shift me --

REP. STAFSTROM (129TH): Yeah, why don't we move around a little bit. I know there are some other folks that have questions and we will come back to you. Thank you, Representative.

Mr. Pelka, let me back us back up a little bit. We have gotten kind of down into specific offenses and the like which I'm sure we will spend quite a bit of time with today but let's step back to what the overlying rationale for clean slate legislation is out of the particulars for either of the two bills.

But in your study and your work on this, what is the overriding sort of policy justification for entertaining some type of clean slate legislation in Connecticut?

COMMISSONER MARC PELKA: Mr. Chairman, the overall goal is to provide relief to people with criminal convictions who experience tremendous barriers, obtaining gainful employment, stable housing,

occupational licensing, government assistance, education and more.

It retains the role of our Pardons Board for most cases by adding a third tier. We currently have a, the top tier cases for which most convictions are eligible, the Board will review that person individually, in person.

Below that there is an expedited process for people with non-violent convictions that the paper review is done.

We have a Pardons Board that I'm proud of, that's effective, that takes its job very seriously but petition based pardons processes were not designed to be brought to scale. And they were not designed at the time where technology existed to provide data relief, to help to overcome disparities, to help to bring something not scale.

And so it recognizes there is an e-government solution here to provide greater fairness and equity around our state.

REP. STAFSTROM (129TH): But, Mr. Pelka, isn't there a -- doesn't the research, most of the scholarly research in this area recognize that there is a certain period of time that goes by, be that generally somewhere between three and five years where after someone has finished their sentence, they've finished their parole, they've paid their restitution, they've done whatever else they need to do to complete the pieces of their sentence.

And after that three to five year window, research shows that that individual is in fact even less

likely to commit a crime than someone who has never offended before.

COMMISSONER MARC PELKA: Mr. Chairman, that is exactly right. And OPM produces an annual report on recidivism which shows that people that return to prison tend to do so in the first six, nine, 12 months, certainly years one and two. By the time they reach year three, that return to prison rate flattens and remains there over time.

The same, I have seen in other states apply to early terms of probation or parole or programs that if people are going to fail to complete the terms of their supervision or to return successfully it is focused in the early period of their term.

So as you're reaching years three, four five, and certainly serve, your risk of re-offense declines dramatically.

And a landmark 2012 study, looked at the comparative rates of rearrest for people at age 18 who were arrested for various offenses, compared them to the general population and as the Chairman said, found that between 3.8 and roughly 7.7 years the risk of re-arrest was equal to the general population.

And in terms of statistics on recidivism and time to reoffend, it aligns very much with the contours of this bill, Mr. Chairman.

REP. STAFSTROM (129TH): And those statistics were, or studies you've just cited to, those look at all types of offenses, right. They're not looking at just a certain segment of offenses, they're looking across the gamut at everything, correct?

COMMISSONER MARC PELKA: Mr. Chairman, that's correct. You're talking about someone who served a term in DOC or someone who was -- the study from 2012 looked at burglary and robbery and others that didn't go into other types of offenses which are less serious than or included in 5019. And so yes, sir.

REP. STAFSTROM (129TH): Okay. So the thought being under the research and the studies that despite how significant somebody's underlying offense may be, certainly we have different prison terms, we have different sentences, we have different conditions we placed on folk as a result of their underlying offense.

And somebody who is charged with a class C misdemeanor may, you know, may not spend very much time if any in prison and somebody who commits a class A misdemeanor or low level felony may end up facing some prison time. That gets factored in at the sentencing level.

But once somebody has completed their sentence, once this three, five, seven years goes by, if they have not reoffended, those statistics remain the same, that they are not any more likely than somebody who has never offended before to end up back in the system.

COMMISSIONER MARC PELKA: Yes, sir. That's exactly correct.

REP. STAFSTROM (129TH): Okay.

COMMISSIONER MARC PELKA: And that's exactly correct that and I think that looking at this bill and the

intent of it, it acknowledges a short coming and all states sentencing systems.

They have a maximum length of jail time that people can serve. A maximum fine that they can pay based on the class in which the offense of conviction remains.

It didn't anticipate that that misdemeanor conviction would follow you around for the rest of your life and that was a human element that caused my jaw to drop is that criminal convictions remain on your record for 110 years and that is according to record retention policy under DESP. That is not an individual's decision to cause it to remain on your record for 110 years after your date of birth. That's just how the record is retained.

And when you think about the role of the digital age that we're in right now and how easy it is to access criminal records, that information is available to people doing background checks but it doesn't account for the research.

And if I'm an HR professional reading an application, I'm encountering terms I've ever heard before, probation, parole, misdemeanor, felony, prison, jail. Maybe I watch TV show and saw life inside prisons to educate or experience but now I'm forced to confront it.

And I think this important for giving tools to our system to recognize how digital record use has evolved and to realize that when you serve a maximum of 30 days in jail for a misdemeanor D, maybe that record shouldn't follow you around for 110 years after your date of birth.

REP. STAFSTROM (129TH): So, Mr. Pelka, if the statistics here talk not just about the low level misdemeanors but also the higher level misdemeanors, lower level felonies as well, can you please explain to the committee sort of how, you know, without getting into the details of carve outs of this or that, kind of why in the Governors bill your office has set the limit it has at class C misdemeanors?

COMMISSONER MARC PELKA: Mr. Chairman, the answer to the question it drifts into the area of effective implementation that when you reach above that class, you tend to find more offenses that involve bodily harm, that have a victim attached to it.

You find federal requirements, you find agency policies and procedures that require review of that record. And it's been fascinating for me to learn about the ways that federal policy impacts how DMV considers a conviction. How repositories exist for child abuse and neglect and adult and neglect in two of our agencies.

And I learned that erasure does not affect that specific registry, that that registry remains with a variety of other criteria in it.

There are various federal policies that apply to transportation and aviation. It gets very complicated when we moved up. And we tried very hard and I recognize I'm coming forward with a bill that doesn't have as bold division and inclusiveness of classes and offenses, but we went as far as we could to keep the state agencies that would implement this comfortable that it could be readily implementable in year one and also that it would reflect a level of comfort across the criminal justice system.

REP. STAFSTROM (129TH): But, Mr. Pelka, just specifically so if I look at say some of the class B misdemeanors right, and class B misdemeanors are not covered at all under your bill, correct?

COMMISSONER MARC PELKA: Mr. Chairman, that's correct, there are no class B.

REP. STAFSTROM (129TH): So if you look at some of the class B misdemeanors, I mean, you've got stuff like larceny in the fifth degree which is theft of between \$500 and \$1,000. Or you've got issuing a bad check between \$500 and \$1,000.

If the academic research says that after seven years, somebody who issued a bad check seven years ago is no more likely to do so today than they were seven years ago, why is it that we would leave those folks out of this?

That we would let those folks continue to suffer the collateral consequences which you've outlined of a past conviction when they may have issued one bad check seven years ago.

COMMISSONER MARC PELKA: Um-hum. Mr. Chairman, great question. I think we, and in my role on working on this, knew I wanted to have a raised bill with funding attached to it, ready to go on day one, opening day of legislative session.

And we worked as hard as we could to go as far as we could up to that point, recognizing that at that point it's a hand off into the legislative process which we want to be part of all the way through.

And so I think this is the legislative process is effort to resolve the tension that I think you will

be hearing today within your committee and we want to be helpful to that.

And if that means that, you know, looking for opportunities within class B to broaden the scope, I think that would be very appealing. We went as far as we could up until opening day and so that we could assist you with the difficult job that is in front of you and we look forward to being actively engaged throughout to assist however we can.

REP. STAFSTROM (129TH): Further questions from the committee? Representative Porter followed by Representative Rebimbas.

REP. PORTER (94TH): Thank you, Mr. Chair, and thank you for your testimony, Undersecretary Pelka. We know that even with erasure, there is still remnants of criminal history online. So my question to the Governor's office is is there an anti-discrimination piece to address that in this bill?

COMMISSONER MARC PELKA: Mr. Chairman, there is not an antidiscrimination piece. I have engaged with the proponents of that language from outside legislature and I think that's a valid, it's an important conversation to have.

I wasn't sure it was the right fit for this bill. I know there are other vehicles being used to explore anti-discrimination.

We didn't include it because it felt like a very heavy lift and I admire that it's part of 403 and we look forward to -- and I know some members of the branch have testified in favor of that inclusion and just as with the Chairman's previous question I'm

happy to help with any discussions about the discrimination.

REP. PORTER (94TH): Thank you. And then also, you know, kind of to piggyback off of what Representative Stafstrom was talking about with the exclusion of felonies and he -- well, I'll speak to that.

I'm just wondering because we know that those are the people that are most impacted by collateral consequences. And I believe you were there at the Justice Symposium with me and when Ms. Baheba Baines (phonetic) closed out her closing remarks she actually did something that really resonated with me and has stuck with me.

She asked all of the justice impacted people that were present to stand who had convictions. And then she asked everyone to remain standing that had a misdemeanor. And out of 15 people, one person remained standing.

And that kind of punched me in the gut because I'm like is this what clean slate looks like? And me and you had a brief conversation around that but that continues to be my concern because in the data and the research that I have gone over, it actually states that people that have committed more serious crimes are less likely to reoffend.

That is actually the people that are committing the misdemeanors that are more likely to reoffend. And I have always had a problem with that when we talk about criminal justice reform because we continue to leave out felonies and the people and violent crimes and what is it saying?

Is it saying that these people cannot be rehabilitated, that these folks do not deserve the same chance that anybody else who has committed a crime deserves?

Why are we carving them out, why aren't we addressing the issue that this is going to have a really meaningful impact and I'm asking on behalf of many of them who have been lobbying me on this bill with grave concerns around the fact that they are being left out and left behind again. Through you, Mr. Chair.

COMMISSIONER MARC PELKA: And, Mr. chairman, I -- when engaging on this legislation last session it became immediately clear to me that this would -- the technical piece would probably consume most of the time and brain capacity but the part that would control and command the heart would be the scope.

And I was at the voices of justice symposium, it was an all-day even at the Lyceum and I sat there knowing it would be hard because I believe in this bill and I had to listen to people who I hold in very high esteem, justice impacted people, say that it didn't go far enough.

And I did see that there were an expression of the felony conviction has a greater impact on the types of collateral consequences that I hope this bill would address.

I would note that many people with misdemeanors probably are not part of the groups that are working this bill so hard. They are not part of the conversation because many of the people who are moved to join this community of people providing input have experienced tremendous hardship and

continue to whether they are appearing on their registry for sex offenses, whether they have felony, whether they have very serious convictions.

The impact is indeed more significant than for a misdemeanor. And to the people who are listening, I acknowledge that this bill does not go as far as many of you would like.

But a misdemeanor conviction does play a big role in people's efforts to achieve and obtain gainful employment and stable housing. It puts you at a competitive disadvantage.

If you were perhaps one of two finalists and you have a record with a misdemeanors and the other person does not, that gives the opening for someone to choose the non-conviction over that one.

There are 115 collateral consequences in our statutes for misdemeanors. Certainly more as the chair, distinguished chair of the collateral consequences counsel knows. We are not talking over 500 but over 100 are still on the books there.

It gives us a chance to recognize that this bill will not be the silver bullet, will not solve the challenges we all came here to work on. And I believe that incremental impacts with the commitment to a longer strategy will be the way that we can get there.

Not one bill on clean slate will address the trauma, the hardship, the burdens, the impacts of the people who come to do this work of advocacy every day but this will move us in the right direction and give us proof of concept for achieving greater impact over time.

REP. PORTER (94TH): I can appreciate that but what I'm really trying to drive home and you know I have tremendous respect for you. You and I have done some really great work on the Council for Collateral Consequences but my job today is to really be a voice of the folks that have been home for 15, 20 years, have not reoffended for 15, 20 year and still are couch surfing.

They can't get housing. They can't find employment. These are real life issues and we are talking about after seven years. I'm talking about people that have been out twice, double to triple that time and still are struggling because their criminal record haunts them and they're still being discriminated even though they have changed their behavior, they're not the same person they were when they went into prison.

They've done everything that we would hope a person that hasn't been justice impacted would be doing. They've gone above and beyond and they are still being discriminated against. So I'll just leave it here, food for thought as we talk about moving forward and what we are willing to compromise and negotiate on that these things really do need to be taken into consideration.

And with the track record being such that it is, I'm still having a hard time understanding why we are not including felonies in this version of the bill. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you. Representative Rehimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman, and good morning. First and foremost I just want to

once again just thank obviously yourselves and the Governor's office for putting a proposal before us.

And I will in advance just note that there may be some confusion because we do have two similar bills out there but certainly that do different things. So I'll try to remember and focus my questions for the proposal by the Governor's office in this regard.

I'll start off by saying and I'll speak on behalf of myself and not all, everyone, but certainly many of colleagues that I have spoken to. I don't know anyone who doesn't believe in the concept of clean slate.

I think we wouldn't have a pardons and parole board if we didn't believe in clean slates. We wouldn't have a variety of different services and resources specifically dedicated to individuals who are trying to reform their lives if we didn't believe in a second chance clean slate.

I think the question is certainly how we get there that people may certainly differ. So just to kind of maybe clear up some things. The proposal, before us, obviously there is many different components to it but specifically on this automatic erasure.

When we're talking about excluding certain crimes from the automatic erasure, it doesn't mean that they will forever be barred from not having that second chance opportunity. It's just they will be afforded that second chance opportunity by going to the Pardons and Parole Board, is that correct?

COMMISSONER MARC PELKA: Mr. Chairman, that's exactly right. This 5019 retains the role of the Pardons Board at an additional tier for clean slate.

REP. REBIMBAS (70TH): Okay.

COMMISSIONER MARC PELKA: Yes.

REP. REBIMBAS (70TH): So what we are really kind of, you know, deciphering through is on a comfortability level for a lack of a better description of it. We are a people comfortable in allowing an automatic erasure and what those offenses would be. Is that a fair statement?

COMMISSONER MARC PELKA: Mr. Chairman, that is right. The -- I, you know, the statistic that stood out to me appears on page five of my testimony that from 2015 to 2019, the Board issued on average 677 pardons per year.

Last year, 2019 there were 7,736 convictions for class C and D misdemeanor charges alone. So I think that that goal is to remain the expertise of the Pardons Board to continue to do its work and I would like to make an argument over time for greater support for them and their works but recognizing that no matter how hard they work or how many cases the year, they can never catch up with these particular low level, nonviolent offenses that tare worked on in this bill.

REP. REBIMBAS (70TH): Okay. And I can certainly, you know, speak in those that I have spoken to and certainly myself included, those offenses that previously were handled in one way that now are handled in a different way but they're the exact same identical offenses, I think everyone or most of

everyone would probably agree that that should be addressed.

Because all because something happened at a later time but it was the same exact offense that again, you know, should have the fair shake and have the same opportunity to have that either expunged or whatever the case may be.

So I think many of us are in agreement with that. This automatic erasure and this is a software that would be implemented, is that correct?

COMMISSONER MARC PELKA: Mr. Chairman, yes. Three principle agencies that are here today would be the primary implementers of the automated process that would be established. I would be happy to detail it but I don't want to overburden but I'll follow your lead, ma'am.

REP. REBIMBAS (70TH): Sure.

COMMISSONER MARC PELKA: Mr. Chairman.

REP. REBIMBAS (70TH): And regarding that automated system, that's been implemented in several other states and how many of those states has that been implemented in?

COMMISSONER MARC PELKA: Mr. Chairman, Pennsylvania, Utah were the first two to do it. Last year New Jersey and California joined. Pennsylvania has over a year of implementation. Utah is a few years in. New Jersey and California are next in line so we would be the fifth that and if this law is enacted.

And, Mr. Chairman, we recognize that there is a lot of technology system complexity to this and so we sought and received support from the national

organization, nonprofit that has helped build states to implement their clean slate policies called Code for America that come onsite.

They've worked us by phone, we've even arranged for a data share with them and it was part of the technology system, complexity, Mr. Chairman, that compelled us to set the effective date in 5019 at October of next year so but there is a strong lead time with national level expertise as we move through this, Mr. Chairman.

REP. REBIMBAS (70TH): Okay. And could you articulate to me some of the challenges that existed after the implementation of that software and for example false erasures of records or accidental erasure of records as well as the competing resources from private firms that still carried the persons record and individuals still had challenges finding housing and employment?

COMMISSONER MARC PELKA: Mr. Chairman, the price and the cost of implementing clean slate has been the biggest barrier. At one point the bill in Connecticut from last session had a fiscal note of \$15 million. New Jersey had to spend significantly to prepare for implementation in terms of staff.

We recognize the need for developing an implementable bill using technology systems without requiring a manual process which creates personnel and other cost impacts.

And so the aim through the clean slate bill is to create a coding of data that would begin in the depth through the criminal records repository to identify based on the letter of the law which

offenses and at what time are eligible for automated erasure.

And once that erasure is made, a notification is provided to across the criminal justice system to judicial branch, to other agencies that record is happening. So it does something that would not be possible on a case by case basis.

The -- we recognize and Representative Porter raised it earlier that this is -- we are going against Google, we are going against media, we are going against the internet as a whole regarding criminal records and there are limitations to that.

And so we sought to have impact where state policy can truly achieve the outcomes that we're seeking which is why we work so closely with judicial and executive branch agencies as well as other stakeholders.

And that compelled us, Mr. Chairman, to include a section to require that third party vendors that receive criminal records data update their information on a monthly basis. This already is in place for judicial branch shared data but now it applies it to the entire criminal justice system and this would give those agencies the ability to revise contracts, to impose penalties if those third parties don't update the information.

REP. REBIMBAS (70TH): And what are those penalties?

COMMISSONER MARC PELKA: Mr. Chairman, it's stated in the contracts for each of the agencies. We did review just out of curiosity judicial. I'm forgetting what it is now, I don't know if you care to elaborate, Ms. Michael, but.

MS. ELEANOR MICHAEL: Hi. Eleanor Michael from OPM. Yeah, I know that in other states they have been able where they have had similar provisions they've been able to for example have a breach of contact action if a third party background check company does not update their records accordingly.

REP. REBIMBAS (70TH): We wouldn't be holding Google and the larger search engines to those same rules and regulations, would we?

COMMISSONER MARC PELKA: Mr. Chairman, no, we would not. This is simply with contracts, vendors for the sharing of data.

REP. REBIMBAS (70TH): Now this automatic erasure system software, would it take into -- there would be no knowledge of the software as to whether or not the individual has passed away, is that correct?

COMMISSIONER MARC PELKA: Mr. Chairman, no. There, that information would not be known. I don't, I can't imagine -- I cannot image how it would be known if the person has passed away.

REP. REBIMBAS (70TH): So their record would still technically be erased under this provision, correct?

COMMISSONER MARC PELKA: Mr. Chairman, yes.

REP. REBIMBAS (70TH): And there is no way of determining whether or not the individuals a resident of the state of Connecticut and their record would still be erased under the system, is that correct?

COMMISSIONER MARC PELKA: Mr. Chairman, no, there would be no way of knowing the current address of the person.

REP. REBIMBAS (70TH): And with the automatic system, who is checking to see whether or not that individual has a new arrest or offense?

COMMISSONER MARC PELKA: Mr. Chairman, the legislation is drawn not only apply to offenses, not to people or to cases or out of state. It simply applies to that offense.

That if the -- I guess so under the scenario that Mr. Chairman, I just heard, the person would be ineligible for the clean slate erasure if they experienced any other conviction in the state of Connecticut for nay misdemeanor or felony. That essentially resets the clock.

And so the kind of coding of the data would look at whether the person had a new conviction after the clean slate eligible one did and if it did it would reset the clock. I'm sorry, where I'm not answering that that's what, I hope that's helpful, Mr. Chairman.

REP. REBIMBAS (70TH): No, I believe you did answer it.

COMMISSIONER MARC PELKA: Okay.

REP. REBIMBAS (70TH): So in other words, so this automatic system would not only just say identify the offense and automatically erase it, it would actually also double check when the person was last arrested and what those offenses were?

COMMISSIONER MARC PELKA: Mr. Chairman, we selected convicted as opposed to arrest because the conviction is a resolution of the case and determination of guilt and sentence. So we selected

for conviction over arrest for that coding of the data.

REP. REBIMBAS (70TH): So my understanding then, you identified the actual offense that would qualify under this for erasure and then it would only look for convictions not if the person was arrested, is that your response?

COMMISSONER MARC PELKA: Mr. Chairman, that's correct.

REP. REBIMBAS (70TH): So the purpose of this is for those individuals who have essentially achieved a clean slate, which I guess everyone can have their own definition of that, but it would be an individual in my mind who would have been reformed and certainly not reoffended and received a conviction, but you're missing individuals who have been rearrested in pending cases.

COMMISSONER MARC PELKA: Mr. Chairman, that's correct. And I think there is a lack of uniformity around our state regarding arrests and rearrests and we felt that if we're going to create a -- suggest a policy to legislature, it should be one that excludes people based on a new conviction which was a conclusion of the case, not an arrest.

An arrest is one measures, it's a more sensitive measure by a long shot than a conviction and which is why we felt comfortable with conviction being the factor or cause of delay.

REP. REBIMBAS (70TH): And thank you for your response. I don't know if I would categorize it as a long shot when someone is arrested versus a conviction. Certainly everyone is innocent until

proven guilty but I don't know if I would ever say a long shot.

With that said, so with your premises of just looking at convictions, then are we looking only at convictions in the state of Connecticut or are we looking at convictions nationwide, worldwide? Where we are we seeking the information regarding any future convictions?

COMMISSONER MARC PELKA: Mr. Chairman, state of Connecticut.

REP. REBIMBAS (70TH): So an individual conceivably could have gone out of the state of Connecticut, been convicted of a crime, returned into the state of Connecticut or conceivably could have gone out of the state of Connecticut, convicted of a crime, but in those two scenarios they still get this clean slate automatic opportunity.

COMMISSONER MARC PELKA: Mr. Chairman, oh sorry, pardon me.

REP. REBIMBAS (70TH): These -- I want to give you an opportunity. I was, if you want to respond to the if --

COMMISSIONER MARC PELKA: Oh, yeah.

REP. REBIMBAS (70TH): -- especially if that's an error at all.

COMMISSONER MARC PELKA: I think that the conviction in Connecticut would be erased for, you know, the eligible offenses in here. If the person creates a criminal record for themselves and other states that would show up on their background check.

So if you are, you go over the border into Rhode Island and are convicted of a new crime, that crime would show up in a background check depending on the type of, that's conducted. And so I think we -- yeah. Pardon me.

REP. REBIMBAS (70TH): That would be assuming that every state enters and every conviction into a joint system that everyone shares which unfortunately based at least on my very narrow experience serving on this committee that doesn't happen. And we can't force states to implement and provide all of the information of convictions for out of state residents.

Those, it's very concerning for me. It's very concerning that we are not looking at individuals who actually at that moment in time have been rearrested. It's concerning to me that we don't have any way of confirming whether or not that individual truly has a conviction outside of the state of Connecticut, outside of the country for that matter. Those are concerning, the concerns to me.

I don't think we have also necessarily and have been able to identify all of the victim crime but I don't think we will be able to reach, you know, every single crime that will have a victim because many crimes have victims that we never even know of or identified. I think there was a good effort made and I applaud you into that regard.

So what are we left with? Are we left with never allowing these individuals to have again this opportunity? No, we are not going to do that. And we do have the Pardons and Parole Board. And we have heard a lot of testimony from individuals about

the challenges they have had with that Board, but at least many of the ones that have come before us, it really is a lot of technical things that they're having problems with.

Not necessarily -- technical things in the sense of maybe clarity, as to why they may have been denied so that they can address that appropriately. Technicalities such as just recently we had an individual testify before us, they had different names, so that needed to be cleared up.

That's, that makes complete sense why there might be a delay. Not purposely implemented but you need to make sure that the information you're being provided with is correct.

There was also the example that, you know, beyond the courts records, the probation records and some other department's records, all the offenses were different. People make mistakes. And that required clarity.

The court system makes mistakes even on the data entry. There has been mistakes on some of these automatic erasures in other states. And I know very often and we always hear here and we have heard it through the death penalty for example, that even one mistake is one mistake too many.

People have different levels as to where that mistake is acceptable and where it's not and there is some people that accept no mistakes whatsoever.

I think we could achieve the same thing. One of the things that I've continuously every time this proposal comes up, I say let's streamline the

Pardons and Parole Board process, maybe for these exact offenses.

When we talked about research and scholarly work, I have yet to see one piece of material that doesn't say that when the individual takes the step for something that there is an invested, I'm at a little loss for words, for redemption. So in other words, and I believe, you've done your time. You did everything you needed to and if you haven't offended, you should have this benefit.

But my concern is this automatic thing we are missing the ones who have been rearrested. We are missing the ones who may have been convicted in other states.

So why not just a simple form, an affidavit notarized by the individual simply saying yes, I'm, this person. Yes, these were my offenses. I have not been rearrested and to the best of my knowledge not being investigated because I'll get to that in a little bit. I haven't been rearrested in anywhere period, not only in the state of Connecticut but anywhere. And I don't have a new conviction. File that from. Done. Nothing else.

But now you've got an actual action by the individual asking for something. Based on all the research I see, when this person actually takes responsibility for oneself, hand up, not hand out, apologies, remorse, there is a certain value to that opposed to an automatic where we might be missing a whole class of individuals who are not individuals we would want not be considered for clean slate in that regard.

So this is where I struggle. Because in concept I truly believe in this and I don't necessarily think they need to go through everything that's required by the pardons and parole for these lesser offenses. I truly don't.

But the automatic-ness really makes me uncomfortable in that regard for all the errors, potential mistakes and the people we are just missing out, so we are give them an opportunity but we are making sure that what we are doing is responsible and in the public safety.

So that's just my personal opinion in that regard. Again I applaud the effort. I applaud the work in excluding some of these individuals because I do think that some proposal that we have seen, some proposals that we have seen, really shuts out the victim process. And that's unfortunate.

Because I even think truly those victims who are survivors, we might be shocked and it's not really actually let me take that back. It's not shocking. They're not just going to speak ill of someone just to do so.

Many have forgiven, many would want this -- and many of the individuals would want to know that they've bene forgiven. There is a certainly value to that process as well. I can't stress that enough.

I'm an attorney by trade. I see it. And I want to make sure that those that we want to help we help, and we actually help. And unfortunately I have seen and I have read the research in these other states, they are having issues and problems with these third party vendors.

The private firms that are doing background checks, that they're still coming up with all of their background information. So there still a challenge there as well.

But again, we can't correct everything but I just want to make sure that we don't miss the individuals who are not supposed to be intended and this automatic erasure aspect is dangerous.

Thank you very much for your testimony here today. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions or comments from the committee? Representative Fishbein for the second time.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. So we were talking about the exemptions and one of the exemptions also is a violation of 14-215 or 14-222. So 215 is driving with a suspend license. 222 is reckless driving. But you only exempt it if they're driving a commercial vehicle. So why?

COMMISSONER MARC PELKA: Mr. Chairman, this was an example of where the scope of the offenses included could have unintended consequences and we engaged the Department of Motor Vehicles which initially thought that we -- if the individual had a CDL at the time of committing the act, we would be violating the federal governments anti masking provisions.

And so as an additional safeguard, we excluded the CDL's because we don't want to put our highway funds at risk for this policy. The work went on though to work with federal partners and other states and DMV

now feels comfortable that that language is not needed.

That because of the offenses included, because of the waiting period, we would not violate the anti-masking provisions within the U.S. Department of Transportation.

So in my testimony on page six I indicate the bullet that that language could be removed through the JFS process. I'd like to and continue to engage our DMV partners as the ranking member was mentioning earlier, when you're coming to development of a policy for establishment of an automated process, you need to consider all of the kind of impacts and this was one, the level of detail I did not know I'd be encountering while working on the bill, sought to be responsible to the DDMV.

REP. FISHBEIN (90TH): Well, and I appreciate the answer however, the way its drafted is if I had a pickup truck with a commercial plate, that would be a commercial vehicle. So you did not tie commercial vehicle as defined under yada, yada.

It just says operating a commercial vehicle. Right. So that -- so as drafted, you know, two different pickup trucks, same bad crime, but because I've got a regular plate as opposed to a commercial plate, you would be treating them differently.

So now understanding your answer you would just take that whole clause, commercial and motor vehicle out.

COMMISSONER MARC PELKA: Mr. Chairman, yes.

REP. FISHBEIN (90TH): Okay. You mentioned in response to I think it was Representative Rebimbas's question about convictions from another state and

her concern about we had a Connecticut resident who had a class C misdemeanor. They let's say potentially are arrested, convicted in Massachusetts of trafficking cocaine, felony.

And she asked you how we would be able to tell that that had occurred and you said that they would be able to tell through the criminal background check. Is that, that's what you said.

COMMISSIONER MARC PELKA: Yes, but I believe I conditioned my response that based on top of criminal background check that was conducted they may or may not get that full information.

Each agency would be guided by their own policies regarding which background check they conduct and how far back they go and what other things are conducted so I believe I answered yes but with a condition based on which check was used.

REP. FISHBEIN (90TH): So who is they?

COMMISSIONER MARC PELKA: The, Mr. Chairman, the employer or anyone who wanted to --

REP. FISHBEIN (90TH): Okay. So I think in the answer to the question so that individuals record, Connecticut record would be erased even though they've been convicted of a felony in Massachusetts?

COMMISSIONER MARC PELKA: Mr. Chairman, yes, if that's the only charge on their record in the state of Connecticut is the offense included in the bill, that bill -- that charge would be erased.

If they had any charge, I'm sorry, charge attached to that case at the time or a subsequent one or a

previous one then that would have, you know, an effect.

REP. FISHBEIN (90TH): So let's tie that back to the language in lines 104 through 106 which sets up the seven year time period. It expressly says in a period of seven years has elapsed from the date on which such person's most recent conviction for a misdemeanor or felony offense was adjudicated.

So are you saying since the Connecticut offense was adjudicated based upon your answer because here, employing this language would mean if they're convicted of a felony in Massachusetts that the clock starts to run then? That's what this says.

COMMISSIONER MARC PELKA: Um-hum.

REP. FISHBEIN (90TH): So how are we to ascertain that? How are our departments, our agencies supposed to ascertain that?

COMMISSIONER MARC PELKA: Mr. Chairman, I think because I'm, I do have an eye towards how this would be implemented, I do not believe that our agencies implementing this would know about out of state convictions in order to process the automated erasure.

So I would want to talk to them and explore more but I, we would be, you know, happy to consider any language needed to clarify based on the limits of data they're able to get.

REP. FISHBEIN (90TH): Okay. Thank you. So if we adopt the theory of erasure, you know, good thing, all that stuff, why aren't all records erased? Why aren't all records erased and I'm especially drawing your attention to lines 182 through 195 which

exempts court records, transcripts, paper records.
Either it's gone or it's gone.

Why do we choose, I mean, I understand the financial aspect of implementing this is maybe cost prohibitive but I certainly, if we're going to go down this road and erase stuff, why would this other stuff still exist? What's the policy? Why would we do this?

COMMISSONER MARC PELKA: Mr. Chairman, it's actually, that's a Supreme Court case and we were drawing on existing statute. So under current law the following categories of information are not subject to erasure.

There are six that we thought of in our thinking and four are referenced in statute or other cases. So there are limits, even to Connecticut statute regarding the definition of erasure and court transcripts is one.

REP. FISHBEIN (90TH): So I guess what you're saying is none of this stuff can really be erased.

COMMISSIONER MARC PELKA: Um-hmm. Mr. Chairman, I, not completely and I think that's were trying to areas we have control over. If an article is written in a newspaper about someone's conviction, that would be a violation of the first amendment to go enforce that information to be taken down. If there is internet history, I'm not taking on Google as I said earlier, nor am I taking on the memories of individuals associated with that case.

What we have the ability to control is how electronic criminal records are managed in our state and so I recognize the inherent limits of erasure

but it's surely a major advance over the current system.

REP. FISHBEIN (90TH): And I'm dealing with practicality here with all due respect and I'm glad that you brought up the press or the internet because on an almost daily basis, you see somebody get arrested for something. Their name and their photograph is more than likely in the newspaper and on the internet.

When I woke up this morning I was innocent until proven guilty. But when I read or I see that my picture of my neighbor who got arrested for something and hasn't even been to court yet, that isn't even contemplated here.

We're leaping, you know, people get bad reputations over that, I mean, in my town a restaurateur was arrested for some serious thing and case still ends up, you know, pending but his picture was in the newspaper. I -- I'd like to see attention on that stuff, the innocent.

So talking about the innocent, we have the aspect of getting a criminal, copy of your criminal history. And I know the Board of Pardons and Paroles requires a copy of your criminal history, other applications require a copy of your criminal history.

And the state police charges \$75 to have that done with your finger prints. This bill contemplates waiving that fee and am I to understand that that waiver is for an application for the Board of Pardons and Paroles or is it for some other reason?

COMMISSONER MARC PELKA: Mr. Chairman, it would be the waiving -- it would give -- the legislation

gives the DESC (phonetic) commissioner the ability to waive the price of a criminal background check which is required by the Board of Pardons and Paroles for the application to be complete.

And the reason, a reason why that waiver is included in the bill is a recognition that the clean slate policy doesn't reach all people. And also, that there is a benefit to more people coming forward to apply for a pardon including those who may not be eligible for this provision. And we want to lower barriers and that's why the person has the ability to profess indigency and receive a waiver.

REP. FISHBEIN (90TH): So I'm used to this process through our courts. People, you know, have free open access to our courts and when they can't afford a filing fee or Marshall's fees or something like that, in fact, we restraining orders service I believe is paid for by the state. We allow people to claim indigency and get to waiver of fees.

But through the court process when those are denied because, you know, somebody is just above the federal threshold or some other reason, there is an adjudicative process for that individual to appeal that. And many times when I'm in court, you know, there is a hearing on those things.

What adjudicative process did you put in here in that situation where, you know, a person goes in, they say I just don't want to pay the fee, you know. I've got a \$500,000 house and, you know, I'm making \$50,000 a year, you know, which would fall outside indigency. The application is denied but they want to be heard. What happens?

COMMISSONER MARC PELKA: So, Mr. Chairman, the division for this waiver is to not set as high a bar as exists within the judicial system to give DESC the ability to create the form for the person to fill out to demonstrate indigency.

It does not contemplate an appeal process. It does account, however, in our Governor's budget proposal for \$100,000 impact which sets a wide expectation for the number of people who would avail themselves of this.

I think in your one we want to avoid DESC does not have its Middletown office the resources that judicial has for reviewing indigency requires. It's also a \$75 waiver that we are kind of imagining here.

And so we try to balance the desire to make the space on indigency but recognize there is not staffing contemplated for a thorough review or adjudicative process. So we thought a form would be adequate for the person to demonstrate indigency and it would be processed at the Middletown office of DESC.

REP. FISHBEIN (90TH): And what I'm hearing is that through attrition, it just becomes everybody gets a waiver. Because the, you know, the was these things happen is, you know, I'm here to get my criminal background check. Okay. Its \$75. Oh, really, come on, that's way too much.

Well, you can fill out this form claiming that you're indigent. That's what this process would evolve into. So why not just make them free for everyone for all purposes and limit it to like one a year.

Because that's another thing that's not contemplated in here. Arguably an applicant can file an application to the Board of Pardons and Paroles frequently or at least claim they're doing that because that's not a requirement that they show that they were actually doing that, all they have to do is claim that they are filing that application. Why not just open it up to everybody and stop the administrative snafu?

COMMISSONER MARC PELKA: Mr. Chairman, I, my colleague suggested that one option would be to include in the form that DESC receives that they would, we are signing under penalty of perjury and I think that's another kind of low lift way to add accountability to this measure.

The questions you're raising are sound ones and I think that you might be hearing testimony later regarding a desire to change the word from may to shall. And I have actually entertained a similar thought about making the first criminal background check for a pardon free.

I think there might be some disagreement still about what the right approach is. We have put ours forward in 5019, you're raising some valid concerns. I think we want -- and I think the discussion should continue to find the right fit.

I recognize that changing the language would have a budget impact on revenue and I haven't resolved that back at the office and I'd like to work through that with them and I'm open to any modifications that would make the policy more implementable and fairer.

REP. FISHBEIN (90TH): And quite frankly, on the current form for the court process, you sign it

under penalties of perjury and I had a case where I knew the person was lying and the court said I didn't have standing.

So I don't even know who would enforce that quite frankly. I mean, we put that on a lot of documents and a lot of people sign a lot of things.

The last thing I think I had was in line 250, the deputy warden being designated to serve as the director of reentry services. First of all it's permissive. Why would it be permissive? And second of all why is it necessary?

COMMISSIONER MARC PELKA: Mr. Chairman, during the end of last year before I started, a group from the Institute for Municipal and Regional Policy developed a series of recommendations for improving reentry in Connecticut and one of them was establishing a reentry director because there hasn't been one.

And Commissioner Cook in his first year created that position and hired a deputy warden who now serves as reentry director and is doing a really remarkable job and we wanted to codify in the bill that position to recognize, acknowledge that we have someone in that position and we would like that to be sustained over time. That's the reason why it's in there written as such.

REP. FISHBEIN (90TH): But then is it permissive? I mean, if you don't need it because it's already been done, it's already happened, so the language is not necessary, why you would make it permissive? That just doesn't, does not make any sense.

COMMISSONER MARC PELKA: Mr. Chairman, my best effort was to establish in our statute that this position exists, shall bring some budget and personnel and labor implications so we sought to strike a balance to acknowledge this crucial position now exists and adds great value.

I couldn't make the leap to shall but I'm happy to consider conversations about it but that's where we landed as we did.

REP. FISHBEIN (90TH): I'm hearing a back story in there. I don't think we need to go but, you know --

COMMISSIONER MARC PELKA: And, Mr. Chairman, Commissioner Cook, I at least was here earlier and he may be testifying and I'm, he can add a lot more specific detail on this point on within his agency but --

REP. FISHBEIN (90TH): I would be interested to hear. Thank you. Thank you, Mr. Chairman.

COMMISSIONER MARC PELKA: Thank you.

REP. STAFSTROM (129TH): Thank you. Any other, Representative Smith.

REP. SMITH (108TH): Thank you Mr. Chairman. Just to follow up on some of the questions on this. On the convictions from other states, why is it that we cannot have that as part of this bill where it is required that we do look to other states or other countries in fact if the information is out there, why can't we get it?

COMMISSONER MARC PELKA: Mr. Chairman, in working on the bill, with the technology system staff from each of the agencies, we had to do our best by the date

of submission of this bill to account for all of the exchange processes needed to share data. And I was thinking about the scope of data available and did not think that access would be currently available across state borders, state lines.

As part of the estimate for the budget impact for implementation, we asked the agencies to provide the cost to implement and we did not include tapping into other state or international systems. I'd be happy to have that conversation to see if it's feasible within technology system and what the cost would be and dig into the issue further. And in true candor, that's where we, that's the process we went through to submit the legislation.

REP. SMITH (108TH): Well, I appreciate that and I think it is worth looking into. I mean, you're asking for criminal records to be erased and you, yet you have potential conviction in another state for potentially something very, very serious that we would overlook based on the way the bill is drafted today.

So I get it, everything has a cost but with today's technology, I'm not sure that it would be that costly. I know for if we want to find out does somebody have conviction in another state, police simply and routinely would make a phone call to the other police department in that particular state to see what is going on over there.

So obviously we don't want people picking up the phone every time one of these applications come up but I would imagine there is a way to do this so yes, I would be interested in having that data and that cost. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions or comments from the committee? Senator Winfield.

SENATOR WINFIELD (10TH): Thank you. Good morning, I think. Yeah, we're still good morning. At first I want to thank you for engaging on both bills. I thank the Governor for his efforts.

I have a couple of questions. So the current process we have the pardons process. I know that and I can see Chairman Gall is right behind you, and I know he is going to speak later but if you could list speak a little bit to how that process works.

So you go through the effort, you fill out the application and then you're hoping to be interviewed at some point, is that correct?

COMMISSIONER MARC PELKA: Mr. Chairman, I will do my very best and I hope that the Chairman will give me a knock on the ears if I fall short but yes, everyone there are eligibility criteria listed in pamphlet and on the Board's website to establish the waiting period.

I think three years after your misdemeanor, five years after your felony you can't be incarcerated or on supervision. And you can't have any pending charges and you can prepare and submit an application.

That application is deemed complete, the Board will indicate as to whether you qualify for an expedited process, thereby requiring no in person hearing or if you're entitled or required to do the full process.

SENATOR WINFIELD (10TH): Do you -- I'm sorry.

COMMISSIONER MARC PELKA: Pardon me, sir. And the -
- just earlier this month, the Board has rolled out
an e-pardon system in an effort to move from paper
to online and so people will be able to complete
their pardon application on a smart phone, iPad,
computer, and beyond.

SENATOR WINFIELD (10TH): And if you meet the
requirements, you necessarily get a hearing?

COMMISSIONER MARC PELKA: Mr. Chairman, not always
I'm hearing.

SENATOR WINFIELD (10TH): So the answer is you do
not always get a hearing. Why do you get rejected
from a hearing?

COMMISSIONER MARC PELKA: I believe that the
application could be completed, I'm sorry, submitted
in a complete manner, but in the initial review that
the Board does, it could find factors that make you
ineligible for a hearing.

SENATOR WINFIELD (10TH): Could those factors be
simply the crime that you committed?

COMMISSIONER MARC PELKA: It could be one of the
criteria and there are others.

SENATOR WINFIELD (10TH): So you stated that the
problem with what we were doing was that it was
offense based and not case by case based. Wouldn't
case by case mean that you would have to take to the
person to figure out what's happening with them?

COMMISSIONER MARC PELKA: I, Mr. Chairman, I would
feel that they're an interview with the person may
not be part of the preliminary analysis or
investigation that the Board does but I know there a

host of other analysis that they do to make that decision and I don't know the full scope of it.

SENATOR WINFIELD (10TH): I appreciate that. Because I, as you know, have done a lot of work in this area before I ever showed up here and I know rejections happen simply because what is said to people before you get an interview is that the seriousness of their crime will be diminished by even getting the interview.

So beyond the fact that the Board of Pardons and Parole cannot handle all of the cases we are talking about, there are people who simply cannot get in the door. And so it's strange to me that we make a case that the fact that what we are talking about is the offense is that issue when the Board of Pardons and Parole looks at the offense itself sometimes to bar you from getting the interview that would tell the complete story of what's happened with you. Do you have a commentary on that?

