



Senate

General Assembly

File No. 409

February Session, 2000

Substitute Senate Bill No. 462

Senate, April 4, 2000

The Committee on Judiciary reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Concerning Racial Disparity In The Criminal Justice System.

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

1 (NEW) (a) There is established a Commission on Racial and Ethnic
2 Disparity in the Criminal Justice System. The commission shall consist
3 of the Chief Court Administrator, the Chief State's Attorney, the Chief
4 Public Defender, the Commissioner of Public Safety, the Commissioner
5 of Correction, the Commissioner of Children and Families, the Child
6 Advocate, the Victim Advocate, the chairperson of the Board of Parole,
7 the chairperson of the African-American Affairs Commission, the
8 chairperson of the Latino and Puerto Rican Affairs Commission, or
9 their designees, a representative of municipal police chiefs, a
10 representative of a coalition representing police and correctional
11 officers, six members appointed one each by the president pro tempore
12 of the Senate, the speaker of the House of Representatives, the majority
13 leader of the Senate, the majority leader of the House of
14 Representatives, the minority leader of the Senate and the minority

15 leader of the House of Representatives, and two members appointed
16 by the Governor. The Chief Court Administrator or said
17 administrator's designee shall serve as chairperson of the commission.
18 The commission shall meet at such times as it deems necessary.

19 (b) The commission shall:

20 (1) Develop and recommend policies for reducing the number of
21 African-Americans and Latinos comprising the pretrial and sentenced
22 population of correctional facilities and reducing the number of
23 African-Americans and Latinos who are victimized by crime;

24 (2) Examine the impact of statutory provisions and current
25 administrative policies on racial and ethnic disparity in the criminal
26 justice system and recommend legislation to the Governor and the
27 General Assembly to reduce such disparity;

28 (3) Research and gather relevant statistical data and other
29 information concerning the impact of disparate treatment of African-
30 Americans and Latinos in the criminal justice system;

31 (4) Develop and recommend a training program for personnel in
32 agencies involved in the criminal justice system concerning the impact
33 of disparate treatment of African-Americans and Latinos;

34 (5) Research and examine the issue of the use of guidelines by courts
35 when sentencing criminal defendants and recommend whether the
36 General Assembly should create a sentencing guidelines commission
37 to establish sentencing guidelines for state courts;

38 (6) Examine the implementation of policies and procedures that are
39 consistent with policies of the American Bar Association intended to
40 ensure that death penalty cases are administered fairly and impartially
41 in accordance with due process, to minimize the risk that innocent
42 persons may be executed and to eliminate discrimination in capital
43 sentencing on the basis of the race of either the victim or the defendant;

44 (7) Annually prepare and distribute a comprehensive plan to reduce
45 racial and ethnic disparity in the criminal justice system without
46 affecting public safety;

47 (8) Develop and recommend policies and interventions to reduce
48 the number of African-Americans and Latinos in the juvenile justice
49 system;

50 (9) Analyze the key stages in the juvenile justice system to
51 determine if any stage disproportionately affects racial or ethnic
52 minorities including the decision to arrest a juvenile, the decision to
53 turn a juvenile over to a detention center, the decision to nonjudicially
54 dispose of the case or to file a petition of delinquency, and the decision
55 to resolve the case by placement on probation, placement in a
56 residential facility or placement at Long Lane School or the
57 Connecticut Juvenile Training School;

58 (10) Annually prepare and distribute a juvenile justice plan having
59 as its goal the reduction of the number of African-Americans and
60 Latinos in the juvenile justice system, which plan shall include the
61 development of standard risk assessment policies and a system of
62 impartial review, culturally appropriate diversion programs for
63 minority juveniles accused of nonviolent felonies, intensive in-home
64 services to families of pretrial delinquents and youth on probation,
65 school programs for juveniles being transferred from detention centers,
66 Long Lane School or the Connecticut Juvenile Training School, the
67 recruitment of minority employees to serve at all levels of the juvenile
68 justice system, the utilization of minority juvenile specialists to guide
69 minority juvenile offenders and their families through the juvenile
70 justice system, and community service options in lieu of detention for
71 juveniles arrested for nonserious offenses;

72 (11) Develop a curriculum for training of all employees at all levels
73 of the juvenile justice system on issues of cultural competency and
74 strategies to address disproportionate minority confinement;

75 (12) Submit an annual report to the Governor and the General
76 Assembly concerning:

77 (A) The number of African-Americans and Latinos comprising the
78 pretrial and sentenced population of correctional facilities;

79 (B) The progress being made toward reducing the number of
80 African-Americans and Latinos comprising the pretrial and sentenced
81 population of correctional facilities;

82 (C) The adequacy of legal representation for indigent defendants;

83 (D) The adequacy of the number of residential and nonresidential
84 treatment slots available for African-Americans and Latinos;

85 (E) The adequacy of the number of court interpreters; and

86 (F) Such other information as the commission deems appropriate.

