

# State of Connecticut



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

Report on Activities  
2006-2010

## **Acknowledgements**

This report describes the work of the State of Connecticut's Commission on Racial and Ethnic Disparity in the Criminal Justice System ("the Commission") for the period from 2006 to 2010. The Commission could not have accomplished all that it has over this period without the generous assistance of its many partners. We are very grateful to everyone who has contributed to our efforts over the years. We would like to acknowledge in particular the following organizations:

### **Special thanks to:**

State of Connecticut Judicial Branch  
Chief State's Attorney's Office  
Chief Public Defender's Office  
Bridgeport Police Department  
Waterbury Police Department  
The Institute for Municipal & Regional Policy,  
Central Connecticut State University

January 2011

Dear Reader:

*I am honored to present to you the Report of the Commission on Racial and Ethnic Disparity in the Criminal Justice System. This report covers the time period from May 2006, when I was appointed Chairman, through December 2010.*

*The activities described in this report were made possible by the collective hard work and dedication of the Commission's members and support staff. In addition, the Commission could not function without the gracious support of the Connecticut Judicial Branch.*

*Since the Commission began its work in 2000, its members have worked diligently to explore and address the racial and ethnic disparity that exists in Connecticut's criminal justice system. The Commission began its work by conducting in-depth research on various aspects of the criminal justice system. When I assumed the chairmanship in 2006, it became apparent that sufficient research had been done to provide a solid basis for informed action, and that it was time for the Commission to move to a more action-oriented approach.*

*One important finding from the research was that the most important predictor of whether a defendant is incarcerated is not race or ethnicity, but the number of criminal cases the defendant has had. This has had a disproportionate impact on the minority community because, as the research has shown, its members have tended to accumulate more extensive criminal records than non-minorities. This is due to a variety of factors, including socio-economic conditions and available resources as well as the differences between urban and suburban law enforcement practices. To begin to address these issues, in 2007 Commission members made a decision to focus our work on initiatives to prevent youth and young adults from entering the juvenile and criminal justice systems. We have followed that path since.*

*Although the Commission has taken some significant steps during this reporting period, we recognized that there is still much more work to be done. On behalf of all Commission members, I can state unequivocally that our commitment to reducing racial and ethnic disparity in the criminal justice system is unflagging. We are acutely aware that we cannot accomplish this goal on our own; we must collaborate with all those who play a part in Connecticut's criminal justice system as we work towards this goal. We look forward, with enthusiasm, to the work that lies ahead.*

*Sincerely,*

*The Honorable Lubbie Harper, Jr.  
Chairman  
Judge of the Appellate Court*

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# INTRODUCTION

The Commission on Racial and Ethnic Disparity in the Criminal Justice System (“the Commission”) was created by Public Act 00-154, which became effective on October 1, 2000, and has met bi-monthly since that time. 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, Judge Lubbie Harper, Jr. was appointed by Judge William Lavery on May 24, 2006, in recognition of his leadership skills and longstanding interest in this topic. Judge Harper’s first action as chairman was to shift the research-based focus of the Commission to a more action-oriented agenda.

The Commission’s many responsibilities are set forth in state law (C.G.S. section 51-10c). This far-reaching charge requires the Commission to examine every aspect of the criminal and juvenile justice systems. In order to manage this broad and complex task, the Commission has formed a Steering Committee, which meets regularly to set the agenda for the full Commission meetings. The Commission has also formed three Working Groups:

- The Media Working Group, whose mission is to support the just, equal and unbiased reporting and representation of Connecticut’s racial and ethnic minority population as it relates to criminal justice;
- The Education, Training and Cultural Competency Working Group, whose mission is to act as an oversight working group to ensure support for education, training and cultural competence in the state of Connecticut as it relates to criminal justice; and
- The Pre-Arrest, Prevention Diversionary and Community-Based Programs Working Group, whose mission is to act as an oversight working group to promote alternatives to arrest through prevention and community-based programs in the state of Connecticut as it relates to criminal justice.

In addition, the Commission determined that given its limited resources it could not possibly address all areas of its charge simultaneously, and that it needed to prioritize its work. Based on research it conducted, the Commission made two important decisions: (1) to focus its efforts on the children, youth and young adults of Connecticut, and (2) to focus on our state’s urban areas. The focus on young people is based on research that indicates that criminal involvement early in life strongly predicts future involvement with the system, and harsher punishments. The focus on the urban areas is based on an examination of Connecticut’s prison population, which shows that its cities are the primary feeders into the prison system.

In recognition of the fact that the problem of disparity in Connecticut’s criminal justice system cannot be solved without the participation of all stakeholders, the Commission has actively pursued collaborations with other agencies, commissions and organizations that address similar issues. Several Commission members represent state agencies and community organizations, and they provide a natural link to those entities. In addition, the Commission has reached out to the police chiefs in the major cities.

Involvement in the Commission is not limited to its official members; the Commission welcomes the input and participation of others who are interested in our work. The Commission’s meetings are open to the public and agendas are posted on its Web site (<http://www.ct.gov/redcjs/site/default.asp>) as well as on the Judicial Branch Web site (<http://www.jud.ct.gov/Committees/redcjs/default.htm>).

Although progress has been made, there is much more work to be done. The Commission, including the chairman, consists of members who serve voluntarily in addition to their regular

full-time employment. The Commission does not have any support staff of its own. To address this shortfall in staffing, with funding provided by the Judicial Branch, the Commission issued a Request for Proposal (RFP) in 2007 for a consultant to assist the Commission with its work. The Institute for Municipal & Regional Policy (IMRP) at Central Connecticut State University (CCSU) was the successful bidder and is currently under contract to provide part-time support services to the Commission. In addition, the Commission depends on the generosity of other state and private employers, who allow their staff to dedicate some of their working hours to the Commission's work. Staffing continues to be an issue -- the lack of full-time staff is a serious impediment to the Commission's progress.

# REVIEW OF ACTIVITIES

## **Public Events:**

### **First Statewide Conference -**

#### ***Disparity in Connecticut: Where Are We Now And Where Are We Heading?***

On Wednesday, October 22, 2008, the Commission held its first statewide conference at Central Connecticut State University in New Britain. The purpose of the conference was to:

- Inform decision-makers about current initiatives in the areas of criminal and juvenile justice;
- Inform decision-makers about the importance of preventing youth from entering the juvenile and criminal justice systems;
- Promote dialogue among those who work in our criminal justice system and those whose lives they impact;
- Identify solutions; and
- Help shape the Commission's agenda.

Over 500 people attended the day-long conference, including Connecticut law enforcement, state's attorneys, public defenders, probation officers and others from the state's criminal justice system, legislators, policymakers, nonprofit service providers, advocates, education personnel, members of the public and state agency heads.

The conference began with welcoming remarks by Commission Chairman Judge Lubbie Harper, Jr. , who, after giving some background on the Commission's history and role, emphasized the importance of raising children in a positive environment. "If we invest in our kids, then we are investing in a better future for all of us, socially, morally and financially," Judge Harper said. Judge Harper set the agenda for the conference, stating that the goal was to create an action plan to eliminate disparity in the criminal justice system. Judge Harper suggested that no person should view an issue only from their own perspective, but should also try to view it from other perspectives.

Professor Charles Ogletree of Harvard Law School gave the keynote address. He delivered a powerful speech on the importance of addressing the needs of our nation's youth. Professor Ogletree pointed out that if society can prevent the problems that cause youth to enter the system, then the cost-savings would be enormous. He made the case that too much money is being spent on incarcerating teenagers and young adults, and not enough is being spent on education, healthy living and a good home. He noted that many minority children who are suspended from schools will ultimately drop out, and that there are few resources for parents to help with their children's education. Finally, Professor Ogletree stated that everyone must have patience in the campaign to reduce racial and ethnic disparity, because the problem can not be fixed overnight.

*"The goal is no more children left behind bars," he said. "It's not just to reduce disparity or improve education, but to have a goal that's definable and that's achievable. It is achievable if we can imagine that this country can see its own diversity."*

Following Professor Ogletree's remarks, morning breakout sessions were held on the following topics:

1. The Media & Its Role in Shaping Perceptions of Race & Ethnicity

2. Urban v. Suburban Policing
3. The Effect of the War on Drugs and the Mental Health Care System on Minority Populations
4. Juvenile Justice: Comprehensive Strategies for Keeping Young People out of the Criminal Justice System and in School
5. The Impact of Underlying Social Issues on the Criminal Justice System
6. Perception v. Reality – Youth Violence
7. The Impact of Politics on our Criminal Justice System
8. The Perception of the Criminal Justice System by the Latino Community
9. From Destruction to Construction: Mentoring Young Men of Color
10. The Power of Choice.

The lunchtime session featured two panel presentations – one on *Key Decision Points in the Criminal Justice Process*, and the other on *Innovative Initiatives Spearheaded by Inner-City Police Chiefs*. The *Key Decision Points* panel featured the Honorable Patrick Clifford, Chief Administrative Judge for Criminal Matters, Chief State’s Attorney Kevin Kane, Chief Public Defender Susan Storey and Commissioner of Public Safety John Danaher, and was moderated by Dr. Susan Pease Dean of Arts and Sciences at CCSU. The *Innovative Initiatives* panel featured Chief Darryl Roberts of the Hartford Police Department, Chief Neil O’Leary of the Waterbury Police Department, Chief James Lewis of the New Haven Police Department and Chief Paul Fitzgerald of the Berlin Police Department, and was moderated by Attorney Michael Jefferson, chairman of the African-American Affairs Commission.

Facilitated dialogue sessions were held in the afternoon with the goal of collecting feedback to be used in creating an action plan for the Commission. Attendees were divided into ten smaller groups to discuss current initiatives to reduce disparity and to brainstorm ideas for new ways to tackle the problem. Each group was charged with coming up with three action recommendations for the Commission to consider. The recommendations made by the facilitated dialogue groups can be found in Appendix C.

