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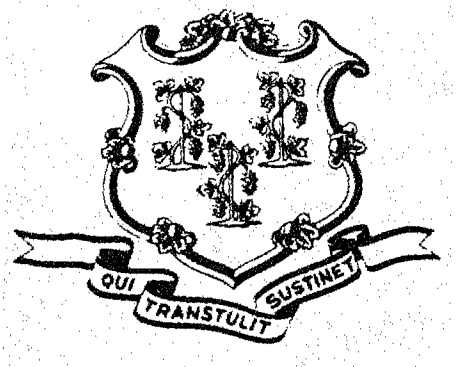
STATE OF CONNECTICUT

Sentencing Task Force

Interim Report



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INSTITUTE FOR THE STUDY OF
CRIME & JUSTICE
Central Connecticut State University

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The Institute for the Study of Crime & Justice (ISCJ) is dedicated to enriching the quality of public policy, public service, University outreach and applied research in the criminal justice field in Connecticut. The ISCJ is a non-partisan, university-based resource providing a wide range of information, training, research, program evaluation and consulting services to communities, municipal and state government and non-profit organizations.

The ISCJ functions as a centralized clearinghouse for the exchange and dissemination of criminal justice data and statistics, the training of criminal justice personnel, and the development, implementation, evaluation and enhancement of criminal justice policy initiatives. The ISCJ develops, facilitates and supports faculty and student programs and projects which advance their academic scholarship, applied research and real-life experiences. The ISCJ also serves the people of the State of Connecticut by providing a forum for the framing and debate of a myriad of critical public policy issues in the criminal justice arena.

ACKNOWLEDGEMENTS

Task Force members would like to gratefully acknowledge the efforts of Barb Tombs and Ashley Cannon of the Vera Institute of Justice. Vera began facilitating the work of the Task Force in March 2007 and has proven to be an invaluable resource to the chairs, subcommittee chairs, staff and members alike. As Connecticut has not had a formal review of its sentencing practices in over 25 years, Vera's contributions have been extremely beneficial in providing perspective on the recent work of other states' sentencing commissions in relation to the Task Force's statutory mandates.

CENTER FOR SENTENCING & CORRECTIONS
Vera Institute of Justice

Barbara Tombs, Senior Fellow
Ashley Cannon, Program Associate

The Center on Sentencing and Corrections (CSC) provides non-partisan support to government officials and criminal justice professionals charged with addressing their jurisdiction's sentencing and corrections policy. Using empirical data and evidence-based practices, we identify emerging trends and issues in the field and help stakeholders develop cost-effective strategies for protecting public safety.

Researchers study and analyze state sentencing and correctional programs. They have also developed an archive of national and state criminal justice data to help states better understand how their systems compare. Through independent research, CSC researchers educate policymakers and advance knowledge in the field. We also provide daily news updates from papers around the country and *Issues in Brief*, an ongoing series of publications that provides clear and concise summaries of timely topics such as the effects of the budget crisis on sentencing and incarceration, drug courts, and pre-release programs for inmates.

CONNECTICUT SENTENCING TASK FORCE (STF) APPOINTED MEMBERS

Board of Pardons and Paroles
Chairmen Robert Farr (Interim STF Chair)

Connecticut Attorney General's Office (AGO)
Associate Attorney General Joseph Rubin

Office of Policy Management (OPM) – **Criminal Justice Policy and Planning Division**
Brian Austin

Office of the Victim Advocate (OVA)
Michelle Cruz

Department of Correction (DOC)
Commissioner Theresa Lantz

Court Support Services Division (CSSD) - **Judicial Branch**
Executive Director William Carbone

Connecticut General Assembly (CGA)
Representative Alfred Adinolfi
Senator Eric Coleman
Representative Marie Kirkley-Bey
Senator John Kissel
Representative David Labriola
Representative Mike Lawlor
Senator Martin Looney
Senator Andrew McDonald
Representative Arthur O'Neill
Senator Andrew Roraback
Representative Jamie Spallone
Representative Toni Walker

Judges
Judge Patrick Clifford, JD-GA 15 Court House
Judge Patrick Carroll, Deputy Chief Court Administrator

Office of the Chief State's Attorney (CSA)
Chief State's Attorney Kevin Kane
State's Attorney Matthew Gedansky, Tolland Judicial District
Attorney David Shepack, Litchfield Judicial District

Office of the Chief Public Defender
Chief Public Defender Susan Storey
Deputy Chief Public Defender Brian Carlow

Thomas Ullmann, New Haven Office of the Public Defender

Department of Mental Health and Addiction Services (DMHAS)
Deputy Commissioner Peter Rockholz

Institute for the Study of Crime & Justice, Central CT State University (ISCJ, CCSU)
Andrew Clark

Connecticut Police Chiefs Association Appointments:
Urban
Chief Brian Norwood - Bridgeport Police Department
Suburban
Chief Eugene Marcucci - Woodbridge Police Department
Deputy Chief Ray Stuart - Woodbridge Police Department
Rural
Chief Mark Palmer - Coventry Police Department

Connecticut Sexual Assault Crisis Services, Inc. (CONNSACS)
Nancy Kushins

Criminal Justice Section
Attorney Richard Brown

Connecticut Criminal Defense Lawyers Association
Attorney John Schoenhorn

Introduction

Genesis of Current Sentencing Task Force

The Connecticut Sentencing Task Force was created by the General Assembly to "review criminal justice and sentencing policies and laws of [Connecticut] for the purpose of creating a more just, effective and efficient system of criminal sentencing."[1] In its December 2005 *Mandatory Minimum Sentences* report, the Legislative Program Review and Investigations Committee first identified the desire for an interim sentencing task force. The report identified the responsibilities this newly established task force shall undertake during its 18-month charge.

Initial Recommended Charge

The sentencing task force was mandated to:

- Identify overarching state crime and sentencing goals and policies;
- Define current sentencing models including sentencing guidelines, criteria, exemptions, and enhancements;
- Analyze sentencing trends by offense types and offender characteristics;
- Review the actual versus intended impact of sentencing policies;
- Determine the direct and indirect costs associated with sentencing policies; and
- Make recommendations to amend the state's crime and sentencing policies.[2]

The task force was modeled after Connecticut's temporary sentencing commission in 1979. The 1979 commission was to establish sentencing policies and practices that ensured the sentencing goals of punishment, deterrence, incapacitation and rehabilitation. The commission was responsible for recommending sentencing options, guidelines and ranges in its final report dated March 12, 1980. Subsequently, a new commission was charged in 1984 with evaluating the impact of the established reforms, shifting the focus from an indeterminate criminal justice system to a determinate one. The commission concluded in 1984 without making any recommendations.[3]
The newly proposed task force was set to initiate July 1, 2006 and conclude following its submission of findings and recommendations to the Judiciary Committee by December 1, 2008.[4] The task force was to comprise:

- House and Senate chairpersons of the Judiciary Committee, serving as co-chairs of the task force, and the ranking members;

