

# COMMISSION ON RACIAL & ETHNIC DISPARITY IN THE CRIMINAL JUSTICE SYSTEM

## MINUTES

**January 14, 2013 Meeting**

**2:00 – 3:30**

**Community Court Conference Room, 80 Washington St., Hartford, CT**

*Persons Present: Justice Lubbie Harper, Jr. (Chair), Deborah Fuller (Judicial), Andrew Moseley (BOPP), Brian Austin (DCJ – OCSA), Glenn Cassis (AAAC), Hakima Bey-Coon (OVA), Kimberly Weir (DOC), Maureen Price-Boreland (Speaker of the House), Preston Tisdale (Governor appointee), Tracey Gove (House of Reps appointee), Shawna Woodard (Judicial), Gary Roberge (CSSD), Esther Harris (Judicial – Jury Administration), Andrew Clark (Consultant – IMRP), Aileen Keays (Consultant – IMRP).*

- I. Welcome
  - a. Meeting commenced at 2:08pm
- II. Review and approve minutes from November 19<sup>th</sup> meeting
  - a. Minutes were approved by unanimous voice vote
- III. Discussion of the Dec. 17<sup>th</sup> event and follow-up work
  - a. Waterbury
    - i. Justice Harper is interested in exploring collaboration with Waterbury's Mayor, Police Chief, superintendent, faith-based community, etc. to create a pilot initiative to help prevent youth from entering the JJ/CJ systems. This collaborative may build upon the progressive work the former Police Chief and current Mayor, Neil O'Leary, has created with the [Waterbury Police Activity League](#) (PAL).
    - ii. Will try to set-up a meeting to engage in preliminary discussions.
  - b. *Discussion*
    - i. Marc Mauer demonstrated that CT is a little ahead of the curve with its work to address racial and ethnic disparities in the criminal and juvenile justice systems. Mr. Mauer also expressed interest in continuing to support CT initiatives.
    - ii. There was a great turn-out at the conference, including nine state's attorneys. Justice Harper will speak with Kevin Kane to see if the next state's attorney's meeting may include an agenda item to explore the department's follow-up from the conference.
    - iii. In the future, state and local education professionals should be included more since they see the children we would like to reach.
    - iv. For the current legislative session, the CGA did include a joint favorable rule for the inclusion of racial impact statements in proposed legislation

that may affect disparity. Have had this joint rule for 5-years yet it's only been utilized once.

1. Can this Commission create a model/template to provide the CGA? Andrew will look into what may already exist elsewhere.

IV. Updates on other commissions, committees and task forces

- a. [Access to Justice Commission](#) (A2J) – Aileen Keays
  - i. No real update; the Commission's December meeting was postponed until the end of January. Just received notice that the Commission's chair, Judge Norko, is resigning from his position as chair. The January meeting was cancelled today until a new chair is appointed. The commission's report is still available for review on the A2J website for anyone who is interested.
- b. [Criminal Justice Policy Advisory Committee](#) (CJPAC) – Brian Austin/Deb Fuller
  - i. No update; December meeting was cancelled.
- c. [Racial Profiling Prohibition Project](#) (RP3) – Andrew Clark
  - i. Had recent Advisory Board meeting to discuss the project's status report with an eye toward the revised law's scheduled implementation date of July, 2013. Currently making revisions to the report, expect to submit it to OPM for submission to the Judiciary Committee by Feb. The report outlines the activities of the project, particularly its recommendation for modifications of the law to allow the state to more effectively address racial profiling.
- d. [CT Sentencing Commission](#) (CSC) – Andrew Clark/Deb Fuller
  - i. Annual report will be coming out shortly
  - ii. During Dec. meeting, voted on 2013 legislative proposals. Recommending about nine legislative proposals, including:
- e. [CT Sentencing Commission](#) (CSC) – Andrew Clark
  - i. CSC 2012 annual report will be released in the next few weeks.
  - ii. The Commission developed nine proposals to present to the General Assembly for consideration at its 2013 session. These include recommendations to:
    1. Amend the Commission's authorizing legislation to add the chairs and ranking minority members of the Judiciary Committee as members of the Commission.
    2. Provide that juvenile offenders serving sentences imposed in the adult criminal court would be eligible for parole after serving one-half of a sentence of 60 years or less and after serving 30 years of a sentence exceeding 60 years.
    3. Eliminate mandatory sentences of life imprisonment without release for juveniles convicted of capital felony or murder with special circumstances.
    4. Increase the effectiveness of the existing provisional pardon statute by authorizing parole release panels to issue "certificates of rehabilitation" and allow probation officers to issue "certificates of rehabilitation" to probationers whose employment prospects would be enhanced by such a certificate.

5. Codify over 200 presently unclassified felonies to conform to the offense categories of the Penal Code.
6. Decrease the “drug free school zone” distances from 1500 feet to 200 feet and require a specific intent to commit a drug violation within that zone.
7. Clarify the existing false statement in the first degree statute, General Statutes § 53a-157a, and amend the false statement in the second degree statute, General Statutes § 53a-157b, to create model statutory language clarifying the elements of the crime of making a false statement.
8. Correct an inconsistency in the sentencing provisions of the kidnapping statutes and clarify the intent requirement for sexual assault in the fourth degree.
9. Exempt from the state contracting process institutions of higher education that provide courses to inmates of a correctional facility at no charge to the Department of Correction or the inmates.

iii. *Discussion*

1. BOPP is having difficulty with media trying to get access to pardon application files. If media is able to acquire them, they will have access to a lot of information on the petitioner, which in essence negates the purpose of filing for a pardon. Currently, provisional pardon files are banned from media but petitions for a full pardon are not. BOPP will be going before FOI shortly to try to fight against media’s access. Legislation could do it by saying that information contained within those files is confidential.

V. Discussion of upcoming legislative session

- a. Session just began; there is not much to highlight that may be of particular interest to this Commission at this time.

VI. Membership update

- a. Ms. Keys will send a letter to Jamey Bell, the new Child Advocate, to request her attendance or appointment of a designee.

VII. Other business

- a. The Commission’s proposed language on implicit bias was denied for inclusion in jury instruction. This Commission will follow-up to determine whether any follow-up may be conducted.
- b. Judicial Branch’s Advisory Committee on Cultural Competency, chaired by Judge Robinson, developed “Foundations in Cultural Competency 100”. It is a two-day course with six modules that is currently being piloted at CSSD and thus far receiving very good feedback. It’s a very interactive training that covers implicit bias, stereotypes, etc. and how they may or may not impact daily decision-making. Some modules are not pertinent to those that do not have contact with the general public, so the advisory committee and some other decision-makers within Judicial will attend the training in February to assess which modules pertain to

which job titles. Committee will then establish a core curriculum for all Judicial Branch employees to attend. It is a 100-level course so there is consideration of adding additional coursework. Some districts have different needs; may create voluntary sessions that are district-specific.

- i. RP3 is looking to create trainings as part of its initiative to combat profiling. One topic of interest is cultural competency; would be interested to learn more about Judicial's training. Mr. Clark and Ms. Woodard will follow-up with each other.

VIII. Adjourn

- a. Meeting adjourned at 3:03pm