

CRIMINAL JUSTICE POLICY ADVISORY COMMISSION (CJPAC)
MINUTES
THURSDAY, MARCH 24, 2011 MEETING

Members Present: Chairman Michael Lawlor, *Undersecretary, Criminal Justice Policy and Planning Division, OPM*; Pat Carroll, *Deputy Chief Court Administrator*; Leo Arnone, *Commissioner, Department of Correction*; Reuben Bradford, *Commissioner, Department of Public Safety*; Brian Austin, *State's Attorney*; Dan Bannish, *Department of Corrections*; Patricia Rehmer, *Commissioner, Department of Mental Health and Addiction Services*; Robert Farr, *Chairman, Board of Pardons and Paroles*; William Carbone, *Exec. Director, Judicial Branch – Court Support Services Division*; Glenn Marshall, *Commissioner, Department of Labor*; Richard Healey, Laurie Deneen

I. Welcoming Remarks: Undersecretary Michael Lawlor, Chairman

Mr. Lawlor welcomed everyone, and made note of the presentations today. He noted that there were numerous new people here and would like to have them introduce themselves.

II. Introductions

III. Acceptance of Minutes

Minutes were adopted as presented.

IV. Commission Correspondence

No Commission Correspondence.

V. Public Comments

No Public Comments.

VI. Update on State Fiscal Issues

Mr. Lawlor wanted to briefly mention that still working though a difficult budget situation. He noted that the Criminal Justice Section has not been targeted by the General Assembly for dramatic cuts; however he stated that there are still ongoing meetings between state employees' representatives and administration, which will hopefully reach conclusion in the next few weeks. Otherwise there will be an alternative, possibly with heavier cuts. Presumably by next time CJPAC assembles we will know what that next budget is.

VII. First Presentation: Major William R. Podgorski, DPS

Mjr. Podgorsky started by stating that since 2005, the Forensic department caseload was 2800, now at 3800, and that the cases came from multiple other departments. They started with 15 positions on duration grants, 11 of which are in DNA, and have lost 2 in the last few years. Mjr. Podgorsky noted that they received 1.8 Million in funding, and were now working on criminal case backlogs, with 3900 cases in the backlog. However, they are unable to stem increasing tide entering the forensic unit. DNA unit can only release 120 cases per month. Firearm examinations are a problem as well. There are only 2 examiners, both needed for each examination. Approx. 1800 cases are backlogged. The unit has been unable to fill positions.

What is most alarming, Mjr. Podgorsky said, was the statute of limitations. By the spring of 2014, the DNA department will have to devote all resources to only statute of limitation cases. The most critical issues are DNA and firearms (3 years, 4 years behind respectively) for which they need 35 more people (approx 3.5 million dollars in funding).

The crime laboratory has funding only through fall of 2011, and needs 719,000 dollars for FY 2011/2012. Assuming that they receive it, Mjr. Podgorsky stated that they still need more personnel to divert 2014 statute of limitation issue. Because of rising personnel costs, the lab is losing equipment and supply funding. Mr. Carroll asked if the issue was not being able to handle number of cases or not being able to handle backlogs? Mjr. Podgorsky noted it was both, coming from a higher influx of cases for various crimes. Mr. Carroll also asked about a bill that calls for DNA testing for everyone arrested rather than convicted, and its effect on the lab, as well as issues involving judges ordering DNA tests. Mjr. Podgorsky noted that the later had been taken care of, but that the lab would need at least 5 additional bodies just for the bill's requirements, as well as more supplies and new computer system to handle that.

Mr. Farr asked if the technology up to date and was automated as much as possible? Mjr. Podgorsky answered in the affirmative, but noted the significant human element that could not be contracted out (would also be more expensive).

Mr. Lawlor noted that the question was how much is it worth so that they don't have backlogs in processing evidence? He noted the need for short-term solutions and long term solutions. In the short term, he stated that OPM had discretionary grant money, which they could dedicate to keep staff we got through next year. Problem then is that OPM wouldn't have anything else. Mr. Arnone, Mr. Farr, Mr. Carbone and Mr. Lawlor all expressed support for funding and wondered if there was a way to make DNA testing more selective.

VIII. Second Presentation: William Carbone, *CSSD*

Stephen Grant ran the presentation. He stated that some improvements have been made, and that they are running a new technology and pilot program. In 2002 CSSD attempted to run a risk assessment, and has developed and retooled their instrument for risk, considered the most predictive in the country. It is now used in ten states and four countries, and Peru has just requested it. They are now developing a way to combine risk assessment and lethality factors.

The number of cases in CT has reduced, though notably the number of charges per case is increased and severity of charges increased. Mr. Grant noted that satisfactory completion rate has risen to 82%. They use three offender programs: FVEP, the Explore Program, and the Evolve Program. Mr. Grant explained that CT was selected as a trial state for batterer intervention programs. They then worked on a 5-year longitudinal study that is now seen as the most effective in the country and is used in all armed forces. All programs have clinical supervision, and required to give reports on completion, no-shows, and repeat rates after 12 months.

Mr. Grant stated that those who were waiting for 9 weeks or more had a re-arrest rate of 6-15%; those on less than 9 weeks had only a rate of 1-4%. The waiting mean has gone down from 72 to 58 days. The number of defendants has had a 36% reduction in the group waiting more than 9 weeks, 58% reduction in the group waiting less than 9. This is a 20% higher completion rate than national level, as well as a 40% lower re-arrest rate after completion than the national level.