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[1] http://www.ct.gov/opm/cwp/view.asp?a=2971&Q=383606&opmNav_GID=1797
[2] December 2005. *Mandatory Minimum Sentences.* Legislative Program Review and Investigations Committee, Connecticut General Assembly, p. 81.
[3] December 2005. *Mandatory Minimum Sentences.* Legislative Program Review and Investigations Committee, Connecticut General Assembly, p. 83.
[4] December 2005. *Mandatory Minimum Sentences.* Legislative Program Review and Investigations Committee, Connecticut General Assembly

- Two Superior Court judges from different judicial districts, each of whom has been a judge for at least 10 years and has at least five years experience in Part A criminal courts, appointed by the chief court administrator;
- Two state's attorneys with at least 10 years experience and with at least five years experience in Part A criminal courts, appointed by the chief state's attorney;
- Two public defenders with at least 10 years experience and with at least five years experience in Part A criminal courts, appointed by the chief public defender;
- Two private defense attorneys with at least 15 years experience in criminal law, with one attorney recommended by the criminal section of the Connecticut Bar Association and the other recommended by the Connecticut Criminal Defense Lawyers Association;
- The executive director of the Judicial Branch's Court Support Services Division or his or her designee;
- The commissioner of the Department of Correction or his or her designee;
- The chairperson of the Board of Pardons and Paroles or his or her designee;
- The commissioner of the Department of Mental Health and Addiction Services or his or her designee;
- The undersecretary of the Office of Policy and Management's Division of Criminal Justice Policy and Planning;
- An assistant attorney general from the criminal justice section of the Office of the Attorney General appointed by the attorney general;
- Three chiefs of police representing police departments with jurisdiction in urban, suburban, and rural municipalities respectively; and
- Six legislators appointed as follows: one each by the speaker of the House of Representatives, the Senate president pro tempore, the majority leader of the House, the minority leader of the House, the majority leader of the Senate, and the minority leader of the Senate.[5]

The Division of Criminal Justice Policy and Planning within the Office of Policy and Management, was directed to provide the task force necessary criminal justice data, analyses and technical assistance. The executive and judicial branches were tasked with providing additional data and technical assistance as requested.[6]

The Creation of the Task Force through Legislation

On June 9, 2006, Public Act No. 06-193, An Act Concerning Criminal Justice Policy and Planning and the Establishment of a Sentencing Task Force passed. It established the sentencing task force to begin July 1, 2006 in a similar format as envisioned by the Legislative Program Review and Investigations

[5] December 2005. *Mandatory Minimum Sentences.* Legislative Program Review and Investigations Committee, Connecticut General Assembly, p. 81-82.
[6] December 2005. *Mandatory Minimum Sentences.* Legislative Program Review and Investigations Committee, Connecticut General Assembly, p. 82.

Committee in their *Mandatory Minimum Sentences* report with the addition of representation by The Victim Advocate or the Victim Advocate's designee and the addition of several responsibilities.[7]

Statutory Charge per Public Act No. 06-193

In addition to the tasks charged by the Legislative Program Review and Investigations Committee, Public Act No. 06-193 mandated the task force to:

- Review the fines and terms of imprisonment specified for violations of criminal statutes that are classified or unclassified felonies or misdemeanors and make recommendations including, but not limited to:

    A. Whether crimes that are currently unclassified should be classified;

    B. Whether certain classified crimes should be reclassified or the penalties for certain unclassified crimes should be revised in order to make the penalties for similar crimes more uniform;

    C. Whether the penalty or type of penalty for certain crimes should be revised or eliminated where such penalty or type of penalty is no longer deemed necessary or appropriate or is disproportionate to the severity of the crime; and

    D. Whether crimes that are obsolete should be repealed[8].

Furthermore, rather than specifically identifying the executive and judicial branches as responsible for providing criminal justice data and technical assistance in cooperation with the Division of Criminal Justice Policy and Planning, Public Act 06-193 provided the task force with the ability to "request any office, department, board, commission or other agency of the state to supply such reports, information and assistance as may be necessary or appropriate"[9] to carry out its duties.

The task force was directed to report its findings and recommendations to the joint standing committee of the General Assembly not later than December 1, 2008. The task force shall then terminate upon completion of its duties.[10]

[7] http://www.cga.ct.gov/2006/ACT/PA/2006PA-00193-R00HB-05781-PA.htm
[8] Id.
[9] Id.
[10] Id.

Review of Activities

Initial Stages

It can be easily argued that the work set forth in PA 06-193 for the newly formed Sentencing Task Force was indeed daunting. It had been over twenty years since the last legislatively created Sentencing Commission (1984) reviewed sentencing policies in Connecticut, and that entity was disbanded prior to achieving any of its established goals[11]. Prior to that, commissions were established in 1976 and 1979, the latter of which had the most impact on sentencing policy through its enacted recommendations of a determinate sentencing system, the abolishment of parole and the limitation of "good time."[12] In the years that followed, legislators enacted many new and revised laws that impacted sentencing policies in the state. These laws seemed to primarily reflect a desire of policymakers to address the issues of the moment largely independent of a systemic review of past policy, rather than incorporate these changes within an established historical framework, with a comprehensive pool of data and research providing the background for decision-making. Hence, as the current Task Force set forth to address its various statutory charges in a meaningful fashion, it did so with a keen understanding of the following potentially intimidating circumstances: 1) sentencing bodies in Connecticut historically did not have the highest success rate and 2) there would be a need to sift through over twenty years of apparently isolated policy changes, both significant and minor, with an eye for detail that required data and research that likely did not exist in the state.

The first meeting of the Connecticut Sentencing Task Force was chaired by the co-chairs of the General Assembly's Judiciary Committee, Representative Mike Lawlor and Senator Andrew J. McDonald. The primary aim of the agenda was to establish some organization to the group while taking into consideration 1) the statutory charges of the Task Force and 2) the due date for the final report (December 2008). It was decided that a beneficial perspective would be gained from a presentation by Renee Muir, the primary author of the *Mandatory Minimum Sentences* report that contained the initial recommendation for a Sentencing Task Force. Additionally, the Chairs reached out to Barb Tombs, a recognized national expert on sentencing commissions and Director of the Center on Sentencing and Corrections at the Vera Institute of Justice. Both presented at the next meeting of the full Task Force on February 20, 2007.

At the February meeting and in the months that followed it became apparent that the Task Force would benefit substantially from the expertise of an entity versed in the history of sentencing bodies. It was during this time that the Task Force reached out to Barb Tombs and requested a continuing role in assisting the group. Shortly thereafter, the Chairs were informed that Vera would indeed be able to provide assistance to Connecticut.

At the next meeting of the full commission, on May 7, 2007, Ms. Tombs presented a PowerPoint titled "Elements of an Effective Sentencing Commission"[13] that highlighted important factors this newly formed Task Force should consider. The items to contemplate included the development of a sentencing philosophy, establishing a defined purpose, the importance of structure, the creation of standing committees and defining the authority, requirements and responsibilities of the Task Force. It was proposed that the undertaking of these guidelines would assist the Task Force in fulfilling its charges.

