# Judicial Branch Materials

# Prison Overcrowding Cost Forum

## April 10, 2008

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**Remarks of Judge Barbara M. Quinn, Chief Court Administrator and William H. Carbone, Executive Director of Court Support Services**

***Prison Overcrowding Cost Forum***

**April 10, 2008**

Good afternoon, Senator Harp, Senator McDonald, Representative Merrill, Representative Lawlor and members of the Appropriations and Judiciary Committee. My name is Barbara M. Quinn and I am the Chief Court Administrator. With me today is William H. Carbone, Executive Director of Court Support Services, and we appreciate the opportunity to represent the Judicial Branch at this Prison Overcrowding Cost Forum. We have submitted written testimony to the Committees that includes answers to specific questions that you asked and provides additional information with respect to other items that we will address in our comments.

The Judicial Branch is committed to working closely and cooperatively with our partners in the Legislative and Executive Branches to address key public policy issues. There are few areas where the benefits of inter-branch cooperation and collaboration are more evident than with respect to prison overcrowding and its 25-year record of joint problem-solving and interaction. There is no more telling an example of how the Judicial Branch's traditional role has expanded in response to a public policy issue than can be seen in the phenomenal growth in resources appropriated to the Branch to supervise and provide services to offenders in the community. Probation staff have increased from 250 to 550 since 2000 and alternatives to incarceration have grown from barely $1 million in 1990 to more than $54 million today. These dramatic increases in probation staff and in contracted alternatives to incarceration save thousands of prison beds and avoid hundreds of millions of dollars in prison construction.

As a result of Legislative and Executive Branch support, probation officers in Connecticut today have substantially reduced caseloads that permit much closer monitoring and supervision of offenders.

Special units with even lower caseloads have been established to supervise higher risk probationers such as sex offenders, warrant squads are being implemented to work with State and local authorities to track down probation violators and other special units are in place to target probationers who are out of compliance with their conditions of probation before they commit new crimes. The progress that has been made in these areas is a direct result of successful cooperation and collaboration among the Branches

Nevertheless, additional improvements are possible and will further improve public safety. Probation caseloads remain too high, warrants for violation of probation must be served more effectively and significant supervision and service gaps still exist. The materials we have provided to you today clearly outline long range needs in these areas.

## *I. CRITICAL DATA DISSEMINATION TO IMPROVE PUBLIC SAFETY*

But probation officers as well as others in the criminal justice system cannot do their parts adequately without current and accurate information about offenders. And that information is principally in the hands of the Judicial Branch which at present lacks adequate staff to properly collect, enter and disseminate this information. This is a critical and overlooked need. It is the cornerstone of the foundation on which all other efforts to improve public safety depend. *If left unaddressed, the present shortcomings in this area pose a grave threat to public safety and will undermine all of the other gains we have worked together to achieve.*

The criminal justice system relies upon accurate and timely data to protect the public and to make sound decisions regarding offenders. State and local police need accurate information about people they come in contact with. The court system; prosecutors, judges, probation staff and others must have complete offender information in order to make sound recommendations and judgments about incarceration and conditions of release. The DOC must have thorough knowledge of offenders' backgrounds in order to properly classify them. And finally, the Board of Pardons and Parole, as so clearly evidenced over the past several months, is totally dependent upon full and complete records of offenders and offenses in order to make sound determinations about releasing incarcerated offenders to the community.

Virtually all of the offender data that is so critical to the functioning of the criminal justice system rests with the Judicial Branch. This data includes:

1 *Arrests, interim case events and case dispositions that are provided to the State Police Bureau of Identification (SPBI)*

2 *Motor vehicle convictions provided to DMV and made available to law enforcement*

3 *Probation/bail/family/diversionary program court orders*

4 *Orders of protection (Protective Order Registry) provided to appropriate police agencies*

5 *Sex offender case dispositions that populate the State's Sex Offender Registry*

6 *All persons subject to DNA sampling requirements*

7 *Re-arrest case information to all law enforcement agencies in the State (PRAWN)*

8 *All court orders of commitment to the DOC*

9 *Sentencing transcripts*

Chronic staffing shortages in Criminal Matters Clerks' Offices are at a crisis stage. As I mentioned earlier, the number of probation officers has more than doubled in the last 8 years. During that same time, the number of staff in the criminal matters clerks' officers has actually decreased. And even if our reduced staff could address the tasks they were required to handle 8 years ago, there have been many unfunded legislative increases in their workload since that time. *This increased workload causes delays of days, and often weeks, in the input and dissemination of this critical data, such as probation orders and criminal dispositions, to the criminal justice community. The Judicial Branch believes that additional resources in this key area will provide the single greatest enhancement to public safety that we can make in the near term.*

Additionally, *the technology that is used to exchange information among criminal justice agencies must be modernized.* Data that should be readily exchangeable is not, and public safety suffers because of it. Many of the core data systems that are critical to the justice system, including those within the Judicial Branch, are ancient and were never designed for efficient use by others. Costly temporary fixes have been put in place to address many of the most serious shortcomings, as was done in providing an "electronic bridge" between the Branch's CMIS system and the Board of Pardons and Parole to facilitate the exchange of offender information and the database of sentencing transcripts that the Branch has created for use by the Board.

The Criminal Justice Information System Governing Board was specifically revamped in the January special session to address these problems but most of the improvements that the Board can make are years and many dollars away. In the interim, there are steps we can take now to improve the exchange of critical information

## *II IMMEDIATE STEPS TO IMPROVE PUBLIC SAFETY*

*There are important initiatives that can be successfully implemented in the near term to improve public safety.* I respectfully suggest that the Committees support the following initiatives that can be implemented in FY09:

### *A. Address staffing shortages that hinder critical information dissemination and undermine public safety*

#### *1) Offender data entry and dissemination*

The addition of 50 staff to work in Criminal Matters Clerks' Offices will have an immediate positive impact on the timeliness of critical data entry and data dissemination. Municipal and State law enforcement authorities, probation and parole officials, the DOC and others will be better able to protect the public because more thorough, up-to-date, information will be available.

*2) Sentencing transcripts*

Overburdened court staff have produced more than 5000 sentencing transcripts for the Board of Pardons and Parole since October. These priority needs have meant that other transcripts for appeals and other uses have been further delayed. Another 8000 transcripts are being sought by the Board, which will further cause a continuing further strain on the system. An additional 21 staff for Court Reporters' Offices will dramatically reduce the backlog in producing sentencing transcripts and ensure the timely production of new transcripts going forward.

***B. Expand specialized probation units***

Meaningful progress has been made in reducing probation caseloads and establishing specialized units to more effectively supervise offenders in the community. Nevertheless, further improvements are both possible and warranted as we move forward. Probation caseloads are still too high, particularly with respect to sex offenders and other high risk offenders.

*1) Sex offenders*

Sex offender caseloads can and should be lowered. The addition of 27 probation officers assigned to sex offender units and related support staff will significantly improve sex offender supervision and monitoring by reducing caseloads from 45:1 to 25:1. Additionally, expanded use of GPS and polygraphs are important tools to be used in conjunction with lower caseloads.

*2) Warrant officers*

For our probation system to be effective and have integrity, those offenders who do violate the terms of their probation must quickly be held accountable for their conduct. While the Judicial branch is able to serve on the offender almost 9,000 violations of probation warrants annually, **another** more than 6,000 remain unserved due to staff

shortages. 16 additional probation officers are needed to address this problem. The Appropriations Committee budget includes funding for 1 additional unit of 8 APO's. An additional 8 are needed to achieve workload goals (200 warrants: 1 Probation Officer).

### *C. Increase services available to offenders in the community*

Close supervision and monitoring of offenders, particularly sex offenders, is necessary to protect public safety. Treatment services, housing and employment must also be addressed if we are to have any realistic prospects of avoiding future criminal involvement by these offenders.

*1) Day monitoring and supervision for sex offenders who reside in city shelters.*

Many sex offenders released from DOC live in homeless shelters for at least some period of time because of a lack of family or other housing options. Those who are in homeless shelters generally have a significant amount of idle time when forced to leave a shelter during the day, despite required probation office reporting. *This unsupervised time jeopardizes public safety.* A program can be implemented through existing AIC's to provide all-day monitoring, with services, of sex offenders who reside at shelters.

These are the short term enhancements the Branch believes would improve the system and fully implement the changes which became effective in the special session earlier this year. There remain other long term concerns about which the Branch has testified from time to time. But the short term needs are critical and would do much to immediately increase public safety if addressed.

### *III. LONG TERM ISSUES*

And I would be remiss if I did not mention among the long term needs of the Judicial Branch with respect to juvenile justice reform. The juvenile justice system will double its case load with the addition of the 16 and 17 year olds to the system in January 2010, a little more than 18 months away. All of those who have worked on this important initiative hope that improved services and court handling of our young people will ultimately mean far fewer of them will enter the criminal justice system when they become adults. But as Judge Lavery, my immediate predecessor said repeatedly last year and I must reiterate now - IF - and this remains a big IF - the funding is provided to carry out this important reform. And the need for funding will be upon us in full in the next budget cycle when the services which do not exist as yet for this age group must become fully operational. So while the topic of this forum is prison overcrowding, the road that lead to such overcrowding is long and has many twists and turns, all of which must be addressed in the long term to improve public safety.

