

**CRIMINAL JUSTICE POLICY ADVISORY COMMISSION (CJPAC)
MINUTES
FOR
THURSDAY, September 29, 2011 MEETING**

Members Present: Chairman Michael Lawlor, *Undersecretary, Criminal Justice Policy and Planning Division, OPM*; Eric Coleman, *Co-chair, Judiciary Committee*, Leo Arnone, *Commissioner, Department of Corrections*; Kevin Kane, *Chief State's Attorney*; Dan Bannish, *Department of Corrections*; John DeFeo, *Executive Director, Board of Pardons and Paroles*, Theresa DeFrancis, *Attorney, Department of Education*; Susan O. Storey, *Chief Public Defender*; Laura Cordes, *Executive Director, Connecticut Sexual Assault Crisis*; William Podgorski, *Department of Public Safety, Center(CONNSACS)*; Elizabeth (Libby) Graham, *Department of Children and Families*; Judge Patrick Carroll, *Deputy Chief Court Administrator Judicial Branch*, Dennis Murphy, *Deputy Commissioner, Department of Labor*; Steven Spellman, *Department of Public Safety*; James L. Kenny, *Chief of Police of the Town of Vernon*; Richard P. Healey, *Public Member*. Laurie Deneen, *Public Member*.

I. Welcome Mike Lawlor, Under Secretary, OPM CJPPD

The meeting was called to order at 9:15 a.m. Chairman Lawlor wanted to set the stage following the summer break. Chairman Lawlor stated that in previous years, CJPAC did not meet in the summer. The only reason the two meetings were previously scheduled was due to the ongoing budget crisis. At the moment when the two meetings were scheduled, the budget crisis looked as if it was going to be resolved due to an agreement on the concession package.

However, the good news is we all now know what resources the agencies have to work with and we can begin to plan accordingly. Chairman Lawlor described the purpose of CJPAC, which is to provide a forum for all criminal justice agencies to get a sense of what initiatives are taking place in one agency and whose principle responsibility is criminal justice or directly related to criminal justice (i.e. DMHAS, CSSD, and DOC). Furthermore, the purpose of CJPAC is also to allow all agencies to compare notes and where we can appropriately comment or suggest changes so we can understand what else is going on in order for us to make the necessary changes in the agencies.

Chairman Lawlor emphasized what the criminal justice goals of the administration are in order to help us move in the direction of achieving such goals:

(1) Reduce crime. Connecticut continues to move in the right direction, this is a national trend, not state trend. The Office of Policy and Management's Criminal Justice Policy and Planning Division reports crime rate stats on a monthly basis. Monthly projections of crime rates are down, but also the number of arrests each month, compared to the average of that month, over the last three years is down as well. Again, these are national trends, not trends unique to Connecticut. As a result, we are seeing other trends. For example, the prison population is trending

downward. Collectively, these trends are all encouraging when considering the second goal:

(2) Reduce spending.

(3) Restore confidence in the criminal justice system among victims, among African Americans and Latinos, and among citizens as a whole in terms of the integrity of the criminal justice system.

Chairman Lawlor discussed achieving the combination of reducing crime and reducing spending and its importance and the collective effort the agencies are involved in.

Chairman Lawlor also discussed the crime lab, which has become a focus of concern in recent months. Chairman Lawlor has stated that a group of people were brought together, all of whom have their area of expertise. Chairman Lawlor assures the Commission that the crime lab is moving in the right direction.

Everyone is focused on the same goal: to make sure the crime lab has the appropriate staffing and are able resolve any concerns that have been raised by accrediting organizations.

Chairman Lawlor explained that the CJIS (Criminal Justice Information System). CJIS has finalized a contract with the vendor who will be building the architecture of the system and will be getting underway soon. OPM Secretary Ben Barnes has authorized the addition of new staff. Once this project is completed, we will achieve some extradirdonary efficiencies and we'll be able help to achieve the two main goals outlined.

Chairman Lawlor wanted to highlight one thing in particular: Although the overall crime trends are down, there is one exception, which is proving to be a persistent and troubling trend. This exception involves violence in larger urban areas involving young children. There are special projects underway in order to help address this issue; the Chief State's Attorney's (CSA) office is involved in one initiative in Hartford that is demonstrating some success already. Parole, Probation and the Department of Corrections (DOC) is involved in a special effort in conjunction with New Haven Police Department trying to focus in on the relatively small percentage of people who are responsible for a relatively large percentage of shooting violence.

