

Connecticut at the Crossroads: An Overview

University Network for Human Rights and the Institute for Municipal and Regional Policy

COVID-19 and the Criminal Justice System

Throughout the United States, the effects of the pandemic have been felt acutely by those in jails, prisons and penitentiaries. In Connecticut state facilities, roughly one in five incarcerated people had been infected with the COVID-19 virus by December 2020.¹ At the same time, Connecticut faces a severe budget crisis—indeed, the most severe in decades—as a result of the reduction in revenue and the increase in vital expenditures during the COVID-19 pandemic. State analysts have projected an upcoming deficit upwards of two billion dollars. While estimates vary, observers agree that 2021 and the years beyond are likely to involve budgetary shortfalls and financial hardships in the state.

This financial crisis will not spare the criminal justice system and detention centers. As Department of Correction Commissioner Ángel Quiros stated in October 2020, “Let me be clear: there will be facility closures in the upcoming budget years 21-22 and 22-23.”² But the budget crisis may come with a silver lining: a reduction in prison population provides the state the chance to abandon mass incarceration.

As COVID-19’s economic consequences become clear, turning away from excessive correctional spending becomes both financially essential, as well as good policy.³ Divestment from the prison system and targeted reinvestment in reentry, restorative justice, and resocialization programs could provide Connecticut with not only short-term savings by reducing hard costs associated with prisons but also long-term savings associated with reduced crime, less frequent prosecution, higher employment, and decreased rates of substance abuse.

Faced with the current moment, Connecticut finds itself at a crossroads: one path involves a continuation of outdated policies and investment in the expensive and ineffective infrastructure of mass incarceration. The alternative involves seizing the opportunity to humanize the criminal justice system, and to reduce costs by moving towards a renewed justice reinvestment framework. The latter option respects international standards and human rights while reducing long-term costs.

COVID-19 and Decreases in Incarceration Rate

Connecticut’s incarcerated population has been steadily decreasing since its peak in the early 2000s, and the pandemic has only accelerated this trend. On January 1, 2020, Connecticut DOC prisons housed 12,284 people. By December 1, 2020, this number had fallen to 9,237, representing a 24.8% decrease in a single year.⁴ COVID-19 has accelerated the trend toward decarceration across the Northeast. Since January 2020, Maine, Michigan, New Hampshire, New York, Pennsylvania, and Vermont have seen

¹COVID-19 Behind Bars Data Project, UCLA Law, available at <https://uclacovidbehindbars.org/states/connecticut>

² “New DOC Commissioner Looks to Close Prisons,” Hugh McQuaid, CT News Junkie, Oct. 27 2020,

https://www.ctnewsjunkie.com/archives/story/20201027_new_doc_commissioner_looks_to_close_prisons/

³ The impacts of COVID-19 are not only financial. The virus has disproportionately affected incarcerated populations. A November 2020 report by the LBJ School of Public Affairs at the University of Texas noted that, at one point, 44 out of 50 of the country’s top virus clusters were in prisons. See: Michele Deitch *et al*, *COVID and Corrections*, Nov. 2020, p. 5.

⁴ Office of Policy and Management, “Connecticut Correctional Facility Population Counts,” https://cjis-dashboard.ct.gov/CJPPD_REPORTS/rdPage.aspx?rdReport=Connecticut_Correctional_Facility_Population_Data_Export_Menu

significant decreases in their prison populations. Moreover, the 2020 decreases are the largest in the last decade.⁵ At the same time, both violent crime and property crime are down, despite the effects of the pandemic.⁶ As such, state lawmakers should prepare policy recognizing that, as the pandemic subsides, serious crime and the incarcerated population will be at their lowest level in over a decade.

State	Change in Prison Pop. in 2020
ME	-18.4%
MA	-15.6%
NH	-11.5%

State	Change in Prison Pop. in 2020
NY	-19.6%
PA	-14.4%
VT	-20.3%

Detention, Human Rights, and International Standards

Two principles guide international standards for state treatment of those in conflict with the law. First is the idea that the individual’s right to circulate freely should be restricted only when clearly justified and then, only to the extent strictly necessary. Second is the idea that carceral responses to criminal transgressions should not involve unnecessary restrictions on rights and should be designed to rehabilitate those in conflict with the law and facilitate their reintegration into society. Rehabilitation and reintegration must be the primary goals of any rights-respecting criminal justice system.

