

Public Act 04-234 Compliance Monitoring Project

This is the first of two reports required by Public Act 04-234 containing the Legislative Program Review and Investigations Committee findings regarding the implementation of the legislation and its effects. This report is due no later than January 1, 2006, with the second and final report due January 1, 2008.

Public Act 04-234 contained many initiatives to provide a comprehensive means to control the state's persistent prison overcrowding problem. Its centerpiece requires a collaborative effort by a variety of agencies to develop and implement an offender re-entry strategy as a new approach to addressing the prison overcrowding problem by promoting the successful transition of offenders back into society, thereby also enhancing public safety and supporting the rights of victims of crime. Other elements of Public Act 04-234 are intended to support the operation of the offender re-entry strategy.

In a related action, the 2004 state budget contained funding for certain criminal justice system programs to promote community supervision and community-based services and programs. In concert with the offender re-entry strategy, the idea behind these funds is that the more offenders who may participate in effective community supervision programs, the more public safety is enhanced through lower recidivism, and prison overcrowding is reduced. A positive cycle begins -- by enhancing the ability of the offender re-entry strategy to work, incarceration dollars may be saved and ultimately "reinvested" into even more effective community-based supervision and treatment programs. A detailed description of the initial FY 05 investment is contained in Appendix A.

Offender Re-entry Strategy

An overview of the offender re-entry strategy adopted through Public Act 04-234 is presented below.

The act requires the Departments of Correction (DOC), Labor, Mental Health and Addiction Services, and Social Services, the Board of Pardons and Paroles (BPP), and the Judicial Branch's Court Support Services Division (adult bail and probation services) to collaboratively develop and implement a comprehensive offender re-entry strategy for offenders who are discharged from prison to:

- assist in maintaining the prison population at or under the authorized bed capacity;
- promote the successful transition of inmates from prison back to their communities;
- protect public safety; and
- support the rights of victims of crime.

Public Act 04-234 also establishes specific measures to evaluate the success of the offender re-entry strategy. The Department of Correction is required to annually submit a report to the General Assembly on the success of the offender re-entry strategy based on the statutory measures. The six measures are:

- rates of recidivism and community revictimization;
- the number of inmates eligible for release on parole, transitional supervision, probation, or any other early release program;
- the number of inmates who made the transition from incarceration to the community in compliance with a discharge plan;
- prison bed capacity ratios;
- adequacy of the network of community-based treatment, vocational, educational, and supervision programs, and other services and programs; and
- reinvestment of any savings achieved through a reduction in prison population into re-entry and community-based services and programs.

The initiatives enacted through Public Act 04-234 are listed below.

- Reorganizes the state's parole and pardons functions and requires significant procedures changes to promote the number of offenders eligible for parole and other early release programs.
- Requires any proposed state contract for out-of-state prison beds to be submitted for review and comment to the Appropriations and Judiciary Committees before signing.
- Requires the Department of Correction and the Court Support Services Division (CSSD) to submit plans to reduce the number of parolees and probationers returned to prison for a technical violations by 20 percent no later than October 15, 2004 and, if funding was provided, to implement the plans and report on the implementation results no later than August 15, 2005 .
- Increases the re-entry furlough period from 15 to 30 days and the daily credit earned by inmates toward payment of unsatisfied fines from \$50 to the average daily cost of incarceration.
- Establishes pre-trial detention credits for juveniles.
- Requires the Legislative Program Review and Investigations Committee to study the state's mandatory minimum sentencing laws and report to the Appropriations and Judiciary Committees by January 1, 2006.
- Requires the program review committee, assisted by the Office of Fiscal Analysis, to "review the implementation of this act" and measure: (1) its effect on the prison population; (2) the cost savings generated; and (3) the extent to which such savings are reinvested in improving community safety and ensuring the successful transition of ex-offenders to the community. The program review committee, as stated, is required to report its findings to the

Appropriations and Judiciary Committees on January 1, 2006 and again on January 1, 2008.

In general, the offender re-entry strategy is intended to achieve its statutory goals by:

- increasing the period of parole release to better allow successful transition from prison to the community;
- ensuring all eligible inmates are considered for discretionary parole release;
- using appropriate and effective sanctions for noncompliance with community supervision conditions without resorting to re-imprisonment; and
- increasing community-based supervision and programmatic resources by reinvesting resources saved by controlling and/or reducing the prison population.

Implementation Monitoring Process

The program review staff used a variety of methods to gather information and data to assess the status of implementation and effectiveness of the strategy. The staff established an implementation monitoring process that includes, but is not limited to, the following:

- identifying performance indicators that would give the committee and the General Assembly information on how the strategy's initiatives are operating;
- establishing definitions of critical performance measures that are agreed upon by the legislative staff and executive and judicial branch agencies (e.g., recidivism, community revictimization, eligibility, adequacy);
- establishing and reviewing the implementation monitoring criteria with executive and judicial branch agencies responsible for implementation of the initiatives;
- identifying the data needed to conduct the monitoring project and insure the data are properly collected and reported;
- analyzing performance measures; and
- developing findings and options.

In order to facilitate the compliance monitoring project, the program review committee took the lead role in evaluation with Office of Fiscal Analysis (OFA) providing budgetary details and analysis when appropriate. The OFA analysis of FY 05 justice funding is contained in Appendix A.

In February 2005, the program review committee staff began tracking implementation of Public Act 04-234 by the Department of Correction, the Board of Pardons and Paroles, and the Judicial Branch's Court Support Services Division (CSSD), and other agencies including the

Office of the Attorney General and Departments of Labor, Mental Health and Addiction Services, and Social Services. The program review staff conducted interviews with selected legislators, administrators and key staff from executive and judicial branch criminal justice agencies, selected staff from a number of private, non-profit agencies that contract with the state criminal justice system to provide services, supervision, and treatment to accused and convicted offenders, and national and state experts on criminal justice issues.

Program review committee staff reviewed state statutes, regulations, and historical legislative materials related to the mandates of Public Act 04-234. Executive and judicial branch criminal justice agencies' policies, directives, and written procedures as well as budget documents were also reviewed.

The program review staff obtained a variety of data pertaining to each of the 36 provisions contained in Public Act 04-234 from the Department of Correction, the Board of Pardons and Paroles, and the Court Support Services Division. Some requested data were not provided in time for inclusion in this report (e.g., average time-served prior to parole or early release from prison). There were particular problems regarding certain parole data. Since the merger of the parole board into DOC and the transfer of parole supervision from the board to DOC, there is confusion as to which agency is responsible for tracking certain data. Further difficulties arose since the parole board has little or no information management capabilities or staff since the merger, a function taken over by the correction department. The program review committee will continue to work with the agencies to develop these data for the January 2008 report.

Overall, the program review committee found:

- the offender re-entry strategy required by Public Act 04-234 has not been developed or implemented because no state criminal justice agency was designated the lead in the legislation;
- the merger of the Board of Pardons and Paroles into DOC has taken more time and presented personnel and financial complications;
- DOC has not utilized FY 05 community-based staff and program funding while CSSD has fully utilized its funds;
- there appear to be negative trends in parole and other DOC early release programs (e.g., no increase in the number of inmates paroled or released under other community supervision programs, increase in new crime and technical violations among parolees); and
- DOC is managing a growing budget deficit (currently \$28.5 million), which forces the department to focus managing the prison population within existing capacity rather than on implementing the offender re-entry strategy initiatives.

Report organization. The compliance monitoring results presented in the first six sections are program review committee determinations of the implementation status to date of

the provisions contained in Public Act 04-234. The report organizes the 36 provisions into related components of the criminal justice system or policy initiatives.

Section 1 provides an overview and implementation status of the offender re-entry strategy and monitoring requirements. Section 2 presents the provisions relating to the parole board and its hearing process and the provisions governing parole supervision are contained in Section 3. Section 4 details the requirements to reduce by 20 percent the admissions to prison for technical violations of probation or parole. Section 5 summarizes the status of various initiatives relating to the criminal justice system. The program review committee analysis of the success of the offender re-entry strategy based on the six statutory outcome measures is presented in Section 6.

Since many of the offender re-entry strategy initiatives discussed throughout this report are ultimately intended to stabilize growth in the inmate population, an analysis of the Department of Correction prison capacity and the inmate population is presented in Appendix B. An overview of the department's budget trends is also included in Appendix A.

When program review committee identified that implementation of a provision or initiative is not possible, it provides possible actions or options that can be considered by the Judiciary and Appropriations Committees and, if legislative action is deemed necessary, ultimately by the General Assembly.

Each of the following six sections begins with a brief description of the specific provisions of the legislation evaluated as well as identification of the agency responsible for implementation and the program review committee monitoring of implementation. Suggested actions to facilitate or improve implementation, if any, are also presented.

Offender Re-entry Strategy Planning and Monitoring

Background

The ability of the criminal justice system to detain and punish offenders relies on the availability of jail and prison beds throughout the process from arrest to parole. When prison overcrowding occurs, therefore, it is a problem that impacts all criminal justice agencies, not just the Department of Correction. It is an issue that must be addressed by the General Assembly, which is responsible for responding to the public demand for punishment of offenders, setting sentencing policy, and funding the criminal justice system.

In 2004, in addition to the proposal of HB 5211, the eventual passage of which became Public Act 04-234, the Appropriations Committee provided \$13 million in FY 05 for several criminal justice initiatives intended to control prison overcrowding, assist offenders as they transition from prison to the community, and enhance public safety. The funding was provided directly to the Court Support Services Division within the Judicial Branch, and the Department of Correction. (Refer to Appendix A.)

The goals of the offender re-entry strategy and the initial criminal justice investment initiative go hand-in-hand. However, the legislation (HB 52111) and the FY 05 budget initiatives were not linked or dependent on the other for passage.

Also during 2004, the legislature was developing a justice reinvestment concept.¹ Justice reinvestment to date has not been defined in statute, but it is a statutory measure of success for the offender re-entry strategy.

The justice reinvestment initiative is intended to realize cost savings in the Department of Correction budget. As a result, a portion or all of any money could be reinvested in offender (and ex-offender) job development and placement and other employment programs, which may include a range of public and private services and partnerships, and other programs intended to reduce the socioeconomic barriers (e.g., transportation, housing, employment, and other restrictions due to criminal record) to re-entry to the community.² The ultimate goal is to reduce recidivism among the offender population. These are also the primary objectives behind the enactment of the offender re-entry strategy.

It was recognized there are a myriad of barriers to and reasons why offenders and ex-offenders are not employed and may commit new crimes, many of which are the result of

¹ Representatives William Dyson and Michael Lawlor sponsored the *Building Bridges: From Conviction to Employment* conference on January 15, 2004.

² For a complete description of the justice reinvestment initiative refer to the report Council of State Governments report *Building Bridges: From Conviction to Employment* (January 15, 2003) and the addendum to that report produced by the Legislative Program Review and Investigations Committee staff, *Addendum to the Building Bridges Report* (January 2003). On January 15, 2003, Representatives William Dyson and Michael Lawlor sponsored the *Building Bridges* conference on this issue.

complex socio-economic and cultural issues. The network of community-based public, private, and religious services and programs required to assist offenders with employment and other issues is similarly complex. This network is a critical component to achieving the state goals of the offender re-entry strategy.

It was further acknowledged there is a need for additional resources for the community-based services. Unless prison overcrowding is contained and community-based supervision (e.g., probation, parole, transitional supervision) is sufficiently staffed, the additional resources for reinvestment may not be available since funding of prison beds will drive the budget process. However, any increase in community supervision caseloads should be followed by a corresponding increase in probation officer and parole officer and community-based network capacity resources.

Offender Re-entry Strategy Planning

To that end, Public Act 04-234 requires the development and implementation of the offender re-entry strategy through a collaborative effort between the Departments of Correction, Labor, Mental Health and Addiction Services, and Social Services, the Board of Pardons and Paroles, and the Judicial Branch. It was recognized a comprehensive continuum of custody, care and control for offenders discharging from prison would extend beyond the traditional jurisdiction of any one criminal justice or social service agency. No agency, however, was statutorily or administratively designated as the lead agency and no plan is specifically required, although the Department of Correction is required to report to the Appropriations, Judiciary, and Public Safety Committees on the success of the strategy annually beginning January 1, 2005. As stated, the success of offender re-entry strategy is to be determined based on six statutory outcome measures.

While it seems logical that an actual planning document would need to be developed to implement the offender re-entry strategy that has not occurred to date. Because no plan exists to guide implementation, a year has been lost in the process to successfully implement the offender re-entry strategy.

Re-entry Strategy Monitoring

A summary of the program review committee monitoring status of the development and implementation of the offender re-entry strategy plan is presented in Table I-1.

On January 1, 2005, DOC submitted a report, *Enhancing Public Safety with Interagency Collaboration: A Progress Report on the Connecticut Department of Correction's Re-entry Strategy*. The department reported it was relying on the Prison and Jail Overcrowding Commission (PJOC) 2005 annual report and the final report submitted by the Alternatives to Incarceration Advisory Committee (AIAC)³ as the primary vehicles for building collaborations

³ In 2003 (Special Act 03-06, Section 158), based on a budget initiative proposed by then-Governor Rowland, the Alternatives to Incarceration Advisory Committee was established to advise the DOC commissioner, during fiscal years 2004 and 2005, on expending any appropriations specifically to address prison overcrowding. The commission was composed of most of the statutory members of the Prison and Jail Overcrowding, a permanent

to meet the goals of the offender re-entry strategy. The PJOC and AIAC made several procedural recommendations for the criminal justice system, but did not address the statutory requirement to develop and implement an offender re-entry strategy.

Table I-1. Monitoring Results for PA 04-234 Provision 29: Offender Re-entry Strategy			
<i>Provision</i>	<i>Implementing Agency</i>	<i>Monitoring Results</i>	<i>Possible Actions</i>
Requires development & implementation of the strategy	DOC DOL, DMHAS DSS BPP Judicial	No compliance No offender re-entry strategy plan developed or implemented due to a lack of leadership & accountability DSS has limited role in process & DOL not participating in process	Centralize authority & responsibility to develop offender re-entry strategy to OPM's Division of Criminal Justice Policy & Planning (CJPP) Require CJPP to submit 2-year strategic plan by January 15, 2007
Requires DOC to report to Appropriations, Judiciary, & Public Safety Committees annually -- beginning January 2005 -- on the success of the strategy based: <ul style="list-style-type: none"> ▪ recidivism ▪ number of inmates eligible for parole, TS, probation, & other early release programs ▪ number of inmates released to community with discharge plan ▪ prison bed capacity rations ▪ adequacy of network of community-based services & programs ▪ reinvestment of any saving achieved through a reduction in prison population into re-entry & community-based services & programs 	DOC	Partial compliance While DOC has met reporting requirements, to date, it has not provided adequate analyses of the 6 outcome measures. DOC reported it was too soon to conduct an assessment of the success of PJOC and AIAC recommendations based on the PA 04-234 outcome measures Comprehensive analysis of strategy outcome measures is beyond jurisdiction, expertise, & resources of DOC	Transfer authority & responsibility for reporting on success of offender re-entry strategy to from DOC to CJPP

In its first annual status report, DOC found many of the PJOC and AIAC recommendations were “long term and systemic,” but since they were only in place for several months, it was too soon to conduct an assessment of their success based on the outcome measures established by the re-entry strategy. DOC did provide brief descriptions of its inmate population and resources.

statutory commission. The specific purposes of or need for the commission is unclear since it appears to duplicate and overlap, but not necessarily enhance, the role of the Prison and Jail Overcrowding Commission.

MONITORING STATUS:

The Prison and Jail Overcrowding Commission and the Alternatives to Incarceration Advisory Committee foster collaboration between criminal justice and other social services agencies. However, neither the PJOC 2005 annual report nor the AIAC final report (issued in 2005) meet the statutory requirement for the Departments of Correction, Labor, Mental Health and Addiction Services, and Social Services, the Board of Pardons and Paroles, and the Judicial Branch to develop and implement an offender re-entry strategy.

While specific procedural initiatives enacted by Public Act 04-234, and recommendations by the PJOC and AIAC, are in various stages of implementation, the comprehensive re-entry strategy that would provide a continuum of custody, care, and control envisioned by the General Assembly has not been developed or implemented.

There is an apparent lack of leadership and accountability in the strategy planning and implementation process. Since no one agency was designated the lead nor does any one criminal justice or social service agency have the jurisdiction, expertise, or resources to assume the lead, the initial planning phase of the offender re-entry strategy appears to have stalled.

It is impossible to measure the success of a plan that to date has not been developed or to attribute positive outcomes in the criminal justice system directly to a strategy that has not been implemented. The most that can be said, at this point, is any positive outcomes identified based on the statutory measures (refer to Section 6) are the result of the criminal justice system adopting a less traditional and more risk-management approach to community supervision in an attempt to meet the overall objectives of the offender re-entry strategy. Further, the Department of Correction does not have the jurisdiction, expertise, or resources to conduct on an on-going basis a system-wide analysis of recidivism among the total offender population.

The underlying justice reinvestment goals to establish offender employment initiatives and reduce the socioeconomic barriers to re-entry have been lost in the current executive branch efforts to develop and implement an offender re-entry strategy.

POSSIBLE ACTION:

The responsibility and authority to develop, oversee implementation, and report on the success of the offender re-entry strategy and the justice reinvestment initiative should be transferred to the Division of Criminal Justice Policy and Planning (CJPP), within the Office of Policy and Management. (CJPP was created by Public Act 05-249 and is scheduled to begin operation on July 1, 2006.) The offender re-entry strategy should be a key component of the overall plan that the division is currently required to develop and promote a more effective and cohesive state criminal justice system.

The offender re-entry strategy should be amended to more clearly state the legislative intent. It should be clarified in statute that the offender re-entry strategy is to provide a continuum of custody, care, and control for all offenders who are under a community-based supervision sentence and especially those offenders who are discharged from the custody of the Department of Correction and assist in maintaining the prison

population at or under the authorized bed capacity. The re-entry strategy shall support the rights of victims, protect the public, and promote the successful transition of offenders from the custody of the state's criminal justice system to the community by: (1) maximizing any available period of community supervision for eligible and suitable offenders; (2) identifying and addressing barriers to offenders' successful transition to their communities; (3) ensuring sufficient state criminal justice resources to manage offender caseloads; (4) identifying community-based supervision, treatment, educational, and other service programs proven to be effective in reducing recidivism among the client population; and (5) establishing offender employment initiatives through public and private services and partnerships by reinvesting any money saved.

The responsibility and authority to submit a two-year strategic plan for the offender re-entry strategy and the justice reinvestment initiative should be incorporated into the overall state criminal justice plan the CJPP is mandated to develop. The plan shall be submitted to the governor and the Judiciary, Public Safety, and Appropriations Committee by January 15, 2007, and be updated biennially thereafter.

The requirement to submit an annual report on the success of the offender re-entry strategy based on the statutory outcome measures should be transferred from the Department of Correction to the Division of Criminal Justice Policy and Planning. Beginning in January 2008, the CJPP should include an assessment on the status and an analysis of the offender re-entry strategy based on the statutory outcome measures in its annual reports and presentation to the joint standing committees of the General Assembly having cognizance of matters relating to criminal justice and appropriations and the budgets of state agencies.

Division of Criminal Justice Policy and Planning

In 2005 (Public Act 05-249), the General Assembly re-established in Connecticut a "centralized ability ... to provide both planning and policy guidance to the state's criminal justice agencies,"⁴ by creating the Division of Criminal Justice Policy and Planning, within the Office of Policy and Management (OPM). During the House debate on the proposed legislation (HB 6976), Representative Michael Lawlor, co-chairperson of the Judiciary Committee, explained the CJPP is an outgrowth of the legislature's efforts to develop a comprehensive offender re-entry strategy and to acknowledge the "extraordinarily large role the criminal justice [system] plays in our state budget and in the quality of lives every day, not just in preventing crime, but also dealing with the [other] complicated problems."

