



Legislative Testimony
765 Asylum Avenue, First Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

Written Testimony Opposing House Bill 5199, An Act Concerning Probation Periods following Conviction for Certain Sexual Misconduct Crimes Against Minors

Senator Moore, Representative Linehan, Ranking Members Kelly and Green, and distinguished members of the Committee on Children:

My name is Kelly McConney Moore and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I submit this testimony in opposition to House Bill 5199, An Act Concerning Probation Periods following Conviction for Certain Sexual Misconduct Crimes Against Minors. The punishment suggested by this bill does not have deterrent utility or make our society stronger or safer, so we ask the Committee to oppose House Bill 5199.

This bill proposes to add four offenses to the enhanced probation periods set forth in Section 53a-29(f) of the Connecticut General Statutes. This statute requires that certain offenses have a mandatory minimum probation period of ten years, with provisions for up to thirty-five years of probation.¹ Since this probation enhancement was statutorily created in 1993, it has been updated to add more offenses and more severe punishments on numerous occasions.²

The ACLU-CT believes in reasonable probation periods that are backed by evidence. Probation extends the reach of the criminal legal system by creating a culture of supervision where people are often set up to be reincarcerated. One in 63 Connecticut adults is under community supervision (probation or parole), subjecting them to potential job loss, disconnection from family, and housing instability.³ The excessively long probation period set forth in Section 53a-29(f) – up to thirty-five years – is not evidenced-based and will not make our communities or children safer.

¹ Conn. Gen. Stats. § 53a-29(f) (2019).

² P.A. 93-340; P.A. 95-142; P.A. 04-139; P.A. 15-213.

³ Issue Brief: "Probation and Parole Systems Marked by High Stakes, Missed Opportunities." Pew Charitable Trusts (Sept. 25, 2018), available at <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/09/probation-and-parole-systems-marked-by-high-stakes-missed-opportunities>.

People are most likely to commit new offenses within two years of release.⁴ If a person goes seven years without committing a new offense, their likelihood of reoffending is the same as a person with no criminal record.⁵ People with sexual offense convictions are among the least likely to commit a crime in the future.⁶ Connecticut currently evaluates people convicted of sexual offenses, including sexual offense against minors, for risk and needs.⁷ A determination that a person is high risk can trigger additional conditions of probation. This approach is consistent with evidence, which indicates that people assessed at a low risk of sexual reoffending have a very low reoffense rate of approximately 3.4 percent.⁸ Applying the protracted probation term set forth in Section 53a-29 across the board will excessively punish and confine people who do not need such intense supervision.

In the past 15 years, Connecticut decreased the number of adults on probation by 32%⁹ and the crime rate fell during that time.¹⁰ Nationwide decreasing the number of people on probation by 10 percent was accompanied by a 25 percent decline in violent victimization, disproving the notion that more people have to be under supervision for crime to decline.¹¹

Probation that lasts for decades can seriously harm the people under its control while offering little to nothing in the way of public safety. A better approach is Connecticut's existing approach – which takes into account people's individual risks of reoffending and designs probation accordingly. Because the inordinately long probation periods of Section 53a-29(f) are not evidence-based and do not increase public safety, the ACLU-CT opposes House Bill 5199, An Act Concerning Probation Periods following Conviction for Certain Sexual Misconduct Crimes Against Minors and asks this Committee to likewise oppose this bill.

⁴ Bill Keller, "Seven Things to Know about Repeat Offenders." The Marshall Project (Mar. 9, 2016), *available at* <https://www.themarshallproject.org/2016/03/09/seven-things-to-know-about-repeat-offenders>.

⁵ See Megan C. Kurlychek, Robert Brame, and Shawn Bushway, "Scarlet Letters and Recidivism: Does Old Criminal Record Predict Future Offending?" 5 *Criminology & Public Policy* 1101 (2006).

⁶ Wendy Sawyer, "BJS Fuels Myths about Sex Offense Recidivism, Contradicting Its Own New Data." Prison Policy Initiative (Jun. 6, 2019), *available at* <https://www.prisonpolicy.org/blog/2019/06/06/sexoffenses/>.

⁷ Michelle Kirby & James Orlando, "OLR Backgrounder: Sex Offenders on Probation and Parole – Treatment and Housing Restrictions." OLR Research Report (Jan. 23, 2017), *available at* <https://www.cga.ct.gov/2017/rpt/2017-R-0037.htm>.

⁸ R. Karl Hanson, Andrew J.R. Harris, Leslie Helmus, & David Thornton, "High Risk Sex Offenders May Not be High Risk Forever." 29 *Journal of Interpersonal Violence* 15 (Mar. 2014).

⁹ Kelan Lyons, "Connecticut's Crime Rate, Arrests, Probation and Prison Populations All Down." CT Mirror (Oct. 1, 2019), *available at* <https://ctmirror.org/2019/10/01/connecticuts-crime-rate-arrests-probation-and-prison-populations-all-down/>.

¹⁰ Connecticut Crime Rates 1960-2018, *available at* <http://www.disastercenter.com/crime/ctcrime.htm>.

¹¹ Michael P. Jacobson, Vincent Schiraldi, Regan Daly, and Emily Hotez, "Less Is More: How Reducing Probation Populations Can Improve Outcomes." Harvard Kennedy School Executive Session on Community Corrections (Aug. 2017), *available at* https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/less_is_more_final.pdf.