

Criminal Legal System at a Crossroads

Co-sponsored by the
University of Connecticut School of Law
Center on Community Safety, Policing and Inequality



Connecticut Sentencing Commission
University of Connecticut
10 Prospect Street, Hartford, CT 06103
ctsentencingcommission.org



Thursday, November 17th, 2022
8:30 a.m. – 4:15 p.m.

University of Connecticut School of Law
William F. Starr Hall | 55 Elizabeth Street, Hartford

ABOUT US

The Sentencing Commission is an independent state criminal justice agency established by law in 2011 to conduct criminal justice policy research. The Commission is a body of senior criminal justice system leaders who convene to coordinate systemic responses to criminal justice problems.

The mission of the commission is to (1) review the state's existing criminal sentencing structure and any proposed changes to it, including existing statutes, proposed criminal justice legislation, and existing and proposed sentencing policies and practices, and (2) make recommendations to the Governor, the General Assembly, and appropriate criminal justice agencies.



TODAY'S PROGRAM

8:30-9:15 a.m. CHECK-IN AND CONTINENTAL BREAKFAST

9:15-9:30 a.m. WELCOME AND OPENING REMARKS

Judge Robin Pavia, *Chair, Connecticut Sentencing Commission*
Ebony S. Nelson, *Dean, University of Connecticut School of Law*

9:30-10:15 a.m. KEYNOTE: ADDRESSING THE MENTAL HEALTH CRISIS

Judge James Bianco, *United States Court of Appeals for the Second Circuit*

10:15-10:30 a.m. BREAK

10:30-11:45 a.m. MENTAL HEALTH PANEL

The large number of individuals with mental health and substance use conditions in the criminal justice system have fiscal, health, and human costs. Panelists will discuss alternatives to incarceration, effective mental health services and treatment.

MODERATOR:

Jennifer Zito, *Connecticut Criminal Defense Lawyers Association*

Catherine Osten, *State Senator for the 19th District, Connecticut General Assembly*

TaShun Bowden-Lewis, Esq., *Connecticut Chief Public Defender*

Patrick Griffin, Esq., *Connecticut Chief State's Attorney*

Dr. Reena Kapoor, *Associate Professor of Psychiatry, Yale School of Medicine*

11:45-12:30 p.m. LUNCH

12:30-1:30 p.m. FELONY MURDER PANEL

Panelists will discuss nationwide reform of the felony murder rule and what reform in Connecticut may look like concerning culpability, life without the possibility of parole sentences, and juvenile felony murder charges.

MODERATOR:

Anna VanCleave, *Associate Professor of Law, University of Connecticut*

Ekow Yankah, *Thomas M. Cooley Professor of Law and Professor of Philosophy, University of Michigan*

Guyora Binder, *SUNY Distinguished Professor of Law, University at Buffalo*

Nick Aponte, *Fair Chance Licensing Project*

TODAY'S PROGRAM *(Continued)*

1:30-2:30 p.m. JUVENILE JUSTICE PANEL

Panelists will discuss juvenile justice reforms at various stages in the legal system—including prevention, sentencing, and custodial services—aimed at reducing criminalization and protecting the human rights of youth. Panelists will discuss empirical research and suggested reforms.

MODERATOR:

Kiel Brennan-Marquez, *Professor of Law, University of Connecticut*

Richard Sparaco, *Executive Director, Board of Pardons and Paroles*

Faith Voswinkel, *Assistant Child Advocate*

Jennifer Zito, *Connecticut Criminal Defense Lawyers Association*

2:30-2:45 p.m. BREAK

2:45-4:00 p.m. PRETRIAL JUSTICE REFORM: TOWARD A FAIR AND JUST SYSTEM

Recently, a wave of advocacy and litigation efforts have created national momentum for rethinking how pretrial decisions are made. Several jurisdictions have moved away from money bail or eliminated it entirely. This panel will address successes and challenges in pretrial justice reform.

