

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

Connecticut Judicial Branch

## Meeting Minutes

**December 15, 2014**

2:00 – 3:30

Community Court Conference Room, 80 Washington St., Hartford, CT

*Commissioners present: Justice Lubbie Harper, Jr. (Chairperson), Preston Tisdale (Governor appointee), Regina Rush-Kittle (DESPP), Patrick Ridenhour (CPCA), Werner Oyanadel (LPRAC), Ernest Green (OCPD), Glenn Cassis (AAAC), Hakima Bey-Coon (OVA).*

*Others present: Deborah Fuller (Judicial), Subira Gordon (AAAC), Troy Brown (CSSD), Aileen Keays (Consultant – IMRP).*

### **I. Welcome**

- a. Meeting commenced at approximately 2:05pm

### **II. Review and approve minutes from September 8<sup>th</sup> meeting**

- a. *Requested changes to draft minutes:*
  - i. Correct typo with Subira Gordon's first name
- b. *Requested change to agenda:*
  - i. Change "DPS" (for Department of Public Safety) to reflect the new department, "DESPP" (for Department of Emergency Services and Public Protection)
- c. *Pending above-mentioned changes, minutes were approved with voice vote*

### **III. Membership update**

- a. *Interested parties:*
  - a. Ann Smith (AFCAMP)
  - b. Arlene Avery (APAAC)
  - c. Both have demonstrated interest. Commission is exploring membership through its working group's review of the Commission's enabling statute.
- b. *Newly appointed:*
  - a. Major Regina Rush-Kittle (DESPP) (Replacing Jesenia Delgado)
  - b. Carleton J. Giles (BOPP) (replacing Erika Tindill)
  - c. Patrick Ridenhour (CPCA), replacing Paul Fitzgerald)
  - d. Troy Brown (CSSD) replacing Gary Roberge as unofficial member

### **IV. Updates on other commissions, committees and task forces**

- a. [Criminal Justice Policy Advisory Committee](#) (CJPAC) – Judicial
  - a. There will be a meeting this Thursday.
- b. [Racial Profiling Prohibition Project](#) (RP3) – IMRP

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

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## Connecticut Judicial Branch

- a. The project has now acquired its first full set (twelve months' worth) of traffic stop data from all police departments in CT. A report summarizing the data received will be released Feb., 2015. This analysis and subsequent will be the most comprehensive one performed in CT to-date.
- c. [CT Sentencing Commission](#) (CSC) – IMRP
  - a. IMRP hosted a retreat for the CSC in October to facilitate the Commissioners' ability to dedicate focus on identifying and implementing priority projects. This included:
    1. the creation of a sentencing database
    2. the implementation of a strategic plan
    3. completing the hiring process for an Executive Director
  - b. IMRP has hired Atty. Leland Moore, a recent Quinnipiac Law School Graduate, to assist with research, program administration and other projects of the CSC, as needed. As a law student, he assisted the CSC with legal research as part of his work with Quinnipiac Law School's Civil Justice Clinic.
  - c. The CSC is close to finalizing a position description for Executive Director after which a search will be launched.

*Question* – What policy initiatives is the CSC planning to address this legislative session?

The CSC meets this Thursday; it is expected that a clearer focus will be determined then.

## V. **DCJ *The Color of Justice***

- a. Attorney Brian Austin planned a *The Color of Justice* event for attorneys with the Chief State's Attorney's Office. Attorney Austin was not in attendance at this meeting so he was unable to provide an update on the event.

## VI. **Public awareness initiative with OVA**

- a. Justice Harper had several meetings scheduled with Laura Stefan of OVA since the last Commission meeting. Unfortunately, Ms. Stefan went on medical leave and therefore was unable to meet. The planning of the initiative is temporarily on hold. The Commission, with partners including representatives from the faith based community, still wants to pursue partnering with OVA on a public awareness campaign on crime victims' rights so the two will stay in-touch until planning can resume.

