

Minutes
CRIMINAL JUSTICE POLICY ADVISORY COMMISSION
State Capitol - Room 410
February 19, 2009

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; William H. Carbone, Executive Director, Judicial Branch's Court Support Services Division; Judge Patrick Carroll, Deputy Chief Court Administrator; 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; LTC Cheryl Malloy, Department of Public Safety (Government Official); and Leo Arnone representing Floyd R. Blair, Deputy Commissioner, Department of Children and Families.

Others Present: Dennis Kwasnick, John Lahda, Fred Watton, Michael Norko, Loel Meckel, Daisy Ortiz, Brian Hill, Kim Sokoloff, Louise Pyers, Merit Lajoie, Dan Bannish, Cheryl Cepelak, Rhianna Gingras, Donna Cupka, Robert Rudewicz, Sean Thakker, Ivan Kuzyk, John Forbes, Linda DeConti, and Linda Hothan.

Chair Brian Austin convened the meeting to order at 9:09am. The Commission Members introduced themselves.

Minutes: The following changes were requested:

- December 11, 2008 minutes:
 - under the Department of Mental Health and Addiction Services Update, p5, 3rd line up from the bottom: The goal is to INCREASE PRETRIAL DIVERSIONS, decrease the number of people on probation who are being violated due to mental illness, and to decrease the number of persons on parole who get remanded back due to mental illness.
- January 15, 2009 minutes:
 - p2, under the Department of Mental Health and Addiction Services Update: Commissioner Thomas Kirk reported on Crisis Intervention Teams (CITs) which ~~work with~~ ARE police departments OFFICERS WHO ARE SPECIALLY TRAINED TO DEAL WITH PEOPLE WITH PSYCHIATRIC PROBLEMS. USING THIS TRAINING THEY ARE BETTER ABLE TO DIVERT THESE PEOPLE TO SERVICES, defuse situations, ~~involving people with psychiatric problems~~, REDUCE INJURIES TO OFFICERS AND THESE PERSONS, AND to avoid 'suicide by cop'. THE DMHAS CIT PROGRAM ALSO provides 7 DMHAS-employed CIT clinicians
 - p3, under the Department of Correction Update, 4th paragraph: Forty-four (44) states give inmates credit for 'good time'; good time was eliminated in Connecticut in 10/1/1994, and was replaced with 'truth in sentencing'. PA 08-01 eliminated the ~~90-~~ 30-day re-entry furlough program

Both sets of minutes, as amended, were approved unanimously.

Correspondence of the Commission

Amalia Vazquez Bzdyra, Gubernatorial appointee to CJPAC in a Government Official position, has moved from Deputy Commissioner, Department of Social Services, to Commissioner, Department of Public Utility Control. Governor Rell will retain Ms. Bzdyra in the Government Official position on the Commission.

Public Comment: There was no public comment.

OPM Criminal Justice Policy and Planning Division Update

OPM Undersecretary Brian Austin reported that:

- CJPPD staff is coordinating responses to the January 9th letter Governor M. Jodi Rell sent Brian Austin as chair of the CJPAC requesting an update on the implementation of the reforms included in Public Act 08-01, *AN ACT CONCERNING CRIMINAL JUSTICE REFORM*. A draft of the compilation should be available at the next CJPAC meeting (April 16th).
- Although details are not yet known, Connecticut should receive about \$21M total for Byrne and JAG under the American Recovery and Re-Investment Act ('recovery' plan, sometimes 'stimulus' plan) to be allocated to municipalities. The distribution will probably be on a formula grant basis with some restrictions, eg: more accountability, more transparency (the grant manager's name/information will be posted on web sites). The Violence Against Women Act (VAWA) will receive several million, as will internet crimes against children. The concerns are job creation, job retention, and timetables (the monies must be spent in a 2-year timeframe).
- The methodological issues and findings of the 2009 Population Projections Report was presented. Pablo Martinez, PhD, Texas State University, who developed the Texas Forecast Methodology, consulted with CJPPD staff on the development of sophisticated prison population forecasting. Pursuant to Public Act 05-249, the annual report is a 12-month projection of the prison population based on its evolving input/output model of the criminal justice system, and analysis of historical data concerning the state's supervised and incarcerated populations. The prison population has declined considerably in recent months from its historic high in February 2008. Assuming normal seasonal variations, the prison population is expected to fluctuate between 19,160 and 18,640 over the next 12 months. Further declines in the prison population are possible given factors such as the reintroduction of re-entry furloughs and the elimination of the backlog in parole cases. Over a longer term (3 to 4 years) the prison population should remain relatively stable, or decline modestly. CJPPD is continuing to refine its forecasting capabilities to better serve the needs of state policy makers in planning future changes to the system.
- Public Act 05-249 mandated that CJPPD publish an annual Recidivism Report on recidivism. The 2009 study tracked 16,486 offenders for a 3-year period following their first release or discharge from a DOC facility in 2004; it found that 37% of offenders who were released from prison in Connecticut in 2004 returned to prison with a new sentence within 36 months of their release or discharge. Although the recidivism rate declined between 1997 and 2004, the total number of offenders who were released or discharged from prison increased 26% during the same time period. It was noted that CJPPD's analysis was based on the US DOJ's methodology. The report considered 4 measures

