

# CONNECTICUT SENTENCING COMMISSION

## Pretrial Working Group

January 16, 2026

1:30pm - 2:30pm

### Meeting Minutes

- I. Introduction
  - a. Undersecretary Daniel Karpowitz highlighted that we will move from legislative prep and navigation items to a presentation on failure to appear from Matt, if time permits.
- II. Approval of the minutes from the January 9th Meeting
  - a. The minutes passed unanimously.
- III. Legislative Session Prep, If Any?
  - a. Undersecretary Daniel Karpowitz – Not talking only about anything officially being reported out, things may come to us from the legislature this session that we may want to weigh in on.
  - b. Andrew Clark – Rep. LaMark Muir will be asked what to do about pretrial reform, if anything, from the Chairs of Judiciary Committee. There seems to be some consensus if we open up more beds, there will be more opportunities for people to be out at savings to the state.
  - c. Anna Van Cleave – I have heard that in some courthouses JRI is not being granted without a guilty plea, so we may need assurances that these diversionary program will be structured as true pretrial diversion. This might impact wait list.
  - d. Mike Gailor -Bill to seek more funding for beds? Suggesting a study of funding?
    - i. Andrew Clark – Can take number of proposals part of larger proposal – could do cost benefit analysis on the beds, but yes, it would potentially be a proposal to fund more beds.
  - e. Andrew Clark – If characterizing aid for adding beds and giving treatment that is currently not available, costs lower than lockup.
  - f. Daniel Karpowitz – Two distinct practices- fund an unmet need – requires trade off of expenses with cost benefit analysis treatment beds versus DOC beds AND consistency in criminal process (courts, judges and pretrial vs. pretrial and plea negotiations process)
  - g. Anna Van Cleave – To point of funding, if the practice is that programs will not be available pretrial for those who don't agree to a plea, funding for beds will not address this problem.
    - i. Mike Hines – I have not been hearing two courts require a guilty plea to get JRI bed. What are the court houses you are hearing this from?
    - ii. Mike Aiello – No knowledge of this requirement.

- iii. Mike Gailer – My experience as well.
  - h. Andrew Clark – Any consensus? My suggestion is to put down into proposal for more beds, or is this too far?
  - i. Rich Sparaco – Anyone opposed? We can present to full commission.
    - i. Andrew Clark – Could you live with it? Any objections?
    - ii. Daniel Karpowitz – As a member of budget staff of the Governor, my job is to broker consensus. What I hear in policy discussion (i.e. compelling concerns), I can support and may think reasonable. Sounds smart and resonates.
    - iii. Rich Sparaco appears that there is agreement that to send to Criminal Procedure Committee to review.
  - j. Mike Aiello – Not knowing where a proposal like this would go, not sure if there is room at Sierra Center. Expansion is less expensive than an RFP. Shortage of 3.5 female beds. DMHAS had proposal for this. Branch needs additional resources.
  - k. Daniel Karpowitz – We do not talk of cost of what we do. We don't talk cost of sending to DOC, because we act as if it's free. Which it's not. We are confronted with those costs every day. It's just the easiest cost. Need to make alternatives the easiest appropriate cost. Default to DOC has additional costs down the road.
  - l. Anna Van Cleave – Is there a way to measure impact if we do this? Is there a risk of net widening?
    - i. Mike Aiello- There is always a risk of net widening.
    - ii. Andrew Clark – Capacity to do analysis of outcomes? Yes. And I'd recommend it.
    - iii. Kevin Neary – To study that, do it early and prospectively rather than retrospectively. Think of a study from outset.
- IV. Working Group Navigation
- a. Daniel Karpowitz – Where do we focus next?
  - b. Andrew Clark – Given what we've looked at, misdemeanors primarily, any compelling area we should look to next? FTA and impact on risk assessment? LOS for felonies, especially low levels? Effects of prior bail reforms?
    - i. Mike Gailer – Risk assessment is a complicated thing. Lot of study gone into it. Beyond our expertise here or purview.
    - ii. Deb Del Prete Sullivan – I think FTA is very important. On misdemeanor or felonies, how old are they? Impact on plea bargaining. Used as a hammer. If it's a felony FTA, it's a D felony. If a misdemeanor, it's an A misdemeanor, the most serious level, no matter the underlying misdemeanor and no matter if it's the first time conviction. Someone needs to look at it. Very important issue and worthy of discussion.

1. John DelBarba – Still troubled by the 38,000+ FTA warrants. Incredible amount. If half of these defendants who get warrants are released on bond, bond doesn't work as we assume.
2. Bryan Sperry – We do weigh FTA in the past two years more than the earlier ones. Shift in perception on FTAs, less on accompanying charges.
3. Deb Del Prete Sullivan – Maybe ten years and older shouldn't count? Criminal history is presented to the Judge at arraignment. Ten year lookback on DUI. Very important question to look into.
4. Mike Hines – Using Arnold tool as a basis, we emphasis FTAs in past two years. When a bond recommendation is made to court, we don't tell the court their score. Present their history. Know the demographic info, how treatment history is, when we take the score into consideration, but we don't give to the judge.
5. John DelBarba – Not sure if there is interest in preventing looking at FTA more than two years old? For purpose of bonds. Besides a very long record, biggest hurdle is securing a PTA/release is FTAs.

V. Failure to Appear Continued/ Preview

- a. Matt Hono – 38,000 active FTA warrants, 81% of which are for misdemeanors. Decreased from pandemic levels (40,000). 5,000 issued per quarter. 3,500 served per quarter.
- b. Among those interviewed by CSSD (2018-2023):
  1. 38% detention rate at arraignment among those had no prior FTAs.
  2. 65% detention rate arraignment among those held prior felony FTA.
  3. 56% held with a prior misdemeanor FTA.
- c. In the current risk assessment tool, three prior convictions and a pending charge are weighted the same as an FTA within the past two years.
  - i. We do not only need to focus on the weighting of FTAs in bail decisions, we can also look for interventions that increase appearance rates through policy interventions (i.e. expanding court date reminders) or reducing the number of court appearances required.
  - ii. Deb Del Prete Sullivan – Judges want eyes on defendants, so they require them to keep coming, losing time from work, large impact.
    1. The private bar has been more successful in using provisions in the practice book to reduce the number of appearances a defendant needs to make in court. Looking to use that more often on the public defense side.

VI. ADJOURN 2:20