At this same meeting the Honorable Robert Farr, Chairman of the Board of Pardons and Paroles, was appointed interim chair of the Task Force in place of Representative Lawlor and Senator McDonald.

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[11] Adam Wolkoff, "Connecticut Legislative Sentencing Commissions", Office of Legislative Research; January 23, 2006.
[12] Id.
[13] Available online at http://www.ct.gov/opm/cwp/view.asp?a=2976&q=391620

Members of the Task Force also were handed a survey issued to identify the members' sentencing concerns and to prioritize the statutory requirements of the Task Force as outlined in Public Act 06-193. The results of the survey would be presented at a full day retreat scheduled in June.

Connecticut Sentencing Task Force Retreat at CCSU

An all-day retreat was held for the Task Force at Central Connecticut State University on June 11, 2007. Committee members in attendance included Brian Austin, Randy Braren, William Carbone, Brian Carlow, Andrew Clark, Robert Farr, John Forbes, Matthew Gedansky, Kevin Kane, Theresa Lantz, Michael Lawlor, Fred Levesque, Peter Rockholz, Joe Rubin, David Shepack, Jerry Stowell, James Papillo and Tom Ullman. During the meeting, the results of the survey were presented naming the primary concern of Sentencing Task Force members as identifying the overarching criminal justice and sentencing goals and policies. Members also defined the goals and philosophy of the Task Force as:

- To separate dangerous offenders from non-dangerous (risk vs. non-risk to a third party)
- To hold offenders accountable
- Cost effectiveness
- Rehabilitation/reintegration/deterrence
- Public safety
- Retribution
- To be fair, just and equitable (sentencing of criminal justice policy)
- Restorative

The Task Force then created four subcommittees to focus on specific concerns of criminal sentencing in Connecticut: Community Supervision/Alternative Sanctions; Disparity; Offense Classification; and, Sentencing Structure.

Developments since the Formation of the Subcommittees

The subcommittees met regularly, usually monthly, since their formation. The Vera Institute facilitated some of the meetings with presentations to guide the members' activities through an awareness of successful actions taken by similar groups.

During the July 16, 2007 Community Supervision/Alternative Sanctions meeting, Ms. Tombs presented "Community Supervision/Alternative Sanctions Comparisons"[14] informing the subcommittee of the organization of other states' prison, parole, probation, community supervision and alternative sanctions departments.

On this same day, Vera made a presentation at the Sentencing Structure subcommittee meeting titled "Sentencing Structure in Other States"[15].

At the July 18th Disparity meeting, members reviewed the July 2007 publication "Uneven Justice: State Rates of Incarceration by Race and Ethnicity" by the Sentencing Project[16]. The Sentencing Project is "a national organization working for a fair and effective criminal justice system by promoting reforms in

[14] Available online at http://www.ct.gov/opm/cwp/view.asp?a=2976&q=391620
[15] Id.
[16] Id.

sentencing law and practice, and alternatives to incarceration."[17] The report not only discussed the racial disparity of each state's criminal justice system, but the nation as a whole.

According to the report, one in every six black men had been incarcerated by 2001 and one in six Hispanic men will be imprisoned at some point during their lifetime[18]. The report, based on 2005 data, also stated that Connecticut had the fourth highest black-to-white incarceration rate with a ratio of 12.0 (rate of incarceration per 100,000 population), and the highest Hispanic-to-white rate in the country with a ratio of 6.6[19]. The subcommittees' review of this report was beneficial for realizing the magnitude of Connecticut's disparity issue and therefore the importance of the subcommittee's work.

July 23, 2007 - The home invasion/triple homicide in Cheshire, CT by two parolees caused a public reaction that had policymakers from the legislative, executive and judicial branches scrambling to come up with an appropriate response that will respond to the public outcry. Cheshire is a relatively quiet, suburban community, and the family impacted was widely well regarded by many. Particularly troubling for criminal justice policy makers, and members of the Task Force, was the reality that these recent parolees were in full compliance with supervision stipulations (employed, substance abuse free, living in a stable environment, etc), had received relatively lengthy sentences, and had served the majority of time required of these sentences. The state had been advocating for more supervision and less incarceration, so in light of this case, the justification for this strategy became more challenging to verbalize. Added to this pressure was the propensity of the media to sensationalize the issue and present it in a fairly simplistic manner, with little regard for the subsequent impact on sound criminal justice public policy. The subcommittees of the Task Force, addressing these concerns, altered their focus and began analyzing issues directly related to the incident.

During the August 20, 2007 Community Supervision/Alternative Sanctions meeting, members reviewed the January 2006 publication "Evidence-Based Adult Correctional Programs: What Works and What Does Not" by the Washington State Institute for Public Policy[20]. The article was the final product of a study attempting to identify the programs that had demonstratively reduced recidivism rates among adult offenders[21]. The Washington State Institute for Public Policy's insinuation being that Washington's adult corrections system would be more successful in reducing recidivism rates if policy focused on proven evidence-based approaches[22]. During this time of criminal justice reform in Connecticut, many Task Force members expressed a desire to promote evidence-based programs and policy aimed at reducing recidivism thereby making our state safer.

On the same day, a joint meeting was held with the Offense Classification and Sentencing Structure subcommittees. During the meeting, members reviewed another article by the Washington State Institute for Public Policy entitled "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates"[23] dated October 2006. This report was drafted following a direction by the 2005 Washington Legislature to project whether there were evidence-based options to reduce the future need for prison beds, save money for state and local taxpayers, and contribute to lower

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[17] http://www.sentencingproject.org/About.aspx
[18] Mauer, M. and King, R. (2007). "Uneven Justice: State Rates of Incarceration by Race and Ethnicity": The Sentencing Project.
[19] Id.
[20] Available online at http://www.ct.gov/opm/cwp/view.asp?a=2976&q=391620
[21] Aos, S., Miller, M., and Drake, E. (2006). "Evidence-Based Adult Corrections Programs: What Works and What Does Not". Olympia: Washington State Institute for Public Policy.
[22] Id.
[23] Available online at http://www.wsipp.wa.gov/rptfiles/06-10-1201.pdf

crime rates[24]. As mentioned earlier, the objective for studying such publications was in accordance with policymakers' objective to initiate evidence-based practices in Connecticut.

The Offense Classification and Sentencing Structure subcommittees held another joint meeting the following month, September 10, 2007, during which several hand-outs[25] were presented by the Vera Institute. The hand-outs discussed burglary and home invasion law in Connecticut and across the United States in response to a request by the subcommittees for Vera to research such statutes for their review and consideration while contemplating the alteration of current Connecticut law for similar offenses.

