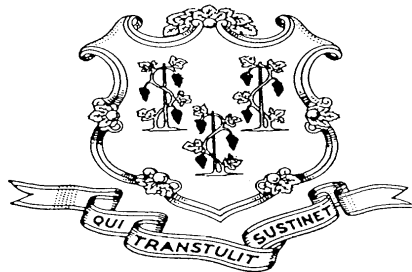


# **The Prison and Jail Overcrowding Commission**

**A Report to the Governor and Legislature**

**State of Connecticut**



**January 15, 2004**

# **Prison and Jail Overcrowding Commission**

## **Members**

The Honorable Theresa Lantz, Chair  
Commissioner  
Department of Correction

The Honorable Joseph H. Pellegrino  
Chief Court Administrator  
The Judicial Branch

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

The Honorable M. Jodi Rell  
Lieutenant Governor

Laurie Deneen, Esquire  
Windsor, CT

The Honorable Gerard A. Smyth  
Chief Public Defender  
Division of Public Defender Services

Richard P. Healey, Esquire  
New Britain, CT

The Honorable Arthur L. Spada  
Commissioner  
Department of Public Safety

The Honorable Christopher Morano  
Chief State's Attorney  
Division of Criminal Justice

## PRISON AND JAIL OVERCROWDING COMMISSION

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

From: Theresa C. Lantz, Chair  
Prison and Jail Overcrowding Commission

Date: January 15, 2004

On behalf of the Prison and Jail Overcrowding Commission, I respectfully submit the 2004 Annual Report in accordance with Section 10-87k of the Connecticut General Statutes.

The Commission based its deliberations on the mandate of public safety and the expectation that offenders be held accountable for criminal actions. The recommendations presented are intended to provide offenders with opportunities to redirect their lives through appropriate treatment interventions and community supervision that support law-abiding conduct.

In reflecting the collaborative expertise of Connecticut's Criminal Justice System, the Commission believes that the recommendations are timely and will serve the best interest of public safety while providing continued public confidence in the integrity of our system. The Commission looks forward to working with the Governor's Office and the General Assembly to develop and implement these recommendations.

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## **Executive Summary**

In an effort to effectively manage the increasing population in Connecticut's criminal justice system, the Prison and Jail Overcrowding Commission (PJOC) has developed nine recommendations, which provide a comprehensive and balanced approach to addressing this challenging public policy issue. The recommendations include both incarceration and treatment interventions and continue to place the highest priority on maintaining public safety. The recommendations build upon past accomplishments within the Connecticut criminal justice system.

The most significant accomplishments in 2003 include the following:

- The opening of a five unit, 600 bed high-security facility at the MacDougall-Walker Correctional Institution in Suffield.
- The anticipated February 2004 opening of the first women's Community Justice Center, to be operated on the grounds of the York Correctional Institution.
- The merger of the Board of Parole with the Department of Correction in an effort to better and more efficiently coordinate the supervision of inmates.
- Authorization to increase the number of inmates that can be housed in out of state facilities in order to more effectively manage the current population.
- The formation of an Alternatives to Incarceration Advisory Committee that will examine and recommend best practices for holding offenders accountable and ensuring public safety in Connecticut.

## **Coordination With Alternatives to Incarceration Advisory Committee**

As a complement to the annual policy-driven Prison and Jail Overcrowding Commission (PJOC) report, the Legislature established in Section 158 of Public Act 03-06, *An Act Concerning General Budget and Revenue Implementation Provisions*, the Alternatives to Incarceration Advisory Committee (AIAC), to specifically address the use and effectiveness of alternatives to incarceration. The AIAC is charged in statute to investigate the feasibility and effectiveness of various alternatives to incarceration, and to report its recommendations and findings to the Governor and Legislature by February 1, 2004, and again in February of 2005. Committee membership includes several members of the Prison and Jail Overcrowding Commission, specifically the: Chief State's Attorney, Chief Court Administrator, Chief Public Defender, and the Commissioner of the Department of Correction. Additional members include the Secretary of the Office of Policy and Management, the Commissioner of the Department of Mental Health and Addiction Services, and the co-chairs and ranking members of the Finance, Judiciary, and Appropriations Committees.

The Commissioner of Correction serves as committee chair and in that capacity established four interagency working groups staffed by functional level employees with direct service or supervisory responsibilities. The working groups are focusing their efforts in the following areas: Field Supervision, Mental Health Services, Community Resources, and Intermediate Sanctions. The working groups, functioning under tight timelines, met several times to develop recommendations that addressed programs and services specifically mentioned in the enabling legislation, and other options that would protect public safety while providing relief to a crowded correctional system. In January of 2004, the AIAC plans to review and approve final recommendations for its report to the General Assembly on February 1, 2004.

### **Prison and Jail Overcrowding Commission Recommendations for 2004:**

1. *The PJOC recommends implementation of a comprehensive reentry strategy for offenders who discharge from the custody of the Connecticut Department of Correction. The bridge for developing this strategy will be the Alternatives to Incarceration Advisory Committee, and its corresponding Working Groups, which include Field Supervision, Community Resources, Mental Health Services, and Intermediate Sanctions.*