## VII. **Proposed statutory change – Judicial**

- a. Current enabling legislation is limiting in terms of the populations it mandates the Commission to represent, but too broad with its deliverables, while providing no supportive funding (i.e., for permanent staff, programming, etc.). A working group made-up of Commission members and staff has been meeting to review the

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

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### Connecticut Judicial Branch

Commission's enabling legislation and craft revised language that will be presented to the General Assembly during session.

- b. Meeting attendees reviewed the current draft and made these recommendations:
  - i. Add due dates for biannual reports
  - ii. Update the name of Department of Public Safety
  - iii. Items (4) and (5) under (b) consider changing the word "practices", maybe to "promising and emerging".
    1. "evaluate promising, emerging"; don't need to develop or implement but can always remain abreast of practices elsewhere.
  - iv. Re-work the charge relating to victims (line 38). Attorney Green will send language suggestions to Attorney Fuller.
  - v. Revise language to include identification of groups known to receive disparate treatment in the CJ system at this time, then add wording that permits the Commission to add groups receiving disparate treatment as culture changes.
- c. Working group will refine the language and then send it to Commission members for feedback. It will then determine a plan for presenting the revised language to the legislature.

#### *Discussion*

- Reviewed existing legislative mandates that the Commission has found difficult to fully perform without the allocation of resources to do so. Discussion ensued over whether this proposal for language changes should be accompanied by a funding request so the Commission can keep some of its mandated tasks in its statutory charge. Determination was to not include a funding request with the bill, but the Commission may want to speak with co-Chairs of Appropriations to see if they will dedicate some funding for the Commission to accomplish its charge.
- Training as an addition to the Commission's charge was discussed. Currently, there isn't enough instruction on implicit biases, etc., when new officers are being trained at the Academy. To remedy, try to introduce training once officers are active but there's a more significant cost associated then; need to pay officers attending training and those covering their shifts over time, in addition to any cost associated with training itself. Commission could assist with developing training for officers in Academy & for veteran law enforcement and make it a mandatory part of recertification, which would make the cost already included. Commissioner Rush-Kittle will try to get curriculum Jesenia Delgado used with the DESPP before her departure. Attorney Brown will send the Commission curriculum CSSD has used.

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

## Connecticut Judicial Branch

- There is no standard training for new attorneys in Connecticut, similar to the Academy for law enforcement. DCJ and OCSA offer trainings regularly to their attorneys but not one is on cultural competency/implicit bias.

### **VIII. Proposal from Subira Gordon re: Black History Month**

- a. Spoke with Representative Bruce Morris about hosting an informational forum on the work of the Commission, in response to recent officer-involved shootings in Ferguson and elsewhere. Could be a screening of *The Color of Justice*, maybe with additional content/programming.
- b. Working group that is revising enabling legislation language will plan informational session, too. Attorney Brown and Commissioner Rush-Kittle will assist with planning, as well.
- c. This Commission has held excellent events; would be great to host them at the LOB with the hopes that the legislature will adopt some of the issues it presents.

### **IX. Review original proposed implicit bias jury instruction**

- a. Jury instruction on implicit bias was submitted to the Civil Jury Instructions Committee and Criminal Jury Instructions Committee for review and ultimate inclusion in existing jury instruction. The Commission's proposed instruction was not approved by the Committees. Chairs at the time were Judges Malarkey and Shoal.
- b. Other jurisdictions have included implicit bias jury instruction since the Commission's original proposal, which may bolster its request if resubmitted.
- c. Commission will resubmit its letter to the Civil Jury Instructions and Criminal Jury Instructions Committees and see if The Sentencing Project's Marc Mauer will submit a letter of support. Then if Judicial, again, rejects the proposal, the Commission will ask for a letter indicating reason(s).
- d. Attorney Fuller will send Commission members a copy of the letter that accompanied instruction

### **X. Other business**

- a. Event sponsored by National Consortium of Racial & Ethnic Fairness is hosting a webinar on implicit bias today.
- b. JJPOCC has been meeting. Its Goals subcommittee met today. One of its goals will be to address DMC. Attorney Martha Stone has data indicating points in the system when disparate treatment occurs. She is suggesting a focus on urban centers rather than entire state since have limited resources.

### **XI. Meeting adjourned at 3:29pm**