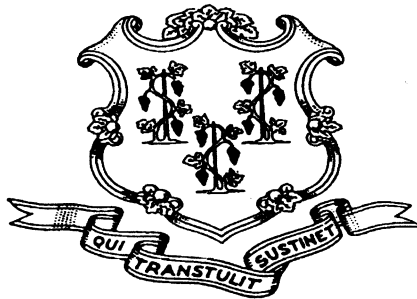


The Prison and Jail Overcrowding Commission

A Report to the Governor and Legislature

State of Connecticut



January 15, 2003

**Prison and Jail
Overcrowding Commission
Members**

**John J. Armstrong, Chair
Commissioner
Department of Correction**

**Robert Moran
Vice Chairman
Board of Parole**

**William H. Carbone
Executive Director
Judicial Court Support Services Division**

**Chris Morano
Acting Chief State's Attorney**

**John Cluney
Survivors of Homicide**

**Honorable Judge Joseph H. Pellegrino
Chief Court Administrator**

Laurie DeNeen, Esquire

**M. Jodi Rell
Lieutenant Governor**

**Joseph P. Faughnan
Chief of Police
Clinton Police Department**

**Gerard A. Smyth
Chief Public Defender**

Richard P. Healey, Esquire

**Arthur L. Spada
Commissioner
Department of Public Safety**

**PRISON AND JAIL
OVERCROWDING COMMISSION**

To: The Honorable John G. Rowland, Governor
And
Members of the General Assembly

From: John J. Armstrong, Chair
Prison and Jail Overcrowding Commission

Date: January 15, 2003

On behalf of the members of the Prison and Jail Overcrowding Commission, I respectfully submit the Commission's 2003 annual report of recommendations.

In accordance with Section 18-87k of the Connecticut General Statutes, the Commission continues to support the public demand to hold offenders accountable while ensuring that appropriate treatment interventions and community supervision are utilized to the fullest extent without compromise of public safety. Recommendations this year include continued expansion of secure capacity to accommodate the increased offender population, enhanced treatment interventions, the revision of sentencing laws and court procedures for community based responses to drug offenses and expanded release options for end of sentence re-entry supervision.

The Commission is confident that these recommendations are timely and will serve the best interest of public safety while providing continued public confidence in the integrity of our criminal justice system. The Commission looks forward to working with the Legislature in developing and implementing these recommendations.

Executive Summary

In an effort to support the effective management of the increasing population in Connecticut's criminal justice system, the 2003 annual report of the Prison and Jail Overcrowding Commission (PJOC) is presenting twelve recommendations. These recommendations, built upon accomplishments of past Commission recommendations, offer a comprehensive and integrated strategy that successfully balance both incarceration and treatment interventions while keeping public safety the highest priority. The following is a summary of accomplishments as a result of last year's recommendations.

- The **extension of the contract with the Virginia Department of Correction** for up to 500 offenders at the Greenville Correctional Center.
- The **completion of a five unit, 600-bed high security expansions project** at the MacDougall-Walker Correctional Institution in Suffield.
- The establishment of a **subcommittee responsible for the development of proposed Community Justice Center**.
- The establishment of a **sub-committee to recommend incremental sanctions** for the management of technical violators under community supervision.
- The implementation of a **7-day intervention program** for offenders who violate conditions of transitional supervision under DOC supervision.
- The amendment of Connecticut General Statutes, Section 18-50 and 18-98d to **increase the daily amount of time served toward the payment of a fine from \$10 to \$50** per day.
- The ability to **maintain manageable parole caseloads** close to those recommended in a 2001 study.
- The initiation of an **expedited parole revocation process** with increased use of incremental sanctions to reduce incarceration time in appropriate cases.

Through the combined efforts of our judicial, executive and legislative branches of government, we have been able to manage the consistently increasing number of offenders entering into our criminal justice system. The following recommendations are presented as necessary to continue to effectively manage the prison and jail population while maintaining the public's level of confidence in the system and public safety. This year's recommendations specifically support the use of alternatives to incarceration through incremental sanctions, the preparation of offenders returning to the community from prison and developing available community treatment and supervision options.

Prison and Jail Overcrowding Commission Recommendations for 2003:

RECOMMENDATION 1

The PJOC recommends amending existing legislation to authorize the Department of Correction to contract for the housing of Connecticut inmates out of state to allow for a minimum of 1,000 inmates to be housed at the Greensville Correctional Center in Virginia.

RECOMMENDATION 2

The PJOC recommends the expansion of secure facilities for the purpose of:

- a.) Accommodating the increased population of violent offenders who are serving longer sentences behind bars. Specifically, the construction of the proposed project at the Osborn/Northern facilities in Somers resulting in 720 secure beds.
- b.) Replacement of existing aging, temporary dormitory housing.

RECOMMENDATION 3

The PJOC recommends the operational funding for a 110-bed Community Justice Center (CJC) available for female offenders on the grounds of the York Correctional Institution in Niantic.

RECOMMENDATION 4

The PJOC recommends that the legislature review mandatory minimum sentences for convicted non-violent drug offenders to provide for appropriate community based interventions, including treatment in lieu of incarceration, for persons who do not present a substantial risk to the community. Revisions should allow incremental sanctions for technical violations of probation, parole and transitional supervision. Pretrial service programs should be expanded to reserve jail beds for violent and chronic offenders.

RECOMMENDATION 5

The PJOC recommends that systems and resources be enhanced for offenders with significant mental health issues.

RECOMMENDATION 6

The PJOC recommends amending legislation to add representation to this Commission to include the Commissioner of the Department of Mental Health and Addiction Services, the Secretary of the Office of Policy and Management, and the Chair of the Board of Parole and/or their designees.

RECOMMENDATION 7

The PJOC recommends the enhancement of the Jail Re-interview Program.

RECOMMENDATION 8

The PJOC recommends sufficient probation staff to enable the proper identification and assessment of offenders needs 90 days prior to release from jail to probation to assist in reducing violations of probation and re-incarceration.

RECOMMENDATION 9

The PJOC recommends the maintenance of manageable parole caseloads as the parolee population continues to grow.

RECOMMENDATION 10

The PJOC recommends partnership with federal agencies for the housing of offenders in CT within existing programs.

RECOMMENDATION 11

The PJOC recommends legislative enablement for the implementation of conditional discharge of offenders to re-entry supervision at 95% of sentence served, exclusive of offenders with specific public safety risk factors.

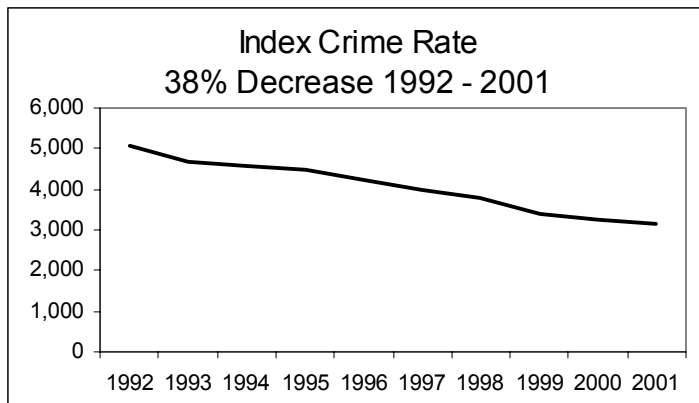
RECOMMENDATION 12

The PJOC recommends that legislation be proposed to authorize the Commissioner of Correction to release eligible inmates to pretrial supervision, subject to judicial discretion, and to enable the court to impose an alternative to the penalty prescribed by statute as a result of a conviction for certain Misdemeanors and Class D Felonies.

