

State of Connecticut



Commission on Racial and Ethnic Disparity in the Criminal Justice System

Report on Activities 2021-2022

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 2021 through December 2022.

I have had the privilege of leading the Commission toward fulfilling its legislative charge during this biennium. The Commission has been guided by 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.”

During this biennium, the Commission continued its collaborative work with organizations and groups similarly pursuing equitable justice. The Commission worked with the Connecticut Judicial Branch’s Jury Selection Task Force to examine the influence of racial bias in the jury selection process. After extensive analysis and consideration, the task force recommended necessary solutions to move our judiciary toward eradicating such biases from impacting the pursuit of justice in Connecticut. These recommendations were subsequently approved and ratified by Chief Justice Robinson and the Judiciary Committee on May 9, 2022.

Another collaborative effort sought to protect voting rights and access for those currently and formerly involved in the criminal justice system. The Commission co-authored a letter urging the General Assembly’s Government Administration and Elections Committee to raise a bill to expand voting rights for those formerly convicted of offenses, and access for those currently held within correctional facilities, in Connecticut. Other signatories included Katal Center for Equity, Health, & Justice, the Connecticut Commission on Equity and Opportunity, the Strategic Advocacy Clinic at Yale Law School, and the Full Citizens Coalition to Unlock the Vote.

During this biennium, the Commission joined state and national partners in a large-scale, longitudinal study utilizing combined data from multiple sources to identify government programs whose utilization is associated with non-recidivism, higher incomes, better health, more stable housing, or other socially desirable outcomes. Results of the study have the potential to contribute to the policy discourse about how to serve young people involved in the juvenile justice system and identifying strategies for reducing recidivism. Other partners in the state on this project include the Department of Social Services and Yale School of Medicine.

Further, the Commission joined the National Consortium on Racial and Ethnic Fairness in the Courts, an entity created to enhance communication between existing and future task forces and commissions on racial and ethnic bias in the judiciary. I was then honored by an invitation to speak at its annual conference on the work of our great state.

In addition to this event, the Commission co-sponsored and hosted a series of other events. The Commission continues to value events as a mechanism for shared learning and inquiry on issues of critical importance in the pursuit of equal justice.

Also, during this period, the Commission felt compelled to release two public statements on topics garnering significant attention relevant to our important mission.

In 2020 and 2021, a series of tragic acts of perceived excessive force by law enforcement officers on members of marginalized racial groups were broadcast nationwide. Community, national, and even worldwide responses were that of disgust and outrage, with a demand for change to prevent such acts from occurring in the future. The Commission chose to release a public statement (Appendix E) condemning these crimes and calling for recognition that racism still exists, and that there is disparate treatment and consideration given to people of marginalized racial groups in both society and our justice system.

During the Commission's November 2021 meeting, members voted to release a statement (Appendix D) addressing the on-going public rhetoric in the state surrounding an alleged increase in motor vehicle thefts and break-ins, and subsequent policy proposals marketed as addressing this increase. The Commission wanted to release a data-driven statement that provided accurate information to the public, and which used this evidence to challenge, and dispute based on evidence, the political narrative some legislative leaders in the state were unjustly and loudly proclaiming.

As we look ahead to 2023, the Commission is planning to host a conference on policing to help educate the public and law enforcement professionals of the goals and objectives of the Police Accountability Bill, and to make clear the implications of its implementation. The event will also further the discussion by reflecting on the goals of recent policing reform, the progress that Connecticut has made, identify the work that might still need to occur, and how needed changes can be accomplished. In addition, the Commission will continue to pursue supplemental educational opportunities as well as collaborations.

With such a powerful group of experts on the criminal justice system and the role that race and ethnicity play in the delivery of justice, the Commission stands firm in its capability to address racial and ethnic disparity in Connecticut's criminal justice system. However, I would be remiss to not acknowledge the challenges that continue to exist from a lack of supportive funding for the Commission. The Commission has operated for decades with a vitally important mandate and a lack of resources dedicated to the activities of the Commission. It is through the generous support of the Judicial Branch that the Commission has been able to operate at the capacity that it has. However, the time is right for the State of Connecticut to demonstrate its commitment to racial and ethnic fairness in the state's justice systems by dedicating the necessary funds to permit the talented members of the Commission to engage in the activities necessary to investigate and safeguard judicial practices that seek to secure fairness in the delivery of justice.

