

STATE OF CONNECTICUT • OFFICE OF POLICY & MANAGEMENT (OPM) • RESEARCH, ANALYSIS & EVALUATION

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Annual Report 2008 Connecticut Prison Population Projection Study

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Organization of the 2008 Report

The 2008 report is organized into seven major sections. Section one contains an executive summary with a bulleted list of findings and conclusions. Section two contains the Connecticut Prison Population Forecast. Section three discusses the yearly trends in the Department of Correction (DOC) populations. Appendix I provides a description of the types of community supervision in Connecticut. Appendix II provides demographic information about the DOC prison population. Appendix III shows a timeline of significant events. Appendix IV contains a summary of legislative changes.

This report has been generated by the co-facilitation of the Office of Policy and Management and the Connecticut Statistical Analysis Center at Central Connecticut State University, and in collaboration with members of the Forecast/Research Work Group.

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The Connecticut Statistical Analysis Center (SAC) is a collaborative venture between the Office of Policy and Management and Central Connecticut State University. The SAC functions as a clearinghouse for justice related information, serves as a liaison in assisting the Bureau of Justice Statistics (BJS) in gathering state data, and conducts research. This study was funded in part by a BJS grant.

Overview

The Connecticut Prison Population Projections Study is an annual report published in response to the statutory requirements outlined in Public Act 05-249 that created the Criminal Justice Policy and Planning Division (CJPPD) within the Office of Policy and Management (OPM) and tasked the Division with developing annual population projections for Connecticut's correctional system for planning purposes.

This is OPM's second annual report with the inaugural 2007 report projecting that Connecticut's prison population would remain relatively stable if practices remained constant. Unfortunately, significant events occurred over the past year that led to changes in legislation and practices that invalidated last year's projections.

In July 2007, a home invasion by two paroled offenders ended in the deaths of three people in the town of Cheshire. As a result, the public voiced serious concerns about the effectiveness of Connecticut's criminal justice system. The Governor and the General Assembly initiated a thorough top to bottom assessment of all procedures and processes involved in charging, sentencing and releasing those convicted of crimes in Connecticut (See Appendix III – Timeline of Significant Events).

Recent changes in legislation and practices have already had significant effects and more changes are anticipated that further make extended predictions or forecasts imprudent at this time. Therefore, the 2008 report focuses on the current environment and provides a projection of Connecticut's correctional system through January 1, 2009.

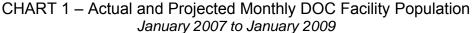
As seen from last year's study, Connecticut's prison population increases are not driven by increases in crime, the overall population or other common misconceptions. Prison growth can be directly attributed to the policy choices and practices that sent more offenders to prison to serve longer periods of time. Legislation passed from the late 1980s through the mid-1990s has led to a cumulative effect on Connecticut's prison population.

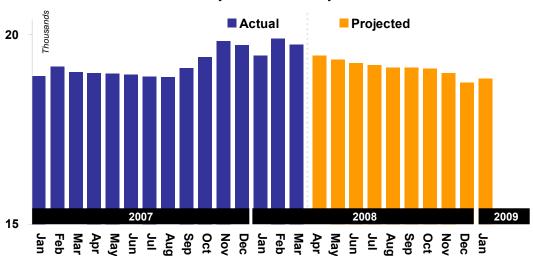
Connecticut has been building a more diverse correctional system with a broader range of sanctions and greater use of community supervision that still holds less dangerous offenders accountable while successfully transitioning them to become productive, taxpaying citizens. Appropriate use of community supervision options, ensures that prison beds remain available for the most violent criminals and those who persistently threaten community safety.

Executive Summary

Connecticut 2008 Prison Population Forecast

- The prison population has begun to decrease and is expected to continue to decline to a facility population of 18,849 by January 1, 2009 as recent initiatives and legislative changes take effect.
- This projection is based on the following facts: (1) the total Department of Correction (DOC) supervised population has remained stable, (2) the unsentenced/accused population has declined, and (3) Public Act 08-01 has provided funding for additional reentry/diversionary beds. This projection is also based on: (1) the expectation that transitional supervision placements will increase and (2) that parole supervision placements should return to pre-July 2007 levels.