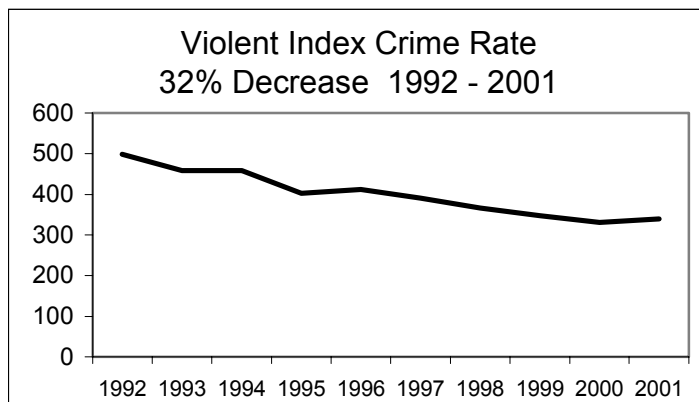
Section I System Overview

Crime Trends in Connecticut

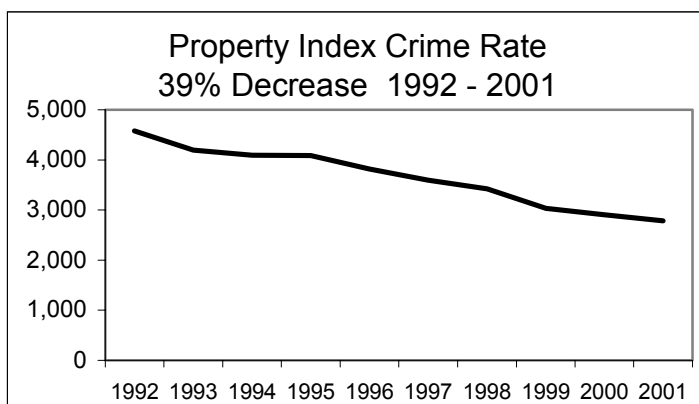
Reported Crime



The index crime rate¹ continued to decline during 2001. The 2001 rate was 38 percent lower than 1992 rate. Index crimes include murder, rape, robbery, aggravated assault, burglary, larceny and motor vehicle theft.



Since 1992, the violent index crime rate has dropped 32 percent. However, a slight rate increase occurred during 2001, two percent higher than the previous year. Violent index crimes include murder, rape, robbery and aggravated assault.

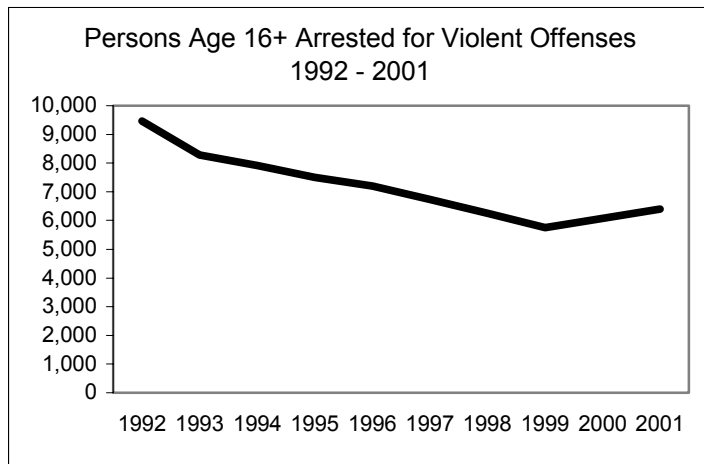


The 2001 property index crime rate was 39 percent lower than in 1992. Property index offenses include burglary, larceny and motor vehicle theft.

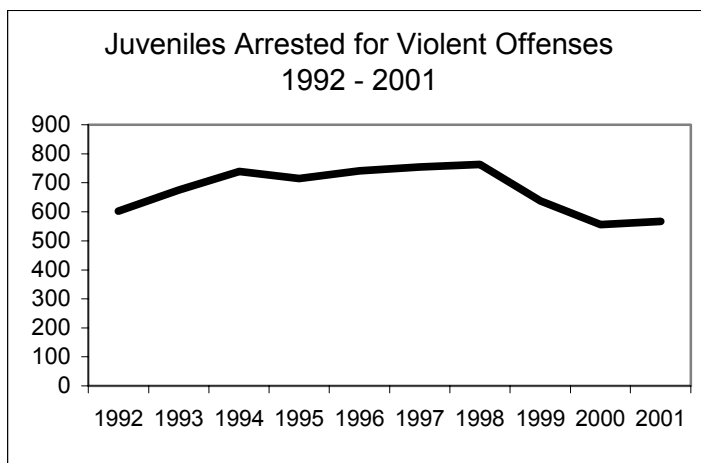
¹ Rate is number of Crimes Reported per 100,000 population.

Arrests

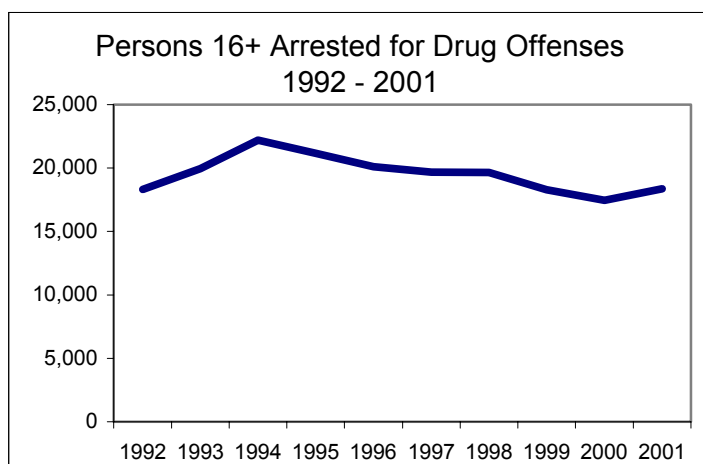
Since not all reported crimes lead to an arrest, the number of persons arrested is a more efficient measure of persons entering or re-entering the criminal justice system.



The number of persons sixteen and older arrested for violent index offenses² decreased 32 percent between 1992 and 2001. However, during both 2000 and 2001, the number of adults arrested for violent crimes increased after ten straight years of decline.

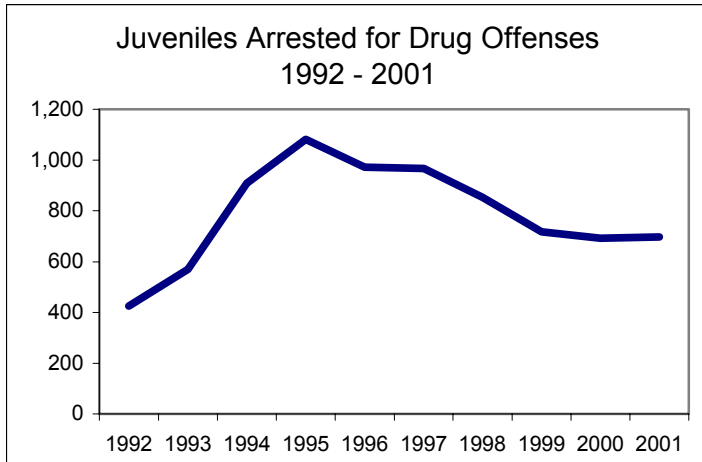


The number of juveniles (age fifteen and younger) arrested for violent crimes rose during 1992 thru 1998. Significant decreases were experienced the following two years resulting in an overall decline of 6 percent between 1992 and 2001.



