

Report to the Judiciary Committee  
September 11, 2007  
Robert Farr, Chairman  
Board of Pardons and Paroles

Good afternoon Chairman Lawlor, Chairman McDonald, Senator Kissell, Representative O'Neill and members of the Judiciary Committee.

I am Robert Farr, Chairman of the Board of Pardons and Paroles. It is with great sorrow that I sit before you in the aftermath of the tragedy that occurred in Cheshire in July. I would like to thank you for this opportunity to speak before you today to express our sympathy to the family and community, as well as to offer our professional thoughts and ideas on how to reduce the likelihood of a tragedy like this from ever reoccurring.

The horrible nature of this crime has all of us asking how such an act could occur. The fact is that we cannot guarantee that horrific crimes will not occur in the future. Nor can we guarantee that criminals, once convicted, will never re-offend. But we should be able to guarantee that the entire law enforcement community and all of our elected officials will work together to reduce the likelihood of such occurrences.

Due to the on-going investigation of the pending criminal cases I will not make any comments about the guilt or innocence of those accused of these horrible crimes, or comment on any details of the background of those individuals.

I can testify about the process of parole and the challenges we have had in terms of gathering information to make informed decisions.

Discretionary parole is the supervised release of an offender prior to the end of the offender's sentence, for a term equal to the balance of that sentence. An offender serving a six-year sentence, who is released on discretionary parole after serving four years, would be on parole supervision for the remaining two years. The Board cannot add any time to the court-imposed sentence and an offender will be discharged on the same date at the end of the offender's sentence, whether on parole or incarcerated.

To be eligible, an offender must be sentenced to a term greater than two years, and for a crime that is parole-eligible. Murder and aggravated sexual assault in the first degree are non-parole-eligible offenses.

The legislature established that offenders sentenced for non-violent crimes are parole-eligible after 50% of their sentence, and for a violent crime, after 85% of their sentence. Legislation was enacted in 2004 that required the Board to give specific reason for not releasing non-violent offenders by the 75% mark of their sentence. Connecticut does not have “good time” credits, and the percentage of the sentence served by our offenders is one of the highest in the nation and is at or near an historic high. Offenders released to parole, on average, serve 68% of their sentence.

In Connecticut, in 1981, parole was abolished and replaced by a Supervised Home Release program called SHR plus a “good time” credit. Under good time credits, all offenders were entitled to be released without supervision after doing approximately 67% of their time. In addition, they were released even earlier under SHR. In the late 1980s, because of prison overcrowding, there were over 6,000 offenders on Supervised Home Release, with many serving only 10% of their sentence. In 1990, SHR was phased out and parole was reestablished, with offenders entitled to parole, but required to serve at least 50% of their sentence. In 1994, “good time” credits were abolished. In 1995, the legislature adopted “truth in sentencing” laws, which established the current requirements of 85% time served for violent offenses and 50% for non-violent.

To be on parole the offender must have stable housing in the community, or reside in a half-way house, stay drug free, and be employed or seeking employment. The Board may also impose other conditions of parole such as participation in treatment programs or educational programs. Violation of any condition may result in immediate re-incarceration.

Now that I have finished with a brief history of parole in Connecticut, I would like to address four important issues.

### **First – why do we have parole?**

We have parole to make our community safer. Supervised release of offenders reduces the likelihood of re-offending. The parole board seeks to release low-risk offenders into a supervised community setting before the

end of their sentence with the goal of a successful reentry for the offender which allows us more resources to incarcerate high risk offenders and fund prevention programs.

### **Second – Does it work?**

The legislature requires the Office of Policy and Management to evaluate the rate of re-offending by offenders released into the community. The most recent report shows that 26% of offenders released without parole were reincarcerated, but only 12% released with parole were reincarcerated. While the goal is to have no new offenses committed by paroled offenders, it is significant that the rate of reincarceration for parolees was less than half that of non-paroled offenders.

### **Third – How does it work?**

Parole is a privilege, NOT a right, in Connecticut, and it must be earned. Upon entry into prison, offenders agree to an Offender Accountability Plan developed by the Department of Corrections, which identifies programs they are to participate in if they wish to be considered for parole. Approximately 2,600 parole-eligible offenders sentenced in this past year were evaluated under this plan.

- Eligible offenders are normally assigned a hearing six months before their eligibility date.
- Violent offenders must appear in front of a panel of the Board.
- Non-violent offenders are interviewed by experienced parole officers in accordance with regulations approved by the General Assembly. These cases are then reviewed with parole managers for presentation to a panel of the Board with recommendations for release. This presentation by the parole officer is very similar to a prosecutor's presentation to a judge in a sentencing hearing. The intent of the legislature in creating the Administrative Parole process was to have professional staff spend more time assessing the non-violent cases, thus allowing Board members to spend more time on face to face hearings reviewing violent cases.