September 24, 2007 – Full Task Force Meeting - In addition to the above-mentioned meetings, each subcommittee met several times prior to the next full Task Force meeting on September 24, 2007. At the meeting on the 24th, the subcommittees offered the full Task Force a summary of their activities thus far, and the CSSD members of the Community Supervision/Alternative Sanctions subcommittee outlined their three proposals for probation reform.

- *Proposal One*: To expand the use of Pre-Sentence Investigations (PSI) for persons convicted of a felony. There were three variations of this proposal set-forth for consideration:

  A. Proposal A: All first-time felons would receive a PSI without exception
  B. Proposal B: All first-time felons with an expected sentence including a period of incarceration would receive a PSI
  C. Proposal C: All first-time felons who receive a sentence of two-years or more will receive a PSI.

  Task Force action: When the full committee voted on this proposal it decided to report to the legislature the merit within the recommendation and to determine a compromise with all of the agencies involved.

- *Proposal Two:* To reduce the maximum terms of probation and to enable early termination based on positive behavior.

  Task Force action: The full committee voted to take care of the language concerns raised by the committee before submitting the proposal to the Disparity subcommittee for review.

- *Proposal Three:* Was to create a diversionary program that would combine behavioral health treatment with community supervision[26].

During the October 2, 2007 Sentencing Structure subcommittee meeting, the Forecast/Research Workgroup, with members representing CCSU, OPM, CSSD, BOPP, DPS, DMHAS, DOC and Court Operations, presented "An Analysis of Connecticut Burglary Crime Data". The presentation included national rankings for burglary, trends in burglary arrest data, burglary statutes in Connecticut and the classification of violent offenses in Connecticut. The discussion of national burglary rankings revealed that Connecticut's burglary rate falls within the lowest ten states in the United States coming in at number 44 out of 50[27].

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[24] Aos, S., Miller, M., and Drake, E. (2006). "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates". Olympia: Washington State Institute for Public Policy.
[25] Available online at http://www.ct.gov/opm/cwp/view.asp?a=2976&q=391620
[26] Minutes, including further detail on the proposals, can be found at http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/stf/a_main/minutes/20070924minutesfulltaskforce.pdf
[27] The presentation can be found at http://www.ct.gov/opm/cwp/view.asp?a=2976&q=391620

CSSD members of the Community Supervision/Alternative Sanctions subcommittee presented follow-ups to their proposals at the October 16th meeting. The presentations outlined their three proposals in reference to research and data that seemed to suggest their proposal would be successful in accomplishing its desired outcome[28].

At the October 23, 2007 Sentencing Structure subcommittee meeting, members received a "Review of 2004 Murder Arrests that are Pending or Resulted in Convictions" and an "Analysis of Recidivism Rates for Burglary Inmates Released in 2000". According to the review of murder arrests, of the 60 homicide cases that resulted in a conviction or pending conviction, they involved 49 offenders. Most offenders were males over 30 years old with an age at first arrest of 16 or 17. Close to one-third of the offenders had been arrested on at least six separate occasions prior to committing murder, most had no record of violence, and most had not been sentenced to prison[29]. Of the 49 offenders, 13 could have been defined as "persistent offenders" prior to committing murder but only six would have fallen under California's "three strikes" laws[30].

The analysis of recidivism rates for burglary offenders reported that for all three types of burglary, the highest reconviction rate was seen with offenders who upon the end of their sentence were released without post-incarceration services. However, there was no consistent re-offending pattern for any level of burglary offense. For burglary three offenders, 9% were reconvicted for burglary, 8% for larceny and 6% for a drug-related offense[31].

November 13, 2007 – Full Task Force Meeting - All subcommittees met regularly and frequently and reported to the full Task Force again at the next full meeting on November 13, 2007. During the November meeting, the Task Force agreed it would request an extension to its term to allow the Task Force to be in session during the next general assembly. Barbara Tombs of the Vera Institute of Justice, summarized progress made at the Art of Sentencing Conference hosted by the Vera Institute in Colorado November 4-6, 2007. Sentencing committee members in attendance at the Colorado conference were Brian Austin of OPM, Andrew Clark of the ISCJ at CCSU, Representative Dyson, Representative Robert Farr, Tom Hogan of CSSD, Senator Kissel, Attorney David Shepack and Attorney Tom Ullmann. Ms. Tombs discussed the need for a comprehensive policy review, a data repository and the development of a permanent sentencing commission[32].

At this same full Task Force meeting, the Sentencing Structure subcommittee also suggested the establishment of a permanent, apolitical sentencing commission dedicated to research. The Sentencing Structure subcommittee reported its formation of a smaller sentencing workgroup stemming from conversations held during the Colorado conference, which at the time of the November meeting was trying to develop a sentencing philosophy.

The Offense Classification subcommittee discussed separating motor vehicle statutes into felonies and infractions, possibly creating a new "motor vehicle offense". They reported attempting to reclassify offenses beginning with misdemeanors, and spending a significant amount of time examining burglary and "three strikes" statutes.

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[28] The presentations can be found at http://www.ct.gov/opm/cwp/view.asp?a=2976&q=391620

[29] http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/stf/ss/presentations/20071023murderconvictionanalysis2004.pdf

[30] Id.

[31] Available at http://www.ct.gov/opm/cwp/view.asp?a=2976&q=391620

[32] View the entire summary online at http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/stf/a_main/presentations/20071113exploringstrategiesforsentencingreform_vera.pd

Members of the Community Supervision/Alternative Sanctions subcommittee distributed proposals for language changes and proposed the "Mental Health Conditional Diversionary Program", as well as changes to length of probation and mandatory PSIs.

At a December 4, 2007 meeting of the Community Supervision/Alternative Sanctions subcommittee, the group reviewed the final drafts of the "Probation Terms and Offender Behavior" and "Supervised Diversionary Program" (previously referred to as the Mental Health Conditional Diversionary Program) proposals offered by members of Court Support Services Division (CSSD). The subcommittee voted in consensus to present the "Probation Terms and Offender Behavior" proposal to the full Task Force for review and vote.

The "Supervised Diversionary Program" proposal led to a discussion during which some members addressed concern over the information provided to law enforcement regarding persons taking part in, or who have taken part in the program. Some members felt it was important for the safety of law enforcement to have some knowledge of the person's mental health, while others expressed equal concern over the reaction some law enforcement personnel may have if they were aware of the person's mental health condition and the possibility that the person may be handled differently, possibly more harshly, if their condition were known. The Victim Advocate's office requested the victim be involved in the process as well, and it was agreed that the victim will be notified prior to disposition. A consensus was made that the proposal will be presented to the full Task Force with the addition of victim notification and with the understanding that concerns exist regarding the data bank and notification to law enforcement.

In its December 5, 2007 meeting, the Disparity subcommittee discussed the need for additional expertise in order to provide a thorough examination of Connecticut's criminal justice disparity issue and felt the need for more resources to perform the necessary analysis included in the charge. To address this issue the subcommittee was planning to collaborate with the Connecticut Commission in Racial and Ethnic Disparity as well as make a recommendation for a permanent sentencing commission with dedicated staff.