of recidivism including: 1) new arrests, 2) any incident of re-incarceration, 3) new convictions, and 4) return to prison with a new prison sentence. 'New arrest' is defined as any arrest that occurred subsequent to the offender's initial 2004 release or discharge.

There was some discussion about what data might be available on the histories of those who recidivate and those who do not recidivate, eg: what non-criminal justice interventions have proved successful. Certain data (employment, mental health) is available at program termination, but once the person has left the program, the State cannot monitor them (did they stop taking their medications? did they become homeless? did they reconnect with 'old cronies'?)

Department of Correction Update

DOC Commissioner Theresa Lantz reported:

- The incarcerated count continues to fall slightly below OPM's CJPPD population projections. Even with the post-holiday increase early in the new year, the February count is below the projected best case estimate.
 - OPM's CJPPD projections: Feb 09=19,482, dropping to 19,207 when factoring in 275 potential parole releases.
 - Actual Count for February 09:
 - Feb 1 = 19,107
 - Feb 19 = 19,118
- Public Act 08-01 provided funding for the development of 24 treatment beds for sexual offenders (12 beds for DOC and 12 beds for Judicial) which will be located in Montville at the Corrigan-Radgowski Correctional Center; successful bidder was The Connection Inc. DOC has been working with the town on this project.
- A 3-day Symposium, *ReEntry in the State of Connecticut: Partners in Progress* will be held February 24-26, 2009 at the Cheshire Correctional Institution, Maloney Center for Training and Staff Development in collaboration with the Board of Pardons and Paroles. One hundred eighty (180) people have been invited. The Symposium is the culmination of a year-long technical assistance program of the US Department of Justice and the Center for Effective Public Policy.
- DOC has opened 4 quads; one unit is a 60-day program for technical violators. Almost 50% of the offenders who entered the program completed it and re-entered the community. This program will be available to BOPP.

Board of Pardons and Paroles Update

Chairman Robert Farr explained that the transcripts now have historical information about the offender that is particularly important in the parole decision-making process. The BOPP can develop a re-entry plan with requisite support networks for each offender with special issues.

John Lahda, BOPP Executive Director, gave a presentation on the Board of Pardons and Paroles:

PA 08-01, *An Act Concerning Criminal Justice Reform:*

- Created a full-time Parole Board
- Eliminated Parole Administrative Reviews. Every inmate now has to physically appear before a panel of the Parole Board.
- Prohibits the Board from considering a case unless reasonable efforts to obtain all pertinent information have been made, including sentencing transcripts and pre-sentence investigations (PSIs).
- Mandated that the Board employ at least one psychologist with expertise in risk assessment and recidivism of criminal offenders. The psychologist assists the Board in its parole decisions, but is not a voting member.
- Mandated that the Office of Victim Services assign two full time victim advocates to the Board.
- Granted the Board access to the inmate's juvenile delinquency and youthful offender records.
- Made Burglary 2nd and Home Invasion ineligible for parole until they served 85% of their sentence.
- Permits the family members of living victims to make statements at parole hearings.
- Requires the DOC, BOPP and CSSD to develop a risk assessment strategy for offenders in DOC custody.
- Requires a training program for Board Members and Parole Officers.
- Provides the BOPP with a secure video connection at each correctional facility for conducting videoconference parole hearings.

PA 08-51, *An Act Concerning Persistent Dangerous Felony Offenders And Providing Additional Resources To The Criminal Justice System*, provided additional staff for the Board of Pardons and Paroles.