Following the conference, the recommendations from the facilitated dialogue groups were reviewed and considered by the Commission members. The recommendations were categorized by topic and filtered by factors such as achievability, resulting in three areas for the Commission to address. The areas were: the media; education, training and cultural competence; and pre-arrest, prevention, diversionary and community-based programs. The Commission then created a strategic plan for each identified area of focus and formed a working group for each one. The working groups consist of Commission members, content experts and volunteers (see Appendices E, F and G to view the strategic plans). Information on current membership and each group’s strategic plan may be viewed by following the links on the Commission’s ***“Initiatives”*** page at [http://www.ct.gov/redcjs/lib/redcjs/Working\\_Groups\\_Strategic\\_Plan.pdf](http://www.ct.gov/redcjs/lib/redcjs/Working_Groups_Strategic_Plan.pdf).



## **Joint Training Symposium: Implicit Bias and Eyewitness Identification**

During the summer of 2007 Judge Harper initiated meetings with Chief State's Attorney Kane and Chief Public Defender Storey to discuss ways in which the Commission could be of assistance to them in their work. One of the topics that was brought up independently at both meetings was the need for additional training for prosecutors and public defenders on the issue of disparity in the criminal justice system. Pursuant to this suggestion, the Commission began to develop a training program. Because this issue is so important to the criminal justice process, the Commission recommended that the format be an unprecedented joint training for prosecutors and public defenders. This idea was enthusiastically endorsed by Attorneys Storey and Kane.

The end result was a Symposium on Implicit Bias, which was held on April 15, 2010, at Quinnipiac Law School for an audience that consisted primarily of prosecutors, defense attorneys, police chiefs and judges. The Symposium, which was jointly sponsored by the Commission, the Judicial Branch, the Division of Public Defender Services, the Division of Criminal Justice and the Criminal Justice Commission, was filled to capacity.

The keynote speaker was Attorney and Professor Jerry Kang, a professor of law at the University of California Los Angeles Law School and an expert on implicit bias. Prof. Kang presented a scientific and objective analysis of the many empirical studies that have been conducted on implicit bias. Prof. Kang did not draw any simplistic conclusions regarding race. His overarching message was that it is important for decision-makers to be aware that they have implicit biases. This is particularly important in our court system, which is premised on the exercise of fairness and equality.

In the afternoon, a panel presentation on Eyewitness Identification was held. The panel consisted of retired Justice of the Connecticut Supreme Court, the Honorable David M. Borden, Senior Assistant State's Attorney James G. Clark and Director of the Connecticut Innocence Project Attorney Karen A. Goodrow, and was moderated by Attorney Kane.

This symposium was particularly significant because it was the first time that prosecutors and public defenders in Connecticut participated together in a training session. It was very well-received and is expected to be the first of many joint training opportunities.

## **Collaborations:**

### **Work with Connecticut's Urban Police Chiefs**

As part of the Commission's initiative to concentrate on the state's urban centers, and in recognition of the critical role that the police play as the entry point to the criminal justice system, in November 2007 Judge Harper and Commission members met with the police chiefs of Hartford, Bridgeport and New Haven. The purpose of the meeting was to make a connection with the front line of the criminal justice system and to provide an opportunity for dialogue. Judge Harper opened the discussion by letting the Chiefs know that the Commission was available to assist them in any way they thought would be beneficial. The meeting proved to be an excellent opportunity for Commission members to learn about the chiefs' efforts. Commission members were impressed with the initiatives and ideas that the chiefs presented at the meeting, and very encouraged by their emphasis on crime prevention and community policing.

The Commission voted on January 14, 2008, to endorse the police chiefs' efforts and to explore ways to effectively assist those endeavors. Judge Harper directed the IMRP to follow up with the police chiefs. Researchers and staff from the IMRP met with the police chiefs to learn more about their respective departments' youth programs and to offer their services to assist the departments in their initiatives to deter youth from entering the juvenile and criminal justice systems. The programs described below are those identified as helping to keep youths out of the criminal justice system.

## **Bridgeport**

At the direction of the Commission, in February 2008 the staff of the Institute for Municipal and Regional Policy (IMRP) met with Chief Bryan Norwood to discuss the youth programs operated by the Bridgeport Police Department. The Chief highlighted two programs: the Board of Young Adult Police Commissioners and the Martial Arts Program.

The first initiative, the Bridgeport Board of Young Adult Police Commissioners, consists of youth between the ages of 14 and 20 who represent area high schools and perform functions that mimic the authority and activities of the adult Board of Police Commissioners. The young adult Commissioners are sworn in by the mayor, carry badges and have access to every office in the department, and meet with the Chief weekly. At the time of the IMRP's meeting with Chief Norwood, there were 17 students acting as Commissioners. The Chief's goal for the program was to have every one of the Commissioners graduate high school and attend college. According to the Bridgeport Police Department, that goal has been realized and continues to be met despite Chief Norwood's departure from the police department in October of 2008.

The Commissioners have hosted community events including a "Spring Fling" for sixth, seventh and eighth graders in Bridgeport; a car wash; a Halloween party for middle school students; and tours of the newly renovated Bridgeport Police Department. Commissioners have also attended Bridgeport Town Meetings with the Chief.

The second initiative is the Martial Arts Program for Bridgeport middle school students, which is run by Master Jong Hun Lee. The program involves both the physical aspects of the martial arts and the "spiritual component that seeks to better human beings and develop character and self-esteem." The training takes a holistic approach that targets family relations, school achievement and health, along with mental, emotional and physical competence. The goal is to produce young adults with self-confidence, respect and a helping attitude toward their community, who will make good decisions to better their lives and become better human beings.

At the time of the IMRP's meeting with Chief Norwood, the Bridgeport Police Department was able to sponsor only 40 students in the Martial Arts Program. However, almost 200 came for interviews in the hopes of being accepted into the program.

The Chief spoke highly of the programs and the youth who participated in them, but he also expressed great concern over the survival of these initiatives. It became clear that the Chief's strong dedication and commitment to the programs was the primary reason for their continued existence. However, the time commitment required to manage the programs, as well as the high demands placed on the chief of police in Connecticut's largest city, was a lot for one person to bear. The Commission made a decision to assist the Chief by funding a CCSU student who would be assigned to work directly with the Chief in Bridgeport to help manage the Martial Arts Program. A CCSU Student Worker was hired in the summer of 2008 to work part-time at the Bridgeport Police Department, under the direction of the IMRP. The student was a native of Bridgeport who still lived in the area while studying for her Bachelor of Arts degree in Criminology with a minor in Psychology. She continued to work for the IMRP at the Bridgeport Police Department throughout the 2008 and 2009 years, working closely with the Master and police department helping the Martial Arts Program sustain and expand.

Both programs, the Martial Arts Program and the Bridgeport Board of Young Adult Police Commissioners continue to prosper. The Bridgeport Board of Young Adult Police Commissioners continue to perform community service work and the Martial Arts Program appears to be working with the urban youth. The Master expects discipline and respect from the youth and receives it. It is a unique curriculum.

## **Waterbury**

In Waterbury, police and school officials took a national program, the Police Athletic League (PAL), and tailored it to Waterbury's specific needs. Waterbury PAL, the Police Activity League, is a comprehensive program that includes the traditional focus on athletics; but, in addition, focuses on everything from improved performance in school, to improving the community-at-large, to helping the participants develop skills (e.g., managing money) that offer a better chance of success in everyday life.

The shift from a traditional Police Athletic League model to a Police Activities League model occurred in 2003, under the leadership of Chief O'Leary. The program was expanded to include children who would not normally try out for sports teams. According to Chief O'Leary, they tried to attract kids who would "easily fall through the cracks." Educational programs were added to the curriculum with the help of Superintendent of Schools, Dr. David Sneed, and programs on computer safety, nutrition, and drug, gang and peer pressure awareness were created. The new philosophy of PAL put education, community and athletics on the same level.

In order to reach the targeted population, teachers were asked to identify "at-risk" children in their classrooms and encourage them to join the PAL program. Every child was assigned a police officer who acted as a mentor. By 2005, the program had rapidly expanded -- membership numbers had risen to between 1,500 and 1,700 children.

Up until this point, school gymnasiums and athletic fields were borrowed as needed. In 2006, the PAL program acquired Saint Lucy's School and recreation center located in the heart of downtown Waterbury. Funds for the purchase of the school and recreation center were raised from a capital campaign started by Chief O'Leary and the PAL officers. By February 2007, the program had raised over \$800,000 from individual and corporate donations. Volunteers and police officers spent several months renovating the two buildings. The advent of the school/center motivated forty volunteers including teachers and school principals to create new curriculum and learning modules for the now 2,900 children enrolled in PAL.

In 2008, Chief O'Leary requested that the IMRP, with the support of the Commission, conduct an evaluation of PAL to determine its strengths and weaknesses. The Commission agreed that this presented a valuable opportunity to assist a local police chief who had dedicated his department's resources to tailoring a program that would benefit the youth and community-at-large in his district.

### **Findings of the PAL Evaluation**

The IMRP's evaluation of the Waterbury PAL program involved a quantitative analysis of institutional records (police arrest data and school data) as well as a qualitative analysis for which researchers interviewed PAL participants and their guardians, and held focus groups with the PAL teachers and PAL officers. Findings from the analyses were included in a final report that was submitted to the Waterbury Police Department in August of 2009 and presented to the Waterbury Board of Education in that same month.

