

State of Connecticut



Commission on Racial and Ethnic Disparity in the Criminal Justice System

Report on Activities 2017-2018

Dear Reader:

I am honored to submit to you this biennial report of the Commission on Racial and Ethnic Disparity in the Criminal Justice System, which covers the period from January 2017 through December 2018.

I held the privilege of continuing to lead the Commission toward fulfilling its legislative charge during this biennium. Its statutory mission to “address the overrepresentation of racial and ethnic minorities, with particular attention to African-Americans and Latinos, in the state’s criminal justice system”, guides the Commission.

During this biennium, the Commission focused its efforts on opportunities for increasing awareness of implicit biases’ impact on our criminal justice system and the people that it serves. The Commission held events that highlighted the experiences of individuals subject to disparate treatment in the criminal justice system due to their race and/or ethnicity. The Commission also collaborated with the Judicial Branch Education Committee to provide opportunities for judges to better understand biases as well as strategies to mitigate the influence of such partialities in their courtrooms. Furthermore, the Commission was informed that, as part of the state’s MacArthur Safety and Justice Challenge Award, it was awarded funds to develop and implement training on implicit bias for criminal justice professionals. Although the MacArthur project suffered significant launch delay, the Commission is now able to develop a training program.

As we look ahead to 2019 and 2020, the Commission remains committed to producing and implementing a train-the-trainer program for key criminal justice professionals on the existence and influence of implicit biases as part of the state’s MacArthur Safety and Justice Challenge Award. The Commission expects this training to increase its trainees’ awareness of their own biases, how the existence of such biases may influence their perceptions and decision-making, and methods for seeking to mitigate the effect of such unconscious preconceptions. In addition, the Commission will continue to pursue supplemental educational opportunities as well as collaborations.

The mandate of the Commission is equally imperative and complex. Members of the Commission recognize the importance of the work and share a passion to perform their responsibilities with expertise and insight. I would be remiss to not acknowledge that despite the good will of its members, the Commission’s ability to fulfill its mission is hampered by the lack of resources provided to it. Therefore, during this upcoming biennium, the Commission intends to solicit funding so that it may more effectively challenge the disparity that exists within our criminal justice system. Although the Commission has not received financial support from the General Assembly, it is grateful for the generosity and support of the Connecticut Judicial Branch, in-particular its prior Chief Justice Rogers and current Chief Justice Richard A. Robinson.

Sincerely,

Justice Lubbie Harper, Jr.
Chairman

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INTRODUCTION

The Commission on Racial and Ethnic Disparity in the Criminal Justice System (referred to as the Commission or CREDCJS) was created by Public Act 00-154 (see Appendix A), which went into effect on October 1, 2000. The Commission is a permanent body that is chaired by the Chief Court Administrator or a person designated by the Chief Court Administrator. The current chairman, Justice Lubbie Harper, Jr., has led the Commission since May 24, 2006.

In 2015, Public Act 15-109 (see Appendix B) was passed which amended some provisions of the original authorizing statute. The act made the following changes:

- Broadened the Commission's membership and charge to include overrepresentation of all racial and ethnic minorities in the criminal justice system, thereby allowing the Commission to address the impact of changing populations over time;
- Required the Commission to meet at least quarterly;
- Formally established the Commission's mission; and
- Refined the Commission's charge to more closely reflect the Commission's expertise and strengths.

Since the Commission began its work, its chairs and members have worked diligently to fulfill its mission and have relied entirely on the voluntary efforts of its members and member agencies to accomplish its very important work and have met on a bi-monthly schedule.

MEMBERSHIP

As previously mentioned, Public Act 15-109 (see Appendix B) further clarified the Commission's role and priorities, as well as membership and mission. Membership consists of various agencies, leaders and stakeholders within the State of Connecticut's Criminal Justice System and the Connecticut General Assembly (see Appendix C). The language states:

The commission shall consist of the Chief Court Administrator, the Chief State's Attorney, the Chief Public Defender, the Commissioner of Emergency Services and Public Protection, the Commissioner of Correction, the Commissioner of Children and Families, the Child Advocate, the Victim Advocate, the chairperson of the Board of Pardons and Paroles, the chairperson of the African-American Affairs Commission, the chairperson of the Latino and Puerto Rican Affairs Commission, the chairperson of the Asian Pacific American Affairs Commission, or their designees, a representative of municipal police chiefs, a representative of a coalition representing police and correctional officers, six members appointed one each by the president pro tempore of the Senate, the speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate and the minority leader of the House of Representatives, and two members appointed by the Governor. The Chief Court Administrator or said administrator's designee shall serve as chairperson of the commission.