MODERATOR:

Alex Tsarkov, *Executive Director, Connecticut Sentencing Commission*

Martin Looney, *President Pro Tempore of the State Senate, Connecticut General Assembly*

Tehra Coles, *Senior Policy Counsel, Civil Rights Corps*

Michael Lawlor, *Associate Professor of Criminal Justice, University of New Haven*

Judge Jonathan Silbert *(retired)*

4:00-4:15 p.m. FINAL REMARKS

Judge Robin Pavia, *Chair, Connecticut Sentencing Commission*

OPENING REMARKS

EBONI NELSON, *Dean, University of Connecticut School of Law*



Eboni S. Nelson, J.D., became dean of the University of Connecticut School of Law on July 31, 2020. She came to UConn from the University of South Carolina School of Law, where she taught for 13 years before serving as the associate dean for academic affairs beginning in 2018. Before joining the South Carolina Law faculty in 2007, Dean Nelson taught at the Thurgood Marshall School of Law and practiced employee benefits law at Bracewell LLP in Houston, Texas. She teaches in the fields of Contracts; Commercial Law; Consumer Law; and Race, Class and Education. Her scholarship, which has been published in numerous law review journals and other publications, focuses on education law and policy, and she is especially interested in the availability of equitable educational opportunities for students of color and those from economically challenged backgrounds. She has been recognized as one of the 100 Most Influential Blacks in Connecticut by the state conference of the NAACP and is the recipient of the 2022 George W. Crawford Black Bar Association Visionary Award.

ROBIN PAVIA, *Connecticut Superior Court Judge*



Judge Robin Pavia, J.D., was appointed by Governor Jodi Rell and confirmed by the Connecticut General Assembly on April 24, 2007. Judge Pavia serves as the Administrative Judge for the Danbury Judicial District and is the Presiding Judge for criminal, civil and family matters within that jurisdiction. Her prior work has included both criminal and civil assignments in the Bridgeport, Danbury, and Stamford judicial districts. Judge Pavia serves as a member of Connecticut's Sentence Review Division and serves on several Judicial Branch committees. Additionally, Judge Pavia serves as an instructor for the Judicial Branch Pre-Bench Orientation Program and has presented many lectures on criminal law during her tenure on the bench.

KEYNOTE: ADDRESSING THE MENTAL HEALTH CRISIS

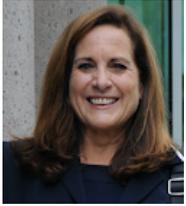
JAMES BIANCO, *California Superior Court Judge*



Judge James Bianco, J.D., is a California Superior Court Judge who has been assigned to the Mental Health Courthouse in Los Angeles since 2013, where he hears cases involving criminal competency and a wide variety of civil mental health treatment cases, including conservatorships and petitions for release from involuntary hospital treatment. Judge Bianco has been active in working groups, committees, and task forces on mental-health related issues at the local, state, and national levels. Additionally, Judge Bianco has been extensively involved in education of both judges and law students—he teaches mental-health related courses; ethics, fairness, and courtroom management; and previously taught criminal procedure.

MENTAL HEALTH PANEL

JENNIFER ZITO, *Connecticut Sentencing Commission, Connecticut Criminal Defense Lawyers Association*



Jennifer Zito, J.D., has practiced in Connecticut in both the federal and state courts for over 34 years and is currently a solo practitioner in Meriden, Connecticut. Her statewide criminal practice focuses on the representation of juveniles, adolescents, and adults in all criminal matters. Attorney Zito has served in a number of elected and appointed positions including as the President of the Executive Committee of the Connecticut Criminal Defense Lawyers Association (CCDLA) and the CCDLA representative on the Judicial Branch's Public Service and Trust Commission. Since 2018, she has served as CCDLA's representative on the State of Connecticut Sentencing Commission advocating for legislative and policy changes to the criminal justice system.