Because the criminal justice system is composed of several agencies that are autonomous yet interdependent, the new division is intended to assist the legislature and governor in identifying cost inefficiencies (e.g., duplicating services), achieving improved outcomes (e.g., reduction in recidivism), and promoting a fair and effective criminal justice system. The intent of the Division of Criminal Justice Policy and Planning was not to undermine the individual criminal justice agencies' abilities to meet their statutory mandates on a day-to-day basis, but to

⁴ Representative Michael Lawlor during House of Representative's debate on HB 6976, An Act Concerning Criminal Justice Planning and Eligibility for Crime Victim Compensation (June 7, 2005).

add an overarching planning and policy function to coordinate, assist them in performing their responsibilities, and assess the effectiveness of individual agency efforts and the system as a whole.

The new CJJP is to be responsible for developing a plan to promote a more effective and cohesive state criminal justice system. An overview of the division's mandate and responsibilities is presented in Appendix C.

It is apparent the legislature intended to place the responsibility for system-wide policy and planning in an entity outside any single criminal justice agency. It is not logical to require and hold accountable one criminal justice agency for the policy, planning, and successful outcomes of another criminal justice agency. Therefore, the Division of Criminal Justice Policy and Planning, working under the broad mandate of OPM, is the logical governmental structure for the overarching policy and planning and outcome monitoring functions.

If the authority and responsibility for strategic planning and monitoring of the implementation of the offender re-entry strategy was transferred to CJPP as proposed, full implementation of the strategy or any significant progress toward the intended goals would still be at least a year away, most likely not until sometime in 2007. The CJPP does not take effect until July 1, 2006. Possible legislative changes to the responsibilities of the CJPP and the offender re-entry strategy may further delay progress. With that said, OPM can establish the new division prior to July 1, 2006, and/or any of the proposed planning functions before any statutory effective date that may be set for new legislation.

Prison and Jail Overcrowding Commission

Currently, the Prison and Jail Overcrowding Commission is composed of the chief court administrator, the executive director of the Judicial Branch Court Support Services Division, the commissioners of the Departments of Correction, Mental Health and Addiction Services, and Public Safety, the chief state's attorney, the chief public defender, the chairperson of the Board of Pardons and Paroles, and eight members appointed by the governor including three government officials, a police chief, two persons representing offender and victim services within the private community, and two public members. The governor appoints the commission chairperson who, historically, has been the DOC commissioner.

As a result of Public Act 04-234, the chairperson of the Board of Pardons and Paroles and the commissioner of the Department of Mental Health and Addiction Services were added, and have participated, as permanent, voting members of the Prison and Jail Overcrowding Commission. Prior to the legislation, they served in advisory roles to the PJOC. Table I-2 provides a summary of these initiatives.

The PJOC has served as the vehicle to foster interagency collaboration within the criminal justice system. It is also required to submit an annual plan to reduce prison overcrowding. The commission has broadly interpreted its mandate, and addresses various criminal justice issues related to prison management and overcrowding

Table I-2. Monitoring Results for PA 04-234 Provisions 14 & 34: Prison & Jail Overcrowding Commission			
<i>Provision</i>	<i>Implementing Agency</i>	<i>Monitoring Results</i>	<i>Possible Actions</i>
BPP chairperson & DMHAS commissioner added as permanent voting members of PJOC	PJOC	Full compliance	Amend existing laws to require PJOC function as advisory committee to CJPP Change name of PJOC to Criminal Justice Policy Advisory Commission Add as voting members commissioners of DOL and DSS for purposes of offender employment & state entitlement initiatives and commissioners of DCF and SDE for purposes of juvenile justice issues
Established subcommittee on correction behavioral health to the Alternatives to Incarceration Advisory Committee (S.A. 03-6, Sec. 159) composed of DOC & DMHAS commissioners & representative of UConn Health Center Subcommittee required to make recommendations to AIAC regarding behavioral health services to DOC inmates	AIAC	Full compliance AIAC submitted final report on January 2005	None

AIAC. The correctional behavioral health subcommittee to the Alternatives to Incarceration Advisory Committee, which was required by the Public Act 04-234, submitted recommendations that were included in the AIAC final report. The AIAC final recommendations were included in the PJOC 2005 annual report.

The AIAC was statutorily terminated in 2005. However, recognizing the importance of continuing to focus on the issue of transitioning inmates diagnosed with serious mental illnesses from prison to the community, the PJOC continued the correctional behavioral health subcommittee as a working group.

MONITORING STATUS:

As discussed above, with the implementation of Public Act 05-249 creating the Division of Criminal Justice Policy and Planning, the role of the Prison and Jail Overcrowding Commission will diminish in July 2006. Since it would be a duplication of efforts, the PJOC will

no longer be responsible for collecting and analyzing criminal justice data or annually preparing a comprehensive state criminal justice plan for preventing prison and jail overcrowding.

The CJPP would benefit from PJOC's ability to foster interagency collaboration established over many years, and provide criminal justice management expertise. Further, since the criminal justice agencies are required under Public Act 05-249 to provide the CJPP with the data necessary to meet its analysis and reporting mandates, it is necessary for the CJPP undersecretary to promote the cooperation and buy-in of the criminal justice agencies. Continuing the PJOC in some capacity would allow for that.

POSSIBLE ACTION:

The current Prison and Jail Overcrowding Commission statutes should be amended to require the commission to function as an advisory committee to the undersecretary of the Division of Criminal Justice Policy and Planning. The name of the PJOC should be changed to the Criminal Justice Policy Advisory Commission (CJPAC) to better reflect its restructured role and mission.

As required by Public 05-249, the CJPP undersecretary shall serve as chairperson of the CJPAC. The commissioners, or their designees, of the Departments of Labor and Social Services shall be permanent, voting members of the CJPAC for the purposes of adult and juvenile offender re-entry issues relating to employment and state entitlement programs. Further, because the CJPP is required to also promote an effective and cohesive juvenile justice system, the commissioners, or their designees, of the Department of Children and Families and the State Department of Education shall be also be permanent, voting members for the purposes of juvenile justice issues.

The focus of the new commission will expand beyond solutions to prison and jail overcrowding in that the Criminal Justice Policy Advisory Commission shall advise the undersecretary on policies and procedures to promote a more effective and cohesive state criminal justice and juvenile justice systems and to develop and implement the offender re-entry strategy. CJPAC shall assist the CJPP undersecretary in developing recommendations to be incorporated in the division's annual report and presentation, but shall not have any independent statutory reporting requirements

Parole and Pardon Hearings

Public Act 04-234 particularly focused on the state systems for parole and early release from prison. The parole process includes two phases: hearings and supervision. The pardon and sentence commutation processes are separate from the parole process, although like parole involve discretionary decision by a state board and have implication on prison capacity. The pardon and parole board and hearing processes are presented in this section. Parole and early release supervision is discussed in Section 3.

Board of Pardons and Paroles Structure

During the past 25 years, the Board of Parole and the parole system in Connecticut have undergone significant changes. The most significant change occurred in 2003 prior to the adoption of Public Act 04-234. In 2003, the Board of Parole and the Board of Pardons were merged into the Department of Correction and the DOC commissioner was given authority over parole and pardon hearing decisions and parole supervision. In 2004, the legislature did not change that parole framework enacted in 2003. Public Act 04-234, therefore, amended the state's parole laws to conform to the existing agencies' structure. An overview of the changes to the organization and mandate of the state parole board are presented in Appendix D.

In contrast, until Public Act 04-234, there was no change to the Board of Pardons or the state's pardon system. Table II-1 summarizes the status of restructuring of the Board of Parole and Board of Pardons which took effect on October 1, 2004, as a consolidated board, within the Department of Corrections for "administrative purposes only." State law (C.G.S. §4-38f) specifies that an agency assigned to another department for "administrative purposes only" retains its rule-making or regulatory authority and its policy-making function "without approval or control of the department." The agency is also to continue to prepare its own budget, which the department must submit as prepared. Therefore, the board is autonomous from DOC in terms of its authority to grant discretionary parole release and pardons for any crime and commutations for any criminal sentence, to establish conditions of release for parole and special parole and to rescind or revoke parole or special parole. However, DOC appears to have misinterpreted the state law defining "administrative purposes only," and has assumed control over the new board's budget and other administrative functions (e.g., human resources, management information, equipment). DOC now has parole supervision responsibility.

Board membership. Under Public Act 04-234, the membership of the Board of Parole and the Board of Pardons were restructured into the 13-member Board of Pardons and Parole that includes a chairperson and seven part-time members assigned to the parole board and five part-time members assigned to the pardon board. The chairperson and all part-time board members are appointed by the governor. The BPP chairperson is the executive and administrative head of board.

Table II-1. Monitoring Results for PA 04-234 Provisions 1-9, 28, & 35: Board of Pardons and Paroles

<i>Provision</i>	<i>Implementing Agency</i>	<i>Monitoring Results</i>	<i>Possible Actions</i>
Board Structure/Organization			
<p>Merges Board of Parole and Board of Pardons creating new Board of Pardons and Paroles</p> <p>13-member board composed of 1 full-time chairperson, 7 part-time members assigned to paroles, & 5 part-time members assigned to pardons</p> <p>BPP within DOC for administrative purposes only (by 10/1/04), but chairperson required to adopt an annual budget & operation plan</p> <p>BPP has independent discretionary decision-making authority (autonomous from DOC) to grant or deny parole, to revoke or rescind parole and special parole, set conditions of release, & to grant sentence commutations</p>	BPP	<p>Full compliance</p> <p>New members added Board members appointed by governor</p> <p>Disagreement over budget control between BPP & DOC has led to cumbersome budget request & approval process & lag in necessary resources</p> <p>No change in status</p>	<p>None</p> <p>None</p> <p>Option 2: Require DOC to submit BPP budget as drafted by the chairperson directly to OPM</p>
Creates executive director for administration of BPP	BPP	<p>Partial compliance</p> <p>To date, executive director position filled on part-time basis through a 120-day contract</p> <p>Current contract for executive director terminating on December 31, 2005; no contract extension as per governor</p> <p>As of November 23, 2005, executive director position is unfilled; acting executive director worked maximum number of hours allowable under contract and is no longer working for the board</p>	<p>Option 1: Retain full-time, permanent executive director position</p> <p>Option 2 or 3: Eliminate executive director position</p>
Chairperson responsible for consulting with DOC and Judicial on shared issues of community supervision	BPP	<p>Full compliance</p> <p>Chairperson participates as a voting member of the PJOC</p>	None
LCO required to codify name change from Board of Parole or Board of Pardons to Board of Pardons and Paroles throughout CGS	LCO	Full compliance	None

The part-time BPP members can only conduct hearings and vote on the boards to which they are appointed. Therefore, parole board members cannot grant pardons and pardon board members cannot grant parole. Only the chairperson can serve on both the parole board and pardon board and is required to serve as a member of any pardon panel considering the commutation of a death sentence.

Executive director. Public Act 04-234 created an executive director position for the newly consolidated Board of Pardons and Paroles. The executive director, appointed by the board chairperson, is statutorily responsible for assisting the chairperson in the general administration of the board. Specifically, the executive director, in consultation with the chairperson, is responsible for preparing the budget and annual operation plan, assigning staff to administrative reviews, organizing the pardon and parole hearings calendar, implementing a uniform case filing and processing system, and creating board and staff development, training, and education programs.

The executive director duties include overseeing the daily operations of the board, coordinating training programs, signing parole violation (revocation) warrants, and assisting in drafting parole policies and regulations. The executive director has no pardon duties.

The executive director position is an unclassified, full-time position. To date, however, the appointed executive director has functioned on a part-time basis (20 hours per week) under a 120-day service (retire/rehire) contract, which prohibits a contractor from working more than 960 hours per year. During 2005, Governor Rell barred any contract extensions, and the existing contract for the board's executive director expires on December 31, 2005. The board chairperson reported the appointed executive director is no longer employed by the board effective November 23, 2005 because he had worked the maximum number of hours allowable under the contract. The position has not yet been filled.

The board's budget includes funding for a full-time, permanent executive director. The Department of Administrative Services (DAS) has recently revised the classification of the position (from an MP64 to MP68) upon request by the board chairperson. This change increases the salary range. Prior to November 23, 2005, the board chairperson reported he was in the process of negotiating with DAS to hire the acting-executive director at the higher end of the salary range.

This position was initially found to be necessary for a board operating under the structure in place prior to the 2003 Board of Parole merger within DOC -- a board with consolidated parole release decision and supervision responsibilities and with the additional pardon authority.

MONITORING STATUS:

The membership of the Board of Pardons and Paroles appears to be sufficient to manage the existing parole and pardon caseloads.

The 2003 merger of the parole and pardons boards into the Department of Correction for "administrative purposes only" as interpreted by the department eliminated much of the new board's budget and administrative functions (e.g., fiscal, human resource, equipment,

information management). The 2004 transfer of parole supervision responsibility from the parole board to DOC significantly reduces the role of the Board of Pardons and Paroles.

Since July 2004, the executive director has operated on a very limited, part-time basis. The executive director position is not operationally necessary given the current structure and scope of responsibilities of the Board of Pardons and Paroles. Eliminating the position will result in a cost savings that can be reinvested in other parole hearing staff or initiatives.

POSSIBLE ACTION:

The executive director position for the Board of Pardons and Paroles should be eliminated unless the Board of Pardons and Paroles is restructured into an autonomous state agency with consolidated discretionary pardon and parole decision-making and community supervision authority. (Refer to the program review committee possible action Option 1 presented in Section 3.)

Budget process. The Department of Correction has misinterpreted the state law defining “for administrative purposes only.” Disagreement over budget control between the board and DOC has led to a confusing and cumbersome budget request and approval process and a lag in allocation of necessary resources to the board. Currently, the chairperson submits a proposed annual budget for the board to DOC. The department then consults with the chairperson during its annual budget process. Ultimately, however, the department, not the board, has assumed control over the BPP annual budget submitted to the governor through OPM.

The department’s purchasing and human resources units oversee all board business and staff functions and controls authorization of appropriations. The chairperson reported the board’s business is not a priority for the department, which results in a lag in acquiring fiscal, staff, and equipment resources. In fact, the board is not sufficiently resourced and many of its requests are just recently being authorized and appropriated. For example, the board requested and OPM approved in October 2004, five clerical positions for BPP. DOC, however, did not complete its human resources administrative process and the funding for the positions lapsed. OPM subsequently re-authorized the positions in April 2005, and the board interviewed and selected applicants for the five positions. The department again did not complete the necessary hiring process and the selected applicants were promoted within their current state positions and declined the transfer to the board. To date, the board has not hired the clerical staff that was requested and approved.

The budget and personnel allocation process has significantly impacted the board’s capability to assume its pardon responsibilities and functions. Public Act 04-234 requires the board expand the pardon application and hearing process, implement new administrative hearing procedures, draft regulations, and implement uniform procedures. To date, the board has not received staffing or fiscal resources to accomplish these mandates. As a result, the board is only able to maintain the pardon policies and processes in place prior to the merger.

Currently, the DOC budget does not specifically identify BPP appropriations. The board is linked in the budget to the field supervision appropriations. While parole hearings and parole

supervision are interdependent functions, the administration of them is separate and should be identifiable for state budgeting purposes.

MONITORING STATUS:

Given the correction department's growing deficit mostly due to correctional institution personnel overtime costs, it most likely will not give high fiscal priority to parole or pardons in the near future. This fiscal constraint impedes the implementation of the offender re-entry strategy.

POSSIBLE OPTION:

Giving the board chairperson more autonomy for the annual budget and resource requests will allow for greater efficiencies in the pardon and parole hearing process. It will also make the chairperson, not the DOC commissioner, accountable for board. (Refer to possible action Option 2 in Section 3.)

Parole Hearing Process

Table II-2 lists the status to date of the parole hearing initiatives contained in Public Act 04-234. Appendix E summarizes the parole hearing process.

Parole eligibility criteria. Public Act 04-234 made two changes to the statutory parole eligibility criteria. The legislation:

- prohibits persons convicted of aggravated sexual assault in the first degree from being paroled; and
- authorizes persons convicted of a class A, B, or C felony offense committed with a firearm in or on or within 1,500 feet of a school to be paroled.

MONITORING STATUS:

The changes to the statutory parole eligibility criteria adopted through Public Act 04-234 did not significantly impact the number of inmates eligible for or released on parole.

Parole policy and regulation. The board chairperson is required to adopt policies in all areas of parole include the use of a risk-based, structured decision-making instrument and parole release criteria and regulations for parole revocation and rescission hearings and administrative reviews.

Prior to 2003, the parole board used a risk-based assessment instrument to determine the risk level and service needs of parolees. During the 2003 merger into DOC, the parole board stopped using the tool.

MONITORING STATUS:

The Board of Pardons and Paroles is using the parole release criteria policy and revocation and rescission hearing and administrative review regulations promulgated by the “old” parole board. The board is in the process of drafting new regulations and plans to submit the regulations for review during the 2006 legislative session.

In 2005, the board contracted for a revalidation of its risk-based assessment instrument. The project is scheduled to be completed in January 2006, and the board will begin using the instrument early next year.

Administrative review. Public Act 04-234 expanded the administrative review process to all parole-eligible inmates (those required to serve at least 50 percent of their sentences), except those required to serve 85 percent. However, if the board chairperson deems a hearing is necessary or the victim requests a hearing, an administrative review will not be conducted and a parole panel hearing is scheduled.

MONITORING STATUS:

The administrative review process appears to be more efficient and cost effective than traditional panel hearings. There is, however, a need for both hearing processes.

Parole reassessment hearing. Public Act 04-234 established a new parole eligibility standard. Effective July 2004, the parole board is required to reassess any inmate eligible for parole after serving at least 50 percent of the court-imposed sentence who has not yet been paroled after serving 75 percent. The statutory presumption for parole release shifts at the 75 percent mark to support a period of post-incarceration supervision for all discharging inmates to assist in the transition from prison to the community. National recidivism research supports supervised offender re-entry transition; the program review committee found in its 2001 study that inmates on parole were less likely to be re-arrested than inmates who were discharged from prison without any supervision.

Prior to the enactment of Public 04-234, the inmates deemed not eligible for a parole hearing were typically required to serve 100 percent of the court-imposed sentence in prison. At the completion of the sentences, they were discharged without supervision unless they were sentenced to a period of special parole or post-incarceration probation supervision. Now, these inmates are reassessed for parole suitability after serving 75 percent of the sentence.

“Serious, violent” inmates parole-eligible after serving 85 percent of their sentences are not impacted by the 75 percent parole reassessment initiative. Public Act 04-234, however, requires the parole board conduct a parole hearing at the 85 percent time-served mark for all those inmates. Prior to Public 04-234, the board did not conduct a parole hearing for all “serious, violent” inmates; many were simply not granted a hearing or parole and served 100 percent of their sentences in prison (“maxing out”). This issue is discussed further in Section 6.

In August 2004, the board identified 1,032 inmates required to serve at least 50 percent of their sentences to be parole-eligible, but who were at or past the 75 percent time-served standard.

It also identified 303 “serious, violent” inmates at or past the 85 percent time-served eligibility standard.

The parole board subsequently held parole panel or administrative reviews for all 1,335 parole-eligible inmates. Approximately 85 percent (1,134 inmates) were granted parole as a result of the reassessment process.

