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Criminal Justice Reform in the 21st Century: An Exploration of the Legislation Behind Connecticut's Second Chance Society

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**CRIMINAL JUSTICE REFORM IN THE 21ST CENTURY: AN EXPLORATION OF THE
LEGISLATION BEHIND CONNECTICUT'S SECOND CHANCE SOCIETY**

A thesis presented

by

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to

The Political Science Department

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Introduction

Due to the portrayal of mass incarceration on popular television shows such as *The Wire* and *Orange is the New Black*, most Americans are at least somewhat aware of how the country's judicial system uses incarceration to deal with the perpetual problems that society faces such as homelessness, mental illness, and the opiate crisis. I personally became interested in studying mass incarceration when I interned for the Hartford Public Defender's office in the summer of 2017. I met with victims of mass incarceration and their families. As the summer progressed, what became clear to me was that almost every person I met with did not want to go to jail, but rather was seeking help for either addiction, homelessness or domestic violence. I left my internship with one broad question in mind: Why does the criminal justice system funnel vulnerable people into prison rather than using incarceration funding to provide them with the support services they need to become productive society members? More broadly, I wanted to know what factors perpetuate mass incarceration.

The initial research I conducted suggested that mass incarceration is perpetuated by legislators who have political incentives to be "tough on crime." As the first chapter will show, legislators gain support from both their colleagues and their constituents when they vote in favor of harsh drug sentencing laws that lengthen prison sentences and mandatory minimums. This explanation satisfied me. However, while conducting research on mass incarceration I came across a limited number of studies describing a new phenomenon: criminal justice reform initiatives. Criminal justice reform initiatives are policy measures that attempt to reduce both state and federal prison populations by reducing or eliminating mandatory minimums, providing alternatives to incarceration such as rehabilitation programs or providing job-training resources to ex-offenders to reduce recidivism. I wondered where

these initiatives were coming from since the other scholars suggested that being soft on crime did not come with many advantages. I discovered the Second Chance Society, Connecticut's own criminal justice reform initiative, which was proposed and signed into law by Governor Dannel Malloy in 2015. While Connecticut had previously passed criminal justice reform initiatives including the Risk Reduction Earned Credit program which focused on giving offenders the opportunity for early release for good behavior in prison and the "Raise the Age" legislation that allowed juvenile offenders to stay in the juvenile court system until they were 18 rather than 16, only the Second Chance Society encompasses a multitude of reform proposals combined in a single bill. The Second Chance Society aims to reduce mandatory minimums for low-level drug offenses, provide expedited parole to nonviolent offenders, provide housing to homeless ex-offenders, and enroll current prisoners in job-training programs (Malloy 2015a; Malloy 2015b).

By comparing recent reports on the Second Chance Society with reports from other states with similar initiatives, I found that these are bipartisan efforts - efforts supported by both Democrats and Republicans - and that they appear to be decreasing state prison populations nationwide. My next question was: Why are some states beginning to pass reform initiatives while other states lag behind? Moral values aside, if legislators have been consistently winning supporters for the past decade by acting "touch on crime," then why are legislators from both political parties beginning to support reform initiatives? What incentives do they have to be the nice guys, when the bad guys have a history of winning? Because I had already had a firm understanding of the legislative process from my internship at the Connecticut General Assembly, my final research question became: What motivates legislators to support criminal justice reform policies that combat mass incarceration?

To find an answer to this research question, I chose to use Connecticut as a case study and to focus on how the Second Chance Society was passed in 2015. I use a combination of primary and secondary sources, statistical analysis of roll-call voting data, and interview data to provide a comprehensive explanation. The first chapter, “The Growth of Prisons and the Birth of Reform” contains my earliest research on mass incarceration and reviews more recent literature published about criminal justice reform. I argue that recent criminal justice scholarship does not entirely explain why certain legislators from both parties are coming out in support of criminal justice reform and that my research will contribute to the scholarship by providing an explanation to this phenomenon. The second chapter, “The History of Criminal Justice in Connecticut” explains why Connecticut is a reasonable case study to use for my research due to its historical and more recent criminal justice trends compared with the federal government and other states. I find that Connecticut has a similar history of incarceration to the federal government and similar states (New England) but its more recent history suggests that it is one of the first states to pass a broad reform initiative that combats mass incarceration by attacking the root causes of incarceration directly.

For the third chapter, “Partisanship, Racism, and Prison Economies: Why States Legislators Support Sentencing Reform” I use roll-call voting data from the Connecticut General Assembly to find that the factors that motivate a legislator to support criminal justice reform sentencing initiatives include being a Democrat, being a member of the House as opposed to the Senate, and representing densely-populated districts with higher minority and poverty levels. In the fourth chapter, “An Analysis of Connecticut Legislator Standpoints,” I use data collected from interviews with Connecticut General Assembly members to argue that there is no one explanation for why legislators chose to support reform initiatives. In the

conclusion I argue that there is a need to continue studying reform initiatives in order to eventually combat mass incarceration on a nationwide scale. With the Trump Administration's new push to revive the War on Drugs, states that wish to propose reform initiatives that are supported by Democrats and Republicans alike need to propose bills that appeal to a wide base of legislators. Isolating the factors that motivate state legislators to come out in support of reform will produce scholarly knowledge that political officials can use when designing their criminal justice reform bills.

After conducting this year-long study, I have found that support for reform is positively correlated with being a Democrat, being a member of the House as opposed to the Senate, and representing densely-populated districts with higher minority and poverty levels. While representing a prison district has no bearing on one's likelihood of supporting reform, legislators from wealthier and more-educated districts are less likely to support reform. I have also found that state legislators are willing to support reform based on their individual ideological perspective, their perception of public safety within their districts, and the language of the bill itself. Legislators who believe in the potential of a reform initiative to give nonviolent offenders a chance to become productive members of society are more likely to vote in favor of a reform initiative regardless of their district's demographics. On the other hand, legislators who believe that their districts will be less safe if criminal justice reform initiatives are passed are less likely to vote in support of reform even if they are from districts with low crime rates. Finally, legislators who support the concept of a reform initiative but do not agree with the final proposal as it appears on paper may end up voting against the entire measure if they are skeptical of certain parts.

Chapter 1: The Growth of Prisons and the Birth of Reform

Known as the “world’s prison capital,” the United States currently houses more than 2.3 million people in prisons or jails (Thorpe 2015; Alexander 2012; The Sentencing Project 2017). In fact, the country’s prison population has increased by 500% since 1975 (Thorpe 2015; The Sentencing Project 2017b). What is perhaps most troubling about contemporary mass incarceration is that more than one-third of state and federal prisoners are incarcerated for non-violent offenses such as drug crimes (Thorpe 2015). Most of these prisoners are racial and ethnic minorities. The racial disparities in the prison population are concerning because black men are roughly six times as likely as white men to be incarcerated on any given day (Lerman and Weaver 2010; The Sentencing Project 2017b). Although only 23% of the United States population is non-white, ethnic minorities comprise 60% of the prison population (U.S. Census Quick Facts 2017; The Sentencing Project 2017b). Over the past four to five decades, politicians from both parties have supported harsh sentencing laws that perpetuate racially disparate mass incarceration because there are numerous political advantages awarded to those who possess a “tough on crime” mentality. More recently, however, bipartisan initiatives have emerged, with some state legislators from both parties stepping forward to propose criminal justice reforms that combat mass incarceration.

Earlier research has focused on why legislators promote policies that perpetuate mass incarceration. This thesis examines a new question: What motivates legislators to support criminal justice reform policies that combat mass incarceration? To understand these motivations, it is first necessary to examine the history of mass incarceration in the United States, as well as state legislators’ motives for perpetuating it. These include racial bias, political economic considerations, and other factors.

Racial Tensions up to the 20th century War on Drugs

Incarceration in the United States has historically been perpetuated by racism, starting from the southern black penal codes – slave codes -- and the passage of the 13th Amendment in 1865. After slavery was abolished, former slave owners desired a way to regulate the behavior of the newly freed slaves (Davis 2003). The slave codes accomplished this by criminalizing acts such as breach of peace and failure to report to work for blacks but not for whites (Davis 2003). To further emphasize the criminality of former slaves, the passage of the 13th Amendment permanently abolished slavery but included a clause that made forced labor permissible “as punishment for crime” (Davis 2003). The combination of harsh black codes and the desire to keep blacks enslaved meant that the overwhelming majority of convicted prisoners were black.

Shortly after the passage of the 13th Amendment, private companies and former slave-owners began supporting convict lease systems. Convict lease systems were a way to control black labor with “chain gangs” of black convicts forced to manufacture railways and highways for hours on end with no pay (Lichtenstein 1996). Under these systems, for-profit corporations could save money by contracting with government-funded prisons to have convicts complete public construction projects for little or no pay (Lichtenstein 1996). For example, in the 1890’s Dade Coal Company and the Durham Coal and Coke Company – two prominent corporations based in Georgia – relied on convict labor rather than migrant or tenant farmer labor (Lichtenstein 1996). Ultimately the convict lease system was a way to continue the trend of pre-civil war racial domination while simultaneously emphasizing the gap between the white working-class laborer and the newly freed black slave (Lichtenstein 1996). Overall, the historical post-Civil War anti-black sentiment explains how prison trends

became racialized in the 19th and 20th centuries. Some scholars suggest that mass incarceration was further perpetuated in the 20th century – the “Age of Colorblindness” -- by the infamous 20th century War on Drugs (Alexander 2012; Schoenfeld 2012; Gottschalk 2016; Wacquant 2010).

During the War on Drugs of the late 20th century, high ranking federal politicians such as Presidents Richard Nixon and Ronald Reagan created harsh sentencing laws for non-violent drug crimes that included mandatory minimums and maximum sentences for repeat offenders (Alexander 2012). While the War on Drugs was racially neutral in theory, in practice it was mainly inner-city African-American males who were convicted and sentenced to prison for these crimes (Alexander 2012; Gottschalk 2016; Wacquant 2010). Federal politicians deliberately targeted drug crimes such as possession of marijuana and crack-cocaine which were associated with African-Americans in order to gain the support of white working-class voters who felt personally threatened by black progress (Alexander 2012). Until the Obama administration, federal leaders used the War on Drugs as a way to capitalize on the racial tensions between white working class swing voters who feared black progress as well as inner-city crime. By publicizing harsh sentencing laws as a way to combat and eliminate the inner-city crime that is typically associated with black drug users, federal politicians kept their supporters satisfied and consequently remained in good standing in office.

During the War on Drugs, and even after the War on Drugs lost its popularity, state-level politicians displayed similar behavior to Presidents Nixon and Reagan when they supported harsh sentencing laws that kept blacks incarcerated in state prisons. Between 1980 and 1993, for instance, Florida’s legislators from both parties supported legislation that

channeled resources into law enforcement agencies to combat illegal drug use and to increase drug offender incarceration (Schoenfeld 2012; Bales and Piquero 2012). In turn, they received the support of white swing voters (Schoenfeld 2012). Bales and Piquero (2012) studied the racial and ethnic differences in the Florida prison population between 1994 and 2006. Using five different statistical tests, they find that blacks are significantly more likely to receive an incarceration sentence than either Hispanics or whites for the same crimes (Bales and Piquero 2012). Since people from all ethnic groups use drugs illegally, it is not a coincidence that blacks are convicted and imprisoned for these crimes while white drug users get off with a warning. Alexander (2012) finds that crimes associated with inner-city blacks – drug crimes – carry mandatory minimums of five years for first time offenders while crimes associated with middle-class suburban whites like drunk driving typically do not carry any risk of imprisonment for the first offense, as long as no one is hurt or killed. Evidently, appealing to racial tensions in the country helped both federal and state politicians gain the support they needed to win their seats and to remain in office during the War on Drug’s heyday.

Racial Tensions and 21st Century Mass Incarceration

Scholarly evidence suggests that racial tensions continue to motivate legislators’ decisions regarding criminal justice sentencing laws in the 21st century. Several scholars agree that the racial disparities in the 21st century United States prison population are due to structural racism at the state level (Percival 2010; Johnson 2011; Jackson 2014; Enns 2014). Within this group of scholars, some argue that racial inequality in state prisons stems from the “black as criminal” stereotypes that state legislators know that their working class white constituents hold (Percival 2010; Enns 2014). Appealing to racial social stigma allows

legislators from predominately white districts to gain support from white voters when they vote in favor of harsh sentencing laws that keeps blacks imprisoned (Percival 2010). Percival (2010) finds that the political forces behind the rise in mass incarceration disproportionately affect African-Americans because legislators from counties that are more conservative and racially-diverse – meaning that there is more room for tension between the racial groups – are more likely to support incarcerating African-Americans. On the other hand, legislators from local environments that are characterized by homogenous racial populations are less likely to unanimously support harsher criminal sentencing laws because their constituents feel less threatened by black crime (Percival 2010). As such, crime rates are consistent with the public’s support for being “tough on crime” (Percival 2010; Enns 2014). When the public demands that its legislators do something to combat the perceived crime in the community, legislators respond by passing harsh sentencing laws (Enns 2014). In fact, some estimates suggest that if the public’s support for toughness on crime had remained steady since the 1970s, 20% fewer people would be incarcerated today (Enns 2014).

The ideological explanations for how structural racism perpetuates mass incarceration also exist at the individual level with individual legislators voting to incarcerate blacks due to personal ambitions rather than simply their desire to please their voters. Scholars suggest that preventing ex-felons from participating in political, civil and social life directly benefits state legislators themselves (Manza and Uggen 2004; Guetzkow and Western 2007; Weaver and Lerman 2010, 2014; Beckett and Western 2001). Felon disenfranchisement prevents black democratic voters from having a voice in elections, making it easier for Republicans to remain in office (Manza and Uggen 2004; Guetzkow and Western 2007). Having this marginal benefit makes it easier for Republicans to later vote against the wishes of their

white swing voters and not have to worry about losing their job. Keeping blacks on the margins of social life further helps both Democratic and Republican politicians manage public expenditures by cutting back on welfare spending (Weaver and Lerman 2010, 2014; Beckett and Western 2001). These scholars find that reductions in welfare spending correlate with significantly higher incarceration rates as well as a shift toward a more punitive-based approach to the regulation of social marginality (Beckett and Western 2001). Even black political elites support the reduction of welfare spending and the increase in punitive sentencing laws because it helps set them apart from their low-class counterparts (Gottschalk 2016).

Scholars who do not find that state legislator political incentives for favoring harsh sentencing laws are ideological instead find that they are largely economic but still have racial undertones (Johnson 2011; Jackson 2014). In our neoliberal state, the criminal justice system is directly tied to the labor market (Wacquant 2010). By keeping blacks behind bars at disproportionate rates, whites are made to feel as though they are above blacks because they continue to dominate in the labor force when blacks with criminal records cannot gain meaningful employment upon release (Wacquant 2010; Johnson 2011). In this case income inequality, rather than district ideology, is what strongly and positively correlates to racial disparity in state-level incarceration rates. When states have higher proportions of racial minorities and greater economic gaps, they are more likely to incarcerate African-Americans (Jackson 2014). Racial minorities are viewed as a greater threat in states with rising income inequality, and since blacks in particular are seen as the main causes of poverty, some whites believe that sending blacks to prison will decrease the income inequality gap, and the district will be more economically stable as a whole (Wacquant 2010; Jackson 2014). Thus, structural

racism perpetuates mass incarceration at the state level through the passage of harsh sentencing laws for drug crimes associated with inner city African-Americans. These sentencing laws are passed to keep blacks and their perceived devious acts away from the suburbs, the voting booths, and the primary labor market.

21st Century Mass Incarceration and Political-Economic Incentives

In contrast to scholars focusing primarily on structural racism, another set of scholars suggests that mass incarceration is perpetuated at the state level via rural legislators who seek to use the prison economy to benefit their district's financial status (Hoyman and Weinberg 2006; Huling 2002; Eason 2017; Thorpe 2015; Bonds 2009). These scholars argue that the prison economy provides incentives to state legislators from low-income rural districts to support harsh sentencing laws for nonviolent criminals and this holds for both Republicans and Democrats (Hoyman and Weinberg 2006; Huling 2002; Eason 2017; Thorpe 2015; Bonds 2009). Their most basic finding is that district level unemployment increases the likelihood that a community will pursue a prison setting (Hoyman and Weinberg 2006; Huling 2002; Eason 2017). Investments in prisons increase when state and local governments find their district economy declining due to loss of industry, the loss of federal community development funds, and the retrenchment of welfare reform social services (Bonds 2006; Eason 2017; Hoyman and Weinberg 2006; Huling 2002). Overall economic distress in a district is positively correlated with political support for building prisons in communities across the United States. This is especially true in rural America where communities have been hard hit by the phasing out of farming, mining, timber-work and manufacturing industries that have become commercialized and globalized in the past century (Hoyman and Weinberg 2006; Huling 2002).

Building a prison might seem like an attractive response to financial hardship in rural districts for several predominately economic reasons. When prisons are built in these communities economic benefits are visible and immediate (Huling 2002; Eason 2017). Prisons not only bring jobs to people who would be unemployed otherwise, but the prisoners themselves drive down the town's median income on the census, making it eligible to receive federal anti-poverty funding from the federal government (Huling 2002). Building a prison in rural districts provides a "short-term economic boon" that increases median home value, reduces unemployment, eases poverty and boosts the local retail economy (Eason 2017; 169). Further, there is evidence that state legislators from both parties take advantage of the prison economy when their district is struggling with unemployment.

While Republican state legislators typically oppose reforming harsh drug laws regardless of district characteristics, Democratic state legislators are more likely to oppose drug reform bills if there is a prison in their district (Thorpe 2015; Eason 2017). Democratic state legislators from rural districts with exceptionally large prison economies oppose reforming drug laws to make them more lenient at a consistent rate of 60%, Democratic state legislators from rural districts without prison economies oppose reform at a 20% rate (Thorpe 2015). These findings suggest that partisanship is less important to favoring drug reform than is the state of the district's economy. They also account for why there is still some cross-party support for mass incarceration at the state level despite the fact that the federal government has turned its attention away from the War on Drugs since President Obama took office. An analysis of how legislators make roll-call decisions helps to explain why racial and political-economic considerations are highly prioritized by scholars as motivations for perpetuating mass incarceration.

How Legislators Make Roll-Call Decisions

Scholars who study roll-call voting patterns in state legislatures find that state legislators consider many different factors when deciding how they will cast public votes. This explains why it is possible that legislators consider racial or political-economic incentives when they choose to support harsh sentencing policies to different extents. Some scholars suggest that legislators focus primarily on constituency preferences (Squire and Moncrief 2015; Fenno 1978). Legislators will typically vote according to what they believe their constituents want to see (Squire and Moncrief 2015; Fenno 1978). This explanation accounts for why legislators often vote for harsh sentencing laws when there are racial tensions in their districts.

