

Board of Pardons and Paroles

Testimony of Erika Tindill, Chair

Judiciary Committee Public Hearing

March 22, 2013

Governor's Bill No. 846 - AN ACT CONCERNING DECREASING RECIDIVISM AND PROMOTING RESPONSIBLE REINTEGRATION

Good Afternoon Senator Coleman, Representative Fox, and honorable members of the Judiciary Committee. My name is Erika Tindill. I am Chair of the Board of Pardons and Paroles, which as you know is a separate, autonomous agency administratively supported by the Department of Correction. The Board is charged with determining which parole-eligible inmates should be released and under which conditions. The Department of Correction's Parole and Community Services (DOC-PCS) Division supervises the offenders paroled by the Board in the community.

I am here today to testify in support of the Governor's Bill No. 846 - An Act Decreasing Recidivism and Promoting Responsible Reintegration. In addition, I will like to offer a comment on H.B. 6510 - An Act Concerning Duties of Department of Correction Officials as Peace Officers and H.B. 6657.

With respect to the Governor's Bill No. 846, the proposal as a whole will further the Board's mission of facilitating the successful reintegration of suitable offenders into the community. The bill also supports the Board's vision of reduced recidivism, reduced victimization, and less violent, safer communities. The Criminal Justice Reform Act of 2008 mandated risk assessment and structured decision-making by the Board. As the agency implemented the required changes and the prison population declined from its historic high, it became apparent that additional statutory changes were needed. These lessons learned were drafted into Bill 846 – restructuring the parole board, transforming hearing requirements, and broadening the eligibility criteria for Compassionate Parole.

The parole board uses best practices and evidence –based processes. We continue the work started by my predecessor to implement structured decision-making for parole release decisions. The Structured Parole Decision-Making (SPDM) framework was developed in Canada by Ralph Serin, Director of the Criminal Justice Decision-Making Laboratory and member of the Forensic Psychology Research Center at Carleton University. The framework was made available to the Board with funding provided by the National Parole Resource Center (NPRC; a partnership of the Center for Effective Public Policy's (CEPP) and the Association of Paroling Authorities International (APAI)). SPDM is a validated approach of ordered, professional judgment that enhances transparency and consistency in decision making. It is through these efforts underway at the Board coupled with the proposed changes offered in this bill that we will continue to strengthening the criminal justice system and ensure accountability in a process that focuses its resources in places of need.

Restructuring the Parole Board

In the 2008 legislation, the membership of the parole board was expanded to include full-time members in addition to existing provisions for part-time members. Full-time members earn an annual salary and benefits; part-time parole board members earn \$110.00 "for each day spent in the performance of their duties." C.G.S. §54-124a(c). All members are required to be "qualified by education, experience or training in the

administration of community corrections, parole or pardons, criminal justice, criminology, the evaluation or supervision of offenders or the provision of mental health services to offenders." C.G.S. §54-124a(a). All members are required to have ongoing training. Members are appointed to serve exclusively on either the parole or pardons board (with the exception of the Chairperson who serves on both). Finally, but perhaps most importantly, members of the parole board are required to have all pertinent information required to make a sound and informed decision regarding parole release.

Nearly five years have passed since the enactment of the Criminal Justice Reform Act and we now know certain things to be true:

1. Full-time and part-time parole board members are equally qualified, receive the same training, and spend the same amount of time reviewing pertinent information, preparing for, and conducting hearings. The only difference between them is their earnings.
2. We are asking a group of professionals, whose decisions affect the safety of every man, woman, and child in the State of Connecticut, to do so for \$110 per day.
3. Varied and diverse perspectives of qualified, experienced parole board members makes for better decisions.
4. The number of parole hearings conducted has no connection to public safety.
5. Assessment and analysis of information about an offender that research shows is directly correlated with his/her risk to reoffend makes for the most predictive release decisions.

The proposed restructuring of the Board of Pardons and Paroles addresses these five truths. Governor's Bill 846 creates, by attrition, a qualified, experienced Board that can meet agency needs to conduct parole hearings. It increases the per diem pay for part-time members to \$200.00. The bill expands the qualifications of the Board to include public health and legal experts. The review of information, preparation for, and conduct of a parole hearing – in a manner that produces the best decisions possible - can be best done by a parole board with this proposal.

