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OSJ is a volunteer-based civil rights organization committed to ensuring that persons accused or convicted of sexual offenses in Connecticut are treated constitutionally and fairly by the state before, during, and after their sentences. We believe communities are safer with rational laws and with a focus on prevention of sexual harm and the healing of all those affected by it. We believe any sexual offense is one too many.

SB1019 - 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

Testimony Opposing Exclusions in Raised Senate Bill 1019

Good morning to the chairs Senator Winfield, Representative Stafstrom, Senator Kissel and Representative Fishbein and all esteemed members of the Judiciary Committee.

My name is Cindy Prizio. I am the Executive Director of One Standard of Justice (OSJ), a statewide civil rights advocacy organization. OSJ works with men and women arrested or convicted of sexual offenses and their families. I also identify as a member of a justice impacted family on both sides of the sexual offending issue.

Bryan Stevenson has been in the news over the past year or two because of the movie, “Just Mercy”, which is based on his work. Honed through decades of selfless legal service to those traditionally underrepresented by legal counsel, Stevenson described his philosophy in a TED Talk titled, “We Need to Talk About an Injustice.” As executive director of the Equal Justice Initiative, Stevenson asserts there is a relationship between identity labels on human dignity, and its protection under law. He said:

“Ultimately, our humanity depends on everyone's humanity... I've come to understand and to believe that each of us is more than the worst thing we've ever done. I believe that for every person on the planet. I think if somebody tells a lie, they're not just a liar. I think if somebody takes something that doesn't belong to them, they're not just a thief. I think even if you kill someone, you're not just a killer. And because of that there's this basic human dignity that must be respected by law.”

SB 1019 also called the Clean Slate Bill is probably the most serious and far reaching attempt to reform the impacts of our carceral system since the advent of mass incarceration strategies like mandatory minimums, longer sentences and other penal, retributive strategies began decades ago. OSJ lauds the courage of the Judiciary Committee to push the conversation about the collateral damages our carceral system has on system impacted people, their families, neighborhoods. Even our state budget feels the impact. In 2017, Connecticut was one of only nine states to spend more money on corrections than higher education. That doesn't even include the cost of the judicial branch.

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. The Merriam-Webster definition of carceral is "of, relating to, or suggesting a jail or prison". 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.

Stevenson said it well. "Ultimately our human dignity depends on everyone's humanity."

SB 1019 is a bona fide attempt to break that carceral bondage built up over the years; Except for language in lines 168-173 which speaks directly to the relationship between identity labels on human dignity and protections under law for those who have sexually offended. No-one else is left out of this bold, progressive legislation except for people who have been convicted of sexual offense or family violence. To make SB 1019 equitable, people with sexual offense convictions (and family violence) categorized as misdemeanors or C, D felonies must be included if they have the 7-10-12 years offense-free in the community. It's doing the right thing.

Our job at OSJ is to continue to inform you every chance we can about facts, like: according to 2 consecutive 5-years recidivism studies by the Office of Policy and Management (OPM) arrests for new sex crimes among offenders in the first five years after leaving prison was 55. That is 5.5 arrests per year. Contrast that with the rest of the non-offender released population, who while being arrested at a lower rate for sexual offenses, still were arrested for sexual offenses 488 times over the same period, almost nine times by volume; a 20-year longitudinal study in New York looking to measure the impact of the Sex Offense Registry found only 4.1% of arrests for sexual offenses were for people was a previous arrest for a sexual offense. That study tracked over 160,000 arrests; Despite being only 9.7% of CT's population, Blacks made up 22.3% of Connecticut's registry in 2019; When compared to the population of people incarcerated at large, those initially incarcerated for sex offenses also had a 25% lower over-all re-arrest rate for ANY CRIME than other criminals, exactly the opposite of the common myth (Langan, Schmitt & Durose, Bureau of Justice Statistics, p. 2). That figure holds true in Connecticut when you take out the aggressive "gotcha" regime of technical violations and failure of timely filing for the registry every three months.

Testimony submitted by a special interest group in February and March 2020 before the Labor and Public Employees' Committee, Children's Committee and this one suggested people with sexual offense convictions recidivate at a higher rate than cited by OPM and remain a threat even after 10-15 years. Dr. R. Karl Hanson is acknowledged by his peers as one the top researchers on the subject of recidivism and is also co-creator of STATIC-99R, the most widely used risk evaluation tool in the world.

In a “Summary of Declaration” in a 2018 affidavit before the New Jersey Federal Court, Hanson testified to, among other things, the following:

“a. The average sexual recidivism rate of individuals with a history of sexual crime is low. Once convicted, most are never re-convicted of another sexual offense.”; “f. Contrary to the popular notion that all individuals who have ever committed a sexual offense remain at risk of re-offending through their lifespan, the longer individuals remain offense-free in the community, the less likely they are to re-offend sexually. Eventually, they are less likely to reoffend than a non-sexual offender is to commit an “out of the blue” sexual offense.”

Most relevant to today’s hearing Hanson testified,

“Based on my research, my colleagues and I recommend that rather than considering all individuals who have ever committed a sexual offense as continuous, lifelong threats, society will be better served when legislation and policies consider the cost/benefit break point after which resources spent tracking and supervising low-risk individuals are re-directed toward the management of individuals with high-risk of sexual recidivism, crime prevention, and victim services.”