Other scholars suggest that legislators may ignore their constituent preferences and vote according to what their party leaders demand (Jenkins 2006; McCarty 2011; Uslander and Weber 1977). If the party leader is Republican or even simply an avid supporter of mass incarceration, this explanation explains why legislators from particularly liberal districts may still vote in favor of punitive policies. The extent to which legislators consider each factor varies by the individual, his district, and his state. Because there is no single explanation for how state legislators cast roll call votes, both the racial and the political-economic factors likely contribute to explaining why mass incarceration persists at the state level. However, based on this scholarship, it is unclear why certain legislators are now voting in favor of reducing harsh sentencing laws, sometimes even in the face of opposition from their constituents and their party colleagues.

Bipartisan Criminal Justice Reform Initiatives

Scholars generally agree that bipartisan efforts at criminal justice reform exist at the federal level of government (Fairfax 2011; Obama 2017; Cole 2011; Adelman 2015). At the beginning of President Barack Obama's term, the Department of Justice and Attorney General Eric Holder initiated the "Smart on Crime" initiative which altered federal sentencing laws to avoid further imposing mandatory minimums on nonviolent drug offenders (Fairfax 2011; Obama 2017). Under this initiative in 2010, President Obama signed the Fair Sentencing Act which eliminated the mandatory minimum sentence for violation of crack cocaine laws (Obama 2017). At the federal level, these initiatives were the first signs of progress towards criminal justice reform and the push against harsh sentencing laws that target racial and ethnic minorities. Similar efforts at criminal justice reform exist at the state level as well (Cole 2011; Obama 2017; Fairfax 2011; Adelman 2015). New York and California have passed measures that reduce harsh sentencing laws for nonviolent offenders and offer them alternatives to incarceration such as enrollment in drug treatment centers (Cole 2011). Oklahoma, Georgia and Texas have been working towards reframing sentencing laws for crimes associated with addiction and mental illness (Obama 2017). These same scholars also point out that these reform initiatives have received bipartisan support at the federal and state levels of government (Obama 2017; Adelman 2015; Fairfax 2011).

One example of a reform initiative that received bipartisan support at the federal level is the Smarter Sentencing Act which was introduced in 2013 by Senators Dick Durbin (D) and Mike Lee (R) (Obama 2017; Adelman 2015). This measure was supported by twenty-five Senators including Ted Cruz (R) and Cory Booker (D). Acknowledging the expenses associated with imprisoning masses of low-level drug offenders, this bill sought to reduce mandatory minimums for certain nonviolent drug crimes and to eliminate mandatory life

imprisonment for repeat drug offenders (Obama 2017; Adelman 2015). The Smarter Sentencing Act of 2013 did not make it to the floor because some Republican legislators were skeptical of its implications (Obama 2017). Nonetheless, it is still significant that it received *bipartisan* support, something that would have been unheard of three decades prior. Another bipartisan reform initiative at the federal level is the Record Expungement Designed to Enhance Employment Act (REDEEM Act) which was introduced by Democrat Cory Booker and Republican Rand Paul in 2015 (Booker 2017; Tingley 2015; Murray 2016). Unlike felon disenfranchisement laws which make it difficult for felons to participate in mainstream society, the purpose of the REDEEM Act is to remove the hurdles to employment for former prisoners, specifically those who were only convicted of nonviolent crimes (Booker 2017; Tingley 2015; Murray 2016). According to Congressman Booker, the REDEEM Act was designed to reduce recidivism and to address the fact that the criminal justice system currently victimizes people of color and low socioeconomic statuses (Booker 2017). The bipartisan support for the REDEEM Act is a sign that politicians from both parties are beginning to recognize that the costs of mass incarceration outweigh any potential benefits.

Following President Obama's "Smart on Crime" agenda, state governments have begun to look towards reforming their criminal justice systems as well. For example, Connecticut's Governor Daniel Malloy recently initiated his "Second Chance Society" initiative in February 2015 (The Editorial Board 2016). Similar to the Smarter Sentencing Act, the purpose of this initiative is to reduce the number of state prisoners by eliminating mandatory minimums for nonviolent drug possession and to hasten the pardon process, thus reducing recidivism rates (The Editorial Board 2016). Governor Malloy's initiative received

bipartisan support in the state legislature and it was passed into law in June 2015 (Altimari 2015). While not all Republicans approved of the measure, Republican Bruce Morris of Norwalk along with Republican John Kissel were strong proponents of reform (Altimari 2015). Prominent Democrats such as Senate President Pro Tempore Martin Looney and Senator Eric Coleman also supported the initiative (Altimari 2015). What is less clear is why these particular individuals have decided to come out in favor of reform, while some of their colleagues remain against it.

The cases of the Smarter Sentencing Act of 2013, the REDEEM Act, and the Second Chance Society demonstrate that criminal justice reform initiatives have been growing in popularity over the past decade and that these 21st century reform measures now receive support from both Democrats and Republicans. However, scholars have not yet isolated what motivates some legislators to support reform while others remain adamantly against it. Indeed, few scholars have addressed these new criminal justice reform initiatives at all. Those who do disagree on what motivates legislator support. Similar to the scholars who study what motivates legislators to perpetuate mass incarceration, one set of scholars argues that legislators who support reform do so based on racial considerations (Donnelly 2016; Cole 2011). When racial disparities in the prison population become more apparent, legislators from both parties are more likely to vote for criminal justice reform (Donnelly 2016). When courts appear to be ignoring social concerns (i.e. the disproportionate incarceration of blacks), state legislators who value social justice respond by supporting reform policies (Donnelly 2016). This happens at the state level since state courts are more likely to deal with low level drug offenses than are federal courts.

The other set of scholars argues that legislators support reform for economic purposes (Obama 2017; Fairfax 2011; Adelman 2015). These scholars find that the national criminal justice system has become too expensive to support and therefore efforts from politicians from both parties must be made to reduce overcrowding (Obama 2017; Fairfax 2011; Adelman 2015). Incarceration is also a poor return on investment. Local governments spend \$1 million annually to incarcerate only people from one area of Brooklyn, NY (Cole 2011). Without funding for drug programs or prisoner reentry programs, these prisoners are likely to reoffend and their families will demand more welfare from the government (Cole 2011; Fairfax 2011). This is neither a lose-lose situation for the government and the black community.

Gap and My Contribution

In sum, existing literature suggests that legislators promote policies that perpetuate mass incarceration to appeal to racial biases, political-economic considerations, or to other factors. Which considerations apply to any given state legislator depend on many factors. A gap in the literature exists concerning why legislators from either party have come out in favor of criminal justice reform. Scholars suggest that racial, economic or other factors may still play a role in decision making when it comes to voting on reform initiatives, but why certain legislators support reform while others oppose it is less clear. For example, Richard Smith and John Kissel are both Republicans in Connecticut. Yet Kissel strongly supported the Second Chance Society initiative while Smith voted against it. Likewise, Bruce Morris and William Tong are both Democrats in Connecticut, but only Morris supported the initiative. Both Smith and Kissel represent rural prison districts. Current scholarship demonstrates there is no way to determine why the discrepancy in their voting patterns exists.

Based on current scholarship, I hypothesized that legislators vote to combat mass incarceration for the same reasons that other legislators vote to promote mass incarceration: racial biases and political-economic incentives. In other words, certain legislators may be more likely to vote in favor of reform because they recognize the social implications of the racial disparities in the United States prison system. To test my hypothesis, I explored the possibility that state legislators choose to vote in favor of criminal justice reform either because they themselves are racial or ethnic minorities or because they represent districts that do not rely on the prison industry. Further, returning to the case of Smith and Kissel, I determined why Republican state legislators like Kissel decided to favor reform despite having a prison economy boosting his district's economy and despite having his fellow Republicans questioning his decision.

By using a case study of Connecticut to explain what motivates certain legislators to publicly support criminal justice reform, I contributed to existing scholarship by studying why certain legislators from both parties are coming out in support of criminal justice reform. Current scholarship on criminal justice reform uses methodologies such as statistical analysis of roll call votes, policy analysis and comparative analysis of secondary literature to argue that legislators seek reform to address racial disparities or to reduce incarceration expenses. Since legislators usually consider a combination of factors when choosing which measures to vote in favor of, findings based on these methodologies do not account for every situation. This much is made clear in the discrepancies between Smith and Kissel and Morris and Tong. Legislators are real people faced with many challenging considerations when casting public votes, so reducing their mindsets to a single variable cannot possibly explain what goes through their mind when they read criminal justice reform proposals. To address this

shortcoming in current research, I interviewed Connecticut state legislators from both parties and from characteristically different districts to determine what specific factors motivate them to vote in favor of reform. Combining my firsthand interview data with other scholars' statistical analyses of roll-call votes and my own statistical analysis helped to explain why some Republicans are coming out in favor of reforms that their colleague in the next district over oppose.

Chapter 2: The History of Criminal Justice in Connecticut

Introduction: An Overview of Criminal Justice Trends

The question this chapter addresses is “What, if any, trends exist in the history of Connecticut’s criminal justice system and how do these trends compare to the federal level?” As this chapter will show, broadly, the trends in Connecticut’s criminal justice system seem to follow those of the national level, with the prison population skyrocketing in the 1980’s and reaching its peak in the early 1990’s. Until the most recent decade, the trends in Connecticut’s criminal justice data indicate that the history of its justice system is not exceptional when compared to other states and the federal criminal justice system. However, in the most recent decade, it appears to outpace the federal government as well as other states in its efforts to decrease the prison population. To make this argument, I explore and analyze statistical trends from Connecticut’s Office of Policy and Management reports. I have broken my analysis down into sections by decade. I use this chapter to validate Connecticut as a case study for the rest of my research on criminal justice reform initiatives.

The data in this chapter is drawn largely from primary sources such as Connecticut Governor reports, Connecticut Office of Policy and Management reports, and Federal bureau of Prisons reports. The Governor reports were selected by the Connecticut State Library and the Connecticut Office of Legislative Research for being the only existing sources with raw data regarding the state’s criminal justice system. The following is a summary of a combination of these sources. From approximately 1960-1969, both Connecticut and the federal government made changes to their existing criminal justice entities, including adding funding for rehabilitation services. For both, the 1960’s ended with establishing new laws to deal with repeat offenders or those accused of less serious offenses. Between 1970-1979,

both Connecticut and the country as a whole witnessed an increase in the prison population, and this trend carried into the 1980's. In that decade both the state and national government implemented greater policing and a "tough on crime" approach that led to a massive increase in both the state and national prison population. From 1990-2000, we see a continued high in mass incarceration, but at that point Connecticut starts to differ by implementing measures to address the growing prison population while both the federal government and other states continue to ignore the consequences of the rising prison population. Between 2000-2015, we start to see reform initiatives in both Connecticut and at the national level, with Connecticut taking the lead in decreasing its prison population at a greater rate.

Finally, I address the brief history of Connecticut's Second Chance Society. I first describe the initiative in order to argue that thus far it appears successful in reaching its goals of improving the standards of justice for the vulnerable offenders in the state criminal justice system and reducing the state prison population. In sum, this chapter argues that for the most part, Connecticut's criminal justice history parallels that of the federal government, but Connecticut has recently proven to be more progressive than the federal government when it comes to implementing and carrying out criminal justice reform initiatives.

The Founding of the Connecticut Department of Justice (1960-1969)

Prior to 1967, Connecticut did not have an organized prison system, but rather a disorganized scattering of jails that were known to the public as places where inmates were subjected to torture and inhumane conditions (Connecticut Planning Committee on Criminal Administration 1969; hereafter CT Planning 1969). In 1967, the Connecticut General Assembly worked with the American Foundation Institute of Corrections to create the state Department of Correction (DOC) with the goal of rehabilitation in mind. As the DOC's

commissioner said, “Our job is to develop institutional plans, personnel and programs that will accomplish the rehabilitation of as many offenders as possible and will enable those who cannot be released to adjust as well as possible to a restricted life of confinement” (CT Planning 1969). To accomplish this, the DOC was to abolish all but two jails and replace them with prisons that abide to higher standards of justice, establish training programs for inmates, and establish a probation and parole supervision division (CT Planning 1969). For the 1968 fiscal year, the DOC operated 11 correctional institutions with a budget of \$11,472,970 and a staff of 1,210 and handled the admission of 28,208 prisoners (CT Planning 1969).

Even after the abolishment of the jailing system, Connecticut officials and the general public were still not satisfied with the criminal justice system. At this point, most of the incarcerated population were petty criminals with sentences of less than two months and were accused or convicted of small misdemeanors (CT Planning 1969). As one jail administrator pointed out, “The sentenced men are thus largely made up of persons who are a nuisance to society rather than hardened criminals, persons who are economically, vocationally, educationally, emotionally and psychologically disadvantaged” (CT Planning 1969). Reacting to this sentiment, the DOC and the Legislature worked together to introduce legislation that allowed for the early release of “misdemeanants” and established community programs -- such as halfway houses and rehabilitation services -- to help them (CT Planning 1969). The most important legislative initiative was Connecticut Statute 19-484 which allowed the court to suspend the prosecution of drug dependent offenders so that they could be referred to substance abuse services. Their criminal penalties could be dismissed if they proved successfully rehabilitated (CT Planning 1969). It is evident that Connecticut’s DOC

was founded with the goal of rehabilitation rather than punishment. The same can be said for the federal government. In fact, both governments focused their efforts in the late 1960's on creating rehabilitation services and new standards of justice.

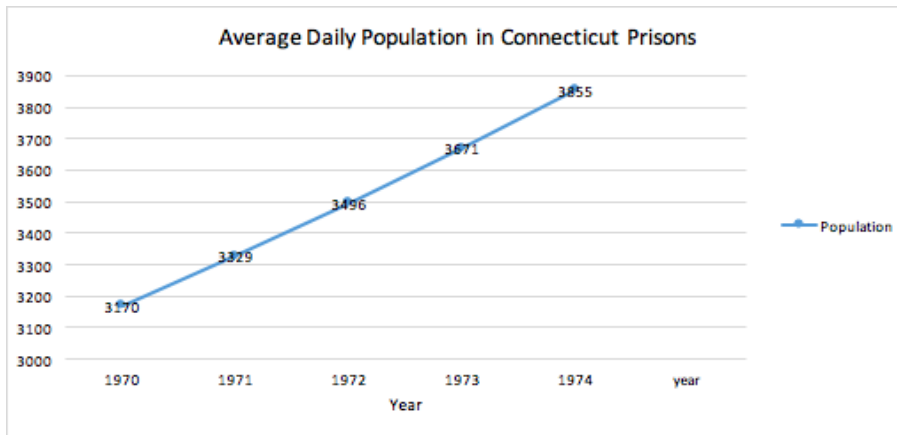
At the same time as Connecticut's DOC was being founded, the federal government sought to address the increase in serious crime with the creation of the Law Enforcement Assistance Administration (LEAA) in 1968 (Walker 1998). Recognizing the growing cost of imprisonment, this committee was established to improve the existing community-based programs and to provide additional rehabilitation services (Walker 1998). Although LEAA was controversial because it seemed to spend more on riot control than on rehabilitation, the federal government expanded probation and parole systems so that the number of federal prisoners declined from 212,953 in 1960 to 187,914 in 1968 (Walker 1998). Further, the United States Department of Justice developed the federal public defender system following the holding of *Gideon v. Wainwright* in which the Supreme Court ruled that the Sixth Amendment allows indigent defendants the right to counsel (Walker 1998; *Gideon v. Wainwright*). Thus, for both Connecticut and the federal government, the 1960's were like the calm before the storm. Both administrations focused on rehabilitation and keeping people from being subjected to incarceration whenever possible.

A Shift to a More Punitive Justice System (1970-1979)

During the 1970's both Connecticut and the federal government experienced rising costs and more punitive criminal justice systems. Although the 1970's in Connecticut's criminal justice system began with a plan to further increase diagnostic and evaluation services to aid in rehabilitation efforts, the state saw increases in the general prison population, guilty convictions, and costs and a subsequent decrease in cases disposed before

trial. Figure 2.1 shows the average daily prison population. Note that the figures for the final two years are estimates.

Figure 2.1: Estimated Average Daily Populations in Connecticut Prisons



Year	1970	1971	1972	1973	1974
Population	3,170	3,329	3,496	3,671	3,855

Source: Meskill 1972

Along with the increasing prison population, the Governor, Thomas Meskill, estimated that for the years 1971-1972, the annual criminal justice budget would have to increase from \$17,512,916 to \$18,983,574 to handle the increasing number of inmates (Meskill 1972). Yet, with all the emphasis on rehabilitation services in the 1960's, it was recommended that only 4 percent of the criminal justice budget be spent on inmate education and drug and alcohol treatment (Meskill 1972). This budget allocation was perhaps the first sign that Connecticut's criminal justice system was transitioning from its prior emphasis on rehabilitation and towards a new emphasis on punishment. Another telling sign was the fact that while costs for defender services had risen to account for the increasing criminal

population, expenditures on public defender services were about 22 percent of expenditures on prosecution (Meskill 1972).

Along with the comparatively greater funding of prosecution services, Connecticut's prison population increase paralleled the harsher treatment of the accused population in the Superior Court. Fiscal years 1971-1972 saw the Superior Court's caseload increase by 125 percent for cases resulting in guilty or *nolo contendere* pleas (Meskill 1972). Meanwhile, guilty convictions increased by 38 percent, cases dismissed before trial decreased by 41 percent and cases disposed of by trial decreased by 30 percent (Meskill 1972). In sum, for Connecticut's criminal justice system, the 1970's mark the transition to a more punitive criminal justice system that was less forgiving and less willing to provide rehabilitation services as alternatives to incarceration. The federal government experienced a similar pattern in its criminal justice system as its prison population increased from 196,441 in 1970, to 240,593 in 1975 to 301,470 in 1979 (United States Department of Justice 1986). Similarly, LEAA's budget increased from \$268,119 in 1970 to \$895,000 in 1975.