The board chairperson reported the reassessed inmates granted parole were phased out of prison to parole based on available parole officer and community-based program resources. Many of the inmates reassessed during the initial implementation of this provision were well past the 75 percent time-served mark of their sentences. Therefore, the available period of supervision for those inmates was relatively short and they were not on parole for lengthy periods of time.

After the initial implementation of the 75 percent reassessment process and the reassessment of a backlog of eligible inmates, the board reported it currently reassess each month an average of 15 inmates who are at the 75 percent time-served mark of their sentences.

MONITORING STATUS:

The 75 percent parole reassessment process appears to have increased the number of parole-eligible inmates granted and released on parole who would have been previously denied parole by the Board of Pardons and Paroles.

Early parole release. Public Act 04-234 authorizes the BPP chairperson to grant early parole release to inmates who have been granted parole, but not yet released and are within 18 months of their voted-to-parole release date. The chairperson may transfer an inmate to a halfway house, group home, treatment program, or any approved community or private residence.

MONITORING STATUS:

The Board of Pardons and Paroles chairperson is currently not using this authority for several reasons. The required parole orientation program has not been implemented and the structured risk-assessment instrument is in the process of being revised. The parole grant rate has not dropped, and the board chairperson believes a majority of parole-eligible inmates are being released. As a result, the current parole supervision caseload is increasing and there are currently not enough parole officers to handle another influx of early-release parolees.

The chairperson reported the board expects to begin using this authority in early 2006 when it has implemented the parole orientation program and the structured risk-assessment instrument. It will then begin to grant early parole release to low-risk inmates in a controlled manner commensurate with available staffing and community-based program resources. The impact of this authority will be determined for the 2008 compliance monitoring status report.

Table II-2. Monitoring Results for PA 04-234 Provisions 1-9, & 28: Parole Eligibility & Hearing Process

<i>Provision</i>	<i>Implementing Agency</i>	<i>Monitoring Results</i>	<i>Possible Actions</i>
Parole Hearing Process			
Changes to parole eligibility: (1) persons convicted of aggravated sexual assault in the first degree prohibited from being paroled; and (2) persons convicted of crime committed with firearm in or within 1,500 feet of a school are eligible for parole	BPP	Full compliance	None
Chairperson responsible for adopting policies in all areas of parole including (1) risk-based structured decision-making; & (2) parole release criteria	BPP	Partial Compliance BPP currently not using risk-based structured decision-making; revalidating parole risk assessment tool BPP currently using existing parole release criteria	Option 3: Repeal chairperson's responsibility
Chairperson required to adopt regulations for: (1) parole revocation & rescission hearings including due process requirements; and (2) administrative review & release of inmate without parole hearing	BPP	Partial Compliance Proposed revocation regulations not adopted in 2004; being redrafted for consideration during 2006 session Modifying existing administrative review regulations for consideration during 2006 session	Option 3: Repeal chairperson's responsibility
Expands administrative review process to all inmates parole eligible after serving at least 50% and full panel hearing required only if: (1) chairperson deems it necessary; or (2) victim requests a hearing	BPP	Full compliance	None

<p>Expands administrative review process to parole revocations and rescissions</p> <p>Full panel hearing required for all “serious violent” inmates parole eligible after serving at least 85%</p>			
<p>BPP required to conduct reassessment hearing for any inmate required to serve 50% of court-imposed sentence to be parole eligible who has not previously been paroled, but has reached or exceeds the 75% time-served standard</p> <p>New standard for release at reassessment hearing established that shifts presumption for release in favor of some period of parole supervision for most inmates</p> <p>New release standard applied for “serious, violent” inmates require to serve 85% of court-imposed sentence to be parole eligible</p>	BPP	Full compliance	<p>Option 1 or 2: No change</p> <p>Option 3: Abolish discretionary parole and establish 75 percent time-served standard for automatic conditional parole release for all currently parole-eligible after serving at least 50 percent of their sentences and automatic conditional parole release for all inmates convicted of “serious, violent” offenses after serving 85 percent of their sentences.</p>
<p>BPP required to conduct revocation hearing for violation of special parole & to:</p> <ol style="list-style-type: none"> (1) continue special parole (2) modify or add release conditions (3) revoke special parole & order re-imprisonment for the unexpired portion of the sentence (4) revoke and order release on special parole for the unexpired portion of the 	BPP	Full compliance	None

sentence			
BPP chairperson authorized to grant early parole release to inmates within 18 months of parole release date & place released inmates in halfway houses, group homes, treatment programs, or any approved community or private residence	BPP	No compliance status BPP chairperson entered into informal agreement with DOC commissioner to not use authority	None
BPP chairperson authorized to grant compassionate parole release to inmates who: (1) are so physically or mentally debilitated, incapacitated, or infirm due to advanced age or non-terminal condition or disease that they pose no danger to society; AND (2) have served at least 50% of court-order sentence or have been granted a sentence commutation	DOC	No compliance status	
Technical amendments to special parole laws	BPP	Full compliance	None

Compassionate parole. Public Act 04-234 established compassionate parole for inmates who have served at least 50 percent of their court-imposed sentence or have been granted a sentence commutation to be parole-eligible *and* are “so physically or mentally debilitated, incapacitated, or infirm due to advanced age or non-terminal condition or disease that they pose no danger to society.” The intent of compassionate parole was to release inmates who because of their physical or mental status no longer need to be incarcerated for public safety reasons. This initiative expands the existing concept of medical parole under which inmates who have a terminal disease are paroled for medical reasons.

The parole board chairperson reported the board has not yet granted compassionate parole to any inmates. The chairperson has requested that DOC refer to the board any inmates who meet the compassionate parole eligibility criteria. The department to date has not referred any inmates nor have any inmates applied for compassionate parole.

The chairperson further reported the pardons and parole members have collaborated to commute the sentences of certain inmates for medical reasons to make them eligible for parole. This meets the underlying intent of the Public Act 04-234 initiative for compassionate parole. However, he indicated the board and DOC should be more aggressive in identifying inmates eligible for consideration for a compassionate parole release.

MONITORING STATUS:

The early parole release and compassionate parole provisions have not yet been implemented by the Board of Pardons and Paroles. An update on any impact of these provisions will be included in the required 2008 compliance monitoring report submitted by the program review committee.

Pardons and Sentence Commutation Process

Table II-3 summarizes the monitoring status of the Public Act 04-234 provisions regarding the state’s pardon hearing process.

Pardon is the forgiveness by the state of a crime and the penalty associated with it. A pardon may be granted for any crime. Two terms are associated with pardons: commutation (also called clemency) and reprieve. Commutation is the lessening of the penalty of a crime without forgiving the crime itself. In Connecticut, commutation may be granted for any sentence including the death penalty. A reprieve is a stay of execution of a sentence and is often used to give a prisoner an opportunity to seek a pardon, commutation, or further judicial review.⁹

Pardons and clemency generally are granted when a person: has been wrongly convicted of a crime or has demonstrated he or she has fulfilled their “debt to society,” or otherwise deserve -- in the opinion of the pardoning board -- a pardon or commutation of the death penalty.

The pardon board has adopted regulations for pardon denial statements. The draft regulations for the administrative pardon process will be submitted for legislative review during

⁹ *Palka v. Walker*, 124 Conn. 121 (1938)

the 2006 session. In all other areas, the pardon board is relying on the policies drafted by the “old” pardon board.

Table II-3. Monitoring Results for PA 04-234 Provisions 1-9 & 35: Pardon Hearing Process			
<i>Provision</i>	<i>Implementing Agency</i>	<i>Monitoring Results</i>	<i>Possible Actions</i>
Pardons Process			
Chairperson required to adopt policies in all areas of pardons	BPP	No compliance Using “old” parole board policies	None
Chairperson required to adopt regulations for (1) administrative pardons process for certain offenders; & (2) written statements for denying a pardon application	BPP	Partial compliance Administrative pardon regulations drafted and will be submitted for review during 2006 session Pardon denial statement regulations adopted in 2005	None
BPP required to hold pardon hearings once every 3 months in various areas of the state	BPP	Full compliance	None
Repeal existing pardon law		Full compliance	None

MONITORING STATUS:

The board does not currently have sufficient, full-time pardon staff to draft policies and regulations and oversee the administrative functions of the application and hearing process. DOC has not yet prioritized the pardon board in the budget.

POSSIBLE OPTION:

As stated, giving the board chairperson more autonomy for the annual budget and resource requests will allow for greater efficiencies in the pardon and parole hearing process. It will also make the chairperson, not the DOC commissioner, accountable for board. (Refer to possible action Option 2 in Section 3.)

Parole and Early Release Supervision

By granting parole, the Board of Pardons and Paroles has expressed its judgment that, within statutory guidelines, it is appropriate for an inmate to leave prison and live in the community. The release conditions imposed by the board set the parameters for the supervision phase. The community supervision component begins at the release from prison and continues to the end of the sentence or until the release is revoked by the board. The supervision phase monitors and assists parolees as they re-enter their communities and provides public safety by responding to misbehavior, violations, and new criminal activity by parolees.

The parole hearing and supervision phases are interdependent. Prior to 2003, the responsibilities for both were consolidated within the “old” Board of Parole. Currently, as clarified by Public Act 04-234, the combined Board of Pardons and Paroles has discretionary parole release authority, but the Department of Correction is responsible for the supervision of all inmates released early from prison including those paroled.

This section presents the monitoring status of the provisions of Public Act 04-234 relating to parole supervision. Offender re-entry initiatives for other DOC early release programs (e.g, transitional supervision, halfway house, re-entry furlough) are also discussed. Appendix F summarizes the DOC early release programs.

Legislative History

In 1994, with the statutory reinstatement of parole in Connecticut, discretionary parole release and parole supervision authority were consolidated within the Board of Parole, as an autonomous state agency. There were few changes to the parole board organization and parole system until 2003. (Refer to Appendix D.)

The parole board and pardons board were merged as part of a plan to streamline government announced by then-Governor John Rowland in 2002. The plan was intended to produce cost-saving initiatives by reducing executive branch staff and consolidating state agencies with similar mandates and responsibilities. During the 2003 regular session, the legislature did not adopt the governor’s consolidation initiative. Although many state agencies were included in the initial consolidation plan, only a few boards and commissions were impacted.¹⁰

During the 2003 special session, the Board of Parole and the Board of Pardons were both merged into the Department of Correction as part of the 2003 budget implementer (Public Act 03-06). The pardons board, however, was already within DOC for administrative purposes.

¹⁰ Some of the consolidations have since been reversed by the legislature.

The budget implementer statutory language is silent as to the roles and responsibilities of the two boards and DOC, but was interpreted by the executive branch as transferring all previously autonomous parole and pardon decision-making authority as well as administrative and operational responsibilities of the parole and pardons boards to the DOC commissioner. This change, in effect, gave the DOC commissioner the authority to determine parole release and pardon eligibility criteria, to authorize all discretionary parole release decisions and pardon and sentence commutation decisions, and to perform all other parole functions such as supervision.

Because the 2003 merger was part of the budget negotiations there is no record of legislative intent as to the purpose of the merger. Based on interviews with selected legislators, it appears the parole board merger was a non-negotiable item for the governor's office. The merger was not part of the overall legislative criminal justice agenda for 2003 or 2004. There was no legislative or executive branch review of the new parole model for effectiveness or efficiency or of the existing model to determine inefficiencies.

No statutory clarifications were made during the 2003 special session to the mandates and responsibilities of the Board of Parole, the Board of Pardons, or the Department of Correction. During Fiscal Year 04, under an informal agreement between the department and the two boards, the agencies continued to operate separately as they had prior to the merger.

The impact of the merger was finally clarified under the provisions of Public Act 04-234, as a result of negotiations between the legislature and then-Governor John Rowland. The act specifically included the transfer of parole supervision to DOC, an element the governor's office insisted upon. The act also consolidated the Board of Parole and the Board of Pardons into the new Board of Pardons and Paroles, within DOC for "administrative purposes only."¹¹ The board retained discretionary parole release and pardon decision-making authority independent of DOC.

MONITORING STATUS:

The most definitive (and recent) record of legislative intent regarding the parole board and parole supervision was in 1993 (Public Act 93-219) when the General Assembly established the parole board as an autonomous state agency with consolidated discretionary parole release and parole supervision authority. At that time, parole supervision was transferred from DOC to the parole board.

The 2003 merger of the Board of Parole into the Department of Correction and the subsequent transfer of parole supervision responsibilities from the board to DOC under Public Act 04-234 were not part of the overall legislative criminal justice agenda. The parole supervision transfer, enacted through the 2003 state budget implementer and clarified in Public Act 04-234, was the result of negotiations between the legislature and the governor's office, which considered the transfer of parole supervision to DOC a non-negotiable item to the passage of the overall offender re-entry strategy.

¹¹ Initial versions of Public Act 04-234 (HB 5211) created the Board of Pardons and Paroles as an autonomous state agency with consolidated discretionary decision-making for parole release, pardons, and sentence commutations, and parole supervision authority.

Parole Transition Plan

Between September and December 2003, a transition team composed of parole board and DOC staff developed a transition plan to transfer parole supervision responsibilities, caseload, and staff from the board to the department. The “old” parole board provided the department with a parole supervision model and procedures, caseload ratios, a graduated sanctions policy for technical parole violators, a long-term staffing analysis, parole officer training schedule and curriculum, and other information about parole supervision issues (e.g., equipment).

In December 2004, the transition team members submitted recommendations to the DOC commissioner and deputy commissioner for operations. The transition team was then no longer involved in the transition process. Soon thereafter, the commissioner appointed a director of the Division of Parole and Community Services and, on February 17, 2004, the department adopted a final parole transition plan.

The department identified three primary issues in the parole transition process. First, DOC reported a critical parole officer staffing shortage. As a result, parole supervision caseloads were averaging 100 parolees per officer. The department has set a target caseload ratio of 60:1 for the general parolee population and 25:1 for special management caseloads (e.g., sex offenders). The National Institute of Corrections (NIC) and the American Probation and Parole Officers Association (APPA) recommends caseload ratios not exceed 80:1. Increasing parole officer staff was, therefore, a priority.¹²

The department’s transition plan noted “major disparities in the current distribution of caseloads and [supervision] responsibilities” between the parole board and DOC. Therefore, the second issue for the department was “blending” caseloads and merging the traditional parole supervision model and existing DOC community supervision model. The traditional parole model consolidates all supervision and case management responsibility under the authority of a basically autonomous parole officer. Parole supervision emphasizes direct and frequent contact between a parole officer and parolee. DOC’s existing community supervision model bifurcates case management functions between correctional counselors and correctional enforcement staff and centralizes most decision-making authority within supervisory staff. This model requires limited direct contact between DOC field staff and released inmates.

Finally, given a “blended caseload” supervision model, the department’s transition plan called for consolidation of regional field offices locations, staff, and functions.

DOC Organization

Technically, DOC has been responsible for parole supervision since July 2003, but did not actually assume operational authority until October 1, 2004. Table III-1 summarizes the status to date of the transfer of parole supervision from the parole board to the correction department.

¹² During FY 01, the parole board lost three parole officer positions as a result of then-Governor Rowland’s across-the-board lay off of executive branch employees as a cost savings measure in response to the state budget crisis. In 2002, the board was authorized to rehire one parole officer.

Table III-1. Monitoring Results for PA 04-234 Provisions 1-9, 28, 32 & 33: Parole Supervision			
<i>Provision</i>	<i>Implementing Agency</i>	<i>Monitoring Results</i>	<i>Possible Actions</i>
Parole Supervision Process			
DOC responsible for supervision of all inmates released on parole or special parole	DOC	<p>Full compliance</p> <p>There have been limitations & difficulties in the transfer of parole supervision from the Board of Parole to DOC:</p> <ul style="list-style-type: none"> • no specific legislative policy; • increased costs associated with DOC administration of parole supervision (e.g., staffing, equipment, and procedures) • low staff morale; • slower than expected “blending” of caseloads and supervision model; and • lack of planning resulted in lag in hiring new staff, providing training, and equipping parole officers. 	<p>Option 1: Create Department of Pardons & Paroles (DPP) as autonomous state agency with consolidated authority for:</p> <ul style="list-style-type: none"> ▪ parole release decision-making for all inmates sentenced to 1 year or more ▪ supervision of parolee & all inmates sentenced to less than 1 year on any DOC early release program <p>Option 2: Retain existing structure, but clarify roles of DOC & BPP</p> <p>Option 3: Abolish discretionary parole release & establish mandatory condition release for all sentenced inmates after serving 75 percent of their sentence</p> <ul style="list-style-type: none"> ▪ No parole board ▪ Pardons board would remain within DOC for administrative purposes only
Technical amendments clarifying DOC responsibility to oversee Interstate Compact for Adult Offender Supervision	DOC	Full compliance	None
BPP, in consultation with DOC, required to develop & implement: (1) parole orientation program for all sentenced inmates; & (2) incremental (graduated) sanctions system for parole violations	BPP & DOC	<p>Partial Compliance</p> <p>Parole orientation program is not operational</p> <p>DOC using “old” parole board graduated sanctions policy, but in the process of revising policy</p>	Refer to Options 1 & 2
Requires inmates		Full Compliance	None

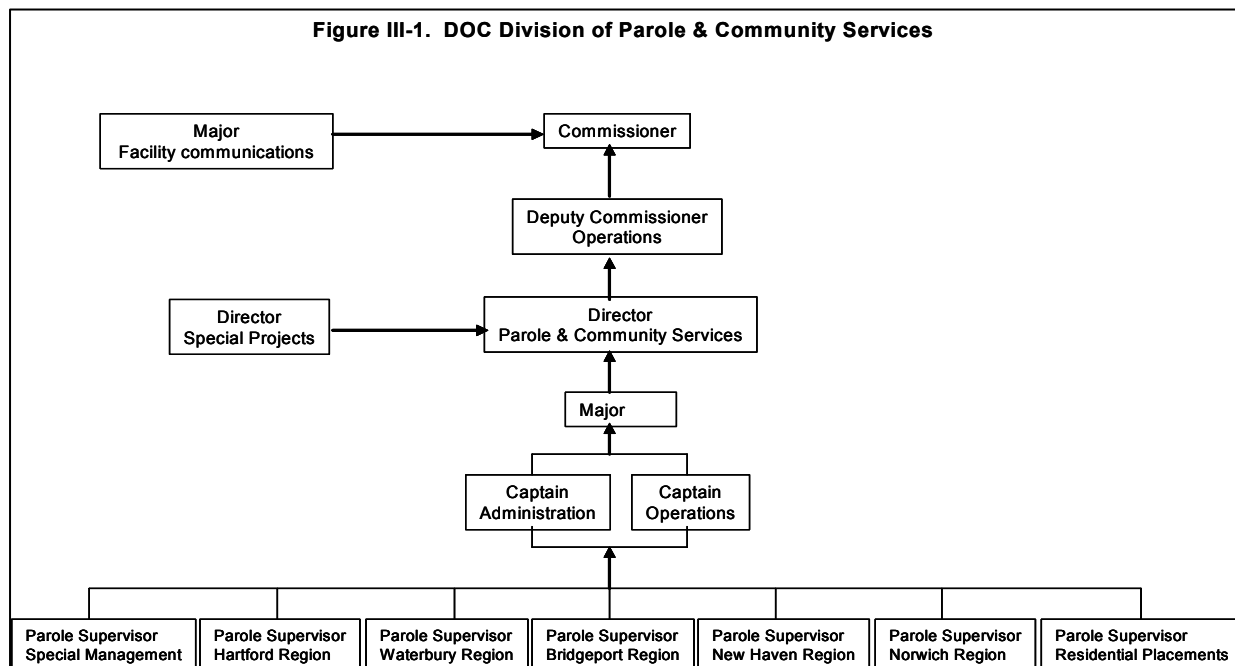
Table III-1. Monitoring Results for PA 04-234 Provisions 1-9, 28, 32 & 33: Parole Supervision			
<i>Provision</i>	<i>Implementing Agency</i>	<i>Monitoring Results</i>	<i>Possible Actions</i>
Parole Supervision Process			
sentenced to special parole be automatically transferred to BPP jurisdiction at the end of the prison term			
BPP chairperson authorized to issue mittimus to incarcerate parolee charged with violation of parole or special parole	BPP	Full compliance	None

Based on its transition plan, the Department of Correction re-organized its existing Division of Community Services, which had been responsible for the supervision of inmates released from prison under transitional supervision and halfway house placement, into the Division of Parole and Community Services. Parole board staff (e.g., parole officers and support staff) and parole supervision functions were incorporated into the new division.