Thank you for your consideration, and I will be pleased to answer any questions that you may have.

# Responses to specific questions from the Committees

# JUDICIAL BRANCH RESPONSES TO SPECIFIC QUESTIONS
# PRISON OVERCROWDING COST FORUM
# APRIL 10, 2008

**1. What do probation officers need to do their job?**

Three areas of improvement in the probation system would enhance probation officer performance and client outcomes: Manageable caseloads, access to evidence- and research-based programs, and quick, efficient warrant service. This investment will not only result in lower recidivism rates, but also significantly lower violations and ultimately impact the correctional population. To this extent, it should have a significant cost benefit to the state.

## MANAGEABLE CASELOADS

Research throughout the past 20 years nationally and in Connecticut suggests that lower probation caseloads, in conjunction with evidence-based treatment and intervention services, results in a significant reduction in recidivism. Lower caseloads will enable probation officers to more effectively engage and motivate their clients resulting in an increased likelihood that the probationer will remain in, and complete, an evidence-based intervention program. Research also suggests that when probationers complete evidence-based programs, their propensity to commit new crimes is significantly decreased directly resulting in greater public safety in addition to less victimization.

As of 4/1/08, Adult Probation Officer caseloads average 91 cases per officer. The Judicial Branch has set short and long term caseload reduction goals, which are not attainable at current staffing levels:

| CURRENT AND PROPOSED CASELOAD STANDARDS: | | | |
|---|---|---|---|
| CASE CLASSIFICATION | CURRENT STANDARD | SHORT-TERM | LONG-TERM |
| Intensive | 25-35 | 25 | 25 |
| Sex Offender | 45 | 25 | 25 |
| High | 65 | 55 | 45 |
| Medium | 175 | 110 | 90 |
| Administrative | N/A | N/A | N/A |
| Warrant | 400 | 200 | 200 |
| Total Officers Needed | N/A | 496 | 555 |
| **Total Officer Shortage** | **N/A** | **-99** | **-158** |
| **Average # Cases Per Officer** | **91** | **70** | **60** |

***Needed***: Including recently funded Adult Probation Officer Trainees and Probation Officer positions recommended in the Appropriations committee budget, the Judicial Branch proposes the following to enhance supervision probationers:

- **Priority #1**: Hiring of 27 Adult Probation Officers to enhance supervision of sex offenders and reduce average caseloads to 25 offenders per officer. Five (5) of these positions would be used as "re-entry" specialists to help provide a more seamless transition of sex offenders from prison to the community. Additional information and recommendations regarding the supervision of sex offenders is included in the answer to Question 5.
- **Priority #2**: Hiring of 25 Adult Probation Officers to increase the supervision of high risk offenders and reduce the average caseload in this area to approximately 55.
- **Priority #3**: Hiring of 50 Adult Probation Officers to increase the supervision of medium-risk offenders and reduce the average caseload in this area to approximately 110.

## ACCESS TO EVIDENCE- BASED PROGRAMS AND SERVICES

Recent research nationally and in Connecticut has cited the importance of manageable caseloads and evidence-based services:

- Manageable caseloads when coupled with quality client engagement and evidence-based treatment have been correlated with reductions in recidivism (Taxman, et al, 2006)[1].
- For nearly, 20 years sound research on the effects of correctional treatment programs have consistently demonstrated positive effects on reduction of re-offending (McGuire, 2005)[2].
- "Washington's adult corrections system will be more successful in reducing recidivism rates if policy focuses on proven evidence-based approaches" (Washington State Institute for Public Policy, 2006)[3]. Some Examples (% Reduction in Recidivism)
    - Intensive Supervision and Treatment (21.9%)
    - Cognitive Behavioral Treatment (8.2%-31.2%)
    - Drug Treatment in the Community (12.4%)

Over the past five years, the Judicial Branch has integrated evidence-based programs and services into its network of programs. There remain, however, many significant gaps and demand that outpaces resources:

- Geographic area service gaps
- Waitlists for services, such as 504 clients on residential treatment wait list (4-1-08)
- 99% increase in Behavioral Health (substance abuse and mental health) Services Referrals over the past 2 years
- 25% increase in Alternative Incarceration Center referrals over the past 2 years

***Needed***: The funding provided in the January 2008 Special Legislative Session, and amended in the Appropriations Committee proposed budget, for programs and services provides will allow the Judicial Branch to begin to fill geographical gaps in services and enhance services in some areas that are burdened by a drastic increase in referrals.

The Judicial Branch will report to the General Assembly by July 2008 on progress made in securing the residential beds and treatment services provided for in the recent legislation and proposed budget.

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[1] Taxman, F.S., Yancey, C., and Bilunin, J.E. (2006). Proactive Supervision in Maryland: Changing Offender Outcomes. Baltimore, MD: Division of Parole and Probation.

[2] McGuire, J. Evidence Based Programming Today. (2005). *In What Works and Why: Effective Approaches to Reentry*. Maryland: American Correctional Association.

[3] Aos, S., Miller, M., and Drake, E. (2006). Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates. Olympia: Washington State Institute for Public Policy.

## WARRANT SERVICE

The service of warrants is a critical step in assuring public safety throughout Connecticut. National research suggests that sanctions for probation violations are more likely to be effective when they are prompt, consistent, and proportionate to the violation severity (Carey, 2005). Presently, while nearly 9,000 warrants are served annually, there remain more than 6,000 unserved. Of the latter, more than 70 percent are over one year old. There are three potential impacts of slow, untimely service of violation of probation warrants:

- Undermines system integrity
- Offenders are not being supervised
- Re-offending behavior may continue

***Needed***: The Judicial branch has submitted legislation to allow for collaborative warrant service with Parole, State and Local Police, and the US Marshals in the form of Regional Warrant Squads. In order to have full-time probation staff assigned to these squads, 16 additional probation officers are needed. The Governor's budget and the Appropriations Committee budget includes funding for Eight (8) APO's An additional eight (8) are needed to achieve workload goals (200 warrants:1 Probation Officer).

## 2. What do we need for sex offenders?

### A. IMPROVE CRITICAL DATA DISSEMINATION

***Recommendation #1:*** **Make critical data on sex offenders available in a more timely fashion to enable Probation and criminal justice agencies to supervise, monitor and enforce the court's orders.**

Staff shortages in Criminal Matters Clerks' Offices result in delayed dissemination of data that is critical to Probation and Executive Branch agencies, including DMV, the State Police, DOC, Mental Health and Addiction Services, DCF, and the State's Attorneys and Public Defenders, among others. Staff must prioritize on a daily basis the data entry that must be completed that day. For example, orders of commitment to the DOC, protective orders in domestic violence cases and data associated with the criminal arraignment dockets takes precedence over other data entry. Data dissemination such as probation orders and criminal dispositions, as well as data that is transmitted to the state's sex offender registry, are often delayed by days and sometimes weeks. Additional staff for the Clerk's Offices will reduce these delays.

*Approx. cost: $2.3 million for 50 additional staff in Clerks' Offices*

### B. INCREASED SEX OFFENDER SUPERVISION AND MONITORING

***Recommendation #1*****: To establish sex offender caseload caps at 25 cases per officer.**

Currently, sex offender officers average 40 cases per officer. This average is well above what the Department of Justice (DOJ) and the Adult Probation and Parole Association (APPA) identify as the recommended caseload size for the sex offender classification category. Both the DOJ and APPA recommend a caseload of no more than 25 sex offender cases per officer. In addition, the Connecticut Department of Correction (DOC) parole officer's currently supervising sex offenders in the community have a caseload cap of 25 per officer.

*Approx. cost: $2,600,000 for 22 probation officers and 7 support staff*

### C. PRE-SENTENCE INVESTIGATIONS

***Recommendation #1*****: Complete pre-sentence investigation (PSI) for all offenders convicted of a sex offense.**

The governor is proposing that a PSI be completed for all offenders convicted of a sex offense. This will result in approximately 360 additional PSIs being completed each year.

*Approx. cost: $400,000 for 6 probation officers and 2 support staff*

## D. EXPEDITED EVALUATION / ASSESSMENT AND PRE-RELEASE SERVICES

***Recommendation #1:*** **To conduct treatment evaluation and risk assessment services 90 days prior to the sex offender's release from DOC supervision.**

*Approx. cost: $280,000 for contracted clinical services*

***Recommendation #2:*** **To develop pre-release offender reintegration plans (modeled after the PTP program) for the 350 sex offenders discharged from DOC each year to a term of probation.**

*Approx. cost: $300,000 for 5 probation officers and 1 support staff*

There are approximately 600 sex offenders placed on probation supervision each year, of which 57%, or approximately 350, are split sentence cases being discharged from a term of incarceration.

Currently, for split sentence cases, the evaluation and assessment process is completed **after** their release from the DOC. Under this proposal, probation officers will work in the DOC full-time, in collaboration with the treatment provider (The Connection) and DOC staff, to coordinate the clinical evaluation, the sharing of information between DOC and CSSD, the intake, LSI and other assessments, develop the case plan, identify and address barriers to the sex offender's community reentry process, and coordinate with the field probation staff for a seamless reentry.

