

Criminal Justice Policy Advisory Commission
Legislative Office Building Room 1B
April 10, 2008
Meeting Minutes

Members of the Commission Present: Brian Austin, Chair, Undersecretary, Criminal Justice Policy and Planning Division, Office of Policy and Management; Claudette J. Beaulieu, Deputy Commissioner, Department of Social Services; Floyd R. Blair, Deputy Commissioner, Department of Children and Families; William H. Carbone, Executive Director, Judicial Branch's Court Support Services Division; Judge Patrick Carroll, Deputy Chief Court Administrator; George Coleman, Deputy Commissioner, Department of Education; Rev. Shelley Copeland, Offender Services; Robert Farr, Chairman, Board of Pardons and Paroles; Kevin Kane, Chief State's Attorney; James Kenny, Police Chief; Thomas Kirk, Commissioner, Department of Mental Health and Addiction Services; Theresa Lantz, Commissioner, Department of Correction; Patricia Mayfield, Commissioner, Department of Labor; Susan Storey, Chief Public Defender; Amalia Vazquez Bzdyra, Deputy Commissioner, Department of Social Services (Government Official); Dan Bannish, temporarily representing the Commissioner of the Department of Correction; and Maj. Philip Halibozek representing the Commissioner of the Department of Public Safety.

Chair Brian Austin convened the meeting to order at 9:09am. He introduced new Commission members:

James L. Kenny, Police Chief, Vernon

Floyd R. Blair, Deputy Commissioner, Department of Children and Families

Minutes: Chair Brian Austin noted that criminal justice activities and issues are of much interest to Connecticut citizens; this includes the meetings and activities of the Criminal Justice Policy Advisory Commission. Therefore, in an effort to expedite the public's accessibility to the minutes, OPM/CJPPD staff will be forwarding the draft minutes to the Commission members with the request that the Members provide comments quickly back to OPM. The minutes will then be edited based on these preliminary comments, and will be subsequently posted publicly on the OPM website at <http://www.ct.gov/opm>. Staff will continue to forward to the Commission the electronic copies of the minutes and agendas with the meeting announcements. The Commission will also be able to make any final edits to the minutes at the next Commission meeting.

In separate motions, the Commission acted on the following minutes:

December 13, 2007 - approved unanimously

February 14, 2008 - approved unanimously

OPM Criminal Justice Policy and Planning Division Update:

OPM Undersecretary Brian Austin reported that PA 08-1 requires, by February 15, 2009 and annually thereafter, a full-day review for state and local criminal justice professionals to learn about the criminal justice system in the state including progress that has been made within the prior year and challenges to be met, and the policies, practices and procedures of the criminal justice agencies. The Connecticut Criminal Justice Cross-Training Conference will be offered in two regions (southern and central) to provide agencies and the Judicial Branch with the flexibility to send as many participants as possible; the topics and agenda are the same for each

regional conference. One conference will be held July 10, 2008 at Southern Connecticut State University; the second conference has been tentatively scheduled for September 4, 2008, location to be announced. Attendees may register for the conference that is most convenient for themselves and their agency.

The following agencies have been invited to conduct workshops on their agency's procedures and practices: Department of Correction; Board of Pardons and Paroles; Judicial Branch, Court Support Services and Court Operations; Judicial Branch, Office of Victim Services; Office of the Chief State's Attorney; Office of the Chief Public Defender; and Department of Mental Health and Addiction Services.

The workshops will provide participants with an opportunity to learn about: roles, responsibilities and functions of each agency; challenges and opportunities for achieving successful inter-agency strategies to criminal justice reform; inter-agency communication and sharing of information; agency organization, structure, geographic area served; process for assessment, offender accountability and intervention; statutory limits on agencies' scope of authority. For more information, please contact: Lisa Secondo, OPM/Criminal Justice Policy and Planning Division, 860-418-6391 or lisa.secondo@ct.gov.

Department of Correction Update:

On behalf of DOC Commissioner Theresa Lantz, Dan Bannish reported that the average daily incarcerated population continues to be higher than the 2007 figures, but has decreased from earlier in the year. In addition, the number of offenders supervised in the community has increased since the last report in February, 2008. Specifically:

DOC's total incarcerated population was 19,609 on April 7, 2008. This total is 680 more than that of April 7, 2007 (18,929) but is 183 less than the 19,792 reported at the February 14, 2008 CJPAC meeting.