A large number of offenders in the criminal justice system have been arrested for drug offenses. After peaking in 1994, drug offense arrests for persons sixteen or older began to decline reaching a low of 17,461 in 2000. However, during 2001 drug arrests for this population rose five percent from the previous year.

²Violent index offenses include murder, forcible rape, robbery and aggravated assault



Drug arrests for juveniles increased 64 percent between 1992 and 2001. Juvenile drug arrests grew by 186 percent between 1991 and 1995. Five years of gradual decline followed this period of growth. During the past year juvenile drug arrests remained relatively stable.

Total drug arrests increased by five percent between 2000 and 2001. The largest one-year growth occurred in arrests of 16-17 year olds (9%). Drug arrests for females were half that of the males (5.5%) and juveniles were the lowest with a less than one percent decline.

Connecticut Today

Crime rates³ and the incarceration rate⁴ remain lower in Connecticut than in the United States as a whole. The following table compares these rates for 2001.

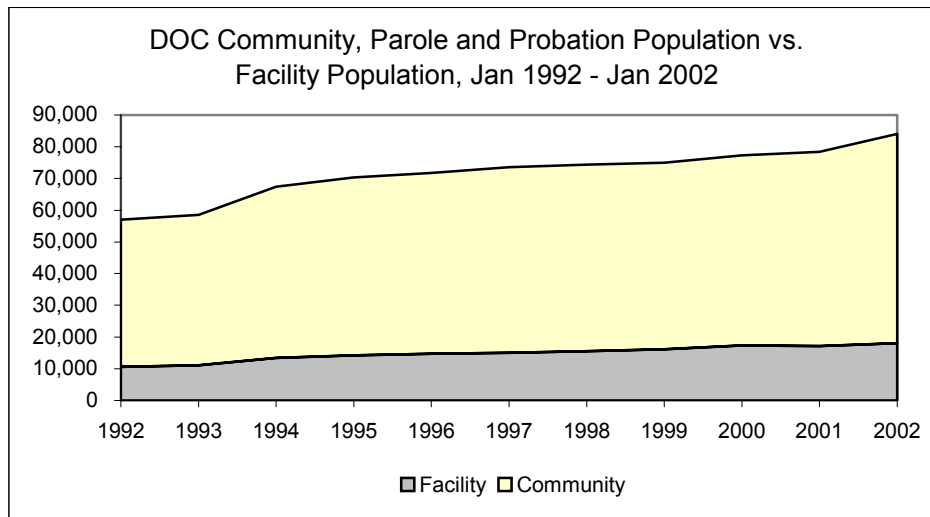
	Total Index Crime Rate	Property Crime Rate	Violent Crime Rate	Incarceration Rate
United States	4,160	3,656	504	470
Connecticut	3,123	2,784	339	387
% Less than National Rate	25%	24%	33%	18%

³ Index crimes include the violent crimes murder and manslaughter, robbery, forcible rape and aggravated assault, and the property crimes of burglary, larceny and motor vehicle theft. Data obtained from "Crime in the United States 2001", published by the Federal Bureau of Investigation. Rate is crimes reported per 100,000 population.

⁴ From the Bureau of Justice Statistics Bulletin "Prisoners in 2001" released July 2001, Table 4, Page 4.

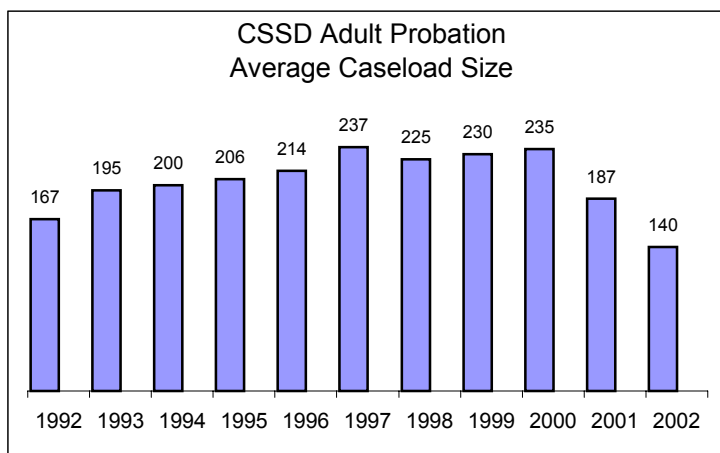
Offender Supervision

Connecticut relies upon community supervision, particularly probation, for a large proportion of criminal offenders in the system. A Bureau of Justice Statistics publication, Probation and Parole in the United States, 2001, indicates that Connecticut's Probation supervision rate has continued to decline in relation to the rest for the country, dropping from ninth in 1998 to sixteenth by the end of 2001. The number of persons supervised on probation per 100,000 adult population in Connecticut at the end of 2001 was 1,928, four percent higher than the national rate of 1,849 persons supervised.⁵



This graph compares facility population to total community-supervised population, which includes Department of Correction community release programs, parole release and probation caseloads. Probationers accounted for 75 percent of the total supervised on January 1, 2002.

The average probation caseload per officer in Connecticut was above 200 between 1994 and 2000. The average caseload continued to rise over that time period due to the increasing



number of cases and stagnation in the number of probation officers.

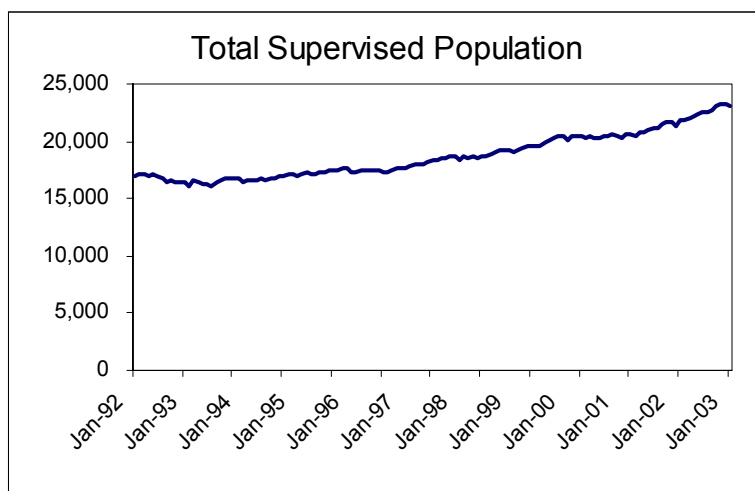
Two factors contribute to the decline in average caseload to 140 during 2002, the use of a private contractor for the administrative monitoring of the lowest risk probationers, and the addition of sixty new probation

⁵ From the Department of Justice Press Release dated August 2002 Probation and Parole in the United States, 2001. National rate includes federal prisoners.

officers. The private contract for administrative monitoring helps to reduce the average caseload size while ensuring compliance with court ordered conditions for nearly 20,000 low risk probation clients. Three onsite probation officers oversee the contract. To date, this contract has been highly successful in that approximately two-thirds of these clients are in full compliance with their court ordered conditions at discharge and only one third are returned back to probation for direct supervision. The addition of sixty new probation officers in 2002 also greatly impacted the reduction in the average caseload size to 140. The addition of the new officers allows some officers to supervise a maximum of 45 cases due to the high level of supervision required, while other officers have varying caseload sizes (some greater than 140) based upon the risk levels of the clients on their caseload.