## E. INCREASED USE OF GLOBAL POSITIONING SATELLITE TECHNOLOGY

***Recommendation #1:*** **All split sentence sex offenders released from the DOC (350 annually) would be placed on GPS monitoring for at least the first 3 months of their probation term. In addition, CSSD estimates that approximately 1/4 (222) of the 854 existing high risk sex offenders sentenced directly to probation would be monitored by GPS based upon their case circumstance.**

*Approx. cost: $725,000 for contracted services*

## F. INCREASED USE OF POLYGRAPH SERVICES

***Recommendation #1:*** **Increase the availability of polygraph services resulting in the administration of 600 history polygraphs and 2,970 maintenance polygraphs per year.**

CSSD is recommending a significant increase in the use of this tool as the polygraph examination is single most effective tool in validating the offender's self reports and compliance with their probation conditions. (Computer use, relationship information etc.) Currently, all polygraph tests are paid for by the probationers and accordingly, are not conducted frequently.

*Approx. cost: $500,000 for contracted services*

## G. SHELTER DAY – SUPERVISION PROGRAM

***Recommendation #1:*** **Provide day monitoring and supervision for sex offenders who reside in city shelters.**

CSSD is proposing to develop a program through the Alternative Incarceration Centers (AIC) and/or other community based providers, in conjunction with the sex offender treatment services contractor which will provide all day monitoring of sex offenders who reside at shelters. Program staff will pick up the offenders when they leave the shelter(s) in the morning, transport the offenders to the AIC and/or community agency where they will be monitored and receive services each day. Program services provided by the sex offender treatment provider and the AIC / community provider will include but not be limited to: client case management, reasoning and rehabilitation group therapy, group counseling services, family therapy, individual counseling and medication management. Program staff will then return the offenders to the shelter at the end of the day.

*Approx. cost: $750,000 for contracted services*

**3. How many probation officers do you have currently for each category of offenders (i.e. sex offenders, violent crime offenders)?**

Caseload assignment is done by risk or by specialized program (intensive) assignment. While officers who supervise cases in the intensive, warrant and sex offender categories typically have only those cases on their caseload, high and medium risk caseloads are often mixed.

| CURRENT CASELOAD STANDARDS: | | |
|---|---|---|
| CASE CLASSIFICATION | STANDARD (# CASES PER OFFICER) | APPROXIMATE # OF OFFICERS |
| Intensive* | 25-35 | 122 |
| Sex Offender | 45 | 42 |
| High | 65 | 121 |
| Medium | 175 | 90 |
| Administrative | N/A | N/A |
| Warrant | 400 | 17 |

*Probation Transition Program, Technical Violation Unit, Women Offender Case Management Model, Mental Health Probation, Youth

Of 380 Adult Probation Officers who supervise cases statewide, 170 or 45% have a caseload that exceeds the current standard.

**4. What is the ratio of probation officers to offenders?**

Currently, the average caseload per officer statewide is approximately 91. While many officers who supervise intensive (a.k.a. Specialized Programs) (23-35) and sex offender caseloads (45), many other officers have caseloads well over 100 offenders. For example, officers who supervise medium-risk offenders (~15,500 cases) have caseloads that approach 200 offenders.

**5. List the number of cases that are currently open in the six major cities of the state:**

**Hartford, Bridgeport, New Haven, Waterbury, Stamford, Norwalk**

| | Probationers | Unserved Warrants | Total |
|---|---|---|---|
| **Hartford** | 4,810 | 816 | 5,627 |
| **Bridgeport** | 3,914 | 964 | 4,878 |
| **New Haven** | 4,253 | 841 | 5,094 |
| **Waterbury** | 2,456 | 299 | 2,755 |
| **Stamford** | 1,367 | 412 | 1,779 |
| **Norwalk** | 850 | 216 | 1,066 |

**6. How many beds do you have in each facility? Were all of the contracted beds for residential placement used? If so then how many additional beds will you need?**

As of 4-1-08, 96% of the 475 residential beds contracted for by the Judicial Branch are full. Currently there is a waitlist consisting of 504 individuals waiting to get into a residential treatment bed. The average length of time an offender/defendant is incarcerated waiting for a residential placement is 34 days. The complete list of vendors, beds and waiting times follows:

| Vendor | Location | # of Contracted Beds | Number on Waiting List | Average Number of Days Waiting |
|---|---|---|---|---|
| APT Foundation, DAYTOP | Bridgeport | 40 | 50 | 42 |
| Community Prevention Addiction Specialists | Putnam | 2 | 5 | 30 |
| Crossroads | New Haven | 60 | 61 | 27 |
| CSI Women and Children | Waterbury | 12 | 9 | 32 |
| Elm City Women and Children | New Haven | 15 | 7 | 15 |
| Farrell | New Britain | 4 | 8 | 31 |
| Fresh Start (CRT) | Hartford | 21 | 12 | 22 |
| Help, Inc. | Waterbury | 5 | 15 | 26 |
| Lebanon Pines (Southern Connecticut Alcohol and Drug Dependency) | Lebanon | 20 | 23 | 66 |
| Liberation Programs, Inc. | Stamford | 39 | 33 | 36 |
| MCCA (Trinity Glen) | Sharon | 14 | 12 | 27 |
| McCall | Torrington | 8 | 5 | 23 |
| Morris Foundation | Waterbury | 4 | 9 | 58 |
| Morris Foundation Shelter | Waterbury | 2 | 3 | 29 |
| Open Hearth, Inc. | Hartford | 2 | 1 | 20 |
| Perception Programs | Willimantic | 10 | 40 | 51 |
| Project Green Hartford (CSI, Inc.) | Hartford | 24 | 9 | 20 |
| Project Green New Haven (Project More) | New Haven | 25 | 14 | 25 |
| Renaissance West (CT Renaissance) | Waterbury | 45 | 32 | 42 |
| Rushford Treatment Center | Middletown | 5 | 34 | 36 |
| Rushford Treatment Center Intermediate | Middletown | 6 | 7 | 67 |

| | | | | |
|---|---|---|---|---|
| Sierra Center (Connection Inc.) | New Haven | 16 | 7 | 19 |
| Thomas Murphy Ctr (CPAS) | Putnam | 2 | 2 | 20 |
| Transitions (APT Foundation) | Bridgeport | 34 | 19 | 27 |
| Union House (Bpt) (Corp. Justice Management) | Bridgeport | 36 | 26 | 19 |
| YCC (CSI, Inc) | New Haven | 24 | 11 | 32 |
| Blue Hills (State of CT) | Hartford | 0 | 5 | 29 |
| CVH (State of CT) | Middletown | 20 | 45 | 22 |
| **Total** | | **475** | **504** | **34** |

Accounting for the 89 beds funded in PA 08-01 and amended by the Appropriations Committee proposed budget, the Judicial Branch estimates that an additional 300 beds are needed to meet the demand and to begin the clear the waiting list. However, we wish to wait until the result of our current bidding process is concluded in order to determine the viability timing of additional residential programs.

In the meantime, the balance of the waiting list should be addressed by some increased purchase of residential services; and use of intensive outpatient services in conjunction with wrap around services. Supplemental services, such as intensive case management / supervision services, employment and housing are all equally important in assisting offenders re-enter and/or maintain their stability within our communities.

**7. How many offenders are receiving services? What programs and services are currently in place? How many slots currently exist?**

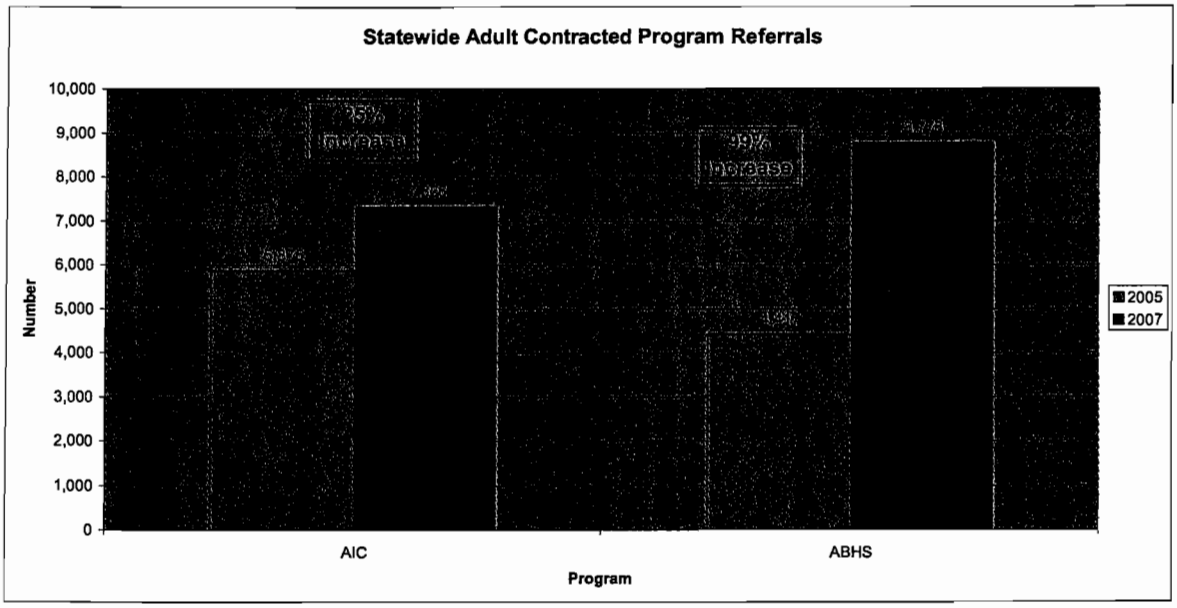
The following provides the number of defendants and offenders served in Judicial Branch funded programs in FY 2007:

| Program Model | Number Served FY 2007 |
|---|---|
| Alternative Incarceration Center | 7,928 |
| Adult Behavioral Health Services | 10,440 |
| Adult Risk Reduction Center | 214 |
| Building Bridges | 192 |
| Community Service Offices | 7,595 |
| Drug Intervention Program | 383 |
| Evolve - 52wk DV | 412 |
| Explore - 26wk DV | 641 |
| Family Violence Education Program | 3885 |
| Hartford/Waterbury Community Court | 9,457 |
| Gender Specific Programming | 227 |
| Latino Youthful Offender | 84 |
| Mediation | 3,100 |
| Residential | 989 |
| Sex Offender | 1,498 |
| Work & Learn Youth Program | 13 |
| Women & Children | 162 |

A description of each program model listed above is attached.

