

**Judiciary Committee
Public Hearing**

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

March 12, 2008

Raised Bill 668, *An Act Concerning Prison Overcrowding*; Raised Bill 5859, *An Act Concerning Transitional Supervision*; Raised Bill 5858, *An Act Concerning Minimum Staffing Levels of the Department of Correction*; Committee Bill 5096, *An Act Increasing the Number of Correction Officers*

Good afternoon, Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. I am Theresa Lantz, Commissioner of the Department of Correction and I am here to present the Department's views on four of the bills that are being heard today. With me are staff who supervise various units throughout the agency who are also available to respond to any specific questions you may have.

Let me begin by speaking in opposition to specific sections of **Raised Bill 668, *An Act Concerning Prison Overcrowding***, as written. The Department is not in favor of placing a capacity number in legislation for each of its correctional facilities as outlined in section 1(b) of the bill. As you know, Connecticut is one of only six state correctional departments in the nation that confine both accused offenders who are awaiting trial as well as those offenders who have been sentenced by the courts. Every year we process more than 34,000 offenders through our system.

In the bill, the capacity numbers that are proposed for each of the 18 correctional facilities date back to the late 1990's and do not accurately reflect the number of fixed permanent beds that we have established to date. Currently, we have 20,085 permanent fixed beds throughout the system. When necessary and as needed, additional temporary or overflow beds are utilized, based on our population management system, the designated facility security level and classification level of the offender. In other words, at any given time some facilities may have overflow areas while others will have unfilled permanent beds. This is the dynamic nature of our system in Connecticut, a system that continues to operate with public safety, security, good order and offender accountability among its achievements.

In the bill, section 1(c) requires that whenever the population exceeds 110 percent of the prisoner capacity, the Department would notify the undersecretary of the Criminal Justice Policy and Planning Division, who would then convene a meeting of the Criminal Justice Policy Advisory Commission. Section 1(d) states

that the Commission would then issue a report regarding the resources needed by the Department, the Board of Pardons and Paroles and the Court Support Services Division "...to enable the release and adequate community supervision of a sufficient number of nonviolent offenders to reduce the population in the correctional system to the prisoner capacity of the correctional system." This language raises concerns. It reflects the days of SHR (supervised home release) in the early '90s when offenders were inappropriately discharged into the community having served only a fraction of their sentence based on the Department exceeding its capacity number. This "cap" provision was repealed in 1995 based on concerns for public safety. A return to this practice would challenge the integrity of our classification and offender management system, and ultimately negatively impact public safety.

I note that the bill Statement of Purpose is "To monitor the prison population..." I believe that the intent of Section 1 of this bill can be reached by removing the individual facility capacity numbers in subsection (b) and substituting a provision that a current permanent fixed bed count for the agency be reported to the Criminal Justice Policy and Planning Division (CJPPD). The number of permanent fixed beds and the population count can be reflected in the Current Correctional Population Indicators Monthly Report that CJPPD issues. This allows for ongoing monitoring of the prisoner population in relation to permanent fixed beds in the agency. This would also alleviate the constant need to update the state statute relating to each facility capacity, and continues to allow the Department the flexibility to manage the population fluctuations. Section 1(c) could remain in effect as written, and section 1(d) would be revised with the provision that a report be provided to address issues of prisoner crowding with recommendations for review by the Judiciary Committee and Office of Policy and Management. There would be no statutory mandate or intent to release prisoners to meet a capacity number. Community release programs would continue to be focused on assisting offenders with successful reentry into society and not used for the overriding purpose of facility population management.

The Department opposes Raised Bill 5859, **An Act Concerning Transitional Supervision**. The bill seeks to increase the incarcerated "time served" requirements for release eligibility to various community programs under the authority of the commissioner. It affects not only Transitional Supervision (TS), but would also impact the authority to place inmates into our network of residential programs, such as halfway houses and inpatient substance abuse programs. The period of supervision in the community for appropriate offenders, which this program affords, has been proven highly beneficial in reducing recidivism. To give just one illustration of the impact of this bill, let me tell you about domestic violence offenders, of whom there are hundreds, released each year. Domestic violence offenders are TS released under supervision with the requirement that they complete a specific 90-day program in the community that is funded by my agency. This bill would virtually eliminate this highly effective and successful program, which is supported by victim advocates and

prosecutors, because there would not be sufficient time left on the offender's sentence to ensure their participation and completion.

Raised Bill 5859 is unnecessary and costly (over \$3 million annual fiscal impact). More importantly, since it applies to the shorter sentenced population, the change to an 85% eligibility standard would substantially impede our reentry efforts by limiting the time frame that inmates are under community supervision. Recidivism research and evidence based practices overwhelmingly confirm the enhancement of public safety and the efficacy of community transition, programs and supervision.

As you know, the time served standards at issue refer only to eligibility. The actual decision to release, or suitability discretion, rests with the wardens. These are correctional professionals who make their decisions based on a review of an inmates' past criminal record, history of prior community supervision, concerns raised by victims, and compliance with the Offender Accountability Plan. Their decisions are always made with the overriding concern of public safety. From a larger system perspective, the sentence of two years has been established (for at least the last decade) as something of a benchmark. The courts are aware of community release eligibility, and impose sentences accordingly. More serious offenders are sentenced to terms greater than two years, and less serious offenders to two years or under.

Finally, it's important to note how we currently manage this population in the community. Once released on TS, these short-term offenders with a charge that may include violence are placed under the supervision of parole officers. They are released to an approved residence, placed on a maximum supervision level (weekly face-to-face meetings with parole officers and weekly drug testing urinalysis), and are referred to appropriate community based treatment programs. In addition, parole officers have full authority to implement electronic monitoring tools to enhance supervision of offenders as deemed warranted.

The Department does not support HB 5858, **An Act Concerning Minimum Staffing Levels of the Department of Correction**. (I believe this is the fourth year that I have testified against this bill.) Without going into the technical factors of how we manage the work schedule of correction officers, this bill would utilize a staff shift relief formula that would require an additional 1,450 correction officers at an initial annual cost of almost \$100 million, and increased cost thereafter. This is not necessary as our facilities are appropriately staffed. It undermines our ability to sensibly manage our allocated resources based on safety and security in a fiscally responsible manner.

The Department does not support Committee Bill 5096, **An Act Increasing the Number of Corrections Officers**. The Governor in her mid-term budget adjustments provides for 125 correction officer positions to address issues related to inmate housing expansion and staff overtime. This bill would add

another 200 correction officer positions, at a cost of over \$13.7 million in FY09, and over \$14.2 million in FY10. The positions would reduce overtime expenses to some degree, but only within the DOC budget. The actual statewide cost of adding fulltime positions with fringe benefits is higher than the cost of using overtime. Approximately 85% of overtime hours worked in the Department is on a voluntary basis. The addition of the 125 correction officer positions already provided in the Governor's budget proposal, combined with the expected gradual decline in the population levels, will provide a safe and efficient balance between fulltime positions and the utilization of overtime.

I would be happy to address any questions that you may have.