

State of Connecticut



Commission on Racial and Ethnic Disparity in the Criminal Justice System

Report on Activities 2019-2020

Dear Reader:

I am honored to submit to you this biennial report of the Commission on Racial and Ethnic Disparity in the Criminal Justice System, which covers the period from January 2019 through December 2020.

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

During this biennium, the Commission developed and implemented a training program on implicit bias for key criminal justice professionals as part of the national MacArthur Safety and Justice Challenge. The Commission also furthered its national presence by becoming a member of the National Consortium on Racial and Ethnic Fairness in the Courts. Locally, the Commission continued its commitment to collaboration by hosting several special guests at meetings. Some guests included Ken Barone of the Connecticut Racial Profiling Prohibition Project, legislative representatives of the Black and Puerto Rican Caucus, Alex Tsarkov from the Connecticut Sentencing Commission, and OPM’s Criminal Justice Policy and Planning Division Under Secretary, Marc Pelka, and Policy Development Coordinator, Eleanor Michael. The Commission also assisted the Connecticut Supreme Court Jury Task Force by appointing a member to assist the task force as it examines jury selection practices with an eye toward potential racial discrimination. In response to national outcry in the wake of George Floyd’s death at the hands of police officers, the Commission took a formal stance on policing in marginalized communities and the influence of racism in our criminal justice system by issuing two formal statements on the matter. One statement was shared with Connecticut Governor Ned Lamont and the other with criminal justice professionals including members of the Judicial Branch and State’s Attorney’s Office. Finally, the Commission also welcomed several new talented members.

With such a powerful group of experts on the criminal justice system and the role that race, and ethnicity play in the delivery of justice, the Commission stands firm in its capability to address racial and ethnic disparity in Connecticut’s criminal justice system. However, I would be remiss to not acknowledge the challenges that exist from a lack of supportive funding for the Commission.

The Commission continues to operate with a vitally important mandate and a lack of any resources dedicated to the activities of the Commission. It is through the generous support of the Judicial Branch that the Commission has been able to operate at the capacity that it has. However, the time is right for the State of Connecticut to recommit to racial and ethnic fairness in the state’s justice systems by dedicating the necessary funds to permit the talented members of the Commission to engage in the activities necessary to investigate and safeguard judicial practices that seek to secure fairness in the delivery of justice.

Sincerely,
Honorable Lubbie Harper, Jr.
Chairman

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INTRODUCTION

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

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

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

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

MEMBERSHIP

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

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

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

MISSION STATEMENT

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

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

GOALS AND OBJECTIVES

The Commission strives to accomplish its mission through completion of the goals and objectives identified below.

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

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

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

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

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

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

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

ACTIVITIES AND OPPORTUNITIES

UPDATES SINCE LAST REPORT

Training Program for Key Criminal Justice Professionals

The Commission developed and implemented a training program on implicit bias for key criminal justice professionals. The three-day training took place in April and June of 2019. The audience included prosecuting and public defense attorneys, police, child welfare workers and members of the community from across the state including tribal communities. The training program utilizes a standardized training model approach, across the criminal justice system, to include exploration and increased awareness of implicit bias, recognition and identification of biases, and development of strategies to manage, counter and reduce biases. The training model also includes both formal training content (concepts and theory) as well as process in a dialogic framework. This training was developed as part of the national MacArthur Safety and Justice Challenge. Connecticut was the only state awarded a MacArthur grant with the Commission's training program being one of the components of Connecticut's award.

Coordination Through Collaboration

The Commission continued its commitment to collaboration and furthering communication amongst like groups by hosting several special guests at Commission meetings. Some guests included Ken Barone of the Connecticut Racial Profiling Prohibition Project, legislative representatives of the Black and Puerto Rican Caucus, Alex Tsarkov from the Connecticut Sentencing Commission, and from Office of Policy and Management's Criminal Justice Policy and Planning Division Under Secretary, Marc Pelka, and Policy Development Coordinator, Eleanor Michael.