2. *The PJOC recommends amending existing legislation in order to expand the authority of the Commissioner of Correction to place offenders in a community or private residence after a period of satisfactory residential program participation, and upon an assessment of the offender's individual needs.*
3. *The PJOC recommends the implementation and funding of a Community Justice Center (CJC) for male offenders.*
4. *The PJOC recommends that specialized systems and resources for offenders with significant mental health issues be enhanced.*
5. *The PJOC recommends amending legislation to add two new representatives to this Commission, the Commissioner of the Department of Mental Health and Addiction Services and the Chair of the Board of Parole or their designees.*
6. *The PJOC recommends amending legislation to allow the Commissioner of Correction to release inmates on home visit furloughs from 15 days to 30 days prior to a community supervision program or end of sentence.*
7. *The PJOC recommends that the legislature conduct a study to determine the impact, if any, of recent changes to the mandatory minimum drug sentencing laws on the demand for prison beds in Connecticut.*
8. *The PJOC recommends the establishment of specialized programming called the CSSD Transition Project for split sentence probationers. This program is designed to provide probationers with risk/need assessment, case planning and pre-release services in the correctional facility 90 days prior to release; facilitated access to critical services during the first 72 hours following release; and intensive supervision and case management services during their first 120 days in the community. This project will require the addition of 10 Probation Transition Officers assigned to cover correctional facilities statewide.*
9. *The PJOC recommends the expansion of the Jail Re-Interview Program from the current five Intake Assessment and Referral (IAR) Specialists to an additional five, for a total of 10 IAR staff. The IAR Specialists will screen pre-trial defendants held at all DOC facilities. In addition, they will provide a court presence during the bond modification process in order to present the community release plan and answer any of the court's questions about the plan.*

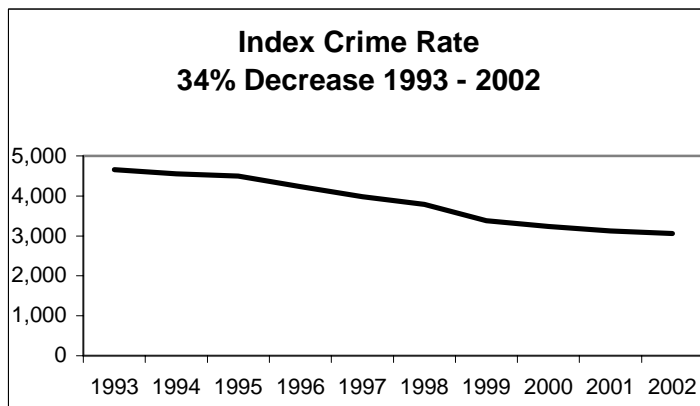
10. *The PJOC recommends the establishment of Risk Reduction Units (RRUs) which will intensively supervise and ensure services for probationers whose regular probation officer has determined that a technical violation of probation warrant is imminent. These cases will be screened and referred to specialized probation officers that will be housed at the local Alternative to Incarceration Centers (AIC). Their caseloads will be capped at 25, and their location at the AIC will assure ease of access to a wide range of employment, education, housing, substance abuse treatment, and other services. Nine Risk Reduction Probation Officers and one supervisor with specific skills will be stationed at these AICs, two each in New Haven, Hartford and Bridgeport and one each in Waterbury, New Britain, and New London.*



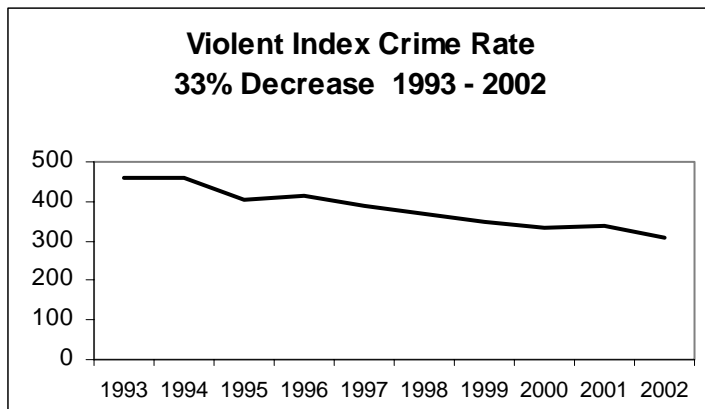
## Section I

### Crime Trends in Connecticut

#### Reported Crime

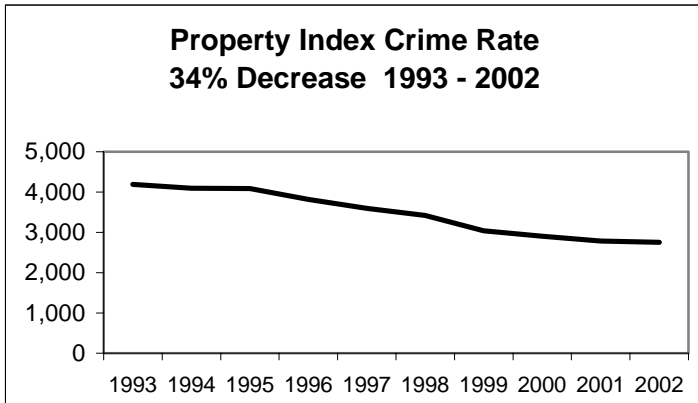


The index crime rate<sup>1</sup> continued to decline during 2002. The 2002 rate was 34 percent lower (from 4,653 per 100,000 population down to 3,062) than the 1993 rate. Index crimes include murder, rape, robbery, aggravated assault, burglary, larceny and motor vehicle theft.



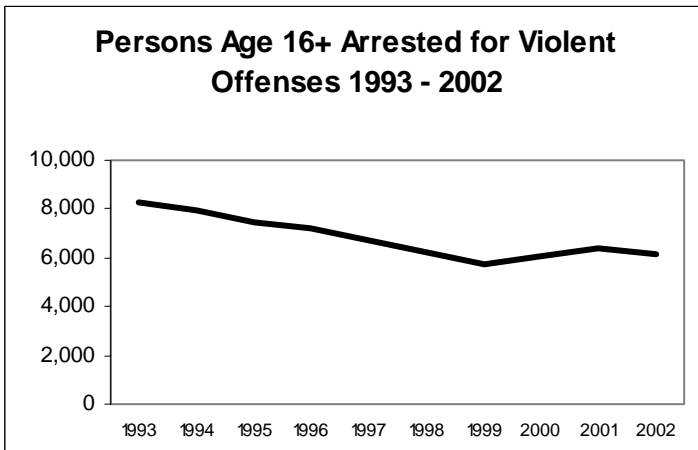
Since 1993, the violent index crime rate has dropped 33 percent (from 459 per 100,000 population to 309.) However, a slight rate increase occurred during 2001, which was two percent higher than the previous year. Violent index crimes include murder, rape, robbery and aggravated assault.