COMMISSONER MARC PELKA: Mr. Chairman, I do have reaction to the compelling way in which you shared that but I don't have complete information on the work that the pardon does so I'm hesitant to share a view that would be ill -- uniformed.

SENATOR WINFIELD (10TH): That's fine. That's fine, I appreciate that. Onto the types of crimes that are contemplated under the bills. So you suggested that part of what's happening here is we are looking at a year at least of implementation to see how things work.

But you also suggested that doing what some people would like to see happen going further is difficult.

It's a hard lift and several other things, it's complicated.

And you seem to suggest that part of the problem you didn't want to go past the misdemeanors you were, you're suggesting under 5019 is because of a lot of factors including other parts of government. So I guess my question to that is, if that's true now what will change after the year to make that extended version of the bill more possible?

COMMISSONER MARC PELKA: Mr. Chairman, I think that there would be a more nuanced approach to include additional classes but no to, you know, but still some offenses would have to be excluded.

I think that every state that has enacted clean slate I have heard of looks back and looks for ways to broaden the scope of it in subsequent years which is why I explained the work on this and that manner.

I think with all shifts from where you have an individual doing something on a case by case to an automated there needs, you need to consider all the consequences and impacts and factors associated with that.

And indeed, for anyone, you know, embarking on higher level classes and offenses that's, that will be inevitable part of the discussion. I presented on behalf of the Governor 5019 and where we were the start of session. I don't think the conversation ends there this session or in future sessions. It's all about finding the sweet spot.

And I think this is a topic that's touched off a lot of discussion because criminal justice tensions always seem to revolve around discretion. And how

do we focus that discretion that's applied by our decision makers to achieve the best outcomes and the Board has done that already with the adoption for the expedited process.

Clean slate is one step further. I hope that those three tiers continue to work and be improved on over time and that's my goal here.

SENATOR WINFIELD (10TH): Thank you. And I appreciate the work the Board has done. As somebody who has been pushing to make that process what I would consider a better process I think it is a better process.

The other states that have done this, is there -- have their proposal been limited in the way that ours is?

COMMISSONER MARC PELKA: Mr. Chairman, I don't have, you know, thorough understanding of the criminal code or penal code and sentencing systems in those states but they do seem to involve misdemeanor classes.

A new wave of states are considering the inclusion of felony classes and bills that haven't passed yet. I don't know of state that has included a felony. Others could testify that I'm in the negative on, or I'm incorrect on that.

I was -- I think that we take a step in this bill to include offenses that once were felonies that those include the possession of controlled substance that prior to '15 were felonies, they're now misdemeanors. But I think that generally the clean slate bills that have been enacted include misdemeanors.

SENATOR WINFIELD (10TH): I appreciate that but I do know that for instance Pennsylvania included misdemeanors but to say it included misdemeanors I don't think tells the whole story, right.

They included all of the things that are their misdemeanors including those for which you can get five years in prison. That would be correct, right?

COMMISSONER MARC PELKA: I don't know if misdemeanor A's were included in Pennsylvania. They have a minimum and maximum term that's attached to a sentence, so the maxes could go up to that number.

A misdemeanor in Pennsylvania is different from Connecticut which is why I had a bit of hesitation speaking across state lines because they're, seems like they're quite different. But I don't know for sure if misdemeanor A's are included in Pennsylvania's bill. I thought it was just B, C and unclassifieds.

SENATOR WINFIELD (10TH): So did we look to the other states and trying to create ours?

COMMISSONER MARC PELKA: Mr. Chairman, yes. Yeah, I reviewed, I have the bills from Utah and Pennsylvania and I read New Jerseys and then California's. Looked at the classes.

SENATOR WINFIELD (10TH): And so you would say that the way that we do misdemeanors is on par with the other states then?

COMMISSONER MARC PELKA: Mr. Chairman, no. And that's why I hesitated to provide a clear connection across them because this -- it's hard to compare across sentencing systems.

SENATOR WINFIELD (10TH): I guess it's more of a philosophical question. So when you answered the question about impact you said the impact was at erasure is segregated. This goes back to the types of crimes that we're talking about potentially allowing to be affected by either of the bills.

When I think about impact, I think about experiences and I've never been side the criminal justice system but I think about experiences I have had and I guess what I'm going to ask you and probably many of the people who are involved today is about their understanding of these experiences. Because I think experience is important.

And I, never having been in a criminal justice system have experienced certain things in life. I've experienced the inability to pay my bills. I'm experienced the inability to have a security and housing and I know even without the other barriers of having a record what that does to a person.

And I also know that even sitting here right now, the impact it currently has on not only my worldview, but my sense of security.

And I guess in thinking about the types of crimes, I would ask two questions. How is that taken into account and have you actually experienced that yourself?

COMMISSONER MARC PELKA: Mr. Chairman, I have not been in the criminal justice system but I would hope that people would recognize that I own that. I have been on panels with you with the sentencing commission, where I acknowledged my being, not being a person of color. Not being justice impacted, but

being empathetic and listening with open ears and open heart.

I also worked with you, Mr. Chairman, on the Voices of Justice symposium and I expressed to you again that I learned from the input from justice impacted people and therefore supported that the focus of that today should be based on the voices of justice impacted people not on policy.

And I hope to -- that's been a big part of my education in this first year and what I want to grow on over time. And I would never suggest that I have any lived experience to inform my judgment but I do my best through the policy opportunities that I see in front of us to help the lives of people I care about which are the justice impacted people and others impacted by the criminal justice system.

I think that one reason where I have some insight, though not direct experience, is on the role the criminal records play. And I looked at Pennsylvania's statutes, it uses the word seal. Not erase. It created a, or used a definition that would seal the record from a background check in most circumstances but would that information would still be available to law enforcement, still available to FBI.

I really admire that 5019 despite areas of limitation that one might find in it uses the existing structure around erasure. That will provide consistency from background check through criminal justice agency.

It also has a shorter waiting period than Pennsylvania has so I feel like I tried and on behalf of the Governor to put forward a strong bill

and I know now the legislative process will take over and will guide where we go from here.

I hope that any disappointment that exists around the scope of the bill is offset by the fact that a bill was in front of the legislature on day one with funding attached to get the conversation started and I'm here through it all, through the remainder of it, sir, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. And I appreciate that. And I firmly believe that you are trying your best and we don't all have the same experiences and I'm just asking to get a fuller sense.

And I'm glad you brought up the issue of race which to this point in this hearing had not been brought up because I think it's part of the conversation and I know that on a lot of these criminal justice issues, the issue comes up and I know that some people don't like having that conversation or tired of that conversation coming up but I think it's policy that brings us to a place where we have to have that conversation because inside of our system race shows itself in a very clear way.

So I want to take a step back to get there to the report from 2012 you were talking about because I believe your referring to the Bloomstein Nakamura (phonetic) report which I have read actually several times so I want to ask you a couple of questions because I think impact sometimes is something we talk about but don't talk about in the way that you were talking about using scholarly sources to talk about it.

So that was an extensive piece of research which suggested some things I think are important to this conversation which have something to do with the way crime plays out both in our nation and in our state.

And so the report suggests that had we had clean slate policies in effect, we would have a 20 percent reduction in poverty which obviously has an impact on criminal justice.

And when they were talking about clean slate, they were talking about clean slate as it relates to both as you suggested, misdemeanors and felonies. Do you have a comment on that? Because that would have impacts here in the state as well on both the people who are seeking a clean slate but people who have never been in the system who might be the victims of crime.

COMMISSONER MARC PELKA: Mr. Chairman, the chart I have in front of me from that report includes three offenses, robbery, aggravated assault and burglary. And the modeling of the chart looked at the point that which the probability of rearrest crossed with the general populations probability of first arrest.

And if I'm reading it correctly, burglary is the shortest and then after that its aggravated assault followed by burglary. And I think, you know, I have gotten into the point of how a bill is drafted and with clean slate you have to look at the literally the section of the code that involves that offense.

What I have not talked about is the relative risk. The actuarial risk assessment that could be conducted or what the science of criminal justice indicates. I included I guess with the OPM report on recidivism and then with the Bloomstein report.

But I would note that the offense that you've been convicted of does not measure your risk of re-offense. It's one factor. It looks perhaps into the seriousness of the conviction or the type of conviction but not into the risk. That's a separate paradigm all together and therefore I admit the limitations of using offense to design it with clean slate, I saw no other way to do it because basing a policy on risk assessment or other factors would be problematic in my opinion.

SENATOR WINFIELD (10TH): and, I'm sorry, you were finished with that answer, correct?

COMMISSIONER MARC PELKA: Yes, sir.

SENATOR WINFIELD (10TH): I don't want to cut you off.

COMMISSIONER MARC PELKA: No, sir, I'm finished.

SENATOR WINFIELD (10TH): And if you read the Bloomstein report, it suggests that while that is a factor, given time, even that factor doesn't have impact anymore, correct?

COMMISSIONER MARC PELKA: Yes, sir.

SENATOR WINFIELD (10TH): So that if we design this system where we put the correct amount of time into the system, even that is gone in terms of something we should be looking at.

COMMISSIONER MARC PELKA: I think I, Mr. Chairman, I think I understand you and I think the answer is yes.

SENATOR WINFIELD (10TH): And in terms of the way that demographics show up in our criminal justice system, is there a difference in terms of the

disparities we see if we look at misdemeanors, some misdemeanors are misdemeanors and felonies in terms of the way race would show up.

COMMISSONER MARC PELKA: Mr. Chairman, we just for the classes of offenses that we have, we were able to acquire the percent of the charges that were -- that involved a person who was black or African American or Hispanic Latino.

So I do know the percent of those charges by race and I have compared those to state demographics. We are looking forward to a deeper dive now that the MLU has been completed with the Code for America to delve in more deeply into those records.

With what I have in front of me, I have our classes that are in the 5019 and I also have studies and statistics regarding disproportionate contact of black or Latino people in the criminal justice system through all phases. General awareness, I don't have the reports in front of me but I have a general awareness sitting here in front of me today.

SENATOR WINFIELD (10TH): And what would that suggest?

COMMISSONER MARC PELKA: Mr. Chairman, if there is disproportionate contact of minority communities with the criminal justice system.

SENATOR WINFIELD (10TH): Correct. But I guess my question is I was asking based on the types of offense, be it misdemeanors down, several misdemeanors like you're doing in 5019 or misdemeanors and felonies what does it suggest?

Is there a, if you do a bill that focuses on one part or the other, do we actually get to dealing with disproportionality?

COMMISSONER MARC PELKA: Mr. Chairman, based on the data I have, I am confident that the disparities exist according to charges for the classes within C and D misdemeanors.

I do not however, sitting here today have the ability to compare them to the other classes in our justice system. And I don't for the controlled substances.

That's a limitation what we have, it's a work in progress and I'd be hungry for more data to delve into that. That's a scope of what I have in front of you today, sir.

SENATOR WINFIELD (10TH): I appreciate that. And having been in this arena for a long time, I would tell you that in the past we have sent that as you go up, that disproportionality shows up more than at the bottom.

And I think that's important because disproportionate contact leads to disproportionate confinement.

I think I'm going to leave it there because I know we are at two hours now so thank you for your joining us today.

COMMISSONER MARC PELKA: Thank you, sir.

REP. STAFSTROM (129TH): Thank you. Thank you, Mr. Pelka. You do. All right. Senator McCrory.

SENATOR MCCRORY (2ND): I apologize, I'm coming to the game late. Chair of education, I haven't been

so much involved with judicial as much as I need to be.

And you've probably answered this question but I think I heard you say after three years for misdemeanor you have erasure is that correct? And five years for a felony?

COMMISSONER MARC PELKA: Mr. Chairman --

SENATOR MCCRORY (2ND): I'm not the chair, he's the chair. I'm just the --

COMMISSIONER MARC PELKA: Oh, no, I'm sorry, I didn't want to snub you directly, sir. Mr. Chairman, I think that's the -- I might have been the -- I was describing the pardons process. There is a seven year waiting period, Mr. Chairman, for the bill that I'm testifying on, on 5019. It's a seven year after your most recent felony or conviction.

SENATOR MCCRORY (2ND): So its seven years after your most recent conviction. Is that seven years after the arrest or seven years after a person finishes parole or, I mean, yeah, parole and all those other things?

COMMISSIONER MARC PELKA: Through you, Mr. Chairman, its seven years after the adjudication of the case. That's seven years after the case was adjudicated under 5019.

SENATOR MCCRORY (2ND): So a person could be convicted for let's say three years and seven years for probation. So the period doesn't start until 10 years after that, right?

So that it won't start -- so after 10 years you have to wait another three years if you're, if it

was a misdemeanor and another five years if it was a felony, is that correct?

COMMISSONER MARC PELKA: Mr. Chairman, the offense, the misdemeanors included in 5019 are a class D misdemeanor which is 30 days maximum jail and then three months for a class C.

And then for the controlled substance it's nine months, and so that was accounted for with the waiting period that the person will have completed their term for that conviction which is why the seven -- one reason why the waiting period was created.

SENATOR MCCRORY (2ND): I'm confused. You said if you're talking about -- if we are talking about controlled substance you said if the person has to wait 90 days after the time was complete if it's a controlled substance? Is that correct?

COMMISSIONER MARC PELKA: No. Mr. Chairman, it's the adjudication.

SENATOR MCCRORY (2ND): Go ahead, you can speak.

MS. ELEANOR MICHAEL: Hi, Eleanor Michael from OPM. Just to clarify so we have three different categories of offenses included in our --

SENATOR MCCRORY (2ND): Hold on one second.

REP. STAFSTROM (129TH): Probably a good time to remind everybody if you could check your cellphones, make sure they're silent and off. (Laughter)

SENATOR MCCRORY (2ND): Just turn it off.

REP. STAFSTROM (129TH): Okay. Let's try again.
Ms. Michaels.

MS. ELEANOR MICHAEL: Yes. So in Governor Lamont's proposal, 5019 we include three different categories of offenses. One is possession of controlled substances, one is class B and one is class D misdemeanors so those three different categories each contain different potential lengths of time that you could be given for that conviction.

However, the waiting period for the automated erasure process would be seven years from the date of adjudication. So we don't look at end of sentence to be the trigger point for the start of the waiting period, it's the date of adjudication.

So just to clarify you could still avail yourself of the pardons process, which is three years for misdemeanors and five years for felonies. If you are unable to receive a pardon in those timeframes for whatever reason, the automated process would kick in after the seven years period.

SENATOR MCCRORY (2ND): Okay. Okay. Okay. That makes a little, much more sense to me. The question in regards to I see a lot of mays and so on line 250 it says the commission may designate a deputy warden to -- why shouldn't it be shall? Why shouldn't that be shall? If we are going to --

REP. STAFSTROM (129TH): Senator, we have been down this line of questioning --

SENATOR MCCRORY (2ND): Talked about it.

REP. STAFSTROM (129TH): -- excessively already.

SENATOR MCCRORY (2ND): All right, cool. Last question then. It talks about jobs. Have we analyzed the number of job opportunities that a

person with a record cannot get when we are doing this?

The reason I'm asking because so many, so often we provide training opportunities for positions that pretty much they don't exist if you have a felony record.

Have you guys analyzed what that, so therefore I guess there is some more work we have to do, dive a little deeper and see if we can get some of these positions off the non-employable record.

Because the last time we had this conversation about six years ago there was only like 50 type of employment opportunities that a person with a felony can't receive. So has anyone thought about moving some of those employment opportunities off the non-workable list?

COMMISSONER MARC PELKA: Mr. Chairman, to the credit of the representative from New Haven and Hamden reporter that I learned this, that there are 558 collateral consequences or barriers to employment, occupational licensing or statutes. Those apply to any conviction.

Specific to misdemeanors its 115 collateral consequences. I don't know the felonies but off hand but that is the -- we know where those statutes are. We know if they're mandatory or discretionary, indefinite, or short term. And the aim for the clean slate is to erase records after a waiting period has been completed to avoid those barriers --

SENATOR MCCRORY (2ND): Okay.

COMMISSIONER MARC PELKA: -- to reentry.

SENATOR MCCRORY (2ND): Okay.

COMMISSIONER MARC PELKA: And I think my colleague might, Eleanor might want to --

MS. ELEANOR MICHAEL: I think it's worth mentioning as well that there is a provision of our bill we haven't spoken to yet about the Reentry Employment Advisory Committee which is a committee that's existed with DOC for past year and pairs individuals at the Department of Correction with employers in the community as well as others.

And it helps for the first time to have sort of a formal process for the Department of Corrections to better understand what the needs of employers in the community are.

That's something that they have always taken into consideration but this sort of formalizes that process and has been a great partnership. That's why we are looking to continue it going forward.

SENATOR MCCRORY (2ND): And because I came late I'm going to stop my questions because they probably already have been answered and I'll just do my homework before we look at this legislation. Thank you very much.

REP. STAFSTROM (129TH): Thank you, Senator. Further questions or comments? If not, thank you both for being with us. Appreciate it.

We have certainly exhausted the first hour for elected officials and state agencies heads so we are going to alternate between the two lists. But I do appreciate the OPM presentation and introduce some concept to us which I'm sure we will discuss at

length today. First on the public list is Greta Blanchard.

MS. GRETA BLANCHARD: Yes, thank you. Good morning. I appreciate the time to share an experience that I have had. Would like to talk about the S.B. 389, sentence modification in favor of eliminating the prosecuting attorney gatekeeper role and also the age at the time of crime be considered in sentence modification.

Once again, my name is Greta Blanchard. I became aware of Michael Spike, a now prisoner at Cheshire correctional institution. I became aware of him because I was an alternate juror in his trial. This is about 20, 21 years ago.

I was not part of the deliberation therefore. I was not called upon to give my thoughts and opinions because I was that alternate juror. He was incarcerated at the age of 16 and tried as an adult at 17 and he is presently 38 years old.

When I found out that he was convicted on three of four counts I was shocked. I called the court house to get his sentencing date and went to his sentencing and was deeply troubled when I learned the length of his sentence which was 50 years.

It was then that I decided to see if I could write him to encourage him. I have been writing ever since and my husband and I routinely visit him as well as keep in contact with his mother.

Michael has seen positive personal developments during his incarceration, having been a pretty angry young teen. However, he wouldn't wish being a teenager in a prison with older men on anyone.

He has changed. For instance, while in prison he got his GED, multiple certificates for skilled services and his certification as a personal trainer.

His initiative in developing mentor programs within the prison is highly impressive and effective. He meets with the TRU team at Cheshire as a mentor and he is presently enrolled in the Wesleyan associates degree program receiving excellent grades his first semester this past fall, now into his second.

This is to us extraordinary regarding someone who flunked seventh grade and was passed on to the next grade until eventually dropping out of school. Very different from my son, a year younger than Michael Spike who would have been stopped, spoken with, counseled, encouraged and guided.

Michal had no advocate or positive direction in his life at that time. He had no voice. He worked hard and is more self-aware as he strives to turn his life around.

He would be quite an asset to our community but as Senator Winfield said, can't get through the door when it comes to being heard, his case being heard.

A quote from him, one thing I will keep on doing is having faith and applying myself every day to be a better man. I hope he can do that outside of the criminal justice system.

REP. STAFSTROM (129TH): Thank you, ma'am, and thank you for highlighting Michael's story. I actually believe I've had a chance to meet him when I was at the TRU unit some time ago.

MS. GRETA BLANCHARD: Yes.

REP. STAFSTROM (129TH): Last I believe last year or the year before. So Senator Winfield.

SENATOR WINFIELD (10TH): Thank you, Mr. Chair. I just wanted to thank you both for being here today and for sitting down with me to talk about this story.

I think it's incredible that you have spent so much time when you did not really have to advocating on behalf of Michael. So again, thank you very much.

MS. GRETA BLANCHARD: Thank you.

REP. STAFSTROM (129TH): Further questions or comments from the committee? Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good morning, well, actually I think it's afternoon. Looking at the list, your here to testify on SB 389 --

MS. GRETA BLANCHARD: Yes.

REP. FISHBEIN (90TH): And I just --

MS. GRETA BLANCHARD: Yes.

REP. FISHBEIN (90TH): I'm looking at the list and it appears you're the only person who is going to testify on this so I just wanted to ask you --

MS. GRETA BLANCHARD: Too bad.

REP. FISHBEIN (90TH): -- why would this bill if it as to pass help Michael's situation?

MS. GRETA BLANCHARD: Because in attempts that have been made for sentence modification, if the prosecuting attorney was not present but his record

was present, if there was an independent ear, he would actually be heard or the case would be heard. It's not even being heard.

REP. FISHBEIN (90TH): So can you explain -- so a matter goes to trial, the judge imposes a sentence and then the procedure is that after a certain period of time of incarceration there is a possibility of sentence review.

MS. GRETA BLANCHARD: Right.

REP. FISHBEIN (90TH): So under the current system, and I don't want to -- if you don't know, please, I --

MS. GRETA BLANCHARD: Yah.

REP. FISHBEIN (90TH): -- understand you're a lay person and I'm just trying to get through this myself. Who makes that decision whether or not there is going to be a change in the sentence?

MS. GRETA BLANCHARD: Well, I would hope the judge would.

REP. FISHBEIN (90TH): Okay. So there is a judge involved.

MS. GRETA BLANCHARD: I believe so.

REP. FISHBEIN (90TH): So what would you have as a result of this bill? You would not have the prosecutor there representing the state, just the record, is that?

MS. GRETA BLANCHARD: That's right.

REP. FISHBEIN (90TH): Okay. Thank you.

MS. GRETA BLANCHARD: Yeah.

PUBLIC HEARING

REP. FISHBEIN (90TH): Thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you. Further questions or comments? Seeing none, thank you for being with us, ma'am.

MS. GRETA BLANCHARD: Thank you.

REP. STAFSTROM (129TH): Chief Public Defender Christine Rاپillo.

MS. CHRISTINE RAPILLO: Good afternoon members of the Judiciary Committee. I'm Christine Rاپillo, I'm the Chief Public Defender. I'm accompanied today by attorney Jennifer Bourn who is a supervising attorney in our appellate unit who will be available to answer questions on bill 402 regarding the disclosure of evidence.

We have submitted testimony on four bills today. I'm going to quickly run through the four of them. Raised bill 389 related to sentence review and sentence modification.

This is a proposal that's a consensus of the sentencing committee. It does two things. With regard to sentence reviews it eliminates the ability for somebody to get sentence review when there has been an agreed to plea with a cap sentence which is a situation where there is a maximum sentence set and the procedure and the defense attorney are able to argue to the judge for something that doesn't exceed that cap. Those are an agreed to plea.

People can currently get sentence review on that. This would remove that. Because in reality it doesn't -- the data showed that it wasn't happening

and that it was again an agreed to plea which wasn't something normally contemplated by sentence review.

With relation to sentence modification, what this does is it removes -- in general somebody needs to have a consent of a prosecutor in order to get into sentence review, sentence modification, I'm sorry, based on the amount of time.

So what this would do if it's more than a three year sentence that somebody has to serve in jail, they would be able to get, I'm sorry, I'm getting confused between review and modification.

They would be able to get sentence modification back into court without the consent of the prosecutor but still be involved with the prosecutor. So it expands the ability for somebody to get modification and limits in one situation, the limit for somebody to get sentence review.

Moving on to bill 402, relating to the disclosure of evidence. This changes law related to evidence production in criminal cases. We think that this is fair. It mandates that law enforcement provide the prosecutors not only with all the evidence they have but with an inventory of what they have turned over.

And it also requires that a defendant be notified of what the evidence is prior to them entering a plea. This mirrors something, I read the testimony from the states attorney's office where they're opposed to this because there is another proposal before the rules committee that Attorney Bourn another folks from our office have worked on with some of the judges and with the prosecutors. We also support that.

It's a policy decision whether that comes through the legislature or whether it goes through the rules process in the judiciary so we are here supporting this bill.

Again, our constitution requires that when people makes decisions in cases that they make knowing, intelligent and voluntary decisions. And it's our position that they need to be apprised of all the evidence against them prior to making the determination to enter a plea and we know that that doesn't happen in cases.

Evidence ends up -- often times people who are on trial don't know what all the evidence is. Things will pop up in the middle of trial that even a prosecutor wasn't area of so this would streamline that.

Relating to the two provisions on erasure of records, we are on the record with testimony supporting both of them. I mean, obviously something that goes farther and that would erase more records and make more opportunity for more people is something that would be preferred but we do believe that Governors bill is a good first step.

I will stop since I know that you have my written testimony in front of you and I'm happy to answer any questions on the four bills that we have submitted testimony on.

REP. STAFSTROM (129TH): That was an impressive summary in there minutes. So we appreciate it.

MS. CHRISTINE RAPILLO: It's not my first rodeo.

REP. STAFSTROM (129TH): I'm sure there's the -- (laughter) I'm sure there's question from the

committee for you to follow up. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. On 389, am I to understand that the process is that the same judge who issued the sentence does the sentence modification or is this a different judge?

MS. CHRISTINE RAPILLO: So for a sentence modification, the preference is that it would go back in front of the same judge. That sometimes doesn't happen because judges have retired or died or move to a different judicial district. But in general, the idea is that it would go back in front of the same judge.

REP. FISHBEIN (90TH): And statically how many if you know, how many times is that procedure successful?

MS. CHRISTINE RAPILLO: Not often. I don't have the exact data. I think we could probably get that by making requests to the judicial branch. But it's not granted terribly often.

REP. FISHBEIN (90TH): I'm just -- I met with one of the advocates, we talked about this and my question was why does this exist, you know. Especially if you have two incarcerated individuals, one is being reviewed by a judge that had nothing at all to do with the case.

You know part of a judge's job is to judge the credibility of the witness and that's an aspect that you can't glean from a transcript, you know. So I don't know that there is equal protection for both of those incarcerated individuals, that's a concern.

The other bill before, 402, my -- I like this, in fact, I think I cosponsored it. My only concern is confidential informants. So a prosecutor meets with the arrested person, says we know you were dealing drugs let's say.

The -- that information is gleaned through somebody wearing a wire. The only way that the defendant would know is know who, you know, wore the wire is getting that recording.

There is no exception in here for stuff like that. That is of concern to me because, you know, I wrote a note. This whole process it not a game, you know. It's due process and that kind of stuff.

But, you know, when somebody says they're going to plea to something lower because, you know, they did it or whatever, I don't know that reaching to that level is appropriate.

So I'd like to see something that balances that concern because I think that we may end up going down a wrong road here.

MS. CHRISTINE RAPILLO: So the mandate -- I'm going to let Attorney Bourn weigh in but the mandate is that it be, that evidence be turned over prior to the, a plea being entered.

So it doesn't address it specifically one way or the other. I don't think it says that it has to be a witness list. It says evidence. So the idea that there was a confidential informant, the defendant would know about that --

REP. FISHBEIN (90TH): No but if there is a recording, you know, somebody wore a wire and --

MS. CHRISTINE RAPILLO: Okay, the actual recording.

REP. FISHBEIN (90TH): -- there was a transaction, the only way the charge would know, you know, well this guy must have been wearing a wire, right. Ordinarily that might lead to a plea bargain without disclosure of that actual recording. Here it says shall provide the defendant with all available information --

MS. CHRISTINE RAPILLO: Okay.

REP. FISHBEIN (90TH): -- or material that would be discoverable prior to a trial. And arguably that's a question on whether or not that would be discoverable which is not addressed in the statute either.

MS. CHRISTINE RAPILLO: So the defendant would have the right to waive the ability to have -- under this language to waive that in order to take advantage of a negotiated plea agreement. So I think that is one protection and --

MS. JENNIFER BOURN: And I think that there are already --

REP. STAFSTROM (129TH): Just for the record, I just need you to identify yourself.

MS. JENNIFER BOURN: Oh, sorry.

REP. STAFSTROM (129TH): Your name and title.

MS. JENNIFER BOURN: Yes. Jennifer Bourn, supervisory assistant public defender. There are --

REP. STAFSTROM (129TH): And its Borne, B-o-r-n-e.

MS. JENNIFER BOURN: B-o-u-r-n.

PUBLIC HEARING

REP. STAFSTROM (129TH): B-o-u-r-n. Okay. Thank you.

MS. JENNIFER BOURN: Yes. You're welcome. There are already in existence rules governing protective orders for, you know, there are mechanisms available to prosecutors now when there's certain information where they can meet a certain standard to not disclose it.

And this wouldn't supersede any of those practice book rules or disallow a prosecutor from making an argument that in this particular case we shouldn't have to disclose X and we are not going to.

REP. FISHBEIN (90TH): But I'm looking at this procedurally. So ordinarily, you would file that motion to preclude just prior to trial. At some point prior to trial, right?

This is you've sat down, you're offering a plea deal, they're considering taking it. Before they take it, you've got to give them all of this stuff. You don't normally file a motion in that case. That would be totally, you know, a motion to preclude.

So now, you know, you've made the offer, the defendant says yeah, I'll think about that. I might do that. You know, let's get a new court date in two weeks or something like that.

Now, you'd have to file a motion to say, you know, I've made a deal, I've got this thing. I don't want to disclose it. There is notice to the defendant, I mean, that just -- I think it's counterintuitive. But anyway that's --

MS. CHRISTINE RAPILLO: I think what you may see is an increase in prosecutors asking for protective

orders relating to things like confidential informants so that could happen as a result of this.

But I also think as you go through the negotiating process for the plea, the idea would be there is going to be a waiver. So we are making this offer. When he makes the decision that he wants to take the offer, the requirement in the statute is that it has to happen prior to the plea. So I'm assuming that would happen the day of the plea.

And so you'd be aware that there was an informant and you would probably be -- you're at least aware of that as you're reading through what you get in a police report or in a warrant. You would know that the arrest was by confidential informant.

So there could be an agreement between the defense attorney and the prosecutor and the defendant that that would be waived.

REP. FISHBEIN (90TH): The smart guy, the smart criminal would never waive that. So it only protects the state here. So why, I don't know, you know, some would waive, most would not. But I understand. So thank you. Thank you Mr. Chairman.

REP. STAFSTROM (129TH): Thank you. Further questions? Representative Smith followed by Representative Porter.

REP. SMITH (108TH): Thank you, Mr. Chairman. And thank you for testifying. I have a few questions on the 403 bill. Would that, this process now alleviate the motion practice that's currently in place to get this information?

MS. CHRISTINE RAPILLO: On 402?

REP. SMITH (108TH): Yeah, 402, I'm sorry. I don't have it, I took my glasses off.

MS. CHRISTINE RAPILLO: Sorry.

REP. SMITH (108TH): I should have kept them on.

MS. CHRISTINE RAPILLO: There is a 403 and a 402 that we submitted testimony on.

REP. SMITH (108TH): 402.

MS. CHRISTINE RAPILLO: Go ahead.

MS. JENNIFER BOURN: I think that this would supplement the practice that is going on and improve the practice that's going on.

I wouldn't say that in most jurisdictions there currently is a formal motion to practice or discovery motion to practice which is part of the problem.

And so this would formalize things to make things uniform throughout the state or help achieve that goal anyway.

REP. SMITH (108TH): Okay. So I'm still not sure. So if this were to become law, and I'm representing a defendant in a criminal trial, in the past to get this evidence I would always file a motion for that evidence, you know, that you're talking about here.

If this becomes law, would that motion practice go away or would because it is now mandatory on the prosecution and turn this over to defense? And if so, at what point would that happen just before a plea, I see that but that's sometimes late in the game.

MS. JENNIFER BOURN: So the practice book rules would still be in existence and again, this statute wouldn't supersede all the practice book rules. It doesn't cover all the discovery rules.

And so the defense requests for discovery that's made under the practice book would still exist and in fact, the rules committee proposal on the rules committee side would still explicitly require that.

So there would be a defense request and the prosecutor would turn over what's required under that request.

MS. CHRISTINE RAPILLO: I think it would be better if it did require existing motions practiced to remain in effect. I mean, the idea is that people should be thinking about this, that the defense attorneys, the prosecutors, the police, this should be a planful process and it shouldn't kind of be left to chance of whatever happens to show up in the file.

So this idea that there was a formal request process and a requirement that evidence be looked for and be accounted for and be inventoried and be disclosed to the defendant as we move through the case and that they're making decisions in the case would be a good process.

REP. SMITH (108TH): Okay. Yeah, I'm just trying to make it work in the real world, you know. Sometimes we do things up here and it's a great idea but you go to court and it's an entirely different process.

So and I just noticed too in the last, in section D, you allow the defendant to waive this right. Which I can understand if defendant has counsel, he is

being advised of his or her rights to waive and they just want to move on, enter a plea, without seeing all the evidence, you know, it happens all the time.

But if the goal here is to make sure the defendant, excuse me, is actually aware of what the state has in terms of evidence then it kind of supersedes that goal in my mind. You want to comment not that?

MS. JENNIFER BOURN: I think the idea is that it's in nobody's interest to prevent cases from resolving. And there are cases that resolve very early on and I would be too early on to really expect that full discovery is going to happen and so there needs to be a mechanism that allows for that, that allows the parties to decide we are going to revolve the case anyway, even though we are not at that point where we have made full disclosure.

REP. SMITH (108TH): Okay. That makes sense because you see oftentimes versus second time and they'll just plead guilty to a, whatever charge it may be. But this talks about a felony offense, I believe.

MS. CHRISTINE RAPILLO: Right.

REP. SMITH (108TH): In that situation. Which typically is not the first or second time in where you would plea to a felony right away but maybe you see it differently? But anyway, just some thoughts to think about. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions or comments from the committee? Sorry, Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair, and thank you both for your testimony. I want to go back to S.B. 389 where you stated that the review was in

place but this bill actually repeals their right to have a census modification if there was a plea deal.

MS. CHRISTINE RAPILLO: That's correct.

REP. PORTER (94TH): Is it customary, I'm just, I'm trying to figure out who this would impact and why when you looked at it that it's actually not being done.

Is it not being done because the incarcerated or justice impacted person isn't aware that they can do this or is it that they're choosing not to do this, first question?

And then the first witness that we came up, Ms. Gretchen spoke about Michael and I'm just wondering under those kind of circumstances, is it the exception, the rule, how does it apply with plea bargaining?

Because I know many times, especially younger people and kids will plea because they simply want to go home. And it has nothing to do with guilt or innocence.

Many of them feel they've been coerced into making plea deals so it, I have some concern around how this is going to impact that population of people if we take away their right to actually have their sentence modified simply because they agree to a plea.

MS. CHRISTINE RAPILLO: So for the most part, sentence review is limited to individuals who went to trial. The only exception that currently exists would be for people who pled under a cap situation.

So that is when somebody did enter a willing and knowing, willing and voluntary plea and the idea was that you were going to argue for a range of a sentence, whatever the limit was.

Usually the limit is no incarceration at all and the top piece would be some period of incarceration. So the idea of this would -- it would, it would take away somebody, somebody who pled guilty under a cap, it would take away their ability to go in and get review.

It does not remove their ability to go and get a sentence modification which is more broadly open to anybody that was sentenced to a period of time that the changes to the sentence review actually give more people access to -- I'm sorry. I'm completely butchering review and modification.

But it actually gives more people access to sentence modification because now you need to get prosecutors permission to do it if you had a sentence of more than three years.

And now what this is saying is it would have to be an incarcerated portion. So if you got five years suspended after 18 months, under the old -- under the current law, you wouldn't be eligible to go to sentence modification without consent and this gives all those folks who have an actual committed portion of their sentence of three years or less, the ability to go back into court.

And you do have judges who will say to folks, you know, I don't like what I see today. I think you deserve some time today but if you go in and you do well, I'm open to you coming back and asking to have it modified.

So this would open that up to a broader range of people. As I said, this is a proposal that came out of the sentencing commission, at the sentencing commission as you know it's a broad base of criminal justice partners and professionals. Everything is done by consensus. So as things come out of the sentencing commission, there is often a balance in what is proposed.

My understanding and I actually had a conversation with Judge White who worked on this on Friday afternoon is there are -- nobody members anybody coming before sentence review on a cap ever being granted any relief because the idea was the judge made that determination, you had an opportunity to argue. So that's where that proposal came from, Representative.

REP. PORTER (94TH): Thank you. And through you, Mr. Chair, how many people would you estimate that this is going to impact if I goes forward?

MS. CHRISTINE RAPILLO: I don't know --

REP. PORTER (94TH): Just that piece of it, the plea.

MS. CHRISTINE RAPILLO: -- how many people there are that have applied, I don't know the total universe of folks that have applied for a review who came under a sentencing cap. I'm aware that it's small. I can get you that --

REP. PORTER (94TH): Thank you.

MS. CHRISTINE RAPILLO: -- because I believe we have, I believe we know that at the sentencing commission at one point.

But I can tell you and I don't have reason to, I mean, Judge White has been working on this for a long time that the idea was that it has never actually been granted to somebody that had come and appeared before the sentence review on something that was a cap where they pled willingly and had a right to argue.

REP. PORTER (129TH) All right.

MS. CHRISTINE RAPILLO: It was only granted to folks that have gone to trial and received a sentence that way.

REP. PORTER (94TH): Thank you. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you. And just on that point, Attorney Rapillo, I know I have heard particularly from private practitioners, private defense attorneys, that sometimes they feel obligated to file for the review in these instances because it is available and they're worried about a malpractice claim or some other blowback by not filing it even though they know there is virtually no chance, if not absolutely no chance of it being granted and, you know, you unfortunately maybe get somebody's hopes up for a petition that is never going to work.

MS. CHRISTINE RAPILLO: No, thank you for that.

REP. STAFSTROM (129TH): Have you experienced that?

MS. CHRISTINE RAPILLO: Because that actually was part of the conversation in the group that discussed this at the sentencing commission. You want to provide real opportunities for people, you know, particularly people who are incarcerated.

You don't want to give somebody false hope that something exists out there that's going to help them when in reality it is not. You want to focus on what is a real opportunity for somebody to go in whether it's before the Board of Pardons and Paroles, whether it's, you know, in front of, to go back in front of the judge that sentenced you, you want those opportunities to be real and I think the sense was that that opportunity wasn't real for anybody.

REP. STAFSTROM (129TH): Thank you. Representative Miller.

REP. MILLER (145TH): Thank you, Mr. Chair. Good afternoon.

MS. CHRISTINE RAPILLO: Good afternoon.

REP. MILLER (145TH): And I'm sorry that I missed the beginning of your testimony so you may have addressed this.

So what I have heard from individuals who have applied for modifications or want modifications is that it had to go through the prosecutor, correct?

MS. CHRISTINE RAPILLO: That's right.

REP. MILLER (145TH): And if the prosecutor, their particular prosecutor was no longer in a prosecutor, they had moved on to private practice and according to them, they were no longer eligible for the - to apply for the modification. Can you address that for me please?

MR. CHRISTINE RAPILLO: So I had not heard that. I, that sounds like a policy of the states attorney's office. That would surprise me. I mean, normally

what happens is somebody moves on it would be however the head of the office is would step in and make the decision.

So I have actually not heard that from any of the hundreds of lawyers that work for us that that's been a barrier for somebody. I mean, the barrier is getting a prosecutor to say yes.

And part of what 389 would do would allow more people, with shorter sentences and people with three years or less of actually time that you were ordered to serve, it would allow more of those folks to get in front of a judge and ask for the modification without needing to get the prosecutors consent.

REP. MILLER (145TH): Thank you very much. Thank you, Mr. Speaker.

REP. STAFSTROM (129TH): Thank you. Further questions or comments from the committee? Seeing none, thank you very much.

MS. CHRISTINE RAPILLO: Thank you.

REP. STAFSTROM (129TH): Representative Ritter.

REP. RITTER (1ST): Good afternoon, everybody --

REP. STAFSTROM (129TH): Mr. Majority Leader, your microphone.

REP. RITTER (1ST): What's the committee? How's this work again? (Laughter)

REP. STAFSTROM (129TH): Welcome back.

REP. RITTER (1ST): As I was saying, good afternoon everybody. And to the chairs, Senator Winfield, and Representative Stafstrom to the ranking members, Representative Rebimbas and Senator Kissel, I very

rarely testify as you just saw because I didn't put the microphone on.

This is my first bill that I will testify of this year. Generally just have a feeling that you guys are busy enough, you hear from a lot of folks but every once in a while there is an issue, there are many that are very important that I do want to just lend my full support on and encourage this committee to really do a deep dive and that is on the clean slate legislation that's before you.

I know there is a Governor's proposal. I know Senator Winfield had a bill, I believe it's Senate Bill 403 that has different parameters as well.

And I would list say that from the city of Hartford that I represent along with Senator McCrory, and I don't see anyone else from Hartford on this panel but I know there is other members, we hear about it a lot and it's a very, very critical issue this year.

And I would ask you to really consider two things that I see in the competing legislation. One is the number of years by which one has to wait before the automatic erasure and the other one is the crimes, the inclusiveness of the crimes and getting the automatic erasure.

The chairs have a hard enough job getting votes for things so I understand your job and the negotiations that will go on but this is a really good opportunity.

I think this kind of legislation has a lot of bipartisan support. There is an opportunity in the

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window here to do sort of, to do something really, really big.

And I would just encourage you, to remind you that every year that we make people wait longer for that erasure, the harder it is for them and every aspect of their lives. You have to balance that with the crimes that they commit and I understand that.

I'd also when you look at the crimes that are eligible e for this, I would ask you to consider that there are distinctions that need to be drawn that you'll have to do and I know what injury and harm to other persons is often been a category that we're very careful about and I certainly respect that.

But to the extent that these crimes were committed and others were not injured, particularly physically, I would really ask you to think about being as inclusive as possible about crimes that would be eligible for automatic erasure.

And again, I think I have seen seven years and I have seen five. I frankly would even think three could be possible in some cases but I would ask you to really consider. It will have a major impact on people's lives here in the state of Connecticut, not just folks from Hartford, but across the state.

And he barriers to education, to housing, to the ability to earn a sustainable living are real. And when individuals can't do that, it has an impact on our state budget in so many ways. I.e. us paying for services and being less tax revenue and income and sales that come in.

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So to me, again this is very rare that I do this but I did want to come here today in support the clean slate legislation and all the good work the committee is doing beyond that. Thank you very much.

REP. STAFSTROM (129TH): Thank you. Questions for the majority leader?

REP. RITTER (1ST): Oh, I got out of here.

REP. STAFSTROM (129TH): Representative Rebimbas.

REP. RITTER (1ST): Oh, no. Well, from Representative Rebimbas, that is welcome and I look forward to the question. So.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman, and thank you majority leader. I just wanted to say welcome back.

REP. RITTER (1ST): Thank you.

REP. REBIMBAS (70TH): Certainly, you know, it's always a pleasure to have you before us and when you served on this committee and I hold you in the highest respect in your new leadership role and certainly appreciate you taking the time to come in on this very important issue.

