



Legislative Testimony  
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## **Written Testimony Opposing Senate Bill 899, An Act Concerning Senior Safety Zones**

Senator Slap, Representative Phipps, Ranking Members Kelly and Wilson, and distinguished members of the Aging 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 submitting this testimony in opposition to Senate Bill 899, An Act Concerning Senior Safety Zones.

Elder abuse is a real and serious problem, and elder sexual abuse is an underreported and serious harm to seniors. The problem is very complex and combating it requires creative, targeted solutions rather than the tired, punitive, ineffective registry model, which does not work on a wide-scale and will not work to curb elder sexual abuse. The solutions proposed by this bill are based on fear, not facts, and provide a policy that will not reduce harm to elders but instead will create false security in seniors. This bill will continue to stigmatize and ostracize people living with sexual offense convictions, which harms those people and our communities.

Most of the requirements of Senate Bill 899 are directed towards senior living centers. Over 90 percent of seniors live in the community, rather than in congregate living situations.<sup>1</sup> Research around elder sexual abuse shows that the majority of victims lived in home settings, not institutional locations.<sup>2</sup> Notifying senior congregate living centers ignores the true problem and demonstrates that this bill is crafted as a quick fix, not a complex response to a difficult problem.

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<sup>1</sup> "Elder Abuse Statistics." Department of Justice, *available at* <https://www.justice.gov/file/1098056/download>.

<sup>2</sup> Ann W. Burgess, "Elderly Victims of Sexual Abuse and Their Offenders." National Institute of Justice, Office of Justice Programs, Jun. 20, 2006, *available at* <https://www.ojp.gov/pdffiles1/nij/grants/216550.pdf>.

In addition, sexual offender registries are intended to protect communities against strangers, since their purpose is let people in the neighborhood know about the pasts of unknown people in the area. This solution is not responsive to sexual assault overall, nor is it responsive to senior sexual abuse, since both are much more likely to be perpetrated by a person known to the victim.<sup>3</sup> One literature review, spanning decades, found that elder sexual abuse was perpetrated by someone the victim knew approximately three-quarters of the time.<sup>4</sup> That means that a minority of cases of elder sexual abuse are perpetrated by strangers – the only potential category of abuser who a registry claims to reign in.

Like other kinds of abuses, elder abuse is seriously underreported, often because of the nature of the relationship between the abuser and the elder.<sup>5</sup> Because many forms of elder abuse go drastically underreported, many abusers never become part of the criminal legal system and thus would not appear on a registry. As a result, the registry expansion proposed by Senate Bill 899 would give the public a false sense of security, letting us believe that elder abuses do not live in our communities or work with our seniors. In addition, poorly maintained or inaccurate registries can cause confusion and potentially implicate completely innocent people.

Sex offender registries can constitute an additional extrajudicial form of punishment and can lead to retaliation against people who are trying to rehabilitate themselves. Criminal convictions are public records that can easily be consulted for a background check when truly necessary. But the casual ease of consulting a public registry can bring unnecessary public exposure and retribution against those who have already paid their debt to society and are trying to rebuild their lives.

The truth is that the more difficult we make social reintegration for people who have been convicted of crimes, the less safe our communities are. Working reduces

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<sup>3</sup> “Perpetrators of Sexual Violence: Statistics.” RAINN, *available at* <https://www.rainn.org/statistics/perpetrators-sexual-violence>.

<sup>4</sup> Ann W. Burgess, “Elderly Victims of Sexual Abuse and Their Offenders.” National Institute of Justice, Office of Justice Programs, Jun. 20, 2006, *available at* <https://www.ojp.gov/pdffiles1/nij/grants/216550.pdf>.

<sup>5</sup> “Elder Abuse.” RAINN, *available at* <https://www.rainn.org/articles/elder-abuse>.

recidivism.<sup>6</sup> In fact, the sooner a person can be employed upon leaving incarceration, the less likely they are to recidivate.<sup>7</sup> Registries, though, are exactly the kind of barrier that makes it much more difficult for a registrant to find employment. Rather than stigmatizing people who have abused the elderly and pursuing fear-based tactics that fail to reduce recidivism, Connecticut should focus on programs and policies that actually reduce the likelihood of elder abuse occurring in the first place.

Registries are a tool whose efficacy is extremely limited, as detailed above, and whose downsides are significant and widely harmful to the people on them, their families, our communities, and to potential victims. We believe the use of registries should not be expanded absent compelling evidence that the registry would lead to a reduction in community harm. Based on the data we have seen, there is no such evidence, compelling or otherwise, to indicate that expanding registry use to protect seniors, as proposed by Senate Bill 899, will solve the problem of elder sexual abuse. We thus oppose Senate Bill 899 and ask this Committee to oppose it as well.

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<sup>6</sup> Peter Cove & Lee Bowes, “Immediate Access to Employment Reduces Recidivism.” Real Clear Politics (Jun. 11, 2015), *available at* [https://www.realclearpolitics.com/articles/2015/06/11/immediate\\_access\\_to\\_employment\\_reduces\\_recidivism\\_126939.html](https://www.realclearpolitics.com/articles/2015/06/11/immediate_access_to_employment_reduces_recidivism_126939.html).

<sup>7</sup> *Id.*