

Commission on Racial & Ethnic Disparity in the Criminal Justice System

MINUTES May 18, 2009 Meeting

Persons in Attendance

Judge Lubbie Harper, Jr (Chairperson), Valerie LaMotte (JJAC); Linda Armstrong (Chairperson of the DMC subcommittee of JJAC); Aileen Keays (CCSU); Andrew Clark (CCSU); Andrew Moseley (BOPP), Ann-Marie DeGraffenreidt (DCF/BJS); Donald Green (AAG); Hakima Bey-Coon (OVA); Jeanne Milstein (OCA); Judith Rossi (OCSA); Maureen Price-Boreland (CPA); Merva Jackson (AFCAMP); Patrick Hynes (DOC); Paul Fitzgerald (CT Chiefs of Police for Berlin); Preston Tisdale (OCPD); Shoshanna Silverberg (public); Tracey Gove (House Appointee); Heather Collins (Judicial: in for Shawna Johnson).

Hand-outs

Meeting agenda, House Bill 6581 with Racial and Ethnic Impact Statement, JJAC's police training pamphlet.

Meeting commenced at approximately 12:45 pm

I. Welcome – Judge Lubbie Harper, Jr.

Judge Harper introduced guest presenter, Ms. Valerie LaMotte

II. Presentation of the Juvenile Justice Advisory Committee's (JJAC) study findings on disproportionate minority contact in the juvenile justice system – Valerie LaMotte, Office of Policy and Management and staff person for JJAC

The study in its entirety can be found on their website at www.ctjjac.org, the report can be directly accessed here
http://www.ct.gov/opm/lib/opm/cjppd/cijjyd/ijydpublishations/final_report_dmc_study_may_2009.pdf

Ms. LaMotte began with a brief background on the JJAC.

- JJAC members were all Governor appointees, however, the subcommittee on DMC has open membership; one does not need to be appointed by the Governor.
- One of JJAC's mandates is to determine if DMC is an issue in CT and if so, where/how it exists and potential intervention strategies.
- This is the third installment of the DMC study.
- It is conducted by Spectrum Associates for JJAC.

Another initiative of JJAC - effective police interactions with youth

- One-day training for patrol officers “Effective Police Interactions with Youth”
- Why youth do what they do?
- Adolescent vs. adult brain development research
- Police/youth relations
 - 4-step process for interacting with youth more effectively
 - Have invited security officers from schools
 - DCF has sent some officers as well

Identification of disproportionate incident reporting (a management tool)

- a software & training for public and private residential programs
- Excel program
- Tells managers about their DMC
- Tells them about their rates
- Provides a tool for residential facilities to review their DMC

How measure DMC? 3-steps:

- Relative rate index (RRI = % minority juveniles at decision point divided by white juveniles at decision point)
- Comparisons by types of offenses
- And comparisons while controlling for other factors

RRI – have ½ the percent of the white. But doesn’t tell anything about the kid, pure numbers game

Misconception that minorities commit more serious offenses

- So must control for type of offense
- Find in all size communities DMC is larger problem for black than Hispanic youth

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JJAC Recommendations

Did find DMC at several decision points in the JJ System

- All police should be trained on the problem of DMC
 - They have their curriculum
- Local educ should work with law enf to reduce over-reliance on arrest in schools
 - Hoping to pull together school and police to work on policy
 - Did not find a lot of data on this in their study but believe it to be an issue from other sources
- Law should be enacted to reduce DMC at the detention decision point
- Decision points of concern for the Judicial Branch, pros., DCF should be addressed through annual assessment & reporting
- Pull together subcommittee on JJ data should be est to improve data collection & allow for better monitoring and oversight of JJ decision-makers

Overall accountability recommendations, in general

- Review policies and practices
- Require documentation on decisions made
- Oversight on discretionary activities (if required to write things down, need to know that someone will review it)
- DCF, DPS, DCJ, DPDS, POST and Judicial should report annually on plans and actions
- OPM should direct and compile agency reports

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Study itself
 Identified key decision points
 No evidence of DMC: transporting to police station, length of holding at station, transportation of juveniles to detention
 Police much more likely to write incident reports for black and Hispanic juveniles than white
 Black and Hispanic charged with non-SJO felonies were more likely to be referred to court than white juveniles
 Black juv charged with misdemeanors were more likely to be referred to court than white juv similarly charged
 Black juv charged with non-SRO felonies and misdemeanors more likely were more likely to be placed in secure holding at police stations. Not found in Hispanic pop.
 Police were almost twice as likely to transport black and Hispanic juv accused of SJOs to detention
- On the record, effects future decisions, etc
Police as gatekeepers
- Police decisions affect the rest of the system
- Patrol officers often have discretion
- Patrol decisions directly affect DMC:
 If patrolling primarily minority areas, more likely to see and detain minorities
 If few or no places to refer or bring a juvenile to other than arrest, you're more likely to arrest/detain
- Choose the Least Restrictive Alternatives
- Most youth who break the law do not become adult criminals
- Best outcomes occur through local handling of youth
- Previous court involvement affects future police & court decision-making
- Youth may see court as less of a deterrent once they have been there
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 Is the neighborhood where the kid lived more of an imp factor than their race/ethnicity?
 Rural towns have much more severe case of DMC
- No evidence of DMC at the courts in several areas:

 Evidence of DMC at court:
- Black juv charged with misdemeanors were less likely to be released prior to case disposition
 - There were no disparities in the prior to two studies
- Black & hisp charged with an SJO were much more likely to be transferred to adult court
- Severity of SJO and the age of the juv had significant impact on transport decision but didn't neutralize...
 DCF
 No evidence of DMC almost all juv stayed at DCF supervision for the entire time of their commitment no matter what their ace
- Evidence of DMC:
 Black and hisp more likely to be placed in secure facility for SJOs or violations
- Black juv committed for non-SJO felonies spent more time secure facility
- Summary

- Police write more incident reports for minorities.....