Connecticut continued to rank as one of the states with the lowest parole supervision rate. By yearend 2001 Connecticut ranked tenth, down from sixth the previous year, with 83 persons supervised per 100,000 adult population compared to a national rate of 350⁶. According to the same report, the number of persons under parole supervision in Connecticut continued to grow rapidly during 2001, ranking sixth in growth among the states with a fourteen percent increase. The parole caseload grew an additional thirteen percent in 2002 to over 2,100. A fifteen percent increase in the parole caseload is projected for 2003. Growth is expected at a similar rate during the next five to six years.

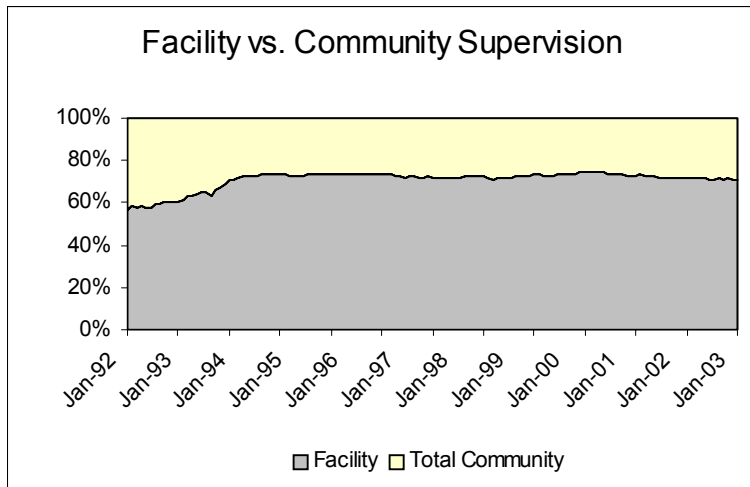
Correction and Parole Supervised Populations



Between January 1, 1992 and January 1, 2003, the total population under supervision, both in the facilities and in the community (excluding probation) grew 36 percent. The total population experienced no growth during 2000 due to a temporary drop in the accused population that was offset by an increase in the parole population. On

January 1, 1992 the percentage of the Department of Correction and Parole population being supervised in the community was 38 percent. However, due to legislative changes, the addition

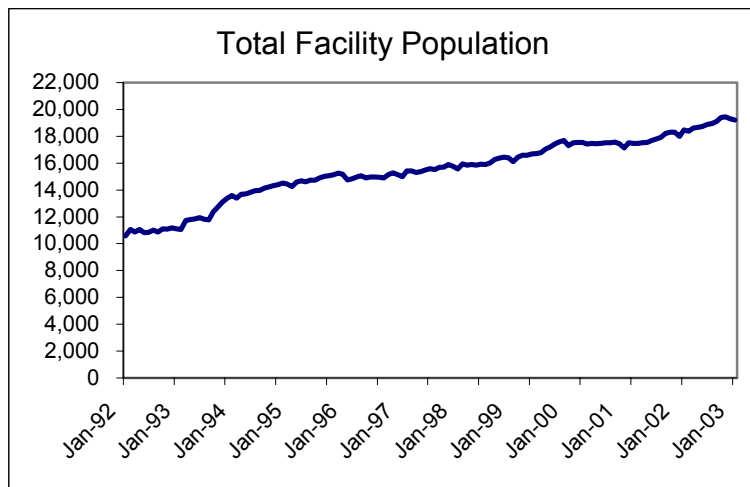
⁶ From the Department of Justice August 2002, Probation and Parole in the U.S., 2001.



of correctional facility beds, and stricter community supervision standards the proportion being supervised in the community has averaged sixteen percent since 1994.

Department of Correction

Facilities



Between January 1, 1992 and January 1, 2003, the facility population increased 82 percent, growing from 10,573 to 19,216. These figures include both the accused and sentenced populations. Sentenced inmates account for 80 percent, on average, of the total incarcerated.

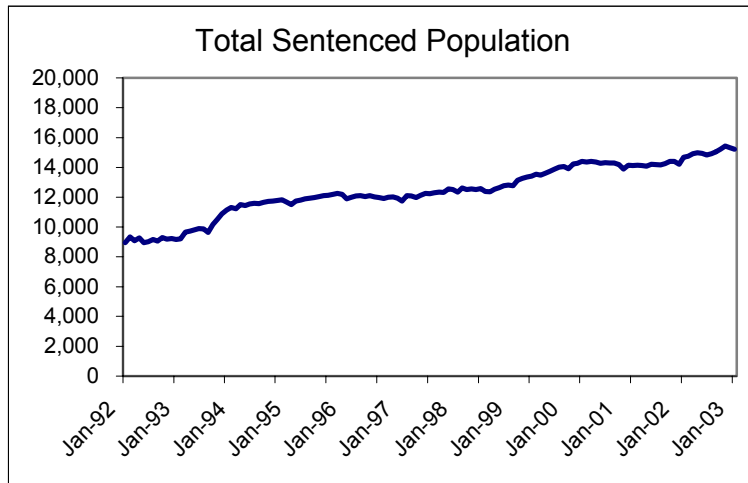
Despite declines in both reported crimes and number of persons arrested, growth in the facility population has continued. Over the past two years the facility population has increased twelve percent, a growth of 2,079 inmates. In order to accommodate the increased inmate population, the Department of Correction has reopened previously closed buildings, double bunked most cells, converted program space at facilities to inmate housing, increased the number of dormitory beds, and renovated other existing facility space for housing. Currently, there are approximately 850 inmates being housed in non-traditional living spaces.

In October 1999, Connecticut entered into a contract with the State of Virginia Department of Correction to house Connecticut inmates. The contract is currently in its fourth year and permits up to 500 inmates to be held in Virginia. As of January 1, 2003, there were 500 inmates serving their sentences in the Greensville Correctional Center in Virginia.

Six hundred celled beds will become available shortly as the construction to expand the MacDougall/Walker facility in Suffield is nearing completion.

Sentenced Population

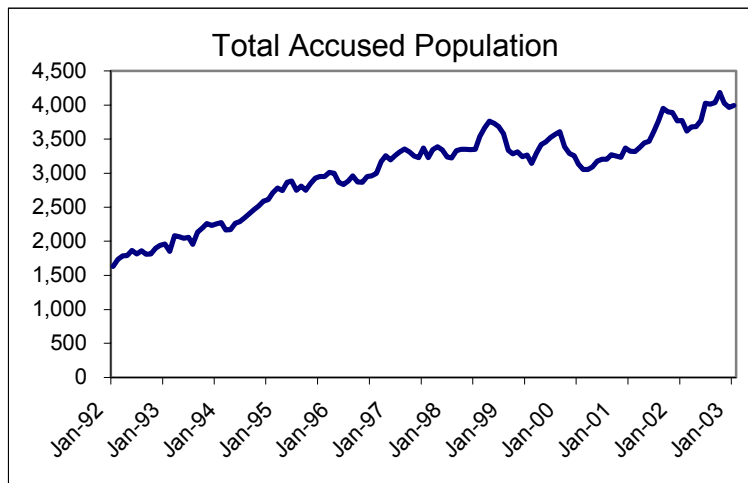
Since January 1, 1992, the sentenced incarcerated population has grown by 70 percent. The



number of sentenced inmates increased by 6,278, growing from 8,942 at the beginning of 1992 to 15,220 by January 1, 2003. Although the sentenced population remained flat in the year 2000 and experienced only a 2 percent growth in 2001, record highs were set during the past year as the sentenced population grew by 7 percent during that time.