The accused/unsentenced/pretrial population was 4,222 on April 7, 2008. This total is more than that of one year ago, but less than that reported at the February 14, 2008 CJPAC meeting.

The sentenced population was 15,387 on April 7, 2008. This total is 519 more than that of April 7, 2007 (14,868) but is 25 less than the 15,412 total reported at the February 14, 2008 CJPAC meeting.

The total number of offenders supervised on parole, special parole, transitional supervision, transfer parole, and transitional placement on April 7, 2008 was approximately 3,277, which is 309 more than reported in February 2008, but less than the 3,789 reported one year ago.

DOC contracts for over 1,200 halfway house beds which continue to have waiting lists.

Board of Pardons and Paroles Update

Chairman Robert Farr reported that the Board has ordered about 1,500 transcripts from the Judicial Branch, reviewed these case files, and made parole determinations. Approximately 2,400 cases have been scheduled for parole hearing between April 1st and July 1st; 1,600 cases

remain backlogged for hearing. BOPP has historically averaged about 100 full hearings per month.

However, PA08-1 abolished the Administrative Review process which streamlined BOPP's case review for parole release of non-violent inmates (PA08-1 §44 repealed CSG54-125b effective 7/1/08). Under PA08-1, all inmate cases will now receive a full review and hearing; it is anticipated that BOPP will now hold 300 full hearings per month. This is a major challenge in terms of time and resources.

Of the approximate 9,000 transcripts that are must be received to be reviewed prior to holding a parole hearing, the Judicial Branch has provided BOPP with about 3,000 such transcripts; BOPP is receiving about 1,000 transcripts each month. The backlog and lack of resources result in delays in holding parole hearings, which contribute to prison overcrowding. It is anticipated that once the backlog of receiving the needed transcripts and the holding of hearings is alleviated, non-violent offenders will be voted to parole and the prison population will decrease.

Judicial Branch and its Court Support Services Division

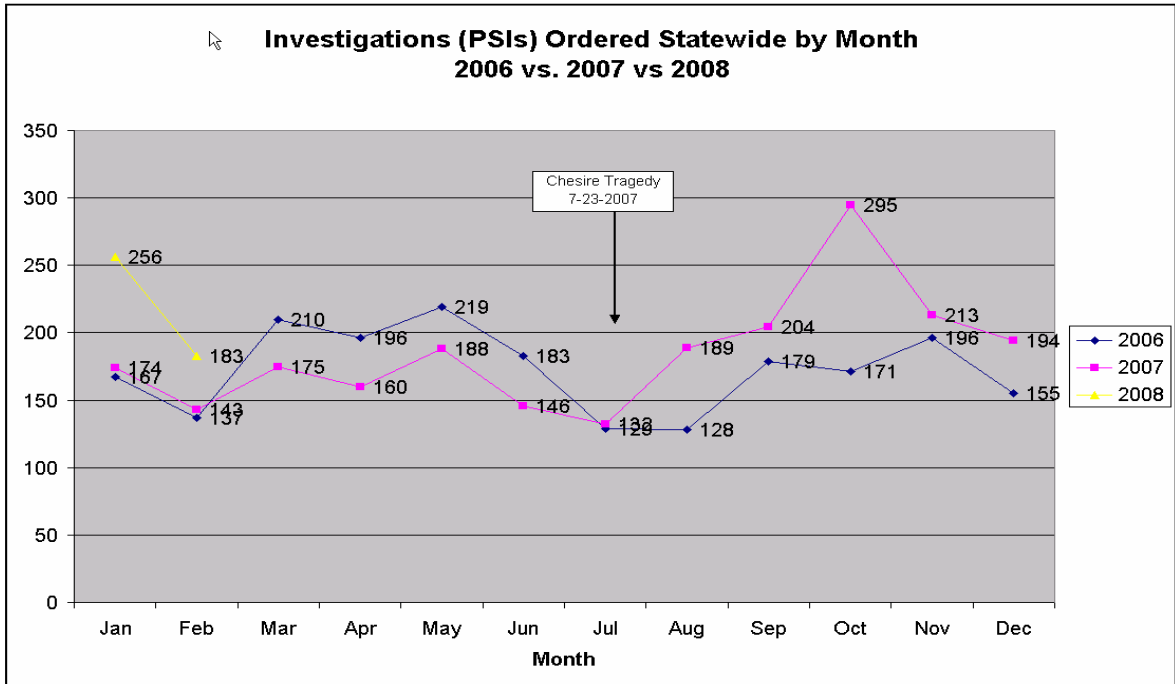
Deputy Chief Court Administrator Judge Patrick Carroll reported that the Branch had been working hard to generate about 5,000 transcripts for the Board of Pardons and Paroles; the Branch is urging the Board of Pardons and Paroles to develop a method to prioritize the transcripts needed for scheduled Parole hearings. Doing so will allow the Branch to more quickly produce those sentencing transcripts which are most urgently needed by the BOPP. The Branch will be using the Judicial Electronic Bridge, developed by CSSD, to electronically send pre-sentence investigations, and juvenile and youthful offender records to BOPP.