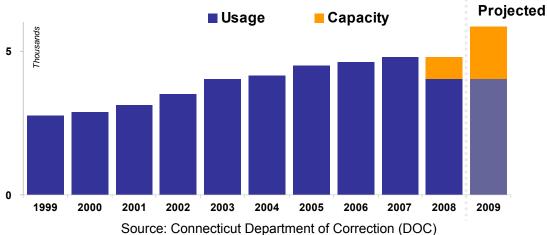




Source: Office of Policy and Management (OPM) and Central Connecticut State University (CCSU)

The capacity exists for the Department of Correction (DOC) to safely supervise more offenders in the community than is currently being utilized.

CHART 1C – DOC Total Community Supervision Capacity



Connecticut Prison Population Forecast

The Invalidation of the 2007-2012 Prison Population Projection — All prison population forecast studies are based on a series of assumptions. If these assumptions do not hold true then the basis of the forecast becomes invalid. Unfortunately, significant events occurred over the past year that led to changes in legislation and practices that invalidated last year's projections.

Invalidation of the Forecasting Model Assumptions

The following are changes in legislation and practices that invalidated the forecasting model assumptions:

- New legislation (Public Act 08-01) changed penalties for select offense types by streamlining persistent offender laws; enhancing penalties for burglary; and creating a new home invasion statute.
- New practices limited the parole granting rate through the gubernatorial directive temporarily banning parole for violent offenders; new legislation (PA 08-01) eliminated the use of parole granting by Administrative Reviews (AR); and established a full time parole granting review board.
- New legislation (Public Act 08-01) lengthened prison sentences by restricting the use of re-entry furloughs.
- New legislation (Public Act 08-01) significantly re-allocated funding and new resources that among other things increased staffing and added new divisionary beds.

Other Assumptions Include — There will be no new construction or a significant increase in inmate beds; community supervision programs will not replace prison commitments; there will be no impediments in the State's ability to establish or implement alternatives to incarceration; and all discretionary practices will remain constant among Connecticut's criminal justice agencies throughout the projection period.

Connecticut Prison Population Forecast (continued)

Connecticut Prison Population Forecast — Given the extensive changes occurring within the correctional system, this report is limited to projecting the prison facility population through January 1, 2009. This projection is based upon five year trends in the total Department of Correction (DOC) supervised population and unsentenced/accused prison population; and DOC projections of increased transitional supervision caseloads, legislative funding for an additional 270 re-entry/diversionary beds, and the Board of Pardons and Paroles (BOPP) expectation that parole granting and release rates will increase by yearend.

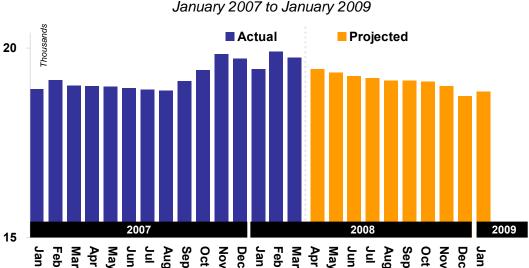


CHART 1 – Actual and Projected Monthly DOC Facility Population January 2007 to January 2009

Source: Office of Policy and Management (OPM) and Central Connecticut State University (CCSU)

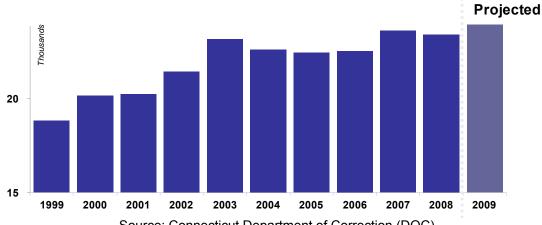
- The prison population has begun to decrease and is expected to continue to decline to a facility population of 18,849 by January 1, 2009 as recent initiatives and legislative changes take effect.
- This projection is based on the following facts: (1) the total DOC supervised population has remained stable, (2) the unsentenced/accused population has declined, and (3) Public Act 08-01 has provided funding for an additional 270 re-entry/diversionary beds. This projection is also based on: (1) DOC's expectation that transitional supervision placement will increase to 1,200 and (2) BOPP's belief that parole supervision placements may increase to over 2,800 parolees.