NEW ACTIVITIES

Exploration of Implicit Bias Training Pilot with State Prosecutors

As an extension to the Commission's statewide training on implicit bias provided as part of the state's MacArthur Safety and Justice Challenge, the Division of Criminal Justice (DCJ) proposed the exploration of a training pilot similar to the implicit bias training using a revised curriculum designed specifically for prosecutors with its state attorneys. Members of the Commission, along with other contributing members of the public with expertise in implicit bias training, held meetings to discuss the revised curriculum; however, progress was paused due to the impact of COVID-19 and change in the Chief State's Attorney's office staff.

Updated Commission Membership

With changes in gubernatorial and legislative leadership as of 2019, the CREDCJS reached out to the new appointing authorities in the legislative and executive branches to request new/re-appointments be made to the Commission. Several new members of superb background were appointed and have already demonstrated themselves to be valuable members of the Commission.

Racial Discrimination in Jury Selection

The state's highest court created a task force to study racial discrimination in the selection of juries. The Court reached out to the Commission to request its representation on the task force. One of the Commission's longest-serving members, Mr. Preston Tisdale - who has served on the Commission since its inception - has since provided that representation.

Policing in Marginalized Communities

One such statement was directed specifically at Governor Lamont, asking him to recommit to racial and ethnic fairness in the state's justice systems by dedicating the necessary funds to permit the talented members of the Commission to engage in the activities necessary to investigate and safeguard judicial practices that seek to secure fairness in the delivery of justice.

The Commission shared its condemnation of racism targeted toward our fellow Americans, both systemic and blatant, especially in our justice system. This statement was shared with the Judicial Branch, members of the media, and prosecuting attorneys.

Racial and Ethnic Fairness in the Courts

The Commission is a new member of the National Consortium on Racial and Ethnic Fairness in the Courts. The National Consortium is committed to encouraging the highest courts of each state to create commissions to examine the treatment accorded minorities in their courts; sharing the collective knowledge of task forces and commissions with courts, law enforcement, and the community; and providing technical assistance and expertise to commissions, task forces, and other interested organizations and individuals on the topic of racial and ethnic fairness.

FUTURE ACTIVITIES

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

Commission Membership

The CREDCJS will continue to reach out to appointing authorities to ensure that the remaining vacancy is filled.

Coordination and Collaboration

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

Events

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

Policy

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

Advocate for Additional Resources

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

APPENDICES

Appendix A – Original Legislation

Public Act No. 00-154

An Act Concerning Racial Disparity in The Criminal Justice System

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

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

(b) The commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix B – Revised Legislation

Public Act No. 15-109

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (A) The number of African-Americans and Latinos comprising the pretrial and sentenced population of correctional facilities;
 - (B) The progress being made toward reducing the number of African-Americans and Latinos comprising the pretrial and sentenced population of correctional facilities;
 - (C) The adequacy of legal representation for indigent defendants;
 - (D) The adequacy of the number of residential and nonresidential treatment slots available for African-Americans and Latinos;
 - (E) The adequacy of the number of court interpreters; and
 - (F) Such other information as the commission deems appropriate.]
- (1) Sponsor conferences, forums and educational and training programs on the causes, effects and implications of racial and ethnic disparity in the state's criminal justice system;
 - (2) Collaborate with national, state and local organizations and institutions to identify strategies for reducing racial and ethnic disparity in the state's criminal justice system;
 - (3) Develop, evaluate and recommend promising and emerging policies and practices, including any legislation to implement such policies and practices;
 - (4) Determine whether any statutory provision negatively impacts the racial and ethnic disparity in the state's criminal justice system and recommend statutory changes to the Governor and General Assembly to reduce such impact;
 - (5) Make recommendations to the Governor, the General Assembly and state and local agencies and organizations on the implementation of any such strategy, policy, practice or legislative change; and
 - (6) Assess the impact of any implementation of such strategies, policies, practices or legislative changes.
- (c) [The] Not later than January 15, 2017, and biennially thereafter, the commission shall report, in accordance with the provisions of section 11-4a, to the Governor and the General Assembly [, not later than January first of each year, concerning additional resources that should be made available to reduce racial and ethnic disparity in the criminal justice system without affecting public safety] concerning the activities and accomplishments of the commission. Such report shall cover the time since the previous report.

Appendix C – Commission Membership
(As of December 2020)

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