

2015



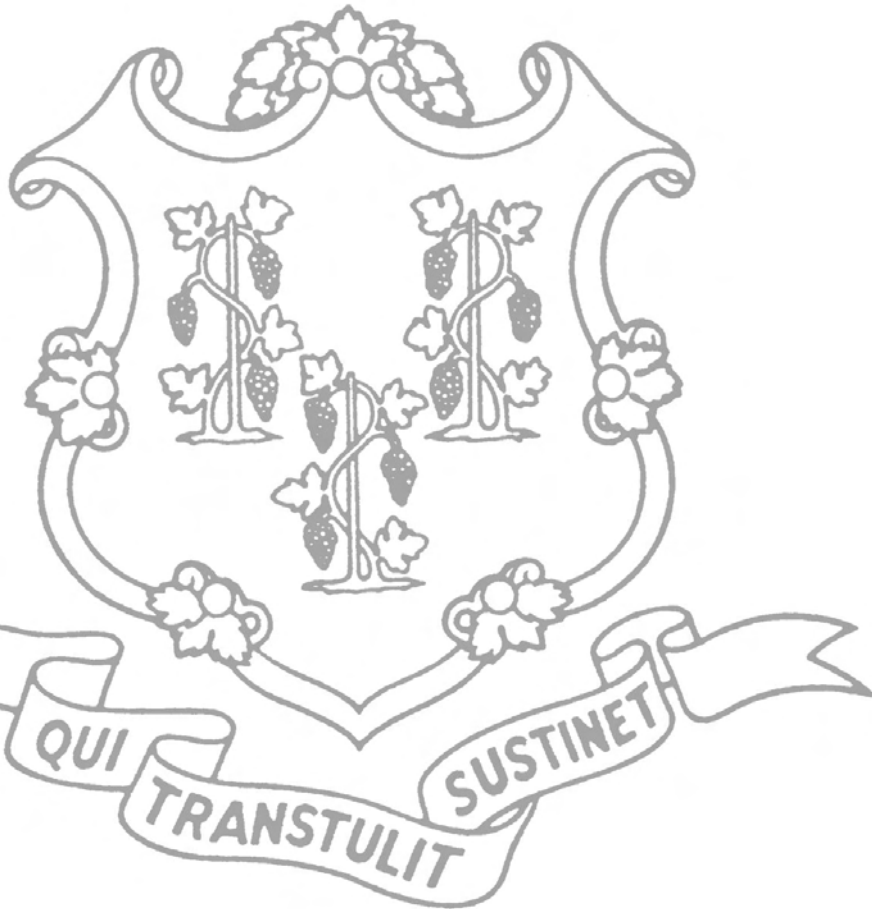
ANNUAL REPORT

CONNECTICUT SENTENCING COMMISSION



Annual Report 2015

Connecticut Sentencing Commission



Report to the Governor, the
Speaker of the House of
Representatives, the President
of the Senate, and the Chief
Justice of the Supreme Court,
pursuant to Conn. Gen. Stat. §
46a-78 and 54-300(p)

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Acknowledgements

2015 commemorated the Commission's fourth year of work. Under the leadership of Chairman David M. Borden and Vice-Chairman Michael Lawlor, the Commission continued to evaluate and make recommendations to improve Connecticut's criminal justice system.

The Commission recognizes the leadership and tireless contributions of Chairman David M. Borden. His expertise and experience have been instrumental in moving the work of the Commission forward.

While the Commission received assistance in its work from sources too numerous to mention, we would like to recognize the dedication of the committee, subcommittee, and working group members. The successes achieved by the Sentencing Commission have been accomplished only because of their consistent dedication and exceptional public service.

The Commission and its staff thank all the chairs of the committees, subcommittees, and working groups. Their tireless contributions are invaluable to the Sentencing Commission's work.

We would like to particularly thank Commissioner John Santa who stepped up to the leadership role due to Chairman Justice Borden's absence. Commissioner Santa's passion for improving the criminal justice system and his business background will benefit the Commission greatly.

We express our sincere gratitude to former Acting Executive Director Andrew Clark. Mr. Clark served the Sentencing Commission on a part-time basis while continuing to work as the Director of Central Connecticut State University's Institute for Municipal and Regional Policy over the past four years. During that time, he has been instrumental in providing the Commission with the resources needed to survive and thrive to its early successes. We are honored to have Mr. Clark continue to serve the Commission in an advisory capacity.

Finally, The Connecticut Sentencing Commission takes this opportunity to extend its sincere appreciation to the state and non-profit agencies for the support they have provided to the Commission. Collaborating with all branches of government, the Sentencing Commission has been able to obtain input from all stakeholders in the criminal justice system.



Commission members

David M. Borden

Chair

Judge Trial Referee

Connecticut Appellate Court

Appointed By Chief Justice of the Supreme Court

Michael Lawlor

Vice Chair

Undersecretary

Criminal Justice Policy and Planning Division

Office of Policy and Management

Patrick L. Carroll, III

Chief Court Administrator

Appointed by Chief Justice of the Supreme Court

Robert J. Devlin, Jr.

Chief Administrative Judge for Criminal Matters

Appointed by Chief Justice of the Supreme Court

Gary White

Administrative Judge

J.D. and GA. 1 Courthouse

Appointed By Chief Justice of the Supreme Court

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Yale Law School

Appointed by Governor

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Phoenix Association

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William A. O'Neil Endowed Chair

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Appointed by Speaker of the House of Representatives

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Executive Director

Community Partners in Action (CPA)

Appointed by Majority Leader of the House of Representatives

John Santa

Vice Chairman,

Santa Energy Corp.

Appointed by Minority Leader of the Senate

Thomas Kulhawik

Chief of Police

Norwalk Police Department

Appointed by Majority Leader of the Senate

Robert Farr

Attorney (Retired)

Appointed by Minority Leader of the House of Representatives

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Ex officio Chief State's Attorney

Susan O. Storey

Chief Public Defender

Ex officio Chief Public Defender

David Shepack

State's Attorney

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Appointed by Chief State's Attorney; Qualification State's Attorney

Thomas J. Ullmann

Public Defender

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Coventry Police Department

Appointed By President of the CT Police Chiefs Association;

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Department of Mental Health and Addiction Services

Ex officio Commissioner of the Department of Mental Health and Addiction Services

Natasha Pierre

State Victim Advocate

Ex officio State Victim Advocate

Stephen Grant

Executive Director

Court Support Services Division (CSSD)

Appointed by Chief Justice of the Supreme Court

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Commissioner

Department of Emergency Services & Public Protection

Ex officio Commissioner of Emergency Services & Public Protection

Scott Semple

Commissioner

Department of Correction

Ex officio Commissioner of the Department of Correction

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Chair

Board of Pardons and Paroles

Ex officio Chair of the Board of Pardons and Paroles

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Kevin Kane	Office of the Chief State's Attorney
John Santa	Santa Energy Corporation
Vivien Blackford	Phoenix Association
Patrick Carroll	Chief Administrative Judge
Thomas Ullmann	Division of Public Defender Services

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Patrick Carroll	Chief Administrative Judge
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Mark Palmer	Coventry Police Department
David Shepack	Litchfield State's Attorney's Office
Susan Storey	Division of Public Defender Services
Gary White	Judge, J.D. & G.A. 1

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Thomas Ullmann, <i>Co-chair</i>	Division of Public Defender Services
Thomas Kulhawik	Norwalk Police Department
Robert Farr	Board of Pardons and Paroles (<i>Retired</i>)
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Michael Norko	Department of Mental Health and Addiction Services
David Rentler	Board of Pardons and Paroles
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Maureen Price-Boreland, <i>Co-chair</i>	Community Partners in Action
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Laura Cordes
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Karen Martucci
David McGuire
Mark Palmer
Natasha Pierre
David Rentler
Lisa Tepper Bates
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Council of State Governments
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Court Support Services Division
Department of Correction
American Civil Liberties Union
Coventry Police Department
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City of Norwich
Department of Correction
CT Fair Justice
Quinnipiac University School of Law

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Deborah Del Prete Sullivan
Thomas Ullmann, *Co-chair*

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Division of Public Defender Services
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Gary Roberge, *Co-chair*
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Office of the Victim Advocate
Board of Pardons and Paroles
Court Support Services Division
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Connecticut State Police
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Connecticut Coalition Against Domestic Violence
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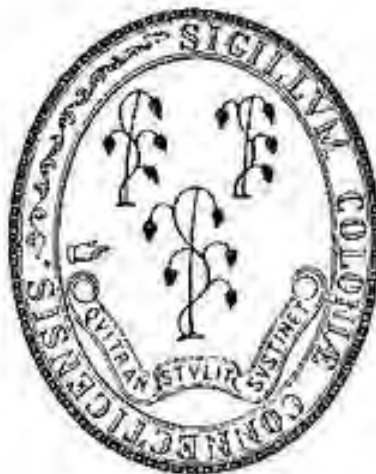
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I. Executive Summary

2015 was a year of significant change and activity for the commission. The Commission hired a full time executive director and continued its strategic planning. The Connecticut General Assembly tasked the Commission with evaluating and making recommendations on how crime victims may be notified of release mechanisms (such as parole eligibility). The legislature also asked the Commission to evaluate the registration, management, and sentencing of sex offenders. The Commission established a special committee and three subcommittees to define key issues and identify next steps in the areas of sex offender registration, management, and sentencing. In addition, the Commission accepted a request from Governor Dannel Malloy to evaluate Connecticut's current bail bond system and diversionary programs. The Commission reached out to and partnered with the National Institute of Corrections (NIC), a federal agency within the U.S. Department of Justice to evaluate the bail bond system in Connecticut. The Commission will partner with the Results First Initiative to evaluate the state's statutory diversionary programs.¹ In addition, the Commission continued its

evaluation of Certificates of Employability and research regarding the automatic erasure of criminal history records. Other notable projects included exploring issues around juvenile life without parole, hosting a presentation by President Jeremy Travis of the John Jay College of Criminal Justice on mass incarceration, and the launch of the Commission's new website.

During the 2015 legislative session, the Commission's juvenile justice recommendation, originally approved by the Commission in 2013, was signed into law. Additionally, during 2015, the Commission approved two recommendations in the areas of 2nd Amendment rights and victim's rights respectively.

The 2015 report is organized into seven parts beginning with the Executive Summary. The second part addresses the Commission's creation, membership, and legislative mandate. The third part examines the national landscape of Sentencing Commissions and their funding mechanisms. Part four provides an update on the Commission's 2015 resolutions and legislative proposals. Part five highlights the Commission's achievements over the past year. Part six describes next steps and, lastly, part seven contains the report's appendices.

¹ The Pew-MacArthur Results First Initiative, a project of The Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation, works with states to implement an innovative cost-benefit analysis approach that helps them invest in policies and programs that are proven to work. Results First has also received support from the Annie E. Casey Foundation.

II. Mission & Membership

The Connecticut Sentencing Commission was established on February 1, 2011 by Public Act 10-129.² Its mission, as stated in the statute, is to “review the existing criminal sentencing structure in the state and any proposed changes thereto, including existing statutes, proposed criminal justice legislation and existing and proposed sentencing policies and practices and make recommendations to the Governor, the General Assembly and appropriate criminal justice agencies.”³

The Commission consists of 23 voting members, including judges, prosecutors, criminal defense counsel, the commissioners of the Departments of Correction, Public Safety and Mental Health and Addiction Services, the victim advocate, the executive director of the Court Support Services Division of the Judicial Branch, a municipal police chief, the chairperson of the Board of Pardons and Paroles, the undersecretary of the Criminal Justice Policy and Planning Division of the Office of Policy and Management and members of the public appointed by the Governor and the leaders of the General Assembly.