Parole hearing requirements

Governor's Bill 846 proposes to amend the mandatory hearing requirements for both non-violent and violent offenders and restore the ability of the Board to determine if and when someone should have a parole hearing. Public Act 04-234, required the Board to hold hearings for all parole-eligible offenders; Public Act 08-01 prohibits the Board from holding a hearing unless it has all available pertinent information for an offender. These statutory mandates often conflict. An offender may have served 75% or 85% percent of his/her prison term, but the Board does not have all pertinent information in order to conduct a required hearing. Amending this conflicting language will allow the Board the flexibility to concentrate its resources on identifying those offenders *least* likely to recommit crimes with effective conditions and supervision in the community and proceeding with their hearings. Current statutory language forces us to proceed with hearings for offenders who are classified by the Department of Correction (DOC) as active gang members or who are in administrative segregation due to disruptive institutional behavior. Though these offenders are not likely to be granted parole, my staff is required to prepare for and conduct their hearings. Resources would be better spent elsewhere.

Governor's Bill 846 contains a provision that will allow the Board to utilize the option of an "Administrative Review without a Hearing" for those cases the Chair deems appropriate. This process allows parole officers at the Board to conduct an in depth interview and assessment of a parole-eligible offender and make a recommendation to a panel of the Board to either grant or deny parole based on risk.

The Criminal Justice Reform Act of 2008 also mandated collaboration between the Court Support Services Division (CSSD) of the Judicial Branch, DOC, and the Board of Pardons and Paroles in utilizing a dynamic risk assessment. After a number of years of research by the Board, we collectively settled on an adaptation of the Ohio Risk Assessment System (ORAS) called SCORES - the Statewide Collaborative Offender Risk Evaluation System. SCORES was developed by the University of Cincinnati's Center for Criminal Justice Research and is currently being customized for Connecticut. The system has the capacity to inform decision making from judicial sentence, to prison treatment and program assignment, to release decisions by the Board and correctional facilities, to community supervision. It is a series of risk assessment tools which can be used as stand-alone assessments or integrated into a continuum of assessments that facilitates sharing information about an offender across various points in the criminal justice system. The Board will utilize this tool to identify and triage low, medium, and high-risk offenders in a way that will allow strategic reallocation of resources to focus on high-risk offenders.

Eligibility Requirements for Compassionate Parole

For the non-violent offender population - those eligible for parole consideration after having served 50% of their sentence - the current compassionate parole statute is unworkable as there is no difference in their eligibility. The Governor's proposal seeks to modify compassionate parole requirements to allow the parole board to consider the non-violent offender population.

Under Connecticut General Statutes section 54-131k, in order to be eligible for consideration for compassionate parole release an offender, 1) must be physically incapable of presenting a danger to society because he is physically or mentally debilitated, incapacitated or infirm because of advanced age, or has a non-terminal condition, disease, or syndrome *and* 2) has served at least half of his sentence or half of his remaining sentence after the board commuted his original sentence.

It is the latter requirement that excludes an existing pool of inmates who pose an unnecessary financial drain on the correctional system and pose no threat to public safety. They are inmates in advanced stages of various types of cancer, have liver disease, or advanced AIDS, among other ailments who are unable to clothe, feed, or toilet themselves. But for the 50% requirement under current law, this group of inmates could be considered for parole to family sponsors, or hospice, or private medical facilities.

I fully support passage of Governor's Bill 846.

Regarding H.B. 6510 - An Act Concerning Duties of Department of Correction Officials as Peace Officers, I am asking that you add the Board of Pardons and Paroles officials authorized by the Chairperson to this language. The bill would enable DOC officials, who are authorized by the Commissioner of Correction, to make arrests while in the performance of their duties. There is a need for certain parole officers at the Board to act as peace officers during the course of their duties. An example would be Pardons Unit officers who conduct investigations and Interstate Compact Unit officers who routinely remand offenders from other states.