



Legislative Testimony
765 Asylum Avenue, First Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

**Written Testimony Opposing House Bill 6670, An Act Concerning a
Mandatory Minimum Sentence for Injury or Risk of Injury of a Child**

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Kelly McConney Moore, and I am the interim senior policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am testifying in opposition to House Bill 6670, An Act Concerning a Mandatory Minimum Sentence for Injury or Risk of Injury of a Child.

While everyone in this state wants to see children protected from harm, mandatory minimums are not the answer. Mandatory minimums take discretion away from judges and give it to prosecutors who can use mandatory sentences to frustrate constitutional rights and exacerbate existing racial disparities in the criminal legal system.¹ In fact, judges across the country have spoken out against mandatory minimums because they force them to impose harsher-than-necessary sentences.² They also create unwarranted racial disparities³ and there is evidence that prosecutors are more likely to charge Black people with crimes that have mandatory minimum sentences than similarly-situated white people.⁴ Mandatory

¹ Sonja B. Starr & M. Marit Rehani, "Mandatory sentencing and racial disparity: Assessing the role of prosecutors and the effects of *Booker*," 123 *Yale L.J.* 2 (2013), available at <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=2497&context=articles>.

² See, e.g., Lori Atherton, "Federal judge, former U.S. attorney discuss mandatory minimum sentences at Michigan Law," *Michigan Law News*, Nov. 26, 2018, available at https://www.law.umich.edu/newsandinfo/features/Pages/Federal-Judge-Former-U.S.-Attorney-Discuss-Mandatory-Minimum-Sentences-at-Michigan-Law_112618.aspx.

³ Wade Henderson, "Mandatory minimum sentencing testimony," Inter-American Commission on Human Rights, Mar. 3, 2006, available at <https://civilrights.org/resource/mandatory-minimum-sentencing-testimony-of-wade-henderson/>.

⁴ "Report to the United Nations on racial disparities in the U.S. criminal justice system," Sentencing Project, Apr. 19, 2018, available at <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>.

minimums have resulted in overall lengthier prison sentences.⁵ Moreover, mandatory minimums do not appear to have any significant deterrent effect.⁶ In the words of a former federal prosecutor and a former federal judge, mandatory minimums “have caused untold misery at great expense. And they have not made us safer.”⁷ Finally, mandatory minimums are not a fiscally sound policy and are less cost-effective than nearly every other alternative.⁸ In short, there is no reason to believe that imposing a mandatory minimum for injuring, or risking injury to, a child will make children, or Connecticut overall, safer.

The ACLU-CT is dedicated to ending mass incarceration. That effort requires that the General Assembly continue making progress towards reducing the number of people who enter the criminal legal system and reducing the amount of time that most people who do enter the system serve. The legislature will not achieve that kind of progress if it returns to the same old tired, unproven model punitive model, with mandatory minimums and tough-on-crime thinking that has only resulted in injustice. This bill, however, attempts to do just that. The ACLU-CT thus opposes it and urges this Committee to do the same.

⁵ See Tanya Golash-Boza, “Column: 5 charts show why mandatory minimum sentences don’t work.” PBS News Hour, Jun. 1, 2017, *available at* <https://www.pbs.org/newshour/politics/5-charts-show-mandatory-minimum-sentences-dont-work>.

⁶ See “Mandatory sentencing was once America’s law-and-order panacea. Here’s why it’s not working.” FAMM, *available at* <https://www.prisonpolicy.org/scans/famm/Primer.pdf>. “Sessions wants them back.” Washington Post, May 15, 2017, *available at* <https://www.washingtonpost.com/posteverything/wp/2017/05/15/mandatory-minimum-sentences-are-cruel-and-ineffective-sessions-wants-them-back/>.

⁸ Jonathan P. Caulkins, “Are mandatory minimum drug sentences cost effective?” Rand Corporation, 1997, *available at* https://www.rand.org/pubs/research_briefs/RB6003.html.