

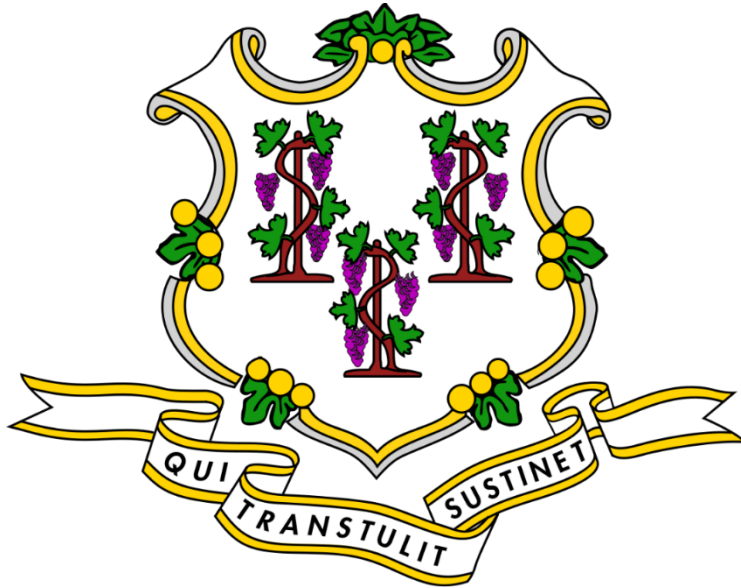


2023 ANNUAL REPORT

Connecticut Sentencing
Commission

2023 Annual Report

Connecticut Sentencing Commission



Report to the Governor,
Speaker of the House of Representatives,
President of the Senate,
and Chief Justice of the Supreme Court,
pursuant to Conn. Gen. Stat. § 54-300(p)

Judge Robin Pavia
Chair

Alex Tsarkov
Executive Director

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Acknowledgments

The Connecticut Sentencing Commission marked its thirteenth year of service in 2023. Established by [Public Act 10-129](#), *An Act Establishing a Sentencing Commission*,¹ and governed by CGS § 54-300,² the Commission remains committed to creating a criminal justice system that prioritizes safety, justice, and rehabilitation.

The authors extend their sincere thanks to all members of the Steering Committee, Commission subcommittees, and work groups. Through the dedication of these groups and their members, the Commission is able to promote positive change in the criminal justice system. The Commission is especially grateful to all the chairs of these subcommittees and work groups. Their direction is integral to the success of the Commission.

The Commission expresses gratitude to its chair, Judge Robin Pavia. Her leadership, informed by years of experience as a Superior Court Judge and former state's attorney, has allowed the Commission to navigate challenging issues, such as pretrial justice reform, medical and compassionate parole, and mental health in the criminal justice system.

The Commission also appreciates its vice chair, John Santa, the Chairman and Founder of the Malta Justice Initiative, which aims to address deficiencies in the criminal justice system. His experience in the private and nonprofit sectors, as well as his tireless commitment to pursuing justice, are an asset to the Commission.

The Commission is delighted to congratulate longtime members Sarah Russell and Vernon Oliver on their nomination and confirmation, respectively, to the U.S. District Court in Connecticut. Sarah Russell brings a wealth of experience, having served as a public defender, law professor at Quinnipiac University, and the director of the law school's Legal Clinic, which allows students to represent low-income clients. Her nomination, officially announced by President Joe Biden in October 2023, is currently pending approval in the U.S. Senate. Judge Oliver, who had served as a Superior Court Judge since 2009, was confirmed by the U.S. Senate in September 2023. A tremendous loss to the Sentencing Commission, we are confident that both will serve admirably given their commitment to fair and equal justice.

Finally, the Commission is grateful to a multitude of external partners, including guest speakers and presenters, state agencies, universities, community organizations, advocates, and criminal justice leaders in other states. The diverse perspectives offered by these varied stakeholders help the Commission to generate broadly-supported policies.

¹ Conn. Public Act 10-129, An Act Establishing a Sentencing Commission. <https://www.cga.ct.gov/2010/ACT/PA/2010PA-00129-R00HB-05248-PA.htm>.

² Conn. Gen Stat. § 54-300. Sentencing Commission. https://www.cga.ct.gov/current/pub/chap_970.htm#sec_54-300.

Commission Members

Robin Pavia, Chair

Superior Court Judge for the Judicial District of Fairfield

Appointed by the Chief Justice of the Supreme Court

John Santa, Vice Chair

Chairman, Malta Justice Initiative

Appointed by the Minority Leader of the Senate

Sarah Russell

Professor of Law, Quinnipiac University School of Law

Appointed by the Governor

Elizabeth Bozzuto

Chief Court Administrator

Appointed by the Chief Justice of the Supreme Court

Anna VanCleave

Associate Professor of Law, University of Connecticut

Appointed by the President Pro Tempore of the Senate

William R. Dyson

Former Member, House of Representatives

Appointed by the Speaker of the House of Representatives

Subira Gordon

CEO, Nashville Charter Collaborative

Appointed by the Majority Leader of the Senate

Michael Chase

Defense Attorney

Appointed by the Majority Leader of the House of Representatives

Robert Farr

Former Member, House of Representatives

Appointed by the Minority Leader of the House of Representatives

Joseph B. Schwartz

Superior Court Judge, J.D. & G.A. 9 Courthouse

Appointed by the Chief Justice of the Supreme Court

Gary Roberge

Executive Director, Judicial Branch Court Support Services Division

Appointed by the Chief Justice of the Supreme Court

Angel Quiros

Commissioner, Department of Correction

Ex officio, Commissioner of the Department of Correction

Commission Members, Continued

Patrick Griffin

Chief State's Attorney

Ex officio, Chief State's Attorney

TaShun Bowden-Lewis

Chief Public Defender

Ex officio, Chief Public Defender

Michael A. Gailor

State's Attorney, Middlesex J.D.

Appointed by the Chief State's Attorney

Jennifer L. Zito

Criminal Defense Attorney

Appointed by the President of the Connecticut Criminal Defense Lawyers Association

Natasha Pierre

State Victim Advocate

Ex officio, State Victim Advocate

Jennifer Medina Zaccagnini

Chair, Board of Pardons and Paroles

Ex officio, Chair of the Board of Pardons and Paroles

Ronnell Higgins

Commissioner, Department of Emergency Services and Public Protection

Ex officio, Commissioner of Emergency Services & Public Protection

Stephen Tavares

Chief of Police, Eastern Connecticut State University

Appointed by the Connecticut Police Chiefs Association

Nancy Navarretta

Commissioner, Department of Mental Health and Addiction Services

Ex officio, Commissioner of the Department of Mental Health and Addiction Services

Marc Pelka

Undersecretary, Criminal Justice Policy and Planning Division, Office of Policy and Management

Ex officio, Undersecretary for Criminal Justice Policy and Planning

Gerald L. Harmon

Presiding Part-A Criminal Judge, Judicial District of New Haven

Appointed by the Chief Justice of the Supreme Court

Committee Membership & Commission Staff

STEERING COMMITTEE

<i>Name</i>	<i>Affiliation</i>
Judge Robin Pavia, <i>Chair</i>	Judicial District of Fairfield
John Santa, <i>Vice Chair</i>	Malta Justice Initiative
Elizabeth Bozzuto	Chief Court Administrator
Patrick Griffin	Chief State's Attorney
William Dyson	Former Member of the House of Representatives
Anna VanCleave	Associate Professor of Law
Marc Pelka	Office of Policy and Management
TaShun Bowden-Lewis	Division of Public Defender Services
Sarah Russell	Quinnipiac University School of Law
Jennifer Zito	Connecticut Criminal Defense Lawyers Association
Judge Gerald Harmon	Judicial District of New Haven

SUBCOMMITTEE ON INCARCERATION & THE COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTION

<i>Name</i>	<i>Affiliation</i>
John Santa, <i>Chair</i>	Malta Justice Initiative
Sarah Russell, <i>Vice Chair</i>	Quinnipiac University School of Law
Kevin Lawlor	Division of Criminal Justice
Michael Hines	Judicial Branch Court Support Services Division
Deborah Del Prete Sullivan	Division of Public Defender Services
Gary Roberge	Judicial Branch Court Support Services Division
Jennifer Medina Zaccagnini	Board of Pardon and Paroles
Jennifer Zito	Connecticut Criminal Defense Lawyers Association
Michael Chase	Defense Attorney
Reena Kapoor	Department of Mental Health and Addiction Services
Anna VanCleave	University of Connecticut School of Law

SUBCOMMITTEE ON CRIMINAL PROCEDURE & SENTENCING

<i>Name</i>	<i>Affiliation</i>
Michael Chase, <i>Co-Chair</i>	Defense Attorney
Michael A. Gailor, <i>Co-Chair</i>	State's Attorney
Anna VanCleave	University of Connecticut School of Law
Lisa D'Angelo	Division of Criminal Justice
Judge Robin Pavia	Judicial District of Fairfield
Bryan Sperry	Judicial Branch Court Support Services Division
Angel Quiros	Department of Corrections
Sarah Russell	Quinnipiac University School of Law
John Santa	Malta Justice Initiative
Michael Hines	Judicial Branch Court Support Services Division
Deborah Del Prete Sullivan	Division of Public Defender Services

TaShun Bowden-Lewis	Chief Public Defender
Gary Roberge	Judicial Branch Court Support Services Division
Jennifer Medina Zaccagnini	Board of Pardon and Paroles
Jennifer Zito	Connecticut Criminal Defense Lawyers Association
David Bothwell	Board of Pardons and Paroles
Reena Kapoor	Department of Mental Health and Addiction Services

SUBCOMMITTEE ON MENTAL HEALTH

<i>Name</i>	<i>Affiliation</i>
Judge Gerald Harmon, <i>Co-Chair</i>	Judicial District of New Haven
Jennifer Zito, <i>Co-Chair</i>	Connecticut Criminal Defense Lawyers Association
Judge Robin Pavia	Judicial District of Fairfield
John Santa	Malta Justice Initiative
Kevin Lawlor	Division of Criminal Justice
Deborah Del Prete Sullivan	Division of Public Defender Services
Angel Quiros	Department of Corrections
Gary Roberge	Judicial Branch Court Support Services Division
Michael Chase	Defense Attorney
Reena Kapoor	Department of Mental Health and Addiction Services
William O'Connor	Supervisory Assistant Public Defender
Maurice Reaves	Office of Policy and Management
Tom Canny	Judicial Branch Court Support Services Division

COMMISSION STAFF

<i>Name</i>	<i>Position</i>
Alex Tsarkov	Executive Director
Andrew Clark	Commission Advisor
Patricia O'Rourke	Research Associate
Tommy Dowd	Research Technician
Richard Sparaco	Research Technician
Olivia Jones	Intern
Colin Rosadino	Intern
Ava Caudle	Intern

Executive Summary

In 2023, the Sentencing Commission continued to advance improvements to the criminal justice system through advanced research, legislative action, and administrative reform.

◇ Three Reforms Passed

The Commission successfully advocated for three legislative reforms in 2023.

[Public Act 23-47](#), *An Act Concerning Various Revisions to the Criminal Law and Criminal Justice Statutes*, allows judges to exercise discretion when considering whether to impose mandatory minimum sentences for certain motor vehicle violations. The legislation also clarified the requirements of fourth degree sexual assault, ensuring that sexual contact with a dead human body is outlawed under the statute.³

[Public Act 23-149](#), *An Act Concerning Cruelty to Animals*, criminalizes sexual conduct with an animal as a class A misdemeanor.⁴

[Public Act 23-169](#), *An Act Concerning Parole Eligibility for an Individual Serving a Lengthy Sentence for a Crime Committed Before the Individual Reached the Age of Twenty-one and Criminal History Records Erasure*, broadens the pool of individuals eligible for parole. While the Commission recommended granting parole eligibility to anyone given a long sentence before they turned twenty-one, the General Assembly only afforded these benefits to such individuals who were sentenced on or before October 1, 2005.⁵

◇ Seven Percent Cash Bail Initiative

In 2019, the Commission submitted a proposal to the Rules Committee of the Superior Court to establish an automatic ten percent cash bail option for bonds under \$20,000.⁶ The policy went into effect on January 1, 2020, following unanimous approval from the judges of the Superior Court.⁷ Nearly three years of data demonstrated positive impacts from the rule change, prompting the Commission to request further amendment (see Appendix F).⁸ In 2023, the Superior Court judges considered, and subsequently endorsed, a measure to reduce the cash bail option from ten percent

³ Conn. Public Act 23-47, An Act Concerning Various Revisions to the Criminal Law and Criminal Justice Statutes. <https://www.cga.ct.gov/2023/act/Pa/pdf/2023PA-00047-R00HB-06917-PA.PDF>.

