

CRIMINAL JUSTICE POLICY ADVISORY COMMISSION
Legislative Office Building Room 1C
September 11, 2008
Meeting Minutes

Members of the Commission Present: Brian Austin, Chair, Undersecretary, Criminal Justice Policy and Planning Division, Office of Policy and Management; Claudette J. Beaulieu, Deputy Commissioner, Department of Social Services; Floyd R. Blair, Deputy Commissioner, Department of Children and Families; William H. Carbone, Executive Director, Judicial Branch's Court Support Services Division; Judge Patrick Carroll, Deputy Chief Court Administrator; George Coleman, Deputy Commissioner, Department of Education; John Danaher, Commissioner, Department of Public Safety; Robert Farr, Chairman, Board of Pardons and Paroles; Richard Healey, Public Member; Kevin Kane, Chief State's Attorney; Thomas Kirk, Commissioner, Department of Mental Health and Addiction Services; Nancy Kushins, Victim Services; Theresa Lantz, Commissioner, Department of Correction; Patricia Mayfield, Commissioner, Department of Labor; and Susan Storey, Chief Public Defender.

Chair Brian Austin convened the meeting to order at 9:07am. He asked for one minute of silence in memory of the events of September 11, 2001. Thereafter, the members of the Commission introduced themselves.

Minutes: It was reported that the staff of the Behavioral Health Services Subcommittee requested some clarifying changes to the last paragraph in the Behavioral Health Services Update section, minutes of June 12, 2008, on page 6. Essentially, the last paragraph would be deleted and an expanded paragraph would replace it, as follows:

Delete: DMHAS has been tracking recidivism only have a recidivism rate of 10%.

Replace with: DMHAS has been tracking recidivism of sentenced inmates with serious mental illness who are referred to DMHAS prior to release for discharge planning; 10 years ago, recidivism was about 50% within 12 months of release. Now, inmates who participate in the Connecticut Offender Reentry Program (CORP) prior to release have a recidivism rate of only 10%-14% in the 12 months after release.

Minutes were approved unanimously as amended.

Correspondence: There was no correspondence.

Public Comment: There was no public comment.

Criminal Justice Policy and Planning Division Update

OPM Undersecretary Brian Austin reported on the following:

- 1) **Connecticut Criminal Justice Cross-Training Conference**
PA 08-1 requires the Commission, through OPM's CJPPD, to annually sponsor a full-day review for state and local criminal justice professionals to learn about the criminal

justice system in the state including progress that has been made within the prior year and challenges to be met, and the policies, practices and procedures of the criminal justice agencies. The Connecticut Criminal Justice Cross-Training Conference was held twice; about 300 people registered for the July 10, 2008 Conference at Southern Connecticut State University, and over 500 people registered for the September 4, 2008 Conference at the Connecticut Convention Center, Hartford. Eight (8) workshops were offered at each Conference on a rotating basis allowing attendees maximum opportunity to attend the workshop(s) of their choice. Many Commission members were extremely congratulatory about the Cross-Training Conference, with special appreciation extended to Lisa Secondo, OPM, who coordinated the events.

2) CJIS Executive Director Search

The Governing Board of the Criminal Justice Information System conducted a national search in April 2008 for an Executive Director. A total of 43 applications were received of which 12 candidates were asked to submit written answers to questions; 6 candidates were invited to interview. All candidates had information technology backgrounds, but not necessarily criminal justice backgrounds. An individual with federal, state, and county experience has been offered the position and accepted it; final details are being worked out now; he should be hired by the end of the month. Members of the search committee were: Lieutenant Governor Michael Fedele, Deputy Court Administrator Patrick Carroll, OPM's CJPPD Undersecretary Brian Austin, Connecticut's Chief Information Officer Diane Wallace, Senator Andrew MacDonald, Chief State's Attorney Kevin Kane, and Commissioner James ('Skip') Thomas, Department of Emergency Management and Homeland Security.

Department of Correction Population Update

DOC Commissioner Theresa Lantz reported that the incarcerated population is following historic trends and was up during the summer months due to violent incidents; total incarcerated today is 19,649 of which 14,965 is sentenced and 4,682 is unsentenced/accused. There are some overflow areas in use. The total population tends to decrease during the October-January period. There remain over 1,200 halfway house beds managed by non-profit providers.

Board of Pardons and Paroles Update

BOPP Chairman Robert Farr reported that, effective July 1st with the loss of the administrative hearing process, the Board's workload increased from 11 full hearings each month to 30 full hearings each month. Staff must work harder to prepare the case file(s) for review and determination. Public Act 08-01 requires additional Board members (5 full time and 7 part time); the 5 FT and 3 PT members have been appointed; a 4th PT member will be appointed before the end of the month. Also, Chairman Farr now must personally certify that each case file contained all the needed materials (including any juvenile records) to appropriately assess the case for parole.