The Offense Classification subcommittee met on December 17, 2007 in an attempt to finalize recommendations for the definition of a crime and the classification of motor vehicle statutes. It was determined that more information, particularly from the Department of Public Safety, is needed before a final recommendation can be made. This was the final subcommittee meeting prior to the release of the interim report.

Sentencing Task Force Subcommittees

The following is a list of subcommittee members, mission statements, and interim recommendations:

Community Supervision/Alternative Sanctions Subcommittee

Office of Policy Management (OPM) – **Criminal Justice Policy and Planning Division**
Brian Austin
John Forbes

Court Support Services Division (CSSD) - **Judicial Branch**
William Carbone
Maureen Derbacher
Steve Grant
Brian Hill
Tom White

Department of Correction (DOC)
Commissioner Theresa Lantz
Randy Braren
Fred Levesque

Board of Pardons and Paroles
Michael Cardona
Kevin Clifford
Bob Farr
Rick Sparaco
Jerry Stowell

Office of the Victim Advocate
Hakima Bey-Coon
Jim Papillo/Michelle Cruz

Department of Mental Health and Addiction Services (DMHAS)
Peter Rockholz
Loel Meckel

Office of the Chief Public Defender
KK Meyer

Institute for the Study of Crime & Justice, Central CT State University (CCSU)
Andrew Clark

Judicial
Jennifer Robinson

Connecticut Sexual Assault Crisis Services, Inc. (CONNSACS)
Nancy Kushins

Mission:

The Community Supervision/Alternative Sanctions subcommittee was set forth to review how probation and parole have been used, including the length of sentences, the types of individuals being sentenced to community supervision/alternative sanctions, any overlap that may exist, as well as the use of conditional discharge. The Community Supervision/Alternative Sanctions subcommittee was also directed to review the types of programs available through alternative sanctions, search for overlap in programs, determine whether these programs are consistent and search for a means of evaluating program effectiveness. Dependent upon their findings, the subcommittee may make recommendations.

Community Supervision/Alternative Sanctions Subcommittee Interim Recommendations:

Recommendation #1: SUPERVISED DIVERSIONARY PROGRAM

Purpose: To reduce the number of clients with psychiatric disabilities incarcerated or insufficiently served while aiding in recovery.

Proposal: To create a diversionary program for people with psychiatric disabilities who have pending charges that are not of a serious nature. When appropriate, the court can grant the Supervised Diversionary Program in lieu of prosecution after an assessment of the client's mental health status is completed if the client is amenable to treatment and appropriate services and treatment are available. The period of probation cannot exceed two years.
"Psychiatric disability" other than substance abuse is defined as a mental or emotional condition that (1) has substantial adverse effects on the defendant's ability to function and (2) requires care and treatment. The program model is designed to be a collaborative effort by the Department of Mental Health and Addiction Services (DMHAS) and Court Support Services Division (CSSD) to provide community supervision, services and treatment for persons with psychiatric disabilities.

Impact: DOC data obtained on two separate dates identifies 758 unsentenced inmates classified as Mental Health 3's and 157 Mental Health 4's. In fiscal year 2004-2005, Jail Re-Interview Program (JRIP) staff screened 6,012 pretrial defendants with 64% of them being released to the community and in fiscal year 2006-2007, the number of pretrial defendants screened increased to 10,885 with 69% being

released to the community. The success of the JRIP with clients with substance abuse needs could translate into a similar reduction in the number of unsentenced clients with psychiatric disabilities who are incarcerated.

Based on the number of clients incarcerated who have a psychiatric disorder and the limited resources available to this population, it is anticipated that the Supervised Diversionary Program has the potential of significant use throughout the state.

- The Judge, prosecutor, defense attorney or CSSD employee can refer the client to the Jail Diversion staff or CSSD's contracted provider to assess the client's mental health condition.
- At the Court's discretions, the Supervised Diversionary Program may be used by clients who have a criminal record as well as clients who have used other diversionary programs including one prior use of the Supervised Diversionary Program.
- The Supervised Diversionary program would be available to defendants a maximum of two times.
- The charges that are excluded from this program would be consistent with the charges that prohibit a defendant from using Accelerated Pretrial Rehabilitation.
- When there is an identified victim, the Victim's Advocate or other court personnel will send a court-approved letter to the victim(s) by registered or certified mail, notifying them that the defendant is seeking a diversionary program. The victim(s) will be given an opportunity to express to the court their views regarding the diversionary program.
- CSSD will establish within its policy and procedures a requirement that probation staff notify victims' of any court ordered condition(s) that directly affect the victim and informs the victim of the client's next court appearance for this matter.
- An individually tailored treatment plan will be presented to the court prior to adjudication.
- Clients will be placed on a reduced caseload under the supervision of a probation officer who has received specialized training in working with clients with mental illness.
- Prior to dismissal, CSSD will provide the court with a report detailing the client's compliance with treatment and all other conditions of supervision.
- CSSD can return a client back to court early when the client has exhibited a pattern of non-compliance.
- The Judge will dismiss the case when the client successfully completes their period of supervision.
- The State's Attorney shall provide a copy of the police report to CSSD at the time an application is made.
- CSSD will retain the police report and the record of supervision including the dates of supervision. CSSD shall provide such information to the judge, state's attorney and defense counsel when the judge is considering granting a second term of supervision under the Supervised Diversionary Program.
- CSSD will maintain a database that will be available to local and state police departments in Connecticut that will provide officers with confidential information that may improve the safety and effectiveness in responding to calls. The information in the database will include the client's name, DOB, social security number, charges for which the diversionary program was granted, the dates of the program and if there were any weapons associated with the case that was diverted by means of the Supervised Diversionary Program. This information will be entered into the database after the program has been granted and will be retained by CSSD for a period of five years.
- Other than the exception stated above, all dismissed information shall be considered confidential and not available to the general public.
- Statutes governing erasure may need to be amended or waived.

Recommendation #2: PROBATION TERMS AND OFFENDER BEHAVIOR

Purpose: To align the terms of probation with a behavioral change model of probation and evidence-based practices, thereby enhancing CSSD's ability to protect the community through prosocial behavior change of probationers. Internal as well as external research indicates that probationers are at their likeliest to re-offend or violate in the first 12 months of supervision. By incorporating an incentive model at the onset of supervision, we anticipate greater compliance among probationers enabling probation officers to spend more time with probationers who pose a greater risk to public safety.

Proposal: To modify the maximum terms of probation and to enable selected early termination based on positive behavior change.

- Convicted offenders placed on probation shall be subject to the following maximum terms: Registerable sex offense – 10 to 35 years; Class B felonies – 5 years; Other felonies (C, D and unclassified) – 3 years; Class A misdemeanors – 2 years; Class B and C misdemeanors – 1 year.

