

Department of Correction

Testimony of Leo C. Arnone, Commissioner

Judiciary Committee

Governor's Bill No. 6391, An Act Concerning Penalties for Certain Driving Under the Influence Offenses, Offender Risk Reduction Earned credits and Home Confinement for Certain Nonviolent Drug Offenders

March 14, 2011

Good morning, Senator Coleman, Representative Fox and members of the Judiciary Committee. I am Leo Arnone, Commissioner of Correction. I am pleased to appear before you to speak in support of Governor Malloy's initiative, House Bill No. 6391, *An Act Concerning Penalties for Certain Driving Under the Influence Offenses, Offender Risk Reduction Earned Credits and Home Confinement for Certain Nonviolent Drug Offenders*. This bill would have the dual effect of reducing the inmate population and ensuring public safety. As I stated before the Appropriations Committee almost two weeks ago, with a focus on public safety, the Governor's criminal justice bills will enable the Department to reduce costs as well as recidivism and to better serve the concept of Correction.

The first provision of House Bill 6391 that I would like to address is that it would require me to establish an incentive plan for inmates to earn credit toward achieving a reduction in their sentence and early release from incarceration by adhering to individualized plans designed to prepare them for successful reentry to the community. This concept has already been adopted in about 45 other states. A survey of all 50 states and the Federal Bureau of Prisons, first conducted in 2006 and reconfirmed in 2008, showed that of the 49 responding states only six do not permit some form of good time, earned credit or risk reduction incentives. Connecticut and New Hampshire are the only New England states that do not utilize an earned credit system as part of a risk reduction program in an effort to motivate deserving inmates to improve their own prospects for the future. Other states that do not have an earned credit system include Idaho, Utah, Montana, Georgia and Michigan.

Prior to 1994, sentence credits were awarded to, or forfeited by, inmates solely based on behavior, and used as a population management tool. These credits were issued to both pre-sentence and sentenced offenders, which reduced a large portion of the offender's overall sentence. There was a dramatic increase in the incarcerated population after the elimination of good time and the introduction of truth-in-sentencing sanctions. Connecticut has longer sentences relative to other correctional systems. As these sentences have gotten extended across the country, there is evidence that it has resulted in very little reduction in criminal behavior.

A risk reduction earned credit program would enhance public safety, reinforce positive behavior, motivate participation in program that address assessed needs and encourage community service through volunteerism. The goals of the program is to reduce rates of recidivism as defined as the rate of committing new crimes based on offenders participating in evidence-based programs, promotion of safety within the correctional facilities by good behavior incentives and the creation of incentive opportunities for offenders to participate in programming and to remain disciplinary free within correctional facilities and in the community.

Public safety is an essential component of this policy in the first place, by providing an incentive for good behavior and participation in programs that improve the likelihood of successful reintegration to the community. I have asked key staff and others, including the Board of Pardons and Paroles to develop a conservative risk reduction earned credits plan that we can recommend to the Governor and subsequently to you for consideration. I say conservative because while most other states offer up to 10 credits monthly, I believe that we should offer up to 5 days per month for participating in a GED or other educational program, good behavior, program completion, working within the facility and volunteerism.

I understand that this initiative will be perceived by some as a means to just kick an offender out of prison but I can assure you should this program be implemented it would not be used as a relief valve but as a tool to help inmates address those problem areas that drive their risk of recidivating again, it bears repeating, through programming in keeping with the offender accountability plan, educational opportunities, development of a strong work ethic and the opportunity to help others through community service. Based on the concept of "justice re-investment" it is my hope that some, but certainly not all of the dollars saved would be used to support enhanced services at the front end of incarceration and at the back end of periods of incarceration. The reduction in recidivism will be greater than any loss of incapacitation effect from reduced sentences.

Another provision in House Bill No. 6391 would give me discretionary authority to place offenders convicted of certain drug and driving under the influence (DUI) offenses under house arrest or home confinement under conditions imposed by me. Essentially what this means, is that a person would be committed to the department's custody, processed and admitted in and then almost immediately released to the person's place of residence under certain conditions such as electronic monitoring, blood alcohol monitoring and urinalysis that would be monitored by the Department's Parole and Community Services Division. Any violation of an imposed condition would allow me to revoke the release and remand the offender back into the department's custody. These provisions recognize that in some cases incarceration does not truly serve the offender or the community. We can identify about 20 low-risk drug offenders and 200 low-risk DUI offenders in our system now that would be eligible for house arrest instead of incarceration.

Thank you for the opportunity to appear before you this morning. I would be happy to answer any questions you may have.