⁴ Conn. Public Act 23-149, An Act Concerning Cruelty to Animals. <https://www.cga.ct.gov/2023/act/pa/pdf/2023PA-00149-R00HB-06714-PA.pdf>.

⁵ Conn. Public Act 23-169, An Act Concerning Parole Eligibility for an Individual Serving a Lengthy Sentence for a Crime Committed Before the Individual Reached the Age of Twenty-one and Criminal History Records Erasure. <https://www.cga.ct.gov/2023/ACT/PA/PDF/2023PA-00169-R00SB-00952-PA.PDF>.

⁶ Connecticut Sentencing Commission. [Letter from Connecticut Sentencing Commission to Rules Committee of the Superior Court]. (January 28, 2019). <https://ctsencingcommission.org/wp-content/uploads/2020/04/Sentencing-Commission-Letter-on-Ten-Percent-Cash-Bail.pdf>.

⁷ Backus, Lisa. "Superior Court Judges Change Bond Criteria." *CT News Junkie*. (June 18, 2019). https://ctnewsjunkie.com/2019/06/18/20190618_superior_court_judges_change_bond_criteria/.

⁸ Connecticut Sentencing Commission. [Letter from Connecticut Sentencing Commission to Rules Committee of the Superior Court]. (January 13, 2023). <https://www.jud.ct.gov/committees/rules/pdfs/2023/2023-001%20a%20-%20Proposal.pdf>.

to seven percent and increase the bond threshold that authorizes an automatic seven percent cash option from \$20,000 to \$50,000. The change will go into effect on January 1, 2024.⁹

The Commission stands ready to assist lawmakers as they seek comprehensive reform to the pretrial justice system. Representative Steve Stafstrom, the House Chair of the Judiciary Committee, spoke before the Commission at its September meeting, outlining the challenges to pretrial justice reform and asking members to remain engaged on the issue.¹⁰ Informed by years of research on pretrial justice, the Commission will provide counsel to lawmakers throughout the 2024 legislative session.

◇ **Mental Health and the Criminal Justice System**

In 2023, the Commission, spearheaded by its Subcommittee on Mental Health, worked on various research projects to explore the intersection between mental health and the criminal justice system. Expanding on a previous study, the Commission approved publication of a [report](#) on mental health disorders among incarcerated individuals in Connecticut.¹¹ Additionally, in collaboration with academic partners, the Commission launched a study evaluating mental health and substance use disorder treatment for individuals transitioning away from incarceration, and made substantial progress in data collection and analysis for this project.¹² The Commission also continued inquiries into diversionary programs and the competency to stand trial process, aiming to complete two comprehensive research reports on the topics in early 2024.

Another study was put in motion with the passage of [Public Act 23-137](#), *An Act Concerning Resources and Support Services for Persons with an Intellectual or Developmental Disability*. By 2026, the Commission must release a report detailing the experiences of individuals with intellectual and developmental disabilities in the criminal justice system.¹³

In May 2023, Commission members attended a two-day workshop entitled *Improving the Court and Community Response - Decriminalizing Mental Illness: The Miami Model*. Hosted by the National Association of Sentencing Commissions, the workshop informed officials about successful justice policies in Miami-Dade County, specifically their jail diversion programs, alternatives to competency restoration, and robust Crisis Intervention Training.¹⁴

◇ **2024 Legislative Proposals**

The Commission is working on several potential proposals for 2024 legislative session:

⁹ McQuaid, Hugh. "Judicial Panel Votes to Lower Percentage of Cash Bail Paid by Some Defendants." *CT News Junkie*. (May 8, 2023). <https://ctnewsjunkie.com/2023/05/08/judicial-panel-lowers-percentage-of-cash-bail-paid-by-some-defendants/>.

¹⁰ Edison, Jaden. "Top Legislator Calls on Commission to Reconsider Bail Reform." *CT Mirror*. (September 28, 2023). <https://ctmirror.org/2023/09/28/ct-bail-reform-stafstrom-sentencing-commission-legislature/>.

¹¹ Connecticut Sentencing Commission. "Mental Health Disorders in Connecticut's Incarcerated Population." (2023). <https://ctsentencingcommission.org/wp-content/uploads/2023/03/Mental-Health-Disorders-in-Connecticuts-Incarcerated-Population-1.pdf>.

¹² Connecticut Sentencing Commission & Yale SEICHE Center. "Evaluation of Community Mental Health and Addiction Treatment Use in Individuals Following Release from Incarceration or on Community Supervision, Connecticut, 2018-2022, Draft Scope and Proposal for Research Study." (February 1, 2023). <https://ctsentencingcommission.org/wp-content/uploads/2023/02/2.1.23-SEICHE-Sentencing-Commission-Study-Scope-Draft.pdf>.

¹³ Conn. Public Act 23-137, An Act Concerning Resources and Support Services for Persons with an Intellectual or Developmental Disability. <https://www.cga.ct.gov/2023/ACT/PA/PDF/2023PA-00137-R00HB-05001-PA.PDF>.

¹⁴ Eleventh Judicial Circuit, Miami-Dade County, Florida. "Criminal Mental Health Project." (December 2021). https://www.ncsc.org/_data/assets/pdf_file/0020/71930/Miami-Dade-CMHP.pdf.

- 1) *An Act Concerning Pretrial Supervised Diversionary Program*
- 2) *An Act Concerning Competency to Stand Trial*
- 3) *An Act Concerning Medical Parole*

These legislative recommendations are discussed at length in section VI of this report.

◇ **Research Initiatives**

Besides research into mental illness in the criminal justice system, the Commission oversaw several other research efforts in 2023.

The Commission continued work on a longstanding probe into criminal justice disparities. Pursuant to [Special Act 19-17](#), *An Act Concerning a Study of the Disparities in Pretrial and Sentencing Outcomes of Criminal Defendants*, the Commission is required to study racial, ethnic, gender, and socioeconomic disparities in sentencing and report its findings to the General Assembly.¹⁵ The final report will be released in 2024.

The Commission also began a research project to investigate the effects of [Public Act 15-84](#), *An Act Concerning Lengthy Sentences for Crimes Committed by a Child or Youth and the Sentencing of a Child or Youth Convicted of Certain Felony Offenses*.¹⁶ Drawing on research conducted in other states, Commission staff, in partnership with UConn researchers, will interview individuals who were granted parole under Public Act 15-84 to analyze their experiences with incarceration, parole hearings, and reentry.¹⁷ The research team signed a data-sharing agreement with the Board of Pardons and Paroles in April 2023, and is working towards a final report in 2024.

Furthermore, the Commission made headway in satisfying one of its original statutory mandates. The Commission's enabling legislation, [Public Act 10-129](#), *An Act Establishing a Sentencing Commission*, requires the group to create and maintain a statewide sentencing database.¹⁸ To achieve this goal, the Commission has authorized a study to survey internal and external stakeholders, aiming to identify opportunities and obstacles to creating the database. Researchers will release their findings to the Commission in 2024.¹⁹

The Commission also responded to various policy inquiries in 2023, studying issues such as medical and compassionate parole, human trafficking, and hate crime statutes.



¹⁵ Conn. Special Act 19-17, *An Act Concerning a Study of Disparities in Pretrial and Sentencing Outcomes of Criminal Defendants*. <https://www.cga.ct.gov/2019/act/Sa/pdf/2019SA-00017-R00SB-01008-SA.PDF>.

¹⁶ Conn. Public Act 15-84, *An Act Concerning Lengthy Sentences for Crimes Committed by a Child or Youth and the Sentencing of a Child or Youth Convicted of Certain Felony Offenses*. <https://www.cga.ct.gov/2015/act/pa/pdf/2015PA-00084-R00SB-00796-PA.pdf>.

¹⁷ Connecticut Network. "Connecticut Sentencing Commission September Meeting." (September 28, 2023). <https://ct-n.com/ctnplayer.asp?odID=22169>.

¹⁸ Conn. Public Act 10-129, *supra* note 1.

¹⁹ Crichlow, Vaughn & Sachin Pandya. "Sentencing Database." PowerPoint presented to Connecticut Sentencing Commission. (September 28, 2023). <https://ctsentrencingcommission.org/wp-content/uploads/2023/12/CT-Sentencing-Database-Presentation-Slides.pdf>.

I. Mission and Membership

The Connecticut Sentencing Commission was established on February 1, 2011, in accordance with [Public Act 10-129](#), *An Act Establishing a Sentencing Commission*.²⁰ Its mission, outlined in CGS § 54-300, is to “review the existing criminal sentencing structure in the state and any proposed changes thereto, including existing statutes, proposed criminal justice legislation and existing and proposed sentencing policies and practices and make recommendations to the Governor, the General Assembly, and appropriate criminal justice agencies.”²¹

The Commission is devoted to addressing critical challenges faced by the criminal justice system in Connecticut. Combining the unique perspectives of its members with input from elected officials, agency leaders, and academic experts, the Commission creates evidence-based policy proposals intended to boost community safety, hold offenders accountable, and promote punishments that are fair and humane.

Pursuant to CGS § 54-300, the Commission includes 23 members from across the criminal justice system, including judges, prosecutors, criminal defense counsel, the Chief State’s Attorney, the Chief Public Defender, the Commissioners of the Departments of Correction (CT DOC), Emergency Services and Public Protection (DESPP), and Mental Health and Addiction Services (DMHAS), the Victim Advocate, the Executive Director of the Court Support Services Division of the Judicial Branch (CSSD), a municipal police chief, the Chairperson of the Board of Pardons and Paroles (BOPP), the Undersecretary of the Criminal Justice Policy and Planning Division of the Office of Policy and Management (OPM-CJPPD), and members of the public appointed by the governor and the leaders of the General Assembly.²²



Superior Court Judge, Hon.
Robin Pavia, Chair of the
Sentencing Commission

Seven new members joined the Commission in 2023: Superior Court Judge Joseph B. Schwartz; State’s Attorney Michael A. Gailor; Elizabeth Bozzuto, the new Chief Court Administrator; Ronnell Higgins, the new Commissioner of DESPP; Jennifer Medina Zaccagnini, the new Chair of BOPP; Chief Steven Tavares from the Eastern Connecticut State University Police Department; and Presiding Part-A Criminal Judge Gerald L. Harmon. The Commission bids farewell to Judge Vernon D. Oliver, who was recently confirmed to serve on the U.S District Court in Connecticut; Sarah Russell, who was recently nominated to serve on the U.S District Court in Connecticut; State’s Attorney Margaret Kelly; outgoing Chief Court Administrator Patrick L. Carroll III; outgoing Commissioner James Rovella from DESPP; outgoing Chair Carleton Giles from BOPP; and Chief Scott Sansom from the East Hartford Police Department. We thank them for their years of service and wish them luck in any future endeavors.

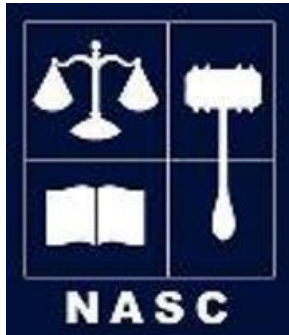
The Commission is staffed by the Institute of Municipal and Regional Policy at the University of Connecticut. The Commission’s staff include Executive Director, Research Associates, part-time staff, contracted researchers and academics, and interns.

²⁰ Conn. Public Act 10-129, *supra* note 1.

²¹ Conn. Gen Stat § 54-300, *supra* note 2.

²² *Id.*

II. National Overview



NATIONAL ASSOCIATION OF SENTENCING COMMISSIONS (NASC)

The National Association of Sentencing Commissions (NASC) is a nonprofit organization whose mission is “to facilitate the exchange and sharing of information, ideas, data, expertise, and experiences and to educate individuals on issues related to sentencing policies and guidelines and commissions.” Rarely does a state encounter a challenge that has not been addressed in another state, so the organization offers members a platform to share information about successes and failures in sentencing policy. This collaboration, among states with a wide variety of sentencing frameworks, promotes an informed approach to sentencing reform.²³ Additional information about NASC is available at <https://www.thenasc.org/about>.