In 2016, SSPA 16-3 Section 127 established a Commission on Equity and Opportunity (CEO) to focus on issues affecting African Americans, Asian Pacific Americans, and Latinos and Puerto Ricans. The CEO was created as successor to the African-American Affairs Commission, Latino and Puerto Rican Affairs Commission and Asian Pacific American Affairs Commission. With members from each of those now dissolved Commissions having had representation on the CREDCJS, the new CEO is represented through participation of its Executive Director as a member by virtue of his/her position, and two additional appointees of that Executive Director.

MISSION STATEMENT

Through dissemination of information, hosting informational forums, and various projects, the Commission continuously works toward the mission of eliminating racial and ethnic disparity in the criminal justice system. The Commission's mission states:

"The mission of the Commission shall be to address the overrepresentation of racial and ethnic minorities, with particular attention to African-Americans and Latinos, in the state's criminal justice system, and shall include consideration of the impact of such racial and ethnic disparity on minority communities."

GOALS AND OBJECTIVES

The Commission strives to accomplish its mission through the completion of a variety of specific goals and objectives that are identified below.

(1) Sponsor conferences, forums and educational and training programs on the causes, effects and implications of racial and ethnic disparity in the state's criminal justice system;

(2) Collaborate with national, state and local organizations and institutions to identify strategies for reducing racial and ethnic disparity in the state's criminal justice system;

(3) Develop, evaluate and recommend promising and emerging policies and practices, including any legislation to implement such policies and practices;

(4) Determine whether any statutory provision negatively impacts the racial and ethnic disparity in the state's criminal justice system and recommend statutory changes to the Governor and General Assembly to reduce such impact;

(5) Make recommendations to the Governor, the General Assembly and state and local agencies and organizations on the implementation of any such strategy, policy, practice or legislative change; and

(6) Assess the impact of any implementation of such strategies, policies, practices or legislative changes.

(c) [The] Not later than January 15, 2017, and biennially thereafter, the commission shall report, in accordance with the provisions of section 11-4a, to the Governor and the General Assembly [, not later than January first of each year, concerning additional resources that should be made available to reduce racial and ethnic disparity in the criminal justice system without affecting public safety] concerning the activities and accomplishments of the commission. Such report shall cover the time period since the previous report.

ACTIVITIES AND OPPORTUNITIES

UPDATES SINCE LAST REPORT

In the Commission's last report dated January 2017, implicit bias was identified as an issue contributing to the overrepresentation of minorities and ethnicities in the state of Connecticut's criminal justice system. Because of this, the Commission has remained steadfast in pursuing strategies for increasing awareness of implicit bias, ways in which implicit bias affects behavior and systems, and ways to address implicit bias within the system.

In order to highlight implicit bias and share more information about its impact on the adult and juvenile offender populations, the Commission hosted two special event film screenings: (1) *They Call Us Monsters* and (2) *Marshall*.

***They Call Us Monsters* Film Screening**

On February 28, 2017 and March 1, 2017 the Commission sponsored a two-day program featuring Ben Lear, director of the documentary *They Call Us Monsters*, which was screened during both events. The film humanizes the youth sentenced as juveniles to lengthy and at-times life sentences for violent crimes.

The program was developed by the Commission's Chair, Justice Lubbie Harper, Jr., in collaboration with Ms. Lisa Nkonoki, an Entertainment and Life Coach professional as well as a protégé and friend of Norman Lear (Connecticut native and Ben Lear's father), attorney Dori Hightower (a family law attorney in Fairfield County and mentee of Justice Harper), and Mrs. Edith Johnson, Principal of Wilbur Cross High School. Each day's event included a screening of the documentary followed by discussion with the director. Attendees felt that the events were informative and increased their awareness of the human toll lengthy sentences of incarceration have on youth. This issue is relevant to the Commission's work as racial and ethnic minorities receive disproportionately longer sentences.

***Marshall* Film Screening**

On January 24, 2018, the Commission hosted a screening of *Marshall* – a Hollywood film highlighting the life of Thurgood Marshall, a NAACP lawyer traveling the country defending people of color who are wrongly accused of crimes because of racial prejudice, and his time on assignment in Bridgeport, Connecticut. Following the screening, a panel discussion allowed stakeholders to connect and share various works of understanding and addressing legacies of racism in the criminal justice system.