Everyone involved seems encouraged by the cooperation across agency lines to help achieve reduction in crime and a reduction in spending.

II. Introductions

Members introduced themselves and stated what agency they represented

III. Acceptance of Minutes

Motions was moved and seconded. Minutes were accepted unanimously

IV. Commission of Correspondence

There was no commission correspondence

V. Public Comment

There was no public comment

VI. Agency Updates

Dan Bannish, Director of Behavioral Health, Department of Corrections- stated that DOC and DMHAS has submitted or soon will submit a RFI for a nursing home that would potentially be able to take individuals from DOC/DMHAS and appropriately house them. The reason for the need is because many of the nursing homes are unwilling, for political, financial, or other reasons, to take on DOC and DMHAS folks, causing them to have to find a separate place to receive care. It will help DOC in aiding the approximately 100 individuals that currently meet the threshold for requiring nursing home level of care. This is a group that could be better served within a nursing home for which there would be some type of federal reimbursement through Medicaid.

Secondly, money has been appropriated for three Department of Social Services (DSS) eligibility workers. Presently, DOC funds two of them who work exclusively to make sure individuals with high needs have Medicaid upon release and that all the necessary forms are made available to them. Dr. Bannish stated that this program has worked very well. In addition, with the resolution of the budget, DOC will have the ability to hire a few more workers, which will increase the number of individuals reentering the community who already have Medicaid dramatically. Not having Medicaid presents a challenge in purchasing the prescriptions and services that may be necessary, until they have completed all the necessary forms. This not only helps medically, but also keeps a continuity of care for these folks where resources are invested to help people get on track and healthy.

Dr. Bannish stated that there are multiple other initiatives in the thinking stages.

DOC, the Office of Public Defenders and the Chief State's Attorney's office is working collaboratively to quickly identify, right upon entry in to the Criminal Justice System or beforehand, those who have very serious medical conditions that significantly mitigate their ability to commit crimes and who are also difficult to manage on the inside because of their medical condition. Often times, these individuals die within DOC because of their medical conditions. Through the Chief State's Attorney's office, the Office of the Chief Public Defenders and DOC, they have been able to establish creative ways of intervention or sentencing in order to address this as a problem. There is a cost of \$100,000 - \$200,000 a piece associated in some of these cases.

Chairman Lawlor requested Dr. Bannish state an example of a low level, but relatively expensive, inmate that DOC may receive and how they would be impacted by such initiative. Dr. Bannish responded by saying that DOC was notified by an attorney that there was a person that had a fairly high bond (over \$100,000) and the inmate was presently at Yale because of a liver transplant and the liver transplant was being rejected. When a transplant is rejected it requires an extensive amount of contact throughout the hospital and a significant amount of medication that necessitates various different types of monitoring. Furthermore, DOC would

have had to keep him at Yale and invest in officers to stay with him 24/7. DOC, along with the Chief State's Attorney's office, was compelled to come up with a modified sentence that would be in a more appropriate setting and significantly less expensive.

Judge Patrick Carroll, Deputy Chief Court Administrator, Judicial Branch— explained that the crisis was averted with the approval of the SEBAC agreement for many agencies. With specific reference to the Judicial Branch, the SEBAC presumed approximately \$25 million in savings, but the actual value of the SEBAC wage concessions, in terms of COLA's, longevity payments and annual increments only amounts to roughly \$8.4 million, leaving the branch to find some \$17 million in additional savings. To say that the impact of these cuts is significant and expansive is an understatement, having touched virtually every aspect of the Judicial Branch's operations. The way the Judicial Branch has set about dealing with those savings is through overtime reduction, hiring freezes, and some extra retirement stages, which the Judicial Branch hopes will lead to approximately \$4 million in savings.

