



Legislative Testimony
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Written Testimony Opposing House Bill 5525, An Act Concerning Accountability for the Earned Risk Reduction Credit Program; House Bill 5526, An Act Concerning Good Time Credits and the Earned Risk Reduction Credit Program; and House Bill 5527, An Act Excluding Persons Convicted of Certain Serious Felonies from the Earned Risk Reduction Credit Program

Senator Winfield, Representative Stafstrom, 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 submitting this testimony in opposition to House Bill 5525, An Act Concerning Accountability for the Earned Risk Reduction Credit Program; House Bill 5526, An Act Concerning Good Time Credits and the Earned Risk Reduction Credit Program; and House Bill 5527, An Act Excluding Persons Convicted of Certain Serious Felonies from the Earned Risk Reduction Credit Program.

Reducing or setting limits to the risk reduction credit program (“program”) is poor public policy, as it will make Connecticut less safe, contribute to costly prison overcrowding, make Connecticut's prisons more dangerous, and expose the state to civil rights lawsuits. The threat of removal of earned risk reduction credits potentially creates a disincentive for people to exhibit positive behaviors and engage in important programming while they are imprisoned. Additionally, excluding select individuals from such a beneficial program marginalizes various groups, therefore lowering their chances of successful rehabilitation and recovery.

Studies have shown that in addition to lowering costs of incarceration, credit reduction programs improve formerly incarcerated people’s success in the community and reduce recidivism. Through the state’s encouragement for meaningful participation in adult education, substance abuse recovery, counseling, and other programs, risk reduction

programs reduce crime, prepare people for reentry into their communities, and improve their chances of success upon release. The programs and opportunities offered promote rehabilitation by fostering good behavior, better decision making, and participation in programs.

A National Conference of State Legislatures report on the outcomes of "accelerated release" in thirteen states found "no significant increase in rates of recidivism for those offenders who reduced their length of incarceration." A few studies instead found a decrease in recidivism rates.

A significant portion of Connecticut's budget goes toward paying for years' worth of excessive incarceration for people who are incarcerated without increasing public safety. This practice does not make sense, especially in the harsh economic climate of today. Although this program offers a fairly small reduction in prison terms, in the aggregate the state realizes significant cost savings.

Other states have generated substantial cost savings through earned credit programs. The New York Department of Corrections saved \$369 million between 1997 and 2006 due to the use of earned credits.

Connecticut's prison population has significantly declined since the program was implemented. Connecticut's prison population peaked at 19,894 people in February 2008 and is now down to around 13,000 people. The bills under consideration would reverse this downward trend and potentially open the state to costly and time-consuming prison overcrowding litigation.

The availability of earned risk reduction credits based on the merits of the actions of a person who is incarcerated make the prison environment safer for other people who are incarcerated and correction officers. Credits are also an effective management tool for correction officials. Correction commissioners have testified to this effect before this committee in the past. Additionally, we believe that all people who are incarcerated deserve to take part in this program. All people who are incarcerated can benefit from the impact of the program, despite the seriousness of the crime for which they were convicted.

These bills would undo the progress made under this program, may lead to costly litigation, contribute to Connecticut's significant fiscal problems, and would jeopardize public safety. They would also take away hope for people who are incarcerated to return to their life outside prison walls. The ACLU-CT strongly urges this committee to reject these bills to continue moving criminal justice reform in the right direction.