<sup>1</sup> Rate is number of Crimes Reported per 100,000 population.

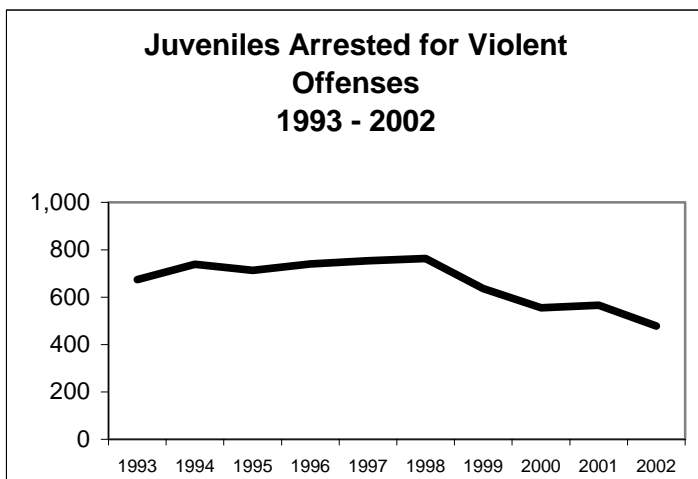


The 2002 property index crime rate was 34 percent lower than in 1993 (from 4,194 offenses in 1993 to 2,754 in 2002.) Property index offenses include burglary, larceny, and motor vehicle theft.

### Arrests

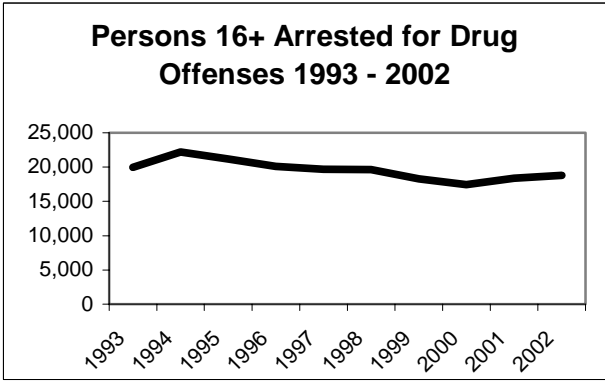


Since not all reported crimes lead to an arrest, the number of persons arrested is a more efficient measure of persons entering or re-entering the criminal justice system. The number of persons sixteen and older arrested for violent index offenses<sup>2</sup> decreased 26 percent (from 8,280 to 6,154) between 1993 and 2002. However, during both 2000 and 2001, the number of adults arrested for violent crimes increased after ten straight years of decline.

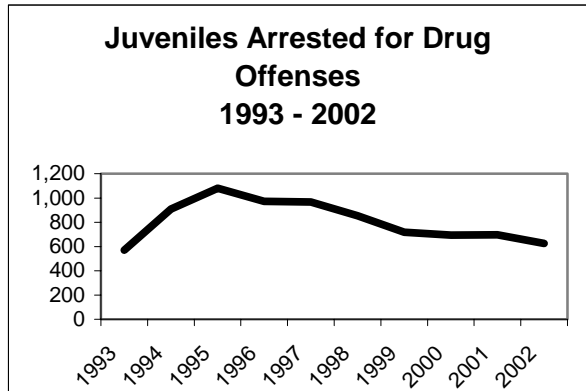


The number of juveniles (age 15 and younger) arrested for violent crimes rose during 1993 thru 1998. Significant decreases were experienced in the following four years resulting in an overall decline of 29 percent (from 675 down to 478) between 1993 and 2002.

<sup>2</sup>Violent index offenses include murder, forcible rape, robbery and aggravated assault



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 16 or older began to decline reaching a low of 17,461 in 2000. However, during 2002 drug arrests for this population rose to 18,795, a 2 percent increase from the previous year.



Drug arrests for juveniles peaked in 1995, followed by five years of gradual decline. The number of juveniles arrested for drug offenses increased 10 percent between 1993 and 2002; however, the 2002 level is 42 percent below the peak of 1,081 in 1995.

### Connecticut Today

Crime rates<sup>3</sup> and the incarceration rate<sup>4</sup> remain lower in Connecticut than in the United States as a whole. The following table compares these rates for 2002.

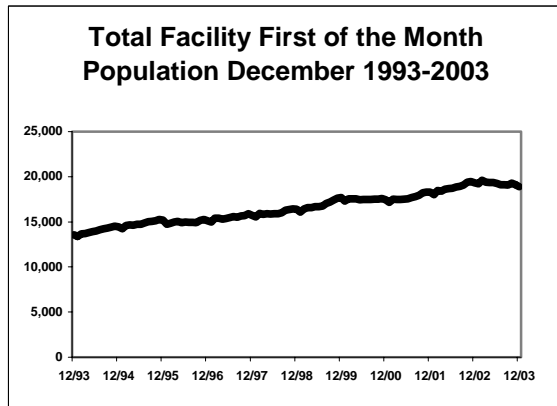
2002	Total Index Crime Rate	Property Crime Rate	Violent Crime Rate	Incarceration Rate
United States	4,119	3,624	495	476
Connecticut	3,036	2,754	309	405
% Less than National Rate	26	24	38	15

<sup>3</sup> 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 2002", published by the Federal Bureau of Investigation, and "Crime in Connecticut", published by the CT State Police. Rate is crimes reported per 100,000 population.

<sup>4</sup> From the Bureau of Justice Statistics Bulletin "Prisoners in 2002" released August 2002, Table 4, Page 4.