The event was co-sponsored by the state of Connecticut's Division of Criminal Justice, Division of Public Defender Services, Office of the Victim Advocate, and Commission on Equity and Opportunity, along with Bridgeport- and New Haven-based law firm Koskoff, Koskoff & Bieder. Justice Lubbie Harper, Jr. welcomed more than 120 attendees to the Bow Tie Criterion Cinemas in New Haven, which included criminal justice leaders from across the state, municipal officials,

education leaders, and area college and university students. Justice Harper moderated the panel discussion, which featured Attorney and *Marshall* Screenwriter, Michael Koskoff, State's Attorney John C. Smriga, and Attorney and Commission member Preston Tisdale.

MacArthur Safety and Justice Challenge Award and Implicit Bias Training Grant Working Group

The Commission planned for the development and dissemination of an implicit bias program that would train-the-trainer; however significant delay in funding for this project and difficulties securing contractual agreements resulted in the suspension of this work until late 2018.

Several months of this reporting period were spent negotiating terms of a contract between MacArthur, its other grantees, and the State of Connecticut. To poise the Commission for future action, it created an *Implicit Bias Training Grant Working Group* which consisted of members of the Commission as well as key stakeholders from relevant agencies. The Working Group continued to strategize and conceptualize the implicit bias training(s) during contract negotiation. Using information provided by the working group during its meetings, the Institute for Municipal and Regional Policy (IMRP) drafted a training framework document and continues to support the Working Group's planning activity. Subsequently, as negotiation continued and the potential for award to be rescinded seemed likely, the Commission was directed by the Office of Policy and Management to pause full-scope planning efforts under the MacArthur Safety and Justice Challenge Award. Unfortunately, a final contract did not reach fruition due to data use disagreement between Connecticut and City University of New York's (CUNY's) Center for Court Excellence.

Without a signed agreement, the Commission has been re-classified as a partner site for the MacArthur Initiative which would provide a reduced amount of funding to develop implicit bias training. This amount of funding is significantly less than the originally awarded amount, and is accompanied by a drastically reduced time frame for completing the work, resulting in a pared-down project. Despite the reduction in compensation and shortened project term, the Commission remains confident that it can develop informative training for criminal justice professionals on implicit bias.

Collaboration with Judicial Branch Education Committee

As a result of mutual interest in reducing the potential for influence of implicit biases in judicial decision-making, Justice Harper, Jr., and Judge Sheridan, Chair of the Judicial Branch Education Committee, agreed to seek avenues for cooperative effort through their respective groups. A few demonstrations of collaboration occurred during this biennium: Meeting with Judge Bennett; Judges' Institute plenary session; and, Judge Sheridan's attendance at a Commission meeting.

Presentation by Judge Mark Bennett (U.S. District Court, Northern District of Iowa) to Connecticut judges

On May 18, 2017, Judge Mark W. Bennett (U.S. District Court, Northern District of Iowa) met with Judge David M. Sheridan, Judge Dawne Westbrook, Alison Bloomquist, Sean Reidy, Deirdre McPadden and IMRP staff on behalf of the Commission, and were hosted by the Connecticut Division of Public Defender Services. The meeting was arranged as part of the Commission's interest in implicit bias juror instruction, implicit bias training for judges, and the pilot study it is considering with Professor Attorney Rachel Godsil. During the meeting, Judge Bennett shared his personal strategies for combating the influence of implicit biases in his jurors' decision-making, as well as his attempts at broader adoption of his practices. Judge Sheridan proclaimed that he found these suggestions helpful and thought that they would influence his work as Chair of the Judicial Branch's Education Committee.

Judges' Institute

During the summer of 2017, Jessica MacFarlane, on behalf of Rachel Godsil and the Perception Institute, presented *Our Brains on Race™: Implicit Bias, Racial Anxiety, and Stereotype Threat as Obstacles to Fairness in Judging* at the annual Connecticut Judges' Institute. This presentation was coordinated by the Commission in partnership with the Judicial Branch's Education Committee – most notably its Chair, Judge Sheridan. The presentation was offered as a plenary session and attended by all judges and family support magistrates. The course description and course objectives follow.

