



# Senate

General Assembly

**File No. 540**

February Session, 2008

Substitute Senate Bill No. 668

*Senate, April 9, 2008*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING PRISON OVERCROWDING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2008*) (a) For the purposes of this  
2 section, "prisoner population of the correctional system" means the  
3 number of inmates residing in the correctional system, and "prisoner  
4 capacity of the correctional system" means the total prisoner capacity  
5 of all correctional facilities as individually set forth in subsection (b) of  
6 this section.

7 (b) The prisoner capacity of each correctional facility in this state  
8 shall be as follows:

9 (1) Bergin Correctional Institution, 962;

10 (2) Bridgeport Correctional Center, 1040;

11 (3) Brooklyn Correctional Institution, 456;

12 (4) Cheshire Correctional Institution, 1,456;

- 13 (5) Corrigan-Radgowski Correctional Center, 1,489;
- 14 (6) Enfield Correctional Institution, 724;
- 15 (7) Garner Correctional Institution, 748;
- 16 (8) Gates Correctional Institution, 1,139;
- 17 (9) Hartford Correctional Center, 984;
- 18 (10) MacDougall-Walker Correctional Institution, 2,131;
- 19 (11) Manson Youth Institution, 719;
- 20 (12) New Haven Correctional Center, 767;
- 21 (13) Northern Correctional Institution, 586;
- 22 (14) Osborn Correctional Institution, 2,094;
- 23 (15) Robinson Correctional Institution, 1,549;
- 24 (16) Webster Correctional Institution, 584;
- 25 (17) Willard/Cybulski Correctional Institution, 1,104; and
- 26 (18) York Correctional Institution, 1,553.

27 (c) Whenever the prisoner population of the correctional system  
28 equals or exceeds one hundred ten per cent of the prisoner capacity of  
29 the correctional system for thirty consecutive days, the Commissioner  
30 of Correction shall notify the undersecretary of the Criminal Justice  
31 Policy and Planning Division within the Office of Policy and  
32 Management and the undersecretary shall convene a meeting of the  
33 Criminal Justice Policy Advisory Commission not later than thirty  
34 days after such notification.

35 (d) Not later than thirty days after such meeting, the commission  
36 shall submit a report, in accordance with section 11-4a of the general  
37 statutes, to the joint standing committee of the General Assembly on

38 judiciary setting forth the community resources that would be required  
39 by the Department of Correction, the Board of Pardons and Paroles  
40 and the Court Support Services Division to enable the release and  
41 adequate community supervision of a sufficient number of nonviolent  
42 offenders to reduce the prisoner population of the correctional system  
43 to the prisoner capacity of the correctional system.

44 (e) Nothing in this section shall be construed to require the release  
45 of any prisoner from confinement in a correctional facility who is not  
46 otherwise eligible to be released.

47 Sec. 2. (NEW) (*Effective July 1, 2008*) Not later than January 1, 2009,  
48 the Criminal Justice Policy Advisory Commission shall make  
49 recommendations concerning the establishment of specialized  
50 programs and services for veterans of the armed forces who served in  
51 time of war and who are suffering from a traumatic brain injury or  
52 post traumatic stress syndrome and are incarcerated or released into  
53 the community on probation or parole or pursuant to any other  
54 community release, diversionary or reentry program.

55 Sec. 3. (NEW) (*Effective July 1, 2008*) In determining the suitability of  
56 an inmate for release on parole, the Board of Pardons and Paroles may  
57 consider whether an inmate has earned a high school equivalency  
58 diploma or is taking classes toward such diploma. If an inmate is  
59 taking classes toward such diploma as of such inmate's parole release  
60 date, the board may require, as a condition of such parole release, that  
61 such inmate continue such classes and earn such diploma.

62 Sec. 4. (NEW) (*Effective July 1, 2008*) The Department of Correction  
63 and the Court Support Services Division of the Judicial Branch shall  
64 notify the police chief and chief elected official of a municipality every  
65 thirty days of the names and addresses of the persons, if any, released  
66 from confinement in a correctional facility into that municipality on  
67 probation or parole or pursuant to any other community release  
68 program within the previous thirty days and the support and  
69 assistance that is being provided to such persons to facilitate their  
70 reentry into the community.

71       Sec. 5. (*Effective from passage*) The Commissioner of Correction shall  
 72 develop a policy to provide notification to the chief elected official of a  
 73 municipality in which a correctional facility is located, and each  
 74 member of the General Assembly representing such municipality, not  
 75 later than seventy-two hours after an assault involving inmates or an  
 76 inmate and a correction officer occurs in such facility. Not later than  
 77 January 1, 2009, the commissioner shall provide a copy of such policy  
 78 to the joint standing committee of the General Assembly on judiciary  
 79 in accordance with section 11-4a of the general statutes.

80       Sec. 6. (*Effective from passage*) Not later than January 1, 2009, the  
 81 Commissioner of Correction shall submit a report, in accordance with  
 82 section 11-4a of the general statutes, to the joint standing committee of  
 83 the General Assembly on judiciary setting forth the anticipated  
 84 reduction in the total prisoner population of the correctional system on  
 85 and after January 1, 2010, as a result of the legislation raising the age at  
 86 which a person is considered an adult for criminal law purposes.

