

**Minutes**  
**CRIMINAL JUSTICE POLICY ADVISORY COMMISSION**  
**State Capitol - Room 410**  
**April 16, 2009**

**Members of the Commission Present:** Brian Austin, Chair, Undersecretary, Criminal Justice Policy and Planning Division, Office of Policy and Management; William H. Carbone, Executive Director, Judicial Branch's Court Support Services Division; Rev. Shelley Copeland, Offender Services; Robert Farr, Chairman, Board of Pardons and Paroles; Richard Healey, Public Member; Kevin Kane, Chief State's Attorney; James Kenny, Police Chief; Thomas Kirk, Commissioner, Department of Mental Health and Addiction Services; Nancy Kushins, Victim Services; Theresa Lantz, Commissioner, Department of Correction; LTC Cheryl Malloy, Department of Public Safety (Government Official); Patricia Mayfield, Commissioner, Department of Labor; Susan Storey, Chief Public Defender; Amalia Vazquez Bzdyra, Commissioner, Department of Public Utility Control (Government Official); and Susan Hamilton, Commissioner, for Floyd Blair, Deputy Commissioner, Department of Children and Families.

**Others Present:** Michael Norko, Richard Sparaco, Merit Lajoie, Fred Levesque, Dan Bannish, Loel Meckel, Sean Thakker, Carol Salsbury, Rhianna Gingras, Donna Cupka, Cheryl Cepelak, John Lahda, David Rentler, Deb Fuller, Valeria LaMotte, John Forbes, Linda DeConti, Tyler Sampson, Ivan Kuzyk, Lisa Secondo, and Linda Hothan.

Chair Brian Austin convened the meeting at 9:05am. The Commission Members introduced themselves.

**Minutes:** the minutes of the February 19<sup>th</sup>, 2009 meeting were approved unanimously.

**Commission Correspondence:** There was no correspondence.

**Public Comment:** There was no public comment.

**OPM Criminal Justice Policy and Planning Division Update**

OPM Undersecretary Brian Austin reported that Connecticut would receive about \$20-\$21M in Byrne/JAG recovery/stimulus monies:

\$8M will go directly to 60 municipalities based on population and FBI crime data

\$12M will be discretionary, of which 40% must be passed through to municipalities

The focus is on job creation and retention. There are new federal reporting requirements: fiscal reports are due in 10 days or the money will be held back; all contact information must be on the internet. OPM is hoping to get the money out to the local governments by July 1<sup>st</sup>; towns have 18 months to spend it. There was some concern expressed that certain sectors of state government (eg, Judicial) were not involved in the decision-making process; it was explained that the Governor's Office was making the decisions on the ARRA monies (American Recovery and Re-Investment Act, also referred to as 'recovery' plan, sometimes 'stimulus' plan).

*Presentation: Disproportionate Minority Contact in the Juvenile Justice System*

Valerie LaMotte explained that this study was the third conducted on the disparity of treatment of juveniles by race/ethnicity as measured at system decision points. The Relative Rate Index

(RRI) is the percent of minority divided by the percent of White. Three (3) specific groups were studied:

- 1) Police: No evidence of DMC (*Disproportionate Minority Contact*) was identified, but:
  - Black and Hispanic juveniles were more likely referred to court than White for non SJO (Serious Juvenile Offences)
  - Black were more likely put in secure holding than Whites for non-SJOs
  - Police transport Blacks and Hispanic juveniles accused of SJOs to detention twice as often as White juveniles so accused
- 2) Courts: No evidence of DMC
  - Black juveniles charges with misdemeanors were less likely to be released prior to disposition than Whites.
- 3) Department of Children and Families: No evidence of DMC
  - Black and Hispanic juveniles were more likely placed in secure facilities for SJOs/violations than White juveniles

**Department of Correction Update**

DOC Commissioner Theresa Lantz noted that the correctional population, as of 4/16/09, was below 19,000:

	Sentenced	Unsentenced/Accused/Pre-Trial	TOTAL
Males	13,966	3,744	17,710
Females	904	344	1,248
TOTAL	14,870	4,088	18,958

The 3-day Symposium, *ReEntry in the State of Connecticut: Partners in Progress* was held February 24-26, 2009 at the Cheshire Correctional Institution, Maloney Center for Training and Staff Development in collaboration with the Board of Pardons and Paroles. The conference's technical assistance and training were provided to DOC by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and the Center for Effective Public Policy, as the result of a national competitive process. The symposium brought together not only DOC leadership and line staff; but also other state stakeholders, such as the Board of Pardons and Paroles, the Judicial Branch, and the Departments of Labor and Mental Health and Addiction Services, as well as community program providers and urban administrators. The conference was aimed at unifying the reentry vision among all of the partners involved; understanding the critical components of evidence-based policy and practice; and developing the next steps toward the full implementation of a Statewide Reentry Strategy. The symposium was well-attended by approximately 180 invitees.