## Section II.

### A. DOC Facility Populations

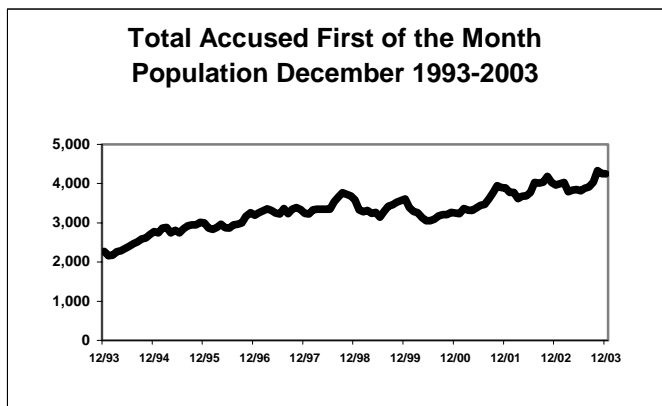
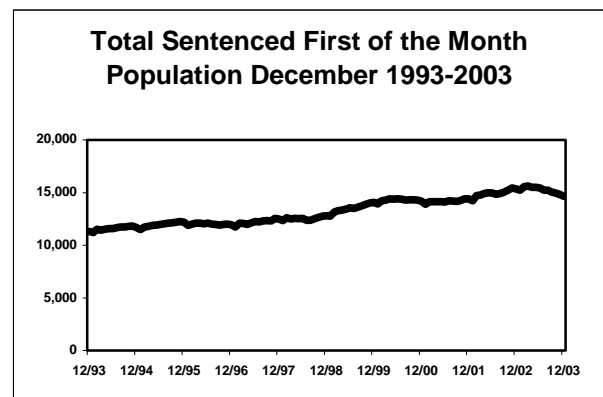


### Total Populations

Between December 1993 and December 2003, the total population confined in facilities rose 39 percent, from 13,582 to 18,884. This total has declined slightly in the past year, and is down 3.6 percent from an all time high of 19,589 in January 2003.

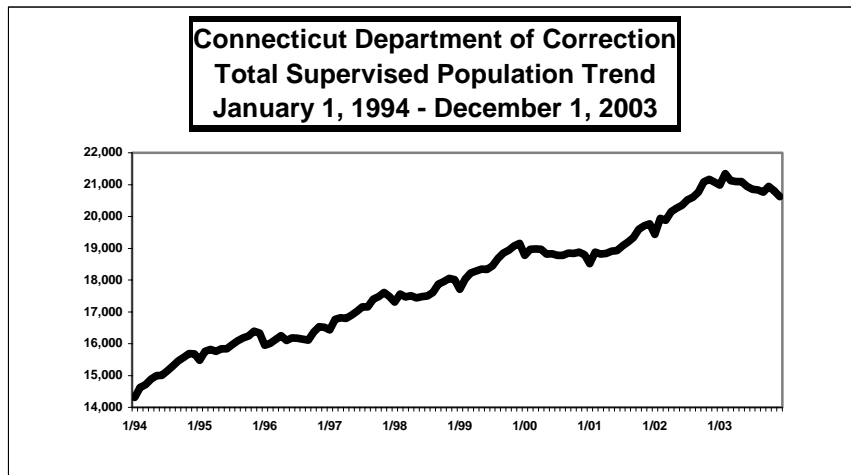
### Sentenced Populations

In the past ten years, the sentenced population has increased 29 percent from 11,309 to 14,636. However, over the past 12 months, the total number of sentenced inmates has declined 4.6 percent, or by approximately 700 inmates. Currently, the sentenced population represents 78 percent of the total incarcerated population.



### Accused Populations

Since December 1993, the number of inmates on accused status has increased 87 percent, from 2,273 to 4,248. This population has varied considerably over the past 12 months, and is up 7 percent since December 2002. The accused population represents 22 percent of the total incarcerated population.



### Transitional Supervision

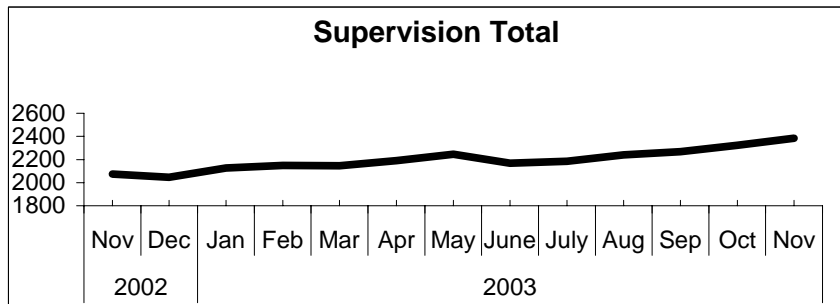
Transitional Supervision (TS) is a discretionary release program under the jurisdiction of the Department of Correction for certain offenders with a sentence of no more than two years. An inmate must

have served a minimum of 50 percent of his sentence and must have appropriate institutional conduct to qualify for the program. If the inmate is deemed eligible and appropriate for supervision, he may be released to an approved community residence. Inmates on TS are subject to a range of conditions and supervision regimens. The number of inmates on TS has increased 44 percent since December of 2001.

### Halfway Houses

The Department of Correction currently contracts for 685 halfway house beds throughout the state as of December 1, 2003. These programs assist offenders in the process of reintegrating into society, and may include employment assistance, substance abuse treatment, mental health and housing assistance. In January of 2003, as a result of state budget cuts, 95 halfway house beds were eliminated. However, in response to the high demand for halfway house reentry programs, the Department is currently negotiating the addition of 43 new and reduced-cost slots statewide. These beds should be available for use by March 1, 2004.

