

CONNECTICUT SENTENCING COMMISSION

Regular Meeting

Thursday, January 25, 2024

2:00 – 3:30 PM

Legislative Office Building, Room 2B

MINUTES

Members Present: Robin Pavia (Chair), John Santa (Vice Chair), Michael Chase, Jennifer Zito, Jennifer Medina Zaccagnini, Gary Roberge, Steve Tavares, Gerald Harmon, Reena Kapoor (on behalf of Nancy Navarretta), TaShun Bowden-Lewis, Patrick Griffin, William Dyson, Angel Quiros, Maurice Reaves, Ronnell Higgins, Michael Chase, and Anna VanCleave.

Staff: Alex Tsarkov, Andrew Clark, Rich Sparaco, Tommy Dowd, and Vaughn Crichlow

I. MEETING CONVENED

Judge Robin Pavia convened the meeting at 2:07 p.m.

Members took turns introducing themselves. Judge Pavia welcomed new members and thanked outgoing members for their contributions to the Commission.

II. APPROVAL OF MINUTES FROM THE 11.21.2023 MEETING

Minutes were approved.

III. APPROVAL OF THE ANNUAL REPORT

Alex Tsarkov introduced the annual report mandated by the Commission's enabling statute Sec. 54-300. Annual report was approved unanimously.

IV. NEW JERSEY DELEGATION VISIT

Judge Pavia recapped the Sentencing Commission delegation visit to New Jersey, a state which has largely transitioned away from monetary-based pretrial detention towards an intentional release and detention decision-making process. Members appreciated the opportunity to meet with their counterpart stakeholders in New Jersey and observe how New Jersey's pretrial process works in practice.

V. PROPOSALS FOR CONSIDERATION

The Commission discussed three legislative proposals. Judge Pavia outlined the voting process for the meeting.

- An Act Concerning Competency to Stand Trial

An Act Concerning Competency to Stand Trial would amend CGS § 54-56d to expand outpatient competency restoration. Judge Gerald Harmon, the co-chair of Mental Health Subcommittee, explained the proposal and took questions from members. Chief Public Defender Bowden-Lewis expressed concerns with subsection (d) of the proposal that allows the court to order competency examination on misdemeanor cases after considering whether participation by the defendant in community-based treatment is not appropriate.

Sixteen members were present at the meeting. The vote was as follows:

Yea: 15

Nay: 1

- An Act Concerning Pretrial Supervised Diversionary Program

An Act Concerning Pretrial Supervised Diversionary Program would amend CGS § 54-56l to expand eligibility for pretrial supervised diversionary programs to individuals with intellectual disabilities and individuals with autism spectrum disorder. Dr. Reena Kapoor expressed concerns about the language of the proposal as drafted.

Sixteen members were present at the meeting. The vote was as follows:

Yea: 13

Nay: 3

- An Act Concerning Standards for Medical Parole by the Board of Pardons and Paroles

An Act Concerning Standards for Medical Parole by the Board of Pardons and Paroles would overhaul CGS §§ 54-131a through 54-131k, merging medical and compassionate parole into one statute and establishing new release criteria for individuals with terminal and nonterminal illnesses. John Santa, chair of the Incarceration and Collateral Consequences of Criminal Conviction Subcommittee, explained the proposal and its origin as a request from Representative Steven Stafstrom to explore the issue. Some members expressed reservations about removing the time served requirement and reducing the public safety standard from “physically incapable of presenting a danger to society” to “reasonable probability that the inmate will not pose a risk to public safety.” Others pointed out that such changes would simply bring Connecticut in line with other states.

Sixteen members were present at the meeting. The vote was as follows:

Yea: 10

Nay: 6

VI. SUBCOMMITTEE UPDATES

- Incarceration and Collateral Consequences of Criminal Conviction Subcommittee

John Santa updated the activities of the Incarceration and Collateral Consequences of Criminal Conviction Subcommittee. The Subcommittee devoted significant time to discussing and formulating the medical parole proposal, as discussed above. The Subcommittee plans to explore policies that would expand voting rights and educational opportunities for incarcerated individuals.

- Criminal Procedure and Sentencing Subcommittee

Michael Gailor provided an update on the activities of the Criminal Procedure and Sentencing Subcommittee. He noted that pretrial justice discussions have consumed the majority of its time. The Subcommittee is spearheading efforts to explore pretrial reforms, drawing from insights gained during the New Jersey trip, as well as other data-driven research on the subject.

- Mental Health Subcommittee

Judge Harmon provided an update on the activities of the Mental Health Subcommittee. The two proposals discussed at today's meeting, regarding supervised diversionary programs and the competency to stand trial process, have been its primary focus. Additionally, the Subcommittee hosted two speakers at recent meetings. Chris Burke of DMHAS presented on diversionary programs. Alex Muhammad and Bill Halsey of DSS presented on a new Medicaid waiver program for incarcerated individuals reentering the community.

Judge Robin Pavia concluded the meeting at 3:15 p.m.