



765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

Written Testimony on Senate Bill 462, An Act Concerning Assault of a Public Transit Employee

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am testifying on Senate Bill 462, An Act Concerning Assault of a Public Transit Employee.

Under current Connecticut law, assault is already a criminal offense that is punishable at up to a Class B felony level, if the victim is especially vulnerable or works for the Department of Correction.¹ This bill proposes to put public transit employees on a similarly elevated level, making assaulting such persons a Class C felony and punishable by up to ten years' incarceration.²

While public transit officials—and, indeed, no person—should ever be subjected to assault just for doing their jobs, making public transit officials a specially protected class with an enhanced penalty is not the answer. Mass incarceration over the past four decades has been driven in large part by increasing the lengths of prison sentences.³ Longer prison sentences have persisted, despite strong evidence that “lengthy prison terms are counterproductive for public safety as they result in incarceration of individuals long past the time that they have ‘aged out’ of the high crime years, thereby diverting resources from more promising crime reduction

¹ Conn. Gen. Stats. §§ 53a-59a, 59b.

² See Christopher Reinhart, *Connecticut Penal Code – Updated and Revised*, OLR Res. Rep. (Mar. 7, 2012), available at <https://www.cga.ct.gov/2012/rpt/2012-R-0134.htm>.

³ JEREMY TRAVIS, BRUCE WESTERN & STEVE REDBURN, *THE GROWTH OF INCARCERATION IN THE UNITED STATES*, 70 (2014), available at <https://www.nap.edu/read/18613/chapter/5>.

initiatives.”⁴ Moreover, longer sentences do not appear to have any significant deterrent effect.⁵ Systems that have reduced sentences—notably, the federal criminal system—have not noticed any effect on public safety.⁶ In short, there is no empirical evidence to suggest that creating a new victim class with increased criminal penalties will deter assaults of public transit officials in any way. The lack of evidentiary support demonstrates that this proposed change is neither needed nor wise.

The ACLU-CT is dedicated to ending mass incarceration. That effort requires that the General Assembly continue making progress towards reducing the number of people who enter the criminal legal system and reducing the amount of time that people who do not enter the system serve. The legislature will not achieve that kind of progress if it increases penalties for crimes without any real justification to do so. But, this bill attempts to do just that. The ACLU therefore opposes it and urges this Committee to do the same.

⁴ Marc Mauer, *Long-Term Sentences: Time to Reconsider the Scale of Punishment*, SENTENCING PROJECT (Nov. 5, 2018), available at <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scalepunishment/>.

⁵ *Id.*

⁶ *Id.*