And I just wanted to lend our ability to work together and hopefully as you had said there's competing proposals here.

Two of the pieces of information that I was able to confirm here today that is concerning but I think could be addressed is with the automatic erasure that's being proposed, there's no way or there at least currently, they're not looking at whether or not the individual has been rearrested.

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And the other thing is whether or not the individual has been convicted in any other states or even anywhere in the world. So I just wanted to share that with you, that those are things that, you know, are concerning to many of us.

But I think and truly believe that we all believe in clean slates, second chance opportunity, plain and simple and I don't think that many of these offenses should have to go through the full process of the pardons and parole but hopefully, moving forward and obviously with your leadership hopefully we can continue to have those bipartisan conversations as to how we can all reach, hopefully a proposal in that regard. So thank you again just for taking the time to be here.

REP. RITTER (1ST): Thank you, Representative.

REP. STAFSTROM (129TH): Further questions? Senator Winfield.

SENATOR WINFIELD (10TH): Not a question, I just wanted to thank you for the effort of coming. You didn't have to, you don't show up for everything that we do so it says something about how important the issue is and also for your efforts to make an attempt to reach out even outside of the committee. It's truly appreciated. Thank you.

REP. RITTER (1ST): Thank you Mr. Chairman.

REP. STAFSTROM (129TH): Further questions or comments? If not I will obviously echo those remarks and give our thanks and appreciation for your hard work and being here with us today.

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Next up will be Chief Keith Mello. And Chief Fusaro, I see you signed up later. Are you guys going to buddy up? Excellent. Thank you.

And I, while they're getting settled, we will obviously offer that to other folks. I know sometimes people sign up, you know, based on hoping to get a higher lottery or the like so if there's folks who want to buddy up, you know, we may give you three and a half or four minutes instead of strictly three if you're willing to do that for us. We certainly appreciate you doing that. So, Chiefs, go ahead.

CHIEF KEITH MELLO: Good afternoon, I believe. Good afternoon, Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Rebimbas, and distinguished members of the Judiciary Committee. Thank you for the opportunity to speak to you, to all, to this committee this afternoon.

My name is Keith Mello. I'm the Chief of Police of the city of Milford and I am here to represent as the president of the Connecticut Police Chiefs Association which represents 108 municipal police chiefs in the state of Connecticut, representing nearly 9,000 municipal police officers. I'm joined here by my colleague, Chief Fusaro from Grattan.

CHIEF L.J. FUSARO: Good afternoon.

CHIEF KEITH MELLO: And we are here to speak to you today about House Bill 5019, AN ACT CONCERNING FAIR FUTURE FOLLOWING ERASURE OF CRIMINAL RECORDS.

The Connecticut Police Chiefs Association as many of the speakers here today recognizes that there are likely barriers to gaining useful, gainful

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employment or housing opportunities or other opportunities for that matter for those who have been convicted of a crime in the state of Connecticut.

Its -- and we understand that and appreciate that. It's important as we all know to just remember that the goal of law enforcement is to keep our community safe and that is to keep everyone who lives, visits and works in our communities safe.

And we know that prevention is the best way to do that and the most effective way to do that. With that in mind, we also understand that those who have, who are unable to take advantage of employment opportunities and housing opportunities as well as other opportunities may be geared towards committing crimes in our state.

And we also understand that having a criminal record may contribute to that disposition to commit crimes. So as we speak to you today, we speak with that goal in mind.

So we offer our experiences based in large part from our many years in law enforcement as well as our strong desire and passion to keep people safe. So while we appreciate the goal of providing relief to those that have been convicted of crimes in our state, we also caution the committee and the legislature on going too far.

For every story that you'll hear or that you're aware of, of those that have been convicted of a crime, even very serious crimes, and those that would never offend again, there are as many, maybe more stories, of those that will continue to offend.

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I know were a looking at convictions and I understand the rationale behind that, but we in law enforcement also know that many that have been convicted and will offend will not be convicted and may not even be arrested. But nonetheless, will continue to offend.

Having said that, the Connecticut Police Chiefs Association supports House Bill 5019 as it is written today which provides relief to those after seven years that have committed class C and class D misdemeanors as well as certain narcotics possession offenses with the appropriate carve outs that are listed in the bill.

For those that have committed more serious crimes, those stories and there are many of them, some of them I'm sure in this room today, that would never offend again and are adversely impacted by having the criminal conviction. We support a robust pardons process.

We know that many of these crimes are complex and we know that the pardons system is burdensome and complex as well. But we believe that for the most serious crimes it requires a much thorough, much deeper examination as to the underlying crimes. And automatic erasure can't do that but the pardons process can.

We also know as many of you know that many of the convictions are not the original charge. That many of the cases, most of the cases that come before the court are the result of plea bargaining. The convictions are the results of plea bargains.

And while I know we are here looking at the overall conviction, we also have to examine the details of

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that case. What was the underlying charge? What were the circumstances? What caused that person to make that discussion to either take a life or to commit a sexual assault or to prey on the elderly or to prey on children.

And those are important factors and then we also need to examine what's happened since that conviction, what's happened in that person's life over those last seven years. And we think the pardons process is the most suitable place to do that and we would support any enhancement of that process.

A few areas I'd also just like to comment on. We prefer to see the term erasure which has been defined in Connecticut as opposed to the destruction of records. We think that erasure accomplished the goal, the removing it from the public record.

We currently have erasures that are caused for not guilty, and not guilty findings and nolle after 13 months and dismissals. And that does not require the actual physical destruction of the records because from the local police department perspective, that's very difficult. It's time consuming and very expensive.

I'm not even sure that it can be done through its entirety because those records, especially in the digital world exist in so many places.

The sealing of records, the segregating of records and making those unavailable to public are the best way to accomplish that under the current definition of erasure.

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We also have a concern that the disorderly conduct which is a class C misdemeanor we would prefer to see a carve out that does not include any disorderly conduct that has an association with a protective order. We wouldn't want to see the protective order be rendered invalid.

And then the final concern is for law enforcement officers. While we support this bill and prefer not to see an expansion of the crimes that are included in 5019, if that becomes the case, we think that requires closer examination as to how does that impact law enforcement hiring.

As you may or may not know the statute, the regulations prohibit anyone that's convicted of a felony or a class A or class B misdemeanor from becoming a police officer. And we believe for good reason.

I think it's important that when we are hiring police officers that we're aware of their entire history, allowing the individual agency to make a determination as to whether or not they're suitable. Its and we think that that's an important -- that can be lost if we provide for automatic disclosure.

These are men and women that swear to an oath and we give them a badge and a gun and we allow them to deprive people of their liberty in certain circumstances and use force in certain circumstance and we have to hold them to the highest standard so we wouldn't want to see any of those crimes excluded from the background phase of an investigation for a law enforcement employee.

And then finally, the issue of pistol permits needs to be closely examined. I would allow my colleague

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to comment on that further if you have any questions.

We think it's important that all of those offenses continue to be available to any consideration, any deliberation for a pistol, in a pistol permit application.

REP. STAFSTROM (129TH): Chief, let me ask you on and then, Chief Fusaro, I'm going to give you an opportunity in just a second.

But before we move on, let me just ask Chief Mello, you were here earlier when I had the discussion with Undersecretary Pelka about some of the studies and the academic research here about there is a, it's been fairly well documentable within Connecticut and elsewhere that there is a period of time that goes by and we could probably debate whether that's, three, five, seven years, whatever, that someone is just, no matter what the crime is, that somebody is no more likely to reoffend than to offend for the very first time. Do you have reason to doubt that academic study or literature on that?

CHIEF KEITH MELLO: I don't but I haven't seen the study that you, I heard you refer to it earlier and I haven't read the study.

REP. STAFSTROM (129TH): Okay.

CHIEF KEITH MELLO: And I would only ask is that study based upon convictions or is it based upon a deeper dive to determine whether or not that person is likely still offending?

REP. STAFSTROM (129TH): Well, I don't know but I guess I get a little squeamish when we start talking about somebody who was charged for something and not

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convicted of it. You know, it is a bed rock principle of American law that you are innocent until proven guilty.

That just because you were charged with something or worse, just because the police or the states attorney overcharged you with a case, right, I mean, we see it constantly, you know, take breaking into a house with a firearm which is a higher level offense than just breaking and entering.

Well, if you can't prove that if you originally charged the person from breaking into the house with a firearm, and you can't prove that they actually had the fire arm on them, it's not breaking into the house with a fire arm. It's the lesser offense of which they actually plead to or are convicted of.

And so I think we need to be very careful in this conversation when we talk about sort of what was initially charged versus what was actually proven or pled to because that's somebody offense.

That's their conviction is after they have had their day in court, and they've been given an opportunity to present their side of the case, because a charge is just a charge. That's one side's perspective. That's the state or the police or the prosecutions side, without hearing what evidence the defense may present.

So I guess on that literature, I don't necessarily see the distinction between whether it was a, what was -- whether it was originally charged or what was convicted of because of the way our system of laws is set up. Do you see it differently than that?

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CHIEF KEITH MELLO: Somewhat. Not entirely. I certainly understand the premise of our system and support that. For 38 years I have devoted my life to protection people's constitutional rights so I can appreciate that.

But we have also spent a number of years dealing with victims, the victims of crime, serious crimes where people haven't been arrested, where we're chasing the same people on multiple occasions across regionally, within our own communities.

And we think about the victims because while we're all trying to do something important here, and we come here as partners to support that, I also think it's important that victims in every community are still being -- well, they're being victimized. And they're being victimized by people that haven't been arrested. And some of those people continue to offend.

So while I understand the basic principle and I certainly support that, I also think it's important, I think that's why the pardon process plays such a valid role because they can dissect that and they can make a determination when they start to look at the behaviors and the life of that person from that conviction on the point of that potential erasure or the parents for relief on the part of the pardons process, to look at that and look at those police reports. And then decide whatever that body is, that this is somebody who likely has offended or we have concerns because I do think that the, we have to err towards the side of a victim and I think that's important.

And I also think this, sir, when we sat down as a Chiefs of Police Association to deliberate this, not

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every police chief supports this. Not every police officer supports this. But we made a conscious decision to partner of this.

We weren't involved in the crafting of this law and we sat down and we said, you know, this is meaningful stuff, this is imprint stuff and this impacts all communities, some communities more than other.

So what can we do to impact that on balance? But I couldn't help thinking about victims and potential victims because those that are victims of crime or have the fear of crime which studies have shown that can be just as worse in terms of people's quality of life.

And I thought about this. For those of us that have children, that have grandchildren, and if we think about it that way, I want to know who is taking care of my kids. I want to know who is teaching my kids. I want to know who is coaching my kids or my grandchildren.

I'm less concerned above the hiring of someone because you hired someone in a business and you were concerned that that person maybe had committed a crime. But I think when it comes to predatory behavior of the most vulnerable, the young, the elderly, those that will invade your homes and commit robberies and sexual assaults and I think that that is important to know and I think that that has to play a part.

I mean, it may not play a part in the study because of the foundation that you described, but I think a pardons process can look into that and it does that deep dive.

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You know, I have actually participated and written letter of recommendation for somebody for the pardons process because I really believe in this person. And I know that this person, if you looked at their record, you would say no, they don't qualify but I know this person. I think a pardons process can do that and I think that deeper dive is important.

So I agree with that, what you're saying but I do have my questions based upon my experience of dealing with victims over 38 years.

REP. STAFSTROM (129TH): And that's fair and I think, you know, I certainly, certainly appreciate you guys being here. I appreciate you lending your voice on this. I appreciate the Police Chiefs Association engaging in this conversation because it is a conversation that we need multiple, multiple voices at the table for.

I think, you know, what we struggle day in and day out with in this committee probably more so than anything else or should, is making sure the scales of justice are equal, right.

And, you know, if you weight something too far in favor of the victim versus too far in favor the prosecution versus too far in favor of the defendant, you know, the entire system is off balance.

And so what we ae struggling to do is try to figure out where is that equilibrium point so that everybody has a fair shake in that court proceeding and in that court trial.

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And I guess I just start what that presumption of innocence and that if you haven't been convicted of something, if you haven't pled to it, you're not guilty of that offense and that offense should -- that offense shouldn't haunt you, let alone then we go on to the conversation of what you have pled to or what offenses you have had. Senator Winfield.

SENATOR WINFIELD (10TH): Thank you, Mr. Chair, good afternoon, Chief. So as I listen to people oftentimes my mind will go a certain place and that's based on how I come to the conversation so I just want to get clarity on some of the things you said.

You were talking about people who haven't been arrested and you said that something to the effect of them being likely to offend again should have an impact on what we're doing here.

How would you know, I mean, other than some kind of a risk assessment but how would you know what actually is going on other than they get rearrested or convicted or something like that?

What does the Board of Pardons and Parole have on that person who hasn't had a further rearrest or interaction with the criminal justice system? What do they know about that?

CHIEF KEITH MELLO: Mr. Chairman, I would leave that to the pardons process but I'm referring to those that have contact with the criminal justice system that have either been arrested or that are currently suspects in some sort of crime that maybe were involved in out of state behaviors.

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I mean, there are, I don't want to be dramatic but there are many instances that we could talk about here today of those that were involved in the large scale criminal enterprises, those involving crimes of violence that had never been arrested but every federal state, and local agencies knew that they were. That would be valuable information.

And I think where those situations exist, I think the pardons process can look at that and I think that should be part of the risk assessment. But it would clearly be up to the parson process.

What I'm saying is I think beyond 5019, that there needs it be a deeper examination to the complexity of that persons behavior, of that underlying crime, and I'm not saying that we shouldn't provide that relief. I'd like to see more of that relief but I think there needs to be closer examinations.

SENATOR WINFIELD (10TH): So just so I'm clear, so you're suggesting that we should have a system that looks at these individuals and if you happen to have an investigation which isn't complete and the person hasn't been arrested, there needs to be the opportunity to turn that information over to the Board of Pardons and Parole?

CHIEF KEITH MELLO: I think the Board of Pardons and Parole should have access to that information and evaluate it based upon the merits of the investigation or the contacts, whether that mean victims statement sand so forth.

SENATOR WINFIELD (10TH): And I don't know if you know the answer to this but an ongoing investigation, how would the Board of Pardons and Parole know the merits of the investigation?

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CHIEF KEITH MELLO: Mr. Chairman, they may not. If that information is public information they can access that through a criminal history check or through a local records check.

The same way when we conducted an investigation, if you hire an employee, one of the first things you are going to do is for us we access the internet. We look at social media because nothing goes away and as we talked here today, this is never going way. Everything is on social media, we put everything on there.

And then access local records checks is one of the first thing that we do is we go to where you live and then we look at that and determine what type of behaviors and we evaluate it based upon that and say do we think there is any merit to this at all?

SENATOR WINFIELD (10TH): Okay. I guess I'll, maybe I'm going to repeat myself, I'm not sure, you tell me if you feel like I asked this question.

But I'm just trying to understand, because you said that the Board of Pardons and Parole could evaluate that situation, with that situation being the investigation and I'm still not clear how they would have the capacity to do that.

CHIEF KEITH MELLO: Mr. Chairman, I don't know if they would have the capacity but I'm saying that I believe that because of the complexity of some of these underlying charges and because that it's not safe to assume that this person is not still involved in criminal behavior, I think that the best way to do that, our best process would be the pardons process.

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SENATOR WINFIELD (10TH): Okay. Thank you.

CHIEF KEITH MELLO: I don't know what information they would have available other than what's public.

REP. STAFSTROM (129TH): Further questions or comments? Oh, Chief Fusaro, did you -- I think you had something you wanted to add, particularly on the hand gun piece.

CHIEF L. J. FUSARO: Thank you, Mr. Chair. No, I think that my colleague, Chief Mello, has pretty well outlined this but we are just encouraging a cautious approach. We are not opposed to this in its current state.

As he articulated there are certainly other crimes that I think would need a more detailed examination before a person's record was erased.

We do utilize this information as he indicated, not only for police backgrounds but when we are assessing suitability for a temporary pistol permit, we do evaluate some of this information.

There are still some prohibitors on the federal level that may be a little bit different than what's covered under this law that we need to consider as well.

But I think that ultimately we do understand this. We do understand that this is a bill that's aimed in the right direction. We concur with that but we just want it to be a cautious approach and a very deliberate one and not to go beyond some of those violations that have occurred and those convictions that have occurred over the years.

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Because as you pointed out earlier, we are looking at convictions. We are not looking at things that may happen, none of us can get in anybody's mind. But we are looking at actions that did take place that results in a conviction for a crime.

And we need, there needs to be some, you know, recognition there is accountability there that after a certain amount of time, certainly people can rehabilitate themselves but we also recognize in our line of work there is a lot of recidivism.

And we don't want to ignore that, we want to consider that but also, you know, appreciate the fact that individuals and society that have paid their debt to society want to move on with their lives. We just don't want to see complete destruction of records in many of these cases.

REP. STAFSTROM (129TH): And I guess just on that point when you say sort of a cautious approach or I guess, you know, limited expansion beyond what's in 5019, you know, I had pointed out the example earlier today that, you know, you've got some class B and even class A felonies that are very similar to some of the offense that are class C.

So, you know, I mean, it seems to me that, you know for example right now under the proposed bill, a larceny six would be eligible for erasure but a larceny five would not. So if I stole \$499 I can get an automatic erasure. If I stole \$501 I don't.

I assume if we start talking about some of those type of offenses which I suspect we will as we move forward here that you don't have an outright opposition to certain B or A misdemeanors or other kind of similar types of, those types of crimes that

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are related to what's under the class C and D types under this bill.

CHIEF KEITH MELLO: Mr. Chairman, now we, excuse me, Representative Stafstrom, no, we certainly understand that and especially in the area of non-violent crimes.

REP. STAFSTROM (129TH): Okay. Further questions or comments from the committee? Representative -- no, I know, I've got three people looking at me at the same time, I was trying to figure out who to go to. Representative Horn first followed by Representative Fishbein.

REP. HORN (64TH): Thank you, Mr. Chair. And I'm not confused, I know you know who I am. And so thank you for being here.

I think this is, these are hard issues and obviously we are wrestling with where to draw the line on issues that I think are, it's clear from, you know question from all of us are important to all of us.

And I think public safety in particular is a useful lens to look at this. And having had a background as a prosecutor, I really value your being here to testify on that.

I wanted to ask about, you know, this balance between, you know, an automatic process that just looks at data and takes an action automatically and the sort of pardons and paroles process which is cumbersome but as you suggested, can be a deep dive into, you know, the various, you know, aspects of somebody record.

And my concern is this, that as humans, we all think that that deep dive is better. That we, and there

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have been studies recently about judges in particular, that judges who want to have, you know, face to face interaction with somebody and want to be able to look at all the material because I think, we think that's going to mean we get to a better decision and we are better predictors of human behavior.

There's some studies recently that suggest that that's not true, that actually we are very bad at that. And things like, you know, take an arrest record, we all know that, you know, depending on what neighborhood you live in, that's a huge impact on your interaction with the criminal justice system. And so that's a very different thing for one person than it is with somebody else.

And that sometimes and maybe in this state, this circumstance, you know, an algorithm or an automatic thing might actually be better than importing a lot of human emotion and a lot of, you know, our assumption that we are good at analyzing these things. And I wondered whether you had seen any of that data to reflected on that at all?

CHIEF KEITH MELLO: I actually don't have an opinion as to whether or not an automatic erasure or is any more effective than an examination by a human being.

I don't have any -- it's my belief, it's my opinion that a closer examination would be more appropriate in certain circumstances than an automatic erasure but I don't have any opinion to support that. I have just my opinion to support that. But I will take your word for it and it's an interesting concept.

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CHIEF L. J. FUSARO: I would, I'd concur but I obviously an individual, you're able to interact with someone, you might get a better feeling for them and I know that many of the times -- we are in the position where we deal with people that commit crimes and we see the, you know, the first hand effects of those crimes that impact on the victim, the actions that put someone in our purview right.

So I think that going forward, we might have a little bit of a different take on it. Particularly from the law enforcement standpoint because we are seeing in many case some of the same people over and over again committing crimes.

I don't, I haven't seen the study that you're referring to. I just know from my own personal experience how, you know, we deal with individuals that are constantly coming to our attention.

REP. HORN (64TH): Well, I thank you for that and I, you know, in my own, given my own background, I came to this thinking, you know, I'm -- I spent a lot of time interviewing people and assessing their credibility and I honestly think I'm pretty good at it.

And so but that means that I take this data very seriously because it suggests that I'm not as good at it as we think -- as I think I am. And there is all kind of biases in our own assessments of how we are doing that which we emphasize, we like to, you know, it's like picking stocks which nobody wants to be doing today, but we all remember the times we got it right. And we all forget the times we got it wrong.

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Which is why I just want to be very careful of that bias towards assuming that we as humans think we are going to make a better call than a system that looks at the data and says and I, you know, this group of people has a very low likelihood of recidivating so we are going to make a call. So hard issue and I thank you for being here today. I just wanted to introduce that complexity.

SENATOR WINFIELD (10TH): Thank you, Representative. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon, Chiefs. So, Chief Mello, you stated that you're supportive of this language as drafted but then you sort of said in your testimony that you wanted to be able to utilize the past history of these individuals for lets says employing a police officer. Did I hear that incorrectly or is that the intent?

CHIEF KEITH MELLO: Sir, I'm referring to any expansion than what's already here, what's written in 5019 as it will interfere with the regulations regarding the hiring of a police offer and that is those that have been convicted of a felony or a class A or B misdemeanor.

REP. FISHBEIN (90TH): Okay.

CHIEF KEITH MELLO: It's only in regards to any expansion beyond what is already in here.

REP. FISHBEIN (90TH): Currently when somebody applies at your department let's say and they have let's say they have four disorderlies. Do you ask them about those instances?

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CHIEF KEITH MELLO: Yes, we do. Sir, we ask them about every offense that they have and every traffic ticket. We actually go to that agency and look at those individual reports.

We want to make sure that that disorderly conduct wasn't a result of some sort of protective order situation or a domestic violence situation. And then it's up to the individual agency to evaluate whether that person is suitable because a disorderly right now is not a disqualifier.

REP. FISHBEIN (90TH): Yes, but if this law was to pass and let's assume it's not a domestic violence crime, it's between neighbors, disorderly. They get into a brawl, back yard, both get arrested for assault and they plead guilty to disorderlies let just say.

It's -- you would be sportive of not knowing that when you interviewed that potential officer because it's been erased?

CHIEF KEITH MELLO: Sir, what I had referred to about the erasure is the erasure is as defined here in Connecticut has been the sealing of records, not the destruction of a record. So they're still that is, there is still access to that record.

And also having said that, that likely is going show up somewhere on social media so we are going to be aware of that and candidates are usually pretty forthcoming, especially if it's a minor offense because that may or may not result in disqualification and in many cases it may not.

REP. FISHBEIN (90TH): So me being not in law enforcement, hiring somebody in my office who is

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going to be, you know, interviewing, you know, women who have been the victim of domestic violence, why wouldn't I want to know that?

I don't have access to those records that you potentially do. Why would that be of benefit to me and to the general hiring public if you're supportive of this language as drafted which was your testimony.

CHIEF KEITH MELLO: Sir, I don't know if it would be. It would be of interest to us because of the sensitivity uniqueness of our work. These are minor offenses. It's important to remember that there, in this state if you receive a dismissal or a nolle after 13 months, you're deemed to have never been arrested. That record is sealed, that record is erased and you can state that you've never been arrested. I don't think that this would be any different than that.

REP. FISHBEIN (90TH): I think our --

CHIEF KEITH MELLO: If that's the question.

REP. FISHBEIN (90TH): I think you -- you were talking about people being around your kids and, you know, little league coach and that kind of stuff. These records would not be available for somebody who was being, getting a background check to be a little league coach for instance?

CHIEF KEITH MELLO: No, they would not and as we made this decision to support this bill, we looked at what class C and D misdemeanors are and those are minor offenses.

We didn't feel that there was nothing in there that we felt with the exception of a disorderly conduct

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that had, that was associated with the protective order we didn't feel that we felt those were minor in nature.

REP. FISHBEIN (90TH): Right. But currently as drafted, the one that you just, the disorderly with a protective order would be erased, correct?

CHIEF KEITH MELLO: We are asking that it not be included. I don't, I wasn't involved in the crafting of the law of the bill. I would hope that there would be an exclusion to that so it didn't invalidate the protective order.

REP. FISHBEIN (90TH): Well, I think the only that's excluded is if it's a domestic violence crime. So the disorderly between neighbors sometime has a criminal protective order.

So as drafted, I think that would go away but what about harassment in the second? Isn't that potentially a similar crime? That's also a class C misdemeanor.

CHIEF KEITH MELLO: Yes, it is.

REP. FISHBEIN (90TH): No level of concern with regard to that?

CHIEF KEITH MELLO: I think when we look on balance, working that the charge and the type of incident involving harassment in the second degree, we can look at this one way and say that every crime has potential impact and that we don't consider something like this but I think on balance as we looked at it, we looked at those offenses, we spoke to the prosecutor and the chief states attorney's office to determine how often are cases that begin as a felony but in an effort to clear the calendar,

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they're plea bargained down and we received the information we receive is that seldom happen down to a C or D, that these are minor in nature.

REP. FISHBEIN (90TH): And what about --

CHIEF KEITH MELLO: (Crosstalk) that was something that we could accept.

REP. FISHBEIN (90TH): And this same with criminal trespass in the third, which is also a class C?

CHIEF KEITH MELLO: Yes, sir.

REP. FISHBEIN (90TH): Now I think you mentioned that Chief Fusaro was going to mention about issues with pistol permits and I didn't really hear anything so if you have something to offer.

CHIEF L. J. FUSARO: No. My only point was we do obviously use background investigations for a variety of different reasons, one of them being the suitability for a pistol permit.

So we look at those factor says well and I concur that we don't want to see this stuff totally destroyed but there is information that I think when we are doing any kind of background investigation for law enforcement purposes, we want to have access to that information.

And I think the other point is that we understand and draw the distinction between individuals will make a mistake and that they're convicted of a crime, they've paid their debt to society and those that have a propensity to continue this pattern of behavior years later where they're going to be recidivists, they're going to be committing different crimes.

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I think that's what, you know, my understanding of this legislation was is to strike that balance between allowing someone a fair chance to continue on in their life, but also protecting society and the victims for those that are chronic offenders.

REP. FISHBEIN (90TH): So somebody who wants to be a security guard, let's say, has to, they have the suitability as an aspect of them being approved for that certification.

CHIEF L.J. FUSARO: Correct.

REP. FISHBEIN (90TH): So you would have the ability to utilize that past conviction to determine the suitability although erased?

CHIEF L.J. FUSARO: Well, we don't as local police chiefs we don't get into the licensing of security guards.

REP. FISHBEIN (90TH): Understood. But it's the same standard that you would apply with pistol permits which you do have (Crosstalk) over.

CHIEF L. J. FUSARO: No, we do have information that's available to us that we look at for those as well as for when we are hiring an individual to be a police officer.

We want to be able to know what the history is, you know, we have to, we are asked to make a decision and forward it on to either our hiring authority of its not the police chief himself or to in this case if we either grant or deny a request for a pistol permit that would go on to another follow up (Crosstalk) with the state.

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REP. FISHBEIN (90TH): If you deny an application for a pistol permit that would impact somebody's attempt to get a blue card.

CHIEF L. J. FUSARO: It may. Sure.

REP. FISHBEIN (90TH): And your denial of a pistol permit may be based upon those records that are or those case that are erased.

CHIEF L. J. FUSARO: Certainly, it may. And particularly as Chief Mello had indicated if it was some sort of crime of violence or it included some kind of weapons offense that may be something we want to consider.

REP. FISHBEIN (90TH): It just seems counter intuitive that you sit here in favor of the language but then you're going to use the erased thing potentially against individuals.

CHIEF L. J. FUSARO: Well, again, I, again I think the intent of this from what I understand is to provide equity in employment and housing and, you know, you're giving me one set of circumstances.

I can understand where you're arriving at that conclusion but ultimately when we look at people and ill confine this to police officers, we want to know the full scope of their background. We are giving them a lot of rights and privileges. We want to make sure that we are hiring the right people. It's increasingly challenging these days but we want to have access to that information and make a sound decision based on the history of that individual even if they have had their record cleared because it has been, you know, seven years since their last conviction.

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We want to have access to that information. It also provides us with an ability to understand their state of mind when they were younger, how they've matured and developed into the person they are today but also their voracity if they provide that information to us without us asking for it. That tells us a lot about the individual that we're looking at from, for potential employment opportunity.

REP. FISHBEIN (90TH): And it is employment that I'm looking at. Nobody gets a blue card without an intent to become a security guard. We don't just get one, right.

CHIEF L. J. FUSARO: Correct.

REP. FISHBEIN (90TH): We are talking about employment. So when potentially the department is denying a pistol permit, that's being disclosed on the application for a blue card because I think one of the questions is have you ever been denied a permit. That impacts upon the employment issue. So, okay. Well, thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Comments, question from others? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman, and good afternoon police chiefs or yes, Chiefs. I'm so used to saying officers with my local PD.

With that said, I absolutely appreciate your time and effort for being here and trying to partner up with something that you know that's going to impact all of society and in a variety of different ways.

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And I think that these dialogues probably should have taken place with you prior to as well.

And I also appreciate that this public hearing is an ability also for an exchange of information and thought process, especially for this committee because what's going to happen is these may go through a variety of different drafts or they may not.

And I appreciate that both of you are representing a very large association and I think you, you know, appropriately said in the beginning many of which you probably have police chiefs that agree with you 100 percent. You may have police chiefs that disagree with you 100 percent. But as an association you kind of have to pick and choose and make, you know, certainly collaborative decisions in that regard.

And I also appreciate you pointing out one more carve out that you see it in this regard. And throughout this public hearing process, I have actually had people reach out to me and say well, you know, my thought on this clean slate was truly what's been out there, that these individuals have not reoffended in any way, shape or form.

And as I have pointed out, this gives no thought to individuals who have been arrested and yet not convicted, or potentially individuals that have been convicted outside of the state of Connecticut in that regard.

Now I don't know whether or not in your meetings that specific position was discussed or not. And I don't -- and it's completely up to you whether or

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not you want to voice your opinion on those two items.

Or if it's something that you still want to have further discussions with your association and then certainly as in all situations, you can always still communicate and contact us if after this you see that there may be additional changes or modifications that you would want, or carve outs that maybe again wasn't previously discussed.

Do you have a thought regarding the fact that this is leaving out anyone who has been actually arrested but yet not convicted in the state of Connecticut or outside the state of Connecticut or convictions outside of the state of Connecticut? Or would you like to take the time to address that with the association before making any public comments in that?

CHIEF KEITH MELLO: Representative, I had heard you ask the question earlier when Mr. Pelka was testifying, we -- the out of state convictions for misdemeanors and felonies are available to every police officer who conducts that check and it's done routinely.

It provides us with an alert to contact that location, that municipality or the state to determine whether or not that the status of that case or conviction. Some nolle are removed, some stay in there with just a designation that there's a nolle.

But that information is available, they require, I don't know we'd have to, you'd have to speak to the IT folk with the state to see if that's something that could be included in an automatic, automated

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process or if that's something that requires a hand search or a physical search but that information is there.

And it, while I know it's not stated here which seeing those are convictions that we would care about, because whether it be out of state, especially in a small state like Connecticut, especially if you're one of the communities that borders Rhode Island, Mass or New York, it's likely, it may be likely that a person may have something in out of state because of the close proximity. So I would think that that should be included.

REP. REBIMBAS (70TH): Thank you for your testimony regarding that. And how about actual arrests in the state of Connecticut? Do you think that would be important to include in the decision of an automatic erasure?

CHIEF KEITH MELLO: I'm sorry. I think that it should at least be held in advance until that particular charge is adjudicated to see whether or not there is an actual grounds for conviction or not. But I think it's something that should at least be considered.

REP. REBIMBAS (70TH): Thank you again for your responses and thank you for taking the time to be here.

SENATOR WINFIELD (10TH): Thank you, Representative. Comments, question from other members? I just have one question.

Chief Fusaro, you talked about the propensity to commit crime and I guess this is another philosophical question, right, because when we think

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about propensity to commit crime as I understand it, several factors go into the propensity to commit crime, having an adverse childhood, negative social environment, and some other issues including substance abuse.

So the population that we're talking about, many of them have had many of those things and many of them are on both sides of the equation, both offender and victim but they keep, that's clear to you.

If we leave the system as it currently is, we leave in place those things which created the situation in the first place. And there will be some impact on those factors for it having changed the situation. Do you have a comment about that?

CHIEF L. J. FUSARO: No, I think we appreciate the fact that, you know, people that commit crime may have other challenges in their life that led them to that place but we are, you know, specifically talking about erasing certain offenses that I think that we are, we have, you know, again, Chief Mello articulated that we made a conscious decision of saying hey, what is acceptable to us? Do we understand the concept here?

There is a lot of things beyond this that I think impact how individuals act in their behaviors. I don't know that this will be the silver bullet to fix all that.

I'm not really sure how to, how completely to respond to that if I in fact have responded to it at all.

SENATOR WINFIELD (10TH): Yeah, I -- Chief.

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CHIEF KEITH MELLO: May I just add that your comments are the reason that we are here today and the reason that we are supporting this bill as written.

And we certainly understand that and the gentleman had mentioned about some other offenses that are while at a higher category may not really result in -- there are certainly not crimes of violence and very similar to what is already listed in the CND misdemeanors.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from others? Seeing none, thank you very much. We will next hear from Brian Foley and Dane Silcox. Good afternoon.

MR. DANE SILCOX: Good afternoon. Senator Winfield, Representative Stafstrom, Senator Kissel and Representative Rebimbas and distinguished members of the Judiciary Committee.

I am Dane Silcox, manager of research and planning at the Department of Emergency Services and Public Protection. Thank you for allowing us the opportunity to testify in support of Governor Lamont's clean slate legislation, H.B. 5019.

Our agency fully supports Governor Lamont's proposal and I'm here today to briefly discuss the technology aspects of the proposal.

Department of Emergency Services and Public Protection is moving forward replacement of its criminal history repository systems. This effort should be completed by the end of 2020, this year.

And when we get finished implementing that system, we will start the programming beginning in 2021 to

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meet the requirements of this legislation for all records where the data on record enables erasure based on the criteria outlined.

Specifically, on October 1, 2021, all records meeting the eligibility requirements outlined in the bill will be effectively erased and unavailable for dissemination per CGS 154 -- 54-142(a).

From that day forward, any record on a daily basis that meets the eligibility requirements outlined in the bill will effectively be erased and unavailable for dissemination.

The messages provided, providing court docket and associated charges will be passed by electronic interface to the Connecticut Information Sharing system, CISS for distribution by CISS to the court systems and municipal agencies.

Also with me today is Brian Foley, executive assistant to Commissioner Rovella. Brian will be discussing topics such as the cycle of poverty and its relationship with crime, the historic over policing of our poorest populations and how some of these arrests come of that and our absolutely care for the victims.

MR. BRIAN FOLEY: Thank you, Mr. Chair. And thank you to everyone for allowing us the opportunity. We come in support here today of Senate -- or of this bill 5019.

I'm speaking on behalf of Commissioner Rovella and myself. I'm from the Department of Emergency Services and Public Protection which also oversees the Connecticut state police. The commissioner and myself also speak to you as law enforcement

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professionals in the city of Hartford for over 25 years. And I also speak to you as the vice chair of the greater Hartford Urban League board of directors.

We support this bill as it relates to the over policing of our poorest communities. If you go one zip code to the north, you possibly have one of the poorest zip code in the entire country.

This bill is for lower level crimes and some of these crimes that happen are disproportionately affected in our minority communities. So obviously there is an effect to all our urban cities, all urban areas, not just the city of Hartford but in New Haven, Bridgeport and any of our poor, urban communities where we see a lot of these charges come about.

If you look at a larceny six as you see in the, in this, will be covered in the CND misdemeanors, larceny six is a bill largely related to addiction. And larceny six much more than larceny fifth you will see addicted people, a scenario would be staling from say the Stop and Shop or CVS and that's where we see the greatest impact.

Commissioner Rovella and I support this bill for many of the same reasons that you heard the police chiefs speak earlier so I'm not going to echo that but a lot of the same questions I'd be glad to answer or echo.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the committee?
Representative Rebimbas.

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REP. REBIMBAS (70TH): Thank you, Mr. Chairman. And just briefly, thank you for being up here. The addiction piece is something that I previously have brought up during another public hearing where erasure was part of, a small part of another bill proposal.

And it's a catch 22 in that regard when it comes to the addiction aspect because if you've got an individual who was still addicted but may not have been rearrested or been reconvicted, there's a possibly in front of the pardons, Board of Pardons and Parole that that might be caught and that person I would hope in that situation would be provided with resources and service.

Or it might be the reason why that individual never applied then for the pardon. So I just wanted to kind of point that out, that's another catch 22 in this situation scenario.

And one of the other reasons why maybe an affidavit in and of itself again may catch that situation. I just, for all of the good intended purposes, I still don't want to lose sight of those individuals but I still am going to go back to your comments and I agree wholeheartedly or maybe it was from the good chairman, the fact that there is an underlying problem.

And that's existent in most of our as you had put it those zip codes that are the poorest and most disadvantaged and I don't necessarily think that this is addressing that problem but I think we all acknowledge that that's still a problem that we all need to address.

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I think this certainly goes a step further for those who have had the ability to reform themselves. But again, we'd want to make sure that we're getting truly those individuals that haven't reoffended, whether outside the state of Connecticut or inside the state of Connecticut.

But I just wanted to kind of elaborate a little bit that that's also been a back and forth catch 22 regarding addiction because I would still hate to see those individuals out there still addicted even though having this erasure because we are not still treating the problem in and of itself. But I just wanted to thank you for that. Thank you, Mr. -- go ahead. Comment.

MR. BRIAN FOLEY: So there certainly are diversion programs available for the addicted but they don't cover, they don't nearly reach as many people as we would like.

But if someone has gone seven years after without being arrested again, so let's say they got arrested for a larceny six and they've gone seven years clean without getting arrested, I think that an erasure at that point is from, you know, look at -- and I came from the broken windows theory in police work where through the 90's and the early 2000's it was arrest, arrest, arrest. And quite often a lot of those arrests were for disorderly conduct, criminal trespass and all things you see here.

And unfortunately, I was a part of that back then and now we progress and we learn. The Commissioner and I have seen that your poorest populations seem to get the most police attention.

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And if you look proportionately a lot of these charges including the larceny six it seems to be again disproportionately gauged towards minorities in our urban areas. So we just think that this would be a very common sense type of approach to erasure.

REP. REBIMBAS (70TH): Bingo. You said the statement. Those how have gone that long without being rearrested.

MR. BRIAN FOLEY: Correct.

REP. REBIMBAS (70TH): We're not looking at those who have been arrested in the state of Connecticut but yet not convicted. We are also not looking at the convictions, all convictions outside of the state of Connecticut.

MR. BRIAN FOLEY: But certainly employers would and they'd have access to those records.

REP. REBIMBAS (70TH): Employers would but the benefit of this erasure removes the ability for many other employers and it also removes the ability for us to know truly that these people are reformed.

MR. BRIAN FOLEY: But if somebody loses again, let's say a disorderly conduct from seven, eight years ago, 10, 12 years ago, I think the more important one would be the out of state convictions for what you said was felonies and that sort of thing.

Every single community meeting we sat through in the city of Hartford, be it about anything, it always came back to lack of education, lack of housing and lack of jobs and we don't want to as police departments be the one impeding that and we need to do whatever we can to try to help.

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But you look at, we talk about erasure of records. You have our records, our state records, police departments, social media, when you talk about Google, people can always Google things.

Our position, the Commissioner's position and mine has always been if someone is going to find out information on social media or through Google, so be it for them to find that there. But they're not going to find it on our records.

We are not going to post mug shots. We are not going to post arrests. We are not going to be the ones to prevent that person from getting the job down that road.

So there's a lot of layers to this but I think it's incumbent upon us to do everything we can to break the cycle of poverty as it relates to crime, as it relates to opportunity for employment.

REP. REBIMBAS (70TH): And we agree on that.

MR. BRIAN FOLEY: Yes.

REP. REBIMBAS (70TH): Because nobody wants to see that cycle. And we have also agreed or maybe not, I'll say, we have made the statement that this is for many people one offense on several charges that may be looked for erasure.

So you still may have the same individuals facing those same challenges and the only route that then they would have is to go to the pardons and parole board. So we do have to be realistic as to how this will impact.

But again, I think again, you said it. It's the rearrests and the convictions and that's what we

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need to look at. And I think again, the end goal we all want the same one.

And I think this is a small step in that direction and there is a lot more to be done when it comes to education, housing and giving opportunities for many for the individuals who don't.

MR. BRIAN FOLEY: Agreed.

REP. REBIMBAS (70TH): Thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members of the committee? Mr. Foley, question. How many years did you say you were in Hartford?

MR. BRIAN FOLEY: 24.

SENATOR WINFIELD (10TH): 24. And the people that you dealt with, that you really dealt with, were those people -- in Hartford, were those people committing crimes because they just wanted to commit crimes or what were the reasons they were recommitting crimes?

MR. BRIAN FOLEY: That's a good question. Boy, I certainly thought they wanted to commit crimes when I first came on the job back in 1994.

SENATOR WINFIELD (10TH): I sure you did.

MR. BRIAN FOLEY: But through the maturation of an entire career and good mentorship like the Commissioner, you begin to see the real underlying reasons why.

I can't describe all of them and I'm not a predictor and I'm not a judge but poverty always seemed to be

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the main reason behind all of them. Poverty and then maybe family, I don't want to say values, family guidance also.

SENATOR WINFIELD (10TH): And so I guess part of what is difficult for me is that when someone gets out, we talk about whether they have stayed out of the system, whether they haven't been arrested again.

I deal with these people every single day and I know many of them, probably more than the data would suggest are trying to do exactly that. But the system is set up in such a way they can't get employment.

And so if the system is set up in such a way that they can't get employment, we've already talked about the Board of Pardons and Parole and what it cannot capture, then how does not figuring out how to get those people to a place where they can be employed make sense?

Because it then means that we are going to have those rearrests and those rearrests mean that there was a crime committed most likely, right. So -- because there could be a violation of parole or something like that.

If those rearrests mean that another crime was committed and we are leaving that in place, aren't we actually not doing what we are saying we are doing by trying to make people safer because if the crime itself means that people aren't safe, can you speak to that as a police officer?