Yearly Trends in DOC Populations

Department of Correction (DOC) Population Distribution — The following three charts show the overall changes in the DOC total supervised population, its prison facilities and its community supervised release programs.

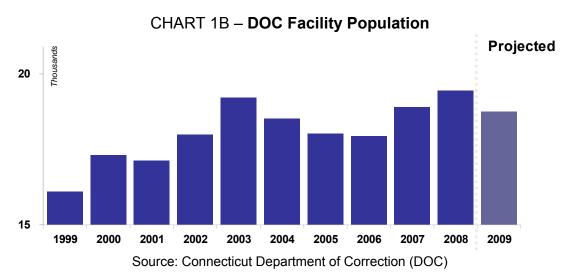
 Chart 1A shows the total DOC supervised population slightly increased in the early 2000s but has remained relatively stable over the past six years.

CHART 1A – DOC Total Supervision (Facility and Community) Population



Source: Connecticut Department of Correction (DOC)

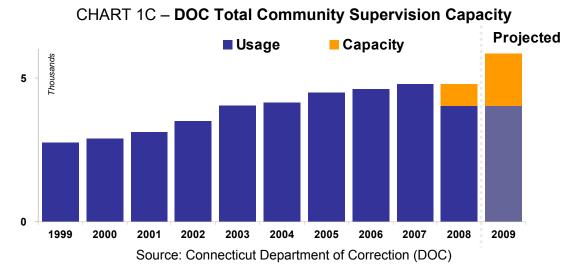
Recent events resulted in a temporary ban on the release of violent offenders to parole; causing a sudden rise in the facility population that had been declining since 2003. These unexpected events left a significant portion of the available DOC community supervision placements under utilized. It is anticipated that the increased usage of community supervision will substantially reduce the burden on DOC facility population.



While the DOC total facility population has increased over the past two years, the unsentenced/accused population has declined each of the past three years. From 2005 to 2008, the January 1st unsentenced population dropped from 4,191 to 3,853 offenders.

Yearly Trends in DOC Populations (continued)

National studies along with the 2008 Connecticut Recidivism Study¹ show that offenders released with no post-prison supervision are the most likely to commit a new crime. For this reason, legislative changes have been enacted over the past several years in a concerted effort to expand and diversify Connecticut's community supervision capacity. As a result, the Department of Correction's community supervision capacity has been steadily increasing.



Connecticut's managed growth in community supervision has been shown to stabilize the prison population. Parole, the largest segment of the DOC community supervision population, is currently under utilized. A significant number of eligible offenders are waiting to be released due to a backlog created by the September 2007 parole ban for violent offenders (See Appendix III – Timeline of Significant Events).

- Board of Pardons and Paroles (BOPP) is approved for five new full-time parole board members that should increase the number of parole hearings reviewed. New video/teleconference capabilities will save board members time traveling to different locations, so the number of parolees is expected to return to pre-July 2007 levels.
- The capacity exists for Department of Correction (DOC) to safely supervise more offenders in the community that is currently not being utilized. As TABLE 1 shows, more than 735 offender placements are unused and an additional 1,070 offender placements approved in 2008 brings the total current DOC community supervision capacity up to 5,840.