The Branch has been working with Lieutenant Governor Michael Fedele and Brian Austin to implement Public Act 08-01 § 39 which prescribes the newly re-organized governing board for the Criminal Justice Information System (CJIS). OPM will provide staff support to this new CJIS Governing Board.

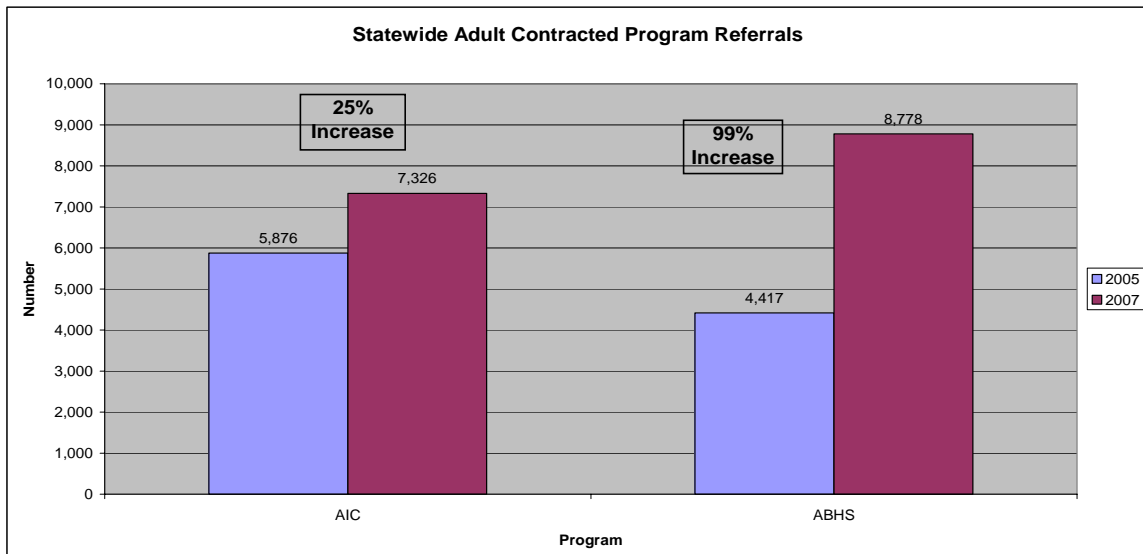
The Judicial Branch is concerned about a provision in PA 08-01 § 36 that requires CSSD's Adult Probation Unit to continue to supervise individuals issued 'violation of probation' warrants; these individuals have demonstrated an unwillingness to submit to supervision by the Adult Probation Unit. The Branch is working with the Division of Criminal Justice and the Legislature to defer implementation of this mandate until the resource implications can be analyzed and a proposal developed to adequately address it.