The Alert Notification system has been implemented in Bridgeport, Danielson and Hartford, who have aided with a high degree of collaboration. It targets high-risk domestic violence offenders charged with violating a restraining or protective order. It can track offender movements and provides victims one so that the program can monitor mobile zones, etc. In addition, it provides cell phones for both defendants and victims, to provide alerts.

There are 56 people currently in program, with an additional 26 held on bond with the condition of Alert Notification. Of those, 13 are using mobile zones. 8 defendants had bond increase for non-compliance, did not involve violence and only one arrested for non-violent contact. All members are pre-trial. Most of this has been previously released; but Mr. Gant noted that the GPS information is "hot off the press."

Mr. Lawlor asked why the number of charges and severity of charges are on the increase. Mr. Grant cited a combination of factors, noting the severity and complexity of cases has increased, but that law enforcement has tightened its act considerably. Carbone asked for more info on lethality study. Mr. Grant responded that they discovered 4 high-risk factors about lethality, which are now being put into consideration. The pilot program intends to combine those factors with the with current risk assessment.

IX. Third Presentation: Ivan Kuzyk, *OPM Statistical Analysis Center Director*

Mr. Kuzyk noted that the sentenced population has moved separately from the accused population in Connecticut. Census data is slowly moving out of U.S. government, but has not been released completely. He took information from July of 2010 to see if there are changes in the population and see if they correlate to changes in criminal justice policy. From 2000 to 2010, there was a high increase of

2700 to 4000 accused prisoners, with constant increases over time. The sentenced population has peaked in 2003 and 2008 but fallen since.

Mr. Kuzyk examined educational reference groups – which is based on a measure of affluence and educational level. He noted that it demonstrates that there was a great deal of disparity in socio-economic and educational ranges to accusations. 81% of incarcerated pre-trial populations were in H and I bands. In 2010, situation has remained similar, exacerbated by economic decline, and that now FG towns have had largest increase.

There was a 38% increase over the last decade. Notably the greatest increase was in the FG band, of 115%, with an 80% increase in the CE and AB towns. Mr. Kuzyk noted that this indicates a bleeding out of urban areas, which will make programs more difficult to implement. Hartford is anomalous, with a 111% increase, and is almost 40% of the increase. Most other large cities have had declines.

Mr. Kuzyk stated that the length of stay has increased with greater number of people incarcerated across the number of weeks. This increase has been tied to a longer prison population. Mr. Lawlor asked that if Hartford is an anomaly, why was it? He wondered if there was a higher bond rate or perhaps a more aggressive GA in Hartford, or maybe a better interview system in other cities. Is crime migrating from cities to suburbs, or is there an issue with the ring suburbs' law enforcement? Mr. Carbone approved of the new results-based accountability. The presentation coincides with information that bail commissioners have, may reveal a police and/or prosecutorial issue. He noted that changes are being made which will hopefully have an effect.

X. Agency Updates

Leo Arnone, Commissioner, Department of Corrections

Mr. Arnone stated that the DOC upgrades are going well hopefully will have it up soon.

Brian Austin, Chief States Attorney's Office

Mr. Austin noted that they are continuing the major upgrade as scheduled, and are moving forward. Second part CJIS is going well, but there is still a lot to do.

Dan Bannish, Department of Corrections

Mr. Bannish noted that there has been a lot of collaboration, much more response even on case-by-case basis. They have been trying to track more census and medical data. Historically they have kept people who were very sick, and have kept some data. Mr. Bannish noted that they found 600,000 dollars in savings from "group of folks." Looking more towards nursing home care.

Robert Farr, Chairman, Board of Pardons and Paroles

Mr. Farr noted that they were expanding the parole system so that one can terminate supervised parole early (similar to probation). It has not been fully implemented yet, IT is moving along but not significantly changed.

Patrick Carroll, III, Judge, Deputy Chief Court Administrator

Mr. Carroll stated that he was still trying to leverage our IT processing through automating the processes on the civil side, and was hoping to do that for the criminal side though it may take years. They have been working on the electronic issuing of citations, and to set up a way to pay them online. He wanted to make certain that data that is collected accurately in terms of full cases, and has been worried that it is not accurate. Mr. Carroll noted that exposure to trial is a good way to ensure disposition, which could have an impact on prison populations. Mr. Lawlor stated that he was worried about pretrial numbers in conjunction with little number of cases coming to verdict out of Hartford. Mr. Carroll also noted a concern about arrest warrant by a state trooper against a judge who would not sign an arrest warrant. He talked to the Commissioner of DPS, and noted fears about violation of judicial discretion. Mr. Lawlor found that very disturbing and was going to look into it.

William Carbone, Executive Director, Court Support Services Division

Mr. Carbone discussed programs from last month, noting he was worried about reductions, which have become as high as 29-30%. The program is expanding by 5 offices in the next month, and the mental health program will expand to all offices in the state. He will be mainstreaming the program.

Patricia Rehmer, Commissioner, Department of Mental Health and Addiction Services

Ms. Rehmer noted the collaboration between judicial branch and DHMAS. They are working on substance abuse help in prison and trying to work closer together with the DOC.

Richard Healey, Public Member

Mr. Healy was very impressed by the increase in collaboration, especially over time, and was thrilled and impressed by that.

Behavioral Health Sub-Committee

The Committee has begun a training program with behavioral officers and Local Mental Health Authorities, who have been instructed in how services go. The various groups are starting to collaborate. The committee is taking a little extra time to work with the MOU, anticipate the signing process by April 4th.

XI. Next Meeting

Next meeting will be TBD in April, 2011

XII. Adjournment