Sincerely,
Honorable Lubbie Harper, Jr.
Chairman

TABLE OF CONTENTS

INTRODUCTION.....5

MEMBERSHIP.....6

MISSION STATEMENT.....7

GOALS AND OBJECTIVES.....8

ACTIVITIES AND OPPORTUNITIES.....9

APPENDICES.....13

Appendix A: Original Legislation.....13

Appendix B: Revised Legislation.....15

Appendix C: Commission Membership.....17

Appendix D: MVT Statement.....18

Appendix E: Statement on Policing.....22

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 representation 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 better 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 especially 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, 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 2019, Public Act No. 19-117 established a Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO), to focus on issues affecting women, children and the family, elderly persons, African Americans, Asian Pacific Americans, and Latinos and Puerto Ricans. The CWCSEO was created as a successor to the Commission on Equity and Opportunity and the Commission on Women, Children and Seniors. With members from each of those now dissolved Commissions having had representation on the CREDCJS, the new CWCSEO 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 completion of the goals and objectives 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.*
- (7) [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 period since the previous report.*

ACTIVITIES AND OPPORTUNITIES

NEW ACTIVITIES

[Jury Selection Task Force](#)

The Connecticut Judicial Branch created a Jury Selection Task Force to examine and to propose necessary solutions toward eradicating racial bias from the jury selection process in Connecticut. The Branch invited a member of the Commission to participate in the Task Force to help to inform its recommendations. The Commission appointed long-time Commissioner, Preston Tisdale, to assist the Task Force on the Commission's behalf. Attorney Tisdale was an active member of the Task Force and participated in one of its important subcommittees, Implicit Bias in the Jury Selection Process and Batson Challenges. Its charge was to investigate implicit bias and its impact on the jury selection process. Following its review, the subcommittee made suggestions for the full Task Force to consider adopting as formal recommendations for the Branch. Following the extensive work of the Task Force and its subcommittees, the Jury Selection Task Force's recommendations were approved and ratified by Chief Justice Robinson and the Judiciary Committee on May 9, 2022.

Program Utilization by Formerly Criminalized Persons: Linking Recidivism Data to Data Held by the U.S. Census Bureau

During fiscal year 2022, the Commission voted to act as a state sponsor for Program Utilization by Formerly Criminalized Youth. This project proposes to combine state agency data on juvenile justice, criminal justice, and recidivism with Census Bureau-held data with respect to young persons who have been involved in criminal or juvenile justice in one state. The study brings juvenile recidivism data integrated from three state agencies for nearly 83,000 individual juveniles who were involved in juvenile or criminal justice between 2000 and 2014 with information about arrests, charges, disposition, sentencing, incarceration, and rearrest. This project seeks matching with federally held data resources on income and employment (IRS and state UI wage data), housing assistance (HUD), health insurance and health care (Medicare and Medicaid), and location.

By combining state juvenile recidivism data with data resources held at the Census Bureau, the study aims to identify government programs whose utilization is associated with non-recidivism, higher incomes, better health, more stable housing, or other socially desirable outcomes. Results of this study can contribute to policy discourse about how to serve young people involved with the juvenile justice system and identifying strategies for reducing recidivism. Other partners in the state on the project include the Department of Social Services and Yale School of Medicine.

Voting Access and Re-enfranchisement Act

The Connecticut Sentencing Commission co-authored a letter requesting that the General Assembly's Government Administration and Elections (GAE) Committee raise a bill to expand voting rights and access for criminal justice involved, and currently incarcerated, individuals in Connecticut. Justice Lubbie

Harper, Jr. signed the letter on behalf of the Commission on Racial and Ethnic Disparity in the Criminal Justice System. This letter received signatures from several organizations including the Katal Center for Equity, Health, & Justice, the Connecticut Commission on Equity and Opportunity, the Strategic Advocacy Clinic at Yale Law School, and the Full Citizens Coalition to Unlock the Vote. However, the leadership of the GAE Committee did not raise the proposed legislation for a public hearing.

[Statement on Recent Events involving Police and People of Marginalized Racial Groups](#)

In 2020 and 2021, a series of tragic and heinous acts of excessive force by law enforcement officers on members of marginalized racial groups were broadcast nationwide. Community, national, and even worldwide responses were that of disgust and outrage, with a demand for change to prevent such horrific acts from occurring in the future.