TABLE 1 – Community Supervision Placements **Balance Sheet**

Balance Sheet						
2007 Total	4,770					
2008 Total Used	4,035					
2008 Unused Capacity	735					
2008 Additional Capacity						
New Parole Officers*	500					
New GPS Devices**	300					
New DOC Re-entry Bed Funding	135					
New CSSD Diversionary Bed Funding	135					
Additional 2008 Capacity	1,070					
Total Unused/Additional Capacity	1,805					
Total 2008 Potential Placements	5,840					

^{* 10} Parole Officers x 50 Average Caseloads Per Officer

^{**} includes 9 New Parole Officers

¹ Connecticut Recidivism Study, February 2008, Office of Policy and Management, Criminal Justice Policy and Planning Division, pg 2

Yearly Trends in DOC Populations (continued)

TABLE 2 below shows Connecticut's total Department of Correction (DOC) supervised population trends for a ten year period from 1999 to 2008.²

TABLE 2 – Total DOC Supervised Population Distribution Changes January 1, 1999 to January 1, 2008

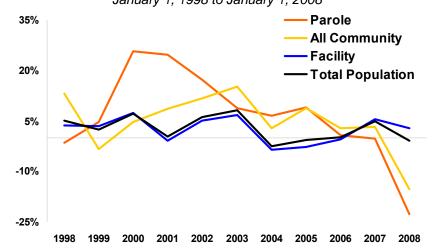
Year	Parole	%Chg	TS	%Chg	HWH	%Chg	Furlough	%Chg	Total Com. Supv.	%Chg	Total Facility	%Chg	Total DOC Supv. Pop.	%Chg
1999	1,099	5%	896	-23%	712	21%	34	-3%	2,741	-3%	16,104	4%	18,845	2%
2000	1,381	26%	717	-20%	749	5%	25	-26%	2,872	5%	17,305	7%	20,177	7%
2001	1,722	25%	633	-12%	738	-1%	27	8%	3,120	9%	17,137	-1%	20,257	0%
2002	2,019	17%	705	11%	735	0%	26	-4%	3,485	12%	17,997	5%	21,482	6%
2003	2,199	9%	1,012	44%	759	3%	44	69%	4,014	15%	19,216	7%	23,230	8%
2004	2,343	7%	1,060	5%	680	-10%	47	7%	4,130	3%	18,522	-4%	22,652	-2%
2005	2,552	9%	1,005	-5%	798	17%	137	191%	4,492	9%	18,001	-3%	22,493	-1%
2006	2,571	1%	863	-14%	1,048	31%	139	1%	4,621	3%	17,928	0%	22,549	0%
2007	2,567	0%	984	14%	1,022	-2%	197	42%	4,770	3%	18,902	5%	23,672	5%
2008	1,981	-23%	871	-11%	1,086	6%	97	-51%	4,035	-15%	19,438	3%	23,473	-1%
Avg	2,043		875		833		77		3,828		18,055		21,883	
Total % Growth for														
10 year	period	80.3%		-2.8%		52.5%		185.3%		47.2%		20.7%		24.6%

Data Note: The yearly figures above represent the DOC population counts as of the first day of January each year.

The increase in the 2008 DOC facility population is directly related to decreases of 23% and 11% in the number of offenders on parole and transitional supervision, respectively. The overall DOC supervised population actually decreased over this same time period. The difference is where offenders are now located or distributed within the criminal justice system; the most significant being the parole population. This can be attributed to the recent ban on violent offenders and other administrative impediments to reviewing and approving conditions for offender release.

CHART 2 – Annual Percent Changes in the DOC Total Supervised Population

January 1, 1998 to January 1, 2008



Data Note: The percent changes are based on the yearly figures for the DOC population counts as of the first day of January each year.

² Monthly Correctional Population Indicators, February 2008, Office of Policy and Management, Criminal Justice Policy and Planning Division, TABLE 6C, pg 8.