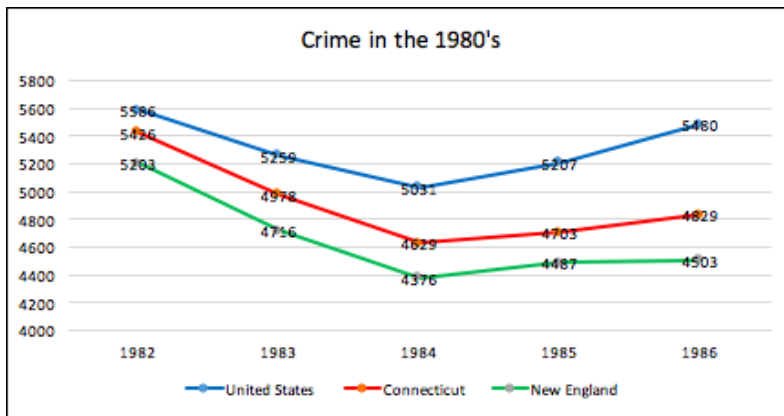
Tension Between Crime and Justice (1980-1989)

For both Connecticut and the federal government, punitive criminal justice policies, and mass incarceration more generally, took off in the 1980's. As the rate of those accused of both violent and nonviolent crimes skyrocketed, so did the prison population, to the point where it outpaced the correctional system's capacity. As previous Connecticut Governor, William O'Neill said, "The trends in criminal justice for the five-year period [1982-1987] can best be summed up by the use of one four letter word: more. More persons are being arrested for more serious offenses; more persons are being processed through the court system; more people are being placed on probation, particularly with more serious

backgrounds; more people are being incarcerated” (O’Neill 1988). Based on an analysis of criminal justice spending, the handling of offenses, and the inmate population, it is clear that the 1980’s was a period characterized by a “tough on crime” mentality supported by law enforcement and the court system. The same may be said for the federal government, as established in the previous chapter.

When looking at the fiscal aspect of Connecticut’s criminal justice system, it is telling that the 1980’s represent the largest increase in criminal justice spending in the brief state history. State and local governments spent about \$500 million each year between 1982-1986 on law enforcement, incarceration and detention, and prosecution services (O’Neill 1988). The largest increase in criminal justice spending was on policing the communities at 70 percent (O’Neill 1988). Comparing Connecticut, the United States, and New England, Governor O’Neill found that in all three categories, the number of people arrested for both violent and nonviolent crimes increased from 1982-1983, decreased in 1984, but then increased dramatically in 1986 [see Figure 2.2] (O’Neill 1988). Connecticut and New England show lower increases in violent crime compared with the country as a whole, but for the most part they follow the same pattern which is increased crime [see Figure 2.2] (O’Neill 1988).

Figure 2.2: Crimes Reported per 100,000 People in the 1980's



Year	1982	1983	1984	1985	1986
United States*	5,586	5,259	5,031	5,207	5,480
Connecticut*	5,426	4,978	4,629	4,703	4,829
New England*	5,203	4,716	4,376	4,487	4,503

Source: O'Neill, 1988; * crimes per 100,000 people

Corresponding with the increase in reported crimes, in Governor O'Neill's report to the state legislature, *Connecticut's Criminal Justice System: A Five Year Look at Trends and Issues 1982-1987*, Governor O'Neill found that the prison population increased at an alarming rate during this decade. Between 1982 and 1987, the average daily inmate population increased 39 percent, averaging a growth of 45 inmates per month (O'Neill 1988). The Connecticut State prison population increased 10.4 percent in 1986 and 8.2 percent in 1987, growing about 1,100 inmates compared with about 200 inmates each year in the 1970s (Meskill 1972; O'Neill 1988). Further, while the state's sentenced population increased about 5 to 10 percent each year between 1982 and 1987, the state's accused population increased

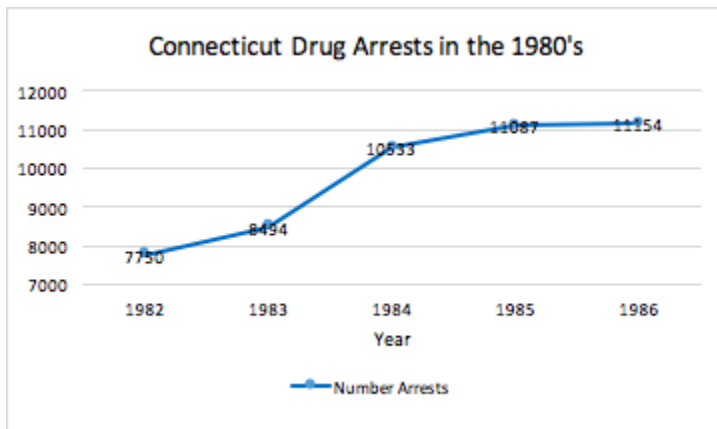
about 21 percent in just one year (O'Neill 1988). These trends demonstrate that Connecticut's criminal justice system was particularly punitive in the 1980s. Compared with the prior decade, the state sent more people to prison and the average prison sentence increased for a cumulative effect of an increased prison population. Further, the increase in the sentenced population suggests that fewer people were given the option to avoid imprisonment by participating in diversionary programs. The increase in the accused population suggests that: 1) the state made more arrests and 2) more offenders at the pre-trial state were either given no bail or were given bails they could not afford.

It has been established in the literature review of this thesis that the federal government adopted a "tough on crime" mentality in the 1980's, beginning with the Reagan administration. This is one point in Connecticut's criminal justice history where the state trends parallel the federal trends. In addition to the federal government's War on Drugs, in 1984, the Supreme Court declared "preventive detention" to be constitutional, meaning that states were allowed to authorize judges to deny bail to criminal defendants (Walker 1998). Both federal and state judges took this opportunity to imprison pre-trial defendants and the number of people held without bail in the federal court system increased by 2,733 during the first six months of 1987 and by 4,470 people in the last six months of 1988 (Walker 1998). Overall, the number of federal prisoners increased from 21,317 in 1984 to 89,587 in 1993 (Walker 1998).

In both Connecticut and the federal administration, the effects of the "War on Drugs" were visible in the criminal justice system based on sharp increases in the number of nonviolent drug offenders sent to prison. At the federal level, the number of people in federal prisons for nonviolent drug offenses was 4,749 in 1980, 9,419 in 1985, and 24,297 in 1990

(United States Department of Justice 1986). The most notable cause of the increase of federal drug offenders sent to prison is the Anti-Drug Abuse Act of 1986 which established a federal mandatory minimum of five years for anyone possessing as little as five grams of crack cocaine (United States Sentencing Commission 2015). In an interview with the New York Times, Dr. David Musto of Yale University stated that drug laws in Connecticut were not strictly enforced until the mid-1980's when the public began to see cocaine and similar drugs to be threats to society (Rierden 1992). Thus, while there is no record of any new drug laws being passed during this time period in Connecticut, the rise in arrests and incarceration rates can be explained by changes in law enforcement. The data in Figure 2.3 corroborates Dr. Musto's statement.

Figure 2.3: Individual Drug Arrests in Connecticut from 1982-1986



Year	1982	1983	1984	1985	1986
Number of Individual Arrests	7,750	8,494	10,533	11,087	11,154

Source: O'Neill, 1988

Governor O’Neill’s report found that in this decade, the number of drug offenders imprisoned “increased dramatically” and the average sentence length for these offenders increased 47 percent (O’Neill 1988). Most notably, while the number of arrests for violent crimes dipped in 1984, the number of arrests for drug offenses has increased steadily each year. Thus, the overall trend in criminal justice in the 1980’s was an increase in alleged crime, particularly drug crime.

More of the Same (1990-2000)

Walker finds that at the national level, “By the end of the 20th century, the division between Republicans and Democrats was gone, with President Bill Clinton and other Democrats advocating for more police officers, prisons, and longer prison terms and “as the century ended, the tension between crime control and justice continued with no foreseeable end” (Walker 1998). Walker accompanied these observations with the fact that both states and the federal government embraced the increasing prison population with new prison construction projects. In 1993, 113 prisons were currently being constructed across the country and 96 were being renovated (Walker 1998). Connecticut embraced mass incarceration the same way as the rest of the country, attempting to build four new correctional facilities in 1992 for a total of 20 DOC-controlled prisons (O’Neill 1988). While Connecticut witnessed a peak in drug arrests in 1994, there is no other notable trend in the history of the state’s criminal justice system in the 1990s. The 2000’s was a different story in Connecticut (Lantz 2005). Incarceration statistics at the federal level suggest the same trend, with a reported prison population of 64,936 in 1990 to 145,125 in 2000 -- a 123 percent increase -- in a single decade (Federal Bureau of Prisons 2018).

Connecticut Outpaces the National Government (2000-2014)

For readability purposes, I have broken the modern century history of Connecticut into two parts: pre-Second Chance Society (2000-2014) and post-Second Chance Society (2015-present). Even before Governor Malloy's Second Chance Society legislation was initiated in 2015, data trends from Connecticut's most recent history prove that the state been faster to make efforts to reduce its prison population than the national government. In December 2017, Connecticut's Katal Center for Health, Equity, and Justice hosted an event concerning the state of Connecticut's criminal justice system. The organization proclaimed Connecticut to be "A national leader in criminal justice reform" (Katal Center 2017). While both the federal justice system and the Connecticut DOC took initiatives to control mass incarceration in their respective prison systems, Connecticut initially outpaced the federal government which did not start seriously reversing "tough on crime" measures until the Obama Administration's Fair Sentencing Act in 2010 (Obama 2017). On the other hand, Connecticut began to address the prison and jail overcrowding crisis in 2004. The Alternatives to Incarceration Advisory Committee, established in 2003, initiated measures to improve rehabilitation and decrease recidivism such as hiring 100 adult probation officers, establishing the Probation and Transition program and establishing the Adult Risk Reduction Center which targeted high-risk probation clients (Lantz 2005).

Efforts such as these, proved to be effective for Connecticut as the state saw crime and incarceration rates that were significantly below the national averages in the early years of the 21st century. These figures are presented in Table 2.1.

Table 2.1: Crime Rates in Connecticut and the United States in 2003

	Property crime rate*	Violent crime rate*	Incarceration rate*
United States	3,588	475	482
Connecticut	2,607	308	389
% less than national	27%	35%	19%

Source: Lantz, 2005; *rate per 100,000 people

Between 1994 and 2003, the violent crime rate in the state had dropped 33 percent and the property crime rate had dropped 36 percent (Lantz 2005). While the drug offense arrest rate only dropped 29 percent over this same time-span, it is more promising to note that the number of sentenced inmates had declined 3.5 percent between 2002 and 2003, suggesting that the state was beginning to take advantage of the newly implemented treatment services for these types of offenders (Lantz 2005). In 2007, Connecticut's total crime rate fell to 2.7 crimes per 100,000 inhabitants which was the lowest it had been in 40 years (Criminal Justice Policy & Planning Division 2008; hereafter Criminal Justice Policy 2008). While in 2007 the federal crime rate had declined by a total of 2 percent since 2006, the Connecticut crime rate had declined by 4.6 percent since 2006 (Criminal Justice Policy 2008). Thus, while Connecticut and the United States demonstrate roughly parallel trends in their criminal justice systems since 1967, Connecticut successfully decreases its prison population at a greater rate beginning in the early 21st century.

Teresa Lantz of the Prison and Jail Overcrowding Commission stated that these declines are all the results of efforts made by the State of Connecticut to reduce the inmate population by supporting prisoner re-entry efforts (Lantz 2005). She wrote, "Over the last

two years [2003-2005], the criminal justice system in Connecticut has experienced a culture change where collaboration between state agencies and with community providers is viewed as essential, and addressing mental health issues and substance abuse among the offender population is recognized as critical to successful community reentry” (Lantz 2005). These efforts include hiring new probation officers to decrease probation violations, establishing the Adult Risk Reduction Center for high risk probation clients, collaborating with non-profit community organizations to support ex-offenders immediately upon release, and expanding the allocation of mental health services in jails and prisons across the state (Lantz 2005).

Despite the re-entry efforts made during this decade, Connecticut still had room for improvement. Between 2000 and 2010, the accused prison population in Connecticut grew by 38 percent, mainly due to increases in the average length of incarceration for accused inmates (Connecticut Justice Policy & Planning Division 2011). Because this population included juveniles, state officials decided to focus their first major overhaul effort on the juvenile population. To accomplish this, the Legislature approved the “Raise the Age” initiative to take effect in July 2012. This initiative raised the age at which one could be prosecuted as a juvenile instead of an adult from 16 to 18 (Connecticut Juvenile Justice Alliance 2018). By being allowed to stay in the juvenile court system, young adults who would have been incarcerated were able to take advantage of resources available in the rehabilitative juvenile justice system including vocational training and juvenile probation (Connecticut Juvenile Justice Alliance 2018). While the number of older inmates (40+) remained steady between 2009 and 2016, the incarcerated population for people under 25 fell by 41 percent during this period. This figure accounts for the 77 percent decrease in inmates under the age of 18 (Lawlor 2016a).

Another initiative passed to reduce Connecticut's prison population is the Risk Reduction Earned Credit Program (RREC). RREC, or Public Act 11-15, was signed into Law by Governor Malloy on June 30, 2011 to be implemented starting on July 1, 2012. Starting in September 2011, any state inmate not convicted of murder, capital felony, felony murder, arson murder, aggravated sexual assault 1st degree and home invasion after October 1, 1994, would be eligible to earn up to five days a month off their prison sentence (Connecticut State Department of Correction 2012). All eligible inmates could earn these credits by complying with program requirements such as attending substance abuse classes and by avoiding significant disciplinary infractions (Connecticut State Department of Correction 2012). Between September 2011 and December 2011—before the program had to be officially implemented – 2,710 offenders were discharged with RREC (Connecticut State Department of Correction 2012). This includes 24.7 percent of those convicted of substance abuse crimes (Connecticut Department of Correction 2012).

Between October 1, 2011 and December 31, 2015, 31,157 sentenced offenders were discharged from state custody after having been awarded at least one day of RREC (The Connecticut Statistical Analysis Center 2016). However, this initiative is controversial and some Connecticut politicians believe that it has only motivated crime in Connecticut as many of these offenders re-offend upon release. For this reason, I will not suggest that this program is a significant contributing factor to the decline in Connecticut's prison population prior to 2015. On the other hand, it is still the case that 45 states have sentence credit laws and at least 32 states offer good-time credits using similar guidelines to Connecticut (Lawrence 2014). At least 26 states have expanded their sentence credit programs since 2007 (Lawrence 2014).

Although not as dramatic of a decline as the juvenile prison population, overall, the states' total sentenced prison population declined from 13,998 to 11,182 between 2008 and 2015 (Criminal Justice Policy & Planning Division 2016). While the data clearly show a decline in crime and incarceration prior to 2015, the causes of this decline at both the state and federal level remain unknown. Several theories have been posited, but none have been officially proven. For the remainder of this section I will highlight some key findings from the National Conference of State Legislatures (NCSL), the only resource that provides a comprehensive and comparative analysis of state corrections policies during this time period.

Seeking to explain the national shift towards reducing state prison populations across the United States in the earlier part of the 21st century, the NCSL finds that when states implement policies to reduce their prison populations they focus on one or more of the following key areas: (1) adjusting sentences, (2) improving community supervision, and (3) addressing offender needs. Additionally, the NCSL mentions that states have been better managing their "corrections costs" by cutting down on lengths of stay, improving release programs to prevent recidivism, and decreasing operational costs through justice reinvestment program. Lastly, the federal government has been working with states to make their correctional operations more effective and efficient. While scholars and the NCSL have not been able to conclude that these efforts alone caused the declines in state prison population, they hypothesize that the factors may be associated with the country's declining crime rates and are optimistic about the future of the state of corrections. They argue that when corrections legislation meets the states' goals for public safety, offender accountability and cost-effective use of corrections resources, offenders are more likely to both avoid a prison sentence and to reoffend post-release (Lawrence 2013; Lawrence 2014).

The main factor in decreasing state prison populations has been adjusting sentence length. As Alison Lawrence of the NCSL said, “In recent years, states have re-examined who goes to prison and for how long. Legislative action has focused on preserving costly prison space for the most dangerous offenders and on authorizing non-prison sanctions when appropriate” (Lawrence 2013). Between 2009 and 2012, 24 states including New Jersey and Kentucky changed their drug crime sentencing policies to allow those accused and convicted of minor drug crimes to avoid prison in favor of attending community treatment programs or probation (Lawrence 2013; Lawrence 2014). Additionally, at least 17 states including Arkansas, Colorado, Delaware, Georgia, Kentucky, Ohio and South Carolina have reclassified or lowered their drug penalty thresholds for low-level possession crimes (Lawrence 2013). Since 2009, at least 15 states have reduced mandatory minimum sentences, at least 10 states have eliminated mandatory prison sentences for low-level or first time offenders, and at least seven states have adjusted mandatory sentences for repeat offenders (Lawrence 2013).

While adjusting sentence length may be the most significant explanatory factor for why prison populations have declined, state legislation efforts to improve community supervision and to better address offender needs for both ex-offenders and people on probation may be responsible for the overall decline in crime rates. Lawrence finds that “Effective community supervision strategies can hold offenders accountable, improve results and maximize corrections resources. An emerging trend in states is requiring corrections agencies to employ policies and programs proven to reduce recidivism” (Lawrence 2013). Since 2009, about 12 states including Arkansas, Georgia, North Carolina, Pennsylvania, South Carolina and South Dakota have required offenders in the community to be supervised

using evidence-based practices (Lawrence 2013; Lawrence 2015). Further, about 33 percent of states have begun to assess offenders for risk and need to identify the level of supervision required, thus better allocating corrections funds (Lawrence 2013; Lawrence 2015). In terms of addressing offender needs, at least 17 states since 2008 have expanded treatment diversion options which offer offenders the opportunity to participate in community-based treatment instead of going to prison (Lawrence 2013; Lawrence 2015). States have also begun to address the specific needs of military veterans in the criminal justice system. Nineteen states offer veterans specialized community treatment and 10 states have created specialized veteran's courts (Lawrence 2013).

As Lawrence said, "States are making more effective use of corrections dollars and are reaping the benefits. They are safely decreasing prison populations, reducing recidivism and improving public safety. While each policy change may have a modest or incremental effect, comprehensive and sustainable reforms collectively can help control corrections costs" (Lawrence 2013). However, states may not be so efficient if it were not for the support from the federal government. Since 2008, the federal Second Chance Act – part of the Obama Administration's efforts to reduce the country's overall prison population – has funded state, local, and community-based organization's attempts to implement reentry programs related to employment, education, mentoring, substance abuse and mental health treatment (Lawrence 2014). The Bureau of Justice Assistance (BJA) in the United States Department of Justice has funded about 600 reentry programs, family-based treatment services, career training, and program research and evaluation initiatives since 2008 as well (Lawrence 2014). At least 27 states have been investing in these types of program initiatives, collectively known as "Justice Reinvestment Strategies," and 17 of these 27 states will save

about \$4.6 billion in corrections costs between 2013 and 2019 (Lawrence 2014; Lawrence 2015). This is in addition to the \$165 million saved by 12 states in these re-entry problems (Lawrence 2014). In sum, Connecticut is one of the many states that have begun to decrease their prison populations and overall crime rates by attempting to battle recidivism rates head-on while simultaneously cutting down corrections costs and the prison overcrowding epidemic.