DOC has incrementally increased the size and supervisory structure within the new division. As shown in Figure III-1, the parole and community services division is staffed by two directors, two majors, two captains, and seven parole supervisors. Prior to the merger, within the parole board, the parole supervision was administered a vice-chairperson and six parole supervisors. The department's community services division was overseen by a division director and a major.

Currently, the division director is responsible for the administration and operation of parole and community-based supervision services. The director reports directly to the department's deputy commissioner for operations, who also oversees all correctional facility (prisons and jails) operations.

Another director within the division does not have any direct parole or community supervision responsibility, but rather is responsible for special projects such as compiling a directory of community-based services available to parolees and released inmates. This director is also developing the Clean and Sober Program (45 beds statewide) that provides supportive housing services for paroled and released inmates. The housing services are administered by for-profit agencies and are a no-cost residential option for DOC since the parolee or inmate is required to be employed and to pay rent.



One major primarily assists the director in overseeing all administrative operations of the division. Another major reports directly to the commissioner and has no direct parole or community supervision responsibilities. This major develops institutional protocol for the early release of inmates to the TS and halfway house programs.

Two captains report to the division major for parole and community supervision operations. The captains generally are responsible for the daily oversight of the regional field offices that provide direct supervision services to parolees and released inmates. One captain is specifically responsible for policy and procedure development, logistic support, and inventory and the second captain oversees other operational functions such as equipment management. Both captains serve as parole supervisors at one of the two Bridgeport field offices and the New Haven field office, although neither captain currently meets the Department of Administrative Services (DAS) qualifications for the position.

A parole supervisor is assigned to each of the five regional field offices and the special management unit (e.g., absconder recovery, sex offender management). Parole supervisors oversee parole officers in the performance of daily parolee and inmate supervision and case management functions.

All halfway house placements for parolees and released inmates are centralized through the residential placement unit including referrals of parolees and inmates, transfer of parolees and inmates from the facilities to halfway houses, and oversight of halfway house programs. A parole supervisor oversees the staff and operations of this unit.

Additionally, all business functions (e.g., fiscal, human resources, information management technology) formerly performed by parole board staff were transferred to existing DOC business offices.

The parole and community services division administrative staffing costs¹³ are about \$1.2 million. This includes the one major who reports directly to the commissioner because he performs parole and community service related functions. It does not include the administrative staffing costs associated with the business, human resource, and information management functions related to parole and community supervision.

Prior to the merger, the Board of Parole administrative structure for parole supervision was composed of a vice-chairperson for parole supervision (the other vice-chairperson was assigned to the hearings division) and a total of six parole supervisors assigned to the Bridgeport, Hartford, and New Haven district offices, the interstate parole compact unit, and the special management unit. The staffing costs were approximately \$468,000 (again this total does not include the staffing costs associated with the business functions of the board).

MONITORING STATUS:

The Department of Correction assumed overall control of parole supervision responsibilities (e.g., hiring and training parole officers, providing necessary equipment to parole officers, caseload management, contracting for community-based services and programs) and is in the process of adopting policies and procedures. However, the department has added what appear to be unnecessary supervisory positions and increased administrative costs to the state parole system.

Parole and Community Service Staffing

During implementation of the parole transition plan, several staffing issues arose. These issues are discussed below.

Job classification. DAS job classification criteria for parole officer and correctional counselor positions are not transferable. Many of the correctional counselors assigned to the department's community services division prior to the merger were not qualified to be parole officers, and a substantial number of correctional counselors were eventually reassigned from the parole and community services division to facilities. To meet caseload and supervision demands, the department temporarily assigned correctional officers to perform certain parole and community supervision functions to augment the parole officer staff. In September 2004 and November 2005, DOC hired new, qualified parole officers.

The different job classifications continue to make the proposed "blending" of caseloads and implementation of consolidated community supervision model difficult. Correctional counselors cannot be assigned to supervise parolees whereas parole officers can supervise TS and halfway house inmates.

Staffing. Parole and community supervision caseloads have increased. The statewide average caseload is 70 parolees and/or TS inmates per parole officer and 33 special management parolees (e.g., sex offenders) per parole officer assigned to the special management unit.

¹³ Costs based on salaries and do not include fringe benefits.

There is no consensus between the department and the parole board on the number of parole officers needed to reduce the caseload ratio to meet the goals of 60:1 for regular parole and TS caseload and 25:1 for special management parole caseload. There is documentation of staffing analyses and projections produced by the parole board at the request of DOC. To date, however, DOC has not developed a long-term staffing analysis.

In FY 05, the department was appropriated about \$383,000 for 12 community supervision officers, but DOC not did fill the new positions. Instead, it used the funds for general personnel services (mostly likely overtime costs). These funds and positions were not appropriated to DOC in the FY 06 budget.

Since July 2004, the department has temporarily assigned correctional officers to perform certain parole and community supervision functions such as remands (returning a parole violator to prison) and to conduct inspections of halfway houses (“shakedowns”) as well as to perform administrative tasks including preparing parole release packages. The correctional officers are assigned these duties in addition to their regular assignments within the prisons and jails and are paid overtime. The parole merger has contributed to the department’s growing budget deficit.

Equipment. Due to different classification criteria, parole officers, correctional counselors, and correction officers have differing equipment requirements. Most equipment requirements are set out by union contract and DAS classifications. The equipment standards are endorsed by NIC and APPA.

Parole officers are considered on duty 24 hours per day, 7 days per week and as such are required to carry a firearm and have access to a vehicle with security equipment to transport parolees. Because they are armed, parole officers must also be assigned personal body armor, chemical weapons, and other personal safety equipment. Correctional counselors are on-duty during regular business hours and are not required to carry a firearm or assigned personal safety equipment. They have access to a vehicle (without security equipment) when necessary. Correctional officers are required to carry a firearm depending on their facility assignment (e.g., security post on perimeter, guard tower, etc) or temporary assignment to parole and community services. Correctional officers, as part of their regular equipment requirements, are assigned certain personal safety equipment and chemical weapons.

The transition of staff was interrupted due to a failure by DOC to promptly purchase the required equipment for parole officers. After it hired new parole officers in September 2004, the department was unable to assign the officers to perform all of the parole supervision duties because it had not obtained firearms, the necessary personal body armor and safety equipment, or vehicles required by the union contract. The new parole officers, therefore, were limited to performing non-contact responsibilities such as program referrals, office visits, and developing treatment plans. They could not conduct home visits, field contacts with parolees, or parolee remands.

As a result, for several months in late-2004 and early-2005, there were almost 200 inmates in prison past their voted-to-parole release date. Many of these inmates remained

incarcerated for several months past the date they were scheduled by the parole board to be paroled. They were not released because there was not enough DOC parole officers sufficiently equipped to provide parole supervision and case management, this issue is discussed further below.

The Department of Correction reported it had focused its efforts on the selection and training processes for new parole officers. It did not realize there would be a lag time in receiving equipment once it was ordered. The failure to purchase the necessary equipment for new parole officers was an oversight. However, by March 2005, all new parole officers were fully equipped with firearms, personal body armor and safety equipment, and chemical weapons.

There was an additional issue regarding the firearms issued to parole officers. Prior to the merger, the parole board and DOC issued different types of firearms to their staff. During the transition, the department issued a third type of firearm rather than select one of those currently in use. This meant all parole and community service staff were issued new firearms, purchased by DOC, and were required to be trained and to qualify with the new firearm. This process further delayed the transition.

Training. Prior to the merger, the Board of Parole required parole officers to complete a pre-service, 80-hour parole certification training program that included 40 hours of firearms training and certification and 40 hours of tactical trainings (e.g., use of force, restraint techniques, operational planning). New parole offices received an additional seven hours training in case management techniques and use of the board's automated case management system.

Parole officers were required to be re-certified every three years. As part of this process, parole officers were trained in:

- supervision techniques including restraint techniques, interrogation techniques, tactical and chemical weapon training, firearm training and certification including low light shooting, handgun retention, disarming skills, tactical range exercises, and principles of firearm use, use of force, and officer safety;
- case management protocol including interviewing techniques, domestic violence and child trauma, victims' issues, and sex offender supervision and treatment;
- parole system issues such as legal issues, parole eligibility, special parole terms, and the parole violations process;
- safety and medical programs (e.g., work place violence, stress management, first aid, infectious diseases, CPR, driver safety); and
- general training topics such as the automated case management system (referred to as the case notes system), sexual harassment, diversity training, drug court, CSSD contracted services, and legislative issues.

All parole officers were further required to participate annually in firearms training and the use of deadly force to maintain firearm certification. The parole board had entered into informal agreements with the Division of State Police and municipal police departments to allow parole officers to use their firearm ranges for practice and recertification.

To date, the Department of Correction has not developed or implemented a training plan. The department established a training advisory committee on July 29, 2005. It anticipates finalizing a training plan sometime in Fiscal Year 06.

In the interim, the department has provided pre-service training to correctional counselors promoted to parole officers and new hires. DOC reported it provided an 80-hour training program. It also provides eight hours of in-service training annually.

Parole officer staff, however, reported receiving only 40 hours of pre-service training that consisted mostly of firearm training and certification. Staff further reported the in-service training has not been geared toward parole supervision or case management, but rather correctional institution issues and management. For example, the department has required parole officers attend in-serve training programs on topics such as cell extractions, suicide prevention, and putting out cell fires.

DOC does require parole officers to attend annual firearm training and recertification programs. The department, however, prohibits parole officers from practicing or recertifying at state police or municipal police department firearm facilities. Parole officers must attend these programs at the DOC training academy firearm range. DOC training academy procedures require a correctional training officer be present whenever staff is practicing, training, or recertifying, which parole officers reported has made it difficult for them to practice and train.

It has also been reported by parole officers that the DOC correctional training officers have been on paid overtime to attend parole officer training. The department did not provide any documentation on this issue.

MONITORING STATUS:

Serious staffing issues have occurred as a result of the lack of planning during the transition of parole supervision from the parole board to DOC. Despite having operational control over parole supervision for more than a year, the Department of Correction failed to: hire and promote a sufficient number of parole officers; initially provide proper equipment to parole officers; and develop a comprehensive training plan for in- and pre-service training. These problems have delayed the actual release of inmates granted parole, contributed to the breakdown in implementation of the transition plan, and impeded implementation of the offender re-entry strategy.

Parole Supervision

The program review committee has identified several issues regarding the transfer of parole supervision from the parole board to DOC. They are discussed below.

Caseloads. As stated, the DOC transition plan calls for “blended” caseloads in which parole officers are assigned parolees and Transitional Supervision inmates. The department has not yet endorsed the adoption of a more traditional parole supervision model that requires frequent contact between parole officer and the parolee.

Parole officers typically have a level of autonomy in supervising parolees. They are responsible for treatment planning, program referrals, case management, supervision including direct contact with the parolee, and in the parole revocation process. Under the “old” parole board structure, parole supervisors had management oversight responsibilities over parole officers. Parole supervisors reported directly to the vice-chairperson for supervision, who reported to the board chairperson.

Correctional counselors perform administrative case management functions such as determining inmate eligibility, developing treatment plans, making program referrals, conducting home visits (to ensure the proposed residential arrangements for the released inmate are suitable), and processing violation transfers back to prison. Correctional counselors have limited direct contact with released inmates. DOC enforcement staff have direct contract with released inmates in the performance of their duties that include conducting inspections of halfway houses (“shakedowns”) and returning inmates who have violated their conditions of release back to prison (remands).

To date, however, the department has had difficulty in achieving its proposed community supervision model. While attempting to merge two completely different supervision models, it is operating different, but in many ways redundant systems. In some districts, parole and TS supervision function separately and even in different office locations. In other districts, the offices are co-located, but the supervision functions operate separately. Some parole officers have only parolee caseloads while others have only TS caseloads.

Staff morale. The program review staff interviewed Department of Correction and Board of Pardons and Paroles administrators and staff and correctional officer and parole officer union representatives about the merger of the two agencies and supervision models. There is general agreement that the process has been more difficult and slower than expected.

Parole and community supervision staff morale is low. The two staff groups are not working well together. Both report overall community supervision has been negatively impacted by the merger process.

Parole officers are finding it especially difficult to adjust to the centralized and directive-driven DOC community supervision process, which has limited their ability to have sufficient direct contact with parolees in the community. Parole officers report the department-imposed administrative tasks require them to spend more time in the field office rather than with parolees.

The Department of Correction is a directive-driven agency. Its operations and procedures are clearly defined. This is essential to managing a statewide prison and jail system and is not a criticism. Community supervision, however, is not comparable to prison management. This underlies the DOC staff belief that parole officers were previously unsupervised and the parole

supervision process not regulated. DOC administration reported parole officers are simply responding to having centralized oversight imposed upon the parole supervision process.

Union representatives for correctional officers and parole officers, which have two separate bargaining groups, reported parole and DOC community supervision staff and procedures are still operating separately and the merger has not “taken hold” in the field.

Parole release. Soon after the July 2004 merger, the pardons and paroles board began reporting significantly delays in the actual release from prison of inmates granted parole. Inmates were remaining incarcerated past the parole release date set by the parole board. DOC was responsible for overseeing the transfer of parolees from prison to parole supervision.

In May 2005, the program review staff initially requested data on the number of inmates in prison past their voted-to-parole (VTP) dates and the average time served past the VTP date. DOC maintained it could not provide the requested data because of limitations of its automated inmate management system and a lack of staff resources. It also countered the BPP claim, stating the board was overestimating the number of inmates remaining in prison past their parole release date.

A rapid rise in absconder (which is an “escape” from parole) rates, which is discussed below, contributed to this problem. An increase in absconder rates combined with an increased criminal violation rate translated to a backlog in revocation hearings. At the same time, the department was dealing with a staffing shortage and the lack of proper equipment for the parole officers it did employ. Case management functions were, therefore, backlogged. There simply were not enough parole officers to complete the administrative paperwork necessary to release a parolee from prison and the added responsibilities for revocation hearings and re-paroles stalled the overall release process.

The department believes many of the inmates in question were paroled, but were returned to prison for a parole violation. Until the revocation process is completed, the DOC data system maintains the original parole release date. If the board re-paroles an inmate, the system records the new parole release date. On October 25, 2005, DOC reported that according to its data system, 638 inmates were past the listed VTP date, but 481 had pending parole violations meaning they had been paroled, but were subsequently returned to prison. Based on this analysis, however, there were 157 inmates in prison past their VTP date, which is close the board’s estimate of 200 inmates.

A time-served past VTP date will be pursued by the program review committee for the 2008 status report. (Refer to possible action Option 2 below.)

Case notes system. Prior to the 2003 merger, the Board of Parole had initiated implementation of an automated case note system for parole hearings and supervision. The system allowed the board to track a parolee from first eligibility to discharge and to uniformly record parole officer case notes pertaining to supervision.

At the time of the merger, the case notes system was not fully operational statewide. The Department of Correction has not continued the system implementation process, but did not replace the system with another uniform parole reporting process.

The merger left the Board of Pardons and Paroles with almost no information management capabilities since DOC assumed control over this function. DOC management information system staff do not prioritize data requests or services for the board. The board, therefore, has difficulties managing the hearing process without accurate and reliable data. Further, some data necessary for the monitoring project were not available for inclusion in this report.

Parole orientation program. Public Act 04-234 requires the Board of Pardons and Paroles, in consultation with DOC, to implement a parole orientation program. The program is intended to provide general information on the state's parole laws and the board and department's administrative parole policies and procedures to improve the suitability of eligible inmates for parole release.

The board of parole developed, prior to the merger, a program called Mutual Agreement Parole (MAP). The MAP program incorporates the requirements of the parole orientation program in that after the DOC classification process sentenced inmates are assessed by the parole board. A "parole contract" is developed and entered into by an inmate and the board. If the inmate complies with the requirements and requests set out in the MAP "contract," there is a presumption the board will grant parole absent any other disqualifying information. In the event the inmate is unable to fully comply with the "contract" due to unavailability of institutional programs or through no fault of him or her as determined by the board, the board will still abide by the contract parole terms.

DOC has recently developed an Offender Accountability Plan (OAP) program that emphasizes the intake and assessment process of sentenced inmates admitted to prison. An objective of the program is to develop an institutional plan to maximize prison-based programs and services to improve re-entry strategies.

If implemented, the OAP and MAP programs will complement and coordinate treatment and services for inmates and parolees. The plans developed through the programs will allow DOC and BPP to project the program resources that will be needed and to facilitate case management in prison and the community. There is no requirement for DOC to abide by a MAP "contract;" however, the BPP chairperson believes DOC will cooperate.

Implementation of the MAP program was suspended after adoption of Public Act 04-234, and neither program is fully operational. In October 2005, the board hired a parole supervisor to oversee the MAP program and DOC assigned two parole officers to the MacDougall/Walker Correctional Institution, which houses the classification unit for newly admitted sentenced inmates, to administer the OAP program.

Halfway house placement. The halfway house program is administered through the department's Residential Placement Unit, which identified eligible inmates and oversees referrals, placements, and remands. The unit is also responsible for inspection ("shakedown") of

halfway houses for contraband in the possession of parolees and released inmates. Since the merger, there have been several problems in the program.

Between March and May 2005, the number of inmates placed in DOC halfway house programs dropped (refer to Section 6). In response to a high-profile case in which a victim's family objected to an inmate being transferred to a halfway house, the DOC commissioner issued a directive requiring all inmates serve at least 50 percent of their sentences to be eligible for halfway house placement. (The inmate involved in the case was transferred back to prison, but other inmates in halfway houses at that time were allowed to remain. The new eligibility criteria applied only to new halfway house transfers.)

The impact of the directive was that the number of inmates eligible for halfway house transfers was dramatically reduced, which created an increased number of vacancies in the contracted halfway house network. Typically, the halfway house network operates at capacity and maintains waiting lists for beds.

Upon a request from DOC, the Office of the Attorney General issued an opinion in October 2005, that inmates are not statutorily required to serve at least 50 percent of their sentences to be transferred to a halfway house for educational or employment purposes. By June 2005, the department returned to its original halfway house eligibility criteria that require inmates be within 18 months of their discharge or voted-to-parole dates to be transferred to a halfway house. As a result, the contracted provider network's vacancies rate was decreased and beds were filled.

A second issue impacting the halfway house program was that the department was initially reluctant to authorize halfway house placements for parolees. It continued a practice that existed prior to the 2003 merger and Public 04-234 that reserved halfway house beds for TS inmates. The department rarely used its authority to place parolees within 18 months of their parole release date in halfway houses despite conditions for placement imposed by the parole board. Prior to the merger, the board also contracted for halfway house beds. The department basically reserved its halfway house resources for its own inmates and expected the parole board to use its contracted halfway house beds for parolees. However, at that time, the board chairperson did not have statutory authority to grant early parole released to inmates. Under Public Act 04-234, as discussed in Section 2, the chairperson now has that authority.