MR. BRIAN FOLEY: I'm not exactly sure what your question is but it sounds like I agree with what

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you're saying in that someone is going to commit a crime based on their life circumstances.

We want to prevent them from doing that in the first place, is that what you're saying? Or you want to prevent them from recidivism? Reentry is our, probably the biggest problem our urban areas face.

SENATOR WINFIELD (10TH): I think my answer to that would probably be yes. I want to prevent them from doing it in the first place but I do want to prevent them from recidivating. So, yeah. Yes to both.

MR. BRIAN FOLEY: Look, and any from project longevity to any reentry programs out there to reentry discussions, lack of jobs is the biggest one that we hear. Lack of services, housing, after that but lack of jobs is the first one there.

As law enforcement, we have to work for ways to prevent any barriers that we can reasonably and it's a delicate balance in that and I think that is probably where we are here is the delicate balance between the victims and the ability for someone to recover in their life.

You're the same person that so many other people in the city that have succeeded have others come up to them and say hey, I'm trying to get my life together, I'm trying to go through Board of Pardons and Parole but pardons and parole can only do so much.

This I believe 5019 will speed that along with this. And it's an important step in the right direction and, Senator, I certainly believe that further discussion in that positive direction down the road merits great consideration.

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SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members of the committee? Seeing none, thank you very much for joining us.

MR. BRIAN FOLEY: Thank you.

SENATOR WINFIELD (10TH): Tammy King. Good afternoon.

MS. TAMMY KING: Okay. Good afternoon, Senator Winfield, Representative Rebimbas, Senator Kissel, Ms. Porter, ranking members and members of the Judiciary Committee. My name is Rosberg (phonetic) King. Some my friends call me Tammy, that's why it's there.

So I just, I want to talk about how grateful I am first of all, to the pardon board granting me a pardon. I'm also here to speak on S.B. 403.

So I, in August I drove to New London from Bridgeport to go to my pardon hearing. And I wasn't granted expedited because I had a breach of peace and the breach of peace was connected to a domestic violence, it was an argument between my mother and myself when I was 18. So my application was sent back and we went through the formalities.

Finally, I was granted a hearing. It was humiliating, traumatizing. I sat in a court room of over 40 people in New London and I was asked questions and I had to relive the movement I was sentenced.

And I thought about that day that I shared in the last hearing of being sentenced while in labor. So it was a traumatizing experience for me but I was able to get through it.

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So I still believe, I still believe that because I have an erasure I got the pardon, still believe that people here in Connecticut deserves to have their record expunged.

I had a felony. Well, a few felonies. So even though I would have gotten the expedited process, I would have even under any bill, anything, because of the breach of peace, I would have had to go to the hearing.

So at, when I received the pardon I want to talk about looking for an apartment. I spoke with a real estate agent and my agent spoke to another agent. A background check was conducted.

This is where the certification forms the pardon board and what came back was fragments of a record. My name was misspelled. Rosberg was misspelled. There were no characteristic whether I was a female, African American, what age, nothing.

There was a court that said that the Department of Corrections and then it just said time. So I spoke with the other real estate agent and I explained to her please do not pass that on to the landlord. She did. I was denied a rental for a condominium. So what I'm saying is stuff still gets out. I'll stop here.

SENATOR WINFIELD (10TH): Thank you. Comments or questions from members of the committee?
Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. So if you could just continue to speak on what your journey was like after going through this process because this is what we were talking about earlier.

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You know, the fact that even though we have erasures there is still information out there that's residual and it does come up and it does have a negative impact on your efforts for housing, work, credit, several other things.

MS. TAMMY KING: Yes.

REP. PORTER (94TH): 559 barriers we are dealing with. So if you could just continue to speak about that I'd be curious to hear what the outcome was.

MS. TAMMY KING: So we were -- thank you. We already know that I wasn't able to even finish school or get placed in my master's program. The great state of Connecticut human resource department is one of the biggest discriminators.

Because when I applied for a job when I had a record, that information was kept. So after my record is erased and I applied for a job, that information came up again.

You can't undo what someone sees. Google searches. So what the real estate agent did was she immediately Googled me and she disclosed that to my agent. So when she Googled me she saw an arrest in Middletown. So when she saw the arrest in Middletown, but there was this fragment in front of her. What does one do?

There's a pardon process. And that record is public knowledge. And why would you be on a pardon application why would you be having a pardon hearing? Why would you be there? Why would you name be on the list?

I also worked with people who are chronically homeless. While our state gives money and subsidies

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for people, the biggest problem, the biggest problem is the criminal conviction of a felony. Excuse me. And because they have a felony they can't get housed.

A felony is bigger than an actual eviction. So you could be evicted and you get housed. But you have a felony conviction, landlords are saying oh, yeah, no. I'm not understanding what the issue is because we already have this process in place with the Board of Pardons and Paroles.

So your record can be erased. You can become a police officer, you can become whatever you want once that record is erased. So they say. What's the difference? Why do people need to know?

Do I know about your spousal abuse, do I know about what at you do at home? Do I know about the bad checks you wrote? I mean, there is a lot of stuff that other people do just wasn't convicted of it. So right now we are the same, Representative Porter. 2007 I was committed a crime so we are the same.

REP. PORTER (94TH): Thank you for that response. And thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you. I have a question. So you were talking about the difficulties you were having with furthering your education a little bit. Can you expand upon that?

MS. TAMMY KING: Well, I couldn't get licensed. We already knew about the collateral consequences. There's statutes. There's about 600 honestly and probably more that said I couldn't get license of the clinical social worker. I could not even work in a DDS group home.

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There was issues with getting an endorsement to drive a 15 passenger van. Working in a daycare, not because of violent crimes, because of the possession with intent to sell. That's a restricted charge. Getting placed even schools.

There were folks that fought for me to get back into Sacred Heart University and they accepted me back in. And they did some good stuff for me so I respect that school and the people that helped.

But I have a journey and I had a journey because people believed in me. So what I asking the committee this today is to believe there is a lot of us out there. I am just vocal. I'm transparent. A lot of folks can't afford to do what I'm doing because they will lose their jobs so there's a lot of people. A lot.

SENATOR WINFIELD (10TH): Thank you. I appreciate your effort, not just today but your ongoing efforts. I think you could have arrived at the point where you had your situation resolved and disappeared and no one would ever really know what happened with you but you choose to be public.

And I think in being public and telling your story it gives a little color to what we are talking about. You know, there is a lot of conversation about who people are when the show up, both in the system but when they're trying to do exactly what you just did before the Board of Pardons and Parole.

And it's interesting to be because part of your effort was to improve yourself but the very things that are in place right now were keeping you from doing much of that. And so that conversation seems to assume something because of what people have

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done, forgetting that some of what they are attempting to do they cannot do because of the system in place.

So again, I appreciate your testimony and the ongoing efforts on the part of yourself and others. Comments, questions from other --

MS. TAMMY KING: Thank you.

SENATOR WINFIELD (10TH): -- members?
Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Mr. Chairman. Tammy, nice to see you again.

MS. TAMMY KING: Nice to see, Representative Fishbein.

REP. FISHBEIN (90TH): We met my first, I think it was my first term up here.

MS. TAMMY KING: Last year.

REP. FISHBEIN (90TH): Was it last year?

MS. TAMMY KING: Yes.

REP. FISHBEIN (90TH): And you share your story --

MS. TAMMY KING: Yes.

REP. FISHBEIN (90TH): -- and one of your concerns was the pardon process.

MS. TAMMY KING: Yes.

REP. FISHBEIN (90TH): And it just so happens that I happened to be before the Board of Pardons representing a client one day and our stars aligned and you happened to be there the same day.

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And I, and you very graciously allowed me to accompany you to the table and to tell something about you and I'm very honored that, you know, you were able to get to that process.

And I know you're a very strong young woman and the last time we met, you know, this above all to thine own self be true. We talked about that.

MS. TAMMY KING: Yes.

REP. FISHBEIN (90TH): Shakespeare, right. But I just, you know, the pardon process, one of the portions that I found to be difficult and I shared this at one of the meetings of the collateral consequences that the states attorney, there was a statement made that the states attorney had objected to you getting a pardon.

MS. TAMMY KING: Yes.

REP. FISHBEIN (90TH): And there was nobody there from the states attorney's office, there was no letter explaining to you why they were objecting.

MS. TAMMY KING: Right.

REP. FISHBEIN (90TH): How did that make you feel?

MS. TAMMY KING: I think the way it was designed after testifying you spoke, I spoke and then they asked me a couple of questions. And at the very end it was said oh yeah, by the way, the state's attorney in Middletown and Bridgeport is not in agreement with you getting this application.

And it knocked the wind out of me because I wasn't certain if I was going to get it when that was said and that was the last word that was said to me at the Board.

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REP. FISHBEIN (90TH): But I, you know, I -- we left shortly thereafter and I didn't know either and I was elated when I got the email later that day about you. So, you know, part of my balance here is that we have a process and you got through that process. And I know you had a lot of help from, you know, various stakeholders, you know, with that process.

Is there any recommendation that you'd make, I know the chairman of the Board of Pardons and Paroles is sitting behind you? Is there any recommendation you'd make with regard to that process?

MS. TAMMY KING: So the process actually the application I did it alone. I had a lot of support, moral support but I did the application alone. I think the difficult portions for me was actually going back to those drug sales of those convictions from the 80's and the war on drugs and it was addiction and because I truly did not sell drugs but the law states that the amount I had was that of a dealer.

I had to live through that. And if I said no I didn't sell drugs then I wouldn't be granted a pardon so I had to say yes.

So when we look at what you're asking the when, the where, the how, you have my police report. Why keep asking me these questions? You have the conviction. 21A-279 A or B. You know what that means. It's a possession with intent to sell or possession. So why do we need to keep explaining this? Why do we need to keep re traumatizing folks?

REP. FISHBEIN (90TH): Okay. Thank you. Thank you, Mr. Chairman.

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REP. STAFSTROM (129TH): Thank you. Further questions or comments from the committee? (Apple phone Siri talks - laughter) Seeing none, thank you very much.

Tammy, I have had the pleasure of hearing you speak on multiple, multiple occasions now and your stories and your advocacy is always inspiring each time.

MS. TAMMY KING: Thank you.

REP. STAFSTROM (129TH): so thank you so much for being here.

MS. TAMMY KING: Thank you.

REP. STAFSTROM (129TH): next up will be Tanya Hughes.

MS. TANYA HUGHES: Good afternoon. Good afternoon, Representative Stafstrom, Senator Kissel, Representative Rebimbas and members of the Judicial Committee.

Thank you for the opportunity to come before you and testify in support of S.B. 403. We actually are offering strong support of this bill and its effort to prohibit discrimination based on erased criminal history record information.

My name is Tanya Hughes, I'm the Executive Director of the Commission on Human Rights and Opportunities and with me is Deputy Director Cheryl Sharp.

And as you know, our mission is to eliminate discrimination through civil rights and human rights, law enforcement as well as to establish equal opportunity and justice for all persons within the state of Connecticut through advocacy and education.

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And so we believe that this bill is in line with our mission and we just have a couple of things that we'd like to politely ask if we could work with the committee on in terms of some of the provisions of the bill and I'd like to defer to Deputy Director Sharp to explain that.

MS. CHERYL SHARP: Good afternoon. I'm Cheryl Sharp and it's really just two areas. First is the definition of employer. Currently under the law the definition of employer is if you have three or more individuals in your employ.

This bill would suggest, create a super protected class in that individuals with a criminal record or criminal history, it could be one person in your employ in the definition of employer only has one person in your employ which would single that protected class out and make it different from the other protected classes wherein you have to have three in your employ to be considered an employer.

And then the second issue is the private right of action that's created by the language in the bill. In -- you have to exhaust, currently you have to exhaust your administrative remedies if you belong to one of the 27 other protected classes that we have under the law.

And by exhausting your administrative remedies, you have to file your complaint with the Commission on Human Rights and Opportunities first. The reason why this is important that you exhaust your administrative remedies is that the commission was designed to be of assistance to individuals, all individuals but specifically people who are not represented by counsel, who many think that they'll have their day in court and that's the best route to

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go but there are filing fees and other things associated with the court process that individuals who are not represented may find it difficult to navigate.

So in all of the other employment actions you have to exhaust your administrative remedies and we would just hope that this proposed bill could be brought in line with respect to those issues.

Issue one again, the definition of employer and issue two, the private right of action. If you have any questions, we are --

REP. STAFSTROM (129TH): Thank you.

MS. CHERYL SHARP: -- can answer them.

REP. STAFSTROM (129TH): Questions from the committee? Representative Porter.

REP. PORTER (94TH): Thank you for your testimony. Real quick question on the latter that you just mentioned.

The only concern that I would have would be around what would be the length of time that people would be sacrificing if they came to CHRO because I know that you're understaffed, I know that people are having long waits and this is something that I would need you to speak to.

MS. CHERYL SHARP: Sure. They could get a release of jurisdiction with 180 days of filing or sooner because the parties can agree to have that release earlier. They can request that the case assessment review be conducted sooner. As soon as the case assessment review is conducted then an individual could go in court.

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The benefit to them though is the involvement of the commission when that case is filed into the court because we track these cases, we follow them and we, you know, can intervene in cases.

And we as an agency now due to the passage last year of an act are able to go, take these cases into court when necessary as an agency with the agreement of both parties.

So it is a short period of time but it also sets the case up, it actually helps those who are filing an action because of the difficulties in navigating the court system.

REP. PORTER (94TH): Thank you so much for that. Just being proactive because I'm sure that's going to be a question presented to me so I appreciate your response. Thank you, Mr. Chair.

MS. CHERYL SHARP: Thanks.

REP. STAFSTROM (129TH): Further questions or comments from the committee? Seeing none, thank you both for being with us. Next up Michelle Feldman.

MS. MICHELLE FELDMAN: Hi, good afternoon, Representative, and we have a couple of people here, we hope it's okay to just -- we will be very quick.

REP. STAFSTROM (129TH): Within three minutes.

MS. MICHELLE FELDMAN: Okay. We will go as fast as we can. I'm Michelle Feldman from the Innocence Project. We are here to testify in support of Senate Bill 402.

It would lift Connecticut's blindfold law by improving criminal discovery which is the process of evidence sharing between the state and the defense.

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Right now people charged with serious crimes are blindfolded to the state's evidence against them as they're facing life changing criminal trials and decisions to plead guilty and there are serious consequences.

There have been 12 wrongful convictions involving the state unconditionally withholding evidence. \$48 million in state compensation and civil awards from those cases and high volumes of state haviest (phonetic) petitions based on claims that evidence wasn't disclosed or was disclosed at trial.

So right now the Superior Courts rules committee is reviewing area of discovery in the process books. This legislation focuses on a different part that's in statute which is the pre plea discovery and police obligations to disclose material to the prosecutors.

So first it would require that in felony cases before a deadline for accepting or rejecting a guilty plea, the prosecutor has to disclose all the evidence that would be discoverable at trial.

And then the second part is just really listing what the police have to turn over because the statute only says that they have to disclose exculpatory material which is a very subjective term and it's unfair to expect them to interpret what that means.

And many police agencies are already doing this so this would just create a uniform practice. And this legislation would protect the innocent and lead to more accurate and efficient outcomes and save tax payer money and I'll let my other --

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REP. STAFSTROM (129TH): I just need whoever is going to testify, I need your name and spelling or if you've previously signed up, I think some of you may have also signed up for you just let me know so I can let these guys know where on the list you are. What is your name, sir?

MR. SCOTT LEWIS: Hi, my name is Scott Lewis.

REP. STAFSTROM (129TH): Scott Lewis. Okay. He was number 82 on our list. Go ahead, sir.

MR. SCOTT LEWIS: Okay. My name is Scott Lewis. I'm currently a real estate broker here in the state of Connecticut, licensed also in the state of Massachusetts.

I'm here in support of this bill because as a result of the prosecutor not giving the defense full access to the information, I was wrongfully convicted and I served 20 years in prison for a crime I did not commit.

The importance of this bill is pretty much the same as Representative Rebimbas, did I pronounce that correctly? She brought something that really stuck to me when you guys were discussing the erasure statute and the automatic stuff and all those things.

The information is critical and not -- and being blindfolded and not having adequate and extensive information --

REP. STAFSTROM (129TH): Go ahead.

MR. SCOTT LEWIS: -- can lead to a person being wrongfully convicted. And in my case, that was the case. There was a lot of information in the files

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of the prosecutor's office that was never disclosed to my defense attorney.

As a result of that, I was hampered with the opportunity to establish my innocence by the very materials that the police and the prosecutors had in those files.

The disclosures laws as it stands now in Connecticut are very limited because your attorneys have to request specific information right now in order for a judge to say okay, this motion is granted.

But if the attorney doesn't know what's in the box, it's hard to request that specific information that you're actually looking for. And they say it's a fishing expedition, no information exists of that nature when the truth of the matter is it's been in the box and it's been sitting there for 20 years and they didn't give us access to it.

And as a result of that, I lost my grandmother, I lost family members, disconnections with my children. It's just fragmented my entire life. Obviously as an innocent man, you -- I had to believe in the system.

I just knew and I know that as you guys sit here today, it's a very complicated balance between both sides. But believing in the system and believing in people, believing that everyone wants to get it right is what really kept me alive. Yet I had to believe in the system in order to win my freedom.

But I needed the information that was held in those prosecutor boxes because the police are the ones that do the investigation, they're the ones that are the authors of a lot of the information that is

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needed for a jury to make the right decision in determining somebody's innocence or guilt.

Also, if the state of Connecticut truly wants to hold to its reputation as the Constitutional State, it's mandatory that this bill be passed. Otherwise we need to take the word constitution off the license plates.

REP. STAFSTROM (129TH): Thank you, sir. And I know I have read about your story and situation before and I appreciate you being here to talk with us about it today again. Do you gentleman have something briefly to add?

MR. RON HURT: Yes, good afternoon.

REP. STAFSTROM (129TH): What's your name?

MR. RON HURT: Ron Hurt. On the list as Ron Murt but it's Ron Hurt. (Laughter)

REP. STAFSTROM (129TH): All right. Number 199. Sir.

MR. RON HURT: My name is Ron Hurt and I'm the alder from New Havens third ward and I'm a leader in the community organizing group called New Haven Rising. I represent and organized individuals who live in the hill which is the hardest hit neighborhood in New Haven.

80 years ago our neighborhood fell victim to racial red lining map and has endured decades of policies that have deprived our residents of opportunities. As a result, my neighborhood is suffering.

Our residents have some of the lowest wages in the city and a third of my children in my neighborhood

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go to bed hungry. We are not -- we are under employed. In short, the deck is stacked against us.

We have been hit hard in 80, in the past 80 years my community has suffered. And this is why I'm testifying today to support Senate Bill 402. This bill levels the playing field and would help prevent unlawful convictions.

Part of the unemployment and underemployment crisis in the hill is rooted in the challenges of the criminal convictions created by people who are looking for jobs.

When a person decides to take a plea, I'm sorry, this is personal to me. When a person decides to take a plea deal, they are making a decision that could put them in prison for years and will have lifelong consequences outside of prison.

It is not fair. Let me repeat, it is not fair to ask someone to make such a decision without having access to all of the evidence that will be used against them in a trial.

Right now, for example, defense lawyers cannot advise their clients beyond a mathematical calculation of risk along the lines of you're facing 10 years in prison if you go to trial. And I can't tell you more about the evidence, do you want to take the plea deal that expires in a week?

This is just another way that the deck is stacked against people who live in my ward and who live in New Haven. The injustice that my neighborhood and my city experience has deep historical roots that occurs on many fronts.

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The only way that we can dismantle the injustice that this history has created is with many steady steps. Passing Senate Bill 402 is a significant step that we must take and I have faith that this legislative body is the one with the wisdom and courage to take it. Thank you.

REP. STAFSTROM (129TH): Thank you. Sir, very briefly. What's --

MR. CHARLES DECKER: Yes. Thank you, Mr. Chairman, and members of the committee --

REP. STAFSTROM (129TH): What's the name?

MR. CHARLES DECKER: I'll be extremely brief. My name is Charles Decker.

REP. STAFSTROM (129TH): Number 171.

MR. CHARLES DECKER: I am the alder from the ninth ward of New Haven and I am a research analysis with the United Hero Local 33 which is the union for graduate teachers at Yale.

I came in support of my colleagues in New Haven rising and in support of the Senate Bill and I will be as I said extremely brief, just to say there is a tremendous amount.

I went to Yale initially to study mass incarceration and criminal justice policy and there is a tremendous amount of evidence about the role of prosecutorial discretion and exacerbating mass incarceration.

We all know about the racial dynamics there. We all know as my colleague from the third ward was saying about the way that the deck is stacked against working people and people of color and I am just

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here to say that we can pass, you know, sentencing reform after sentencing reform but unless we pass something that really gets at the heart of prosecutorial discretion, it's going to be of limited value and so I'm here just to indicate my support for the bill as well. Thank you.

REP. STAFSTROM (129TH): Thank you. Are there questions for Ms. Feldman, Mr. Lewis or the aldermen? Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Just a brief comment. Ms. Feldman, I read a book over the last six months by one of your board members. I won't mention his name because I don't want to give an advertisement. It taught me a lot about a lot of what we are talking about today. So I just want to thank you for what you do.

MS. MICHELLE FELDMAN: Thank you. That's very kind. We appreciate it.

REP. STAFSTROM (129TH): Further questions or comments? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. I just have to thank you guys for being up here. Thank you for sharing your story. Thank you for your faith in our system because I can tell you it's not a perfect one, by far.

So I just wanted to thank for that and having previously served on the board of an innocence project outside of the state of Connecticut, I have to echo the sentiments.

The work you're doing is phenomenal and hopefully for everyone who is innocent they'll still have the

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faith that you had in order to be up here and being able to tell your story so thank you again.

REP. STAFSTROM (129TH): Thank you guys very much. Appreciate it and certainly echo the sentiments of my colleagues.

MS. MICHELLE FELDMAN: Thank you.

REP. STAFSTROM (129TH): Next up will be Senator Looney. Is Senator Looney here? Then let's go to Marissa Halm and then we will have Steve Hernandez next.

MS. MARISA HALM: Good afternoon, Representative Stafstrom, Senator Kissel, Representative Rebimbas. My name is Marissa Halm and I'm an attorney with the Center for Children's Advocacy. I head up our Teen Child Youth Justice Project.

I'm here to express my support generally for the clean slate bills before you, both 403 and 5019 and also ask for the committee's consideration for an amendment to include automatic juvenile erasure.

The Center is a nonprofit law firm, we're dedicated to the representative children and youth. We, I specifically help youth who are justice involved get, gain access to education, mental health services, and I help them navigate the barriers they experience because of their justice involvement.

The collateral consequences of a criminal record are real and they are debilitating as you've heard already today. I am witness to this work that I do every day with the young adults who are returning from incarceration.

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They have difficulty finding employment and maintaining employment. They have difficulty finding stable housing. They have difficulty securing higher education.

Most importantly, they have difficult feeling any sense of hope about their future. By providing for automatic erasure of a criminal record after a certain amount of time, these bills will finally allow folks who have served their time and rehabilitated to be referred from the discrimination that their criminal record has them endure.

In addition to providing for automatic erasure for certain adult crimes, S.B. 403 in particular takes an extra step and it extends automatic erasure to young people who did not yet have the benefit of raise the age before that was passed.

We wholly endorse this competent and feel it should be included in both bills but we also ask the committee to take a step further and provide for automatic erasure for certain juvenile records. This is a no cost amendment which we feel is a natural extension of this bill.

Although juvenile records remain confidential to the general public, they still have many negative collateral consequences. They can be seen by the public officials, court officials and sometimes are quite often are inadvertently revealed.

The consequences -- their consequences are not as severe as an adult record but they often serve to undermine the future goals of youth when they're revealed. One circumstance where this comes out quite frequently is when young people are attempting to pursue the military or public service jobs.

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Currently, under the current law, youth who have been adjudicated delinquent for non-serious juvenile offenses can petition for an erasure after a two year waiting period. This rarely happens because youth don't know it's available to them.

Our proposed amendment would make this erasure automatic. We feel this is crucial for group of individuals who is the most demonstrated to easily rehabilitate. The good news is that this amendment would be free.

When a bill that addressed the thought of erasure was previously raised, it was found by OSA to have no additional cost associated with it. And therefore we would greatly encourage the committee to support this amendment.

REP. STAFSTROM (129TH): Thank you very much. Questions from the committee? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Just a quick question. I was trying to read a little bit more about all of the services that your organization provides, being familiar with it, I don't know all of the services. Do you guys provide legal services?

MS. MARISA HALM: Yes. We provide legal representation, yes.

REP. REBIMBAS (70TH): Okay. That's what I thought. And so on our agenda today there is a proposal regarding legal services for minors and immigration proceedings.

MS. MARISA HALM: My colleague Patricia Marealle is going to be testifying on that bill.

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REP. REBIMBAS (70TH): Okay. Is that something that your center handles currently?

MS. MARISA HALM: Yes. We provide legal representation in particular in special immigrant juvenile status proceedings which is a special status for youth, up to the age of 21 that they can obtain through the probate court.

REP. REBIMBAS (70TH): Okay. And how is your organization funded?

MS. MARISA HALM: We are a nonprofit. We are fully -- we -- all the funds that we receive are private. We do have some, we are subcontractor on a few state contracts but privately funded, greatly, you know, a lot of grants and individual donations.

REP. REBIMBAS (70TH): Excellent. Thank you so much obviously for being here today and for the work that you guys do and continue to do on behalf of young kids.

MS. MARISA HALM: Thank you.

REP. STAFSTROM (129TH): Further questions or comments? Seeing none, thank you so much for being with us.

MS. MARISA HALM: Thank you.

REP. STAFSTROM (129TH): Steve Hernandez.

MR. STEVEN HERNANDEZ: Good afternoon distinguished members of the geez, all these committees. Of the Judiciary Committee, my name is Steve Hernandez, I'm the Executive Director of the legislature's Nonpartisan Commission.

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I am joined here by my colleague Warner Oyanadel where we will testify on four bills before you. We'll be focusing on a couple of them but really we have summited testimony on House Bill number 5019 and Senate Bill 403 concerning clean slate.

Senate Bill number 377 on the legal counsel for children and immigration removal proceedings and Senate Bill number 74 on an ACT PROHIBITING FEMALE GENITAL MUTILATION.

We really wanted to focus our testimony on the clean slate bill today and just to bring a little bit of context as some of the things that we have seen as a commission.

A few weeks ago, about a month ago now, we organized a public question on the collateral consequences of being convicted of a crime over at the Lyceum. And the day was really led by justice impacted people, people who had committed crimes, had paid the debt for their crime and were now experiencing collateral consequences in trying to reiterate into productive and successful life here in Connecticut.

Some of the things that we found and that we heard were really compelling. For instance, the barriers to employment, the barriers to housing, the barriers even to entrepreneurship where entrepreneurship was something that they wanted to pursue in order to be able to better their own situation and the situations of their families.

What was really compelling at one point was that so many of the justice impacted people that were there, both in the audience and on the stage were asked to stand if they had a misdemeanor conviction and almost everyone stood up.

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And then for those -- so they would impacted by the first bill that's being considered today. And then everyone who had a felony -- everyone but -- whomever had a felony conviction was asked to sit down.

And all but one person sat down. Meaning that out of every single person and I can say there were people in blue. Out of every single person in blue that had helped organize drive the discussion, that were doing everything that they could to reintegrate in society, almost every single one but one would be impacted by the first proposal which is the Governor's proposal.

I'll tell you that was really compelling for us because the day was filled really with people who wanted an opportunity and what I saw was a missed opportunity for the state of Connecticut.

A missed opportunity for people who want to contribute, a missed opportunity for people who want to give back, a missed opportunity to -- for the state of Connecticut to live up to the principle that if you do the crime, you pay the time -- you do the time but once you've done the time, then you are welcome back into productive and successful life.

REP. STAFSTROM (129TH): Thank you, Steve.
Questions or comments from the committee?
Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman, and thank you for your testimony. Good afternoon. And, you know, I don't know that it is, every time you come up to testify on all the other hearings, there is some commitment I have to go to of the room for so I'm happy to be here right now --

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MR. STEVEN HERNANDEZ: Nice to see you.

REP. REBIMBAS (70TH): -- to hear you. Obviously thank you for putting together all the information on symposiums, forums, and things of that nature. I really do think that they're very informative. No question about it.

MR. STEVEN HERNANDEZ: Thank you.

REP. REBIMBAS (70TH): One of the concerns I have regarding just and I don't think it was on purpose, but the characterization of a missed opportunity if we don't have this. We do have the opportunity. We do have the Pardons and Parole Board and especially if it's those minor misdemeanors that we're talking about here.

I mean, the process is certainly there for them. So I hope at the same time we're encouraging all of those individuals whether or not they've applied and to apply and, you know, but certainly I'm on board and hopefully will continue this conversation that for those, these types of misdemeanors that we are identifying, maybe they don't, shouldn't have to go through the same process before the pardons and parole and things of that nature.

But again, I just wanted to make sure that, you know, people understand that, you know, missed opportunity for having this option in addition to. I understand that completely.

MR. STEVEN HERNANDEZ: Yes.

REP. REBIMBAS (70TH): But that there is certainly still the other opportunity for sure.

MR. STEVEN HERNANDEZ: Yeah.

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REP. REBIMBAS (70TH): And I see that we --

MR. WARNER OYANADEL: Sure. My name is Warner Oyanadel and through the chair, I think the perspective that Steven is providing it's also backed up by the information that we have gathered around the country.

So for instance, there is a widely acclaimed university of Michigan study that just found that basically found that only six percent of people who are eligible for a pardon actually go through that process.

So I think that there would be a missed opportunity noting that for some reason the process that the state of Connecticut created for those pardons are not currently being used for many reasons.

And one argument would be to fix that process or to also consider this new policy which I think it's based in sort of an approach for smart justice to really get to help more of the population that deserves that second chance.

MR. STEVEN HERNANDEZ: And I think to your point, Representative, I don't think the one is exclusive of the other and I think you're right, there are mechanisms in place now that if done more efficiently if done more in a streamlined way, I think people could start finding relief.

And one of the barriers that we found also was expense. So finding ways of being able to alleviate some of those barriers for what we have now, I think you're right.

REP. REBIMBAS (70TH): And I wouldn't disagree with anything that both of you just literally said. And

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I understand those studies and we don't even have to study the other states. We can study it in the state of Connecticut.

There is a lot of people who are not taking advantage of the Pardons and Parole Board for a variety of different reasons. The expense, language barrier, not having the information, getting the information together, you name it and for many people, they've got family and jobs and lives that going through that huge process may or may not, you know, in their mind be beneficial.

So I understand that and I completely understand whether it's the proposal that's being, you know, brought before us and I know you guys have been in the room so we won't rehash all of the, you know, items, pros and cons regarding that or, you know, taking care of the system that we have because this only addresses these small items.

We still have a whole other, you know, types of offenses that they're still going through that whole huge process before the Board of Pardons and Paroles that maybe we don't want that either.

So I think a whole holistic view of the entire thing is probably meritable here and obviously your input as things more forward would be very helpful.

MR. STEVEN HERNANDEZ: Thank you.

MR. WARNER OYANADEL: And through the chair --

REP. STAFSTROM (129TH): Thank you.

MR. WARNER OYANADEL: -- and I want to commend the Governor's office because in addition to providing us with language that we need to have the

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legislature considered for clean slate, he also provided funding within the budget, the Governor's budget to make sure that the process that is going to be put in place actually has the funding to support it.

So in the current budget, there is about \$2 from IT Capital Investment Programs, a bond authorization program to address all the technology systems. And so I think that it would be, you know, an interesting dialogue to continue to have but to also know that there is some supportive money that will make the program get started in Connecticut.

REP. STAFSTROM (129TH): Thank you. Senator Kissel.

SENATOR KISSEL (7TH): Thank you very much, Mr. Chair. You guys got cut off because of the time but I'm just wondering what your view is Senate Bill 74.

MR. STEVEN HERNANDEZ: Thank you so much for that. The fact is that female genital mutilation has been found to be unconstitutional in this country. And it's now up to the states to protect vulnerable children wherever they may be.

So the position of this commission is very clear. Where we can protect children from any practice that harms children, we should do that proactively.

You'll find in our testimony that we do have to do it with some level of care, however. We have to ensure that this isn't a shell for discrimination, we have to make sure that bias doesn't come into play here.

But I'll tell you, where the practice is happening it needs to stop and it shouldn't happen in the state of Connecticut.

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SENATOR KISSEL (7TH): I really, I really appreciate that. As one of the primary sponsors of this proposed legislation, I would be more than happy to work with you on changing the language so that we address those concerns that you have but ultimately I think the goal is to protect the children. Thank you.

MR. STEVEN HERNANDEZ: That's right. Thank you.

SENATOR KISSEL (7TH): Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you. Further questions or comments? Yes, Representative Palm.

REP. PALM (36TH): Yes, following up on Senator Kissel, I had a question about your testimony on S.B. 74 as well.

You said that according to sources 2700 girls in Connecticut are at risk for this practice. Do you know how do we define who is at risk? Does that mean they're immigrants? Who are the 2700?

MR. STEVEN HERNANDEZ: Well, you know, I think part of the analysis that was done here was really populations that may have come to the state of Connecticut where this practice generally is engaged in.

Now, we all made clear in our testimony that just because there has been an increase in populations from countries where this practice is engaged in, it doesn't necessarily correlate that there has been an increase in the practice here in the state of Connecticut.

Really, the question is, you know, how is it that we ensure that where it does happen we are vigilant.

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Now, it's also important to know that, you know, there are procedures and medically necessary and elective procedures which may be covered by this bill so there is nuancing to happen here, that needs to happen in this bill.

There is good advice by some of the medical associations. But the fact is that this practice does happen and the fact is that in fact, people come to this country into the state to escape these practices.

So we just need to ensure that we are vigilant and that we make it clear as a state that it is not an acceptable practice here. Because I have to tell you and, you know, as a commission that balances these interests, the interests of anti-discrimination interests and the interest of children, we take this testimony very much to heart and we engage in it very in this conversation very carefully. But it is critical to note that these practices do happen and we have to remain vigilant.

REP. PALM (36TH): And I respect that you have a delicate balance between or among the various populations that you serve. I know well that you do.

Could you expand on your concern about the further isolation this might do on girls from minority or immigrant communities and would you be in favor of some kind of language that would put a statute of limitations on when the practice originally occurred?

In other words, if this was done to them 10, 15 years ago, how would you feel about a carve out that

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exempted essentially those people and said going forward, we need to stop the practice?

MR. STEVEN HERNANDEZ: Well, I'll tell you, I am -- I do have some, an anecdotal experience for, from a study that was done in a country in central Africa where this practice was practiced.

And the fact that women in this particular village had actually taken their daughters away because they didn't want what had happened to them to happen to their daughters.

So what I feel that while, you know, you can only look back so far because I think you're right, you know, we can't-- there is a -- there are people who came here because they wanted to be free of these practices and so many others, especially that befall women. There is room for a statute of limitations.

Also you know, there, we have -- there is always that delicate balance of how is it that we remain vigilant about a practice that we know is harmful and careful about a community that we know is already being subjected to so many other discriminatory experiences. So there is a balance to be struck.

I think information, education, you know, part of that education is helping people understand that it is harmful and the long term harm and having people who have experienced it tell their story in a public way.

So I would look, I would think about looking with you at statutes of limitations considering those but also information, also education and a way for us to continue to have this conversation because, you

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know, there is the fine balance between people who may choose this as an elective procedure that may seem like what we are covering in this bill, people who were harmed a long time ago by this, by this practice and children who may be vulnerable today.

REP. PALM (36TH): Thank you for that. And I would just suggest to my colleagues that we think about refining the language so that I think the population you're referring to, Steve, is probably trans people who may for whatever reason choose to have part of their anatomy altered.

I would also like to see us make sure that conservators of people over 18 who are disabled cannot impose this on the people they represent. And that when the language says it's, it can't be done based on a belief, I think we should be more clear that says based on a religious belief because doctors have beliefs. A doctor believes this is in good, in the interest of the patient.

So I think there is a lot of language here that is too subject to interpretation and I would be more than happy to work with anybody on tightening it because I think they are ways to ensure that this bill doesn't become -- one of the unintended consequences of this bill doesn't become the deportation of majority Muslim communities where this practice is done. And that is a red flag that I would raise for all of us.

MR. STEVEN HERNANDEZ: And I should say that it's also, its religious and cultural in some instances as well.

REP. PALM (36TH): Yes, right.

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REP. STAFSTROM (129TH): thank you.

REP. PALM (36TH): Thank you, Mr. Chair.

REP. STAFSTROM (129TH): further questions or comments? Seeing none, thank you both for being with us.

MR. STEVEN HERNANDEZ: Thank you so much.

REP. STAFSTROM (129TH): Harvey Fair followed by Commissioner Cook.

MR. HARVEY FAIR: Good afternoon. My name is Harvey Fair. I am a former Connecticut prisoner, former federal prisoner, former federal employee. And I am currently in Connecticut living in New Haven, Connecticut employed as recovery support specialist and a life coach.

I'm not really familiar with all of the bills but I would like to mention the clean slate bill. My criminal activity goes back to the early '70s. I was successfully discharged off of federal probation, successfully discharged off of Connecticut probation. But when I moved back to Connecticut after living in Florida since 2013, I was subjected to housing discrimination and employment discrimination based upon crimes that happened 40 years ago.

I heard a lot today, a lot of language dealing with the reasons for criminal activity. One of the reasons I did not hear was how trauma in your childhood could make a serious impact on your decisions. And recidivism, as far as I'm concerned, continues to happen until what I believe that trauma is impacted, is taken in a serious -- in serious -- excuse me, I 'm a little nervous.

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And so, I would like to see the legislators seriously look at trauma because a lot of like law enforcement, they believe that certain people who have criminal mentality, they enjoy waking up and breaking -- breaking crimes and that's not what happened because it definitely didn't happen with me.

And it was not until I had therapeutic treatment in the federal system that I learned about my trauma and how that was triggering my -- my criminal activity. I have no inclination towards crime right now. I take responsibility for what I did but I would like to see that I can proceed with my life without having criminal activities that I did when I was 17 years old impact me now at the age of 65. That's all.

SENATOR WINFIELD (10TH): Thank you. Tom Hobe, I want to thank you for coming up today. I know you contacted me to be informed about what we're doing and you keep trying to be involved in the efforts we have.

I also want to thank you for bringing up the issue of trauma. That's what I was getting at earlier when I was talking about having an adverse childhood. I think that even having the conversation about trauma, oftentimes we're not having the right conversation.

The type of trauma we're talking about with the young people who we're discussing is a little bit different than we usually think about it. This is a complex form of trauma that is repeated. People return to the scene of the trauma. It's not being on the battlefield and being removed from the

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battlefield because the scene of the trauma is your neighborhood or your home.

And I think oftentimes people don't recognize that because it is not something that's close to them, it's not something that's seen in that way. And so, we try to figure how to talk about these things in a way that we understand them. But you cannot talk about this in a way you understand it.

I've talked myself about my inability to access emotions except for anger for a very long part of my life. And I think all of that goes into what we're talking about. And creating conditions by keeping -- by allowing the policy decisions we make to keep people in those environments is very damaging and creates more victims.

And so, I -- I just want to thank you for pointing that out because it's an important part of the conversation. Questions, comments from other members? Seeing none, you can go back to New Haven.

MR. HARVEY FAIR: Thank you.

REP. STAFSTROM (129TH): Next up will be Commissioner Rollin Cook followed by Jessica Kelley. Commissioner, thanks for hanging with us.

MR. COOK: Good afternoon, thanks for having me. I'm glad I was able to spend the morning here. It's been pretty informative for sure. Good afternoon, Representative Stafstrom, Senators Winfield and Kissel and all honorable members of this Committee. I'm Rollin Cook, the Commissioner of Corrections. And I'm here to testify in support of Governor Lamont's proposal AN ACT CONCERNING FAIR FUTURES FOLLOWING ERASURE OF CRIMINAL RECORDS H.B. 5019 and

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of "Clean Slate" legislation and the concept of "Clean Slate".

The sole mission of our agency is to operate humane and safe correctional institutions and provide rehabilitation through evidence-based reentry programs. This assists Returning Citizens in being successful back in our cities and towns and in having healthy lifestyles which, in turn, enhances public safety.

We recently unveiled our new strategic plan which clearly outlines this vision through the categories of our work, programs, services, future and people with the understanding that we approach all that we do with Human Dignity. We believe this treatment model assists people to live as law-abiding citizens. However, the harsh reality is that even with the perfect preparedness, there are obstacles working against a successful transition.

Although reentry is a complicated and multi-layered process, two common obstructions are access to housing and employment. Since Governor Lamont selected me as DOC Commissioner, our Department has increased its efforts to assist Returning Citizens in obtaining both by actively engaging with our community providers, advocacy groups and our state agencies.

We also know that the stigma associated with a criminal record and history of incarceration is often the actual roadblock. As a department, we have worked tirelessly to minimize barriers. However, a rap sheet in many ways becomes a permanent scar to someone that has already fulfilled their legal obligation to the courts who imposed their sentence.

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We believe in the philosophy behind Clean Slate legislation. Clean Slate is in line with our mission, our vision and our strategic plan. Based on our work with the Governor's Office, we are confident that this legislation will reduce or remove some challenges returning citizens face. Clean Slate gives the people in our state a fighting chance.

Criminal records should still serve a purpose. The question will be, who needs access and why. We believe that one's criminal record in its entirety will still hold critical value to our agency, ensuring that everyone under our supervision has an accurate risk score and is getting the appropriate programs focused on their criminogenic needs.

In addition, release decisions rely on objective classification that takes into account one's complete history. Again, I believe that we can carve out exemptions that serve a meaningful purpose, while maintaining language that will assist with the reentry process.

My home state of Utah is living proof that this can work. State Representative Eric Hutchings, is a person that I know very well. He and I have collaborated on many social justice projects together.

In the end, it is simple. It's time to give people who have paid their debt to society the chance to move on and leave their past behind. I'm open to any questions.

REP. STAFSTROM (129TH): Thank you, Commissioner. Questions for Commissioner Cook. If not, Commissioner, I just want to thank you for lending

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your important voice to this conversation. I certainly, I know this will be a conversation moving forward after today on -- on different language and the like and I'm glad you're apart that so thank you.

