

CONNECTICUT SENTENCING COMMISSION

Full Commission Meeting

Thursday, June 20, 2013

2:00 p.m. – 4:15 p.m.

Legislative Office Building, Room 1A

Hartford, CT

Members Present: *Hon. Joseph Shortall (Chair), Mike Lawlor (Vice Chair), Hon. Robert Devlin, William Carbone, Susan Pease, Vivien Blackford, Hon. David Borden, Maureen Price-Boreland, Susan Storey, Thomas Ullmann, Erika Tindill, Garvin Ambrose, Mike Norko (Representing Patricia Rehmer), Karl Lewis (Representing James Dzurenda), Pete Gioia, Kevin Kane*

Members Absent: *Hon. Patrick Carroll, Hon. Gary White, Tracey Meares, John Santa, David Shepack, Reuben Bradford, Mark Palmer*

Also Participating: *Andrew Clark (Acting Executive Director), Jason DePatie, Nancy Dittes, Bob Farr, Mary Lansing, Linda Meyer, Sarah Russell*

MINUTES

I. MEETING CONVENED

Judge Shortall called the meeting to order at approximately 2:15 p.m.

II. APPROVAL OF THE MINUTES FROM THE MEETING OF MARCH 21, 2013

Upon a duly made and seconded motion, the minutes were **approved by a unanimous voice vote.**

III. LEGISLATIVE UPDATE: 2013 BILLS

Judge Shortall and Andrew Clark acknowledged the Commission members who were present throughout the 2013 legislative session to answer legislators' questions.

a. Juvenile Sentence Reconsideration

After extensive work with Representative Fox, Judiciary Committee Co-Chair, as well as both the Democratic and Republican caucuses, an agreement was reached to amend HB-6581. The amendment 1) merged SB-1062 with the House Bill (HB-6581) and consolidated the "Miller" factors; 2) increased the parole eligibility standards recommended by the Commission to 60% of sentence while maintaining a 30 year cap; and 3) authorized courts to waive a PSI in cases involving a class D felony. The amended HB-6581 passed overwhelmingly in the House of Representatives with only 4 votes against it. However, due to Senate Republican concerns, the absence of Senator Coleman due to illness, and the time constraints of session, the bill was not called to the floor.

CONNECTICUT SENTENCING COMMISSION

b. Drug Free School Zones

After two-and-a-half hours of debate in the House of Representatives, the Bill was “passed temporarily” and no vote was taken.

c. Certificates of Rehabilitation

The Bill was passed the House of Representatives, but was not introduced in the Senate.

d. Exemptions to State Contracting Statutes

The Bill was signed by the Governor.

e. Kidnapping and Sexual Assault

The Bill was signed by the Governor.

Members of the Commission expressed disappointment that the Juvenile Sentence Reconsideration Bill (HB-6581) was not passed by the General Assembly. However, it was acknowledged that such proposals typically take multiple sessions to pass. The problem is that legislative failure now forces hundreds of convicted individuals to seek legal remedies which will result in separate trials, a myriad of unpredictable outcomes and wasted state resources. Members reiterated the importance of a legislative fix to bring Connecticut into compliance with the U.S. Supreme Court’s decisions.

Despite the lack of favorable outcomes regarding the juvenile and certificates bills, members agreed that increased visibility improved the Commission’s credibility. Several legislators also expressed interest in the Commission’s future work plans.

In preparation for the next meeting, Judge Shortall asked the Commission to reexamine the Bills which did not get passed during the 2013 legislative session and to solidify the Commission’s position. At the next Full Commission meeting in September, a discussion will take place about the next legislative session. Judge Shortall implored the Legislative, Recidivism Reduction, and Sentencing Committees to meet before the September Full Commission meeting to consider further recommendations. In addition, Linda Meyer and Sarah Russell are expected to expand upon a memo which addresses the activity of state legislatures and emerging case law regarding juvenile sentence reconsideration.

IV. PRESENTATION: WHO IS IN CONNECTICUT’S PRISONS?

The Sentencing Commission’s Research, Measurement and Evaluation Committee submitted a Snapshot Data Presentation prepared by the Department of Correction, Parole and Community Services, and the Court Support Services Division. The report was requested in order to further identify the Sentencing Commission’s research priorities. The presentation, which was delivered by Mary Lansing and Nancy Dittes from the Research

CONNECTICUT SENTENCING COMMISSION

Unit of the Department of Correction, presented the demographic and offense information of incarcerated persons and those individuals under community supervision on May 1, 2013.

Commission members with additional inquiries regarding the report were advised to send their questions to Andrew Clark, who will then compile all questions and forward them to Mary Lansing. Commission members will receive the answers to all of their questions through Andrew Clark. On behalf of the Commission, Judge Shortall thanked Mary Lansing, Nancy Dittes, and Karl Lewis for their work.

V. PRESENTATION: VICTIM-OFFENDER DIALOGUE/ RESTORATIVE JUSTICE INITIATIVE

Erika Tindill informed the Commission that a dialogue has been opened with Amy Holloway, the Director of Victim Services in the Vermont Department of Correction which recently instituted a Victim-Offender Dialogue program. The work of the Connecticut Department of Correction in this area is not as well developed as the Vermont program, and Erika expressed a desire to meet the needs of victims of crime in Connecticut in the context of parole hearings. State Victim Advocate Garvin Ambrose, Professor Linda Meyer, and Erika Tindill plan on meeting to discuss how to proceed in accordance with the applicable statutes in Connecticut. The result of their collaboration will be presented at the Full Commission meeting in September.

VI. COMMITTEE UPDATES

a. Recidivism Reduction Committee

Vivien Blackford informed the Commission that the primary project of the Committee concerns child support indebtedness during incarceration. The principal concern is whether the accumulation of child support debt during incarceration contributes to increased rates of recidivism. A paper produced by three law students at Yale prompted the Committee to further investigate possible solutions to this issue. In addition, the inability to acquire employment after incarceration contributes heavily to recidivism which is something the Committee continues to consider. Lastly, the Committee has initiated a dialogue with the Acting Commissioner and the Medical Director of the Department of Correction about a pilot program for medicated assisted drug treatments and plans to examine if there are any gaps in current treatments.

b. Sentencing Structure Committee

Judge Devlin informed the Commission that he received a report from the Yale Law School Clinic detailing the policy changes of the four states which experienced the greatest reduction in recidivism levels between 2002 and 2009. The focus of the report was the importance of the bridge between offenders and the community. Judge Devlin requested that the students who prepared the report be given time at the Full Commission meeting in

CONNECTICUT SENTENCING COMMISSION

September to explain their research. In addition, the Committee is actively reviewing Connecticut's child pornography statutes to accommodate technological changes.

VII. OTHER BUSINESS

Judge Shortall told Commission members that they will receive information from Andrew Clark about a retreat this summer.

No other business was addressed.

VIII. MEETING ADJOURNED

The meeting adjourned at 4:15 p.m.