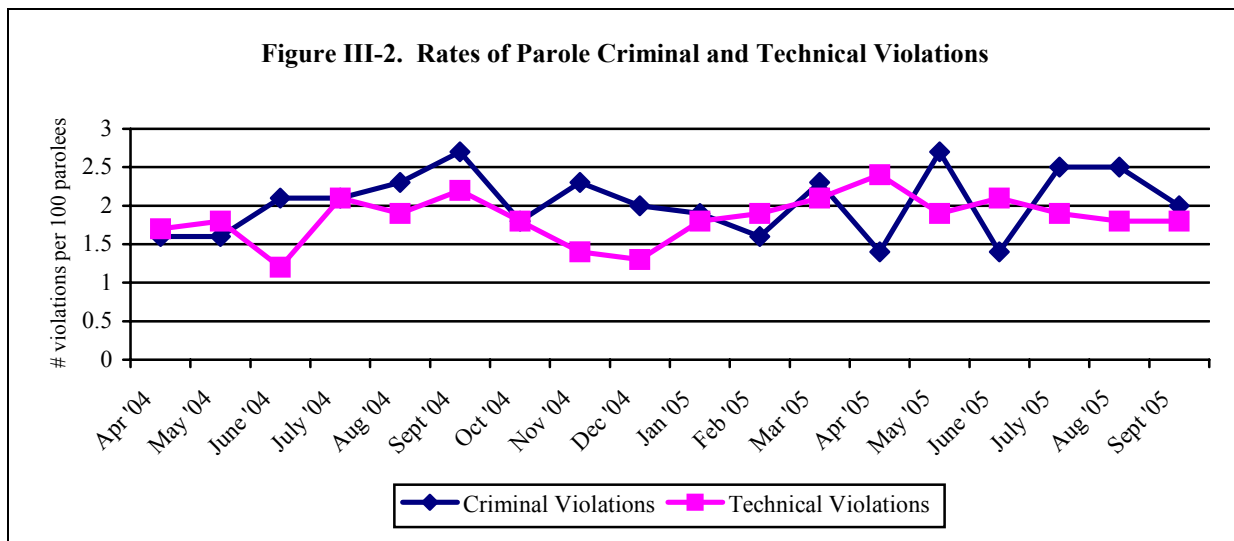
After the merger, however, this practice slowed down the release rate for parolees. At the time parole is granted, the board imposes release conditions that can include halfway house placement. DOC is required to fulfill all release conditions imposed by the board during the supervision phases. By not allowing parolees to be placed in halfway house beds, the department was not able to meet the board-set release conditions and some inmates remained incarcerated past their parole release date.

The department has since amended its practice and parolees are now authorized for placement in halfway houses. The program, however, is still largely used to implement the department's authority to grant early release to sentenced inmates for educational and employment purposes, not parolees.

Finally, in FY 05, DOC received \$4.4 million for an additional 310 halfway house beds. By the end of FY 05, the department had contracted for only 192 of the 310 beds. It allowed \$2.5 million to remain unspent for halfway house beds and be transferred to other spending areas. As a result, only 230 of the original 310 halfway house beds were funded in the FY 06 budget.

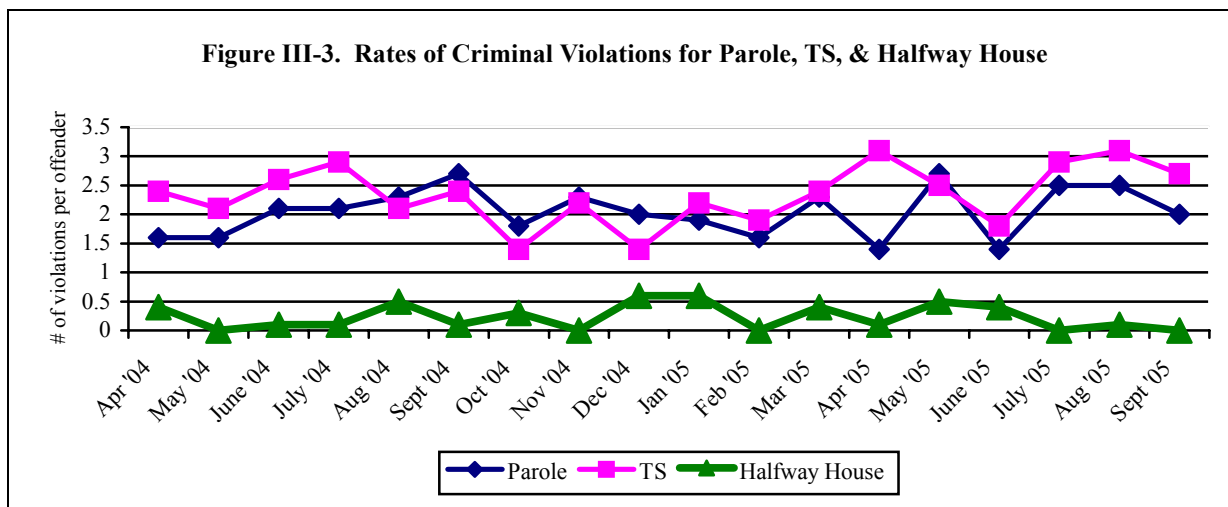
Parole violations. Figure III-2 shows the rate of criminal and technical parole violations. The rate is shown as the number of violations per 100 parolees.

Since the July 2004 merger, the criminal and technical violation rate for parolees is up an average of 29 percent. In March 2004, there was a record high of 104 criminal violations (new arrests) by parolees, which is 76 percent higher than the average rate prior to the DOC takeover of parole supervision. Not included on the graphic is the absconder rate, which the data show increase 30 percent after the merger (from 315 to 408). The parole board reported the parole criminal violation and absconder rates for the last six months of 2004 were higher than for any six-month period in the last three years during which the board was responsible for supervision.



As shown, the rate of technical violations has also increased despite the mandate enacted in Public 04-234 for DOC to reduce by 20 percent the number of parolees returned to prison for a technical parole violation. Overall, technical violations increased by 8 percent (from 178 to 192) after the July 2004 merger.

Figure III-3 shows the trend in the rates of criminal violations for parolees as compared to released inmates on transitional supervision and halfway house placements. There is a similar increase in the number (per 100 inmates) in the criminal violations among TS inmates. There is no appreciable change in the criminal violation rate for inmates transferred to a halfway house.



The increase in criminal violations among parolees and TS inmates can be attributed to the delay in implementing the department’s transition plan. Specifically, DOC has not yet achieved a “blended” caseload or supervision model. It does not emphasize the traditional parole supervision model that requires a high level of direct contact with parolees to identify misbehaviors and technical violations before they rise to the level of new criminal activity. A reduction in or failure to provide direct supervision and contact with parolees is often identified as a significant predictor of parolees arrested for new crimes.

DOC also reduced the staffing assigned to and role of the parole fugitive team that is responsible for apprehending parole absconders (fugitives). Because of understaffing, the department reduced from eight to four the number of parole officers assigned to the unit, and one parole officer maintains a regular parole caseload in addition to his fugitive recovery duties.

Reducing fugitive recovery contributes to an increase in new arrests. Instead of locating and apprehending fugitive parolees and returning them to prison via the administrative parole revocation process as was done prior to the merger, the department now relies on a larger percentage of fugitives being arrested by state and local police for new criminal offenses. Once absconder parolees are arrested by the police, DOC initiates the parole revocation process. This has increased the rate of new criminal violations among parolees.

The recovery of absconder parolees by the department and the board’s administrative parole revocation process are more cost-efficient than relying on state and local police to locate and arrest absconder parolees. In addition, the increased number of new criminal charges as a result of apprehending absconder parolees increases the overall state costs to dispose of the new cases.

A related issue is the cost to extradite parole fugitives arrested in another state. Prior to the merger, the Board of Parole participated as a member of the United States Marshals Fugitive Task Force. As a member, the board used the marshals’ service to transport parole fugitives to and from Connecticut. The board reported the marshals’ provided this service more effectively and cheaper than it could.

As part of the transition, DOC required its correctional transportation unit (CTU) transport fugitive parolees. In December 2005, however, the department reinstated the U.S. Marshals transportation service because its CTU overtime costs had substantially increased.¹⁴

MONITORING STATUS:

The Department of Correction has complied with the general mandate enacted in Public Act 04-234 to provide parole supervision. However, its transition process has not been comprehensive or successful. There are several serious procedural and resource issues in parole supervision that have delayed and impeded implementation of an effective and efficient community supervision system. The department has reacted to most of these supervision issues rather than proactively planning.

By all accounts, the transition process has been slow and difficult for several reasons, many of which were first identified by the program review committee in its 1993 study of parole.¹⁵ As a result of that study, in 1994, the legislature established the Board of Parole as an autonomous state agency, separate from DOC, with consolidated parole release and supervision authority.

The lack of priority for parole functions and resources has delayed implementation of the transition plan and ultimately the offender re-entry strategy. In general, it appears DOC is not sufficiently motivated to improving parole and community supervision. Its primary responsibility is and should be the safe, effective, and efficient management of the state's prison and jail system and not parole and community supervision, although to achieve its primary mission it has a vested interest in a successful community supervision system.

The lack of staff and necessary equipment, the increased community supervision caseload ratios, the increased rates of criminal violations (and absconders) among parolees, the low staff morale, and the failure to use available budget resources is reducing the parole population in the community, exacerbating prison overcrowding, and has the potential to diminish public safety by increasing recidivism rates. These factors are all contrary to the stated objectives of the offender re-entry strategy.

POSSIBLE ACTION:

Any change in the laws regarding the structure and organization of the state's parole system is a matter of public policy for the General Assembly to determine. The program review committee identified three options for the organization and operation of the parole system.

Option 1 returns to the parole structure and delivery system put in place by the legislature in 1994 by consolidating discretionary parole release decision-making and parole supervision functions in one agency. Under this option, changes are recommended for the state's laws

¹⁴ To date, DOC has not reimbursed the U.S. Marshals for several fugitive transportations. DOC has not yet issued the overdue payments because the U.S. Marshals have not submitted reimbursement requests in accordance with departmental protocol.

¹⁵ Refer to the Legislative Program Review and Investigations Committee study of *Board of Parole and Parole Services* (December 1993).

governing parole eligibility and the overall community supervision of inmates discharging from prison to facilitate implementation of the offender re-entry strategy.

Option 1:

A new Department of Pardons and Paroles (DPP) should be created as an autonomous state agency, separate from the Department of Correction, effective July 1, 2006. Statutory authority and responsibility for all discretionary parole and pardon decisions and community supervision of parolees and all inmates released early from prison by the Department of Correction should be consolidated within the new department.

Parole eligibility laws should be amended to give the Board of Pardons and Paroles discretionary release authority over all convicted inmates sentenced to one year or more. The Department of Correction should then be authorized to grant discretionary early release from prison to convicted inmates sentenced to less than one year.

Parole and community supervision responsibility for all inmates released on parole or any DOC early release program (e.g., transitional supervision, halfway house, re-entry furlough, any other early release program that may be established by the correction department) should be transferred from DOC to the Department of Pardons and Paroles. DPP shall administer, contract for, oversee, and determine the effectiveness of all community-based residential and nonresidential parole and early release supervision, treatment, training, re-entry assistance, and other services programs.

The BPP chairperson, appointed by the governor, should be the executive and administrative head of the new department. An executive director shall assist the chairperson in the performance of his or her duties and oversee the daily operations of the department and board.

All parole and community supervision staff and necessary administrative, business, and support staff should be transferred from DOC to DPP. The correction department and DPP, in consultation with the Division of Criminal Justice Policy and Planning, shall develop and implement a transition plan.

Based on information gathered during the program review committee monitoring project, enacting Option 1 to transfer parole supervision from DOC to the Board of Pardons and Paroles could be accomplished in a timely manner and without much disruption to the supervision of parolees and inmates under other community supervision programs. Much of the “old” parole supervision structure and policies are officially and unofficially still in effect.

In addition, most of the parole board administration and the parole and community supervision staff was trained and worked under the “old” system. Given that staff morale is low, most parole staff have not vested in the “new” structure.

In comparison, the transfer of parole supervision from DOC to the Board of Parole in 1994 did not result in the difficulties or cost increases that have occurred during the recent transfer of supervision responsibility back to DOC.

Option 2:

The current parole board and parole supervision organization structure could be maintained, but statutory changes to clarify the authority and responsibility of the Board of Pardons and Paroles and to facilitate the successful implementation of the offender re-entry strategy should be made. The recommended statutory changes are:

- **Require, as set out under C.G.S. §4-38f, that the Board of Pardons and Paroles' chairperson to submit an annual budget for the board to the Department of Correction, which shall submit it to the Office of Policy and Management "as prepared." The Department of Correction budget shall include separate line items dedicated to the board.**
- **Eliminate the BPP executive director position (as discussed in Section 3) and reinvest the funding for the position in parole and pardon hearing initiatives.**
- **Require the Department of Correction track data to identify: (1) the date inmates are first eligible for any early release option; (2) the date inmates are actually released early from prison and the time-served in prison past that date if not discharged; (3) the program under which inmates are released early from prison; (4) the reason why inmates are not considered eligible or not released early from prison; (5) the number of inmates discharged from their sentence from an early release program; (6) the number of inmates returned to prison for a technical violation or new criminal offense committed while on an early release program; (7) the date of inmates return to prison for a community release violation or parole revocation; (8) the date of re-release or re-parole after inmates are returned to prison for a community release violation or parole revocation; and (9) the reason why any inmate discharges from a sentence directly from prison rather than a community supervision program. These data shall be used to determine the success of the offender re-entry strategy based on the statutory outcome measures for the program review committee's January 2008 status report.**

Option 3:

Discretionary parole could be abolished and a conditional release for sentenced inmates who have served 75 percent of their court-imposed sentences except inmates convicted of "serious, violent" offenses who shall be released after serving 85 percent of their sentences could be enacted. Inmates shall not be conditionally released if they: (1) are classified by the Department of Correction at the time of their conditional release date as a security risk group member or threat member, a Level 5 (maximum) security risk, or a chronic disciplinary status; (2) are issued a class A disciplinary report(s) by DOC within the six months prior to their conditional release date; (3) have been returned to prison from an other early release program or conditional release for a new criminal offense or a pattern of technical violations; or (4) have pending criminal charges, arrest warrants, extradition warrants, or other state or federal detainers. The department may

discretionarily grant conditional release to those inmates excluded based on any of the statutory exclusionary criteria at any point during the remainder of their sentences if their institutional or criminal status or disciplinary record changes. DOC shall be required to maintain data on the specific reason for denying conditional release to any inmate.

Under this option, the parole board would be phased out. The Board of Pardons, composed of the chairperson and five part-time members, would retain all statutory authority and responsibilities and remain within the Department of Correction for administrative purposes only.

This option is similar in concept to the Supervised Home Release program. In 1981, under this program, DOC was given the statutory authority to grant early release from prison to inmates meeting eligibility criteria that was established by the department. The SHR law was silent as to inmate eligibility criteria and time-served standards. As stated in Appendix D, initially created as a replacement for parole, SHR quickly became a mechanism for dealing with prison overcrowding. By the early 1990s, most inmates were being released by DOC after serving about 10 percent of their court-imposed sentences. In 1990, the General Assembly established a three-year phase out of the SHR program, re-establish discretionary parole, and recreated the Board of Parole effective in 1993.

This option is different from the SHR law in that it establishes statutory inmate eligibility and exclusionary criteria and a time-served standard. These factors limit DOC discretion.

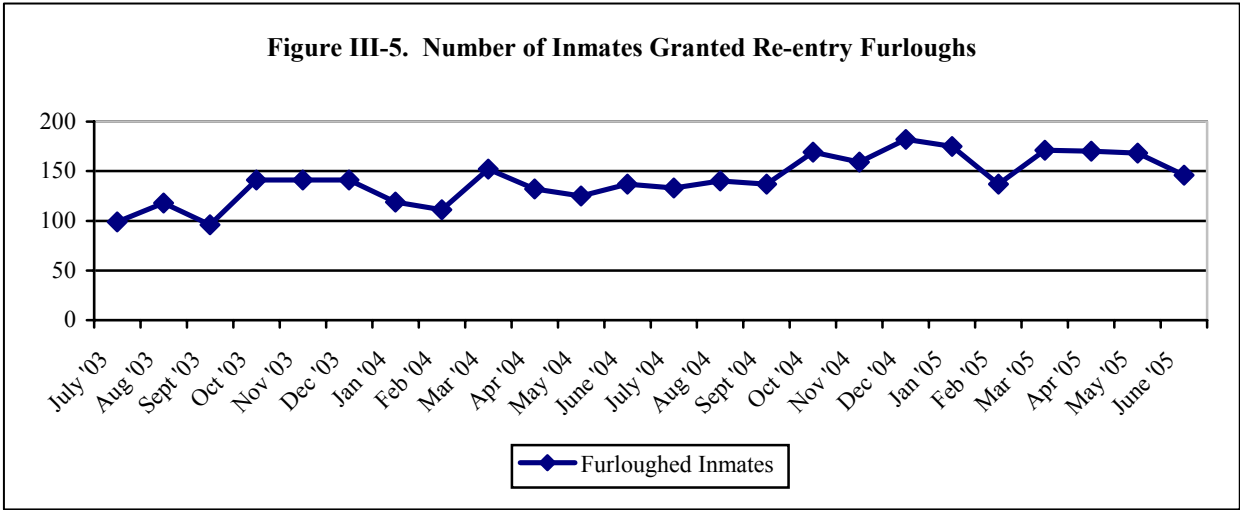
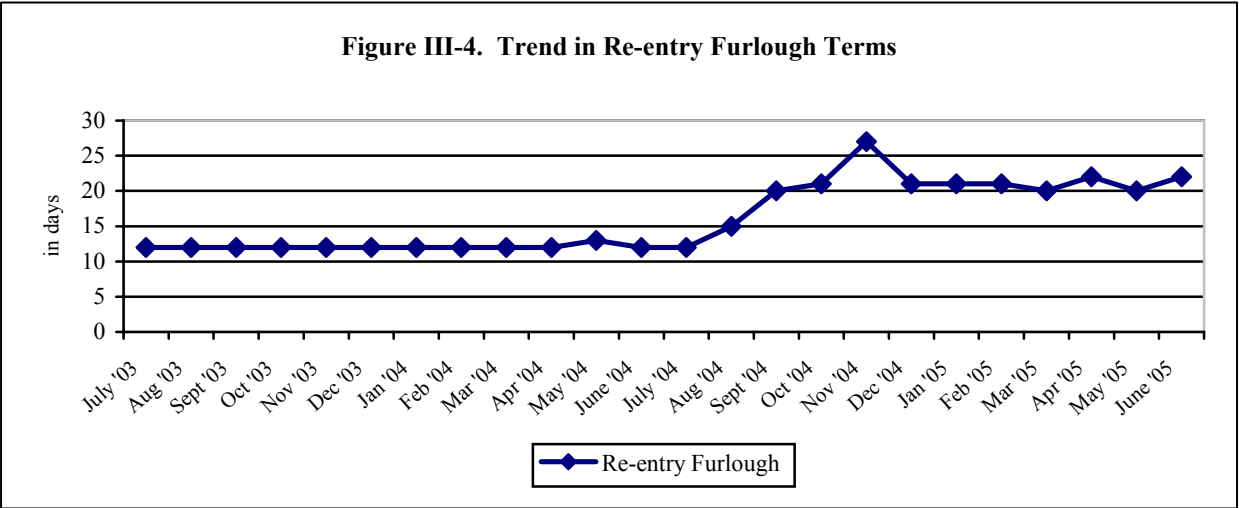
Re-entry Furlough

Table III-2 summarizes the status of other provisions included in Public Act 04-234 impacting DOC's early release authority and programs.

