



Legislative Testimony
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Written Testimony Supporting
Senate Bill 14, An Act Concerning Special Parole for
High-Risk, Violent and Sexual Offenders

Senator Doyle, Senator Kissel, Representative Tong, and distinguished members of the Judiciary Committee:

My name is David McGuire, and I am executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in support of Senate Bill 14, An Act Concerning Special Parole for High-Risk, Violent and Sexual Offenders.

The ACLU-CT supports the rights of all people, including formerly incarcerated people who are on parole. We support this bill, which we believe would take important steps toward ensuring that the courts only use special parole in circumstances where it is absolutely necessary and only for as long as necessary.

Special parole, which is parole someone serves after completing their maximum prison sentence, is a type of sentence that a court can impose on someone convicted of a crime. The court can impose specific conditions and rules for the person to follow during special parole.

Special parole is a particularly restrictive form of state supervision of formerly incarcerated people, as it was meant only for a small group of high-risk cases. If a person on special parole violates a condition or rule of their special parole, they may receive additional conditions of special parole or may even be sent back to prison for the remainder of their special parole sentence. Under this system, someone can be sent back to prison for something as minor as showing up late for an appointment with a parole officer or testing positive for drugs. This can perpetuate the cycle of incarceration and punishment of people for small rule infractions, not criminal conduct.

Connecticut disproportionately sentences people of color to special parole. There is no evidence that people of color commit crimes at higher rates than white people. Yet as of this month, of the 2,569 people

on special parole in Connecticut, 42% are Black and 31% are Hispanic, while only 27% are white. The state also disproportionately sends Black people who are on special parole back to prison. Forty-seven percent of the people on special parole that are sent back to prison for violating conditions of special parole are Black, while the portion of both Hispanic and white people sent back to prison for special parole violations are each 26% of the total population. This bill's provisions may help to alleviate the disproportionate effect of special parole on communities of color by requiring the courts to look at additional factors before sentencing someone to special parole.

In the 1990s, the Connecticut legislature created special parole as a sentencing option intended for people whom the court deemed to be dangerous, high-risk, violent and sexual offenders. Since then, the courts have used it far more often than was originally intended and in circumstances where it is not necessary, including against people whose cases do not merit this highly restrictive form of state supervision. Since 2008, while the number of people sentenced in Connecticut overall has declined by 34% and the number of people on non-special parole has decreased, the number of people on special parole has increased by 142%. In 2008, only 17% of all people on parole were on special parole; today, nearly half of all people on parole in Connecticut (46%) are on special parole. In 2016 and 2017 alone, courts gave sentences including special parole 1,866 times, sentencing 1,428 people to special parole.

This does not reflect an uptick in the number of high-risk cases coming before the courts; it reflects the over-use and misuse of an incredibly restrictive punishment against people for whom it was never intended. Right now, courts are sentencing people to special parole most often for drug offenses. In 2016 and 2017, courts sentenced people to special parole 220 times for possession with the intent to sell or dispense drugs and 203 times for the sale of hallucinogens or narcotics. During the same time, courts sentenced people to special parole only 76 times for criminal possession of a firearm, ammunition, or other defense weapon.

Senate Bill 14 addresses this astounding increase in the courts' use of special parole and its use in circumstances where it is not warranted. It aims to reduce the use of special parole for people whom the legislature did not intend it to be used against and to ensure that the Department of Correction can instead allocate its resources to the supervision of high-risk cases.

As proposed by this bill, requiring a pre-sentence investigation by a probation officer to the court is one step toward ensuring that the court takes all relevant factors into consideration before making its determination regarding special parole. As proposed by this bill, the investigations would include assessing whether an incarcerated person could pose a risk to public safety when they are released,

whether the person had a history of violations of probation or parole, and whether the person could be supervised in the community by the office of Adult Probation in a manner that would adequately ensure public safety, among other information. This would allow courts to have a more holistic view of the circumstances at hand and help to ensure that the courts only use special parole when it is necessary for public safety.

We support the bill's proposal to cap the length of special parole for most people to two years. People should not be on special parole for longer than is absolutely necessary. The Department of Correction should be able to use its resources on people who really need the supervision. Keeping people who do not need the supervision on special parole longer unnecessarily stretches the Department of Correction's resources and places people at risk of unnecessarily reentering prison because of small rule violations. We also support allowing the Board of Pardons and Paroles to discharge someone from special parole if the panel finds that the person "will lead an orderly life." It is important to allow the board to have the opportunity to monitor and reduce supervision of someone on special parole to ensure that the state is only supervising people who truly need it.

We strongly encourage the committee to support Senate Bill 14.