During 2015, the Commission welcomed three new members and a new vice chair. Incoming new Commissioners included Miriam Delphin-Rittmon, Robert Farr, and Thomas Kulhawik. These replaced Patricia Rehmer, Susan Pease, and Peter Gioia. John Santa replaced Michael Lawlor as Commission Vice-Chair.

² The provisions of the public act have been codified in General Statutes § 54-300.

³ See Appendix A for the full text of C.G.S. § 54-300.

III. National Overview of Sentencing Commissions

OVERVIEW OF SENTENCING COMMISSIONS

There are 24 active sentencing commissions (including the District of Columbia) in the United States. Sentencing commissions vary in terms of their structure, membership, duties and relationship with state government. For your reference, a catalog of sentencing commission structures and funding mechanisms can be found in **Appendix B**. In addition to variations in structure, the impetus for creating sentencing commissions has changed over time. Since sentencing commissions were first established three decades ago, three notable trends have emerged. First, the earliest sentencing commissions, established in the late 1970s, were charged primarily with promulgating sentencing guidelines.

Second, while commissions became more widespread in the late 1980s and 1990s, the impetus for their creation shifted. These shifts were mainly due to the enactment of the Federal Crime Bill of 1994, also known as the Violent Crime Control and Law Enforcement Act, and the allocation of federal VOI/TIS money (Violent Offender Incarceration and Truth-in-Sentencing). Moreover, states were moving from indeterminate to determinate sentencing in an effort to implement truth-in-sentencing policies. As a result, these commissions were dealing with prison overcrowding crises caused by “get tough” sentencing policies of previous years and the shift to truth-in-sentencing.

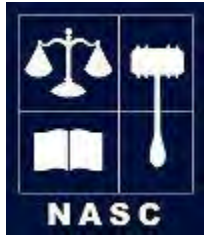
Most recently, states have been creating commissions to examine criminal sentencing policies in broader terms. These commissions are not specifically focused on developing sentencing guidelines, but rather on issues of prison overcrowding, community sentencing alternatives and reentry strategies. Of the states that have established commissions in the past ten years, none have been charged with implementing sentencing guidelines.⁴

For example, Colorado established its Commission to address mounting concerns about the rapidly increasing prison population, high recidivism rates and soaring prison expenditures. In 2007, the year the Commission was established; state correctional facilities housed 23,000 inmates and maintained supervision of over 10,000 parolees. One of every two released prisoners returned to prison within three years. The Colorado Department of Corrections’ budget had increased from \$57 million in 1985 to \$702 million in 2007, and the state’s prison population grew 400 percent—from 4,000 in 1985 to 20,000 in 2005. Official projections suggested that the prison population would increase by nearly 25 percent by 2013. The pressure to curtail prison spending and reduce the prison population spawned the passage of the Commission’s enacting legislation.⁵

The Commission in New York was established to evaluate the efficacy of the state’s mandatory minimum laws for drug offenders. In Illinois, the Sentencing Commission was charged with ensuring that evidence-based practices are used in policy decisions and within the elements of the criminal justice system. To perform this function, the Commission is responsible for collecting and analyzing data, conducting correctional population projections based on simulation models, and producing fiscal impact statements for the legislature.

⁴ The New York State Sentencing Commission on Reform was a temporary Commission which recommended in its final report on January 30, 2009 the creation of a permanent Sentencing Commission.

⁵ “Commission” refers to the Colorado Commission on Criminal and Juvenile Justice. The work of the Colorado Comprehensive Sentencing Task Force concluded on **September 3rd, 2014**. Sentencing issues are now addressed by the Colorado Commission on Criminal and Juvenile Justice.



NATIONAL ASSOCIATION OF SENTENCING COMMISSIONS (NASC)

NASC

The National Association of Sentencing Commissions (“NASC”) is a non-profit organization whose mission is “to facilitate the exchange and sharing of information, ideas, data, expertise, and experiences and to educate individuals on issues related to sentencing policies, guidelines, and commissions.”⁶

NASC does not endorse any single sentencing structure but rather supports the development of rational and effective sentencing policy, which can be achieved in various forms. NASC membership includes states with or without sentencing guidelines, states with presumptive or voluntary guidelines, and states with determinate or indeterminate sentencing practices. It is not the structure of the sentencing system but rather the goals of that system that are important to the development of good sentencing policy.

NASC concentrates on providing its membership with the tools to develop a sentencing system that reflects the priorities and values of individual states. By sharing research findings on topics associated with sentencing policy, such as the use of intermediate punishment options, the effectiveness of substance abuse treatment, and recidivism rates, states are able to incorporate these findings into the development of a sentencing system that appropriately addresses specific areas of concern or need.

In addition, NASC provides a forum to exchange experiences among the states regarding both successes and failures in sentencing reform. Seldom does a state face a problem that has not been dealt with in some fashion or form by another state. Sharing information and learning from one another has been the primary focus of NASC activities since its inception.

⁶ Additional information about the National Association of Sentencing Commissions (NASC) is available at: <http://thenasc.org/aboutnasc.html>.



2015 Annual Conference

In keeping with this mission, NASC holds an annual conference to examine our nation's experiences with sentencing laws and practices and to discuss emerging issues and innovations. In 2015, the conference, entitled "Transforming Research to Results," was hosted by the Alaska Judicial Council. The conference was held in August at the Hotel Aleyska in Girdwood, Alaska.



Conference Highlights

The two-day conference brought together a diverse group of criminal justice professionals, researchers and academics from across the country. The conference consisted of four plenary sessions, a keynote, and five breakout sessions. Below are a few of the many topics addressed during the conference.

Plenary Sessions

- Justice Reinvestment Initiative: Maximizing the Outcomes
- Justice Reinvestment and the Sentencing Commission
- Criminal History Enhancements in Guidelines Systems
- The Prison Experience and Recidivism: Research on Time Served and Serving Time

Breakout Sessions

- Sentencing Commissions as a Catalyst for Change
- How are Guidelines Associated with Actual Sentences Imposed?
- Workshop: Evidence-Based Ways to Reduce Ethnic and Racial Disparities in Prison Populations
- Round Table: Importance of Data
- Round Table: The Place of Mandatory Minimum Sentences in the Age of Evidence-Based Practices

IV. Activities of the Commission



Photo credit to Michelle Lee

This section summarizes the activities and accomplishments of the Commission in 2015. The topics covered in this section include the following:

- An accounting of the regular meetings held by the Commission in 2015,
- A summary of the legislative mandates enacted by the General Assembly during the 2015 session and an update on the mandates and requests by the General Assembly at the end of the 2014 session,
- A description of the Commission's newly commenced study of bail bonds and pretrial diversionary programs,
- A description of the planning process undertaken to define the work strategy for the Commission,
- A summary of the educational presentations made to the Commission regarding local and national criminal justice efforts and initiatives, and
- A report on the work of the Commission's committees, subcommittees, and working groups.

Commission Meetings

The Commission is required by statute to meet at least four times a year. During 2015, the Commission

held five regular meetings. The Commission held an additional meeting in January to account for the postponed December 2014 meeting. The Commission's regular meetings were held in the Legislative Office Building on January 8, March 19, June 18, September 17, and December 17.

Legislative Mandates

At the end of the 2014 legislative session the Connecticut General Assembly mandated that the Commission conduct and disseminate data and evaluate Connecticut's certificates of employability program. Additionally, in November of 2014, Representative Toni E. Walker submitted a letter to the Commission requesting a proposal that allows for the automatic removal of certain convictions from a qualified individual's criminal record. Finally, at the end of the 2015 session, the General assembly mandated that the Commission undertake studies related to victim notification and sex offender registration, management, and sentencing. The request and mandates are discussed below.

Certificates of Employability Program Evaluation

On October 1, 2014, the Board of Pardons and Paroles (BOPP) and the Judicial Branch Court Support Services Division (CSSD) were authorized to award certificates of employability to eligible individuals. Pursuant to the same act that authorized the program, the Commission is required to collect and disseminate data on the program and conduct a four-year longitudinal evaluation of its effectiveness. The Act also mandates that the Commission submit three annual reports due in January 2016, 2017, and 2018 respectively. Commission staff are in the process of finalizing the first of these three reports. The first report will provide an overview of CSSD and BPP policies and program implementation and a data-driven description of the applicants and certificate holders. The report will contain the Commission staff's findings and recommendations based on the program's first year.

Victim Notification

In June of 2015, the General Assembly, via Public Act 15-84 (Appendix C), directed the Commission to examine how crime "victims may be notified of parole eligibility laws and any other release mechanisms governing cases where a person is convicted of one or more crimes and receives a definite sentence or total effective sentence of more than two years for such crime or crimes."⁷ The act directed the Commission to report to the Judiciary Committee with its findings by February of 2016.

In response, the Commission appointed a Victim Notification Working Group chaired by State Victim Advocate and Commission member Natasha Pierre. The working group was comprised of 7 members and met 3 three times from August to November. The working group examined the information available to victims in relation to offender release, including the information available to the Judicial Branch and the

Department of Correction. The working group found that existing legislation needed improvement and that crime victims would benefit by having an understanding of a defendant's term of imprisonment and potential release date at the time of sentencing.

In light of these findings, the working group crafted a recommendation that ensures that crime victims have increased access to information regarding a defendant's term of imprisonment and release date. Specifically, the recommendation requires that the court, in certain cases, provide a more detailed explanation of the release mechanisms that a defendant might be eligible for. Furthermore, at a victim's request, similar information must be provided by the prosecutor prior to the acceptance of a plea agreement. The recommendation also requires that the Department of Correction make general offender sentencing information publically available.

The Commission adopted the working group's recommendation at its December meeting and submitted its response and report to the General Assembly on December 23rd, 2015.

Sex Offenders

In May of 2015, another request was forwarded to the Commission, via Special Act 15-2 (Appendix D). The act requires the Commission to take a comprehensive look at the registration, management, and sentencing of sex offenders in Connecticut and submit reports to the General Assembly on February 1, 2016 and December 15, 2017.

In response, the Commission formed the Special Committee on Sex Offenders to assist with the study, develop recommendations, and report to the Commission with its findings. The Special Committee is comprised of 16 individuals with a broad base of personal and professional experience with sex offenders in Connecticut, and is chaired by the Executive Director of the Judicial Branch's Court Support Services Division and the former Chair of the Board of Pardons and Paroles. The special committee has met four times between August and

⁷ P.A. 15-84 § 10 (2015).

December and plans to host an additional 7 meetings in 2016.

To further focus its work, the Special Committee established three subcommittees: Sentencing, Assessment and Management, and Community and Victim Needs. The special committee and its subcommittees are in the process of finalizing a study scope and work plan for 2016. More information on the study is available in the Commission's interim report on the study, which is accessible on the Commission's website.

Record Erasure

In 2014, State Representative Toni E. Walker submitted a letter to the Commission requesting a proposal that allows for the automatic removal of certain convictions from a qualified individual's criminal record (Appendix E). Although the initial request carried a deadline of January 7th, 2015, that deadline was extended to February of 2016 due time and resource constraints.

Commission staff have partnered with the Civil Justice Clinic at Quinnipiac University School of Law to research criminal history record erasure and are in the process of compiling a comprehensive analysis on the issue.

Bail Bonds and Pretrial Diversionary Programs

On November 5, 2015, Governor Dannel Malloy wrote a letter (Appendix F) to the Connecticut Sentencing Commission requesting that the Commission examine two aspects of Connecticut's system of pretrial release and incarceration: 1. the state's current bail bond system and 2, the state's existing jail diversionary programs. The Commission, subsequently, resolved to examine both issues and plans to utilize technical assistance from the National

Institute of Corrections (NIC) and other state and national stakeholders to conduct its evaluation.

The Commission plans to complete this study within a year with possible recommendations before the 2017 legislative session.

Strategic Planning

The Commission conducted its first informal planning session in June of 2011, shortly after its formation. The process was primarily directed by the Commission's ad hoc steering Committee and continued into September of 2011. The process involved the creation of the Commission's standing committees, a discussion of the Commission's priorities and internal functions, and the development of mission statements and work plans to define the role of each committee.