Yearly Trends in DOC Populations (continued)

Other Criminal Justice Initiatives That May Affect the DOC Population

The following are other initiatives that are expected to benefit the criminal justice system in this fiscal year:

- Hiring 3 new counselors to assist with and improve the re-entry and community supervision processes.
- \$1.0 million to enhance the network of supportive housing, substance abuse treatment and employment assistance for offenders transitioning from incarceration to the community.
- \$1.7 million to expand re-entry and diversionary services contracted through Department of Correction (DOC) and Judicial Branch's Court Support Services Division (CSSD).
- \$2.0 million for secure residential treatment facilities for sex offenders (12 DOC beds and 12 CSSD beds).
- A new supervised diversionary program for those with mental illness.
- Criminal justice information system (CJIS) information sharing improvements.
- Graduated sanctions are considered in all cases involving violation behavior; where such behavior coupled with offender characteristics do not compromise public safety. Graduated sanctions may include increased contact schedules, community service, curfews, or referral to inpatient or intensive outpatient addiction service programs. Violent offenders whose behavior compromises public safety, or who are otherwise unwilling to comply with supervision standards are immediately remanded to custody.
- CSSD probation officers will complete their training for Technical Violation Units (TVUs) in the coming month and will begin to assume caseloads in spring 2008. The TVU program has had considerable success with a nearly 50% reduction in re-incarceration for technical violations of probation. These new officers are expected to expand the TVU program to 100% coverage statewide.

Appendix I – Types of Community Supervision in Connecticut

Types of Community Supervision in Connecticut

Below are the various post-prison or alternative community supervision release types; their releasing authority; offender eligibility requirements and who they are supervised by.

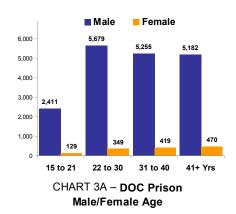
TABLE 3 – Types of Community Supervision in Connecticut

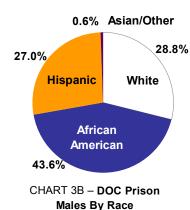
Who decides if released to community?	Types of Release	Eligibility	Supervised By		
Department of Correction (DOC)	Transitional Supervision (TS)	A prison sentence of 2 years or less	DOC Parole Officers		
	Halfway House (HWH)	18 months prior to end of sentence or parole release	DOC Parole Officers		
	Furlough	30 days from end of sentence or parole release	DOC Parole Officers		
	Transitional Placement	Placement in an approved community or private residence after satisfactory performance in a residential program	DOC Parole Officers		
	Parole	A prison sentence of more than 2 years	DOC Parole Officers		
Board of Pardons and Parole (BOPP)	Transfer Parole	Up to 18 months in advance of voted to parole date	DOC Parole Officers		
allu Falole (BOFF)	Special Parole	Court imposed period of parole following expiration of maximum term(s) of imprisonment (Mandatory)	DOC Parole Officers		
Judicial Branch's - Court Support Services Division (CSSD) / Courts	Probation	A defendant found guilty of a crime is released by the court without imprisonment subject to conditions of supervision imposed by the court (e.g. such as paying a fine, doing community service or attending a drug treatment program)	CSSD Probation Officers		
	Split Sentence Probation	Court imposed period of post-sentence supervision subject to conditions imposed by the court.	CSSD Probation Officers		

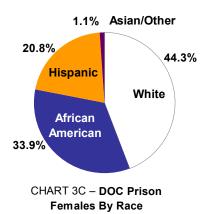
Appendix II – Demographics for DOC Prison Population

Demographics for DOC Prison Population

On February 1, 2008, a snapshot of the DOC Prison Population shows that:







Source: Connecticut Department of Correction (DOC)

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- Age 22 to 30: the largest segment of the total prison population continues to be between 22 and 30 years old with 6,028 or 30.3% of total offenders; males make up 94.2% of this population group.
- Age 31 to 40: 5,674 or 28.5% of the total prison population are between 31 and 40 years old.
- Age 21 and under: 2,540 or 12.8% of the total prison population are age 21 and under; 365 or 1.8% of the total prison population are age 17 and under; 21 offenders are younger than 16 years old.