CATHERINE OSTEN, *State Senator, 19th District*



Senator Cathy Osten has been serving as a State Senator representing the 19th District since 2012 and has been the State Senate's Deputy President Pro Tempore since 2016. Prior to embarking on a legislative career, Senator Osten served four years of active duty in the U.S. Army and then in Connecticut's Correction Department for more than two decades, first as a corrections officer and then as a lieutenant. In this role she experienced first-hand the issues surrounding Connecticut's prison system, public employees, pension disputes and women's rights in the workplace. She brings this experiential knowledge to her current role as Co-Chair of the Connecticut General Assembly's Public Safety and Security Committee.

TASHUN BOWDEN-LEWIS, *Connecticut Chief Public Defender*



Tashun Bowden-Lewis, J.D., was appointed Chief Public Defender by the Public Defender Services Commission in July, 2022. Prior to her appointment, Chief Public Defender Bowden-Lewis served as a public defender for over twenty-five years in New Haven and Waterbury courts, most recently serving as supervisor of the public defender's office for the Waterbury Judicial District.

PATRICK J. GRIFFIN, *Connecticut Chief State's Attorney*



Patrick Griffin, J.D., was appointed Chief State's Attorney by the Criminal Justice Commission on May 12, 2022. Attorney Griffin has been a prosecuting attorney with the Division of Criminal Justice for more than 25 years. Prior to his appointment to Chief State's Attorney, Attorney Griffin worked in the Waterbury State's Attorney's Office, then served as Supervisory Assistant State's Attorney in charge of the Cold Case & Shooting Task Force Bureau at the Office of the Chief State's Attorney, and then as the State's Attorney for the New Haven Judicial District.

REENA KAPOOR, *Associate Professor of Psychiatry, Yale School of Medicine*



Reena Kapoor, M.D., is Associate Professor of Psychiatry in the Law & Psychiatry Division, where her clinical work and scholarship focus on the intersection of mental illness, violence, and the criminal justice system. She has expertise in the psychiatric evaluation and treatment of violent and justice-involved individuals in a variety of treatment settings (e.g., prisons, jails, forensic hospitals, and the community). In addition, she serves as Associate Program Director for the Yale forensic psychiatry fellowship. Dr. Kapoor has lectured nationally and internationally on forensic psychiatry and holds leadership positions in several professional organizations. She is the immediate past president of the International Association for Forensic Psychotherapy, an Executive Councilor of the American Academy of Psychiatry and the Law, a member of the American Psychiatric Association's Council on Psychiatry and Law, and a past president of the Connecticut Psychiatric Society.



FELONY MURDER PANEL

ANNA VANCLEAVE, *Connecticut Sentencing Commission, Associate Professor, University of Connecticut School of Law*



Anna VanCleave, J.D., M.A., is an Associate Professor of Law and the Director of the Criminal Defense Clinic at the University of Connecticut School of Law. She worked as a public defender in Washington, D.C., and in Louisiana and has represented children and adults in both non-capital and capital cases at the trial and appellate levels and in post-conviction proceedings. Before joining UConn, Professor VanCleave was a research scholar and the director of the Liman Center at Yale Law School, where she co-taught seminar courses on poverty and inequality in legal systems and the criminal justice system, experiential research projects, and the Capital Punishment Clinic.

EKOW YANKAH, *Thomas M. Cooley Professor of Law, University of Michigan*



Ekow Yankah, J.D., is the Thomas M. Cooley Professor of Law at the University of Michigan Law School. Additionally, he has been a Distinguished Visiting Faculty Member at the University of Toronto School of Law and a visiting fellow at the Israeli Institute of Advanced Studies, among others. His work focuses on questions of political and criminal theory and particularly, questions of political obligation and justifications of punishment. Professor Yankah's work has appeared in law review articles, peer reviewed legal theory journals, books and medical journals. In addition to his scholarship, Professor Yankah sits on multiple nonprofit and start-up boards, including the Innocence Project.