Currently, BOPP has a backlog of over 1,100 cases. OPM provided assistance to BOPP in securing a \$175,000 federal grant to hire retirees to assist in the elimination of 500 of these backlogged cases and, with their knowledge and skills, to help with organization and workflow to build a more efficient system. The legislature also provided monies for the BOPP to hire additional parole officers and support staff. Within the next few months, the Board should be at full complement, and the needed additional staff should be on board and trained.

Chairman Farr noted that one impediment to releasing an offender on parole is that the Board must ensure the offender has safe housing, especially for sex offenders; some offenders are granted parole but due to lack of housing, cannot be released. Most offenders need re-entry transitional supervision; about 85% are released, but in some cases the actual parole release date may be 1½ years out, with release only to a halfway house.

The sentencing transcripts provide much needed and useful information for the parole determination process, including personal and criminal histories of the offender. In one case, at sentencing, the prosecutor, defense attorney and the judge agreed that an offender had severe psychological problems requiring treatment upon release; these comments were made part of the sentencing report. Without the transcripts, BOPP would not have known about the problem, and would probably have released the offender without any treatment support; instead, BOPP made the receipt of psychiatric treatment a condition of his parole. The transcripts also preserve the victim's statements.

Judicial Branch and Court Support Services Division Update

Deputy Chief Court Administrator Patrick Carroll reported that:

- about 8,000 PSIs (Pre-Sentencing Investigative Reports) and juvenile records have been provided electronically to the Board of Pardons and Paroles. These PSIs include probation information (length and any conditions) that BOPP needs to have to make informed decisions regarding parole release.
- the Branch has created a Criminal Practice Commission with 3 working groups: Criminal Discovery Practice Book revisions, Habeas Corpus Reform, and Professionalism and Civility.
- the Judicial Branch and the Department of Correction's Deputy Commissioner Carol Salsbury have formed a working group to expand video conferencing to all DOC correctional facilities and to 6-7 courts in the state's larger cities. The criminal court process involves many court appearances which may only last 5-10 minutes, but may require the offender and his guards to be at the court house for several hours. The video conferencing of these processes has tremendous economies in travel time and cost, especially overtime costs. The equipment is portable, and there are no technical impediments to conducting a video conference; this is very efficient and effective.

BOPP Chairman Robert Farr commented that the legislature had also given the Board funds for video taping the parole hearings, and it was hoped that videotaping would be available in all DOC facilities soon.

CSSD Executive Director William Carbone reported that:

- the Jail Re-Interview Program has Bail Commissioners who work out of the correctional centers with pre-trial defendants who have substance abuse and/or mental health issues; staff works with DOC and DMHAS staff to prepare alternative plans to incarceration for these defendants. The program now is in 14 locations across the state. Approximately 14,000 pre-trial defendants were interviewed in SFY08, of which 9,000 were granted conditional release as a special condition by the court. In SFY08, the number of defendants interviewed was 13% higher than those interviewed the previous year, and the number of court releases increased 11% over the previous year. This

program is a major cost savings for the state in terms of institutional expenses, but it places a demand on contracted substance abuse and mental health services (inpatient and outpatient).

- The Legislature approved a new Pre-Trial Diversion program for people with psychiatric disabilities which was recommended for start-up October 1st by the Governor's Task Force on Sentencing and Parole last year. About \$600,000 was provided to increase contracted services for people with mental illness. Eight (8) Probation Officers will be hired to supervise medication management and participation in therapy. This program is similar to an accelerated rehabilitation program.

It was also noted that the Judicial Branch's Electric Bridge (also referred to as MAJEB or Municipal Access Judicial Electric Bridge) electronically transmits the PSIs (Pre-Sentencing Investigative Reports) to DOC and BOPP. Now, police departments have access to the Electric Bridge and have been successful in identifying arrestees who have prior warrants; thus, the backlog of unserved warrants has decreased. Soon, the public will be able to go to the Judicial website, and enter a name, and will be able to learn if the person has any violations of probation (VOP) warrants, and the reason(s) for the warrant.