2023 NASC Annual Conference

The National Association of Sentencing Commissions held its 2023 conference in Stateline, Nevada on August 7-9th. Hosted by the Nevada Department of Sentencing Policy, the conference was themed *The More Things Change, the More They Stay the Same? Challenges Faced by State Criminal Justice Systems and Approaches to Reform, 1993 to 2023*. The 2023 NASC conference addressed the resurgence of crime rates, prison overcrowding, and racial disparities in the criminal justice system. Its sessions and breakouts explored diverse state responses, including reevaluating sentencing guidelines, creating new sentencing frameworks, and shifting between determinate and indeterminate sentencing systems, offering an opportunity for reflection on the effectiveness and unintended consequences of 1990s criminal justice reforms and the lessons learned to avoid repeating past mistakes.²⁴ More information about the conference can be found [here](#).



²³ National Association of Sentencing Commissions. “Who we are.” <https://www.thenasc.org/about>.

²⁴ National Association of Sentencing Commissions. “NASC 2023 Conference, Stateline, Nevada.” <https://www.thenasc.org/2023-conference>.

III. Activities of the Commission

COMMISSION MEETINGS

By statute, the Sentencing Commission must meet at least four times each calendar year. In 2023, the Commission met five times: January 3, March 23, May 25, [September 28](#),²⁵ and [November 21](#).²⁶ The majority of the Commission's meetings were held via Zoom, but the September 28th session was held in-person at the Legislative Office Building.

STEERING COMMITTEE

Nine members of the Commission serve on the Steering Committee. The committee is responsible for the Commission's administrative tasks: setting meeting schedules and agendas, overseeing projects, coordinating subcommittee research activities, and selecting recommendations for the full Commission to consider. For a full list of members in the committee, see above.

PRETRIAL RELEASE AND DETENTION

In a 2015 letter, Governor Dannel Malloy asked the Commission to evaluate the bail bond system in Connecticut,²⁷ kicking off nearly a decade of work on pretrial detention issues. Collaborating with legislative partners, pretrial justice experts, and leaders at the Court Support Services Division of the Judicial Branch (JB-CSSD), the Commission, specifically its Subcommittee on Criminal Procedure and Sentencing, continues to conduct research, learn from best practices, and advocate for pretrial detention policies that emphasize justice and enhance public safety.

Seven Percent Cash Bail Option

In 2023, the Commission submitted a request to the Rules Committee of the Superior Court to create an automatic option for seven percent cash bail on all bonds \$50,000 or less at the time of booking at a police station (see Appendix F).²⁸ The recommendation builds on a similar proposal in 2019, when the Commission successfully petitioned the Rules Committee to enact a ten percent cash bail option on all bonds \$20,000 or less at the time of booking at a police station.²⁹ Over two years of data suggest that the option has saved defendants money and kept them out of pretrial detention, without an increase in rearrests or missed court dates. This apparent success prompted the Commission to ask for further amendment.³⁰ Following a public hearing on the matter, the seven

²⁵ Connecticut Network, *supra* note 17.

²⁶ Connecticut Network. "Connecticut Sentencing Commission November Meeting." (November 21, 2023). <https://ctn.com/ctnplayer.asp?odID=22356>.

²⁷ Connecticut Sentencing Commission. "2015 Annual Report." <https://ctsencingcommission.org/wp-content/uploads/2018/05/2015AnnualReport.pdf>.

²⁸ Connecticut Sentencing Commission, *supra* note 8.

²⁹ Connecticut Sentencing Commission, *supra* note 6; Backus, Lisa, *supra* note 7.

³⁰ Connecticut Sentencing Commission, *supra* note 8.

percent cash bail initiative was adopted by the judges of the Superior Court on June 9, 2023. The new rule will go into effect on January 1, 2024.³¹

Calls for Legislative Reform

Lawmakers first appealed to the Sentencing Commission for assistance on pretrial justice and detention issues in 2019, with a written request from Senate President Pro Tempore Martin Looney. Acknowledging the flaws of the current system, Sen. Looney asked the Commission to “undertake a study and develop recommendations for a proposal on pretrial justice that would (1) reduce the pretrial detained population and (2) eliminate money bail as a detention mechanism so that release/detention decisions are not impacted by the amount of money defendants may or may not have while (3) ensuring that public safety is not negatively impacted.”³² In response, the Commission produced the [2022 Report on Pretrial Justice](https://ctsentencingcommission.org/wp-content/uploads/2022/06/2022-Report-on-Pretrial-Justice-fn.pdf), which suggested a suite of legislative and administrative changes to replace the current system of money bail.³³



Representative Steve Stafstrom addressing the Sentencing Commission at its September 2023 meeting.

Efforts to enact a comprehensive pretrial justice reform have thus far been unsuccessful, yet legislative leaders have encouraged the Commission to stay involved on pretrial detention issues. The House Chair of the Judiciary Committee, Representative Steve Stafstrom, addressed the Connecticut Sentencing Commission at the September 2023 meeting. Rep. Stafstrom highlighted a dual problem in the Connecticut pretrial detention system, in which the state lacks authority to hold potentially dangerous defendants who can post bond and at the same time keeps many low-level indigent defendants in jail because of their inability to post a bond. He explained the need to repeal the current state constitutional provision, which cites now-defunct capital offenses as the only way to detain someone without bond. Representative Stafstrom also stressed his desire to transition from a money bail-based system to a risk-based system of pretrial detention. He is looking to the Commission for assistance in this endeavor, especially as legislators revisit the issue in 2024, lauding its ability to develop comprehensive, broadly-supported solutions to difficult criminal justice issues.³⁴

Site Visit to Newark, New Jersey

In December 2023, the Commission organized a delegation site visit to New Jersey to learn from their pretrial justice system. New Jersey recently underwent a comprehensive reform to their pretrial system, transitioning away from the money bail-based pretrial system of release and detention.

³¹ McQuaid, Hugh, *supra* note 9.

³² Looney, Martin. [Letter from Martin Looney to the Connecticut Sentencing Commission]. (October 15, 2019). <https://ctsentencingcommission.org/wp-content/uploads/2019/12/Letter-from-Sen.-Looney.pdf>.

³³ Connecticut Sentencing Commission. “2022 Report on Pretrial Justice.” (2022). <https://ctsentencingcommission.org/wp-content/uploads/2022/06/2022-Report-on-Pretrial-Justice-fn.pdf>.

³⁴ Edison, Jaden, *supra* note 10.

The delegation included Commission members and staff, representatives from the Offices of the Governor, Chief Public Defender, the Chief State’s Attorney, the Office of Policy and Management, the Judicial Branch Court Support Services Division, and the Connecticut General Assembly. During the two-day site visit, the delegation met with judges, prosecutors, public defenders, executive branch officials, and other individuals involved with the implementation of pretrial reforms in New Jersey. Delegation members also observed detention hearings to better understand how their pretrial procedures work in a system that has eliminated money bail. Commission members will use insights from this trip as they continue to work on issues of pretrial justice. For a full itinerary of the trip, see Appendix E.

VOTING RIGHTS & ACCESS IN CONNECTICUT’S INCARCERATED POPULATION

In the 2023 legislative session, the Commission resubmitted a proposal regarding suffrage for incarcerated individuals in Connecticut. Supported by extensive research and discussions from the Working Group on Voting Issues, the proposal grants voting rights to all incarcerated individuals, except for those sentenced to life imprisonment without the possibility of parole, and removes other voting barriers that commonly affect this population.³⁵

The proposal was originally submitted to the Government Administration and Elections Committee in the 2021 and 2022 legislative sessions, but did not gain much traction. The bill advanced further in 2023 and was raised for a public hearing on March 6, 2023. Executive Director Alex Tsarkov and Vice Chair John Santa submitted [written testimony](#) in favor of the bill, emphasizing the deliberative process that informed the development of the proposal and arguing that civic participation is a fundamental right, even for those in prison.³⁶ The bill ultimately did not receive a committee vote.

MENTAL ILLNESS IN CONNECTICUT’S INCARCERATED POPULATION

The Commission’s Mental Health Subcommittee continued to meet regularly in 2023, hosting presentations by subject matter experts and deliberating on issues and potential proposals.³⁷ Formed in response to a 2019 written [request](#) from Senator Catherine Osten,³⁸ the subcommittee’s work has been informed by the findings and recommendations of the National Center for State Court’s (NCSC) Judicial Task Force to Examine State Courts’ Response to Mental Illness³⁹ and the Sequential Intercept Model for Advancing Community-based Solutions for Justice-involved People with Mental and Substance Use Disorders.⁴⁰ The Commission would like to thank Connecticut

³⁵ Conn. House Bill 5702, An Act Allowing Incarcerated Individuals to Vote. (2023). <https://www.cga.ct.gov/2023/TOB/H/PDF/2023HB-05702-R00-HB.PDF>.

³⁶ Santa, John, and Alex Tsarkov. “Testimony of John Santa and Alex Tsarkov before the Judiciary Committee on HB 5702, An Act Allowing Incarcerated Individuals to Vote.” (March 6, 2023). <https://www.cga.ct.gov/2023/gaedata/TMY/2023HB-05702-R000306-Tsarkov.%20Alex.%20Executive%20Director-CT%20Sentencing%20Commission-Supports-TMY.PDF>.

³⁷ Meeting agendas, minutes, and materials are located on the Commission website, [here](#). Meeting recordings can be found on the CTN website, [here](#).

³⁸ Osten, Cathy. [Letter from Cathy Osten to the Connecticut Sentencing Commission]. (September 4, 2019). <https://ctsentrencingcommission.org/wp-content/uploads/2019/09/Osten.Chronically-Mentally-Ill-Study.pdf>.

³⁹ National Center for State Courts. “Findings and Recommendations of the National Judicial Task Force to Examine State Courts’ Response to Mental Illness.” (July 2022). https://www.ncsc.org/_data/assets/pdf_file/0027/80847/Findings-and-Recommendations.pdf.

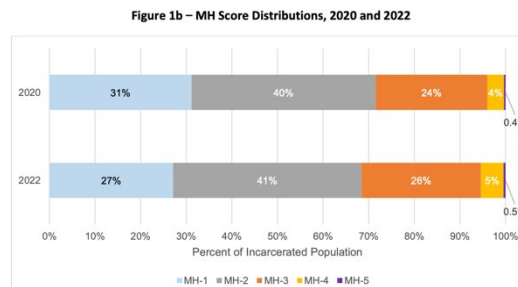
⁴⁰ Substance Abuse and Mental Health Services Administration. “The Sequential Intercept Model.” (September 27, 2022). <https://www.samhsa.gov/criminal-juvenile-justice/sim-overview>.

Chief Justice Richard A. Robinson, co-chair of the Criminal Justice Work Group for the NCSC Task Force, and other experts for addressing the subcommittee in support of this work.

Mental Health Disorders in Connecticut's Incarcerated Population

In January 2023, the subcommittee reviewed and approved for publication the report, *Mental Health Disorders in Connecticut's Incarcerated Population*,⁴¹ co-authored by Dr. Reena Kapoor, M.D., Yale School of Medicine; Dr. Viviana Alvarez-Toro, M.D. Saint Elizabeth's Hospital; and Commission staff. This report expanded on the prior study, *Memorandum on Mental Health Care Need Classifications in Connecticut's Incarcerated Population*,⁴² published in 2020.

Both reports included analysis based on the Department of Corrections' mental health treatment classification system, while the 2023 report also included specific mental health diagnostic data. After delays caused by the onset of the COVID-19 pandemic, staffing changes, and data access issues, the Commission received diagnosis data in early 2022 and was able to share early results from the analysis at the 2022 Symposium.⁴³ Local news coverage helped to broaden the reach of the findings,⁴⁴ which further documented the significant intersection of mental health and the criminal legal system in Connecticut.



Evaluation of Community Mental Health and Addiction Treatment Use in Individuals Following Release from Incarceration or on Community Supervision, Connecticut, 2018-2022



In early 2023, the Commission partnered with Dr. Benjamin A. Howell, MD, MPH, MHS and a team of researchers at the SEICHE Center for Health and Justice at Yale School of Medicine, and Dr. Hsiu-ju Lin, PhD, University of Connecticut School of Social Work and the Department of Mental Health and Addiction Services (DMHAS), to design and launch a study to evaluate how people with mental health and substance use disorders engage and access mental health and substance use treatment in the community and interact with criminal justice entities after release to the community or while on community supervision.