GUYORA BINDER, *Professor, University at Buffalo School of Law*



Guyora Binder, J.D., is SUNY Distinguished Professor and Hodgson Russ Scholar at the University at Buffalo School of Law, SUNY. Additionally, he has been Vice Dean for Research and Faculty Development since 2012 and is a past Chair of the President's Review Board. Professor Binder is the author of *Felony Murder* (2012); *The Oxford Introductions to U.S. Law: Criminal Law* (2016); *Criminal Law: Cases and Materials* (multiple editions); *Literary Criticisms of Law* (2000); and *Treaty Conflict and Political Contradiction* (1988), and over fifty articles and chapters. His research on felony murder has been cited in numerous court decisions, including by both majority and dissent in *Commonwealth v. Timothy Brown*, abolishing felony murder in Massachusetts.

NICK APONTE, *Fair Chance Licensing Project*



Nicholas Aponte was convicted of a 1995 felony murder crime and subsequently sentenced to 38 years of imprisonment. After serving 23 years, he was unanimously paroled as a result of juvenile justice reform and released in 2018. Nicholas quickly reintegrated himself in society by working as a certified nursing assistant, real estate office manager, and eventually earned his license to be a realtor. At 44 years old, and after spending nearly half of his life in prison, Nicholas has become a productive member and has advocated to eliminate barriers against professional licensure for the formerly convicted.

JUVENILE JUSTICE PANEL

KIEL BRENNAN-MARQUEZ, *Professor, University of Connecticut School of Law*



Kiel Brennan-Marquez, J.D., is a Professor of Law, a William T. Golden Scholar, and the Faculty Director of the Center on Community Safety, Policing and Inequality at the University of Connecticut School of Law. Professor Brennan-Marquez's research explores how the legal system organizes and processes information, from surveillance and data collection to the use of evidence at trial. He is interested in the nature of human judgment, as we confront the possibility—in the legal system and elsewhere—of powerful machines capable of outperforming human experts. He lectures widely, to both academic and non-academic audiences, and has published dozens of articles in law reviews and peer-reviewed journals.

RICHARD SPARACO, *Executive Director Board of Pardons and Paroles*



Richard Sparaco, M.S., is the Executive Director of the Connecticut Board of Pardons and Paroles. Mr. Sparaco began his career with the Department of Correction in 1992 assigned to the Board of Parole. In 2000, Mr. Sparaco was promoted to Parole and Community Service Manager overseeing release and violation hearings. He has become an expert in the areas of structured decision-making, re-entry, supervision models, parole violation proceedings, and actuarial risk assessment. In 2014, he was appointed by Chairperson Carleton Giles as the Executive Director of the Board of Pardons and Paroles.

FAITH VOSWINKEL, *Assistant Child Advocate*



Faith began her work with the Office of the Child Advocate in 2001. She assisted the Child Advocate in fulfilling her statutory mandates including overseeing the systems of care and protection for children and advocating for their well-being. Faith's primary responsibilities focused on the review of all unexpected and unexplained child deaths in Connecticut. She was responsible for preparing child fatality cases and conducting comprehensive investigations. Faith retired from the OCA, and returned to assist with their work around juvenile justice and incarcerated young adults.

JENNIFER ZITO, *Connecticut Sentencing Commission, Connecticut Criminal Defense Lawyers Association*



Jennifer Zito, J.D., has practiced in Connecticut in both the federal and state courts for over 34 years and is currently a solo practitioner in Meriden, Connecticut. Her statewide criminal practice focuses on the representation of juveniles, adolescents, and adults in all criminal matters. Attorney Zito has served in a number of elected and appointed positions including as the President of the Executive Committee of the Connecticut Criminal Defense Lawyers Association (CCDLA) and the CCDLA representative on the Judicial Branch's Public Service and Trust Commission. Since 2018, she has served as CCDLA's representative on the State of Connecticut Sentencing Commission advocating for legislative and policy changes to the criminal justice system.