CSSD Executive Director William Carbone reported on trends observed by CSSD:

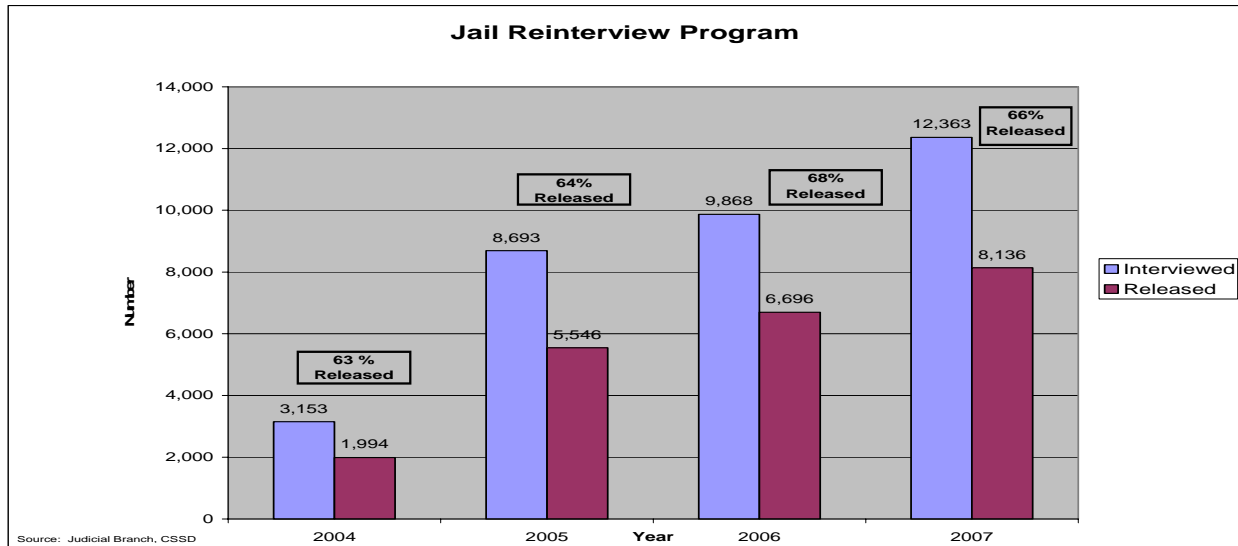
- since the Cheshire incident last year: the number of pre-sentence investigations (PSI) ordered has increased 34% while the number of trained officers writing the PSIs has remained the same. Last week, Governor M. Jodi Rell recommended increasing the number of PSIs by conducting PSIs for all convicted for sexual assaults; this will of course have further implications on staff resources. Given current resources, the only way CSSD can write more PSIs is to take trained officers off caseloads; this will increase the number of violations of probation which will affect the correctional system.



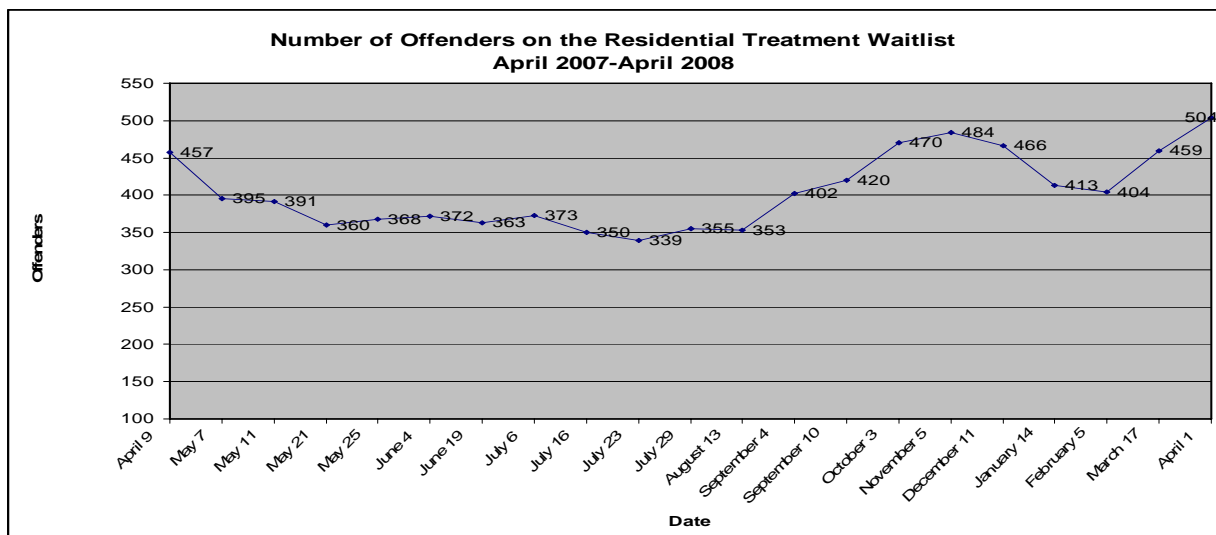
- CSSD, DOC, and BOPP are now all using the same validated assessment tools: the Level of Service Inventory and the Adult Substance Use Survey. Mr. Carbone noted that, the more assessment tools are used, the more people needing assistance are identified. From 2005 to 2007, the number of referrals to the Alternative Incarceration Center Network increased 25%. There has been nearly a 100% increase in the number of people ordered, as a condition of probation, to receive mental health or substance abuse treatment; they are referred to the Adult Behavior Health Network. Such increases are due to better assessments of people identifying more issues needing assistance, and more people coming into the court system for the resolution of social problems not met in other social systems. These will strain the community social services systems.