In 2023, the research team made significant progress in laying the groundwork to merge datasets collected by state agencies (DOC, DMHAS, CSSD, Department of Social Services, Department of Public Health) and match individual identifiers to create a longitudinal, individual-level dataset of community mental health and addiction treatment use, criminal justice outcomes, and health outcomes for individuals released from CT DOC into the community or on community supervision

⁴¹ Connecticut Sentencing Commission, *supra* note 11.

⁴² Connecticut Sentencing Commission. "Memorandum on Mental Health Care Need Classifications in Connecticut's Incarcerated Population." (July 7, 2020). <https://ctsentencingcommission.org/wp-content/uploads/2022/12/Mental-Health-Memo.pdf>.

⁴³ Connecticut Sentencing Commission. "2022 Symposium: Criminal Legal System at a Crossroads – Mental Health Panel." (November 17, 2022). <https://ctsentencingcommission.org/videos>

⁴⁴ Cross, Alison. "De facto Institutions: In Connecticut 95.5% of Prison Inmates Have Mental Health Illness History, Report Finds." *Hartford Courant*. (April 30, 2023). <https://www.courant.com/2023/04/30/de-facto-institutions-in-connecticut-95-5-of-prison-inmates-have-mental-illness-history-report-finds/>.

(probation or parole) from January 1, 2018 through December 31, 2022. The findings from this analysis are projected to be complete and ready for publication mid-year 2024, along with the results of a complementary qualitative study component involving interviews to explore factors identified by individuals with mental health and substance use disorders and community treatment providers that contribute to engagement and quality of mental health and addiction treatment in people released from CT DOC or on community supervision (probation or parole). These results will provide insights to policymakers on how to improve mental health and substance use treatment with a goal of improving both public safety and mental health outcomes.⁴⁵

Improving the Court and Community Response - Decriminalizing Mental Illness: The Miami Model Workshop

In May 2023, the Commission sent a delegation representing the Chief State's Attorney, Chief Public Defender's Office, Judicial Branch, Forensic Services Division of DHMAS, the Commission's Mental Health Subcommittee, and the Court Support Services Division to a two-day workshop hosted by the NCSC, *Improving the Court and Community Response - Decriminalizing Mental Illness: The Miami Model*.⁴⁶ The Miami program was selected by the NCSC as a learning site for its work on jail diversion, competency restoration alternatives, Crisis Intervention Training, Assisted Outpatient Therapy program, peer specialist initiative, and new care facility.⁴⁷

Organized around the SAMSHA Sequential Intercept Model, the workshop included presentations by key members of the Miami Criminal Mental Health Project (CMHC), including founder, Hon. Steve Leifman. Participants also had designated time to meet and discuss reflections on the program and connections to the Connecticut context. On the final day, attendees toured the Miami Center for Mental Health and Recovery, which is scheduled to open in 2024.⁴⁸ Delegation members shared information and insights from the workshop with the subcommittee and full Commission, and the connections made there continue to inform and support the evolving work on mental health.



Rendering of the Miami Center for Mental Health and Recovery, which is set to open in 2024.

Diversions Programs and Competency to Stand Trial Process in Connecticut

Informed by the work of the CJPAC Behavioral Health Committee and learnings from the *Decriminalizing Mental Illness* workshop, the subcommittee has been discussing current challenges and efforts related to diversionary programs in the state. Commission staff and external partners are collaborating on a report targeted to be published in early 2024 to support the subcommittee's work going forward in selecting specific areas of focus in diversionary programs.

⁴⁵ Connecticut Sentencing Commission & Yale SEICHE Center, *supra* note 12.

⁴⁶ Eleventh Judicial Circuit, Miami-Dade County, Florida, *supra* note 14.

⁴⁷ Leifman, Steve & Tim Coffey. "Jail Diversion; the Miami Model." *CNS Spectrums* (2020), 25, 659-666. https://www.jud11.flcourts.org/docs/Jail_diversion_the_Miami_model%20CNS%202020.pdf

⁴⁸ More information about the new facility can be found at <https://miamifoundationformentalhealth.org/>.

Commission staff and interns have been working in collaboration with key partners and stakeholders on the topic of the Competency to Stand Trial (CST) process in Connecticut. The Commission would like to thank Kathy Flaherty and Kirk Lowry of the Connecticut Legal Rights Project and Dr. Reena Kapoor, MD, Director of Forensic Services, DHMAS, for addressing the committee, as well as the many Commission members and others who have been working to identify potential areas for initial recommendations for changes to improve outcomes for individuals and the state. Commission staff and external partners continue to work on a comprehensive report, targeted for publication in early 2024.

Individuals with Intellectual and Developmental Disabilities, Including Autism Spectrum Disorder

In 2023, Commission staff began work on a new area of focus for the subcommittee related to individuals with intellectual and developmental disorders (IDD), including autism spectrum disorder (ASD). Included in [Public Act 23-137](#), *An Act Concerning Resources and Support Services for Persons with an Intellectual or Developmental Disability* is a provision requiring the Commission to study the experience of people with IDD or ASD who are in the criminal justice system. The study must include (1) incarceration rates of people with IDD and ASD compared to their overall population in the state, (2) the advisability and cost of pre-sentencing behavioral assessments for these people, and (3) other states' best practices. To help complete the study, the bill grants the commission access to (1) each database in the statewide criminal justice information technology system and (2) any offender-based tracking system or criminal or judicial database not integrated into the statewide system. Under the legislation, the Commission must report the study results, including recommendations for related sentencing considerations, to the Human Services, Judiciary, and Public Health Committees by December 31, 2025.⁴⁹

SENTENCING COMMISSION DATABASE

The enabling legislation for the Commission, Public Act 10-129, enumerates several tasks for the group to tackle. At the top of the list is the creation and maintenance of a database to track sentencing trends in Connecticut. Under the statute, “the commission shall... facilitate the development and maintenance of a state-wide sentencing database in collaboration with state and local agencies, using existing state databases or resources where appropriate.”⁵⁰

After years of tepid action,⁵¹ the Commission is reviving the creation of a sentencing database as a priority. To initiate the process, the Commission has selected Vaughn Crichlow, Director of

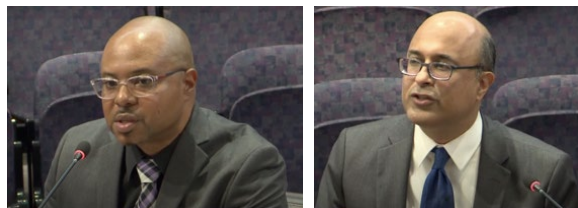
⁴⁹ Conn. Public Act 23-137, *supra* note 13.

⁵⁰ Conn. Public Act 10-129, *supra* note 1.

⁵¹ In a 2014 retreat to discuss the Commission's purpose, direction, and priorities, the development of a statewide sentencing database was listed as a focus area for the Commission over the following 18 months. Accordingly, in its strategic goals section, the 2015 annual report calls for the Commission to “obtain data necessary to accomplish Commission mission, initiatives, and legislative mandates,” which includes, “[building] data capacity and [creating] a state-wide sentencing database.” Yet, other priorities, such as reviewing the existing sentencing framework, identifying areas of sentencing disparity, and making recommendations to improve sentencing policies in Connecticut, crowded out the sentencing database.

Research at the Institute for Municipal and Regional Policy, and Sachin Pandya, a professor at the UConn School of Law, to lead a preliminary research study.

Presenting at the September 2023 Commission meeting, the researchers informed members of their plan to conduct semi-structured interviews with key stakeholders in Connecticut and in states with an established sentencing database to better understand the challenges to creating such a database. Among the areas of interest for Crichlow and Pandya are procuring long-term data-sharing agreements, building and maintaining an adequate user interface, determining database access, and formulating procedures to regularly update data. The project findings will be reported to the Commission in 2024. While it remains early in the process, the Commission is taking tangible steps towards the completion of a goal that is not only statutorily required, but also increases the capacity for Commission members and other state leaders to study and shape sentencing policies.⁵²



Vaughn Crichlow (left) and Sachin Pandya (right) present their research plan to the Sentencing Commission

ANIMAL CRUELTY

In the 2023 legislative session, the Commission submitted two proposals to rectify problems in animal cruelty statutes.⁵³ These recommendations leverage insights from research and discussions conducted by the Commission’s working group on such statutes.

The first proposal sought to close an existing loophole which shielded sexual conduct with an animal from prosecution under the fourth-degree sexual assault statute. The core goals of this proposal were accomplished with the passage of [Public Act 23-149](#), *An Act Concerning Cruelty to Animals*, but rather than amending fourth-degree sexual assault statute, the General Assembly opted to establish “sexual assault of an animal” as a standalone crime.⁵⁴

The second proposal would allow the court to appoint an advocate in criminal proceedings regarding the welfare or custody of any animal, rather than just a dog or cat as is currently allowed under CGS § 54-86n.⁵⁵ The proposal was raised by the Judiciary Committee as [Senate Bill 1060](#), *An Act Concerning the Appointment of an Advocate in Proceedings Concerning the Welfare or Custody of Animals*,⁵⁶ but was not brought up for a vote.

In 2023, the Commission facilitated discussions with stakeholders to create a diversionary program for people charged with and convicted of animal cruelty.

⁵² Crichlow & Pandya, *supra* note 19.

⁵³ Connecticut Sentencing Commission. “An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Sexual Assault in the Fourth Degree.” (2023). <https://ctsentencingcommission.org/wp-content/uploads/2023/01/An-Act-Concerning-the-Recommendation-of-the-Connecticut-Sentencing-Commission-with-Respect-to-Sexual-Assault-in-the-Fourth-Degree.pdf>; Connecticut Sentencing Commission. “An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding Appointment of an Advocate in a Criminal Proceeding Regarding the Welfare or Custody of an Animal.” (2023). <https://ctsentencingcommission.org/wp-content/uploads/2023/01/An-Act-Concerning-the-Appointment-of-an-Advocate-in-a-Criminal-Proceeding-Regarding-the-Welfare-or-Custody-of-an-Animal.pdf>.

⁵⁴ Conn. Public Act 23-149, An Act Concerning Cruelty to Animals. <https://www.cga.ct.gov/2023/act/pa/pdf/2023PA-00149-R00HB-06714-PA.pdf>;

⁵⁵ Conn. Gen Stat. § 54-86n. Appointment of advocate in proceeding re the welfare or custody of a cat or dog. Advocate’s duties. Department of Agriculture to maintain list of eligible advocates. https://www.cga.ct.gov/current/pub/chap_961.htm#sec_54-86n.

⁵⁶ Conn. Senate Bill 1060, An Act Concerning the Appointment of an Advocate in Proceedings Concerning the Welfare or Custody of Animals. (2023). <https://www.cga.ct.gov/2023/TOB/S/PDF/2023SB-01060-R00-SB.PDF>.

STUDY ON RACIAL, ETHNIC, GENDERED, AND SOCIOECONOMIC DISPARITIES

Partnering with professors from the University of Connecticut, the Commission continued to collect and analyze relevant data for its study on disparities in the criminal justice system. This research project was sparked in 2019 with the passage of [Special Act 19-17](#), *An Act Concerning a Study of the Disparities in Pretrial and Sentencing Outcomes of Criminal Defendants*, which instructs the Commission to “study potential disparities in pretrial and sentencing outcomes related to the racial, ethnic, gender and socioeconomic status of a criminal defendant.”⁵⁷ In 2020, the research team submitted an [interim report](#) to the General Assembly notifying legislators about the methodology, timeframe, and status of the study.⁵⁸ The Commission and its affiliated professors are planning to release a final report in 2024.

JUSTICE DAVID BORDEN FELLOWSHIP

In 2023, the Commission created the David Borden Fellowship, an esteemed recognition for law students in Connecticut who demonstrate a keen interest in the work of the Commission. The fellowship is a tribute to Justice David Borden for his immeasurable contributions to the Commission, serving as Chair from 2013 until his death in 2016, and to the state as a whole, including serving on the Connecticut Supreme Court. The Commission was proud to announce Ayesha Durrani, a third-year law student from the Yale School of Law, as the inaugural recipient of this fellowship. Throughout the 2023-2024 academic year, Durrani will collaborate with Commission members and staff to conduct research, write policy memoranda, and deliver presentations at Commission meetings.