- In either process, information is gathered and presented to the Board on the background of the offender, institutional behavior, program participation and compliance with the Offender Accountability Plan.
- The Board also obtains information from any victims, state's attorneys and public defenders, and utilizes an actuarial-based risk assessment tool (the Salient Factor Score) that rates the offender's risk of re-offending based upon the offender's criminal history and age at time of offense.
- Non-violent offenders with low risk of re-offending are reentered into the community generally at the time of statutory eligibility, and higher risk offenders are generally delayed release or denied parole.
- The Board understands that it must balance its role in determining when and under what conditions eligible offenders can be successfully reintegrated into the community against the risk that these offenders may pose to the community.

#### **Fourth – Can it be improved?**

Absolutely! Since my appointment in February, I have worked to improve the system with the help of the Board's talented and experienced staff. The first major problem that we identified was the inability of the Board to get police reports, pre-sentence investigations, and court transcripts. These problems have existed for decades. Historically, the Board obtained police reports by requesting them directly from the police departments. Because these requests were made years after the case had been closed, many police departments were less than cooperative in supplying these reports or had sent them to be archived.

In June of this year, prior to the Cheshire tragedy, we negotiated a new process with Chief State's Attorney, Kevin Kane, to have the State's Attorneys copy the police reports and send them directly to the Board at the time of sentencing. At the beginning of July, Attorney Kane distributed a memo throughout his agency, and the Board had begun to receive these reports.

The next problem was obtaining Pre-Sentence Investigations. In June we also met with the Court Support Services Division of the Judicial Branch

and they agreed to allow us access to their computer system so we could electronically obtain copies of these reports once they were recorded electronically; which was expected sometime after October. We also requested access to juvenile records and were awaiting clarification by the Division as to what could be made available to us.

Another major issue was obtaining Sentencing Transcripts. I had discussions with my staff about the process of obtaining them, and had mentioned this to Attorney Kane. Unfortunately, prior to the Cheshire incident, we had not yet finalized any agreement as to how we would obtain those.

After the tragedy in Cheshire, we reviewed the parole files of the accused and found that at the time of the parole decision one file lacked the Pre-Sentence Report, the Sentencing Transcript, many of the police reports, and any juvenile court records, including any psychological assessments of the accused. The Board did not know that there was a Pre Sentence Report, had not been receiving any Sentencing Transcripts, had not reached an agreement on access to juvenile court records, and was barred by statute from obtaining some psychological assessments.

Since then, all of these projects have been accelerated, and I can report to you today that the State's Attorneys are now ordering transcripts of all sentencing hearings and forwarding them to our agency as required by statute. Attorney Kane has also agreed to order transcripts for the 8,600 parole-eligible offenders currently confined by the Department of Correction. Also, Court Support Services has supplied us with a computer disk that lists approximately 83,000 pre-sentence investigation reports that were completed in the past 25 years and my staff is now matching each of our files with that list. Once a match is confirmed, Court Support Services staff is forwarding these reports directly to our office.

As of last week we reached agreement with Court Support Services on how the Board will access juvenile records, exclusive of psychological reports, for offenders who are now in the adult system. Research has shown that this information will aid in predicting those offenders who have a higher risk of re-offending.

**In short, we had a problem with missing important information; we were addressing that problem, and now have accelerated the solutions to that problem.**

Regarding the classification of burglary as a violent offense, the regulation approved by the legislature in 1996 did not include Burglary in the 2<sup>nd</sup> Degree as a violent offense. Since the tragedy in Cheshire, I have established a policy whereby the Board will not consider the case of any offender convicted of Burglary 2<sup>nd</sup> Degree until he or she has served 85% of the sentence.

In conclusion, the Board will continue to be challenged with determining who the truly low-risk offenders are, and when and under what circumstances they deserve to be conditionally allowed to re-enter our communities.

To meet this challenge we need more information about our offenders, and we need your assistance. For example, presently, psychological reports are not available from the juvenile court system to either the Department of Corrections or to the Parole Board. In addition, these reports are not even available from DCF. We intend to propose legislation in the next session to assist both the Department of Correction and the Board in obtaining these records that will serve as the basis for assessing risk and designing appropriate treatment programs for offenders.

Lastly, we will be proposing the addition of a psychologist to the staff of the Board of Pardons and Paroles, to assist in identifying individuals with psychiatric needs and identifying their potential risk to the community upon release. Presently, we request psychiatric evaluations for offenders from the University of Connecticut, but we believe that a psychologist dedicated to the Board would be tremendously helpful in identifying high-risk offenders.

I look forward to working with you and the other legislators in the upcoming session on these and other efforts to improve our parole system and thank you again for the opportunity to speak today.