The Jail Reinterview Program has about 15 CSSD staff working in DOC facilities interviewing the accused, and those with mental health and/or substance abuse problems; this program is a collaboration between CSSD, DMHAS, public defenders, and social workers; these staffs work together to develop alternatives to incarceration for the courts to consider. Statistics show that about 2 of every 3 recommendations are accepted by the courts; this lessens the pre-trial demands on DOC.



Numbers on the residential wait list continue to grow; on April 1, 2008, the number reached 504 which is the highest ever. This increase is due to referrals from the Jail Reinterview Program, where the person has been assessed as needing inpatient treatment, and probationers in outpatient programs, who are not doing well in outpatient programs and need inpatient services and graduated sanctions. Under Public Act 08-01, about 108 additional beds are to be established. Beds are an expensive resource for the state; it remains questionable if the state can meet the number of beds needed. We need to establish intensive outpatient programs with wraparound services that are less expensive and more effective.



Department of Mental Health and Addiction Services Update

Commissioner Thomas Kirk reported that DMHAS has received a second 3-year Access To Recovery (ATR2) federal grant for the September 2007 to September 2010 period. This \$14.5M program will be focused on the criminal justice system. During the December 2007 to March 2008 period, 825 people were served of whom about 90% were in the criminal justice system. It is expected that 7,000 people will receive services under ATR2:

200/yr in intensive outpatient services for co-occurring mental health and substance abuse

150/yr for dependence on opiates and prescriptive pain medicine

Recovery support service payments will assist:

1000/yr for temporary housing

1500/yr for transportation

1600/yr for case management

500/yr for faith based

1600/yr for personal care items

428/yr for vocational education

Over the 3-year period of the grant, it is anticipated that, of the 7,000 people expected to receive ATR2 services, 85% will be in the criminal justice system.

Traditional supervised services in conjunction with ATR have greatly reduced technical violations, which helps to keep the prison population down.

A licensed residential treatment center requires a Certificate of Need (CON). There have been few, if any, CONs issued since 2004 because of problems with siting. Therefore, the demand for these services will go unmet because of the siting issues and the inability to get appropriate staffing. The State will never be able to find sites in the private sector due to the reality of the circumstances. Therefore, the State needs to move toward intensive outpatient programs with some residential placement component.

Invited Agency Presentation:

Dr. Stephen Cox, Director

Statistical Analysis Center, Central Connecticut State University

2008 Connecticut Recidivism Study

2008 Prison Population Projection Study

OPM has for several years received discretionary funds from the federal Bureau of Justice Statistics, Statistical Analysis Center Program to assist states in establishing a state-level Statistical Analysis Center for the purpose of collecting and analyzing data; the director of the state SAC must be approved/appointed by the US Department of Justice.

2008 Connecticut Recidivism Study

The data and recidivism rates developed for this report represent two separate study groups:

- the Connecticut Department of Correction (DOC) study group included 16,577 offenders who were released from DOC facilities and DOC supervision between January 1, 2004 and December 31, 2004. Using 4 separate electronic files (master file, classification file, movement file, and sentence file) totaling 649,929 cases, 16,246 offenders were matched to their respective criminal history records.
- Connecticut Judicial Branch's Court Support Services Division (CSSD) study group included 22,261 offenders placed on probation during this same time period and supervised by CSSD probation officers. Using Judicials' CSSD CMIS data base of

24,263 cases, 22,261 offenders were matched to their respective criminal history records.