87 (c) The commission shall report to the General Assembly, not later
88 than January first of each year, concerning additional resources that
89 should be made available to reduce racial and ethnic disparity in the
90 criminal justice system without affecting public safety.

PS Committee Vote: Yea 22 Nay 0 JFS C/R JUD

JUD Committee Vote: Yea 40 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost, Uncertain

Affected Agencies: Various State Agencies

Municipal Impact: Potential Minimal Cost

Explanation

State and Municipal Impact:

The bill would result in a minimal cost to the state and a potential minimal cost to a municipality by establishing a 21-member Commission on Racial and Ethnic Disparity in the Criminal Justice System. The Commission would be comprised of representatives from various state agencies and other individuals (including a municipal police chief's representative) that would be charged with an extensive variety of tasks. This would result in minimal costs, which can be absorbed, associated with staff time, travel, printing, and miscellaneous expenses.

It should be noted that the Commission's responsibilities under the bill could require additional resources beyond the available appropriations of the agencies involved. The extent to which the Commission's activities would require such resources is uncertain.

OLR Bill Analysis

sSB 462

AN ACT CONCERNING RACIAL DISPARITY IN THE CRIMINAL JUSTICE SYSTEM.**SUMMARY:**

This bill creates the 21-member Commission on Racial and Ethnic Disparity in the criminal justice system and establishes its duties. The commission, which is to be chaired by the chief court administrator, must meet as it deems necessary and:

1. develop and recommend policies to reduce the number of African-Americans and Latinos (a) in pretrial and sentenced correctional populations and (b) victimized by crime;
2. examine the impact of statutes and administrative policies on racial and ethnic disparity in the criminal justice system and recommend legislation to the governor and legislature to reduce it;
3. research and gather data on the impact of disparate treatment of African-Americans and Latinos in the criminal justice system;
4. develop and recommend a training program for personnel in agencies involved in the criminal justice system on the impact of disparate treatment;
5. research criminal sentencing guidelines and recommend whether the legislature should create a commission to establish sentencing guidelines for state courts;
6. examine the implementation of policies and procedures consistent with the American Bar Association's policies intended to ensure that death penalty cases are administered fairly, impartially, and in accordance with due process to (a) minimize the risk of executing innocent people and (b) eliminate discrimination in capital sentencing based on the race of the victim or defendant;

7. annually prepare and distribute a comprehensible plan to reduce racial and ethnic disparity in the criminal justice system without affecting public safety;
8. develop and recommend policies and intervention strategies to reduce the number of African-Americans and Latinos in the juvenile justice system;
9. analyze the key stages in the juvenile justice system to determine if any stage disproportionately affects racial or ethnic minorities, including the decision to (a) arrest or place a juvenile in detention, (b) nonjudicially dispose of the case or file a delinquency petition, and (c) resolve the case by placement on probation, at a residential or facility, or at Long Lane School;
10. annually prepare and distribute a juvenile justice plan to reduce the number of African-Americans and Latinos in the juvenile justice system;
11. develop a curriculum to train employees in the juvenile justice system on cultural competency issues and strategies to address disproportionate minority confinement;
12. annually report to the governor and the legislature on (a) the number of African Americans and Latinos in the pretrial and sentenced population of correctional facilities and progress in reducing those numbers, (b) the adequacy of court interpreters, legal representation for indigent defendants, and residential and nonresidential treatment slots for African-Americans and Latinos, and (c) other information the commission considers appropriate; and
13. annually report to the legislature by January 1 on what additional resources should be made available to reduce racial and ethnic disparity in the criminal justice system without affecting public safety.

EFFECTIVE DATE: October 1, 2000

JUVENILE JUSTICE PLAN

The commission’s juvenile justice plan must include (1) development of standard risk assessment policies and a system of impartial review; (2) culturally appropriate diversion programs for minority juveniles accused of nonviolent felonies; (3) intensive in-home services to families of pretrial delinquents and youth on probation; (4) school programs for juveniles being transferred from detention centers, Long Lane, or the Connecticut Juvenile Training School; (5) recruitment of minority employees to serve at all levels of the juvenile justice system; (6) use of minority juvenile specialists to guide minority juvenile offenders and their families through the juvenile justice system; and (7) community service options instead of detention for juveniles arrested for nonserious offenses.

COMMISSION MEMBERSHIP

In addition to the chief court administrator, the commission consists of (1) one member appointed by each of the six legislative leaders; (2) a municipal police chiefs’ representative; (3) a representative of a coalition of police and correctional officers; (4) two members appointed by the governor; and (5) the following or their designees:

1. chief state’s attorney;
2. chief public defender;
3. commissioners of public safety, correction, and children and families;
4. child advocate;
5. victim advocate;
6. Board of Parole chairman;
7. Latino and Puerto Rican Affairs Commission chairman; and
8. African-American Affairs Commission chairman.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Substitute Change of Reference

Yea 22 Nay 0

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0