The Commission chose to release a public statement (Appendix E) condemning these crimes and calling for recognition that racism still exists, and that there is disparate treatment and consideration given to people of marginalized racial groups in both society and our justice system. And that [we], and all Americans, must act immediately to acknowledge and accept that this nation was built on a foundation of racism, doing so is the first step toward working together to repair the systems that further fuel disparities and injustices in our country. We need to openly and honestly discuss the fact that racism is still present today, even if it may make some uncomfortable. We must help our fellow Americans, who do not believe that racism is prevalent and powerful today, understand its existence and how it is crippling our nation at its core. We must prove to Americans of African descent that we care, that we hear their cries of injustice, that we want to make it right, and that we will fight alongside them to do so.

[Statement on Motor Vehicle Thefts and Juvenile Justice Policies](#)

During the Commission's November 2021 meeting, members voted to release a statement (Appendix D) addressing the on-going public rhetoric surrounding an alleged increase in motor vehicle thefts (MVT) and break-ins in the state, and subsequent policy proposals marketed as addressing this increase. The Commission wanted to release a data-driven statement that provided accurate information to the public and which challenged the political narrative some legislative leaders in the state were loudly proclaiming. The Commission also wanted to address the policy proposals that were being pushed as solutions to the alleged problem. The Commission wanted to point out that since these proposals were not informed by available data, they were unlikely to successfully address the proclaimed issue. Further, the proposals that some legislators urged would have a significant and disparate impact on black and brown youth in Connecticut while not solving the proclaimed problem.

The Commission shared its support for evidence-based solutions proven effective at lowering MVTs and urged policymakers to focus on continuing to address the impact of the COVID-19 pandemic on all children. The statement received overwhelming praise and was shared with the Judicial Branch, the Governor's office, legislators, members of the media, and the Juvenile Justice Policy and Oversight Committee.

Coordination Through Collaboration

The Commission continued its commitment to collaboration and furthering communication amongst like groups by hosting several special guests at Commission meetings. Some guests included Ken Barone of the Connecticut Racial Profiling Prohibition Project, Andrew Clark of the Police Transparency and Accountability Task Force, Chief Higgins of Yale University Police Department, Chief Riddick of the West Hartford Police Department, Chief Roberts, former Hartford Chief of Police and the current head of security with Hartford Public Schools, and Dr. Glen Worthy, Educational Administrator for Juvenile Justice Education at the Department of Children and Families.

Updated Commission Membership

During fiscal year 2021, the Commission welcomed two new members: Gail Hardy, who is the new Division of Criminal Justice representative, and Malik Abdul Ramiz, who was appointed by the Speaker of the House of Representatives.

During fiscal year 2022, no new members were appointed to the Commission. Its vacancy appointment by the Minority Leader of the House of Representatives remains, and Commissioner Scott Jones resigned his position following nomination, and subsequent confirmation, for judgeship. This leaves a vacancy appointment by the President Pro Tempore of the Senate. The Commission will seek appointments to fill both vacancies.

Events

National Consortium on Racial and Ethnic Fairness in the Courts

During fiscal year 2021, the Commission joined the National Consortium on Racial and Ethnic Fairness in the Courts, an entity created to enhance communication between existing and future task forces and commissions on racial and ethnic bias in the judiciary. Chair, Justice Lubbie Harper, Jr., was also invited to speak during the Consortium's annual conference. During Justice Harper's presentation, he discussed some of the progress made in the state of Connecticut.

Police Transparency and Accountability Task Force's Youth Listening Sessions

The Connecticut Police Transparency and Accountability Task Force held four Youth Listening Sessions in February and March of 2021. The Task Force had determined that the voices of youth were missing from the previous listening sessions held in September and November of 2020. The Task Force hosted Listening Sessions with the goal of gathering public input around what topics the Task Force could focus on to work towards police transparency and accountability. The Commission co-sponsored one of the Youth Listening Sessions. This session welcomed older adolescents and young adults to provide their perspective on police engagement with youth in their community and recommendations they would like to see adopted in law enforcement reform. The Task Force released a [report](#) providing a summarization of the thematic recommendations that were identified by participants.

Advancing Racial Equity Symposium

The Commission was one of several distinguished co-sponsors of “Advancing Racial Equity Symposium,” hosted by the Commission on Women, Children, Seniors, Equity & Opportunity at Goodwin University. This well-attended event brought key policymakers to the table to discuss efforts to achieve racial equity nationwide, and in Connecticut.

