

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

## MINUTES

### January 30, 2012 Meeting

*Commissioners and staff present: Justice Lubbie Harper, Jr. (Chair), Aileen Keays (Contractor – IMRP), Glenn Cassis (AAAC), Andrew Moseley (BOPP), Kimberly Weir (Director of Security and Acting Director of the Affirmative Action Unit, DOC), Hakima Bey-Coon (OVA), Ann-Marie DeGraffenreidt (DCF), Preston Tisdale (Gov.'s Appointee), Deb Fuller (Judicial), Shawna Johnson (Judicial), Tracey Gove (House of Reps appointee).*

*Guest: Paul Bourdoulous (Program Manager, Judicial)*

- I. Welcome
  - a. Meeting commenced at 2:13pm
- II. Working Group and Subcommittee Updates
  - a. Education, Training and Cultural Competence Working Group
    - i. Working Group met at OCA, CHRO attended. CHRO is interested in increasing its involvement and use as a resource to others. One topic that was discussed was racial profiling. CHRO could support legislation, and also has volunteer attorneys that could be of value.
    - ii. Glenn, Werner & Jeanne met with Mike Lawlor to discuss the Alvin Penn Act. Mike said he already met with the leadership of the Black & Puerto Rican Caucus; there will be legislation proposed this upcoming session, likely by Rep. Holder-Winfield through the Judiciary Committee, to strengthen the Penn Act. OPM will recommend transferring the receipt of traffic stop data from the AAAC to OPM. OPM is also working on the creation of a data infrastructure that will make all reporting by officers easier. OPM will apply for the \$1.2 million in federal grant money to support the work. Also looking into creating an advisory board.
  - b. Media Working Group
    - i. Letter was drafted and sent to the CT Police Chiefs Association to solicit information from police departments on their policies and practices for releasing mug shots to the media. Aileen Keays received a call from Police Chief Douglas Fuchs, Chief of the Redding Police and President of the CT Police Chiefs Association, who explained his belief that the Commission would not get the information it is interested in with the letter request, and suggested the dissemination of a short survey. Ms. Keays met with Chief Fuchs and drafted two survey questions. The questions were read to the Commission and discussed. There were some suggestions for modifying the language of one of the questions for readability. Chief Gove will work with Aileen to modify the language.

Discussion: Police receive a lot of surveys. However, this approach should be fine since our proposed survey only contains two questions. Timing is tough, though, with the recent arrests of four East Haven police officers for racial profiling. *Working group will wait until things calm down before sending the survey.*

- c. Pre-Arrest, Prevention, Diversionary and Community-based Programs Working Group
    - i. The working group met. Will proceed with the survey identifying resources, and what private funding sources are available for area non-profits who want to add a service that requires additional funding.
  - d. Legislative Subcommittee
    - i. No update – chair was absent
- III. Updates on other Commissions, Committees and Task Forces
- a. Access to Justice Commission (A2J)
    - i. The Commission met last week.
    - ii. Governor may propose a bill to increase filing fees. All the fees are for civil cases, not criminal. Sixty percent of revenue will go to fund legal services, another portion to technology. Two years ago filing fees were raised to fund legal services but when compared to neighboring states we are still undercharging.
    - iii. Theory and Practice and the Expansion of Legal Representation will be a law clinic offered at UConn School of Law this fall to study legal aide
    - iv. Looking at ‘limited scope’ representation– 44 states have it.
      - 1. Attorneys would only need to commit to providing legal aid service to a person/family for a short, predetermined amount of time.
    - v. Creating guide for court staff on how to best work with self-represented parties
    - vi. Next meeting is April 23<sup>rd</sup>
  - b. Access to Justice Commission subcommittee on Criminal Issues and Child Protection
    - i. The subcommittee met last week, as well
    - ii. Looking at ways to get legal information to those held in lock-up pre-trial – interested in resolving disparity in access to legal information for those held in lock-up pre-trial to those out on bond
      - 1. Interested in visiting lock-ups to see the accessibility attorneys have to show their clients legal documents, etc. Also plan on talking to Court Marshals to determine what prisoners are allowed access to.
    - iii. Want to create document informing people of potential collateral consequences for accepting plea deals. Ms. Keays will be asking the IMRP’s Hartford-based community support group what information they feel families need(ed) to know and what language to use to make it accessible
  - c. Connecticut Sentencing Commission (CSC)
    - i. Met last week.