#### **The evaluation found the following:**

- The PAL program helps keep youth busy with structured activities and therefore they have less idle time to get into trouble;
- The PAL program provides youth with a sense of belonging;
- The PAL program provides a context in which youth are held accountable for the consequences of their actions (i.e., the program instills a sense of responsibility in the youth);
- The PAL program allows youth to see police officers in a new light – not as adversaries, but as positive role models;

- The PAL program improves academic performance:
  - PAL youth must maintain good grades to participate in PAL sports
  - A significant number of PAL youth...
    - have improved their grades since joining PAL
    - go to school more often since joining PAL
    - have improved their homework performance since joining PAL;
  - Most PAL youth intend to go to college;
- The PAL program improves personal life:
  - A significant number of PAL youth...
    - have better communication skills
    - have more self discipline
    - have better interpersonal relationships
    - have better physical health
    - have better team work and sportsmanship skills
    - spend more time exercising
    - spend less time watching television and playing computer games;
- The PAL program decreases youth delinquency:
  - Instances of trouble with other youth reportedly dropped
  - Instances of trouble at home reportedly dropped
  - Instances of trouble in school reportedly dropped
  - Instances of trouble with police reportedly dropped.

### **Strengths of the Program**

- Findings from Institutional Records suggest that PAL is targeting the right group of youths – those with slightly higher than normal arrest rates.
- A major strength of the program is the commitment to its success from of all those who are involved in running and supporting the program -- the Chief of Police, PAL supervisors and coordinators, volunteers and local program sponsors.
- Respondents agree that the PAL program creates positive changes in the community and that these changes are sustainable and create an atmosphere less conducive to juvenile crime. In the eyes of many in the community, PAL stands for positive choice.
- Nearly all respondents believe that PAL activities are offered at the right place, right time, for the right duration, and that the instructors, volunteers, facilities, and materials are all good.

### **Weaknesses of the Program**

- Nearly all respondents believe that the PAL program is under-resourced -- there are approximately 2800 youth in PAL with just five officers dedicated to their supervision. The most critical limiting factor is thought to be volunteer assistance.
- Respondents believe that it would be beneficial to conduct PAL programs at additional schools in the city, especially those far away from the PAL Learning Center.

### **Post-evaluation**

Following the conclusion of the evaluation, the Waterbury PAL program initiated a very successful summer swimming program, one of the recommendations from the evaluation focus group sessions. In addition to the swimming program, PAL has used the information and recommendations to make several changes and additions. Some of their recent highlights include:

- PAL now has over 3200 youth and continues to recruit well-qualified volunteers to coach and

mentor their participants;

- PAL created a Facebook page. This allows members and their families to more easily communicate with PAL regarding on-going events. In addition, PAL continues to use their website and the reverse calling system to provide information to parents about the latest happenings at PAL;
- PAL hosts coaches and volunteers meetings at the beginning of each season to speak with them about how to coach and referee and frequently monitors the coaches and referees throughout their athletic season. PAL also quickly addresses any problems and concerns that may be brought to their attention by parents and/or members during the season;
- PAL is providing programs at two additional schools that are further from the PAL Recreation and Learning Center;
- PAL has increased its summer and year round work programs to provide additional opportunities for youth from 14 to 18 years old that aren't necessarily interested in playing team sports;
- PAL is in the process of constructing a new fitness center. This fitness center is targeted for youth who like to play video games and don't normally play team sports. All of the equipment is video game-based but youth must exercise in some way to get the equipment to operate (commonly referred to as Xergaming). PAL has equipped the fitness center with \$100,000 of new fitness equipment from a grant. This fitness center is expected to open in September 2010;
- PAL has also teamed up with Waterbury Youth Services and the Kiwanis Club of Waterbury to provide an 8-week summer camp for children 3 to 13 years old. During the summer of 2010, 90 children from PAL are attending the summer camp, which is on a lake in Wolcott;
- Lastly, PAL has purchased a 2.2 acre piece of property across the street from the Recreation Center on Division Street in Waterbury. This land will be constructed into the PAL Park which will consist of a baseball field, basketball and tennis courts and a play area. PAL intends on using this park to start its tennis program and to increase membership in its basketball and baseball programs.

## **National Center for State Courts Initiative on Racial and Ethnic Fairness National Consortium on Racial and Ethnic Fairness in the Courts**

In March 2010, the Chief Justice appointed Judge Harper as Connecticut's representative to the National Consortium on Racial and Ethnic Fairness in the Courts. The mission of the National Consortium is (1) to encourage the courts of each state to create commissions to examine the treatment accorded minorities in their courts, (2) to share the collective knowledge of task forces and commissions with courts, law enforcement and the community, and (3) to provide technical assistance and expertise to commissions, task forces and other interested organizations and individuals on the subject of racial and ethnic fairness. The role of the National Consortium, which began meeting in 1988 and adopted its current by-laws in 2005, is to assist in the implementation of programs and recommendations, and to serve as a central forum for the exchange of information relative to identifying and eliminating racial and ethnic bias in the courts.

By serving in the dual role of Chairman of the Commission and representative to the National Consortium, Judge Harper will be in a key position to promote communication and cooperation on the state and national level. His position on the Consortium will provide both a forum for the Commission to share its efforts and accomplishments with other states, and an opportunity to learn what other states have done to address racial and ethnic disparity.

## Sentencing Task Force

During 2007 and 2008, representatives of the Commission participated in the activities of the Sentencing Task Force, which was created by Public Act 06-193, *An Act Concerning Criminal Justice Policy and Planning and the Establishment of a Sentencing Task Force*. According to the public act, the purpose of the Sentencing Task Force was to review the criminal justice and sentencing policies and laws of this state for the purpose of creating a more just, effective and efficient system of criminal sentencing.

The Sentencing Task Force met regularly from the spring of 2007 through 2008. It broke down into four subcommittees: Offense Classification; Community Supervision and Alternative Sanctions; Sentencing Structure; and Disparity. Several representatives of the Commission on Racial and Ethnic Disparity in the Criminal Justice System served on the Disparity Subcommittee.

In March 2008, the Sentencing Task Force issued an Interim Report that included several recommendations made by the Disparity Subcommittee. These recommendations were:

- Establishment of a permanent sentencing commission that would utilize available data to study racial, geographic and gender disparity and act in a self-policing manner;
- That the permanent commission work in concert with established work groups involved with the issue of disparity;
- That the permanent commission continue the community outreach efforts begun by the Disparity Subcommittee; and
- That the permanent commission study the disparate impact of crime on victims in order to determine if victims are offered a different quality of care based on their race, geographic location and gender.

In January 2009, the Sentencing Task Force issued its final report, which included a recommendation that the General Assembly establish a permanent sentencing commission. Legislation establishing a permanent sentencing commission was passed in May 2010, and will become effective on February 1, 2011. The statutory mission of the Sentencing Commission is, "To review the existing sentencing structure in the state and any proposed changes thereto, including existing statutes, proposed criminal justice legislation and existing and proposed sentencing policies and practices and make recommendations to the Governor, the General Assembly and the appropriate agencies."

One of the mandates enumerated in the public act for the Sentencing Task Force is to "Identify potential areas of sentencing disparity related to racial, ethnic, gender and socio-economic status." The Commission has conducted research on this topic and anticipates working with the Sentencing Commission on this effort.



## **Public Service and Trust Commission**

In August 2007, Chief Justice Chase Rogers established the Public Service and Trust Commission. Shortly thereafter, Judge Harper reached out to its chair, Judge Alexandra DiPentima, to express the Commission's interest in working with the Public Service and Trust Commission on its mission of improving the public's confidence in our state's court system.

In order to gain an understanding of the issues that needed to be addressed, the Public Service and Trust Commission began its work by collecting information from those who use Connecticut's courts. As part of this effort, the Commission conducted focus groups with persons associated with the court system, including: judges, attorneys, court personnel, advocacy groups, commissions, bar groups, community agencies, law enforcement, mediation and municipal associations.

In the fall of 2007, staff members from the Public Service and Trust Commission conducted two focus group sessions with the Commission. Through the focus group process, Commission members identified thirteen growing trends impacting the criminal justice system. The feedback from these focus group sessions was incorporated into the Public Service and Trust Commission's Strategic Plan, which is currently being implemented by the Judicial Branch.

## **Other Initiatives:**

### **Op-Ed Concerning the Appointment of State's Attorney Gail Hardy**

In July of 2007, the Criminal Justice Commission appointed Attorney Gail Hardy as State's Attorney for the Judicial District of Hartford. Attorney Hardy was the first African-American ever appointed as a State's Attorney in Connecticut. Her appointment was publicly criticized by the outgoing Hartford State's Attorney as well as one of the assistant state's attorneys in that office. They alleged that the appointment was based upon her race rather than her qualifications.

In response to this attack on the appointment, Judge Harper, on behalf of the Commission, authored an Op-Ed piece that appeared in the Hartford Courant on July 30, 2007. Judge Harper stated, in part, "The unwarranted and unprecedented attacks upon the character and integrity of a properly appointed candidate of color sends an overpowering negative message to the community served by the Hartford State's Attorney. Comments such as these undermine the community's confidence in our state's criminal justice system." (Please see Appendix G: Op-Ed on Gail Hardy, for the complete text.)

Attorney Hardy was sworn in as State's Attorney for the Hartford Judicial District on August 10, 2007, and currently serves in that position.

### **Establishment of Commission Web Site**

In early 2007, the Commission launched its Website, which is accessible from the state of Connecticut homepage. The Website, which is regularly updated, features a welcoming video by Judge Harper and provides comprehensive information about the Commission: the membership, meeting schedules, minutes and agendas, as well as other important information. The link to the Website is: <http://www.ct.gov/redcjs/site/default.asp>.

In order to gain more exposure, in 2010 the Commission requested that it be added to the list of "Committees and Commissions" on the Judicial Branch's Website. Meeting announcements, minutes and agendas are also available on that Website at: [http://www.jud.ct.gov/Committees/red\\_cjs/default.htm](http://www.jud.ct.gov/Committees/red_cjs/default.htm). In addition, the Judicial Branch Webpage contains a link to the Commission's complete Website.

