

Criminal Justice Policy Advisory Commission
September 14, 2007
Meeting Minutes

Members of the Commission Present: Brian Austin, Chair, Undersecretary, Criminal Justice Policy and Planning Division, Office of Policy and Management; Commissioner Theresa Lantz, Department of Correction; Judge Patrick Carroll, Deputy Chief Court Administrator; Commissioner Patricia Mayfield, Department of Labor; William Carbone, Executive Director, Court Support Services Division, Judicial Branch; Robert Farr, Chair, Board of Pardons and Paroles; Susan Storey, Chief Public Defender; Commissioner Susan Hamilton, Department of Children and Families; Deputy Commissioner Claudette Beaulieu, Department of Social Services; Deputy Commissioner George Coleman, Department of Education; LTC Cheryl Malloy, Commission Member; Nancy Kushins, Commission Member; Laurie Deneen, Commission Member; Lt. Anthony Schirillo representing the Commissioner of the Department of Public Safety; Deputy Commissioner Peter Rockholz representing the Commissioner of the Department of Mental Health and Addiction Services; and Judith Rossi representing the Chief State's Attorney.

Others Present: Richard Sparaco, Brian Carlow, Ellen Gillmartin, Louise Pryers, Carol Salsbury, Cheryl Cepelak, Leo Arnone, Patrick Hynes, Steve Grant, Dan Bannish, Donna Cupka, Michael Aiello, Joseph O'Keefe, Jerry Stowell, Loel Meckel, Marjorie Petrucci, Christopher LeMay, John Jaramillo, Linda DeConti, Alyse Chin, and Linda Hothan.

Chair Brian Austin convened the meeting at 9:08am.

Minutes of the June 14th, 2007 meeting. Approved unanimously.

Correspondence:

The 2007 (Biennial) Gender and Race Composition Report was filed with the Secretary of State's Office, as well as the 2008 meeting schedule of the CJPAC.

A profile (eg, name, address, phone, date of original appointment, type of constituent representation, and political affiliation) of Gubernatorial Appointees to the CJPAC was provided to the Governor's Office at request. As the Appointees' terms are co-terminus with that of the Governor, she must make appointments/re-appointments to the CJPAC.

Public Comment: there was no public comment.

Invited Agency Presentation: *Susan O. Storey, Chief Public Defender.*

The Office of Chief Public Defender incorporates the following functions: Administrative Services, Financial, Human Resources, Information Services, Juvenile Delinquency, Legal Counsel, Data Processing and Technical Support, Training, Special Public Defenders, Chief Social Worker, and Chief Investigator. There are 13 Judicial Districts, 15 Geographical Areas, and 9 Juvenile Matters comprising the DPDS Field Offices; the Specialized Units are Capital Defense and Trial Services, Juvenile Post-Conviction and Reentry Unit, Habeas Corpus Unit, Legal Services Unit, and Psychiatric Defense Unit.

The 1999 settlement of Rivera v. Rowland, et al, required in part:

- A) Commission Caseload Standards
- B) Training
- C) IT

Caseload Standards:

	<u>Per Attorney</u>		<u>% Increase</u>	<u>Goals</u>
	<u>05-06</u>	<u>06-07</u>		
Judicial District	38	44	+16%	75
Geographical Area	460	472	+2%	450-500
Juvenile				300-400

Training:

New attorneys participate in 12 months of training in: ethics, arraignments, immigration, client counseling, collateral consequences of conviction, sentence computation and calculation, probation and parole, mental health and competency/PSRB, trial skills, use of experts and expert testimony, week-long intensive trial school, juvenile issues, and case law updates. The Special Public Defenders receive additional training in the Appellate Court, ethics, habeas corpus, and juvenile delinquency.

Three (3) new initiatives are:

- Innocence Project
- DNA “Unit”- Forensic Training/Experienced Attorneys Advanced DNA
 - Assist other attorneys with cases where DNA an issue
 - Reduces outside expert costs
- Courtroom Trial Technology
 - New position and grant funding- expanding training and use of electronic evidence case preparation and presentation. First concentrating on complicated serious felony and capital cases. Can be expanded for use in virtually any trial case
 - Considerably streamlines trials
 - Evidence can be scanned in ahead of trial
 - Exhibits can be examined by the jurors at the same time
 - Diagrams, statements, photographs - enlarged on screen for benefit of court and jurors
 - Jurors appreciate clarity and streamlined visual case presentation
 - Reduces outside expert expenses for trial preparation and presentation

Connecticut’s Public Defender system is a national indigent defense model with social workers in every office:

- Most Social Workers are masters level
- Working to develop alternatives to incarceration – pretrial and post trial - reduce prison overcrowding
- Savings to the State through alternative plans
- Collaborations with CSSD re: Prison Overcrowding pre-sentence and post-conviction
- Collaboration with DMHAS re: Jail Diversion

The Juvenile Post-Conviction and Reentry is one of a few national juvenile defense reentry projects