Course Description

This course will focus on methods to override unconscious brain processes that get in the way of fairness in judging. This session will explore concepts from the mind sciences (implicit bias, racial anxiety, and stereotype threat) to help explain disparities in outcomes and why identity differences can be challenging, even for individuals with strongly held egalitarian values. This session will be led by Jessica MacFarlane, MPH, Research Associate at Perception Institute. Ms. MacFarlane will provide research evidence of how unconscious phenomena operate in our brains and how they can get in the way of our ability to live out egalitarian values. Ms. MacFarlane will discuss strategies to override implicit bias, reduce racial anxiety, and prevent stereotype threat, in order to promote fairness in the courtroom.

Course Objectives

At the conclusion of this course, judges should be better able to:

- *Describe the mind science key concepts of implicit bias, racial anxiety, and stereotype threat;*
- *Recognize the ways that implicit bias, racial anxiety, and stereotype threat can present challenges to fairness in judging; and*
- *Identify strategies to reduce the impact of implicit bias, racial anxiety, and stereotype threat in their courtrooms and in their work as judges.*

Ms. MacFarlane’s presentation was videotaped by Judicial Branch staff and is now included in the Branch’s Pre-Bench Orientation program for new judges.

November 2017 Commission meeting

To further promote collaboration and cooperation between the Commission and the Judicial Branch Education Committee, Judge Sheridan attended the Commission’s November 2017 meeting as a guest attendee. Judge Sheridan conveyed to Commission members his interest in further developing the Branch’s strategies for mitigating the potential influence of implicit biases in judicial decision-making through educational opportunities and his desire to sustain a cooperative relationship with the Commission. The Commission and Committee, through Judge Sheridan, agreed to continue to seek cooperative opportunities.

Jury Instruction Pilot Study

Following the Commission’s 2015 symposium, *Demystifying Implicit Bias: Insights For Change*, at-which Professor Rachel Godsil, Esq., was keynote, the Commission and Professor decided to pursue the implementation of a pilot study to test the effect of jury instruction on implicit bias in Connecticut. Following a few phone meetings with the IMRP, the Perception Institute prepared a study design proposal for the Commission’s review. The proposal was disseminated at the regular Commission meeting of March 13, 2017. After further review by the Commission and feedback from other stakeholders it was determined that the design study, as presented, would not be suitable due to its proposed use of real jurors in actual cases. Through the IMRP, the Commission inquired about an alternate study design however as of this report, a suitable design has not been identified.

The Institute for Municipal and Regional Policy

The Institute for Municipal and Regional Policy (IMRP) provides ongoing administrative assistance to the Commission including regular meeting preparation and participation, outreach to members and other interested parties, event coordination, and website updates. At each Commission meeting, the IMRP also prepares and shares updates from similar groups including the Connecticut Racial Profiling Prohibition Project, and the Connecticut Sentencing Commission, as well as connecting the Commission to statewide and nationwide stakeholders.

NEW ACTIVITIES AND OPPORTUNITIES

Diversity Week Address

Justice Harper, Jr., as chair of the Commission, was invited by the State Judicial Branch to provide an address at the kick-off ceremony for Diversity Week at the Legislative Office Building at the State Capitol on October 23, 2017. Justice Harper recognized the need for a “culture of inclusion” and emphasized the importance of diversity, especially in the criminal justice system and specifically regarding employees within the agencies that work within the field.

Justice Harper stated, “The values of diversity and inclusion, once embraced, will lead to an appreciation of human and cultural differences. It is a source of national strength, it is a concept that can increase our sensitivity and awareness, enrich our lives, increase our knowledge, expand the scope of our understanding, and improve the quality of our lives in so many different ways.”

New York’s Drug Policy Alliance

The Institute for Municipal and Regional Policy arranged a phone meeting between Attorney Deborah Fuller, IMRP and Dionna King. Ms. King is a policy coordinator with New York’s Drug Policy Alliance.

The Alliance reached out to the Commission for information to aide in its process of creating a campaign for reparative justice in response to the discriminatory effects of drug policy in New York State. The Alliance is proposing that New York State convene a committee on Racial and Ethnic disparities in the justice system in response to the decline in overall criminal admissions, but the continued disparate outcomes for justice involved racial and ethnic minorities.

The meeting went well and the Commission, through Deborah, offered additional technical assistance if such support would be helpful for the state of New York.

FUTURE ACTIVITIES

During the upcoming biennium, the Commission on Racial and Ethnic Disparity in the Criminal Justice System will continue to engage in activities to address the overrepresentation of racial and ethnic minorities in the state's criminal and juvenile justice systems.

