

Cindy Prizio
Executive Director
One Standard of Justice
(203) 680-0567
PO Box 461
New Canaan, Ct 06840



www.OneStandardOfJustice.org

Good morning Commissioners Roberge, Santa, Tsarcov, and Russell and all esteemed members of the Connecticut Sentencing Commission (CSC):

Let me start by wishing all of you and your circle of loved ones and friends a very happy, healthy New Year! Healthy has taken on a whole new meaning for all of us.

One Standard of Justice (OSJ) is in support of the commission's earnest efforts to enhance public safety by establishing a pathway off the registry. The reforms being proposed are desperately needed by law-abiding citizens and their loved ones who, as you know, share the burden of being on the registry. While OSJ does not accept the registry as an effective tool, we want any reform to be implemented thoughtfully based on rigorous peer-reviewed research.

After reading the proposal dated January 12, OSJ would like to make the following recommendations:

1) Retroactivity

All persons on the registry should be afforded an opportunity to petition before a judge to be classified as Law Enforcement Only (LEO) immediately upon passage of the bill.

A judge should be allowed the discretion to decide if a person should be on LEO or the public registry or keep someone free of registration entirely both retroactively and prospectively based on risk. This allows the judge to ensure public safety while minimizing harm to people convicted of sexual offenses and their families.

Studies by Dr. Karl Hanson have found that those convicted of sexual offenses are significantly less likely to offend than other felony offenders. Every five years in the community, the person's level of risk is halved. Here is the link to Dr. Karl Hanson's webinar - *Sex Offense Recidivism Risk, Not What You Think* held on January 5, 2021 (<https://onestandardofjustice.org/sex-offense-recidivism-risk-not-what-you-think/>) and his papers (both dated 2018) on:

Once A Sexual Offender Not Always a Sex Offender
(<https://onestandardofjustice.org/Hanson-et-al-2018-Not-always-a-sex-offender.pdf>)

Long Term Recidivism Studies Show That Desistance Is the Norm
(<https://onestandardofjustice.org/Hanson-2018-CJB-Desistance.pdf>)

Most relevant, Hanson testified, "Based on my research, my colleagues and I recommend that rather than considering all individuals who have ever committed a sexual offense as continuous, lifelong threats, society will be better served when legislation and policies consider the cost/benefit

break point after which resources spent tracking and supervising low-risk individuals are re-directed toward the management of individuals with high-risk of sexual recidivism, crime prevention, and victim services.”

2) Grandfathered Group

Persons who were sentenced prior to 1999 before a registry was instituted were placed on the public registry retroactively, after completing their sentencing requirements.

Men and women in this category who have been offense free for decades should be automatically removed without any other requirement.

3) Bar for removal to LEO set too high.

The bar for removal should not be modeled on the BoPP’s absolute pardon process. The intent of the Sentencing Commission’s proposal is to remove people from the registry who pose low risk to public safety in order to reduce the barriers that block them from safe housing (or any housing), meaningful employment (or any employment), and social support. Removing these barriers further lowers their risk of recidivism, creating safer communities. The vast majority of persons on the registry are low risk. By removing them great strides will be made to create safer communities.

4) Failure to Register/Verify Address

Failure to register/verify address is not a predictor of risk to reoffend sexually. Studies have found no significant differences between the sexual recidivism rates of those who failed to register and compliant registrants (11% vs. 9%, respectively). The punitive emphasis on registration enforcement is not justified and diverts limited resources away from strategies that would better facilitate public protection from sexual violence.

Jill Levenson, Elizabeth Letourneau, first published 2009 *Failure to Register as a Sex Offender: Is It Associated with Recidivism?*, Justice Quarterly, 27:3, 305-331

Worse still, often individuals are marked as non-compliant through no fault of their own. Simply put, either the paperwork is not sent out from the Registry Unit in Middletown in a timely manner (or at all) or not promptly processed upon return to Middletown.

As we heard at one CSC meeting “it’s hard to get arrested here in CT for failure to register.” Unfortunately, this is just not true and we have a list of names to prove it. Currently, failure to register/verify address is a D felony with possible incarceration of 1-5 years. This is counterproductive, as being remanded to prison disrupts hard-won employment and housing. These statutes should be amended to misdemeanors with no prison time.

5) Not All Victim/Survivors Are the Same

Any sexual offense is one too many. Primary prevention through education (teaching youth about the laws; healthy intimacy, boundaries, and consent) and other programs such as helplines, can actually prevent harm from occurring. However, once sexual harm has occurred work must be

done to reduce trauma and promote healing among the people who have received and authored harm, both families and their communities.

Often the victim/survivor's needs are not addressed by the traditional legal system; many do not want a punitive process. Without saying more I'd like to invite you to a webinar co-sponsored by Senator Gary Winfield and OSJ. The virtual event is being held on Tuesday January 25 at 7:00 pm - *A Different Approach To Sex Crimes - The Case for Survivor-Centered Restorative Justice*. And features, among others (attorneys, practitioners and scholars), Dr. Alissa Ackerman who among many other facets identifies as a person who was sexually harmed.

Details can be found in this flyer: <https://onestandardofjustice.org/wp-content/uploads/2022/01/A-Different-Approach-to-Sex-Crimes-Flyer.pdf>

And the webinar registration here: <https://onestandardofjustice.org/zoom/a-different-approach-to-sex-crimes>

I've also included the link to the Marlee Liss story — *A Personal Journey to Find Justice for Sexual Harm* (<https://onestandardofjustice.org/webinar-a-personal-journey-to-find-meaningful-justice-for-sexual-harm/>).

The good news is that RJ is taking hold nationally and here in our state. May I suggest you watch the Seema Gajwani webinar: *Restorative Justice - Program for Youth and Adults: A-Z How it's done* (<https://onestandardofjustice.org/webinar-restorative-justice-program-for-youth-and-adults/>)

Seema Gajwani hails from the District of Columbia OAG. She has successfully run a restorative justice unit for youth under 18 years of age for serious, violent offenses for many years now. They've been so successful the program has expanded to include young adults ages 18 to 25.

Finally, here's a link to OSJ's first official communication to the CSC on this subject dated September 2021 requesting that OSJ become an active participant with you in guiding CT sexual offense policy (<https://onestandardofjustice.org/wp-content/uploads/2022/01/CSC-Letter-9-21-21.pdf>).

Sincerely,

Cindy Prizio
Executive Director
One Standard of Justice