Of special note, OSJ and Senator Winfield are sponsoring a series of informational webinars and were delighted to welcome Dr. Hanson as our first speaker. The purpose of our webinar series is to present the academic underpinnings necessary for fact-based discussions of real reform of the laws, policies and practices surrounding sexual offending. The link to Dr. Hanson’s first webinar is below. As is the second webinar presented by Katherine Gotch on evidence-based reform and the link to register for our third on victims’ perspectives. Dr. Hanson will be returning to wrap up this series with a one hour webinar on June 22 at 9:00 am. You are all invited.

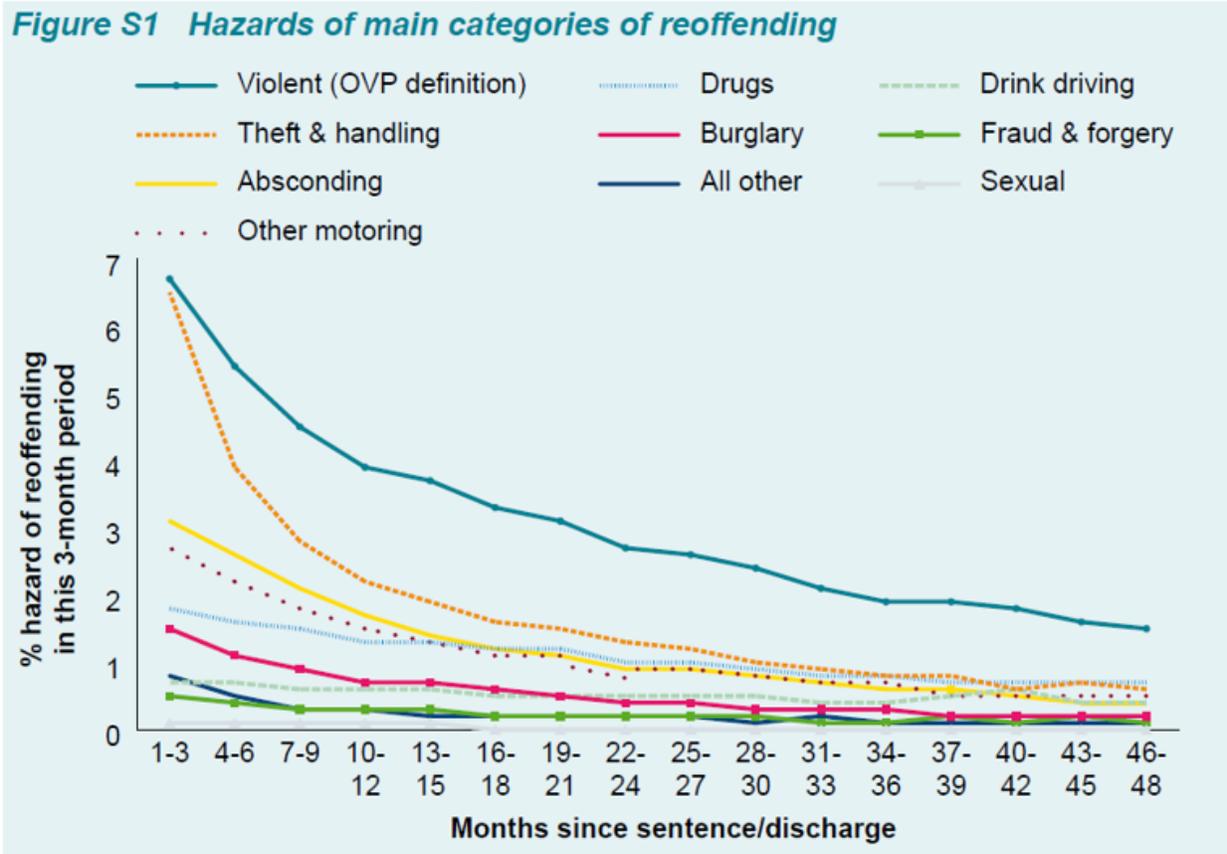
OSJ believes in a policy of “Do No More Harm”. We believe our state’s scarce resources would be better spent on upstream prevention strategies and victim services than on downstream post-incident strategies of unproven merit directed at group unlikely to reoffend. We believe that any sexual offense is one too many. We also believe that our carceral system should be moving toward being a system of healing, and for all system impacted people to be treated with the same human dignity as is proposed for all others in this bill.

OSJ praises and celebrates the idea of SB 1019; we encourage this committee to improve (correct) it by including people with sexual offenses who have the lowest recidivism* of any of the offense categories (see chart). Excluding them appears to be based on nothing other than possibly fear, emotion and bad data (or no data) and we cannot support it. If we told you and showed you one hundred times over that our communities would be safer by including these men and women, (and they would), would you include them?

Justice for some, is not justice.

*Reoffense rates by offense category

Declines for All Types of Recidivism (UK; Howard, 2011)



(Hazard = chance of reoffending in this 3-month period IF no reoffending (for this offence) previously)

Register in advance for this webinar:

April 12 - Mary Koss PhD et al presents:

Experience from Practicing Restorative Justice for Sex Crimes: Trauma, Justice Needs, Participant Satisfaction, Equity, Law, and the Future.

https://zoom.us/webinar/register/WN_YXf30UzmQ0eIL6f6rK2T_A

Previous webinars:

Webinar Video - Dr. R. Karl Hanson: Sexual offense recidivism risk: Not what you think

<https://OneStandardOfJustice.org/dr-r-karl-hanson-sexual-offense-recidivism-risk-not-what-you-think/>

Webinar Video - Katherine Gotch: Evidence-Based Reform: Finding New Ways Forward

<https://OneStandardOfJustice.org/evidence-based-reform-finding-new-ways-forward/>