

Maura Crossin, Esq., Testimony

Connecticut Sentencing Commission Public Hearing

December 6, 2018

Thank you for the opportunity to be heard before the Commission today. My name is Maura Crossin and I am the Senior Attorney and Director of the legal services program with the Connecticut Alliance to End Sexual Violence, the coalition of nine community based sexual assault crisis services centers. Everyday our team of four attorneys work with survivors of sexual violence whose lives have been forever changed and severely impacted by those who chose to sexually harm them.

I would like to address the proposed changes you are considering for Connecticut's child pornography statutes.

Each of the possession of child pornography statutes require possession of material which contains at least one act of sexually explicit conduct by a minor. "Sexually explicit conduct" is defined as actual or simulated (A) sexual intercourse (B) bestiality, (C) masturbation, (D) sadistic or masochistic abuse, or (E) lascivious exhibition of the genitals or pubic area of any person. Possession of this material should not be treated with leniency if all of the elements of the statute are provable or proven.

Creating an option for judges to forgo the mandatory minimum sentence for good cause seems unnecessary as we already have mechanisms in place to address situations where the mandatory minimum may not be an appropriate sentence. For example, if extenuating circumstances exist, such as the person who is charged is developmentally disabled or Autistic, which was outlined in the public hearing announcement as the exception the Commission is trying to address, then the prosecutor handling the case can use his or her discretion in determining an alternate disposition.

In addition, there are steps and programs that a defendant's attorney can elect to utilize in order to have a disposition that would avoid the mandatory minimum, such as the Supervised Diversionary Program. This is how other types of cases are handled every day in courts across the state and country. If the legislature has already determined that these crimes require a mandatory minimum, then it is not appropriate to start picking and choosing with the broad discretion of good cause which of the offenders who commit them should be treated with leniency over others.

In the alternative, if there exists data which shows that it is appropriate to treat these cases differently, then the statutes should only have a caveat which allows for deviation in certain cases. While that information has not been presented, it has been suggested that there may be persons who are charged with this crime who are developmentally disabled and his or her disability is a mitigating factor requiring leniency. "Good cause" may very well be a blanket

invitation for deviation from the statutory mandatory minimums in child pornography cases, and is inapposite to the reason these mandatory minimums were enacted in the first place.

Child pornography is not a victimless crime. It is harmful to each and every child it depicts, and the need to protect our children far outweighs the need to protect the industry's contributors, producers and traffickers.

Lastly, I am concerned with the language in the hearing notice which characterizes certain possession of child pornography offenses as "non-dangerous." This language diminishes the pervasive effect that possession of this type of material has on society as a whole. Child pornography is a multi-billion dollar industry that grows each time an image is viewed or traded. If the statutes are changed, I am concerned that the message to the public is that in some cases, this contribution should be treated with mercy for reasons that have not been enumerated to the public. Instead of sending the message that there is room for people who commit these crimes to be afforded leniency, our state should be focused on deterring potential offenders and promoting the protection of the innocent. Danger may be a relative term, but I do not believe that anyone can argue that contributing to the demand fueling the production of child pornography is harmless.

Thank you for your consideration.