General Findings:

- The recidivism rates found in this study are comparable to the 2001 Connecticut Legislative Program Review and Investigations Committee report and to national studies of recidivism.
- Offenders released from prison with no community supervision were most likely to be arrested, convicted, and incarcerated for a new offense than offenders who received some type of post-release supervision.

Findings for DOC Population:

- Arrest, conviction, and new prison sentence rates were higher for offenders with no post DOC prison supervision.
- Among all end of sentence (EOS) offenders, those who had served a period of parole and transitional supervision prior to leaving DOC custody had lower rates of recidivism.
- 57% of the total study group were released from prison with post DOC community supervision.
- Almost one-half (47.5%) of parolees successfully completed parole, while:
 - 25.3% were returned to prison for a technical violation,
 - 27.2% were arrested for a new offense,
 - 19.6% were convicted for a new offense, and
 - 12.6% received a new prison sentence.
- Offenders with the highest success rate (or completion rate) and least likely to recidivate were those under DOC community supervision released to community programs (67.3%) and transitional supervision (64.5%).
- 17.3% of the total 2004 DOC study group served split-sentences to guarantee that some type of community supervision followed their release from prison.
- Overall, the re-arrest rate was 10.5% higher for offenders who were released from prison following the completion of their sentence who did not have a term of probation to follow (59.9% to 49.4%). Offenders released from prison with no post-prison community supervision or probation had higher rates for:
 - new arrest (59.9%),
 - new conviction (41.2%), and
 - new prison sentence (21.6%)

Findings for CSSD New Probationers:

A total of 22,261 probationers began new probation supervision during 2004:

- 40.7% were arrested for a new offense,
- 20.0% were convicted for a new offense, and
- 11.4% received a new prison sentence.

Findings by Offense Type: (Need scores of 3, 4, 5 indicate high needs)

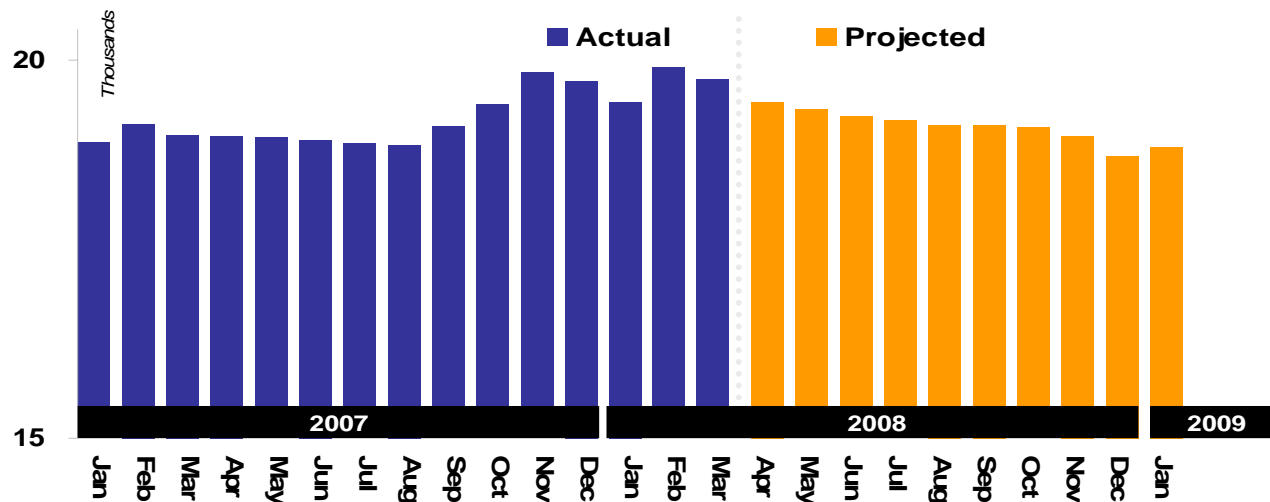
- Violent Crime:
 - Offenders ever convicted of a violent crime represented 41.6% of all offenders in the total DOC study group population.
 - Overall, the recidivism rates for released offenders considered to be violent are not significantly different from all offenders.
 - 54.8% of select group released with post DOC community supervision.