- On a case by case basis, the court in its sole discretion may, at the time of sentencing, increase the term of probation for C, D and Unclassified felonies as well as misdemeanors beyond the above maximums as follows: Felony convictions other than registerable sex offenses – up to 5 years maximum term; Class A misdemeanors – up to 3 years maximum term; and Class B misdemeanors – up to 2 years maximum term.

- To accommodate for existing statutory provisions in CGS Sec 20-427, if the court determines that a home improvement contractor cannot fully repay his victims within the period of probation established in subsection (d) of section 53a-29or section 54-56e, the court may impose probation for a period of not more than five years.

- For probation periods greater than 2 years for felonies categorized as C, D and Unclassified and greater than 1 year for Class A and B misdemeanor convictions, the supervising probation officer will submit a report to the original sentencing court venue 60 days prior to the 2 year (felonies) or 1 year (Class A or B misdemeanors) anniversary of the start of the supervision period. The report will detail the progress of the probationer in addressing their assessed needs, and meeting any court-ordered conditions. The officer completing the report will, in accordance with guidelines developed by the Judicial Branch, make a recommendation covering whether or not the probation supervision period should be ended or remain actively supervised for the duration of the controlling sentence. The court will within 60 days from receipt of the report, make a ruling on whether the initial term of probation will be ended or remain. Upon agreement of the parties, a court hearing will not be required.

- CSSD will establish within its policy and procedures a requirement that probation staff notify victims' that the probationers' term of probation may be modified.

Disparity Subcommittee

Members:

Connecticut Attorney General's Office
Henri Alexandre
Joseph Rubin

Office of the Chief State's Attorney (CSA)
Chief State's Attorney Kevin Kane
Matt Gedansky

Office of the Victim Advocate
Hakima Bey-Coon

Office of Policy Management (OPM) – **Criminal Justice Policy and Planning Division**
Alyse Chin

Institute for the Study of Crime & Justice, Central CT State University (CCSU)
Andrew Clark

Connecticut General Assembly (CGA)
Senator Eric Coleman
Senator John Kissel

Board of Pardons and Paroles
Bob Farr
Andrew Moseley

Judicial
Deborah Fuller

Office of the Chief Public Defender
Chief Public Defender Susan Storey
Preston Tisdale

Court Support Services Division (CSSD) - **Judicial Branch**
Hilda Nieves

American Civil Liberties Union of Connecticut (ACLU-CT)
Shoshanna Silverberg

African-American Affairs Commission
Frank Sykes

Department of Correction
Lori Ricks

Mission:

The Disparity subcommittee was tasked with reviewing current and proposed sentencing policies with regard to its intended and unintended impact on gender, racial and geographic populations in Connecticut and offer recommendations as necessary.

Disparity Subcommittee Interim Recommendations:

Recommendation #1 - We recommend that the state of Connecticut establish a permanent sentencing commission that will utilize available data to study racial, geographic and gender disparity and act in a self-policing manner.

We are in strong agreement that a permanent commission is necessary to study and effectuate change in the area of racial, gender and geographic disparity in the Criminal Justice System. We found our efforts severely impaired by lack of resources given the gravity and breadth of our area of focus. We believe that a permanent commission would have the resources to conduct in-depth studies and recommend well-informed policies in a way that a non-funded, part-time and temporary subcommittee cannot.

Recommendation #2 - We recommend that a permanent commission work in concert with already established work groups that have been active on the issue of disparity.

We believe that there is a wealth of information already available in the state to aide a sentencing commission in studying disparity and it would be resourceful to make use of this information to supplement independent studies. For example, in 2004 the Commission on Racial and Ethnic Disparity in the Criminal Justice System compiled an in-depth report on the subject of disparity in Connecticut's Criminal Justice System.

Recommendation #3 - We recommend that a permanent commission continue community outreaches.

We found our community dialogue with students at Hartford Public High School to be so enlightening and rich in valuable information that we believe it would serve the new commission well to continue community outreaches. We believe that this would have a dual benefit as it would aide the commission in making well-informed recommendations, as well as provide a constructive way for a group that feels it has been treated disparately to voice their concerns.

Recommendation #4 - We recommend that a permanent commission study the disparate impact of crime on victims.

We feel strongly that disparate treatment of victims should be part of any work done on the issue of disparity in the Criminal Justice System. Just as some crimes are purportedly prosecuted differently according to race, geographic location, and gender, we are concerned that victims are also offered different quality of care based upon these same factors. We believe that there are many resources that the commission will have access to in regard to this issue, such as the Office of the Victim's Advocate, and they should work closely with such groups.

Sentencing Structure Subcommittee

Department of Correction (DOC)
Randy Braren
Fred Levesque

Office of Policy Management (OPM) – **Criminal Justice Policy and Planning Division**
Linda Deconti

Institute for the Study of Crime & Justice, Central CT State University (CCSU)
Andrew Clark

Court Support Services Division (CSSD) - **Judicial Branch**
Thomas Hogan

Office of the Chief State's Attorney (CSA)
Chief State's Attorney Kevin Kane

Judges
Roland Fasano

Judicial
Deborah Fuller

Board of Pardons and Paroles (BOPP)
Rich Sparaco
Jerry Stowell
Matt Gedansky
David Shepack

Office of the Victim Advocate (OVA)
Merit Lajoie

Connecticut General Assembly (CGA)
Representative Jamie Spallone
Representative David Labriola

Connecticut Sexual Assault Crisis Services, Inc. (CONNSACS)
Nancy Kushins

Office of the Chief Public Defender
Thomas Ullmann

Mission:

The subcommittee focusing on sentencing structure set forth to review Connecticut's sentencing structure in comparison with that of other states. The use of mandatory minimum sentences will also be reviewed within this context. Recommendations may follow if deemed appropriate.

Sentencing Structure Subcommittee Interim Recommendations:

The Sentencing Structure Subcommittee did not vote on recommendations prior to the issuance of the interim report.

Offense Classification Subcommittee

Office of Policy Management (OPM) – **Criminal Justice Policy and Planning Division**
Brian Austin

Institute for the Study of Crime & Justice Central CT State University (CCSU)
Andrew Clark

Judges
Judge Patrick Clifford, JD-GA 15 Court House

Court Support Services Division (CSSD) - **Judicial Branch**
Brian Coco

Judicial
Larry D'Orsi
Stephen Ment

Office of the Chief Public Defender's
KK Meyer

Office of the Chief State's Attorney (CSA)
Chief State's Attorney Kevin Kane
David Shepack

Board of Pardons and Paroles
John Lahda
Rich Sparaco

Connecticut General Assembly (CGA)
Representative Mike Lawlor
Representative Arthur O'Neill
Representative David Labriola

Office of the Victim Advocate
Scott Lunt

Connecticut Police Chiefs Association Appointments
Chief Mark Palmer - Coventry Police Department

Mission:

The Offense Classification subcommittee would attempt to determine the plausibility of classifying offenses presently unclassified, as well as review the proportionality in sentencing of classified crimes. The Offense Classification subcommittee would also review the offenses that are not resulting in prison or jail sentences.