The Beginning of Second Chance Society (2015-present)

After seeing the unprecedented success of the “Raise the Age” legislation, Governor Malloy initiated his own criminal justice reform policy, known as the “Second Chance Society” in 2015. While the overall goal of this policy is to continue reducing the state’s crime rate, the focus of this policy is on the welfare of nonviolent offenders, mainly those who are accused of nonviolent drug offenses. Governor Malloy’s press release states that the goal of his legislation is to “truly be tough on crime by being smart on crime” which involves providing job-based educational services for inmates with shorter-sentences (Malloy 2015a). The following are Governor Malloy’s overall goals for the initiative: 1) Reclassify drug offenses to send fewer non-violent individuals to jail or prison, 2) eliminate mandatory minimums for non-violent drug possession in general, 3) expedite parole hearings and streamline the parole process for non-violent drug offenders so that the parole board can hear more cases in advance of parole eligibility dates, 4) expedite the pardons process so non-violent ex-offenders have a greater chance of finding employment, 5) assist in the re-entry process by providing job-based skills training for ex-offenders and providing housing to homeless ex-offenders (Malloy 2015b).

Reclassifying drug offenses and eliminating mandatory minimums involves reducing the penalty for possession of drugs from a felony with a 7-year maximum sentence to a misdemeanor with a maximum jail sentence of 1-year with no mandatory minimum (Malloy 2015a). Prior to 2015, the parole hearing process required the inmate to be present at multiple hearings, leading the Parole Board to be overwhelmed with cases which subsequently reduced the chances of the inmate being eligible for release at the earliest possible date (Malloy 2015b). This process resulted in more inmates being incarcerated when they were technically eligible for parole release. Malloy's proposed change involved making the hearing process optional for low-level, non-violent offenders and allowing the inmate to waive his or her presence at the hearings for victimless crimes. Instead of remaining in prison, these offenders could be released on parole as soon as their eligibility date approaches as long as they are deemed mentally stable (Malloy 2015b).

Governor Malloy considered finding employment to be a large factor in giving ex-offenders a second chance at full citizenship. He found that many offenders could not find employment after their prison sentence or after completing their probation because they were not aware of the pardons process. He proposed notifying offenders when they are sentenced, released from prison and when they leave custody of the state of the date they will be eligible for a pardon and of what they need to do to ensure that their pardon is granted (Malloy 2015b). Presumably being granted a pardon would prevent recidivism as citizens find meaningful employment after they are released and do not have to turn back to crime to make a living. To further assist ex-offenders in re-entering society, Governor Malloy proposed dedicating \$1.4 million to job-based education and employment training for former offenders

and \$1.5 million over two years for housing services for people with substance abuse problems (Malloy 2015a).

The job-based education and employment training involved expanding the Integrated Basic Education and Skills Training (I-BEST) pilot program in Connecticut which provided vocational skills training and adult basic education to current prisoners in the prison and ex-offenders at community centers free of charge (Malloy 2015b). Governor Malloy also planned to partner with community organizations and non-profits throughout the state to provide these services and then to help graduates of the programs find employment (Malloy 2015b). Lastly, Malloy proposed investing in housing for drug addicts who have dealt with long-term homelessness either before entering prison or after they are released in partnership with the Connecticut Collaborative on Re-Entry (CCR), an organization that provides housing, healthcare, mental health services and addiction counseling to its clients (Malloy 2015b). Malloy predicted that the investment could reduce recidivism from 90% to 40% for participants and save the state more than \$12 million in prison services over the participants' combined lifetimes (Malloy 2015b). Additionally, with the Second Chance Society's initial investment, the number of individuals served by CCR could increase from 100 to 400 over "several years" (Malloy 2015b).

In sum, the Second Chance Society policies appear to be designed to reduce the state prison population both in the short term and in the long term. In the short term, reclassifying drug offenses and eliminating mandatory minimums could affect the trial outcomes of anyone accused of a possession offense starting in 2015 by allowing them to avoid prison altogether or to be given a shorter sentence, leading to a reduced prison population in the first year after the policy's implementation. The effects of streamlining the parole and pardons

process would be seen more gradually, but Malloy noted that the parole board would use the same parole screening process, but faster, suggesting that this could also reduce the prison population in the short term (Malloy 2015b). The efforts to assist individuals in re-entering society were not expected to reduce the prison population or prevent recidivism within the first year. However, the fact that Malloy chose to invest in pre-existing programs rather than creating new ones suggests that returns on investment could still be seen after only a few years since implementation. Malloy's Second Chance Society appeared substantive enough to earn a place on American Progress's list of six states "leading the way to ensure that the United States remains a land of second chances" (Sculz and Vallas 2017).

The Second Chance Society passed in the Legislature by a vote of 98 to 46 in the House and 22 to 14 in the Senate after a vote of 22 to 20 in the Judiciary Committee (Connecticut General Assembly 2015b; Connecticut General Assembly 2015c; Connecticut General Assembly 2015d). Although the bill received overwhelming bipartisan support in the House and a smaller margin of favorable bipartisan support in the Senate and Judiciary Committee, testimony before the Judiciary Committee suggests that not all members of the public favored its implementation. Supporters from Administrative Agencies included Karen Buffkin, General Counsel to Governor Malloy, the African-American Affairs Commission, and the Office of the Chief Public Defender (Connecticut General Assembly 2015a). The State of Connecticut Division of Criminal Justice did not support the bill, arguing that the state should focus on rehabilitation rather than reclassifying a "host of serious crimes as misdemeanors" (Connecticut General Assembly 2015a).

Other sources of support included the Yankee Institute for Public Policy, the American Civil Liberties Union of Connecticut, the Connecticut Business & Industry

Association, the Connecticut Conference, United Church of Christ, the Connecticut Criminal Defense Lawyers Association, and the Malta Justice Initiative (Connecticut General Assembly 2015a). Len Fasano, on behalf of the Senate Republicans, supported reclassifying possession charges for small amounts of narcotics but opposed faster Parole hearings. Chandra Bozelko, a Connecticut Citizen with a criminal record, opposed the bill thinking that the policy would not reduce recidivism but would allow ex-offenders to hide their pasts (Connecticut General Assembly 2015a). Although each supporter cited different reasons for their support, in general each argued that it is important for Connecticut to reduce corrections costs and to not only end mass incarceration for non-violent criminals but also to ensure that they are given the resources they need to reintegrate into society after conclusion of their prison sentence (Connecticut General Assembly 2015a). Whether supporting testimony made a difference in the legislator's decision to ultimately pass the bill is uncertain, but it signifies that the public sentiment in Connecticut had mostly shifted from the punitive sentiment that overwhelmed states in the decade prior.

The 2016-2017 fiscal year in Connecticut marks significant changes to the state prison population. While some of these improvements are unrelated to the Second Chance Society, statistics related to drug offenses suggest that the enactment of the Second Chance Society is beginning to reduce the prison population. Between 2008 and 2016, the DOC reported that criminal arrests were down 31%, arraignments were down 19 percent, total admissions were down 30.3 percent and pre-trial admits were down 29.3 percent (Criminal Justice Policy & Planning Division 2016). Between 2010 and 2016, the total prison population decreased 14.1 percent and the sentenced population declined by 27 percent (Lawlor 2016b). In September 2017, Mike Lawlor, Secretary for Criminal Justice Policy and

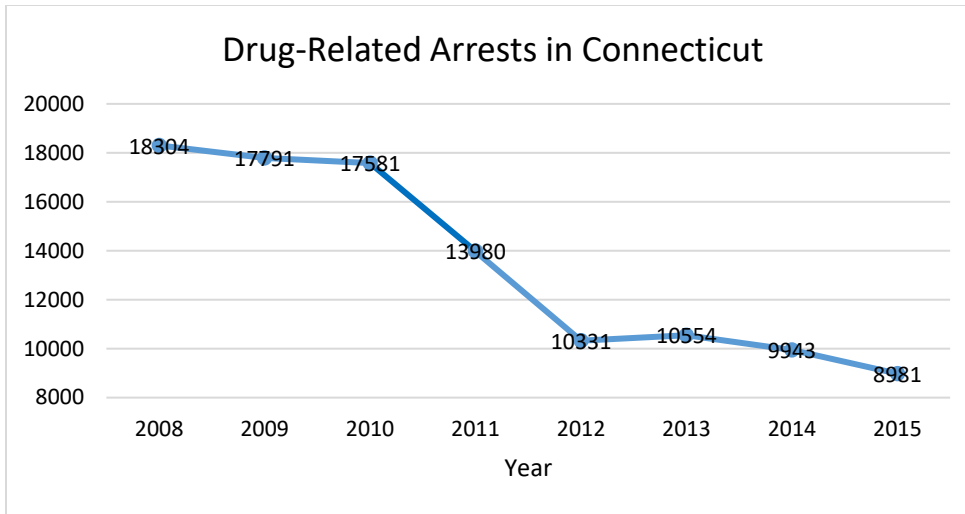
Planning reported to Governor Malloy that reported crime in 2016 was the lowest it has been since 1967, with the inmate population being at a 23-year low (Lawlor 2017a). Lawlor highlighted the effects of “Raise the Age,” noting that the number of arrests for 17 year olds in 2016 was 65% lower than in 2008 (Lawlor 2017a).

In total between January 2011 and January 2017, the number of sentenced offenders was down 21 percent, the total population was down 18 percent, and the reported crime rate was down 16 percent (Lawlor 2017a; Lawlor 2016a). Most significantly, Connecticut has had the largest decrease in overall crime out of all 50 states each year from 2013 to 2017 (Lawlor 2017a). In December 2017, the sentenced population was under 10,000 people which was a milestone for the state whose peak was 15,429 of these offenders in 2008 (The Connecticut Statistical Analysis Center 2018).

Even though the Second Chance Society had only been in effect for two years, the “Second Chance Society Implementation Update” found that in 2016, the initiative prevented the pre-trial drug offenders from being sent to prison, and it helped to decrease the sentenced population of drug offenders in 2017, leading to a combined 67 percent decrease in the number of people imprisoned for drug possession (Lawlor 2017a; Lawlor 2016b). More specifically, between October 2015 and September 2016, the number of people imprisoned on 21a-279 class offenses -- possession of narcotics or controlled substances -- decreased by 61 percent, or 229 fewer people in state prison for narcotics-possession offenses (Office of Policy & Management 2016; Criminal Justice Policy & Planning Division 2016). The number of sentenced offenders for this crime dropped 58 percent that same year (Office of Policy & Management 2016). Further, drug-related crimes represent the largest percent decrease of all major crime types in Connecticut. While drug-related arrests dropped 51

percent, violent crimes dropped 48 percent, burglaries dropped 39 percent, larcenies dropped 15 percent, and simple assaults dropped 20 percent (Criminal Justice Policy & Planning Division 2016). This is demonstrated in Figure 2.4.

Figure 2.4: Drug-Related Arrests in Connecticut



Year	2008	2009	2010	2011	2012	2013	2014	2015	% Change
Number of Inmates in CT Prison	18,304	17,791	17,581	13,980	10,331	10,554	9,943	8,981	-51%

Source: Connecticut’s Declining Prison Population

Between the years 2005 and 2016, the federal criminal justice system also experienced a decrease in the prison population. Figure 2.5 summarizes the population counts for the federal prison system and Connecticut state prison system and the yearly percent change for each.

Figure 2.5: 21st Century Prison Populations and Their Yearly Changes

	2005	2006	2006	2008	2009	2010	2011	2012	2013	2014	2015	2016	%Change 2015- 2016
CT Total	18,001	17,928	18,902	19,438	18,978	18,053	17,746	17,022	16,347	16,594	16,167	15,500	
CT % Change*		-0.4%	5%	2.84%	-2.37%	-4.71%	-1.7%	-4.07%	-3.97%	1.5%	-2.57%	-4.12%	9.1%
US Total	187,396	192,584	200,020	201,668	208,759	210,227	217,768	218,687	219,298	214,149	205,723	192,170	
US % Change*		2.77%	3.86%	0.8%	3.5%	0.7%	3.59%	0.4%	0.3%	-2.35%	-3.93%	-6.58%	2.5%



Source: Lawlor 2017a; Lawlor 2017b; Federal Bureau of Prisons 2018; *change in individuals per year

As Figure 2.5 shows, both Connecticut and the United States experienced their greatest prison population in the mid-2000's and an overall decrease between 2014-2016. The main difference is that while Connecticut's prison population reached its peak in 2008, and declined every year thereafter (with the exception of 2014), this was not the case for the federal justice system. The federal justice system did not reach its peak population until 2013, and had been increasing up to that year. These data suggest that when it comes to criminal justice, Connecticut has been outpacing the federal government in decreasing its prison population.

Conclusion: Connecticut is Progressive

Referring back to this chapter's research question, the data suggests that there are noteworthy trends in the history of Connecticut's criminal justice system. When it comes to imprisonment, Connecticut's trends parallel those at the federal level on a smaller scale until the 21st century. Both levels of government spent the 1960's adding rehabilitation and probation services to their prison system to decrease the number of people incarcerated on a daily basis. Both levels of government began increasing their imprisonment funding in the 1970's and then saw a steep increase in their respective prison populations in the 1980's. Corresponding with the national "tough on crime" sentiment and the War on Drugs, both criminal justice systems ended the 20th century with their prison populations at all-time highs. These increases in the prison populations align with the increased number of arrests for all categories of crime.

Beginning in the early 2000's Connecticut saw both a decrease in arrests and a declining prison population before the federal government. This deviation from the national model suggests that Connecticut's push for alternatives to imprisonment to lessen the burden

from state prison overcrowding were more successful than not. Even before the Second Chance Society was implemented, Connecticut saw a decrease in drug arrests and subsequent imprisonment for those offenses due to legislation changes in the juvenile court system and re-entry support efforts made in the adult justice system based on the recommendations made by the Prison and Jail Overcrowding Commission. With one exception -- 2014 -- Connecticut's prison population has decreased every year since 2008. On the other hand, the federal government only began to see a decreasing trend in 2013. The history of Connecticut's criminal justice system ends on a high note with its prison population reaching an all-time low and dropping below 10,000 in December 2017.

Considering that this chapter has shown that Connecticut's 21st century reform initiatives – particularly Raise the Age and Second Chance Society -- have been successful relative to those at the federal level, the next chapter of this thesis will explore the question “What factors motivate state legislators to vote in favor of criminal justice reform initiatives?” It has already been established in the literature review and this chapter that while reform efforts at both the state level and the federal level have been met with bipartisan support in some states but not others, it is now important to determine why this is the case. Based on the demonstrated success of passing and implementing these initiatives in Connecticut, I used this state as a case study for my research to determine why state legislators allow such comprehensive and advanced reform policies to pass into law.

Chapter 3: Partisanship, Racism, and Prison Economies: Why State Legislators

Support Sentencing Reform

Criminal Justice Reform in Connecticut

At the end of 2015, the United States prison population totaled 6,741,400 adults (Kaeble and Glaze 2016). While the United States still incarcerates more individuals per capita than any other country, it is important to note that its incarceration rate has decreased by 115,600, or 2 percent, since 2014 and about 16 percent since 2007 (Kaeble and Glaze 2016). Current scholarship on criminal justice reform describes initiatives at both the federal and state levels to reverse the growth of the prison population over the last two decades. While scholars make it clear that more and more legislators are beginning to push for more lenient sentencing laws, it is less clear why progress rates vary so much across individual states. In other words, it is difficult to determine based on current scholarship why some state legislators are beginning to come out in favor of criminal justice reform while their colleagues remain against it.

To address this gap in scholarship, this thesis examines what motivates state legislators to support criminal justice reform policies that combat mass incarceration. To respond to this question I use an analysis of Connecticut legislator roll call votes to test what factors influence a legislator's likelihood of supporting bills aimed at decreasing the prison population. I find that high population density districts, districts with a high nonwhite population, and districts with higher poverty levels are all correlated with higher support for reform and that being a Democrat, a member of the House rather than the Senate and having a low district median household income are statistically significant factors that motivate state legislators to support criminal justice reform policies that combat mass incarceration.

Scholars generally agree that bipartisan efforts at criminal justice reform exist at the federal level of government and that the “tough on crime” politics of the 1980’s and 1990’s have become less prominent (Fairfax 2011; Obama 2017; Cole 2011; Adelman 2015). Many of these federal initiatives were proposed and passed during the Obama Administration in which both Democrats and Republicans in Congress came out in favor of reducing mandatory minimums for nonviolent drug offenders (Fairfax 2011; Obama 2017). For example, in 2010 President Obama signed into law the Fair Sentencing Act which eliminated the mandatory minimums for crack cocaine users, marking the first time that mandatory minimums were repealed by Congress since the Nixon Administration (Cole 2011; Obama 2017).

While changes have been made at the federal level, it is important to look at criminal justice reform initiatives at the state level in order to accurately describe incarceration trends in the United States. Most criminal justice sentencing is left to the discretion of state and local governments which oversee 90 percent of the total United States prison population (Obama 2017). An analysis of current literature suggests many state governments are joining the federal government by reforming sentencing policies for nonviolent drug offenders (Cole 2011; Obama 2017). Both Democratic and Republican dominated states are participating in the reform movement. For example, in 2009 New York reduced harsh sentencing policies for drug possession and property crimes (Cole 2011). Additionally, California’s Proposition 29 decreased its state prison population by giving nonviolent drug possessors the opportunity to enter rehabilitation programs instead of being sent to prison (Cole 2011). Surprisingly, traditionally “red states” including Georgia, Texas, and Alabama have passed their own reform initiatives, backed by bipartisan support (Obama 2017).

