

CONNECTICUT SENTENCING COMMISSION

Full Commission Meeting

Wednesday, March 14, 2012

9:00-10:30 a.m.

Legislative Office Building, Room 1A

Hartford, CT

Members Present: *Hon. Joseph Shortall (Chair), Michael Lawlor (Vice Chair), Leo Arnone, Vivien Blackford, Hon. David Borden, Reuben Bradford, Hon. Patrick Carroll, Peter Gioia, Kevin Kane, Susan Pease, Maureen Price-Boreland, John Santa, David Shepack, Susan Story, Erika Tindill, Thomas Ullmann, Hon. Gary White*

Members Absent: William Carbone, Michelle Cruz, Hon. Robert Devlin, Tracy Meares, Mark Palmer, Patricia Rehmer

Also Participating: *Andrew Clark (Acting Executive Director), Jason DePatie, Sarah White*

Public Attendees: *Brian Austin, John Defeo, Richard Sparaco, Deborah Sullivan, Mike Alevy, Aurelia Aleman, Sean Thakkar, Sarah Russell, Alex Tsarkov*

MINUTES

I. MEETING CONVENED

Judge Shortall called the meeting to order at approximately 9:15 a.m.

II. APPROVAL OF THE MINUTES FROM THE MEETING OF JANUARY 26, 2012

The minutes were amended so that the second sentence of the first paragraph of "Juvenile Sentence Reconsideration" would state "a decision was made to recommend" rather than "consensus."

Upon a duly made and seconded motion, the amended minutes were **approved by a voice vote**. Hon. Gary White, Hon. David Borden, and David Shepack abstained.

III. Report of the Chair

Judge Shortall reported on the Commission's legislative proposals. First, he mentioned that the Commission's appropriation bill which seeks \$85,000 in funds is working its way through the legislative process and if passed, would make funds available as of July 2012. Second, it was reported that Bob Farr testified at the Judiciary Committee's public hearing on the Commission's classification bill and it was well received by the committee. Thirdly, Andrew Clark testified during the public hearing process on the "sexual assault" and "kidnapping with a fire-arm" bills and both were well received. Currently these three bills

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are awaiting a vote from the Judiciary Committee. Next Judge Shortall updated the Commission on the highlights of his meeting with the judiciary chairs and ranking members discussing the activities of the Commission and its legislative proposals.

IV. “Juvenile Sentence Reconsideration” Bill

Erika Tindill reported that the Juvenile Sentence Modification Working Group held five meetings in the past few weeks to reach consensus on some of the issues identified at the last meeting and significant progress has been made. The working group agreed that the Board of Pardons and Paroles would ultimately be responsible for determining offender suitability for reconsideration. It was agreed that the structure of a parole release hearing would provide the “meaningful opportunity” for release upon demonstration of rehabilitation. The working group also addressed Erika Tindill’s concern of having an adversarial process as part of the parole panel’s consideration—it was agreed that the process should not be adversarial. As part of a compromise, working group members agreed that counsel would be provided to help assist offenders in preparing for the parole hearing. It was agreed that the state’s attorney and victim advocate would be notified in advance of a juvenile parole hearings and the state’s attorney would receive a copy of all documents submitted by to the parole panel and have an opportunity to respond.

Kevin Kane commended the efforts of the working group and expressed his support for juvenile reconsideration in the parole process. The major issue on which the working group was unable to reach a consensus was offender eligibility. The working group was able to develop two different eligibility schemes featuring differences in the time at which someone would become eligible and whether juvenile sentence reconsideration should include parole for capital felony. Option one is structured as follows: When the sentence is 10-25 years, the offender could be eligible after age 25 and having served 10 years of sentence. When the sentence is 25-60 years, the offender could be eligible after age 30 and having served 15 years. If the sentence is 60+ years, the offender could be eligible at age 35 and after serving 20 years. It was suggested that for capital felonies, the offender could be eligible after age 40 and serving 25 years. Option two excludes offenders with capital offenses and determines that you must serve 50% of sentence or 10 years (whichever is greater) in order to be eligible for parole.

Erika Tindill reported that research was conducted on Connecticut’s juvenile offenders whom the juvenile sentence reconsideration legislation would impact and many are currently eligible for parole after serving 85% of their sentence. This new bill would make those who are sentenced to 10 years or more eligible for parole and would make offenders eligible earlier than current law allows.

Peter Gioia suggested that the Sentencing Commission present a single option to the legislature and he asked Mike Lawlor what his recommendation was regarding this issue. Mike Lawlor thought that it may be best to educate the legislature on both options. Hon. David Borden agreed and motioned that the Sentencing Commission submit a bill to the Judiciary Committee directing the Commission to continue its consideration of the issues of

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reconsidering adult sentences imposed on juveniles and have a bill ready for the 2013 Session. He noted that it would be possible to come to a consensus on the bill if the commission takes its time and is informed by the U.S. Supreme Court's Decision which is expected at the end of June. Leo Arnone agreed that it is better to take some time to perfect the legislation.

Hon. David Borden's motion to "submit a bill to the Judiciary Committee directing the Commission to continue its consideration of the issues of reconsidering adult sentences imposed on juveniles and have a bill ready for the 2013 Session" was seconded by David Shepack. There was a 12-5 vote to in favor of sending the bill to the Judiciary Committee. Thomas Ullman, Peter Gioia, Maureen Price-Boreland, Susan Storey, and Susan Pease dissented.

V. Other Business

No other business was addressed at this time.

VI. Meeting Adjourned

Meeting adjourned at 10:28 a.m.