In 2014, the Commission hosted a daylong retreat to discuss the Commission's purpose, direction, and priorities. One of the several priorities discussed was the creation of a strategic plan. In response to these discussions, the Steering Committee empaneled the Strategic Planning Working Group. The working group was created to determine the parameters of the planning process, assist in the development of the Commission's strategic plan, and report to Steering with a draft.

The working group is chaired by long time Commission member John Santa and comprised of two staff member and two additional Commission members. The group examined the Commission's operating model, prior planning, enabling legislation, and accomplishments. The group also conducted an informal SWOT analysis and developed a set of recommendations. The Steering Committee approved the recommendations with a minor amendment and directed the working group to develop an action plan for its next meeting (Appendix G). The action plan consists of a series of goals, objectives, and strategies for the Commission to implement over the next 5 years and was adopted by the Commission at its December 17th meeting.

Presentations

The Sentencing Commission's regular meetings provide a forum for education and information sharing on local, state, and national criminal justice issues. During 2015, three major presentations were made on the topics listed below.

Justice Reinvestment Summit

At the January 2015 Commission meeting, attendees of the 2014 Justice Reinvestment National Summit in San Diego addressed the Commissioners and provided a presentation on the events of the summit and the status of Justice Reinvestment Initiatives nationwide. The event was sponsored by the Pew Charitable Trusts and the Council of State Governments and brought together policy makers, experts, and other key decision makers from more than 30 states to discuss the past, present, and future of the Justice Reinvestment Initiative. The summit showcased a national bipartisan momentum for the data-driven justice reinvestment process and demonstrated the effectiveness of justice reinvestment initiatives at reducing recidivism, reducing corrections costs, and maintaining public safety.

Developments in Juvenile Sentencing Law

Quinnipiac University School of Law Professor Sarah Russell presented, in January 2015, on the local and national developments that have occurred in the field of juvenile sentencing law since the 2013 legislative session.

Professor Russell provided an overview of recent state legislative action in the area of

juvenile sentencing, a history of the Commission's juvenile justice recommendation, and the United States' Supreme Court decisions that led to its creation.

The Growth of Incarceration in the United States

In June of 2015, the Vera Institute of Justice and the John Jay College of Criminal Justice led a group of U.S. prison officials, prosecutors, researchers, and activists on a tour of Germany's prison system. Among the attendees were Connecticut Governor Dannel Malloy and Commissioner of Correction Scott Semple.

The group examined German/European sentencing and corrections models, visited German correctional facilities, and engaged European criminal justice practitioners, criminologists, and service providers. During this trip, Commissioner Semple met Jeremy Travis, President of the John Jay College of Criminal Justice, and invited him to speak before the Commission.

At the December 2015 Commission meeting, President Travis presented the findings of the National Academies report entitled, "The Growth of Incarceration in the United States: Exploring Causes and Consequences." President Travis explained the impetus for the report and provided a detailed summary of its findings. The three-year effort examined the rapid rise in the United States' incarceration rate over the past 40 years, causes and consequences of high rates of incarceration in the United States, the drivers behind the increase, and the consequences of these changes.

At the conclusion of the presentation Commissioners were provided an opportunity for questions.

Committees and Working Groups

Efforts for 2015 were spread across a variety of different committees and working groups. Commission members focused their efforts on three of the Commission's standing committees. The Commission also established a new special committee to address the legislatively mandated study on sex offenders and a new working group to address issues surrounding victim notification. Information regarding the work of the Victim Notification working group and Special Committee on Sex Offenders is available on page 15. The efforts of the Commission's active standing committee's is described below.

Steering Committee

The Steering Committee held its first meeting in June 2015 and met a total of four times over the course of the year. The committee assisted with the administration and management of the Commission, supervised and completed the search process for the Commission's first full time executive director, and continued its work on the Commission's strategic plan.

A large part of the committee's efforts in 2015 were dedicated to securing a full time executive director for the Commission. The committee posted the position description that it had approved in 2014 and empaneled a search committee to review applications. The committee narrowed its extensive pool of applicants down to three candidates. After a series of interviews with the candidates, the

position was offered to, and accepted by, Alex Tsarkov.

Prior to his acceptance of the position, Mr. Tsarkov worked for the Judicial Branch Court Support Services Division (the Division) as a Court Planner for two years. There, he managed over \$8 million in contracts with non-profit agencies providing services to pre-trial, family and probation clients. In addition, Mr. Tsarkov analyzed, developed, and implemented strategies to reduce recidivism rates among adults under the Division's supervision.

Prior to the Division, Alex worked at the Connecticut General Assembly as the clerk of the Judiciary Committee and Aide to State Representative Gerry Fox, III. Mr. Tsarkov worked on numerous issues affecting the state's criminal justice system including diversionary programs, eyewitness identification and juvenile sentencing.

The remainder of the committee's efforts were equally applied toward the Commission's general management and the strategic planning process. More information on the strategic planning process is available on page 16.

Research Committee

The Research Committee met a total of 6 times in 2015 and welcomed Stephen Grant as its new co-chair and Thomas Kulhawik as a committee member. The committee directed its efforts toward a number of issues including, but not limited to, the assessment of correctional education in Connecticut, a proposal regarding evidence based sentencing, and a proposal regarding the imposition of mandatory minimum sentences.

The committee continued to work with Maureen Price-Boreland and the Department of Correction to assess the efficacy of correctional education in Connecticut. The committee plans to continue to discuss this project with the Department in 2016.

The committee is also in the process of soliciting applications for a proposed study regarding evidenced based sentencing. The committee developed a draft request for proposal (RFP) and obtained the Commission's permission to distribute the RFP and review submissions (Appendix H).

Finally, in light of the Commission's increased work load, the committee decided to postpone consideration of the proposed study of mandatory minimum sentencing.

Sentencing Structure Policy and Practices Committee

The Sentencing Structure, Policy, and Practices Committee continued its efforts to identify opportunities to improve areas of the Connecticut general statutes concerning criminal law. The committee met twice in 2015 and submitted two proposals to the Commission for consideration. These included a recommendation regarding Connecticut's persistent offender

statute and a recommendation regarding Connecticut's motor vehicle statute. Although the proposed revisions to Connecticut's persistent offender statute were not adopted, the recommendation concerning Connecticut's weapon in a motor vehicle statute is available on page 22.

Summary

This section examined the activities and accomplishments of the Commission, its committees, and working groups in 2015.

The Commission was responsive to the requests of the General Assembly and made significant progress on its existing statutory mandates. The Commission continued its evaluation of the certificates of employability program and completed its recommendation and report regarding victim notification.

The Commission also undertook several new areas of work including studies regarding bail bonds; pretrial diversionary programs; and sex offender assessment, registration, and management.

Additionally, the Commission benefitted from several educational presentations and made significant progress by continuing the work of its standing committees.

This section presents the resolutions adopted by the Commission in 2015 and provides an update on “Commission bills” considered by the General Assembly during the 2015 session. Not all of the Commission’s resolutions are legislative in nature, and the resolutions that do become bills are not always enacted, however, the following “Commission Bill” passed during the 2015 session and was signed by the governor.

Bill Number	Bill Title (and originating Commission recommendation)
Senate Bill 796 (P.A. 15-84) ⁸	<p>An act concerning lengthy sentences for crimes committed by a child or youth and the sentencing of a child or youth convicted of certain felony offenses</p> <ul style="list-style-type: none"> Reconsidering Sentences Imposed on Juveniles <p>(Note: this recommendation was approved by the Commission in 2014)</p>

⁸ See Appendix C.

RESOLVED, That the Connecticut Sentencing Commission partner with The Pew-MacArthur Results First Initiative and utilize the Results First approach when evaluating sentencing policies, practices, and programs.

Report

1. Program Background

The Pew-MacArthur Results First Initiative, a project of The Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation, works with eighteen states and four California counties to implement an innovative cost-benefit analysis approach that helps them invest in policies and programs that are proven to work. Results First partners use data from evidence-based programs to conduct cost-benefit analyses and compare programs' likely return on investment. The process helps policy-makers make informed decisions to fund effective programs. In Connecticut, the Results First Initiative is staffed by the Institute for Municipal and Regional Policy at Central Connecticut State University, which also provides staffing resources for the Sentencing Commission.⁹

2. Results First and the Commission's Mandate

The Connecticut Sentencing Commission's enabling legislation (C.G.S. Sec. 54-300) requires that the Commission:

- Facilitate the development and maintenance of a state-wide sentencing database;
- Evaluate existing sentencing statutes, policies and practices including conducting a cost-benefit analysis;
- Act as a sentencing policy resource for the state;
- Evaluate the impact of pretrial, sentencing diversion, incarceration and post-release supervision programs;
- Perform fiscal impact analyses on selected proposed criminal justice legislation; and
- Make recommendations concerning criminal justice legislation

The Results First Initiative is uniquely situated to assist the Commission with these mandates by extending its expertise in collecting and utilizing program data in the criminal justice arena, conducting the required quantitative analyses, and providing the evaluations and evidence for making informed budget and policy decisions. Using the Results First model, we can:

- Evaluate evidence-based or research-based programs;
- Provide the tools to assess the effectiveness of programs;
- Estimate a return on investment for each program evaluated;
- Provide the necessary information to conduct fiscal impact analyses on proposed legislation; and
- Share resources of the Institute for Municipal and Regional Policy.

⁹ "An Overview of the Pew-MacArthur Results First Initiative," July 2015.

No. 2015-02 Resolution Regarding a Study of Need and Risk-Based Sentencing

RESOLVED, That the Connecticut Sentencing Commission support a proposal to invite qualified research organizations or individuals to conduct an unfunded study comparing pre-sentence risk and needs assessments with actual sentences imposed.

Report

See attached Invitation for Proposals: Evidence Based Sentencing Study, dated, September 2015 (Appendix H).

No. 2015-03 Resolution Regarding Connecticut's Weapon in a Motor Vehicle Statute

RESOLVED, That the Connecticut Sentencing Commission urges the Connecticut General Assembly to amend Conn. Gen. Stat § 29-38 to comply with the Connecticut Supreme Court's ruling in *State v. Jason William DeCiccio*, SC19104 (Conn. 2014).

Proposed Statutory Language

Sec. 29-38. Weapons in vehicles. Penalty. Exceptions.

(a) Any person who knowingly has, in any vehicle owned, operated or occupied by such person, any weapon, any pistol or revolver for which a proper permit has not been issued as provided in section 29-28 or any machine gun which has not been registered as required by section 53-202, shall be guilty of a class D felony, and the presence of any such weapon, pistol or revolver, or machine gun in any vehicle shall be prima facie evidence of a violation of this section by the owner, operator and each occupant thereof. The word "weapon", as used in this section, means any BB. gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches or more in length, any martial arts weapon or electronic defense weapon, as defined in section 53a-3, or any other dangerous or deadly weapon or instrument.

