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Governor

STATE OF CONNECTICUT DEPARTMENT OF CORRECTION

LEGISLATIVE UNIT



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Commissioner

Testimony before the Joint Committee on the Judiciary, March 21, 2018

Good Morning Representative Tong, Senators Doyle and Kissel and the members of the Judiciary Committee, I am Scott Semple the Commissioner of the Department of Correction (DOC) and would like to speak in support of 4 bills on Today's Agenda: **House Bill 5040, An Act Concerning Adjudication Of Certain Young Adults In Juvenile Court, House Bill 5042, An Act Concerning The Prosecution Of Low-risk Young Offenders In Adult Court, Senate Bill 13, An Act Concerning Fair Treatment Of Incarcerated Women, and Senate Bill 14, An Act Concerning Special Parole For High-risk, Violent And Sexual Offenders.** I have also submitted written testimony on a number of other bills on your Agenda.

Since its inception 50 years ago, the Department of Correction's main focus has been the adult male offender population. Even the Manson Youth Institution which houses inmates as young as 15 years old is in practice, procedure and culture an adult male correctional institution. DOC has recently established a better model of managing the young adult male offender population with the T.R.U.E. unit at the Cheshire Correctional Institution. It provides a therapeutic community model with targeted resources to address the specific needs of young adult male offenders and I believe it is working well. Both inmates and staff have responded favorably to this different model of correctional supervision. Younger inmates are disproportionately involved in inmate and staff assaults, but the T.R.U.E. unit has significantly reduced them. DOC is in the process of launching a similar program at the York Correctional Institution for young adult female inmates. Despite these new efforts, I have come to the conclusion that the time is now for DOC to get out of the business of supervising young adult offenders. Based on the research and based on my observations of the criminal justice system in Germany, I believe that persons who are under 21 years of age are better managed in the Juvenile Justice system. The research shows that persons under 21 are not fully-developed in their cognitive judgment. As importantly, by diverting these young adults from the Adult Criminal Justice system we will break the cycle of recidivism and prevent adult criminal records at this young age from adversely impacting their employment, educational and relationship futures. House Bills 5040 and 5042 are initiatives to place young adult offenders in more appropriate settings where their criminogenic needs will be better addressed. By doing so, they will be much less likely

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involved in the adult criminal justice system and avoid all the long-term negative impacts on their lives.

Concerning Senate Bill 13, An Act Concerning Fair Treatment of Incarcerated Women, despite the fact that the offender population is at its lowest level since 1994, until recently the female offender population has essentially remained at the same level. Senate Bill 13 seeks to change this. Governor Malloy's legislative proposal enhances and expands upon the Department's practices and procedures for female inmates. The bill aims at breaking the cycle of victimization, trauma and incarceration. It will also make our communities safer and ultimately save taxpayer dollars. This proposal will: prohibit the shackling of pregnant inmates during labor; require DOC to provide female inmates with feminine hygiene products at no cost; establish child-friendly visitation policies; enhance requirements for gender-specific and trauma-related trainings for correctional staff; require DOC, the Board of Pardons and Paroles, and the Court Support Services Division of the Judicial Branch to utilize a gender-responsive approach to risk assessment; and require DOC to develop and implement a policy concerning transgender inmates. Research shows that women who are involved in the criminal justice system are more likely to have histories of abuse, trauma, mental health and substance abuse problems. Senate Bill 13 is a focused approach to the female offender population, minimizing unnecessary additional trauma and providing them with gender-specific support and supervision.

Senate Bill 14, An Act Concerning Special Parole For High-risk, Violent and Sexual Offenders is an effort to make Special Parole what it was intended to be - a targeted tool for especially challenging serious offenders. Right now, DOC's Parole and Community Support Division caseload is almost 50% dedicated to offenders on Special Parole. This is costly, inefficient and is not based on the risk assessment of these offenders' likelihood to reoffend. DOC has been working with the Judicial Branch on the bill language. I am submitting a revised draft which the Branch supports that focuses Special Parole on offenders who need to be subject to this rigorous level of supervision.