Public Act 04-234 increased from 15 to 30 days the maximum term of a re-entry furlough. The department usually incrementally increases furlough terms based on inmates' successful completion (i.e., returning to prison at the specified date). Typically, DOC initially grants an 8-hour furlough and then increases to 12 hours, then 24 hours, and then 2 days (48 hours) up to a maximum of 30 days.

Figure III-4 shows the average re-entry furlough term each month since July 2003. Prior to Public Act 04-234, the average re-entry furlough term was 12 days. Beginning in August 2004, the average term increased each month to a maximum of 27 days. Since February 2005, however, the department has been authorizing re-entry furlough terms an average of 20 days per inmate, which is 10 days less than the maximum re-entry furlough term authorized by statute.

Figure III-5 tracks the number of inmates granted a re-entry furlough since July 2003. While the trend fluctuates, there has been an overall increase in the number of inmates furloughed each month. The number of furloughed inmates increased from a low of 99 in July 2003 to a high of 182 inmates in December 2004. In June 2005 (the last month for which the department provided these data), 146 inmates were granted a re-entry furlough by DOC.



Similar to the parole and the other DOC early release programs, inmate eligibility is a function of the number of sentenced inmates, the sentence length (in this case, at or near the end of the prison term), and administrative exclusion criteria. In theory, the department cannot increase the number of furlough-eligible, sentenced inmates. So it is, therefore, important for DOC to maximize the 30-day re-entry furlough term. For example, in June 2005, 146 inmates were released on a re-entry furlough for an average of 22 days. If the available re-entry furlough period was maximized, DOC could have better utilized about 1,168 beds days in the management of its incarcerated population that month. While better utilization of bed days may not in the short term result in a bed savings or cost savings, it may positively impact facility management, the use of temporary beds, and the factors causing the department's growing budget deficit (e.g., staff overtime costs).

MONITORING STATUS:

The Department of Correction has achieved an increase in the average re-entry furlough term as well as an increase in the number of inmates granted a re-entry furlough. It has not, however, maximized use of the full statutorily authorized re-entry furlough term.

Pre-trial Release

To provide the department with a mechanism to manage the growth in the pre-trial population, Public Act 04-234 authorized the DOC commissioner to transfer pre-trial inmates charged with class D felony or misdemeanor offenses to approved community residences, which range from a contracted residential program or a private residence. Pre-trial inmates charged with various class D felony and misdemeanor assault and sexual assault charges are ineligible for release from prison.¹⁶ DOC may impose conditions for pre-trial release including, but not limited to participation in a substance abuse treatment program or electronic monitoring.

To date, however, the Department of Correction has not used this authority. The department has instead relied on the Jail Re-interview Program, which is administered and funded by the Court Support Services Division, to coordinate pre-trial releases for appropriate defendants. The department reported this is a more effective and efficient process to determine defendants eligible for pre-trial release and to supervise inmates subsequently granted release on a modified bail plan by a judge.

In 1997, CSSD established the Jail Re-interview Program to screen incarcerated pre-trial defendants unable to post bond. The purpose of the program was to reduce the number of defendants sent to jail because they could not post bond and/or meet the nonfinancial release conditions set by a judge. The program reassesses primarily those defendants whose history of violence or sexual assault and/or mental health or substance abuse problems made them ineligible for placement in most community programs.

Under the program, bail commissioners develop alternative bail release plans that usually include substance abuse or mental health treatment and/or supervision programs. The alternative bail release plans are presented to a judge after arraignment in the form of a bond modification. The judge typically modifies the original bond order and releases the defendant on a written promise to appear (WPTA) on the condition he or she complies with the release plan under the supervision of a bail commissioner.

During the past eight years, CSSD and DOC have reported the program has had a significant impact on prison overcrowding among the pre-trial inmate population. For the purposes of this monitoring project, DOC reported that during the first quarter of FY 05, 1,576 pre-trial inmates were assessed by jail re-interview staff and 935 released to supervision under an alternative bail release plan.

¹⁶ Pre-trial inmates charged with assault in the second degree with a firearm, assault in the second degree on a special status victim, assault in the second degree with a firearm on a special status victim, assault in the second degree with a motor vehicle, sexual assault in the third or fourth degree, and stalking in the first degree are ineligible for pre-trial release by DOC.

MONITORING STATUS:

The Jail Re-interview Program is a more effective process to screen and release incarcerated pre-trial defendants.

The authority for the DOC commissioner to release pre-trial defendants unable to post bond undermines the constitutional and statutory authority of a judge to set the bond type, amount, and conditions.

POSSIBLE ACTION:

The statutory authority for the commission of the Department of Correction to release certain pre-trial defendants should be repealed.

Table III-2. Monitoring Status for P.A. 04-234 Provisions 10, 12, 13, 30, & 31: Other Early Release Initiatives			
<i>Provision</i>	<i>Implementing Agency</i>	<i>Monitoring Results</i>	<i>Possible Actions</i>
DOC commissioner authorized to grant pre-trial community release to defendants charged with certain offenses incarcerated on bond DOC authorized to impose release conditions & to provide supervision to released defendants	DOC	No compliance DOC entered into informal agreement with Judicial Branch to not use this authority. DOC relies instead on jail re-interview program administered by CSSD	Repeal provision. Increase funding resources for jail re-interview program & community-based services & programs
DOC commissioner authorized to release inmates after successful participation in residential program to an approved community or private residence	DOC	No compliance DOC in process of drafting policy directive	None
Increased the period of DOC re-entry furlough from 15 days to 30 days	DOC	Full compliance	None
Daily credit earned by pre-trial and sentenced inmates toward payment of a fine increased from \$50 to average daily cost of incarceration as determined by DOC	DOC	Full compliance DOC initially set the average daily cost of incarceration credit at \$96 and on October 28, 2005, increased the credit to \$104	None

Release After Successful Program Participation

Public Act 04-234 authorizes the DOC commissioner to release inmates to an approved community or private residence after a period of successful participation in a residential program (e.g., halfway house, substance abuse treatment). The department has developed a draft directive outlining the procedures for the new Transitional Placement program.

MONITORING STATUS:

To date the Transitional Placement program has not been implemented and no inmate has been released early from a residential program.

Daily Credit Earned

Convicted offenders sentenced to pay a fine may be incarcerated if they are financially unable to pay the fine. They earn a daily credit toward payment of the fine for each day they are incarcerated. Prior to July 2004, state law established a \$50 daily earned credit, which was less than half of the average daily cost of incarceration. Therefore, inmates were earning less daily toward the payment of their fines than the daily cost to the state to incarcerate them.

Public Act 04-234 increased the daily earned credit to the average daily cost of incarceration as calculated by the Department of Correction. On July 14, 2004, for purposes of calculating the daily earned credit toward payment of a fine, DOC set the average daily cost of incarceration at \$96. Inmates employed at “productive or maintenance work” at a correctional facility earned an additional \$50, which increased their daily earned credit to \$146. On November 1, 2005, DOC increased the daily earned credit toward payment of a fine to \$104, which is now the average daily cost of incarceration. “Working” inmates continue to earn an additional \$50, for a total daily earned credit of \$154.

The department was not able to provide an analysis of the impact of the statutory change to the amount of the daily earned credit. Its automated inmate information management system does not collect these data; they are collected by hand by inmate classification staff. However, as of November 28, 2005, DOC reported there were 60 inmates incarcerated in lieu of payment of a fine and the average amount of the unsatisfied fines was approximately \$2,000.

As shown in Table III-3, increasing the daily earned credit to the average daily cost of incarceration (\$96 then \$104) reduced by half the average number of days inmates served in lieu of payment of the fine.

Table III-3. Number of Days Served for Average Unsatisfied Fine Amount			
\$2,000 Fine	\$50 daily credit	\$96 daily credit*	\$104 daily credit*
Days served	40 days	21 days	19 days
**Working” inmates earn an additional \$50 per day in daily credit, which reduces the number of days served to 14 under a \$96 daily earned credit and 13 days under a \$104 daily earned credit. Source of data: Department of Correction			

Under the prior policy allowing inmates to earn \$50 per day, the state would have to actually spend approximately \$125,000 (20 days multiplied by 60 inmates multiplied by \$104) to incarcerate those 60 inmates in lieu of \$60,000 in unsatisfied fines (based on an average fine of \$2,000).

MONITORING STATUS:

Prior to Public Act 04-234, it was costing the state to incarcerate convicted offenders in lieu of their payment of fines since they earned a credit less than the average cost of incarceration. While only impacting a small number of inmates, the statutory change in the daily earned credit toward payment of an unsatisfied fine has resulted in a significant decrease in the actual number of days these inmates are incarcerated.

Technical Probation and Parole Violations

Technical violations of probation or parole are any violation of the conditions of release set by a judge or parole board other than a new arrest or conviction for a criminal offense. In general, a technical violation is misbehavior by an offender under supervision that is not by itself a criminal offense, such as a deliberate pattern of missed appointments, failure to comply with treatment as ordered, a pattern of positive drug tests, and absconding.

The initial research¹⁷ used to develop the offender re-entry strategy showed high rates of admissions to prison for violation of probation (VOP). For example, in 2003, one of every four (25 percent) offenders admitted to prison were convicted of a VOP. While a VOP is a new criminal offense, the underlying charges for more than half of the VOPs were technical in nature, not new criminal crimes. There was a similar pattern in technical parole violations. Thirty-six percent of parolees were returned to prison for a technical violation.¹⁸

Public Act 04-234 required a reduction in the number of offenders on probation and parolees on parole returned to prison for a technical violation of release. CSSD is required to develop a plan to reduce by 20 percent the number of probationers incarcerated for technical violations of probation (VOP). It is further required, if funding was provided, to implement the plan and report on achieving a 20 percent reduction target.

The Department of Correction and the Board of Pardons and Paroles are similarly mandated to develop a plan to reduce by 20 percent the number of parolees re-incarcerated for technical violations or parole. Again, if funding was provided, the agencies were further required to implement the plan and to report on any reductions to the re-incarceration rate among parolees. Table IV-1 summarizes the status to date of the provisions.

CSSD Plan

To date, as shown in Table IV-1, CSSD has succeeded in meeting this specific requirement of the offender re-entry strategy. Prior to enactment of Public Act 04-234, CSSD developed a four-point plan to reduce the rate of prison admissions for a technical VOP and the rate of recidivism among probationers.¹⁹ The strategy consists of:

- caseload management;

¹⁷ Refer to the Legislative Program Review and Investigation Committee reports on *Factors Impacting Prison Overcrowding* (2000) and *Recidivism in Connecticut* (2001). The Council of State Government's report on *Building Bridges: From Conviction to Employment* (2004) and the *Building Bridges Addendum* (2004) prepared by the Legislative Program Review and Investigations Committee staff for the Judiciary and Appropriations Committees.

¹⁸ Refer to the Legislative Program Review and Investigations Committee final report on *Recidivism in Connecticut* (2001).

¹⁹ Refer to CSSD report on *A Progress Report on Strategies to Reduce Technical Violations of Probation* (August 15, 2005).

- change in policy for responding to non-compliance of probation conditions;
- implementation of two special probation projects; and
- enhancement of CSSD research and evaluation capabilities.

Table IV-1. Monitoring Results for PA 04-234 Provision 26: Technical Probation & Parole Violations			
<i>Provision</i>	<i>Implementing Agency</i>	<i>Monitoring Results</i>	<i>Possible Actions</i>
Judicial Branch required to submit by Oct. 15, 2004 to Judiciary & Appropriations Committees a plan to reduce by at least 20% the number of prison admissions for technical VOP including costs to implement plan	CSSD	Full Compliance	None
Judicial Branch required, if funding provided, to implement plan and report on results by Aug. 15, 2005 to Judiciary & Appropriations Committees	CSSD	<p>Full Compliance CSSD submitted a status report on effectiveness its strategy including Technical Violation Units (TVU) & Probation Transition Program (PTP) programs on August 15, 2005.</p> <p>To date, CSSD has achieved slightly more than a 20% reduction in the rate of incarceration among probation violators. A second status report is due in January 2005 that will analyze a reduction in prison admissions for violation of probation, if any.</p>	<p>Continue monitoring effectiveness (success) of CSSD strategy & programs</p> <p>Expand TVU & PTP programs statewide through reinvestment of criminal justice funds</p>
BPP & DOC required to submit by Oct. 15, 2004 to Judiciary & Appropriations Committees a plan to reduce by at least 20% the number of prison admissions for technical parole violations including costs to implement plan	BPP & DOC	Full Compliance	
BPP & DOC required, if funding provided, to implement plan and report on results by Aug. 15, 2005 to Judiciary & Appropriations Committees	BPP & DOC	<p>No Compliance DOC did not seek or receive funding specific to this provision. To date, it has not implemented its plan.</p>	<p>Option 1: Transfer to the Board of Pardons and Paroles</p> <p>Option 2 or 3: None</p>

Caseload management. CSSD reported achieving manageable probation officer caseloads is a key factor to reducing probation violations. It found “when officers are overloaded with cases, they simply lack the time to identify and follow-up on non-compliance before it reaches a point of a violation warrant” and subsequently incarceration of a probationer.

As set out in Appendix A, in FY 05, \$1.2 million (half-year funding) was appropriated for 48 new probation officers.²⁰ By July 2005, all new officers had been trained and were assigned caseloads. All positions have been filled and the contracted services are being utilized. The annualized cost of the program (\$2.07 million) is included in the FY 06 budget.

CSSD reported the hiring of a total of 96 probation officers since FY 04 resulted in a reduction in the average caseload from approximately 160 cases per officer in January 2004 to about 100 cases per officer in June 2005. CSSD noted that while a reduction to an average of 100 cases per officer represented significant progress in caseload management, it is not ideal. CSSD has established as a goal of the strategy to cap caseloads at:

- 25 per officer supervising sex offenders;
- 45 per officer supervising surveillance risk level cases;
- 50 per officer supervising high risk level cases; and
- 100 per officer supervising medium risk level cases.

Policy change. In August 2004, CSSD revised its policy for responding to non-compliance of probation conditions. Probation officers are now required to increase supervisory involvement in non-compliance, provide more structure and guidance in the use of graduated sanctions as an alternative to a return to prison, and allow greater flexibility when dealing with new arrest involving probationers who are otherwise compliant with all probation conditions. In June 2005, the division redefined violation of probation outcomes and revised its VOP warrant and graduated sanctions processes.

Special projects. CSSD developed and implemented the Probation Transition Program (PTP) for high-risk “split” sentence inmates released from prison or parole to probation and the Technical Violation Unit (TVU) program for probationers identified with imminent technical violation of probation. The division assigned 20 of its 48 new probation officers to two new programs. It also received additional funding for community-based treatment services, which have been contracted for and brought on-line.

PTP program. The Probation Transition Program targets “split” sentence inmates serving a sentence of 90 days or more who are discharging from prison or an early release program including parole, transitional supervision, halfway house, or re-entry furlough. The goal of the program is to increase the likelihood of successful probation by reducing the number and intensity of technical violations during the initial period of probation. This program is administered in five locations: Bridgeport, Hartford, New Haven, New London, and Waterbury.

²⁰ In FY 04, prior to enactment of Public At 04-234, CSSD received funding for 48 new probation officers.

Each location is staffed by two senior probation officers who each carry a maximum caseload of 25 offenders.

A contracted nonprofit provider -- Community Partners in Action (CPA) -- hired six staff assigned to the PTP offices. CPA staff initiate contact with and screen "split" sentence inmates 90 days prior to their DOC discharge date.

The PTP probation officers use the assessment information to develop a case treatment plan and to arrange for services for the offender. Within the first 72 hours of release from DOC, the PTP probation officer meets with the offender. In general, during the first four months of the program, there is an intensified contact schedule: four face-to-face contacts and two collateral contacts per month with additional contacts made as necessary. The offender may request assistance from the probation officer at any time (24 hours per day, 7 days per week). The goal is to stabilize the offender during this time and then transfer him or her to a regular probation caseload.

Between October 2004 and July 2005, 2,432 inmates were screened for the PTP program. Of these, 466 were placed under supervision of a PTP probation officer and 1,966 were referred for supervision in a field office nearest their town of residence.

TVU program. The goal of the Technical Violation Unit program is to reduce the number of probationers sentenced to incarceration as a result of a technical violation of probation. The program focuses on the probationer who is about to be arrested for a violation of probation for technical reasons, not a new crime. There are currently six units located throughout the state with two senior probation officers assigned to each unit: Bridgeport, Hartford, New Britain, New Haven, New London, and Waterbury. Caseloads are restricted to 25 probationers per officer.

Admission to the program is by referral from the current probation officer. The TVU program lasts for 120 days.

During the first 30 to 60 days, the probationer receives services from various contracted providers. The contact schedule is determined by the TVU probation officers, but is at least weekly. Probation officers are available to assist on a 24-hour basis the probationers as needed.

The last phase of the program consists of the TVU officer transferring the probationer out of the unit. Once the offender is stabilized, a discharge meeting is held and he or she is transferred back to a regular probation caseload. If the offender continues to violate the conditions of probation and fails to make progress in the program, a warrant is prepared. As a result, the probationer may be incarcerated.

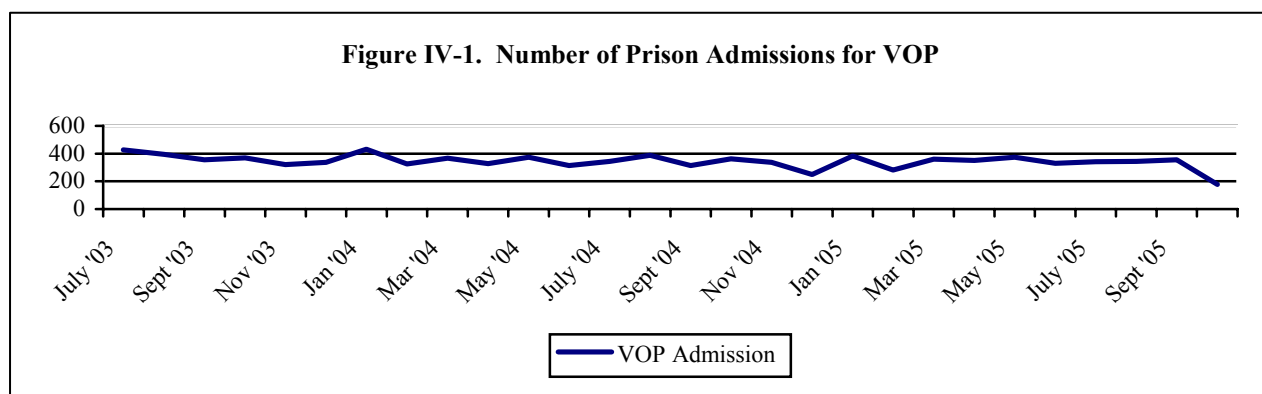
Between October 2004 and July 2005, 420 probationers were referred to the TVU program. The number of new referrals to the program averages about 40 per month.

Outcomes. CSSD is currently evaluating the outcomes of the PTP and TVU programs. Since these programs are in their initial phase of implementation, it is not possible to assess long term effects. However, in August 2005, preliminary findings suggest the PTP and TVU

programs were successful in decreasing the number of probation violations (for a new arrest or a technical violation) by more than 20 percent.

CSSD was not able to provide data on the number of probationers returned to prison for a technical violation. It anticipates these data to be available in January 2006. Preliminary analysis shows, however, the decrease in the overall number of technical violations has decreased the number of prison admission for a technical probation violation.