(b) The provisions of this section shall not apply to: (1) Any officer charged with the preservation of the public peace while engaged in the pursuit of such officer's official duties; (2) any security guard having a baton or nightstick in a vehicle while engaged in the pursuit of such guard's official duties; (3) any person enrolled in and currently attending a martial arts school, with official verification of such enrollment and attendance, or any certified martial arts instructor, having any such martial arts weapon in a vehicle while traveling to or from such school or to or from an authorized event or competition; (4) any person having a BB. gun in a vehicle provided such weapon is unloaded and stored in the trunk of such vehicle or in a locked container other than the glove compartment or console; **[and]** (5) any person having a knife, the edged portion of the blade of which is four inches or more in length, in a vehicle if such person is (A) any member of the armed forces of the United States, as defined in section 27-103, or any reserve component thereof, or of the armed forces of the state, as defined in section 27-2, when on duty or going to or from duty, (B) any member of any military organization when on parade or when going to or from any place of assembly, (C) any person while transporting such knife as merchandise or for display at an authorized gun or knife show,

(D) any person while lawfully removing such person's household goods or effects from one place to another, or from one residence to another, (E) any person while actually and peaceably engaged in carrying any such knife from such person's place of abode or business to a place or person where or by whom such knife is to be repaired, or while actually and peaceably returning to such person's place of abode or business with such knife after the same has been repaired, (F) any person holding a valid hunting, fishing or trapping license issued pursuant to chapter 490 or any saltwater fisherman while having such knife in a vehicle for lawful hunting, fishing or trapping activities, or (G) any person participating in an authorized historic reenactment **[.]; and (6) any person having a dirk knife or police baton in a vehicle while lawfully removing such person's household goods or effects from one place to another, or from one residence to another.**

Report

On December 23, 2014, the Connecticut Supreme Court released its decision in State v. DeCiccio, holding that Conn Gen. Stat § 29-38 violates the Second Amendment to the extent that it acts as a complete prohibition on the transportation of dirk knives and police batons between residences.

Jason DeCiccio was involved in an automobile accident while in the process of moving his belongings from his former home in Connecticut to a new home in Massachusetts. Mr. Deciccio was arrested and charged with having weapons in his vehicle in violation of Connecticut General Statutes § 29-38(a) after police investigating the accident discovered a dirk knife and a police baton in his vehicle. Mr. DeCiccio was subsequently convicted of two counts of violating § 29-38(a) and appealed, claiming that the statute constituted an unreasonable infringement on his Second Amendment right to bear arms.

The Connecticut Supreme Court reversed, concluding that, “possession of a dirk knife and a police baton in a person's home is protected by the second amendment” and that, “...our statutory scheme, which categorically bars the transportation of those weapons by motor vehicle from a former residence to a new residence, impermissibly infringes on that constitutional right.”

The Commission’s proposal is designed to rectify the now unconstitutional portion of § 29-38 in accordance with the court’s narrow holding.

No. 2015-04 Resolution Regarding Victim Notification

RESOLVED, That the Connecticut Sentencing Commission requests that the Connecticut General Assembly amend the Connecticut General Statutes to include its victim notification recommendation entitled “An Act Concerning the Recommendations of the Connecticut Sentencing Commission With Respect to Victim Notification” dated December 2015.

Proposed Statutory Language

AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO VICTIM NOTIFICATION

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

Section 1. (NEW)(*Effective October 1, 2016*) Whenever a defendant convicted of one or more crimes receives a definite sentence of more than two years incarceration or a total effective sentence of more than

two years incarceration, the court, at sentencing, shall indicate: (a) the maximum period of incarceration that may apply to the defendant, (b) whether the defendant may be eligible to earn risk reduction credit pursuant to section 18-98e of the general statutes, and (c) whether the defendant may be eligible to apply for release on parole pursuant to section 54-125a of the general statutes.

Section 2. Subsection (d) of section 54-91c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(d) Upon the request of a victim, prior to the acceptance by the court of a plea of a defendant pursuant to a proposed plea agreement, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall provide the victim with the terms of the proposed plea agreement in writing. If the terms of the plea agreement include a period of incarceration of more than two years or a total effective sentence of more than two years, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall indicate: (1) the maximum period of incarceration that may apply to the defendant, (2) whether the defendant may be eligible to earn risk reduction credit pursuant to section 18-98e of the general statutes, and (3) whether the defendant may be eligible to apply for release on parole pursuant to section 54-125a of the general statutes.

Section 3: (NEW)(Effective October 1, 2016) The Department of Correction shall make publically available general offender sentencing information. Specifically, the information shall include, but is not limited to: (a) the release mechanisms under the authority of the Department of Correction; (b) information on pre-sentence confinement credit and application pursuant to section 18-89d of the general statutes; (c) information on the eligibility and application of risk reduction earned credit pursuant to section 18-89e of the general statutes; (d) the standards for eligibility for parole and (e) the state-wide automated victim information and notification system mandated by section 54-235 of the general statutes.

Report

The Victim Notification Working Group was appointed by the Connecticut Sentencing Commission on June 18th, 2015 to address the needs of crime victims at sentencing and assist with the study and recommendations mandated by Public Act 15-84.

Natasha Pierre, State Victim Advocate, chaired the working group and was joined by seven experienced criminal justice professionals representing a broad spectrum of state services. The working group held three meetings over a period of four months and was narrowly focused on the issues presented by the Connecticut General Assembly's statutory charge.

In Connecticut, victims of crime have a constitutional right to receive information about the arrest, conviction, sentence, imprisonment and release of the accused.¹⁰ In order to receive this information, crime victims must register via one or more of the following state-run notification systems: The Department of Correction Victim Services Unit, the Office of Victim Services, or the Statewide Automated Victim Information Notification System (SAVIN).

The Department of Correction Victim Services Unit and SAVIN provide presentence and post-conviction notifications. The Office of Victim Services provides post-conviction notifications. If a crime victim registers with all notification systems, s/he will be notified if the defendant:

¹⁰ Constitution of the State of Connecticut, Article First § 8 as amended by Article XXIX § (b).

- Applies for pardon, parole, release from prison other than a furlough or a change in sentence;
- Is scheduled to be released from a correctional facility other than on a furlough, except a reentry furlough;
- Applies for an exemption from the registration requirements of the Sex Offender Registry;
- Applies for a restriction of the disclosure requirements of the Sex Offender Registry;
- Dies while in custody;
- Transfers to a community release program (DOC only); or
- Escapes/returns from escape (DOC only).

Note: These notification systems cannot inform a crime victim about the arrest of the defendant.

Although existing notification systems provide a wealth of useful post-conviction and presentence information, crime victims would further benefit by having an understanding of a defendant's term of imprisonment and potential release date at the time of sentencing. Although periods of incarceration and community supervision can be impacted by changes in the law or release mechanisms, advance information allows crime victims to plan for their physical, mental health, and safety concerns. The working group's recommendation ensures that crime victims have increased access to information regarding a defendant's term of imprisonment and release date.

No. 2015-05 Resolution Regarding Strategic Planning

RESOLVED, That the Connecticut Sentencing Commission adopt the Steering Committee's strategic action plan and direct its Steering Committee and staff to implement said plan.

Sentencing Commission Action Plan

I. Strategic Goals

STRATEGIC GOAL 1: Provide quality, timely, and thorough information to the General Assembly, Governor, and other State entities requesting criminal justice research and recommendations.

STRATEGIC GOAL 2: Strengthen the Commission's operational efficiency and controls to advance the Commission's mission.

STRATEGIC GOAL 3: Obtain data necessary to accomplish Commission mission, initiatives, and legislative mandates.

STRATEGIC GOAL 4: Provide training regarding sentencing and related issues, policies and practices.

II. Strategies for Goal Realization

STRATEGIC GOAL 1: Provide quality, timely, and thorough information to the General Assembly, Governor, and other State entities requesting criminal justice research and recommendations.

Objective 1.1: Expand and strengthen partnerships and relationships with non-partisan organizations and other entities.

Strategy: Collaborate with federal agencies, as well as researchers and non-partisan organizations to improve the quality of services.

Strategy: Actively participate in national, state, and local criminal justice organizations both as an agency and through individual staff memberships, contributing to their work on behalf of the commission and receiving information on current trends in the respective areas of interest.

Objective 1.2: Expand and strengthen partnerships and relationships with Connecticut's academic institutions.

Strategy: Create a well-run, prestigious and mutually satisfying internship and/or externship program that utilizes local law/graduate student talent from some/all of the four local law/graduate schools.

Strategy: Engage Connecticut university faculty in Commission research projects and initiatives.

Strategy: Assess the feasibility of creating a yearlong academic fellowship with one or more of Connecticut's graduate schools.

Objective 1.3: Obtain full-time dedicated research staff

Strategy: See strategies under objective 2.1.

Objective 1.4: improve communication and collaboration with members of the public on issues of public and criminal justice policy.

Strategy: Develop and implement a plan to strengthen public and stakeholder involvement in the work of the Commission.

STRATEGIC GOAL 2: Strengthen the Commission's operational efficiency and controls to advance the Commission's mission.

Objective 2.1: Obtain adequate operational resources

Strategy: Seek federal, foundation, and other grant funding opportunities to assist the Commission.

Strategy: Seek state funding to assist the Commission.

Objective 2.2: Ensure that committees, subcommittees, and working groups work to meet existing Commission priorities.

Strategy: Assess the Commission's current committee structure, including the number and focus of committees in light of its mission and strategic plan. Develop recommendations based on said assessment.

Objective 2.3: Work within the constraints of existing staff and monetary resources.

Strategy: Adopt a policy allowing for only one chairperson and one vice chairperson per committee, task force, working group, or subcommittee.

Strategy: Develop a centralized selection and management process for all commission projects and initiatives.

Objective 2.4: Expand and streamline communication with the Executive, Legislative, and Judicial Branches of government and their agencies.

Strategy: Promote clear and consistent communications through increased outreach, enhanced transparency, improved coordination, and regular updates with internal and external stakeholders.

STRATEGIC GOAL 3: Obtain data necessary to accomplish Commission mission, initiatives, and legislative mandates.

Objective 3.1: Build data capacity and create a state-wide sentencing database.

Strategy: Identify datasets needed to accomplish Commission mission, initiatives, and legislative mandates.

Strategy: Develop a framework for obtaining, housing, analyzing, and publishing said data.

STRATEGIC GOAL 4: Provide training regarding sentencing and related issues, policies and practices.

Objective 4.1: Develop and implement training programs for policy makers, legislators, members of the general public, and other interested parties.

Strategy: Utilizing the professional expertise of commission members, assess and forecast training needs for victims of crime and private attorneys in relation to the sentencing process through constituent surveys, meetings and other means, which identify gaps in services and current practices; followed by publication of results and development of training/assistance to meet the identified gaps.

Strategy: Collaborate with the Connecticut Bar Association, Judicial Branch Division of Public Defender Services, and Division of Criminal Justice to implement training/assistance.

Objective 4.2: Develop and implement educational and informational programs for policy makers, legislators, members of the general public, and other interested parties.

Strategy: Assess and forecast education and information needs of policy makers, legislators, and members of the general public in relation to the sentencing process and the policies and practices of the Commission. Identify gaps in services and current practices; followed by publication of results and development of programming to meet the identified gaps.

Report

The Strategic Planning Working Group was appointed by the Steering Committee on November 25th, 2014 to determine the parameters of the strategic planning process, conduct the Commission's strategic plan, and report to Steering with a draft plan.

John Santa chaired the working group and was joined by Andrew Clark, Hon. William Dyson, Vivien Blackford, and Atty. Leland Moore. The group presented its recommendations to Steering on November 17th, 2015. The recommendations were approved as amended and the Steering Committee directed the working group to develop an action plan for its next meeting. The group returned to the committee with the action plan on December 10th, 2015. The committee adopted the plan with minor amendments and moved that it be submitted to the Commission for consideration at the December 17th commission meeting. The motion was adopted unanimously and this resolution was drafted.

The goals, objectives, and strategies were developed by the strategic planning working group on behalf of the Steering Committee. The goals were based on the Commission's enabling legislation, the information provided by Commission members at the 2014 retreat, the strategic plans of similar governmental entities, and the recommendations approved by the Steering Committee on November 13th, 2015.

No. 2015-06 Resolution Regarding a Study of Connecticut's Bail Bond System.

RESOLVED, That the Connecticut Sentencing Commission study Connecticut's current bail bond system and the possibility for its reform.

Report

On November 5, 2015, Governor Dannel Malloy wrote a letter to the Connecticut Sentencing Commission requesting a study of "Connecticut's current bail bond system and the possibility of its reform."