Certification Process and Parole Checklist:

- A certification process has been developed to ensure that "reasonable efforts to determine the existence of and obtain all information deemed pertinent to the panel's decision" have been made.
- After the parole officer has completed a pre-parole hearing investigation, a parole manager will ensure that the following information is in the file by following the parole case certification checklist:
 - Inmate's Name, Parole Eligibility Date, Hearing Type, Sentencing Court, the Parole Officer who investigated the case, the parole hearing location and the parole hearing date.
 - All the information required to complete the "parole package" that the Panel Members receive. The information includes the Parole Summary, Salient Factor Score Risk Instrument, CT "Rap Sheet", PSI (if one was ever completed), Violation of Probation warrant (if applicable), and Sentencing Transcript. The police report, relevant correspondence, program certificates and court documents are summarized in the parole summary.
 - Once the information is received, a parole officer will sign the parole package and submit it to a parole manager. The Parole Manager will then "Certify" that all the information has been received. If reasonable efforts have been made to obtain the information but it has not been received, the Chairman or Executive Director may certify the case.

- Page 2 of the checklist is for the confidential information the Board receives, which includes any mental health evaluations completed, problem sexual behavior evaluations received, any juvenile information received, any youthful offender information received, and any victim information.

How information is received by BOPP

Sentencing Transcripts

- Court Operations has developed the sentencing transcript database which has been in use since February 2008. It currently has over 11,300 transcripts uploaded in the system.
- The Board has worked with Court Operations in developing an automated requesting procedure so parole officers do not have to manually request transcripts.
- Today, Parole Officers go to the system, select the inmate's name, and can print the transcript directly from their computer.

Pre-Sentence Investigations

- Prior to Cheshire, the Board did not know if a pre-sentence investigation was ever completed on an offender unless it was in the DOC file.
- Court Support Services Division developed an application called the Judicial Electronic Bridge (JEB).
- Parole Officers can now see if a PSI was ever completed and then request, view, and print the PSI from directly their computer.

Violation of Probation Warrants

- Parole Officers can also now see if there was ever a Violation of Probation issued for an offender.
- Parole Officers then request a hardcopy of the VOP electronically.
- Violation of Probation Warrants are then faxed or mailed to the Board by Probation.

Juvenile and Youthful Offender Records

- Parole Officers or DOC staff obtain a waiver from the inmate (or their parents if they are under the age of 18).
- Through JEB, Parole Officers will check for both youthful offender and juvenile records.
- The request for the records are faxed to the supervising probation office and either faxed or mailed back to the Board.
- The Board handles this information with the utmost confidentiality.

Police Reports

- Parole Officers first examine the DOC master file to check for the police report.
- If no report is found, then the parole officer requests a hardcopy of the police report directly from the arresting agency.
- The Office of the State's Attorney has started to send a copy of the police report to the Department of Correction and is working on developing a system to electronically scan the information to the DOC.

Mental Health Evaluations

- Board Policy states that if an offender has a DOC Mental Health treatment score of a 3 or more, a mental health evaluation is conducted by UCONN's Correctional Managed Health Care.

- In addition, the BOPP clinical psychologist may review cases of individuals who were previously a Mental Health 3 or because the Board receives other information.

Problem Sexual Behavior Evaluations

- Board policy states that if an offender has a DOC sexual treatment score of a 2 or more, a problem sexual behavior evaluation is conducted by The Connection Inc.
- If there is any situation where a Sex Offender evaluation cannot be conducted by The Connection (Juvenile conviction), the BOPP clinical psychologist will conduct it.

Notice of Parole Hearings

- The Board of Pardons and Paroles has been posting the dockets of all offenders who are scheduled to appear for a parole hearing on a specific date and location on the BOPP website.

Recording of Parole Hearings

- Parole hearings are now digitally voice-recorded and are saved on the computer network for easy retrieval.
- This saves money that was being used for purchasing cassette tapes, and also staff resources when staff retrieves the audio recording of the hearing.

Staff hired in accordance with PA08-01 and PA08-51:

- 5 Full Time Parole Panel Members filled (PA 08-01) and 3 are currently awaiting Legislative Approval.
- 1 Supervising Clinical Psychologist hired as of 06/20/2008 (PA 08-01). The psychologist assists the BOPP in evaluating the risk and needs of offenders prior to a hearing.
- 2 OVS Victim Advocates were assigned to the BOPP to conduct outreach to victims, one in April 08 and the other in June 08 (PA 08-01).
- 3 Parole Officers and 4 Clerical staff filled as of August 2008 (PA 08-51)

Training offered to Board members:

- Parole Orientation
- Parole Summary & Package
- Parole Hearing Process and Orientation
- Parole Hearing Script
- Revocation & Rescission Regulation & Procedures
- Parole Conditions Overview
- Victim Services in the Parole Hearing Process
- Interstate Compact Overview
- Legal Issues
- Parole & Community Services Overview
- Global Positioning System (GPS) Overview
- Facility and Community Based Sex Offender Treatment
- Overview of Ethics, Sexual Harassment & Workplace Violence
- DAS Mandatory Training for Appointed Officials (Sexual Harassment, Diversity, Workplace Violence)
- Security Risk Groups
- Department of Correction Offender Classification System
- Freedom of Information Act
- Residential Program Orientation