I thank the Committee for the opportunity to speak in favor of these important criminal justice initiatives. I urge the Committee to strongly consider them. I would be happy to answer your questions on these bills or on any of the bills the Department submitted testimony on.

Additional Bills of Concern to the Department of Correction

DOC is opposed to Senate Bill 507 - An Act Concerning Eligibility To Earn Risk Reduction Release Credits and House Bill 5547 - An Act Concerning Accountability For the Earned Risk Reduction Credit Program. These bills would severely reduce the Department's ability to get inmates into needed programming and also incentive their

good behavior while incarcerated. I think it is important to remind Committee members that the State of Connecticut's current RREC program is one of the LEAST generous nationally for inmates and one that has severe penalties for inmates who do not follow its rules and/or cause disruptions. Inmate fights and assaults on staff have declined significantly as a result of the RREC program which creates a safer environment for our staff and inmates.

Specifically, Senate 507 would dramatically decrease the number of inmates eligible for the RREC program. It is not the non-violent offenders who normally cause disruptions and/or need programming, it is those who are in on serious offenses. DOC estimates that over 6000 inmates would no longer be eligible for the RREC program. Eliminating such a large number of inmates based on their conviction and not on their institutional behavior and program compliance invites litigation and could dramatically worsen the climate in DOC facilities. The longer incarcerations will also translate into higher costs.

House Bill 5547 would award RREC only upon completion of activities in the offender accountability plan (OAP). This is problematic on a couple of levels. Many activities may not have a completion date and some may not be possible for the inmate to accomplish due to a lack of instructors or available jobs. Inmates should only be penalized for things they can control. The ability of DOC's computer system to handle RREC in this manner is also challenging if not expensive to upgrade.

DOC is also opposed to House Bill 5465 - An Act Concerning Good Time Credits. Statutory Good Time (SGT) is only awarded to inmates who were convicted of crimes committed before October 1, 1994. The number of DOC inmates who are on Statutory Good Time is 389 and there are 104 inmates being supervised in the community who are on SGT. DOC believes it will be very problematic legally to eliminate upon passage Statutory Good Time for inmates who have been receiving it for decades. It is important to remind Committee members that Statutory Good Time has been extensively litigated and the ability of the DOC Commissioner to rescind them is also limited. If this bill was enacted, it would result in inmates staying incarcerated longer with the associated higher costs.

Finally DOC is opposed to House Bill 5548 - An Act Concerning Inmate Furloughs. It is unclear what problem this bill is trying to fix. Inmate furloughs are normally initiated by discretion of a Warden, the Centralized Release Unit or the Division of Parole and Community Services and given only to those inmates who might benefit from a furlough for specific rehabilitative or medical purposes. The risk assessment of the offender is one of the criteria used to determine eligibility. The bill would prevent DOC from using furloughs for a significant number of the inmate population - not based on their risk to reoffend, but the crime for which they were charged. In particular, it is problematic to use the original felony charge as opposed to the felony conviction. That would entail a very time consuming and costly review of all inmates to see whether they fall under this

expansive definition. It is safe to say that many of the offenders who would benefit most from these furloughs are the ones who would be excluded by passage of the bill.

DOC supports in concept and within available appropriations, House Bill 5531 - An Act Concerning Enhanced Employment Opportunities For Incarcerated Individuals. Obtaining employment after incarceration is one of the best ways to prevent recidivism of ex-offenders. DOC has been very engaged in working with employers who are willing to hire ex-offenders. DOC provides inmates with the resources to obtain GEDs and job skills within available appropriations. DOC looks forward to working with the bill's sponsor(s) and the Departments of Consumer Protection and Labor in drafting the most effective language to assist ex-offenders in obtaining state vocational licensing and certifications.