The Governor asked the Commission to focus on the non-violent, low level pretrial population. These defendants may be incarcerated not because they are dangerous or a flight risk, but simply because they do not have the financial resources to post a bond. Nevertheless, in asking the Commission to examine bail systems and reform efforts in other American jurisdictions, the Governor also requested that the Commission provide "an analysis of potential ways Connecticut can focus pretrial incarceration efforts on individuals who are dangerous and/or a flight risk, as well as ways to reduce 'bail inflation'" in the state. Thus, the request covers both "bail" and "no bail" – detention and release– and therefore provides an excellent opportunity for Connecticut to thoroughly and thoughtfully examine the current state of pretrial justice system.

The letter concludes by asking the Commission to let the Governor's office know by January 15, 2016, how soon the Commission could provide recommendations on the raised topics.

Following the model used by other states, we can predict with some confidence that once the study group is created, it will likely be able to make substantial recommendations within approximately one year, completing its work before the beginning of the 2017 legislative session. The Commission will utilize technical assistance from the National Institute of Corrections (NIC) and will collaborate with other state and national stakeholders for this study.

This resolution serves as an acceptance of the governor's request along with a formal commitment to examine and analyze Connecticut's current bail bond system.

No. 2015-07 Resolution Regarding a Study of Connecticut's Diversionary Programs.

RESOLVED, That the Connecticut Sentencing Commission study Connecticut's diversionary programs, their efficacy and cost effectiveness.

Report

On November 5, 2015, Governor Dannel Malloy wrote a letter to the Connecticut Sentencing Commission requesting a study of Connecticut's existing jail diversionary programs.

The Governor asked the Commission to examine "how these programs are meeting the needs of the state and its citizens." The Governor noted that he has heard concerns from prosecutors, judges, defense attorneys and victims that the variety of diversionary programs available in Connecticut is confusing, that these programs have become automatic, resulting in offenders being shifted from one program to another without a case-by-case analysis of their situation, and may postpone the time by which an individual defendant's needs are addressed in a comprehensive way.

The Commission was asked to assess the scope of the diversionary programs and to determine how effective those programs are. The Sentencing Commission plans to complete this study within a year with possible recommendations before the 2017 legislative session. This resolution serves as an acceptance of the governor's request along with a formal commitment to examine and analyze Connecticut's diversionary programs.

VI. Next steps

Committees and Working Groups

The Commission continues to support the ongoing work of its standing committees along with the Special Committee on Sex Offenders and its three subcommittees. The special committee is scheduled to submit an interim report on February 1 and continue its work through 2016 and into 2017. The special committee plans to finalize a study scope by early February.

New Areas of Study

The Commission will continue its work evaluating the Certificates of Employability program and plans to submit an interim report on January 16th. The Commission will continue to evaluate the program through 2016 into 2017 and 2018.

Similarly, the Commission will continue its work on criminal history record erasure and plans to submit a report by mid-February.

The Commission is also committed to furthering its new study of bail bonds and diversionary programs. Commission staff will continue to work on these studies over the course of 2016 with time for the Commission to formulate a recommendation by the 2017 legislative session.

Summary

The Commission plans to meet 5 times in 2016. Information about the meetings, materials from those meetings, and information regarding the work of the Commission, its committees, and working groups can be found on the Commission's web site at www.ct.gov/ctsc.

VII. Appendices

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Appendix A: C.G.S. § 54-300

§ 54-300 Sentencing Commission

(a) There is established, within existing budgetary resources, a Connecticut Sentencing Commission which shall be within the Office of Policy and Management for administrative purposes only.

(b) The mission of the commission shall be to review the existing criminal sentencing structure in the state and any proposed changes thereto, including existing statutes, proposed criminal justice legislation and existing and proposed sentencing policies and practices and make recommendations to the Governor, the General Assembly and appropriate criminal justice agencies.

(c) In fulfilling its mission, the commission shall recognize that: (1) The primary purpose of sentencing in the state is to enhance public safety while holding the offender accountable to the community, (2) sentencing should reflect the seriousness of the offense and be proportional to the harm to victims and the community, using the most appropriate sanctions available, including incarceration, community punishment and supervision, (3) sentencing should have as an overriding goal the reduction of criminal activity, the imposition of just punishment and the provision of meaningful and effective rehabilitation and reintegration of the offender, and (4) sentences should be fair, just and equitable while promoting respect for the law.

(d) The commission shall be composed of the following members:

(1) Eight persons appointed one each by: (A) The Governor, (B) the Chief Justice of the Supreme Court, (C) the president pro tempore of the Senate, (D) the speaker of the House of Representatives, (E) the majority leader of the Senate, (F) the majority leader of the House of Representatives, (G) the minority leader of the Senate, and (H) the minority leader of the House of Representatives, all of whom shall serve for a term of four years;

(2) Two judges appointed by the Chief Justice of the Supreme Court, one of whom shall serve for a term of one year and one of whom shall serve for a term of three years;

(3) One representative of the Court Support Services Division of the Judicial Branch appointed by the Chief Justice of the Supreme Court, who shall serve for a term of two years;

(4) The Commissioner of Correction, who shall serve for a term coterminous with his or her term of office;

(5) The Chief State's Attorney, who shall serve for a term coterminous with his or her term of office;

(6) The Chief Public Defender, who shall serve for a term coterminous with his or her term of office;

(7) One state's attorney appointed by the Chief State's Attorney, who shall serve for a term of three years;

(8) One member of the criminal defense bar appointed by the president of the Connecticut Criminal Defense Lawyers Association, who shall serve for a term of three years;

(9) The Victim Advocate, who shall serve for a term coterminous with his or her term of office;

(10) The chairperson of the Board of Pardons and Paroles, who shall serve for a term coterminous with his or her term of office;

(11) The Commissioner of Emergency Services and Public Protection, who shall serve for a term coterminous with his or her term of office;

(12) A municipal police chief appointed by the president of the Connecticut Police Chiefs Association, who shall serve for a term of two years;

(13) The Commissioner of Mental Health and Addiction Services, who shall serve for a term coterminous with his or her term of office;

(14) The undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management, who shall serve for a term coterminous with his or her term of office; and

(15) An active or retired judge appointed by the Chief Justice of the Supreme Court, who shall serve as chairperson of the commission and serve for a term of four years.

(e) The commission shall elect a vice-chairperson from among the membership. Appointed members of the commission shall serve for the term specified in subsection (d) of this section and may be reappointed. Any vacancy in the appointed membership of the commission shall be filled by the appointing authority for the unexpired portion of the term.

(f) The commission shall:

(1) Facilitate the development and maintenance of a state-wide sentencing database in collaboration with state and local agencies, using existing state databases or resources where appropriate;

(2) Evaluate existing sentencing statutes, policies and practices including conducting a cost-benefit analysis;

(3) Conduct sentencing trends analyses and studies and prepare offender profiles;

(4) Provide training regarding sentencing and related issues, policies and practices;

(5) Act as a sentencing policy resource for the state;

(6) Preserve judicial discretion and provide for individualized sentencing;

(7) Evaluate the impact of pretrial, sentencing diversion, incarceration and post-release supervision programs;

(8) Perform fiscal impact analyses on selected proposed criminal justice legislation; and

(9) Identify potential areas of sentencing disparity related to racial, ethnic, gender and socioeconomic status.

(g) Upon completing the development of the state-wide sentencing database pursuant to subdivision (1) of subsection (f) of this section, the commission shall review criminal justice legislation as requested and as resources allow.

(h) The commission shall make recommendations concerning criminal justice legislation, including proposed modifications thereto, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary which shall hold a hearing thereon.

(i) The commission shall have access to confidential information received by sentencing courts and the Board of Pardons and Paroles including, but not limited to, arrest data, criminal history records, medical records and other non-conviction information.

(j) The commission shall obtain full and complete information with respect to programs and other activities and operations of the state that relate to the criminal sentencing structure in the state.

(k) The commission may request any office, department, board, commission or other agency of the state or any political subdivision of the state to supply such records, information and assistance as may be necessary or appropriate in order for the commission to carry out its duties. Each officer or employee of such office, department,

board, commission or other agency of the state or any political subdivision of the state is authorized and directed to cooperate with the commission and to furnish such records, information and assistance.

(l) The commission may accept, on behalf of the state, any grants of federal or private funds made available for any purposes consistent with the provisions of this section.

(m) Any records or information supplied to the commission that is confidential in accordance with any provision of the general statutes shall remain confidential while in the custody of the commission and shall not be disclosed. Any penalty for the disclosure of such records or information applicable to the officials, employees and authorized representatives of the office, department, board, commission or other agency of the state or any political subdivision of the state that supplied such records or information shall apply in the same manner and to the same extent to the members, staff and authorized representatives of the commission.

(n) The commission shall be deemed to be a criminal justice agency as defined in subsection (b) of section 54-142g.

(o) The commission shall meet at least once during each calendar quarter and at such other times as the chairperson deems necessary.

(p) Not later than January 15, 2012, and annually thereafter, the commission shall submit a report, in accordance with the provisions of section 11-4a, to the Governor, the General Assembly and the Chief Justice of the Supreme Court.

Appendix B: Sentencing Commissions in the United States

					Budget YR	Budget	
Alabama	2000	Judicial	21	3	FY 2015	312,590	General Fund
Alaska	1959	Judicial /Independent	7	8	FY 2015	1,309,700	General Fund
Arkansas	1993	Independent	11	5	FY 2015	464,454	General Revenue/Other Funds
Colorado	2007	Executive	27	10			
Delaware	1984	Executive	11	1	FY 2014	51,900	General Fund and Federal Grants
Illinois	2009	Executive	18	3	FY 2015	\$668,000	General Fund
Iowa*	1974	Human Rights Department	23		FY 2014	1,260,105	General Fund
Kansas	1989	Hybrid/Independent	17	12	FY 2015	\$7,834,239	General Fund
Louisiana	1987	Executive	20	1			No funding or external financial support
Maryland	1996	Executive	19	5	FY 2016	487,107	General Fund
Massachusetts	1994	Judicial	15	4	FY2009	232,000	Federal Grant
Minnesota	1978	Executive	11	6	FY 2015	586,000	General Fund
Missouri	1994	Independent	11	0	FY 2015	0	General Revenue
New Mexico	2001	Executive	23	2	FY 2015	578,200	General Fund
New York	2010	Executive	20	3			
North Carolina	1990	Independent (Housed in Judicial)	28	10	FY 2009	900,000	
Ohio	1990	Judicial	31	1	FY 2011	206,766	General Fund
Oregon*	1995	Independent	9	8	FY 2012-2016	2,389,346	Federal Grant
Pennsylvania	1978	Legislative	14	17	FY 2014	2,183,155	General Fund and Federal Grants
Utah	1993	Executive	27	1	FY 2014	\$1,362,900	Crime Victim Reparations Fund
Virginia	1995	Judicial	17	9	FY 2014	1,050,457	General Fund
District of Columbia	2006	Independent	20	10	FY 2013	1,388,813	General Fund
United States	1984	Independent	7	100	FY 2013	15,637,000	Federal Funding

Appendix C: Public Act § 15-84

Public Act No. 15-84

AN ACT CONCERNING LENGTHY SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH AND THE SENTENCING OF A CHILD OR YOUTH CONVICTED OF CERTAIN FELONY OFFENSES.

