

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

**MINUTES**

**September 21, 2009 Meeting**

*Persons Present:*

Judge Lubbie Harper, Jr. (Chairperson), Deborah Fuller (Judicial), Aileen Keays (IMRP), Andrew Moseley (BOPP), Ann-Marie DeGraffenreidt (DCF), Gary Roberge (CSSD), Hakima Bey-Coon (OVA), Jeanne Milstein (OCA), Judith Rossi (OCSA), Kay Berris (Judicial), Maureen Price-Boreland (CPA), Merva Jackson (AFCAMP), Pat Hynes (DOC), Paul Fitzgerald (Police Chief's Association), Preston Tisdale (OCPD), Shawna Johnson (Judicial), Tracey Gove (House of Rep's appointee).

Meeting commenced – 12:35 pm

- I. Welcome
- II. Joint Training
  - a. Met with Kevin Kane & Susan Storey about a year ago to discuss the idea of hosting a joint training for prosecutors and defense attorneys on the issue of racial & ethnic disparity in the criminal justice system. Both were very excited about the idea.
  - b. Scheduled Professor Jerry Kang of UCLA School of Law for April 15<sup>th</sup>. Professor Kang specializes in race, discrimination and civil procedure. He talks about implicit bias & the law.
  - c. The event will take place at Quinnipiac Law School at 9 a.m.
  - d. We will be inviting 100 prosecutors, 100 defense attorneys and 100 police chiefs. Professor Kang will make an initial presentation before attendees break-up for break-out sessions.
- III. Discussion of the Juvenile Justice Advisory Committee's recommendations to reduce Disproportionate Minority Contact
  - a. All of JJAC's "Decision Point Recommendations for Action" were read and discussed to determine their viability as initiatives the Commission could/should offer assistance to the JJAC to address.
    - i. All police officers should be trained on the problem of disproportionate minority contact

1. Data is being collected on JJAC's training program
  2. JJAC has been asked to give its DMC training in other states
  3. The training is conducted by police officers to police officers
  4. A problem Val is having is ensuring that when notice is being sent to police chiefs about the training program, it is communicated that the training is not just for young officers but experienced officers, as well.
  5. The Commission may want to ask Val to return to discuss the training specifically
    - a. *Commission agreed to invite JJAC to present the police training to the full Commission, not just the Steering Committee*
- ii. Local education agencies (LEAs) should work closely with local law enforcement in developing policies and procedures in order to reduce over-reliance on arrest to handle school disciplinary matters.
1. This is something the Commission has discussed pretty extensively
  2. JJAC is in the midst of creating subcommittees to address some of these recommendations; one will be on the LEAs.
    - a. This subcommittee may be up and running. It is called the "School & Police subcommittee".
  3. Determine which subcommittees (the Commission's and JJAC's) may dovetail
    - a. Could work together. Don't want to duplicate efforts.
- iii. To reduce disproportionate minority contact (DMC) at detention, the Connecticut General Assembly should enact legislation that prohibits any admission of a juvenile to detention without a court order.
1. Is this an issue that the Commission would like to address?
    - a. No response
  2. Ann-Marie, as a member of the Commission and the JJAC, explained - This recommendation stems from two things: during the time between JJAC's studies 1 and 2 on DMC, the law changed requiring only serious juvenile offenders to automatically go to detention. As a result, began to notice very few requests for judges to sign-off on non-serious juvenile offenders. Then JJAC did their study on detention that found that detention went up. This reflected what may be a broadening of what is constituted as a "serious" juvenile offender. We could ask Val to talk about this, too, when she returns.
- iv. As part of its agency DMC assessment process the Judicial Branch should review in detail its policies, practices, and data concerning decisions by probation officers to charge juveniles with violations of probation and violations of court orders.

1. CSSD will be presenting a plan to request funding from JJAC to start doing an internal review. Oct 3<sup>rd</sup> is the next JJAC mtg. So this recommendation is kind of in-process. This would be regarding juvenile probation only.
  2. The Commission will try to stay up-to-date on this but it does not need to address it personally at this time
- v. Prosecutors, both criminal and juvenile, should be trained on the problem of disproportionate minority contact (DMC) and how their decision-making impacts the issue of DMC at various points in the process, particularly at the decision point of transfer to the criminal docket.
1. The Commission's joint training on April 15<sup>th</sup> for prosecutors, defense attorneys and police chiefs on the problem of disparity in the CJ system will address this
- vi. The Department of Children and Families (DCF) should review its process for making and documenting changes in facility placement and parole decisions for juveniles committed as delinquent to DCF.
1. DCF was given money to do this and they're doing it
- vii. Data systems of juvenile justice and youth-serving agencies should be modified to consistently require the entry of, and the ability to track, data that practitioners and researchers deem important to the juvenile justice decision-making process to facilitate future study on disproportionate minority contact (DMC).
1. This is another subcommittee that the JJAC is creating: it's a hybrid of technology and research. This is being set-up by Val with money she is providing to try to make sure DCF's & Judicial's data is accessible.

