

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-1058

AN ACT CONCERNING COMPASSIONATE OR MEDICAL PAROLE RELEASE
BY THE BOARD OF PARDONS AND PAROLES AND CONCERNING STAFF

Title: OF THE DEPARTMENT OF CORRECTION.

Vote Date: 4/5/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/22/2021

File No.: 615

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SPONSORS OF BILL:

The Judiciary Committee

Sen. Martin M. Looney, 11th Dist.,

Rep. Travis Simms, 140th Dist.

REASONS FOR BILL:

The necessity for "Compassionate Release" became that much more evident this past year as COVID pandemic impacted older or medically compromised individuals institutionalized in prisons or nursing homes. This bill allows a panel of the Board of Pardons and Paroles the ability to grant compassionate parole release to any inmate, except those convicted of a capital felony under provisions of section 53a-54b. The panel must find circumstances where an inmate poses higher risk of harm to other inmates if remained confined, and if such inmate presents a reduced risk or danger to society. In addition, this legislation holds correctional staff accountable by requiring them to report any unreasonable, excessive or illegal use of force failure to do so can lead to prosecution. This law could provide an opportunity of decarceration in Connecticut prison system saving the State money and holding the Department of Correction staff accountable.

SUBSTITUTE LANGUAGE:

The substitute language clarifies that the panel has the commanding authority with compassionate parole release or medical parole release. Section 7(a)104 the words "be physically incapable of presenting a" was replaced with "present a significantly reduced risk of" because the language better aligns with protecting the public just as much as parole candidates. The substitute language clarifies a panel of the Boards of Pardons and Paroles may grant compassionate release rather than the entire Board of Pardons & Paroles. Also, employees of the DOC witnessing excessive force are further protected from retaliation by 4-61dd or 31-51m.

RESPONSE FROM ADMINISTRATION/AGENCY:

Connecticut Department of Corrections, Commissioner, Angel Quiros; requests changing the effective date of Sec. 2 regarding the duty to intervene in possible cases of excessive force from "effective from passage" to January 1, 2022. Since the new DOC took over, he has made many changes despite dealing with COVID challenges. Delaying the effective date will allow the commissioner more time and resources to effectuate process changes.

Office of Chief Public Defender, Legal Counsel, Deborah Sullivan; supports this bill as the current statutory framework makes it difficult for compassionate parole release of medically vulnerable and low-risk inmates. COVID-19 has made it clear that compassionate parole denied some of the most medically venerable inmates. Including statutory change to include the COVID-19 pandemic and future possibilities could allow the release of certain inmates now and in the future. The consideration of reduced risk of danger the inmate presents to society while incarcerated are important factors to consider for the Board of Pardons and Paroles.

Board of Pardons and Paroles, Chairperson, Carleton Giles; supports section one of the bill with the addition of the Board's proposed substitute language and takes no position on section two of the bill. It is stated that the proposed changes are needed to have a proper implementation of a compassionate parole and to clear up any ambiguity. It is also stated that the language clarifies that a panel of three board members is the decision-making authority, as opposed to the entire board; amending existing parole statutes to appropriately reference compassionate parole as a distinct release mechanism where those statutes apply and making other technical and conforming changes.

Office of the State Victim Advocate, State Victim Advocate, Natasha Pierre, Esq.; opposes this bill stating that it goes too far in undermining the protection of crime victims. It is stated that this legislation will permit the release of violent criminals for any non-terminal medical condition. It is also stated that this proposal repeals the Department of Correction supervision conditions for said inmate creating a possible conflict with previous victim(s) and public safety.

NATURE AND SOURCES OF SUPPORT:

Connecticut General Assembly, Senator and President Pro Tempore, Martin Looney; supports this bill stating that modified criteria now allows the Board of Pardons and Paroles to determine when an inmate is eligible for compassionate release. It is also stated that this bill will clarify whistle blower protections that apply to staff at the Department of Correction.

Connecticut Legal Rights Projects Inc., Executive Director, Kathleen Flaherty; supports this bill stating that it takes more steps toward decarceration and accountability in the prison system. It is also stated that allowing abuse and failing to intervene perpetuates a system that harms all those involved. This bill protects the individual reporting any excessive use of force from any retaliation.

Brown Paindiris & Scott LLP, Attorney, Cody N. Guarnieri; supports this bill stating that this may result in cost saving by the State. According to a recent article, CT DOC spends \$50,262 annually per inmate. Instead of paying to house and feed these individuals, monitoring them

electronically is a savings opportunity by reducing prison population and assist in reducing the spread of COVID-19 by achieving less medical care costs.

American Civil Liberties Union of Connecticut, Interim Campaign Manager, Gus Hamilton; supports this bill stating that it is a necessary step, although not enough to ensure that no person dies in custody of the Department of Corrections during a pandemic. It is stated that Connecticut has multiple mechanisms to release those incarcerated, yet evidence suggests this was not the case throughout the COVID-19 pandemic.

Connecticut Voices for Children, Chief of Staff, Sana Shah; supports this bill stating that it will help mitigate the risk of serious illness and death. It is stated that incarcerated individuals are dependent on the State for their health and prison conditions. Allowing them the opportunity to be released into the community with supervision if they qualify with their pre-existing condition can alleviate the stress of spreading future illnesses. The separation of children and parents during incarceration can hurt the children's well-being and development.

Clinton Roberts & Associates Inc., Criminal Defense Mitigation Specialist, Clinton Roberts; supports this bill stating that allowing incarcerated persons an opportunity to be in their community under strict monitoring and supervision can save the state money. It is stated that in instances where incarcerated persons are elderly and sick, it increases the costs to the state exponentially.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Coalition Against Domestic Violence, Director of Public Policy and Communications, Liza Andrews; opposes this bill stating that it could pose a danger to domestic violence victims stating it creates a new process with lower standards for granting compassionate release. It is also stated that it removes supervision by the Department of Correction, and it should require victim notification and input.

Connecticut Alliance to End Sexual Violence, Director of Policy and Public Relations, Lucy Nolan; does not state support nor opposition but urges the committee to not remove 54-131k (b) nullifying those released under compassionate parole but currently subject to the terms and conditions of the Boards of Pardons and Paroles once released. There would be serious negative impacts for the victims of sexual assault by removing required treatment and supervisory tools for sexual assault offenders thereby posing a risk of danger to society.

Reported by: Edward Jacome

Date: 4/16/2021