Offense Classification Subcommittee Recommendations:

The Offense Classification Subcommittee did not vote on recommendations prior to the issuance of the interim report.

Issues to be Addressed by the Full Sentencing Task Force prior to the December 2008 Report

- Identify the barriers to implementing a uniform data bank, the requirements to correct those barriers and the steps to overcome them;

- The creation of a permanent sentencing commission, or board, to review and supervise Connecticut's criminal justice system;

- Review the findings of the four subcommittees, address the identified needs and concerns of each and discuss the means for implementing their recommendations.

- Review the benefits of community supervision of offenders after discharge. Examine the possibility of mandatory supervision as a condition of discharge and part of a re-entry program, similar to California's program. Part of the examination will include a discussion on what type of community supervision, what duration of supervision is appropriate and the means to achieving a supervision program.

- Re-visit alternative sanctions, including "good time." Possibly offer credits toward discretionary releases and allow offenders to earn some time if they par-take in services such as GED completion.

- Research and data infrastructure overhaul. Connecticut has the desire for true evidence-based decision-making that requires a review and revamping of our current infrastructure.

APPENDIX

Additional Task Force Activities

Acknowledgements:

Thanks to the Pew Charitable Trusts for enabling Task Force members to participate in the following informative, timely and worthwhile events in 2007:

Annual Meeting of the National Association of Sentencing Commissions (NASC), August 5-7

Task Force Attendees:

Chairman Farr, David Shepack, Thomas Ullmann, Andrew Clark

Summary:

27 States Convene for NASC'07 in Oklahoma City To Discuss Challenges in Criminal Justice Systems

By Dr. Christopher Hill, OCJRC Director of Research
and Jack O'Connell, Director, Delaware Statistical Analysis Center

If asked about the most pressing challenges, needs, and problems of your criminal justice system, what would be your response? Prison overcrowding? Risk assessment at sentencing? Managing sex offenders? Dealing with natural disasters? These and many other relevant questions were discussed and debated at the 2007 Annual Conference of the National Association of Sentencing Commissions, held August 5-7 in Oklahoma City, Oklahoma.

NASC and the Annual Conference

Established in 1994, the National Association of Sentencing Commissions (NASC) is a not-for-profit voluntary organization whose mission "is to facilitate the exchange and sharing of information, ideas, data, expertise, and experiences and to educate on issues related to sentencing policies, sentencing guidelines, and sentencing commissions." Membership of NASC represents the growing number of sentencing commissions across the country, and the annual conference of NASC represents the variety of purposes for which these commissions are created. What unites all NASC members and commissions is a desire for deliberative discussions on the many issues states face in dealing with criminal offenders.

The conference, which focused on "New Frontiers in Sentencing," drew 180 individuals from 27 states, making the conference one of the best-attended in the history of NASC. The participant list even included a law professor from Japan! The Oklahoma Sentencing Commission and Oklahoma Department of Corrections hosted the conference, and staff of the Oklahoma Statistical Analysis Center (Oklahoma Criminal Justice Resource Center) assisted in the planning and execution of this outstanding event. The Skirvin Hilton Hotel, a historic landmark in downtown Oklahoma City dating back to 1911, served as the site of the exciting three-day gathering.

The Conference Kick-off

The official kick-off for the conference on Sunday, August 5, was the NASC'07 Welcoming Reception, during which attendees had the opportunity to greet old colleagues and meet new ones. Given that many participants were new to NASC this year, this was an especially important event.

A Crossroads in Sentencing

Participants began Monday, August 6, with Welcomes and Introductions from Mr. Jack O'Connell, President of the NASC and Director of the Delaware Statistical Analysis Center; Mr. Justin Jones, Director of the Oklahoma Department of Corrections; Senator Richard Lerblance, Chairman of the Oklahoma Sentencing Commission; and Representative Sue Tibbs, Chair of the House Subcommittee on Criminal Justice for the Oklahoma House of Representatives. One theme running throughout the introductory comments was the growth in prison populations across the country. In commenting on Oklahoma having the nation's third highest rate of incarceration, Senator Lerblance told attendees, "We're at the crossroads right now in sentencing. We've got to get over the idea of locking them up and leaving them there." Legislators praised the work of sentencing commission staff that provide the unbiased information needed by decision-makers to understand and act on important sentencing and capital criminal justice expenditures.

Critical Issues in Sentencing: Plenary, Panel, and Roundtable Sessions

The Monday morning plenary addressed Frontiers Old and New in Sentencing Guidelines, with an emphasis on the Model Penal Code developed by the American Law Institute. Professor Kevin Reitz, University of Minnesota Law School, spoke about the ongoing revisions to the Model Penal Code, including modifications to address the inclusion of both advisory and mandatory sentencing guidelines as part of the new Model Penal Code. The afternoon plenary, Disasters and Sentencing, described and discussed the impacts of natural and other disasters on criminal justice systems. By sharing photographs and personal experiences, the presenters gave attendees a front-row seat to the devastation of the justice systems in New Orleans caused by Hurricane Katrina and in Bosnia following that country's civil war.

The conference offered attendees a variety of panel sessions and roundtables on sentencing issues. These included:

- Revisiting Theories of Sentencing;
- Issues in Federal Sentencing;
- Post-Prison Sanctions;
- Issues in Juvenile Sentencing;
- Communicating Research to Policymakers; and
- How Sentencing Changes after Increases in Legislated Penalties.

A Taste of Oklahoma

Monday's events concluded with a dinner and presentation at the National Cowboy & Western Heritage Museum. Attendees were treated to an authentic Oklahoma meal that featured bison and side items that were all home-grown within the state. Presenters included Mr. K.C. Moon, Director of the Oklahoma Criminal Justice Resource Center; Mr. Ged Wright, the Governor's appointee to the Oklahoma Sentencing Commission; and Mr. Andy Coats, Dean of the University of Oklahoma School of Law. The museum was opened for a private showing of its vast collection of art, sculpture, and memorabilia that celebrates our nation's western traditions and legacies.

Tuesday, August 7, 2007

The third and final day of the conference began with an exciting Roundtable on Costs & Benefits in Corrections and Sentencing. Steve Aos' presentation created significant discussion on how prison populations may be better managed with a variety of well-managed and monitored prison alternatives. Additional sessions throughout the day included:

- Community Monitoring of Sex Offenders;
- Connecting Sentencing Networks through Weblogs;
- Native-American Justice: Crime Policies of the First Oklahomans; and
- Specialty Courts such as drug and mental health courts.

A Dialogue among New and Old Sentencing Commissions

One of the most exciting and significant aspects of the NASC 2007 Annual Conference was the opportunity for dialogue among new and old sentencing commissions. Many states, including Pennsylvania, Delaware, Oklahoma, Minnesota and Washington State, have had sentencing commissions for a decade or more (Pennsylvania's commission was established in 1978). Other states, including Alabama, California, Nebraska, Vermont, Colorado, Montana, Connecticut, and Illinois have recently created commissions or study groups to address the many issues relevant to sentencing and corrections.