The United Nations has adopted principles to guide states in the development of criminal justice policies, placing particular emphasis on alternatives to prison. As these principles note: “the use of prison should be strictly limited to being a measure of last resort. Prisons represent a waste of scarce resources and human potential.”⁷ UN principles also require that those directly affected by state policies be fully involved in the decision-making process. As Connecticut seeks reform, it should follow the standards established by the UN and other international bodies, consulting with affected communities and those formerly incarcerated and limiting incarceration and prioritizing rehabilitation in its policy.

Rehabilitation and Restoration: International Case Studies⁸

Many countries offer useful models for Connecticut as it continues to transition away from mass incarceration. Here, we focus on two meant to highlight alternatives to imprisonment and closed prison systems that better afford incarcerated people rehabilitation and resocialization opportunities.

In Germany, only 3% of all those tried are sent to adult prison. This is possible due to an individually calibrated fine system: the more financial resources a convicted individual has, the greater her fine will be, and vice versa. This ensures that fines are dissuasive but not punitive. Second, German prisons offer non-prejudicial educational opportunities. In many prisons, those incarcerated receive credentials backed by trade schools or the local chamber of commerce. These credentials make no reference to any time in detention. As a result, Germany’s recidivism rates are significantly lower than those in the US.

⁵ See *Connecticut at the Crossroads*, Sections III and V for these data.

⁶ “Overview of Preliminary Uniform Crime Report, January–June, 2020,” FBI, Sept. 2020, <https://www.fbi.gov/news/pressrel/press-releases/overview-of-preliminary-uniform-crime-report-january-june-2020>.

⁷ *Compendium of United Nations standards and norms in crime prevention and criminal justice III.13: The Kadoma Declaration on Community Service*, (1997), p. 88, para 1. <https://www.unodc.org/documents/justice-and-prison-reform/E-Ebook.pdf>

⁸ Jörg-Martine Jehle et al, *Legalbewährung nach strafrechtlichen Sanktionen: Eine bundesweite Rückfalluntersuchung 2010 bis 2013 und 2004 bis 2013*, 2016.

Norway's correctional system centers humane treatment. Correctional officers and inmates live in close quarters and socialize frequently. As one visiting journalist describes a Norwegian prison, "[the prison] maintains as much 'normalcy' as possible. That means no bars on the windows, kitchens fully equipped with sharp objects, and friendships between guards and inmates. For Norway, removing people's freedom is enough of a punishment."⁹ Those who leave Norwegian prisons commit crimes at rates far lower than those formerly incarcerated in the US.

Recommendations

To achieve these goals outlined above, we recommend the following:

1. That the state of Connecticut establish a renewed Justice Reinvestment Initiative. The initiative would cut costs associated with mass incarceration through, for example, closing prisons, reducing prison staff, and reducing the numbers moving through the trial system. A significant portion of the savings would be reinvested in measures to reduce recidivism and increase social cohesion. In Louisiana, for example, a similar initiative redirects 70% of all savings back into restorative justice, reentry programs, juvenile justice, and victims' services.¹⁰ An investment of this size would be transformational to the criminal justice landscape in Connecticut.
2. That the state of Connecticut invest further in reentry programs, restorative justice measures, and resocialization programs. As the state continues to turn away from the logic of mass incarceration, it will need new and vigorous programs to make communities whole. The state may expand pre-existing programs — such as the TRUE program — or it may bring old programs to new cities — by, for example, expanding improved reentry services into New Haven.
3. That the state of Connecticut work to ensure that prison conditions are more humane for those incarcerated, adopting policies and practices consistent with international human rights norms.
4. That the state of Connecticut work to redirect people out of the prison pipeline. During the COVID-19 pandemic, the state has used supervised and early release programs to decrease significantly its prison population, thereby proving the efficacy of alternatives to incarceration.
5. That the state establish an independent community oversight board to facilitate its justice reinvestment initiatives while bridging the gap between the public (especially those directly affected by the criminal justice system) and policymakers. Communities most affected by criminal justice policies must have a significant say in determining where justice reinvestments are made. As Connecticut works to develop new, humane, and evidence-driven policy for the next decade, it must provide a seat at the table for a diverse coalition of stakeholders from around the state. As communities directly affected by state policies rightly insist, "nothing about us without us."

For a more extensive look into the issues explored in this overview, please reference the full white paper *Connecticut at the Crossroads*, available at humanrightsnetwork.org/ct-prisons.

⁹ Christopher Sterbenz "Why Norway's Prison System is so Successful" *Business Insider*, 2014, <https://www.businessinsider.com/why-norways-prison-system-is-so-successful-2014-12>

¹⁰ See "Louisiana's Justice Reinvestment Reforms 2019 Annual Performance Report" available at <https://gov.louisiana.gov/assets/docs/CJR/2019-JRI-Performance-Annual-Report-Final.pdf>