

Reimagining Justice



State of Connecticut
Office of Governor Dannel P. Malloy

Criminal Justice Reform

"We can truly be tough on crime by being smart on crime. The cycle our system currently encourages — one of permanent punishment — hurts too many families and communities. When we should have been focusing on permanent reform, we focused on permanent punishment. For too long, we built modern jails instead of modern schools. Because this bill passed, Connecticut has taken a giant step into the future." — Governor Dannel P. Malloy signing the Second Chance legislation, May 27, 2015

Less crime means safer neighborhoods. It also means a reduction in spending. Under Governor Malloy's leadership, Connecticut reimaged its criminal and juvenile justice systems with a focus on prevention and a fair opportunity for a second chance, rather than permanent punishment and stigma. By implementing smart criminal justice policy, the state drastically reduced its prison population while simultaneously reducing recidivism and violent crime. If current trends continue over the next few years, Connecticut is poised to become the first state in the nation to cut its prison and jail population in half.

Progress during the Malloy administration:

- **Repealed the death penalty.**
- Experienced the largest reduction in violent crime of any state from 2012 to 2017, while simultaneously seeing a continuous drop in recidivism.
- **Decreased the prison population from 18,000 to 13,000**, its lowest level since 1994.
- Closed four prisons and the Connecticut Juvenile Training School as well as major portions of five other prisons.
- **Decriminalized possession of small amounts of marijuana** and reduced simple possession of other drugs to a misdemeanor.
- **Eliminated "school zone" mandatory minimums for drug possession**, which disproportionately targeted people of color.
- **Eliminated "cash-only" bail and prohibited money bail for misdemeanors**, unless a judge makes a finding of dangerousness.
- **Established special units at Cheshire and York Correctional Institutions** to provide young adult inmates with access to developmentally appropriate programming aimed at reducing recidivism.
- Strengthened protections to bring dignity and fairness to incarcerated persons, especially women.
- **Implemented the nation's first intuitive, searchable Criminal Justice Information System.**

Reimagining Justice: Transformative Policy Changes

Eliminating the Death Penalty

Connecticut's history of capital punishment dates back to its colonial days. Between 1636 and 2005, there were 158 executions in the state.⁵⁷ By the mid-1800s, reform efforts to repeal the use of capital punishment had begun. In 1955, Connecticut Governor Abraham Ribicoff introduced a bill to abolish the death penalty, but it was overwhelmingly defeated.

In 1995, former Governor Rowland led the passage of legislation attempting to make the death penalty “workable” in Connecticut, however, it was never carried out. An execution in 2005 — in which an inmate voluntarily gave up his appeals after being sentenced in 1987 — was the first that had occurred in over fifty years.⁵⁸ Nonetheless, advocates, including many victims' families, in Connecticut continued to fight for its elimination. By 2009, a bipartisan majority of the Connecticut General Assembly passed legislation to end the death penalty, but it was vetoed by Governor Jodi Rell.

Long an opponent of the death penalty, Governor Malloy pledged to sign a bill eliminating capital punishment should it reach his desk. He personally saw people poorly served by counsel, wrongfully accused, or mistakenly identified. He witnessed discrimination.

He explained that his experience as a prosecutor helped evolve his position and taught him firsthand that the criminal justice system — while designed with the highest ideals of our democratic society in mind — is imperfect. In 2012, Governor Malloy honored that pledge and made history by signing Public Act 12-5⁵⁹, repealing the death penalty in Connecticut and replacing it with a sentence of life in prison.

Modernizing State Drug Laws

Upon entering office, Governor Malloy began efforts to modernize Connecticut's drug laws. He began by decriminalizing possession of small amounts of marijuana. The penalty for possession of less than half of an ounce of marijuana became a violation subject to a fine of \$150 for a first offense, rather than a misdemeanor punishable by up to one year in prison. This commonsense policy change resulted in approximately 6,000 fewer criminal arrests in each of the following years.

Later, as part of the 2015 Second Chance Society legislative package, the simple possession of small amounts of narcotics was reduced from a felony punishable by up to seven years in prison to a misdemeanor with up to one year in prison. Further the legislation eliminated the two year mandatory prison sentence for possession of narcotics in a school zone — a law that had disproportionately impacted people of color living in our state's major urban centers. Urban centers are more densely populated therefore school zones are far more close to one another and spread into residential areas.

Bail Reform

In 2017, the state's pre-trial justice system was reformed to help break the cycle of crime and poverty. At that time in Connecticut, there were 3,343 people being held in jail simply because they could not post bond — accounting for 23 percent of the entire prison population. The state was spending approximately \$168 per day, per person to keep them behind bars.

The reform legislation focused on adults accused of committing misdemeanors who are unable to afford money bail and languish in jail for weeks or months. Often, this situation creates deteriorating conditions where those being held are unable to earn a paycheck, further intensifying their economic instability and potentially increasing their inability to lead productive, healthy lives within the community.

Developed based on findings from a [comprehensive study](#) on pretrial release and detention conducted by the Connecticut Sentencing Commission and input from the American Civil Liberties Union of Connecticut, the Yankee Institute of Connecticut, and a number of lawmakers, Public Act 17-145⁶⁰, *An Act Concerning Pretrial Justice Reform* was adopted in both chambers of the General Assembly with broad, bipartisan support. The legislation:

- Ended the practice of “cash only” bail, where defendants are prohibited from using a surety to post bail;
- Prohibited judges from setting money bail for misdemeanor charges unless they make a finding that the defendant is charged with a family violence crime, is likely to fail to appear in court, is likely to obstruct justice, or otherwise presents a danger to the community; and
- Reduced the time between a first and second court appearance for misdemeanor charges from 30 to 14 days for persons who are being held in jail pretrial.

