



CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.

TESTIMONY OF KATHLEEN FLAHERTY, ESQ.
EXECUTIVE DIRECTOR, CT LEGAL RIGHTS PROJECT, INC.
JUDICIARY COMMITTEE PUBLIC HEARING
MARCH 10, 2021

In support of SB 987, AN ACT CONCERNING REINVESTMENT OF SAVINGS ACHIEVED THROUGH A REDUCTION IN CORRECTIONAL FACILITY POPULATION INTO REENTRY AND COMMUNITY-BASED SERVICES AND PROGRAMS.

In support of SB 1019, AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLES, ERASURE OF CRIMINAL RECORDS FOR CERTAIN MISDEMEANOR AND FELONY OFFENSES, PROHIBITING DISCRIMINATION BASED ON ERASED CRIMINAL HISTORY RECORD INFORMATION AND CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES.

1

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

Good afternoon. My name is Kathy Flaherty and I am the Executive Director of Connecticut Legal Rights Project (CLRP), a statewide non-profit agency that provides legal services to low income adults with serious mental health conditions. CLRP was established in 1990 pursuant to a Consent Order that mandated that the state provide funding for CLRP to protect the civil rights of DMHAS clients who are hospitalized, as well as those clients who are living in the community.

CLRP supports SB 987 because people with mental health conditions often find themselves trapped in the criminal legal system because we live in a society that

has chosen to criminalize behaviors related to poverty and disability rather than provide funding to meet people's most basic human needs. Members of this committee who serve on the Appropriations Committee may already be aware that the Governor's proposed budget for the Department of Correction includes "zero changes" in the dollars despite the planned closure of at least one, and likely several, DOC facilities. Back when this state closed two of the large state psychiatric hospitals in the mid-1990's, a promise was made to reinvest the savings into the community-based system of care. We all know that the state failed to keep the promise then, and continues to fail now. This state has made changes in its criminal justice policies that has resulted in a **cut** in the number of incarcerated people. The Department of Correction is going to **shut** facilities including Northern. It is incumbent upon someone to make sure that the state **invests** those dollars in community-based solutions, both upstream prevention to avoid interaction with the criminal legal system and re-entry so that people leaving custody can build successful lives in the community. This bill would result in money being allocated to support the hiring of formerly incarcerated people as community health workers, to increase the access of currently incarcerated people to health care while they are in jail or prison, and for expansion of mobile crisis intervention services. I would encourage this committee to include support for peer-run respite as part of this effort.

CLRP supports SB 1019. Members of the Board of Pardons and Parole should receive training on the collateral consequences of convictions so that they can better understand the impact that their decisions will have on the people who come before them. People whose applications for a pardon are denied should receive notice of the reasons for that denial, so that they can better understand what additional steps they need to take in order to have a successful pardon application. Automatic erasures of crimes means that people are not judged forever based on what they did on their worst day. I am troubled that we continue to leave some people behind when we talk about criminal legal system reform. Everyone deserves a second chance; we know that some crimes do not result in recidivism. Excluding some crimes from consideration for automatic erasure flies contrary to this.

The criminal legal system has a disproportionate impact on people of color and people with disabilities, and prohibiting discrimination against people with an

erased criminal record will improve opportunities for people who have been involved with the criminal legal system to re-enter and fully participate in our communities.

However, I recall that last time a bill discussing discrimination against people with criminal records was raised in this committee I **suggested that the committee amend this bill to ensure that disability is listed as a protected class in each one of these statutory sections that would be changed pursuant to the statute.** A quick review of the language of this bill makes it clear that both physical and mental disabilities are not listed in every section.

The Constitution of the State of Connecticut was amended in 1984 to include physical and mental disability as protected classes. See Amendment 21: “Article fifth of the amendments to the constitution is amended to read as follows: No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or physical or mental disability.”

The anti-discrimination statutes have been changed several times in the last thirty-five years to expand the classes of people who are protected. However, for whatever reason, sufficient care has not been taken to ensure that protection for disabled people is specifically enumerated in all of those statutes. I encourage the members of this committee to take the opportunity to address that failure.

Thank you for your consideration of this testimony.