Figure IV-1 shows the number of prison admissions each month for offenders convicted of a violation of probation. The data do not indicate the underlying VOP charge, whether it was a technical violation or new crime. Since July 2003, the number of prison admissions for VOP each month fluctuates, but in recent months appears to be stabilizing and is even trending downwards.



DOC Plan

The Department of Correction submitted the required plan to reduce by 20 percent the number of parolees returned to prison for a technical violation of parole. The department’s plan includes:

- establish caseload management (caseload should not exceed 60 parolees per parole officer or 25 special management parolees per officer);
- implement evidence-based programming;²¹
- develop an assessment instrument to identify parolee risk and needs;
- develop standards of parole supervision;
- provide training to parole officers;
- implement a graduated sanctions response identifying the range of possible sanctions to respond to a parole violation;
- utilize a “substantial percentage” of community-based residential beds as residential alternatives for technical parole violations;
- collaborate with DMHAS to develop 150 Clean and Sober House beds;

²¹ For a detailed description of evidence-based programming, refer to the Legislative Program Review and Investigations Committee final report on *Pre-trial Diversion and Alternative Sanctions* (2004).

- recommend establishment of a parole board unit to scrutinize warrants and recommend treatment alternatives to incarceration as a response to technical parole violations;
- develop a comprehensive parole case management and treatment model; and
- implement a management information system to analyze effectiveness of plan.

The Department of Correction did not request additional funding to implement or to report on the outcome of its plan. The department reported the lack of funding as the reason for not complying with this provision.

However, DOC has not capitalized on funding opportunities and initiatives that could have been used to implement or at least augment its plan to reduce the number of parolees returned to prison for technical parole violations. For example, DOC received \$4.4 million for partial year funding for 310 halfway house beds in order to increase community-based capacity for released inmates. As shown in Appendix A, by the end of FY 05, however, the department had contracted for only 192 of the authorized 310 halfway house beds. As a result, \$2.5 million was unspent and transferred to other spending areas and only 230 of the original 310 halfway house beds were funded in FY 06.

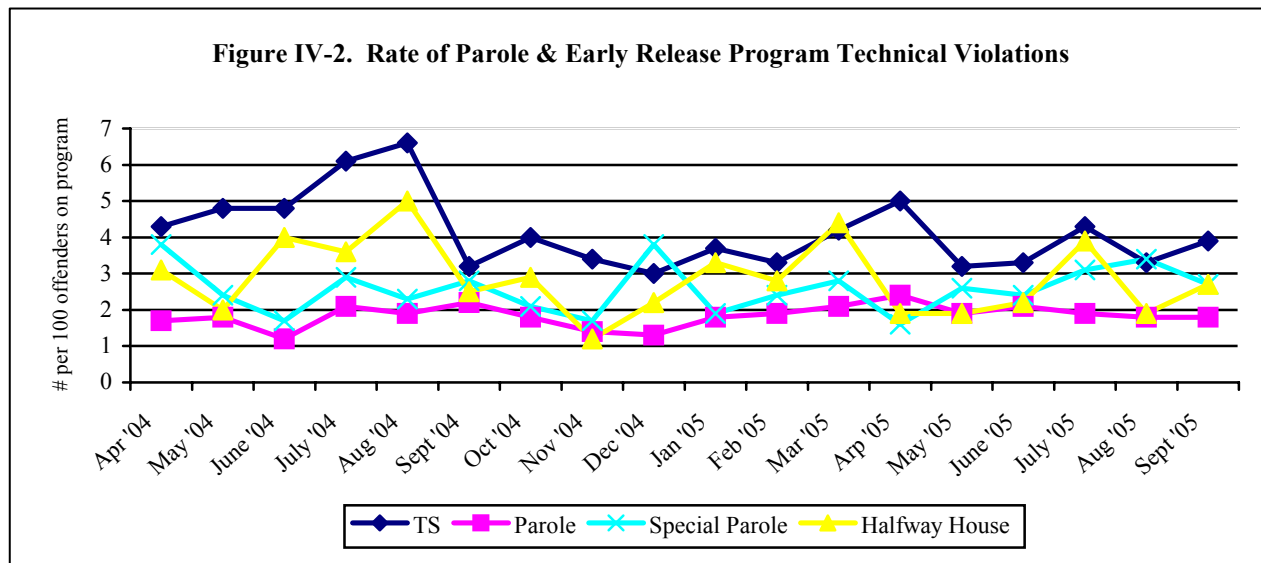
DOC also received almost \$400,000 (a partial year funding) for 12 community-based supervision positions (e.g. parole officers), but spent the funds on other operations. In FY 06, therefore, no funds were appropriated for this purpose.

Finally, in FY 05, DOC received \$50,000 for a job developer position to provide job placement services to inmates being released under various community supervision programs. The department recently filled this position.

Figure IV-2 shows the trend in the rates of technical violations for parole, special parole, TS, and halfway house placements. The rates are presented as the number of technical violations per 100 parolees and inmates released on the programs between April 2004 and September 2005.

As shown, the transitional and halfway house technical violation rates are generally higher than the parole and special parole rates. Overall, inmates under transitional supervision have the highest rate of technical violations.

Figure IV-2 also shows DOC has not achieved any reduction, let alone the 20 percent reduction required by Public Act 04-234, in the parole violation rate. It did, however, reduce the number of TS violations since July 2004, but this may be a reflection of a decrease in the total number of inmates released from prison to TS. While a reduction in violations under any community release program is positive, Public Act 04-234 did not specifically require a reduction in the number of transitional supervision violations.



MONITORING STATUS:

During an 18-month period from July 2004 through December 2005, the Court Support Services Division has been pro-active in meeting the mandate of the offender re-entry strategy to reduce by 20 percent the number of admissions to prison for technical violations of probation and parole. CSSD has achieved more than a 20 percent reduction in the number of technical violations of probation. CSSD has not yet reported a corresponding reduction in the number of prison admissions for a violation of probation.

During the same time period, the Department of Correction has not implemented its plan or requested funding to implement its plan. DOC has failed to capitalize on new funding to improve community-based supervision services to attempt to meet this mandate. The rates of parole and early release program violations remain high.

POSSIBLE ACTION:

Funding for the CSSD four-point strategy to reduce the rate of technical violations of probation including expanding the Probation Transition Program and Technical Violation Units statewide should be increased or at least continued.

If Option 1 is adopted, the Board of Pardons and Paroles should be required to develop and implement a plan to reduce by 20 percent the number of parolees returned to prison for a technical parole violation. The board shall provide the Judiciary and Appropriations Committees and the undersecretary for the Division of Criminal Justice Policy and Planning with a cost estimate to implement the program and achieve the target reduction in prison admissions.

If Option 2 or 3 are endorsed, the Department of Correction should be required to implement its plan to reduce by 20 percent the number of parolees returned to prison for a technical parole violation and to provide the Judiciary and Appropriations Committees

and the undersecretary for the Division of Criminal Justice Policy and Planning with a cost estimate to implement the program and achieve the target reduction in prison admissions.

Miscellaneous Procedural Initiatives

Public Act 04-234 contains a variety of provisions other than the main initiative discussed in prior sections. Table V-1 lists the miscellaneous initiatives included in legislation. Except for the provision establishing pre-trial time served credit for juveniles in detention, there were little to no procedural changes required by the implementing agencies.

Table V-1. Monitoring Results for PA 04-234 Provision 10-13, 15-21, 23, 24, 30, 31, 36: Miscellaneous Procedural Initiatives			
<i>Provision</i>	<i>Implementing Agency</i>	<i>Monitoring Results</i>	<i>Possible Actions</i>
Authorized alcohol- and drug-dependent offenders charged with certain nonviolent crimes to be treated twice under diversion programs	Judicial Branch	Full Compliance	None
Established pre-trial time-served credit for juveniles in detention	Judicial Branch	Partial Compliance Policy directive developed & distributed to juvenile detention centers. No data available to assess outcome.	Analyze outcome for 2008 status report
Changed laws governing reimbursement for cost of incarceration by inmates	Attorney General	Full Compliance Attorney General reported adopting the provisions into its reimbursement process	None
Repealed existing presumptive sentencing laws for certain drug sale crimes	None	Legislation reversed provision Presumptive sentence authority was re-enacted in the technical revisor bill passed during the 2004 special session	None
To implement S.A. 03-1 (Sec. 54), DOC required to issue RFP by Oct. 1, 2004 for a Community Justice Center of not less than 500 beds in Hartford run by a nonprofit organization	DOC	No Status Attorney General cancelled contract	None

Diversion to Treatment

As shown, criminal court judges may now divert certain nonviolent, alcohol- or drug-dependent offenders to treatment programs rather than traditional sanctions (e.g., prison).

MONITORING STATUS:

The impact of this change to date is not known.

Pre-trial Juvenile Detention Credit

Public Act 04-234 requires any child who is arrested and held in a detention (e.g., detention center, alternative detention center, police station, or courthouse lockup) prior to the disposition of a juvenile matter earn, if subsequently convicted as a delinquent, a reduction of the period of probation equal to the number of days spent in detention or lockup. This provision establishes pre-trial credit similar to that for adults in the criminal justice system.

MONITORING STATUS:

The Judicial Branch has implemented this policy throughout the juvenile court system. However, at this time, it cannot provide an aggregate analysis of the juvenile detention bed savings, the average reduction in length of stay in detention after conviction as a delinquent, or any cost savings. The branch plans to collect the data for the 2008 status report.

Incarceration Cost Reimbursement Laws

The Office of the Attorney General handles all cases referred by the Department of Administrative Services, which is responsible for identifying inmates able to reimburse the state for incarceration costs. Public Act 04-234 did not alter the reimbursement collection process. It did, however, change the statute of limitations for the state's collection efforts.

Presumptive Sentencing Laws

Public Act 04-234 repealed the existing presumptive sentencing laws for certain drug sale crimes. The General Assembly, however, reinstated the presumptive sentencing laws in Public Act 04-257. There was no procedural impact as a result.

Community Justice Center

In 2004, DOC planned to contract with a private provider to administer a pilot community justice center (CJC) program for female inmates on the grounds of the York Correctional Institution in Niantic. The contract was eventually cancelled by Governor Rell on the advice of the Office of the Attorney General.

DOC took over the program and in July 2005 opened the Perkins Center as a community justice center program. The intent of the CJC program is to transition inmates from prison to a service-intensive program geared toward community re-entry.

Mandatory Minimum Sentencing Study

As required by Public Act 04-234, in 2005, the Legislative Program Review and Investigations Committee has been conducting a study of the state's mandatory minimum sentencing laws to: (1) determine any impact of the state's mandatory minimum sentencing laws on the demand for prison beds; (2) evaluate actual versus intended impact of the mandatory minimum sentencing laws on the overall criminal sentencing policy of the state; and (3) estimate the costs of mandatory minimum sentences and any proposed sentencing changes.

The program review committee is scheduled to consider and vote on the staff findings and recommendations on December 20, 2005. The program review committee is to submit its findings and recommendation to the Judiciary and Appropriations Committee by January 1, 2006.

Outcome Measure Analysis

Six outcome measures were established by Public Act 04-234 to be used to determine the success of the offender re-entry strategy in meeting its statutory objectives. The outcome measures are:

- rates of recidivism and community revictimization;
- number of inmates eligible for release on parole, transitional supervision, probation, or any other early release program;
- number of inmates who make the transition from incarceration to the community in compliance with a discharge plan;
- prison bed capacity ratios;
- adequacy of the network of community-based treatment, vocational, educational, supervision, and other services and programs; and
- reinvestment of any savings achieved through a reduction in prison population into re-entry and community-based services and programs.

The Legislative Program Review and Investigations Committee analysis of the status of each measure is presented below.

MEASURE 1: RECIDIVISM AND COMMUNITY REVICTIMIZATION

Definitions. Recidivism is defined as new criminal activity by a person after a criminal conviction (or arrest) that results in either imprisonment or another sanction (e.g., probation, diversionary sentence, increased bail). Recent studies of recidivism in Connecticut have used multiple measurements rather than relying on a single method. The three measurements tracked to identify the overall rate of recidivism are:

- rearrest for a new misdemeanor or felony offense;
- reconviction on those charges; and
- reimprisonment or sentence to another court-imposed sanction.²²

Currently, community revictimization is not statutorily defined or defined for policy or procedural purposes by the criminal justice system. For the purposes of the compliance monitoring project, the program review committee includes the concept of community revictimization in the definition of recidivism. The underlying concept of community

²² For a detailed description of the methodology used to conduct a recidivism analysis and for baseline recidivism analyses on the selected offender groups refer to the Legislative Program Review and Investigations Committee final reports on *Recidivism in Connecticut* (2001) and *Pre-trial Diversion and Alternative Sanctions* (2004).

revictimization is that any criminal offense, whether an individual victim is involved or not, is a crime against society. Community revictimization can reference the economic and social costs of crime that victimize society, which can be included in a comprehensive recidivism analysis, but is outside the scope of the compliance monitoring status report.

Recidivism baseline. The offender re-entry strategy is intended to reduce the rate of recidivism among convicted offenders thereby reducing the number of persons incarcerated. To determine whether the strategy has succeeded in meeting this measure, a baseline recidivism rate is needed for comparison purposes.

Until recently, there was almost no information about repeat criminal activity among Connecticut offenders. Despite mandates to control and reduce crime, no single state criminal justice agency tracked the rate of recidivism among inmates discharged from prison or the large group of convicted offenders placed on community supervision programs (e.g., probation, alternative sanction, parole, halfway house release) or pre-trial defendants.

Recognizing the importance of consistent and reliable recidivism analyses, the Legislative Program Review and Investigations Committee conducted two recidivism studies of different cohort groups of offenders. The committee determined the recidivism rates, in 2001, for inmates discharging from prison and convicted offenders sentenced to “traditional” probation in lieu of prison and, in 2004, of convicted offenders sentenced to alternative sanction programs as part of probation and accused defendants participating in pre-trial diversion programs. The program review committee analyses findings will be used as the baseline recidivism rates to determine the success of the offender re-entry strategy in the monitoring report.

Table VI-1 provides the baseline recidivism rates for the identified offender groups. The recidivism rates for the inmate and “traditional” probationer groups were tracked for a three-year period after discharge from prison or sentence to probation respectively. As shown, almost 70 percent of inmates were re-arrested within three years after being discharged from prison and almost 60 percent of probationers were re-arrested within three years after being convicted of a crime and sentenced to probation. While a significant percentage of inmates and probationers were re-arrested for a new crime, less than one-quarter of the inmates and only about 10 percent of the probationers were returned to prison.

About 36 percent of the probationers admitted to alternative sanction programs²³ were re-arrested within one year of admission to a program, about 20 percent were reconvicted, and almost 15 percent were sentenced to another sanction, mostly another period of probation. Pre-trial defendants participating in pre-trial diversion education programs²⁴ had similar recidivism rates. Interestingly, only about one percent of both offender groups were incarcerated as a result of convictions for new crimes. With a one-year recidivism rate comparable to the one-year rate found in the 2001 recidivism study of inmates and “traditional” probationers, the program review

²³ Alternative sanctions programs included Alternative Incarceration Centers (AIC), Day Incarceration Centers (DIC), adult behavioral health, residential treatment, domestic violence, special populations (e.g., sex offenders, Latino youth, women) and other program such as Community Service Labor and the Zero-Tolerance Drug Program.

²⁴ The six pre-trial diversion education programs included were: Pre-trial Alcohol Education Program; Pre-trial Drug Education Program; Community Service Labor Program, Pre-trial Family Violence Education Program; Pre-trial School Violence Education Program; and the Hate Crimes Diversion Program.

committee estimated that half of the alternative sanction and pre-trial diversion clients would also be re-arrested within three years of program admission.

Table VI-1. Baseline Recidivism Rate for Identified Offender Groups				
<i>Offender Group</i>	<i>Re-arrest Rate</i>	<i>Reconviction Rate</i>	<i>Re-incarceration Rate</i>	<i>Other Sentence Rate</i>
Within 3 years from prison discharge or sentence to probation:				
Inmates discharged from prison	69%	46%	22%	18%
“Traditional” probationers	58%	32%	11%	21%
Within 1 year from admission to pre-trial diversion or alternative sanction program:				
Alternative sanction probationers	36%	21%	1%	14%
Pre-trial diversion defendants	32%	19%	1%	10%
NOTE: The percentages are based on the total offender sample under analysis. Source of data: Judicial Branch, Department of Correction, Department of Public Safety				

Current recidivism rate. As stated, no criminal justice agency has, on an on-going basis, tracked and analyzed the recidivism rates for the total offender population under its jurisdiction. As part of the compliance monitoring project, the program review committee reviewed available offender data and examined the trends and patterns in arrest rates, criminal sentencing, prison admission and discharge rates, time-served prior to release from prison, and pre-trial and alternative sanction program admission and discharge rates. There is no indication from the available data that the current recidivism rates have changed from the baseline rates identified in 2001 and 2004.

The agencies are currently conducting limited recidivism analyses as part of larger studies of particular programs or assessment instruments. CSSD has contracted for a study of the effectiveness of the Probation Transition Program and Technical Violation Units. As part of that study, the recidivism rates of probationers participating in the programs will be measured. The Board of Parole and Pardons has contracted for a revalidation study of its parole assessment instrument. As part of that project, the recidivism rates of a random sample of parolees are being tracked. Finally, DOC has contracted for a recidivism analysis of inmates discharged from prison in 2000. The department plans to use the results of the study as its baseline recidivism rate. (As of November 2005, DOC had not provided its contractor with the data to conduct the study.) Results from these studies are expected to be released in January 2006.²⁵

MONITORING STATUS:

To date, there has been no demonstrated decrease or increase in recidivism among Connecticut’s offender population. Since an offender re-entry strategy has not been developed

²⁵ All studies being conducted by Central Connecticut State University.

or implemented as required by Public Act 04-234, no change in the recidivism rates can be expected.

MEASURE 2: INCREASE IN ELIGIBILITY FOR VARIOUS EARLY RELEASE PROGRAMS

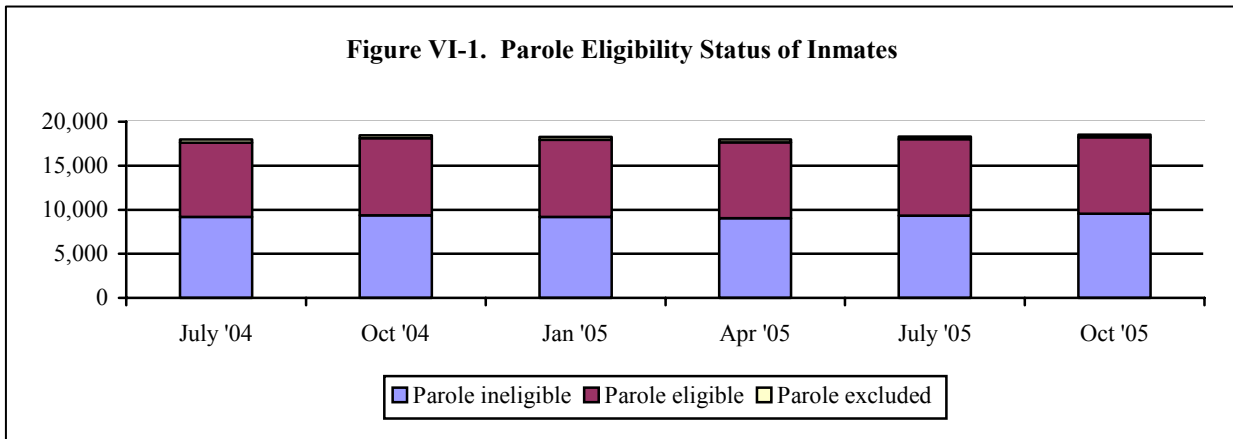
The offender re-entry strategy is intended to increase the number of inmates eligible for community-based early release programs and to improve the rate of inmates' successful transition from prison to the community. Specifically, Public Act 04-234 established as a measure of success an increase in the total number of inmates eligible for parole, transitional supervision (TS), probation, or other DOC early release program such as halfway house placement and re-entry furlough and a corresponding increase in the total number of inmates transitioning from prison to the community in compliance with a discharge plan.