Raising the Age

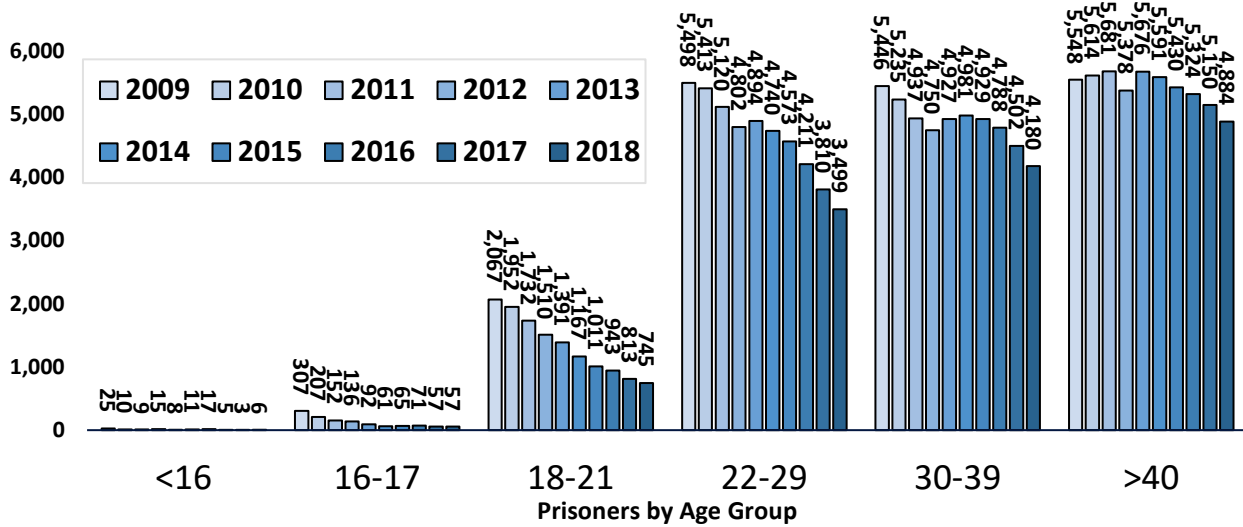
The research is clear: the brains of young adults are still developing well into their twenties. Simply appearing in adult court can have devastating consequences for a young person due to the lack of protections afforded to those appearing in juvenile court, such as confidential judicial proceedings and erasure of arrest records. Having young adults tried in adult court becomes an indelible mark on their record, potentially damaging them for life as they apply for college or a job.

As he entered office, Governor Malloy ensured the full and timely implementation of raising the age of juvenile jurisdiction up to 18, including all 17-year-olds in 2012. Prior to 2010, Connecticut was one of only three states that treated 16-year-olds as adults.

Further, believing that all too often, the criminal justice system unfairly derails a young persons' life before their brain is fully developed or even old enough to rent a car, Governor Malloy proposed raising the age of juvenile jurisdiction to 21 during the 2016, 2017, and 2018 legislative sessions.

As of 2018, the arrests of young people have dropped by more than 60 percent since 2008. The incarcerated population under the age of 21 has declined by almost 70 percent.

Incarceration and Age 2009-2018



Limiting Special Parole

Connecticut is the only state in the country to have “special parole” — an additional post-release supervision option that can be ordered by the judge at the time of sentencing. When the legislature first enacted this law in the late 1990s, the intent was to mandate post-release supervision for those who were high-risk, violent, and sexual offenders after their release into the community. However, over time, special parole was ordered for many offenders that did not fit the original intent of the law. In fact, the population of special parolees was the only segment of the incarcerated and supervised population that increased, at a time when all other segments were decreasing.

This overuse of special parole and the “zero-tolerance” supervision it requires led to unintended consequences. Such as include preventing the Department of Correction from focusing its resources on increased recidivism, an unprecedented shortage of halfway house beds for other parolees, and poor resource allocation that diverted DOC’s responses. To restore special parole to its original purpose, Public Act 18-63⁶¹ creates parameters for the use of special parole for the highest risk offenders coming out of prison, and excluded drug offenses. Now, the court can only impose a period of special parole if it is necessary to ensure public safety. The court is required to factor the nature of the offense, prior criminal record, and history of performance on probation/parole to determine if a term of special parole is necessary. Now, special parole will be focused on the most high-risk, violent, and sexual offenders.

Data, Technology, and Transparency

The use of data and technology can help policymakers, academics, and journalists better understand the intended and unintended consequences of criminal justice policy and practice. Over the last eight years, increased access to data and transparency in the criminal justice system has been a priority.

Connecticut became the first state in the nation to:

- Implement a fully operational Criminal Information Sharing System (CISS), making the state's criminal justice system more transparent than ever before. CISS features a fully integrated and secure intuitive search capability allowing properly credentialed individuals to access all criminal justice information from various agencies.
- Begin statewide collection and analysis of racial profiling data. All traffic stop data is now directly received at the state level by Central Connecticut State University and analyzed annual reports are issued for every police department statewide. The public has full access to this data at www.CTRP3.org. Beyond transparency, the availability of this data allows policy makers and departments to adjust practices to ensure greater quality in policing.
- Begin collecting and reporting on Taser usage. All police departments using Electronic Defense Weapons, such as Tasers, must report each use, including each time a weapon is unholstered but not discharged. Full data and analysis is released annually.

Combating the School-to-Prison Pipeline

The School Based Diversion Initiative (SBDI) played a crucial role in combatting the school-to-prison pipeline over the past eight years. Schools that participate in the program consistently decrease the number of students suspended or expelled, and referred to court for nonviolent behavioral infractions. Schools who implemented SBDI do a better job of connecting students with the resources and supports they need.

The data proves the success of SBDI during the 2015-16 school year, schools participating in SBDI saw school-based court referrals decline by 21 percent and behavioral health service referrals to Emergency Mobile Psychiatric Services (EMPS) increase by 24 percent, surpassing the statewide average that year by 15 percentage points and 14 percentage points, respectively. Among the schools that adopted the program early in the school year, results were even more impressive, with a 33 percent drop in referrals to the juvenile court system and a 42 percent increase in referrals to mobile crisis interventions. This shift away from punitive discipline better serves the state's students, families, and communities, and helps to ensure a brighter future for Connecticut's youth. As of 2018, the program served 43 schools across 15 districts.⁶²

Closure of the Connecticut Juvenile Training School

From 2011 to 2018, the number of youths housed at Connecticut Juvenile Training School (CJTS) dropped precipitously due to a declining rate of juvenile and young adult arrests, record low crime rate, the recent criminal and juvenile justice reforms, and the enhanced behavioral health services made available by DCF to all of Connecticut's youth. The (CJTS), a maximum security prison-like facility was opened in 2001 for boys adjudicated as "delinquent" and committed to the Department of Children and Families (DCF). Between 2009 and 2016 arrests involving people under the age of 18 dropped by a dramatic 56 percent. Additionally, between 2009 and 2017, the number of inmates under the age of 18 incarcerated by the Connecticut Department of Correction dropped by almost 85 percent.

