



**STATE OF CONNECTICUT  
DEPARTMENT OF CORRECTION  
PROGRAMS & TREATMENT DIVISION  
24 Wolcott Hill Road  
Wethersfield, CT 06109**

**TO:** Cheryl Cepelak, Director Administration  
**FROM:** Donna Cupka, CCS  
**DATE:** March 8, 2011  
**RE:** Data Request from Undersecretary Lawlor

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**Request: Percentage of African-American, Latino, White inmates [Sentenced and unsentenced]**

**Response:** A racial breakdown for the incarcerated population on 3/08/2011 is provided in the following charts. The incarcerated count on 3/08/2011 is recorded at 17,704, with 3951 on accused status and 13753 sentenced.

(NOTE: The unsentenced total presented in the chart does not tally with the reported count because it does not include federal offenders who are housed in the state's correctional centers.)

<b>UNSENTENCED COUNT BY RACE 3/08/2011</b>		
<b>RACE</b>	<b>FREQUENCY</b>	<b>PERCENT</b>
Black	1369	38.4
White	1246	35.0
Hispanic	933	26.2
Asian	15	0.4
American Indian	2	0.1
	3565	100.1%

<b>SENTENCED COUNT BY RACE 3/08/2011</b>		
<b>RACE</b>	<b>FREQUENCY</b>	<b>PERCENT</b>
Black	5845	42.5
White	4174	30.3
Hispanic	3643	26.5
Asian	60	0.4
American Indian	31	0.2
	13753	99.9%

**Request: Ranking of inmate controlling offense categories**

**Response:** A complete list of all controlling offenses by frequency is attached. The charts below reflect the five offenses that comprise roughly one third of the unsentenced and the sentenced populations. Please note that in the sentenced population, the controlling offense may be one of many current sentences, but is the one with the most future release date.

In both populations, CGS53A32 Violation of Probation or Conditional Discharge is the most frequent controlling offense by a significant percentage. This is an unclassified offense, rated in the Department of Correction classification system in accordance with the underlying conviction (which can be collected electronically only for the sentenced population).

The pending Governor’s Bill 1014 identifies instances where 21A279 convictions may be subject to alternate sanctions, but this does not apply to 21A279A, as this portion of the statute does not specify quantity less than one ounce of substance.

TOP 5 CONTROLLING OFFENSE UNSENTENCED POPULATION 3/08/2011				
Offense Code	Offense	Felony /Misd.	Count	% of all Offenses
53a32	Violation of Probation or Cond Discharge		320	9.0
21A279A	Possession of Narcotics	F	246	6.9
53A134	Robbery, First Degree	BF	200	5.6
53A223*	Criminal Violation of Protective Order	DF	167	4.7
53A103	Burglary, Third Degree	DF	151	4.2
			1084	30.4

TOP 5 CONTROLLING OFFENSE SENTENCED POPULATION 3/08/2011				
Offense Code	Offense	Felony /Misd.	Count	% of all Offenses
53a32	Violation of Probation or Cond Discharge		1775	12.9
21A277A	Sale Hallucinogen/Narcotic Substance	F	1254	9.1
53A134	Robbery, First Degree	BF	831	6.0
53A054A	Murder	AF	571	4.2
53A103	Burglary, Third Degree	DF	533	3.9
			4964	36.1

**Request: Number of inmates with controlling offense of Possession of Marijuana Less than 4 oz and for Possession of Drug Paraphernalia**

**Response:** Requested data provided below. Note that 21A267C was listed separately, as it has stricter sentencing parameters due to proximity to a school. Additionally, 21A279C is restricted to the subcode C section due to the specific language related to less than 4 ounces.

In order to keep the numbers in accordance with the language in the proposed bill, the sentenced population numbers reflect only cases where there are no other current convictions outside the ones noted. Noted numbers indicate either standalone convictions or multiple convictions/combinations of the listed offenses. Inclusion of cases which may have these convictions but also another conviction might render such individual ineligible for application of the proposed bill (e.g. a concurrent conviction for possession of a weapon would require the offender to complete at least a portion of that sentence in a correctional facility).

Offense Code	Offense	Unsent	Sentenced
21A267	Prohibited Acts Re: Drug Paraphernalia	13	2
21A267C	Prohibited Acts Re: Drug Para, 1500 ft school	3	0
21A279C	Poss of Less Than 4 Oz MJ or Contr Sub	13	21
		29	23

**Request: Number of inmates with controlling offense of DWI 1st, 2nd & 3rd offense, and 14-215C**

**Response:** Requested data provided below.

In order to keep the numbers in accordance with the language in the proposed bill, the sentenced population numbers reflect only cases where there are no other current convictions outside the ones noted. Noted numbers indicate either standalone convictions or multiple convictions/combinations of the offenses included below. Inclusion of cases which may have these convictions but also another conviction might render such individual ineligible for application of the proposed bill (e.g. a concurrent conviction for possession of a weapon would require the offender to complete at least a portion of that sentence in a correctional facility).

Note that only subsection C of 14-215 is included in the tally, as it is the only portion of that section that refers specifically to a license suspended for DWI, which is why it carries a 30 day mandatory.

Note that the number of offense (2<sup>nd</sup> and 3<sup>rd</sup>) is only added by DOC staff following sentencing, to assist in calculation of mandatory minimum sentences. These will not be reflected in the unsentenced population, as the final conviction has yet to be determined.

Offense Code	Offense	Unsent	Sentenced
14-227	Operate Under Influence of Liquor or Drugs	1	0
14-227A	Operate Under Influence of Liquor or Drugs	33	47
14-227A2	Operate Under Influence 2 <sup>nd</sup> Offender	0*	126
14-227A3	Operate Under Influence 3 <sup>rd</sup> Offender	0*	99
14-215C	Driving While License Suspended for DWI	2	47
		<b>36</b>	<b>319</b>

Anecdotal information indicates that sentenced offenders are infrequently incarcerated on only one count of a violation of CGS section 14, and it is far more likely that a combination of convictions are present on multiple mittimus. Indeed, the above data indeed suggests that individuals incarcerated for DWI are far more likely to be in for a repeat offense. Similarly, the data in the below chart, shows a very large decrease in totals if the 14-215C offense is not included as part of the possible groupings.

<b>Offense Code</b>	<b>Offense</b>	<b>Unsent</b>	<b>Sentenced</b>
14-227	Operate Under Influence of Liquor or Drugs	1	0
14-227A	Operate Under Influence of Liquor or Drugs	33	34
14-227A2	Operate Under Influence 2 <sup>nd</sup> Offender	0*	114
14-227A3	Operate Under Influence 3 <sup>rd</sup> Offender	0*	68
		<b>34</b>	<b>216</b>

This data suggests that a full review of Subsection 14 of the Connecticut General Statutes be undertaken to best determine how many subsections might be appropriate for inclusion in a review under the pending bill. Inclusion of a definition of “DUI Offender” that identifies such offender as being convicted of one or a combination of DUI-related motor vehicle offenses which did not result in injury to others” might afford latitude in defining which individuals might be appropriate for sanctions other than incarceration.