MacArthur Safety and Justice Challenge Award

The Commission will develop and implement a train-the-trainer program on implicit bias for key criminal justice professionals. Target audiences are expected to include judges, prosecuting attorneys, public defense attorneys and police. Discipline-specific trainers from criminal justice agencies/divisions together with community stakeholders are expected to complete training during the spring of 2019 in accordance with the extension of the award through June 2019. Trainers utilize a standardized training model approach, across the criminal justice system, to include exploration and increased awareness of implicit bias, recognition and identification of biases, and development of strategies to manage, counter and reduce biases. The training model includes both formal training content (concepts and theory) as well as process in a dialogic framework. Sustainability of the training program requires commitment by and accountability within agencies and divisions over time, beyond the initial training of trainers/facilitators.

Coordination and Collaboration

The Commission will remain abreast of the activities of groups similarly concerned with the disparate treatment and rate of representation of racial and ethnic minorities in the criminal justice system. The Commission will seek to collaborate with and support efforts of these groups so as to further the broader agenda in this state. The Commission will also seek to coordinate with such groups when pursuing its agenda.

Events

The Commission will host and sponsor events on the causes, effects, implications and/or strategies for addressing racial and ethnic disparity in the state's criminal justice system.

Policy

The Commission will support policy that seeks to mitigate the disparate treatment and overrepresentation of racial and ethnic minorities in the criminal justice system.

Advocate for Additional Resources

In order to fulfill its legislative mandate, the Commission will advocate for financial support.

Membership

Following the swearing in of Governor-elect Ned Lamont, and the appointment of new leaders of the General Assembly, the Commission will approach appointing authorities to request renewal of current appointments and the filling of existing vacancies. In addition, the Commission will request an update to its enabling legislation to reflect the creation of the CEO

and dismantling of the African-American Affairs Commission, Latino and Puerto Rican Affairs Commission and Asian Pacific American Affairs Commission.

APPENDICES

Appendix A – Original Legislation

Public Act No. 00-154

An Act Concerning Racial Disparity In The Criminal Justice System

Be it enacted by the Senate and House of Representatives in General Assembly convened:

(NEW) (a) There is established a Commission on Racial and Ethnic Disparity in the Criminal Justice System. The commission shall consist of the Chief Court Administrator, the Chief State's Attorney, the Chief Public Defender, the Commissioner of Public Safety, the Commissioner of Correction, the Commissioner of Children and Families, the Child Advocate, the Victim Advocate, the chairperson of the Board of Parole, the chairperson of the African-American Affairs Commission, the chairperson of the Latino and Puerto Rican Affairs Commission, or their designees, a representative of municipal police chiefs, a representative of a coalition representing police and correctional officers, six members appointed one each by the president pro tempore of the Senate, the speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate and the minority leader of the House of Representatives, and two members appointed by the Governor. The Chief Court Administrator or said administrator's designee shall serve as chairperson of the commission. The commission shall meet at such times as it deems necessary.

(b) The commission shall:

(1) Develop and recommend policies for reducing the number of African-Americans and Latinos comprising the pretrial and sentenced population of correctional facilities and reducing the number of African-Americans and Latinos who are victimized by crime;

(2) Examine the impact of statutory provisions and current administrative policies on racial and ethnic disparity in the criminal justice system and recommend legislation to the Governor and the General Assembly to reduce such disparity;

(3) Research and gather relevant statistical data and other information concerning the impact of disparate treatment of African-Americans and Latinos in the criminal justice system;

(4) Develop and recommend a training program for personnel in agencies involved in the criminal justice system concerning the impact of disparate treatment of African-Americans and Latinos;

(5) Research and examine the issue of the use of guidelines by courts when sentencing criminal defendants and recommend whether the General Assembly should create a sentencing guidelines commission to establish sentencing guidelines for state courts;

(6) Examine the implementation of policies and procedures that are consistent with policies of the American Bar Association intended to ensure that death penalty cases are administered fairly and impartially in accordance with due process, to minimize the risk that innocent persons may be executed and to eliminate discrimination in capital sentencing on the basis of the race of either the victim or the defendant;

(7) Annually prepare and distribute a comprehensive plan to reduce racial and ethnic disparity in the criminal justice system without affecting public safety;

(8) Develop and recommend policies and interventions to reduce the number of African-Americans and Latinos in the juvenile justice system;