Accused Population

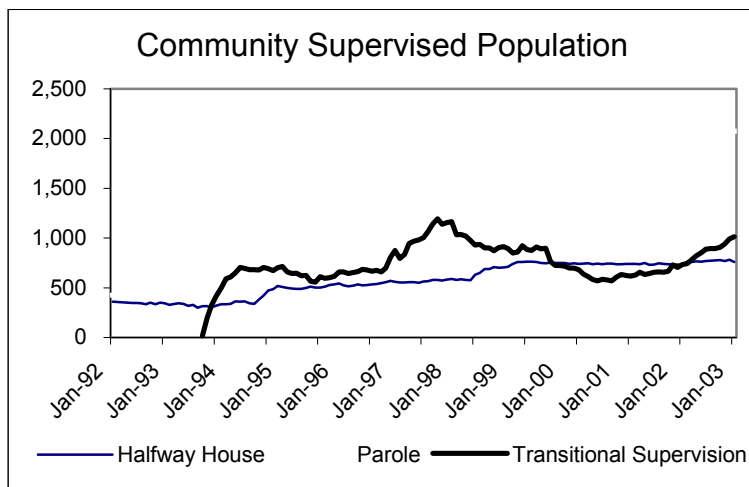
The accused population increased by 145 percent between January 1, 1992 and January 1, 2003, growing from 1,631 to 3,996. The accused population is less predictable and tends to



fluctuate more than the sentenced population. During the past decade this population has experienced one year growths as high as 26 percent and decreases of as much as five percent. During the past year, the accused population has grown by 6 percent and currently accounts for 21 percent of the total facility population.

Transitional Supervision

The Transitional Supervision Program, a community release program under the jurisdiction of the Department of Correction, provides inmates with a sentence of two years or less with an opportunity to reintegrate into the community under supervision. Release into the community is discretionary and is based upon meeting the legislative and DOC established criteria including having served a minimum of 50% of a sentence, absence of disciplinary issues, and having an



approved community sponsor. During the past two years, the number of inmates participating in the Transitional Supervision Program has risen and reached 1,012 on January 1, 2003.

Halfway House

The Department of Correction contracts for 774 halfway house beds throughout the state.

Halfway House programs facilitate an inmate's transition from prison back to community living. Programming may include personal and family counseling, job development, substance abuse monitoring, substance abuse treatment and housing assistance. Specialized inpatient mental health and substance abuse treatment services are provided at a few halfway house locations. Upon discharge from a halfway house, an offender may be released to Transitional Supervision or Parole. Offenders who complete their term of incarceration while in a halfway house may have an obligation to term of Probation following their release. All halfway house beds under contract were fully utilized throughout 2002. Hundreds of inmates are on waiting lists for halfway house bed vacancies at any given time.

Board of Parole

The Connecticut Board of Parole was originally established in 1968. Since that time, the Board has been responsible for the parole decision-making process and the terms and conditions of parole for those inmates who are parole eligible. Although parole was eliminated in the early 1980's, it was reestablished in 1990 as the release authority for inmates with a felony conviction serving definite sentences of greater than one year. Currently, inmates serving a sentence of two years or more than for a non-violent offense are eligible for parole release after serving a

minimum of 50 percent of their sentence. Violent offenders must serve a minimum 85 percent of their sentence. Additionally, a court may sentence an offender to a definite term of parole (special parole) to follow incarceration. Legislation was also passed in 1999 that allows amendment of the sentence whereby an inmate may exchange the last six months of a sentence for twelve months of parole supervision. Inmates serving definite sentences for the crimes of Murder (53a-54a), Capital Felony Murder (53a-54b), Felony Murder (53a-54c), Arson Murder (53a-54d), or Possession of a Firearm within 1500 feet of a School (53a-217b) are not eligible for parole consideration.

The Parole Board consists of twelve per diem members, a chairman and two vice chairmen who are all appointed by the Governor. They are responsible for reviewing case files of prospective parolees and approving or denying parole requests. The Field Operations Division of the Board of Parole develops and executes all case management plans to supervise and monitor parolees' compliance while in the community and returns them to custody, when appropriate, if they violate the conditions of their parole. This Division consists of four district offices (Bridgeport, New Haven, Hartford and Waterbury) and three specialized units (Special Management, Zero Tolerance Program and Fugitive Recovery).

- The Special Management Unit, established in 1995, is a statewide unit specifically designed to provide intensive supervision of sex offenders in a unique collaboration with behavioral treatment specialists.
- Section 54-125f of the CGS authorized the Board to establish a Zero Tolerance Drug Program unit to supervise select parolees who have a history of drug abuse. Parolees in this New Haven program are aggressively supervised and subject to frequent urinalysis to detect illicit drug use. Detection of drug use results in an immediate 48-hour detention in a halfway house.
- The Fugitive Recovery Team was formed in 1995. Since its inception, the team has worked with numerous federal, state and local law enforcement agencies to seek, locate, apprehend and re-incarcerate parole absconders.

The Board has developed a variety of program supervision options designed to increase the likelihood that parolees will be safely supervised without violating the law and remain in the community. These methods include substance abuse monitoring and treatment, electronic monitoring, and intensive supervision.

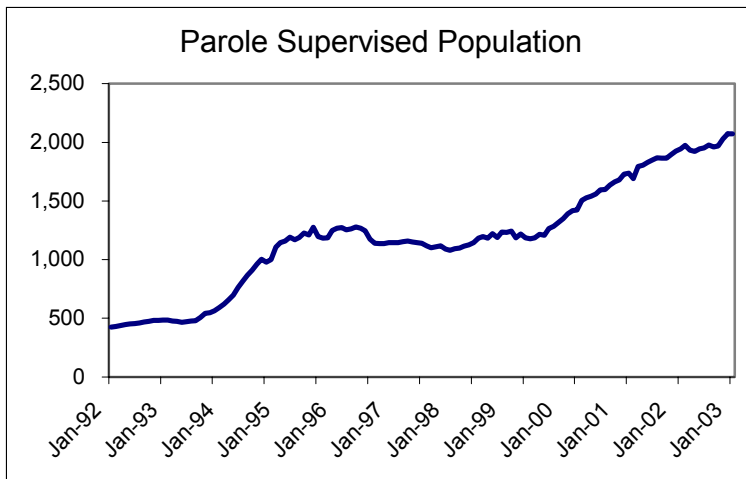
The Board believes that employment is essential if a parolee is to reintegrate successfully into the community. In 1996 the Board introduced the "Parole Works" program that requires all parolees who are unemployed and physically able to work, to seek, obtain and maintain

employment or perform community service throughout their parole term. In 1999 an independent study funded by the National Institute of Corrections concluded that over 93% of parolees in Connecticut who are eligible to work are, in fact, employed.

In 1997 the Hartford Parole District initiated a substance abuse treatment program to provide recovery enhancement through addiction and parole services. Staffed by the University of Connecticut Health Center, this partnership manages treatment, offenders and costs. Every parolee is assessed for treatment need. A recommendation for one of five possible levels of treatment is then made. More than eighty-five percent of Hartford parolees participate in one of these five therapeutic dimensions. The program has been expanded to the Waterbury District and now also has an evaluation and placement unit in the New Haven District.

