

# Commission on Racial & Ethnic Disparity in the Criminal Justice System

Connecticut Judicial Branch

## Meeting Minutes September 10, 2018

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

*Commission members present: Justice Lubbie Harper, Jr. (Chair); Brian Austin (Designee of the Chief State's Attorney); Sharon M. Cheeks (Appointee of Governor Dannel P. Malloy); Carleton Giles (Board of Pardons and Paroles); Scott Jones (Appointee of Senate President Pro Tempore Martin M. Looney); Sheryl Sharp (Designee of the Commission on Human Rights and Opportunities); Leon Smith (Appointee of House Majority Leader Matthew Ritter); Preston Tisdale (Appointee of Governor Dannel P. Malloy); Hakima Bey-Coon (Designee of the State Victim Advocate); Chief Patrick Ridenhour (Designee of the Connecticut Police Chiefs Association).*

*Staff and guests present: Deb Fuller and Troy Brown (Judicial); Aileen Keays Yeager and Ben Daigle (Institute for Municipal and Regional Policy); Alex Tsarkov and Melissa Perez-Constantine (Connecticut Sentencing Commission).*

- I. Welcome**
  - a. Justice Harper convened the meeting at 2:15 PM.
- II. Review and approve previous meeting minutes (3/27/18 and 5/14/18)**
  - a. Carleton Giles moved acceptance of the minutes, and Preston Tisdale seconded the motion. Justice Harper called for a voice vote and the motion passed without objection.
- III. Welcome new commissioner: Sharon M. Cheeks (appointed by Governor Malloy)**
  - a. Justice Harper and the Commission recognized and welcomed newly-appointed commissioner Sharon M. Cheeks (appointed by Governor Malloy).
- IV. Updates on other commissions, committees, and task forces**
  - a. [Juvenile Justice Policy and Oversight Committee \(JJPOC\)](#)
    - a. Deb: The number of children coming into the JJ system has been reduced, but there has not been a decrease in the disparities within that population. The JJPOC is finalizing a new 3-year strategic plan (covering such subjects as right-sizing the JJ system). Recommendations include having a single entity providing education in all residential JJ facilities to support a more unified system; such residential facilities fall under the purview of Judicial/CSSD, which does not have a unified school district.
  - b. [Racial Profiling Prohibition Project \(CTRP3\)](#)
    - a. Aileen: The Project is expanding outreach to communities to identify and address communities' concerns. The IMRP has hired a new staff person to lead community engagement. The first event will be held in October on "Fair and Impartial Policing: Conversation on Race and Religion." These efforts will address, among other things, the disconnect between communities and police departments on the subject of enforcement disparities.

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- c. [Connecticut Sentencing Commission \(CSC\)](#) – Alex Tsarkov, CSC
  - a. Alex summarized two 2018 legislative proposals the Commission intends to introduce again in 2019. The CSC sex offender registry legislation would address: a) removal from registry, and b) transition to risk-based registry. Brian added that the current one-size-fits-all system doesn't appropriately inform the community about offenders' risk levels; a post-sentencing risk-based registry would be more useful to communities. Another returning CSC proposal will be the reduction by a single day the definition of a misdemeanor (in terms of possible sentence) to avoid unintended immigration consequences. Alex noted additional proposals. Aileen summarized a proposal related to the Adoption and Safe Families Act (ASFA) to ensure that severance of parental ties does not occur simply because the parent is incarcerated. Members discussed various aspects of these and other proposals.

### V. Possible new areas of focus

- a. *Court customer survey*
  - i. Justice Harper would like a working group to look at treatment of justice system customers throughout the system process (including customer service, appropriateness of fines and fees, etc.). Troy noted that a similar survey done in the mid-1990s could serve as a basis for a new effort. Hakima noted that an Access to Justice Commission looked at aspects of the system, including the appropriateness of fees; Aileen served on that committee.
- b. *Court fines and fees – are they excessive?*
  - i. Members discussed court fees, etc., as implicated in the Liman Colloquium's investigation of court fines, fees, and bail – a summary of which was published in April of this year in "[Who Pays? Fines, Fees, Bail, and the Cost of Courts.](#)"
- c. *Suspension of driver's license & impact on ability to work*
  - i. Leon noted that Raise the Age left 16- and 17-year-olds in regular adult traffic court facing fines from traffic offenses committed as juvenile.
- d. *Bail reform – CA's recent policy change*
  - i. Alex summarized pros and cons of the money-bond system; the CSC has explored moving toward a no-money system, but the CSC has not yet reached agreement as to the nature of what pretrial detention system might replace the current system. Alex noted that such issues are not going away, and that the CSC may revisit the topic in the future. Members discussed various aspects of the CSC's work on this topic. Of note, Troy mentioned that Bail supervisors will be taking Alex's training on the history and purpose of bail in the coming year. Justice Harper expressed an interest in having the Commission attend the training, as well.
- e. *CDL's and impact on access to diversion programs*
  - i. Ben shared that a holder of a commercial driver's license is automatically precluded from certain diversionary programming if the CDL holder is the defendant in a criminal case – even if the individual is not employed using

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the CDL. Brian noted that the preclusion likely is related to federal funding restrictions. Ben and Brian will discuss and report back.

### **VI. Membership**

- a. Justice Harper expressed his wish that, for continuity of service, a letter be sent after Election Day to any new appointing authorities requesting the reappointment of current members.

### **VII. Next meeting**

- a. Justice Harper announced that the next meeting is scheduled for 11/19/18.

### **VIII. Other business**

- a. Justice Harper noted that while the National Consortium on Racial and Ethnic Fairness in the Courts had omitted the Commission from its website list, the update now has been made.

### **IX. Adjournment**

- a. Without objection, Justice Harper adjourned the meeting at 3:35 PM.