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

Section 1. Section 54-125a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) A person convicted of one or more crimes who is incarcerated on or after October 1, 1990, who received a definite sentence or [aggregate] total effective sentence of more than two years, and who has been confined under such sentence or sentences for not less than one-half of the [aggregate] total effective sentence less any risk reduction credit earned under the provisions of section 18-98e or one-half of the most recent sentence imposed by the court less any risk reduction credit earned under the provisions of section 18-98e, whichever is greater, may be allowed to go at large on parole in the discretion of the panel of the Board of Pardons and Paroles for the institution in which the person is confined, if (1) it appears from all available information, including any reports from the Commissioner of Correction that the panel may require, that there is a reasonable probability that such inmate will live and remain at liberty without violating the law, and (2) such release is not incompatible with the welfare of society. At the discretion of the panel, and under the terms and conditions as may be prescribed by the panel including requiring the parolee to submit personal reports, the parolee shall be allowed to return to the parolee's home or to reside in a residential community center, or to go elsewhere. The parolee shall, while on parole, remain under the jurisdiction of the board until the expiration of the maximum term or terms for which the parolee was sentenced less any risk reduction credit earned under the provisions of section 18-98e. Any parolee released on the condition that the parolee reside in a residential community center may be required to contribute to the cost incidental to such residence. Each order of parole shall fix the limits of the parolee's residence, which may be changed in the discretion of the board and the Commissioner of Correction. Within three weeks after the commitment of each person sentenced to more than two years, the state's attorney for the judicial district shall send to the Board of Pardons and Paroles the record, if any, of such person.

(b) (1) No person convicted of any of the following offenses, which was committed on or after July 1, 1981, shall be eligible for parole under subsection (a) of this section: (A) Capital felony, as provided under the provisions of section 53a-54b, as amended by this act, in effect prior to April 25, 2012, (B) murder with special circumstances, as provided under the provisions of section 53a-54b, as amended by this act, in effect on or after April 25, 2012, (C) felony murder, as provided in section 53a-54c, (D) arson murder, as provided in section 53a-54d, as amended by this act, (E) murder, as provided in section 53a-54a, as amended by this act, or (F) aggravated sexual assault in the first degree, as provided in section 53a-70a. (2) A person convicted of (A) a violation of section 53a-100aa or 53a-102, or (B) an offense, other than an offense specified in subdivision (1) of this subsection, where the underlying facts and circumstances of the offense involve the use, attempted use or threatened use of physical force against another person shall be ineligible for parole under subsection (a) of this section until such person has served not less than eighty-five per cent of the definite sentence imposed.

(c) The Board of Pardons and Paroles shall, not later than July 1, 1996, adopt regulations in accordance with chapter 54 to ensure that a person convicted of an offense described in subdivision (2) of subsection (b) of this section is not released on parole until such person has served eighty-five per cent of the definite sentence imposed by the court. Such regulations shall include guidelines and procedures for classifying a person as a violent offender that are not limited to a consideration of the elements of the offense or offenses for which such person was convicted.

(d) The Board of Pardons and Paroles may hold a hearing to determine the suitability for parole release of any person whose eligibility for parole release is not subject to the provisions of subsection (b) of this section upon completion by such person of seventy-five per cent of such person's definite or [aggregate] total effective sentence less any risk reduction credit earned under the provisions of section 18-98e. An employee of the board or, if deemed necessary by the chairperson, a panel of the board shall assess the suitability for parole release of such person based on the following standards: (1) Whether there is reasonable probability that such person will live and remain at liberty without violating the law, and (2) whether the benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration. If a hearing is held, and if the board determines that continued confinement is necessary, the board shall articulate for the record the specific reasons why such person and the public would not benefit from such person serving a period of parole supervision while transitioning from incarceration to the community. If a hearing is not held, the board shall document the specific reasons for not holding a hearing and provide such reasons to such person. No person shall be released on parole without receiving a hearing. The decision of the board under this subsection shall not be subject to appeal.

(e) The Board of Pardons and Paroles may hold a hearing to determine the suitability for parole release of any person whose eligibility for parole release is subject to the provisions of subdivision (2) of subsection (b) of this section upon completion by such person of eighty-five per cent of such person's definite or [aggregate] total effective sentence. An employee of the board or, if deemed necessary by the chairperson, a panel of the board shall assess the suitability for parole release of such person based on the following standards: (1) Whether there is a reasonable probability that such person will live and remain at liberty without violating the law, and (2) whether the benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration. If a hearing is held, and if the board determines that continued confinement is necessary, the board shall articulate for the record the specific reasons why such person and the public would not benefit from such person serving a period of parole supervision while transitioning from incarceration to the community. If a hearing is not held, the board shall document the specific reasons for not holding a hearing and provide such reasons to such person. No person shall be released on parole without receiving a hearing. The decision of the board under this subsection shall not be subject to appeal.

(f) (1) Notwithstanding the provisions of subsections (a) to (e), inclusive, of this section, a person convicted of one or more crimes committed while such person was under eighteen years of age, who is incarcerated on or after October 1, 2015, and who received a definite sentence or total effective sentence of more than ten years for such crime or crimes prior to, on or after October 1, 2015, may be allowed to go at large on parole in the discretion of the panel of the Board of Pardons and Paroles for the institution in which such person is confined, provided (A) if such person is serving a sentence of fifty years or less, such person shall be eligible for parole after serving sixty per cent of the sentence or twelve years, whichever is greater, or (B) if such person is serving a sentence of more than fifty years, such person shall be eligible for parole after serving thirty years. Nothing in this subsection shall limit a person's eligibility for parole release under the provisions of subsections (a) to (e), inclusive, of this section if such person would be eligible for parole release at an earlier date under any of such provisions.

(2) The board shall apply the parole eligibility rules of this subsection only with respect to the sentence for a crime or crimes committed while a person was under eighteen years of age. Any portion of a sentence that is based on a crime or crimes committed while a person was eighteen years of age or older shall be subject to the applicable parole eligibility, suitability and release rules set forth in subsections (a) to (e), inclusive, of this section.

(3) Whenever a person becomes eligible for parole release pursuant to this subsection, the board shall hold a hearing to determine such person's suitability for parole release. At least twelve months prior to such hearing, the board shall notify the office of Chief Public Defender, the appropriate state's attorney, the Victim Services Unit within the Department of Correction, the Office of the Victim Advocate and the Office of Victim Services within the Judicial Department of such person's eligibility for parole release pursuant to this subsection. The office of Chief Public Defender shall assign counsel for such person pursuant to section 51-296 if such person is indigent. At any hearing to determine such person's suitability for parole release pursuant to this subsection, the board shall permit (A) such person to make a statement on such person's behalf, (B) counsel for such person and the state's attorney to submit reports and other documents, and (C) any victim of the crime or crimes to make a statement pursuant to section 54-126a. The board may request testimony from mental health professionals or other relevant witnesses, and reports from the Commissioner of Correction or other persons, as the board may require. The board shall use validated risk assessment and needs assessment tools and its risk-based structured decision making and release criteria established pursuant to subsection (d) of section 54-124a in making a determination pursuant to this subsection.

(4) After such hearing, the board may allow such person to go at large on parole with respect to any portion of a sentence that was based on a crime or crimes committed while such person was under eighteen years of age if the board finds that such parole release would be consistent with the factors set forth in subdivisions (1) to (4), inclusive, of subsection (c) of section 54-300 and if it appears, from all available information, including, but not limited to, any reports from the Commissioner of Correction, that (A) there is a reasonable probability that such person will live and remain at liberty without violating the law, (B) the benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration, and (C) such person has demonstrated substantial rehabilitation since the date such crime or crimes were committed considering such person's character, background and history, as demonstrated by factors, including, but not limited to, such person's correctional record, the age and circumstances of such person as of the date of the commission of the crime or crimes, whether such person has demonstrated remorse and increased maturity since the date of the commission of the crime or crimes, such person's contributions to the welfare of other persons through service, such person's efforts to overcome substance abuse, addiction, trauma, lack of education or obstacles that such person may have faced as a child or youth in the adult correctional system, the opportunities for rehabilitation in the adult correctional system and the overall degree of such person's rehabilitation considering the nature and circumstances of the crime or crimes.

(5) After such hearing, the board shall articulate for the record its decision and the reasons for its decision. If the board determines that continued confinement is necessary, the board may reassess such person's suitability for a new parole hearing at a later date to be determined at the discretion of the board, but not earlier than two years after the date of its decision.

(6) The decision of the board under this subsection shall not be subject to appeal.

[(f)] (g) Any person released on parole under this section shall remain in the custody of the Commissioner of Correction and be subject to supervision by personnel of the Department of Correction during such person's period of parole.

Sec. 2. (NEW) (*Effective October 1, 2015*) (a) If the case of a child, as defined in section 46b-120 of the general statutes, is transferred to the regular criminal docket of the Superior Court pursuant to section 46b-127 of the general statutes, as amended by this act, and the child is convicted of a class A or B felony pursuant to such transfer, at the time of sentencing, the court shall:

(1) Consider, in addition to any other information relevant to sentencing, the defendant's age at the time of the offense, the hallmark features of adolescence, and any scientific and psychological

evidence showing the differences between a child's brain development and an adult's brain development; and

(2) Consider, if the court proposes to sentence the child to a lengthy sentence under which it is likely that the child will die while incarcerated, how the scientific and psychological evidence described in subdivision (1) of this subsection counsels against such a sentence.

(b) Notwithstanding the provisions of section 54-91a of the general statutes, no presentence investigation or report may be waived with respect to a child convicted of a class A or B felony. Any presentence report prepared with respect to a child convicted of a class A or B felony shall address the factors set forth in subparagraphs (A) to (D), inclusive, of subdivision (1) of subsection (a) of this section.

(c) Whenever a child is sentenced pursuant to subsection (a) of this section, the court shall indicate the maximum period of incarceration that may apply to the child and whether the child may be eligible to apply for release on parole pursuant to subdivision (1) of subsection (f) of section 54-125a of the general statutes, as amended by this act.

(d) The Court Support Services Division of the Judicial Branch shall compile reference materials relating to adolescent psychological and brain development to assist courts in sentencing children pursuant to this section.

Sec. 3. Subsection (c) of section 46b-127 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(c) Upon the effectuation of the transfer, such child shall stand trial and be sentenced, if convicted, as if such child were eighteen years of age, subject to the provisions of section 2 of this act. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such child's status as a juvenile regarding such offense. If the action is dismissed or nolle or if such child is found not guilty of the charge for which such child was transferred or of any lesser included offenses, the child shall resume such child's status as a juvenile until such child attains the age of eighteen years.

Sec. 4. Subsection (f) of section 46b-133c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(f) Whenever a proceeding has been designated a serious juvenile repeat offender prosecution pursuant to subsection (b) of this section and the child does not waive such child's right to a trial by jury, the court shall transfer the case from the docket for juvenile matters to the regular criminal docket of the Superior Court. Upon transfer, such child shall stand trial and be sentenced, if convicted, as if such child were eighteen years of age, subject to the provisions of section 2 of this act, except that no such child shall be placed in a correctional facility but shall be maintained in a facility for children and youths until such child attains eighteen years of age or until such child is sentenced, whichever occurs first. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such child's status as a juvenile regarding such offense. If the action is dismissed or nolle or if such child is found not guilty of the charge for which such child was transferred, the child shall resume such child's status as a juvenile until such child attains eighteen years of age.

Sec. 5. Subsection (f) of section 46b-133d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(f) When a proceeding has been designated a serious sexual offender prosecution pursuant to subsection (c) of this section and the child does not waive the right to a trial by jury, the court shall transfer the case from the docket for juvenile matters to the regular criminal docket of the Superior Court. Upon transfer, such child shall stand trial and be sentenced, if convicted, as if such child were eighteen years of age, subject to the provisions of section 2 of this act, except that no such child shall be placed in a correctional facility but shall be maintained in a facility for children and youths until such child attains eighteen years of age or until such child is sentenced, whichever occurs first. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such child's status as a juvenile regarding such offense. If the action is dismissed or nolle or if such child is found not guilty of the charge for which such child was transferred, the child shall resume such child's status as a juvenile until such child attains eighteen years of age.

Sec. 6. Section 53a-46a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015, and applicable to any person convicted prior to, on or after said date*):

(a) A person shall be subjected to the penalty of death for a capital felony committed prior to April 25, 2012, under the provisions of section 53a-54b, as amended by this act, in effect prior to April 25, 2012, only if (1) a hearing is held in accordance with the provisions of this section, and (2) such person was eighteen years of age or older at the time the offense was committed.