According to Allison Lawrence (2016), at least 25 percent of states (13 states out of 50) have started sentencing reform initiatives to reduce their prison populations, thus reducing the amount of state funding spent on incarceration. For the first time ever, these states have started funding rehabilitation programs for drug offenders instead of incarcerating them (Lawrence 2016). Although progress is slow, about half of these states have reduced their prison population since 2009 (Lawrence 2016). In 2014 and 2015 five additional states – Alabama, Idaho, Mississippi, Nebraska, and Utah – passed reform initiatives to reduce imprisonment costs by over \$1 billion over the next two decades (Lawrence 2016). Other states including California, Florida, Georgia, Illinois, Massachusetts, Michigan, Nebraska, Ohio, Pennsylvania, New York, Texas, and Virginia have closed some prisons altogether (Cole 2011). State reform initiatives are thus widespread and have occurred in both Democratic and Republican states.

Another intriguing dimension of state variation is the discrepancies among states in terms of prisoners per capita (Cole 2011; Obama 2017; Adelman 2015). Some states such as Louisiana and Texas have significantly higher incarceration rates than others, while other states such as Maine and Minnesota have very low incarceration rates (Cole 2011). For every 100,000 people, Louisiana incarcerates 776 and Texas incarcerates 568 compared with 132 for Maine and 196 for Minnesota (The Sentencing Project 2017a). Overall, in the United States the prison population rates range from 132 at the low end and 776 at the high end (The Sentencing Project 2017a). The vast discrepancies in state criminal justice systems suggest that reform is less uniform at the state level than the federal level and thus we cannot just study federal initiatives. What remains unclear is why some state legislators are choosing to support reform to a greater extent than others. This thesis examines a particular state

legislature -- Connecticut -- to explain why some state legislators are beginning to support reform while others are not. I will analyze Connecticut State legislature roll-call votes from 2000 to 2017 followed by interviews with state legislators. By looking at variation among legislators in Connecticut, I will identify factors that might explain state-by-state variation in embracing reform more broadly.

Connecticut serves as an effective case study of criminal justice reform for several reasons. First, Connecticut is in the middle of the country on key metrics of prison variation by state. Statistics related to its prison population show that it is neither the most nor the least punitive state, assuring that it is not an outlying case by any measure. Connecticut is ranked 15th in the United States for prisoners per 100,000 adults (Glaze 2011). On a per capita basis, Connecticut's incarceration rate is slightly below average compared with the rest of the country. Incarceration rates vary drastically across the states, but the average state prison population rate is 454 prisoners per 100,000 residents while Connecticut is at 312 prisoners per 100,000 residents (The Sentencing Project 2017a). There are 20 prisons in Connecticut, including one federal facility, which range from pre-detention centers to super-maximum security (Connecticut State Department of Correction 2015). Second, my findings on Connecticut may be generalized to other small New England states which are currently understudied. Like Connecticut, these states also have lower per capita incarceration rates compared with other regions of the country. While Thorpe (2015) studied California, New York and Washington, Eason (2017) studied Arkansas, and Bonds (2009) studied Idaho and Montana, scholars have yet to focus on New England. Further, because New England states are generally considered to be the most progressive states, early criminal justice reforms implemented here may subsequently guide other states. Thus far, there is a lack of

scholarship on the varying sentencing initiatives across the fifty states and this study aims to address this gap by adding findings that may be generalized to include to an additional six states.

Connecticut is an especially relevant case to study because it only recently passed a large criminal justice reform initiative. Titled the “Second Chance Society,” this initiative was proposed by Governor Dannel Malloy in 2015 and received support from both Democratic and Republican legislators. This incentive was designed to reduce the state prison population by lessening or eliminating mandatory minimums of nonviolent drug offenders (Altimari 2015). Following implementation, the state’s prison population reached a 20-year low in 2016 (Pazniokas 2016; Dixon 2016; The Editorial Board 2016). The prison population dropped from approximately 20,000 inmates in 2008 to about 14,500 in March 2017 (The Connecticut Statistical Analysis Center 2017). This is a 25 percent reduction rate over a decade and the Connecticut Office of Policy Management predicts that the prison population will drop to 14,000 inmates by January 2018 (The Connecticut Statistical Analysis Center 2017). Key proponents of the Second Chance Society include leading Republican Senator John Kissel and key Democrats including President Pro Tempore Martin Looney and Senator Eric Coleman (Altimari 2015). What is less clear is why these particular individuals have decided to come out in favor of reform while some of their colleagues remain against it.

Theory and Hypotheses

Current scholarship suggests that there are several possible reasons why some legislators are motivated to push for sentencing reform to lower mass incarceration rates while others consistently favor punitive sentencing laws. The two main hypotheses that will

be tested in this study pertain to party affiliation and whether a legislator represents a prison district.

Hypothesis 1: Legislators affiliated with the Democratic Party will be more likely to support criminal justice reform initiatives.

Considering that Democrats are known to be the more progressive and liberal party, party affiliation may play a role in motivating a legislator to support reform. Current scholarship suggests that legislators may ignore their constituent preferences and vote according to what their party leaders demand (Jenkins 2006; McCarty 2011; Uslander and Weber 1977). Although current scholarship suggests that there is bipartisan support both for and against criminal justice reform, I hypothesize that party affiliation might influence Connecticut legislators' decisions on sentencing matters, with Democrats voting in favor of reform at higher rates than Republicans. This is because Connecticut, like the rest of New England, has had Democratic majorities in both the House and the Senate for the past decade (Satter 2009)¹. Squire and Moncrief (2015) find that when parties are represented unevenly in state legislatures, members of the majority party typically vote along with the majority of their party knowing that not only will they likely lose if they side with the other party, but they could potentially alienate themselves from their party leader's favor. These members risk backlash if they compromise their party's comparative power. Satter (2009) finds that the wider the margin between the majority and minority party, the more freedom members have to vote against their party. However, considering that the Democratic Party in Connecticut has been leading with decreasing margins each year in the past two decades, it

¹This changed in 2017 when the Senate experienced a partisan tie with 18 Democrats and 18 Republicans

may be concluded that Connecticut Democrats are more likely than not to vote along with the majority of their party.

Further, it is also the case that the Governor's party affiliation influences whether his legislative proposals will pass into law (Squire and Moncrief 2015; Satter 2009). When the Governor is affiliated with the same party as the majority party in the legislature, members of that party will be more likely to vote the way the Governor wishes (Squire and Moncrief 2015; Satter 2009). To further the Democratic Party's stronghold over the state government, Connecticut has been led by a Democratic Governor since 2010 when Malloy was elected. For all these reasons, I hypothesize that being affiliated with the Democratic Party will be associated with supporting criminal justice reform.

Hypothesis 2: Legislators who represent districts that do not rely on the prison economy will be more likely to vote in favor of sentencing reform because they do not necessarily rely on prison economies. Additionally, the model included controls for other incentives: district population density, the proportion of minorities in the district, and constituent education level.

While scholars who study voting patterns typically relate their findings to party affiliation and argue that a legislator's party affiliation is the primary influencing factor in his voting behavior, a more recent body of scholarship focuses on how the characteristics of a legislator's district are relevant to his decision making process. Within the past decade, mass incarceration scholars have begun to study what makes state politicians more likely to vote in favor of harsh sentencing laws that have led to the mass incarceration of nonviolent, low-level drug offenders. The literature on why legislators support punitive incarceration policies is extensive, and introduces key hypotheses about legislator voting behavior on this issue. In particular, these scholars find that having a prison in one's district makes him or her more likely to vote in favor of harsh sentencing laws. This is especially the case in districts where the economy is dependent on the prison. Because having a prison motivates legislators to

support mass incarceration policies, I hypothesize that the opposite is true in the case of supporting reform initiative. In other words, not having to rely on a prison economy motivates legislators to vote in favor of reform.

Prison siting is particularly important to Rebecca Thorpe (2015) who finds that legislators are more likely to oppose reform and to support punitive sentencing policies when they represent low-income, rural communities where the majority of constituents are white which rely heavily on the prison economy. Constituents in these districts are typically less educated and earn lower salaries (Thorpe 2015). Thorpe (2015) and Eason (2017) suggest that having a prison in one's district is correlated with higher constituent poverty levels, lower population densities, and a less educated population. These scholars also find that prisons are more likely to be placed in rural districts with low population densities and lower household incomes (Thorpe 2015; Eason 2017; Bonds 2009).

Thorpe finds that in California, New York and Washington state legislators representing rural and semi-rural districts with two or more prisons vote against reform at a rate of 90 percent (Thorpe 2015). Contrastingly, those with one prison vote against reform 60 percent of the time (Thorpe 2015). In urban districts with two or more prisons, the opposition to reform is reduced to 75 percent versus the 90 percent in rural or semi-rural districts (Thorpe 2015). In urban areas with no prisons, the opposite rate is only 40 percent (Thorpe 2015). Hoyman and Weinberg (2006) and Huling (2002) confirm Thorpe's conclusions with their own findings that economically distressed districts are more likely to have legislators who support building and maintaining prisons in their district. In other words, these scholars find that while having a prison economy is a key factor in voting behavior, it is also important to look at the particular characteristics of the district itself to determine whether the district is

actually reliant on the prison economy. This suggests that legislators from urban districts, where there is likely an economy other than the prison industry, are less likely to vote in favor of maintaining high incarceration rates.

Based on current scholarship regarding what motivates legislators to support punitive incarceration policies in New York, Washington, and California, I hypothesize that the opposite will be true of legislators who choose to support reform in Connecticut. In sum, I predict that Connecticut legislators will support criminal justice sentencing reform initiatives if they are Democrats. The same will apply if they represent districts that do not have prisons, have a relatively low poverty rate, a high percentage of nonwhite constituents, high median household income rates, college-educated constituents, and high population densities based on the factors studied in other scholarship. In the following sections, I attempt to see whether findings from other states (particularly California, Washington and New York) apply to Connecticut.

Methodology

In order to measure what motivates some legislators to come out in favor of criminal justice reform initiatives quantitatively, I compiled a dataset of all Connecticut criminal justice bills passed into law between 2000 and 2017 that either proposed to increase or decrease the state prison population.

To find a list of all the bills that relate to sentencing in Connecticut between 2000 and 2017, I had the Connecticut Office of Legislative Research create a list based on the “OLR PA Summary Book” which they have available online and as a hard copy in their legislative library. For each bill listed, I used the “Quick Bill Search” feature on the Connecticut General Assembly website to find a text of the act as passed into law as well as the list of roll

call votes for both the House and the Senate. My dataset consists of 18 bills, eight of which seek to reduce the prison population. The 18 bills I used are described in Appendix A which is sorted into two tables. The first table consists of bills that support mass incarceration (oppose reform) and the second table consists of bills that support decreasing mass incarceration (support reform). The “Year Enacted” column refers to the session year when the bill was signed into law by the Governor. The “CGA File Number” column refers to the number assigned to each bill by the legislative staff. This number may be used on the Connecticut General Assembly’s website to search for the particular bill. The “Summary” column summarizes how the enactment of the given bill will either increase or decrease the state’s prison population.

Some examples of bills I included that aim to decrease the prison population (support reform) are those that: (1) Allow judges to impose less than mandatory minimums on nonviolent crimes, (2) expand sentencing task forces to make sentencing more fair and uniform, (3) replace imprisonment with probation for convictions of crimes that do not constitute class A felonies, and (4) repeal options for certain defendants to participate in special alternative incarceration programs. Some examples of bills I included that aim to increase the prison population (oppose reform) are those that: (1) remove mandatory minimum discretion for drug crime sentencing, (2) make human trafficking a crime, (3) makes allowing minors to possess alcohol on private property a crime, and (3) increase penalties for ID theft using chip scanners, for violating laws concerning juveniles in the workforce and for violating telephone records laws.

Because Thorpe (2015) is the only scholar to study roll-call votes in conjunction with support for certain sentencing laws, I have used her criteria to compose a similar dataset.

Like Thorpe (2015), I only included bills related to nonviolent crimes because all legislators tend to favor bills that increase prison sentences for violent offenders. Also, in order to model Thorpe’s criteria whenever possible, I chose not to include three types of bills: those that involve rape and murder, those that focus on the juvenile justice system, and those that involve victim services. I did not include bills related to the juvenile justice system because Thorpe does not mention whether or not she included such types of bills in her own dataset (Thorpe 15). Considering that she focuses on nonviolent drug crimes, and juveniles are usually not incarcerated for these crimes, I decided to omit such bills from my own analysis. Lastly, I did not include bills that involve victim services because these do not relate to the sentencing of the offender.²

In my original dataset constructed using Microsoft Excel, roll call votes are coded a 1 if they support reform and a 0 if they do not. The dependent variable is a legislator’s proportion of support for reform bills, across the number of bills they voted on. My dataset consists of all legislators who voted on any criminal justice bill between 2000 and 2017. There are 440 legislators represented in this dataset. My second dataset consists of only legislators who voted on more than ten bills. There are 136 legislators represented in this dataset. Using these dichotomous counts, I computed what I will call a “reform support score” for each legislator. I did this by dividing the total number of bills they supported by the total number of bills they voted on.

² To find each member’s party affiliation and district number, I went to the Connecticut General Assembly website and used the “Legislative Guides” link on the main page. Produced by the Office of Legislative Management, this resource led me to a comprehensive list of each legislator who was in office during a given year and his party and district information. More specifically, under the table of contents for each year’s legislative guide, I first recorded data from the “Alphabetical Roll of the House” and then I recorded data from the “Alphabetical Roll of the Senate.” Since many legislators have the same last names, and the House roll-call votes are only recorded by last name, I used the records from the State House website to align the same-named with their terms in office.

To identify the factors predicting support for reform, I also collected additional variables on district characteristics including district population density (measured in people per square mile), percent of district constituents that do not identify as white, the percentage of each district below the federal poverty line, median household income, and education level measured by the percent of constituents that have at least a Bachelor's degree.

Apart from the roll-call votes themselves and the party and district information of the legislators, I also included information on my dataset about the legislative districts. These data were drawn from Census Reporter profiles, a website that profiles state legislative districts using information pulled from the 2015 United States Census. This website provided district characteristics including the population density, racial/ethnic identities of constituents, poverty levels, median household incomes, and education levels.

Using this dataset, I conducted both bivariate analyses and a multivariate analysis to determine whether there are any patterns related to support for reform and district characteristics. If the case study of Connecticut matches my prison hypothesis, my data should show that legislators with higher reform support scores represent districts that do not rely on prison economies. Based on Thorpe's findings, I expect that high reform support scores will correspond to districts with higher population densities, higher minority populations, lower poverty levels, higher median incomes and more educated constituents.

Prior to considering my two main hypotheses, I first conducted a bivariate analysis of correlations to see whether there is any correlation between a legislator's reform support score and the characteristics of his district. The purpose of this bivariate analysis is to determine whether Thorpe (2015) and Eason's (2017) findings in other states apply to Connecticut. When analyzing the correlation between reform support scores and district

characteristics, the dependent variable is each legislator’s reform support score. The independent variables are the district characteristics which are: (1) District population density, (2) percent of district constituents that do not identify as white, (3) the percentage of each district below the federal poverty line, (4) median household income, (5) education level measured by the percent of constituents that have at least a bachelor’s degree, (6) population density, and (7) percent Republican. Before I consider my party affiliation hypothesis and my prison siting hypothesis in the multivariate analysis, I test whether these district characteristics have any correlation with legislator voting patterns in Connecticut like they do in Thorpe and Eason’s states.

Analysis of Bivariate Results

Table 3.1: Profiles of Connecticut Legislative Districts – Average

	Districts with 0 Prisons	Districts with 1 Prison	Districts with 2+ Prisons	Districts with 1+ Prisons
Number	135	42	14	56
% Poverty	7	18	6	15
% nonwhite	23	52	21	45
Median Household Income (\$)	81,053	58,441	82,009	63,940
%BA +	40	29	35	30
District population density (per square mile)	2007	4675	808	3772
% Republican Legislator	47	22	48	27

Source: United States Census Reporter 2016; Connecticut State Department of Correction 2015

To determine the extent to which my case study, Connecticut, exemplifies a similar pattern to Thorpe's case studies, I first used the U.S. Census state legislature district profiles to determine the average percent of the district living below the federal poverty line, the average nonwhite population of the district, the average median household income, the average percent of the district holding a bachelor's degree or higher, and the average population density for districts with no prisons, one prison, and two or more prisons respectively. According to current scholarship, I expected to find that prison districts are associated with higher poverty levels, fewer minorities, fewer constituents holding college degrees and lower population densities. My calculations are displayed in Table 3.1.

When I was conducting my initial calculations I divided the districts into those with no prisons, one prison and two or more prisons as Thorpe (2015) does in her analysis. However, I found that districts with one prison are associated with higher poverty and minority levels than those with two or more prisons. Considering that prison districts such as Hartford and Bridgeport only have one prison, it is not surprising that these outliers skew the data. Since Hartford and Bridgeport do not represent the prison district as described by Thorpe, I added another column to the table that includes all districts with one or more prisons. A comparison of districts with no prisons and districts with one or more prisons suggests that being a prison district is associated with a higher average poverty level, a higher percentage of nonwhite constituents, a lower median household income, fewer constituents holding a bachelor's degree, and a greater population density. All of these results except for the percentage of nonwhite constituents and the population density align with Thorpe's characterizations of prison districts. Again, it is possible that Hartford and Bridgeport, two densely populated urban districts with high minority populations are skewing the data. To

control for these outliers, I calculated the median district profiles for districts with no prisons and districts with one or more prisons.

Table 3.2: District Profiles – Median

	Median 0 Prisons	Median 1+ Prisons	Difference
% Poverty	6	12	-6
% Nonwhite	19	34	-15
Median household Income (\$)	77,815	63,160	14,655
% BA+	39	28	11
Population Density	1225	1516	-291

Source: United States Census Reporter 2016; Connecticut State Department of Correction 2015

The calculations in Table 3.2 suggest that overall, prison districts are still associated with higher poverty levels, larger nonwhite populations, lower median household incomes, fewer constituents holding college degrees and higher district population densities. However, the median nonwhite population difference is 15 percentage points in Table 3.2 while it is 22 percentage points in Table 3.1. In Table 1.2 the difference in population density between prison districts and non-prison districts is 290 people per square mile compared with 1,765 people per square mile in Table 3.1. These results suggest that with the exception of two variables, Connecticut’s prison districts display similar characteristics to those in New York, Washington and California, ensuring that Connecticut is indeed a valid case study for this thesis.