Law Enforcement Leadership and Race

The Commission hosted a panel discussion with current and former police chiefs to help inform the commission’s understanding of the experiences of racial minority police officers within their departments and the communities they serve. Insight shared by this distinguished panel helped to inform the Commission’s strategies for supporting law enforcement and addressing the impact race plays in policing.

FUTURE ACTIVITIES

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

Commission Membership

The Commission will contact appointing authorities to ensure vacancies are filled.

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 to further the broader agenda in Connecticut. The Commission will also seek to coordinate with such groups when pursuing its agenda.

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.

Events

The Commission will continue to host and co-sponsor thought-provoking educational events challenging criminal justice professionals’ and policymakers’ understanding of the impact of race and ethnicity in how one is engaged by the criminal justice system. The Commission will further challenge these individuals to analyze their own contributions, and prospective actions, to ensure equity in our judiciary.

Advocate for Additional Resources

To fulfill its legislative mandate, the Commission will advocate for financial support.

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 an established 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 an established 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:

(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.]
- (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 since the previous report.

Appendix C – Commission Membership
(As of December 2022)

BY VIRTUE OF POSITION, OR DESIGNEE	
Chief Court Administrator, Chair	Justice Lubbie Harper, Jr.
Chief State’s Attorney	Gail Hardy
Chief Public Defender	Claud Chong
Commissioner of Emergency Services and Public Protection	Marlon Drummond
Commissioner of Correction	Amonda Hannah
Commissioner of Children and Families	Monica Rams
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 Women Children Seniors Equity and Opportunity (CWCSEO)	Steven Hernandez
APPOINTMENTS	
Governor	Preston C. Tisdale
Governor	Sharon Cheeks
President Pro Tempore of Senate	VACANT
Speaker of the House of Representatives	Malik Ramiz
Majority Leader of the Senate	David McGuire
Majority Leader of the House of Representatives	Alex Tsarkov
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 Human Rights and Opportunities	Cheryl Sharp
Commission on Women Children Seniors Equity and Opportunity (CWCSEO)	Werner Oyandel
Commission on Women Children Seniors Equity and Opportunity (CWCSEO)	Denise Drummond

Appendix D – MVT Statement

Commission on Racial and Ethnic Disparity

Statement on Motor Vehicle Thefts and Juvenile Justice Policies

Chair – Hon. Lubbie Harper, Jr.

There has been much talk as of late about who or what is to blame for the uptick in car thefts, and other property crimes, across the state. The newly enacted Police Accountability bill, a little over a decade old Raise the Age law, other reforms to the juvenile justice system have been targeted by some as root causes of the increase in motor vehicle thefts (MVT). While it is fair to acknowledge this increase between 2019 and 2020, doing so void of any contextual information and scapegoating youth as the predominant perpetrators of these crimes is inadequate and misleading. *The State of Connecticut Commission on Racial and Ethnic Disparity in the Criminal Justice System* strongly opposes the misrepresentation of the issue and the narrow frame with which this issue is being presented.

The criminal justice system is the only system within which the state can rescind one's liberty and freedom, it can also impose other serious and life-altering consequences. Therefore, we must all accept the great responsibility for generating and broadcasting an accurate and contextual understanding of criminal justice-related issues. The responsibility is no greater than when the individuals targeted in criminal justice discussions are children. Therefore, the commission wants to first point out the facts regarding this matter.

Connecticut recorded its lowest number of motor vehicle thefts in the history of collecting such data in 2019, indicating a 77% reduction from its peak in 1991. The uptick we experienced in 2020 followed both national and international trends that started at the beginning of the pandemic. However, Connecticut's rate remained below the national rate and followed an unprecedented decrease between 2018 and 2019. According to data made publicly available by the Department of Emergency Services and Public Protection, CT began to experience an increase in MVT in April 2020, mirroring the time COVID-19 impacted the state. Those impacts included a halt to in-person schooling, social, leisure, structured activities, and other educational programs for juveniles. Prior to these significant societal disruptions, MVT during the first two months of 2020 continued to follow the historic low trend rates of 2019. A 2020 report published by the National Insurance Crime Bureau (NICB) noted "considerations such as the pandemic, economic downturn, loss of juvenile outreach programs, and public safety budgetary and resource limitations are likely contributing factors."

