

MINUTES OF THE MEETING
Governor's Sentencing and Parole Review Task Force
Thursday, November 08, 2007
Room 1B, LOB

Members Present: Ana G. Alfaro, Brian Austin, Maureen Price-Boreland, William Carbone, Judge Patrick Carroll(for Judge Barbara Quinn), Linda Cimino, Eric Crawford, , John Danaher, Robert Farr, Thomas Flaherty, Mary Galvin, Lisa Holden, Kevin Kane, James Kenny ,Thomas Kirk, Theresa Lantz, Lisa MacDonald, MaryAnne O'Neill, Karen Goodrow (for Susan Storey), Judge Thomas West

Others Present: Sgt. Turner, Lt. Fusaro, Connecticut State Police, Karen Goodrow, Judge Patrick Carroll

The meeting was called to order at 9:08 a.m., by Lisa Holden, Co-Chair

First to Present: Commissioner John Danaher and Chief Kenny from the Connecticut Criminal Justice Commission.

Commissioner Danaher discussed the arrest process and the electronic systems used to help identify the offenders and any background information they can find out at the time of an arrest. All departments have their own programs but all must adhere to the same general principles. Each State's Attorney has different requirements for reports, warrant applications, and how cases are to be handled. The typical process of arrest is crime committed and reported, police response, investigation and probable cause established.

Mr. Danaher also spoke of the processing of an arrested person. There is a lot that goes into this process. The offender is interviewed and then the information is entered into NEXGEN (LEAS) system. This consists of personal identifier, emergency contacts, medical screening etc. Mr. Danaher said that Automated Fingerprint Identification System (AFIS) is used to immediately check against State and federal database. This speeds up the arrest so the processing of the accused can be started.

Chief Kenny stated that we need an efficient system to track the offenders. When processing a criminal the history is checked against NCIC to see if they are wanted outside of Connecticut. All systems need work; this will not happen overnight; there has to be a more efficient program so the arresting officers do not have to carry hard copies of the suspect's background into court.

Commissioner Danaher proposed that the collection system would be readily available to transmit reports to the Chief State's Attorney and the State's Attorney. Mr. Danaher could not emphasize enough that all paperwork should be collected at the time of arrest and then sent on to the courts if needed. Please see PowerPoint Presentation attached.

**A break was called by Lisa Holden at 10:29 a.m.
Meeting reconvened at 10:47 a.m.**

Mary Galvin, Retired State's Attorney and Kevin T. Kane, Chief State's Attorney, Presented the Charging Function of the Prosecution PowerPoint Presentation.

Ms. Galvin gave an historical perspective on the creation of a Public Prosecutor. The prosecutor's job is to bring justice, he/she has to find out if there is a crime, what the evidence is, if it is admissible, and if there is a case. This is not an easy task.

The police tend to bring the highest charges to the offender at the time of the arrest. The prosecutor should exercise his/her discretion to file only those charges which he/she considers to be consistent with the interest of justice.

Attorney Kane stated that the job of a prosecutor is to find out if there is a case, if the evidence is admissible. As a prosecutor all evidence must be weighed out and considered before brought to justice. Some of the factors to be considered under the NDAA Charging Standards are the probability of the conviction, the nature of the offense, the characteristics of the offender, etc. There are several programs that are offered to offenders. Some diversionary programs consist of required treatment, treatment, and community services, which if completed successfully, could result in the suspension of charges. Please see PowerPoint Presentation attached for more statistics.

Commissioner Theresa Lantz, Department of Correction had concerns of overcrowding. Connecticut is one of six states that have a pretrial population. It is higher now than in the past. If there were no diversionary programs, 1,000 more inmates per year could be incarcerated. How the medical background is checked when an inmate must stay the night in prison? Is this an issue for the police?

Chief James Kenny from the Vernon Police Department stated that it is an issue for the police officers to get any accurate medical information on the accused because they are relying on the offender to be truthful. With HIPPA laws the police are not entitled to all medical if any.

Maureen Price-Boreland expressed concern about Violation of Probation (VOP) charges. There should be more investigation into what brought the original charges to the courts and what led to the violation.

Judge Patrick Clifford from Middletown Superior Court spoke of plea bargains in his court, especially for the first time offenders. Judge Clifford feels the sentence should be tailored to the individual. There are other circumstances that need to be investigated before sentence is handed down. More difficult cases are sexual acts against minors. Most people feel that this type of crime should be punished with a life sentence. When these cases go to trial the offender can receive a 3 to 5 year sentence which hardly seems fair. But there are other details that might not be as noticeable. These criminals will now be in the system as a registered sex offender. They may have to have treatment medically and psychologically; there will be a constant monitoring of their activities. Essentially they are imprisoned.

Judge Clifford also discussed Violation of Probation (VOP). When these cases finally make their way to the courts the probation officers have exhausted all the programs offered to the offender. Judge Clifford feels plea bargains are very important; without this we would be backed up in the courts with the smaller cases for years.

Next Meetings: Monday, November 26, 2007, Rm. 1C, LOB, 9:00a.m.-5:00p.m.
(Public Hearing)
Monday, December 03, 2007, Rm. 1B LOB, 1:00-5:00p.m.
Monday, December 10, 2007, Rm. TBA, 9:00a.m-1:00p.m.
Wednesday, December 19, 2007, Rm. TBA, 1:00-5:00p.m.

Meeting was adjourned at 1:00p.m.

Respectfully submitted,

Sherry Avarista
Office of Policy and Management