87       Sec. 7. (*Effective July 1, 2008*) (a) The sum of ten million dollars is  
 88 appropriated to the Department of Correction, from the General Fund,  
 89 for the fiscal year ending June 30, 2009, for the purpose of hiring an  
 90 additional two hundred correction officers.

91       (b) The Department of Correction shall assign the correction officers  
 92 hired pursuant to subsection (a) of this section in such a manner as to  
 93 ensure adequate staffing at all correctional facilities.

94       Sec. 8. (*Effective July 1, 2008*) The sum of five hundred thousand  
 95 dollars is appropriated to the Department of Correction, from the  
 96 General Fund, for the fiscal year ending June 30, 2009, for the purpose  
 97 of providing sufficient funds to ensure that parenting programs are  
 98 available to any inmates who desire to participate in such programs.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2008	New section

Section 1	July 1, 2008	New section
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Sec. 2	<i>July 1, 2008</i>	New section
Sec. 3	<i>July 1, 2008</i>	New section
Sec. 4	<i>July 1, 2008</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2008</i>	New section
Sec. 8	<i>July 1, 2008</i>	New section

**Statement of Legislative Commissioners:**

References to section 11-4a of the general statutes were inserted with respect to reporting requirements in sections 1 and 6 for consistency.

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 09 \$</b>	<b>FY 10 \$</b>
Office of Policy and Management (Criminal Justice Policy and Planning Division)	GF - Cost	Potential Minimal	Potential Minimal
Correction, Dept.	GF - Net Cost	6.3 million	8.5 million

Note: GF=General Fund

**Municipal Impact:** None

### **Explanation**

**Section 1** of the bill sets the prisoner capacity for the correctional system at 20,085<sup>1</sup>. The bill also requires the Criminal Justice Policy Advisory Committee (CJPAC) to submit recommendations to the Judiciary Committee on resources that are needed to enable release and provide adequate community supervision of nonviolent offenders, when the prisoner population exceeds 110% (20,094 inmates) of total capacity for 30 consecutive days. The CJPAC could incur minimal costs, for printing and overtime to prepare reports, when the prisoner population exceeds 110% of capacity.

**Sections 2-6** of the bill establish other requirements for criminal justice agencies, which are not anticipated to result in a fiscal impact.

**Section 7** of the bill appropriates \$10.0 million for the hiring of 200 additional Correction Officers. It is estimated that in FY 09 it would cost the Department of Correction (DOC) approximately \$10.8 million<sup>2</sup> to hire an additional 200 Correction Officers; FY 10 costs are estimated

<sup>1</sup> The average prisoner population for the correctional system for the month of March, 2008 was 19,677.

<sup>2</sup> \$10.8= \$8.6 million for Personal Services, \$2.0 million for fringe benefits, \$200,000 for Other Expenses.

at \$14.27 million.<sup>3</sup> However, the total cost of hiring an additional 200 Correction Officers is offset by a significant savings in overtime, since it is assumed that the 200 additional officers would relieve posts currently occupied by Correction Officers working overtime shifts.<sup>4</sup> The overtime savings projected for FY 09 are estimated to be \$5.0 million, resulting in a net FY 09 cost of \$5.8 million. The overtime savings projected for FY 10 are estimated to be \$6.3 million, resulting in a net FY 10 cost of \$8.0 million.

**Section 8** of the bill appropriates \$500,000 to DOC for the purposes of providing parenting programs to inmates who wish to participate. It is estimated that up to 8,500 inmates could take advantage of the parenting program. To the extent that DOC offered the program themselves, and did not offer an RFP to contract for outside services, 6 full-time counselor positions would be needed, along with supplies and materials for program development. It is anticipated that the cost of offering the parenting program to the eligible 8,500 inmates would be approximately \$500,000 annually.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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<sup>3</sup> \$14.27 million = \$9.0 million for Personal Services, \$5.2 million for fringe benefits, \$70,000 for Other Expenses.

<sup>4</sup> Overtime expenditures for the Department of Correction for FY 08 are currently estimated to be \$60.8 million.

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**OLR Bill Analysis****sSB 668*****AN ACT CONCERNING PRISON OVERCROWDING.*****SUMMARY:**

This bill sets the prisoner capacity at each Department of Correction (DOC) facility and a total capacity for the correctional system at 20,085. It establishes a procedure that requires the Criminal Justice Policy Advisory Commission (CJPAC) to submit recommendations to the Judiciary Committee on needed community resources whenever the total number of inmates residing in the correctional system is at least 110% of the total capacity (22,094 inmates) for 30 consecutive days.