In December 2015, with the understanding the facility was an ill-advised and a costly relic of scandal 20 years ago, CJTS was scheduled to close. CJTS made rehabilitation, healing, and growth

more challenging. The administration worked for two years, engaging legislators, advocates, and subject matter experts to achieve that directive, while ensuring the best outcomes for the youth in its care. CJTS was officially closed ahead of schedule in April 2018.

Prison Reform

While criminal justice policy should be grounded in data and numbers — it is the incarcerated and formerly-incarcerated people behind those numbers who are ignored. This recognition shaped Governor Malloy's criminal justice policy and motivated him to visit the state's prisons frequently — more than twenty times over the course of his two terms, more than any governor in Connecticut history.

T.R.U.E. & W.O.R.T.H. Units

Inspired by a 2015 visit to German prisons, Governor Malloy led the establishment of a new unit for young adults at the maximum security Cheshire Correctional Institution in 2017. The unit houses offenders between the ages of 18 to 25 who have committed nonviolent crimes, and aims to prevent these young adults from returning to a life of crime and from returning to prison after they re-enter the community.

Known as the T.R.U.E. Unit — which stands for Truthfulness (to oneself and others), Respectfulness (toward the community), Understanding (ourselves and what brought us here), and Elevating (into success) — this unit provides young offenders with access to developmentally appropriate programming that seeks to engage them as productive members of society. In the T.R.U.E. Unit, specially trained staff work with the offenders in a much less confrontational manner. Mentors, who are older inmates serving lengthy sentences, are specially selected and trained to live and work with the younger inmates. Offenders began integrating into the unit at the end of January 2017. In July 2018, a second specialized unit, modeled after the T.R.U.E. unit was opened at the state's only female correctional institution, York. The unit, named W.O.R.T.H., stands for Women Overcoming Recidivism through Hard Work will provide young female inmates with rehabilitation and similar programming as the T.R.U.E. unit.

Second Chance Pell Program

In 2016, the Obama administration reinstated the Second Chance Pell Program, when it announced 67 colleges and universities throughout the country were chosen to participate in a pilot — four colleges were from Connecticut. The pilot allowed eligible inmates to receive Pell Grants to pursue postsecondary education while incarcerated, giving them an opportunity for meaningful change and a successful reentry. The program is funded by federal sources and leverages private funding.

As of August 2018, 962 students pursued a postsecondary education and 61 completed a certificate or degree.

Risk Reduction Earned Credit (RREC)

Prior to 2011, Connecticut's Department of Correction was one of only a few prison systems that did not provide incentives to inmates aimed at promoting positive behavior and discouraging misconduct. During his first year in office, Governor Malloy proposed that our state establish such a system building upon evidence-based national best practices in recidivism reduction. Our Risk Reduction Earned Credit (RREC) system authorizes prison officials to provide up to five days of credit each month to sentenced prisoners who abide by their individualized Offender Accountability Plan (OAP).

Connecticut's RREC system is the most conservative in the nation. Credits are not awarded for good behavior alone. Instead, requirements set out in a prisoner's OAP must be adhered to in order for monthly credits to be awarded. Prisoners convicted of the most violent offenses are ineligible to earn RREC credits. Eligible prisoners who are classified in higher security levels are only able to earn two or three credits per month, depending on their DOC assigned level. Sentenced violent offenders are required to serve at least 85 percent of their court imposed original sentence before parole eligibility. As a result, high-risk violent offenders now serve more of their original sentences than prior to the establishment of the RREC system.

Recidivism studies of those inmates released after the establishment of the RREC system demonstrate a steady downward trend in the number of released inmates returning to prison after release. For example, 900 fewer inmates released in 2014 returned to prison over the ensuing three years compared to those released in 2011. Just as encouraging is the drop in inmate-on-staff and inmate-on-inmate assaults in facilities since the advent to the RREC system. Fiscal Year 2017 statistics speak to a measurable decline in critical incidents. When compared to the previous year, inmate assaults are down 16 percent, inmate fights are down five percent and staff assaults are down by 14 percent

Finally, an inmate's history of earning and/or forfeiting RREC has become an important predictor of success following release. As a result, all discretionary release decisions made by the Board of Pardons and Parole and the Department of Correction now consider RREC history in addition to other risk assessment tools. Connecticut's RREC system has become a national model now being emulated around the nation, including by congressional leaders developing bi-partisan federal prison reforms which include a RREC system for the first time.

Administrative Segregation

From 2011 to 2018, the Department of Correction dramatically reduced the number of offenders in administrative segregation, often referred to as solitary confinement without jeopardizing safety and security. In 2008 there were approximately 200 offenders on administrative segregation status at correctional facilities throughout Connecticut. By 2018 the average number of inmates on administrative segregation status was 20 to 25 in the entire state. Additionally, in 2017, with support from advocates and Senator Gary Winfield, Governor Malloy signed Public Act 17-239⁶³ — which banned the use of administrative segregation for persons under eighteen years of age.

Fairness for Incarcerated Persons

In 2018, Connecticut strengthened its efforts to bring fairness and dignity to incarcerated persons, and thereby reduce recidivism. By codifying specific practices — in Public Act 18-4, *An Act Concerning the Fair Treatment of Incarcerated Persons*⁶⁴, was approved unanimously in both chambers of the Connecticut General Assembly.

Public Act 18-4:

- Prohibits the shackling of pregnant inmates during labor;
- Requires the Department of Correction (DOC) to provide female inmates with feminine hygiene products at no cost;
- Requires DOC to establish child friendly visitation policies;
- Establishes standards of treatment for inmates who have a gender identity that differs from their assigned sex at birth;
- Prohibits non-medical staff of the opposite gender from viewing or interfering with incarcerated persons engaged in personal activities such as undressing, using toilet facilities, or showering;
- Requires DOC to establish and provide parenting support as well as pre-natal and post-partum services and supports;
- Requires DOC, the Board of Pardons and Paroles, and the Court Support Services Division of the judicial branch to utilize a gender responsible approach to risk assessment strategies that recognizes the unique risks and needs of female offenders; and
- Enhances requirements for gender-specific and trauma-related trainings for correctional staff.

