

Department of Correction  
Testimony of Leo C. Arnone, Commissioner

Judiciary Committee  
March 16, 2012

*Raised Bill No. 5428, An Act Concerning Residential Stays at Correctional Facilities*

As you know, I must discharge an inmate by the effective maximum term date of the inmate's sentence, regardless of the inmate needs. Raised Bill No. 5428, *An Act Concerning Residential Stays at Correctional Facility*, would allow an inmate, at his or her request, to stay at a correctional facility beyond the inmate's end of sentence discharge date if a treatment program or healthcare institution to which the inmate is scheduled to be released to is not able to accept the inmate on the inmate's discharge date. As an example, if it is determined that an inmate scheduled to be discharged is in need of a residential program for substance abuse, and instead is discharged into the community because a program bed is not available on the scheduled discharge date, the potential for recidivism is likely to be high.

There is current statutory language that allows the inmate to request to remain confined for up to 90 days beyond their end of sentence date for continued participation in a department program for drug dependency, in a work or education release program or in a program operated by a state agency other than the DOC. I would like to expand this authority to allow an inmate to request to remain in a correctional facility while awaiting entry into a treatment program, healthcare institution or for a compelling reason related to rehabilitation or treatment for up to 30 days beyond the inmate's discharge date. Last session the DOC proposed extending my authority for up to 90 days but because of concerns expressed about a potential fiscal impact, the DOC agreed to a period of up to 30 days. I assure you that I anticipate that this provision would be used infrequently.

A recent case in point involved an inmate at Garner Correctional Institution whose end of sentence date was pushed up from April to February 2012 because the inmate was entitled to Jail Credit from his 2007 incarceration. The counselor contacted DMHAS and let them know of the impending release date and they immediately reacted and started putting together a discharge plan.

DMHAS was skeptical if a plan could be put together in 2.5 weeks and there was a discussion with the warden about extending the inmate's incarceration. The Warden was extremely supportive of the idea but he could not implement it because the current statute only applied to an extension for a drug treatment/education program.

Luckily, DMHAS was able to establish a plan which would be ready at the time of his end of sentence. Given the inmate's mental status, along with his past offense history, it would not have been optimal for the inmate to be discharged to a shelter with outpatient treatment.

The ability to extend an inmate's incarceration, if a DMHAS bed at a hospital or in a mental health program is not available at the time of his EOS, would be very beneficial for the inmate, for the DOC, and to the public. Allowing an inmate to stay a few extra days might make the discharge planners' task easier and the inmate's reentry more successful. If an inmate is deemed in need of a mental health bed or a residential program for substance abuse, and instead is sent out into the community, the recidivism risk may be greater.