- Severity/Violence of Offense:
 - Offenders with a severity/violence of current offense risk score of 3 or higher represented 22.2% of all offenders in the total DOC study group.
 - Overall, the recidivism rates for released offenders with a severity/violence of current offense score of 3 or higher are not significantly different from all offenders.
 - 51.6% of select group released with post DOC community supervision.
- History of Violence Risk Scores:
 - Offenders with a history of serious violence represented 10% of all offenders in the total DOC study group population.
 - Offenders with a serious history of violence had a higher recidivism rate for end of sentence release types and for releases to transitional supervision from all offenders combined.
 - 38.2% of select group released with post DOC community supervision.
- Offenders Convicted of Burglary:
 - Overall, offenders convicted of burglary crimes represented 16.5% of all offenders in the total DOC study group population; Burglary 1 represented 0.6% of all offenders in the total DOC study group.
 - Offenders convicted of Burglary 3 had higher recidivism rates than offenders convicted of Burglary 1.
 - For offenders convicted of Burglary 1, 60.4% of select group released with post DOC community supervision.
- Substance Abuse Treatment:
 - Offenders with substance abuse need scores of 3 or higher represented 60.2% of all offenders in the total DOC study group population.
 - 63.5% of select group released with post DOC community supervision.
- Mental Health Treatment:
 - Offenders with mental health need scores of 3 or higher represented 13.8% of all offenders in the total DOC study group population.
 - Offenders with higher mental health treatment needs scores had higher recidivism rates for end of sentence released from prison and parole compared to the overall rates.
 - 39.1% of select group released with post DOC community supervision.
- Sex Offender Treatment:
 - Sex offenders with need scores of 3 or higher represented 6.5% of all offenders in the total DOC study group population.
 - Offenders with higher sexual offender treatment needs scores consistently had lower recidivism rates for all release type categories compared to the overall rates.
 - 15.2% of select group released with post DOC community supervision. Sexual offenders tend to be released at end of sentence without supervision.
- About 8% of all offenders had high scores for both mental health and substance abuse treatment needs.

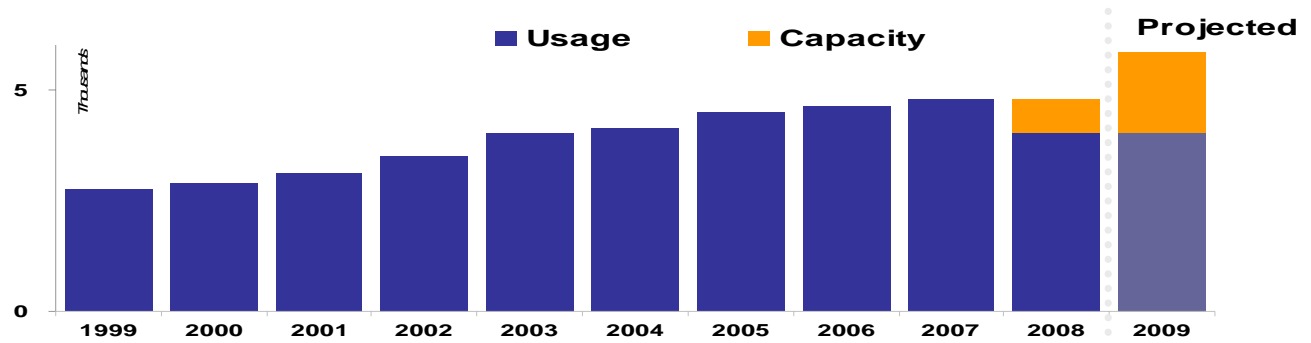
2008 Prison Population Projection Study

The prison population has begun to decrease and is expected to continue to decline to a facility population of 18,849 by January 1, 2009 as recent initiatives and legislative changes take effect. This projection is based on the following facts: (1) the total DOC supervised population has remained stable, (2) the unsentenced/accused population has declined, and (3) Public Act 08-01 has provided funding for additional re-entry/diversionary beds. This projection is also based

on: (1) the expectation that transitional supervision placements will increase and (2) that parole supervision placements should return to pre-July 2007 levels:



The capacity exists for the Department of Correction (DOC) to safely supervise more offenders in the community than is currently being utilized:



Both the *2008 Connecticut Recidivism Study* and the *2008 Connecticut Prison Population Projection Study* can be located on the OPM website at www.ct.gov/opm under Criminal Justice.