Next up is going to be Ciara Rosati. Folks, I'm going to ask you all to sit down. We -- we're trying to maintain some decorum in the room here and just make sure folks don't feel intimidated or pressured or whatever in their testimony. So, if you could all just maintain a seat, that would be helpful to us as we -- as we move forward, so. Thank you, guys. Go ahead.

MS. ROSATI: Good afternoon Senator Winfield, Representative Stafstrom and all members of the Committee. My name is Ciara Rosati and I am an ACLU of Connecticut Smart Justice leader. First of all, I want to thank you humbly for listening to my words today. I'm here to testify in support S.B. 403.

I'll start by saying I've been offered many second chances in life, the first when I just born. My biological mother had a tough life and chose to give me up for adoption at the age of 16. I was adopted by two people that spent many years trying to conceive a child only for it to fail every time.

When they got the call the they were chosen to adopt me, they made it their life's plan to give me the best life that they could. And I am trying to do the same thing for my son.

I'm a 28 year old woman with a felony conviction and also a single mother to an 18 month old son. Ever since my release from prison in 2017, I have faced many obstacles. I have been fired from jobs after I

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started working because they discovered my record. I work in the restaurant industry because that is one of the few types of jobs that would hire me where I can make a decent income.

Since my son was born in 2018 and I began raising him alone, I have been taking all the steps I can to give him a healthy life as my family tried so hard to give me. I work a full time job, I am in college and I'm graduating this semester with a college degree.

The next important thing to me is a place to call my own where I can raise my son. I am afraid of applying for my own apartment and being turned down. I'm afraid that despite making the right choices, I'm still going to be told that I'm not good enough.

Not only will that be saying no to me but that will be saying no to my son. What has my son done to deserve that? My son already faces adversities having a parent who has been incarcerated and living in a single parent household. But to know there is a chance that I will be told that I cannot choose to raise my son in a place that is healthy and safe because of a crime that happened over 7 seven years ago is not right to me.

This is why the Clean Slate bill is so important. All convicted individuals, including parents who have served their time, deserve a fair chance at being able to support their families and create a better life for themselves.

Even if someone's record is erased, there is also a chance that a potential landlord, employer or other gatekeeper can learn about their criminal history outside of a background check. Clean State needs to

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prohibit discrimination against people based on their record and hold people accountable if they do discriminate. Clean State needs to be an automatic inclusive system and that's including misdemeanor and felony convictions.

All people with a conviction deserve a second chance. Like I said in the beginning, I've been given many second chances. I was given a second chance at life when being adopted. I was given a second chance when I was released from prison. I was given a second chance at having a father still, once we heard the word cancer. I was given a second when I overcame addiction and was resuscitated from an overdose. I was given a second chance to a life of meaning when God made me a parent. But I have not been given a second chance if I continue to be discriminated against daily for a criminal record.

All people depend on getting a second chance at some point in their life. There should not be limits on a person's second chance. A real clean slate needs to be just that. A real, full, clean state. Thank you for your time.

REP. STAFSTROM (129TH): Thank you very much. Questions from the Committee? If not, I want to thank you -- oh, Senator Winfield.

SENATOR WINFIELD (10TH): I don't have any questions. I just wanted to thank you for your testimony and coming in and sharing your story with us. You did a really good job. Thank you.

MS. ROSATI: Thank you.

REP. STAFSTROM (129TH): Absolutely, agree. Thank you very much.

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MS. ROSATI: Thank you very much.

REP. STAFSTROM (129TH): Next up we're have Alex Tsarkov.

MR. TSARKOV: Good afternoon Senator Winfield, Representative Stafstrom, Senator Kissel and members of the Judiciary Committee. For the record, my name is Alex Tsarkov and I am the executive director of the Connecticut Sentencing Commission. I am here to testify in favor of S.B. 389 AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO SENTENCE REVIEW ON SENTENCE NOTIFICATION.

The Sentencing Commission is a state criminal justice agency by statute. Our membership of 23 includes four judges, the Chief State's Attorney, the Chief Public Defender, State Victim Advocate, Chairman of the Board of Pardons and Paroles, Commission of Correct and the Secretary of OPM as well as appointees from each caucus here at the legislature.

This bill, of course, has to do with sentence modification and sentence review. And these are two different processes governed by different statutes. But essentially what you have is a slight extension and eligibility on the sentence modification side and a narrowing of eligibility on the sentence review side.

So, on the sentence review, current law -- current law prohibits sentence review for sentences that have been a result of a plea agreement. However, a subset of these defendants, those who pled to a cap agreement retains eligibility for sentence review under current law.

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This bill would change that prohibiting sentence review for all defendants whose sentence is the result of a plea agreement. It should be noted that sentence review has very rarely been successful for post-conviction remedy. According to an OLR report, out of 997 applications for sentence review over the course of 6 years, only 13 received a modification as a result of that review. And actually, a couple of those were increases in sentences which can happen at a sentence review.

Now, on the sentence modification side, current law prohibits the court from holding a hearing without the agreement of a prosecutor if the entire sentence, including the suspended periods of incarceration, exceeds three years.

This legislation would allow the court to hold a modification hearing for any sentence without the State's consent as long as the defendant is serving a sentence of 3 years or less of actual incarceration.

So, to give you a quick example, imagine a sentence of 10 years suspended after 1. That sentence under current law would not be eligible for sentence modification without the consent of the State's Attorney. Under the bill, under the proposal, that sentence would be eligible for sentence modification without consent of the State's Attorney. I think that's all I have. I'll be glad to answer any questions.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, thank you very much. Ciara Rosati. Did we just do that? Ernestine Holloway. John Souza.

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MR. SOUZA: Good afternoon, Chairperson and members of the Committee. My name is John Souza. I volunteer as the president of the Connecticut Coalition of Property Owners. The Property Owners Organization, we have chapters all over the state, basically small landlord groups. We provide a pipeline of information, what goes on here at the legislature and we get feedback from them and try to be part of the process.

For over 20 years, The Connecticut Coalition of Property Owners has worked as a constructive voice for responsible landlords on such issues as nuisance abatement, bedbugs, domestic violence. We always try to make it fair to both sides so it works for everybody.

I'm going to say that, you know, I talked to a lot of landlord groups and basically, they're petrified of the word erasure. And I'll explain why that is in a second. But I want to just explain that if you don't know, if you're not a landlord or if you're not familiar with housing policy that HUD has had for the last four years, guidelines that require landlords not to make blanket policies such as denying people with felonies or misdemeanors.

HUD requires that you take each case as an individual and look at their history, look how long ago the crime happened, look at how old they were when it happened, stuff like that. What kind of job they have, they want you to take people as a whole and make a decision based on that?

So, landlords have already been walking this tightrope making decisions that you guys are struggling with now. You know, where should we put this bar, where should it be? Should it be low

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misdemeanors, high misdemeanors, should it be felonies where they're going to erase them.

But landlords have to make decisions and their number one priority from everyone I talk to and I'm sure you've gotten other testimony. Is they're concerned with the tenants that already in their residences or their communities because, you know, let's be honest, there are bad people in the world?

And I'm not saying everybody is, I think most people deserve a second chance. I think they express the same thing. They just want to see the patterns involved. If you start taking away a history, then you don't get to see the whole pattern and that was their biggest concern.

And I -- I understand both sides. I've worked on, you know, working groups to try and solve some of these problems. And I will say and I said to another, in another testimony to a different Committee that a lot of these problems would solve themselves if housing, if there was enough housing out there. There's not. It's tight, it's very tight housing.

If there was a thousand empty units within a mile or two of this -- of this building, you know, all these people would be able to find housing because people would be very interesting to renting to them if they had a decent job.

I think landlords are, you know, they're practical people overall. And they don't want to turn people down. They want -- they want to see history, they want to see some time after they're done with whatever sentences that they served. But, you know, they understand that, you know, young people

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mistakes. I've got kids, I know they're not the brightest when they're young, they make mistakes.

So, I think that most landlords understand and we're already working within the system. And I'm just going to add lastly that if any of these two bills are passed, does it create a basically an okay from the state, you know, they're drawing the level of the bar where, you know, you can turn people down.

So, I think both of them they're pretty low, actually. HUD is a higher standard, I believe from what I've been practicing. And we've been trying to teach that to the other groups that don't just turn people down, you know, look at them as a whole. They got an education, you know, when they were incarcerated and now, they have a good job. You know, they deserve a second chance and they tried to turn their lives around.

I hope I'm helpful. I'm not trying to be a pain but I know these are big issues today and I believe that we can part of the solution. I'll answer any questions.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? Representative Porter.

REP. PORTER (94TH): No -- no questions for you just a comment because we have done extensive work on the collateral consequence's council. That I do appreciate all that you've contributed to that and the perspective that you bring. So, thank you for being here today to also share that perspective with us on clean slate.

MR. SOUZA: My pleasure. Good luck you guys.

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REP. PORTER (94TH): Thank you. Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you, Representative. Have a great day. Charles Stallworth. Don't see him. Chairman Giles. Good afternoon.

MR. GILES: Good afternoon. Good afternoon Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Rebimbas and honorable members of the Joint Committee on Judiciary. I'm Carleton Giles, Chairperson of the Board of Pardons and Paroles. And I'm here today with our legislative and legal advisor, Leland Moore and the executive director of the Board of Pardons and Paroles, Richard Sparaco.

I'm here today to provide testimony in support of Governor's bill 5019 AN ACT CONCERNING FAIR FUTURES FOLLOWING ERASURES 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 the bill respectively and how they align with the Board's mission. The bill improves Connecticut's pardons process in several significant and meaningful ways.

First, the bill removes what has been a financial challenge for some individuals seeking a pardon to \$75 fee for criminal records. Although, of course, the board does not charge an application for individuals seeking a pardon. We do require applicants to obtain the information from public safety department to help them accurately remember

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and report their criminal history on our 9 and a half page application.

Second, this bill establishes an automated process for the erasure of criminal records. The 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 ePardon systems database into the staged criminal justice information system, reducing the time it takes for individuals to obtain their pardon certificate and realize its full effect.

Third, the bill helps further erase -- further ensure that erased records are permanently deleted from the databases a private background check provides which you've heard a lot about today. 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.

The 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 base 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 pardon's process may not be necessary for otherwise law abiding individuals with low level misdemeanors.

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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 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 support and 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 court, police and prosecutorial records.

Finally, I mention 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, the bill strikes a fair, 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.

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Therefore, the board respectfully recommends the Committee joint favorable report on the Governor's bill 5090 and I've submitted written testimony about S.B. 403 as well. If you have any questions, the team and I will be happy to try to answer them.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee. Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair and thank you, Chairman Giles. One question because parole has been talked about extensively today during this public hearing. I'm just curious if you could tell us what the approval rate is for pardons. The number of pardons you give a year and how many are actually approved.

MR. GILES: Last year, the year for which we have the records, the total applications received were almost 1600, 1592. Of those, nearly 1100 were deemed eligible. And our overall grant rate for pardons was 82 percent last year for the hearing in the court, the full hearing and 93 percent for the expedited grant rate.

REP. PORTER (94TH): Okay. How -- how many people out of the, you said there was a total of 1592. Out of that, 1100 of those persons were eligible and out of the 1100, my question is how many received a pardon?

MR. GILES: It looks like 593. You have these papers in front of you, Richard. Am I reading that right, 593?

REP. PORTER (94TH): 593 were approved out of 1100 eligible.

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MR. GILES: Yes, I think I'm seeing that right, Representative Porter. When we first met years ago, I just needed one pair of glasses, so.

REP. PORTER (94TH): Okay. I'm going to take your -- your word for that and trust that your glasses are doing their job.

MR. GILES: And we certainly can get you with -- I have people that can do that but I think I'm correct when I'm reading my chart, yes.

REP. PORTER (94TH): And if you could just speak a little bit to, you said that this bill actually captures some offenses that are automatic erasure already. Did I understand you correctly?

MR. GILES: No, no.

REP. PORTER (94TH): What were you saying when you were you talking about the automatic erasure piece of this bill?

MR. GILES: That we believe there is some merit to it for these low level misdemeanors because the petition base process, you know, can't capture maybe all of those things and maybe doesn't need to is what I was saying.

REP. PORTER (94TH): All right, thank you. Thank you, Mr. Chair.

MR. GILES: Thank you.

SENATOR WINFIELD (10TH): Thank you, Representative. Question. So, you used the number 80 or 82 percent. What was that number?

MR. GILES: It was 82 percent in the -- we have the dual system, of course. So, we have expedited and

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overall grants. So, overall grant rate was 82 percent.

SENATOR WINFIELD (10TH): Of what?

MR. GILES: Of the persons who went through the process and were -- received a pardon. 82 percent last year overall grant rate.

SENATOR WINFIELD (10TH): Well, that's not [inaudible - 04:50:42].

MR. GILES: I'm sorry. Richard, you want to speak to that because I'm not seeing.

MR. SPARACO: So, yes. This is Richard Sparaco, the executive director. The grant rate was 82 percent of those individuals who made it to a full pardon hearing. There is a process that exists of review prior to that.

So, anybody who actually went to a court in the State of Connecticut was granted a full pardon hearing. Prior to that, we also do have a prescreen review. That -- that -- that particular number doesn't include the prescreens as well. So, when you start off with 1500 applicants and then it makes its way down to 1000 which are deemed eligible, many applicants don't have our -- don't have all the information or are returned. Then you go to a prescreen process.

Once at the prescreen process, which is a -- which is an administrative role, that the board takes, they review and they determine if somebody should be then granted a full pardon hearing. Of those people that who went to those hearings, the 82 percent is the grant rate.

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MR. GILES: And, of course, that's the process also, Senator, I just want to quickly say was the one that you helped shepherd through in 2015, the administrative review portion, the expedited.

SENATOR WINFIELD (10TH): So, you have 1100 eligible people and the prescreening process gets rid of about half of those people. What is it that takes you from eligible to you're not actually able to get the hearing?

MR. GILES: Well, there -- we have about 13 reasons that we articulate to petitioners who do not get to a full pardon hearing or not eligible for the expedited. So, sometimes it is -- we articulate the reasons. Criminal history, sometimes it's that. Sometimes it's we -- they haven't articulated.

We have sometimes the police record and sometimes they -- we feel that there is been a minimization of the records that they have, so that's a reason sometimes that folks won't get to it. I don't have the reasons off the top of my head. Sometimes repetitive acts will do that. If you have a long list of maybe the same kinds of things that shows a pattern. So, that's one of the things.

But we're -- we're looking at, as you know, Senator, of voluminous amount of information which sometimes also speaks to what the person has done in that timeframe as well. So, we're also looking to balance what the record is to what they're done. Have they been to school, the charitable acts, we ask about all of those things as well?

SENATOR WINFIELD (10TH): And is one of the things that would prevent you, the type of crime you committed?

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MR. GILES: Not by itself, no. Not by itself I wouldn't say that we would do that. There usually is more than one reason but we need to articulate to the petitioner why they haven't met the threshold.

SENATOR WINFIELD (10TH): So, would you tell me I was incorrect and you know my history of dealing with this. Would you tell me I was incorrect to say that I've seen several of what people have gotten back telling them that the reason they didn't get that was because of their criminal history and the seriousness of the crime?

MR. GILES: I wouldn't say you were incorrect, no.

SENATOR WINFIELD (10TH): How can the two things exist together?

MR. GILES: Well because we have just a list of reasons but we don't write a narrative to the person. So, it could also be that they haven't, you know, shown some serious effort toward doing other things. And we just have one line that will say, the reason you -- so that would be maybe the predominant factor.

SENATOR WINFIELD (10TH): So, I have a question about that then. Because earlier when Undersecretary Pelka was speaking, it was put forward, I don't see this but it was put forward that you all make sure that people know why they're rejected.

You're now telling me that you might get a top tier kind of answer but not a full telling of why you're rejected. Those two things don't sit together either.

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MR. GILES: So, we don't write a narrative to the petitioner. We have a list of reasons that we will offer why the person has not met the threshold that you're describing. So, the two things are not incongruent at all.

SENATOR WINFIELD (10TH): How would the -- I don't normally cut people off but how would the person who's attempting to get a pardon have an idea of what they need to do then?

MR. GILES: So if, for instance, the reason is you minimize what was going on, you minimize the history that you had. Then they next time they apply the following year, they should fully, you know, if they have a police report available or their memories are jogged, they should fully articulate what had transpired so we can have a sense of how far they've come.

SENATOR WINFIELD (10TH): Okay, okay. And let's say that the issue that they see, as we talked about earlier, was the seriousness of your crime would diminish blah, blah, blah, blah, blah and nothing else. What are they supposed to do?

MR. GILES: I think could continue, Senator, making an effort toward rehabilitation as we tell them in the hearings. So many times, you've heard people where they've gone to school, where they volunteer in the community. Those kinds of things can sometimes balance out, you know, what the seriousness of the offense was over some period of time.

SENATOR WINFIELD (10TH): Chairman Giles, they haven't gotten a hearing. So, if you -- if they -- if they get rejected from a hearing for that reason,

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there is nothing for them to know. All they know is they're rejected and there is no information given to them aside from the fact that it's a seriousness of their crime.

If you -- if you're participating in the system, why would you believe that you ever are going to find relief under a system that has told you that given the nature of your crime you are not going to find relief and gives all that information.

MR. GILES: You're correct sir, there's no narrative.

SENATOR WINFIELD (10TH): Questions from members of the Committee. Representative Rebimbas.

REP. REBIMBAS (47TH): Thank you, Mr. Chairman. And my apologies for not having heard your entire testimony and certainly I'll be reading the written testimony.

I just quickly wanted to say, would you agree or would you be open to. I shouldn't say would you agree. Would you be open to or do you understand maybe the need of different types of offenses maybe having different types of application processes before your board?

MR. GILES: Well, I'd be willing to work with the stakeholders and others to explore this idea. So, I'm a fan of having, you know, eyes on the paperwork but would not discount such a suggestion that you're making.

REP. REBIMBAS (70TH): And I appreciate that. And I agree with you, certainly having eyes on paper and things of that nature. And I think, you know, certainly there might be still an openness as to in

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any interview process. If there is additional information that legitimately may be necessary or needed.

For example, if you're interviewing someone and they say well, you know, I was arrested outside the State of Connecticut but no conviction. That may lead to okay then let's just, you know, confirm whether or not there's any arrest outside of Connecticut, things of that nature. So, I understand that aspect of things. Okay, well thank you very much for your testimony.

MR. GILES: Thank you.

SENATOR WINFIELD (10TH): Thank you, Representative. Senator Kissel.

SENATOR KISSEL (7TH): Thank you, Mr. Chair. Sir, glad to see you as always.

MR. GILES: Good afternoon, you too.

SENATOR KISSEL (7TH): You know, I sort of understand where Senator Winfield is going. I mean, you know, if I was in this process and I don't need a narrative necessarily. But if you had like the 13 items and you just put a check next to the ones that caused me to get bounced out, then at least I would have a better idea of what I would need to work on. As opposed to just giving me the top one but there might be other things involved as well.

And so, you know, we said quite often that if we have some concerns regarding clean slate but we want to demystify the Board of Pardons and Paroles process. It strikes me that for those folks who don't get the hearing, we may want to invest more and I don't know if that's money or personnel. To

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allow you to communicate to them what they need to beef up for the next round that they apply.

Because we don't want them to be discouraged and say, that's just it or lose faith in government or the process that we set up. So, I'd be interested in a dialogue as to how we could better get you the resources you need so that we could give people a better idea of how they need to reapply in the next cycle.

MR. GILES: Sure. I'm glad you mentioned that because we've really going a long way in terms of demystifying. It's one of the things I set out to do as chair. So, we actually go out, you know, to do evening and Saturday presentations to groups. I saw Mr. Askew here from CCAR and we've been to his group more than once.

We went out to New Haven with the Senator once at one of the churches. So, we continually are trying to demystify and let people know we're there, we're available. We answer questions, I take the staff out with a notary. We were just out with Representative Reyes in New Britain. So, we're continually opening up, making sure the process is open and people know that it's open.

SENATOR KISSEL (7TH): And another low cost, no cost methodology you said there is like 13 items that might be considered. You could put that online so that someone could like if they're accessing this process online, you do it once and there it is for everybody to see. And I could be something as simple as, if you get rejected it may be because of one or more of these reasons and list them out so people know what to look out for even before they start the process.

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MR. GILES: Sure. And I think you know, Senator Winfield, as well that we're totally willing to work and have been. Have a long history of working with the legislature with this Committee and you in particular to -- to make the systems as best as you all deem it appropriate and that we can make it happen.

SENATOR KISSEL (7TH): Thank you. Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you, Senator. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon, gentlemen.

MR. GILES: Good afternoon.

REP. FISHBEIN (90TH): Nice to see you again. So, can you tell me, how many people are appointed to the Board of Pardons and Paroles?

MR. GILES: Currently, I'm dealing with nine full timers and two part timers. That includes the chair.

REP. FISHBEIN (90TH): Okay. And is that the max that is supposed to be?

MR. GILES: No, our strength is 15.

REP. FISHBEIN (90TH): Okay. And how long has there been open positions on the Board of Pardons and Parole?

MR. SPARACO: Yeah, Mr. Chair, there has been open positions for quite some time. As in transition, we've had several board members actually retire. It takes a while to get individuals reappointed. As

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the chair mentioned, we currently have one full time vacancy and three part time vacancies on the board.

REP. FISHBEIN (90TH): And what the longest length of time that any of those have been vacant?

MR. SPARACO: I believe we've always had vacancies on the part time side. The full time side has -- has varied over the years. I think the latest we've had a vacancy on the full time was since -- was, we lost one member recently who went onto another position and we've had a vacancy since last year.

REP. FISHBEIN (90TH): And who, it's the Governor who makes the appointments, correct?

MR. GILES: That's correct.

REP. FISHBEIN (90TH): And it's my understanding that you don't need a full body, you don't need a quorum of the total number of people that are on the board to conduct a hearing.

MR. GILES: No, just a panel of three.

REP. FISHBEIN (90TH): So, if you have openings of four to five for a significant period of time, I can reasonably assume from that that you are restricted in the amount of hearings that you can conduct.

MR. SPARACO: Yes. Since I assist the Chair in scheduling all the hearings, yeah, we are challenged in terms of trying to get all the hearings scheduled. Because we're not only doing pardons, we're also doing paroles and other administrative actions as well. So, it can be challenging at times.

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REP. FISHBEIN (90TH): And when you look at your docket, what percent would you say are paroles compared to pardons?

MR. SPARACO: Off the top of my head, I can just give you the fact that we have two -- a couple dockets every month on the pardons and we have a prescreening docket as well. Then we have a full panel docket that's held at one of the criminal courts so we're having about 12 full pardon hearings a year plus the prescreens associated with that.

We also run COE dockets, Certificate of Employee Reviews as well as the administrative dockets together. Alongside of that, we have hearings every single day for the most part of the week in the board's office for the parole side and for revocation hearings as well.

REP. FISHBEIN (90TH): Would it make more sense to look at, you know, one of the things that, you know, a lot of people are just jumping for the goal post here bifurcating the two, you know. Have a board of pardons and a board of paroles. Wouldn't that make more sense? Is that something you would advocate for?

MR. GILES: Richard has a historical context on this, Representative. So, we've been down that road before. We think that this is a good model that we currently have. Our folks are trained and up and running and doing the work.

REP. FISHBEIN (90TH): Well, obviously the people that appoint people to this board, I mean, I would be amstrong if I got four to five positions that are open. So, somebody is not given attention to this.

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It would just appear that, you know, something is really wrong here.

Because what I keep on hearing is that, you know, we can't through the normal process because the Board of Pardons and Paroles is going to get all jacked up. So, we have to automatically erase all these things without looking at these people. But then I'm hearing, well we're not staffing the Board of Pardons and Paroles so it's counterintuitive. So, I learn something new here every day. If you have anything, that was more like comment, conjecture, that kind of stuff. I, you know, if you -- if you want to respond it's cool.

MR. SPARACO: Yeah, the Chair has asked me to respond to this question. I think in terms of the volume of the cases that we're dealing with, you're - you're dealing with appointed officials who have oversight of this as well, the permanent staff members at the board.

Currently, based on the number that we get, our board members work in unison not only on the parole hearings but on the pardon's hearings. And are able to provide coverage for all the hearings that we're able to bring to them.

So, I -- I -- I in terms of on the parole numbers, we're completely, you know, caught up in terms of all the cases that were to be reviewed. On the pardons end, I'm not going to say that there is more room or less room on saying that we're -- we work with what we're given. And currently right now, we're able to schedule 12 pardons hearings a year annually. That's what we've been scheduling.

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To speak to, you know, bifurcating them, they were bifurcated up until 2015 when Public Act 15-2 was passed. And actually, created the process of having parole decisions and pardon decisions under one specific board. There were challenges with bifurcated board structures because we only had part time members who are overseeing the pardons process. And it was very hard to get them scheduled.

We actually increased the number of pardons hearing once we merged these two processes. We merged the decision making authority under the parole and the pardons with the current board members.

REP. FISHBINE (90TH): But to Senator Winfield's point. If let's say everyone who applied got a hearing, you know, then they would, you know some people want to have their day in court.

MR. SPARACO: I'm sorry.

REP. FISHBINE (90TH): But when you shut the door and you say, you know, you're not going to get a hearing because of your record or -- or something like that, it just appears to me that -- because that's not in the statute, right? That's an interpretation by the board. This is where we are going to draw the line. It's an internal decision.

Whereas generally, everybody has the right to file for a pardon. And if you had the four or five members that you're -- you're missing, you know, you would be able to have more hearing days. Perhaps you wouldn't even need that automatically shutting the door. And so many people wouldn't feel that they don't have their day in court. So, I -- I don't know. If you have anything to respond, I'm just looking to get through this.

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MR. GILES: Yeah, I was going to talk about the -- the statutes that you're talking about in this particular bill would really be eligible for the expedited process that we have anyway, the administrative review.

REP. FISHBINE (90th): Agreed.

MR. GILES: Those folks wouldn't require a hearing, an in person hearing.

REP. FISHBINE (90TH): But at a level, I think that some of those people should get a hearing. There should be the eyes on them, you know. And what I'm hearing is we don't have time for that. You know, the Board is going to get all jacked up and therefore we have put all these people through automatically without having that review.

You get two different people with the same criminal record but one has, you know, is a preacher in their church and they're doing volunteer stuff and, you know, they've actually shown, you know, attempts to do better. And then you've got one who has done absolutely nothing to that.

I mean, those are the the kinds of things that you see before the board and you take those things into consideration. And now to say they're going to be treated the same, I mean, it's sort of, it's counterintuitive. You know, you get less people that are doing community service and that kind of stuff. I'm just trying to wrap my arms around this but thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members of the Committee? I have another question. So, you were saying earlier

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that the bill that you're testifying on lines up with your mission. What is your mission?

MR. GILES: To successfully reintegrate persons into society.

SENATOR WINFIELD (10TH): And what requires you to reject those people who are eligible?

MR. GILES: Sometimes we deem them not suitable for the pardon process, for the pardon.

SENATOR WINFIELD (10TH): What requires you to do that or could you do it in any way that you've come up with as a system?

MR. GILES: Well, we've, you know, over the years, Senator, we have those reasons. We've read the file, we've been trained to see. We are very fully aware about collateral consequences and what people face. But we are keeping, you know, public safety in mind, we're keeping all those things that we consider as a panel when we're reading a file or listening to a petitioner.

SENATOR WINFIELD (10TH): So, when you keep public safety in mind, you keep public safety in mind in the communities where these people live, where they're more likely to commit a crime? Because they can't get access to a job, housing and all the other things that collateral consequences touch?

MR. GILES: We are fully aware of all of those things, Senator, yes.

SENATOR WINFIELD (10TH): And yet in a community like mine where a person who's been out of the system for 20 years gets a rejection like that, we're safer?

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MR. GILES: Well, I'd have to -- I'd have to -- I want to speak in a general way. I mean, if you have something specific in mind, I'd want to see that.

SENATOR WINFIELD (10TH): We'll arrange that, thank you. Comments, questions from other members of the Committee? Thank you.

MR. GILES: Thank you.

SENATOR WINFIELD (10TH): Judith Keogh. Good afternoon. Judith will be followed by Luke Bronin if he's still around.

MS. KEOGH: Hi, good afternoon. I'm Judith Jo Keogh and this is my husband, John Keogh who is also signed up to testify today. We're here to testify in support of S.B. 74 AN ACT PROHIBITING FEMALE GENITAL MUTILATION.

First, I want to thank you for holding a public hearing on this topic. I know that your time is valuable and sincerely appreciate your willingness to hear us today.

When I was two years old, the male relative of a trusted day care provider pulled me into a dark, small room under the basement stairs and raped me. I'm sure that you can imagine the physical damage that resulted from this act of violence. What might be harder to imagine are the years that followed. The nightmares, the flashbacks, the joint aches and muscle pain. The constant underlying sense of being unsafe in the world.

And act that took all of five minutes would impact every facet of my life for over 40 years. And yet I am lucky. I am lucky because the physical damage done to me that day 42 years ago was not permanent.

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I am lucky because I had access to medical and mental health professionals who understood what had happened to me and were able to help me heal. Survivors of female genital mutilation are not so lucky as I.

I have repeatedly heard the argument that there is no proof that FGM is being practiced in Connecticut and so requires no legislation to criminalize it. I have to say that I find this particular argument to be utterly appalling. I can think of no other violent crime that demands a victim be presented before being outlawed.

Are we really saying that we require the mutilated body of a little girl in order to act? I cannot fathom that anyone in this room would be comfortable with having that outcome on their conscience. I am baffled that a state that has consistently championed the rights of women is hesitating to protect its little girls from this brutal and horrific practice.

I understand that FGM is a thorny issue. We want and need to protect the bodies of little girls. And also need to be mindful of the rights of other vulnerable populations. I also believe that effective legislation must not only punish the perpetrators of this vicious practice but also provide education around FGM and advocate for its survivors.

I have made specific recommendations in my written testimony to address these concerns. We have an opportunity to do something different here. To craft legislation that is grounded in a deep and sincere respect for the female body and for human rights.

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I know that you have many bills before you and many issues of importance to consider. But I am begging you as a survivor, please pass legislation to criminalize FGM during this legislative session. We cannot let this practice stand.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, thank you very much for joining us today. Is Mayor Luke Bronin here? Yes, I see him.

MR. BRONIN: Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee, thank you for the opportunity to testify on S.B. 403 AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLES ERASURE OF CRIMINAL RECORDS FOR CERTAIN MISDEMEANOR AND FELONY OFFENSES AND PROHIBITING DISCRIMINATION BASED ON ERASED CRIMINAL HISTORY RECORD INFORMATION.

I want to thank Senator Winfield, in particular, as well as Representative Stafstrom, Majority Leader Matt Ritter and the many other elected officials and advocates and residents who have worked to craft this bill. It's important to start with the broad idea that is in this bill. And I think the idea that is also in the Governor's bill.

That as a society we impose consequences and should impose consequences when people break the law. But not every offense deserves a life sentence. And we as communities and as a state are not safer, are not stronger and are not better off if people whose offenses are in the past who have stayed offense free.

Who have tried hard to build a law abiding life, have doors slammed in their face again and again

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when they seek to get a job. When they seek a place to live. And I believe that this bill would be one of the most powerful things we could do to create avenues of opportunity for thousands of residents in my city and in cities across the state.

Over the last few decades, we have, I think, at this point all seen and acknowledged the over reliance on incarceration. We have seen the size of our incarcerated population rise dramatically. And finally, because of criminal justice reforms, begin to fall.

But we have also seen too many examples and I can give many personal examples of residents in my city who find that no matter what they try to do, they just cannot get ahead or get over that mistake that they made. And in some cases, that it's a mistake that's in the distant, distant past.

So, I'm grateful to Senator Winfield and again to all the legislators for crafting and considering this bill.

SENATOR WINFIELD (10TH): Thank you, Mr. Mayor. Comments, questions from members of the Committee? If not, I want to thank you for joining us today. I know it takes a lot to run your city but I think yours is an important voice because this issue shows up a lot in your city as well. And so, that perspective is very much valued. Thank you.

MR. BRONIN: Thank you, Senator.

SENATOR WINFIELD (10TH): I've been told that Ernestine Holloway joined us again. Is Ernestine in the room? If not, we'll next hear from Rick Bachman.

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MR. BACHMAN: Thank you, Mr. Chairman and distinguished members of the Committee. My name is Rick Bachman. I'm a returning citizen. I'm five plus years out of prison for a non-violent felony but I'm serving a life sentence.

Jobs are elusive because of the elephant in the room. My story is not unusual for people who have a felony conviction. I have personally applied for pardon and been denied. Even though I've been out five years and had no adverse contact with the law. I also applied for a certificate of employability from the Board of Pardons and Parole.

Given that I have a clean record after my release and told the Board I had an offer for a good paying job if I got the certificate, they still denied me. The certificate is supposed to make it easier in states that a person is hireable. The reason for the certificate is to promote returning citizens being hired.

The Board, however, punished me in effect, put a road block in my way to getting a job. I was up front and told the Board that getting this job would stop the foreclosure I was facing. They turned a blind eye and in effect, resentenced me.

I have failed on numerous occasions to get a decent paying job because of my non-violent felony. That conviction is a scarlet letter. The fact is my probation was cut short two years because I was a model citizen. I was even allowed to travel to other states without a heads up to probation beforehand which is highly unusual.

I had two great interviews with The Hartford and was transparent with them. I reached a third and final

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interview to become a claims rep but that last interview was canceled because at the interview was told I had a record, albeit, a non-violent felony.

Progressive Insurance illegally asked in their job questionnaire if you're convicted of a felony despite, Ban the Box. I was up front with a legal real estate firm in Milford and despite an excellent interview, that was the end of it.

I'm here imploring you to pass Clean Slate legislation sponsored by Senator Winfield which allows for expungement of a person's record after 12 years clean for most non-violent felonies. Almost 60 percent of returning citizens are excluded for consideration for expungement at the end of the first year and 70 percent after two years because of their brush with the law.

A study by the University of Michigan law school shows that having a committing a new crime after five years upon release from prison, you are less likely to commit a crime than a person in the general population.

Defining the fuses, the public safety objection and person to receive an expungement experience a sharp upturn in their wages by 25 percent meaning they would be tax paying and law abiding citizens who reintegrate into society successfully. The fact is that America believes in second chances. The fact is the longer you reintegrate into society after prison with a brush from the law, the lower the recidivism rate for that person.

I ask you to pass Senator Winfield's Clean Slate legislation which allows for expungement of a person's record after 12 years clean for most non-

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violent felonies. Personally, I feel all non-violent felonies should be included in this proposal and the time frame should be 7 years or like Michigan's proposal which is supported by Republican assembly still before the Senate, not 12 years.

I realize; however, this is a first step -- this legislation with bipartisan support. Just one more thing. Republicans predominantly support liberty first where Democrats support justice first. Why not stand together for this expungement legislation where you can be for liberty and justice for all. Thank you.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon, sir.

MR. BACHMAN: Good afternoon.

REP. FISHBEIN (90TH): Part of your presentation was basically saying to us that you applied for a pardon and -- and that you didn't get it.

MR. BACHMAN: Correct.

REP. FISHBEIN (90TH): And at the time that -- when did you apply for a pardon?

MR. BACHMAN: Last year. I was denied last April. And I didn't have a hearing as you've been -- you asked the Commissioner. All I had was basically it was a felony and you're denied. And they didn't really read my employability certificate correctly because they actually gave two reasons.

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One, they said it was a felony which is a serious crime they said which is obvious, you know, it's an oxymoron. And then they said you had a victim in the crime. Though if they had read my statement, they would have seen there was no victim in the crim.

REP. FISHBEIN (90TH): And then, so the disposition of your pardon application was in April of 2019?

MR. BACHMAN: 2019. Actually, it may have been March. It was followed up by the certificate in April. Both were denied.

REP. FISHBEIN (90TH): And do you recall when you filed -- when you filed that application because we don't get the letters simultaneously.

MR. BACHMAN: I think I applied in November or December of 2018.

REP. FISHBEIN (90TH): Okay. And -- and when -- when did your probation end?

MR. BACHMAN: My probation ended, I was out of prison in 2015 and I was out of prison, I believe in -- out of probation in 2017. They cut it two years short by the judge who sentenced me.

REP. FISHBEIN (90TH): Okay.

MR. BACHMAN: But it could be 2016.

REP. FISHBEIN (90TH): That your probation ended or that your -- your sentence ended?

MR. BACHMAN: No. No, my -- I was out of prison in December of 2014 and my probation -- and my parole ended obviously earlier than my probation. My

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probation ended, I believe, in 2016. And that was cut short by two years.

REP. FISHBEIN (90TH): Okay. I -- you sure your probation didn't end in '18?

MR. BACHMAN: It didn't end in '18, no. I didn't bring the certificate with me but I got it from the -- I applied, when I applied for the pardon, I had to give them that probation ended and it did not end in 2018.

REP. FISHBEIN (90TH): Okay. I'm just looking at the time period after your probation ended before you applied for the -- your pardon. And then in the -- so you said you didn't get a hearing, they just sent you a letter saying try again?

MR. BACHMAN: It just said, it didn't really say anything. It was more explanation for the certificate of employability denial. They really just said, you know, you committed a crime, a serious crime and that was it. They didn't check a check list like, I think, someone suggested here. I think it was your colleague who is not in the room right now.

REP. FISHBEIN (90TH): Okay. All right, thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you, Representative. Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chair. Thank you for coming in. I -- this -- I'm not completely familiar with this whole process. Would you please just explain to me what the certificate of employability is and why you were denied it?

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MR. BACHMAN: The certificate of employability is supposed to be easier to achieve than a pardon. It's supposed to say -- it's supposed to be saying the Connecticut -- the State Connecticut believes you are hireable. And they denied me based on two reasons. That a felony is a serious crime which, of course, all felonies are serious crimes and I had a victim. But if they had read my statement, they would have seen there was really no victim.

REP. DUBITSKY (47TH): Okay. Is a certificate of employability so discretionary that one would figure that once you've served your time the state of Connecticut would assume that you should go out and get a job and would do what we can to help you. I don't understand the difference. It almost sounds like it's the same thing as a pardon.

MR. BACHMAN: It isn't the same thing as a pardon. It -- it -- it in some cases can allow you to get a licensure which I'm not able to get as an ex-felon. It says, it's basically the good housekeeping seal of the State of Connecticut. They still won't allow you to get some licensures but I was looking for with a union to have a license for state insurance job which is kind of in house to the unions. And they were fine with me when I told them, I was transparent with them. They said if you get the certificate, we'll give you the job.

I would have worked like the dickens because it was not a 9 to 5 job but it was like all hours of the day. You had to see the union members after their jobs were over at Salkowski or wherever and the board basically resentenced me and said we're not, you know, I told them I'm facing foreclosure.

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This is a chance for a good paying job and I needed the certificate of employability. You know, what I -- what I -- my actions were wrong, I'm ready to make amends and move forward. And they said no, you have a felony and you have, you know, there's a victim in here and there was no victim.

REP. DUBITSKY (47TH): So -- so, that decision is made by the sentencing board?

MR. BACHMAN: That's made by the Board of Parole and Pardons.

REP. DUBITSKY (47TH): Okay, all right. Thank you very much, appreciate your time. Thank you, Mr. Chair.

MR. BACHMAN: You're welcome.

SENATOR WINFIELD (10TH): Thank you, Representative. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman, for the second time. What did the bar association do? Did they restore your license to practice law?

MR. BACHMAN: After five years which is now five years. I can apply but it takes a year and a half. The interesting thing that you ask that is that I actually even though I was admitted in Connecticut I really practiced 99 percent of the time in New York. And there is reciprocity, obviously, between states. A felony in New York is -- is just disbarment. So, you would think they would have not suspended me, they would have disbarred me. But they suspended me because they said the law that -- that I was accused of violating doesn't exist in New York and therefore we can't -- we can't -- we can't give you the -- bar

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you from the practice of law anymore. We'll just suspend you like Connecticut did.

REP. FISHBEIN (90TH): So, you're eligible now to reapply for the --

MR. BACHMAN: I'm eligible to reapply. I had to take the ethics exam because I'm older and it was required. And I also have to wait about a year and a half. That's how long the process takes so I'll probably take that exam in -- in May, I think it is.

REP. FISHBEIN (90TH): The PMBR.

MR. BACHMAN: Yeah.

REP. FISHBEIN (90TH): Yeah. And then does Connecticut's Bar Association require that that letter from the Board of Pardons, the letter of employability as part of showing your fitness or something like that?

MR. BACHMAN: No.

REP. FISHBEIN (90TH): You can just reapply.

MR. BACHMAN: You can reapply but, you know, people have been denied. I know Maya Gannon was denied by Barbara Bellis, Judge Barbara Bellis but she's no longer sitting in Bridgeport. So, you know, I'll face a different Judge.

REP. FISHBEIN (90TH): Okay thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members of the Committee? Seeing none, thank you very much for joining us today.

MR. BACHMAN: Thank you.

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SENATOR WINFIELD (10TH): Ernestine Holloway. Good afternoon.

MS. HOLLOWAY: Yes, good afternoon. I want to say I was educated there. So, thank you for this bill because I know something now that I didn't know before. Good afternoon, everybody, chair, co-chair, everybody on this Committee. I'm testifying on FGM.

To me it's one of the most craziest things that you could do to a little girl that would maim her for the rest of her life. It's been practiced in this country since the '60s. You know, everybody thinks that it's only people of black and brown color but that's not true.

You know, a total of 59 countries have passed laws against FGM. As the World Health Organization states, FGM is recognized internationally as a violation of the human rights of girls and women. It is also seen as a violation of rights of children. The practice also violates a person's right to health, security and physical integrity. The right to be free from torture and cruel, inhumane and degrading treatment and the right simply to live.

Some have promoted forms of this bill as an expression of hatred towards different religious practices and non-white immigrants. This is such an ignorance and bigotry. It should not surprise us when our political climate is so intensively toxic and dominated by fear and mistrust and loathing.

Well, we are not talking about what consenting adults do to their bodies. We're talking about the well-being of children. Even in the most marital

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disputes, the well-being of children comes first. You do what's best for your kids.

There is also concern that a bill against FGM could open the door to anti-choice or anti-transgender legislation. The bill has no warranted for that. The need to precise wording is a challenge, not an obstacle and I am confident that this body can rise to the challenge.

What do the Connecticut voters think about FGM? When they first learned about it, their mouths fly open in horror and disbelief. And I often as this question, what if it was your daughter, your sister, your mother, your aunt, your grandmother. It puts a face to this.