Age 41 and over: 5,652 or 28.4% of the total prison population are age 41 and over; 470 or 34.4% of the total females in the prison population are age 41 or older.

- Males: 18,527 offenders or 93.1% of the total prison population are males.
- African American:

 8,069 offenders or

 43.6% of the total prison population are African-Americans.
- White: 5,330 offenders or 28.8% of the total prison population are White.
- Hispanic: 5,008
 offenders or 27.0% of
 the total prison
 population are Hispanic.
- The total prison population by race shows a similar distribution to the male population.

- Females: 1,367
 offenders or 6.9% of
 the total prison
 population are
 females.
- White: the largest segment of the total female population is White with 605 or 44.3% offenders.
- African American: 463 offenders or 33.9% of the total prison population are African-Americans.
- Hispanic: 284
 offenders or 20.8% of
 the total prison
 population are
 Hispanic.

Appendix III – Timeline of Significant Events

In July 2007, a home invasion by two paroled offenders ended in the deaths of three people in the town of Cheshire. As a result, the public voiced serious concerns about the effectiveness of Connecticut's criminal justice system.

Following a series of hearings and discussions by both legislative and executive branch committees, the Connecticut legislature convened a special session on January 22, 2008 to take up the issue of criminal justice reform. The primary purpose of a special session is to address emergent concerns prior to the regular legislative session that was to begin on February 6, 2008. As a result of this special session, an omnibus bill passed both the house and senate chambers and was subsequently signed into law by the Governor (Public Act 08-01).

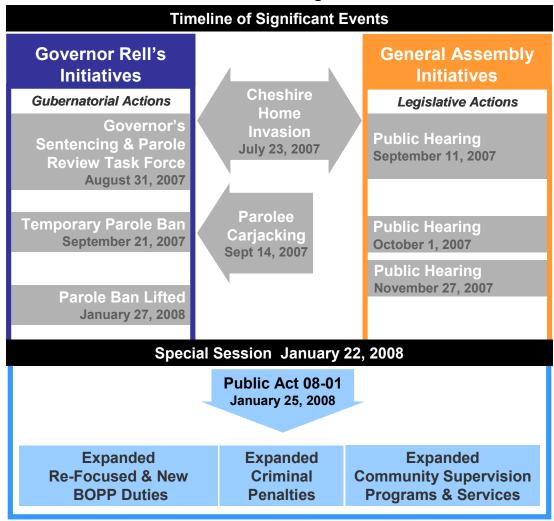
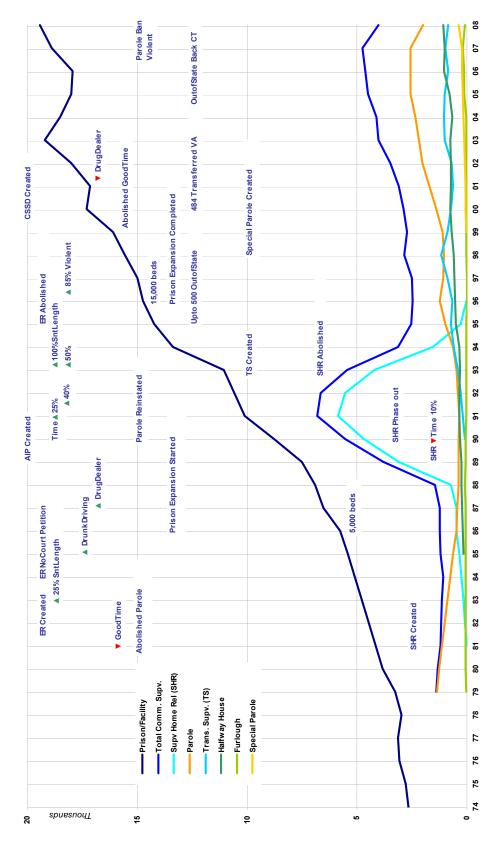


CHART 4 - Timeline of Significant Events

Criminal justice reforms passed by this legislation was (1) the establishment of a new crime of 'home invasion' with a corresponding classification as a violent crime, (2) re-writing of the state's persistent offender statutes and increasing penalties for such offenders, and (3) reorganizing the state's parole system within the Board of Pardons and Paroles (BOPP).