(9) Analyze the key stages in the juvenile justice system to determine if any stage disproportionately affects racial or ethnic minorities including the decision to arrest a juvenile, the decision to turn a juvenile over to a detention center, the decision to nonjudicially dispose of the case or to file a petition of delinquency, and the decision to resolve the case by placement on probation, placement in a residential facility or placement at Long Lane School or the Connecticut Juvenile Training School;

(10) Annually prepare and distribute a juvenile justice plan having as its goal the reduction of the number of African-Americans and Latinos in the juvenile justice system, which plan shall include the development of standard risk assessment policies and a system of impartial review, culturally appropriate diversion programs for minority juveniles accused of nonviolent felonies, intensive in-home services to families of pretrial delinquents and youth on probation, school programs for juveniles being transferred from detention centers, Long Lane School or the Connecticut Juvenile Training School, the recruitment of minority employees to serve at all levels of the juvenile justice system, the utilization of minority juvenile specialists to guide minority juvenile offenders and their families through the juvenile justice system, and community service options in lieu of detention for juveniles arrested for nonserious offenses;

(11) Develop a curriculum for training of all employees at all levels of the juvenile justice system on issues of cultural competency and strategies to address disproportionate minority confinement;

(12) Submit an annual report to the Governor and the General Assembly concerning:

(A) The number of African-Americans and Latinos comprising the pretrial and sentenced population of correctional facilities;

(B) The progress being made toward reducing the number of African-Americans and Latinos comprising the pretrial and sentenced population of correctional facilities;

(C) The adequacy of legal representation for indigent defendants;

(D) The adequacy of the number of residential and nonresidential treatment slots available for African-Americans and Latinos;

(E) The adequacy of the number of court interpreters; and

(F) Such other information as the commission deems appropriate.

(c) The commission shall report to the General Assembly, not later than January first of each year, concerning additional resources that should be made available to reduce racial and ethnic disparity in the criminal justice system without affecting public safety.

Appendix B – Revised Legislation

Public Act No. 15-109

An Act Concerning the Commission on Racial and Ethnic Disparity In The Criminal Justice System and The Removal of the Terms “Crippled” and “Defective Eyesight” from the General Statutes

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 51-10c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2015):

(a) There is established a Commission on Racial and Ethnic Disparity in the Criminal Justice System. The commission shall consist of the Chief Court Administrator, the Chief State's Attorney, the Chief Public Defender, the Commissioner of Emergency Services and Public Protection, the Commissioner of Correction, the Commissioner of Children and Families, the Child Advocate, the Victim Advocate, the chairperson of the Board of Pardons and Paroles, the chairperson of the African-American Affairs Commission, the chairperson of the Latino and Puerto Rican Affairs Commission, the chairperson of the Asian Pacific American Affairs Commission, or their designees, a representative of municipal police chiefs, a representative of a coalition representing police and correctional officers, six members appointed one each by the president pro tempore of the Senate, the speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate and the minority leader of the House of Representatives, and two members appointed by the Governor. The Chief Court Administrator or said administrator's designee shall serve as chairperson of the commission. The commission shall meet [at such] quarterly and at such other times as [it] the chairperson deems necessary.

(b) The mission of the commission shall be to address the overrepresentation of racial and ethnic minorities, with particular attention to African-Americans and Latinos, in the state's criminal justice system, and shall include consideration of the impact of such racial and ethnic disparity on minority communities. The commission shall:

[(1) Develop and recommend policies for reducing the number of African-Americans and Latinos comprising the pretrial and sentenced population of correctional facilities and reducing the number of African-Americans and Latinos who are victimized by crime;

(2) Examine the impact of statutory provisions and current administrative policies on racial and ethnic disparity in the criminal justice system and recommend legislation to the Governor and the General Assembly to reduce such disparity;

(3) Research and gather relevant statistical data and other information concerning the impact of disparate treatment of African Americans and Latinos in the criminal justice system;

(4) Develop and recommend a training program for personnel in agencies involved in the criminal justice system concerning the impact of disparate treatment of African-Americans and Latinos;

(5) Research and examine the issue of the use of guidelines by courts when sentencing criminal defendants and recommend whether the General Assembly should create a sentencing guidelines commission to establish sentencing guidelines for state courts;

(6) Examine the implementation of policies and procedures that are consistent with policies of the American Bar Association intended to ensure that death penalty cases are administered fairly and impartially in accordance with due process, to minimize the risk that innocent persons may be executed and to eliminate discrimination in capital sentencing on the basis of the race of either the victim or the defendant;