This is something that we should not allow in our country. Some people believe that out of ignorance that it didn't happen here and it doesn't here but that's not true, it does happen here. And it goes across the board to all races.

So, I'm voting -- I'm asking you to vote that we put this into practice and into law so no little girl has to suffer this in this country. They have enough issues already and we don't need to add more.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, thank you for joining us again.

MS. HOLLOWAY: Thank you.

SENATOR WINFIELD (10TH): Next we'll hear from Jason Wasserman. Good afternoon.

MR. WASSERMAN: Good afternoon. Senator Winfield, Senator Kissel, Representative Rebimbas and members

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of the Judiciary Committee, thank you. My name is Jason Wasserman and I'm here representing myself as well as the Center for Rational Justice Studies which is a civil rights organization here in Connecticut.

I support S.B. 403 for a broader clean slate with some reservations that I actually laid in written testimony. But I'd like to use my time to share with you a poem that my daughter wrote about me and read to her school in 2014 when she was a graduating senior.

When I search my father on the web, his title is paired with words of shame. On my father I do blame the associations that come with my name. I'm a joke. I'm the daughter. I'm a joker and they just that I'm the tragic daughter, a sad victim of the arrest and I say sorry.

Though they should apologize. Because where they see a felon, I see an angel in disguise. Where my father made one mistake, theirs have made a million. Where my father acts like a god, theirs acts like a civilian and I've been branded.

I'm a joke but it's not funny. I'm the daughter of the money that was spent on bail, not on college. But my father, fighting not just with his desire to do well but to do better. Battling with his own version of a scarlet letter.

Contending with society who roots for him to fail, he not only fails to fail but he succeeds with a smile. Even during his trial, he gave to the less fortunate though he was needed too.

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He donates himself to everyone because he thinks it's the right thing to do but it's not. It's not the right thing to do, it's the heroic thing to do. When he gives everything and nothing is left, he gives part of himself and now I give parts of myself.

Because when I search his name, there are no longer words that defame but words that praise. Words that raise him up, words that are there because he didn't give up so the town, the world, this company, this very piece of poetry can show not just me but everyone what he has done to change.

So, you've judged him and my family, now let's put it on you. If you had made the same mistake, would you have become a hero too?

Now, in the poem she says that -- she basically alludes to a clean slate but I -- I don't have a clean slate. And I actually -- I read that today because I think it's a strong reminder that those of us with criminal records are more than the worst thing that we've ever done.

I too also applied for a pardon when I was first eligible in 2015. I received one of those letters with -- and -- and I remember what the three things were, they weren't from that list. One was length of time, it had been 5 years since my conviction although 7 years from the arrest.

So, length of time, seriousness of the offense was the second and the third was I was on the sex registry. So, those were the three reasons that were given to me and I was denied a hearing. So, thank you.

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SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon, sir. You were convicted in 2010.

MR. WESSERMAN: Convicted, yes.

REP. FISHBEIN (90TH): July 22, 2010. And in 2015 you applied for a pardon. But the first charge you were convicted of you were sentenced to 7 years in jail, probation, the execution was suspended. So, you were still within the period of time that the court could have imposed, isn't that true?

MR. WESSERMAN: I had successfully completed probation after the 5 years so I'm not sure how that works, to be honest.

REP. FISHBEIN (90TH): Okay.

MR. WESSERMAN: It was a suspended sentence with 5 -
- 5 years of probation.

REP. FISHBEIN (90TH): Well, it was -- it was -- your sentence was 7 years for the first offense that you were convicted of, 5 years for the second. Execution was suspended. Probation for the first of 5 years for the second for 3 years. So, I'm just looking at the timing here because it's within that 5 years post-conviction that you applied for the pardon. Have you -- have you subsequently applied for a pardon again?

MR. WESSERMAN: I have not. I mean, based on what my understanding, I come off the registry in July of this year and I intend to apply again.

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REP. FISHBEIN (90TH): Okay. So, you know, these are the kinds of cases that we're -- we're looking at. And certainly, one of these bills deals with these cases and one of these bills does not. I mean, I'm not going to read what you were convicted of but --

MR. WESSERMAN: Can I, I'm sorry, Representative Fishbein, can I just tell you that I'm here not just for myself. I'm here, you know, I -- I recognize that neither one of these bills right now is going to help me. But I've been exposed to so much just because of what I've been through and what I've -- what I've come to learn about our criminal justice system.

And so, I'm looking for a bill that will help the most amount of people and I'm here advocating for that. When I read that letter, I know I'm not the only person who has children who would -- who would advocate for their parents in the same way that mine did for me.

REP. FISHBEIN (90TH): I understand. I'm looking at what the convictions were for and, you know, it appears children were involved in some way, shape or form. I'm just, you know, -- you know from my perspective looking at things like this, I just don't understand why the Board of Pardons isn't -- wouldn't be appropriate.

And I understand, you want this to apply to you at some time in the future. This -- I think 5019 would apply to you. I think in about 3 years it would apply to you. And that's the balance that's going on in my head. Whether or not to provide for the pardon process that we currently have or, I don't

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know. I just know that, I'll leave it at that. So, thank you. Thank you, Mr. Chairman.

MR. WESSERMAN: Thank you.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from others? If not, thank you for joining us today. Next, Andrew Osman.

MR. OSMAN: Senator Winfield, Senator Kissel, Representative Rebimbas, my name is Andrew Osman. I thank you for the opportunity to be here. A year ago, I testified on a different matter and it's a pleasure to be back with you. I want to thank you for your work which I've been reading and participating in to the degree that I could.

A year ago, I was primarily interested from the side of those who had been convicted and incarcerated and were on the registry of sexual offenses. Something happened this past August that changed my perspective and is the reason I want to be -- be here in support of 403, S.B. 403.

Two individuals came into the house as my wife and I were watching TV. One armed with a gun, held us both at gun point while they proceeded to take our wallets and ask for where the safe was which we didn't have. And then take our car keys, cell phone and exit out the back door. In the process of driving the cars away, wrecking one pretty thoroughly and the other in a more minor way.

Our attitude after becoming victims was predictable, right? We wanted to pound the perpetrators into the dust. But I began to be aware that as a victim I was now in a position to further victimize these two young men who had come into the house with some, you

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know, vigilante resentment based revenge motivated response.

And I remember learning from some other source that it was not my place to say to them, what were you thinking but rather to ask the question, what happened to you, what happened to you? And so, I'm here simply to say, I'm not interested in creating more victims.

The one kid that was caught was juvenile faces and adult charge, 10 years in prison. I understand, I have a son who is doing a bit for 15 years. That's the end of life in many respects for him. Doesn't interest me at all, justice does. And it has been expressed wonderfully that we need to keep that balance.

And so, I'm here in support of S.B. 403. And extending it as far as possible and not going incrementally. But pushing and pushing and pushing. Thank you.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, thank you for joining us and sharing your perspective. Carol Stokowski. Carol Stokowski. Cindy Privio. If you want to -- but yes. Good afternoon.

MR. MORALES: Good afternoon. So, I seek inclusion into the clean slate bill. And once I read this, you might understand why I need inclusion all the more. My name is Efrain Morales, Jr. In my mid-twenties, I attempted suicide using PCP to escape traumatizing memories of being molested at age 6. Except that under influence of PCP, I wound up

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committing a sex crime myself through what psychologist's call, implicit redress.

Now in my 50s, I'm still unable to live down the crime. Despite the redeeming qualities for braille for the Bureau of Education and Services for the Blind while also contributing to society through my many published articles.

Unfortunately, I'm being turned down for jobs due to the past sex crime. So, I published an article in a Connecticut newspaper title, "Ex-Felons Passed Over for Jobs" that I will now quickly read.

What can happen when employers and/or staffing companies reject ex-felons based on a past felony conviction, especially when supervising officers require, they disclose past convictions in detail. Answer: They get passed over for job opportunities and their resumes get shredded by employers only caring to see the past in the applicant.

Society might consider this type of discrimination as negligible and even acceptable when it comes to sex offenders. But the sad reality is that when ex-felons are kept jobless, they eventually wind up homeless and despondent. Unfortunately, the result of a person aimlessly wondering the streets often translates into crime out of desperation at the expense of the victims and also incarceration at taxpayer expense.

Connecticut's Equal Employment Opportunity statute precludes certain ex-felons from its list of anti-discrimination and this remains relatively unchallenged. When ex-felons have nothing to gain due to insurmountable barriers, then what do they have to lose when resorting to crime out of

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desperation? Maybe it's time to care about some change to that state statute. Thank you.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the Committee? Seeing none, thank you very much for joining us today and providing your testimony.

MR. MORALES: You're welcome.

SENATOR WINFIELD (10TH): Brain Corvo. Good afternoon.

MR. CORVO: Good afternoon. My name is Brian Corvo. I'm assistance counsel for CBIA the Connecticut Business and Industry Association. And thank you for the opportunity to testify today on H.B. 5019 and S.B. 403.

CBIA supports effective reentry initiatives to help returning citizens secure employment. CBIA is encouraged that this is a priority for the Governor and the legislature. Addressing the impact of criminal records on employment is important. There will be more job applicants with criminal backgrounds in the future. And as Connecticut's economy slowly grows, some industries need more qualified workers.

When criminal records hinder people from employment, it is a missed opportunity for the state, for employers and for people. Effective reentry policies are an economic necessity and a social imperative.

CBIA agrees that convictions should not permanently disqualify people from meaningful employment. And CBIA believes that constructive public policy needs

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to be balanced with reasonable considerations for the valid concerns of employers.

CBIA supports H.B. 5019 as a good starting point for such policy. The establishment of the reentry advisory committee is the most elements in both 5019 and 403. The Committee's task to align education and job training programs offered by the Department of Corrections with the needs of employers. And to encourage and help employers hire from this workforce.

Job qualifications matter. And ensuring people are well qualified when they reenter the workforce is the biggest factor to ensure success for reentering citizens. The composition of the Committee is well suited for the task. They can make sure that returning citizens have the skills that are in demand for employers and help employers be more open to hiring them.

The business industry and construction trades associations and human resources associations can help employers identify and manage the risks both real and perceived they have associated with hiring people with criminal records. Put those risks in perspectives and develop hiring practices that don't unnecessarily disqualify people from employment.

The Governor's bill is a reasonable starting point. Pennsylvania and Utah passed similar legislation with bipartisan support and the support of their business communities. Pennsylvania included immunity for employers from some actions. S.B. 403 provides that protection and that would only strengthen H.B. 5019.

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The concern we have with S.B. 403 has been expressed by a lot of people today. Just the wide range of misdemeanors and felonies that would automatically be erased. People would have to find a completely new way of dealing with that.

We did like the concept of provisional erasure in 403 and believe that's a good idea to accelerate the process of removing barriers to employment for more people. With that, I thank you for your consideration in this testimony.

SENATOR WINFIELD (10TH): Thank you, Brian. Comments, questions from members of the Committee. If not, I want to thank you for engaging with me directly on 403. I just have a question. So, you mentioned Pennsylvania and Utah and they included more misdemeanors.

MR. CORVO: I tried to do the -- I believe Mr. Pelka talked about this. The comparison between the Pennsylvania penal code and Connecticut. I wasn't able to make really an apples to apples comparison.

So, what we basically came down to was someone asked me is this like a way of putting your toe in the water. And I didn't like that comparison exactly because when you're just putting a toe in the water, you're -- you're testing it and you're going to maybe pull the toe back. And this is a problem that it's real and it's not going to go away and it has to be dealt with.

So, I'm looking at it as it's a cautious first step into the -- the pool and we figure out where to go from there. But I think that the most important element, like I said, is jobs. Because even, you

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know, listening to everything today, you can erase records far off in the future.

But the most effective way to help somebody with a criminal record today has been shown is to get them working as soon as possible. And that's where we could help, that's where the business community would be able to help with that.

SENATOR WINFIELD (10TH): Okay, thank you. And again, thank you for engaging. Comments, questions? Seeing none, thank you very much.

MR. CORVO: Thank you.

SENATOR WINFIELD (10TH): Rick DelVile. Good afternoon.

MR. DELVILLE: Hello. Senator Winfield, Senator Kissel, Representative Rebimbas and distinguished members of the Judiciary Committee, I would like you -- like to thank you for this opportunity to testify. I am here in support of S.B. 403. My name is Rick DelVile and I am part of the Clean Slate campaign organized by CONECT.

My criminal record has affected my past, my present and my future. The years were 1992 to 1994. I was charged with a string of crimes which I committed to feed my addiction. When I was a kid, I worshiped my dad. He was handsome, strong and funny. He would wrestle with me and tell me how much he loved me. But he had an ugly violent side and I feared him. He left scars on my soul that I bear today. He was a drug addict.

I became a drug addict too and when I was still a teenager in high school, I was a scared young man with a very low self-esteem. I started smoking

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marijuana and drinking alcohol and my drug use escalated.

I lost interest in school and in sports. I loved to play sports. I ended up dropping out of high school, began using harder drugs and got into a lot of legal trouble. I fell farther and farther into the abyss of my drug use and my whole life unraveled before me. I felt worthless and hopeless.

After years of battling my drug addiction and repeated arrests, I was finally able to get clean and sober. I have now been alcohol and drug free for over 12 years and my life has been transformed.

Today, I am a husband and a father of two sons, Ricky and Carson. At the beginning of my own recovery, one of the biggest obstacles I faced was finding a job. Again and again, I was turned away because of my criminal past. I felt inadequate as a man and my future seemed so bleak.

I felt that I was destined for a job without real purpose for financial security. After working one meaningless job after another, I decided to go back to school and become a drug and alcohol counselor. After I graduated, my wife -- my wife and I Jessica opened our first recovery house. We now own and operate five recovery houses for men with a total of 65 beds in New Haven, Connecticut.

Our houses provide structure, accountability and support to men battling the disease of addiction. Today I have the honor and privilege working with these men reentering society. Helping them rebuild their lives and connecting them with the services they need to achieve success.

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As they start to address their substance abuse issues, finding employment is a huge step forward in their lives. When they are able to secure a job, you can literally see a psychic change that starts to happen. These men start to get hope back into their lives.

On the flip side of that, not being able to find work causes severe depression, usually leading them to -- leading them back to reoffend again. I know that having no purpose in life was a big part of what kept me stuck in my disease.

When a man in early recovery has a job, he starts to feel good about himself and regain his self-esteem and begins to feel human again.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee?
Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. I just wanted to take the opportunity to thank you again for appearing before us. I do recall your story and absolutely amazing work that you and your wife are now doing for others.

I don't want you to feel like you have to respond, I'm just curious. Only because as we are talking here about, you know, trying to get the people really early in all of, you know, the challenges that young people face in their lives. Is there anything that you believe, as you were struggling as a young man, that could have been done that maybe wasn't or that you wish maybe there was certain signs that people saw?

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And then if you're comfortable in responding to that. And then later one, what was it that kind of woke you up and said, you know what, I need to change my life, that changing point if you want to share.

MR. DEVILLE: When I was, you know, when I was growing up, we grew up in a household and both my parents were felons. They both had drug problems. And I don't believe that, you know, I -- I would have become a drug addict and lived the life that I did and the made the choices I did if I had a stable home.

But my father was, you know, somebody who couldn't find a good job because he was also a convicted felon. I don't think that, you know, I was offered the help that I needed. There was a lot of trauma, a lot of abuse when I was growing up and I didn't get the help that I needed. I wasn't in a nurturing environment.

And then the turning point for me, you know, I was just sick and tired of the consequences and I knew that I could change and I wanted to change. And -- and I went out and I found it. And, you know, and one endless job after another, you know, with no real purpose in my life. And, you know, I searched inside my soul and -- and I found it.

My wife -- my wife encouraged me. And today I'm the father of two beautiful kids and I have a great life today and -- and I'm honored and privileged to be able to help men in my situation and men reentering society. You know, if this bill S.B. 403 got passed, there would be a lot more opportunity to give people like myself treatment for mental health,

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for trauma, for PTSD and -- and -- and addiction from drugs and alcohol.

Because there's no rehabilitation in jail. There's no treatment for -- for drug addicts in jail. And -- and -- and there's no services provided to them upon leaving jail, so.

REP. REBIMBAS (70TH): Thank you so much for sharing your story and certainly for giving the opportunity for -- for other as well. Thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Representative Palm.

REP. PALM (36TH): Just to say thank you for your brave testimony and congratulations on your 12 years of sobriety. We on this Committee hear a lot of -- we cover a wide range of issues. And of many things that you spoke of knit together some of the things that we wrestle with daily. So, just thank you for your perspective and good luck to you.

MR. DEVILLE: Thank you.

SENATOR WINFIELD (10TH): Thank you, Representative. Other members of the Committee? Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. And thank you for coming in. I know I spoke to you a week or so ago about this legislation. And I'm glad to hear your story and, you know, really appreciate that you're trying to give people an opportunity to get their lives back together.

And, you know, I'm -- I'm not sure if I support everything in this bill as it's written but, you

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know, certainly, you know, I will do and hopefully, you know, the legislature will do what we can to support you and -- and people who you're helping. You know, sometimes it only takes, you know a helping hand to -- to give somebody an opportunity.

But, you know, I -- I assume that you also understand the other side where there are people who are scared. And people, there are employers and there are, you know, there are landlords that want to know who the people they're dealing with are. So, I'm not sure where the balance is but, you know, certainly the tact that you're taking from where you stand I -- I think is, you know, is a great way to at least do your part and I very much appreciate it. Thank you, Mr. Chairman.

MR. DELVILLE: Thank you.

SENATOR WINFIELD (10TH): Thank you, Representative. Questions, comments from other members of the Committee? If not, I would like to thank you for coming here. I believe we met in a church basement at first. Your story has gotten much better since then and I appreciate you for continuing to tell that story over and over again. Helping a population that needs a little bit of help, so thank you.

MR. DELVILLE: Can I just say one more thing?

SENATOR WINFIELD (10TH): Go ahead.

MR. DELVILLE: I just recently applied for a pardon and my goal was to, you know, get a record expungement to make myself and my sons proud and -- and my wife. But also, to help the men in my houses. And it was suggested, you know, go through

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the process to see what it's like and it was pretty traumatizing. Because I had 41 convictions, no 31 convictions and I had to get my police record and I had to sit there and write every single detail of -- of the crimes.

So, it was a pretty daunting process that I wouldn't, you know, I wouldn't want to go through again but I probably would if I had to. But yeah, I just wanted to say that, it's not an easy process, you know. And the guy that was helping me, he told me a story that a guy had a staple in his -- in his package and it was kicked back for having a staple in his package. The papers were stapled together so.

SENATOR WINFIELD (10TH): Thank you. Good luck with the process.

MR. DELVILLE: Thank you.

SENATOR WINFIELD (10TH): George Dillon. George Dillon. Joseph DeBrow. Good afternoon.

MR. DEBROW: Good afternoon, Chairman and Committee members. My name is Joe DeBrow. I'm the president of the Center of Rational Justice Studies. Clean Slate bill takes an important issue of centuries old dilemma of eternal damnation versus redemption.

On the outset, we wish to be clear in our wholehearted support of the intent and spirit of this bill as proffered by Chairman Winfield. We believe that when there is wrongdoing, people need to be held accountable, pay a price that is proportional and just and then be able to move on with their lives.

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The primary reservation we have is kind of twofold. First is a possible legal flaw. An issue surfacing around the country involves the unconstitutionality of carve outs for specific categories of crimes. While very popular in the political arena with efforts to please constituents and consensus building with departments and organizations, doing so is increasingly being challenged and ruled against under the 14th Amendment in courts around the country.

When decided the infamous, as an example, when deciding the infamous Proposition Eight case out of California, the United States Supreme Court ruled the wants of the majority cannot take away the rights of the minority. Carve outs simply by category in no way take into account the severity of individual crimes committee as determined by a legitimate court of law.

By employing the approach to this by simply using an exemption for -- and these are examples, of Class A and B felonies makes much more sense. It would include a broader group that has been spoken about today but it would -- it would surely past constitutional muster because it addresses the severity without any particular bias for race, color or conviction category.

Using this simpler more inclusive model also allows on a much more individual basis with a finding -- aligns with a much more individual basis with the finding of a court in a learned finding of guilt and determination of punishment. It eliminates the retrial of individuals by any mob mentality court of public opinion.

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Singling out any particular crime solely by category and not by individual case clearly violates the 14th. Because it deliberately singles out a certain person and that intent in practice denies the equal rights or access to relief afforded by the intent and spirit of the law.

Especially, for instance, Class C and D felony misdemeanor is determined to fit for any particular case does in fact indicate a less severe punishment was deemed appropriate by a legitimate court of law.

If you were one of the people who cannot get a job, this is the second thing. If you were one of the people who cannot get a job, secure a place to live, forced to eat in soup kitchens or sleep in shelters because of a past conviction which no matter how old is only a mouse click away. These are not collateral consequences, it's perpetual punishment which is directly tied to recidivism and would more accurately be identified as perpetual hopelessness.

Absent all the myths, misinformation, self-serving lies that are constantly being spread out over all the time by organizations and persons pushing for carve outs, I want to be absolutely clear on one point.

The current state of the art research done by legitimate restorative therapists and organizations the world over says that the absolutely more effective way to reduce recidivism of all crimes and to actually increase public safety in all areas is to reduce hopelessness. This bill potentially can be a tremendous step in that direction and a shining example for the world. And we offer our wholehearted support to your bill, sir.

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SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, thank you very much for your testimony. Have a great day. Asia Nhatavong. I hope I got that right. Good afternoon.

MS. NHATAVONG: Good afternoon, I appreciate it. So, Senator Winfield and other Representatives of the Judiciary Committee, my name is Asia Nhatavong and I am the Justice-Involved Advocacy coordinator for the Connecticut Alliance to End Sexual Violence.

The Alliance is the state's leading voice to end sexual violence and is a coalition of community based sexual assault crisis service centers. Our mission is to create communities free of sexual violence and provide culturally affirming trauma-informed advocacy, prevention and intervention services centered on the voices of survivors.

I'm here today to speak on the Governor's bill H.B. 59 and S.B. 403. The Alliance supports these bills as written and greatly appreciates the Governor and Committee for acknowledging perpetrators of sex crimes as different from individuals convicted of other types of crimes.

One of the many reasons I stand before you today is to remind you that sexual violence can impact anyone. Including many of the exact people we are here today to give second chance too.

We often talk about survivors of sexual violence and individuals with a criminal history as being two different people. But I want to take this time to highlight all the survivors of sexual violence that have also been directly impacted by our criminal justice system.

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In my role, I advocate for the many survivors of sexual violence that are currently incarcerated and have been sexually assaulted while in DOC custody. As well as other survivors that have been released and are now a part of an ever growing reentry community who are only now ready to seek services. And I advocate for all the survivors whose history of sexual assault trauma far preceded their entry into the system and very well created a direct pipeline into the criminal justice system.

Before I joined the Alliance, I worked for reentry in the city of New Haven Project Fresh Start Reentry Program. I've helped many returning citizens apply for pardons, seek housing, write resumes, applies for jobs. I've seen these individuals reinvent themselves and transforms their lives in communities despite all the barriers and challenges to their reintegration back into the community.

So, as many of us in the room very well know, none of that can happen without a lot of struggle. The stories I've heard from both men and women who were vulnerable enough with me to share their stories about what really paved their way into the criminal justice system are the ones I carry with me every day. I carry them and I remember them because far too many stories I've heard are the same ones of violence, abuse and pain that I hear every day in my work now as an advocate.

The U.S. Department of Justice NIJ research study showed that approximately 56 percent or more of adult men in our criminal justice system have suffered some kind of physical or sexual abuse before the age of 12. And up to 93 percent of girls in just one juvenile correctional facility had

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already experienced this abuse and 76 percent of them before the age of 13.

We need to pay attention to how we support formerly incarcerated survivors and hold their perpetrators accountable. Results from the Department of Justice's 2015 meta-analysis on sex offender recidivism rates show that the likelihood of re-offending and recommitting a new sex crime only increases over time. Recidivism rates of rapists are reported 24 percent in a 15 year follow up and increase to 39 percent after 25 years post sentencing.

These rates are almost double that for child sexual abusers showing recidivism rates of up to 52 percent after 25 years post sentencing.

I just want to end with, considering the fact that most abusers go unreported, we also may be able to assume that these rates are even higher than the ones indicated here. So, thank you again for supporting this bill. The Alliance strongly supports H.B. 5019 and S.B. 403 as written. Thank you.

REP. BLUMENTHAL (47TH): Thank you very much for your testimony. Any questions or comments from the Committee? Seeing none, thank you very much for being with us today and for sharing your testimony. Next is Amber Vlangas.

MS. VLANGAS: I just wanted to correct my last name. It's actually Vlangas. It's V-l-a-n-g-a-s. Thank you.

REP. BLUMENTHAL (47TH): Thank you for that correction.

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MS. VLANGAS: Good afternoon Representatives and Senators of the Judiciary Committee. I'm sorry, I was feeling, I had a migraine and I was feeling a little sick so you'll just have to bear with me.

I'm here today to testify, you do have written testimony from me but I'm not going to read my testimony verbatim. I'm here representing myself and also Center for Rational Justice Studies.

But what I really want to talk about today is the us and them narrative that seems to always rear its head when we start to talk about providing relief for those who have been convicted of crimes and those who have experienced crime. I would like to remind all members of this body that victims and perpetrators are often one in the same.

There is no particular group. I myself have experienced a sexual crime. As a member of the United States Military, I was sexually assaulted. So, I understand the lifelong effects of assault. I would also like to share that I also am a member of a justice impacted family that has been highly affected by a criminal conviction.

I would like to just remind people that sometimes the criminal justice system is something -- not something that somebody did, it's something that happens to them. When you look at the imbalance of power in the system when somebody is accused of a crime of this nature and the options that are available to them in terms of pleaing, not pleaing, the rules of evidence, the different things that happened when allegations are made. I'd like to remind people that oftentimes any one of us can be just one accusation away from a conviction.

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Now having said that, those who have committed a crime of any nature should be provided relief. The evidence tells us that people who have committed a crime are no more likely to commit a crime. You know, there's a lot of different research out there that shows different dates but we can really arrive at between 5 and 7 years.

I would like to challenge the statistics that we just heard from the Connecticut Alliance to End Sexual Violence and I would be happy to share additional information with any member of this body. And also connect them with Emily Horowitz who is an individual who is an expert in the field, an author, a researcher. Who would be happy to speak with any one of you on that particular issue when it comes to how different statistics are manipulated and framed depending on where it's coming from to perpetuate different types of programming. Thank you.

REP. BLUMENTHAL (47TH): Thank you very much for your testimony. Questions or comments from the Committee? Seeing none, the statistics you talked about are those in your written testimony?

MS. VLANGAS: I do have -- I did place some of them in my written testimony. I do have additional information that I can also share with the Committee. And Professor Horowitz has agreed to conduct a conference call with anybody who would be interested in hearing from her as well.

REP. BLUMENTHAL (47TH): We appreciate that. And if you could send any additional matter, written materials you have to the Committee, that would be much appreciated.

MS. VLANGAS: Absolutely. We'd be happy to do that.

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REP. BLUMENTHAL (47TH): Thank you very much for your testimony. Next is Wanda Wesley. Patricia Marealle. Did I get that right? Close enough?

MS. MAREALLE: Yeah.

REP. BLUMENTHAL (47TH): All right.

MS. MAREALLE: Hi. Good afternoon, distinguished members of the Judiciary Committee. Thank you for this opportunity to speak. My name is Patricia Marealle. I'm with the Center for Children's Advocacy and I am a staff attorney in the Immigrant Children's Justice project there.

At CCA, I represent, and I'm here in support of S.B. 377. At CCA, I represent immigrant children on a daily basis who have fled to the United States to escape persecution, abuse, usually extreme violence including death threats. And many of these children make the treacherous journey alone having been separated and abandoned by their parents.

And they get here and they don't have a safe place to stay, they don't have anyone to care for them let alone the money and resources to pay for a private attorney. So, that is why this bill would be extremely important to be passed.

So, the notion of states and municipalities paying for attorneys and legal counsel during removal proceedings is not a new one. New York City does it, Los Angeles does it and I have a list of at least 10 other cities in the nation that do this work. And this is an opportunity for Connecticut to also join these states and cities and to be a leader in protecting the basic due process rights of children within its borders.

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So, another reason why S.B. 377 is important is that it would promote justice for unaccompanied children. In a sense that immigration law, especially removal proceedings, it's a civil proceeding. So, it's not a criminal proceeding in the sense that they're not provided free legal counsel the way you would in a criminal proceeding.

And so, we're expecting 5 year olds or 11 year olds or even 17 year olds to find attorneys, retain them and pay for them all on their own because we're talking about unaccompanied minors. These are children who are here in the United States without a legal guardian or parent to care for them.

So, we're expecting these extremely vulnerable populations to be able to find and retain counsel on some very complex and very formal proceedings. And it's, you know, as trained professionals it takes us years just to get to the point we are in to be able to represent them. So, it's highly unlikely that a minor under the age of 18 can do this on their own.

Furthermore, according to studies, the most famous one is by Syracuse University. It's 80 percent of all unrepresented children end up, who are in removal proceedings, end up being deported. Whereas only 12 percent in removal proceedings who are represented end up being deported. So, the numbers are there, legal counsel does help. In some instances, you know, it can be a life or death situation for these kids.

I have a lot of other statistics in terms of Connecticut's children and the -- and the numbers, I've got that in my written testimony you should have in front of you or I have submitted. So, I sincerely urge the Committee to support this bill.

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And not only would it make removal proceedings more efficient but it will also make them just -- it will improve the whole process when both sides are represented. Thank you for your time.

REP. BLUMENTHAL (47TH): Thank you very much for your testimony. Representative Palm.

REP. PALM (36TH): Thank you, Mr. Chair. Thank you for your work. I'm just curious, when you tell people what kind of work you do, what is the most common response you get, pro and con?

MS. MAREALLE: I'm sorry, I didn't catch that last part.

REP. PALM (36TH): Both pro and con. Both positive and negative responses to the kind of work you do.

MS. MAREALLE: I don't think I've ever gotten a really negative response because I -- I work exclusively with children. It's usually very positive and very encouraging and they always say thank you for everything you do, thank you for taking up this cause. Because there aren't a lot of -- the pro bono kind of like type of services, legal aid services, they're very few and far between for this population.

So, it's usually a handful of us in the -- in the state that do this work and so I usually get a lot of thank yous and like very positive reaction.

REP. PALM (36TH): And you don't represent children who are on our borders who are incarcerated?

MS. MAREALLE: No, I do not.

REP. PALM (36TH): Or I should say, not incarcerated by imprisoned?

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MS. MAREALLE: I do not do any work with the detained unaccompanied minors. I do work with unaccompanied minors who are already in the State of Connecticut.

REP. PALM (36TH): Thank you.

MS. MAREALLE: No problem. Any other questions?

REP. BLUMENTHAL (47TH): Representative Horn.

REP. HORN (64th): Thank you, Mr. Chair. I'm -- I'm certain this is in your excellent testimony either written. But I wondered if you could just repeat how many children we're talking about who are involved in these kinds of hearing in the State of Connecticut.

MS. MAREALLE: Okay, sure. In Connecticut, last year in fiscal year 2019, we -- there were 7,192 cases that were filed for juvenile unaccompanied minors. And of that 7000 plus number, 56 percent or 3,129 were unrepresented. And just to show you, of that 3000 number that were unrepresented, only 3 percent were -- got a favorable outcome and the others, like 63 or so percent are still pending because they have no one to --

REP. HORN (64TH): And could you contrast that 3 percent favorable rating to hearings in which people are represented?

MS. MAREALLE: I don't have that data in front of me but I can get it for you. That's a very easy number to get.

REP. HORN (64TH): And -- and I know you ended your presentation on time saying you have other statistics. Is there any one or two other

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compelling statistics that you think you should highlight here?

MS. MAREALLE: I apologize, I do not have those.

REP. HORN (64TH): That's okay, I'm sure it's in your written testimony which we will --

MS. MAREALLE: In my summary, I do have them in my written testimony.

REP. HORN (64TH): Thank you. Thank you, Mr. Chair.

REP. BLUMENTHAL (47TH): Further questions or comments from the Committee? I would just ask one which is you gave us some data about vastly different results based on in terms of, I guess it would be grants of asylum or deportation proceedings.

MS. MAREALLE: Yeah this is all --

REP. BLUMENTHAL (47TH): So, could you tell us a bit descriptively how having a lawyer in these proceedings makes a difference? How the dynamic of the proceeding changes if one is represented versus not represented by counsel?

MS. MAREALLE: Yes, certainly. So, a lot of these procedures are very technical and they're very -- you have to have -- to have a successful, let's say asylum claim or an SIJ claim. So, I'll tell you the SIJ because that's a lot of what I do.

It's a twostep process. It has to happen in probate, usually at state court. I do a lot of it in probate court but you have to have a state court process and then a federal court process. So, there is two different steps in one particular of these at the end of this.

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And so, you have to navigate either a juvenile court or probate court and file direct petitions, collect affidavits. Usually sometimes witness testimony, filling out like, you know, a couple handful of forms and then go in front of a judge, go through sometimes family specialist meetings. So, it's a very involved process and that's just the first step.

And so, you can't expect like, you know, a 5 year old or 11 year old to figure all that out. And then you have the second step, the actual federal immigration half of it. So, where you have to file for the required visas, provide country conditions, provide evidence of the things you're claiming.

And so, it becomes like a lot work and like some of the packets I submit on behalf of my clients are like, you know, packets, tons of evidence that a minor wouldn't know, even begin to know how to compile and, you know, write a brief, a clear and concise brief of why they qualify for a certain benefit under the current laws. And the cases that are being passed or turned around and so forth. So, it's pretty involved.

REP. BLUMENTHAL (47TH): Thank you very much for your testimony. Further questions or comments from the Committee? Seeing none, oh, sorry.

REP. O'NEIL (69TH): You -- you mentioned that some of your clients are as young as 5 years old?

MS. MAREALLE: Yes.

REP. O'NEIL (69TH): And that this person is an unaccompanied minor?

MS. MAREALLE: Yes.

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REP. O'NEIL (69TH): And where did the person come from?

MS. MAREALLE: Typically, they would come from their home country. Usually they -- a lot of them were maybe left, like I said, abandoned by a parent in the home country, under someone's care and that person decides they can't care for them. So, they might allow them to cross and make this journey with a stranger and then they end up at the borders and they might have a loose connection to somebody in Connecticut and that's how they end up here or sometimes they end up in a group home here. And then they're -- they're unaccompanied minors and they're here.

REP. O'NEIL (69TH): Okay. So, when you say they're unaccompanied because I'm trying to understand how does a 5 year old make their way from a foreign country which means thousands of miles from here. It's not like we're on the border with some other country. So, how does a 5 year old make their way from a foreign country? What specific countries are we talking about?

MS. MAREALLE: These are usually Central and South American countries. But the term unaccompanied specifically means that you are here in the United States, you're under the age of 18, you're here in the United States without a legal parent or guardian. And which is very easy if somebody -- you came to this country with somebody who wasn't a legal parent or guardian.

When you get stopped at the border you get separated and then you become an unaccompanied minor if you came in that way. And I've seen cases where parents and kids came to this country together and parents

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got deported and you have a child left here and that becomes an unaccompanied minor.

So, it happens in a variety of different ways but it is very possible to have like children as young as 5 in this state without a parent or legal guardian in that sense.

REP. O'NEIL (69TH): Okay so unaccompanied really, they could be with someone who's not a legal guardian or parent.

MS. MAREALLE: Yes.

REP. O'NEILL (69TH): But they in fact are in someone's home or someone is taking care of them or looking after them in some way. Is that correct?

MS. MAREALLE: In some instances, yes, that's correct. They're with a person who is not a parent or a legal guardian.

REP. O'NEIL (69TH): Okay. Does it ever occur that someone gets to this country with a parent or legal guardian, let's say it's someone who is 5 years old. And then that person says, basically departs and leaves them with some other person, perhaps a more distant relative, is not a legal guardian or parent so that they in effect are made unaccompanied by what amounts to a technical abandonment?

MS. MAREALLE: So, the designation happens at the border when you first enter the country. So, they wouldn't -- they wouldn't be designated unaccompanied at that point because once you're allowed into the country the point of designation has passed. They have to arrive at the border without this.

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REP. O'NEIL (69TH): Okay. So, all of the people that you represent are people who cross the border, were identified by the folks that border working for ICE et cetera. And then from the border which is either Canada or -- or border with Mexico or possibly coming into the United States through one of the airports. Then that person is identified as unaccompanied at that point of entry.

MS. MAREALLE: Yes.

REP. O'NEIL (69TH): And then they make their way from where ever it is they were to the State of Connecticut.

MS. MAREALLE: Yes.

REP. O'NEIL (69TH): Okay. And that these cases are of individuals who -- you mentioned 5 years old and I guess that's kind of like the headline that I'm imaging people are going to be thinking in terms of so we have a 5 year old who came here without a parent or guardian. Crossed, let's say, the border with Mexico, made the roughly 2000 mile trip to Connecticut unaccompanied.

MS. MAREALLE: Mm-hmm. And I -- I don't see where the question is.

REP. O'NEIL (69TH): Well, I guess I'm just puzzled. I mean, I have a 5 year old granddaughter, she's 6 now. I'm pretty sure she couldn't make her way from Mexico to Connecticut unaccompanied.

MS. MAREALLE: Yeah. So, the journey doesn't have to happen unaccompanied. As I mentioned, designation means that they arrive at the border, they're under the age of 18, they don't have a legal guardian or -- or parent with them. So, like so

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they could have made that journey with a distant cousin or they could have made that journey with somebody who was paid by somebody who is willing to maybe take care of them here.

I -- I -- it happens in so many different ways like it's -- I can't tell you that a child, a 5 year old by themselves would make that journey completely unaccompanied, not in that sense. I think you're -- the way you're thinking about it is that they're making that journey completely on their own versus like they made that journey without a legal guardian or parent.

REP. O'NEIL (69TH): Yeah, because the word you used was unaccompanied and I'm not familiar with immigration law enough to know that that's a technical term apart --

MS. MAREALLE: Yeah, it's a technical term.

REP. O'NEIL (69TH): -- within the -- the immigration laws.

MS. MAREALLE: Yeah.

REP. O'NEIL (69TH): So, they weren't necessarily unaccompanied, they simply didn't have a parent or legal guardian. They could have been, for example, with an uncle or aunt, someone like that.

MS. MAREALLE: Yes.

REP. O'NEIL (69TH): Whose being taking care of them and that sort of thing. And it was even at this moment they're living with, correct?

MS. MAREALLE: Potentially, yes.

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REP. O'NEIL (69TH): I mean where -- where -- where are most of your clients living?

MS. MAREALLE: A lot of them are in Fairfield County.

REP. O'NEIL (69TH): No, no I mean are they -- are they living in a shelter of some sort, in a home? I mean, where do your clients actually spend their nights.

MS. MAREALLE: They -- they live everywhere. I mean, some of them are completely on their own and living off of like, you know, based on people who can help them. Like friends, families, support groups from schools that help them and they're completely on their own. And some live like distant cousins or they live with aunts, uncles. And some, yeah, grandparents sometimes it's just it varies.

REP. O'NEIL (69TH): Okay. And when they're living say with grandparents, I mean, from your understanding -- or uncles, are the folks with whom they are living legally resident in the United States in most cases or some cases? Or do you have any sense of whether those folks are, are they employed, I mean, do they own homes? I mean, what exactly is the economic status of the -- what I would characterize as family unit that this child is now a part of.

MS. MAREALLE: It varies. Sometimes they are employed, sometimes they aren't employed. Sometimes they have legal status sometimes they don't. And then that usually determines their income eligibility in terms of like whether they can work legally and provide for these kids or not. And whether they can -- the types of employment that

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they're eligible for for their family prices and it varies. And then they're usually -- sometimes you have mixed family units where like one or two people are -- are -- have legal residency in some art without legal status.

REP. O'NEIL (69TH): Okay. Now you mentioned that there are like 12 percent, I think, that are cases where if there is representation, the number of -- of deportations is about 12 percent.

MS. MAREALLE: Yes.

REP. O'NEIL (69TH): That was the number you said.

MS. MAREALLE: Versus 80 percent without.

REP. O'NEIL (69TH): Right. And is there a distinction, in other words, are basically these cases the same cases and just a lawyer shows up in one. Versus is there a type of case, for example, are we basically dealing with very young people in the larger percentage, the ones who get deported. And maybe we're dealing with 17 year olds who are much closer to being adults that are in the 12 percent, the ability to in effect stay here is kind of related to your capacity to remain independent if you stay here?

MS. MAREALLE: I do not know the exact breakdown of the ages. If you are interested in that, I can definitely get that information to you. These are national statistics so the 80 percent versus 12 percent, these are national statistics not just for Connecticut. Versus that 7000 number I talked about earlier, that was specific to Connecticut.

So, they are -- and usually and from my understanding of the data when I read it it's just

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generally just having an attorney versus appearing in front of an immigration judge with an attorney versus without an attorney regardless of age.

REP. O'NEIL (69TH): Okay. So, we don't know that if -- if you're 5 years old and you show up with an attorney versus without an attorney that there's a difference there in terms of percentages of outcomes that occur.

MS. MAREALLE: No, I do not know that data specifically in that like -- that distinct manner, no.

REP. O'NEIL (69TH): Okay. And then I assume then it's a national statistic about the 12 percent that are successful rather, that the deportation number drops down to 12 percent. What I'm curious about is are there people in Connecticut who have attorneys representing them in these proceedings, private attorneys currently or is everybody unrepresented.

MS. MAREALLE: I'm sure some unaccompanied minors in the State of Connecticut have private attorneys. It's usually probably a very small percentage because immigration attorneys are expensive. It costs, you know, in the thousands of dollars to retain one for cases. And they get complicated, the more complicated your case is -- sorry, the it gets more expensive the more complicated your case is.

And, I mean, so a lot of them rely on legal services such as our organization or the other great organizations out there in Connecticut for the majority. Because of lot of them are indigent. I mean, they are in the country, they usually have a familial support system in place for them so they don't have anyone paying their bills or anything.

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Like I said, sometimes they're mixed family units so that we don't know like how -- their earning capacity is different. And so, it just -- it varies in that sense.

REP. O'NEIL (69TH): And in your experience, again, you mentioned the 5 years old. How many 5 year olds do you think they are or have you met in the system?

MS. MAREALLE: I personally, I mean, I can give you my example. I've been doing this for a little like almost two years now and I have had maybe 10 or 15 come through my office that were like 5 or under. And I've had a lot of 7, like the between 5 and 10 year old group, a lot more of them. I mean, well technically they're not my client but it's a client I help through my pro bono service.