## 8. Were all of the contracted services for non-residential services used?

Non-residential programs are heavily used. In two of the largest program models, the Alternative Incarceration Center (AIC) and Adult Behavioral Health Services (ABHS), there have been significant increases in referrals:




The Judicial Branch has been collecting and analyzing data from assessment instruments administered to probationers over the past 3 years. This data is informing us that the current offender population is entering the system with complex and multiple criminogenic needs. This is consistent with national trends and research as well. Therefore, the rising demand for increased evidenced based services is expected to heighten.

**9. What types of employment programs does your division offer for the incarcerated? How does an ex-offender who is reentering society become connected to employment?**

Probation officers complete an in-depth evaluation / assessment process prior to an offender's release from incarceration which includes a review of the individual's employment status. Barriers to gaining employment are identified and addressed prior to the offender's release from incarceration. Officers' will also inform the offender, and encourage the offender, to attend employment programs that may be available to the individual while incarcerated such as Building Bridges and PREP.

As noted in the response to question 7, the offender's employment status is reviewed through the evaluation and assessment process while the offender is incarcerated. If the offender needs employment services subsequent to their release from incarceration a referral is normally made to an Alternative Incarceration Center. Employment services that the probationer will receive through the AIC network include but are not limited to:

**ALTERNATIVE INCARCERATION CENTERS EMPLOYMENT SERVICES**

- ✓ Employment Specialists at every AIC
- ✓ Employment skills and active job search
- ✓ Four skill sessions include:
  1. Identification documentation
  2. Job Search Techniques
  3. Job Application
  4. Interviewing
  5. Resume and Cover Letter
- ✓ Use internal resources or connect client to community based educational and vocational services (GED, vocational programming, certificate programs, Job Corp, Workforce Development Boards)
- ✓ Clients remain in the employment service group until they obtain employment

In addition to the employment services available within the AIC network, CSSD has developed and maintains valuable working relationships with local workforce development boards in addition to the Department of Labor. Many young offenders are screened and referred to Job Corp for vocation and educational services as well.

## EMPLOYMENT SERVICE GAPS

- ✓ Job placement and retention issues
- ✓ Vocational programming

The funding allocations recently made in the proposed Appropriations Committee budget will allow the Judicial Branch to establish new programming in the area of employment training and placement. This should allow the Branch to partner with local employers, while alleviating employer risk. The Branch has already begun researching best-practices in this area.

## 10. Are we using best practice models?

The best practices outlined in the answer to Question 13 have been incorporated into Connecticut's probation policies and practices, as well as the contracted treatment network. Systems of program Quality Assurance have been developed, and outcome evaluations continue to be conducted.

**PROBATION BEST PRACTICE STRATEGIES**

A. Probation utilizes validated assessments including Level of Services Inventory-Revised (LSI-R) and Adult Substance Use Survey-Revised (ASUS-R) to determine the risk classification and needs of all offenders placed on probation. These tools are also administered at our Alternative to Incarceration Centers (AICs) to pre-trial defendants referred to the AIC by the court for services.

B. All probation officers have been trained in Case Planning which uses the assessment results to guide any treatment referral to contracted programs that can best address the primary risk factors that are contributing to the probationer's criminal behavior.

C. All probation offices and AIC staff have been trained in Motivational Interviewing (MI) which is used to engage offenders in purposeful interactions focused on making positive behavior change. A number of studies has demonstrated the effectiveness of MI in facilitating behavior change. (Burke, B.L., Arkowitz, H., & Menchola, M. (2003). The Efficacy of Motivational Interviewing: A Meta-Analysis of Controlled Clinical Trials. *Journal of Counseling and Clinical Psychology.*)

D. The probation contracted treatment services have implemented a number of research informed Cognitive Behavioral Treatment models (CBT) which are problem-focused interventions that use skill training with guided practice. Numerous studies have demonstrated CBT's effectiveness in reducing behavior problems to include anti-social conduct, and the National Institute of Corrections model for evidence-based practice has adopted CBT asserting offenders typically respond better to these interventions than to any other type of program. (Bogue, B., et al (2004). Implementing evidence-based practices in community corrections: The principles of effective intervention. Washington, DC: National Institute of Corrections).

## 11. What are the most effective types of services?

A sound body of research on changing criminal behavior has established that the most effective service models for reducing recidivism incorporate the following evidence-based principles and components:

A. Complete a validated assessment to gauge an offender's risk to recidivate, along with identifying the risk factors and offender's needs that have contributed to their criminal behavior.

B. Target the services, treatment and supervision to address the identified criminal risk factors.

C. Apply cognitive behavioral treatment (CBT) to the assessed needs and risk factors of each offender, especially high-risk offenders. (By acquiring cognitive behavioral skills, offenders are better able to compensate for developmental deficits, particularly low self-control and poor problem-solving skills endemic to criminal offenders).

D. During supervision and treatment, use communication skills and strategies that facilitate the offender to build internal motivation to change.

E. Develop and strengthen the offender's pro-social networks and reinforcements in the community.

General research on effective approaches to recidivism reduction has established that manageable supervision caseloads, when combined with offender motivational enhancement techniques, and evidence-based treatment, have resulted in reductions in reoffending. (Taxman, Fay et al. (2004), *Tools of the Trade*: A Guide to Incorporating Science into Practice, Washington, DC: National Institute of Corrections; Sachwald, Judith and Eley Ernest, Practice Community Supervision, *Perspectives* Vol. 31, Summer 2007).

A recent publication by the Washington State Institute for Public Policy[4], the legislative research arm of the Washington State government, published research on effective community programs for offenders. Several of the programs identified as significantly reducing recidivism are currently in operation in the Judicial Branch network of programs. These include:

| Programs for Adult Offenders | Expected Change in Crime (# of EB Studies) | Benefits Minus Costs (per person, life cycle) |
|---|---|---|
| Adult Drug Courts | -8.0% (57) | $44,767 |
| Education Programs, Prison | -7.0% (17) | $10,669 |
| Drug Tx in Prison (TC or outpatient) | -5.7% (20) | $7,835 |
| Cog-Behavioral Treatment | -6.3% (25) | $10,299 |
| Intensive Supervision Probation (ISP): Surveillance | -0.0% (23) | |
| ISP - Treatment | -17.1% (11) | $11,563 |
| Electronic Monitoring | -0.0% (9) | $870 |

[4] The full text of the report can be found at: http://www.wsipp.wa.gov/rptfiles/06-01-1201.pdf

## 12. Which programs are working?

Defendants and offenders who access the Judicial Branch network of services have historically completed these programs successfully about 63% of the time. In addition, adult probationers complete probation without violation activity at a rate of 64%, which is slightly better than the national average of between 59% and 62%.[5]

Other researched models administered by the Judicial Branch:

**PROBATION TRANSITION PROGRAM**

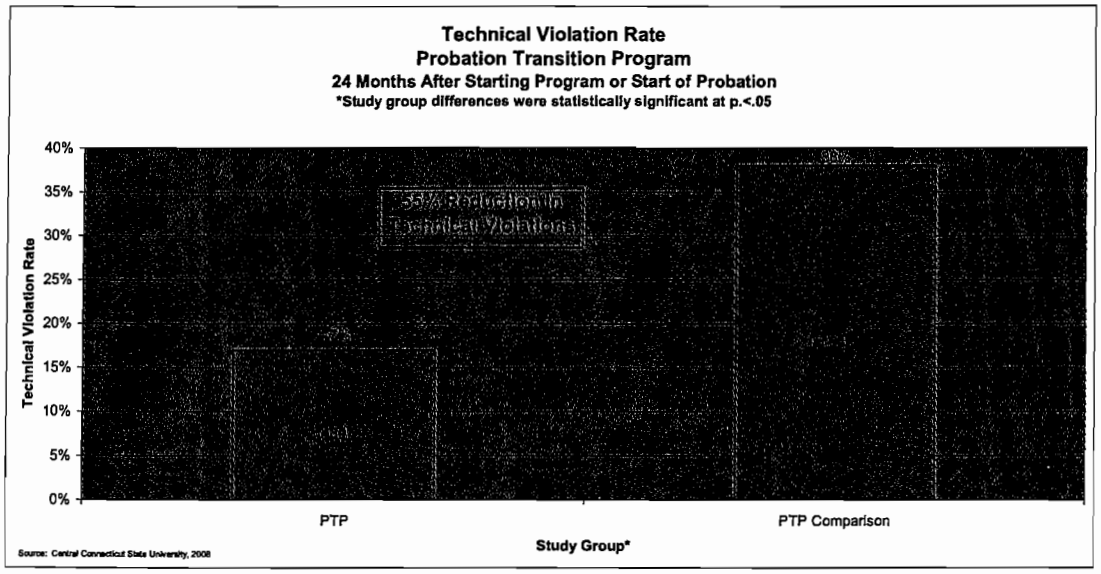
The PTP targets inmates having terms of probation upon their discharge from the Department of Correction. This includes those discharging at the end of sentence from a correctional facility, a halfway house, parole, transitional supervision or a furlough. The goal of the PTP is to increase the likelihood of a successful probation period for split sentence probationers by reducing the number and intensity of technical violations during the initial period of probation.