- All children committed to DCF as delinquent are tracked and represented as necessary
- Emphasis on crisis intervention, permanency planning, family reunification

Caselaw impact on the Agency:

- State v. Casiano, 282 Conn. 614 (2007)
Motions to correct illegal sentence
 - Counsel must be appointed to represent defendants
 - Counsel files a limited appearance
 - All claims required to be reviewed and determination whether sound basis exists to proceed
 - Counsel reports to court whether a legitimate claim
 - If legitimate – Counsel files full appearance and pursues motion through appellate process
 - If no sound basis – Counsel reports to court, full appearance not filed and defendant notified can continue pro se

Expected impact: increased work load on trial, appellate, and habeas attorneys

- Appeals - Casiano decision
- Habeas – approx. 7% increase from 05-06
- Capital Felony Cases – as of 9/5/07
 - 20 Capital Felony cases pending
 - 13 prosecution seeking death
 - 14 represented by DPDS

Domestic violence dockets are:

- Time Intensive for Attorneys and Social Workers
- Added attorneys to New Haven, Hartford and Waterbury offices for DV dockets
- Collaboration - *P.A. 07-123, An Act Concerning Domestic Violence*

Specialized dockets include:

- Domestic Violence
- Drug Court
- Gun Courts
- Housing Court
- Motor Vehicle
- PSRB
- Youthful Offender

Collateral Consequences of Legislation:

- Mandatory Minimum Sentences
- Sex Offenders
 - P.A. 07-143 - An Act Concerning Jessica's Law and Consensual Sexual Activity Between Adolescents Close in Age
 - mandatory minimums/enhancement of penalties/tender years exception

- June Special Session 07-04 - An Act Implementing the Provisions of the Budget Concerning General Government
 - registration requirements/residency restrictions/elimination of statute of limitations
- Raise the Age Juvenile Jurisdiction
 - June Special Session 07-04 - An Act Implementing the Provisions of the Budget Concerning General Government
- Increased Transcript Costs
 - June Special Session 07-04 - An Act Implementing the Provisions of the Budget Concerning General Government
- Freedom of Information requests from inmates

Other factors which impact:

- Loss of Good Time
- Truth in Sentencing - 85%
- Three Strikes proposals

OPM Criminal Justice Policy and Planning Division Update

Chair Brian Austin reported that the CJPPD staff would be supporting the Governor's Sentencing and Parole Review Task Force, preparing a report on the state of juvenile justice to the Juvenile Justice Oversight Council, analyzing the potential impact of the move of 16- and 17-year olds into the juvenile system by 2010, looking at prison and jail overcrowding issues, preparing the prison population forecasting report due 2/15/08, as well as ongoing grant activities.

Department of Correction Population Update

Commissioner Lantz reported that:

- on 9/4/07, DOC's:
 - total incarcerated population (9/4/07) was 19,043 which was 168 more than incarcerated on 9/4/06 (+.89% increase);
 - the accused/unsentenced population was 4,407 which was 228 less than that of 9/4/06 (-5.1%);
 - the sentenced population was 14,636, which was 396 more than that of 9/4/06 (+2.7%)
- The total number of offenders supervised in the community on Parole, Special parole, Transitional Supervising, Transfer Parole, and Transitional Placement approximated 3,680 which was about 3.35% more than that of the previous year.
- DOC contracts for over 1,200 halfway house beds, which is a 75% increase in such beds since 2003. There are about 1,000 people on the waiting lists for these beds.
- The number of offenders on re-entry furlough on 9/1/07 was 136, which is 95 less than the 9/1/06 total of 231 (-69.8%).

Department of Mental Health and Addiction Services Update

Deputy Commissioner Peter Rockholz commented that

the Access To Recovery (ATR) Program has provided much-needed support to releasees: housing, employment linkages, transportation, and recovery supports to keep people in the community. The grant has terminated, and DMHAS is looking for other funding sources.

PJOC provided money for recovery houses: Columbus in New Haven and ARC in Hartford.

Opiate dependence is the major problem with substance abusers. DOC is now providing more effective medications to inmates.

Judicial Branch's Court Support Services Division Update

Executive Director William Carbone reported that:

- The Probation Transition Program (PTP) and the Technical Violations Unit (TVU) received an approximate \$3.1M appropriation during the 2007 legislative session for ongoing expansion. Up to 40 additional probation officers can be hired.
- The Intensive Pretrial Supervision Track (IPST) target population is the incarcerated defendant awaiting residential treatment. The program is staffed with 5 veteran Probation Officers. Approximately 350 people have been referred since inception; success rate is 53%. The remaining challenges include:
 - Increasing out-patient treatment services to support more releases
 - Continuing to educate the court on the IPST as an alternative to residential treatment and pretrial incarceration.
- The Mental Health Case Management Program, staffed by 10 veteran Probation Officers began July 9, 2007; target population are people at-risk to recidivate. The program is expected to be at maximum capacity (350) by mid-October, 2007. Future plans include establishing clinical services in Alternatives to Incarceration (AIC) programs through DMHAS' local mental health authorities.
- The Bail Decision Aid is a tool used to assess pre-trial offenders unlikely to make bond. Research shows that the use of the Decision Aid can be successful:

T = 357	Comparison Group	Decision Aid Group
Fewer Failure to Appear (FTA)	17%	12%
More use of conditional release recommendations	21%	64%
More Bail Commissioner recommendations matching court orders	49%	65%
Lower percentage of cases held in pre-trial jails	43%	25%

Hedlund, 2007

The Bail Decision Aid program:

- received a \$600,000 appropriation in the 2007 legislative session to support 3 additional staff and additional pre-trial services
- an automated database will be in statewide use beginning October, 2007

- the target population is moderate risk defendants who score -3 or higher on the Bail Risk Assessment

Behavioral Health Subcommittee

Inmates with a designation of 'Mental Health 5' are acutely ill. Currently there are 60 such people in DOC facilities: 36 (60%) are unsentenced, mostly with small bonds; the remaining 24 (40%) are sentenced, of which 10 will leave DOC at End of Sentence (EOS) within one year.

The Mental Health 4 designation indicates a more chronic DMHAS target population, about 45% of whom have committed a serious crime. Of the 456 inmates with the MH4 designation, 299 (66%) are sentenced and 157 (34%) are unsentenced. It is anticipated that currently 67 will leave EOS within 6 months, and 36 will leave EOS within the year.

There are 3,208 sex offender inmates in DOC with 84 leaving EOS within a month; 361 will be leaving EOS within the next 6 months; and 342 will be leaving EOS within the next year.

The inmates who are released EOS leave on their own, without supervision, etc. This puts the releasee at high-risk to recidivate.

Per 6/14 request of the Commission, a written summary of the Adam Walsh Act was distributed:

- State must have 3-tier sex offender registries by 7/09:
 - Tier I - least serious, register for 15 years; update each year in person
 - Tier II - more serious, register for 25 years, update every 6 months in person
 - Tier III - most serious; register for life, update every 3 months
- Failure of state to comply may result in 10% loss of federal law enforcement grants.
- Connecticut meets some of the Act's criteria, but not others.
- The US Attorney General will make efforts to "cause a state to assume responsibility for custody and treatment of sex offenders", but cannot force a state to do so.
- Federal money is available for states to establish a sex offender civil commitment program. Deadline for applications is July 2008.
- Grants are also available for setting up the registry, setting up GPS systems, and civil commitment programs.

The one-page summary of the Adam Walsh Act is attached.

Working Groups

Prevention:

DSS Deputy Commissioner Beaulieu has met, and would be meeting again next week, at which time the Department of Children and Families would be making a presentation. The Working Group was also conducting a literature search on evidence-based techniques.

Prison and Jail Overcrowding and Reentry:

DOC Commissioner Lantz reported that the Working Group had met 9/13, and were preparing proposals for the CJPAC and the General Assembly, including risk assessment tools, and enhancements for parole and probation.

Victim Services

Chair Brian Austin noted that the Working Group met in August, and that the legislation that was introduced in the 2007 legislative session was not acted upon.

Other

There was some discussion about the problem of the 'cycling' of offenders between home and jails; collaborations are important for successful recovery.

The October 11th meeting of the CJPAC was cancelled.

Adjournment The meeting adjourned at 11:15am.

Adam Walsh Child Protection and Safety Act of 2006
Summary Notes from Behavioral Health Subcommittee of CJPAC

Registry

States must have sex offender registries by July 2009. These must have three tier system:

Tier I - least serious; register for 15 years, update in person each year

Tier II - more serious: register for 25 years; update in person every six months

Tier III - most serious; register for life, update in person every three months

Must have a criminal penalty for failure to register

Info must be readily available on internet

Failure of states to comply may result in 10% loss of federal law enforcement grants

CT's registry meets some of these criteria, and not others. Representatives to BH SubComm from CSSD and State's Attorneys Office report that this work is underway along with Department of Public Safety; the needs for improvement are known.

Grants

Grants available for setting up registry, setting up GPS systems, and civil commitment programs.

Civil Commitment

Attorney General will make efforts to "cause a state to assume responsibility" for custody and treatment of sex offenders, but cannot force states to do so.

Total of \$10 million per year for 4 years available for states willing to establish sex offender civil commitment programs that meet standards of the act. Deadline for submissions July 2008.

[NASMHPD cautions that the money available will not cover the long-term costs to states for establishing such programs.]

A summary of the Adam Walsh Act by the National Conference of State Legislatures is available at: <http://www.ncsl.org/standcomm/sclaw/walshact.htm>

The full text of the federal Adam Walsh Child Protection and Safety Act of 2006 is at <http://thomas.loc.gov/cgi-bin/query/D?c109:5:./temp/~c1099XPSNu::>

8-29-07; Dr. Michael Norko, DMHAS