### **Revision of Uniform Arrest Report**

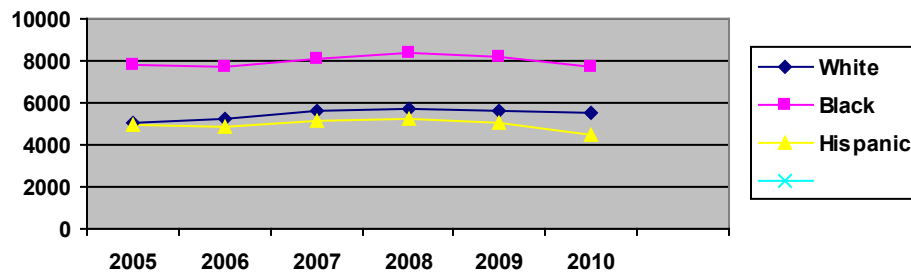
Effective February 19, 2008, the Judicial Branch's revised Uniform Arrest Report (UAR) was implemented statewide. The UAR was revised pursuant to a recommendation by the Commission to separate out Hispanic ethnicity from the category of "Race" (see the Commission's 2004 report). This will allow for more accurate data collection, which will in turn inform future initiatives to address racial and ethnic disparity.

## Statutorily Required Elements

The Commission's statutory charge requires that it 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. These are addressed below:

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

DOC Race/Ethnicity Breakdown, 2005-2010



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

*See above.*

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

The Connecticut Division of Public Defender Services (CTDPDS) is comprised of the Public Defender Services Commission, the Office of the Chief Public Defender and individual public defender offices. The CTDPDS is committed to addressing the issues of racial and ethnic disparity as they relate to providing quality legal representation for indigent defendants. These are commensurate with the areas upon which the Commission on Racial and Ethnic Disparity is focused. CTDPDS, which provides services to adult and juvenile defendants who are indigent under the Agency's eligibility guidelines, has focused attention to racial and ethnic disparity in the areas of (1) personnel and training, (2) policies and procedures and (3) provision of legal and collateral services.

***Personnel and Training.*** The Division has been dedicated to the inclusion and advancement of women and people of color within the legal profession since 1975, the year that the Commission was created by statute (C.G.S. Sec. 51-289). The Division provides representation to indigent juveniles and adults in field offices and specialized units. In an effort to reflect the diversity of our clients, the Division's goal is to have a work force that has in each major job classification proper representation of minority groups and women. In 2010, this was accomplished through 408 permanent positions. Of that number: 212 are attorneys, and 144 attorneys are women and people of color or fall within both categories.

There are 43 field offices and specialized units, each of which has a supervisory attorney. Supervisory positions are *promotional positions* both in title and compensation and the Commission has historically appointed many women and attorneys of color to these positions. At this time 18 of these attorney positions are filled by women and people of color or individuals who fall within both categories.

Additionally, the Division endeavors to address the issues of bias and cultural competence in both internal and external training opportunities. The training department regularly sends employees and those contracted to provide services to our clients to conferences and seminars that include materials on issues such as implicit bias in the criminal justice system and racial and ethnic disparity. The Division has also committed staff members to the Department of Mental Health and Addiction Services comprehensive nine month multicultural training program. This training model will utilize the trained Division staff to provide ongoing training within the Division.

***Policies and Procedures.*** The Division is dedicated to addressing racial and ethnic disparity for indigent criminal justice clients through research, data collection and evaluation of agency policies. For example, the Division commissioned the racial bias study with Yale University in 2007 in relation to the state's decision to seek death in capital cases. There is also currently pending litigation on behalf of sixteen death row and capital defendants facing death penalty charges (*In re: Racial Disparity et al v. Commissioner of Correction*).

The Division relies on data collection for caseload management, analysis and policy planning. The Division has always collected caseload data, but the recent implementation of an advanced case management system for adult offices and plans for a new juvenile case tracking system allow the Division to continually assess the demographics of our clients, identify needs and make data-informed decisions about policy and procedures for clients of all race and ethnicities. One aim of this data collection is to identify trends in any stage of the judicial process that reflect racial and ethnic disparity.

***Legal and Collateral Services.*** Perhaps the most significant area within which the Division aims to provide quality services to indigent defendants of all race and ethnicities is that of legal and collateral services. In the 2008-2009 fiscal year, the total public defender caseload in Connecticut was 90,707. The percentage of overall judicial caseload in Connecticut handled by the Division of Public Defender Services for the 2009-2010 fiscal year was: 84.65% of cases in the Judicial Districts (the highest percentage in the past six years), 46.05% of Geographical Area cases (excluding motor vehicle matters) and 47.72% of Juvenile cases.

Despite having the responsibility for a large percentage of the cases in Connecticut, the Division insists upon quality representation and zealous advocacy for all clients. This includes careful training on and use of current American Bar Association and other standards in assessing bias at all stages of representation. In addition, the Division supports all level of direct service staff in monitoring, identifying and objecting to unfair treatment of clients based on their race, religion, ethnicity, sexual orientation, income or other factor. The Division also employs nearly forty skilled master's level social workers who make culturally competent assessments and recommendations for all clients.

In sum, the Division of Public Defender Services considers the work of the Commission on Racial and Ethnic Disparity as central to our own work in the representation of indigent defendants and will continue to shape its policies and practices with the aim of reducing ethnic and racial disparity in the criminal justice system.

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

Residential and non-residential treatment slots are not allocated based on race or ethnicity, so this question can only be answered generally by addressing the total capacity of the system.

The Judicial Branch is only one of several state entities that contract to provide treatment slots. Funding provided to the Judicial Branch for community based alternative sanctions and transitional services has substantially increased since 2004. The funding provided to the Judicial Branch for adult Alternative to Incarceration programs has increased by 69 percent, from \$32,047,343 in 2004 to \$54,116,726 in 2010. The funding provided to the Judicial Branch for juvenile Alternative to Incarceration programs has increased by 48 percent, from \$19,730,185 in 2004 to \$29,224,389 in 2010. In addition, funding for Youthful Offender Services has been provided; no funding was provided for this population in 2004, but \$7,035,045 in funding was provided in 2010.

Over the same period of time, the number of residential treatment slots, or beds, funded by the Judicial Branch has increased substantially. In FY 2004 the Judicial Branch's Court Support Services Divisions contracted directly for a total of 567 beds. In FY 2010, it contracted directly for 351 beds and purchased 295 beds from DMHAS and 18 from DOC, for a total of 664 beds. This represents a 17 percent increase in capacity.

It should be noted that at the present time there is a waitlist for programs, and that assignment to beds is based on need and time on the waitlist.

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

The Connecticut Judicial Branch's Interpreter and Translator Services Unit covers more than 47,000 interpreting requests in courtroom proceedings and other court-related matters annually. These requests include proceedings in 42 languages. The Branch employs 53 permanent and temporary interpreters, who cover matters in Spanish, Portuguese, Polish, Korean, Serbo/Bosnian/Croatian, Russian, French and Ukrainian. Private interpreter agencies are contracted to provide services in other languages.

Pursuant to the Implementation Plan adopted by the Judicial Branch in 2009 to carry out the recommendations of Chief Justice Rogers' Public Service and Trust Commission, in late 2008 the Judicial Branch formed a committee to address issues related to Limited English Proficiency. The goal of the Committee is to improve access to Judicial Branch facilities, processes and information by individuals who have limited English proficiency through the identification and elimination of barriers. The Committee has met regularly since November 2008 and has implemented several initiatives to further that goal. Further information about the activities of the Committee can be found on the Judicial Branch website, under "Committees and Commissions." (<http://www.jud.ct.gov/Committees/pst/lep/default.htm>).

As a result of these efforts to enhance public access, Judicial Branch interpreters are handling increasing numbers of requests for written translation of publications. In addition, a recent directive by the United States Department of Justice greatly expands the types of court-related matters in which states must provide interpreter and translator services. In light of these developments, Connecticut can expect the need for interpreters to continue to grow in the foreseeable future.

## Follow-up on Recommendations from 2004 Report

Many of the recommendations in the commission's 2004 report called for further research. Due to the fact that the Commission has not been provided with any resources for these studies, this research has not been conducted. The Commission does not have staff to perform the research, nor does it have funding to enter into a contract with an outside vendor to perform the research.

The recommendations from the 2004 Report that have been acted on are as follows:

1. ***Endorse the Connecticut Justice Information System (CJIS) governing board's proposed revision to the Uniform Arrest Report. This revision would include one additional field of yes/no for Hispanics, ensuring that the designation of Hispanic is an ethnic designation rather than a racial one and conforming the report to the U.S. Census. The Commission further recommended that police departments request self-reported information of arrestees on race and ethnicity for reporting accuracy as part of the paperwork documentation.***

The Uniform Arrest Report was modified in accordance with this recommendation – see page 19, above.

2. ***Analysis of data from the bail instrument which was implemented in November 2003. Data should be obtained electronically after six months or more of implementation and analyzed to provide a comparison with the prior instrument. The comparison should include racial/ethnic differences in scores on each item, as well as the relationship between total scores and the recommendation made by the bail commissioners and ultimate court orders.***

An updated analysis has not been done as of the report date.

3. ***Identify and implement the most effective procedures to collect information on race and ethnicity of prospective jurors.***

State statutes do not allow collection of information on prospective jurors or jurors who appear for service. However, race and ethnicity are available in the U.S. census data and it is broken down by city and towns, so that this information can be correlated to the towns from which jurors are summoned. State statute does require that jurors be summoned by population, ensuring that the greatest number of jurors are summoned from the most densely populated cities.

4. ***Review and make recommendations consistent with the effects of P.A. 03-33, which provides for Department of Labor enforcement of wages paid to jurors for jury service.***

Jury Administration has worked with the Department of Labor to develop a brochure that is distributed with the jury summons, which explains the rights and responsibilities of employers and employees and contains information about wage enforcement.