(b) For the purpose of determining the sentence to be imposed when a defendant is convicted of or pleads guilty to a capital felony, the judge or judges who presided at the trial or before whom the guilty plea was entered shall conduct a separate hearing to determine the existence of any mitigating factor concerning the defendant's character, background and history, or the nature and circumstances of the crime, and any aggravating factor set forth in subsection (i) of this section. Such hearing shall not be held if the state stipulates that none of the aggravating factors set forth in subsection (i) of this section exists or that any factor set forth in subsection (h) of this section exists. Such hearing shall be conducted (1) before the jury [which] that determined the defendant's guilt, or (2) before a jury impaneled for the purpose of such hearing if (A) the defendant was convicted upon a plea of guilty; (B) the defendant was convicted after a trial before three judges as provided in subsection (b) of section 53a-45; or (C) if the jury [which] that determined the defendant's guilt has been discharged by the court for good cause, or (3) before the court, on motion of the defendant and with the approval of the court and the consent of the state.

(c) In such hearing the court shall disclose to the defendant or his counsel all material contained in any presentence report [which] that may have been prepared. No presentence information withheld from the defendant shall be considered in determining the existence of any mitigating or aggravating factor. Any information relevant to any mitigating factor may be presented by either the state or the defendant, regardless of its admissibility under the rules governing admission of evidence in trials of criminal matters, but the admissibility of information relevant to any of the aggravating factors set forth in subsection (i) of this section shall be governed by the rules governing the admission of evidence in such trials. The state and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any mitigating or aggravating factor. The burden of establishing any of the aggravating factors set forth in subsection (i) of this section shall be on the state. The burden of establishing any mitigating factor shall be on the defendant.

(d) In determining whether a mitigating factor exists concerning the defendant's character, background or history, or the nature and circumstances of the crime, pursuant to subsection (b) of this section, the jury or, if there is no jury, the court shall first determine whether a particular factor concerning the defendant's character, background or history, or the nature and circumstances of the crime, has been established by the evidence, and shall determine further whether that factor is mitigating in nature, considering all the facts and circumstances of the case. Mitigating factors are such as do not constitute a defense or excuse for the capital felony of which the defendant has been convicted, but which, in fairness and mercy, may be considered as tending either to extenuate or reduce the degree of his culpability or blame for the offense or to otherwise constitute a basis for a sentence less than death.

(e) The jury or, if there is no jury, the court shall return a special verdict setting forth its findings as to the existence of any factor set forth in subsection (h) of this section, the existence of any aggravating factor or factors set forth in subsection (i) of this section and whether any aggravating factor or factors outweigh any mitigating factor or factors found to exist pursuant to subsection (d) of this section.

(f) If the jury or, if there is no jury, the court finds that (1) none of the factors set forth in subsection (h) of this section exist, (2) one or more of the aggravating factors set forth in subsection (i) of this section exist and (3) (A) no mitigating factor exists or (B) one or more mitigating factors exist but are outweighed by one or more aggravating factors set forth in subsection (i) of this section, the court shall sentence the defendant to death.

(g) If the jury or, if there is no jury, the court finds that (1) any of the factors set forth in subsection (h) of this section exist, or (2) none of the aggravating factors set forth in subsection (i) of this section exists, or (3) one or more of the aggravating factors set forth in subsection (i) of this section exist and one or more mitigating factors exist, but the one or more aggravating factors set forth in subsection (i) of this section do not outweigh the one or more mitigating factors, the court shall impose a sentence of life imprisonment without the possibility of release.

(h) The court shall not impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict, as provided in subsection (e) of this section, that at the time of the offense (1) the defendant was [under the age of eighteen years, or (2) the defendant was] a person with intellectual disability, as defined in section 1-1 g, or [(3)] (2) the defendant's mental capacity was significantly impaired or the defendant's ability to conform the defendant's conduct to the requirements of law was significantly impaired but not so impaired in either case as to constitute a defense to prosecution, or [(4)] (3) the defendant was criminally liable under sections 53a-8, 53a-9 and 53a-10 for the offense, which was committed by another, but the defendant's participation in such offense was relatively minor, although not so minor as to constitute a defense to prosecution, or [(5)] (4) the defendant could not reasonably have foreseen that the defendant's conduct in the course of commission of the offense of which the defendant was convicted would cause, or would create a grave risk of causing, death to another person.

(i) The aggravating factors to be considered shall be limited to the following: (1) The defendant committed the offense during the commission or attempted commission of, or during the immediate flight from the commission or attempted commission of, a felony and the defendant had previously been convicted of the same felony; or (2) the defendant committed the offense after having been convicted of two or more state offenses or two or more federal offenses or of one or more state offenses and one or more federal offenses for each of which a penalty of more than one year imprisonment may be imposed, which offenses were committed on different occasions and which involved the infliction of serious bodily injury upon another person; or (3) the defendant committed the offense and in such commission knowingly created a grave risk of death to another person in addition to the victim of the offense; or (4) the defendant committed the offense in an especially heinous, cruel or depraved manner; or (5) the defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value; or (6) the defendant

committed the offense as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value; or (7) the defendant committed the offense with an assault weapon, as defined in section 53-202a; or (8) the defendant committed the offense set forth in subdivision (1) of section 53a-54b, as amended by this act, to avoid arrest for a criminal act or prevent detection of a criminal act or to hamper or prevent the victim from carrying out any act within the scope of the victim's official duties or to retaliate against the victim for the performance of the victim's official duties.

Sec. 7. Section 53a-54b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015, and applicable to any person convicted prior to, on or after said date*):

A person is guilty of murder with special circumstances who is convicted of any of the following and was eighteen years of age or older at the time of the offense: (1) Murder of a member of the Division of State Police within the Department of Emergency Services and Public Protection or of any local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal who is exercising authority granted under any provision of the general statutes, a judicial marshal in performance of the duties of a judicial marshal, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection under the provisions of section 26-5, an employee of the Department of Correction or a person providing services on behalf of said department when such employee or person is acting within the scope of such employee's or person's employment or duties in a correctional institution or facility and the actor is confined in such institution or facility, or any firefighter, while such victim was acting within the scope of such victim's duties; (2) murder committed by a defendant who is hired to commit the same for pecuniary gain or murder committed by one who is hired by the defendant to commit the same for pecuniary gain; (3) murder committed by one who has previously been convicted of intentional murder or of murder committed in the course of commission of a felony; (4) murder committed by one who was, at the time of commission of the murder, under sentence of life imprisonment; (5) murder by a kidnapper of a kidnapped person during the course of the kidnapping or before such person is able to return or be returned to safety; (6) murder committed in the course of the commission of sexual assault in the first degree; (7) murder of two or more persons at the same time or in the course of a single transaction; or (8) murder of a person under sixteen years of age.

Sec. 8. Section 53a-54d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015, and applicable to any person convicted prior to, on or after said date*):

A person is guilty of murder when, acting either alone or with one or more persons, he commits arson and, in the course of such arson, causes the death of a person. Notwithstanding any other provision of the general statutes, any person convicted of murder under this section who was eighteen years of age or older at the time of the offense shall be punished by life imprisonment and shall not be eligible for parole.

Sec. 9. Subsection (c) of section 53a-54a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015, and applicable to any person convicted prior to, on or after said date*):

(c) Murder is punishable as a class A felony in accordance with subdivision (2) of section 53a-35a unless it is (1) a capital felony committed prior to April 25, 2012, by a person who was eighteen years of age or older at the time of the offense, punishable in accordance with subparagraph (A) of subdivision (1) of section 53a-35a, (2) murder with special circumstances committed on or after April 25, 2012, by a person who was eighteen years of age or older at the time of the offense, punishable as a class A felony in accordance with subparagraph (B) of subdivision (1) of section

53a-35a, or (3) murder under section 53a-54d, as amended by this act, committed by a person who was eighteen years of age or older at the time of the offense.

Sec. 10. (*Effective October 1, 2015*) The Connecticut Sentencing Commission established pursuant to section 54-300 of the general statutes shall study how victims may be notified of the parole eligibility laws and any other release mechanisms governing cases where a person is convicted of one or more crimes and receives a definite sentence or total effective sentence of more than two years for such crime or crimes. The commission shall report such study, including recommendations for legislation, if any, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary not later than February 1, 2016.

Approved June 23, 2015

Appendix D: Special Act § 15-2

Special Act No. 15-2

***AN ACT CONCERNING A STUDY OF THE SEXUAL OFFENDER
REGISTRATION SYSTEM.***

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

Section 1. (*Effective October 1, 2015*) (a) The Connecticut Sentencing Commission established pursuant to section 54-300 of the general statutes shall study: (1) The sentencing of sexual offenders; (2) the risk assessment and management of sexual offenders; (3) the registration requirements and registry established under chapter 969 of the general statutes; (4) the information available to the public and law enforcement regarding sexual offenders; (5) the effectiveness of a tiered classification system based on the risk of reoffense; (6) methods to reduce and eliminate recidivism by individuals convicted of a sexual offense; (7) housing opportunities and obstacles for sexual offender registrants; (8) options for post-sentence appeals concerning the registry status of a sexual offender registrant; (9) sexual offender management; and (10) victim and survivor needs and services and community education.

(b) The commission shall submit, in accordance with section 11-4a of the general statutes, an interim report not later than February 1, 2016, and a final report not later than December 15, 2017, on such study to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. Each report shall contain recommendations for legislation, if any.

Approved May 26, 2015

Appendix E: Letter from Representative Toni E. Walker

The Connecticut General Assembly

Joint Committee on Appropriations

Sen. Beth Bye
Co-Chairperson



Rep. Toni E. Walker
Co-Chairperson

November 25, 2014

Honorable David M. Borden
The Connecticut Sentencing Commission
Room 212, 185 Main Street
New Britain, CT 06051

Dear Justice Borden:

As we approach the 2015 regular session of the Connecticut General Assembly to be convened on January 7th, 2015, I have been focusing on issues that would assist the employment efforts of low-risk individuals with a criminal record. To this effect, I hope to develop a proposal that allows for the automatic removal of certain convictions from a qualified individual's criminal record. I realize that time is short, but I would respectfully ask the Commission to study this issue and consider making a recommendation to the Judiciary Committee prior to January 7th so that we may consider including such language in a bill offered during the session. I look forward to hearing from you in the near future.

Thank you,

Sincerely,

A handwritten signature in black ink, appearing to read "Toni Walker", written in a cursive style.

Toni E. Walker

State Representative, 93rd Assembly District

Appendix F: Letter from Governor Dannel P. Malloy



Dannel P. Malloy

GOVERNOR
STATE OF CONNECTICUT

November 5, 2015

Justice David Borden, Chair
Connecticut Sentencing Commission
Office of Policy and Management
450 Capitol Avenue
Hartford, CT 06106

Andrew J. Clark, Acting Executive Director
Connecticut Sentencing Commission
Institute for Municipal & Regional Policy (IMRP)
Central Connecticut State University (CCSU)
Downtown Campus, Room 212
New Britain, CT 06050

RE: Study of Bail Reform and Diversionary Programs

Dear Justice Borden and Mr. Clark:

I am writing today to ask the Sentencing Commission to examine two important issues relating to my Second Chance Society initiatives:

- 1) Connecticut's current bail bond system and the possibility for its reform, and
- 2) Connecticut's numerous diversionary programs, their efficacy and cost-effectiveness.

In Connecticut today, there are approximately six-hundred people in jail whose bond is less than \$20,000, and another six-hundred people whose bond is less than \$50,000. People who are not able to post the amount of bail required to get out of jail on such low bond – typically just a few hundred dollars – are people who most likely have no job and no support network. A large proportion of these people are non-violent, low-level offenders who would be able to get out of jail if they had a credit card, or a friend or family member who could loan them the small amount of money required to do so. Many are homeless, drug addicted, mentally ill and unemployed. They are also often veterans.