The conference offered two specific sessions to facilitate this dialogue: Developments in California Sentencing and Dialogue among New and Old Commissions. Additionally, the Pew Charitable Trusts was instrumental in facilitating this dialogue. It provided travel assistance for several individuals from the "new" states to attend the conference.

This annual opportunity for sentencing commissions from across the country to collaborate and deliberate on sentencing issues is the core of the NASC mission. Each commission, whether old or new, contributes valuable information and ideas to this national discussion that has far-reaching implications for our systems of criminal justice.

Conference - State of the Art: Exploring Strategies for Sentencing Reform, Nov. 4-6

Task Force Attendees:

Chairman Farr, Sen. Kissell, Rep. Dyson, Brian Austin, Tom Ullmann, David Shepack, Andrew Clark, Tom Hogan

Summary:

Vera Institute for Justice and Pew Charitable Foundation

State of the Art: Exploring Strategies for Sentencing Reform

Denver (Westminster), CO November 4-6, 2007

Connecticut Workgroup Session Summary

Prepared By Barbara Tombs, Vera Institute of Justice

The Connecticut workgroup focused much of their discussion and planning activities on identifying issues that would contribute to comprehensive sentencing and corrections reform in the state. The group reached a consensus that there is not a clear understanding of how offenders are moving through the criminal justice system and agreed that there are several specific points that should be the focus of reform. Access to system-wide data appears to be a significant obstacle to achieving a comprehensive understanding of current practices. Although there is independent agency level data, the data is not shared among agencies, thus the data may fulfill an agency's needs but not the criminal justice system's needs. The workgroup strongly felt that there needed to be a clear understanding and sharing of data among the courts, probation, corrections and parole to avoid duplication of efforts and to enhance public safety in the state. Listed below are the major issues identified:

- Current agency data is stored in silos and not easily accessed or shared among criminal justice agencies
- There is no clear understanding of what data is being collected by individual agencies and the format in which it is collected – electronic or paper
- There are both technical and administrative barriers to sharing data among criminal justice agencies
- In addition to completing a data inventory for each agency – data deficiencies need to be identified
- Automation of paper files and assessment of storage retrieval issues are necessary
- Agencies should identify what questions they are unable to answer at the current time
- A unique identifier needs to be developed or assigned to identify an offender across agencies and evaluate the impact of various criminal justice interventions

The workgroup was in agreement that as part of the need for significant sentencing and corrections policy changes, it is critical to have a clear and concise understanding of how offenders are entering the system, how long they are in the system and how they are leaving the system.

The data discussion illuminated the need to have a permanent body to evaluate data, policy and practices across criminal justice agencies. The group identified a sentencing commission as a possible vehicle to achieve this goal, although there were some thoughts expressed that a different name for the body may be

more appropriate since sentencing commissions are often associated with sentencing guidelines and the group, as a whole, did not support the development of sentencing guidelines. One possible name was the "Sentencing Policy and Research Board" or some variation of that. However, regardless of the name there was agreement that a permanent body was necessary. There was an in-depth discussion on the development of a permanent body that would be effective in CT. Issues regarding the commission were divided into two categories: (1) Pre-permanent body (The Connecticut Sentencing Task Force already established by PA 06-193) and (2) Post-permanent body.

Discussion regarding the pre-permanent body focused on issues that would need to be addressed in the design and structure. It was important that the body be viewed as objective and non-political, focusing specifically on sentencing and offender based data analysis and providing data driven policy, and outcome evaluation of proposed legislation, enacted programs and policy changes to ensure effective use of limited state resources and enhance public safety within the state. Those issues included:

- Name
- Location – which branch of government
- Membership and appointing authority
- Authority to make policy recommendations
- Duties and responsibilities assigned to the body
- Staff and resource needs

In addition to the issues outlined above, the workgroup identified several priorities that the permanent body, once established, should address to assist both the legislature and the executive branch in effectively addressing criminal justice policy issues. Those priorities include:

- Identify critical data needs and gaps to effectively evaluate criminal justice issues and policies
- Provide a comprehensive overview of the types and movement of offenders through the criminal justice system on a case level basis to include: arrest data, conviction data, sentencing data, probation data, corrections data, parole data and revocation data. This overview should be done on an annual basis and presented to the legislature, executive branch, criminal justice agencies and other appropriate parties
- Conduct research on topics assigned by the legislature or executive branch targeting recidivism, alternatives to incarceration, sentencing options for vulnerable populations or effective community placement/supervision of non-violent offenders
- Provide both fiscal and policy impacts on proposed legislation to evaluate the impact on prison, probation, parole populations, defense and state attorneys and any associated resources (staff or caseload impact) in addition to identifying any potential unintended consequences of the proposal
- Analyze and identify practices or policies that contribute to racial, geographic and gender disparity in sentencing
- Through the use of data analysis and simulation projection models assist the state in preparing for controlled prison growth and community supervision options.

Finally, the group tackled the issue of the availability of offender specific information and risk characteristics needed by decision makers in the criminal justice system. Previous discussions among CT participants have focused on identifying specific offender populations or felony classes that would require mandatory pre-sentence investigations (PSI's) even though additional resources would be required. Subsequent conversations revealed that although PSI's contain some important and valuable offender information, it may be somewhat outdated in the type of information that the current system needs in order to deal with offender related decisions, especially as related to risk factors. Probation is currently completing a risk/needs assessment but that information is not necessarily available to other criminal

justice agencies and does not follow the offender through the system, thus there is no comprehensive record of placements, treatments, interventions and other offender related information. It was suggested that a possible course of action was to combine the significant and predictive information from the pre-sentence investigation report and the risk/needs assessment into one document that would follow the offender from initial contact with the criminal justice system through the final exit from the system – with each agency inputting any actions taken while the offender was in their custody. This would assist the state in developing an extensive database on which both research and policy analysis could be conducted to identify specific offender populations suitable for alternatives to incarceration and the impact specific programs/placements have on recidivism. Cost-benefit analysis could also be conducted on various options for the state of CT. The main points surfaced during this discussion are as follows:

- There is no comprehensive record of offender information that follows the offender through all points of decision-making in the criminal justice system; currently various agencies are conducting a variety of offender assessments which makes it difficult to identify or measure the impact of the various interventions
- It is crucial to match offenders with the most appropriate and effective program placements to enhance public safety, reduce recidivism and ensure efficient use of limited state resources
- Recidivism reduction contributes to public safety and the overall effectiveness of the state's criminal justice resources
- Any form developed should be in an electronic format and accessible to all criminal justice agencies
- A working group should be established to begin initial discussions on the information that should be included on this form

Although the workgroup focused on the various activities and issues noted above, the constant that surfaced multiple times was the need for valid reliable data on which to base policy and research to improve the effectiveness of the criminal justice system and to maximize the public safety benefits of limited resources in Connecticut.