5. ***Examine the jurisdictions currently providing child care to determine costs and impact on the number of jurors who serve.***

An examination of these states showed that it would be impractical to provide on-site child care for jurors. However, jurors are reimbursed for child care expenses they incur while serving jury duty.

6. ***Repeal existing criminal sanctions for juror non-compliance.***

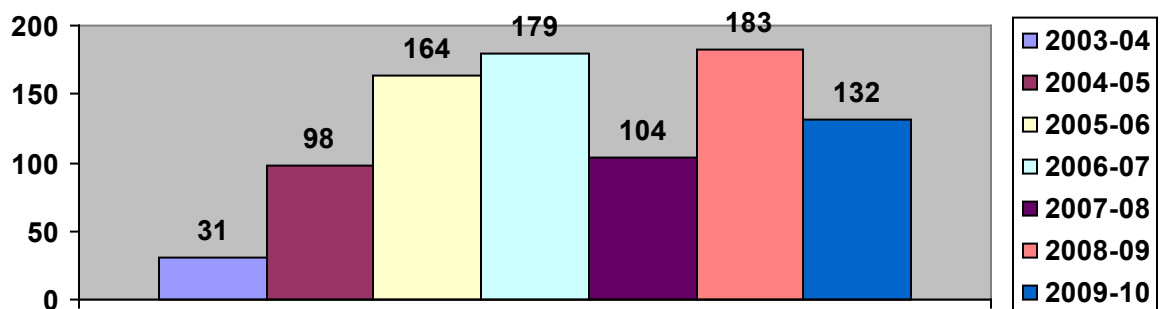
These sanctions were repealed in 2010 (P.A. 10-180).

7. ***Review and make recommendations based on the evaluation of the Judicial Branch's outreach efforts and similar national efforts to enhance/expand this program.***

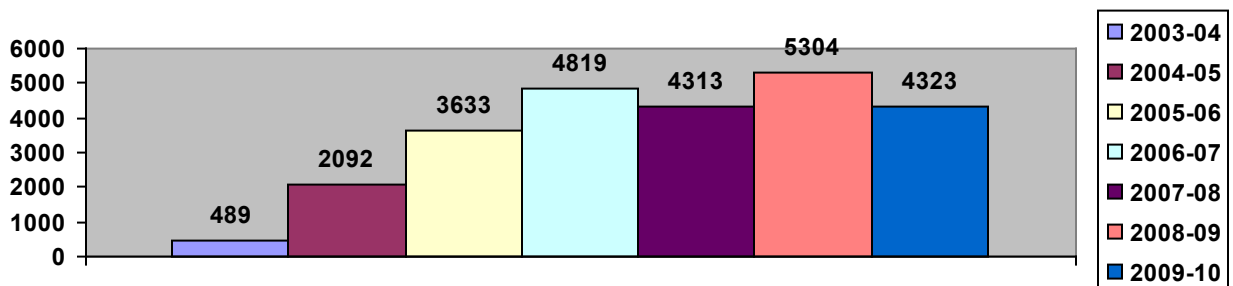
The Judicial Branch's Jury Administration unit established a Jury Outreach Program in 2003. Since its inception, Jury Outreach Staff have visited over 250 high schools and organizations throughout Connecticut and have spoken to nearly 32,000 people. The feedback from these presentations has been overwhelmingly positive.

Below you will find cumulative statistics regarding number of presentations and the number of participants for school and community presentations.

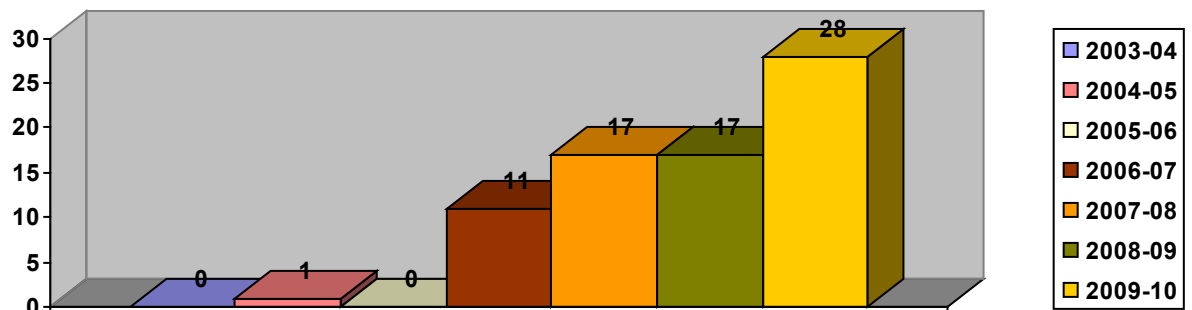
**Jury Outreach Program - Number of School Presentations by Court Year**



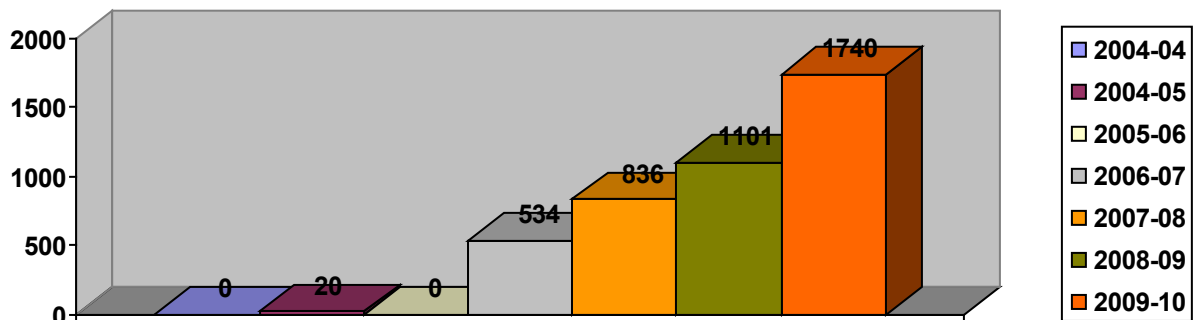
**Jury Outreach Program - Number of Students Participating, by Court Year**



**Jury Outreach Program - Community Presentations by Court Year**



**Jury Outreach Program - Number of People Participating by Court Year**



8. ***Recommend that the Judicial Branch undertake efforts to assure that a high level of diligence is employed, wherever possible, to conceal the incarcerated status of detained defendants from juries.***

Judges are aware that it is potentially prejudicial for the jury to know that the defendant is incarcerated and ensure that the following steps are taken:

- Civilian clothes are worn by the defendant;
- No reference is made in testimony, unless otherwise relevant, to the fact that the defendant is presently incarcerated;
- If shackles are used on the defendant, they are blocked from the jury's view while the defendant is seated;
- The defendant is brought into the courtroom before the jury is brought out and does not leave the courtroom until the jury exits the courtroom; and
- To alleviate any appearance that the defendant is in custody, an effort is made not to have judicial marshals and correctional officers sit too close to the defendant.



9. ***Obtain electronic data from the Adult Probation On-Line Information system (APOLIS) to investigate potential differences in how violations of probation are handled. An analysis of data from the APOLIS system will also provide more data about differences in conditions associated with sentences to probation such as reporting to an Alternative Incarceration Center or drug treatment.***

In 2003 the Judicial Branch stopped using the APOLIS system and implemented in its stead a new automated information system, the Case Management Information System (CMIS). CMIS is a much more robust automated data collection system which allows data to be captured and measured more efficiently. Ad-hoc analysis of violation of probation supervision, in addition to treatment service outcomes by race and ethnicity, are collected and reviewed by the executive management team on a quarterly basis.

In addition, beginning in 2004-2005, the Judicial Branch's Court Support Services Division (CSSD) instituted a four-point plan to reduce technical violations of probation (violations resulting from non-compliance with conditions of probation) in response to Public Act 04-234. The four-point plan included:

- a. **Caseload Management Plan:** Average probation caseloads have been reduced from 250 clients per officer in 1999 to 63 clients per officer in 2010. When caseloads are unmanageably high, probation officers lack the time to identify and respond to non-compliance with conditions of probation before it reaches the point where a violation of probation warrant is initiated. Furthermore, lower caseloads allow officers the time necessary to focus on the risk factors most closely associated with probation supervision violation activity.
- b. **Response to Non-Compliance Policy Changes:** The probation policy that guides officers in the response to probationer non-compliance was revised to include more stringent supervisory approval requirements, mandated use of graduated sanctions and protocols for locating absconders. The goal of this policy revision was to ensure a more uniform and consistent statewide response to violation activity.
- c. **Probation Transition Program (PTP):** The PTP targets offenders who have probation supervision following their prison sentence and subsequent release from the Department of Correction (DOC). The overarching goal of the PTP is to reduce the technical violation rate of split sentence probationers by identifying and addressing barriers to the probationer's reentry into their communities prior to the probationer's release from prison. Intensive probation supervision is provided to these individuals during the first six months of their probationary period to ensure that the probationer remains focused on the probation case plan and obtains necessary treatment services.

An evaluation conducted by Central Connecticut State University (CCSU) in 2010 found that split-sentenced probationers supervised in the PTP had statistically lower technical violation rates and were statistically less likely to be sentenced to prison for technical violations than similar comparison groups of probationers.

- d. **Technical Violation Units (TVU):** The purpose of the TVU is to provide probationers who are at risk for technical violation, and possibly subsequent incarceration, with more intensive supervision in order to bring the probationer into compliance with their conditions of probation. TVU officers supervise reduced caseloads and have priority access to intensive treatment services allowing officers to have more frequent client contact than officers with a traditional supervision caseload, and focus on the areas which may lead to future criminal activity

### **Program Outcomes:**

An evaluation conducted by Central Connecticut State University in 2010 found that “the overall percentage of TVU participants arrested or technically violated was 55%. While this percentage appears to be high, it is important to point out that 100% of the TVU participants would have been technically violated if not for their participation in the TVU. We were encouraged by these results in our evaluation of the pilot program and still believe that the TVU played a significant role in decreasing CSSD’s technical violation rate.”

