

Meeting of the Criminal Procedure and Sentencing Subcommittee

December 3, 2024, at 2:00pm

Members Present: Michael Gailor (co-chair of subcommittee), Michael Chase (co-chair of subcommittee), Judge Robin Pavia (chair of Commission), John Santa (vice chair of Commission), Anna VanCleave, Gary Roberge, Deborah Sullivan, Judge Gerald Harmon

Staff: Alex Tsarkov, Tommy Dowd

Guests: Marc Pelka, Diane Sierpina, David Bothwell, Lisa D'Angelo, Robert Cristiano, Michael Hines, Joe Garibaldi, Eulalia Garcia

AGENDA

I. MEETING CONVENED

- Michael Gailor convened the meeting at 2:01pm.

II. APPROVAL OF MINUTES FROM 8.13.2024 MEETING

- The meeting minutes from the 8.13.2024 meeting were approved.

III. THE PRETRIAL JUSTICE SYMPOSIUM DEBRIEF

- The annual symposium, held on November 21, was the sixth symposium hosted by the Commission, and the second focusing on pretrial justice.
- Alex Tsarkov thanked all those who contributed to the event.
- John Santa noted the well-structured program.
- Michael Gailor remarked that the symposium was well-received, particularly the Illinois panel.

IV. AN ACT CONCERNING BAIL DECISIONS FOR INDIVIDUALS ARRESTED ON A BENCH WARRANT

- Judge Pavia provided an update on the proposal.
 - A group of Commission members and other stakeholders continue to finalize the proposal's language.
 - The final proposal will be circulated before the January meeting.
 - Judge Pavia expressed confidence that there will be general agreement on the language.

V. SEVEN PERCENT CAH BAIL DATA ANALYSIS

- Tsarkov presented the latest data on the impacts of the 7% cash bail policy.
 - He thanked CSSD for tracking this data.
 - The presentation covered trends in pretrial detention, the exact language of the ten and seven percent cash bail changes, utilization data, rearrest rates by bond type, failure to appear (FTA) rates by bond type, and the amount of money returned to defendants.
 - Key findings:
 - While the sentenced population has dramatically declined over the last 15 years, the pretrial population has remained relatively flat.
 - Utilization of the policy has increased among all racial groups, but especially among white defendants.
 - Rearrest and FTA rates are not higher for defendants released under the ten and seven percent cash bail options.
 - About \$11M has been returned to defendants for complying with court conditions.
- Santa and Gailor asked a follow-up question.
- Gary Roberge and Mike Hines provided additional context about the pretrial population.

VI. DRAFT REPORT ON HATE CRIME STATUTES

- Anna VanCleave raised concerns about the draft hate crimes bill, specifically regarding the potential for stacking charges.
 - She noted that additional data and case scenarios/specific examples could help the Commission better understand how hate crimes are prosecuted in Connecticut and how the proposed bill would operate in practice.
 - Gailor addressed some of these concerns and provided clarification.

VII. OTHER BUSINESS

- Michael Gailor adjourned the meeting at 2:31 PM.