



SMART JUSTICE TAKES CONNECTICUT GOVERNOR'S RACE BY STORM

Organizers lead the way in new effort to end mass incarceration, eliminate racial disparities in CT justice system

If you were at a gubernatorial debate this summer or fall, you likely saw -- and heard -- Smart Justice. With chants of "people, not prisons," "occupations, not incarceration," and "let us live, let us work," Smart Justice was impossible for Connecticut's candidates for governor to ignore.

The financial and human costs of incarceration are too high for Connecticut's leaders to be silent on the future of the justice system in our state. Smart Justice's mission leading up to November 6 was simple: convince Connecticut's candidates for governor to support policies to end mass incarceration and eliminate racial disparities in the justice system.



Above Right: Anderson Curtis, ACLU-CT Smart Justice field organizer, marches in New Haven on the way to a gubernatorial debate.

Above: Smart Justice supporters gather for a photo at a gubernatorial debate in Hartford.

Organizers Anderson Curtis, Sandy LoMonico, and Gus Marks-Hamilton, joined by volunteer leaders, criss-crossed the state in bright blue "People, Not Prisons" shirts. They were the only issue-based advocacy group to attend every gubernatorial debate. They traveled to every candidate's campaign office. They called and emailed every candidate to ask them to publish criminal justice reform platforms. They spoke truth to power by reminding politicians that people who have been directly impacted by the justice system

should be listened to as experts in how to solve the problems of mass incarceration. As Smart Justice's power grew, so did its ranks. By October, more than 900 people, including ACLU-CT supporters, had signed the pledge to stand with the campaign in its mission of ending mass incarceration. More than 30 organizations and leaders joined Smart Justice's open letter to Griebel, Lamont, and Stefanowski demanding they adopt policies to end mass incarceration and eliminate racial disparities in the justice system. And more than 200 ACLU-CT supporters from 122 towns and cities emailed the candidates themselves to echo that letter's demands.

By October 31, Lamont and Griebel had listened: they released proposals for criminal justice reform. Included in Griebel's list were several ideas that Smart Justice had first advocated for months earlier, such as a pledge to veto any criminal justice bill that received a negative racial impact statement -- an independent analysis showing it would harm people of color.

This summer and fall were just the beginning. Smart Justice will push for Connecticut's new governor to pursue Smart Justice policies in the first 100 days of his administration. Legislators will become just as familiar with the campaign's blue "People, Not Prisons" shirts as this year's gubernatorial candidates. And we will continue to advocate for a safer, stronger, fairer Connecticut with policies to end mass incarceration.



IMMIGRATION COURT VIGILANCE CONTINUES

Each week, volunteers with the ACLU of Connecticut's court watch program document what they see in Hartford's immigration court and report back to our legal staff. This fall, when volunteers noticed that K* was in danger of being permanently separated from his one-year-old daughter through deportation, we notified the CT Immigrant Bail Fund, which was able to work with RAICES Texas to pull together the money to bring him home. The court watch initiative is a collaborative effort between the ACLU of Connecticut, CT Immigrant Bail Fund, ACLU of Massachusetts Immigrant Protection Project, and more.

In 2019, our volunteers, staff and partners will continue to bear witness to the federal government's deportation machine and fight back when we can. The ACLU of Connecticut will also advocate for the legislature to pass a law to guarantee legal representation for children facing deportation in court and for adults who are detained, facing deportation, and cannot afford an attorney.

*Name abbreviated to protect K's identity.



Above: In July, hundreds of people gathered outside Hartford's federal courthouse to rally against the Trump Administration's family separation policies.

LAWSUIT FILED TO DEFEND PROTESTER'S RIGHTS

People have the right to peacefully protest police. In Connecticut, the law is particularly clear: people also have the right to record police in public, and in private spaces when they have the property owner’s permission.

Protesting the government is a normal part of democracy, and police, as government officials, cannot arrest people just for protesting them.

Yet that’s what happened to Michael Friend, a father and worker, whom Stamford police illegally arrested for protesting them. In October, the ACLU of Connecticut filed a federal lawsuit on Michael’s behalf.

In April, Michael noticed Richard Gasparino, a Stamford Police Department employee, standing behind a telephone pole, radioing ahead to his colleagues whenever he alleged a driver was using a cell phone in violation of Connecticut law. Michael made a sign reading “Cops Ahead” and stood on the sidewalk to display it to passing drivers. Gasparino approached Michael and illegally took his sign. Michael began recording Gasparino with his phone, and Gasparino threatened him with arrest.