Each of these approaches has resulted in a 22% reduction in the number of probationers receiving a technical violation of probation warrant from FY 2006 to FY 2010 (3,574 in FY 2006 to 2,786 in FY 2010). An analysis of the reduction in technical violation of probation warrants during the same period by race and ethnicity yields:

- A 26% reduction for Blacks (1,121 in FY 2006 to 826 in FY 2010),
- A 22% reduction for Hispanics (784 in FY 2006 to 612 in FY 2010), and
- A 19% reduction for Whites (1,653 in FY 2006 to 1,331 in FY 2010).

10. ***Increase funding to community-based alternative sanctions and transitional services that provide support to evidence-based, culturally competent, gender specific services proven to reduce recidivism.***

Funding for community based alternative sanctions and transitional services has substantially increased since 2004. The funding provided to the Judicial Branch for adult Alternative to Incarceration programs has increased by 69 percent, from \$32,047,343 in 2004 to \$54,116,726 in 2010. The funding provided to the Judicial Branch for juvenile Alternative to Incarceration programs has increased by 48 percent, from \$19,730,185 in 2004 to \$29,224,389 in 2010. In addition, funding for Youthful Offender Services has been provided; no funding was provided for this population in 2004, but \$7,035,045 in funding was provided in 2010.

- Since 2005, the Court Support Services Division changed the models for the Alternatives in the Community (AIC) and Adult Behavioral Health (ABH) programs to require that they provide research and/or evidence-based individual and group interventions that are gender separate and also delivered in Spanish;
- A gender responsive program for females (100 slots) located in Bridgeport provides research and evidence-based interventions to pretrial and sentenced clients.

The funding provided to the Judicial Branch for juvenile Alternative to Incarceration programs has increased by 48 percent, from \$19,730,185 in 2004 to \$29,224,389 in 2010. Program model enhancements to the juvenile services network that include research or evidence-based interventions and are culturally competent and gender responsive include:

- In 2004 Multi-systemic Therapy (MST) home based services were established;
- In 2005 the Center for Assessment, Respite and Enrichment (CARE) residential model was established for girls and boys;
- In 2005 the Youth Engaged in Success (YES) center-based model was established statewide;
- In 2007, pursuant to legislation that significantly changed the Family with Service

Needs statutes, Family Support Centers (FSC) were established; the number of centers was expanded in 2010.

In addition, funding for Youthful Offender Services has been provided. In 2004 no funding was provided for this population, but in 2010 a total of \$7,035,045 was provided to support the following:

- Expansion of the existing juvenile services network (YES, FSC, MST) to include slots for youth;
- Establishment of two residential programs for youth, one for boys (8 beds) located in Litchfield and one for girls (6 beds) located in New Haven; both programs integrate Multi-Dimensional Family Therapy (MDFT), a home -based service during the clients' stay in residence and as part of after-care plan.

11. ***Review and further develop culturally sensitive programming for male and female minority offenders in the custody of the Department of Correction, the Department of Children and Families and the Court Support Services Division of the Judicial Branch.***

**Judicial Branch Court Support Services Division (CSSD):**

The Judicial Branch's Court Support Services Division strives to provide gender specific and culturally sensitive programming by using evidence based interventions that have been shown to address these issues. Since 2005, efforts in the following areas have been initiated:

**Gender Responsiveness**

- Establishment of innovative specialized all female caseloads in juvenile probation modeled on research based Gender Responsive theory and practice identifying the most effective interventions for girls. Officers have been specially trained to recognize girls' needs by analyzing presenting problems and more effectively intervening in the cycle of court involvement by utilizing a relational, strengths-based approach and making appropriate referrals to services that are most likely to meet their needs and reduce risk.
- In 2007, CSSD was chosen by the National Institute of Corrections to implement and evaluate a new women offender case management (WOCM) approach through a technical assistance and training grant. CSSD Adult Probation has been piloting the units for the past three years in four Connecticut probation offices: Bridgeport, Hartford, New Britain and New Haven. An outcome evaluation just completed indicates that female probationer clients assigned to WOCM caseloads experienced an overall reduction in recidivism of 26% for new arrests for a 12-month period following start of probation as a result of this new approach and that there have been demonstrated increases in human and social capital (across measures of health and well-being, social supports, etc.). Additional WOCM units are being planned to come on line in other sites in 2011/2012.
- Specialized girls and women's gender responsive training through the CSSD Training Academy.

**Cultural Competency**

- Establishment of an internal Cultural Competency Advisory Committee (CCAC) to develop training and other educational and awareness activities throughout CSSD field and contractor operations, in collaboration with the CSSD Training Academy and in

support of the CSSD Strategic Plan goals;

- Active participation in Judicial Branch Cultural Competency initiatives in support of the Branch's Strategic Plan goals;
- Completed five day Cultural Competency Institute Training for all CSSD central office management, designed and implemented by the CCAC in collaboration with the CSSD Training Academy;
- Inclusion of cultural competency training by the CSSD Training Academy in probation pre- and in-service curriculums, as well as in the contracted staff training curriculum (including but not limited to: Hispanic Culture Series, Working with Gay/Bisexual/ Transgendered/Queer/Inquiring clients, Understanding Sexual Identification Issues, South East Asian Experience, Understanding Generational Differences, Female Substance Abuse Issues);
- Implementation of a 24/7 Language Line telephonic translation service for all CSSD field staff to assist in routine interactions with LEP clients;
- Availability of interventions in Spanish and other languages; and
- Hiring of qualified minority practitioners to reflect the ethnic/racial and gender identities of clients served.

## Conclusion

In October 2010, the Commission reached its tenth-year anniversary. This landmark could not help but induce retrospection. Looking back, it is evident that throughout the past ten years, the Commission has struggled with limited resources to fulfill its mission. The Commission has achieved some significant accomplishments, but much more could have been done if additional resources were available. Since obtaining additional resources is not likely during these difficult economic times, as it looks ahead the Commission must identify creative low-cost ways to advance its mission. With the hard work and dedication of our members and staff, we are confident that the next ten years will prove to be at least as productive as the past ten, and that we will continue to make progress toward eliminating racial and ethnic disparity in our state's criminal justice system.

# Recommendations

## 1. Education, Training & Cultural Competence

- Support and/or sponsor educational programs on issues related to race and ethnicity, underlying social issues, and mental health and addiction issues. Address these programs to:
  - Media personnel;
  - Criminal justice system personnel, such as judges, state’s attorneys, public defenders, DOC personnel and police; and
  - Community members.
- Promote efforts to address the needs of Latino youth:
  - Create community outreach programs; and
  - Use Human Rights Commissions at local and state levels to help organize groups to work as liaisons within the community.
- Hire more bilingual and bicultural staff to provide services and to serve as role models.
- Promote methods to address language and cultural barriers.
- Support ongoing efforts to increase access to court proceedings and information by persons with limited English proficiency.

## 2. Prevention and Early Intervention - Keeping Young People Out of the Criminal Justice System

- Examine the role that schools play in the school to prison pipeline.
- Support preemptive action and focus on prevention and early intervention to keep children and youth out of the criminal justice system:
  - Early on, instill a vision of success for children and youth; and
  - Establish and promote programs that provide children and youth with positive role models, mentors and influences within their community.
- Promote alternatives to arrests that are based on the following principles:
  - Early intervention;
  - Focus on prevention and community-based services;
  - Communities must be the foundation of these efforts – neighborhoods, schools and local organizations working together; and
  - Participation of children and youth in the decision- and rule-making processes.
- Support a paradigm shift in funding to put more resources into prevention and preservation.

## 3. Media

- Work with community-based and educational organizations to examine media trends;
- Promote a consistent policy governing the dissemination of mug shots; and
- Use the Commission as a facilitator to encourage the mainstream media to work with community leaders to identify positive stories about minority communities and get feedback on their coverage.

**4. Serve as a Source of Information about Ongoing Initiatives**

- Promote communication and collaboration among all of the positive initiatives that are occurring in the juvenile justice arena; and
- Promote communication about and among other initiatives that intersect with the Commission's mission.

# APPENDICES

## APPENDIX A Enabling 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.

Approved May 26, 2000

## APPENDIX B

### Commission Membership as of January 1, 2011

**Chair:**           **The Honorable Lubbie Harper, Jr.**  
                      **Judge of the Appellate Court**

*Members by virtue of their position or their designees:*

**Chief State's Attorney's designee**  
Judith Rossi

**Chief Public Defender's designee**  
Ernest Green, Jr.

**Commissioner of Public Safety's designee**  
Jesenia Delgado

**Commissioner of Correction's designee**  
Patrick Hynes

**Commissioner of Children and Families' designee**  
Ann-Marie DeGraffenreidt

**Child Advocate**  
Jeanne Milstein

**Victim Advocate's designee**  
Hakima Bey-Coon

**Chairperson, Board of Pardons and Parole's designee**  
Andrew Moseley

**Chairperson, African-American Affairs Commission's designee**  
Glenn Cassis

**Chairperson, Latino and Puerto Rican Affairs Commission's designee**  
Werner Oyanadel

**Representative of the Connecticut Police Chiefs Association**  
Paul Fitzgerald

*Appointed Members*

**2 Persons Appointed of the Governor**  
Vacant

**Appointee of Majority Leader of the Senate**  
Rev. John Henry Scott III

**Appointee of Minority Leader of the Senate**  
Vacant

**Appointee of President Pro Tempore of Senate**

Merva Jackson

**Appointee of Speaker of the House of Representatives**

Maureen Price-Boreland

**Appointee of Majority Leader of the House of Representatives**

Donald Green

**Appointee of Minority Leader of the House of Representatives**

Tracey G. Gove

## APPENDIX C

Commission on Racial & Ethnic Disparity in the  
Criminal Justice System  
October 22, 2008 Conference  
Recommendations from Breakout Sessions