PEPP (Parole Enhanced Policing Program) Many of Connecticut's towns and cities have adopted community policing as a law enforcement strategy. Partnerships have been formed with many of Connecticut's cities to incorporate parole officers into their community policing programs. As a result, many parole-related activities are based in neighborhood substations where caseloads can be assigned geographically to coincide with these local precincts. Additionally, parole officers often team up with local police on routine patrols. A similar program is now being established with the Connecticut State Police. These partnerships reaffirm the link between parole and law enforcement and increase the efficiency of parole supervision by:

- enhancing the parole officer's knowledge of neighborhood crime concerns
- enhancing the police officer's knowledge of Connecticut's parole system, its goals and utility
- assuring members of the public that separate components of the criminal justice system can work effectively together; and
- making clear to parolees that in terms of public safety, parole and police are as one.



During 2002, the Board held nearly 5,000 hearings, an increase of over 30 percent from the previous year. Between January 1, 1992 and January 1, 2003 the number of persons on parole grew from 425 to nearly 2,100. During the past year the total parole caseload grew by thirteen percent. Continued

growth at a similar rate is expected during the next five to six years as the number of persons released to discretionary parole as well as to special parole increases and persons spend longer periods of time under parole supervision. The current average caseload per officer is 63. These figures as well as those in the graph reflect all parolees supervised in state only and do not include Connecticut parolees supervised out of state.

Judicial Branch, Court Support Services Division

The Court Support Services Division (CSSD), within the Judicial Branch, was developed as a direct result of an independent management study of Branch operations to identify areas to streamline and consolidate operations, while improving services to the Courts. CSSD is a consolidation of the following six Judicial Branch agencies/units: Adult Probation, Alternative Sanctions, Bail Commission, Family Services, Juvenile Detention and Juvenile Probation.

As part of a balanced program to alleviate overcrowding in Connecticut, previous Prison and Jail Overcrowding Commission recommendations led to the development of a major network of Alternative Incarceration Programs (AIP). By diverting less serious offenders to community punishment and supervision programs, this ensures that prison space remains available for more serious offenders. These alternatives provide the courts with a range of options to keep less serious offenders from entering the correctional system.

In addition to providing safe, effective and meaningful alternatives to incarceration, the AIP has produced significant cost savings without jeopardizing public safety. The average cost of a program slot is \$11,000 per year. Offenders sentenced to some of the alternative programs have been able to give back to the community through numerous community service projects. During FY 01-02 over 276,985 hours of supervised community service were performed. Offenders complete these services at state parks, the Nutmeg State Games, Special Olympics, and numerous other municipal and non-profit agencies provided service projects. Connecticut's Alternative to Incarceration Program (AIP) is considered a national model for effective alternative sanctions. The AIP currently supervises over 5,000 offenders/defendants on a daily basis, which includes over 1,500 on intensive probation supervision. The alternative network consists of an array of programs and services contracted out to private non-profit agencies around the state that provide supervision, substance abuse education, education/vocational assistance and community service opportunities.

Alternative to incarceration programs include:

Alternative Incarceration Centers (AIC)

AICs provide monitoring, supervision and a range of skill development services, treatment referral services and case management to clients. There are seventeen centers statewide operated by private nonprofit community agencies, which contract with the Judicial Branch to provide the services. The AICs work with pretrial clients (68%) and sentenced clients (32%). The primary role of the AIC is to offer the court supervision and monitoring options as well as a range of offender services. All AICs provide drug and alcohol education and referral placement, crisis intervention, full time education, employment assistance and housing referral assistance. There are currently 1,557 AIC slots.

Day Incarceration Centers (DIC)

DICs require offenders to participate in education programs, individual and group counseling, vocational programs, and community service programs. This program is the highest level of non-residential programming available requiring clients to report six days per week for eight hours per day. Clients are also required to submit to electronic monitoring as a part of the DIC program. There are currently 100 slots.

Adult Service Contracts

These contracts are community-based, non-residential treatment services that are available to both the pretrial and adjudicated clients. Most clients involved with the criminal justice system have multiple service needs that should be addressed in a comprehensive, coordinated and cost-effective manner. These contracts provide services such as substance abuse evaluations and treatment, mental health evaluations and treatment, and individual and group counseling. Adult service contracts provide 1,523 slots statewide.

Community Courts

Community Courts currently operate in Hartford and Waterbury. A minimum of 25 clients participate weekly providing court ordered community service. An additional component is on-site substance abuse counseling and referrals for inpatient care.

Domestic Violence Sanction Programs

The Evolve Program is an intensive 26 or 52 week skill building, psycho-educational program for male domestic violence offenders. Pilot programs exist in three sites (Bridgeport, New Haven and Waterbury) where domestic violence dockets are established. The program currently has 205 slots. The curriculum was written by local and national experts as requested by the U.S. Department of Justice to determine the most effective way of changing offenders'

behavior and keeping victims and their children safe. This program is currently being evaluated by the National Institute of Justice.

In addition to the Evolve Program, the Explore program is a 26-week program designed to challenge men to identify their behavior, learn alternatives to violence, and become non-violent. This program offers a less intensive domestic violence intervention than Evolve. This program is available in Hartford, New London, Manchester, Danielson, New Haven, Middletown, Stamford, Danbury, and New Britain. Program capacity is 392 clients.

Gender Specific Program for Female Offenders

STARS is a community based, intensive program designed to serve the individual needs of females ages 16 and above. The program design incorporates the most current research on assessing client criminogenic needs, developing individual case plans and providing intensive clinical interventions designed specifically for women to reduce future recidivism. Program interventions include trauma and abuse, substance abuse treatment, cognitive skill building, parenting, education, job skills and placement. The program provides childcare while the mother participates in her treatment. The program serves 50 women and is located in Bridgeport.

Intensive Probation Supervision

Statewide supervision is provided to over 1,500 offenders. This supervision level is characterized by low caseloads, frequent client contact (field and office) and immediate response to violation behavior. These units supervise sex offenders, violent offenders, and pre-violators.

Jail Re-interview Program

The Jail Re-interview program enables Intake, Assessment and Referral (IAR) staff to reassess defendants held on bond for treatment needs or circumstantial changes for the development of a supervision plan to present to the court in the form of a bond modification. Without these individualized plans, these defendants would remain incarcerated.

The defendants being re-interviewed are primarily low risk, non-violent young adults who would benefit more from the services of the CSSD's alternative network than from incarceration. With the assistance of DOC staff, supervision plans are developed to provide the best opportunity for success in the community.

During last fiscal year the Jail Re-interview staff assessed 2,416 defendants at various DOC facilities across the state. Of those screened 1,607 (67%) were released through various alternatives or family interventions. The diversion of these defendants today saves the Department of Correction approximately 150 beds daily. Thirty residential beds are available to

pretrial male defendants. The typical length of stay is 60 to 90 days, although stays of up to six months may be permitted. This program is currently located in New Haven.

Residential Treatment Programs

Statewide there are 395 daily residential substance abuse treatment slots serving accused or sentenced males and females who would otherwise be incarcerated. Referrals are coordinated through a “gate keeper” who monitors utilization to maximize available resources. Utilization is 100%, the referral/waiting list contains approximately 235 individuals, and the waiting period is between 2-4 months. Many defendants accept a sentence of incarceration rather than wait for a residential treatment bed to become available. The current successful completion rate is 66.5%.