IMRP INTERNATIONAL JUSTICE EXCHANGE VISIT TO BADEN-WÜRTTEMBERG, GERMANY



Connecticut delegation in Weikersheim, Germany

In June 2023, the Commission undertook a delegation trip to the state of Baden-Württemberg, Germany, to explore criminal justice system. Organized by the IMRP International Justice Exchange Program, which also facilitated visits to Norway in 2022, this six-day trip involved key members of the Commission, including the Chief Public Defender, the Chief State's Attorney, and Executive Director for the Judicial Branch Court Support Services Division, as well as

⁵⁷ Conn. Special Act 19-17, *supra* note 15.

⁵⁸ Connecticut Sentencing Commission. “2020 Interim Report: A Study of the Disparities in Pretrial and Sentencing Outcomes of Criminal Defendants.” (January 30, 2020). <https://ctsentrencingcommission.org/wp-content/uploads/2020/02/Interim-Report-in-Disparities-in-Pretrial-Justice-and-Sentencing-Outcomes-in-Connecticut.pdf>

Commission staff, and leaders from justice nonprofits in Connecticut. The delegation engaged with local scholars, policymakers, and practitioners as they toured various facilities such as a prison, probation and court assistance offices, juvenile detention centers, and a non-governmental organization focused on crime prevention and recidivism. Aiming to assess the feasibility and desirability of adopting elements of the German criminal justice system in Connecticut, these activities allowed the delegation to observe best practices and their underlying sociolegal context. The insights gained from this immersive experience will be foundational as the Commission works to implement reforms in Connecticut.

INCARCERATION AND COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTION

In 2023, the Incarceration and Collateral Consequences of Criminal Conviction Subcommittee worked on three major initiatives.

Expansion of Parole Eligibility for Individuals Sentenced as Youth

First, the subcommittee oversaw the successful passage of a version of its proposal to extend parole eligibility set forth in [Public Act 15-84](#), *An Act Concerning Lengthy Sentences for Crimes Committed by a Child or Youth and the Sentencing of a Child or Youth Convicted of Certain Felony Offenses*⁵⁹ to individuals who were convicted of crimes and sentenced to lengthy terms of incarceration when they were under the age of 21. The proposal was submitted to the Judiciary Committee in the 2023 legislative session, and a version of the proposal was subsequently passed in [Public Act 23-169](#), *An Act Concerning Parole Eligibility for an Individual Serving a Lengthy Sentence for a Crime Committed Before the Individual Reached the Age of Twenty-one and Criminal History Records Erasure*. While the Commission recommended extending parole eligibility to all individuals who were under twenty-one at the time of their conviction, the legislation only offered parole eligibility to such individuals who were sentenced on or before October 1, 2005.⁶⁰

Public Act 15-84 Study

Second, the subcommittee has enlisted the help of Dr. Sukhmani Singh, a professor at the UConn School of Social Work, and Josh Adler, a PhD student, to examine the impacts of Public Act 15-84.⁶¹ The inquiry centers on formerly incarcerated individuals whose release is due to new parole provisions in Public Act 15-84. Singh and Adler will use quantitative and qualitative techniques to explore the demographics, experiences, opinions, and outcomes of the 108 beneficiaries under Public Act 15-84.

The Board of Pardons and Paroles partnered with the Commission staff on a memorandum of understanding to provide the Commission with data on the 15-84 parole hearings.



Sukhmani Singh (left) and Josh Adler (right) present their initial findings to the Sentencing Commission

⁵⁹ Conn. Public Act 15-84, *supra* note 16.

⁶⁰ Conn. Public Act 23-169, *supra* note 4.

⁶¹ Conn. Public Act 15-84, *supra* note 16.

The two researchers presented to the Commission at its September 2023 meeting, informing members about the study’s scope, initial findings, and anticipated next steps.⁶² The Commission anticipates that the study will be completed in 2024 and is eager to use its findings to inform criminal justice policymaking.

Medical and Compassionate Parole

Finally, in collaboration with BOPP, the subcommittee has continued to consider statutory changes to CGS §§ 54-131a through 54-131g, which empower BOPP to grant medical parole to incarcerated people with a terminal illness,⁶³ and CGS § 54-131k, which allows BOPP to grant compassionate parole to certain individuals.⁶⁴ In its September meeting, the Commission welcomed the House Chair of the Judiciary Committee, Representative Steven Stafstrom, who implored the Commission to engage on the issues of compassionate and medical parole. In response, the Incarceration and Collateral Consequences of Criminal Conviction Subcommittee continued work on this important policy area. Commission staff presented on medical and compassionate parole at Subcommittee meetings and the full Commission meeting in November, highlighting the statutory requirements for medical and compassionate parole, past reform efforts in Connecticut, and approaches taken by other states and the federal government.⁶⁵ The Commission remains committed to finding consensus on this important issue, aiming to develop a legislative recommendation for the 2024 session.



CRIMINAL PROCEDURE AND SENTENCING

In its second year of work, the Subcommittee on Criminal Procedure and Sentencing assessed possible changes to a variety of sentencing statutes. Overseeing these efforts are the new co-chairs Michael Chase and Michael Gailor. The Commission would like to thank outgoing chair Anna VanCleave and outgoing vice chair Lisa D’Angelo for their guidance as the inaugural leaders of the subcommittee.

Mandatory Minimum Sentences

The subcommittee has built on research into the use of mandatory minimum sentences in Connecticut⁶⁶ by generating a proposal for the 2023 legislative session, which allows judges to depart from the minimum mandatory sentence for certain motor vehicle crimes if there is good cause to do

⁶² Connecticut Network, *supra* note 17.

⁶³ Conn. Gen Stat. §§ 54-131a through 54-131g. Release of inmate on medical parole; Eligibility for medical parole; Medical diagnosis; Conditions of release on medical parole; Requests for medical diagnosis; Special panel. Emergency review; Effect on parole or other releases. https://www.cga.ct.gov/current/pub/chap_961.htm#sec_54-131a.

⁶⁴ Conn. Gen Stat. § 54-131k. Compassionate parole release. https://www.cga.ct.gov/current/pub/chap_961.htm#sec_54-131k.

⁶⁵ Connecticut Network, *supra* note 26.

⁶⁶ Ross, Gwenyth, Alex Tsarkov, & Louise Nadeau. “Memorandum: Mandatory Minimum Sentences in Connecticut.” (October 18, 2022). <https://ctsentrainingcommission.org/wp-content/uploads/2023/02/Mandatory-Minimums-Memo-9-27-22.pdf>.

so. This proposal was enacted by the General Assembly in [Public Act 23-47](#), *An Act Concerning Various Revisions to the Criminal Law and Criminal Justice Statutes*.⁶⁷

Felony Murder

Felony murder has been another focus of the subcommittee. In Connecticut, as in most other states, a person can be found guilty of murder if the individual is convicted of one or more specified felonies and a person is killed in the course of the felony. The Commission was actively engaged in the topic in 2022, inviting Dr. Nazgol Ghandnoosh from the Sentencing Project to present on felony murder at a subcommittee meeting⁶⁸ and hosting a panel on the subject at its annual symposium.⁶⁹ The Commission continues to research felony murder in the state and will produce a report comparing felony murder statute in Connecticut to statutes in other states.

Other Research Requests

The subcommittee also initiated research efforts to respond to two inquiries: one from the Connecticut Hate Crimes Advisory Council, who requested that the Commission review state hate crime statutes, and another from Representative Jillian Gilchrist, who asked the Commission to examine trafficking laws in Connecticut (see Appendix H).

In March of 2023, the Connecticut Hate Crimes Advisory Council submitted a request to the Commission, asking the group to undertake a thorough review of the criminal statutes on hate crimes.⁷⁰ The inquiry solicits the help of the Commission in answering four questions:

- 1) Are the statutes constitutional under federal law?
- 2) Are they coherent?
- 3) Are they consistent with one another?
- 4) Are they comprehensive and do they cover the majority of types of hate crimes?

In the summer of 2023, the Subcommittee on Criminal Procedure and Sentencing began preliminary research on this subject. Commission staff are investigating statutes that govern hate crime law in Connecticut, reviewing case law pertaining to the statutes, and identifying possible policy areas to address. Once a formal research report is completed, the Commission will discuss its findings and draft a legislative proposal to address issues identified in the report.

Writing on behalf of the General Assembly's Trafficking in Persons Council, Representative Gilchrist authored a letter to the Commission on May 23, 2022. Rep. Gilchrist asked the Commission to "review the similarities and differences between federal and state law as it pertains to the definition of human trafficking and determine the feasibility of Connecticut's definition aligning

⁶⁷ Conn. Public Act 23-47, *supra* 3.

⁶⁸ Ghandnoosh, Nazgol. "Felony Murder: An On-Ramp for Extreme Sentencing." PowerPoint presented to the Criminal Procedure and Sentencing Subcommittee of the Connecticut Sentencing Commission. (July 25, 2022). <https://ctsentrencingcommission.org/wp-content/uploads/2022/07/Felony-Murder-The-Sentencing-Project-Slides.pdf>.

⁶⁹ Connecticut Sentencing Commission. "2022 Symposium: Criminal Legal System at a Crossroads – Felony Murder Panel." (November 17, 2022). <https://ctsentrencingcommission.org/videos>.

⁷⁰ The Hate Crimes Advisory Council of the State of Connecticut. "2023 Annual Report." (October 3, 2023). <https://portal.ct.gov/hatecrimes/-/media/Hatecrimes/2023-HCAC-Annual-Report---03Oct2023.pdf>.

with federal law.”⁷¹ In 2023, the subcommittee started this research process. Members and staff have investigated differences between the state and federal statutes, including the definitions of sex trafficking, labor trafficking, coercion, and sexual conduct, the structure of the statutes, and the criminal and civil penalties available to prosecutors. Researchers have also surveyed trafficking statutes in other states to reveal gaps in Connecticut law. In 2024, the Commission aims to respond to Representative Gilchrist with a report.

The subcommittee was also instrumental in the Commission’s work surrounding bail and pretrial justice reform, as is described above.

⁷¹ Gilchrist, Jillian. [Letter from Jillian Gilchrist to the Connecticut Sentencing Commission]. (May 23, 2023).

IV.2023 Symposium



William F. Starr Hall, University of Connecticut
School of Law, Hartford, Connecticut

The Commission's 2023 annual symposium was once again hosted by the University of Connecticut Law School in Hartford, Connecticut. The Commission chose to dedicate the entire day to issues related to mental health and the criminal legal system in Connecticut. The full-day agenda (Appendix I) included four panels organized around the SAMHSA Sequential Intercept Model for Advancing Community-based Solutions for Justice-involved People with Mental and Substance Use Disorders⁷² and key areas of focus for the Commission's current work. The four topics were Mental Health and Incarceration; Mental Health, Policing, and Diversion; Competency to Stand Trial; and Mental Health and Reentry. Panel moderators facilitated discussions about key challenges and opportunities in each topic area, and

attendees engaged in dialogue with questions for panel members.



SAVE THE DATE

Mental Health and the Criminal Legal System in Connecticut

THURSDAY, NOVEMBER 16, 2023

8:30 a.m. to 4:30 p.m. | William F. Starr Hall, UConn School of Law

Join the Connecticut Sentencing Commission in a conversation about mental health and the criminal legal system in Connecticut. Featured speakers will discuss key issues related to mental health across the continuum of criminal justice intercepts and opportunities for collaborative efforts to improve outcomes for individuals and our state.



UConn
SCHOOL OF LAW

⁷² Substance Abuse and Mental Health Services Administration, *supra* note 40.



MENTAL HEALTH AND INCARCERATION PANEL members (From left: Jennifer Zito, Connecticut Criminal Defense Lawyers Association (Moderator); Cathy Osten, State Senator; Denise Paley, National Alliance on Mental Illness Connecticut Shoreline; Marisol Garcia, Yale Prison Education Initiative; Dr. Martin G. Cherniak, UConn Health seated next to Commission Chair, Hon. Robin Pavia offering opening remarks.)