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### Session 1: The Media & its Role in Shaping Perceptions of Race & Ethnicity

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#### **Key Issues Identified by Participants:**

1. Biased Reporting
  - Negative photographic images of minorities
  - Suburban coverage vs. urban coverage: crime is shocking vs. routine
  - Stories that foster an “us” vs. “them” mentality (suburbs vs. city)
2. Under-reporting of positive stories in minority communities/cities
  - What “sells” or is “sexy” vs. what’s important
3. Failure of the media to examine underlying causes of crimes
  - Underreporting of the root causes of crime
  - Lack of analysis and context of crime
  - Lack of media coverage of cities as a dumping ground
4. Failure by the media to be accountable and admit there’s a problem
  - Concentrated ownership of media outlets
  - Unwillingness to talk about the role of race

#### **Recommendations:**

1. Establish an independent body to audit the news media
  - To look at things like the number of positive story press releases sent out vs. number of stories actually covered
1. Promote a consistent policy for the dissemination of mug shots
2. Media should work with community leaders to identify positive stories and get feedback on their coverage, with the Commission serving as facilitator
  - Start the dialogue to help minorities report positive stories to the mainstream media
4. Encourage schools to view news analytically
5. Educate reporters on race and racial issues

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### Session 2: Urban v. Suburban Policing

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#### **Key Issues Identified by Participants:**

1. Race is an issue: people need to acknowledge the disparity that exists across the board
2. The need for uniformly available early intervention for young people
3. The need for diversity in all aspects of the Criminal Justice System

**Recommendations :**

1. Promote equality in policing policies (free from cultural and institutional bias)
2. Require/promote diversity training/education for police officers
3. Work with grassroots agencies to build programs
4. Invest in prevention and community-based services

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**Session 3: The Effect of the War on Drugs and the Mental Health Care System on Minority Populations**

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**Key Issues Identified by Participants:**

1. The negative public perception of mental illness and substance abuse and addiction
2. Lack of funding for programs
3. Challenge of coordinating with multiple state agencies

**Recommendations:**

1. Educate all players in the criminal justice system (judges, state's attorneys, public defenders, DOC personnel, police) about mental illness and addiction
  - remove the stigma
  - the cost benefit of treatment over incarceration
  - the harm reduction model
2. Hold people accountable, keep statistics, and get this information out to the public through the media.
3. Repeal mandatory minimum sentence requirements
4. Address this issue with young people:
  - Educate youth at an early age in school
  - Have counselors in school who can identify substance abuse, mental health issues and provide greater resources to the schools for obtaining treatment for students
5. Reallocate resources from a punitive model to a model of hope, using evidence based programs that have a proven rate of success
6. Educate the Governor on the cost saving potential of programs

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**Session 4: Juvenile Justice: Comprehensive Strategies for Keeping Young People out of the Criminal Justice System and in School**

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**Key Issues Identified by Participants:**

1. The racial disparity that exists in the Connecticut education and criminal justice systems
2. Parties on all sides must be held accountable, this includes, parents, educators, police, schools and youth. Concern was identified over a lack of information and/or processes to identify misconduct by persons in a position of authority such as police and/or prosecutors – additionally it was expressed that complaints may result in retribution.
3. There is a need for coordination and communication between youth/families in need and service providers – kind of a gatekeeper organization. Early on needs may be identified through school, a municipal organization, or a direct service provider; responsibility may then be shifted to a state agency, and/or a contracted or alternative service provider. Ultimately the needs may be identified through a criminal justice organization – at a point when it may be too late.

## **Recommendations:**

1. Improve Communication/Collaboration – Build Bridges:
  - Engage parents and families in addressing the problems
  - Provide continuity of service. No matter how effective the solution may be – if it stops when the child leaves the school or the provider – it loses effectiveness
  - Establish collaboration teams of students and parents, local community organizations, non-profits, schools and youth service officers
  - A connection to state agencies, Juvenile Review Boards, Youth Service Bureaus must be established for continuity in services/practices
  - Due to financial constraints there may need to be compensation for individuals (parents and community members) participating in boards, panels, commissions (a per diem, travel expense and/or day care)
  - Integrated intervention must occur before law enforcement and/or courts become involved formally.
2. Improve School Climate/A Positive Place to Learn:
  - Provide schools with the tools (funds, staff, legislation, guidelines) to change the climate
  - No excuses – raise the level of expectation
  - Don't jump to expel or suspend troubled youth . Look for alternative means to address conduct before it becomes violent and/or disruptive
  - Start programs earlier – before problems begin
  - Partner and collaborate with child advocacy agencies such as DCF and Juvenile Justice System.
3. Start with the Kids:
  - Positive programming for children and youth – enhance self-worth and self-image
  - Identify learning disabilities and mental health issues and work to resolve
  - Faith based programs may be an under-used resource
  - Sports programs, music programs, general youth support programs affiliated with school and/or community provide positive options to an empty home
  - After school programming must be enhanced/increased even during budget cuts
  - Use of ex-convicts who are paid to mentor and bring a dose of “reality” instead of “glamour” would help both the youth and the convict.
4. Accountability:
  - Make all parties accountable through an inclusive plan and system
  - Ensure clear public complaint process when the system fails – complaints may be against: police, prosecutors; court employees and judges.

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### **Breakout Session 5: The Impact of Underlying Social Issues on the Criminal Justice System**

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#### **Key Issues Identified by Participants:**

1. Children are entering the Juvenile Justice System at too young an age
2. Fault of system is that the only way to get services is entrance in Juvenile System
3. Lack of appropriate and adequate resources and funding
4. Not enough strategies proposed to address the problems
5. Not enough collective work among departments and agencies to work together

6. The need to share information among all agencies
7. The need to identify the appropriate services early
8. Structural racism

**Recommendations:**

1. Educate the community regarding issues and outcomes
2. Address the need to bring all interested parties to the table, regardless of point of view
3. Collaboration of services – bridging gap between non-profits and government
4. Get business owners to provide job opportunities and to be mentors to young people

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**Break-out Session 6: Perception vs. Reality – Youth Violence**

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**Recommendations:**

1. Be preemptive and focus more on prevention and early intervention to keep children/youth out of the courts/the criminal justice system:
  - Set children/youth up with a vision for success early
  - Establish and promote programs that provide children/youth with positive role models, mentors and influences within their community
  - Support youth centers and community programs that provide children/youth with a safe place to learn, achieve and have fun.
  - Communities must be the foundation of these efforts – neighborhoods, schools and local organizations working together.
2. Address shortcomings in our education system:
  - Revise education laws to promote incentives for children/youth staying in school and/or earning a diploma/degree
  - Incentives can be financial or alternatively for court-involved youth, can be part of early releases from court ordered programs or commitment facilities (CJTS)
  - Broaden educational opportunities to include non-traditional subjects like vocational programs, art, music, media, etc. Provide children/youth with support to participate (transportation, safe environments, peer support, etc.)
  - Teacher training that focuses on today's needs, not what was 20 years ago.
3. Integrate children/youth into the decision- and rule-making so they have a voice. Children and youth will be more likely to embrace rules and ideas that they are a part of.

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**Session 7: The Impact of Politics on the Criminal Justice System**

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**Key Issues Identified by Participants:**

1. Need for victim representation on panels, commissions
2. Problem of mandatory minimum sentences
3. PA 93-263, *AAC Improving Educational Quality and Diversity*, encourages discussion at local level & should be implemented
4. Barriers to employment (felonies) - need for education for inmates beyond GED
5. Need for Prevention

6. CGS 10-233d(h), re. expulsion from school, is unjustified, and harshly applied in urban areas
7. Children in DV homes – often overlooked for services, leads to developmental problems
8. Legislation re suspension of arrestees

**Recommendations:**

1. Address Disparity in Educational Opportunities:
  - Public School
  - Educational Opportunities for Supervised Persons (secondary, GED, trades, college)
  - Educational Resources for Inmates ((secondary, GED, trades, college)
2. Address Disparity in the Intent and Application of Criminal Sanctions:
  - CGS § 10-233c to § 10-233k, re. suspension, expulsion from school and notification of school officials, impact urban communities and minorities
  - Felony convictions are more common in urban courts and for minorities.
  - Repeal mandatory minimum sentences.
  - Provide equal access to pardons, and/or automatic expungements
3. Commission’s Authority over the Criminal Justice System:
  - Conference participants recommend ongoing assistance to the Commission.
  - Distribute Commission findings at the local level and require some local action
  - Commission should review all criminal justice legislation

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**Session 8: The Perception of the Criminal Justice System by the Latino Community**

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**Key Issues Identified by Participants:**

1. State’s role in enforcing immigration laws (policy) – civil vs. criminal
2. Bilingual vs. bicultural
3. Under-representation of Latino community within the Judicial Branch and community agencies
4. Limits placed upon Judicial Branch employees (either by the job itself or by code of ethics)
5. Lack of Advocacy
6. Language barrier/cultural competency/degree
7. Lack of (community) programs
8. Literal interpretation/legal information/terminology
9. Youth – what are we doing to change their negative perception?

**Recommendations:**

1. Language barrier – bilingual / bicultural
  - Better use of technology within the Judicial Branch. Use videoconferencing for using interpreters or speakerphone technology
  - Have advocates at time of arrest (at police department level) to identify quickly the language need
  - Utilize resources currently available – technology



2. State role in enforcement of immigration law – policy change
  - Encourage a “don’t ask, don’t tell” policy. Don’t inquire about legal status.
3. Latino youth
  - Create community outreach programs to change perceptions
  - Use Human Rights Commission at local and state levels to get groups together to work as liaisons within the community
  - Hire more bilingual and bicultural staff to provide services and to serve as role models
4. Be proactive, not reactive

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**Session 9: From Destruction to Construction:  
Mentoring Young Men of Color**

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**Recommendations:**

1. Issue #1: Preservation
 

Challenge: Continue to sustain achievements without regression. Continue to make positive gains.