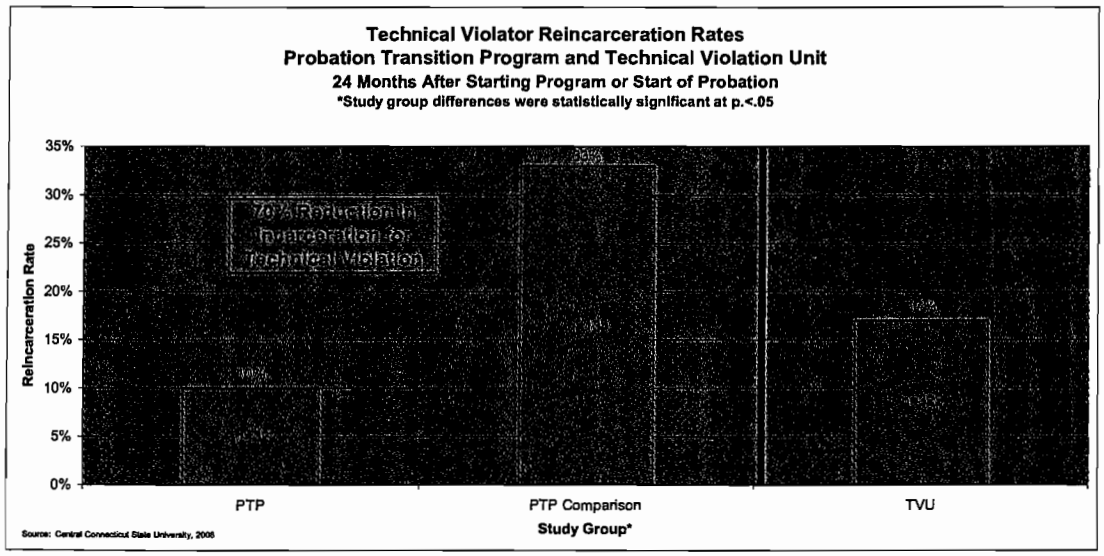
Inmates discharging to the PTP office undergo a comprehensive assessment by a PTP officer prior to discharge from incarceration. The results of the Level of Service Inventory – Revised (LSI-R) and the Adult Substance Use Survey (ASUS) assist the probation officer to identify the needs and risk level of the individual. Inmates who are assessed as a high risk to re-offend are referred to the local PTP unit prior to release.

The officer meets with the probationer in the community within upon release. Housing, substance abuse or mental health treatment, and employment services are often already in place. Once stabilized, the probationer may be transferred to a traditional probation caseload. The PTP supervision is expected to last 120 days; however the minimum is 30 days and, with a supervisor's approval, a probationer may stay in the program longer than 120 days.

[5] Probation and Parole in the United States, 2005. Bureau of Justice Statistics.

Research Outcomes:




CSSD currently has 40 Probation Officers with dedicated PTP caseloads. Approximately 10 officers are recommended for PTP in the recommended Appropriations Committee budget.

## TECHNICAL VIOLATION UNIT

The goal of the Technical Violation Unit (TVU) is to reduce the number of probationers sentenced to incarceration as a result of technical violations of probation. The target population for this program is probationers at imminent risk of technically violating probation conditions.

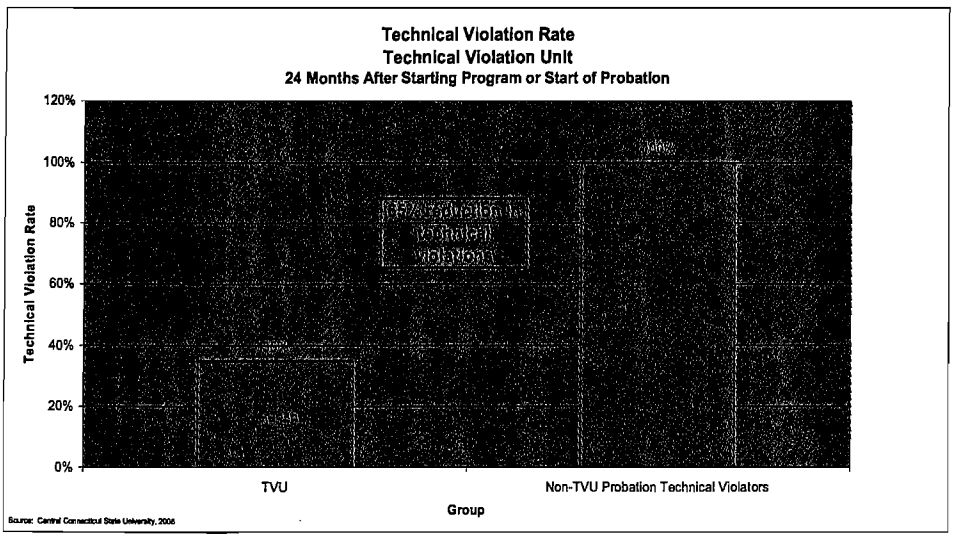
Services are available to the probationer on a 24/7 basis either directly through the unit's probation officer or another probation officer in the area. Admission to the program is based on a referral, including a case summary, by the current probation officer through his/her Chief Probation Officer to the Chief Probation Officer for the TVU location.

During the first 30 days in the unit, the probation officer reviews the most recent LSI-R, and may reassess the probationer. A case plan is developed and referrals for services are made to address the offender's assessed needs. Services are often delivered at the local Alternative Incarceration Center (AIC) through funds appropriated to expand existing services delivered at these programs for TVU probationers. There is at least one face to face meeting per week by a TVU officer with the probationer, as well as home or field contacts as needed.

During the next 30 to 60 days in the unit, the probationer receives services from one or more treatment providers. Face to face contacts occur at least twice per month and home and field contacts continue as needed. Probationers are seen at least weekly by support staff at the AIC and by treatment programs.

During the final phase of the program, the TVU probation officer prepares to transfer the offender out of the unit. Face to face and home/field contacts continue as needed. A discharge summary is prepared by the officer and a discharge meeting is held with the probationer. If the probationer has stabilized, s/he is transferred back to a regular caseload. If the probationer continues to violate the conditions of probation and fails to make progress in the program, a warrant is prepared following a case review with the Chief Probation Officer for the TVU.

Research Outcomes:




CSSD currently has 44 Probation Officers with dedicated TVU caseloads. Approximately 11 officers are recommended for TVU in the recommended Appropriations Committee budget.

# Judicial Branch Initiatives

# Prison Overcrowding

## JUDICIAL BRANCH
## ALTERNATIVE INCARCERATION PROGRAM DESCRIPTIONS

- **Women and Children Programs:** This program provides the court with a community based option that is directed at the special needs of female offenders. This program permits the female offenders' children to live with them during their participation in the program.

- **Traditional Inpatient Drug and Alcohol Programs:** CSSD currently contracts for approximately 488 treatment beds. Treatment services include detoxification; short term stays (1-3 months) to long term stays (6-9 months).

- **Youth Center for Change (YCC):** Located in New Haven, this residential program services males ages 18 to 21 and accepts referrals from all over the state. The YCC provides GED programming as well as connecting clients with community based education and employment services. The program uses a behavioral modification program and provides substance abuse groups.

- **Project GREEN:** There are two programs funded, one located in Hartford and the other in New Haven. These programs provide substance abuse treatment for offenders who are also required to perform extensive levels of community service in state parks and statewide events.

- **Transitions Residential Program:** Located in Bridgeport this programs serves both boys and girls ages 16 and 17 who have substance abuse and/or behavioral problems. This is a 25 bed residential facility with a licensed school. Typical length of stay is 4 to 6 months.

- **Alternative Incarceration Centers:** CSSD currently funds seventeen AIC's statewide. AIC's are operated by private non-profit agencies providing services based on clients individual assessments. The AIC model is built on the 8 Principles of Effective Programming. AIC's use a validated risk/need assessment and substance abuse screening to determine client need. Clients attend groups based on their assessment and court ordered conditions. AIC services include, case management, substance abuse groups, cognitive skills training, employment skills and placement, and urine testing. All groups offered at the AIC are gender specific.

- **AIC Transitional Housing:** CSSD currently funds five AIC gender specific transitional housing programs statewide. This program allows judges to place clients, 18 years old or above in need of housing on a temporary basis while receiving services at the local AIC. There are four male facilities located in Waterbury, Torrington, Hartford and Bridgeport. In New Haven our transitional housing program is for women only. All clients in transitional housing programs have a case manager.