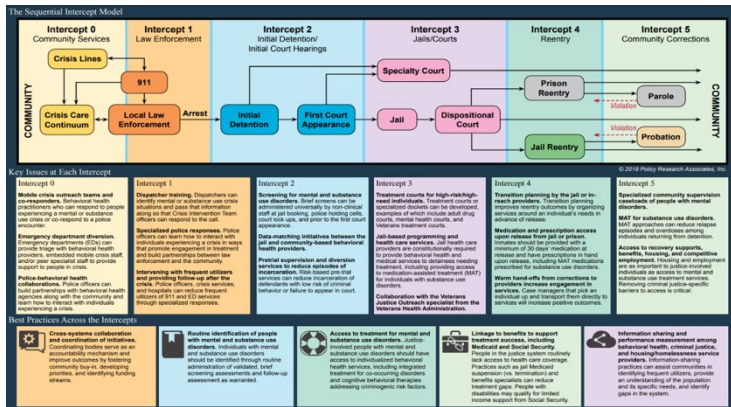
MENTAL HEALTH, POLICING, AND DIVERSION panel members (From left: Ryan Sims, Connecticut Community for Addiction Recovery; Stephen Tavares, Chief of Police and Director of Public Safety at Eastern Connecticut State University; Jenn Vargas, Elm City Compass. Not pictured: Christopher Burke, DMHAS (Moderator); Dana Begin, DMHAS.)



COMPETENCY TO STAND TRIAL PANEL members (From left: Alex Tsarkov, Connecticut Sentencing Commission (Moderator); Dr. Reena Kapoor, DHMAS; Judge Gerald Harmon, Connecticut Superior Court. Not pictured: Kevin Lawlor, Deputy Chief State's Attorney; William O'Connor, Supervising Public Defender, Connecticut Valley Hospital and Whiting Forensic Hospital).



MENTAL HEALTH AND REENTRY panel members (From left: Beth Hines, Community Partners in Action; Corrie Betts, President of Greater Hartford Branch and Chair of CT State Conference Criminal Justice Committee of the NAACP; Mark White, Judicial Branch Court Support Services Division. Not pictured: Patricia O'Rourke, Connecticut Sentencing Commission (Moderator); Dr. Benjamin Howell, SEICHE Center for Health and Justice and Yale School of Medicine).



The Sequential Intercept Model (SAMHSA), displayed during the MENTAL HEALTH, POLICING, AND DIVERSION panel.



Dr. Michael A. Norko, M.D., Professor of Psychiatry at Yale University School of Medicine and Forensic Policy Advisor for DMHAS

Perspectives on the Mental Health/Criminal Justice System Interface

In addition to the four panels, Dr. Michael Norko, M.D. was featured as the keynote speaker, sharing insights from his terms at Whiting (1988-1996, 2000-2007, 2017-2018), as DMHAS Director of Forensic Services (2007-2023), and his current role as DMHAS Forensic Policy Advisor. Dr. Norko presented highlights from the origin of Whiting Memorial Hospital in the late 1960s, significant milestones in state policy changes related to its use and other forensic policy changes over time, and more detailed discussion of recent trends and discussions related to the competency to stand trial process and the Psychiatric Security Review Board.

Dr. Norko prepared this information for attendees on potential useful directions forward in policy and practice:

- Considering Homeostasis in Insanity Acquittal:
 - Prevent recommitment of insanity acquittees - Judges could order longer commitments
 - Decrease commitment or hospitalization lengths - Prosecutors could more vigorously challenge release
 - Shift balance toward recovery - Prosecutors could more vigorously challenge initial insanity defenses
 - Balance in favor of safety/security - Defendants will not seek insanity defense
- Present Useful Directions
 - Enhanced Forensic Respite Bed (EFRB) and Jail Diversion
 - Potential to expand to outpatient restoration and early intercept

“Risk assessments are the proper concern of health professionals to the extent that they initiate remedial interventions that directly or indirectly benefit the person assessed. Decreasing a mentally disordered individual’s chance of injuring others is a benefit to them as well as to the future victim...Confining and containing offenders as punishment, or simply to prevent further offending, may be legitimate for a criminal justice system but should have no place in a health service.”

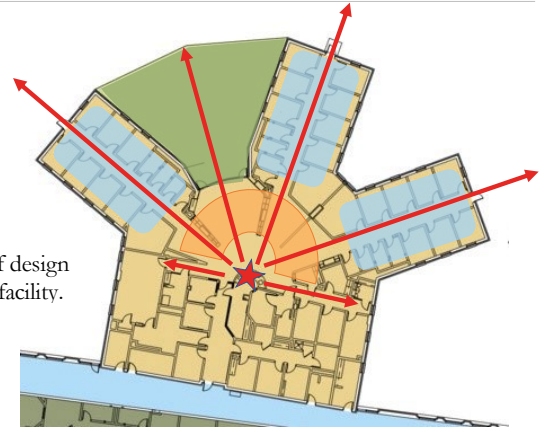
Paul Mullin, 2000 (p 308)

- PSRB community bed expansion
- PSRB Working Group
- Re-imagining re-entry from DOC
- Inter-agency and inter-branch collaboration that exists in CT

In closing, Dr. Norko acknowledged the spirit of collaboration across agencies in Connecticut in working for better outcomes and attendees were provided with a preview of the work being done to create a new physical facility. The purpose of the project is to create a physical space conducive to providing better care with more light, open spaces, and access to the outside for patients. Staff have been meeting with an architecture firm, and a report is due in January 2024.

LIVING UNIT LAYOUT | BEST PRACTICES

Visual reference for the type of design being considered for the new facility.



The Commission thanks Dr. Norko, the moderators and panelists, and all attendees for their contribution to the day and this work. In addition to the agenda in Appendix I, the full program and video of the event can be found [here](https://ct-n.com/ctnplayer.asp?odID=22345).⁷³

⁷³ Connecticut Network. "Sentencing Commission Symposium: Mental Health and the Criminal Legal System in Connecticut." (November 17, 2023). <https://ct-n.com/ctnplayer.asp?odID=22345>.

V. 2023 Legislative Session

In 2023, the Sentencing Commission contributed to the passage of three criminal justice bills.

1. [Public Act 23-47, *An Act Concerning Various Revisions to the Criminal Law and Criminal Justice Statutes*](#)

This law included two recommendations made by the Commission. Sections 5-6 allow a judge to depart from certain motor vehicle mandatory minimum sentences after considering mitigating circumstances. Sections 9-10 clarify that sexual conduct with a dead body is prohibited under the fourth-degree sexual assault statute.

2. [Public Act 23-169, *An Act Concerning Parole Eligibility for an Individual Serving a Lengthy Sentence for a Crime Committed Before the Individual Reached the Age of Twenty-one and Criminal History Records Erasure*](#)

This legislation enacted a narrower version of the Commission's proposal to expand the parole eligibility requirements originally granted in Public Act 15-84, *An Act Concerning Lengthy Sentences for Crimes Committed by a Child or Youth and the Sentencing of a Child or Youth Convicted of Certain Felony Offenses*. Section 1 allows individuals to seek parole if they were under twenty-one years of age at the time of their conviction and were sentenced on or before October 1, 2005. The Commission's proposal would have expanded parole eligibility for all individuals who were under twenty-one at the time of their conviction.

3. [Public Act 23-149, *An Act Concerning Cruelty to Animals*](#)

This law implemented the Commission's recommendation to criminalize bestiality, albeit through different means. While the Commission's proposal amended the definition of "sexual contact" in CGS § 53a-65 to include sexual activity with an animal, the General Assembly ultimately added new provisions to define "sexual contact with an animal," and subsequently criminalize it as "sexual assault of an animal."



The Commission also proposed Senate Bill 1060, *An Act Concerning the Appointment of an Advocate in Proceedings Concerning the Welfare or Custody of Animals*. This proposal would have amended CGS § 54-86n to allow a judge to appoint an advocate in a criminal proceeding regarding the welfare or custody of any animal owned or kept by a person, rather than just a cat or dog as is currently permitted. The bill was referred to the Judiciary Committee and received a public hearing on March 1, 2023, but no further action was taken.

The Commission also contributed to the debate over [House Joint Resolution 261](#), *Resolution Proposing an Amendment to the State Constitution to Revise Requirements Relating to the Offering of Bail or Pretrial Release to Persons Accused of a Crime*. The resolution would amend the state constitution to allow the court to hold defendants in pretrial detention without bond when it finds that no pretrial release conditions are sufficient to reasonably guarantee appearance in court, protect public safety, or prevent the accused from obstructing legal proceedings.⁷⁴ On March 3, 2023, Executive Director Alex Tsarkov [testified](#) about the resolution in a public hearing. While he broadly agreed with the need to reform the pretrial justice system, he argued that the approach lacks legislation outlining the structure of the



pretrial detention system if the Constitutional amendment was adopted.⁷⁵ The Commission will remain a resource for legislators as they look to develop a comprehensive policy solution.

Finally, the General Assembly passed [Public Act 23-137](#), *An Act Concerning Resources and Support Services for Persons with an Intellectual or Developmental Disability*. The law requires the Commission to study the experience of people with intellectual and developmental disabilities who are involved in the criminal justice system. In conducting the study, the Commission will examine incarceration rates of such persons compared to the overall state population, the practicality of behavioral assessments before sentencing, and information about best practices from other states. The Commission will report its findings and recommendations to the General Assembly by December 31, 2025.⁷⁶

⁷⁴ Conn. House Joint Resolution 261, A Resolution Proposing an Amendment to the State Constitution to Revise Requirements Relating to the Offering of Bail or Pretrial Release to Persons Accused of a Crime. (2023). <https://www.cga.ct.gov/2023/fc/pdf/2023HJ-00261-R000549-FC.pdf>.

⁷⁵ Tsarkov, Alex. "Testimony of Alex Tsarkov before the Judiciary Committee on House Joint Resolution 261 – Resolution Proposing an Amendment to the State Constitution to Revise Requirements Relating to the Offering of Bail or Pretrial Release to Persons Accused of a Crime." (March 22, 2023). <https://www.cga.ct.gov/2023/juddata/TMY/2023HJ-00261-R000322-Tsarkov.%20Alex.%20Executive%20Director-CT%20Sentencing%20Commission--TMY.PDF>.

⁷⁶ Conn. Public Act 23-137, *supra* note 13.

VI. 2024 Legislative Session

In 2024, the Sentencing Commission is considering three legislative proposals to the Judiciary Committee:

1) *An Act Concerning Competency to Stand Trial*

- This recommendation would amend CGS § 54-56d to allow for more outpatient competency restoration. If the defendant is only charged with a misdemeanor, the court may order a competency examination only after considering whether participation by the defendant in a jail diversionary program is not appropriate. If the defendant is charged with a misdemeanor and is found to need competency restoration, the court shall defer to outpatient treatment to restore competency, unless the court has good cause to find otherwise. For all cases where competency restoration is necessary, the proposal requires the court to consider various factors when determining the least restrictive placement appropriate and available to restore competency.

2) *An Act Concerning Pretrial Supervised Diversionary Program*

- This recommendation would amend CGS § 54-56/ to extend eligibility for pretrial supervised diversionary programs to individuals with intellectual disabilities and individuals with autism spectrum disorder. To better tailor programs to the newly covered populations, the proposal would have the Judicial Branch Court Support Services Division collaborate with the Department of Social Services and the Department of Developmental Services when making placements and developing program standards.

3) *An Act Concerning Medical Parole*

- The proposal expands eligibility and suitability for medical parole. It merges medical and compassionate release into one statute, and categorizes each option for release for those with a diagnosis of a “terminal” and or “non-terminal” condition, disease, or syndrome.

The proposal adds a new suitability standard for both releases consistent with the majority of other states. It also requires victim notification as part of the review process. Finally, the proposal adds a medical diagnosis for non-terminal cases.



APPENDICES

APPENDIX A: Connecticut General Statutes §54-300. Sentencing Commission

APPENDIX B: Letter Requesting a Study on Inmates with Chronic Mental Illness

APPENDIX C: Public Act 23-137 § 15

APPENDIX D: Special Act 19-17

APPENDIX E: Itinerary for Sentencing Commission trip to New Jersey

APPENDIX F: Letter Requesting a Seven Percent Cash Bond Option

APPENDIX G: Letter Requesting a Study on Nonmonetary Bail

APPENDIX H: Letter Requesting a Study on CT Trafficking in Persons Statute

APPENDIX I: 2023 Symposium Agenda

APPENDIX A

Sec. 54-300. Sentencing Commission

(a) There is established, within existing budgetary resources, a Connecticut Sentencing Commission which shall be within the Office of Policy and Management for administrative purposes only.