Recommendations

- Collaborate with others
- Help agencies identify opportunities to address DMC
- Carry-out tasks that address specific decision points

Questions

Re: action plans: has there been any thought on analyzing historical perspectives on each specific issue, discern a historical context. So much of it involved subjectivity, which involved a lot of conventional wisdom

- Response: if get caught-up in too much data, as opposed to action, may lose the action
The training seems to become the important piece to making a difference
Rural towns have much more severe case of DMC, look at residency of the offenders compared to where they're arrested
Found no difference between whether town had or did not have a JRB
- Most JRBs won't take an out-of-town referral
Chairman of DCF sits on JJAC
Look at this study at what implication, if any, does this study have on our work and what's we're trying to do to prevent youth from getting into the system. Need for some linkage from that committee to ours, join our efforts to bring some of this forward. These issues have been studied by various groups for over thirty years and we haven't seen much progress.
- Would Paul Fitzgerald feel his department would be on-board?
Regional – courts, arrest, share resources? IMRP
Have JRBs connect, and figure out way for police & JRBs to ensure they have all of the info on the youth
- If youth has pending arrest in another town, but not regional, than police & JRB may not know of that pending arrest
Several other groups looking at initiatives/issues that we need to look at to determine if they're communicating & effective, etc...
How are we building community awareness and infrastructure so community is aware of programs, services, issues, etc
MH/behavioral factors greatly affect families and should be included as factors
Seems difficult to get police to attend their one-day training: sends enough brochures for officers and more to officers in charge of training but the only ones that really come are the SROs and other officers who probably need this the least. Possible reasons: costs department in overtime costs, no one believes this is their issue
Issues: get more police to sign-up for training
- Have DCF look at data to make changes
- Get DCF and police to look at their data annually
- Need good data set, regularly updated and shared publicly and understood by all departments

Did a train-the-trainer program for police to train each other on the police awareness program. Have 15 trained officers who are traveling cross-country to conduct trainings for officers in other states.

Would like to have it more broadcast

Police officers and esp management need to buy-in to idea that perhaps they need to force their officers to take into consideration how they handle youth regardless of color. If can get that done, than you've done the job of manager of a police department. If have to submit actions for review by supervisor than take more care in decision-making and become more aware of the decisions/actions you're making

- When police are making these decisions, there are many factors: it's at all times of the day, don't have the resources to fall back on, don't have the facilities to hold people, calling the parents/time of day,

Always appears as though CT one of the worst states for DMC, but when do analysis, particular points can take particular action

Systemic approach: can we get the training to be more broad-based? Do we have the capability and ability to do so? Is this the response our Commission should have to this study?

Would advertising through media be a way to get the word out? Similar to Governor's stop smoking initiatives and under-age drinking?

How do we know this would be the best training to get behind?

- It's a start, a beginning. Something we could do now. It may not be the best but it's in place. Could have the judge send out a letter to our large e-mail list from the conference. Specific, easy step. Maybe sit down with legislature and bring our annual report to review this with them. We may be able to do some things that the JJAC cannot. POST was involved in the curriculum. When a Chief may decide which officer to send to the training, will choose the SEO and youth officer because that's supposed to be their expert on this topic so when questions do arise, other officers go to them. So much keep their expertise up and may not be getting to the officer dealing with the youth in the middle of the night on a Sat night. There are a lot of grants out there; maybe we can do something about helping out with resources? Need to make mandated change.

Possibly two other areas Commission could get involved in, too:

- Some inconsistency across police jurisdictions on whether kids brought to detention or not? Find some way to get consistency. Policy regarding when to bring to detention?
- Whether there's a way to implement a policy where there has to be sign-offs on whether a child can be placed in detention and automatic.

Commission follow-up

Look at the issue of judicial sign-off before a juvenile can be brought to detention to offer more accountability, training, detention issue

Have the Steering Committee meet with Valerie to discuss the above-mentioned follow-up items

III. Legislative Update – Andrew Clark

Mr. Clark reviewed the status of House Bill 6697, *An Act Establishing a Sentencing Commission*. The Bill passed the Judiciary Committee on March 31, 2009 with a unanimous vote of 40 to 0. In the Appropriations Committee, substitute language was added: in line 1, after “established,” the phrase “within existing budgetary resources” was added. The substitute language implements the provisions of the bill within existing appropriations within the Office of Policy and Management. Yet it was highlighted that OPM had indicated that they could not fulfill the functions within those appropriations. Despite, House Bill 6697’s Joint favorable Substitute passed with a vote of 39 to 12 (7 were absent). On May 18th the Bill was referred to the Office of Legislative Research and Office of Fiscal Analysis.

IV. Other business

- V. Meeting adjourned at approximately 2:20 pm