Michael obtained a piece of cardboard, made a larger sign reading “Cops Ahead,” and moved to a different location on the sidewalk. Gasparino again approached Michael, who took out his phone to record. Gasparino illegally seized the phone and another that Michael had in his pocket, arrested Michael, and handcuffed him. He then asked his coworker to transport Michael to the Stamford police station.

On the way to the station, Gasparino’s coworker told Michael that police arrested him because the cellphone operation provided overtime pay to police employees, and the grant used to pay for the operation was contingent upon the number of tickets police issued. The coworker also said that Michael’s sign had helped more people to obey the law, therefore reducing the number of tickets police issued.

At the police station, Gasparino charged Michael with misdemeanor interference. Although Michael faced a single misdemeanor charge, has no criminal history, and posed no flight risk, Gasparino set his bail at \$25,000, a fee he could not afford. Michael was forced to stay in the Stamford police station until 2 a.m., when a bail commissioner interviewed him and changed his bail to \$0.



Michael relies on several jobs to support himself and his family, and he was forced to miss work because of his arrest. In May, prosecutors dropped the charge against Michael in Connecticut Superior Court.

“Instead of focusing on safety and their obligation to uphold the Constitution, Stamford police chose to harass and punish a peaceful protester for exercising his right to free speech,” said ACLU-CT legal director Dan Barrett, who is representing Friend in the lawsuit. “As the evidence shows, Stamford police were more concerned about their bottom line and avoiding criticism than following the law.”

Now, Michael is seeking justice in court. When Gasparino confiscated Michael’s phone and protest sign and arrested and jailed him for exercising his freedom of speech, Gasparino violated the Constitution. Michael, like all Connecticut residents, has a First Amendment right to protest police and a Fourth Amendment right to freedom from warrantless seizure of himself and his property.

“People have the right to protest police, and public scrutiny of police is critical in our democracy,” said Michael. “By seeking to hold this police employee accountable for violating my rights, I hope to remind police that people have a right to protest their government, even if police themselves don’t like it.”

CROMWELL PREGNANCY DISCRIMINATION CASE SETTLED



When Sarah Alicea became pregnant in 2017, her employer, the Town of Cromwell, refused to modify her job duties as a police officer and instead forced her to take unpaid leave for the last four months of her pregnancy. No one's employer should discriminate against them for becoming pregnant, and the discrimination Sarah faced is illegal under state and federal law. Last summer, Sarah, represented by the ACLU and ACLU of Connecticut, fought back by filing a federal civil rights complaint.

In September, the ACLU, ACLU-CT, and Cromwell reached a settlement in the case. As part of that agreement, the town must: adopt a pregnancy policy by October 30 that conforms with state and federal protections for pregnant workers; inform employees of their right to pregnancy accommodation; establish a procedure for employees to obtain reasonable accommodations for pregnancy while they work; and reimburse Sarah for her lost wages and paid time off benefits.

“I spoke out to seek justice for me and my family and to make sure no other woman police officer has to experience what I have gone through,” said Sarah after the settlement. "When we celebrated my daughter’s first birthday in August, I did so knowing that I’ve made the world a better place for her.”

FIVE NEW STATE LAWS EFFECTIVE ON OCT. 1, 2018:



RACIAL & ETHNIC IMPACT STATEMENTS

Allows any legislator to request an independent assessment, called a racial and ethnic impact statement, of any bill's potential impact on people of color.



RIGHT TO NEW TRIAL FOR PEOPLE CONVICTED BASED ON JUNK SCIENCE

Lets people file motions for new trials when the evidence used to convict them has since been undermined or proven to be junk science.



ELECTRONIC PROOF OF CAR INSURANCE

Modernizes Connecticut's traffic law by allowing people to use electronic, rather than paper, proof of car insurance. Police in Connecticut are more likely to penalize Black and brown motorists for not carrying paper proof of insurance.



SPECIAL PAROLE OVERHAUL

Takes steps to rein in use of special parole, a particularly restrictive form of state supervision of formerly incarcerated people that is over-used and disproportionately used against people of color.



FAIR TREATMENT OF INCARCERATED PEOPLE

Bans shackling incarcerated women before or during childbirth, requires state to improve visitation policies and provide incarcerated women with sufficient menstrual supplies. Creates protections for rights of transgender people who are incarcerated.