The conversation in Connecticut has been centered around two reforms efforts. According to researchers at the Institute for Municipal and Regional Policy at UConn, there is no evidence to substantiate the claim that CT's decades old Raise the Age law nor the Police Accountability bill was the driving factor to the increase in MVT. In fact, the data show that the MVT rate *decreased* after the Raise the Age law took effect. Those same juvenile justice reforms that some profess are driving factors for the recent increase in thefts were in place in 2019, when CT had its lowest number of thefts in decades. Moreover, it has historically been challenging to fully understand who is committing these offenses since arrests are rare. In 2020 only 7% of MVT cases resulted in an arrest which is comparable to the arrest rate for previous years. Of those arrested, only 35% were under the age of 18. Although law enforcement professionals do their best to solve these crimes, they are challenging crimes to solve. The low arrest rate seems to indicate that we cannot arrest our way out of this problem.

Some have argued for harsher penalties for offenders as a deterrent to this crime. Connecticut does not need to look far to determine if harsher penalties would be an effective tool for reducing crime. Throughout the 1990s, when arguably Connecticut had a “tough on crime” approach and arrested far more juveniles, there was an average of 19,000 motor vehicle thefts each year. This is a far cry from the 8,400 thefts that occurred in 2020.

The public discourse in recent months has also focused on the recent police reforms made in the wake of the murder of George Floyd. While the impact of those reforms will need to be evaluated in the years ahead, the increase in MVTs began well before such a bill was even contemplated. Additionally, while Connecticut implemented police reform policies during the summer of 2020, states like Missouri passed much different legislation, and yet they experienced a similar increase in motor vehicle thefts. Missouri passed a “law enforcement bill of rights,” which provides officers with additional special legal protections and closes files to police misconduct. According to the NICB, Missouri had the fourth-highest auto theft rate in the country in 2020.

We believe it would be harmful to undo juvenile justice reform that, according to the data, had a significantly positive effect on reducing juvenile crime in the last decade.

If we truly want to get at the root causes and solve the MVT issue in CT, then we must be honest about the issues at hand – the fact that the COVID-19 pandemic is harming health, social, material well-being, and mental health for all in our community, including our children.

Policymakers should focus on continuing to address the impact of COVID-19 on youth and children involved in criminal activity. They should acknowledge the connection between the impact on social engagement, general well-being, documented increase in domestic violence, and the increase in child mental health issues since COVID-19. There has been a bipartisan outpouring of empathy and concern for children struggling with mental health issues because of the pandemic. Our political leaders must acknowledge that these children are children, and they are one and the same. The pandemic has taken a heavy toll on youth, we must support them through programming efforts and rehabilitation.

Advocating for punitive policy in response to a highly sensationalized narrative threatens to return the state to a “tough on crime” mentality that is rooted in fear and bias and disproportionately impacts Black and Brown members of our communities. The emotional nature of the rhetoric being used is not only dangerous because of the anger and fear it provokes but also because it distracts attention away from finding and implementing evidence-based solutions to the MVT problems – investing in rehabilitative services and programs and reminding folks to take preventative actions like not leaving their keys in their car or their key fobs too close to their vehicle (according to NICB since 2013 there has been a 93% increase in MVT due to keys being left inside the vehicle).

Importantly, we cannot ignore the fact that racially minoritized communities bore the brunt of the COVID-19 pandemic in terms of health outcomes, housing, employment, and being twice as likely to contract COVID-19. We can think of no worse time to push for policies that would inflict disproportionate harm on racially minoritized communities most affected and still reeling from the effects of this virus.

As an organization charged with seeking to eliminate the racial and ethnic disparity in our state’s criminal justice system, it would be remiss of us to overlook the racially charged undertones embedded in the politicization of this issue across the state. This commission has worked diligently to mitigate the influence

and impact of implicit biases in our state’s justice system— through training and conferences wherein members of state and local law enforcement, public defenders, prosecutors, and other community leaders come together to learn about how these biases affect our behavior. The current public dialogue around this issue is directly undermining this important work.

It is overwhelmingly clear from the data that the 2020 increase in auto thefts is directly correlated to the impact of the COVID-19 pandemic, and our hope is to steer attention and investment towards supporting the evidence-based solutions proven to be effective at lowering the MVTs rates and keeping *all* our communities safe.