## Board of Parole Populations

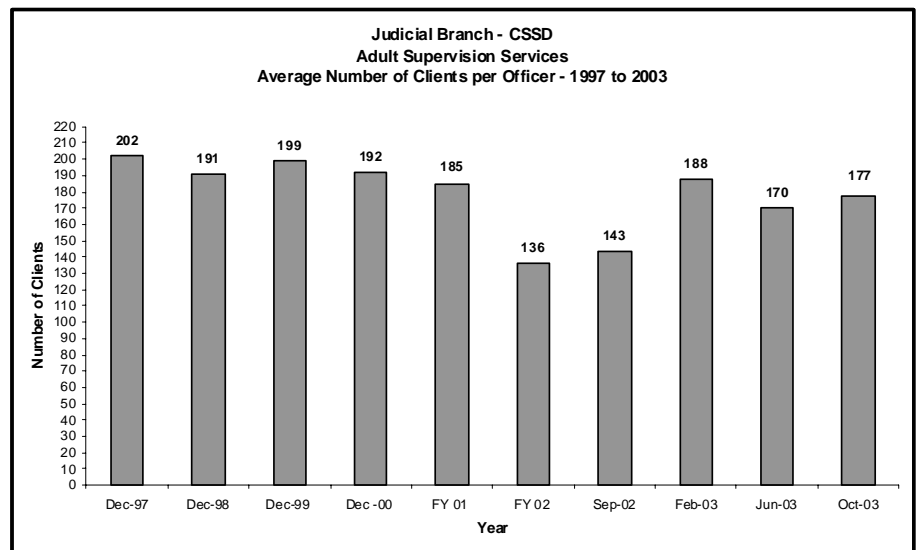


As of November 30, 2003 there were 2,385 parolees being supervised in Connecticut. That total is up 13 percent from the same time last year, in part due to an increase in Special Parole sentences.

## D. Judicial Branch/Court Support Services Division

### Adult Probation

The Court Support Services Division currently supervises approximately 52,000 adults. This represents a 60 percent growth rate in probationers throughout the 1990s. From 1997 through 2001, the average caseload per officer remained roughly the same, averaging approximately 194 clients per officer. This figure



dramatically dropped in 2002, when the Connecticut General Assembly appropriated funds for the hiring of 60 new probation officers, reducing the average caseload to 136 per officer. However, by the end of 2002, the number began to climb again. Currently, there are approximately 170 clients per officer under active supervision. This figure does not include those clients who are administratively monitored. Compared with 11 other states with unified statewide probation systems, Connecticut ranks the highest in officer caseloads.

Caseload size directly impacts an officer's ability to perform some important case management functions. Previously, Probation Officers were able to prescreen probationers prior to release from Connecticut's prisons, reminding the offender of their probation, court ordered stipulations, and enabling the officer to formulate case plans and make appropriate referrals prior to release. Currently, officers are unable to do this, creating service gaps and in some cases, leading to technical non-compliance violations of probation for failure to comply with reporting instruction or conditions of probation. High caseloads have made it difficult for officers to identify "risky behavior" that precedes a violation or new offense. With smaller caseloads, officers can increase the quality of contacts with the probationer, the community, and family support network. The CSSD is hopeful that with the re-instatement of employees who were laid off in January of 2003, and with the addition of 37 new officers budgeted in the current biennium, the average caseload per officer will be reduced to approximately 140 cases per officer.

### **Alternative Incarceration Programs**

The Court Support Services Division (CSSD), is a consolidation of six Judicial Branch units: Adult Probation, Bail Commission, Family Services, Juvenile Detention, Juvenile Probation, and Alternative Sanctions. As part of the state's balanced program to alleviate overcrowding in Connecticut, previous PJOC 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, Connecticut ensures that prison space remains available for more serious offenders.

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 \$11,600 per year compared to \$26,536 per year for the average cost of a prison bed in Connecticut.

Connecticut's AIP is considered a national model for effective alternative sanctions. The AIP currently supervises over 5,600 offenders/defendants on a daily basis. 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)* ~ These programs provide monitoring, supervision and a range of skill development services, drug and alcohol treatment referral services, crisis intervention, and case management to clients. The primary role of the AIC is to offer the court supervision and monitoring options as well as a range of offender services. There are currently 1,480 AIC slots.

*Day Incarceration Centers (DIC)* ~ Offenders 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. There are currently 40 slots.

*Adult Service Contracts* ~ Community-based, non-residential treatment services are available to pretrial and adjudicated clients. The contracted programs provide substance abuse evaluation and treatment, mental health evaluation and treatment, and individual and group counseling. Adult service contracts provide 1,771 slots statewide.

*Community Courts* ~ These courts 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 Bridgeport, New Haven, and Waterbury where the domestic violence dockets are established, with a total capacity of 180 slots. 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, and has the capacity to serve 392 offenders.

*Gender Specific Female Program* ~ The first of its kind in the state, it provides services to females 16 and over in Bridgeport, including clinical assessments, trauma groups, life skills development, education, anger management, counseling, parenting skills development, and other services that directly impact the unique needs of this population.



*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.

*Residential Treatment Programs* ~ Statewide there are 372 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 approximately 95 percent, the referral/waiting list contains 288 individuals, and the waiting period is between 3-4 months.

*Project Green (40 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 ages 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 (62 Beds)* ~ Four residential treatment programs provide gender specific services and counseling for pregnant women and women with children. While the primary focus of this program is substance abuse treatment, women receive counseling in domestic violence, and can participate in incest survivor groups, parenting, family therapy, budgeting, and nutrition programs. 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.

## **Section III. Recommendations**

### **Recommendation 1**

***The PJOC recommends implementation of a comprehensive reentry strategy for offenders who discharge from the custody of the Connecticut Department of Correction. The bridge for developing this strategy will be the Alternatives to Incarceration Advisory Committee, and its corresponding Working Groups, which include Field Supervision; Community Resources; Mental Health Services, and Intermediate Sanctions.***

An integrated reentry strategy for an individual offender begins the day that the offender is incarcerated and continues through the period of incarceration and any post-release supervision. Because Connecticut has one of the few unified correctional systems in the nation, we have a unique opportunity to effect a continuum of custody, care and control from the moment of confinement through the end of sentence. A successful strategy will contain components that:

- Reinforce the offender’s responsibility to be law abiding,
- Reduce recidivism,
- Reduce community re-victimization, and
- Control the cost of holding offenders accountable.

