

Department of Correction
Testimony of Leo C. Arnone, Commissioner

Judiciary Committee
February 13, 2013

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. I am Leo Arnone, Commissioner of the Department of Correction (DOC). I am here to speak in strong support of three Agency bills before you this afternoon.

Raised Bill No. 5514, An Act Concerning the Administrator of the Interstate Compact for Adult Offender Supervision

Raised Bill No. 5514, *An Act Concerning the Administrator of the Interstate Compact for Adult Offender Supervision (ICAOS)* would remove the statutory requirement that the Commissioner of Correction serve as the administrator of the interstate Compact for Adult Supervision (ICAOS) and allow for the appointment of Connecticut's compact administrator in accordance with section 54-133 of the general statutes.

Section 54-133 of the general statutes requires that either the State Council or the Governor, in consultation with the legislature and the judiciary, appoint a State Compact Administrator. The State Council by statute must include at least one representative of the legislative, judicial and executive branches, victims groups and compact administrators.

While I, as the Commissioner of Correction, have responsibility for the community supervision of all parolees, that are part of the compact population, the Judicial Branch has the greater number of ICAOS cases. Currently, the most that I do as the Compact Administrator is to chair the meetings. I do not have the working knowledge of ICAOS rules and the day-to-day operations that the Deputy Compact Administrators and their staff do, but I am by statutes responsible for voting on rules that supersede federal law. Making Compact Administrator subject to vote by the State Council would allow for the flexibility needed to adapt to changes as they are made by the legislature or by changes in the offender population.

Members of the State Council unanimously voted to support this proposed change when we raised this Bill last session. I urge your favorable report on Raised Bill No. 5514.

Raised Bill No. 5515, 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. 5515, *An Act*

Concerning Residential Stays a 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 case in point involved an inmate at Garner Correctional Institution whose end of sentence date was pushed up by two months because the inmate was entitled to additional Jail Credit. 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.

Raised Bill No. 238, *An Act Concerning Inmate Discharge Savings Accounts*

Raised Bill No. 238, *An Act Concerning Inmate Discharge Savings Accounts*, would make changes that are needed to effectively implement the inmate discharge savings legislation passed in 2007, which allows the DOC to set aside up to 10 percent of all money credited to an inmate's account to establish a savings fund that would be available to the inmate upon release to aid in reentry to the community. Once the legislation passed and staff began to work towards implementing its provisions, we recognized the need for some technical revisions and clarification. Our proposed changes generally keep the implementation of Discharge Savings consistent with the Cost of Incarceration provisions.

The DOC is seeking to limit the requirement to accumulate discharge savings to sentenced inmates only and exempt inmates sentenced in this state but confined in another state. The DOC also seeks to specify that inmates contribute to inmate discharge savings accounts after most other statutory disbursements are satisfied.