- **Gender Specific Services for Female Offenders:** Located in Bridgeport, this community-based program provides services for women that address the risks and needs of women offenders. Services include a gender responsive assessment and clinical services that target the individual needs of women. The program provides services to address trauma that is associated with sexual/physical/mental abuse that most women offenders have endured. Additional services include: substance abuse treatment, parenting, cognitive skill building, education, employment services and as needed childcare while women receive services.

- **Adult Risk Reduction Center:** Located in New Britain, this community-based program serves high risk adult offenders that are sentenced to probation. Services are targeted based on the needs of the clients that are identified from the assessment. Group services offered at the ARRC are researched driven and gender separate. The program is typically 6 to 9 months to address the multiple risk factors which high risk clients present.

- **Latino Youthful Offender Program:** Located in New Haven this community-based program services Latino males ages 16 – 21. Programming includes: assessments, case management, substance abuse testing, substance abuse groups, cognitive skills training and employment skills and placement.

- **Adult Behavioral Health (Non Residential Outpatient Evaluation and Treatment):** CSSD currently funds more than 1,700 slots at community-based providers statewide. Services are offered on an outpatient basis and include substance abuse and mental health evaluations, individual and group counseling, intensive substance abuse treatment (IOP), substance abuse groups, anger management group and mental health treatment.

- **Specialized Sex Offender Services:** This program is for sentenced adult sex offenders under the direct supervision of an Adult Probation Office. Services include assessment, evaluation and treatment of sex offenders, assistance in home visits, and co-facilitation of treatment groups with intensive sex offender unit staff members.

- **Community Service Labor Program (CSLP):** This program permits offenders charged with low level substance abuse offenses to perform community service in lieu of prosecution. On a daily basis, there are approximately 1,400 active CSLP cases.

- **Community Court:** A community service day program that provides defendants referred from the Community Court an opportunity to complete their assigned community service hours. The Community Court seeks to address quality of life crimes in a effort to make the offender accountable to the criminal justice system and to the community where he/she committed the offense through a variety of sanctions including community service, fines, and jail time.

- **Family Violence Educational Programs (FVEP):** The FVEP is a pretrial diversionary offender program that can be granted by the Court upon application by the defendant. Clients attend nine, one and one half hour sessions of a psycho-educational model aimed at reducing re-offense. Clients that complete this program may be eligible for a dismissal. Groups are offered by community based contractors statewide for male, female and Spanish speaking clients. Over 3800 referrals to the FVEP are made each year.

- **Connecticut's EVOLVE Program:** A 26 or 52 session, intensive psycho-educational peer confrontational behavior modification group for male offenders convicted of domestic violence offenses against female intimate partners currently available in Bridgeport, New Haven, and Waterbury. 400 referrals are made to the EVOLVE Program on a yearly basis.

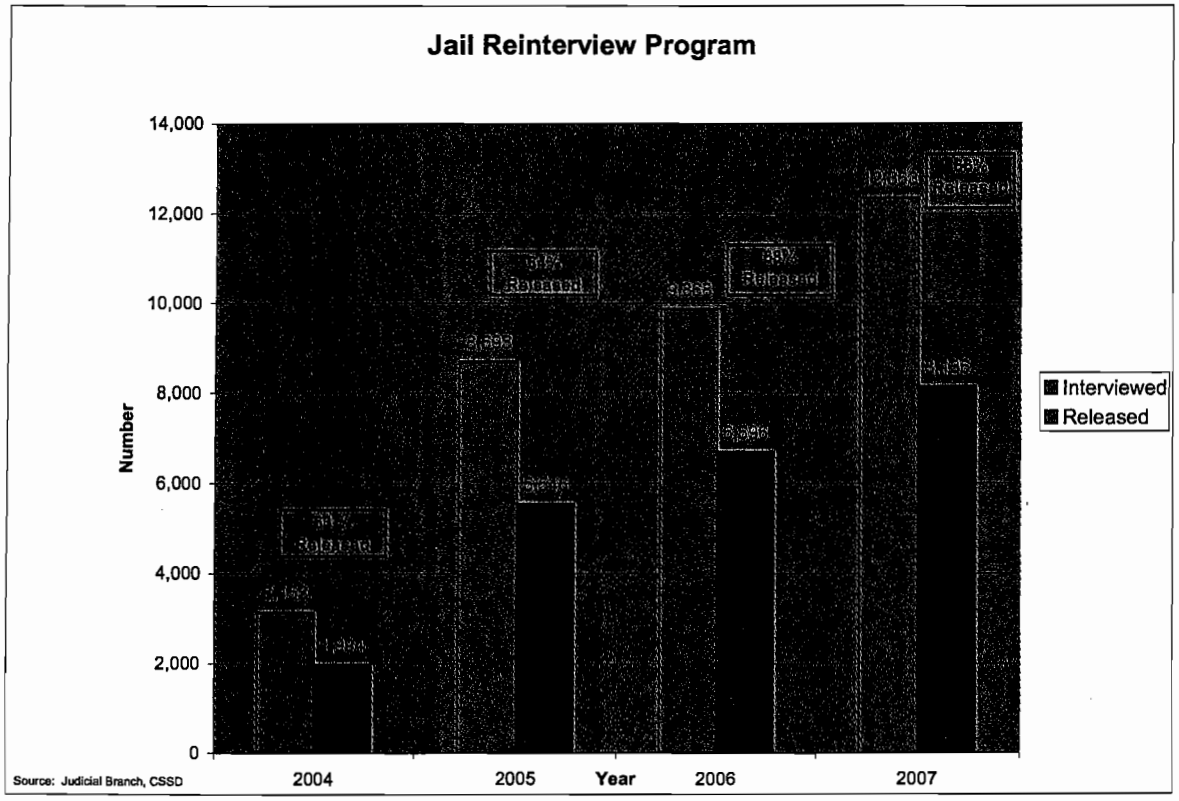
- **The EXPLORE Program:** A 26 session, group based program for men convicted of domestic violence offenses against female intimate partners. Each male offender is required to attend one 1.5-hour class/group each week for 26 weeks. 600 referrals are made each year to the EXPLORE program. Currently available in Bantam/Litchfield, Danbury, Hartford, Manchester, Middletown, New Haven, New London, Norwalk, Plainville, Stamford and Willimantic.

## JUDICIAL BRANCH PRISON OVERCROWDING INITIATIVES

### JAIL RE-INTERVIEW (JRI) PROGRAM

Since its inception, the JRI program has consistently contributed to a reduction in the pre-trial jail population. JRI staff interview defendants who are often released to the community with pretrial conditions. These conditions may include, but are not limited to electronic monitoring, urinalysis testing, drug treatment, and housing and are designed to ensure the defendants appear in court, and achieve a successful pretrial outcome.

In 2007, the JRI program interviewed 12,363 defendants; 8,136 or 66 percent of these defendants were released.



## BAIL DECISION AID MORE DESCRIPTION

The intent of pretrial decision making is to determine if an individual who has been arrested can be released back into the community prior to his or her court date without posing a risk of failing to appear for court, of committing a new offense or harming someone. The role of pretrial personnel1 is to provide an independent assessment of the client's risk and to recommend to the court whether the client should be considered for a financial bond or a non-financial form of release. In Connecticut, a risk assessment point scale provides pretrial personnel with guidance in determining the level of risk posed by a client and thus what type of recommendation (financial bond or non-financial release) should be made. When a client poses minimal to slight risk, he or she may be released on a small bond or a promise to appear. The court may apply a condition to the client's release in order to further ensure his or her appearance in court.

A *Decision Aid for Pretrial Conditional Release* was developed in 2004 to guide pretrial personnel in determining if a condition is needed and in matching the client's needs with conditions. The *Decision Aid* classifies clients' needs into three primary areas: personal needs (e.g., substance abuse, unemployment), compliance needs (e.g., prior FTA, living alone), and safety risks (e.g., violent offender). The menu of available conditions (e.g., drug treatment, call-ins, electronic monitoring) is similarly organized according to these areas of needs. The *Decision Aid* helps the interviewer to narrow down the set of conditions that might best address a client's needs.

CCSU research[6] found that the Bail Decision Aid resulted in significant increases in the likelihood of recommending a condition (64% vs. 21%), as well as conditions that matched the judge's orders (65% vs. 49%). The Bail Decision Aid not only resulted in the conditional release of additional defendants, but at the same time reduced the failure to appear rate from 17% to 12%. Finally, the percent of cases held in pretrial detention decreased from 43% in the comparison group to 25% in the Decision Aid study group.

## PROBATION TRANSITION PROGRAM (PTP) MORE DESCRIPTION

The PTP targets inmates having terms of probation upon their discharge from the Department of Correction. This includes those discharging at the end of sentence from a correctional facility, a halfway house, parole, transitional supervision or a furlough. The goal of the PTP is to increase the likelihood of a successful probation period for split sentence probationers by reducing the number and intensity of technical violations during the initial period of probation.

Inmates discharging to the PTP office undergo a comprehensive assessment by a PTP officer prior to discharge from incarceration. The results of the Level of Service Inventory – Revised (LSI-R) and the Adult Substance Use Survey (ASUS) assist the probation officer to identify the needs and risk level of the individual. Inmates who are assessed as a high risk to re-offend are referred to the local PTP unit prior to release.