Project Green (49 Beds)

This program, located in Hartford and New Haven, targets both accused and sentenced individuals who are addicted to drugs and alcohol, but have failed in more traditional forms of substance abuse treatment. Utilizing community service to promote team building and a sense of accomplishment, the program helps clients live substance-free lifestyles, build self-esteem, acquire work skills, and obtain employment prior to reintegrating into the community.

Youthful Offender Residence (30 Beds)

Located in New Haven, this program targets male offenders age 16 to 21. Program activities are designed to reinforce positive behavior and appropriate decision-making, and facilitate personal development via a comprehensive curriculum. Linkages with local Boards of Education and vocational programs ensure that clients receive credit for academic work performed at the program.

Women with Children Services (64 Beds)

Four residential treatment programs provide gender specific services and counseling to pregnant women and women with children involved in the criminal justice system. While the primary focus of this program is substance abuse treatment, women receive counseling in domestic violence, incest survivor groups, parenting, family therapy, budgeting, and nutrition. Group and individual counseling and other mental health services are also available. Staff work with the Department of Children and Families (DCF) to reunite women who may have lost custody of their children. This program provides the court with a wider array of previously lacking treatment services for pregnant women and women with children.

Adult Offender Supervision Project (Probation)

The Court Support Services Division currently supervises 58,200 adults. This represents a 60% growth rate in probationers throughout the 1990s.

With the assistance of the National Institute of Corrections (NIC), CSSD recently re-defined its assessment, classification and supervision system. The primary goals of the re-classification project were to develop a supervision system that places emphasis on services to the court and promotes public safety by:

- Assuring active monitoring of all conditions imposed by Superior Court Judges.
- Providing the Court with timely notification of conditions of non-compliance.
- Assessing and classifying offenders to a level of appropriate risk and need.
- Maintaining caseloads that allow established standards of supervision.
- Transitioning from office based supervision to community-based supervision.
- Establishing neighborhood and geographically assigned caseloads.
- Developing partnerships with private non-profit agencies, community programs and law enforcement and local communities.

This system, the Probation Risk Reduction Program, is based upon the implementation of Level of Service Inventory-Revised (LSI-R), a validated risk classification instrument. Studies conducted in states using the LSI-R have shown that accurate offender assessment and classification as provided by the LSI-R, coupled with appropriate caseload sizes and targeted supervision services, have reduced recidivism rates.

The numeric score resulting from the administration of the LSI-R determines which category of supervision the offender is assigned. The five categories are: Sex Offender, Surveillance, High Supervision, Medium Supervision and Administrative Supervision.

To date, the Governor and Legislature have funded 60 of the required 180 officers needed to fully implement the Probation Risk Reduction Program. This has enabled CSSD to implement the new assessment, classification and supervision system. CSSD will be able to fully implement the supervision standards for the Sex Offender and Surveillance categories statewide, resulting in probation officers having the ability to achieve the standards in each of these categories. Compliance with CSSD supervision standards in our high and medium categories is dependent on additional resources. Caseload averages across the state have dropped from 235 to 140 with the addition of the 60 officers. CSSD has deployed a warrant unit responsible for coordinating violation of probation warrant services.

Section II Recommendations

Recommendation 1

The PJOC recommends amending existing legislation to authorize the Department of Correction to contract for the housing of Connecticut inmates out of state to allow for a minimum of 1,000 inmates to be housed at the Greenville Correctional Center in Virginia.

Record-breaking population increases over the past two years continue to place extreme demands on jail and prison capacity. Based on a previous PJOC recommendation, current legislation allows for up to 500 inmates to be held in out-of-state facilities. The renewal of the contract with the State of Virginia for up to 500 prison beds in October 2002 has assisted the Department of Correction in managing the continuous influx of offenders into the prison system. These 500 offenders are currently housed at the Greenville Correctional Center in Jarrett, Virginia. Numerous positive reports from inmates and staff support the continued utilization of this facility.

In order to accommodate the continued pressure on prison and jail capacities and until sufficient housing exists in state, the Commission supports an increase in the number of offenders to be housed at the Greenville facility. This increase will provide assistance with population management concerns as well as cost savings.

Recommendation 2

The PJOC recommends the expansion of secure facilities for the purpose of:

- a. **Accommodating the increased population of violent offenders who are serving longer sentences behind bars. Specifically, the construction of the proposed project at the Osborn/Northern facilities in Somers resulting in 720 secure beds.**
- b. **Replacement of existing aging, temporary dormitory housing.**

As stated in last year's Annual Report, expansion of prison capacity should be in the form of celled living units. An Environmental Impact Evaluation completed in December 2002, supported the addition of six housing units within the existing perimeter between the Osborn and Northern correctional facilities in Somers. The Commission recommends proceeding with this project which can be completed within 18 months of commencement.

Dormitory housing units, built over a decade ago and meant to serve as temporary, should be destroyed and replaced with permanent celled living units. Dormitory housing requiring replacement includes those at the Gates Correctional Institution and the Bridgeport Correctional Center. Preliminary architectural drawings have been constructed to determine feasibility of replacement.

Recommendation 3

The PJOC recommends the operational funding for the 110-bed Community Justice Center (CJC) available for female offenders on the grounds of the York Correctional Institution in Niantic.

Renovations for the conversion of an existing building on the grounds of the York Correctional Institution to CJC specifications are near completion. To date, plans are underway to transition approximately 112 female offenders closely resembling the proposed CJC population to the building. Due to general fund budgeting constraints, the operational funding for this project has been delayed. The building will be ready for occupancy mid-January 2003. The Commission recommends the funding of this Center in support of an incremental sanctions approach that would:

- Provide treatment options to technical violators in lieu of extended re-incarceration.
- Provide pre-release treatment services and community placement to offenders releasing from prison.
- Serve as a pre-trial diversion option for non-violent drug dependent offenders.

It is recommended that alternative funding sources be utilized to implement this innovative program for female offenders.

Recommendation 4

The PJOC recommends that the legislature review mandatory minimum sentences for convicted non-violent drug offenders to provide for appropriate community based interventions, including treatment in lieu of incarceration, for persons who do not present a substantial risk to the community. Revisions should allow incremental sanctions for technical violations of probation, parole and transitional supervision. Pretrial service programs should be expanded to reserve jail beds for violent and chronic offenders.

This recommendation includes the following areas for consideration by the legislature related to non-violent drug offenders:

- Review and revise sentencing laws and court procedures to provide for appropriate community based responses to drug offenses, including treatment in lieu of incarceration.
- Structure the sentencing system to permit a graduated response, as appropriate, to violations of the conditions of probation, parole or other community release options.
- Adopt, expand and refine pretrial service programs to reduce unnecessary detention and save jail space for persons in need of secure confinement.

Recommendation 5

The PJOC recommends that systems and resources be enhanced for offenders with significant mental health issues.

In an effort to address the needs of offenders with significant mental health concerns released from prison and jail to the community, additional resources and release systems are required. Inmates with mental health concerns require a structured and coordinated reintegration program. To ensure inmates have appropriate discretionary release opportunities and to reinforce positive and successful reintegration programs, community and agency systems and resources need to be examined for efficiency, effectiveness and expansion. Collaborative relationships among community and state agencies must be broadened to ensure that offenders with mental health concerns are addressed. Statistical projections indicate that between September 2002 and June 2005, 737 persons with significant mental health needs are scheduled to be released to special parole alone.

