



Legislative Testimony
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Written Testimony Supporting Senate Bill 1055, An Act Establishing a Task Force to Study the Juror Selection Process, Providing Access to Certain Records Possessed by the Department of Mental Health and Addiction Services, Connecticut Valley Hospital and the Psychiatric Security Review Board, and Concerning Sentencing of Persistent Larceny Offenders and Nonfinancial Conditions for Pretrial Release

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 support of Senate Bill 1055, An Act Establishing a Task Force to Study the Juror Selection Process, Providing Access to Certain Records Possessed by the Department of Mental Health and Addiction Services, Connecticut Valley Hospital and the Psychiatric Security Review Board, and Concerning Sentencing of Persistent Larceny Offenders and Nonfinancial Conditions for Pretrial Release because the bill would create more fairness and justice in our criminal justice system.

Our democracy depends on equal protection under the law. People facing criminal charges should face a jury of their peers, but jury pools often do not represent our communities. Nationwide, there is a severe lack of representation of people of color on juries. Though discriminating against a member of a jury pool based on their race is against the law, prosecutors have the ability to strike a certain number of jurors without stating a reason as part of jury selection. In order for juries to be representative of their communities, the jury pools they are drawn from must also be representative of those communities. In order to legislate a solution to this problem, a study must be conducted on the juror selection process. We must acquire data both on who is being summoned and who is appearing for jury duty to ensure that all Connecticut juries are representative of their communities.

Studies have shown that prosecutors tend to strike jurors of color more often. A 2015 study of prosecutor strikes in a Louisiana city “found that prosecutors struck Black jurors at two to three times the rates of other jurors.”¹ Another study in Philadelphia, Pennsylvania, of capital cases found that “prosecutors struck Black jurors at twice the rates as other jurors.” Unfortunately, this kind of discrimination happens across the country and in Connecticut. It

¹ Stubbs, Cassandra. “Prosecutors Still Using Race to Choose Juries in Death Penalty Cases, Despite Century of Supreme Court Rulings.” American Civil Liberties Union, <https://www.aclu.org/blog/capital->

is impossible to determine how often this happens, however, because juror demographic data is not retained. A task force could focus on this issue and determine how to ensure impartial juries that represent Connecticut communities. We encourage the committee to add to the task force representatives from organizations that work on racial justice and criminal justice.

This bill would also require disclosure of media recordings of acquittees to their attorneys, which would allow the attorneys to have access to what they need to advocate for their clients. It is important to ensure that the legal counsel provided to acquittees during their commitment to the Psychiatric Security Review Board have the resources to appropriately represent and protect the acquittee, and this bill would do that.

Senate Bill 1055 would also amend the persistent larceny statutes. The bill would create a 10-year time limit for defining who constitutes a persistent larceny offender. This would prevent crimes committed many years before from resulting in disproportionately long sentences. Expanding the sentencing options for persistent larceny offenders allows them to be sentenced based on the facts of their case rather than on rigid sentencing guidelines. Though we support this provision, the ACLU-CT generally opposes enhanced penalties as a matter of principle.

There is already a long list of conditions that a court can require during a pretrial nonfinancial release of a person charged with a crime. Whether to prohibit a defendant from using or possessing an intoxicant or a controlled substance as a condition for their release should be determined on a case-by-case basis. This bill would give courts the discretion to impose this condition. The court would have to consider whether the condition made sense for that particular defendant, meaning it would not be overused or used in situations where it would be impossible for the defendant to succeed, such as when a defendant has a substance use disorder.

To ensure equal treatment under the law, juries must represent a fair cross-section of their communities. Representative juries are necessary to ensure that people charged with a crime are truly faced a jury of their peers, as required by the constitution. Adding nuance and key exceptions to our criminal sentencing statutes makes for a more fair Connecticut, in which crimes are not met with disproportionate sentences.

We strongly encourage the committee to support Senate Bill 1055.

¹ Stubbs, Cassandra. "Prosecutors Still Using Race to Choose Juries in Death Penalty Cases, Despite Century of Supreme Court Rulings." American Civil Liberties Union, <https://www.aclu.org/blog/capital->