- ii. Most of their work talking about two pieces of legislation: certificate of relief for liability and juvenile sentence modification. Certificate of relief was approved, is included in the annual report and was sent to the Commission. The juvenile sentence modification concept passed with the provision that the issues surrounding the implementation of it (including the best mechanism for reviewing sentencing modification applications and/or issuing them) would be vetted through an ad-hoc group the Commission will create. The ad-hoc group will discuss the undetermined issues, create a proposal aimed at resolving them and have the full Commission vote on the proposal at the next meeting in March. In the mean time, the Commission is sending the approved concept to Judiciary Committee.

Discussion: Pardons Board has power to expunge, reduce sentences, for any person convicted. Rather than create a new law to provide for sentence modification the state could use the Pardons Board; the board can modify the sentence without altering the conviction. Proposal for modification would need to be made by the convicted or their attorney – potential difficulty with juveniles understanding they had/have this right and the process for requesting a modification through the Pardons Board, especially if once convicted do not have ready access to an attorney or legal information. *Ms. Keays will find-out if the Commission considered/reviewed the power already availed to the Pardons Board*

- d. Juvenile Jurisdiction Policy and Operations Coordinating Council (JJPOCC)
  - i. The work of the JJPOCC was extended to oversee the implementation of bringing 17-year olds into juvenile system. Report forthcoming.
- e. Criminal Justice Policy Advisory Committee (CJPAC)
  - i. CJPAC was reviewing the existing state boards and commissions. REDCJ was on their list to discuss. Nobody knew about REDCJ or what it did. Judge Carroll said he would talk with Justice Harper to find out. Erika then suggested that the REDCJ become a subcommittee of CJPAC. Deb talked about it with Justice Harper who proclaimed there was not an interest in merging with CJPAC. Deb wrote an e-mail to Mike Lawlor explaining REDCJ would not be interested in becoming a subcommittee of CJPAC, but would like to work together and suggested meeting.
- f. Eye-witness ID Task Force
  - i. Task Force is chaired by Justice Borden. Wrapping up its work with a report. A lot of participation from police chiefs. Recommending double blind sequential photo array. This method was explained to Commission members by Chief Gove and Ms. Keays.
- g. Racial Profiling project
  - i. DOT and OPM approached Andrew Clark, Director of the IMRP, about managing the racial profiling project
  - ii. Aileen Keays is not on the project but Andrew is currently designing the project and identifying the staff for it.

#### IV. Other Business

- a. Deb Fuller asked Kim Weir if DOC is considering providing limited access to the Internet for inmates
  - i. *Kim will inquire*
- b. Advisory Committee on Cultural Competency chaired by Judge Robinson is a branch-wide committee charged with creating a training program on cultural competency. The Committee meets monthly and is interested in providing a unified message on what cultural competency is and how best to interact with members of the public. The committee will be adopting a lot of its information from an upcoming 13-day training on cultural competency sponsored by DMHAS. Will also take information from 10 focus groups that were conducted with branch employees from five districts. Have learned that training cannot be a one-time event.
- c. West Hartford Police Department (WHPD) is the 9<sup>th</sup> biggest police department in the state and it has 13 openings for police officers. Diversity is lacking at the department and is not representative of the town's make-up; Chief Gove wants to address that. Already working with Glenn Cassis and Werner Oyanadel on increasing the department's diversity. Chief Gove requested members of the Commission let people know of the openings.  
Discussion: West Hartford offers better pay and retirement than Hartford. Applicants do not need to reside in West Hartford. *Chief Gove will send Deb information electronically to disseminate.*

V. Adjourned at 3:17pm