

Minutes
SPECIAL MEETING
CRIMINAL JUSTICE POLICY ADVISORY COMMISSION
State Capitol - Room 410
May 7, 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; Judge Patrick Carroll, Deputy Chief Court Administrator; Laurie Deneen, Public Member; Robert Farr, Chairman, Board of Pardons and Paroles; Kevin Kane, Chief State's Attorney; Karl Kemper, Chief of Staff, Department of Children and Families; James Kenny, Police Chief; Thomas Kirk, Commissioner, Department of Mental Health and Addiction Services; Nancy Kushins, Victim Services; Theresa Lantz, Commissioner, Department of Correction; and Brian Carlow, Deputy Chief Public Defender representing the Chief Public Defender.

Others Present: Leo Arnone, Richard Sparaco, John Lahda, Donna Cupka, Carol Salsbury, Michael Norko, Loel Meckel, Dan Banish, Merit Lajoie, Sean Thakker, Ivan Kuzyk, Lisa Secondo, and Linda Hothan.

Chair Brian Austin convened the meeting to order at 9:08am. The Commission members introduced themselves.

Discussion on the 2009 Legislative Session

OPM Undersecretary Brian Austin reported that OPM had received \$12.5M in ARRA monies (American Recovery and Re-Investment Act, referred to as 'recovery' plan, sometimes 'stimulus' plan). OPM is identifying priority areas to receive funding; please send any comments directly to Brian.Austin@ct.gov or 860-418-6394. The Byrne/JAG money allows 10% for administration, with the balance split:

40% passthru to locals

60% for state projects

separately, there are discretionary funds under JAG for direct applicants. The goal is job creation and retention. The USDOJ will be closely monitoring its ARRA grants; monitoring requirements are located at www.usdoj.gov/oig/recoveryAct.htm.

DOC Commissioner Theresa Lantz reported that:

- the jail and prison population had decreased to about 18,700 due to the successes of the Jail Diversion and Jail Re-Interview programs
- The *Earned Time and Reentry Furlough Study* (E Cert Bill 6602 Report) will be presented to the Judiciary Committee on Friday May 8th; the document (which estimates the number of inmates that would be released and the cost savings that would be achieved if the authority of the commissioner to grant reentry furloughs under CGS 18-101a was restored as of July 1, 2009) can be located on the DOC website under Publications.
- The Application for the Second Chance Act had been submitted for a re-entry program for medium-to-high risk offenders in New Haven.

The Treatment and Program Assessment Instrument (TPAI) is a risk assessment tool that targets low-risk offenders for program services based on need identification, with the goal of more efficient transitioning. DOC has automated the TPAI; BOPP has not yet automated the TPAI.

BOPP Chair Robert Farr commented that risk reduction components should not be used to override the BOPP process.

Commissioner Thomas Kirk reported that sSB1120, *AN ACT IMPOSING A MORATORIUM ON THE REBIDDING OF PURCHASE OF SERVICE CONTRACTS PERTAINING TO THE DELIVERY OF HEALTH AND HUMAN SERVICES BY OR ON BEHALF OF STATE AGENCIES*:

Section 1. (*Effective from passage*) Notwithstanding the provisions of section 4-70b of the general statutes and chapters 55a and 62 of the general statutes, for the period from July 1, 2008, to July 1, 2010, inclusive, the Secretary of the Office of Policy and Management shall waive all competitive procurement requirements applicable to purchase of service contracts, as defined in subsection (d) of section 4-70b of the general statutes, except as otherwise provided in this section. Such waiver of competitive procurement requirements shall suspend any current state rebidding of a purchase of service agreement that commenced on or after July 1, 2008, unless a purchase of service contract is being rebid because: (1) A private provider of human services has opted to cease providing such services on behalf of the state; or (2) the state has terminated, for good cause shown, its relationship with a private provider of human services. Such waiver of competitive procurement requirements shall not apply to an initial purchase of service contract for direct health and human services.

proposes a moratorium on the State agency re-bidding process, which will directly affect DMHAS and DOC, while other state agencies (eg, CSSD) will not be similarly affected. (*NOTE: Chapters 55a and 62 define state agencies and state contracting agencies as Executive Branch.*)

DMHAS Dr. Michael Norko noted that HB6341, *AN ACT CONCERNING COMPETENCY TO STAND TRIAL*, would amend CGS§54-56d by adding:

- The examination shall be completed within fifteen business days from the date it was ordered
- When performing an examination under this section, the examiners shall have access to information on treatment dates and locations in the defendant's treatment history contained in the Department of Mental Health and Addiction Services' database of treatment episodes for the purpose of requesting a release of treatment information from the defendant.
- except that no treatment information contained in the Department of Mental Health and Addiction Services' database of treatment episodes may be included in the written report or introduced at the hearing unless the defendant released the treatment information pursuant to subsection (d) of this section. . . . Nothing in this subsection shall limit any other release or use of information from said database permitted by law.
- Not later than twenty-four hours after the court orders placement of the defendant for treatment for the purpose of rendering the defendant competent, the evaluators shall transmit information obtained about the defendant during the course of an evaluation pursuant to subsection (d) of this section to the health care provider named in the court's order.
- Not later than five business days after the court finds either that the defendant will not attain competency within the period of any placement order under this section or that the defendant has regained competency, the person in charge of the treatment facility, or such person's designee, shall provide a copy of the written progress report to the examiners who examined the defendant pursuant to subsection (d) of this section.

Nationally, 20% of arrestees referred for evaluation of competence to stand trial (CST) are determined not competent; in Connecticut, the rate is 48%. Ninety percent (90%) of admissions to Whiting (106-bed maximum security; 247 beds total in the forensic division of CVH) are for competency restorations; average length of stay at Whiting for competency restoration is 99 days. 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 after receiving this acute hospital care, thus avoiding commitment to CVH for competency restoration.

DMHAS, DOC, BOPP and CSSD are collaborating on the development of technology, especially videoconferencing, to minimize the need of inmate transport, including marshal costs, gas and mileage costs. Currently, videoconferencing is available in all BOPP facilities and is used in 80% of parole hearings, and is available in the DOC jails and prisons, and many courts; the judge must be able to see the defendant, and the defendant must be able to conference with defense council. It was noted that videoconferencing is extremely efficient in space needs and costs, and that the State should consider using some of the ARRA monies (American Recovery and Re-Investment Act) for the one-shot equipment. Sean Thakker noted that videoconferencing is reliable technology and can re-direct resources. Chief Kenny noted that videoconferencing could begin the criminal justice process at the municipal police level, such as at probable cause meetings on the weekends.

Commission consensus was to further discuss videoconferencing at the Commission's next regular meeting scheduled for Thursday, June 11th. DOC will coordinate a presentation on videoconferencing.

Adjournment: Meeting adjourned at 10:23am.