Department of Mental Health and Addiction Services Update

DMHAS Commissioner Thomas Kirk reported that

- Since 2004, 446 police officers, 24 police department civilians, 26 correction probation and parole officers, and 62 mental health professionals have participated in 40-hour training programs of the Crisis Intervention Teams which assist them in recognizing when a person is having psychiatric episodes. Currently, 21 of 47 police departments (municipal/state/capitol/university/hospital) have formal CIT policies and programs in Hartford, New Haven, West Haven, Stamford, Waterbury, and Norwich/Groton/New London region. In SFY09 (July 08-June 09), it is anticipated that 5 more training sessions will be held, with 175 people to be trained. In a recent visit to Norwich Hospital, Commissioner Kirk met with some police officers who reported that the training helped them to ask the person if they had a 'worker' and were able to divert people with mental illness from being arrested into treatment; the training has also decreased the incidents of worker's compensation injuries of police officers, decreased the numbers of mobile crisis calls, decreased the SWAT interventions, and decreased the number of acting-out persons taken to emergency rooms.
- All state-operated DMHAS facilities now have forensic staff units helping with jail diversion; another clinician will be assigned to the Hartford area because of demand/need. The program continues to be very successful in diverting people away from the prison system.
- Connecticut Offender Reentry Program (CORP) initially was located in the Garner and York facilities to work with approximately 70 inmates per year with severe psychiatric disabilities who would be returning to Hartford, Bridgeport and New Haven. With SFY09 funds, the program is being expanded into Osborn for those inmates returning to these 3 cities as well as to two new sites, Waterbury and Norwich/New London; the new sites will serve inmates in all three DOC facilities and these expansions will serve an additional 60 inmates per year.

Behavioral Health Services Subcommittee Update

DMHAS Dr. Michael Norko reported on 2 issues of the Systems Barriers Work Group progress:

- Many agencies deal with the same individuals but only want their own 'release of information form' used; there has been no success nationwide to develop and use one consolidated form. Some thought was given to developing a 'qualified service agreement' making the agencies' 'business affiliates' with each other to satisfy HIPPA requirements and have access to each other's electronic database, but the databases record movement information and not clinical information. Another thought is to have a medical records specialist create a list of essential items that state and federal law require to be included in any information release form; agency commissioners would then execute a Memorandum of Understanding attesting that: 1) the form used by their agency satisfies the criteria articulated by the list, and 2) their agency will accept any form so attested to by another agency.
- Offenders are leaving DOC and are not getting prescription benefits quickly enough. DMHAS has been working with the Department of Social Services and the Office of Policy and Management to develop procedures by December 2008 so that any person leaving DOC, sentenced or unsentenced, will receive a prescription from DOC that the releasee can take to a pharmacy to obtain needed medications; DSS would provide a 'provisional acceptance of benefits' for these services through Medicaid and SAGA. DSS Deputy Commissioner Beaulieu commented that the group was still in preliminary discussions, and that not every person in DOC custody was covered; the group is targeting those people whose release from DOC was unexpected.

DOC Dr. Dan Bannish reported on the mental health population in the correctional facilities and resources needed at time of re-entry back into the community.

- About 20% (N=3,600) of the DOC population receives mental health services.
- 407 are in mental health housing
- 267 of these 407 are sentenced; the remaining 140 are unsentenced
- 94 of these 267 will be at end-of-sentence within one year
- There is a lack of housing; last year, 45% of the releasees were released to shelters
- Of the 94 EOS, 26 will have sexual behavior problems
- Of these 26, 13 will have no supervision.
- Of the 140 unsentenced, 44 have bonds less than \$25,000, of which 12 have bonds less than \$5,000
- Separately, 59 people are in DOC infirmaries for psychiatric treatment, of which 34 are unsentenced of which $\frac{1}{3}$ have bonds of \$5,000 or less.
- About 700 sex offenders will leave DOC next year, some of whom pose minimal risk
- 116 sexual offenders will be at end-of-sentence within one year, only 83 of whom will be supervised

DOC/CSSD/DMHAS released an RFP (Request For Proposals) for sexual offender housing. Three (3) responses have been received; it is hoped that an award will be issued soon.

DOC received an award from the Governor's Mental Health Transformation Grant for training to enhance skills in treating co-occurring disorders. DOC will develop an integrated medical/mental health/addiction services health care plan with one point of entry and one service plan so that all the providers would be knowledgeable about the person's diverse issues

for better care; for example, if a heroin addict has an abscessed tooth pulled, the consolidated care plan will alert medical staff not to prescribe a narcotic-based pain killer.

Reentry Discussion

The reentry strategy is due February 15, 2009. The Prison and Jail Overcrowding and Reentry Working Group of the CJPAC is drafting the strategy. DOC Commissioner Lantz, chair of this Working Group, commented that the Working Group is looking at a systemic reentry strategy beginning with day one of incarceration through to end-of-sentence. Keys to a successful reentry strategy include: the collaborating partnerships of service providers, getting the offender to accept responsibility for his own behaviors, how the offender goes through the system, what are the expectations of the offender, and the development of performance/evaluation measures. The Annie Casey Foundation has been providing support. The strategy model should be concise and simple, and should identify challenges for the future.

Other Business: There was no other business.

Meeting adjourned at 10:45am.

NEXT MEETING:

**THURSDAY, OCTOBER 16, 2008
LEGISLATIVE OFFICE BUILDING - ROOM 1B
HARTFORD, CT
9am – 11am**