General Discussion

Chair Brian Austin reported that, pursuant to PA 08-1 § 33, a Siting Incentives Committee has been established, and that he is the Chair. This Committee will *study the manner in which the State may provide incentives to municipalities throughout the state to allow the siting of community-based facilities such as halfway houses, and transitional and supportive housing for offenders released into the community.* The report must be submitted to the Governor and General Assembly by January 1, 2009.

There was much discussion about the definition of ‘recidivism’, elements of which include re-arrest, re-conviction, re-sentence, re-incarceration.

Further, 'recidivism' often includes relapses in the recovery process for individuals with substance abuse problems. Relapsing when under supervision can lead to violations and a return to a DOC facility especially for those who have already been identified as more likely to engage in criminal activity when using substances. Thus, "recidivism" can be an expected part of the recovery process for individuals struggling with substance abuse rather than an indication of failure of the system or supervision interventions. Therefore, the column "success rate" may be a misleading statistic.

Some supervision is better than no supervision in reducing recidivism. DOC Commissioner Theresa Lantz noted that when offenders with high risk needs and behaviors are released with supervision, they are more successful at community re-entry than are those who are released at 'end of sentence' (EOS) without some type of supervision. DOC incarcerates those who pose a threat to public safety; some offenders who do not want to change their violent behavior remain incarcerated until the end of their sentence, at which time they are released without supervision. On average, DOC releases about half of its offenders at end of sentence.

When an offender, released with supervision (parole, probation, transitional supervision, halfway house supervision), commits a significant violent crime, the public and media allege that the system is 'a failure'. Those employees doing their best to ensure the public's safety perceive this to be an 'attack'; those with the authority to make decisions about discretionary release can avoid the risk of such allegations by holding all prisoners to the end of their sentence; however, this is not necessarily the best solution. The offender is responsible for his individual decisions (criminal behavior), and must be held accountable for those behaviors. The public needs to realize that some offenders choose to continue to engage in crime, and that the State cannot control/prevent such crime in our communities. To make good decisions regarding discretionary releases, the State needs effective risk assessment tools, such as the LSIR (Level of Service Inventory – Revised) that will give DOC ideas about what interventions an offender needs at time of release to support his ability to take responsibility for his actions. Those offenders who DOC believes can be successfully supervised in the community, based on assessment instruments and the individual's past performance and behaviors, should be discharged/released for reentry back into the community. Effective risk assessment tools are critical to enhance public safety.

Deputy Commissioner Blair noted that the Department of Children and Families is re-configuring the Criminal Justice Training School to include an assessment unit so that juveniles can be assessed and released back into the community with appropriate supports to help them become productive.

There was discussion about the causes of disproportionality of minorities in the juvenile and criminal justice systems. OPM is conducting a major/exhaustive disproportionate minority contact study of the juvenile justice system, especially with the impact of the 16- and 17-year olds; the report is expected to be completed in 2009. It was also noted that the Governor's Sentencing and Parole Review Task Force had a racial and ethnic disparity subcommittee which was voted a permanent subcommittee. It was suggested that the components of recidivism (eg, new prison sentence) be analyzed for race/ethnicity disparity in the supplemental recidivism studies expected later this year.

Mr. Carbone noted that the success of community supervision begins with a good assessment tool, and that CSSD chose the LSIR for its assessment tool because it had the most science behind it. To that end, on p17 of the handout, the 'new arrest rate' statistics seemed to correlate

with the supervision level [from 61.9% surveillance (high risk) to 31% administrative (low risk)]; this seems to indicate that the LSIR is accurately predicting risk of recidivism.

The DOC data does not provide detail on characteristics that might contribute to recidivism (eg, access to employment services, other family members who are offenders). The probation data from CSSD does indicate that the 3 major contributors are housing, employment, and substance abuse. Further, the evaluation of CSSD's Probation Transition Program showed that supervision with enhanced community services can significantly lower recidivism rates.

Meeting adjourned at 11:03am.