First Lady Cathy Malloy, in particular, prioritized working on issues for incarcerated women and was instrumental in advocating for the passage of Public Act 18-4. Additionally, she was an avid supporter of the Judy Dworin Performance Project at York Correctional Facility, which provides an avenue for incarcerated women to positively express themselves through multi-art performance. She also worked with organizations that provide skills training to women to ensure their successful re-entry into their communities.

Re-Entry

Healthcare, mental health, job training, education, housing, employment, and faith based opportunities are all important pieces of a successful re-entry plan, without which many offenders struggle to rejoin their communities and in turn, recidivate.

Community Reintegration Centers

The state's first dedicated reintegration center at Cybulski Correctional Institution was opened in April 2015. The Community Reintegration Center for male offenders created a safe, secure, and humane environment for offenders to participate in a meaningful program to prepare them for re-entry into their communities. With dedicated space, the center expanded and consolidated reintegration

programs into one facility, leading to greater efficiency and reduced recidivism. Additionally, a specialized unit for veterans and DWI offenders was created at the center in March 2015. Since its creation, 545 inmates have participated in the Community Reintegration Center programming.

In the counseling and programming services of this facility, offenders also have an opportunity to address the causes and issues that brought them into incarceration.

Building on this progress, the York Correctional Reintegration Center for female offenders opened in February 2016. The center houses women who are nearing the end of their sentences and prepares them to reintegrate into society. Named "Keys to Success," the program encompasses multiple pathways, which are designed to provide specialized focus in certain areas of interest and are unique to each offender. Similar to the men's reintegration center, the programming includes education/vocation, recovery, family connection/relationships, faith and spirituality, and community service. The program assists inmates in addressing the issues that led them to incarceration, while simultaneously taking responsibility for their actions. They have the opportunity to acquire knowledge and skills crucial to preventing recidivism. The reintegration unit has the ability to place up to 68 offenders in the program. As of June 2018, 500 women had participated in the program.

Community Release Unit

The Department centralized release decisions, in a new unit named the Community Release Unit (CRU). Prior to the implementation of CRU, policies and procedures were quite complicated and required multiple staff members to review the offender release application before final decisions was rendered at the facility level by wardens and deputy wardens.

The Department's new procedures aims to meet the following objectives:

- Promote public safety by ensuring that offenders are reviewed for Community Release in a constant manner, by one decision maker, pairing the right intensity of supervision and amount of community treatment for each offender. This will be accomplished using new assessment tools such as the Statewide Collaborative Offender Risk Evaluation System (SCORES).
- Promote staff safety by allowing staff resources to be reallocated and focus more on facility operations like clinical supervision.
- Improve the facility environment by enhancing internal communications by allowing supervisors to focus attentions on staff development, training and supervision of employees.
- Simplify the review process to make it more understandable to the offender population and the line staff who interact with them.

In fiscal year 2018, 9,136 cases eligible for release consideration were reviewed by CRU. The release types — governed by Connecticut General Statue or Department of Correction policy — include Community Release, Transitional Supervision, DUI Home Confinement, Furloughs, Dual Supervision, and Transitional Placement. The CRU also assists the Commissioner in review of offenders being considered for release to the contracted Nursing Home for end of life care.

Specialized Care for Former Inmates

In 2013, to serve elderly and debilitated former inmates who require specialized care, known as 60 West — the nursing home began accepting paroled inmates in 2013. Becoming a national model, the facility was the first of its kind to win approval from the Centers for Medicaid and Medicare Services for federal nursing home funding and reduce costs to the Connecticut system.⁶⁵ To date, 217 residents have lived at 60 West.

Changes to the Parole Board

To improve efficiency and encourage transparency, a number of changes were made to the Parole Board:

- Established an expedited parole procedure for non-violent, no victim offenses;
- Implemented a new risk assessment tool (SCORES) to evaluate potential parolees;
- Implemented a structured decision making process to ensure the Parole Board explains the basis for each decision to deny or grant parole, including specific findings; and
- Established an expedited pardons procedure for non-violent, no victim offenses.

Leading the Conversation

Reimagining Justice 2017: A conversation on the National Impact of Crime and Incarceration

In 2017, Governor Malloy and First Lady Cathy Malloy brought together more than 400 leading criminal justice professionals from across the country in Hartford, Connecticut for a national discussion on the human impact of crime and incarceration.

The conference brought together participants, including formerly incarcerated individuals, victims of crime, academics, business leaders, and members of faith communities to discuss progress that has already been made and to examine national and international models of criminal justice reform to discuss juvenile and young offender issues, pretrial justice, incarceration, and re-entry. Former Senior Advisor to the President of the United States, Valerie Jarrett delivered the keynote speech.

Reimagining Justice 2018: 'Outside In'

Following the success of the first conference, a second conference took place in May of 2018 — this time inside a maximum security prison, the first conference of its kind in the nation tailored toward state leaders and policymakers this conference was attended by about 150 frontline officials — including judges, prosecutors, victim advocates, corrections officers, legislators, and educational leaders. The unique setting gave attendees, many of whom had never been inside a correctional facility, an opportunity to see the inside of a prison while discussing the impact policies they implement have on people serving time in these types of institutions.

Discussion topics included the challenges crime victims face in the criminal justice system, best practices that produce successful offender community re-entry, and educational opportunities that are offered in correctional facilities. A keynote speech was delivered by Pennsylvania Department of Corrections Secretary, John E. Wetzel, and special remarks were made by Michael Smith, the Executive Director of the Obama Foundation's My Brother's Keeper Alliance.



Governor Malloy and First Lady Cathy Malloy speak with a group of inmates during the "Reimagining Justice 2018: Outside In" conference at the Cheshire Correctional Institution on May 30, 2018. Attended by 150 guests from the state's criminal justice community, it was the first time in the nation that a conference of this kind was held inside the walls of a maximum security prison, giving attendees an opportunity to see such a facility from the inside.

A Focus on Victims

Understanding the perspective and rights of victims is a key part of the criminal justice reform. As a part of ongoing efforts, several measures were enacted to support victims of crime.

Sexual Assault and Human Trafficking

The proper testing of sexual assault evidence kits is both a matter of justice for the victim and a matter of public safety. The evidence secured through the collection of DNA can eliminate or identify a suspect, identify someone with previous convictions, link cases, and identify serial rapists. In 2015, Public Act 15-207⁶⁶ was signed. It required all sexual assault evidence kits to be sent to the crime

laboratory no later than ten days after collection and also included specific time frames for the testing of such kits. In 2016, a Sexual Assault Kit Working Group was established and led by First Lady Cathy Malloy to identify issues and barriers in the process of submitting and testing sexual assault kits.