The Judicial Branch has also reduced, roughly 15% for a starting point, how much time judge trial referees work. The Judicial Branch is concerned that they're losing the benefit of the judge trial referees, by not allowing them to work as much as they have in the past. The Judicial Branch has also taken the temporary assistant clerk and temporary court monitors and reduced their time by 15%. Judge Carroll also stated that the Judicial Branch has received more retirement notices than they originally anticipated, which has resulted in a ripple effect of concern. They also have OE (Other Expenses) related expenses, which are fixed expenses, such as lease payments and utility payments. There is not much flexibility or opportunity to reduce OE payments. They are trying to come up with creative ways to save with OE, including minor changes such as removing all bottled water from their facilities.

Bill Carbone, Executive Director, Court Support Services Division (CSSD) - discussed the decision to close the New Haven detention facility. Currently, CSSD has three juvenile detention facilities in Bridgeport (88 beds), New Haven (40 beds) and Hartford (88 beds). CSSD is at a point where they are starting to feel the fruits of the juvenile justice reform in Connecticut and they are starting to see less of a need for this level of institutional care in the juvenile justice system. In years past, Connecticut had on average 150-160 juveniles housed in the three detention facilities. Today, Connecticut has on average 60-70 juvenile house in detention facilities. Mr. Carbone believes this a positive trend considering that in the past there were 15,000 – 16,000 and now it's between 11,000 – 12,000 juveniles.

In recent years, Connecticut has invested a tremendous amount of resources into juvenile detention facilities, while having become a lot more effective with the programming that is offered to children and families resulting in fewer juveniles returning.

For years, many of the children that were in the detention facilities were awaiting some type of placement after commitment to DCF. This year, CSSD is targeted with placing approximately 200 children in DCF, while compared to 700 in years past, due to more and more children staying in their homes. So where are those other children going? They are staying in their home community, with programs that are built around their natural ecology.

CSSD is at a point where they have 107 extra beds in Hartford and in Bridgeport. Of the three juvenile detention facilities, New Haven is the oldest. New Haven was originally designed with a jail focus and CSSD simply does not need the facility. The New Haven facility has a large number of empty beds and CSSD has been able to establish more effective programs and put them in place. Presently, the daily population of the three juvenile detention facilities is in the seventies.

Mr. Carbone stated that, by closing the New Haven juvenile detention facility, CSSD will be saving approximately \$2.6 million. The programs that share the same goal of the executive branch's policy, reducing the crime rate and reducing the individuals coming into the system, in order to reduce the prison population, have not been reduced.

Chairman Lawlor asked Mr. Carbone to explain the intensive probation initiative, which was recently authorized by the legislature. Mr. Carbone explained that Judge Quinn has requested CSSD to move forward, despite the fact that they are not presently in a position to hire additional staff. CSSD is slated to begin the initiative on October 1, 2011. Judge Devlin has set-up an opportunity for CSSD to present to the judges regarding the implementation. CSSD has also met with the prosecutors and they will meet with the Office of the Public Defenders in the spring. Chairman Lawlor also asked Mr. Carbone if they will be measuring the recidivism rate of the program and Mr. Carbone responded yes. Mr. Carbone also stated that this program will operate in 18 cities, not just the large cities. Chairman Lawlor stated that the theory behind the new initiative is that, if it is done right, it will result in lower recidivism rates and less crime.

Chairman Lawlor also asked Mr. Carbone about the progress that had been made on the initiative to begin the use of ignition interlock devices with DWI offenders. Mr. Carbone stated CSSD would be submitting a report to the legislature by January 1, 2012 and that he is hopeful that the initiative will be useful for many of their clients who are on probation in the future.

Kevin Kane, Chief State's Attorney – Division of Criminal Justice (DCJ) has suffered serious staff cuts. Two years ago, DCJ had 539 positions filled and this year they are down to 494 authorized, with only 460 of which can be filled due to the authorization of the budget. This has resulted in a dramatic decrease in staff. This is at time when prosecutor's caseloads have stayed relatively consistent or have dropped only slightly. However, the workload for these prosecutors has increased dramatically because of the decrease in staff. Attorney Kane is concerned because, with the personnel cuts and no ability to refill the positions, cases that should have been caught early will not have been caught early enough. Attorney Kane described many of the challenges that his agency faces as a consequence of the reduction in resources and the impact it has on the criminal justice system.

VII. Adjournment

The meeting was adjourned at 10:58 a.m. The next meeting will take place on Thursday, October 27, 2011 at 9:00 a.m. in Room 2B of the Legislative Office Building.