Appendix IV – Summary of Legislative Changes

 $CHART\ 5-\textbf{Timeline of Legislative and Programmatic Changes}^{3}$



³ Adopted from Program Review and Investigations Staff, Public Act 04-234 Compliance Project, January 12, 2006

Appendix IV – Summary of Legislative Changes (continued)

- 1981 Abolish parole; reduce "good time"; Supervised Home Release (SHR) program created; Indeterminate sentencing eliminated effective July 1, 1981and parole abolished for those sentenced under new determinate sentencing; parole continues for those still serving indeterminate sentences.
- 1982 Emergency release enacted authorizing DOC Commissioner to petition the courts for early release of pretrial and sentenced inmates when overcrowding conditions exist.
- 1983 Sentence lengths increased by 25%; Emergency release amended.
- 1984 **DOC** discretion for prison overcrowding emergency release law allowed the DOC Commissioner to implement emergency early releases whenever the prison population exceeded specified capacity levels (PA 84-505). This replaced the previous law that allowed the commissioner of DOC to petition the courts for early release of pretrial and sentenced inmates when overcrowded conditions existed.
- 1985 "Drunk Driving" mandatory minimum sentencing laws.
- 1986 DOC began its 10-year prison expansion project to build new prisons and improve its existing facilities.
- 1987 —"Crack Epidemic" drug dealer mandatory minimum sentencing laws. Response to organized gang activity focused on arresting, convicting, and incarcerating serious, violent offenders.
- 1989 SHR program reduced time served to 10%. Alternative sanctions established by the creation of Alternative Incarceration Program (AIP) authorizing judges to impose intensive probation supervision in lieu of prison for offenders convicted with less than 5 years for certain crimes who would have been incarcerated as "jail bound" (PA 89-383). Limited prison construction allowed with no competitive bidding and environmental impact studies (PA 89-353).
- 1990 SHR program phase-out begins. Parole re-instated for inmates serving more than 2 years; giving Board of Parole (BOP) discretionary authority to grant parole. Office of Alternative Sanctions created within the Judicial Branch to develop, administer, and monitor alternative incarceration sanction programs (PA 90-213). DOC given authority to contract for out-of-state prison beds.
- 1991 Increased time served to 25% of court-imposed sentences prior to eligibility for parole (*Phase-in* PA 90-261).
- 1992 Increased time served to 40% of court-imposed sentences prior to eligibility for parole (*Phase-in* PA 90-261).

Appendix IV – Summary of Legislative Changes (continued)