The working group's efforts led to Public Act 18-83, *An Act Promoting Fairness in Access to Information, Support and Justice for Sexual Assault Victims*⁶⁷ which codified best practices ensuring sexual assault victims are treated fairly.

This legislation required:

- The state to continue maintaining the electronic tracking system for sexual assault evidence kits;
- Health care facilities to contact a sexual assault victim advocate upon the arrival of a victim at their facility, to properly support the victim after a traumatic experience; and
- The Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations to develop policies and procedures to ensure victims have access to their kit information, including when the kit is tested, whether DNA from the kit was entered into a state or federal DNA data bank, and if there is a match.

Additionally, laws were strengthened to further protect victims of human trafficking, such as increased penalties and allowing the Office of Victim Services to waive the time limitation on victim compensation for minors.

Keeping Victims of Domestic Violence Safe

Piloted in 2012, the Connecticut State Police adopted a lethality assessment protocol in 2014 to keep victims of domestic violence safe by encouraging more victims to use shelters, counseling and advocacy, and support services. The lethality assessment is an evidence based series of questions asked of domestic violence victims by responding officers. It is an easy and effective method that identifies victims of domestic violence who are at heightened risk of being seriously injured or killed by their intimate partners and immediately connects them to a domestic violence service provider in their area. In 2017, Connecticut became the first state in the nation to implement the protocol statewide. According to the Connecticut Coalition Against Domestic Violence, between October 2012 and September 2017, there were more than 22,000 lethality screens conducted statewide, including 51 percent deemed high danger. 89 percent of high danger victims who spoke with a counselor followed up for services.⁶⁸

Working with domestic violence advocates, Governor Malloy successfully led the passage of Public Act 16-34⁶⁹ which prohibited the possession of firearms and ammunition for persons subject to a temporary restraining order stemming from domestic violence, pending a hearing in court, closing a dangerous loophole at a time when victims were at their most vulnerable. [See more on Public Act 16-34 in the Gun Safety Reform chapter on page 113]

Additionally, in 2018, Public Act 18-5⁷⁰ became law to discourage the practice of “dual arrests” — instances in which both the victim and perpetrator are arrested — following a domestic violence incident. Dual arrests can be traumatic for both the victim involved and other family members, such as children, who may be present. The new law required the identification of a dominant aggressor by

law enforcement when reporting to a domestic dispute and expanded training for law enforcement officials.

Victim Impact Panels

Following a restorative justice model, Connecticut has implemented a victim impact panel program for those who have been sentenced to probation after driving under the influence of alcohol or drugs. The panel provides a non-confrontational forum for victims or families of victims of incidents involving drivers under the influence to share their experiences and the impact such incidents have had on their lives. The program, seeks to prevent future offenses by creating an understanding of the real life, long-term effects driving under the influence has on people's lives. Additionally, in 2011 legislation was passed that gave discretion to the Department of Correction to allow individuals who were convicted of Driving Under the Influence to serve a portion of their sentence in home confinement. Victim advocates were instrumental in the passage of this legislation. Mothers Against Drunk Driving as well as the Lieutenant Governor Wyman were strong proponents of Public Act 11-51⁷¹.

Outcomes

As a result of Governor Malloy's landmark criminal justice reform initiatives, Connecticut drastically reduced its prison population while simultaneously reducing recidivism and experiencing a historic decline in violent crime.

Over the course of the administration:

- The prison population decreased from 18,000 to 13,000.
- By January 2019, the state's prison population is expected to fall to 12,901, dropping below 13,000 for the first time since September 1993. The Department of Correction's all-time high inmate population was on February 1, 2008 when it reached 19,893. If these trends continue over the next few years, Connecticut is poised to become the first state in the nation to cut its prison population in half from its all-time high.
- From 2011- 2014, three year recidivism rates declined in each of the four categories that are regularly monitored by the Office of Policy and Management (OPM) — new arrests, new convictions, returns-to-prison for any reason, and returns-to-prison to begin a new sentence of incarceration.
- For male inmates, over the three years following release, 1,109 fewer released prisoners picked up a new arrest in 2011. Similarly, 718 fewer released prisoners in 2014 returned to prison after three years of release compared to 2011.

At the same time the state reformed its criminal justice system, it also became a safer place to live, raise a family, and work. Connecticut experienced the largest reduction in violent crime of any state between 2012 and 2016. Additionally, following the implementation of gun safety reforms, the state had the fifth lowest firearm death rate in 2016— less than half of the national average.

More Work to Do

There is no doubt that Connecticut has led the nation in reimagining justice and reforming the state's criminal justice system, and we continue to build on this progress.

African Americans and Latinos continue to be overrepresented throughout the criminal and juvenile justice system. Recent reforms have begun to chip away at this disparity, but much more can be done to acknowledge and address this reality. Data collection and analysis must be expanded beyond traffic stop and taser use reports. The advent of the Criminal Information Sharing System capability will allow for policy makers, academics and journalists to better understand the intended and unintended consequences of criminal justice policy and practice. Special attention should be focused on the unique risks and needs of women, persons with mental illness, and those addicted to opioids. Further, every criminal justice professional should understand the role trauma plays in criminal behavior and the appropriate forms of supervision and treatment for victims of trauma.

Connecticut's nationally heralded success in implementing the original "Raise the Age" reforms, best illustrated by the dramatic and continuing decline in arrests and incarceration of young adults, proves that policy changes focused on crime reduction are effective. But more must be done.

The next governor and legislature should implement the proposals to further raise the age to of juvenile jurisdiction to age 20 like Vermont did. Massachusetts and Illinois have made progress in passing similar bills. Connecticut should continue to be among the nation's leaders in reducing crime among young adults by embracing emergent best practices.

Both Reimagining Justice conferences highlighted that knowledge gaps and siloes remain in our criminal justice system. Front line criminal justice professionals, including police, prosecutors, judges, corrections, probation and parole officers, victim advocates, and mental health and substance abuse treatment providers must be afforded the opportunity to understand how other actors in the criminal justice system make decisions and what resources each has available to manage and treat justice involved individuals.