The Commission recognizes that the problems of reentry are not strictly a correctional issue or a criminal justice issue but a community issue. It follows, then, that creative solutions require collaboration, cooperation, coordination, and partnership of a wide range of state, local, non-profit and community groups. The National Institute of Corrections has noted that issues involving transitions from prison to the community will require:

“corrections, releasing, supervision, and human service agencies to form strategic and tactical partnerships to integrate and coordinate basic policies, and to sustain and nurture those partnerships and policies over time<sup>5</sup>.”

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<sup>5</sup> “Transition from Prison to Community Initiative,” Washington D.C.: National Institute of Corrections, 1999.

Devoting appropriate resources to reentry of inmates to the community supports the criminal justice system's goal of public safety. Nationwide, 97 percent of offenders who are under sentence will be released during their lifetime. It is critical that these offenders receive a continuum of supervision and support, throughout the sentence, in order to become productive, law-abiding members of society.

Correctional agencies nation-wide have been active in custom designing solutions based on an assessment of the needs of the incarcerated population. Best practices have emerged from examination of these myriad programs, among them:

- Innovative partnerships between state corrections and substance abuse services creating a strategic plan for comprehensive prison and aftercare services for drug and alcohol impacted offenders (Ohio).
- A three-phase education, training, and supervision program for discharging inmates (Utah).
- A project to create partnerships with communities to assist in developing appropriate transition plans, including polygraph testing and intensive supervision, for high-risk sex offenders (Wisconsin).
- "Results Driven Supervision" in which parolees are assigned to programs intended to reduce recidivism through swift and sure encouragement or punishment based on documented performance (Georgia).

All of these programs have proven successful and all have required coordination and cooperation between various state and local agencies—and the support of relevant stakeholders: executive, legislative, victims groups, service providers, faith-based organizations, and communities.

## **Recommendation 2**

***The PJOC recommends amending existing legislation in order to expand the authority of the Commissioner of Correction to place offenders in a community or private residence after a period of satisfactory residential program participation, and upon an assessment of the offender's individual needs.***

This proposal would authorize the Commissioner to release an inmate to an approved residence, subject to conditions of release and the supervision of a community services officer, after a period of successful performance in a halfway house. The intent of this

recommendation is to more appropriately utilize the number of halfway house slots contracted through non-profit agencies by the Department of Correction. Currently, the Commissioner may place an offender in a halfway house at her discretion. Under current conditions, those offenders serving sentences greater than two years may not transition from a halfway house to a community residence. This proposal will allow the offender to benefit from all of the services afforded by the halfway house (i.e. employment assistance, help in finding a residence, if necessary) without having to remain in the halfway house until discharge (typically no less than six months). In addition, this will allow for the better utilization of a finite number of halfway house beds. A full review and assessment of the offender will be performed prior to any transition to a community program.

In order to implement this recommendation, C.G.S. § 18-100 subsection (e) should be revised as follows:

If the Commissioner of Correction deems that the purposes of this section may thus be more effectively carried out, he may transfer any person from one correction institution to another or to any public or private non-profit halfway house, group home or mental health facility OR TO ANY APPROVED COMMUNITY OR PRIVATE RESIDENCE AFTER A PERIOD OF SATISFACTORY RESIDENTIAL PROGRAM PARTICIPATION. [with the concurrence of the warden, superintendent or person in charge of the facility which said person is being transferred.] Any inmate so transferred shall remain under the jurisdiction of said commissioner.

### **Recommendation 3**

***The PJOC recommends the implementation and funding of a Community Justice Center (CJC) for male offenders.***

The Community Justice Center model supports intermediate sanctions for offenders that may be most appropriately managed in a short-term residential facility. Specifically, the male Community Justice Center would:

- Provide short-term housing and treatment for technical violators of community-based supervision programs (Department of Correction, Parole and Probation) in lieu of extended re-incarceration.
- Provide release planning and other treatment services for offenders ending a period of incarceration.
- Serve as an additional pre-trial alternative to incarceration for low risk and/or drug dependant offenders

The success of the women's CJC model will serve as a benchmark for the development of a men's center. It is preferable that the facility be located in an urban area given that the vast majority of offenders reside in the state's largest cities before and after incarceration.

#### **Recommendation 4**

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

Mentally ill offenders require specific services in order to address their particular needs. These services must be integrated across the spectrum of the criminal justice system, from pre-arrest to post-release, in order to impact the crowding of Connecticut's prisons and jails.

In response, the Department of Correction has embarked upon a consolidation of services for offenders with serious mental health issues at a designated correctional facility.

Options under consideration include:

- Expansion of the Crisis Intervention Training Program. A pilot program is underway in New London in which police officers are trained as specialists in recognizing the symptoms of mental illness and are linked with an employee of the Department of Mental Health and Addiction Services. The success of the pilot program will be evaluated. Consideration will be given to expanding the program to other interested police departments who wish to provide additional training to their police officers. Those officers would then serve as mental health awareness specialists.

- Expanding the Jail Re-interview Program with a view to increase the number of mentally ill offenders who are released on a voluntary supervision plan and facilitate re-docketing the cases of mentally ill offenders.
- Increasing discretionary release from the DOC for mentally ill offenders. This includes offenders on Parole, Transitional Supervision and in halfway houses. Systems are currently in place through the Department of Mental Health and Addiction Services to provide post incarceration support for these offenders in the community.
- Funding specialized post-incarceration housing for mentally ill offenders, such as Community Justice or Alternatives to Incarceration Centers.

### **Recommendation 5**

***The PJOC recommends amending legislation to add two new representatives to this Commission, the Commissioner of the Department of Mental Health and Addiction Services and the Chair of the Board of Parole or their designees.***

The addition of representatives from the Department of Mental Health and Addiction Services and The Board of Parole will provide the Commission further insight into issues related to incarceration and supervision, and will provide a more inclusive and collaborative approach to formulating recommendations.