Table 3.3: Correlation Between District Characteristics and Support for Reform*

	District population density	% district nonwhite	% district poverty	Median district household income	% BA +
All legislators	0.06	0.09	0.08	0	-0.1
Legislators with 10+ votes (more active legislators)	0.37	0.23	0.27	-0.27	-0.22

Source: United States Census Reporter 2016; Connecticut State Department of Correction 2015

*Correlations are not statistically significant

Thorpe (2015) and Eason (2017) both find that representing a prison district makes a state legislator more likely to vote in favor of punitive sentencing laws. However, Thorpe in particular tests other factors that influence the extent to which a legislator’s district needs to rely on the prison economy. Scholars find that districts with lower population densities, disproportionately white populations, high poverty levels, and low incomes and education levels are more likely to be represented by legislators who favor mass incarceration policies. Since I have found that Connecticut’s prison districts are similar to those in New York, Washington and California, I expect to see that legislators are more likely to support reform if they represent districts with high population densities, disproportionately high minority populations, lower poverty levels, and more educated populations. To determine which district factors influence support for reform, I calculated the correlation between the district characteristics and the legislators’ support for reform scores. I calculated the correlations using the scores of all 441 legislators represented in the dataset. However, because some legislators only voted on one or two bills, their support scores are either artificially high or

artificially low. In order to reduce the influence of these artificial support scores, I recalculated the correlations using only data from legislators who voted on ten or more bills. However, this also did not result in strong correlations. In Table 3.3, the correlations for the entire dataset are represented in the first row, and the correlations for the more active legislators are represented in the second.

The correlations between the district characteristics and support scores for all legislators are weak, so my analysis will focus on the correlations pertaining to the more active legislators. I find that there is a moderate positive correlation between support scores and district population density and the percent of the district below the federal poverty line. There is a moderate negative correlation between support scores and median household income. There is a weak positive correlation between support scores and percent minority population. Lastly, there is a weak negative correlation between support scores and college education level. Considering only the moderately correlated factors, my calculations demonstrate that legislators who represent densely-populated districts with higher poverty levels and lower median household incomes are more likely to support reform initiatives. Within my second hypothesis I predicted that higher population densities would correlate with more support for reform because Thorpe (2015) and Eason (2017) found the opposite to be the case in their studies of rural areas. However, I predicted that it would be representatives of districts with lower poverty levels and higher median household incomes who support reform, and this turned out not to be the case.

Because my bivariate analyses have not led to any significant findings relevant to my two hypotheses, I next conducted a multivariate analysis in order to test the effects of several factors – party affiliation, chamber, having a prison, minority population, and median

household income – on the legislators’ reform support score while holding constant all other factors that might be responsible for the observed association. More specifically, I test to determine whether there is a statistically significant association between being a Democrat and representing a prison site and willingness to support reform while controlling for other potentially confounding factors. I also test other possible factors that may or may not influence reform support scores. In terms of my first hypothesis, I predict that the multivariate analysis will show that being Democrat is statistically significant. In terms of my second hypothesis, I predict that the multivariate analysis will show that representing a prison district is statistically significant. If my hypotheses are proven, being a Democrat and representing a non-prison district will be associated with higher reform support.

Analysis of Multivariate Results

Table 3.4: Predictions of Support for Prison Reform

Variable	Support
Republican	-.06** (.02)
Senate	-.05** (.02)
Prison District	-.00 (.02)
% Minority	.00 (.00)
Median Household Income	-.00** (.00)
Constant	.85*** (.05)
Adjusted R ²	0.3458
N	440

Source: United States Census Reporter 2016; Connecticut State Department of Correction 2015
*p < .1; **p < .05; *** p < .01

As Table 3.4 shows, the characteristics that are statistically significant are party affiliation, chamber and district income. Contrary to my second hypothesis, there are no statistically significant relationships between representing a prison district and support for reform or representing a prison district or representing a large minority district in the state of Connecticut and support for reform. While I did not hypothesize that chamber affiliation

would make a difference, this appears to be the case. These results suggest that a legislator was more likely to support reform if he is a Democrat, a member of the House (not Senate), and has a district with a lower median household income.³

Discussion

The purpose of this chapter has been to determine what motivates state legislators in Connecticut to break away from the trend of supporting mass incarceration to instead supporting criminal justice reform initiatives that seek to lower mass incarceration rates by decreasing mandatory minimums and providing alternatives to incarceration such as probation or parole. Based on current scholarship for what makes legislators more likely to support mass incarceration, I had hypothesized that Democratic legislators would be more likely than their colleagues to support reform and that legislators from districts that do not rely on prisons, have relatively low poverty rates, educated populations and high median household incomes will be more likely than their colleagues to support reform.

In the multivariate analysis, my first hypothesis was supported, but only parts of my second hypothesis are supported. As my multivariate analysis demonstrates, being a Democrat is statistically significant in its association with support for reform. In other words, Democrats are more likely to support reform initiatives than Republicans as my first hypothesis predicted. My second hypothesis predicted that legislators without prisons in their districts will be more likely to support reform overall because their constituents do not need to rely on the prison economy for income. This portion of my hypothesis was based on the finding by multiple scholars that mass incarceration is perpetuated at the state level via rural

³ I ran an additional multivariate regression which excluded bills that create new laws, leaving only bills that reduce or increase sentencing in the analysis based on the possibility that legislators would have incentives connected to the specific crime in question rather than incarceration or sentencing reform overall. The results of this analysis were virtually the same.

legislators who take advantage of the prison economy to support their district's financial status (Hoyman and Weinberg 2006; Huling 2002; Eason 2017; Thorpe 2015; Bonds 2009). According to my multivariate analysis, this is not necessarily the case because there is no statistically significant association between reform support scores and the presence of a prison in a legislator's district. The lack of association in my results suggests that legislators do not necessarily support reform simply because they do not need to rely on prisons for financial reasons. Evidently, there are other explanations at play that are not considered by mass incarceration scholars.

My second hypothesis also predicted population density and constituent minority rates to potentially influence support for reform. I expected that legislators who represent more densely populated districts, specifically urban cities, would be more likely to support reform for the same reason as they would support reform if they had a prison in their district: They do not need to rely on the prison economy. Thorpe (2015) found that prisons between 1982 and 2010, that all new prison sitings in New York were located in rural districts. Eason (2017) also found that building a prison in rural districts provides a "short term economic boon" (169). Because of these findings, I expected the results for support for reform to be the opposite. I expected that legislators who represent districts with larger minority populations – which are often urban by nature – would be more likely to support reform as well because Thorpe (2015) found that legislators who represent predominantly white districts are less likely to be concerned with the association between minorities and mass incarceration. Per my hypothesis, my results show that representing a densely populated district with a high percentage of minorities is correlated positively, but weakly, with likelihood of supporting reform. This is especially true of legislators who have voted on ten or more bills, suggesting

that legislators who stay in office for longer periods of time do not necessarily alter their stances on criminal justice reform over time. Again, the lack of associations in my results suggests that there are other reasons why legislators support reform that are not considered by current scholars.

Further, I hypothesized that low poverty rates and higher household incomes would lead representatives who represent such districts to be more willing to support reform because there is less reason to rely on its own prison economy or a neighboring prison economy. Thorpe (2015) concluded that it was legislators who represented improvised districts were most likely to support punitive sentencing policies because prisons provide employment to those without college degrees. This ends up not being the case as legislators from wealthier districts are actually less likely to support reform. While there is no scholarly evidence to explain this finding, it is possible that a fear of crime sentiment among constituents in these districts may be the cause of their legislators voting against sentencing reform.

Overall, my findings suggest that legislators who vote in favor of sentencing reform do not do so for the opposite reasons that legislators vote in favor of punitive sentences. There are two possible explanations for the discrepancy between my results and Rebecca Thorpe's. The first explanation is that legislators who vote in favor of sentencing reform do so for reasons that have not been studied by scholars and that are unrelated to the motivations behind support for mass incarceration. This explanation is plausible considering that all my correlations were weak, and this could be due to confounding factors at play that were not isolated in my analysis. Because there is no existing scholarship to support other possible

factors that I did not test, it is impossible to run another multivariate analysis that controls for such variables.

The second explanation is that Connecticut is too geographically different to be compared with Thorpe's case studies: New York, California and Washington. This is especially true in the prison locations across the four states. In New York, California and Washington, prisons are heavily concentrated in rural districts with a larger proportion of unemployed and undereducated residents (Thorpe 2015). While there are more prisons in Connecticut districts that align with these characteristics, 40 percent of Connecticut prisons are located in urban districts (Connecticut State Department of Correction 2018). It is possible that the location of the prisons could have less influence on voting patterns than the distance between the prison sitings and other economic hubs. This is where Connecticut differs from New York, California and Washington.

Connecticut is a geographically small state. It has an area of 5,018 square miles and is 90 miles long and 55 miles wide (United States Census Bureau 2018). New York has an area of 54,556 square miles and is 330 miles long and 283 miles wide (United States Census Bureau 2018). California has an area of 163,696 square miles and is 770 miles long and 250 miles wide (United States Census Bureau 2018). Washington has an area of 71,362 square miles and is 240 miles long and 360 miles wide (United States Census Bureau 2018). The differences in sizes suggest that perhaps rural prison reliance only applies to larger states where it would be difficult to travel from a rural town to a metropolitan center to find employment. This leaves such residents with little choice but to find employment within their small towns and this happens to be prison industrial complexes (Thorpe 2015). On the other hand, Connecticut is small enough so that small town residents do not have to travel too far

to find employment in a city. Connecticut residents who reside in small towns have the option to work for the prison industry, but they are not confined to this industry the way residents of New York, California and Washington may be.

Even where there are correlations in the above quantitative analysis, it does not explain causal mechanisms. In other words, while it can be used to demonstrate that correlations exist between support for reform and district characteristics, it does not explain *why* legislators in more densely populated districts are more likely to support reform or why legislators in wealthier districts are more likely to oppose reform. Are these sentiments specific to race, socioeconomic status, or is there another contributor? Interviews with legislators will help me to further my analysis allowing me to identify causal mechanisms that cannot be explained by studying roll call voting patterns alone.

Conclusion

In sum, these preliminary findings tell a somewhat different story than current scholarship would predict. If legislators' motivations for supporting criminal justice reform were truly the opposite of the motivations for favoring mass incarceration put forth by scholars, then the presence of a prison site and representing districts that do not need to rely on the prison economy would have been associated with higher reform support scores. Since this is not the case, the factors that predict creating sentencing policies are evidently different in Connecticut than in New York, Washington and California as well as rural Arkansas which Eason studies (Thorpe 2015; Eason 2017). The differences among these case studies cannot be explained by mere analysis of roll-call voting patterns. There are clearly other factors at play that have yet to surface. To determine what other factors motivate state

legislators to support criminal justice reform initiatives, I selected qualitative data that will potentially broaden the scope of my quantitative analyses.

Since Governor Malloy's Second Chance Society initiative has been the major reform initiative in Connecticut in the past decade, I selected a sample of Connecticut legislators to interview based on their votes on either Senate Bill 952 or House Bill 7104 as these are the Second Chance Society roll call votes. I have chosen to focus on this particular bill because it passed in 2015 and many of the legislators, or at least their staffers, who voted both for and against it are still in office today. They still remembered their reasoning for making the vote and what they took into consideration when deciding to vote for or against. It is also the most concrete example of a reform initiative at the state level in Connecticut. While a vote in favor of the Second Chance Society suggests that a legislator favors decreasing the state prison population, only qualitative data gives a fuller picture of what motivated the legislator to vote in favor of it. In other words, what factors did they prioritize when determining how to cast their votes?

Although my multivariate analysis produced mostly weak correlations, it is still a strong point for further inquiry because it does suggest that correlations exist demographic factors and support for reform. Because weak correlations exist, the next step in this research process is to determine why such is the case. In order to gather the most comprehensive data for my qualitative analysis, I selected my sample based on the criteria found to be statistically significant in my multivariate analysis because my goal was to determine why those factors are significant. For example, what makes Democrats more likely to support reform than Republicans? Are prison sites more influential than my analyses suggest? Is there something about being in the House that makes a legislator more likely to support reform? Finally, why

do legislators from wealthier districts oppose reform, especially if their economies do not rely on prisons?

Chapter 4: An Analysis of Connecticut Legislator Standpoints

Introduction

In the previous chapter, I conducted a quantitative analysis of roll-call votes from members of the Connecticut General Assembly in an attempt to isolate what motivates state legislators to break away from the trend of supporting punitive sentencing laws to supporting criminal justice reform initiatives. Overall, I found that in the state of Connecticut, factors that motivate a legislator to support criminal justice reform sentencing initiatives include being a Democrat, being a member of the House, and representing densely-populated districts with higher minority and poverty levels. Additionally, while representing a prison district has no statistically significant relationship with one's likelihood of supporting reform, legislators from wealthier and more-educated districts are less likely to support reform.

The findings that emerged in the previous chapter set the stage for further inquiry. While these conclusions roughly determine *who* is likely to support criminal justice reform initiatives, they do not suggest *why* such legislators are more likely to support the initiatives than their counterparts. To address this research shortcoming, this chapter analyzes six interviews with various Connecticut General Assembly members. The question this chapter seeks to answer is: What, if any, causal mechanisms explain why Connecticut state legislators are beginning to support criminal justice reform initiatives? This knowledge will help scholars understand why some state legislators are supporting criminal justice reform when there are strong political incentives to vote against such policies.

Methodology

My initial goal in selecting a random sample of Connecticut General Assembly members to be interviewed was to get at least 10 legislators whose characteristics represent

Connecticut's legislative body more generally. All factors listed in Table 3.4 of Chapter 3 were considered in my selection and include party affiliation, chamber, whether the legislator represents a prison district, the percent of minorities in the district, and the district's median household income. Because this thesis focuses on the Second Chance Society, I first attempted to interview both Democrats and Republicans who voted in favor and who voted against the bill. Next, I sought to ensure that I had interviewees who represented both the House and the Senate, and prison districts and non-prison districts. Thirdly, where possible, I attempted to find legislators who represent urban and rural districts, wealthy and poor districts, and legislators who are either minorities themselves or who represent districts with large proportions of minorities. Ideally, my final sample would be representative of the state government while simultaneously providing me with enough data to flesh out the findings in my quantitative analysis.

I wanted to select a broad sample of legislators in order to find at least one viewpoint that addresses each of the factors considered in the previous chapter. It would have been a simpler task to select one factor to study and interview an equal number of legislators on both sides. For example, I could have focused on the correlation between representing a prison district and support for reform. In this case I would have had to ask questions with the goal of isolating the extent to which the prison's presence, or lack thereof, influenced the legislator's vote and why. However, considering that the weak correlations in both the bivariate analysis and the multivariate analysis suggest that other factors play into a legislator's decision to vote in favor of reform beside the ones controlled for, I chose to take into account all of the variables at once in the hope that this would allow me to elaborate on the correlations discovered in my quantitative analysis, and also to potentially compare the legislator's

responses with one another to determine why the correlations exist. For example, in the previous chapter, I found that legislators who represent districts with higher median household incomes are less likely to support reform, but I had no way to determine why this is the case. Comparing my interview results with such legislators against those who represent lower-income districts would allow me to determine the overall extent to which financial status played into the legislator's decision relative to the other factors in question.

With the goal of determining why the weak correlations exist in my quantitative analysis and to develop a better understanding of what the significant correlations really meant, I composed a list of seven main questions to ask each legislator that touch base on at least one of the variables being studied. Table 4.1 lists the questions I asked and includes a brief explanation of why I chose to ask the question.

Table 4.1: Interview Questions and their Purposes

Question	Purpose
Walk me through how you or your constituents have approached criminal justice reform in the past decade. Has it been a priority on your legislation agenda relative to other issues?	To determine the extent to which constituent involvement influences a legislator’s vote on criminal justice reform issues.
Tell me why you voted for/against the Second Chance Society bill? What was your rationale?	To determine which influential factors the legislators could recall without being further prompted.
How was your party involved in legislating the bill? How did your party influence your views?	To determine the extent to which “party politics” plays a role in legislator voting patterns.
Was your party leader’s stance clear throughout the session?	To determine whether party-leader stance is a significant factor not controlled for in the previous chapter.
How did the House versus the Senate view the bill?	To determine whether the association found in the previous chapter is coincidental.
You do/do not have a prison in your district. How has this influenced your vote?	To determine whether having a prison in one’s district influences his likelihood of voting in favor of criminal justice reform.
What do you see happening with the state’s criminal justice system in the near future now that Second Chance Society has passed?	To determine whether the legislators considered future effect of the bill when voting.

I expected that by comparing the legislator’s answers to these questions I could determine what, if any, causal mechanisms explain why state legislators are beginning to support criminal justice reform initiatives that quantitative data does not find. Based on my bivariate and multivariate analysis combined with current scholarship on mass incarceration and state legislatures, I had specific expectations for what I would find in the responses to each question. For the first question, scholarship suggests that legislators typically vote according to what they believe their constituents want to see or to what they believe will convince their constituents to re-elect them (Squire and Moncrief 2015; Fenno 1978). I expected that if the legislators who voted in favor of Second Chance Society told me their

constituents were passionate about criminal justice reform, then this would be one motivating factor for favoring reform that exists but could not be quantified in the previous chapter. The same holds true for the second question, where I expected the legislator's responses to suggest other motivations they had for either supporting or opposing the 2015 bill that were not previously controlled for. Because the correlations between factors controlled for and support for reform were weak, I expected at least one legislator to list something that I had not previously considered.

The legislators' responses to the third through the fifth questions were expected to help me flesh out the reasons why the correlations from the previous chapter exist. In terms of the third and fourth questions which relate to party politics and leadership, much scholarship finds that when legislators do not follow their constituents' preferences it is because their party or party leaders have demanded that they vote a certain way (Jenkins 2006; McCarty 2011; Uslander and Weber 1977). This is because party leaders often punish ranking members for not following their wishes by removing them from desirable committees or taking away their Chairship position (Squire and Moncrief 2015). Because scholars find criminal justice reform to be a bipartisan issue with legislators coming out in support for reform from both parties, and a proportionally greater number of Democrats voted in favor of Second Chance Society than Republicans, I expected that partisanship played a greater role in the measure's passing than current scholarship suggests. On the other hand, current scholarship does include being a member of the House as opposed to the Senate as an influencing factor in making roll-call decisions, yet my quantitative analysis proved this to be the case. I expected to use the legislators' responses to determine whether the

association I found was purely coincidental or whether there are aspects of being a House member that make one more likely to support reform initiatives.