One of them, she was 3 years old. I had a client who was a referral to my organization because I also run a pro bono network for other attorneys to take on some of these cases for the work I do. And we had a 3 year old as a child who needed help.

So, I mean, 5 was just a number but they can get as young as 3. I think I've seen as young as 3 come through our office.

REP. O'NEIL (69TH): Okay. And can you share, what was the outcome of that since you worked on that case, can you give an idea of what the outcome was?

MS. MAREALLE: It's still ongoing.

REP. O'NEIL (69TH): And how long has it been ongoing?

MS. MAREALLE: They started last year so it's been ongoing for the last year.

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REP. O'NEIL (69TH): Okay. One of the things you indicated was that there was a percentage of the cases that where there was a decision made and it was favorable to the, I guess, most of these are asylum seekers. So, the asylee claimant?

MS. MAREALLE: I don't know if they're mostly asylum seekers. These are just juvenile immigration proceedings.

REP. O'NEIL (69TH): Okay. Because you talked about persecution and a lot of things.

MS. MAREALLE: Yes.

REP. O'NEIL (69TH): It sounded like it was the kind of thing you claim for asylum.

MS. MAREALLE: I mean, it could be persecution. There's gang violence, I mean, there's abandonment and neglect from parents. Like it varies and all of them, there's different categories that kids can fit under depending on what's happened to them.

REP. O'NEIL (69TH): Okay so in other words, if -- if you're living in a South American country or a Central American country and you're abandoned by your parents and then you are able to get to Connecticut, you are able to -- the basis of your ability to stay here can be that your parents abandoned you in say Mexico or Guatemala or some place?

MS. MAREALLE: There are immigration -- there -- there is an immigration that benefit for something similar to that. But you have to have somebody here who is willing to care for you, become your legal guardian. You have to go through an entire process to make that person your legal guardian before you

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can even begin to apply that benefit. But there are benefits for kids of that nature, yes.

REP. O'NEIL (69TH): Okay. And -- and before that person can then make the application where you might get involved with or under this bill, people would get -- attorneys would get involved. What you just described; a legal guardianship has to be established in Connecticut?

MS. MAREALLE: Yeah.

REP. O'NEIL (69TH): Okay. And how is that paid for? I mean, who finances the legal guardianship proceedings because that's kind of a fairly substantial legal proceeding.

MS. MAREALLE: Usually when we do it for our office it's like we -- the pro bono you do either you ask for fee waivers. The attorneys are usually pro bono. That's the only way these things kind of go through and some families can come up with the money for the filing fees. And a lot of my clients, they'll qualify for them because they are children. They are children with no money petitioning the court.

REP. O'NEIL (69TH): Well but when say a 7 year old or an 8 year old, they petition the court themselves or is someone doing this on their behalf?

MS. MAREALLE: I would be doing it on their behalf as their attorney.

REP. O'NEIL (69TH): And -- and how do you come in, I mean, how do they get to hire you? Do they just walk in off the street and say I'd like an attorney?

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MS. MAREALLE: We get referrals. I mean, it's a network. A lot of the immigration work in the -- in the state is a network. So, one of the things CCA does is we do a lot of trainings. We go, we do outreach and training and so we get referrals through that.

We have clinics at some schools that we get referrals through that. And we have community partners and, you know, organizations in the community that we partner with for a number of things. So, when we they come across, a lot of them are grassroots, immigrant rights committees.

And so, when they come across these individuals, they usually contact us and organizations such as us and refer them. So, it comes from -- our referrals can come from anywhere.

REP. O'NEIL (69TH): Okay. And I guess one last. You mentioned a bunch of cities that are doing what 377 proposes to do. Are any other states doing this?

MS. MAREALLE: I think I, hold on. So, I know New York City and Los Angeles in California. A lot of them have been like more on the municipal level. But I know Atlanta, Austin, Baltimore, Chicago, Columbus, Ohio. I mean, there's a number of cities out there that are -- are making these efforts.

REP. O'NEIL (69TH): But as far as you know, no other state is doing this.

MS. MAREALLE: Some of the funding does come through state funding for these cities in order to do this work. Because it's usually a mixture of municipal state funding and private funding. That's all

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funneled into one like project that does the legal representation for these kids in these cities.

REP. O'NEIL (69TH): Okay. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you, Representative. Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Good afternoon, thank you for being here. I didn't hear all of your testimony but I did have the opportunity to briefly speak to the other individual that's from your same organization.

I'll try to make kind of a statement and ask you very few questions just for the interest of time. How many of these young children do you guys turn away?

MS. MAREALLE: Do we turn away?

REP. REBIMBAS (70TH): Correct.

MS. MAREALLE: A fair amount at the moment because we're just overwhelmed. We, I mean, I think Connecticut has its highest like influx of kids last year. From its regular average, I think it normally gets like three, 400 hundred unaccompanied minors or minors released from ORR, the Office of Refugee Resettlement to Connecticut.

Last year it more than doubled than its usual average and so we got slammed last year. And we currently actually are running on a wait list. So, we've had families waiting for a few months for me to get to their cases or one of our pro bono attorneys to get to their cases. So, we're kind of -- we're not taking in any more cases at the moment. So, in that sense, we are turning all those families

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that are being referred to us at this moment but yeah.

REP. REBIMBAS (70TH): And how do you determine which ones to keep and which ones to not accept?

MS. MAREALLE: I typically, if they meet our income eligibility requirements, I take cases. I usually don't turn them away unless they don't have a like a valid claim that I can help them with. So, I don't actually like turn them away for any other reason other than that.

REP. REBIMBAS (70TH): So, those children that are truly indigent, I'm assuming you're not asking them whether or not they have a job but those in their care, who is caring for those kids in that moment in your time. You're making the analysis financially as to whether or not to keep them or refer them out.

MS. MAREALLE: Yes.

REP. REBIMBAS (70TH): Okay. And isn't it correct that we, in the State of Connecticut, through our federal courthouse, immigration courthouse in Hartford. It's not only individuals that are being residents of Connecticut or housed in Connecticut but we also see individuals from other correctional facilities outside of the State of Connecticut, is that correct?

MS. MAREALLE: I am unsure about that, so.

REP. REBIMBAS (70TH): So, you don't know whether or not individuals in other facilities outside of Connecticut appear in the Hartford immigration court?

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MS. MAREALLE: No, I actually don't know because I -- I -- the work I do is strictly for my kids and it is usually Connecticut residents.

REP. REBIMBAS (70TH): Okay. Well I can certainly appreciate and don't want you to answer to something that you don't know about in that regard. Are you familiar with the task force that this proposal is putting together?

MS. MAREALLE: Yes, I am.

REP. REBIMBAS (70TH): Is your organization part of the task force?

MS. MAREALLE: I don't believe we are at the moment.

REP. REBIMBAS (70TH): And I was shocked to see that.

MS. MAREALLE: Yeah.

REP. REBIMBAS (70TH): The organization that's up here advocating for something and actually does this job is not on there. I also don't see the AILA association which is the American Immigration Lawyers Association that does this work. And I'm assuming you probably pull some of your pro bono attorneys from that organization, I would imagine. Is that -- is that correct or not?

MS. MAREALLE: I'm part of AILA but they -- it's -- it's structured slightly different. But I am part of AILA and I attend their meetings regularly. And I -- I think they were going to submit something but I don't know.

It's structured slightly more different than -- because there's like a weird structure to the whole AILA national thing on what bills we can and cannot

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support. And so, but I know they were in support of this. I know a lot of organizations were in support of this.

REP. REBIMBAS (70TH): I have no doubt that they probably are. I used to be a member of AILA.

MS. MAREALLE: Yeah.

REP. REBIMBAS (70TH): And it's not whether or not that they support it that was my issue, it's just the people with the actual experience of representing these children is not represented on this task force and I find that to be a little concerning in that regard.

MS. MAREALLE: Okay.

REP. REBIMBAS (70TH): Also, I find it concerning that, you know, there is duties put upon the judicial branch and that's within available appropriations. Which again, we already know our judicial branch is spread thin.

But then later on, there's another provision where there is funds coming from the attorney general's office to the tune of \$800,000 that's going to the judicial branch. Which again, I know that you're probably not the best person to respond this too. Typically, where do those funds go to and so who are we taking this money from in that regard in order to make this possible.

So, I think I can speak for myself but I would be hard pressed to believe that anyone wants to see any child, any minor appear before a judge. It just doesn't make sense in that regard. But I think based on your testimony, no child that can't afford it and when I say can't afford it, based on the

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guardians who has legal guardianship of that child. Because technically there's been a process, they're in somebody's care. They're not being turned away.

And I'm concerned because you've highlighted the influx of children with these situations in the State of Connecticut. That if we actually advertise and fund that we're doing this and we already get individuals for outside the State of Connecticut being heard in our immigration court in Harford, I'm concerned of what kind of message we are sending out in that regard.

Versus doing exactly what we're doing which is through great amazing pro bono services. You're a non-profit organization. And I'm sure if -- if -- and certainly I'll be the first one to assist in getting additional attorneys if necessary, to do the great work that you're already doing.

Again, I can't imagine anyone who wants to see a child not represented in court. But I think if we're not and there is no provision in here for a financial provision of determining whether or not they can afford it, it just simply says every individual, it's concerning.

MS. MAREALLE: And thank you for your comment. And I can't speak onto the financial structuring of the bill. But I can say that just because if we have it doesn't mean that they will definitely come. The influx last year that I'm talking about, I think it was a nationwide influx. I was just giving you statistics for the State of Connecticut just to show you the need for this particular bill.

And in terms of like, like I said, New York City does this but you don't see kids leaving Connecticut

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to go down to New York City just so they can take advantage of that, you know, work there. It's -- it's -- it's -- if a kid is going to come to Connecticut, they're going to come to Connecticut and this is going to be where they end up.

And it's just a matter of us having the like some kind of avenue for them to be represented and be heard and give them the due process that they deserve. So, I think that's where I'm coming from for this bill and and this is what it would provide for them.

REP. REBIMBAS (70TH): And I absolutely agree with you and I'm not necessarily saying that that's main factor that there would be an influx. I don't know many families who could afford to live in New York City. But certainly, if I had a family and I was trying to determine, I have family in let's say Florida.

For all I know, they might be doing this I don't know but let's assume they're not. And I have a family member in Connecticut, I'm going to choose Connecticut to send that child with if there's going to be you know, free legal services in that regard, absolutely I'm going to make that decision.

But again, I think that there should be a financial component because I wasn't here for the entire dialogue. But being very familiar with these situations, there are caregivers who are working and may be able to afford it and we want to make sure that we're as -- as responsible with our finances as we humanly can but still providing the necessary services. So, thank you again for being here and your testimony. Thank you, Mr. Chairman.

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SENATOR WINFIELD (10TH): Thank you, Representative. Comments, questions from other members of the Committee? Seeing none, thank you very much for joining us today.

MS. MAREALLE: Thank you.

SENATOR WINFIELD (10TH): At this time, I will remind people that if you have someone from your organization here who you guys could testify together that's permissible as we move forward. Particularly if it shortens the amount of time that we're spending. I want to make sure everybody gets an opportunity to testify. The longer we go the less likely that is. Next, we'll hear from Phil Kent followed by Dawn Grant, followed by Joanne Lewis. Good afternoon.

MR. KENT: Good afternoon, Chairman Winfield, Ranking Member Reimbass and members of the Committee. Thank you for this opportunity. I urge you to vote yes on S.B. 403, Clean Slate.

My name is Phillip Kent. I feel a little underdressed today but I'm a litigator. I'm co-chair of the Criminal Justice Reform team for Congregations Organized for a New Connecticut or CONECT. I support S.B. 403 because as our many faiths teach us, redemption is for everyone. Jews, like myself, atone for our sins each year both to God and to each other. And once we forgive each other, we move forward afresh.

For thousands in Connecticut, many of them subjected to pervasive racism in the criminal justice system, redemption has never happened. So, we must open the way for people who have served their time to be completely reintegrated into our collective lives.

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A 2018 Michigan Law School study found strong support for automatic expungement, leading to far better wages and extremely low recidivism. 96 percent were not convicted of any crime in the next 5 years and as you've heard earlier today, were at lower risk than the general public of committing a crime. But only 6.5 percent of eligible people in Michigan received expungement.

Connecticut's existing pardon system also is simply not enough. You heard testimony earlier today from the Board of Pardons and I would respectfully just have to correct them a little bit. From a population that grows by 5000 people annually, Connecticut grants only 511 pardons in 2019 which is nearly 27 percent less than the year before.

So, Representative Fishbein who stepped out and Senator Miner, issued a report recently that said, "it's beyond doubt that societal reintegration is more successful and recidivism lower if an offender can quickly get a home and a job".

It said, many consequences of a criminal records are draconian and according to the report, they firmly support removing barriers because doing so will "benefit not only the formerly incarcerated both also their families, communities and Connecticut's economy as a whole". And on that, we agree. I was disappointed, however, that that same report called Clean State, "the most extreme course of action". I disagree.

My dad stole my brother's college fund and when my brother died in 1993, he skipped the funeral. If I may continue.

SENATOR WINFIELD (10TH): Go ahead.

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MR. KENT: I loved my dad but I never spoke to him again since 1993. And, in fact, I put him in jail myself for over 25 years. I dreamed of reconciling with him. Sorry. But I found out recently that he died in 2015. That failure of forgiveness harmed both of us.

So, what is truly extreme is perpetuating a system that makes tens of thousands of people permanent, second class citizens. In a state that rarely forgives the past or allows people the opportunity to change their future.

Our collective, grave failure to forgive scars the soul of Connecticut and all of its people. And without S.B. 403, Connecticut will continue to punish thousands of people for decades after they've completed their sentences, limiting their access to work, housing and education and harming all of us. And so, I ask all of you to pass S.B. 403 unanimously. Thank you.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee?
Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Just a quick comment. I just wanted to thank you attorney Kent for being up here. I know you, you're an amazing advocate, an amazing attorney. And I just wanted to thank you for taking the time and your advocacy behind this in our many discussions. We look forward to more.

MR. KENT: Thank you very much.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Representative O'Neil.

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REP. O'NEIL (69TH): You're too young for that, really. So, do you have any idea as to why the Pardons and Parole Board gave such a much smaller number why their rate of issuance of pardons went down so much year over year?

MR. KENT: No, I don't. I just know that it has been dropping. Especially as to absolute pardons which is, you know, not inclusive of the expedited pardons that I included in my figure. But -- but that rate has been dropping from 2016 over time until now. So, I couldn't tell you why but, you know, you see the drop. And last year's drop of 27 percent was significant.

REP. O'NEIL (69TH): Right. I mean, you know, the stock market dropped something like 15 percent and everybody went nuts so 27 is almost twice as much. So, the -- my natural inclination is, well we've got a system that may not be working well. Maybe it's starting to show some kind of deterioration. Maybe there's a legitimate reason for the pardons being turned down, why the rate change. Although the absolute number of pardons shouldn't.

In other words, if like you've got twice as many applications, I could understand maybe you'd get more rejections or something. It doesn't sound like that's what's happening here. So, as I was about to say, my natural inclination would be let's figure out why the system we have isn't working. And if the objective is to get more pardons out more quickly to people to try to fix it.

And so, if that means, you know, changing the rules or -- or something. For example, one of the things in my conversations of people who have been turned down is they almost never find out what the problem

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was. So, when they apply for a second one, they have no idea.

It reminds me of the fellow who applied for citizenship and when he got to the question, do you plan to overthrow the government by force or violence first circles force and gets rejected. And then he circles violence the next time he takes it, can't understand why he's getting rejected all the time. Because he's somehow filling out the form wrong or something. I mean, that's -- that's -- I'm wondering if -- if it's something really purely technical in terms of the way the applications are being processed or computers maybe have -- who knows.

So, my natural inclination is instead of abandoning the system that we've gotten, that's been part of our law to -- to sort of go to this rather significantly different way of approaching the whole thing is my natural inclination.

But if we can't figure out what's wrong with it and I didn't hear in the testimony that as offered and I wasn't here for a lot of the time. But I don't think they offered a really clear explanation as to why things were going the way they were in the existing system. The people who run it don't seem to have really good explanations or suggestions for how to make the existing system work better.

That kind of leaves us sort of stuck with a system that seems to be broken and continuing to deteriorate versus something that seems like a little bit of a leap into the unknown with proposals that are before us for this sort of automatic expungement.

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One of the things that, in your testimony, you mentioned that only 6 percent or something like that of the folks in Michigan were getting the pardons. And -- so it sounds like they must have a system not entirely unlike our own in terms of it doesn't grant a lot of pardons and yet you get these positive results.

And I guess one might actually say, well gee, if -- if 5 years out you're seeing not only are those folks not offending but their rate of offense is even better than the general population. Well gee, maybe we should keep the system because it's helping to encourage people to not reoffend and that sort of thing. But, of course, we know that in the first two years which is really the critical time, the reoffense rate is actually pretty high.

And so, it's like, you know, what we're looking at are the people who have really sort of been a kind of winnowed in a tremendous way through this process. So, I guess what I'm saying is the statistics at times, I wonder if they're actually pointing us in any particular direction other than, you know, we've got some interesting statistics that may not tell us a whole lot about what way to try to redesign or change the system.

And I'm just wondering in the Michigan experience, have they taken that rate and are they talking about doing something like this or have they done something like this? Because I'm just wondering if you know.

MR. KENT: I can't tell you I'm an expert on what's happening in Michigan. I wanted to respond to one thing and then I'll respond to the Michigan question.

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I will tell you that from -- in 2018, they had a total of 1857 applications for pardon here in Connecticut compared to 1592 the next year. And then, of course, as they explained in their testimony earlier today, they then go through a process deeming certain of those eligible. And then from that, they go into their expedited hearings or their pardon hearings or whatever they're going to do with whatever portion was deemed eligible from there.

So, the number of applications in Connecticut actually dropped fairly significantly. And even from that number we had a 27 percent drop in terms of what was granted.

So, I, you know, I can't answer for the Board of Pardons and Paroles but I agree that in their testimony, we didn't hear a lot about why there was that kind of a drop nor -- I mean, what we did hear is that there was a, you know, there was a lack of explanation being provided overall.

In terms of any type of narrative as to why your pardon got rejected and -- and what maybe you could do differently if you want to come back. But I think the message overall is, you know, that people take away with the way it is now is I'm not going to get my pardon so why should I come back necessarily.

But I think the key point in the statistic that I raised was there just aren't that many people who are getting kind of like Michigan. The 6.5 percent that they see there aren't that many people in Connecticut who even they are eligible are -- who are getting to that point in the process.

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And in terms of absolute pardons, only 195 people in Connecticut got what -- what they call an absolute pardon here last year. Which is just a hugely, you know, small number compared to the number of folks who would be eligible.

I do think that Michigan, to turn to your other question, in the House did pass a clean slate type of bill. It's being debated in the Senate and that bill does include felonies. So, that -- I don't know a lot more about that bill. But I think the important piece of the Michigan study is its suggestion that automatic expungement is highly supported by that very low rate of recidivism. You know, talking 96 percent of folks not, you know, being convicted of a crime in the next 5 years.

There's another statistic that I didn't mention but that is in the study. You know, 99.4 percent of people who got the expungement never commit another violent crime at all. So, you know, I think the large majority of people don't commit any crimes once they get expungement.

And that compares really interestingly with folks that don't get expungement but just get job training when they get out of prison. Those folks who just get the job training when we look at wages are just, you know, they're far more depressed wages than what they get if they were to get the automatic expungement.

Where women were getting about three times more money when they were able to get jobs and earn better wages, men were getting closer to something like 13 times more money when they were getting expungement versus just the job training alone. So, I mean there's just a lot of benefits to the

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expungement that we're not seeing in Connecticut because of the limited avenues that people have.

REP. O'NEIL (69TH): Okay. Thank you. As I look at the statistics, as I said before, it's like sometimes you look at a bunch of statistics and you think you see something. It's like, you know, somebody looks at a donut and they think they see Christopher Columbus or Abraham Lincoln's face somehow.

So, you look at these statistics and you start imposing what you want to see on -- on the numbers. And -- and I guess we do that all the time to some extent but sometimes it's like a wishful thinking almost or it's what we want to see or something along those lines.

And I just, you know, when I look at the -- the very low rates of people who make it to 5 years, well these people, you know, are obviously exceptional. Because the first couple of years is a fairly substantial reoffense rate so nobody ever gets to that 5 year or many people don't get to that 5 year. That's an exemplary record to make it that 5 year category.

And what in conversation with people I run -- it even occurred to me without having anyone mention it to me is well isn't the real problem those first couple of years to get over that hump when -- when you come out of the prison system you need to, you know, avoid all of those problems and not slip back. And that's where the real problem is.

If this is, you know, it sounds like it's actually fixing people who have already substantially self-prepared in some way or another and that may end up

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what we do. But I'm just -- it would be I guess maybe more helpful to everybody if we could figure out how people can avoid those first couple of years as much as anything else.

But that's not what this bill is all about. This is like we're looking at the winners and then we're going to reward them even more which may be a good thing to do because of those statistics you just sighted about employment income and all that sort of thing.

But that -- that, you know, by the time they get to this point it's, you know, it's like they've already sort of turned a corner in their lives in a very major sort of way. But still, the -- the pardon would go a long way towards helping them out even further, so.

MR. KENT: I would agree Representative O'Neil and I think that this is a both and type of situation, right, which I think is partly what you're saying. What mystifies me a little bit is some of the commentary that we've heard about this worry over public safety or things of that nature.

But you're -- you're right, that you're already talking about folks as the bill is written. And specifically, I'm talking about 403, that have demonstrated to some extent right, that they are not out there committing more crimes. Otherwise, presumably they'd be getting arrested and convicted of other crimes.

But certainly, there's a lot more work to do. And - - and not just at that point in the process but all the way through the criminal justice system. So, I would agree with that.

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SENATOR WINFIELD (10TH): Thank you, Representative. Representative Blumenthal.

REP. BLUMENTHAL (47TH): Thank you, Mr. Chair, I just had a very brief question. The Michigan study that you cited, I didn't see a full citation in your written testimony. I was just wondering if you had that handy.

MR. KENT: I do. I did.

REP. BLUMENTHAL (47TH): I have something I found from J.J. Prescott and Sonya Starr that's forthcoming in the Harvard Law Review. Is that the right one or I just want to make sure.

MR. KENT: This was published in March of 2019 and if I don't have a copy, I can email you a copy.

REP. BLUMENTHAL (47TH): Yeah, that'd be great.

MR. KENT: As soon as I get back.

REP. BLUMENTHAL (47TH): Thanks very much.

MR. KENT: Thank you.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the Committee? Seeing none, thank you for joining us today. Dawn Grant. Good afternoon.

MS. GRANT: Good afternoon, Chairman Winfield, Representative Rebimbas and distinguished members of the Judiciary Committee. Thank you for allowing me the opportunity to testify. I am here to show support for the S.B. 403 under Clean Slate.

As an ex-offender, I have experienced the pardon process from beginning to end. From applying to getting all of the paperwork together, to submitting

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it to being denied to waiting the next year and applying again to being denied. To doing it a third time, to being denied for the full pardon but given the certificate of employability which is supposed to mean that under the State of Connecticut we're employable.

What it means to employers is essentially nothing from personal experience. I have applied for the pardon four times. The last time I applied was 2017 and I was denied. I am a graduate from Columbia University. I have a license in clinical social work. I have my own successful private practice. I have been home without any supervision since 1999.

I work diligently to help people improve their quality of life. I'm not here to speak up for 403 because for me. I've decided after four times of applying with no real legitimate reason to not get it that I'm not going to apply anymore. My mental health is much more important to me than that pardon.

The process is so traumatic for me that I literally start to break down within a matter of moments after discussing it. I've been listening to some of the questions that people have been posing. And there are some -- there are reasons why people offend.

I don't think anyone goes and commits crimes just for the thrill. I think that typically there's a story. There's mental illness, there's addiction, there's both. There's abuse, there's trauma. And I don't think that the -- that the prison --

SENATOR WINFIELD (10TH): You can go ahead and summarize.

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MS. GRANT: Thank you. I don't think that prison reform will improve if people don't look behind the scenes. What -- what I've learned doing social work is people have a story. And until you get to the beginning, until you get to what's going on behind, you're never going to go and -- and fix what's happening in front.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, I want to thank you for your efforts here and beyond this space. I think you're one of the answers to the exchange between myself and the Chair of the Board of Pardons and Parole about those who have been out for extended periods of time who have been rejected. And the damage, I think, it does to others, right.

You've done all of the stuff we ask that people do and you've been rejected consistently without a real understanding as to why. Other people who look to people like yourself as people who they would imagine would be able to get through because they've done more than they've done are then discouraged from ever participating in a process that is set up as our process is set up.

So again, I just want to thank you for coming to share your story. I think it's very important. Thank you again.

MS. GRANT: Thank you.

SENATOR WINFIELD (10TH): Joan Lewis.

MS. ZORA: Can I just say something? They told me that I could be part of this because I'm part of CDS.

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SENATOR WINFIELD (10TH): Are you signed up to testify?

MS. ZORA: Yes.

SENATOR WINFIELD (10TH): Well, what is your name?

MS. ZORA: My name is Daniel Zora. I'm the only PPOC person here also I think at this point.

SENATOR WINFIELD (10TH): I'm going to give you two minutes because I did not know that.

MS. ZORA: I have only [off mic] --

SENATOR WINFIELD (10TH): I need your microphone on and facing you because you're on the list but you're not -- go ahead.

MS. ZORA: Okay. My name is Danielle Zora. I'm retired after 25 years as a health advocate and a family reunification counselor in grassroots human service and health organizations. And I'm here to talk about the other side of it that people are not talking about in terms of the community and why I support Clean Slate bill 403.

Because of criminal record is punishment beyond sentence completion for no good reason. Our puritan ancestors from our community members and they deem to have moral failures so they were ostracized. And we know better and let us do better.

Carrying our criminal record is more likely to promote recidivism than responsibility and accountability. And accountability and responsibility are more likely built than that repair of the damage to the family or the community.

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Addiction and incarceration both create a tremendous amount of collateral damage, we all know this. Children need to be raised and support of the frail, disabled and elderly need medical care. Bills need to be paid, repairs need to be made. Families are severely stressed. Addiction and incarceration punishes the whole family. And the helpers, the people who step in to fill the needs mothers, fathers, sisters, brothers, cousins, grandmas and grandpas may become ill or die before their time from exhaustion and overworked.

And so, we need a policy that seeks to rebuild and stabilize the individuals, the family and the community. That improves the ability to parent, hold a job, secure housing, improve education and develop new interests. It does not enable stigma, it does not overwhelm with guilt or confusion, it does not create second class citizenship. It does not continue to punish the breadth and depth of tasks necessary for healing and recovery are enhanced when a person is truly free to build a better future.

Overcoming stigma billboards are scattered throughout the state. The opposite of stigma support, in my opinion, that Clean Slate 403 is concrete community support that will develop more support, deeper recoveries and healthier communities. Thank you.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from others? If not, thank you all for joining us today.

MS. ZORA: Thank you.

SENATOR WINFIELD (10TH): Joanne Lewis.

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SPEAKER: [off mic]

SENATOR WINFIELD (10TH): Okay.

SPEAKER: [off mic]

SENATOR WINFIELD (10TH): I don't want to skip past a bunch of people. Joan Martin. Joan Martin. Robert Barter. Robert Barter. Michael Askew. Cindy Prizio. Good afternoon.

MS. PRIZIO: Hello. Mine says good morning. I just wanted to thank Senator Winfield and Representative Rebinbas was here and all esteemed members of the Judiciary Committee. I represent One Standard of Justice. I'm Cindy Prizio. I'm here providing testimony supporting, with changes, raised S.B. 403.

OSJ is working for fair, evidenced based laws and policies for those convicted of sexual offense and their families. I want to preclude this with one sexual offense is one too many. I just want to I -- I -- because I don't want to harm anyone who may be here at all.

So, I really abridged my testimony to -- to this. OSJ allows the courage of the Judiciary Committee to push the conversation about the collateral damages [inaudible - 07:19:31] system. Has on system impacted people, their families and neighborhoods.

Criminal justice reform is a misnomer. It cannot be called criminal justice when so-called justice is disproportionately heaped on people of color and people without means. Our current approach to judicial remedies is meant to keep people confined even when they get out of prison or finish their probation and/or parole through additional continued discrimination across all parts of life.

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I just want to say I've been here all day. There's been testimony submitted before the Labor and Public Employees Committee last week, the Children's Committee last week and to this Committee today. With what we heard suggest that people with a sexual offense conviction recidivate at a higher rate than cited by OPM and remain a threat even after 10 to 15 years in the community.

Karl Hanson is acknowledged by his peers as one of the top researchers. He's world class on the subject of recidivism and is also co-creator of the STATIC99 which is an actuarial tool. The most widely used risk evaluation tool in the world.

In our testimony, we've cited a summary of declaration from a 2018, I wish Rosa was here, affidavit before the New Jersey federal court. Hanson testified, to among other things, the following. Once convicted, most are never reconvicted of another sexual offense. Contrary to the popular notion that all individuals who have ever committed a sexual offense remain at risk of reoffending through their lifespan. The longer individuals remain offense free in the community, the less likely they are to reoffend sexually.

And I -- I think it's also important to know, Karl Hanson comes from Canada. And he's done a diagram that I want to get to you, Senator Winfield, on these five categories of people who have offended. And probably the first two full categories that he recommends no intervention, no incarceration, no probation, no treatment.

These guys need to go and live their lives to be healthy adult males. So, what we're doing is we're harming these low -- these people that have the same

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risk as you and me but by the suppression and oppression, quite frankly.

We talk a lot about dignity in our testimony. And similar to the bill out of the Labor Committee on 5389 which is also meant to deal with the collateral damages of our current system of mass incarceration. I think we've learned in America whether we're going to say it or not that mass incarceration, the carceral system doesn't work.

If that were the case, we would have the safest country in the world. But mass incarceration continues to impact on our communities. 5389 apparently at this point in time doesn't exclude anyone. It's a very broad-scope bill. We believe that's the right way to go and because of that, we respectfully request this Committee to delete lines 215 to 217.

And in closing, I'm going to say that I was at a restorative justice book club at the Bridgeport library over the summer. And I met a lot of women of all ages, people of color. And one of them couldn't be here today because her husband had a heart attack.

But what we're learning is just like people who have harmed sexually are a heterogenous group. People who identify as having been harmed are equally individuals. And they all feel differently and many of them don't believe in the adversarial legal system. In fact, legal interventions have harmed their lives.

SENATOR WINFIELD (10TH): Thank you, Cindy.

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MS. PRIZIO: So, can I just quote one pardon? One pardon --

SENATOR WINFIELD (10TH): Cindy, Cynthia, Cindy.

MS. PRIZIO: No? You don't want my pardon quote?

SENATOR WINFIELD (10TH): You always -- Cindy, you always ask to do more. Hold on, there may be questions.

MS. PRIZIO: Oh yeah.

SENATOR WINFIELD (10TH): You never know. Is there a question or a comment? If not, thank you for again joining us. I'm sure you will be back because you are a good advocate for your cause. Thank you.

MS. PRIZIO: Thank you.

SENATOR WINFIELD (10TH): We'll next hear from Jane Bate if she's here. After Jane gets up, we'll hear from Kelly Moore. Good afternoon.

MS. BATE: Mr. Chairman and members of the Committee, my name is Jane Bate and I support S.B. 74 on FGM. And pardon the tremors. In 2019, according to the AHA, seven new state bills were passed in Arkansas, Idaho, Iowa, North Carolina, Pennsylvania, South Carolina and Utah to criminalize female genital mutilation. Four more, Illinois, North Dakota, Tennessee and Virginia wisely took action to strengthen their existing bills.

While this was being accomplished, Connecticut couldn't even pass a bill to study the matter, even though girls from neighboring New York and New Jersey are likely being transported here to be cut. In fact, the New York, Newark and Jersey City areas are estimated by the Population Reference Bureau to

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have nearly 66,000 girls at risk and Connecticut would be the likely destination for cutting.

Since FGM leaves its victims, those who survive, with lifelong physical and emotional pain and absolutely no benefits, I ask that you consider the following questions before voting. Since an adult who intentionally harms a child pays a legal penalty, why isn't that the case with mutilation? Don't our rights end at the point at which we abridge others rights?

Since institutions such as the UN, the WHO and CDC as well as 59 countries and 35 states consider FGM a human rights abuse, where is Connecticut's proof that it is not? Why insist on perpetuating a harmful practice that predates Christianity while we sensibly discourage use of children's use of alcohol, nicotine and drugs for the sake of their health.

In keeping with women's rights, why wouldn't we want to empower young girls to make the choice about being cut once they are 18. For those who insist that we produce a Connecticut victim of this dangerous underground practice, what is the harm in being proactive by criminalizing it? It costs nothing.

And for parents feeling pressured by cultural norms, couldn't this law give them the out they need? The bill before you, if passed, would be the weakest in the nation but it's a place to start. Thank you.

SENATOR WINFIELD (10TH): Thank you for joining us. Questions, comments from members of the Committee? Seeing none, thank you very much for spending your time with us and testifying today.

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MS. BATE: Thank you.

SENATOR WINFIELD (10TH): Next we'll hear from Kelly Moore. Kelly will be followed by Charles Decker who I do not see. Good afternoon.

MS. MOORE: Good afternoon, Senator Winfield, distinguished members of this Committee. Thank you so much for your patience and interests today. My name is Kelly Moore. I'm policy counsel of the ACLU of Connecticut. I am here to testify in support of S.B. 403.

The ACLU of Connecticut believes in a society where all people, including those convicted of a crime have equal opportunity to contribute to society and build successful and fulfilling lives. We support a version of Clean Slate that provides automatic record erasure for everyone. After a person who has been conviction free for a set amount of time with anti-discrimination protections.

S.B. 403 provides almost all of these elements which is why we support it. Our written testimony goes into more detail about our support. Instead of reiterating that, I'd like to address some of the questions and concerns that this Committee has raised so far.

Members of this Committee have suggested that the pardons process is a sufficient way to create a light at the end of the tunnel for people with convictions. But unfortunately, it is not. First, the pardons process requires a person to apply which creates an opportunity gap whereby most people who are entitled to a benefit can't access it.

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We see this a lot in pardons. The process is lengthy, onerous, often expensive and frequently discouraging and degrading. So, people don't seek pardons or maybe don't even know they can even if they would be eligible.

Second, and more fundamentally, the idea of clean slate is that every eligible person who finishes their sentence and lives conviction free for a set period of time is entitled to a second chance. When the person with a record has upheld their end of that bargain, the state should automatically uphold its end.

The pardon process though says that a person who has served their sentence and lived conviction free may be eligible for a second chance if they persuade BOPP that they deserve it.

The pardon process also can often hinge on what the original offense of conviction was. A fact that a person cannot change no matter how much turn their life around. Because of this, a pardon will never be a substitute for automatic erasure through Clean Slate.

I also want to speak to the anti-discrimination protections in this bill. You have heard today from many people who have had opportunities taken from them after a landlord or an employer finds out about a conviction. We all know that it's very easy to find news about a person's conviction with a simple web search.

Simply put, Clean Slate will never close the book on a person's old criminal convictions without anti-discrimination protections, protections we're happy to see are in S.B. 403. It's time to make that

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change. S.B. 403 would be much stronger if it included everyone. The ACLU of Connecticut supports this bill and urges the Committee to support it as well. Let's provide a true, clean slate that will make Connecticut safer, stronger and fairer for everyone. I welcome your questions.

SENATOR WINFIELD (10TH): Thank you.

MS. MOORE: Thank you.

SENATOR WINFIELD (10TH): Thank you very much. Questions, comments from members of the Committee? If not, thank you for your work and thank you for testifying today. Charles Decker, who I don't see. Representative Felipe if you want to testify, you're on the list to testify.

REP. FILIPE (130TH): [off mic]

SENATOR WINFIELD (10TH): Okay. Jessica Kelley.

MS. KELLEY: Good afternoon. And it's K-e-l-l-e-y.

SENATOR WINFIELD (10TH): Ah.

MS. KELLEY: Yes. My name is Jessie Kelley. I work on the criminal justice and civil liberties team at the R Street Institute. R Street is a national organization. We're generally considering to be right of center and we are supportive of the Clean Slate Initiative.

The R Street strongly supports automatic record clearance because it promotes human dignity, enhances public safety and strengthens our communities. Individuals with criminal records are denied housing, employment, educational opportunities and the ability to reintegrate with society.

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Particularly, with expansive internet access, 9 in 10 employers, 4 in 5 landlords and 3 in 5 colleges are using electronic background checks. This means that any record, no matter how old or how minor, can put the basics of life permanently out of reach.

Additionally, the effectiveness of using criminal records to assess an individual's likelihood of committing a crime fades upon their return to community. Once individuals have been crime free for a few years, they've reached what researchers call the point of redemption. And that's cited in the Michigan study that was given to you earlier.

Nearly half of all children have a parent with a criminal record. Unfortunately, justice involvement has a destabilizing effect on the family. A criminal record can have negative trickle down effects for children as even a minor record can create financial and emotional distress.

This can harm a child's school performance and cognitive development. A clean slate eases the process of securing housing and employment, leading to children having a better chance of living in healthy, financially stable families.

Automating misdemeanors and at least some felonies will leave just the most serious offenses for the parole board to consider, allowing them more time and discretion to make the best decision possible in those cases. With more time, perhaps even, they could craft some narratives in their response letters to individuals.

Moving towards automatic expungement is not a partisan issue, it's just good policy. Clean Slate improves our workforce, supports families and makes

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our communities safer. Thanks, and I look forward to your questions.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the Committee? If not, thank you very much for joining us and for giving us your perspective. Next, we'll hear from Rafie Podolsky. Good afternoon.

MR. PODOLSKY: Good afternoon. Thank you very much. My name is Rafie Podolsky. I'm a lawyer with Connecticut Legal Services here on behalf of the legal aid programs and I just want to speak very briefly about a different bill, S.B. 378. Which is a bill that provides, and it's really a small bill but it's important to people affected by it. It deals with protection of immigrants who have been victims of domestic violence. And it's really the intersection of federal and state law.

And we already have a statute that deals with the subject. This would make an amendment to the statute. Under federal immigration law, there is a special visa called a U Visa. It's not y-o-u it's the letter U. I'm not sure what it stands for. That allows -- that it allows a non-resident immigrant who is the victim of certain serious crimes, including crimes of domestic violence. To get a special visa that allows them to stay as long as they're helping the police in the prosecution of the crime.

This actually was adopted because it was viewed as a way to keep -- to bring witnesses in where the police needed them so that people wouldn't be afraid to go to the police. In that sense, it's almost like an inducement to get victims to cooperate. What the police do is they provide, under federal

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law, for the victim to be able to access a U Visa, they have to get a statement from the police saying they were helpful in the prosecution of the crime. It's called a certificate of helpfulness.

We have a statute that mandates that the police departments "expeditiously process those applications". There is some -- a lot of police departments are good about it, not all of them. What the bill does is it just puts a specific timeline onto that expeditious requirement. That's basically what the bill does.

And there are at least three other states that have similar laws with timelines. This one uses 60 days in general as being the timeline. But if the person is at risk of deportation, then 14 days. I'm not aware of any opposition of the bill. I never want to speak for what other entities might feel. But as far as I know, there's been no opposition and I hope that you would just do the bill. I'll answer any questions I can if you have any.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the Committee? If not, I would just say I think U is the immigration status. It's a -- it's a marker of their immigration status. Non-immigrant, that's a non-immigrant. If not -- that's why it's a U.

MR. PODOLSKY: It's a non-immigrant visa, yes, that's right.

SENATOR WINFIELD (10TH): It's just a marker for that status. Thank you, Mr. Podolsky, for joining us again. I appreciate your time and effort to come and testify.

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MR. PODOLSKY: Thank you very much.

SENATOR WINFIELD (10TH): Is Ron Hurt here? I don't think so. Larry Deutsch.

MR. DEUTSCH: Thank you members of this Committee. My name is Larry Deutsch. I'm not a legal authority but just a pediatrician who knows some of the youth who might be affected by you decide within weeks. And perhaps more eloquent than I can ever be is just reading a letter that some of you have or will -- or have received or will. And also, one from the mother of someone, an inmate right now at Cheshire Correctional.

And one of these inmates wrote this. I'll be as quick as I possibly can. He said, Dear Senator, I hope when you receive this letter, it finds you well. I am prisoner in the State of Connecticut. I learned you were trying to propose a bill in regards to how the sentence modification works in the State of Connecticut. I appreciate what you're doing and respect you for understanding and looking at this matter, because prosecutors see defendant like we do not deserve a second chance to be considered for a sentence modification.

These are some points. Prosecutors, number one, prosecutors have the sole authority to grant or deny the application at first instant without an impartial hearing before a state judge. Prosecutors deny application without showing any risk to the community or city. And if a sentence modification is granted to a defendant before a judge, the prosecutors decide that the defendant has to serve almost 75 percent of his sentence.

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Next one. Prosecutors deny applications solely on the gravity of the crime which we understand that is something no one can ever change. But the purpose of the sentence modification hearing is for it to be heard is for one, to be heard. And in the one hearing, it can find out if there is a reason a rehabilitated change showing the person. And by keeping -- to keeping deny the application, the defendant never has a chance to show their rehabilitation to the court of the judge.

I'm literally reading the words of this -- this inmate in a several page letter. The prosecutor's job is to prosecute not to look for rehabilitative change and to grant sentence modification. Being a prosecutor is automatically in its nature to go against the defendant. The prosecutor should not have the sole power or the power at all over the sentence modification process.

Oh, by the way, I didn't say, I apologize. This relates to S.B. 389 which is before you, a raised bill. And these -- these young people, these gentlemen and maybe in some case ladies, of course have read this and they have become well informed. Some of them on their own filing, reading legal books and filing a successful habeas corpus. We know of one instance of that.

Continuing. Prosecutors job is to prosecute not to look for rehabilitative change, emphasized. How could prosecutors that influence and tell a judge what to do and how much time should be given for each case which is usually the maximum they aim for and they usually get their way because prosecutors have that power for sentence modification.

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He concludes and then I'll -- I'll shortly do so if I may have another moment. Senator, I support you because this bill can make our criminal justice system more fair and people can believe in a second chance. We have family outside waiting for us and they believe in us. It's a time that the criminal justice system from Connecticut be more fair and equal. Sincerely, Israel Gonzalez number 387676 at CCI in Cheshire.