The bill also:

1. requires CJPAC to make recommendations about specialized programs and services for certain veterans;
2. specifies that the Board of Pardons and Paroles can consider whether an inmate earned a high school equivalency diploma or is taking classes toward one when determining whether an inmate is suitable for parole;
3. appropriates to DOC for FY 09 (a) \$10 million to hire 200 additional correction officers, who must be assigned in a way that ensures adequate staffing at all correctional facilities, and (b) \$500,000 to provide sufficient funds to ensure that parenting programs are available to inmates who want them;
4. requires DOC to report to the Judiciary Committee by January 1, 2009 on the anticipated prison population reduction starting on January 1, 2010 because of the legislation raising the age for juvenile court jurisdiction (see BACKGROUND);

5. requires DOC to develop a policy, and give the Judiciary Committee a copy by January 1, 2009, to provide notice within 72 hours of an inmate assault on another inmate or a correction officer to (a) the chief elected official of the municipality where the correctional facility is located and (b) the legislators representing the municipality; and
6. requires DOC and the Judicial Branch's Court Support Services Division (CSSD) to notify municipal police chiefs and chief elected officials every 30 days of the names and addresses of people released from prison to their municipality on probation, parole, or other community release program within the past 30 days, including the support and assistance provided to facilitate their reentry into the community.

EFFECTIVE DATE: July 1, 2008, except for the provisions requiring the (1) report on how raising the juvenile court jurisdiction age limit will affect the prison population and (2) DOC policy on notice of assaults, which are effective upon passage.

### **PRISONER CAPACITY**

The bill sets the prisoner capacity at each DOC facility for a total capacity for the correctional system of 20,085. It requires that whenever the total number of inmates residing in the correctional system is at least 110% of this number (22,094 inmates) for 30 consecutive days:

1. the DOC commissioner notify the Office of Policy and Management's Criminal Justice Policy and Planning Division (CJPPD) undersecretary,
2. the undersecretary convene the CJPAC within 30 days, and
3. the CJPAC submit a report to the Judiciary Committee within 30 days of its meeting stating the community resources DOC, the Board of Pardons and Paroles, and CSSD require to enable the release and adequate community supervision of enough

nonviolent offenders to reduce the prison population to the set capacity.

The bill provides that it cannot be construed to require the release of any prisoner from confinement who is not otherwise eligible for release.

### ***Individual Facility Capacity***

The bill sets the prisoner capacity of each correctional facility as follows.

<i>Facility</i>	<i>Prisoner Capacity</i>
Bergin Correctional Institution	962
Bridgeport Correctional Center	1,040
Brooklyn Correctional Institution	456
Cheshire Correctional Institution	1,456
Corrigan-Radgowski Correctional Center	1,489
Enfield Correctional Institution	724
Garner Correctional Institution	748
Gates Correctional Institution	1,139
Hartford Correctional Center	984
MacDougall-Walker Correctional Institution	2,131
Manson Youth Institution	719
New Haven Correctional Center	767
Northern Correctional Institution	586
Osborn Correctional Institution	2,094

Robinson Correctional Institution	1,549
Webster Correctional Institution	584
Willard/Cybulski Correctional Institution	1,104
York Correctional Institution	1,553
<b>Total</b>	<b>20,085</b>

### **VETERANS PROGRAMS AND SERVICES**

The bill requires CJPAC to make recommendations by January 1, 2009 about specialized programs and services for armed forces veterans who (1) served in time of war and are suffering from traumatic brain injury or post traumatic stress syndrome and (2) are incarcerated or released to probation, parole, other type of community release, or a diversionary or reentry program. The bill does not specify who receives the recommendations.

### **BOARD OF PARDONS AND PAROLES**

The bill specifies that the Board of Pardons and Paroles can consider whether an inmate earned a high school equivalency diploma or is taking classes toward one when it determines whether an inmate is suitable for parole. It also specifies that the board can require that an inmate who is taking these classes on his or her parole release date continue to take classes and earn a diploma as a condition of parole.

### **BACKGROUND**

#### ***Criminal Justice Policy Advisory Commission (CJPAC)***

The commission (1) develops and recommends policies to prevent prison overcrowding, (2) examines the impact of statutes and administrative policies on overcrowding and recommends legislation, (3) researches and gathers data and information on efforts to prevent overcrowding and makes it available to criminal justice agencies and legislators, (4) advises the CJPPD undersecretary on policies and procedures to promote more effective and cohesive criminal and

juvenile justice systems and develop and implement the reentry strategy, and (5) assists the undersecretary in developing recommendations in reports and presentations.

The commission consists of the CJPPD undersecretary, chief court administrator; commissioners of correction, public safety, mental health and addiction services; chief state’s attorney; chief public defender; Board of Pardons and Paroles chairman; CSSD executive director; eight members appointed by the governor including a police chief, representatives of offender and victim services, and government and public members; the labor and social services commissioners who can deliberate and vote only on matters concerning employment and entitlement programs available to adult and juvenile offenders reentering the community; and the children and families and education commissioners who can deliberate and vote only on juvenile justice matters.

**Juvenile Court Jurisdiction**

PA 07-4, June Special Session, permits most offenses involving 16- and 17-olds to be adjudicated in juvenile court beginning January 1, 2010.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 2 (03/24/2008)