

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

Connecticut Judicial Branch

## Meeting Minutes

January 8, 2018, 2:00 PM

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

### **I. Welcome**

Justice Harper convened the meeting at 2:28 PM.

*Commission members present: Justice Lubbie Harper, Jr. (Chairperson), Hakima Bey (OVA), Brian Austin (OCSA/DCJ), Preston Tisdale (Governor appointee).*

*Others present: Deb Fuller (Judicial CSSD), Troy Brown (Judicial CSSD), Esther Harris (Judicial), Aileen Keays Yeager (CCSU/IMRP), Ben Daigle (CCSU/IMRP).*

### **II. Review and approve minutes from November 14<sup>th</sup> meeting**

- a. By consensus, absent a quorum, members recommended adopting the November 14<sup>th</sup> meeting minutes.

### **III. Updates on other commissions, committees and task forces**

- a. *Juvenile Justice Policy and Oversight Committee – Judicial*
- b. [Racial Profiling Prohibition Project](#) – IMRP
  - a. The IMRP released its 3<sup>rd</sup> annual traffic stop analysis and findings on November 7, 2017. This report analyzed an additional 12 months of reported traffic stops data (October 1, 2015 through September 30, 2016). The following departments were identified with statistically significant racial and ethnic disparities that warrant further analysis: Berlin, Monroe, Newtown, Norwich, Ridgefield, Darien, Ansonia, and Madison. IMRP has met with all departments, except Ansonia, to discuss the findings and to begin working with them to better understand the factors that may be contributing to the overall racial and ethnic disparity.
- c. [CT Sentencing Commission](#) – IMRP
  - a. On December 11, 2017, the Connecticut Sentencing Commission held a public hearing on several potential legislative proposals: (1) reform of the Sex Offender Registry and other recommendations of the Special Committee on Sex Offenders; (2) proposed Constitutional Amendment on pretrial release and detention that would (a) permit denial of release for high-risk defendants and (b) deny detention of defendants for lack of funds to buy a bail bond; and (3) four proposals from the Sentencing

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#### Commission's Advisory Group on Collateral Consequences of Criminal Conviction

- b. After a two-year study, the Commission has unanimously adopted a report on sex offender sentencing, registration and management system. Among its recommendations is the proposal to change the sex offender registry from an offense-based to a risk-based system. The Commission will be requesting that the Judiciary Committee raise a bill per its recommendations.
- c. The Commission has examined immigration consequences from state criminal conviction and will propose legislation to the Judiciary Committee to address some of those consequences. A proposal that has been adopted by the Commission would reduce the maximum sentence for misdemeanor convictions by one day. This change primarily targets two categories of offenses that trigger deportation and other immigration consequences under the Immigration and Nationality Act for all noncitizens, including green card holders. First, noncitizens convicted of a single offense where the maximum possible sentence is at least one year can be subject to deportation, regardless of the actual sentence imposed. Second, noncitizens actually sentenced to at least one year for certain offenses are subject to mandatory detention and deportation for conviction of an "aggravated felony," even where the sentence is suspended. A one-day reduction in maximum sentences would help address the disconnect between the state's misdemeanor offenses and the stark and asymmetrical immigration consequences that can result.
- d. The Commission is also exploring a proposal to address the unintended consequences from the Federal Adoption and Safe Families Act of 1997 (AFSA). One mandate of AFSA is that states must file a petition to terminate parental rights (TPR) on behalf of a child who has been in foster care for 15 consecutive months, or 15 of the most recent 22 months. Exceptions exist where: 1) at the option of the state, the child is being cared for by a relative, 2) the state finds that termination of parental rights would not be in the best interests of the child, or 3) the state has not provided appropriate services for the safe return of the child to his or her home. The provision can be triggered by parental incarceration, even when the parent attempts to remain engaged in services designed to support reunification. Thus, despite the stated intent, the law may lead to the severance of family ties against the best interests of the child.
- e. The Commission is continuing its study on bail. The Commission considered a constitutional amendment on bail, but has decided to take more time to develop a comprehensive proposal that would include not

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only a constitutional amendment but also a set of statutory changes that would be required to implement the amendment. No changes would be proposed for the 2018 legislative session and the Commission will aim to develop a proposal for the 2019 session.

- f. The Commission is looking to develop a potential proposal for an automatic erasure of certain criminal records.
- g. The next conference of the National Association of Sentencing Commissions (NASC) will be held on August 13-15, 2018. The Connecticut Sentencing Commission is now on NASC's executive board and is helping to develop the agenda for the conference.

#### **IV. Updates on implicit bias campaign**

- a. *Pilot project – No updates at this meeting.*

#### **V. MacArthur 2016 Safety and Justice Challenge award**

- a. Deb reported that an MOU was just signed between Judicial and IMRP. IMRP is waiting to hear from OPM on its other funding to determine whether it can hire someone new to staff the MacArthur project.

#### **VI. Marshall film screening**

- a. Event has just been confirmed for January 24<sup>th</sup>, 1:30-5, at Criterion Cinema in New Haven (capacity of 200). Program will be:
  - i. 1:30 – Doors open
  - ii. 1:50 – Justice Harper provide a brief welcome
  - iii. 2:00-4:00 – Film
  - iv. 4:10-5 – Panel discussion with Preston Tisdale, Mike Koskoff and John Smriga with Justice Harper moderating.
- b. Parking at Temple Street Garage.
- c. Cost: \$750 for rental. Koskoff will provide small drinks and Popcorn (contribution of at least 1,500). DCJ will contribute \$250. Need to raise the remaining \$500. Attendees will pay \$4/per car for parking (discount provided by cinema). IMRP will send Commission members follow-up email with these details, a link to register, and a request for funding contributions.
- d. Commissioners and guests discussed specific outreach strategies.

#### **VII. Membership – OCPD appointee**

- a. Justice Harper noted that he will reach out to Attorney Christine Perra Rapillo, the new Chief Public Defender, for her CREDCJS appointee.

#### **VIII. Other business**

#### **IX. Meeting adjournment**

- a. The meeting adjourned at 2:58 PM.