Judiciary Committee
Public Hearing
April 4, 2007

Testimony of Theresa C. Lantz, Commissioner, Department of Correction

H.B. 7407, AAC Citizen Oversight of the Department of Correction

Good morning Representative Lawlor, Senator McDonald and distinguished members of the Judiciary Committee. I am Theresa Lantz, Commissioner for the Department of Correction. I come before you today to share my thoughts on **H.B. 7407, AAC Citizen Oversight of the Department of Correction.**

Since the beginning of my tenure as Commissioner in 2003, I have worked diligently to enhance confidence in my agency and to make it more responsive to the legislature, advocacy groups, our host communities and the public at large with regard to the systems, policies and procedures that govern the operations of the Department of Correction.

In doing so I believe that I have significantly increased the level of transparency and openness that our stakeholders appreciate and frankly deserve. I view this as a critical component in the constant and progressive evolution of our complex agency as there is always room for improvement and growth.

Please allow me to detail just a few of the means by which my Department invites and encourages outside involvement in our operations.

Enhanced collaboration with other state agencies has greatly increased their inclusion and access to our facilities, supporting our success in such crucial areas as re-entry. These agencies include the departments of Mental Health and Addiction Services, Social Services, Public Health, Children and Families, Labor, Veterans Affairs and the Child Advocate. Representatives of these agencies are in our facilities on a daily basis.

We work closely with the many advocacy groups such as the Office of Protection and Advocacy, the Civil Liberties Union, the Permanent Commission on the Status of Women, the Commission on Human Rights and Opportunities and Protection and Advocacy for Individuals with Mental Illness to name just a few.

Pursuant to Connecticut General Statutes 18-81r, the Department contracts with a correctional ombudsman service that not only investigates inmate complaints, but reviews the department's policies and procedures, makes recommendations for revisions to the commissioner and publishes a quarterly report.

Also, pursuant to 18-81h, Public Safety Committees have been established in municipalities that host a correctional facility. These committees are made up of the Warden and members of the community who are appointed by the chief elected official in that community. They meet at least quarterly and submit to the legislative committees of cognizance issues of concern and recommendations regarding safety and security.

These and other measures have insured that my agency is extremely responsive to issues and concerns, whether they come from a member of the General Assembly, an inmate advocate or simply a member of the public.

My concern is that the bill as written could create conflict with my statutory obligation as Commissioner and as a correctional professional to carry out my mandate to run the agency.

The courts have ruled that because prisons are unique places, fraught with security dangers, it is inappropriate to second-guess prison administrators and that courts should defer to the expertise of experienced prison officials. This bill would undermine that fundamental legal concept.

The United States Supreme Court noted: "Courts are ill equipped to deal with the increasingly urgent problems of prison administration and reform . . .. Moreover, where state penal institutions are involved, federal courts have a further reason for deference to the appropriate prison authorities."

In Jones v. North Carolina Prisoners Union, 433 U.S. at 125, the Court upheld prison regulations that prohibited meetings of prisoners' labor unions, solicitations to join the union, and bulk mailings concerning the union from outside sources against a First Amendment challenge, noting that the lower court "got off on the wrong foot . . . by not giving appropriate deference to the decisions of prison administrators and appropriate recognition to the peculiar and restrictive circumstances of penal confinement."

This bill would create a Commission, which would include prisoners, precisely contrary to the holding in the N.C. Prisoners' Union case.

Our own Connecticut Supreme Court has stated, in Washington v. Meachum, 238 Conn. 692, 733-34, 680 A.2d 262 (1996), "'prison administrators are responsible for maintaining internal order and discipline, for securing their institutions against unauthorized access or escape, and for rehabilitating, to the extent that human nature and inadequate resources allow, the inmates placed in their custody. The Herculean obstacles to effective discharge of these duties are too apparent to warrant explication. Suffice it to say that the problems of prisons in America are complex and intractable, and, more to the point, they are not readily susceptible of resolution by decree."

It appears that this Commission would give opinions in areas as to which they have very little expertise and about which they have no qualifications, such as inmate discipline, and classification. These areas are uniquely within the expertise of prison officials and not the general public.

The addition of what would likely become another layer of bureaucracy to the functioning the Department of Correction is unnecessary and I believe unwarranted at this time.

While I am opposed to the bill before us as written, I am certainly sensitive to the interests and concerns of the citizens of our state. After careful consideration, I would not be opposed to a Citizen Advisory Group whose responsibilities would not be redundant to what is already being done by other existing groups. I suggest it should be made up of a small, diverse cross section of members of the community, that would have a set term of appointment, and would provide recommendations annually, as the Public Safety Committees do, to the committees of cognizance.

I would in fact welcome additional citizen involvement, particularly from the state's minority communities in contributing to our efforts to successfully reintegrate offenders back into their home communities where the issues of housing, employment and mentoring are critical to their success.

Thank you for your time and I will be happy to answer any questions that you may have.