### **Recommendation 6**

***The PJOC recommends amending legislation to allow the Commissioner of Correction to release inmates on home visit furloughs from 15 days to 30 days prior to a community supervision program or end of sentence.***

This proposal will allow low risk offenders, within days of community release or end of sentence, to establish employment, education or vocational training, or other needed services. The recommendation will streamline current requirements, eliminating the need to generate redundant paperwork in order to extend an inmate's furlough past the current 15-day maximum. In order to implement this recommendation, C.G.S. § 18-101a should be revised as follows:

The Commissioner of Correction at his discretion may extend the limits of the place of confinement of a prisoner as to whom there is reasonable belief he will honor his trust, by authorizing him under prescribed conditions to visit a specifically designated place or places, within or without the state, for periods not exceeding [fifteen] THIRTY days and return to the same or another institution or facility. Such periods may be renewed at the discretion of the commissioner. Such furlough may be granted only to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services not otherwise available, the contacting of prospective employers, or any compelling reason consistent with rehabilitation. Any inmate who fails to return from furlough as provided in the furlough agreement shall be guilty of the crime of escape in the first degree.

#### **Recommendation 7**

***The PJOC recommends that the legislature conduct a study to determine the impact, if any, of recent changes to the mandatory minimum drug sentencing laws on the demand for prison beds in Connecticut.***

Public Act 01-99, which took effect as General Statutes Sec. 21a-283a on July 1, 2001, authorized the court to depart from imposing the statutory mandatory minimum sentence for certain drug offenses upon a showing of good cause by the defendant. This legislation was enacted following a recommendation by the PJOC in January of 2001.

Under this law, the court is authorized to impose a sentence less than the mandatory minimum for “good cause” for any drug offense, except the sale by certain non-drug dependant persons to any person under 18 years of age or the employment or use of a person under 18 years of age in the illegal manufacture, distribution or sale of a narcotic or controlled substance.

Since the passage of Public Act 01-99 no formal study has been done to evaluate the impact, if any, that this legislation has had on the demand for prison beds in Connecticut. The last time this subject was reviewed was in July of 2002 (see Office of Legislative Research Report,

“Mandatory Sentences – Inmate Population”, July 25, 2002.) A study commissioned by the Legislature would provide information and analysis as to what impact, if any, this legislation has had. In addition to data as to the numbers of cases in which judges have exercised such discretion and any trend in the number of persons still being sentenced to the mandatory minimum term, the study should include an analysis of any impact that the statute has had upon the plea bargaining process, the exercise of prosecutorial discretion in the charging decision, and the lengths of sentences typically being imposed by judges in such cases. It should determine whether or not judges are exercising this available discretion and the reasons why or why not, and could include a judicial assessment as to the effectiveness of this legislation in reducing sentences for those individuals who can be adequately supervised and treated in the community without a risk to public safety. The results of the study would provide insight as to whether the anticipated benefits of P.A. 01-99 have materialized.

### **Recommendation 8**

***The PJOC recommends the establishment of specialized programming called the CSSD Transition Project for split sentence probationers. This program is designed to provide risk/need assessment, case planning and pre-release services in the correctional facility 90 days prior to release; facilitated access to critical services during the first 72 hours following release; and intensive supervision and case management services during their first 120 days in the community. This project will require the addition of ten Probation Transition Officers (PTOs) assigned to cover correctional facilities statewide.***

There are approximately 9,000 offenders currently serving a “split sentence” of incarceration within Connecticut’s DOC facilities, with a stipulation of probation at the time of their release. Many are serving a sentence of two (2) or more years. Approximately 230-250 of these individuals are released statewide each month (2,880 annually) to probation supervision. It is anticipated that the majority of these offenders will be returning to neighborhoods in the state’s three large cities (Bridgeport, Hartford and New Haven.) A snapshot of probationer files indicates that 25 percent of violators sent back for technical violations or new offenses were serving split sentences.

A recent audit conducted by the Judicial Branch/Court Support Services Division shows that the majority of split sentence offenders can be categorized as non-violent, and having a myriad of



social, economic, and health needs. They return home with no service referrals in place and are unable to access appropriate services soon enough within the first six months of community release. Many "split sentence" clients fail to remember their probation stipulation and either do not report or otherwise fail to comply with conditions. Research has shown that a timely response to this population, the "front loading" services, and intensive supervision within the first four months of release, including the critical first 72 hours, is effective in promoting successful re-entry and reducing the chance of violations. Utilizing this type of service delivery model at the beginning of a probation period can short circuit violation behavior and provide for more sustained reductions in re-incarceration rates.

Prior to recent budget cutbacks, CSSD had initiated a program where contracted staff visited all correctional facilities to meet with offenders shortly before their release on a split sentence. The purpose was to make offenders aware of their supervision requirements prior to release, help improve the compliance rate and reduce violation instances. Although the program was only in operation for a limited time prior to being cut, there was a dramatic improvement in the rate of appointment compliance of probationers showing up for scheduled meetings with their assigned Probation Officers upon release from prison. Prior to their release from DOC, CSSD staff interviewed every inmate who received a split sentence to remind them of their probation obligations as well as services available to them. Approximately 90 percent of those interviewed showed up for their scheduled risk assessment after being released.

The PTO's will screen all offenders scheduled for release to probation (a total of 2,880 annually) and remind them of their probation obligation. They will then identify those offenders who are appropriate for this program (anticipating a total of 750 annually) and conduct a more intensive assessment. This assessment, the Level of Service Inventory (LSI) will determine the appropriate risk category and service needs for each individual offender and to identify and link offenders with appropriate services. It is anticipated that this program will divert an estimated 250 clients from subsequent incarceration annually. Specific services to be provided include:

- Phase I ~ services in the prison facility 90 days prior to release to include case management; linkages to appropriate prison services; administration of risk/needs assessment tool; individualized post release planning; establishment/identification of community based resources and services for linkages at release. PTOs will make connections with neighborhood resources including faith-based groups, the Department of

Labor for employment assistance, and with the Department of Social Services to facilitate access to benefits.