⁵⁷ [Capital Punishment in Connecticut: Changing Views](#)

⁵⁸ [Capital Punishment in Connecticut: Changing Views](#)

⁵⁹ [Public Act 12-5: An Act Revising the Penalty for Capital Felonies](#)

⁶⁰ [Public Act 17-145: An Act Concerning Pretrial Justice Reform](#)

⁶¹ [Public Act 18-63: An Act Concerning Special Parole for High-Risk, Violent and Sexual Offenders.](#)

⁶² [Child Health and Development Institute of Connecticut: The Connecticut School-Based Diversion Initiative](#)

⁶³ [Public Act 17-239: An Act Concerning Isolated Confinement and Correctional Staff Training and Wellness](#)

⁶⁴ [Public Act 18-4: An Act Concerning the Fair Treatment of Incarcerated Persons](#)

⁶⁵ [Connecticut Health I-Team: 'Model' Nursing Home For Paroled Inmates To Get Federal Funds](#)

⁶⁶ [Public Act 15-207: An Act Concerning Evidence in Sexual Assault Cases](#)

⁶⁷ [Public Act 18-83: An Act Concerning Procedures Related to Collecting and Processing Sexual Assault Evidence Collection Kits](#)

⁶⁸ [Connecticut's Lethality Assessment Program 2017](#)

⁶⁹ [Public Act 16-34: An Act Protecting Victims of Domestic Violence](#)

⁷⁰ [Public Act 18-5: An Act Concerning Dual Arrests and the Training Required of Law Enforcement Personnel with Respect to Domestic Violence](#)

⁷¹ [Public Act 11-51: An Act Implementing the Provisions of the Budget Concerning the Judicial Branch, Child Protections, Criminal Justice, Weigh Stations and Certain State Agency Consolidations.](#)



State of Connecticut
Office of Governor Dannel P. Malloy

Gun Safety Reform

"We have come together in a way that few places in the nation have demonstrated the ability to do. In some senses, I hope that this is an example to the rest of the nation — certainly to our leaders in Washington, who seem so deeply divided about an issue such as universal background checks, where the country is not divided itself. When 92 percent of Americans agree that every gun sale should be subject to a background check then there's no excuse for representatives or senators who don't come to the assistance of those that they are elected to represent." — Governor Dannel P. Malloy on signing the toughest gun violence prevention law in the country, April 4, 2013

There is no corner of America left untouched by the plague of gun violence. On December 14, 2012, Connecticut and the nation lost 26 lives — including 20 children — in a horrific mass shooting at Sandy Hook Elementary School. The state continues to heal from one of the darkest days in our history. In response, state policymakers came together — buoyed by unprecedented waves of activism from students and other grassroots supporters of gun laws - to pass some of the smartest, toughest, gun safety laws in the country.

Progress during the Malloy administration:

- **Banned all military-style assault weapons and large capacity magazines.**
- **Instituted universal background checks** to keep guns out of the hands of felons, persons convicted of violent misdemeanors or drug offenses, the mentally ill, and those who are subject to restraining orders.
- Imposed age restrictions prohibiting the retail sale of long guns to anyone under 18 years of age.
- **Invested \$53 million in school security improvements** across Connecticut.
- Banned bump stocks, and other enhancements that increase the rate of fire for semiautomatic weapons, including trigger cranks, binary trigger systems, and other modifications.
- **Strengthened protections for victims of domestic violence** by prohibiting the possession of a firearm for individuals subject to a temporary restraining order, pending a hearing in court.
- Promoted firearm safety by lowering the allowable blood alcohol content (BAC) levels for persons engaged in hunting, making it consistent with BAC for driving and boating.
- The state was a founding member of the States for Gun Safety coalition to encourage greater cooperation among state governments in strengthening gun violence prevention efforts.

- **In 2018, crime was at a 50-year low;** Connecticut reduced violent crime by more than any other state between 2012 and 2016,⁷² and was ranked as the state with the fifth lowest firearm death rate — a rate that is less than half of the national average.⁷³

⁷² [9/25/18: Gov Malloy Annual FBI Crime Data Shows Connecticut Saw Largest Decline of Violent Crime](#)

⁷³ [1/17/18: Gov Malloy Statement on National Report Showing Connecticut is a Leader in Reducing Gun Violence](#)

Commonsense Gun Safety Reform

The weapon used in the Sandy Hook mass shooting was not classified as an assault weapon and was legal in Connecticut despite being capable of firing dozens of rounds per minute. Connecticut lawmakers agreed change was needed.

Commonsense Gun Safety

In the aftermath of the massacre at Sandy Hook Elementary School, Connecticut immediately began working to strengthen the state's gun safety laws on a bipartisan basis. On February 21, 2013, Governor Malloy proposed a package of commonsense gun safety reforms. The proposal endorsed reasonable measures to improve public safety, while preserving citizens' constitutional rights afforded under the Second Amendment. The plan included an expansion of the state's assault weapons ban and universal background checks, among other measures.

On April 3, 2013, the House passed Public Act 13-3, *An Act Concerning Gun Violence and Children's Safety*,⁷⁴ with a bipartisan vote of 105-44. The Senate approved the bill in a similarly bipartisan fashion, 26-10. The Governor signed the bill on April 4, 2013.



Joined by families of those who were killed in the tragedy at Sandy Hook Elementary School, in addition to members of law enforcement and state lawmakers, Governor Malloy signs into law a comprehensive bill on gun violence prevention, mental health initiatives, and school safety policies written in the aftermath of the Newtown tragedy. (April 4, 2013)

The final bill as passed enacted smart and strict gun safety requirements:

- Significantly expanded the state's assault weapons ban and required that anyone who lawfully possessed any of the banned weapons register them by January 1, 2014;
- Required a national criminal background check for all firearm purchases, including private sales between individuals or at gun shows;
- Prohibited gun dealers from selling long guns to anyone under 18 and certain semiautomatic rifles to anyone under 21;
- Banned the sale, purchase, or transfer of large capacity magazines that can hold more than 10 rounds;
- Established a state deadly weapon offender registry at the Department of Emergency Services and Public Protection;
- Required a state-issued gun credential to purchase ammunition;
- Prohibited the sale of ammunition or ammunition magazines to persons under age 18;
- Expanded provisions banning people from getting gun credentials or possessing firearms on mental health grounds, affecting both voluntary and involuntary commitments;
- Expanded ban on the sale or transfer of armor piercing bullets; and
- Prohibited people from storing firearms on their premises if they know or should know a person living there is ineligible to possess firearms, unless properly stored.