- Criminal Justice Cross-Training Conference
- Parole & Community Services - Mental Health Unit Overview & Procedures
- State's Attorney's & Public Defenders Overview
- Offices of Victim Advocate & Victim Services Overview

Makeup of the Board

- PA 08-01 created 5 new full-time Parole Board Member Positions in addition to the 7 part-time parole positions.
- All Board members are appointed by the Governor with the approval of the General Assembly.
- At least 2 full-time members have to be present for every parole hearing.

Judicial Branch and Court Support Services Division Updates

Judge Patrick Carroll, Deputy Chief Court Administrator, summarized activities of the Branch:

- The electronic signature legislation was submitted
- The Branch is fast-tracking the e-citation program concerning motor vehicle minor infractions
- The Branch's Criminal Practice Commission is examining:
 - CSSD and the interrelationship with immigration officials
 - Anonymous blogs on the internet concerning re-nomination of judges

Judge Carroll thanked DMHAS' Commissioner Thomas Kirk and Dr. Michael Norko for the work that DMHAS' Division of Forensic Services did in reviewing the online judges benchbook guidelines related to competency to stand trial issues and in suggesting modifications. Judicial has been revising its online benchbook, and the suggestions from DMHAS were very helpful to this process.

CSSD Executive Director William Carbone reported that:

- In 2008, the Jail ReInterview Program interviewed over 15,900 defendants/arrestees, of whom the courts released over 10,000 (64% success).
- PRAWN implementation (Paperless Re-Arrest Warrant Network):
 - Violation of Probation (VOP) warrants are sent to the local Police Departments electronically like FTA's (Failure to Appear warrants)
 - Police Departments are serving VOP warrants primarily on routine stops and arrests
 - Copies of the VOP warrants are available at the location of the arrest and arraignments are held there also.
 - Police Departments still look to Adult Probation to assist in serving VOP warrants
 - Police Departments rely on Adult Probation based on CSSD's knowledge of the client as well as family dynamics
- In January 2008, an average of 6,591 VOP Warrants were issued daily but not served; by January 2009, this average had dropped to 4,824 (27% reduction).

Kim Sokoloff, CSSD, presented CSSD's Female Responsive Services Update on court involved girls and adult female offenders. In FY04, 14,612 unique minors were referred to juvenile justice, of whom 5,258 were girls (36% up 2% from 1999). Courts with the highest volume of girls are New Haven (19%), Hartford 15, Waterbury 12, Bridgeport 10. Status offenses are only offenses if committed by an adolescent - running away, truancy, beyond control, defiance of school rules. Minor offenses that girls are arrested for are domestics with mom or siblings,

violations of court orders, repeated status offenses. 83% of girls in detention have FWSN (Family With Service Needs) history, 55% have 2 or more.

- 36.6% of the JJ population in CT are female
- From fragmented families
- Racially diverse (48% white, 30% african american, 21% latina, 2% other)
- Average age is 13-15 years. 10% are 12 years or under
- Many are status offenders (31.6% of all girls referred)
- Multiple physical and mental health needs
- Are referred multiple times with multiple referrals (DCF and CSSD)
- 11% pregnant or parenting

Detention admissions:

	Girls	Boys	Total
FY 2006	510	1412	1922
FY 2007	474	1236	1710 (-11%)
FY 2008	369	1075	1444 (16%)
Total Reduction			-27%

Juvenile court intakes (FY08)

	Girls (% Change from FY07)	Boys (% Change from FY07)	Total
Delinquency	3,209 (-12.6%)	6,519 (-9.9%)	9,728
FWSN	1,074 (-36.6%)	1,233 (-39.5%)	2,307
YIC	428 (-29%)	457 (-25%)	885
Total	4,740 (-21.1%)	8,180 (-17%)	12,920

Washington Street outcomes (an 18-bed secure facility for girls in Hartford):

- Eliminated mechanical restraints (from 4 per month to 0)
- Eliminated room time (from 200 hours per month to 27 hours per month to 0)
- Improvement in staff and client safety
 - Use of force incidents; from 15 to 1
 - Reductions in worker compensation claims
 - 73% reduction in girls returned to state detention for behavioral issues
 - Improvements in perceived safety

Recidivism differences

	12 months after referral	24 months after referral
Girls 12/05	40.5%	48.1%
Girls 6/06	38%	45.4%
Boys 12/05	44.9%	52.4%
Boys 6/06	41.7%	50.1%

Approximately 22% of the probation population are women. An analysis of this population shows that their needs and pathways are different from those of men. Both men and women might have a risk score of 25, but women's needs are different; for instance, women scored

higher on emotional/personal and family/marital issues while men scored higher on companions, attitude/orientation, and criminal history; men and women scored equally on alcohol/drug issues.