- Phase II ~ services within 72 hours of release to ensure that the most critical needs are met (medical services, registration for benefits, access to appropriate and safe housing, supervision compliance).
- Phase III ~ services to commence within the first week following release and continue up to 120 days. During this period emphasis will be placed on insuring compliance with probation stipulations and that appropriate community based interventions are in place. PTO's will have a capped caseload of 25. Following completion of the third phase of services, PTO's will transfer cases to regular probation supervision officers.

Service enhancements for this program will include the addition of more intensive outpatient substance abuse treatment slots within the contracted network of community based adult services providers. This will allow immediate access to program participants, avoiding long waiting lists. Additional services will include but are not limited to; intensive case management, job development and employment placement, life skills training, and medical and mental health assessment and treatment services.

### **Recommendation 9**

***The PJOC recommends the expansion of the Jail Re-Interview Program from the current five Intake Assessment and Referral (IAR) Specialists to an additional five, for a total of 10 IAR staff. The IAR Specialists will screen pre-trial defendants held at all DOC facilities. In addition, they will provide a court presence during the bond modification process in order to present the community release plan and answer any of the court's questions about the plan.***

During SFY 2003, as the result of budgetary constraints and layoffs, the Judicial Branch temporarily suspended the Jail Re-Interview Program. In the past, this program had been able to assist the Department of Correction (DOC) in maintaining their pre-trial population at a consistent level. However, since December of 2002, the pre-trial population has risen by approximately 500 defendants. In recent months, the Judicial Branch has reinstated the program with three IAR specialists, and has committed to add an additional two, bringing the number to the pre-layoff level of five full time IAR Specialists.

Five additional IAR Specialists are needed (for a total of 10) and recommended by the PJOC to effectively operate the Jail Re-Interview Program. Because of over crowding, the DOC has been forced to house pre-trial defendants at various facilities other than the five primary pre-trial institutions. This has prevented Jail Re-interviewers from screening many of those defendants. Also, with only five re-interview staff, it is not possible for them be present in court for the proposed bond modification plan. The court often has questions and concerns regarding the plan and its viability that a traditional IAR staff person is unable to answer. This has often delayed the court's decision to release the defendant to the community.

When this program operated at all five of the DOC's pre-trial facilities, the results were significant. From January of 2000 through December of 2002, 7,263 defendants were screened with 4,961 or 68 percent released. Statistics have shown that defendants who receive alternatives at the pre-trial level are less likely to be given a sentence of incarceration at disposition, as opposed to those who remain incarcerated during their pre-trial time. Many of these defendants can be safely and intensively supervised in the community on a pre-trial basis.

### **Recommendation 10**

***The PJOC recommends the establishment of Risk Reduction Units (RRUs) which will intensively supervise and ensure services for probationers whose regular probation officer has determined that a technical violation of probation warrant is imminent. These cases will be screened and referred to specialized probation officers that will be housed at the local Alternative to Incarceration Centers (AIC). Their caseloads will be capped at 25, and their location at the AIC will assure ease of access to a wide range of employment, education, housing, substance abuse treatment, and other services. Nine Risk Reduction Probation Officers and one supervisor with specific skills will be stationed at these AICs, two each in New Haven, Hartford and Bridgeport and one each in Waterbury, New Britain, and New London.***

Currently, there are approximately 52,000 probationers being supervised by the Judicial Branch/CSSD. The Connecticut DOC incarcerated population for 2002 was nearly 20,000 offenders, 25 percent of whom were admitted for violating community supervision conditions (probation, parole or transitional supervision). About 2,200 probationers per year are sent to prison due to violations of their conditions of probation. Recent CSSD research regarding probation violators found that approximately 50 percent of those incarcerated for violation of

probation were the result of technical non-compliance with probation conditions, and not for the commission of new criminal offenses. In fact, the DOC identified violation of probation inmates as the largest group of incarcerated offenders. Technical violations typically involve absconding, failure to show for appointments, failure to comply with treatment conditions, and substance abuse relapse as determined by urinalysis. In addition many of these offenders lack basic essentials such as housing and employment. These violators require significant attention and time from Probation Officers. With average caseloads that exceed 170, it is impossible to provide the necessary intensive supervision and services. Consequently, their behavior does not change and the result is the issuance of the warrant for violation of probation. A 2003 study conducted by the Hartford CSSD Office of Adult Probation identified the following challenges for this population of offenders:

- 90 percent of the technical violation warrants issued were for failure to comply with substance abuse treatment conditions, and/or absconding or failure to report as required.
- Non-compliance with substance abuse treatment conditions occurred for two main reasons: because offenders either did not stay in treatment (retention) or relapsed into drug use after successful completion.
- The majority of VOP offenders had housing issues with nearly 50 percent listing local shelters as their address at the time the VOP warrant was issued.
- A majority of clients had quality of life issues (substance abuse disorders, lack of employment) that research has identified as major risk factors, which if un-addressed, increase the likelihood of future criminal activity.

It is anticipated that probation violators can be successfully diverted from violation behaviors if they are provided with appropriate support and services that address their needs. Probation risk reduction research shows that appropriate levels of supervision, together with evidence-based services (i.e.; cognitive behavioral therapy) targeted to probationers' criminogenic risk factors (substance abuse, low self-control, anti-social attitude, anti-social peers, dysfunctional family relations, and callous personality) can decrease the likelihood of incarceration.

RRUs will be established in the following Alternative to Incarceration Centers (AIC): New Haven, Hartford, Bridgeport, Waterbury, New Britain, and New London. These sites have been identified because an estimated 70 percent of the 1,000 technical violators come from these major cities. Services at these AICs will be enhanced in order to meet the immediate needs of this new probation population and collaborations with other state and local agencies will be

established. Probationers will remain in the unit for four months at a time, after which it is anticipated that they will be returned to their original Probation Officer to complete the remainder of their supervision period. The Probation Officer Supervisor will oversee the project statewide. A primary role of the supervisory officer will be to insure that the offenders referred to *Risk Reduction Units* would otherwise be jail-bound based, on factors such as criminal history; and that they are properly assessed, as to their risk to public safety.