As a result of Public Act 13-3, all banned assault weapons and large capacity magazines had to be declared to Connecticut State Police by January 1, 2014. The state issued 52,771 assault weapon certificates for declared weapons. Additionally, the state received 40,945 large capacity magazine declarations.

Sandy Hook Advisory Commission

On January 3, 2013, Governor Malloy convened the Sandy Hook Advisory Commission, a 16 member panel tasked with reviewing current policy and making specific recommendations in the areas of public safety, with particular attention paid to school safety, mental health, and gun violence prevention.

The panel submitted an interim report in that March that outlined areas of consideration on the issues of gun violence prevention and school safety, many of which were included in Public Act 13-3. Among them were 15 specific recommendations concerning firearm permitting and registration, the possession, sale, and use of military style assault weapons, large capacity magazines, ammunition, and firearm storage, as well as recommendations regarding the development of detailed safe school design and operations.

In all, the Sandy Hook Advisory Commission received testimony from more than 100 experts. The Commission's final report was released in March 2015 and included more than 90 recommendations related to: law enforcement and public safety; safe school design and operations; and mental and behavioral health.

Breaking the Cycle of Violence

Gun violence has been a persistent problem in many of our cities for decades. The simple fact is that more than two-thirds of homicides with firearms in Connecticut occur in the context of group or gang-involved urban violence or domestic violence. While Connecticut's comprehensive gun safety legislation would make our communities, schools, and places of business safer, it would not simply eliminate gun violence. More work was needed.

Project Longevity

In 2012, the state with the U.S. Department of Justice and community leaders, launched Project Longevity, a comprehensive initiative aimed at reducing gun violence in our major cities. Project Longevity uses a strategy that has shown violence can be reduced dramatically when community members and law enforcement join together to directly engage with violent groups. Project Longevity sends a powerful message that violent crimes will not be tolerated and offers help for those who seek to end their involvement and break the cycle of violent activity. It promises access to services for those willing to put down their guns and aggressive prosecution targeting those who do not.

The Yale Institute for Social and Policy Studies found that in the first 18 months of the program in New Haven, there was a 53 percent reduction in gang or group-related shootings per month directly attributable to Project Longevity.⁷⁵ From 2012 to 2017 gun-related homicides in New Haven fell from 16 to 5. The program is also being implemented in Hartford and Bridgeport.

Assisting Law Enforcement

In order to address modern policing issues such as gun violence, Connecticut Law Enforcement has expanded traditional means of policing to include cutting edge technology. First introduced in 2011 to a three square mile section in the City of Hartford, ShotSpotter, a gunfire-sensing technology, led to an increase in law enforcement's ability to locate gun activity and dispatch appropriate help. With 80 percent of gunshot incidents not reported across the United States, the utilization of technology such as ShotSpotter is important in curbing gunfire incidents and ensuring victims receive lifesaving assistance in a timely manner. After the initial success, the city was able to expand the area covered by ShotSpotter to more than 11 square miles through a state grant in 2016. The services were expanded to New Haven in 2016 and Bridgeport to 2018.

In addition, the state has also provided resources to cities experiencing a spike in gun violence incidents. Three state police detectives and a supervisor were added to the Hartford shooting task force after the city experienced an increase in gun violence.

Strengthening Protections for Victims of Domestic Violence

Women in abusive relationships are five times more likely to be killed if their abuser has access to a firearm.⁷⁶ In Connecticut, individuals subject to a restraining order were already prohibited from possessing firearms or ammunition, but were left vulnerable during a critical window of time between the issuance of a temporary restraining order and the issuance of a permanent order.

Working alongside legislators, notably, Representative Robyn Porter of New Haven, and advocates on both sides of the issue, the Governor successfully led the passage of PA 16-34, *An Act Protecting Victims of Domestic Violence*.⁷⁷ This bill prohibited the possession of firearms and ammunition for persons subject to a temporary restraining order, pending a hearing in court. The legislation strengthened protections for victims of domestic violence, while also protecting the due process rights of respondents.

Additionally, in 2017, Connecticut became the first state in the nation to implement a lethality assessment program statewide that identifies victims who are at heightened risk of being killed or seriously injured and connects them to a domestic violence service provider in their area. [See more on the lethality assessment in the Criminal Justice chapter on page 109]

School Safety

In addition to commonsense gun safety reforms, Connecticut's bipartisan 2013 legislation prioritized school safety.

Public Act 13-3 required all school districts to develop school safety and security plans for every public school in Connecticut. Each local or regional board of education must annually review these plans and update them if necessary. Additionally, the Department of Emergency Services and Public Protection established school safety and security plan standards for guidance.⁷⁸ Institutions of higher education were also required to develop campus security plans, form campus threat assessment teams, and undergo safety audits.

The law created a council to establish new school safety and infrastructure requirements for existing school construction projects and school security improvements. Further, a School Security Infrastructure Grant Program was established to assist both public and private schools in improving school safety. Between 2013 and 2018 the state awarded three rounds of funding. As of June 2018, state and local governments had invested a combined total of \$53 million for security upgrades at 1,200 Connecticut schools. An additional \$10 million in funding was allocated to the Security Infrastructure Grant Program for fall 2018.

Mental Health

In the aftermath of Sandy Hook, the call was notably for stronger gun laws but also the need for studying and improving our state mental health services.

The Department of Mental Health and Addiction Services (DMHAS) increased the reach of Assertive Community Treatment (ACT) Teams. ACT is an evidenced-based practice that offers treatment, rehabilitation, and support services, using a person-centered, recovery-based approach, to individuals that have been diagnosed with a severe and persistent mental illness. DMHAS expanded ACT

internally at the state-operated Local Mental Health Authorities (LMHAs) so that it is widely available. As of August 2018, ACT services are available out of the Southeastern Mental Health Authority in Norwich, Connecticut Mental Health Center (CMHC) in New Haven, Western CT Mental Health Network in Waterbury, Capitol Region Mental Health Center (CRMHC) in Hartford, and Greater Bridgeport Mental Health Center in Bridgeport.

Furthermore, the use of mental health first aid (MHFA) training was encouraged for teachers and school district staff. In response, DMHAS expanded its MHFA training that teaches individuals how to identify, understand, and respond to a potential mental health crisis. A cohort of DMHAS employees participated in a “Train the Trainer” session to learn how to deliver the youth module of MHFA. Between 2013 and 2018, 115 Safe School Coordinators were trained and there were 80 youth MHFA trainings, certifying a total of 1,276 individuals as Youth Mental Health First Aiders.