The sixth question I asked specifically addresses my findings in relation to current scholarship. Mass incarceration scholars find that representing a prison district in a rural region is statistically significant in relation to support for punitive sentencing laws (Thorpe 2015; Eason 2017; Huling 2002). However, I find that there is no statistically significant association between representing a non-prison district and support for reform. I assumed that a comparative analysis of the answers to this question would allow me to determine why my results differed from those of other scholars. This finding would help determine why the main incentivizing factor for supporting mass incarceration according to Thorpe (2015) is not the main dis-incentivizing factor for Connecticut state legislators who support reform. Finally, I asked the legislators where they see the state's criminal justice system going in the near future because I wondered if this question would elicit results that elaborate on the findings from my other questions. For example, a finding that legislators who voted "Nay" on the Second Chance Society bill all expect to see crime rates increase since the measure's passing would suggest that state legislators are still inclined to disfavor reform because they are afraid of the implications of increased crime. Such a finding would contradict Thorpe's conclusion that motivation for mass incarceration is solely economic.

Between January 2018 to April 2018, I conducted six interviews with various Connecticut state legislators. As planned, my sample is comprised of an equal number of Democrats and Republicans and Senators and Representatives. The legislators in the sample represent rural, suburban and urban districts and some have prisons while others do not. Demographically, the legislators represent diverse districts in terms of population density,

median household income, percent minority and education level. Figure 4.2 provides a summary of the legislators as well as the characteristics of their districts. It also includes the demographics of Connecticut as a whole to suggest that my sample fairly representative of the state and its legislators as a whole. A brief biography of each legislator is in Appendix B.

Table 4.2a: Legislators and Their District Demographics

Legislator	Party	Chamber	Vote on Second Chance Society Bill	Areas Represented	District Population Density (people/sq. mile)	% Minority	Median Household Income	Educational Attainment of constituents (% with Bachelor's Degree or Higher)	Prison
Jason Rojas	Democrat	House	Yay	Manchester, East Hartford	7,600	46.1	\$62,500	25.7	No
William Tong	Democrat	House	Yay	Stamford, Darien	4,950	19.6	\$114,000	62.7	No
Toni Walker	Democrat	House	Yay	New Haven	6,980	68.7	\$30,000	35.1	Yes
Paul Formica	Republican	Senate	Nay	Bozrah, East Lyme, Montville, New London, Old Lyme, Old Saybrook, Salem, Waterford	7,820	24.7	\$66,100	44.1	No (there is a prison one town over from New London)
Tony Hwang	Republican	Senate	Nay	Easton, Fairfield, Newtown, Weston, Westport	4,628	12.4	\$120,600	60.2	Yes
Len Suzio	Republican	Senate	N/A	Cheshire, Meriden, Middlefield, Middletown	4,945	32.1	\$63,800	37.7	Yes

Table 4.2b: Demographics of Connecticut

	Population Density (People per sq. mile)	% Minority	Median Household Income	Educational Attainment (% holding at least a Bachelor's Degree)
Connecticut	678.8	19.4	\$71,000	38

Source: United States Census Bureau 2017; Statistical Atlas 2015a; Statistical Atlas 2015b; Statistical Atlas 2015c; Statistical Atlas 2015d; Statistical Atlas 2015e; Statistical Atlas 2015f

Analysis of Findings and Discussion

Prior to analyzing the interview results it is important to consider that the sample of legislators interviewed may possibly skew the results. While all types of districts are represented as well as both parties and chambers, no Senate Democrats or House republicans are included in this sample. Further, there were Senate Republicans who voted in favor of the bill and House Democrats who voted against the bill, but none of these legislators elected to be interviewed. It is possible that the legislators interviewed chose to be interviewed because they have a political agenda that involves making their stance on criminal justice known publically. Lastly, selection bias may have played a role in the sampling selection because Representatives Rojas and Walker and Senators Hwang and Formica are all affiliated with the Trinity College Legislative Internship Program.

Party Involvement and Influence

One of the most statistically significant findings in the previous chapter is that being a Democrat is significantly associated with support for reform. This finding was somewhat surprising considering that criminal justice reform initiatives are generally recognized for their bipartisan nature (Fairfax 2011; Obama 2017; Cole 2011; Adelman 2015). Thorpe (2015) even found that Democrats are more likely to oppose reform in favor of mass incarceration if it benefits their district's economy. The contradictory findings between my research and existing scholarship suggested that more data was needed to determine why party affiliation matters in the case of Connecticut but not in the other regions studied.

Overall 86 Democrats voted in favor of the Second Chance Society while 12 voted against it and 33 Republicans supported the bill while 48 opposed it.⁴ The legislators were

⁴ In the House, 69 Democrats voted "Yay" and eight Democrats voted "Nay" on the Second Chance Society. In the same chamber, 28 Republicans voted "Yay" and 38 Republicans voted "Nay" on the bill. In the Senate, 17

split on the extent to which they believe partisan affiliation influenced the vote. Four of the six legislators interviewed do not believe that their party affiliation influenced their vote. Only two of the three House Democrats – Rojas and Walker – believe that party affiliation explains why the vote was split along party lines in both chambers. The other four legislators argued that the votes came down to personal preference. Because personal preference cannot be scientifically studied, it is still difficult to determine how party affiliation influences a legislator’s decision to come out in support for reform. More specifically, Hwang, Formica, and Tong all noted that their party affiliation did not influence their votes and that the issue is generally bipartisan. Although existing scholarship does support the fact that reform is becoming an increasingly bipartisan issue, the correlation between reform support and being a Democrat in Connecticut still contradicts Thorpe’s finding that partisanship does not factor into the decision to favor reform (Thorpe 2015).

Rojas’s view differed from his colleagues in that he argued that party mattered in the vote. However, he also appeared to be speaking about party more generally and he emphasized that his voting decision was based on his own moral conscience. Nonetheless he said, “Republicans tend to run under the ‘tough on crime’ mantra, more so than Democrats do and Democrats tend to want to be a bit more flexible. Generally speaking, Republicans want to remain as a block and again, that’s the whole politics. They just don’t want to be seen as being weak on crime. And I think some of them may genuinely believe their stance. They don’t think that this is an issue” (Jason Rojas 2018; hereafter “Rojas 2018”). Additionally, while Walker believes that the vote came down to personal preference first and foremost, she does see how it is possible that party matters when it comes to financing reform initiatives.

Democrats voted “Yay” and four voted “Nay” on the Second Chance Society. Five Senate Republicans voted “Yay” while 10 voted “Nay” (Connecticut General Assembly 2015c; Connecticut General Assembly 2015d)

As the chair of the Appropriations Committee she believes that Republicans will always vote “Nay” on liberal issues unless they are convinced that money will be saved. She believes that in this case, the Republicans were willing to vote in favor of the Second Chance Society when they were convinced that incarceration costs could not be settled unless action was taken (Toni Walker 2018; hereafter “Walker 2018”).

To answer the question of why legislators are coming out in support of reform, these findings suggest that party affiliation is still a plausible explanation, but state legislators consider other factors as well. It is however possible that the legislators’ pronouncements that party does not matter is not wholly truthful. Regardless of position, there are likely very few political leaders who would willingly admit to following their party’s view rather than taking a stance as an individual.

Party Leaders

Both the Democrats and the Republicans in the sample suggested their party leaders to be open about getting Second Chance passed. However, they also found that the members did not always follow their party leaders even though they were aware of their leader’s support. Republicans Hwang and Formica both noted that the Republican President Pro Tem, Len Fasano “supported and worked on negotiating the final version” (Tony Hwang 2018; hereafter “Hwang 2018”). Hwang said, “For Senator Fasano it was in our agenda. We proposed forms of Second Chance Society. I was very much a part of that” (Hwang 2018). Even though Hwang and Fasano worked closely with one another on similar issues, Hwang ultimately went against Fasano when he voted “No” and Fasano voted “Yes” on Second Chance Society. Hwang does not feel that his position has been compromised by going against Fasano on the issue.

Rojas also found that while the leaders made their stance clear throughout, not all Democrats were ready to follow them. He said, “I think there are always members who will follow leader’s loyalty. But it depends. I don’t know if their personal view on the matter has that much effect on what individual members will do. So it’s a case by case basis” (Rojas 2018). None of the legislators interviewed could estimate the extent to which the party leaders influenced their colleagues, but each was convinced that he would not vote a certain way just because a leader told him to. This bill may also have more party affinity than others because as Hwang said, “If the Governor is driving the matter or the bill, which in this case is happening, then there is more of a party affinity to that viewpoint” (Hwang 2018). In sum, it cannot be concluded that pressure from party leaders influences state legislators to either come out in favor or against criminal justice reform initiatives. To draw such a conclusion, interview data from Democrats who voted against the bill would be helpful.

Constituents’ Approach

Regardless of party or district characteristics, five of the six legislators shared the sentiment that their constituents did not have a strong opinion one way or the other on the Second Chance Society’s passing. For example, Representative Tong said, “My constituents did not reach out to me about this bill more so than any others. They weren’t active on the issue” (Hwang 2018). When asked what bills his constituents frequently reach out to him with opinions on, Tong mentioned tolls. Wealthier suburban residents and even lower-middle class city residents thus are more concerned with issues that affect them directly. Similarly, Senator Formica said, “I did not receive much or any input [on Second Chance Society]” (William Tong 2018; hereafter “Tong 2018”). Taken together, the statements made by Tong and Formica neither confirm nor deny scholarship that suggests that legislators vote

according to what they perceive their constituents wants to be (Squire and Moncrief 2015; Fenno 1978). Thorpe (2015) and Eason (2017) used case studies to imply that legislators who vote in favor of mass incarceration when it benefits their district's economy do so out of concern for their constituents' financial well-being, but there is no evidence to conclude that the opposite is true for legislators who do not support harsh sentencing laws.

Senator Hwang mentioned that his constituents had mixed feelings on the bill when he said, "My constituency is very very complex on this issue because I think there is a social consciousness to support and empower those seeking a second chance from mistakes made. But they're also concerned about their public safety and their personal well-being. It's on a case by case standpoint. We really do need to differentiate between habitual and violent criminals and those incarcerated for low-level offenses" (Hwang 2018). Representative Rojas had a similar input when he said, "It's likely that I got a handful, maybe a dozen to two dozen emails about it, but that's it. You know crime is a concern no matter where you live, but crime isn't a big issue or concern in my district" (Rojas 2018). Both of these legislators indicate that constituents do consider their community's personal safety, but imply that as long as their constituents feel safe, they will not be vocal on criminal justice issues. Although there is limited data to support this claim, these answers suggest that perhaps concern for crime within a legislator's district explains why he might favor reform. A legislator who represents a low crime district could possibly be more likely to come out in support for reform because he has no reason to research the issue when he could be studying the pros and cons of other issues that his constituents have brought to his attention.

Rojas did mention that he believes legislators representing heavily minority districts will hear a more definite stance on criminal justice issues from their constituents. He said,

“Legislators from districts with more minorities might be more likely to address criminal justice issues. It’s a far more salient issue there, especially because of how segregated Connecticut is racially... So naturally, with the way the criminal justice system works, when you have the vast majority of people in prison being people of color, it will be a much more salient issue in those communities” (Rojas 2018). Rojas’ statement is corroborated by this interview sample. The legislators with the two highest concentrations of minorities in their districts – Rojas and Walker – both voted in favor of the bill. Both of these legislators are minorities themselves and both are personally passionate about the issue. On the other hand, Suzio represents the third highest minority district and he voted against the bill.

Only Walker felt that her constituents had a clear stance on the issue. This difference seems to be due to her second job. Walker is an Assistant Principal for an alternative high school and she works directly with children and parents involved in the criminal justice system. Additionally, she represents the highest minority district of all the legislators interviewed. She remembers that her constituents came to her asking for help with their children’s criminal charges which motivated her to become involved in criminal justice reform in the first place. Walker also finds that as an African-American politician, many of her constituents trust her to help them, saying that “My constituents wanted me to be more proactive because they felt that racism was a lot of why their loved ones were in prison” (Walker 2018). While Walker’s statements may suggest that state legislators have racial motivations for favoring reform, there is no way to prove that this applies to only legislators who are minorities themselves or whether it applies to white legislators who represent heavily minority districts as well. After all, Suzio is a white legislators who represents a heavily minority district and he voted against the reform initiative.

Legislators' Rationale for Vote

As mentioned above, determining why each legislator voted either for or against the Second Chance Society could potentially allow me to determine why state legislators are coming out in support for reform in terms of factors that were not or cannot be addressed in quantitative analyses. This applies to both Thorpe's quantitative study and my own. Neither Thorpe nor I was able to control for ideological factors such as concern for public safety or mental health awareness in our previous studies. Although I was not sure what to expect, the findings below suggest that state legislators do indeed have considerations for reform initiatives that cannot be quantified.

The legislators interviewed decided to vote either for or against the Second Chance Society bill for three main reasons: 1) ideological; 2) community and 3) nature of the bill itself. Rojas and Tong, both Democrats, voted in favor of the bill for ideological reasons. Both stated that it is the "just" thing to do in terms of giving people a second chance after our nation's history of zero tolerance policies. Rojas said, "It comes down to what I feel is right at the end of the day. A lot of the time you just do what you think is right and live with the consequences (Rojas 2018). Tong said, "Number one is that it is the most just thing to do. We have a system of mass incarceration here in Connecticut and across the country and I think it is important to move away from it. Young people make stupid mistakes but that doesn't mean they don't deserve a second chance in life. They still have their lives to live" (Tong 2018). Walker also voted in favor of the bill for ideological reasons, but hers relate to the special connection she shares with her constituents. She said, "My rationale was the fact that I felt that many of the people that were going through the system looked more like me than anyone else" (Walker 2018).

Formica and Suzio, both Republicans, emphasized that they are against Second Chance Society because it endangers their communities. Formica is particularly against the lessening penalties on drug dealers because he believes that “we should not be making it easier for kids to get drugs” with the opiate crisis we are facing (Formica 2018). He also does not believe that it should be easy to erase a criminal record because it could put vulnerable community members in danger if, for example, an embezzler who had fraud erased from his record could get a job as an accountant or a person with a history of elderly abuse could get a job in a nursing home (Paul Formica 2018; hereafter “Formica 2018”). Suzio did not vote on Second Chance Society, but based on what he has seen with the Risk Reduction Earned Credit program (RREC) – a similar criminal justice reform initiative passed three years prior to the Second Chance Society - he is against the idea of second chance in general. His research on RREC finds that of 8,730 inmates discharged with earned credits, 8,300 returned to prison after committing more crimes. Further, between 2012-2017 there were 12,700 inmates who were released early and committed serious or violent crimes including 119 murders, 157 rapes, 67 kidnappings, and 1,800 assaults (Len Suzio 2018; hereafter “Suzio 2018”).

When I pointed out to both legislators that the Second Chance Society relates to drug crimes and does not offer a “second chance” to violent offenders, Suzio and Formica were skeptical of letting drug offenders out early, noting that people commit more violent crimes to fuel their addictions. However, they ultimately said that they would be more inclined to offer a second chance to someone dealing with addiction who has no history of violence as long as he or she is making an effort to get sober and find legal employment (Suzio 2018).

Thus, ideological perception of community safety and well-being is a factor that may explain why some state legislators are more hesitant to come out in support of reform initiatives.

Another consideration some interviewees cited was the language (or nature more generally) of the final version of the bill. Hwang and Suzio were both against the nature of the Second Chance Society bill as it was written for the floor vote. Hwang said, “I just thought that the range of early release and offenses that were given credit was far too broad. The concept I support as you know I support, but it is truly in the details in regards to the scope and type of crimes that would be counted in. That’s the frustration I had with the bill - it was far too expansive and it did not incorporate some of the concerns and issues that were raised by colleagues and that was unfortunate” (Hwang 2018). Suzio was concerned that the types of programs the Second Chance Society proposed as alternatives to incarceration for low-level drug offenders would not address criminal behavior because rehabilitation is difficult to measure. Suzio said, “I have to look at the details but I’m inclined to be against it. Unless I saw that the program was meaningful, you have to show me that the program will work... Our responsibility first and foremost is to protect the public. So you have to err on the side of caution” (Suzio 2018). Suzio also said that he would not want to release drug offenders unless they passed a chemical or psychological examination to show that they are unlikely to re-offend (Suzio 2018). The Second Chance Society does not contain such a provision.

Overall, the responses to this question suggest that legislators may support reform initiatives for various reasons that cannot be quantified. Based on this small sample, it is evident that political ideology is a priority for certain legislators. However, this finding directly contradicts Thorpe’s conclusion that Democratic legislators are willing to put moral

considerations to the side in favor of using the prison economy to support their districts. Perhaps the role of the prison economy is only relevant in geographically bigger states or in states where legislators represent entirely rural districts. For this reason, it is possible that my finding only applies to states similar to Connecticut such as other New England states, while Thorpe's findings only apply to larger states in the Mid-Atlantic and the West.

House versus Senate

None of the legislators interviewed could explain why being in the House as opposed to the Senate indicates a greater likelihood of voting in favor of criminal justice reform. Hwang, Formica and Tong strongly believe that this was coincidental and mentioned that they did not notice this being the case while the bill was being voted on. Rojas attempted to explain the difference between the chambers when he said, "I think that the House generally speaking is a bit more progressive and a bit more liberal than the Senate. I think the Senate tends to be a bit more conservative and I think that's because the Senate, the Senators, have a broader constituency than House members. When you're a Senator you can represent an urban area and some suburban areas, whereas when you're a House Member representing Hartford, generally speaking, you just represent an urban area. So the politics of the districts change when you represent more people" (Rojas 2018).

Walker generally agreed with Rojas on the matter when she said, "The Senate is going to be more conservative than the House. Because in reality I have 25,000 people who I have to be accounted for where in reality the Senate has to have 100,000 people that they have to be accounted for" and "So in that regard the Senate had to be a little more conservative. Because you can manage your smaller population a lot better than your larger one" (Walker 2018). While the presumptions expressed by Rojas and Walker do not

necessarily explain this phenomenon on a larger scale, perhaps their points are worth considering in future reform efforts. For now, it is possible that being a member of the House increases the chance that a legislator will come out in favor of a reform initiative, but there is no way to determine which cases this would apply to.

Prison District

Because several scholars have found that legislators are more likely to favor punitive sentencing laws that increase mass incarceration when they represent districts that rely on prisons regardless of party affiliation, it would seem logical that the opposite be the case for legislators who have constituents that do not need to rely on the prison economy. Based on my interviews, I cannot draw this conclusion. Only Rojas suggested that representing a prison district and relying on its economy would make a legislator more likely to favor passing harsh sentencing laws. He also said, “I think when you live close to a prison, when you’re close to anything and you see it shapes how you view the world. And I suppose if you were driving by a prison every day you would probably think about crime a bit more, maybe not feel directly affected by it, but definitely think about it more. You’d think the place full of criminals. So yes, I can see that changes people’s view or interests on the topic” (Rojas 2018). This statement indicates that perception of public safety may play an equal or greater role in a legislator’s choosing to favor mass incarceration. Rojas finally stated that he would not have voted against Second Chance Society even if he did represent a district reliant on the prison economy because it would not be the right thing to do.

