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Judiciary Committee

RB 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 for the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences.

Senator Winfield, Representative Stafstrom and members of the Judiciary Committee. My name is Lucy Nolan. I am the Director of Policy and Public Relations at the Connecticut Alliance to End Sexual Violence, the statewide coalition of Connecticut's nine community-based sexual assault crisis services centers. Our mission is to create communities free of sexual violence and to provide culturally affirming trauma-informed advocacy and prevention centered on the voices of survivors.

The Alliance, our member centers and survivors thank you for removing those who sexually assault and harm others from erasure. Sexual violence is a crime that greatly effects victims physically and emotionally, and the reverberations of sexual violence very often create undue burdens for victims for the rest of their lives. The survivors we work with share that the harm is irreparable. Sexual assault is a unique crime with unique impacts on the victims of those crimes and our response to those who cause harm in this way should also be unique. High rates of depression, anxiety, substance abuse, suicidal ideation, and other negative health outcomes are all tied to sexual victimization and are likely to create barriers and challenges in the lives of victims and survivors of sexual violence.

Our work with offenders has provided ample evidence that it is not possible to consider all sex offenders as a homogeneous group. Recidivism rates for adults with problem sexual behaviors are impacted by dynamic risk factors that are not static and can change at any time. The dynamic risk factors that increase the likelihood of re-offending include substance use, collapse of social supports, loss of employment and access to potential victims; therefore, it is impossible to predict future behaviors of this specific group of offenders.

Results from the Department of Justice's 2015 meta-analysis on sex offender recidivism rates show that the likelihood of re-offending and committing a new sex crime only increases over time. Recidivism rates for rapists are reported at 24% in a 15-year follow-up and increase to 39% after 25 years post-sentencing. These rates are almost double that for child sexual abusers showing recidivism rates of up to 52% after 25 years post-sentencing. Considering that most sexual assaults go unreported, we may also

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be able to assume that these rates are even higher than they are indicated here. The data continuously shows that this population must be approached differently from others.¹

Connecticut has been able to keep our recidivism rates as low as they are is because of the collaborative multi-disciplinary approach to the supervision and treatment of sexual offenders of which The Alliance is a part. This unique collaborative model mitigates the risk of recidivism through the provision of specialized treatment and the careful supervision of the offender by Parole and Probation officers that includes relationship building with people in the offender's life to create a support network, assistance with securing housing and employment, and working with offenders and their support network to identify and create plans to mitigate risks associated with reoffending while creating opportunities for reintegration into their families and communities. The Alliance's Post-Conviction Victim Services advocate team support the victims who have been harmed by the offender and are able to provide notification about changes in the offender's status, safety plan, and help victims to navigate the complex criminal justice system and provide input about the process.

Additionally, it is critical to preserve the records of those who commit sexual crimes for many reasons including Sec. 53a-40(d) of our statutes specifically allows that "persistent offenders of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order, criminal violation of a standing criminal protective order or criminal violation of a restraining order" have increased penalties for their actions, including changing misdemeanors to a class D felony. Many of the crimes reflected in the statute are crimes that are eligible for erasure yet are often an act of further harm. Other sexual crimes that create negative long-term physical and mental outcomes for the victims harmed by the crime include promoting prostitution 3rd degree (53a-88), enticing a minor (53a-90a), possessing child pornography 2nd (53a-196e) and in the 3rd degree (53a-88), commercial sexual exploitation of a minor (53a-196i), incest (53a-191), harassment 2nd degree (53a-183), stalking 2nd degree (53a-181d). Keeping records of those who commit sexual crimes is necessary to ensure that victims and our communities are safe and can help the criminal justice system hold offenders accountable.

Another consideration for not including sexual crimes in erasure is the DNA evidence that is often collected and analyzed as part of the sexual assault forensic evidence kit (also known as a "rape kit"). In some circumstances the DNA will show up in another crime against a person such as serial rape or from an investigation from another state with backlogs. The DNA should not be removed from the Combined DNA Index System (CODIS) database because it will eliminate the possibility that the offender will be linked to other crimes once evidence is tested in backlogs everywhere. Victims have access to their kits history, if there was a CODIS match, and many check it often.

Finally, The Alliance worked on, and supports, changing the Sex Offender Registry to a tiered, confidential law enforcement registry with high-risk offenders available on a public registry. Changing the registry would allow for a risk-based analysis of the offender and allow for movement between the two registries, decreasing the time on the registry or removal from the registry. This is the appropriate way to maintain community safety while helping sexual offenders who may not pose a risk be successful in reintegrating into their communities after treatment.

The Alliance understands and supports creating additional avenues for removing barriers for justice-impacted persons, some of whom are survivors themselves, to be successful in their lives, and need to

¹ Department of Justice: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking. "Sex Offender Management Assessment and Planning Initiative. July 2015"

come back to a community that gives them opportunity to heal. The ability to erase certain crimes is necessary; however, sexual crimes should be excluded. Victims who choose to report sexual crimes to the criminal justice system share experiencing significant barriers, challenges and retraumatization. It is a crushing experience and most people do not get the outcomes that they hoped for. It is critical that victims who do opt into the criminal justice system are met with transparency and clear expectations from the process about how the person who caused them harm will be held accountable. We thank the committee for removing non-violent and violent crimes of sexual assault from erasure.