These people are not incarcerated because they are dangerous or a flight risk, but merely because they are poor; there are others just like them who have committed similar crimes under similar circumstances who are walking free because of the simple fact that they have the financial means to do so.

Many jurisdictions have begun to reconsider whether existing bail systems are fair and just, and it is time that we do the same in Connecticut. In 2014, for example, New Jersey changed its laws to permit courts, beginning January 1, 2017, to deny pretrial release of certain persons in criminal cases, and to permit monetary bail only when no other conditions of release will reasonably assure the eligible defendant's appearance in court.

I would like to request that the Sentencing Commission examine the bail systems in other jurisdictions, such as New Jersey, Massachusetts, Kentucky, and Oregon, as well as any recent reforms that have been made to those systems. Please include in your examination an analysis of potential ways Connecticut can focus pretrial incarceration efforts on individuals who are dangerous and/or a flight risk, as well as ways to reduce "bail inflation" in Connecticut, and report back to me with your recommendations.

The second issue I would like the Sentencing Commission to consider is the state of Connecticut's existing jail diversionary programs. Connecticut has a wide array of diversionary programs that provide services to individuals to keep them out of jail and to get them back on their feet. Individuals may be eligible to participate in a variety of diversionary programs related to substance use disorder, alcohol rehabilitation, and a history of sexual or domestic violence, among others. These programs are currently operated by both state-funded entities and non-profit organizations through contracts with the state.

I would like to know more about how these programs are meeting the needs of the state and its citizens. In particular, I have heard concerns from prosecutors, judges, defense attorneys and victims that the variety of diversionary programs available in Connecticut is confusing. I have heard that use of these programs has become automatic, resulting in offenders being shifted from one program to another without a case-by-case analysis of their situation, and may postpone the time by which an individual defendant's needs are addressed in a comprehensive way. I am concerned that the existing diversity of programs results in the opposite of the desired effect, and that the overly complicated administration of these programs may be wasteful of judicial resources.

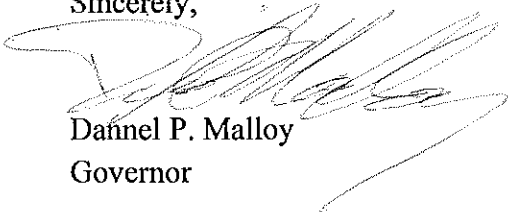
To address these concerns, I would like to solicit your expertise in helping to assess the scope of the diversionary programs that are currently in existence, and to determine how effective those programs are. Please review existing diversionary programs and analyze their cost and funding mechanisms, as well as how effective and efficient they are at both treating the populations they

seek to help and at preventing recidivism. In addition, please study best practices in diversionary programs generally, and examine whether having one generic diversionary program, with one application process, and one length of time, would benefit the participants of the program, as well as reduce the fiscal and administrative burden on the state.

Please let my office know by January 15, 2016 how soon you will be able to provide recommendations on these topics.

Thank you for your help on these important initiatives. My hope is that through our joint efforts, we can find a way to give more incarcerated individuals a "second chance" to succeed.

Sincerely,



Dannel P. Malloy
Governor

Appendix G: Strategic Planning Working Group Recommendations

Strategic Planning Working Group
Recommendations to the Steering Committee
November 17th 2015

Working Group Recommendations

Recommendation 1: Select one of the following two tasks mandated by § 54-300 to serve as the commission's main priority for the immediate future:

(1) Facilitate the development and maintenance of a state-wide sentencing database in collaboration with state and local agencies, using existing state databases or resources where appropriate;

OR

(2) Evaluate existing sentencing statutes, policies and practices including conducting a cost-benefit analysis.

Recommendation 2: Develop a selection and management process for projects/tasks not initiated by the commission.

Recommendation 3: Utilize pro/con analysis in the abovementioned selection process.

Recommendation 4: Work within the constraints of existing staff and monetary resources.

Recommendation 5: Require that committees work to meet existing commission priorities.

Staff Recommendations:

Recommendation 1: Increase Operational Efficiency

- Place limits on the creation of new committees and working groups
- Consider transitioning to a system where each committee has one chair and one vice chair
- Clearly define committee roles and jurisdictions

Recommendation 2: Clarify strategy for communicating with state agencies

- Develop internal guidance for external communication
- Involve interested stakeholders in the development of the aforementioned guidance

Recommendation 3: Secure adequate funding

- Apply for grants
- Work with the legislative and executive branches to allocate resources sufficient to meet the commission's operational needs.

Recommendation 4: Formalize the Strategic Planning Process

Approved by the Steering Committee (with amendments) on 11.17.15

Appendix H: Invitation for Proposals—Evidence Based Sentencing Study

INVITATION FOR PROPOSALS: EVIDENCE-BASED SENTENCING STUDY

1. INTENT

The Connecticut Sentencing Commission is seeking proposals from qualified research organizations or individuals to conduct a **non-funded** study of the potential impact of need and risk-based sentencing. These services are to be provided to the Commission from [DATE – 4 months following issuance] through [DATE – one year later], with the possibility of extensions where adequately justified.

2. BACKGROUND

The Connecticut Sentencing Commission would like to better understand the potential impact of evidence-based sentencing on lengths of incarceration, periods of probation, and offender outcomes. Evidence-based sentencing incorporates the results of validated risk and needs assessment measures, in addition to the severity of the instant offense, to determine the likelihood of re-offending and the need for sentences of a different length and/or specialized services. We seek to determine whether sentencing practices in Connecticut, which are most frequently determined through plea agreement, have resulted in sentences that are consistent with sentences that would have resulted from risk and needs assessment-based sentences (relative to one another). Where the greatest inconsistencies exist, we would also like to determine what types of offenders are typically sentenced for longer or shorter periods than the assessments would suggest. Also, we would examine the recidivism patterns for offenders whose sentences are congruent with risk and needs assessment, versus those whose sentences deviate from risk and needs assessments.

This invitation offers no funding for researchers, but does offer a rich dataset that may be of particular interest to researchers or their dissertating graduate students who study the impact of sentencing. The cases to be included will be all offenders sentenced from State Fiscal Years 2008 – 2010, but will also include each individual's arrest and incarceration events for 2 or more years prior to sentencing, and for 5 years following sentencing. The source of the data will be from the Judicial Branch and the Department of Correction.

Data maintained by the Judicial Branch:

- a. LSI-R scores (including subscale scores for risk and need factors and/or each item in addition to total scores)
- b. DVSI-R scores (each item if available in addition to total score)
- c. STATIC 99 Scores (each item if available)
- d. Original offense charges for instant offense/s
- e. Actual offense conviction/s for instant offense

- f. Date of sentencing
- g. Date of commencement on probation
- h. Age
- i. Gender
- j. Race/Ethnicity
- k. VOP Warrant date
- l. VOP charge/s
- m. VOP actual conviction
- n. VOP disposition (prison, continued probation)

Data maintained by the Department of Correction:

- a. Dates of discharge to halfway houses, parole, or release without supervision
- b. Dates of admission to jail or prison
- c. Scores from DOC risk and need assessments
- d. Dates of return to incarceration for parole violations

3. SCOPE OF SERVICES

The successful applicant will be expected to perform the following duties:

- A. Ensure that the data provided are readable, and that the data definitions are understandable. Provide a list of any issues that require clarification by representatives from the State of Connecticut.
- B. Select cases for analysis, including only cases with at least 2 years prior to sentencing and at least 5 years post-sentencing. In order to ensure that each case has the same pre-and post-sentencing parameters, remove data for each case that exceeds 2 years prior to sentencing or 5 years post-sentencing. Furthermore, remove cases that do not have an LSI-R score obtained approximately at the time of sentencing. In order to check the reasonableness of the resulting sample size, report to the representatives of the State of Connecticut the final N for analysis. Examine the differences in demographics, levels of offenses, and severity of sentences between cases retained and those excluded because of lack of LSI-R information, in order to describe the subset for which our findings will apply.
- C. Conduct analyses. The following are suggested analyses, which are negotiable if there are other approaches which are more likely to yield the intended results:
 - a. To consider the differences between actual sentencing and sentencing based on risk/need assessments, create groups for High-Medium-Low offense severity, based on maximum jail/prison sentence for each charge.

Within each stratum, use the distribution of the actual sentences to create tertiles. Also create tertiles from the risk/need assessment scores. Examine the percentage of cases that are out-of-tertile range with respect to sentencing, compared to the risk/need assessments within that offense severity grouping. Examine the characteristics of the cases that are outliers.

- b. Conduct survival analyses (Cox regression) to determine the time from release from incarceration (for prisoners) or from placement on probation (for probationers) to re-arrest, or revocation of probation for a technical violation, controlling for offense severity.
- c. Employ non-parametric tests of goodness of fit (Chi-square tests) to compare the rates of technical and new offense VOPs by risk/need scores to determine if there are statistically significant differences in rates and nature (violent versus non-violent) of violation based upon risk/need scores.
- d. Employ classification & regression tree analysis to identify specific risk factors that effectively differentiate between those who do and do not violate probation with a technical or new (violent versus non-violent) offense.

D. Prepare report(s) of findings.

4. MINIMUM QUALIFICATIONS

At a minimum, the successful applicant must meet the following requirements, or as a doctoral student, works under the supervision of a faculty member meeting these requirements:

- A Ph.D. in criminal justice, psychology, sociology and/or other related social sciences field.
- Experience and knowledge in evidence- or research-based sentencing.
- Documentation of past work or other evidence of the ability to conduct the statistical analyses.

5. DELIVERABLES

The following deliverables are expected throughout the term of this study:

- A. Report on cases to be included in analyses, as described in 3 B above, provided by [DATE- 3 month mark].
- B. Quarterly reports – four (4) quarterly reports to include status updates and feedback on barriers and/or problems.
- C. Final report – at the end of the study.

6. ADDITIONAL INFORMATION

A conference call will be held on **TBD** to answer questions from interested parties. Interested parties are urged to attend to discuss the parameters and requirements of this invitation. [Add a sentence about how to obtain details on joining the call.]

7. PROPOSALS

Proposals should be in the form of a letter on organization letterhead and signed by both the applicant and the applicant's Department Chair or an individual with equivalent authority.

Proposals must be submitted by email as pdf attachments, addressed to sentencingcommission@ccsu.edu by [date]. If no acknowledgement is received within 3 work days, the applicant should contact [TBD, phone].

The following elements are suggested:

- A. A 1-3 paragraph review of the literature relevant to the topic (unless attachments include reports or publications that demonstrate an understanding of the topic).
- B. A summary of the interest and expertise of the applicant and any colleagues who would work on the project.
- C. A statement agreeing to conduct the analyses outlined in this invitation or offering potential alternative analyses that would provide similar information. Note that for the successful applicant, a more formal Data Use Agreement will be required prior to receipt of the data.
- D. A statement of the interest of the applicant with regard to other analyses for which the CT data might be used, if any.
- E. An agreement not to conduct additional analyses without obtaining prior written approval from [TBD], or to publish or present findings in any publication or forum, without the prior approval of [TBD].
- F. Attached CV(s) or biosketches and if desired, sample published works or reports. Please include only works that are relevant to the topic of sentencing.

11. EVALUATION AND SELECTION

All applications will be evaluated in accordance with the following criteria. The applicants submitting the best application MAY be invited to an interview prior to the final selection.

- A. Understanding of the project, its purpose and scope as evidenced by the written proposal submitted.
- B. Demonstrated knowledge, experience, and capabilities of the applicant relative to the services and tasks outlined in the application including applicant resume.
- C. Methodology and approach to the services and tasks specified in the Scope of Services are acceptable.
- D. Signed letter of application includes agreement not to use data for any purpose without prior written consent from representatives of the Sentencing Commission.