Recommendation 6

The PJOC recommends amending legislation to add representation to this Commission to include the Commissioner of the Department of Mental Health and Addiction Services, the Secretary of the Office of Policy and Management, and the Chair of the Board of Parole and/or their designees.

The addition of representatives from these agencies would provide the Commission further insight into the issues related to incarceration and supervision while providing a well rounded approach in managing these issues and making recommendations for improvement.

Recommendation 7

The PJOC recommends the enhancement of the Jail Re-interview Program.

In a continued effort to assist the Department of Correction with overcrowding, Court Support Service Division (CSSD) is proposing an expansion of the Jail Re-interview program. Since the inception of the Jail Re-interview program, 8,139 defendants have been assessed across the state at DOC facilities. Of those assessed, 4,679 (58%) have been released through various interventions or supervision plans as a condition of their release. One of the most often utilized service has been the CSSD residential treatment network. However, with a waiting list of over 225 defendants and a 2-4 month wait time, many defendants elect to plead out and accept jail time rather than waiting for a bed in our residential network.

Statistics have shown defendants who receive alternatives are less likely to be given a sentence of incarceration at disposition as opposed to those who remain incarcerated during pre-trial time. CSSD believes many of these defendants could be safely and intensively supervised in the community on a pre-trial basis while waiting for a residential treatment bed. This pre-trial supervision will be provided by adult probation staff. In addition, electronic monitoring may also be an option for those defendants who require higher levels of supervision. In order for CSSD to accomplish this, additional supervision officers and funds will be required.

Recommendation 8

The PJOC recommends sufficient probation staff to enable the proper identification and assessment of offenders needs 90 days prior to release from jail to probation to assist in reducing violations of probation and re-incarceration.

Approximately 9,000 offenders are incarcerated in correctional facilities with a stipulation of probation at the time of their release. Needs of these offenders include housing, employment, proper identification, medical benefits, education and job readiness. Many offenders return to the community without these needs in place and as a result engage in “at risk” behavior before they are seen by their probation officer and before appropriate interventions can be taken. Many offenders fail to report to Adult Supervision or comply with a particular condition. As a result, this leads to violations of probation and ultimately increasing prison and jail populations. Additional probation staff will be required to assess offenders who have a stipulation of probation 90 days prior to release. This early identification of needs will allow CSSD to address issues in a timely manner, avoiding service gaps. The goal of this unit would be to identify and rank the most significant needs, develop a coordinated case plan and make appropriate referrals prior to release in order to reduce probation violations.

Recommendation 9

The PJOC recommends the maintenance of manageable parole caseloads as the parolee population continues to grow.

Effective community supervision of adult offenders is dependent upon a high degree of interaction between the parolees and parole officers. To maximize effectiveness, Parole Officers must have sufficient time available to adequately counsel offenders, consult with service providers, evaluate progress and directly monitor the parolee’s behavior in the community. Frequent personal visits to the parolee’s residence, place of employment and other locations enables the Parole Officer to detect early signs of potentially problematic behavior and intervene, enhancing public safety. Current staffing levels and an anticipated growth of 41% in the number of persons under parole supervision will bring the average caseload to 85 per officer by July 2005. A study conducted by the National Institute of Corrections concluded that an urban caseload of 55 was appropriate with rural caseloads requiring additional travel time to work and home visits or when taking a parolee into custody.

Recommendation 10

The PJOC recommends partnership with federal agencies for the housing of offenders in CT within existing programs.

In fiscal year 2001-2002, the average daily population of offenders incarcerated in Connecticut under federal programs including the Immigration and Naturalization Service (INS) and the United States Marshals was 285, with 217 males and 68 females. Since 7/1/02 that number has increased to 275 males and 80 females. These offenders are currently confined with the CT DOC based on a per diem rate.

INS has proposed the construction of space that would house inmates under their jurisdiction as well as inmates under state jurisdiction. The formal partnering with federal governmental agencies to assist in the confinement and supervision of these offenders would not only support national homeland security efforts by confining federal offenders in one location, but also provide substantial cost savings to the state.

Recommendation 11

The PJOC recommends legislative enablement for the implementation of conditional discharge for offenders to re-entry supervision at 95% of sentence served, exclusive of offenders with specific public safety risk factors.

Offenders being released to the community upon full sentence completion where discretionary release has not previously occurred, have no supervision to assist them in successful reintegrating to the community.

In calendar year 2001, 2,089 offenders with sentences of two or more years discharged from prison or jail at the end of their sentence (EOS). If this population of offenders were released to the community after serving 95% of their sentence, the 5% reduction in time served behind bars would be 36.5 days to 639 days with the median number of days being 55. By setting a suggested conditional discharge date at 95% of sentence completion, offenders will be supervised upon community placement, reintegration needs would be addressed and community safety enhanced. Some offenders may be excluded for factors related to public safety related classification status and, behavior while incarcerated.

*(The number of eligible offenders, 2,089, does not take into account offense or behavior while incarcerated. It reflects only the number eligible.)

Recommendation 12

The PJOC recommends that legislation be proposed to authorize the Commissioner of Correction to release eligible inmates to pretrial supervision, subject to judicial discretion, and to enable the court to impose an alternative to the penalty prescribed by statute as a result of a conviction for certain Misdemeanors and Class D Felonies.

- Proposed legislative amendment to C.G.S. §18-100:

(New) The Commissioner of Correction may release a person on pretrial supervision who is charged with a Misdemeanor or Class D Felony, excluding alleged violations of C.G.S. §§53a-60a, 53a-60b, 53a-60c, 53a-60d, 53a-72a, 53a-73a or 53a-181c, or if the court finds the individual ineligible, to a residence approved by the Department of Correction subject to such conditions as the Commissioner may impose including, but not limited to substance abuse treatment and electronic monitoring. Any pretrial inmate released on pretrial supervision shall be supervised by the Department of Correction and remain under the jurisdiction of said Commissioner. The Commissioner of Correction may revoke said pretrial supervision for violation of the conditions imposed and return the pretrial inmate to a correctional institution.

Note: This tracks some of the language contained in PA 89-383 that added section (f) to C.G.S. §18-100, effective July 5, 1989 to July 1, 1994, and subsequently deleted by the Revisor's following the expiration of the amendment on July 1, 1994. The excluded offenses were derived from a Department of Correction directive in regard to inmate eligibility for pretrial supervision.

- Proposed new legislation:

(New) As an alternative to the sentences specified pursuant to the Connecticut General Statutes for conviction of a Misdemeanor or a Class D Felony, excluding convictions for violations of C.G.S. §§53a-60a 53a-60b, 53a-60c, 53a-60d, 53a-72a, 53a-73a or 53a-181c, and when, at the time of such offense the defendant was a drug dependent person, the court may sentence the person to the custody of the Commissioner of Correction for an indeterminate term not to exceed the maximum term specified for the offense and, at any time within such indeterminate term and without regard to any other provision of law regarding minimum term of confinement, the Commissioner may release any inmate so sentenced subject to such conditions as the Commissioner may impose including, but not limited to, supervision by suitable authority. At any time during such indeterminate term, the Commissioner of Correction may revoke any such

conditional release in his discretion for violation of the conditions imposed and return the convicted person to a correctional institution.

Note: This language tracks the language of section (d) of C.G.S. §21a-277 and adds Misdemeanors and Class D Felonies excluding those same offenses that would have made an inmate ineligible for pretrial supervision. The language “at the time of such offense the defendant was a drug dependent person” is parallels language contained in C.G.S. §21a-278 as to non-drug dependent persons.