CONNECTICUT VOTERS SUPPORT SMART JUSTICE POLICIES

Connecticut's new governor and legislature can either move our state forward toward ending mass incarceration, or return to the failed policies of the 1980s and 90s. This year, our Smart Justice campaign will advocate for smarter justice policies that make our state safer, stronger, and fairer by reducing incarceration and increasing real justice for all. As we told every candidate for governor this fall, Connecticut voters of all political stripes want to see smarter justice policies.

In September, Smart Justice commissioned a statewide poll of Connecticut voters' views on criminal justice issues. Thirty-five percent of participants identified as conservative, 34% as liberal, and 29% as moderate. Here is what Connecticut voters said:

- 58% say it is important to reduce the number of people in prison in the state.
- 72% agree that prison is not the only answer to crime.
- 82%, including 92% of Democrats, 80% of Independents, and 71% of Republicans, say that people who have been convicted of a crime can turn their lives around with help.
- 86% support the existing Earned Risk Reduction Credit program, including 53% who strongly support it.
- 87% support increasing funding for programs that help people returning home after incarceration to find jobs, housing, and medical care, including 90% of Democrats, 90% of Independents, and 78% of Republicans.
- 74%, including 88% of Democrats, 73% of Independents, and 56% of Republicans, support passing a state law to prevent formerly incarcerated people from being discriminated against due to their criminal record in things like housing, employment, education, and insurance.
- The majority recognize racial bias in the criminal justice system – only 38% agree that everyone, regardless of race or ethnicity, is treated fairly by the criminal justice system in Connecticut.



Smart Justice activists rally outside the gubernatorial debate in September at the University of Connecticut in Storrs.

“Formerly incarcerated people have been calling for smarter justice policies for decades, and the majority of Connecticut voters stand with us,” says Sandy LoMonico, criminal justice organizer for the ACLU of Connecticut. "Connecticut voters believe our state should invest in supporting people through rehabilitation instead of incarceration, and they know our state is wasting valuable government resources on incarcerating too many people. All of Connecticut’s leaders should sit up and pay attention to the fact that voters are ready for smarter policies to reduce the prison population, help people reentering society after prison, and make our state a stronger, fairer place to live.”

#LONGLIVEZOE

On December 14, 2017, five New Britain police employees -- Marcin Ratajczak, Christopher Kiely, Michael Slavin, Kyle Jones, and Chad Nelson -- shot at a car full of youth, killing 20-year-old Zoe Dowdell and injuring two teens. Zoe's father, Shawn Dowdell, had to learn of his son’s death through social media. Nearly one year later, he is still fighting for answers.

The New Britain Police and Connecticut State Police have not publicly released dashboard camera footage of the shooting, and they have not shared any information or footage with Shawn. On Shawn's behalf, the ACLU of Connecticut filed a Freedom of Information request demanding New Britain and the Connecticut State Police release the dashboard camera footage and all other information, including 911 dispatches, related to Zoe Dowdell’s death at the hands of New Britain police.

Under Connecticut law, the public has a right to this information, and no family should have to fight for basic answers after police kill their loved one. Yet the New Britain Police denied Shawn's request, and the State Police have not responded. On October 3, the ACLU-CT appeared before the state Freedom of Information Commission to argue for Shawn's right to transparency about what happened to his son.

Policing should not be a sunlight-free or Constitution-free zone. At a minimum, when police kill someone, the public deserves full transparency.

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YOU CAN SAY THAT AGAIN.

"Making real change requires constant engagement. You have to let the politicians know you are not going away."

- Anderson Curtis, speaking to ESPN's The Undeclared

"Hear the call to action at the Smart Justice rallies. Keep informed."

- Alma Rutgers, Greenwich Time columnist, in "Unlocking criminal justice reform"

"Our state will be safer, stronger and fairer when people who return home from prison are given a fair chance to be hired and support themselves and their families."

- Gus Marks-Hamilton, in an op-ed for the Connecticut Mirror

"The results are clear — Connecticut voters believe it is important to reduce the number of people imprisoned in our state."

- Sandy Lomonico, speaking to CTNewsjunkie

"The American Civil Liberties Union of Connecticut recently conducted a poll that shows most Connecticut residents support these efforts to keep people out of prison and that more resources should be devoted to rehabilitation efforts and preventing crime. It's not just that Connecticut residents are compassionate. It's also that the residents have seen that these policies have worked."

- The Hartford Courant, "Editorial: Crime Drop Shows Smart Policies At Work"

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THANK YOU for joining us in the fight for liberty, justice, and equality in Connecticut. You make progress possible.