SENATOR WINFIELD (10TH): So, Larry I know you want to continue on but I want to treat everybody the same. So, let me ask you a question and hopefully you can do this in a concise way. I know you have some issues with the bill as it currently stands.

MR. DEUTSCH: Yes.

SENATOR WINFIELD (10TH): If you could, in a concise manner, tell us what those are I would appreciate it.

MR. DEUTSCH: Very concise. Strike about four or five words that -- that -- that a sentence modification hearing can be granted with the agreement of the -- the plaintiff, the defendant and the State's attorney. It's just the strike those words, and the State's attorney, because it would recognize that all of us as reasonable people would like the right to appeal.

And the simple appeal, which you've all discussed for years, including many -- many people on all sides -- on both sides of the isle, Senator Kissel and some others. We have a document from 2015. Senator Looney, Fasano, Witkos, Duff, Coleman, Kissel and Tom all spoke about the lengthy sentences for crimes committed by a child or youth and the

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sentencing of a child or youth convicted of certain felony offenses. 389 some of us think is too limited. Just -- just read it and you'll see the -- the -- the offenses and the sentence length are -- are -- are constricted.

SENATOR WINFIELD (10TH): Thank you.

MR. DEUTSCH: Okay. So, I would just eliminate those words. It's three or four words, with the agreement of the State's attorney.

SENATOR WINFIELD (10TH): Thank you.

MR. DEUTSCH: Thank you.

SENATOR WINFIELD (10TH): Questions, comments from other members of the Committee? Well, there's nobody down that way anymore. If not, Larry, thank you very much for joining us and thank you for your years of advocacy on this issue.

MR. DEUTSCH: Well, let's make this the last and just pass it the right, the human right to appeal. Thank you.

SENATOR WINFIELD (10TH): Next, Maddie Sandoval followed by Thomas Russo, followed by Dwayne Paul. Good afternoon again. I'm going to say it until 6 o'clock.

MR. PAUL: Good afternoon. Great. So, my name is Dwayne David Paul. I am the director of the Collaborative Center for Justice, a Hartford based social justice organization sponsored by six communities of Catholic of nuns. And I'm the co-chair of the criminal justice team for the Greater Hartford Interfaith Action Alliance GHIAA.

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GHIAA would like to express its strong support for S.B. 403. And I want to start with something that after a really long day, something that I haven't heard. Prison is punishment. There are a whole bunch of really complex, interesting debates that we had about the size of the prison population, about the role of prisons in our society and about the many disparities that exist in the use of prison.

This is not one of those debates. Unlike many discussions that take place in this building, everyone is in agreement on that matter. Prison is punishment. As a collection of tens of thousands of people of faith, GHIAA agrees on that point.

We also agree on something else. If prison is already punishment, then everyone deserves a real second chance to rebuild their lives, provide for their families and contribute to their communities. The people of Connecticut believe and faith communities proclaim that it is not the role of government to grind its people into dust once they've paid their debt to society. That's not justice, it's vengeance.

Two decades ago, the U.S. Conference of Catholic Bishops, which as I'm sure you can imagine, is not some radical lefty organization, declared the following in its appeal to reform our criminal legal system. "Just as God never abandons us, so too we must be in covenant with one another. We are all sinners, and our response to sin and failure should not be abandonment and despair, but rather justice, contrition, reparation, and return or reintegration of all into the community."

S.B. 403 would do just that. When people leave prison, they need jobs. That's not just because it

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will keep them off of social services which it will. They need jobs because meaningful work develops us as human beings. Because their kids deserve to see them making -- to see them working.

They deserve to not face discrimination when they apply for housing and schools. Not just because dignified housing keeps people off the streets and education creates a productive workforce and they do both of those things. People should not face discrimination for their criminal records because these are among the many things that contribute to their humanity. That is why we urge you to vote S.B. 403 favorably out of Committee intact. Thank you.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the Committee? If not, I want to thank you for joining us today. And while I think we all think we agree about prison being punishment, I think you heard me once say that I was asked why I don't want these individuals to be punished. To which I responded, they've been in prison. Thank you. Next, we will hear from Deb Martinez. Good afternoon and you may be the last one to hear that.

MS. MARTINEZ: I was ready to say good evening an hour ago. I'd like to thank the members of this Committee, especially because it's so late in the day. I'm here to support S.B. 389 with the exception of some language.

Justice for all, how do we achieve that? Forward looking reforms such as those in front of you today. Resentencing reform should not only address how we do it but who we include and in doing so, avoid unnecessary continued incarceration. Those who

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commit serious crimes can grow and change, especially when those crimes were committed at a young age.

Current laws categorically exclude those with mandatory minimums such as life without parole. Decision making should be focused on who the person is today, not who they were in the past. In connection with the fair and just prosecution project, a document was compiled by newly elected prosecutors, itself an important fact.

And recommends that jurisdictions around the country work to reduce long sentences. It lists empirically grounded reasons why the sentence reduction is important. Including financial burdens of the state, ineffectiveness and improving public safety, low risk of future offenses and harm to loved ones in the community.

Opportunities for early release and sentence reductions promote rehabilitation and public safety by giving an incentive to change and grow. It motivates people to engage in positive choices and rehabilitative programs while in prison. It encourages people to maintain positive connections outside of prison, reducing the chances that they will return.

In contrast, absence of any opportunity or sentence reduction creates a sense of no hope for the future. No reason to focus on the positive while incarcerated or the idea of successful reentry. And without help, what do you have?

Evidence at both state and federal levels demonstrate that it is possible to release substantial numbers of people from prison without

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negatively effecting public safety. In fact, keeping aging, low-risk people incarcerated is expensive and harms public safety by diverting resources away from evidenced based crime prevention strategies and education of our youth.

The amount spent on an incarcerated person far exceeds the amount the state spends on the education of a pupil. It is impossible for prosecutors or judges to know at the time of sentencing how someone will grow or change.

All of these arguments apply with equal force to those sentenced to mandatory minimums. In light of this, the preserved distinction under 53(a) 39(c) does not make sense. In fact, cases of mandatory life without parole epitomize the harms of extreme sentences and are therefore particularly important to reconsider.

My brother Iskar Howard is serving life without parole for a crime he was convicted of when he was 20 years old at Cheshire Correctional. And has essentially been endorsed by the State of Connecticut and then at Connecticut Department of Corrections last year as rehabilitated. He was handpicked as the mentor representative for Connecticut and Connecticut Department of Corrections on national television during the 60 Minutes segment about the True Program.

I'm not asking you today to let him go home. I'm asking you to let him and people like him to have the equal opportunity to seek to modify their sentence. Thank you.

SENATOR WINFIELD (10TH): Thank you. Pretty good timing. Questions, comments from members of the

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Committee? If not, thank you very much for joining us and advocating on behalf of your brother and others. Next is Joseph deFosse. Oh, you did make it.

MR. DEFOSSE: Class got cancelled. They cancelled class for the week because of Coronavirus.

SENATOR WINFIELD (10TH): Well, let me sneak in one last good afternoon then.

MR. DEFOSSE: How's it going, members of the Judiciary Committee? I'm Joseph deFosse, I'm a volunteer recovery coach at CCAR and the lead advocate at [inaudible - 07:50:39] CCAR. And I'm here in support of the Clean Slate bill.

I've been affected by my criminal record pretty immensely and like mines very minor. Like I have DUIs. I didn't get into doctorate programs despite having the qualifications because of having to have criminal records checks in order to get into those schools. And the only one that I got into was the one that didn't do a background check. And its qualifications were higher than some of the other ones.

So, all that is attributed to that but I really feel like this bill doesn't go far enough. Especially if you consider you're talking about it being cost prohibitive. It's a lot more money and time to do things like the pardon review than it is to make things automatic. And with this bill, it is making people wait until after a sentence is finished to start the clock when the actual pardons process starts after the deposition of the case.

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Which like I'll be eligible for the pardons process in a year. I plan on doing that. The people that won't be able to do that right when they're eligible for it are the people that don't have the means to do so. And those are the people who are making things cheaper and easier matters. Like I'll be able to do the application myself. A lot of people can't and lawyers ain't cheap.

And then I also wanted to touch on the modification bill. Having gone through that myself, I had to represent myself because my public defender didn't want to do it. The first time I went, the judge did hear the case even though the prosecutor was against hearing it because my sentence was at the 3 year mark. So, the prosecutor's opinion didn't matter which the bill is trying to do.

The judge had me come back in 6 months. And when they had me come back in 6 months, they had me come in at 2 o'clock to an empty court room so that like when they gave me a positive outcome, there was no one else there to see it. So, like other people wouldn't know they could go through that process and get things like that done early.

And I feel like that's wrong. And I was originally scheduled at 10 a.m. and they called me last minute and changed it to 2 for me to get there and be told, the court's closed. And then like they realized who I was and like oh wait, no have -- we purposely had you come in now. Which they didn't say why but I know why.

And a lot of people that are criminals or have a record, it's because of things like addiction. 66 percent of the people in prisons have addiction problems, 80 percent of them also have mental health

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problems. These are sick people that like need treatment and help, not punishment. And providing that help makes it so they can stay in recovery when they get back out.

I know for me, it's been a year I've been unemployed with a bachelor's degree and pursuing a master's degree and having a lot of positive things in my favor. It has still been difficult as a white male so it is that much harder for the people that don't have those things and don't have the support I had getting out. And thank you for the time.

SENATOR WINFIELD (10TH): Thank you and thank you for sticking around and maybe we were lucky your class was cancelled so we could hear your testimony. Comments, questions from members of the Committee? If not, thank you and good luck. I'm probably going to mess up the next name. Paul, I can't even read it. It looks like --

MR. JANUSZEWSKI: Would it be Januszewski?

SENATOR WINFIELD (10TH): That doesn't --

MR. JANUSZEWSKI: Want to go with that?

SENATOR WINFIELD (10TH): Wow, that's not even close to what this looks like. [laughter]

MR. JANUSZEWSKI: Does it start with a J?

SENATOR WINFIELD (10TH): Go ahead.

MR. JANUSZEWSKI: End with an S-k-i.

SENATOR WINFIELD (10TH): Not even close.

MR. JANUSZEWSKI: Thank you to all of the legislators that serve on this Committee and serve in this building. My name is Paul Januszewski. You

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would have got it eventually, sir. And I volunteer as a board member and the president of the greater Enfield Landlord Association which also serves as the chapter of the Connecticut Coalition of Property Owners who you heard from earlier today.

GELA represents a group of hardworking, caring landlords providing over 200 housing units in North Central Connecticut, Enfield and the area around there. I also serve on the board of directors for a large condominium complex where I also own property that serves as rental housing.

The -- it's been a challenge. Not unlike sitting here today and I have new found respect for what you do here today sitting through these hearings. It's been a long day. I just retired as the chief officer of the Enfield Authority Department and I thought I had long days. This almost tops the bill sometimes.

I'm speaking for the people in GELA, the people in the landlord association both in GELA and in the CCOPO. We have serious concerns about some of the legislation that's coming before us this year. S.B. 403 and H.B. 5019 are a pair of them.

We're concerned because it seems as though there is a blanket number of -- a blanket number of crimes that are being -- being taken off the books for us to be able to see in a background check. We feel as though there's also another protected class of individuals being created that is going to create another set of circumstances that landlords have to deal with in front of CHRO and they are unforgiving.

Most of the landlords like myself and many of the ones that I serve as president for the board, we

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have to see. We feel like we have to see the entire interest of an individual we're going to turn over the keys to our building to. We have a lot of tenants in the buildings already. Our tenants are worried about their safety. We're worried about their safety, we're worried about the buildings.

Also, we already follow the HUD guidelines, as John Souza said earlier today, that speak to making sure that we don't have a blanket denial policy. And in the people that I work with, that's -- that's exactly what we do, we do not advocate for a blanket denial policy. We want everybody to make sure they have a fair shot.

And my experience with all of the landlords that I'm working with, we do give everybody a fair shot, even with access to the criminal records that we see today. We have tenants of all sorts in -- in our buildings and we just want to be able to preserve the ability to know who we're getting into the building before we turn the keys over.

The eviction process is already tremendously expensive. I've heard the word collateral damage mentioned here a couple of different times today in a couple of different ways. Believe me, I'm going to take the information I've heard here today back to the panel that I serve, panel of landlords and the community that I serve on the other board for. And I'm going to speak about some of the hardships that I've heard here today because they are real and we're not diminishing those at all.

To that, we also want to recognize and hope that you recognize that when a landlord begins to run into trouble with -- with a tenant, the eviction process is tremendously expensive. It takes a tremendous

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long time and it puts at risk the other tenants in our buildings.

I've had occasion where I've had a problem tenant and it was a nightmare for me to get rid of that tenant, and absolute nightmare. The collateral damage caused to some of the other landlords that I work with in their buildings, the damage done, the damage done to the other tenant's property, the damage done just to the relationship is immense.

So, we really feel like we need to speak to how many of these crimes are going to just be pushed aside and not be able to be viewed anymore. We're looking at we really want to be able to see the whole person that we're renting to, the whole person we're doing everything for.

And to that sir, I thank you for the time to be before you tonight. It has been and it is tonight, it's this evening now. I'll be your first this evening guest. And we just hope that you'll take our position very seriously as I know you do when you consider these bills before you.

SENATOR WINFIELD (10TH): Thank you and you are the first person in the evening. I have a question. I do take your position seriously. I take everyone's position seriously, actually.

When you say that you need to see the whole person, I guess I wonder what seeing -- what seeing that record after a certain point means to you. So, if I'm someone who committed some crime 10, 15 years ago, what does that record tell you at that point if I've not committed any other crime?

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MR. JANUSZEWSKI: I'll speak to my personal review and -- and how I counsel the people that I work with in the landlord group. When I see something that is -- that is -- has a history that is that long ago, I counsel the people that I work with that you should look at that is look at what this person's done with their lives, they've turned their lives around. They have not continued to -- they have not continued to commit a crime, it's been 10 years. WE look at the age the person was at the time they committed the crime. We follow the basically the CHRO guidelines.

So, what it tells me is that this person is turning their lives around. And in concert with that, we're looking at a host of other different things as well. We're looking at what is the person's employment history been, what has their housing history been, what has their family history been. Are there any other indicators on here that this person is a stabled -- stabled individual or is there other indicators here that this person's probably going to be trouble the police are going to be knocking on my door.

SENATOR WINFIELD (10TH): So, taking your point, there's a point at which it just indicates that that person is stable. So, if that is accurate, why then do you need to see it?

MR. JANUSZEWSKI: If we don't know that it's there sir, if we don't know that there was any -- any indication of a problem before, then we don't know what the person has done. I mean, we see -- we see that there's a -- we see that there's a -- that there's a behavior process but we don't know that it came from anywhere.

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So, but -- but to the other part of that, we also and I'll readily admit that this came together so hastily for us as landlords that we don't know what even some of these, I've heard the terms Class C and D and B and so forth, misdemeanors and stuff. We're not such which -- which those are because we're not well-versed in which -- which crimes those are.

So, we don't know what's being thrown out. What's being pushed aside as not being viewable anymore. Or what's going to create, you know, what kind of records are being thrown away. We don't know that information. Perhaps with more information, we could feel better about this legislation.

SENATOR WINFIELD (10TH): Did your organization have an opinion on the bill last year that did more than this bill does in terms of classes of crimes?

MR. JANUSZEWSKI: We also came out in opposition last year.

SENATOR WINFIELD (10TH): And so, I guess to your last point about not having time to know what these crimes are you -- you came out in opposition last year with more crimes in the bill, at least to start. Are you suggesting that you didn't have time since last year find out what those crimes were?

MR. JANUSZEWSKI: Yes. Well, yes, sir. We don't know -- we didn't know this legislation was going to have for crimes in it until we got the bill this past week.

SENATOR WINFIELD (10TH): But again, and I'm not -- I'm just trying to understand your position. The bill last year included all these plus more and this bill includes less crimes to deal with.

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MR. JANUSZEWSKI: Right, yes, sir.

SENATOR WINFIELD (10TH): So, you're suggesting that since last year you haven't had the chance to look at least what was in the bill last year which would have actually covered everything.

MR. JANUSZEWSKI: Arguably yes. And to that, I would just say that most of us, we don't enjoy the ability to be able to go back and do research into what all of these misdemeanors and so forth are. We don't know what crimes fall within those categories.

Perhaps if someone can turn me to a point where I can bring that back to my committee or I could bring that back to the panel. We could say here's the crimes that they're looking at, asking to be done away with on a record search we could have a better understanding of that. We don't even know where to turn to find that information. We're landlords. And we usually, most of the landlords have a full time day time besides.

SENATOR WINFIELD (10TH): Okay. And I don't want to push you too much because I know that's not your area of expertise. But I want to fully understand where you're coming from and your opposition to the bill. Are there comments or questions from other members of the Committee, if not, I want to thank you very much for spending some time with us. I know it's getting into the evening so thank you very much.

MR. JANUSZEWSKI: Thank you for your time.

SENATOR WINFIELD (10TH): Lawrence Peter Drum or at least that's what it looks like. Darren Urban, Lorese Harvey.

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MS. HARVEY: It's a little crowded up here. Well, I'm going to say good evening to all you distinguished members of the Judiciary Committee who is present and who is watching in their office and who is listening at home.

My name is Lorese Harvey and I've been coming up here since 2006 advocating for reforms around criminal justice, prison pardon, drug policy, prison reform and juvenile justice. I am currently a registered active voter in the City of New Britain.

But I am also the former director of strategic relationships for A Better Way Foundation. I am also the founder and the volunteer executive director for Civic Trust public lobbying company. I am also the co-founder and volunteer executive director for Once Incarcerated Once In which is a non-profit at CITA Health.

Formerly incarcerated people, their families, youth who have been incarcerated, we believe in ending generational incarceration and zero entry for all children. I am here to speak and I'm also one of the founding members and still present active member of the Phoenix Association. I've been here a long time.

I am in favor of raised S.B. 389 AN ACT CONCERNING A RECOMMENDATION OF THE CONNECTICUT SENTENCING COMMISSION REGARDING SENTENCE REVIEW AND MODIFICATION. Except for a few things that I'll get in to.

I'm in favor for it because finally you guys are finally listening to a group that I ran in 2007 called a Clean Slate Committee. We presented this issue in 2007, 2008 and 2009. That the Sentence

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Review Board should not have a person who seeks to have their sentence reviewed by the Sentence Review Board should not have to go through the prosecuting attorney's office. And someone who is seeking a modification should not have to go through the prosecuting attorney's office.

Why, because a prosecuting attorney has already shown by their sentence how they feel about what they viewed in their case. A review is about the harshness and determination of that sentence. A modification is about showing that a person has proven themselves no longer harmful or a threat to society and to reduce their sentence or their parole or probation.

Again, I would like to eliminate that they need to get permission from the states attorney's office or the prosecuting attorney's office but I do support the bill.

I'm also here to support raised bill 403 AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLE ERASURE CRIMINAL RECORDS. I've been coming here, once again, for 14 years. And this is the first bill that I can finally support that has expungements in process that includes me. I have a Class C violent offense felon.

We don't have -- and I'm going to finish this. We don't have a self-defense law in the State of Connecticut and there are about 60 percent of women incarcerated who are there for a violent crime are there for self-defense. If we had a real self-defense law instead of a lazy one.

And there are men who are in prison for manslaughter, murder, second degree murder, I mean,

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and manslaughter, manslaughter first degree who are also self-defense cases who should not be in jail for defending their life. Because if somebody's coming at you with knives and guns and you defend yourself, you go from being the victim to being the criminal in the blink of an eye.

And that's what happened to me on my 21st birthday. And yeah, I was smoking weed and I was drinking but I'm not an addict and it didn't lead to no gateway thing. I'm surprised that I survived my stressful life without being an addict. But not everybody who has trauma ends up an addict.

I have combat PTSD with psychosomatic seizures because of my trauma of being raped as a child, being raped as a youth by my mama's boyfriends, being raped as an adolescent, being raped as a young adult in jail, being raped after coming home.

So, you guys, I'm tired of hearing society, society. No, we should stop living as a society of fear and start being a society of faith because most of us Christians. Or anything you believe, believe in a second chance. I've been out for 20 years today, 20 years today. Went through the pardon process twice. Once when the Pardons and Paroles was separated and once when they put together. And no matter what you tell me, death is everlasting.

So, I will never get a pardon according to their rules and regulations. Because the reason why I haven't gotten one is number one, the effect is long lasting. I don't know when death is long lasting. So, that means it will already be denied because the effect is long lasting.

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Number two, when they made me do it the first time, they said it wasn't enough time. I went after five -- I went after being home for six years from my felony. I applied in 2012 and I got a provisional pardon. It's 8 years later and they're still wanting me to go for a pardon, bull crap, it's caused me trauma.

I have PTSD because of this redoing my prison, redoing my pardon form to go relive my prison experience, reliving that rape, reliving the -- the -- the CO's. Reliving when I came home, the rejection and constantly reliving the fact that my kids do not, do not want to consider me their mother and is still ashamed. Because I defended their lives when they were babies and I went to jail for six and a half years.

So, no you will not disclose -- disclude me this time. You will include me because I have fought for everybody's child. I have fought for everyone else and this time it's my fight. And you please say yes to the one that includes Class C and Class D felonies because I have a Class C felony.

And just in case you didn't know, some sex offenders should be included because prostitution is a Class C felony. And there are women and men in recovery who got Class C prostitution charges. There are men who are police officers, who are detectives, who are lawyers who have --

SENATOR WINFIELD (10TH): Lorese, Lorese.

MS. HARVEY: Who have sexual assault crimes against them for soliciting prostitutes who should get an automatic expungement. So, it's not just rapists, murders and things of that nature. This is about my

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life. It's about my grandchildren respecting and loving me not because of the mistakes I made at 21 but because of the woman I am at 47. Thank you.

SENATOR WINFIELD (10TH): Lorese, don't leave yet, don't leave yet. Are there comments or questions from members? Representative Miller.

REP. MILLER (145TH): Hi, I'm sorry I had to take a phone call and I'm sorry to have missed the beginning of your testimony. I just want to say that I'm sorry that you had to relive your past each time that you filled out a or applied for a parole.

I had the opportunity to help a young lady apply for an expungement. And she had to relive every single thing on her record and had to remember every single incident because that's what the application does. And this young lady has turned her life around and I don't think it's fair that we have people relive that when they've turned their lives around and they ask for an explanation.

It's not just giving a list but you have to explain in details what happened. And if you did something 20 years ago, how are you going to remember why you stole -- you were arrested, you had a 6th degree larceny.

And so, I'm really sorry that you have to go through that because I experienced it with a young lady that I assisted. And it brought her back and, you know, and it made her feel bad about who she was as of today. Because that's not who she was, she's not the same person. So, my apologies to you and I hope that things work out for you. Thank you. Thank you, Mr. Chair.

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SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members. If not, you already know that I'm thankful for the work you do. By the way, I'm trying to figure out how I got to look a little older and you didn't after all the years ago that we've known each other.

MS. HARVEY: I praise God a lot.

SENATOR WINFIELD (10TH): I do too but it ain't working for me.

MS. HARVEY: You don't praise him like I do. That's why I wrote my book.

SENATOR WINFIELD (10TH): But I really am appreciative that you stayed in this work for a very, very long time. You are part of the reason that I'm doing the work the way that you do it. So, thank you and thank you for sharing your story with us today. And thank you for sitting here and waiting for your chance to testify.

MS. HARVEY: I used to be able to do it all day, now I can't.

SENATOR WINFIELD (10TH): It gets harder, I know. I know. Thank you.

MS. HARVEY: See, I can't even hold my emotions anymore.

SENATOR WINFIELD (10TH): Earl Bloodworth. Good evening.

MR. BLOODWORTH: Good evening. I originally had good morning here but like many others it's now evening. I just wanted to say good evening, Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Rebisa.

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SENATOR WINFIELD (10TH): Rebimbas.

MR. BLOODWORTH: Rebimbas, and distinguished members of the Judiciary Committee. My name is Earl Bloodworth and I the director for the Mayor's Initiative for Reentry Affairs for the City of Bridgeport or MIRA representing the chief administrative office.

I am also the co-chair for the greater New Haven reentry roundtable of New Haven. And I would like to thank you all for this opportunity to testify before the Judiciary Committee. And I am here to testify in support of S.B. 403 AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLES ERASURE OF CRIMINAL RECORDS FOR CERTAIN MISDEMEANOR AND FELONY OFFENSES AND PROHIBITING DISCRIMINATION BASED ON ERASED CRIMINAL HISTORY RECORD INFORMATION.

I implore this Committee to pass this bill which will benefit many people with criminal records that never actually had a first chance in our second chance state. By every measure, I have done what society has asked of me. I graduated from high school, I graduated from college, I married my college sweetheart. Raised a relatively well-adjusted young man. We both work and pay taxes and pay church.

Little did I know that one night in the summer of 1993, the probability of me completing society's checklist of success could have gotten less probable. One summer night in the City of New Haven, I found myself walking across the street from one apartment to another. I was 18 years old and home from my first year in college. I was working for an AmeriCorps program called LEAP, a local youth program.

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I was stopped by three New Haven police department patrol cars. I was told to place my hands on my head and interlace my fingers. One officer approached me and placed a set of handcuffs on me. He then proceeded to assist me into the back of his patrol car.

Everything I had been instructed about interacting with the police was completely disregarded after feeling demeaned, disrespected, having my intelligence questioned and assaulted. Had things gone amazingly and horribly wrong, I could possibly have been injured, killed or the living death of having my whole future derailed by getting a permanent arrest record.

I found out later I was stopped for fitting the description of someone burglarizing the neighborhood I was living in while working for LEAP. I was never told person's exact description. I was later told I was arrested for interfering with an investigation after going to court and getting my record nollied.

I shared those ordinary everyday details of my life earlier to illustrate how easily my trajectory could have forever been changed. Many, myself included, often complain about the ordinariness of our lives and its maintenance of that life.

These things that we complain about and take for granted, many formerly incarcerated people strive for daily and are denied. This easily could have been my life had any one particular thing gone differently. Many Connecticut residents -- many Connecticut residents have served their sentenced time for the crime they have committed are not afforded the ordinariness of life that we without any criminal record take for granted.

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The criminal record is essentially a scarlet letter that follows them throughout their life. Ruined ordinary things like stable and livable wage employment. It ruins the possibility of stable and safe housing.

Reintegrating back into the community of Connecticut is nearly impossible if not improbable for those with a criminal record. These individuals face well over 500 legal barriers, stigmatization, and other barriers collateral consequences inhibiting or prohibiting their ability to meet their basic needs.

This makes it extremely difficult for many of those who never had a real first chance to leverage their second chance opportunity. If we in the community are sincere about Connecticut's second chance society status, we should be making it easier for them to reintegrate into society and support themselves and their families.

Connecticut can reduce these collateral consequences and make our state safer and stronger by expanding the scope of state anti-discrimination laws through user individualized assessments and ending blanket bands. The ACLU Smart Justice Initiative has proven favorable with a majority of Connecticut's residents.

In a quote, "Connecticut's community of voters --

SENATOR WINFIELD (10TH): Earl.

MR. BLOODWORTH: Yes.

SENATOR WINFIELD (10TH): How much more do you have?

MR. BLOODWORTH: About two paragraphs.

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SENATOR WINFIELD (10TH): Your bell passed quite a while ago. Could you --

MR. BLOODWORTH: I completely didn't hear that.

SENATOR WINFIELD (10TH): Most people don't.

MR. BLOODWORTH: Oh, there it goes. [laughter]
Okay.

SENATOR WINFIELD (10TH): Could you kind of, yeah.

MR. BLOODWORTH: Okay. I'll say this in short. I have a college degree myself and no criminal record. And I experienced being unemployed and underemployed for nearly two years. Employment training and other assistance needs to be supported not only financially but via policy as well.

We are working with this population in the area of economic development, education, housing, health and political well-being here in Connecticut. This is exactly the population which the city of Bridgeport department was explicitly commissioned to support and empower. Their unserved needs scream for attention via civic engagement of our elected officials and non-profit organizations. Thank you for your valuable time and consideration.

SENATOR WINFIELD (10TH): Thank you. And I just want to say, there are very few people here but I know people are watching. We don't -- we don't keep you to the bell because we don't want to hear from you. But if we expanded everybody we'll expand and then we'll never hear from you.

Comments, questions from members of the Committee? If not, I know you've been working on this stuff for a very long time and I appreciate you showing up

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again to help us understand what it really means to do or not do with a piece of legislation that's in front of us. Thank you very much.

MR. BLOODWORTH: Thank you.

SENATOR WINFIELD (10TH): Daheed McKnight. Good evening, Mr. McKnight.

MR. MCKNIGHT: Good evening honorable Judiciary Committee, peace and blessings to you in the name of God omniscient and merciful. I open up support of S.B. 403. My name is Daheed Mohammed McKnight. I work for family reentry, a longtime advocate of criminal justice reform and reentry.

So, I have a conflict here. I support S.B. 403 but I am against S.B. 403 if it doesn't include felonies. If it just includes misdemeanors, I am against it because I don't want to see \$2 million of taxpayer's money going to building the infrastructure for something that misdemeanors don't bar people from being left out of anything.

So, if it includes felonies, although it may not apply to my felony. I was convicted of a homicide. I was incarcerated for 17 and a half years off of 25 years. I've been home for 15 years. If it doesn't apply to me, that's okay. But at least have felonies in there because it's a waste of taxpayer's dollars to create \$2 million worth of infrastructure for just misdemeanors. That's a waste.

So, include felonies if you want to get a better bang for your buck where it's going to be more meaningful and it's not just window dressing. I want to say this that I'm not a statistic, I am a human being who cares about other human beings.

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Let me tell you a story real quick. I have a different kind of approach because sometimes we need to break stereotypes. We need to break stereotypes that we have of you and what we have with people in authority. And you need to break stereotypes of what you have with us, so let me say this.

Let me tell you a quick story. The other day, I came out -- I came out of my mosque. It was me and two other Muslim brothers. And they -- they are formerly incarcerated ex-offenders so whatever you want to call us. And there was a young man in my community, the police weren't around, in my community where I live at in Bridgeport, Connecticut. And he was being assaulted by three other young brothers that looked just like him and his face was bloody, right in front of the mosque.

And we came out with no police involved and we say, hey brother hold up. One other young man had a gun in his pocket. We intervened, no police around. We could have lost our life because we felt a sense of duty and a sense of responsibility.

There was another person standing there who was a reverend. It doesn't matter his religion but he was never incarcerated. They turned and looked the other way. But we played the role of the good Samaritan.

We got involved. We took the young man, put him behind us and protected him and thank God that those other young men respected us enough to back off and not kill that young man. Because we did not want to see another young man murdered in our community. Muslim ex-convicts did that.

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Where I live at, I have a Caucasian older neighbor who has a stent in his heart. He can't shovel his snow. It's the Muslim ex-convict that lives next door to him that I shovel it for him. He offers me money, I will not take it. When I say me, when I say I, I mean we and us because this is representative of all of our moral character after we have time to develop it in the proper way.

I do not charge him. On my street where I live at people come and try to make drug transactions. I'm the only one that goes out there and says hey man, do me a favor brother we don't want that over here. Don't do that over here where we live at on our street. The Muslim ex-convict does that.

In closing, all I want to say is this. I did not have to have a hearing to pay the taxes on the home that I own. They didn't ask me that. I didn't have to go to a hearing, they just take my taxes. I did not have to have a hearing to pay my state taxes. I did not have to have a hearing with the IRS for them to take taxes out of my check when I get paid because I guess they consider me to be a taxpaying citizen. Please allow us to be a citizen without having a hearing. Thank you.

SENATOR WINFIELD (10TH): Thank you, Mr. McKnight. Representative Horn.

REP. HORN (64TH): Thank you, Mr. Chair. I just wanted to take notice of the fact, something that you raised here which is something that I see and I think many of my colleagues see. When we sit, we sit in a lot of these hearings and I can't tell you how many people, particularly, you know, in preparations of things, people who work for non-profits who do the most service with the people most

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in need how often they are formerly incarcerated people.

MR. MCKNIGHT: Yes, ma'am.

REP. HORN (64TH): Or people who have suffered with addiction, people who have had serious setbacks and trauma in their lives. And they are then make that choice to -- to face back towards that community and use their own trauma experience for good and to understand other people. And I just think that's an important observation that you've brought to us today so I want to thank you for that.

MR. MCKNIGHT: Yes, ma'am thank you.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members? If not, two things. One, the two bills 5019 which deals with the C and D misdemeanors just to your original point when you started. And 403 which deals with C felonies all the way down. So, the second bill does include felonies as well.

Second point, as I've told you for many years now because we've known each other for a while, it's always good see you particularly in this context. You usually bring something that is highly valuable to the conversation. I believe today you brought a sense of what this conversation really is. So, thank you again for always entering and speaking real truth in the conversation.

MR. MCKNIGHT: Yes, sir. Thank you, thank you all.

SENATOR WINFIELD (10TH): All right, next Fred Hodges.

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MR. HODGES: Good evening Senator Winfield and the rest of the Judicial Committee. My name is Fred Hodges. I'm from Bridgeport, Connecticut. I work for Family Reentry. I've been working for them for the last 12 years. I run their residential program under DOC which is semi-independent program.

I'm here in support of S.B. 403 Clean Slate. However, I just would like to see it go a little further for me. I am what you call maybe a Class A felon. In my life, I've been home for 13 years now. I don't think that you might go with that but I just want to read something for you.

It's a lady out of California. Her name was Mulane, right. And she said, Mulane says she was able to determine that 988 convicted murderers were released from prison in California over a 20 year period. Out of the 988, she said 1 percent was arrested for new crime, 10 percent were arrested for violent parole. She found none, she found none of the 988 were rearrested for murder. And none went back to prison over a 20 year span.

So, I guess what I'm trying to say is that I committed a crime a long time ago in 1989 and there was a victim involved in it and also my son was involved in it. Someone took my son's bicycle. Now, I -- I definitely have remorseful for what I did because at that time, growing up in [inaudible - 08:28:57] and the things I used to carry guns and stuff like that, I just looked that that was the way to handle things.

I did 17 and a half years in prison. I came home, I got a modification after being incarcerated for 17 years. The victim's family, the victim's family came to court and testified on my behalf. And said

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that they seen that I did enough time in prison for the crime that I committed. And they said the I should get cut loose based on the things that I've done inside the prison.

I was a mentor when I was in prison. I was on COPS program which was Community Outreach Program Support which we talked to alternative incarcerated kids from Massachusetts all through Connecticut. I got letters from colleges as well as high schools, E.O. Smith High School in Storrs, Connecticut where they wanted me to come out and be a counselor there. I got to get letters from the students inside there.

I guess what I'm saying is that people change. People change. And I got sentenced to 30 years. I come home, I'm a home owner. I have a granddaughter. She's 12 years old. She found out that I was incarcerated. So, I've been home for 13 years so I was home before she was incarcerated. I didn't run from it, I told her what happened to me.

But there's things that I would like to do and I would like to move one with my life and leave Connecticut one day. But I got this scarlet letter I got to carry with me for the rest of my life.

So, although I support the bill, some I think it goes far enough. And I think even when they say erasure, I don't think it's going to be erasure. There's going to be some aspects to it, there's going to be some research done about the individuals that's coming before you.

So, I'm just saying that and excluding people like myself, I think you're doing a detrimental -- a detriment to society as human beings and human beings who have changed.

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SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, Mr. Hodges, thank you for joining us. Thank you for your continued efforts as well to make sure that we fully understand the population we're talking about.

MR. HODGES: Thank you.

SENATOR WINFIELD (10TH): Deborah Bresh. Good evening.

MS. BRESH: Good evening. Hi, I'm Deborah Bresh. I'm with the American Society for the Prevention of Cruelty of Animals. I'm here in support of S.B. 388 on behalf of our 60,000 Connecticut members. And I wanted to thank you for raising this bill concerning animal cruelty.

There's been some extremely moving testimony tonight and I think that what I want to emphasize, in particular, is that the pursuit -- looking at animal cruelty is not a reactionary pursuit. It is not intended to strictly be punitive. Animal cruelty is part of a web of violence.

It's well-established where individuals engage in animal cruelty it may not be linear, they may engage in animal cruelty than harm people, engage animal cruelty again. And, you know, this is -- there's a -- there's a clear pattern that has been established and a link between animal cruelty and violence toward people.

And, in fact, in January 2015, the FBI's national incident database reporting system elevated animal cruelty to its own category in the system. And to be tracked alongside crimes such as homicides and arson. So, the sociology to animal cruelty really

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requires further scrutiny. I've been working in Connecticut for a very long time. Have drafted some laws related to animal cruelty in Connecticut, including the humane tethering law.

And it's obvious to anyone who has been working in Connecticut on this issue that the laws pertaining to it are insufficient, they're very diffuse, they're in other certain various chapters. They don't -- and it's not just a question of penalties. They don't -- there's an issue of individuals who are placed in pretrial intervention. They're not being sufficient therapeutic programs for them so there's no effort to real effort to move people past the -- the invents that they've been involved in.

And interestingly, you know, animal cruelty has a lot of tentacles. There's a link between animal cruelty and domestic violence and dog bites, not surprisingly. I mean, animals are very vulnerable, children are vulnerable in homes, domestic violence victims are -- are vulnerable and there's a connection between all of them.

I actually recently worked on the modernization of New Jersey cruelty laws. We would like to see something like that happen in Connecticut. There is a clear need and we think that this Sentencing Commission study that this bill would commission would move that along more quickly and in a more focused way.

We do have some concerns with the language. We, I think, submitted some language to you. We would like to see sort of an amalgam of some language that we submitted with the bill that was raised. The bill that was raised is both too broad and yet too narrow. It's a general survey of the cruelty laws.

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We would like to see something that focuses specifically on the implications for protecting animals. We would also like to see the membership of the or the individuals who should be consulted mentioned in the -- in the -- in the bill. People who have an expertise in cruelty that's not -- that's not noted. And, in fact, and the bill also is just very focused on penalties.

It refers to looking at penalties, the trends in penalties across the country. And we think there's so many more issues here. Including, for instance, pretrial intervention and what programs should be available for people who are going to pretrial intervention, so.

SENATOR WINFIELD (10TH): Thank you.

MS. BRESH: Yeah.

SENATOR WINFIELD (10TH): Other comments or questions from members of the Committee? If not, I'd like to thank you for joining us and speaking to a bill that didn't get much attention today given what we were talking about but I think is important. And that's why we shifted the bill to the Sentencing Commission. We will take a look at what you've -- you've already --

MS. BRESH: I'm actually -- I will submit the language again.

SENATOR WINFIELD (10TH): Okay.

MS. BRESH: And I'll -- yeah, so you'll have that. And I'd like to discuss further if possible.

SENATOR WINFIELD (10TH): Okay. We'll take a look at it and you may hear from someone, so.

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MS. BRESH: Okay. Thank you very much.

SENATOR WINFIELD (10TH): Thank you very much for spending your day here with us.

MS. BRESH: No, no, no, thank you for having us, having me.

SENATOR WINFIELD (10TH): Okay, so I don't have anyone else signed up on this list. But if there's anyone here, I don't see anyone but if there's anyone here who has not had the opportunity to testify and would like to do so now would be your opportunity. Going once, going twice, I would like to --

MR. NEGRON: Hold on.

SENATOR WINFIELD (10TH): You almost missed it.

MR. NEGRON: Good evening, Senator.

SENATOR WINFIELD (10TH): Make sure when you sit down you say your name. All right, good evening.

MR. NEGRON: Good evening Senator and honorable members of this community. It's interesting how we're looking at a bill that could affect somebody's life. My name is Mr. Tito Negron. I just came home about 16 months ago after serving 30 years of incarceration. The 1584 bill that you and the rest of the Committee has allowed me to actually to be here.

I'm also, if we don't pay attention, I'm also a Yale employee. You know, I work at Yale's transitions clinic to help those that are coming home back into the community. It was people in our community that believed that people like me can change.

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But it was those that came before you like Fred Hodges and the passion that Daheed McKnight brings to the table to be able to explain to someone that may not understand what goes on in the cities and the urban communities.

But we just flew back on the bird from Biloxi, Mississippi and, you know, Louisiana and New Orleans and flying into Baltimore. I haven't been on a plane since I was 13 years old. You know, I know about the young lady that sits in the front, what the True Unit looks like because I was mentoring the mentors in the True Unit.

And that speaks to change. It speaks to an opportunity. But not given the opportunity, we constantly hear words of expression and long versions of long works and we don't believe. I think believe is a form of vote that we have people in the room today that can make some changes that can affect those that are incarcerated, that are formerly incarcerated. Those that are coming back into our communities. Help them believe in the thoughts and the processes that are going on.

It is the Senator Winfield's, I remember those letters that was sent out to the community. I remember the young ladies like the Ms. Miller's that sit on these panels. I'm great friends today with Ms. Robin Porter. I was texting her when I first got here.

But if some people don't learn how to believe that we believe we can do something different with our lives, then I believe that we're going to believe in doubt. And if we continue to believe in doubt, we remove change from that opportunity.

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But, you know, I believe there's some prominent people at the table today, some of whom are never incarcerated, some of them formerly incarcerated and some of us just need somebody to believe that we can do something different with our lives.

I'm able to do that, you know. I didn't get home when my father was here, he was available. He was gone, he died. You know, you go to jail at 16 years old, you come out at 48 and you don't know what transition looks like. But you see somebody else doing it and you say I can do that too.

And that's what this is about. It's about looking at people that you like you, look similar to you, the black, the brown, the poor white, whatever you want to be called. But it's taking the call of duty, really. Because there are some people that are still in the True Unit are going to read a newspaper and read something that say, well Tito was there. And Tito believes in us like we believed in him.

But if you're dealing with some injustices and you're believing that things don't change. Think about the person that will never change. Thank you for allowing me to share.

SENATOR WINFIELD (10TH): Thank you, Mr. Negron, correct?

MR. NEGRON: Yes, sir.

SENATOR WINFIELD (10TH): Questions, comments from members of the Committee? If not, one I'd like to say. I'm glad you didn't miss your chance to testify. But I do believe that people can change and we're trying to have this conversation. It's a

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difficult conversation. What we are asking people to do is change a way of thinking that they've had for a very long time.

And so, it's important that people like yourself are a part of this conversation so they can understand what we are actually talking about. So, thank you for spending your day with us. And at this time, if there is no one else who would like to testify, going once, twice, I will call this hearing to a close. Thank you all very much for joining us.