Additionally, this broadened the provisions disqualifying a person for a gun permit or long gun eligibility certificate. The bill expanded the ineligibility period for persons confined to a psychiatric hospital from 12 months to 60 months.

Continuing the Progress

Connecticut remains steadfast in keeping residents safe and continued to close dangerous loopholes and strengthen gun safety laws.

Promoting Gun Safety

In 2016, Governor Malloy introduced and signed Public Act 16-152, *An Act Concerning Carrying a Firearm While Intoxicated or Under the Influence of Alcohol*⁷⁹ to lower the allowable blood alcohol content (BAC) threshold for persons carrying a firearm from 0.10 percent to 0.08 percent — aligning it with the threshold for intoxicated driving and boating.

Banning Bump Stocks

After the Las Vegas shooting that tragically left 58 individuals dead and 851 injured, people across the country called for a ban on bump stocks that allow a weapon to fire at a rate similar to a fully automatic gun. Governor Malloy led the passage of a ban on any enhancements that increase the rate of fire of a semiautomatic weapon, including items such as bump stocks, trigger cranks, binary trigger systems, and other modifications. The devices are cheap, deadly, and completely unnecessary in our society.

Public Act 18-29, *An Act Concerning Bump Stocks and Other Means of Enhancing the Rate of a Firearm*⁸⁰ was passed with the help of Representative William Tong and signed by Governor Malloy, effectively banning bump stocks and similar modifications in the State of Connecticut.

States for Gun Safety Coalition

In 2018, in the face of continued federal inaction on gun safety, Connecticut, New Jersey, New York, and Rhode Island formed a multi-state coalition to better share information on guns across

states with a comprehensive, regional approach. Massachusetts, Delaware, and Puerto Rico have since joined the coalition. The states will advance a multi-pronged effort focused on enhancing interstate information sharing among law enforcement, stopping the flow of out-of-state guns, and creating the nation's first Regional Gun Violence Research Consortium that will study the issue across multiple disciplines to better inform policy makers nationwide.

Reducing Crime

Over the last eight years, overall crime in Connecticut declined by 19 percent, including a 19 percent decline in violent crimes. The Federal Bureau of Investigation's (FBI) annual state-by-state crime report for the 2016 calendar year showed crime rates continued to decline in Connecticut, which had the largest reduction in violent crime of any state in the nation over the previous four years. Additionally, the FBI report indicated that overall crime in the state was at its lowest point since 1967. Notably, the total number of murders fell by 32.8 percent, declining from 116 in 2015 to 78 in 2016. This was the fewest number of murders in the state since 1969, and the largest percentage drop of murders of any state in the country in 2016. Additionally, a 2018 national report⁸¹ from the Violence Policy Center ranked Connecticut as the state with the fifth lowest firearm death rate — with a rate that is less than half the national average.

More Work to Do

There are reasonable steps Connecticut can and should take to make our communities and our residents safer, including banning the possession, sale, or manufacture of any gun without a serial number, investing more in school security, and resisting attempts to undermine the state's current gun laws. However, real progress at the state level requires meaningful action at the federal level. Connecticut must continue to work with our federal partners to push for comprehensive gun safety reforms.

The state should push the federal government to reinstate and strengthen the assault weapons ban. In 1994, the federal government banned the sale and possession of assault weapons, but the Republican Congress failed to reauthorize the ban, and it expired in 2004. While states like Connecticut have proactively banned assault weapons, several nearby states have not. With numerous studies showing that even in states and municipalities with strict gun safety laws, illegal guns are highly accessible because of weak laws in adjacent states. Most strikingly, nearly [60 percent of guns](#) used in crimes in the City of Chicago come from dealers in states with weak gun laws such as Indiana and Wisconsin.⁸²

Connecticut must continue to fight for universal background checks to be implemented nationally. While the Brady Handgun Violence Prevention Act of 1993 required background checks for firearm purchases, a major loophole — known as the gun show loophole — remained, allowing people to purchase deadly weapons from unlicensed dealers without ever undergoing a background check. While Connecticut requires universal background checks for all firearm sales, the federal gun show loophole makes guns easily accessible to criminals in states with lax gun laws — and it makes it easier for those illegal guns to make their way into Connecticut.

Connecticut must fight to defeat radical proposals like those introduced by Donald Trump, Republicans, and the NRA. The NRA's grip over Congressional Republicans has never been stronger or scarier. After the tragedy at Sandy Hook, the NRA floated the idea of arming teachers, and it, rightly, was met with widespread condemnation. However, after the Parkland shooting the proposal to arm teachers gained traction and became mainstream thanks to an endorsement from President Trump. Similarly, the Concealed Carry Reciprocity Act, a proposal of the gun lobby that would allow a person permitted to carry a concealed weapon in any state, regardless of that state's permitting laws, to conceal carry in any other state. In other words, a person licensed to carry in Texas would automatically be permitted to carry in Connecticut — drastically undermining Connecticut's gun laws. While it hasn't become law, the bill passed the House of Representatives in December 2017. The GOP/NRA's efforts are only getting more extreme and more relentless, and together we must fight for our safety and values.

⁷⁴ [Public Act 13-3: An Act Concerning Gun Violence and Children's Safety](#)

⁷⁵ [Yale Institution for Social and Policy Studies "Evaluating the Effect of Project Longevity on Group-Involved Shootings and Homicides in new Haven, CT"](#)

⁷⁶ [EVERYTOWN FOR GUN SAFETY: Guns and Domestic Violence](#)

⁷⁷ [Public Act 15-34: An Act Protecting Victims of Domestic Violence](#)

⁷⁸ [Department of Emergency Services and Public Protection: School Safety and Security Resources](#)

⁷⁹ [Public Act 16-52: An Act Concerning Carrying a Firearm While Intoxicated or Under the Influence of Alcohol](#)

⁸⁰ [Public Act 18-29: An Act Concerning Bump Stocks and Other Means of Enhancing the Rate of a Firearm](#)

⁸¹ [Violence Policy Center: U.S. Gun Death Rate Jumps 17 Percent Since 2008 Supreme Court District of Columbia v. Heller Decisions Affirming Right to Own A Handgun for Self Defense](#)

⁸² [City of Chicago: 2017 Gun Trace Report](#)