



Legislative Testimony
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Written Testimony Supporting Senate Bill 923, An Act Prohibiting the Consideration of Criminal History During the Admissions Process at an Institution of Higher Education or Private School or by an Educational or Apprenticeship Programs

Senator Slap, Representative Haddad, Ranking Members Kelly and Haines, and distinguished members of the Higher Education 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 support of Senate Bill 923, An Act Prohibiting the Consideration of Criminal History During the Admissions Process at an Institution of Higher Education or Private School or by an Educational or Apprenticeship Programs.

The ACLU-CT believes in a society where all people, including those who have been convicted or accused 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.

But rather than support people with criminal records to thrive in their communities, Connecticut law barricades them from education opportunities, employment, and essential social services. Connecticut imposes over 550 collateral consequences on those living with criminal records.¹ Nationwide, 60 to 80 percent of private higher

¹ NAT'L 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*

education institutions and 55 percent of public higher education institutions require undergraduate applicants to answer criminal history questions.² This includes 40 percent of community colleges.³ Less than 2 in 5 colleges that require disclosure of criminal records instruct their admissions staff on how to interpret the information they receive from students.⁴ In Connecticut, some public universities ask about prospective students' criminal legal system involvement. Simply asking about convictions is a barrier: in one study, two-thirds of applicants with records who were asked to disclose their records never completed their applications.⁵ The effects of a criminal record extend beyond the admissions process: students with certain drug-related convictions are barred entirely from receiving federal financial aid.⁶

These barriers are nonsensical. The evidence shows that when people who are living with a criminal record are given a fair chance to earn an education or job, find housing, get insurance, and reintegrate into society, we all succeed. Education is correlated to a 43 percent reduction in recidivism rates.⁷ At the same time, people leaving incarceration have lower levels of education than people without records,⁸ a huge competitive disadvantage in the employment market.⁹ At the same time, there is no correlation between criminal history screening and campus safety.¹⁰ Meaning, inquiring about applicants' criminal records did not make campuses any safer.¹¹

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/>.

² Judith Scott-Clayton, *Thinking 'Beyond the Box': The Use of Criminal Records in College Admissions*, BROOKINGS INST. (Sept. 28, 2017), available at <https://www.brookings.edu/research/thinking-beyond-the-box-the-use-of-criminal-records-in-college-admissions/>.

³ *Id.*

⁴ Vivian Nixon, *Criminal Records Create More Than Financial Barriers to Higher Education*, HUFFINGTON POST, (Apr. 6, 2017), available at: https://www.huffpost.com/entry/criminal-records-create-m_b_9618896.

⁵ *Boxed Out: Criminal History Screening and College Application Attrition*, at v, CTR. FOR COMMUNITY ALTERNATIVES (Mar. 2015), available at <http://www.communityalternatives.org/wp-content/uploads/2019/11/boxed-out.pdf>.

⁶ Scott-Clayton, *supra* note 2.

⁷ Megan Quattlebaum & Haley Glover, *Rejected*, INSIDE HIGHER ED VIEWS (Mar. 18, 2020), available at: <https://www.insidehighered.com/views/2020/03/18/new-study-illuminates-why-barriers-higher-education-incarcerated-people-confront>.

⁸ Lucius Couloute, *Getting Back on Course: Educational Exclusion and Attainment Among Formerly Incarcerated People*, PRISON POL'Y INITIATIVE (Oct. 2018), available at: <https://www.prisonpolicy.org/reports/education.html>.

⁹ *Id.*

¹⁰ *The Use of Criminal History Records in College Admissions Reconsidered*, at 6. CTR. FOR COMMUNITY ALTERNATIVES (Feb. 2020), available at: <http://www.communityalternatives.org/wp-content/uploads/2020/02/use-of-criminal-history-records-reconsidered.pdf>.

¹¹ *Id.*

Senate Bill 923 is a good step forward that can immediately improve the lives of Connecticut residents. Prohibiting institutions of higher learning from inquiring about someone's criminal record will erase the chilling effect that simply asking the question causes, in addition to preventing discrimination. The vast majority of Connecticut voters support it. Eighty-five percent of Connecticut voters, including 72 percent of Republicans, agree that people who have been convicted of a crime and have served their sentence deserve a fair shot at getting their lives back on track without having their conviction held against them. Even further, 57 percent of Connecticut voters explicitly support the legislature passing a law like Senate Bill 923 to prohibit discrimination on a person's record of arrest or conviction in employment, housing, education, insurance, credit, and other public programs.¹² Connecticut residents know that a person's record of arrest or conviction alone does not tell you whether they will be a good student or campus community member.

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 is true for people who are just beginning their reentry process and people who have been back in their communities for years, regardless of whether they have been convicted of a misdemeanor or a felony and irrespective of whether they have been convicted of a violent or non-violent offense.

All people in Connecticut have paid the price of mass incarceration, yet we cannot afford the cost. Let's work to build stronger individuals and stronger communities by eliminating barriers to full participation in society for people living with a criminal record. The ACLU-CT strongly urges passage Senate Bill 923, a critical bill to create a more just and equitable Connecticut.

¹² Benenson Strategy Group, *Criminal Justice Poll 2020*, ACLU OF CONNECTICUT (Feb. 5, 2020), available at: https://www.acluct.org/sites/default/files/field_documents/2020-2-19_aclu_ct_smart_justice_polling_release_topline_-_clean_slate.pdf.