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[6] Hedlund, J. Expanded Validation of a Decision Aid for Pretrial Conditional Release. Central Connecticut State University, 2006

The officer meets with the probationer in the community within upon release. Housing, substance abuse or mental health treatment, and employment services are often already in place. Once stabilized, the probationer may be transferred to a traditional probation caseload. The PTP supervision is expected to last 120 days; however the minimum is 30 days and, with a supervisor's approval, a probationer may stay in the program longer than 120 days.

Longitudinal research conducted by Central Connecticut State University[7] has shown that only 17% of PTP participants are violated for technical reasons and only 10% return to prison in the two years following release from prison. This represents a 55% reduction in technical violations and a 70% reduction in reincarceration when compared to a matched historical comparison group.

CSSD currently has 40 Probation Officers with dedicated PTP caseloads. Approximately 10 officers are recommended for PTP in the recommended Appropriations Committee budget.

**TECHNICAL VIOLATION UNIT MORE DESCRIPTION**

The goal of the Technical Violation Unit (TVU) is to reduce the number of probationers sentenced to incarceration as a result of technical violations of probation. The target population for this program is probationers at imminent risk of technically violating probation conditions. Services are available to the probationer on a 24/7 basis either directly through the unit's probation officer or another probation officer in the area. Admission to the program is based on a referral, including a case summary, by the current probation officer through his/her Chief Probation Officer to the Chief Probation Officer for the TVU location.

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[7] Cox, S. and Bantley, K. Second Addendum to the Final Report of the Court Support Services Division's Probation Transition Program and Technical Violation Unit. Central Connecticut State University, 2007

Longitudinal research conducted by Central Connecticut State University[8] has shown that only 35% of TVU participants are violated for technical reasons and only 17% return to prison in the two years following release from prison. It is assumed that 100% of TVU participants would have been violated if not for the program and a high percentage would be incarcerated as a result.

CSSD currently has 44 Probation Officers with dedicated TVU caseloads. Approximately 11 officers are recommended for TVU in the recommended Appropriations Committee budget.

## ALTERNATIVE INCARCERATION PROGRAMS IN THE COMMUNITY

The Judicial Branch pioneered the use of alternative incarceration programs in the early 1990's. The Branch spends nearly $50m annually to operate programs that serve thousands of offenders on any given day, ranging from community service programs, to programs that offer evidence-based interventions, to residential programs.

The Alternative Incarceration Center, CSSD's largest single program model, is available to pretrial, sentenced and parole offenders in 17 locations throughout the state. AIC's provide case management, drug programming, job training, cognitive behavioral intervention, transitional housing and community service. Over 700 offenders are referred to the AIC's each month and over 2,000 offenders are active in these programs on any given day.

The Adult Behavioral Health Services model, also available across the state, provides mental health evaluation and treatment, substance abuse evaluation and treatment and anger management programming. Over 750 offenders are referred to the ABHS programs monthly and over 2,500 offenders are active in these programs on any given day.

[8] Ibid

Below is a chart displaying

| Program Model | Number Served FY 2007 |
|---|---|
| Alternative Incarceration Center | 7,928 |
| Adult Behavioral Health Services | 10,440 |
| Adult Risk Reduction Center | 214 |
| Building Bridges | 192 |
| Community Service Offices | 7,595 |
| Drug Intervention Program | 383 |
| Evolve - 52wk DV | 412 |
| Explore - 26wk DV | 641 |
| Family Violence Education Program | 3885 |
| Hartford/Waterbury Community Court | 9,457 |
| Gender Specific Programming | 227 |
| Latino Youthful Offender | 84 |
| Mediation | 3,100 |
| Residential | 989 |
| Sex Offender | 1,498 |
| Work & Learn Youth Program | 13 |
| Women & Children | 162 |

## RESIDENTIAL TREATMENT

The Judicial Branch contracts for 475 residential beds statewide. Services at these programs include medical substance abuse detoxification, short/medium/long term substance abuse treatment and programs for women with children. About 96% of these beds are utilized on any given day; about 500 offenders are awaiting a placement bed.

Below is a list of residential vendors and capacities:

| Vendor | Location | # of Contracted Beds |
|---|---|---|
| APT Foundation, DAYTOP | Bridgeport | 40 |
| Community Prevention Addiction Specialists | Putnam | 2 |
| Crossroads | New Haven | 60 |
| CSI Women and Children | Waterbury | 12 |
| Elm City Women and Children | New Haven | 15 |
| Farrell | New Britain | 4 |
| Fresh Start (CRT) | Hartford | 21 |
| Help, Inc. | Waterbury | 5 |
| Lebanon Pines (Southern Connecticut Alcohol and Drug Dependency) | Lebanon | 20 |
| Liberation Programs, Inc. | Stamford | 39 |
| MCCA (Trinity Glen) | Sharon | 14 |
| McCall | Torrington | 8 |
| Morris Foundation | Waterbury | 4 |
| Morris Foundation Shelter | Waterbury | 2 |
| Open Hearth, Inc. | Hartford | 2 |
| Perception Programs | Willimantic | 10 |
| Project Green Hartford (CSI, Inc.) | Hartford | 24 |
| Project Green New Haven (Project More) | New Haven | 25 |
| Renaissance West (CT Renaissance) | Waterbury | 45 |
| Rushford Treatment Center | Middletown | 5 |
| Rushford Treatment Center Intermediate | Middletown | 6 |
| Sierra Center (Connection Inc.) | New Haven | 16 |
| Thomas Murphy Ctr (CPAS) | Putnam | 2 |
| Transitions (APT Foundation) | Bridgeport | 34 |
| Union House (Bpt) (Corp. Justice Management) | Bridgeport | 36 |
| YCC (CSI, Inc) | New Haven | 24 |
| Blue Hills (State of CT) | Hartford | 0 |
| CVH (State of CT) | Middletown | 20 |
| **Total** | | **475** |

# Sharing Critical Data

# And

# Public Safety

**Public Safety Consequences of Untimely Data Dissemination and Sharing of Critical Information**

The information entered into the criminal motor vehicle system is the key source of all criminal/motor vehicle court information maintained and disseminated by the Judicial Branch. Long term staffing shortages, unfunded legislative mandates and increased demand for immediate information have resulted in a slow but unavoidable decline in the quality of service expected of the courts.

The following agencies or systems cannot process their work until the court staff first enters the courts' orders into the Criminal Motor Vehicle System (CRMVS)

**State Police Bureau of Information** – All new arrests, interim case events and case dispositions are provided nightly to the SPBI, the official repository of criminal history record information in the State (used by all criminal justice agencies). This court data is also fed from SPBI to the FBI and in turn is disseminated to other federal agencies, such as Homeland Security, to identify convicted persons.
**Impact**:
*Delayed entries result in: new arrests not being made known to the State Police; conviction information not posted to the criminal record; non-conviction information not being updated to a criminal record. Failure to identify convicted persons, such as convicted felons, could have certain public safety consequences such as firearm disqualifications not being applied, incomplete records for persons applying for employment such as school bus drivers, nursing home employees, foster care parents, coaches, other sensitive positions. Incomplete or inaccurate records have a nation-wide impact of a person's liberty or public safety*

**Sex Offender Registry (SOR)** – All sex offender case dispositions are fed to the DPS' Sex Offender Registry. This identifies for the SOR, all persons required to register as sex offenders in CT. It also identifies for the SOR persons whose registration requirements were exempted by the court.
**Impact:**
*Errors or delays here can result in persons who should appear in the registry not being identified or registered, or persons who truly should not be in the registry appearing in error.*

**Protection Order Registry (POR)** – The Registry provides information of protection orders to appropriate police agencies (victim's residence, offender's residence) and notifications of terminations of such orders. The POR also provides information to the Department of Public Safety Firearm Database, COLLECT, the NCIC Protection Order File of persons subject to such protection orders.
**Impact**:
*Delayed notifications to these agencies could result in ineligible persons obtaining firearms (anywhere in the US), delays in revoking firearm privileges to person who possess firearms, delayed victim protection notification to police, jeopardized victim and public safety. Failure to provide timely notification of termination of such orders can result in persons falsely arrested for violating an order that no longer exists.*

**Case Management Information System (CMIS)** – There is a nightly feed of all probation, bail, family and diversionary program court orders from CRMVS.
**Impact:**
*Delayed notification can result in delays in notifying CSSD of court required PSIs, of court ordered probation, etc. Probation supervision of convicted individual can be delayed or applicable conditions not enforced if the information is not properly or timely provided. In the alternative, if a probationary order is affected (terminated or modified) in an existing case, probation will not be aware of that until the court order is provided*

**Department of Motor Vehicles** – Motor vehicle convictions and 14-140s (report to DMV of a failure to appear in court or failure to pay fees/costs in any case – including criminal cases - for the DMV to apply license suspensions) are reported nightly to the DMV.
**Impact:**
*Delayed notifications can result in persons operating a motor vehicle who should not be, as DMV cannot apply the proper sanctions until notified. Conversely, delayed notifications of persons whose driving privileges were actually restored could result in false arrest.*

**DNA Database** – A data feed to the DPS DNA database identifies all persons subject to DNA sampling requirements. Every convicted felon is identified so that DNA from this person can be obtained
**Impact**:
*Delays or errors can lead to missed identifications of felons, where DNA is not taken as required and potentially hindering law enforcement efforts. On the other hand, a person erroneously identified as a convicted felon could be falsely subjected to DNA sampling requirements.*

**PRAWN** – Real time updates provide rearrest case information to all law enforcement agencies in the State, including newly ordered rearrests, vacated orders, and served warrants.
**Impact**:
*Delayed entries can result in wanted persons not being known to police, and potentially committing more crimes while during that period or, a person's liberty could be infringed upon if an arrest resulted from a vacated or served warrant that was not updated timely.*

**Chief State's Attorney's Office** – In addition to relying upon the court's automated case data for creation of prosecutor's files and case processing, that office is reliant upon the court's data to enforce bond forfeiture statutes. Data is provided on all bond forfeitures, so that the office can pursue collection from the surety

**Impact**:

*Data entry errors can result in failures to collect the money, loss of revenue to the State and delays in entering rearrests or vacated forfeitures can lead to frivolous pursuits of collection.*

**Department of Social Services** – The court provides a monthly data feed identifying felons who have failed to appear in court, as the fugitive status for felony results in suspension of general assistance benefits.

