Judiciary Committee

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Testimony from

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H.B. No. 6510, AAC DUTIES OF DEPARTMENT OF CORRECTION OFFICIALS AS PEACE OFFICERS

H.B. No. 6657, AAC SENTENCING AND RISK REDUCTION CREDITS

S.B. No. 123, AAC REPEALING THE RISK REDUCTION CREDIT PROGRAM

S.B. No. 1142, AAC PROMOTING THE USE OF RENEWABLE ENERGY AT CORRECTIONAL FACILITIES

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H.B. No. 6510 AAC DUTIES OF DEPARTMENT OF CORRECTION OFFICIALS AS PEACE OFFICERS

This proposal seeks to revise existing statutory language pertaining to the status of members of the Department of Correction to clarify and more accurately reflect the roles and responsibilities of its staff. We have been governed by antiquated statutory language that has not kept up with how the DOC and the marshalling of resources throughout the law enforcement community have evolved. Today we know that criminal activity and criminal enterprises do not stop at or respect the boundaries of prison walls, and to address the significant threats to public safety posed by gang members and career criminals, DOC must partner with federal, state and municipal law enforcement 24 hours a day, 7 days a week. To the credit of members of this General Assembly, our mission has extended far beyond the walls of correctional institutions with our re-entry initiatives. Additionally, we have had unprecedented interagency collaboration that has also broadened our mission with a primary focus on public safety.

To provide a contemporary prospective on the responsibilities of our agency:

- Our organization currently supervises over 16,000 inmates within 16 secure facilities.
- We transport an average of over 8,000 offenders per month to other facilities, courts, hospitals, and community residential placements to name a few.
- We supervise over 3,600 offenders released to Transitional Supervision, Transitional Placement, Halfway House, Parole, Special Parole, Parcom, Transfer Parole, DUI/Home Confinement, Re-Entry Furlough throughout the entire state in accordance with CGS 18-81g, 18-100, and 18-100c. Our staff is responsible for supervising offenders in the community and performing many of the dangerous duties that police officers perform, including entering of homes,

apartments and other residential settings, conducting searches of persons and property, taking offenders into custody and transporting offenders to facilities and programs throughout the state.

- Our Tactical Operations Unit, specifically the Special Operations Group is responsible for all high security transports in collaboration with CSP. Additionally, and very timely, members of this team, who are all certified instructors, are presently a part of Active Shooter Training and have begun an initiative with our host communities, to assist the school district in becoming better prepared for emergencies. This initiative includes conducting threat assessments, Emergency Plan and Command Center training. Also, in collaboration with CSP, we will provide training and education to Administrators, faculty, and Board of Education members, alike.
- Our Fugitive Recovery Unit is responsible for locating, apprehending and returning offenders that have escaped or absconded from community supervision.
- Our Security Division works very closely with Municipal, State and Federal law enforcement by sharing information and resources, to assist in combating criminal activity both inside our jails and prisons as well as in the community.
- Members of our agency routinely serve on external task forces under the auspices of a lead Law Enforcement Agency.
- We have been an integral part of municipal law enforcement initiatives in of New Haven, New Britain, New London and Hartford.
- Under the direction of the State Police, we have staff working with the Major Crimes Division assisting with surveillance and intelligence gathering.
- Our highly trained K-9 teams assist law enforcement in the community.
- We have partnered with the Office of the State's Attorney Task Forces.
- We have staff that is presently working with the FBI, U.S. Marshals, DEA, U.S. Department of Homeland Security, and the ATF.

While I will not go into the particulars of these assignments, I believe it is sufficient to say that it is quite apparent that our sister agencies value the expertise and professionalism our staff contribute in this very meaningful interagency collaboration. In order to perform the many tasks described above, we have developed much of the same training, through our nationally accredited academy that is provided throughout the law enforcement community. Some of this training includes searches; use of force and firearms instruction/weapons qualification conducted by POST certified instructors, among just a few.

While there is so much more that can be articulated about the vast scope of responsibility our agency has, I will wrap up my testimony with these few comments.

Despite our leadership role in our field within the nation, Connecticut is one of the few states that do not explicitly recognize the hazardous duty occupation of the correctional professional as a Peace Officer.

While it is my opinion, and that of my predecessors, that the clear legislative intent of 53a-3(9) was to provide the Commissioner of Correction the authority to give peace officer status to correctional officials in their official capacity. This is further evidenced by the use of force statutes, in particular 53a-18 and 53a-22, which confer the same statutory rights to use physical and deadly force on peace officers, corrections officers and parole officers. We have operated within this implied authority and have taken our training and supervisory responsibilities most seriously.

53a-3(9) is narrowly written to only include facility based roles within the agency, and does not uniformly or accurately embrace the multi-faceted professional roles being performed beyond the walls of a correctional institution or the many situations where correction employees may be compelled to use force, conduct searches and detain offenders as envisioned in the use of force statutes discussed above.

This bill is not intended to alter the roles and responsibilities of the Department of Correction. Rather, it will serve to give explicit, rather than implicit authority to the Commissioner of Correction, to give peace officer status to its members, without reference to being within a correctional institution or facility, thereby more accurately reflecting the evolution of the agency's mission. It is critical that DOC staff responsible for performing its duties in the community be vested with authority to act in a manner consistent with protecting the public. It is our intent to use this authority narrowly to designate only those staff that serve as resources to law enforcement and perform significant duties in the community.

While we are aware of some concerns relating to this initiative, we look forward to working collaboratively to come to some agreement to move this very important legislation forward.

H.B. No. 6657, AAC SENTENCING AND RISK REDUCTION CREDITS

The Department of Correction is in support of this bill in that it ensures that an inmate serving a sentence for violent offense cannot be released prior to serving at least 85% of their sentence. The bill seeks to address concerns some have regarding the application of the Earned Credit Program. The intent of this program has always been to effect a reduction in crime, a reduction in spending and to restore victim confidence. This program has encouraged offenders to get involved in meaningful evidence based programs and has positively impacted offender behavior, as shown in data related to offender discipline, which directly affects staff safety. It should be noted that, since its

inception in October 2011, offenders earned an average of only 61 days in RREC awards, and served an average of 95% of their sentence as a result of their RREC awards.

S.B. No. 123, AAC REPEALING THE RISK REDUCTION CREDIT PROGRAM

The Department of Correction is not in support of repealing the Earned Credit Program as early data has shown that the program has had positive results, as noted in the above testimony. Concerns over there being a big spike in offender releases, which would further increase crime and victimization has not be evidenced by the data collected thus far. We would suggest that the program encourages offenders to better prepare themselves for release through programming and positive institutional behavior. While it is still early to know the true effect the program will have on recidivism, we can tell at this point that the program has done no harm, in fact arrest rates are down, as is the offender population.

S.B. No. 1142, AAC PROMOTING THE USE OF RENEWABLE ENERGY AT CORRECTIONAL FACILITIES

This bill seeks to permit the Commissioner of Correction to establish a pilot program using renewable sources. We certainly would welcome any support given as it relates to energy savings projects. We conserve energy anywhere we can as it is a big priority for our agency. With regard to renewable energy pilot programs, we already have a pilot at the York Correctional Institution. We have partnered with DEEP and to date we have installed two solar hot water systems and are pursuing a fuel cell project there as well. With that being said, projects such as these are difficult to accomplish because the technology is very expensive and the return on investment is usually much longer than the more traditional energy projects such as lighting upgrades. Even still, we are always exploring ways to be energy efficient as we manage over 300 buildings.