#### IV. Creation of Working Groups

- a. Need to identify a chair for each working group who has the time & energy to lead
  - i. People who serve on the groups need not necessarily be commission members

##### Media working group – reviewed strategic plan hand-out

- Maureen Price-Boreland – Chair
- Kay Berris - member
- Andrew Moseley – member
- Merva Jackson – member

##### Education, training & cultural competence working group – reviewed strategic plan hand-out

- Tracey Gove – co-Chair
- Jeannie Milstein - member
- Judith Rossi - member
- Shawna Johnson – member
- Preston Tisdale – member
- Merva Jackson - member

Pre-Arrest, Prevention, Diversionary & Community-based Programs – reviewed strategic plan hand-out

- Ann-Marie – co-Chair
- Gary Roberge – member
- CTJJA – Abby Anderson, has been working on all of these issues and may be a good co-Chair
- Pat Hynes will get some DOC people
- Judith Rossi may be able to find someone from the Chief State’s Attorney’s Office to join
- Preston Tisdale will find someone from the Public Defender’s Office

#### V. Waterbury PAL Final Report

- a. The IMRP concluded its evaluation of the Waterbury PAL program and presented its findings before the Waterbury Board of Ed on August 31<sup>st</sup>. To conduct the study, the IMRP held focus groups with PAL police officers and teachers who volunteer at PAL; distributed surveys to guardians of PAL participants and children in PAL; interviewed children in PAL as well as their caregivers; and analyzed juvenile arrest data and school records. Our general findings from the evaluation were that PAL is targeting the right youth, which was a primary concern for Chief O’Leary when he first became Chief and looked at the PAL program that was in place. He realized that the majority of its members were athletics that may not be the youth who would need a program the most. He set-out to recruit the children in Waterbury who would benefit the most from positive role models and activities.

Aileen Keays summarized the IMRP’s findings from the evaluation as:

- Strengths of the Program
  - Findings from Institutional Records (arrest and school records) suggest that PAL is targeting the right youth – youth with slightly higher than normal arrest rates.
  - A major strength of the program is the commitment to its success from of all those that support it; including the Chief of Police, PAL supervisors and coordinators, volunteers, and local program sponsors.

- Respondents agree that the PAL program creates positive changes in the community and that these changes are sustainable and create an atmosphere less conducive to juvenile crime. In the eyes of many in the community, PAL stands for positive choice.
  - Nearly all respondents believe that PAL activities are offered at the right place, right time, for the right duration, and that the instructors, volunteers, facilities, and materials are all good.
  - Sports programs, especially baseball/softball and basketball, are the most popular programs; but a full array of other types of programs and events that appeal to everyone are also offered (e.g., arts, academics, skill-building programs for youth, and community celebrations for families).
- Weaknesses of the Program
    - Nearly all respondents believe that the PAL program is under-resourced - there are approximately 2800 youth in PAL with just five officers dedicated to their supervision. The most critical limiting factor is thought to be volunteer assistance.
    - Several respondents suggest that the PAL program needs improved communication with parents. The department is already addressing this by creating a formal hierarchy through which parents can make complaints.
    - Several respondents suggest that refereeing is not always good and that coaches should be better trained.
    - Respondents believe that it would be beneficial to conduct PAL programs at additional schools in the city, especially those far away from the PAL Learning Center.
    - In terms of additional PAL activities, the following ideas garnered support from respondents (please see conclusion section for the full array of suggestions):
      - A greater variety of educational and vocational programs for youth not interested in sports
      - More activities for 15 to 18 year olds.
      - More Special Olympics activities.
      - More basketball for younger youth.
      - More sports for girls such as volleyball, tennis, art programs, and cooking classes.
      - More activities during the summer and on weekends.
      - A swimming program. This past summer PAL held its first swimming program, for which hundreds of youth signed up and hundreds completed. The Chiefs goal was to teach children not to drown. U.S. Congressman Chris Murphy provided the funding, it was such a huge success that they are hoping to hold it again next year.

### *Discussion*

- Question from Jeanne Milstein – As a member of The Child Fatality Review Panel she was interested to hear about the swimming program because so many youth are drowning, but also the Panel is looking at teen driving courses because there have been so many deaths in recent years due to poor teen driving. Ms. Milstein was wondering if PAL was providing some sort of driving safety course.
  - Aileen replied that they held a PAL Safety Day during which she believes there were safe driving tables, and they may have a safe driving program but she was unsure. PAL is doing so much that it was difficult for the officers to even remember everything they have done when they were talking with the researchers.

### VI. Budget Update

- a. Raise the Age is still expected to go through.
  - i. It would raise the age of judicial jurisdiction for 16 year olds first, then 17 year olds on Jan 1, 2012.
  - ii. Everyone expects the “Clean-up Bill” to go through. The “Clean-up Bill” addressed some of the concerns with the raise the age initiative that had been expressed by police officers. The Bill: allows for police to release a juvenile on their own recognizance, keeps traffic violations for 16 year olds in adult court; and amends a section on statements provided by juveniles, so the admissibility of a statement by a 16 year old depends upon the totality of the circumstances. The only thing that is a remaining issue for police officers is the detention issue: housing adults and juveniles separately.
- b. The budget that was passed requires additional statewide savings of \$95 million. Thus, the next year is expected to be very austere and there are a lot of unknowns surrounding where further cuts will be made
- c. Finally, the Governor still has the power to impose up to 5% in additional cuts through the rescission power

### VII. Other business

- a. Merva just came from a System-of-Care meeting
  - i. Concerned legislation is being written without the input of the people it would affect
  - ii. In terms of training police officers on the issue of disparity, Merva feels that the police can be trained but training needs to include the community as well

### VIII. Adjourned at 1:25 pm