(b) The mission of the commission shall be to review the existing criminal sentencing structure in the state and any proposed changes thereto, including existing statutes, proposed criminal justice legislation and existing and proposed sentencing policies and practices and make recommendations to the Governor, the General Assembly and appropriate criminal justice agencies.

(c) In fulfilling its mission, the commission shall recognize that: (1) The primary purpose of sentencing in the state is to enhance public safety while holding the offender accountable to the community, (2) sentencing should reflect the seriousness of the offense and be proportional to the harm to victims and the community, using the most appropriate sanctions available, including incarceration, community punishment and supervision, (3) sentencing should have as an overriding goal the reduction of criminal activity, the imposition of just punishment and the provision of meaningful and effective rehabilitation and reintegration of the offender, and (4) sentences should be fair, just and equitable while promoting respect for the law.

(d) The commission shall be composed of the following members:

(1) Eight persons appointed one each by: (A) The Governor, (B) the Chief Justice of the Supreme Court, (C) the president pro tempore of the Senate, (D) the speaker of the House of Representatives, (E) the majority leader of the Senate, (F) the majority leader of the House of Representatives, (G) the minority leader of the Senate, and (H) the minority leader of the House of Representatives, all of whom shall serve for a term of four years;

(2) Two judges appointed by the Chief Justice of the Supreme Court, one of whom shall serve for a term of one year and one of whom shall serve for a term of three years;

(3) One representative of the Court Support Services Division of the Judicial Branch appointed by the Chief Justice of the Supreme Court, who shall serve for a term of two years;

(4) The Commissioner of Correction, who shall serve for a term coterminous with his or her term of office;

(5) The Chief State's Attorney, who shall serve for a term coterminous with his or her term of office;

(6) The Chief Public Defender, who shall serve for a term coterminous with his or her term of office;

(7) One state's attorney appointed by the Chief State's Attorney, who shall serve for a term of three years;

(8) One member of the criminal defense bar appointed by the president of the Connecticut Criminal Defense Lawyers Association, who shall serve for a term of three years;

(9) The Victim Advocate, who shall serve for a term coterminous with his or her term of office;

(10) The chairperson of the Board of Pardons and Paroles, who shall serve for a term coterminous with his or her term of office;

(11) The Commissioner of Emergency Services and Public Protection, who shall serve for a term coterminous with his or her term of office;

(12) A municipal police chief appointed by the president of the Connecticut Police Chiefs Association, who shall serve for a term of two years;

(13) The Commissioner of Mental Health and Addiction Services, who shall serve for a term coterminous with his or her term of office;

(14) The undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management, who shall serve for a term coterminous with his or her term of office; and

(15) An active or retired judge appointed by the Chief Justice of the Supreme Court, who shall serve as chairperson of the commission and serve for a term of four years.

(e) The commission shall elect a vice-chairperson from among the membership. Appointed members of the commission shall serve for the term specified in subsection (d) of this section and may be reappointed. Any vacancy in the appointed membership of the commission shall be filled by the appointing authority for the unexpired portion of the term.

(f) The commission shall:

(1) Facilitate the development and maintenance of a state-wide sentencing database in collaboration with state and local agencies, using existing state databases or resources where appropriate;

(2) Evaluate existing sentencing statutes, policies and practices including conducting a cost-benefit analysis;

(3) Conduct sentencing trends analyses and studies and prepare offender profiles;

(4) Provide training regarding sentencing and related issues, policies and practices;

(5) Act as a sentencing policy resource for the state;

(6) Preserve judicial discretion and provide for individualized sentencing;

(7) Evaluate the impact of pretrial, sentencing diversion, incarceration and post-release supervision programs;

- (8) Perform fiscal impact analyses on selected proposed criminal justice legislation; and
- (9) Identify potential areas of sentencing disparity related to racial, ethnic, gender and socioeconomic status.
- (g) Upon completing the development of the state-wide sentencing database pursuant to subdivision (1) of subsection (f) of this section, the commission shall review criminal justice legislation as requested and as resources allow.
- (h) The commission shall make recommendations concerning criminal justice legislation, including proposed modifications thereto, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary which shall hold a hearing thereon.
- (i) The commission shall have access to confidential information received by sentencing courts and the Board of Pardons and Paroles including, but not limited to, arrest data, criminal history records, medical records and other non-conviction information.
- (j) The commission shall obtain full and complete information with respect to programs and other activities and operations of the state that relate to the criminal sentencing structure in the state.
- (k) The commission may request any office, department, board, commission or other agency of the state or any political subdivision of the state to supply such records, information and assistance as may be necessary or appropriate in order for the commission to carry out its duties. Each officer or employee of such office, department, board, commission or other agency of the state or any political subdivision of the state is authorized and directed to cooperate with the commission and to furnish such records, information and assistance.
- (l) The commission may accept, on behalf of the state, any grants of federal or private funds made available for any purposes consistent with the provisions of this section.
- (m) Any records or information supplied to the commission that is confidential in accordance with any provision of the general statutes shall remain confidential while in the custody of the commission and shall not be disclosed. Any penalty for the disclosure of such records or information applicable to the officials, employees and authorized representatives of the office, department, board, commission or other agency of the state or any political subdivision of the state that supplied such records or information shall apply in the same manner and to the same extent to the members, staff and authorized representatives of the commission.
- (n) The commission shall be deemed to be a criminal justice agency as defined in subsection (b) of section 54-142g.
- (o) The commission shall meet at least once during each calendar quarter and at such other times as the chairperson deems necessary.
- (p) Not later than January 15, 2012, and annually thereafter, the commission shall submit a report, in accordance with the provisions of section 11-4a, to the Governor, the General Assembly and the Chief Justice of the Supreme Court.

APPENDIX B

SENATOR CATHY OSTEN
Nineteenth District

Legislative Office Building
Room 2700
Hartford, CT 06106-1591
Tel. 860-240-0579
Toll-free 1-800-842-1420
www.senatedems.ct.gov/Osten



Chair
Appropriations Committee
Vice Chair
Labor & Public Employees Committee
Public Safety & Security Committee
Member
Legislative Management Committee
Regulation Review Committee
Transportation Committee
Veterans' Affairs Committee

September 4, 2019

Honorable Robert J. Devlin, Jr.
Chair, Connecticut Sentencing Commission
185 Main Street, Room 212
New Britain, CT 06051

RE: Study concerning Inmates established as Chronically Mentally Ill

Dear Judge Devlin,

I am writing to respectfully request that the Connecticut Sentencing Commission undertake a study to provide data on the number of inmates in Connecticut prisons who are identified as chronically mentally ill, ascertain if this class of inmates is completing a longer portion of their sentences as compared to other inmates, and if so, the reasons why, and determine if this class of inmates accesses programs which allow for a smooth transition into the community at the same percentage rate as other inmates access such programs. To assist the Commission's efforts with this study, I am enclosing a copy of my Proposed Bill No. 760 from the 2019 regular legislative session for your reference.

Thank you for undertaking this important task. I look forward to your Commission's findings. Please don't hesitate to contact me with any questions.

Sincerely,

Catherine A. Osten
State Senator, 19th District

Enclosure

APPENDIX C



Substitute House Bill No. 5001

Public Act No. 23-137

**AN ACT CONCERNING RESOURCES AND SUPPORT SERVICES
FOR PERSONS WITH AN INTELLECTUAL OR DEVELOPMENTAL
DISABILITY.**

Sec. 15. (Effective July 1, 2023) (a) The Connecticut Sentencing Commission, established pursuant to section 54-300 of the general statutes, shall study the experience of persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder, who are involved in the criminal justice system. Such study shall include, but need not be limited to, (1) rates of incarceration of such persons compared to the overall population of such persons in the state, (2) the advisability of behavioral assessments of such persons before sentencing and costs of such assessments, and (3) best practices of other states concerning such persons.

(b) In furtherance of its duties, the commission shall have access to: (1) Each database in the state-wide information technology system designed and implemented pursuant to section 54-142s of the general statutes; (2) any offender-based tracking system, as defined in section 54-142q of the general statutes, that has not been integrated into the state-wide information technology system; and (3) any other state or local criminal or judicial database that has not been integrated into the state-wide information technology system.

(c) The commission shall report the results of the study, in accordance with the provisions of section 11-4a of the general statutes, not later than December 31, 2025, to the joint standing committees of the General Assembly having cognizance of matters relating to human services,

Public Act No. 23-137

15 of 92

Substitute House Bill No. 5001

public health and the judiciary. The report shall include the commission's recommendations for sentencing considerations for such persons.

APPENDIX D



Senate Bill No. 1008

Special Act No. 19-17

***AN ACT CONCERNING A STUDY OF THE DISPARITIES IN
PRETRIAL AND SENTENCING OUTCOMES OF CRIMINAL
DEFENDANTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective from passage*) (a) The Connecticut Sentencing Commission shall study potential disparities in pretrial and sentencing outcomes related to the racial, ethnic, gender and socioeconomic status of a criminal defendant. In furtherance of such study, said commission shall have access to: (1) All databases maintained in the state's criminal justice information system; (2) the Connecticut Information Sharing System; and (3) any state or local criminal or judicial databases that have not yet been integrated into the Connecticut Information Sharing System.

(b) Not later than January 1, 2020, said commission shall submit an interim report on the study, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. Not later than January 1, 2021, said commission shall submit its final report on the study and any recommendations from the commission, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General

Senate Bill No. 1008

Assembly having cognizance of matters relating to the judiciary and to the Governor.

Approved July 1, 2019

Special Act No. 19-17

2 of 2

APPENDIX E

Sentencing Commission Delegation Visit to Newark, New Jersey

1. Judge Pavia, Sentencing Commission, Chair
2. John Santa, Sentencing Commission, Vice-chair
3. Anna VanCleave, University of Connecticut School of Law
4. Erin Romano, University of Connecticut School of Law
5. TaShun Bowden-Lewis, Chief Public Defender
6. John Cizik, Office of Chief Public Defender
7. Pat Griffin, Chief State's Attorney
8. Kevin Lawlor, Deputy Chief State's Attorney
9. Michael Gailor, Co-chair of the Sentencing Commission Criminal Procedure and Sentencing Subcommittee
10. Michael Chase, Co-chair of the Sentencing Commission Criminal Procedure and Sentencing Subcommittee
11. Lisa Dangelo, Executive Assistant State's Attorney
12. Kathryn Bare, Executive Assistant State's Attorney
13. Michael Sullivan, Chief Inspector, Division of Criminal Justice
14. Jen Zito, Connecticut Criminal Defense Lawyers Association
15. Mike Hines, Director, Judicial Branch Court Support Services Division
16. Alex Tsarkov, Connecticut Sentencing Commission, Director
17. Patricia O'Rourke, Connecticut Sentencing Commission, Research Associate
18. Mark Pelka, Office of Policy and Management, Undersecretary
19. Patrick Hulin, Deputy Policy Director, Governor's office
20. Mike Jones, Arnold Foundation
21. Alison Shames, Center for Effective Public Policy, Director
22. Steve Stafstrom, Co-Chair of the Judiciary Committee
23. Zoë Gluck, Director of Policy, Connecticut House Democrats
24. Nathan Kalechman, Judiciary Committee Clerk, Aide to Representative Steve Stafstrom
25. Corey Rioux, Legal Counsel, Connecticut House Democrats

Itinerary

December 12 (12 noon - 5:00 p.m. at 7th Floor conference room)

12 – 12:30 pm

Hon. Mark Ali - Presiding Judge, Criminal, Essex County – greetings

Hon. Martin Cronin (ret.) - former JCCJ and CPC member - overview of Joint Committee on Criminal Justice (JCCJ) mandate and ensuing criminal case processing/ flow chart.

12:30 – 1:30 pm.

Charles McKenna, Esq- former counsel to Gov. Chris Christie, JCCJ member, and current member of Criminal Practice Committee (CPC).

Kate McDonnell, Esq, chief counsel to the Attorney General (2022- present), former general counsel to the New Jersey Assembly Democratic Office (2009-2018), former counsel to Governor Phil Murphy (2018-22) and former JCCJ member.

1:30 – 2:30 pm.

Hon. Joseph Krakora, Esq - Public Defender, JCCJ member, and CPC member

Hon. Angelo Onofri - Mercer County Prosecutor, and current CPC member.