BAIL REFORM PANEL

ALEX TSARKOV, *Executive Director Connecticut Sentencing Commission*



Alex Tsarkov, M.P.P., J.D., became the Connecticut Sentencing Commission first full-time Executive Director in November 2015 where he assists the Commission in its mission to review pre-trial and sentencing policies and make policy recommendations to the General Assembly and the Governor. Prior to joining the Commission, Mr. Tsarkov worked for the Judicial Branch Court Support Services Division (JB-CSSD) as a Court Planner for two years. Prior to JB-CSSD, he worked at the Connecticut General Assembly from 2007 to 2013. As the aide and clerk of the Judiciary Committee, he worked

on numerous issues affecting the state's criminal justice system including diversionary programs, eyewitness identification and juvenile sentencing.

MARTIN LOONEY, *President Pro Tempore, State Senate, 11th District*



Senator Martin Looney, J.D., has been serving in the State Senate representing New Haven, Hamden, and North Haven since 1992 and has been serving as the State Senate's President Pro Tempore since 2015. In addition to this elected position, Senator Looney is a partner at Keyes & Looney. He is also a practitioner in residence with the Criminal Justice Program in the Department of Public Safety at the University of New Haven, practitioner in residence at Quinnipiac University School of Law, and is an adjunct faculty member in the Political Science Department at Quinnipiac University.

TEHRA COLES, *Senior Policy Counsel, Civil Rights Corps*



Tehra Coles, J.D., is Senior Policy Counsel at the Civil Rights Corps where her work focuses on a variety of topics related to the criminal legal system including qualified immunity, risk assessment tools, and pre-trial detention laws. Prior to joining CRC, Ms. Coles was the Litigation Supervisor for policy and government affairs at the Center for Family Representation. She also managed the government funding application process and, in collaboration with impacted families, lobbied elected and government agency officials on policy in areas of immigration, family separation, criminal legal systems, and housing. In her own words, "The damage done to Black and brown

communities by white supremacist institutions like the criminal legal system has been allowed to go on for generations. I do this work to support the efforts of these impacted communities to abolish these systems of harm and create a safer world for everyone."

MIKE LAWLOR, *Associate Professor, University of New Haven*



Mike Lawlor, J.D., M.A., is an Associate Professor in the Henry C. Lee College of Criminal Justice and Forensic Sciences at the University of New Haven. Professor Lawlor is a nationally recognized expert on criminal justice reform—a major focus of his 24 years as a member of the CT House of Representatives and as former CT Governor Dannel P. Malloy's undersecretary for criminal justice policy and planning in the Office of Policy and Management. Professor Lawlor's current focus is on researching, writing, and collaborating with students on policy reforms, including new

criminal justice policies for adults ages 18 to 21; developing initiatives to help prosecutors categorize offenders; and creating new sanctions that could help lead low-level offenders away from further criminal activity.

JONATHAN SILBERT, *Connecticut Superior Court Judge (Ret.), Counsel, Garrison, Levin-Epstein, Fitzgerald and Pirrotti*



Johnathan Silbert, J.D., retired as a Judge of the Connecticut Superior Court in 2012 after 21 years on the bench and is now of counsel to Garrison, Levin-Epstein, Fitzgerald and Pirrotti, the current name of the firm of which he had been a founding partner in 1977. His practice is now devoted exclusively to mediation and arbitration. As a judge, he presided in courthouses in New London, Norwich, Willimantic, Meriden, Middletown and New Haven, with 12 of those years as Presiding Civil Judge and five years as Administrative Judge for the New Haven Judicial District. In addition to his wealth of

professional legal services experience, Judge Silbert has served on the faculties of Yale Law School, the University of New Haven, and several other continuing legal and judicial education programs across the country. He also spent over a decade as a consultant to the Edna McConnell Clark Foundation's Justice Program, specializing in issues relating to sentencing and alternatives to incarceration.