(7) Annually prepare and distribute a comprehensive plan to reduce racial and ethnic disparity in the criminal justice system without affecting public safety;

(8) Develop and recommend policies and interventions to reduce the number of African-Americans and Latinos in the juvenile justice system;

(9) Analyze the key stages in the juvenile justice system to determine if any stage disproportionately affects racial or ethnic minorities including the decision to arrest a juvenile, the decision to turn a juvenile over to a detention center, the decision to nonjudicially dispose of the case or to file a petition of delinquency, and the decision to resolve the case by placement on probation, placement in a residential facility or placement at Long Lane School or the Connecticut Juvenile Training School;

(10) Annually prepare and distribute a juvenile justice plan having as its goal the reduction of the number of African-Americans and Latinos in the juvenile justice system, which plan shall include the development of standard risk assessment policies and a system of impartial review, culturally appropriate diversion programs for minority juveniles accused of nonviolent felonies, intensive in-home services to families of pretrial delinquents and youths on probation, school programs for juveniles being transferred from detention centers, Long Lane School or the Connecticut Juvenile Training School, the recruitment of minority employees to serve at all levels of the juvenile justice system, the utilization of minority juvenile specialists to guide minority juvenile offenders and their families through the juvenile justice system, and community service options in lieu of detention for juveniles arrested for nonserious offenses;

(11) Develop a curriculum for training of all employees at all levels of the juvenile justice system on issues of cultural competency and strategies to address disproportionate minority confinement;

(12) Submit an annual report to the Governor and the General Assembly concerning:

The number of African-Americans and Latinos comprising the pretrial and sentenced population of correctional facilities;

The progress being made toward reducing the number of African-Americans and Latinos comprising the pretrial and sentenced population of correctional facilities;

The adequacy of legal representation for indigent defendants;

The adequacy of the number of residential and nonresidential treatment slots available for African-Americans and Latinos;

The adequacy of the number of court interpreters; and

Such other information as the commission deems appropriate.]

Sponsor conferences, forums and educational and training programs on the causes, effects and implications of racial and ethnic disparity in the state's criminal justice system;

Collaborate with national, state and local organizations and institutions to identify strategies for reducing racial and ethnic disparity in the state's criminal justice system;

Develop, evaluate and recommend promising and emerging policies and practices, including any legislation to implement such policies and practices;

Determine whether any statutory provision negatively impacts the racial and ethnic disparity in the state's criminal justice system and recommend statutory changes to the Governor and General Assembly to reduce such impact;

Make recommendations to the Governor, the General Assembly and state and local agencies and organizations on the implementation of any such strategy, policy, practice or legislative change; and

Assess the impact of any implementation of such strategies, policies, practices or legislative changes.

[The] Not later than January 15, 2017, and biennially thereafter, the commission shall report, in accordance with the provisions of section 11-4a, to the Governor and the General Assembly [, not later than January first of each year, concerning additional resources that should be made available to reduce racial and ethnic disparity in the criminal justice system without affecting public safety] concerning the activities and accomplishments of the commission. Such report shall cover the time period since the previous report.

Appendix C – Commission Membership
(as of December 2018)

BY VIRTUE OF POSITION, OR DESIGNEE	
Chief Court Administrator, Chair	Justice Lubbie Harper, Jr.
Chief State’s Attorney	Brian Austin, Jr.
Chief Public Defender	Claud Chong
Commissioner of Emergency Services and Public Protection	VACANT
Commissioner of Correction	VACANT
Commissioner of Children and Families	William Rivera
Child Advocate	Sarah Eagan
Victim Advocate	Hakima Bey-Coon
Chairperson of the Board of Pardons and Paroles	Carleton J. Giles
Executive Director of the Commission on Equity and Opportunity	Steven Hernandez
APPOINTMENTS	
Governor	Preston Tisdale
Governor	Sharon Cheeks
President Pro Tempore of Senate	Scott Jones
Speaker of the House of Representatives	VACANT
Majority Leader of the Senate	David McGuire
Majority Leader of the House of Representatives	Leon Smith
Minority Leader of the Senate	Avery Gaddis
Minority Leader of the House of Representatives	VACANT
Representative of the Municipal Police Chiefs	Patrick Ridenhour
Commission on Equity and Opportunity	Cheryl Sharp
Commission on Equity and Opportunity	VACANT