



# State of Connecticut

## JUDICIAL BRANCH

OFFICE OF THE CHIEF COURT ADMINISTRATOR  
COURT SUPPORT SERVICES DIVISION  
936 Silas Deane Highway, Wethersfield, CT 06109

### Testimony of William H. Carbone Judiciary Committee Public Hearing March 12, 2008

#### **Raised Bill # 5877** **"AN ACT CONCERNING TERMS OF PROBATION"**

Good Afternoon. My name is William H. Carbone. I am the Executive Director of the Court Support Services Division of the Judicial Branch. I am pleased to appear before you today on behalf of the Branch to speak to you regarding **Raised Bill # 5877 "AN ACT CONCERNING TERMS OF PROBATION."**

The bill before you today is the result of several months of consideration by the state Sentencing Task Force, which was created by the Connecticut General Assembly in 2006. This bill was approved by the Task Force unanimously at their meeting on January 10<sup>th</sup> of this year. In addition, it was discussed and unanimously supported by the Governor's Task Force on Parole and Sentencing in December 2007.

The overall purpose of this proposed legislation is to connect the length of probation supervision directly to a change in a probationer's criminal behavior, and their compliance with probation conditions. To achieve this purpose, the maximum term of probation for some offenses would be reduced, and a formal process for recommending to the court that probation be discontinued would be established.

First, let me tell you what will not change under this proposed bill:

- Offenders convicted of a class A felony will remain ineligible to be placed on probation
- Terms of probation for offenders convicted of a registerable sex offense will remain 10-35 years; and
- Terms of probation for offenders convicted of a class B felony will remain a maximum of 5

Telephone: 860-721-2100 Fax: 860-258-8976 E-mail: [William.Carbone@jud.ct.gov](mailto:William.Carbone@jud.ct.gov)

years.

Specifically, this bill addresses the terms of probation as follows:

- Terms of probation for class C, D and Unclassified felonies will go from a maximum of 5 years to 3 years; class A misdemeanors from 3 years to 2 years; class B misdemeanors from 2 years to 1 year; and class C misdemeanors will remain 1 year;
- On a case-by-case basis, under this bill, the court may, for good cause, at the time of sentencing increase the term of probation above the maximum by 2 years for class C, D and Unclassified felonies (to a total of 5); and by 1 year for class A and B misdemeanors (to a total of 3 and 2 respectively); for example, some restitution payments may need to go beyond the 3-year period for the terms of a payment schedule to be met;

Let me give you an example of how the probation supervision process would change under this bill.

Let's take a 3-year probation term for a Class C felony:

- At the beginning of the probation term, the officer and the probationer will develop a case plan for fulfillment of the court conditions and addressing the assessed needs such as substance abuse or mental health treatment or employment; the client will be informed about the possibility of reducing his sentence by a third depending on changing his criminal behavior, successfully addressing his needs, and complying with all court orders. He will have an incentive to become engaged in behavior change immediately.
- 60 days prior to the 2-year point, the supervising probation officer will submit a report to the court on the probationer's overall behavior and their progress in addressing their treatment needs and meeting any court-ordered conditions ; the report would include a recommendation of whether or not the probation should be terminated at the 2-year point or continued for the full 3 years;
- Upon receipt of the above report, the court will, within 60 days, determine whether the initial term of probation will end or be continued; they may decide to hold a hearing or simply allow the recommendation to go into effect.

Support for changing these maximum terms of probation came from both national and Connecticut statistics that indicate the vast majority of offenders placed on probation either stop their criminal behavior or violate their probation within the first 18 to 24 months of being placed on probation. Recidivism rates

fall dramatically after that time. Yet, many offenders, knowing they have a lengthy probation term, choose not to get serious about addressing their court conditions or assessed needs at the beginning of the probation term, often resulting in both violation and rearrest activity.

This bill will give probationers an incentive for behavior change and addressing their issues and conditions from day one of their probation. If they do this in earnest, and succeed, the 3-year term will end at the 2-year point. We believe, based on all the research we have seen, that linking the length of probation supervision to the probationer's behavior while on probation can increase both their condition compliance as well as the likelihood they will complete the treatment targeted to change their criminal behavior.

In effect, this bill is about introducing a new "incentive-based" behavior change model in the probation system that we believe will decrease the incidence of violation activity and recidivism. In addition, it has another important impact. Over time, this legislation has the potential of reducing probation caseloads, which today average more than 100 cases per officer. Cases where conditions have been met and treatment has been effective would be closed as the probation term is shortened. This will enable probation officers to spend more time working with the probationers that are being non-compliant and are less likely to change. These probationers need significant motivation and supervision and the probation officer's time is more productive when spent on these difficult and challenging cases rather than continuing to see clients who are doing fine.

I believe the ultimate outcome of this legislation can be increased reductions in recidivism and, ultimately, greater public safety for Connecticut's citizens. I urge you to join the Sentencing Task Force and the Governor's Task Force on Parole and Sentencing in supporting this proposed bill. Thank you for this time and for your consideration.