Developed by the National Institute of Corrections, the Women Offender Case Management Model (WOCMM) is a probation program for women. ORBIS' research shows the success of WOCMM compared to historical paired match group:

<u>6-month Fixed Follow-up</u>	<u>WOCMM</u>	<u>Highest Risk Women</u>
		<u>(scored in top 60% of LSI)</u> n=100 <u>Historical Comparison</u>
Misdemeanor Arrest	26.0%	34.0%
Felony Arrest	12.0%	13.0%
Any Arrest	26.0%	35.0%
Any Negative Outcome	31.0%	43.0%

NOTE: Any Negative Outcome includes arrests as well as absconding and technical violations

A multi-agency work group on youth has the following current collaborations:

DCF

- Girls Parole initiative
- Girls Program Guidelines
- Secure Facility

DOC

- SHEMAWGY (SHE Multi-Agency Working Group for Youth)
- Programming for 16- and 17-year olds at York

DMHAS

- Roundtable on Women's Behavioral Health
- Cross-agency retreat

Department of Mental Health and Addiction Services Update

DMHAS Commissioner Thomas Kirk provided his comments made to an Appropriations Committee Budget Hearing on the Jail Diversion Program. For adults with serious mental illness or serious mental illness and co-occurring substance use disorders, the DMHAS Jail Diversion program:

- Provides the court with an option of community treatment services in lieu of incarceration on a bond and, if diverted by the court, assist individuals engaging in services and successfully completing the period of court supervision without being incarcerated. Jail Diversion is primarily a screening, referral, and monitoring program. Diverted individuals are referred to community programs for services.
- Collaborates with the DMHAS Whiting Forensic Division for discharge to the community for individuals who are committed to DMHAS for restoration to competency following a competency to stand trial hearing.
- Collaborates with jail/prison mental health staff to ensure continuity of essential mental health care and medical care for individuals (pre- and post-sentencing) as they are admitted to and discharged from jail/prison.
- Provides consultation and training to court staff on serving individuals with mental illness or significant behavior issues.
- Enhances liaison service between the court and the community mental health service system.

The Jail Diversion staff have no control over the number of defendants who are identified by court staff for screening. Jail Diversion has had staff in all 20 GA courts since 2001, and they review the daily court lock-up list, seek referrals from all court staff daily, and screen all seriously mentally ill defendants who are referred. Jail Diversion staff report that most of the clients who are diverted by the court successfully complete the period of court supervision and avoid an average of 3 months in jail:

	SFY06	SFY07	SFY08
Number screened	4,760	4,200	4,408
Number diverted	2,320 (49%)	1,750 (42%)	1,793 (41%)
Reduced annual incarceration number	388	293	300
Projected cost savings	\$24M	\$18M	\$19M

Jail Diversion staff have some level of involvement in over 10,000 criminal cases per year. In many of these cases Jail Diversion involvement extends over months and in CY08 Jail Diversion staff were involved in an average of 2,064 cases (average of 103 per court) each month. Consumer surveys show satisfaction has ranged between 89% to 95% in SFY06-SFY08.

It should be noted that after a brief period of incarceration, defendants often cannot get medications immediately; this increases the chance of (re)arrest, incarceration, expensive emergency room admission and/or hospital admission to a psychiatric unit. The State is working to ensure that all inmates receive discharge medications.

Behavioral Health Services Subcommittee Update

Discussion tabled for the next CJPAC meeting in April.

Other Business

Meril Lajoie, Office of the Victim Advocate, distributed copies of OVA’s newspaper, The Victim’s Voice, and an event flier about Victim’s Voice Day, on March 25th.

Linda Hothan, OPM and CJPAC support staff, announced her possible retirement from State service, contingent upon a Retirement Incentive Plan being approved. She stated that it had been a pleasure working with the Commission Members, both individually and collectively, and that she had been especially privileged to observe the unprecedented synergistic relations among the members to achieve common goals for the State. She thanked the members for their support and patience, and wished them the best in the Commission’s challenging task.

Meeting adjourned at 11:15am.