

CONNECTICUT SENTENCING COMMISSION

Regular Meeting

Thursday, November 14, 2024

MINUTES

Members Present: Judge Robin Pavia (chair of Commission), John Santa (vice chair of Commission), Michael Gailor, Gary Roberge, Deborah Del Prete Sullivan (on behalf of the Chief Public Defender), Judge Gerald Harmon, Judge Joseph Schwartz, Jennifer Zaccagnini, Stephen Tavares, Patrick Griffin, Jennifer Zito, Angel Quiros, Anna VanCleave, Daniel Karpowitz.

Staff: Alex Tsarkov (Executive Director), Andrew Clark, Tommy Dowd, Lydia Wileden, Chenoa Greenlee, Jenna D'Ottavino, Hannah Gorham, Scott Warden.

Guests: Deborah Dorfman, Fernando Valenzuela, Sachin Pandya, Richard Wilson, CT-N.

I. MEETING CONVENED

- Judge Pavia convened the meeting at 2:02pm.

II. APPROVAL OF MINUTES FROM THE 9.26.2024 MEETING

- The minutes from 9.26.2024 were approved.
- Judge Pavia noted her absence at the 9.26 meeting.

III. 2025 LEGISLATIVE AGENDA

- a. Approval of the Proposal: An Act Concerning Use of Police Chokeholds
 - Judge Pavia presented the proposal to close a statutory loophole in CGS § 53a-22, allowing police officers to use a chokehold not only in self-defense but also in defense of a third person.
 - No concerns were raised by Commission members.
 - A motion to approve the proposal passed without opposition. Deborah Sullivan abstained on behalf of the Office of the Chief Public Defender (OCPD), as did Jennifer Zito and Anna VanCleave.
- b. An Act Concerning Bail Decisions for Individuals Arrested on a Bench Warrant
 - Judge Pavia explained the proposal, which would allow Judicial Branch bail staff to modify bail conditions set by a judge on a bench warrant in certain cases.

Commission staff and members continue to work on the language of the proposal.

c. An Act Concerning Pretrial Supervised Diversionary Program

- Judge Pavia discussed the Commission's proposal from last year, which would expand eligibility for the supervised diversionary program to include individuals with intellectual disabilities and autism spectrum disorders. The proposal was passed by the Judiciary Committee, but was not taken up by the State House of Representatives.
- Judge Pavia noted that the Commission is working to improve on legislative language to clarify agency responsibilities. Alex Tsarkov invited members to provide feedback on the draft proposal.
- Judge Pavia emphasized that there is consensus on the need to provide services to this population. The challenge lies in funding and structuring the program to effectively serve these populations.
- Jennifer Zito highlighted the need for training and services that can help defendants with ASD with their needs throughout the criminal justice system.
- Anna VanCleave noted her support for the proposal, arguing that even without specific treatment objectives, it is beneficial to expand the eligibility criteria for diversionary programs for these populations.
- Deborah Sullivan noted OCPD support for the proposal and argued that current statutes contain significant gaps.
- Jennifer Zito suggested estimating the eligible population to address fiscal uncertainty.
- Deborah Dorfman expressed confidence that there are ways to make the program functional and financially viable.

IV. GUEST SPEAKERS: HATE CRIME CONSOLIDATION ACT PROPOSAL – Richard Wilson, University of Connecticut School of Law and Sachin Pandya, University of Connecticut School of Law

- Richard Wilson outlined existing issues with Connecticut's hate crime statutes, highlighting inconsistencies across protected categories, *mens rea* requirements, and statutory structure.
- Sachin Pandya explained the proposed act, which aims to streamline the statutes, make protected categories consistent, and address *mens rea* concerns.

V. UPDATE ON INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES STUDY – Deborah Dorfman, Disability Rights Connecticut, Executive Director

- Deborah Dorfman provided an update on the Commission’s ongoing study of individuals with intellectual and developmental disabilities in the criminal legal system. Commission staff, and several students from Yale Law School and UConn School of Law are contributing to various aspects of the study including researching incarceration rates for these populations, best practices from other jurisdictions, and current practices and services available in Connecticut. John Santa and other members asked follow-up questions.

VI. UPDATE ON PUBLIC ACT 15-84 STUDY – Fernando Ricardo Valenzuela, University of Connecticut School of Social Work

- Fernando Valenzuela provided an update on the study exploring the experiences of individuals granted parole under Public Act 15-84. Ten interviews with 15-84 beneficiaries have been completed, lasting 1–3 hours each. The interviews are expected to conclude by the end of 2024, after which the study will transition to the data analysis phase, anticipated to be completed by late spring or early summer.
- Alex Tsarkov and Andrew Clark reminded members of the Sentencing Commission's contributions to the enactment of PA 15-84.

VII. SUBCOMMITTEE UPDATES

a. Mental Health Subcommittee

- Judge Harmon provided an update on the work of the Mental Health Subcommittee.
 - The Subcommittee held a meeting on November 5, which focused on deflection and diversion for individuals with mental health issues. The meeting featured three presentations: (1) New Haven police officer Michael Fumiatti, who spoke about efforts to expand diversion and crisis intervention training in his jurisdiction; (2) Reena Kapoor, who provided an update on the EFRB program; and (3) students from the Yale Law School Mental Health Justice Clinic, who presented on diversionary programs for individuals with intellectual disabilities or autism.
 - The next meeting will be held in February.
 - Judge Harmon and Jennifer Zito both thanked Patricia O’Rourke for all the work she has done for the subcommittee and the Commission.

b. Criminal Procedure and Sentencing Subcommittee

- Michael Gailor provided the update on the work of the Criminal Procedure and Sentencing Subcommittee. Attorney Gailor noted pretrial data challenges that should be resolved soon with the pending MOU.

- The subcommittee is also working on reports regarding hate crimes and human trafficking.
- The next subcommittee meeting is scheduled for December 3.

VIII. PRETRIAL JUSTICE IN CONNECTICUT: SENTENCING COMMISSION ANNUAL SYMPOSIUM, NOVEMBER 21

- Alex Tsarkov provided a last-minute reminder about the upcoming symposium on pretrial justice.

IX. OTHER BUSINESS

- The 2025 meeting schedule is set. John Santa encouraged members to put the meetings in their calendars, and adjourned the meeting at 3:25pm.