Hwang and Suzio shared the sentiment that legislators would not vote against criminal justice reform because they rely on a prison economy but they would if they saw a lot of crime in their district to the point where they felt that public safety was being

compromised. These predictions are corroborated by Percival (2010) and Enns (2014) who find that when constituents feel threatened by crime their legislators are more likely to support harsher criminal sentencing laws. This was especially true for Suzio who represents a prison district but has also witnessed a lot of crime in his district which he believes to be the result of offenders getting released from prison early. He did not mention the prison economy factoring into his decision at all. When I prompted him, Suzio said that public safety is his first concern and that “There are kids going out, they are stealing cars left and right, and they are just getting a slap on the wrist because they know they are not going to be punished with all these policy changes. It is really responsible for a crime wave” (Suzio 2018).

Walker suggested the opposite of Rojas when she suggested that perhaps living in a prison district will motivate a legislator to favor reform. She remembers watching ex-offenders return to her inner-city district and struggle to re-integrate themselves into mainstream society. She believes that it was not living in a prison district per se that influenced her vote but rather, “It was the families I served. It was because of the families that were affected by the criminal justice system for a variety of reasons that did not necessarily mean they were not law-abiding, it was just the circumstances that got them to where they were” (Walker 2018). On the other hand, Hwang and Suzio represent prison districts as well but they did not share Walker’s sentiment. Perhaps only legislators who share close relationships with the prisoners in their districts, and who do not rely on the prison to boost their economy, are motivated to vote in favor of reform by the harm they see in their ex-offender constituents’ lives.

Future of State’s Criminal Justice System

When it comes to the future of Connecticut's Criminal Justice System and the implications for the general public, the legislators are again split three ways. Rojas believes that there will be fewer people going to prison and recidivism will be lowered. He said, "My hope is that there are less people going to prison. I hope that we can close down prisons. I hope that any savings we might realize can be reinvested into the criminal justice system so that we can help people once they get out of prison. Give them job training and help with mental health issues" (Rojas 2018). Rojas hopes that if given the proper training and services, ex-offenders will be able to enter the workforce and will not have to turn back to crime to survive. He believes that other states will follow Connecticut's lead with the Second Chance Society, especially considering how marijuana is being decriminalized across the country (Rojas 2018). Walker agrees with Rojas, stating that "To me, Second Chance Society is a way of forgiving people for making mistakes. And what we should be about in our country here is forgiving people for making mistakes and giving them opportunities to grow so that they can be a contributing factor in our society (Walker 2018).

Hwang and Tong believe that there will be little to no changes in the near future, instead arguing that criminal justice is an ongoing initiative. Hwang said, "We can do the things we do for little things but we have long ways to go to ensure that anyone and everyone that wants to pursue turning their life around, moving forwards from incarceration gets the support and the blessing from the broader community in order to be able to do so. We should never stop. Statutes can never replace societal action and compassion and support to help those who are in need with our community" (Hwang 2018). For the most part, Hwang respects Rojas's prediction but believes that it will not be accomplished in the near future. Tong believes that the next changes will occur in the juvenile system stating that, "We're

continuing to work on juvenile justice reform. People under the age of 18 and people before 25. Really important that we don't sentence people to a lifetime of generalization. I think that is a multi-year effort and multipronged (Tong 2018).

Formica and Suzio, both Republicans, believe there will be more crime in the state with the passing of the Second Chance Society. However, this is a countervailing force against Republicans, such as Hwang and Fasano, who generally support reform. Formica said, "The goal of the administration has been to keep people out of jail. That is happening, but it results in far more criminals being on the streets. And our changes to juvenile laws has caused a rash of car thefts and dangerous situations where minors are stealing cars and engaging police in high speed chases. The kids know that when caught, they cannot be held or locked up, and will be back on the street in minutes to steal another car. There are no arrests, no records, no ramifications and kids know it (Formica 2018). Suzio also spoke at length about a potential increase in crime, stating, "I can understand how a criminal went out into the population after serving their time can easily turn to a life of crime because they cannot find a job... The program as it has been implemented by the State of Connecticut is a failure and it is causing a lot of problems. There are victims who are dead, women who have been raped and would not have been raped if the program really worked (Suzio 2018). While Suzio presented data to suggest that 119 murders and 157 rapes were committed by offenders who were released early with RREC credits, he did not specify whether any of these crimes were committed by low-level drug offenders, those whom the Second Chance Society specifically aims to help.

I had expected the answers to this question to bring up factors for why state legislators support reform that were not addressed in previous studies. The results detailed

above suggest that perhaps some legislators favor reform because they giving vulnerable populations a second chance in life is the morally correct thing to do. On the other hand, perhaps those against reform hold their position because they acknowledge the Republican “tough on crime” history in which their precedents were awarded political gains for bolstering their constituents’ fear of criminals. Indeed, Suzio conducted a press conference where he publically and vocally called for the elimination of RREC (Connecticut Senate Republicans 2018a). Because both of these findings align with the “ideological” and “community” explanations described in the “Legislators’ Rationale for Vote” section, these are not new findings.

Minority and Median Household Income

There is no immediately apparent correlation between a district’s minority population or median household income and whether its legislator supported the Second Chance Society. As mentioned above, Rojas and Walker have the highest minority districts and both voted “Yay” on the bill. On the other hand, Tong has the second lowest minority district of the legislators interviewed and he voted “Yay” as well. Contrarily, nearly one-third of Suzio’s constituents are minorities, placing him in the top three highest minority districts in the sample, yet he voted against the bill while Hwang also voted against the bill with the lowest minority district in the sample. Percival (2010) found that legislators who represent districts with homogenous racial populations and that are presumably un-reliant on the prison economy are more likely to vote against harsher sentencing laws because their constituents are less afraid of African-American crime. This is not the case for my dataset.

It is also important to note that whether a district is rural, urban or suburban was a consideration for several criminal justice scholars. Because several of the legislators

interviewed represent districts that are a combination of these types, it is unclear whether these characteristics make any difference. Thorpe's study found that legislators who represent rural districts are more likely to support punitive sentencing laws (Thorpe 2015). Her ability to isolate the votes of legislators who represent rural districts from those who do not suggests that her case studies involve entirely rural or entirely urban districts (Thorpe 2015). Further, she is able to determine which districts are predominantly high income and which are predominately low-income (Thorpe 2015). This is not possible for Connecticut in which both Senate and House districts include both rural and urban districts. For example, Formica's district includes New London which is a large city but also includes seven small towns. Additionally, Tong's district consists of part of Darien, a small, wealthy town and part of Stamford, a large, low-income city (Statistical Atlas 2015f). Considering that Formica's urban constituents from New London did not indicate any difference in view from his constituents in the other towns or the constituents represented by the other legislators, more information is needed to draw any conclusion on this matter. As mentioned above, Connecticut may differ from other case studies because it is geographically smaller. A rural district in New York, California or Washington is far more isolated in terms of distance than a rural town in Connecticut.

Conclusion - Implications for Future Research

In conclusion, the findings in this chapter suggest that the policymaking process specific to criminal justice reform is not one size fits all. What motivates state legislators to vote in favor of criminal justice reform initiatives depends on many factors. Pointing to specific factors cited only by the legislators interviewed or the multivariate analysis in the previous chapter would oversimplify a complex process. Perhaps the only conclusion that

can be drawn from this research is that before making a decision, a legislator must weigh numerous factors before making a final decision. For example, Senator Hwang is in favor of giving ex-offenders a second chance and would like to see a more sympathetic criminal justice system. However, he still said he voted against the policy because he was skeptical of the wording of the bill. This example goes to show that there are no patterns in state legislature decision-making. Further, what motivates a legislator to vote in favor of one criminal justice reform bill does not necessarily mean that he will vote in favor of a similar bill. Even Senator Suzio who is strongly opposed to RREC would consider voting in favor of a reform bill that looks like it will make a positive difference. Senator Hwang voted against Second Chance Society but would still like to pass a bill that gives ex-drug offenders the support services they need to reform their lives.

Even though my research does not yield definite answers to the question of what motivates state legislators to come out in support of criminal justice reform despite opposition from their colleagues, this is still an important question to study in future research. While criminal justice reform has begun receiving bipartisan support nationwide, the legislators who state that more needs to be done make a good point (Obama 2017; Adelman 2015; Fairfax 2011). Based on the voting outcomes on Connecticut's Second Chance Society, it is clear that reform is still more likely to be accepted by Democrats opposed to Republicans. It is still unknown why some legislators remain opposed to reform even when studies are showing that incarceration expenses and the aftermath of mass incarceration are harming their communities. Perhaps this is because there is a resurgence of "tough on crime" attitudes among legislators, especially Republicans, due to President Trump's own "tough on crime" rhetoric (Newkirk 2018). Based on my lack of conclusive findings, I would suggest

that future studies seeking to replicate my research process gather a wider variety of interviewees.

Because this is such an individualistic matter, a similar study would be incomplete if it does not interview every legislator in the Connecticut General Assembly. I would also suggest gathering interviewees from different states. While Connecticut is a good representative of small New England States, the research question itself implies that a cross-state analysis needs to be conducted. As Rebecca Thorpe (2015) and Anne Bonds (2009) among others suggested, each state government is different and can only be compared with similar states. To answer my question on a national scale, each type of state must be represented in the data sample. As mentioned above, my case study of Connecticut may apply to similar states including those that have geographically small areas, legislative districts containing rural, suburban and urban districts, and those that are generally politically moderate. Such states may include those in New England, particularly Massachusetts and Rhode Island and to some extent New Hampshire and Vermont. A study of states with larger legislative districts, where legislators represent districts that are wholly rural or wholly urban, may yield results that are more comparable with those of the mass incarceration scholars compared with my own results.

Perhaps a future study on this topic would be more fruitful if it focused on one single factor for why state legislators might favor criminal justice reform initiatives. For example, a question like “What makes state legislators who represent prison districts come out in favor of criminal justice reform initiatives?” Mass incarceration scholarship finds that such legislators disfavor reform because they rely on the prison economy, but it is still largely unknown why state legislators who represent poor, rural communities with no other industry

would still vote to shut down the prison. My research could not answer this question because this does not apply to any district in Connecticut, but studying this question in a more geographically sparse state could yield some results.

Conclusion

After describing the historical state of Connecticut's criminal justice system alongside that of the federal government and other states, this thesis analyzed both quantitative data from roll-call vote counts and qualitative interview data from various members of the Connecticut General Assembly. The purpose of conducting this research has been to determine what factors motivate state legislators to come out in support of criminal justice reform initiatives despite potential political payoff for being tough on crime. Initial research suggested that some potential reasons for making this choice include demographic characteristics -- minority status, median household income, and population density -- of the district the legislator represents, whether the legislator has a prison in his district, partisan affiliation, party pressure, party leader involvement, and personal background among other factors. The analysis of roll-call votes in Connecticut found that there is a statistically significant relationship between being a Democrat, a House member and representing a lower-middle income district and likelihood of voting in favor of reform. The multivariate analysis found that there are no statistically significant relationships between support for reform and representing a prison district or representing a largely minority district in the state of Connecticut.

Interviews conducted with six Connecticut General Assembly members confirmed that party politics factored into some legislators' decisions regarding whether to vote in favor or against the Second Chance Society, but the specific reasons each legislator had for taking his respective position were largely ideological and individualistic. While the initial purpose of interviewing the legislators was to flesh out the quantitative findings detailed in the second chapter, the sample of legislators interviewed is small, and a larger sample would have likely

led to more definitive results. Because each legislator considers such a wide variety of factors in making a decision on sensitive issues, there is no way to generalize which factors hold true for all state legislators. For this reason, I have refrained from drawing any definite conclusions from this small qualitative dataset. Nonetheless, it appears that legislators are more likely to ignore the political incentives associated with being “tough on crime” if they, and possibly their constituents, believe that the harmful aftermath of mass incarceration is not worth the political payoff. On the flip side, legislators are less likely to support reform initiatives if they believe that public safety will be compromised or if they do not agree with the final version of the legislation being voted on. This can be true even if they do not represent a prison district or a high-crime district. Thus, in Connecticut, criminal justice reform is not necessarily a bipartisan issue, but there are factors besides party politics and prison economy (or lack thereof) that motivate certain legislators to come out in favor of reform, even if it means appearing soft on crime.

Just because this study does not yield any drastically new findings on the subject does not mean that future research on the topic is not still necessary. It is evident that the 21st century marks nationwide progress across the nation in criminal justice with the Obama Administration passing the Fair Sentencing Act and individual states scaling back draconic drug laws passed in the previous century. However, it is just as evident that progress has not been made in all states and that even within states that have passed reform initiatives, avoiding a prison sentence does not help offenders become productive members of society unless the initiative includes support services as alternatives to incarceration. Additionally, with President Trump and his Attorney General Jeff Sessions’ vow to bring back the War on Drugs, there is no way to determine where the future of mass incarceration is going at the

federal level. Trump and Sessions have already received support from the National Association of Assistant US Attorneys whose president, Larry Leiser, believes that tough mandatory minimums are necessary to deter low-level drug offenders (Beckett 2017). Trump has gone as far as declaring a new War on Drugs in which he has proposed to make federal drug traffickers eligible for the death penalty (Newkirk 2018).

Greater knowledge of why legislators come out in support of reform could also help scholars determine what could motivate state legislators from both parties to agree to delegate funding to rehabilitation services. Having and using such knowledge could help to ensure that prison populations continue to decline nationwide and that offenders have the resources they need to take advantage of having a “second chance” regardless of their state of residence.

Appendix A: Connecticut Public Acts Supporting or Opposing Reform

Public Acts Opposing Criminal Justice Sentencing Reform*:

Connecticut General Assembly Public Act File Number	Bill Summary
2003-48	Repeals a statute that allows the court to order male defendants to complete a special alternative incarceration program
2004-234	Removes mandatory minimum discretion in drug crime sentencing so that the given mandatory minimum is automatically imposed
2006-43	Creates a crime of human trafficking
2006-112	Creates a crime of knowingly allowing minors to possess alcohol on private property
2006-60	Increases sentences for ID theft
2006-139	Increases jail sentences for violating laws concerning juveniles in the workforce
2006-96	Sentences anyone who violates telephone record laws to jail
2012-199	Allowing minors to possess alcohol on property is a Class A misdemeanor (used to be unclassified so jail sentences were not imposed)
2012-38	Makes vandalizing memorials a felony
2015-213	Makes invasion of privacy a Class C felony

Public Acts Supporting Criminal Justice Sentencing Reform*:

Connecticut General Assembly Public Act File Number	Bill Summary
2001-99	Allows judges to impose less than mandatory minimums on nonviolent crimes
2006-193	Establishes a sentencing task force to prevent offenders from reoffending
2007-217	Expands the sentencing task force and shortens prison sentences by allowing for prisoners to be released on special parole
2008-102	Replaces imprisonment for probation for convictions of non-Class A felonies
2012-42	Creates psychiatric diversionary program for veterans accused of nonviolent crimes
2015-SB952/HB7104 (Second Chance Society)	Reduces the crime of simple drug possession from a felony to a misdemeanor and eliminates mandatory minimums for nonviolent drug possession
2015-109	Creates task group to address the racial disparities in the criminal justice system
2017-205	Providing services to assist in community reentry and to avoid recidivism

* Source: Connecticut Office of Legislative Research 2017; Connecticut General Assembly.

Appendix B: Legislator Biographies

Jason Rojas	Representative Jason Rojas was interviewed on January 31 st , 2018 at 2:00 PM in his office at Trinity College. Rojas is a Hispanic Democrat who represents Connecticut House District 9. Rojas is an East Hartford native who currently chairs the Finance, Revenue and Bonding Committee and is a member of the Planning and Development Committee. Apart from his position in the Connecticut General Assembly, Rojas is the Chief of Staff to President Joanne Berger-Sweeney at Trinity College (Connecticut House Democrats 2018a).
Tony Hwang	Senator Tony Hwang was interviewed on February 7 th , 2018 at 4:00 PM in his office at the Connecticut Legislative Office Building. Hwang is an Asian-American Republican who represents Connecticut Senate District 28. Born in Taiwan, Hwang now resides in Fairfield and serves as the Co-Chair of the Housing Committee, Vice-Chair of the Aging Committee, and Vice-Chair of the Energy and Technology Committee. He also serves on the Judiciary Committee and the Planning and Development Committee. Apart from his position in the Connecticut General Assembly, Hwang works in residential real estate (Connecticut Senate Republicans 2018c).
Paul Formica	Senator Paul Formica was interviewed on February 15 th , 2018 at 5:00 PM in his office at the Connecticut Legislative Office Building. Formica is a white Republican who represents Connecticut Senate District 20. Senator Formica was elected in 2015, and is currently the Co-Chair of the Appropriations Committee, Energy and Technology Committee, and the Tourism Caucus. He is also a member of the Commerce Committee (Connecticut Senate Republicans 2018b).
William Tong	Representative William Tong was interviewed on February 28 th , 2018 at 9:00 PM via telephone. Tong is an Asian-American Democrat who represents Connecticut House District 147. Representative Tong has been in the legislature for 10 years and is currently the House Chairman of the Judiciary Committee and was previously the House Chairman of the Banking Committee (Connecticut House Democrats 2018c).
Len Suzio	Senator Len Suzio was interviewed on February 14 th , 2018 at 1:30 PM in his office at the Connecticut Legislative Office Building. Suzio is a white Republican who represents Connecticut Senate District 13. Senator Suzio is the Co-Chair of the Committee on Children, the Vice Chair of the Transportation Committee, and a member of the Finance, Revenue and Bonding, Judiciary, and Veterans Affairs Committees. Although he did not vote on the Second Chance Society initiative in 2015, Suzio was one of the RREC's strongest opposers (Connecticut Senate Republicans 2018a)

Toni Walker	Representative Toni Walker was interviewed on April 2 nd , 2018 at 3:00 PM in her office at the Connecticut Legislative Office Building. Walker is an African-American Democrat, and the only woman interviewed, who represents Connecticut House District 93. Representative Walker is passionate about helping children and human rights more generally. She is the House Chair of the Appropriations Committee and a member of the Judiciary committee. She is recognized for her work with helping pass the “Raise the Age” bill and is currently the Vice Chair of the ERC Criminal Justice Advisory Board (Connecticut House Democrats 2018b).
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