**Impact**:

*Entry errors or delays can lead to state revenue loss, if persons receive assistance who are not eligible. Conversely, errors or delays could result in denial of benefits for truly eligible persons.*

**Department of Correction** – All court orders of commitment are provided on hardcopy. Court orders for commitments on bond are necessary to hold an accused person. Court orders for sentences are necessary to incarcerate a convicted offender.

**Impact**:

*Errors can result in early or inadvertent release of persons, medical issues including health and psychiatric concerns not addressed, post incarceration releases to Parole or Probation being missed, improper classification or security related segregation by DOC. On the other hand, errors can result in persons being held for longer than they should.*

**Department of Environmental Protection** - All boating relating convictions are fed nightly to DEP.

**Impact:**

*Delayed notifications can result in persons operating a vessel who should not be, as DEP cannot apply the proper license (certificate) sanctions until notified. Conversely, delayed notifications of persons whose boating privileges were actually restored could result in false arrest.*

**Data Sharing With Municipal Law Enforcement** – The criminal motor vehicle system, CRMVS, provides information to all police departments to convey disposition data of each agency's arrest and provides notice of erasure

**Impact:**

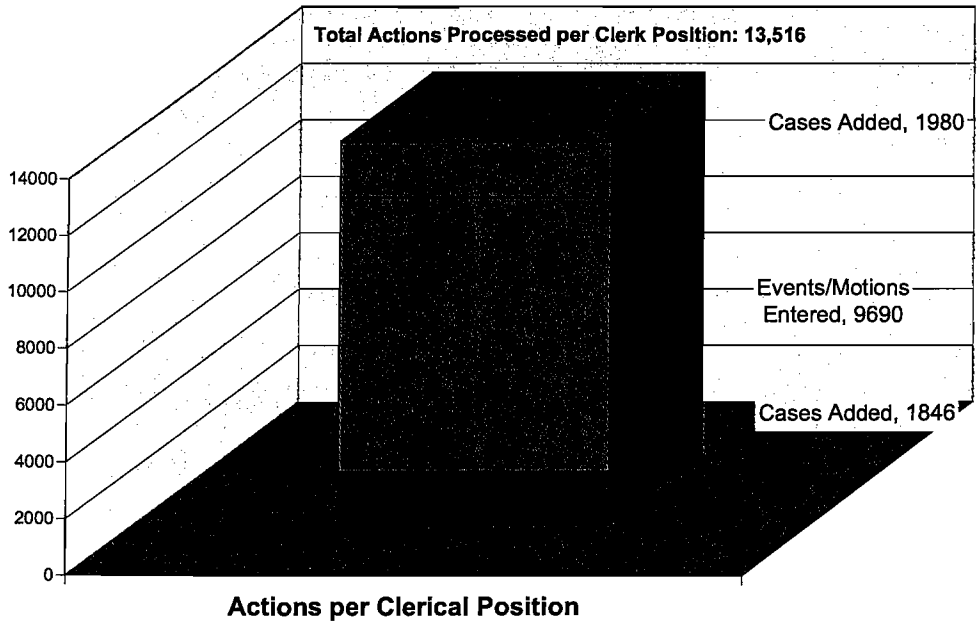
*Cases are rarely updated or disposed at the end of each business day. Delays or errors can result in police agency record inaccuracies.*

**Data Sharing With the Public** – Each night, all criminal and motor vehicle pending cases and convictions are updated for display on the Judicial Branch website.

**Impact**:

*Delays or entry errors can provide inaccurate or incomplete data to the public, including victims, the press, attorneys and defendants. The Judicial Information System, JIS, sells the data from CRMVS to private vendors for use in criminal background checks. These vendors may have inaccurate information. People may be hired or denied employment based upon erroneous data.*

**Number of Cases and Events Processed**
**Geographical Area Locations**
**2007**



# Funding Implications for the Judicial Branch PA 08-01

**Funding Implications through FY 10 relating to PA 08-01**

The Appropriations Committee Budget includes approximately 8.256 M in FY 09 for additional services and staff for new public safety initiatives earmarked for to the Judicial Branch.

The majority of these initiatives are directly tied to PA 08-01, while other public safety initiatives have also been addressed. The annualized cost of these funded initiatives results in an FY 10 cost of approximately 9.686 M.

Specific initiatives that are funded, based on PA 08-01 include:

- Victim advocates for Board of Parole hearings
- An automated victim notification program
- Services and staff for offenders with psychiatric disabilities
- Both residential and non residential services for sex offenders
- Expansion of re-entry and diversionary services

Significant gaps in funding directly relating to PA 08-01 include:

- Implementation of Sec. 36-supervising violation of probation cases. This additional responsibility will require additional Probation Officers to supervise an additional 3,100 cases at a 65-1 ratio. An amended version of this Section is being considered which, if passed, would instead require an additional 25 Intake, Assessment and Referral (IAR) Officers (in lieu of the 48 probation officers) to supervise the 3100 additional cases at a ratio of 100-1. Pre-trial supervision responsibilities will require that the defendant report to the IAR office on each court date in addition to any other conditions imposed by the Court. IAR staff will not conduct field work resulting in a higher case per officer ratio. Approximate cost: 1.5 M

- Implementation of Sec 41: State wide coverage for adequate caseloads ratios under the Supervised Diversionary Program will require an additional 21 Probation Officers. Approximate cost: 1.3 M

- Implementation of Sec12 (h): requires all information deemed pertinent to parole release panels be made available if it is determined that the information exists. Judicial Court Recording Monitors and Reporters are thereby required to provide sentencing transcripts in a timely manner to the BOP, as well as to address the backlog that currently exists. Approximate cost for additional Court Recording Monitor staff and services: 2.2 M

**Suggested Changes to Section 36 of Public Act 08-1**

**Section 1.** (*Effective upon passage*) Section 36 of Public Act 08-1 is shall take effect on October 1, 2009.

**Section 2.** (*Effective October 1, 2009*) Section 53a-31, as amended by section 36 of Public Act 08-1, is repealed and the following is substituted in lieu thereof:

(a) A period of probation or conditional discharge commences on the day it is imposed, except that, where it is preceded by a sentence of imprisonment with execution suspended after a period of imprisonment set by the court, it commences on the day the defendant is released from such imprisonment. Multiple periods, whether imposed at the same or different times, shall run concurrently.

(b) Issuance of a warrant or notice to appear for violation pursuant to section 53a-32 shall interrupt the period of the sentence as of the date of such issuance until a final determination as to the violation has been made by the court. [During the interrupted period, unless otherwise ordered by the court, the defendant shall comply with any conditions imposed or with any conditions he or she was previously required to comply pursuant to section 53a-30.] In the absence of a warrant or notice to appear for violation pursuant to section 53a-32, if the defendant has failed to comply with any of the conditions of probation or conditional discharge, such failure shall not relieve the Court Support Services Division from the responsibility of supervising the defendant.

<u>(c) Notwithstanding the issuance of a warrant or notice to appear for violation pursuant to section 53a-32, the defendant shall continue to comply with the conditions with which the defendant was previously required to comply pursuant to section 53a-30. The Judicial Branch shall make reasonable efforts to inform the defendant of the defendant's obligation to continue to comply with said conditions and to provide the defendant with a copy of said conditions.</u>

<u>(d) When the defendant is presented for arraignment on a violation pursuant to section 53a-32, the judge shall review any conditions previously imposed on the defendant and may order, as a condition of pretrial release, that the defendant comply with any or all of said conditions, in addition to any conditions imposed pursuant to section 54-64a. Unless, pursuant to section 54-64a(c), the court orders the defendant to remain under the supervision of a probation officer or other person or organization, the defendant shall be supervised by the Court</u>

Support Services Division of the Judicial Branch in accordance with subsection (a) of section 54-63b.

**Section 3.** (*Effective October 1, 2008*) Section 53a-32 of the general statutes is amended by adding the following subsection:

(c) Unless good cause is shown, violation of probation or conditional discharge cases must be disposed of or scheduled for a hearing within 120 days of the arraignment on the charge.

**NOTE:**

In the meantime (during the period of time from passage to October 1, 2009), CSSD will ensure that the judges, at the time of arraignment on a VOP charge, know what conditions of probation the defendant was subject to. Judge Carroll (or Clifford?) will issue a memo to the criminal judges reminding them that they should take those conditions into consideration when determining the conditions of pretrial release.