2:30 - 3:30 p.m.

John McNamara, Esq- former CPC member who argued criminal justice reform issues before NJ Supreme Court on behalf of the County Prosecutor's Association.

Alex Shalom, Esq, - JCCJ member and director of Supreme advocacy for ACLU, who argued criminal justice reform issues before NJ Supreme as amicus

3:30 - 4:30 p.m.

AP John Anderson - Supervisor, Essex County Prosecutor's Office to discuss initial prosecutorial screening of complaints.

Tara Murray-Hicks - PSP supervisor to discuss preparation of preliminary and final PSA use at initial appearance and detention hearings

4:30 – 5:00 p.m.

Hon. Martin Cronin (ret.) to describe of detention/release hearing procedure to be observed on 12/13

December 13, starting at 8:30 a.m.

8:30 am

Coffee and Bagels in Judge Wigler's jury room (sixth floor). Introduction to court and counsel.

9:00 a.m. - 11:15 p.m.

Observe Non-Domestic violence detention/release hearing before Hon. Ronald Wigler (sixth floor)

11:15 a.m. - 12:30 p.m.

Observe Domestic violence detention hearing before Hon. Carolyn Wright (eleventh floor)

12:30 - 1:15 p.m.

Lunch (seventh floor conference room).

1:15 - 2:15p.m

Observe Central Judicial Processing ("CJP") Court before Hon. Sybil Elias (TBD).

2:30 - 3 p.m.

Hon. Glenn Grant, Director Administrative Office of the Courts (via zoom in seventh floor conference room)

3 - 4:30 p.m.

Questions/ Comments (in seventh floor conference room)

APPENDIX F



Hon. Robin Pavia
Chair

Alex Tsarkov
Executive Director

Website:

<http://tsentencingcommission.org/>

Email:

Alex.tsarkov@uconn.edu

Mailing Address:

CT Sentencing Commission
University of Connecticut
School of Public Policy
Hartford Campus, Room 550
10 Prospect Street
Hartford, Connecticut 06103

CONNECTICUT SENTENCING COMMISSION

January 13, 2023

Rules Committee of the Superior Court
Connecticut Supreme Court Building
231 Capitol Avenue
Hartford, CT 06106

Dear Members of the Rules Committee of the Superior Court,

We are writing on behalf of the Connecticut Sentencing Commission to recommend a revision to the *Connecticut Practice Book* that would expand the cash bail option available under Rule 38-8. Specifically, the Sentencing Commission proposes (1) reducing the ten percent cash bail option to seven percent; and (2) increasing the bond amount for which the cash bail option is automatically available, from \$20,000 to \$50,000. The Sentencing Commission has voted in support of this revision. A draft of the proposed rule is included below.

Prior to 2020, the automatic cash bail option was available only at arraignment and only if granted by a judge. In January 2019, the Sentencing Commission sent a request to the Rules Committee for an amendment to the Connecticut Practice Book to provide for an automatic option to allow defendants to be released by depositing ten percent of the bond amount for any surety bonds of \$20,000 or less with the court. The Commission's proposal also made the ten percent cash option available at police departments for the first time. Unlike defendants utilizing bail bondsmen to secure release, defendants utilizing the ten percent cash option receive their money back once their cases are adjudicated. The Rules Committee unanimously approved the proposal. The change took effect on January 1, 2020.

Since then, the Sentencing Commission staff and Judicial Branch Court Support Services Division (JB-CSSD) have tracked implementation of the new rule and provided regular analysis to the Sentencing Commission.

The Commission has seen remarkable utilization of ten percent cash bonds. Use of ten percent bond has steadily increased as a percentage of all police department-released defendants, even through the COVID-19 pandemic. In the most recent quarters, more than one in every four releases from police departments occurred with the ten-percent option. Among financial bonds posted at police departments, almost 60% are through the ten-percent option.

We have also observed that defendants utilize the ten-percent bonds predominantly for lower bonds. During 2021, more than 80% of defendants with bonds \$1,000 and under used the option. Defendants with larger bonds tended to continue using professional sureties, likely because professional sureties charge defendants less than ten percent of the premium for their release.

Courts have returned a substantial amount of money to defendants under the ten percent rule. JB-CSSD estimates this amount to be over \$3,907,000 between January 2020 and September 2022. As of this letter, courts hold an additional \$2.2 million in ten percent deposits in anticipation of case disposition.

At the same time, we have tracked failure-to-appear and rearrest rates. Failure-to-appear and new criminal arrest are not higher for ten percent releases compared to other bond types.

The proposal before you incrementally builds on the success of the 2020 reforms to ten percent cash bonds. This proposal would reduce the financial burden on defendants who can barely afford a ten percent bond, and it may help those defendants who are detained on low-level charges pay their bond. If the Rules Committee adopts this proposal, the Sentencing Commission is committed to continue monitoring the use and impacts of the automatic cash bail option.

The Connecticut Sentencing Commission endorsed this proposal at its meeting on November 16, 2022. As you know, the Commission's membership consists of many stakeholders in Connecticut's criminal justice system, including superior court judges, the Chief State's Attorney, the Chief Public Defender; the commissioners of Corrections, Emergency Services and Public Protection, and Mental Health and Addiction Services, the chair of the Board of Pardons and Paroles, the

undersecretary of the criminal justice policy and planning division, as well as appointees from each caucus at the General Assembly and the Governor.

As we noted in our letter to the Rules Committee in 2019, we realize that expanding the automatic cash bail option is not a long-term solution to pretrial justice issues. While the proposed rule does not eliminate these issues, it would be a step in the right direction to improve pretrial justice in Connecticut.

Thank you in advance for your consideration. If you have any questions, we would be glad to provide further information.

Sincerely,

/s/ Robin Pavia

Honorable Robin Pavia
Chair, Sentencing Commission

/s/ Alex Tsarkov

Alex Tsarkov
Director, Sentencing Commission

/s/ Anna VanCleave

Anna Van Cleave
Member of the Sentencing Subcommittee

Proposed amendment to Connecticut Practice Book Sec. 38-8. Ten Percent Cash Bail

Sec. 38-8. [Ten] Seven Percent Cash Bail

Unless otherwise ordered by the judicial authority, [10] Z percent cash bail shall be automatically available for surety bonds not exceeding [\$20,000] \$50,000. For surety bond amounts exceeding [\$20,000] \$50,000, [10] 7 percent cash bail may be granted pursuant to an order of the judicial authority. This [10] Z percent cash bail option applies to bonds set by the court as well as bonds set at the police department.

When [10] Z percent cash bail is authorized either automatically or pursuant to court order, upon the depositing in cash, by the defendant or any other person in his or her behalf other than a paid surety, of [10] Z percent of the surety bond set, the defendant shall thereupon be admitted to bail in the same manner as a defendant who has executed a bond for the full amount. If such bond is forfeited, the defendant shall be liable for the full amount of the bond. Upon discharge of the bond, the [10] Z percent cash deposit made with the clerk shall be returned to the person depositing the same, less any fee that may be required by statute.

APPENDIX G

SENATOR MARTIN M. LOONEY
PRESIDENT PRO TEMPORE

Eleventh District
New Haven, Hamden & North Haven



State of Connecticut
SENATE

State Capitol
Hartford, Connecticut 06106-1591
132 Fort Hale Road
New Haven, Connecticut 06512
Home: 203-468-8829
Capitol: 860-240-8600
Toll-free: 1-800-842-1420
www.SenatorLooney.cga.ct.gov

October 15, 2019

Hon. Robert J. Devlin, Jr.
Chair, Connecticut Sentencing Commission
185 Main Street, Room 212
New Britain, CT 06051

Re: a study on non- monetary bail

Dear Judge Devlin,

I am writing to respectfully request that the Connecticut Sentencing Commission undertake a study and develop recommendations for a proposal on pretrial justice that would (1) reduce the pretrial detained population and (2) eliminate money bail as a detention mechanism so that release/detention decisions are not impacted by the amount of money defendants may or may not have while (3) ensuring that public safety is not negatively impacted. It appears evident that the current pretrial detention system does not provide for equal justice for all of those who are accused of crimes and that it also perpetuates inequalities based on wealth.

Thank you for your willingness to examine this extraordinarily important issue.

Sincerely,

A handwritten signature in blue ink that reads "Martin Looney".

Martin M. Looney
State Senator, Eleventh District

CC: Senator Winfield

APPENDIX H



May 23, 2022

Connecticut Sentencing Commission
University of Connecticut
10 Prospect St.
Hartford, CT 06103

Dear Chair Pavia,

The Trafficking in Persons (TIP) Council is chaired and convened by the Commission on Women, Children, and Seniors pursuant to C.G.S. 46a-170. The TIP Council consults with government and non-governmental organizations (both state and federal) to develop recommendations to strengthen State and local efforts to prevent trafficking, protect and assist victims, prosecute traffickers, and provide updates and progress reports on trafficking in Connecticut. The TIP Council reports annually to the Connecticut General Assembly.

In our most recent 2020/2021 Report, the Council made the following recommendation:

- Recommend the Connecticut Sentencing Commission study the feasibility of revising Sec. 53a-192a, Trafficking in persons to align with federal law.

We respectfully request that the Connecticut Sentencing Commission review the similarities and differences between federal and state law as it pertains to the definition of human trafficking and determine the feasibility of Connecticut's definition aligning with federal law.

I have included the current definitions below for your edification. Please let me know if you have any questions or would like to discuss further. I appreciate you considering our request.

Sincerely,

Steven Hernández, Esq.
Executive Director

Jillian Gilcrest, State Representative
Chair, Trafficking in Persons Council

165 Capitol Avenue, Suite G-126, Hartford, CT 06106

APPENDIX I

Mental Health and the Criminal Legal System

Connecticut Sentencing Commission Symposium

Thursday, November 16th, 2023
8:30 a.m. – 4:30 p.m.

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, University of Connecticut School of Law Dean
9:30-10:45 a.m.	Mental Health and Incarceration <i>Moderator:</i> Jennifer Zito, Connecticut Sentencing Commission Dr. Martin G. Cherniak, UConn Health, HITEC Marisol Garcia, Yale Prison Education Initiative Catherine Osten, State Senator, 19 th District Denise Paley, National Alliance on Mental Illness Connecticut Shoreline
10:45-11:00 a.m.	Break
11:00-12:15 p.m.	Mental Health, Policing, and Diversion <i>Moderator:</i> Christopher Burke, Division of Forensic Services at State of Connecticut Department of Mental Health and Addiction Services Dana Begin, Division of Evidence-Based Practices and Grants at State of Connecticut Department of Mental Health and Addiction Services Ryan Sims, Connecticut Community for Addiction Recovery Stephen Tavares, Chief of Police, Eastern Connecticut State University Jenn Vargas, Elm City COMPASS
12:15-12:45 p.m.	Lunch
12:45 -1:30 p.m.	Keynote: Perspectives on the Mental Health / Criminal Justice System Interface Dr. Michael Norko, Professor of Psychiatry at Yale University School of Medicine in the Law and Psychiatry Division, and Forensic Policy Advisor for the Connecticut Department of Mental Health and Addiction Services

1:30-2:45 p.m.	<p>Competency to Stand Trial</p> <p><i>Moderator:</i> Alex Tsarkov, Connecticut Sentencing Commission</p> <p>Judge Gerald Harmon, Connecticut Superior Court</p> <p>Dr. Reena Kapoor, Division of Forensic Services at State of Connecticut Department of Mental Health and Addiction Services</p> <p>Kevin Lawlor, Deputy Chief State's Attorney</p> <p>William O'Connor, Supervisory Assistant Public Defender, Psychiatric Defense Unit</p>
2:45-3:00 p.m.	<p>Break</p>
3:00-4:15 p.m.	<p>Mental Health and Reentry</p> <p><i>Moderator:</i> Patricia O'Rourke, Connecticut Sentencing Commission</p> <p>Corrie Betts, President Greater Hartford Branch and Chair of CT State Conference Criminal Justice Committee of the NAACP</p> <p>Beth Hines, Community Partners in Action</p> <p>Dr. Benjamin Howell, SEICHE Center for Health and Justice, Yale School of Medicine</p> <p>Mark White, Judicial Branch Court Support Services Division</p>
4:15-4:30 p.m.	<p>Final Remarks</p> <p>Judge Pavia, Chair, Connecticut Sentencing Commission</p>