



Legislative Testimony
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**Written Testimony Opposing House Bill 6887, An Act Concerning
Additional Legal Protections for Victims of Domestic Violence**

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

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in opposition to House Bill 6887, An Act Concerning Additional Legal Protections for Victims of Domestic Violence.

Domestic violence is a real and serious problem in Connecticut, and we urge this committee to increase the funding of social service programs that help domestic violence survivors, to protect victims of domestic violence from housing discrimination, and to further invest in violence prevention programs that cultivate healthy, safe relationships. Instead of investing in violence-interrupting programs and services, however, this bill proposes further investment in violence-perpetuating systems, namely mass incarceration.

The ACLU-CT is an organization dedicated to ending mass incarceration, eliminating racial disparities in the criminal legal system, and reducing harms to justice-impacted people. Family violence is a legitimate problem in Connecticut and throughout the country, and it requires real, meaningful solutions that truly increase safety and community health. That unfortunately will not be accomplished through this bill. The ACLU-CT opposes several aspects of this bill, outlined below.

Life Without Parole

Longer prison sentences have persisted, despite strong evidence that “lengthy prison terms are counterproductive for public safety as they result in incarceration of individuals long past the time that they have ‘aged out’ of the high crime years, thereby diverting resources from more promising crime reduction initiatives.”¹ Moreover, longer sentences do not appear to have any significant deterrent effect.²

Systems that have reduced sentences—notably, the federal criminal system—have not noticed any negative effect on public safety.³ In short, permitting life without parole sentences will not deter crime. This proposed change is neither needed nor wise.

Creating real public safety requires investing in programs and services that truly prevent and end violence at its root, rather than putting that money into the expensive, ineffective, and violent system of mass incarceration. This requires that the General Assembly continue making progress toward reducing the number of people who enter the criminal legal system and reducing the amount of time that people who do not enter the system serve. The legislature will not achieve that kind of progress if it expands sentences.

Prohibiting Pardons Involving Murder with Special Circumstances

One of the biggest injustices faced by people living with a criminal record is the myriad of collateral consequences flowing from that criminal record, which persist for years, even lifetimes, after a person finishes the punishment they were sentenced to. Collateral consequences turn any sentence into a life sentence. In Connecticut, people living with a criminal record face over 550 legal barriers to full societal participation.⁴

¹ Marc Mauer, *Long-Term Sentences: Time to Reconsider the Scale of Punishment*, SENTENCING PROJECT (Nov. 5, 2018), available at <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scalepunishment/>.

² *Id.*

³ *Id.*

⁴ National Inventory of Collateral Consequences of Conviction, available at https://niccc.csgjusticecenter.org/database/results/?jurisdiction=260&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1; see also Kelan Lyons, *Council Begins Study of Discrimination Against People with Criminal Records*, CT MIRROR (Aug. 22, 2019), available at <https://ctmirror.org/2019/08/22/council-begins-study-of-discrimination-against-people-with-criminal-records/>.

These barriers prevent people from obtaining employment, housing, education, and long-term care services. Collateral consequences are not just bad for the people who experience them. They are bad for children, families, and communities as well.

The ACLU-CT believes that every person who has completed their sentence and remained conviction-free should be eligible for a pardon, no matter their offense. Someone's ability to move beyond the past, stay on the right track, and support themselves and their family should not depend on what type of conviction is on a person's record. Someone who has earned the right to return to society has already paid their debt under the law. The law should not impose an additional sentence through perpetual discrimination. Everyone, no matter their offense, deserves the ability to earn a second chance. We believe that people convicted of all felonies, including murder with special circumstances, should be eligible to apply for a pardon.

Expanding Electronic Monitoring

There is little data regarding recidivism and electronic monitoring, and the evidence shows that electronic monitoring does not have a deterrent effect. The financial penalties associated with electronic monitoring disproportionately fall on people of color and people with lower incomes.⁵ Electronic monitoring also raises significant privacy concerns, because the data generated can be accessed by law enforcement and private companies, resulting in increased interactions between youth and the police.⁶ Additionally, the overly rigid conditions of electronic monitoring, such as obtaining approval before leaving home or holding youth responsible when the equipment breaks, make it difficult to work, change their schedules, or respond to emergencies. Electronic monitoring does not lower incarceration rates, it is not rehabilitative, and it is not cost-effective.

⁵ Leah Mack, *Electronic Monitoring Hurts Kids and Their Communities*, JUVENILE JUST. INFO. EXCHANGE (Oct. 24, 2018), available at <https://jjiie.org/2018/10/24/electronic-monitoring-hurts-kids-and-their-communities/>.

⁶ Kate Weisbrud, *Monitoring the Youth: The Collision of Rights and Rehabilitation*, 101 IOWA L. REV. 297 (2015), available at <https://ilr.law.uiowa.edu/print/volume-101-issue-1/monitoring-the-youth-the-collision-of-rights-and-rehabilitation/>.

Affirmative Right of Victim Participation

The ACLU-CT believes in a society where all people, including those who have been convicted of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. People involved in our criminal legal system who finish their sentences have paid their debt to society. They deserve to live their lives in Connecticut's communities without barriers to being happy, productive, law-abiding residents. Because of systemic racism, Black and Latino men are disproportionately incarcerated, which means they are likewise disproportionately rejected when they return to the community and seek to build a life worth living. Poor chances of employment or stable housing likely have a resulting outsized impact on Black and brown people.

Every person living with a criminal record who has served out their sentence and reentered society should have an equal opportunity to build a successful and fulfilling life. This bill is unnecessarily expansive by granting a crime victim affirmative participatory rights in any hearing concerning a violation of probation or conditional discharge involving the person who committed the criminal act, regardless of whether the purported violation is even related to the initial crime. Victims already have the ability to participate throughout the trial process, including by way of victim impact statements either before the plea agreement is accepted or at sentencing. Further widening the process for commentary will undoubtedly contribute to mass incarceration in Connecticut.

Conclusion

The ACLU-CT cannot support House Bill 6887 because it would increase mass incarceration and surveillance in our state. As such, the ACLU-CT opposes this bill and urges this Committee to do the same.