Carl Robinson CI now has the "Time Out" program for technical violators - a 35-day program for the remanded person who has to go back into prison; when the person goes back into the community, they are supervised.

The application for the Second Chance Act is to be submitted this week targeting New Haven high-risk offenders who have no community support.

About 44 states have some form of earned/good time credits; Public Act 08-01 eliminated the Connecticut Commissioner of Correction's authority to place offenders on reentry furloughs. Currently, pursuant to PA 09-2: *AN ACT CONCERNING DEFICIT MITIGATION MEASURES FOR THE FISCAL YEAR ENDING JUNE 30, 2009*, DOC is examining earned credit and risk reduction programs in other states that grant sentence reduction credits based on good

behavior and participation in work, educational, vocational, therapeutic or other programs while a person is incarcerated or being supervised in the community. DOC's 11-page earned credit report can be found at <http://www.ct.gov/doc/lib/doc/pdf/pdfreport/etexecutivesummary.pdf> (CTRL+link). The estimated impact of restoring reentry furloughs assumes continued community supervision for the length of the reentry furlough in addition to reduced incarceration expenses. Based on 3,335 inmates:

30 days equates to 100,050 inmate days, or 274 inmates for 1 year. Savings: \$2,649,324

45 days equates to 150,075 inmate days, or 411 inmates for 1 year. Savings: \$3,973,986

60 days equates to 200,100 inmate days, or 548 inmates for 1 year. Savings: \$5,298,648

90 days equates to 300,150 inmate days, or 822 inmates for 1 year. Savings: \$7,947,972

DOC will need 10-to-12 weeks to get their data system to identify eligible inmates for the earned credit program.

### **Board of Pardons and Paroles Update**

BOPP chairman Robert Farr noted the concern that the earned credit program had the potential for the early release of higher risk offenders.

### **Department of Mental Health and Addiction Services Update**

Commissioner Thomas Kirk noted:

- The goal of the Jail Diversion (JD) program is to divert people with psychiatric disorders into treatment, not incarceration; this alternative to incarceration lowers jail/prison costs and overcrowding. JD now operates in 20 GA courts. Because of the increase of substance abuse problems, DMHAS would like to add substance abuse as a component to Jail Diversion, and better linkages to community addiction services for those being released from prison and halfway houses. Following the Cheshire tragedy, some courts have been reluctant to place people into Jail Diversion.
- Over the past 3 years, DMHAS received \$12M in federal funding for the Access To Recovery (ATR) Program; this year, \$500,000 is anticipated to supplement the current grant. The program provides temporary housing, personal care items, and other supports, but it is not sustainable funding. The original target of 4,000 people over the 3 years may actually reach 8,000 people. CSSD, DOC, BOPP, OPM, and DMHAS have been meeting to develop a strategic plan for delivery of services.

### **Behavioral Health Services Subcommittee Update**

Dr. Michael Norko reported that

- the Assist Program may have trouble refilling positions. River Valley Services will be covering service needs.
- The Adam Walsh Act requires states to develop and maintain a tiered registry system based on conviction (not risk-based like Connecticut has been working towards). Further, in January, 2009, the 4<sup>th</sup> Circuit Court ruled that the federal government has no authority to civilly commit sexual offenders - it is a state responsibility.
- One barrier to record sharing between agencies is that each agency has developed its own form. The State is collaborating to have the forms be acceptable to all agencies. Brian

Austin will ask that one AAG be assigned to review the MOU between agencies and all the forms for cross-agency acceptability.

- Nationally, 20% of arrestees referred for evaluation of competence to stand trial (CST) are determined not competent; in Connecticut, the rate is 48%. DMHAS is piloting a new program in New Haven: the Jail Diversion staff will conduct an evaluation of defendants referred for CST evaluation and will offer a 15-day voluntary inpatient stay at Connecticut Valley Hospital to suitable candidates who might respond quickly to treatment. It is hoped that a higher percentage of these persons will be found competent, thus avoiding commitment to CVH for competency restoration. Competency restorations average 99 days.

There was some discussion about how to equalize access to appropriate community health services for people with mental health and substance use disorders without them having to enter the criminal justice system. The lifespan of people with major mental/psychiatric disorders is 15-20 years shorter than matched individuals in the general population, in part because they do not get equivalent care in the general health care system.

#### **Other Business**

Consensus was to have a special Commission meeting to discuss the legislative sessions. Attempt will be made to schedule the special meeting for the second week of May.

**Adjournment:** The meeting adjourned at 11:02am.