Appendix E – Statement on Policing and People of Marginalized Racial Groups

Commission on Racial and Ethnic Disparity

Statement on Recent Events Involving Police and People of Marginalized Racial Groups

Chair – Hon. Lubbie Harper, Jr.

The State of Connecticut Commission on Racial and Ethnic Disparity in the Criminal Justice System (CREDCJS) has the important responsibility to bring together justice-related state agencies and decision-makers to identify, and seek to eliminate, racial and ethnic disparity in our state’s criminal justice system. The CREDCJS would be remiss to fail to discuss and share thoughts about the recent public tragedies of police brutality on Americans of African descent, and the many lives that have been, and continue to be, tragically lost.

We are appalled, sickened, and exhausted by the carelessness and lack of consideration for the lives of people of marginalized racial groups. We deeply condemn the racism targeted toward our fellow Americans, both systemic and blatant, especially in our justice system. We are more motivated than ever to fight for, and bring actual justice, to our criminal justice system.

Recent public tragic events have brought racism and police brutality toward our fellow Americans of African descent to the limelight; however, these behaviors are not new. Our nation cannot move forward, or truly make amends with its Americans of African descent, unless we recognize that racism still exists today and that there is disparate treatment and consideration given to people of marginalized racial groups in both society, and our justice system.

Since abolishing slavery, the United States has shifted from servitude to control-through-terror, oftentimes using the police as the enforcer, or silent endorser, through intentional neglect in seeking justice for Americans of African descent. The criminal justice system was used to control, threaten, and stifle people of marginalized racial groups into eternal third-class status, while convincing its white Americans that this enforcement was necessary and just to ensure public safety.

We need to accept and address that Americans of African descent do not feel safe in their own country, community, or neighborhoods, simply because of the color of their skin. The ongoing mistreatment and disregard for the lives of people of marginalized racial groups has fueled distrust, disappointment, and, unfortunately, even death at the hands of those who we charge with keeping us safe - law enforcement.

We, and all Americans, must act immediately to acknowledge and accept that this nation was built on a foundation of racism, doing so is the first step toward working together to repair the systems that further fuel disparities and injustices in our country. We need to openly and honestly discuss the fact that racism is still present today, even if it may make some uncomfortable. We must help our fellow Americans, who do not believe that racism is prevalent and powerful today, understand its existence and how it is crippling our nation at its core. We must prove to Americans of African descent that we care, that we hear their cries of injustice, that we want to make it right, and that we will fight alongside them to do so.

Since its inception in 2000, the CREDCJS has worked to help improve our state’s criminal justice system in a variety of ways. The Commission and its esteemed members recognize the significant impact implicit biases play in judicial decision-making, and throughout the criminal justice process in general. They have fought for years to have jury instruction language on the existence of implicit biases, and their influences on juror decision-making, adopted in the State of Connecticut. The Commission was pleased to see the

results of their efforts when the State of Connecticut Judicial Branch adopted implicit bias jury instruction language in 2019.

The Commission has held several trainings and conferences, specifically on implicit biases, for professionals from all areas of the Connecticut criminal justice system in an effort to mitigate the influence of biases in our judicial practices. The CREDCJS partnered with the CT Judicial Branch, the Division of Public Defender Services, the Division of Criminal Justice, and the Criminal Justice Commission to facilitate the first-ever joint training for both public defenders and prosecutors about the impact implicit biases have on those involved with the criminal justice system. The CREDCJS also organized and hosted a daylong symposium in July 2019 to address implicit bias and how these biases – which we all have – might affect our behavior. Attendees also discussed strategies and practices to help mitigate a disparate impact on people of marginalized racial groups in Connecticut. As of recently, and following a competitive bidding process, Connecticut was the only state to be awarded a MacArthur “Safety and Justice Challenge” grant, with one aspect of that work to include the CREDCJS’ development and execution of a training-of-trainers program on implicit bias. This encouraged justice leaders to understand and accept the existence of biases, and the influence these biases have in our justice systems. Members of state and local law enforcement, public defenders, prosecutors, and other community leaders attended this training. By increasing awareness of the existence of implicit biases in all persons, the CREDCJS has been able to improve the neutrality of decision-making in our criminal justice system, and we will continue to do so until full neutrality is achieved.

We would appreciate your support and ideas for continuing our important work to fulfill our mission. The Commission would greatly appreciate any and all support to help ensure that this important work we are doing can continue, until we can unanimously reach a common goal to ensure the safety of all our Connecticut citizens.