- 1993 SHR program abolished. Increased time served to 50% of court-imposed sentences prior to eligibility for parole. Increased time served to 100% either in prison or on parole of court-imposed sentences. (*Phase-in* PA 90-261). Parole supervision transferred from DOC to BOP made an independent agency (PA 93-219) with discretionary release authority for inmates serving more than 2 years. DOC retained early release authority for inmates serving less than 2 years. Transitional Supervision (TS) created for inmates serving less than 2 years.
- 1994 "Good time" opinion from Attorney General; DOC completed prison expansion project; the AIP programs created in 1989 are made permanent (PA 94-128). Eligibility standards remained the same since the law's inception; Board of Parole made an independent agency effective July 1, 1994 (PA 94-183), prior to this it was an autonomous body within DOC.
- 1995 "Truth in Sentencing" increased time served for "serious, violent" offenders to 85% of court-imposed sentences prior to eligibility for parole (PA 95-255) with effective date not later than July 1, 1996. A series of anti-crime laws (21 different public acts) added new crimes, increased penalties, and limited offenders eligible for AIP. DOC authorized to transfer up to 500 inmates (PA 95-229) through contracts for confinement with out-of-state, public or private correctional agencies. Emergency release and prison capacity laws repealed "Omnibus Crime Act" (PA 95-152). (PA 95-189) establishes Board of Parole effective July 1, 1995 and added a provision for establishing, developing and maintaining non-institutional community-based programs.
- 1996 DOC completed the 10-year prison expansion project: 12 new prisons constructed; 13 existing facilities renovated to increase capacity levels; almost 10,000 new beds added, and increased capacity limit to almost 15,000.
- 1998 **Special Parole enacted** for an individual convicted of any offense committed after September 30, 1998; act effective October 1, 1998 (PA 98-234).
- 1999 CT Supreme Court ruled "good time" abolished. Extended Supervision Parole (ESP) created with time served at 95%. Connecticut transferred 484 offenders to Virginia DOC (Wallens Ridge maximum security prison) under one-year, renewable contract. Court Support Services Division (CSSD) created to consolidate Office of Adult Probation, Office of Alternative Sanctions, Office of the Bail Commissioner, and the Family Division, and the Juvenile Detention Services Division. "Zero Tolerance" program created, effective from passage May 27, 1999 (PA 99-34). (PA 99-255) modified drunk driving laws in several ways effective October 1, 1999: increases standard for blood-alcohol content, penalties for second and subsequent drunk driving convictions and fines; requires participation in pretrial alcohol education program and increases fee from \$425 to \$600; and requires courts to report drunk driving convictions to the motor vehicle commissioner to suspend licenses for convictions.
- 2001 Drug dealer mandatory minimums lifted in certain cases allowing judges expanded authority to depart "for good cause" from presumptive sentencing for certain drug sale offenses (PA 01-99) effective July 1, 2001.

Appendix IV – Summary of Legislative Changes (continued)

- 2003 –The Board of Parole and the Board of Pardons were merged into DOC. The Pardons Board was already under DOC for "administrative purposes only" (PA 03-06). Increased DOC authorization to transfer an additional 2,000 inmates for a total outof-state contract of 2,500 beds only in fiscal years 2004 and 2005 (PA 03-6).
- 2004 Board of Pardons and Paroles (BOPP) created to consolidate the Board of Parole and the Board of Pardons; and transferred Parole board authority for parole supervision to DOC. DOC/CSSD required to reduce technical violations by 20% for parole and probation re-admissions to prison; and increased furlough period from 15 to 30 days (PA 04-234). In July 2004, DOC ordered by Governor Rell to bring all inmates transferred out-of-state back into Connecticut's DOC facilities. Develop a comprehensive offender re-entry strategy intended to control prison overcrowding, assist offenders as they transition from prison to the community; protecting public safety; and supporting victims' rights.
- 2005 By November 2005, all 500 out-of-state inmates were returned to Connecticut and the Virginia DOC contract was allowed to expire. Invested \$13 million directly to DOC and CSSD for specific initiatives (PA 04-216) as outlined in the comprehensive offender re-entry strategy.
- 2006 On July 1, 2006, the Criminal Justice Policy & Planning Division was created within the Office of Policy and Management (OPM) and tasked with developing a plan to promote a more effective and cohesive state criminal justice system (PA 05-249).
- 2007 The Connecticut Sentencing Task Force was created (PA 06-193) effective July 1, 2006 to review Connecticut criminal justice and sentencing policies and laws; and make recommendations to create a more just, effective and efficient system of criminal sentencing. In July 2007, ban on parole releases with history of violence following Cheshire home invasion.
- 2008 "Home Invasion" laws with 10 year mandatory minimum prison sentence and enhanced statute for all burglaries at night (PA 08-1); full time parole board instituted and granting of paroles by administrative review eliminated effective July 1, 2008; secure video-conferencing for parole hearings by January 1, 2009; furlough limited to use for employment or interview for employment; effective from passage the establishment of a committee to study incentives to municipalities to allow siting of community-based facilities such as halfway houses; creation of supervised diversionary program for persons with psychiatric disabilities.