Strategies: Paradigm shift in funding to put more into prevention and preservation. Point of stability: terminate from program makers.

Challenge: Parental involvement,
2. Issue #2: Prevention in-home services, and family mentors. Remove barriers in transportation. Improve communication and language.
 

Strategies: Paradigm shift for funding. Stress media coverage for community outreach.
3. Issue #3: Intervention
 

Challenge: Recruit working class males who are currently systematically excluded. Include males with out degrees and with felonies who are reformed. Give credit for redemption.

Strategies: Paradigm shift: from funding to long-term investment. Train mentors to establish intervention response.

Operate using a prevention model.

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**Breakout Session 10: The Power of Choice**

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**Key Issues Identified by Participants:**

1. Need for family services (entire family and child)
2. Gap in services for non-court involved youth
3. Lack of programs to keep kids active (fewer opportunities for trouble)
4. Kids having kids
5. Lack of education
6. Homelessness
7. Basic needs left unfulfilled
8. Not enough programs for girls
9. Lack of services for homeless
10. Lack of coordination of services

11. Lack of continuity of services
12. Need to connect life skills more closely to traditional academics
13. No services for 18-23 year olds
14. Not enough deterrent-based services

**Recommendations:**

1. Examination, expansion and retention of effective programs
2. Increase coordination with volunteer organizations (particularly retired citizens, organizations)
3. Increase coordination of services (particularly with education)
  - Increase youth involvement advisory boards and commissions

## **APPENDIX D**

### **MEDIA WORKING GROUP**

#### **Outcome Goal**

The Commission on Racial and Ethnic Disparity in the Criminal Justice System's working group on media will act as an oversight working group to support the just, equal and unbiased reporting and representation of Connecticut's racial and ethnic minority population as it relates to criminal justice. This will be done in part through collaboration with other groups, organizations, businesses, agencies, schools and individuals.

#### **Steps that will lead to the accomplishment of this strategy include:**

1. Collaborate with other organizations to act as an independent auditor and oversight group of news media coverage.
  - a. To look at things such as the number of positive story press releases sent-out versus the number of stories actually covered
  - b. To review the use and display of mug shots; the percent of mug shots of racial and ethnic minority persons compared to Caucasian persons in relation to the percent arrested
2. Promote a consistent policy governing the dissemination of mug shots
3. Facilitate collaboration between the media and community leaders including independent, local media, to identify positive stories and get feedback on their coverage.

#### **The achievement of this goal will be measured by:**

1. An increase in the number of positive stories as compared to the number of actual stories covered by the media.
2. The implementation of a policy to govern the consistent dissemination of mug shots.
3. An increase in the dialogue about news coverage of police activity.

## **APPENDIX E**

### **EDUCATION, TRAINING AND CULTURAL COMPETENCE WORKING GROUP**

#### **Outcome Goal**

The Commission on Racial and Ethnic Disparity in the Criminal Justice System's working group on education, training and cultural competence will act as an oversight working group to ensure support for education, training and cultural competence in the state of Connecticut as it relates to criminal justice. This will be done in part through collaboration with other groups, organizations, businesses, agencies, schools and individuals.

#### **Steps that will lead to the accomplishment of this strategy include:**

1. Support and sponsor education programs on race and racial issues, underlying social problems, and mental health and addiction challenges/concerns/needs. These problems should be addressed with a variety of people as listed below.
  - a. Media Personnel
  - b. Police
  - c. DOC personnel
  - d. Court system personnel
    - i. Judges
    - ii. Public Defenders
    - iii. State Attorneys
    - iv. DOC personnel
  - e. Community
2. Address the language and cultural barriers by making better use of technology.
  - a. Make a better use of technology
  - b. Have advocates at police departments to quickly identify any language needs at the time of an arrest
3. Create community outreach programs to change the perception of police officers and the criminal justice system.

#### **The achievement of this goal will be measured by:**

1. An increase in the number of statewide educational programs on race and racial issues, social problems, and mental health and addiction needs.
2. An increase in the use of technology to break language and cultural barriers.
3. A reduction in the number of reports of non-English speaking defendants having hearings without an interpreter.
4. Advocates in place at police departments to recognize language needs.
5. An increase in community outreach and collaboration with the Latino communities.

## APPENDIX F

### PRE-ARREST, PREVENTION, DIVERSIONARY AND COMMUNITY-BASED PROGRAMS WORKING GROUP

#### Outcome Goal

The Commission on Racial and Ethnic Disparity in the Criminal Justice System's working group on pre-arrest, prevention, diversionary and community-based programs will act as an oversight working group to promote alternatives to arrest through prevention and community-based programs in the state of Connecticut as it relates to criminal justice. This will be done in part through collaboration with other groups, organizations, businesses, agencies, schools and individuals.

#### Steps that will lead to the accomplishment of this strategy include:

1. Work to promote alternatives to arrest.
2. Work with grassroots agencies to build diversionary programs.
  - a. Communities must be the foundation for these efforts- neighborhoods, schools and local organizations working together.
3. Focus on prevention and building community-based services.
  - a. Support youth centers and community programs that provide children and youth with a safe place to learn, achieve, and have fun.
  - b. Integrate the youth into the decision-making process and allow them to have a voice. Embracing rules that they are a part of will be much more successful.
4. Paradigm shift in funding to put more into prevention and preservation.

#### The achievement of this goal will be measured by:

1. Increased collaboration within communities to build diversionary programs and grassroots movements to prevent arrests.
2. Increase in support for community centers and in the number of youths asked to participate in making decisions.
3. Shift in funding to increase money spent on prevention.

# Hardy Will Help Restore Perception Of Fairness

Connecticut's Commission on Racial and Ethnic Disparity in the Criminal Justice System, of which I am chairman, strongly supports the appointment of Gail Hardy as state's attorney for the Hartford Judicial District. She is highly qualified for the position and

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LUBBIE HARPER JR.

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her appointment has received widespread support throughout the community and the criminal justice system.

Ms. Hardy has a tough job ahead of her, coming into an office that handles a high volume of criminal cases from minor misdemeanors to the most serious felonies.

It is unfortunate that the job was made tougher by the irresponsible criticism of her selection. Sadly, the harm of the remarks made by outgoing State's Attorney James Thomas and one of the assistant state's attorneys who works in Hartford extends beyond Ms. Hardy. The unwarranted and unprecedented attacks upon the character and integrity of a properly appointed candidate of color sends an overpowering negative message to the community served by the Hartford state's attorney. Comments such as these undermine the community's confidence in our state's criminal justice system.

The commission on racial and ethnic disparity was created by the General Assembly in 2000 to eliminate racial and ethnic disparity in the criminal justice system. It has a statutory charge that mandates an examination of all aspects of that system. The commissioners believe that the "face of the system" — the way our law enforcement and court systems are viewed by the public — is perhaps the most important factor in shaping the perception of our criminal justice system.

The Hartford state's attorney's office is composed of talented and committed prosecutors who, through their skillful efforts, have nobly carried out their duties. Their evenhanded and dedicated service is essential.

Citizens of our state must have confidence that the system is fair and impartial. The people working in the system — the judges, prosecutors, public defenders, courtroom clerks, bail commissioners, judicial marshals, probation officers and the myriad others who staff our courts — create an impression upon those who interact with that system, including the defendants in criminal cases and their families, the victims of crime and their families and the communities served by the legal system.

Commissioners are aware there are communities in our state that perceive the judicial system as being unfair. We know that many of these are largely minority communities in our cities. This lack of confidence in the system hurts all state residents. It discourages those who do not believe the system is fair from enlisting the resources of law enforcement. It impairs the ability of law enforcement officers to solve crimes and of prosecutors to prosecute crimes, because they do not always receive the necessary cooperation.

The commission on racial and ethnic disparity advocates making this problem a top priority. One way to do that is to ensure that the face of the system reflects the diversity of our state's population. We must increase the number of minority prosecutors, public defenders and judges, particularly those in management positions. The Criminal Justice Commission took an important step in this direction by appointing Ms. Hardy to be the state's attorney for Hartford.

There has never been a person of color, male or female, named state's attorney in Connecticut. It was time to make a change. The Criminal Justice Commission correctly took into account the need to improve the relationship between the Hartford community and the criminal justice system. It appointed the candidate who it found to be most qualified for the position. The commission considered the fact that Ms. Hardy is a person of color, which it correctly deemed to be an asset.

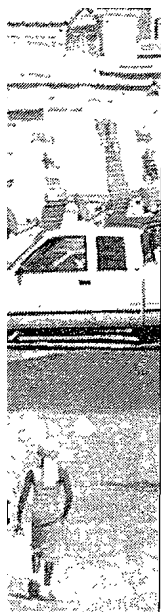
Ms. Hardy's response to the criticism of her appointment has highlighted some of the qualities that led the Criminal Justice Commission to choose her. She has a breadth of experience that includes not only her work as a prosecutor, probation officer, support enforcement officer and public defender, but also community involvement.

Our criminal justice system extends beyond the courtroom. It extends from the police to the prisons and from the courts to the streets. Ms. Hardy has a broad perspective that will serve Connecticut's citizens well.

Under Ms. Hardy's leadership, the Hartford state's attorney's office will work to make a significant difference in the lives of the people who live in the Hartford Judicial District. Her appointment will prove to be an important step in ensuring that all citizens have confidence that our criminal justice system is fair, unbiased and impartial.

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*Lubbie Harper Jr. is a judge on the Connecticut Appellate Court.*



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