For the purposes of the compliance monitoring project, early-release eligibility is broadly interpreted. Limiting the analysis to only the total number of inmates eligible for early release programs is a misleading measure of success of the offender re-entry strategy and of the specific programs under review. Therefore, for each of the early release programs, the program review committee examined and measured the success of the offender re-entry strategy based on the following:

- the number of inmates eligible by state law and administrative policies of the agency with authority to release and/or supervise the inmates;
- the release grant and denial rates;
- the number of inmates actually released; and
- the number of inmates who successfully complete (or discharge) from the program.

Parole

Eligibility. Figure VI-1 shows the number of inmates sentenced to more than two years eligible for parole and ineligible based on statutory and administrative standards summarized in Appendix E. The category of inmates ineligible for parole includes pre-trial defendants, inmates sentenced to two years or less, inmates convicted of capital and other offenses excluded from parole, and inmates in another status such as INS or military detainees and interstate compacts. The parole excluded category includes inmates classified by DOC as security risk group member or in a Level 5 maximum security or chronic disciplinary status. Generally, less than 5 percent of the total inmate population meets these administrative exclusion criteria.



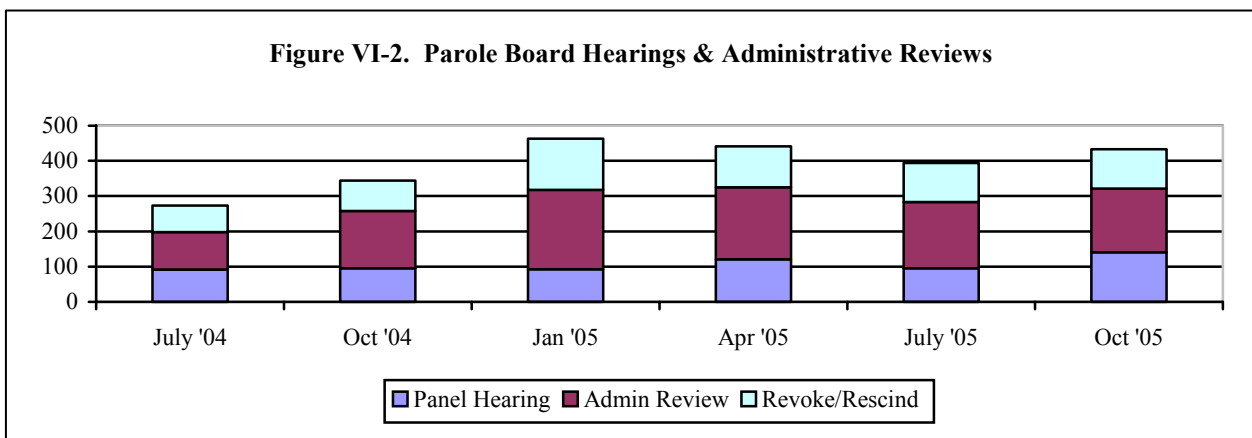
As shown in the graphic, the trend in the number (and percent) of parole eligible inmates has not increased since July 2004. Typically less than half of the DOC inmate population is parole eligible.

MONITORING STATUS:

Parole eligibility is defined by policy set by the state legislature. Unless the existing statutory parole eligibility standards are amended, changing its parole exclusion policy is currently the only way the parole board can increase the number of inmates eligible for parole.

The changes to the eligibility criteria enacted by Public Act 04-234 did not significantly impact the number of inmates eligible for release on parole.

Hearings and reviews. Figure VI-2 shows the total number of panel hearings and administrative reviews conducted by the parole board since July 2004. Included are the number of 75 percent parole reassessment proceedings, which were conducted through panel hearings and administrative reviews.



Also shown is the number of revocation and rescission hearings conducted by the board. Parole is revoked when a parolee violates the conditions of release or is arrested for a new crime. Parole is rescinded when an inmate who is granted parole, but not yet released, commits a

disciplinary infraction in prison. The board is required to conduct a hearing to revoke or rescind parole.

The number of panel hearings conducted by the board has remained fairly constant. Between April and June 2005, as a result of implementing the 75 percent parole reassessment process, the board held an increased number of panel hearings, but returned to conducting about 95 panel hearings per month by July 2005.

The number of administrative reviews dropped in the months preceding the enactment of Public Act 04-234 (July through September 2005) to a low of about 80 per month. Beginning in October 2004, again as a result of the 75 percent parole reassessment process, the board significantly increased the number of administrative reviews per month. The board has since consistently conducted over 200 administrative reviews each month.

The number of revocation and rescission hearings has increased. This increase is driven by the number of parole violations referred to the board by the Department of Corrections, which is responsible for the supervision of paroles and inmates.

The majority of the hearings are for parole revocations; the board typically conducts less than 20 rescission hearings per month. Since April 2005, the parole board conducted over 100 revocation hearings per month. This increase may be due in part to the requirement for the parole board to expand the administrative review process to parole revocations and rescissions, which was authorized by Public Act 04-234. The parole board also implemented an expedited revocation and rescission process, which is similar in process to plea bargaining.

MONITORING STATUS:

The expansion of the administrative review process has made the parole hearing process more efficient.

Parole grant rate. The parole board basically makes two decisions when reviewing eligible inmates for release on parole: (1) to grant or deny parole; and (2) set the date on which the inmate will actually be released from prison on parole (referred to as the “voted-to-parole” date). An inmate granted parole does not have to be released on his or her first parole eligibility date (50 or 85 percent time-served).

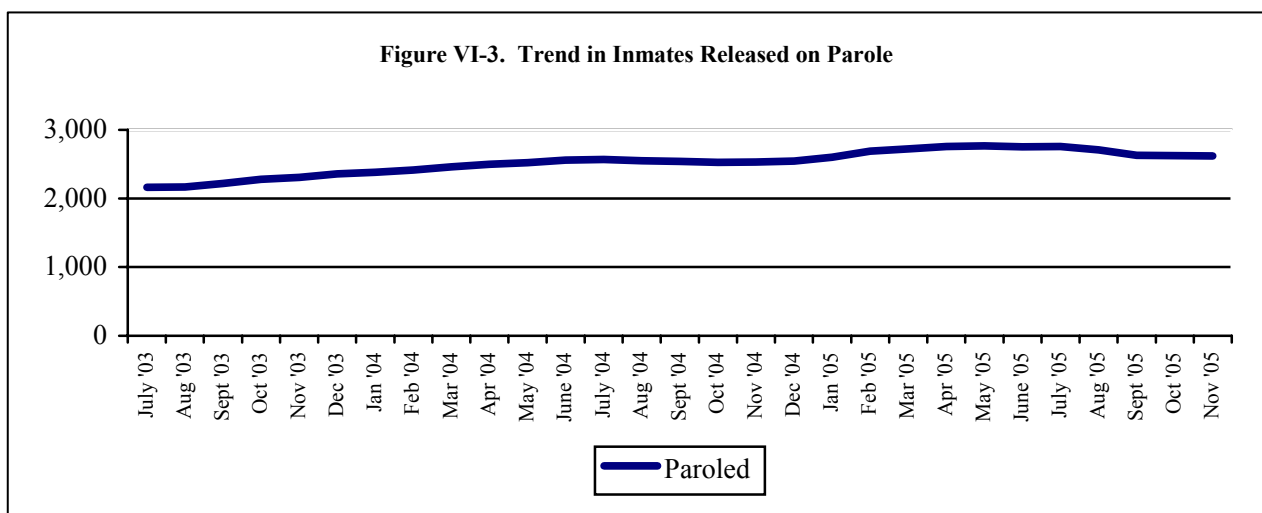
Table VI-2 shows the parole board’s decision rates for panel hearings and administrative reviews for parole and 75 percent reassessment. Overall, the parole board has a very high parole grant rate for both panel hearings and administrative reviews, maintaining a monthly average of over 85 percent.

Table VI-2. Parole Grant Rate						
	July 04	Oct 04	Jan 05	Apr 05	July 05	Oct 05
Parole Panel Hearing						
GRANT	81 (88%)	90 (95%)	82 (88%)	104 (86%)	83 (87%)	117 (83%)
DENY	11 (22%)	5 (5%)	11 (22%)	17 (14%)	12 (13%)	24 (17%)
Administrative Review						
GRANT	95 (90%)	151 (95%)	190 (84%)	174 (85%)	153 (81%)	141 (78%)
DENY	11 (10%)	12 (5%)	35 (16%)	30 (15%)	35 (19%)	39 (22%)
NOTE: Grant and deny rates for 75 percent parole reassessment are included in the rates for the panel hearing and administrative reviews.						
Source of data: Board of Pardons and Paroles						

MONITORING STATUS:

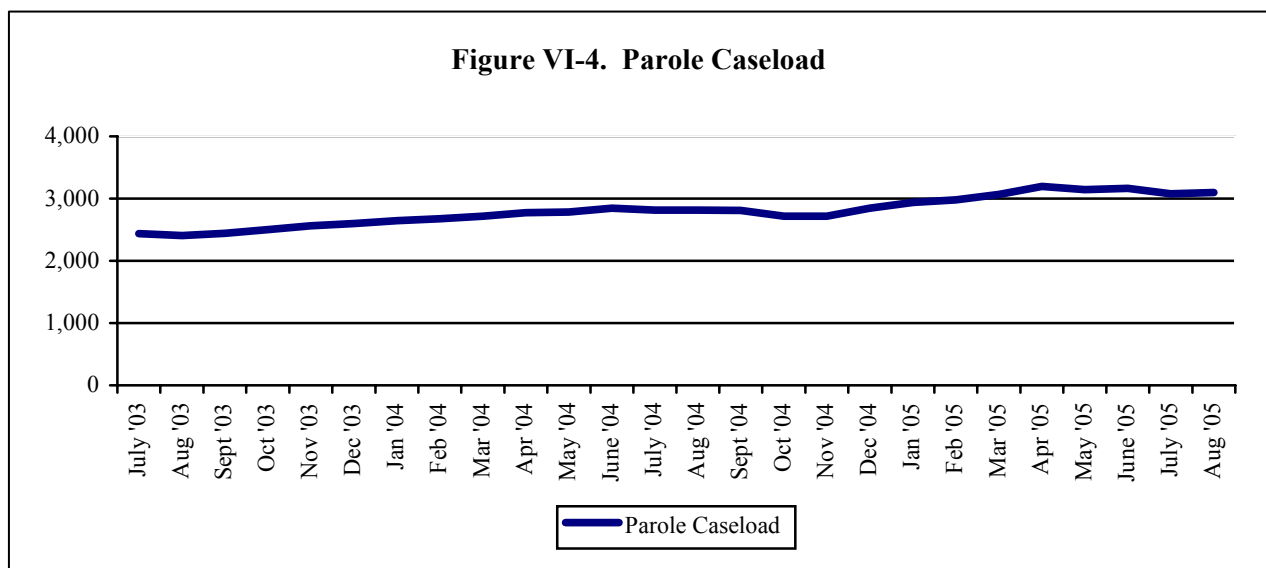
Since the number of inmates eligible for parole remained stable and eligibility determination is technically beyond the control of the Board of Pardons and Paroles and the Department of Correction, there does not appear to be an increase in the number of hearing or review proceedings or in the board's parole grant rate.

Parole releases. Once parole is granted, the inmate is scheduled for release from prison on the date set by the parole board. Figure VI-3 shows the trend in the total number of inmates released on parole since July 2003, which is a year prior to Public Act 04-234 taking effect. The trend in the number of inmates released on parole each month has only slightly increased over the past 29 months. Between July 1, 2003 and November 1, 2005, the rate increased less than 20 percent from 2,160 inmates released on parole to 2,619 inmates. The average monthly total of inmates released on parole reached its highest between March and July 2005 when more than 2,700 inmates were paroled each month.



The increase in the number of inmates released on parole between January and August 2005 is attributed to the 75 percent parole reassessment process. As discussed in Section 2, the board reassesses for parole any inmate eligible for parole after serving at least 50 percent of their sentence, but who has not yet been paroled after serving 75 percent of their sentences. During the initial implementation of this process, the board reviewed a backlog of inmates at the 75 percent mark of their sentences. The reassessment caseload has since dropped to about 15 inmates per month.

Figure VI-4 shows the total number of parolees supervised in the community, representing the parole supervision caseload. Since a parolee can be supervised for months or even years, new parolee releases are added to existing caseloads. As stated, DOC reported parole caseloads are currently averaging 100:1 and 33:1 for special management caseloads.



The Board of Pardons and Paroles has discretionary parole release authority, but the Department of Correction is responsible for parole supervision. Management of the total parole caseload is under the control of DOC.

These two trends are impacted by staffing and community-based service resources. There must be sufficient parole officers to provide case management and supervision for released parolees and the contracted community-based service and program network must have adequate capacity to provide service. With insufficient resources, the effectiveness (and success) of parole supervision will be reduced. Therefore, DOC and the parole board may be restricting the number of inmates released on parole because of limited community supervision resources. This issue was discussed in Section 3.

MONITORING STATUS:

Since July 2004, there has been no sustained increase in the number of inmates released to parole, but there has been a slight increase in the parole supervision caseload.

Time-served. The board can, at its discretion, set the parole release date at any time during the sentence term. The offender re-entry strategy was intended to reduce the amount of time the parole board was requiring inmates to serve prior to their releases to maximize the prison-to-community transition period to reduce the likelihood of inmates re-offending.

Beginning in the mid-1990s, the average time-served prior to parole release increased. By 2003, inmates eligible for parole after serving at least 50 percent of their sentences were actually serving an average of over 70 percent of their sentences before being paroled -- up from about 55 percent of time served in the early 1990s. Most "serious, violent" inmates (over 70 percent) eligible for parole after serving at least 85 percent of their sentence were denied parole release and were serving 100 percent of their sentences in prison ("maxing out"). Of the "serious, violent" inmates granted parole, most were required by the parole board to serve an average of 92 percent of the sentence before being paroled, which reduced the community supervision period to an average of less than five months. Because it had effectively eliminated the available period of parole supervision by increasing the time-served average, the parole board would often simply require inmates to "max out."

The General Assembly, in enacting an offender re-entry strategy, recognized that reducing the period of parole supervision by delaying release or denying release eliminates the ability of the state to supervise and provide services to inmates when they have the highest risk of recidivism and are most in need of services -- during the first six months of their transition from prison back to the community. The parole board's practice of reducing the available period of parole supervision had significant consequences for its ability to minimize the potential risks to public safety posed by an inmate's return to the community and chance of re-offending.

A goal of the offender re-entry strategy is to maximize the available period of parole or early release for all eligible inmates. Neither the Board of Pardons and Paroles nor the Department of Correction, however, provided data for the monitoring project on the time-served by parole-eligible inmates prior to actual release on parole. DOC does not regularly track or analyze actual time-served prior to release (as a percentage of the total sentence), and was unable to provide data in time for this report.

The board reported that, as a result of the merger, it no longer has the resources or data to calculate time-served prior to parole release. The board chairperson believes time-served prior to parole release is not yet decreasing; he estimates it is still averaging around 70 percent of the court-imposed sentence.

MONITORING STATUS:

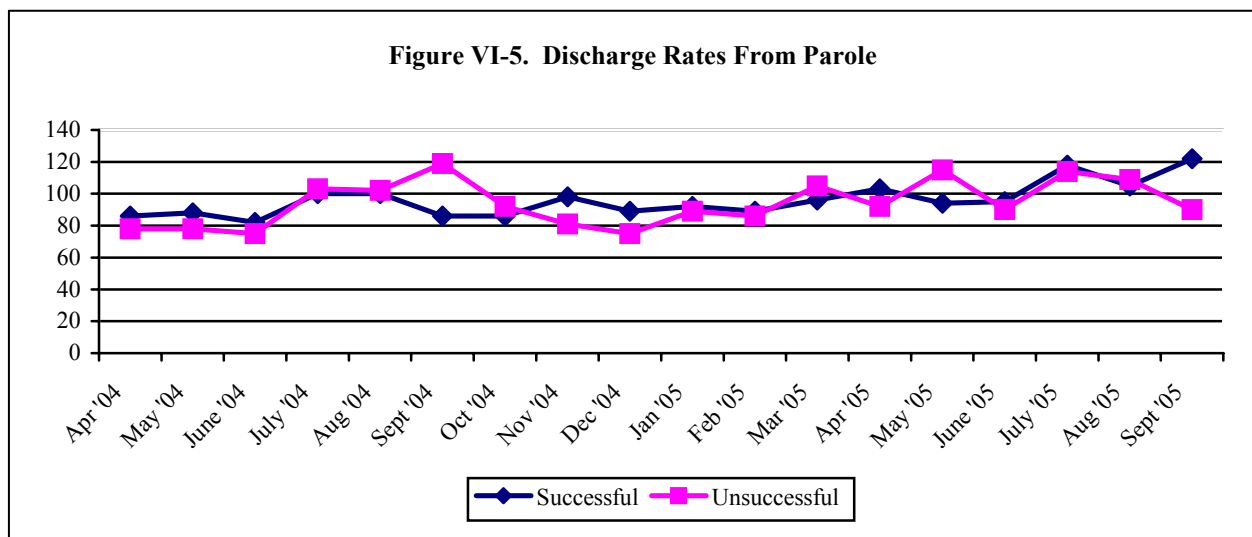
To date, the success of the offender re-entry strategy in increasing the number of inmates released on parole and maximizing the available period of parole supervision cannot be determined.

Successful discharge. Ultimately, one of the best measures of the effectiveness of the parole system is the total number of inmates actually released on parole who successfully discharge from their sentence. An inmate successfully discharges from parole when he or she serves remaining portion of the total court-imposed sentence. An unsuccessful discharge is

defined as a parole in violation status (either a technical violation or new crime). An inmate whose parole has been revoked due to a parole violation may be re-paroled by the board immediately or after a period of re-incarceration. That inmate can then go on to successfully discharge from parole.

When reviewing this trend, it is important to note parolees are generally supervised on parole for longer periods of time than on any of the DOC early release programs. Parolees may be on parole for months or even years whereas TS, halfway house, and re-entry inmates are typically supervised for about six months or less.

As shown in Figure VI-5, the successful and unsuccessful parole discharge rates are similar and the trends have remained fairly constant since April 2004, when the parole board began analyzing these data.



DOC Early Release Programs

As stated, in addition to parole, there are three DOC early release programs: transitional supervision, halfway houses, and re-entry furloughs. DOC, not the parole board, has discretionary release authority and supervision responsibility for these programs. Only inmates sentenced to two years or less are eligible for transitional supervision, but all sentenced inmates are eligible for halfway house placements and re-entry furloughs.

Eligibility. DOC cannot unilaterally increase the total number of inmates eligible for TS, halfway house, or re-entry furlough. The eligible inmate population is contingent on the number of inmates sentenced to prison and the length of their sentences, both controlled by criminal court judges.

DOC can, however, impact the number of inmates eligible for and released on TS, halfway house, or re-entry furlough through its administrative exclusion criteria. Under DOC policy, inmates convicted of an offense or those with a prior criminal history involving violence,

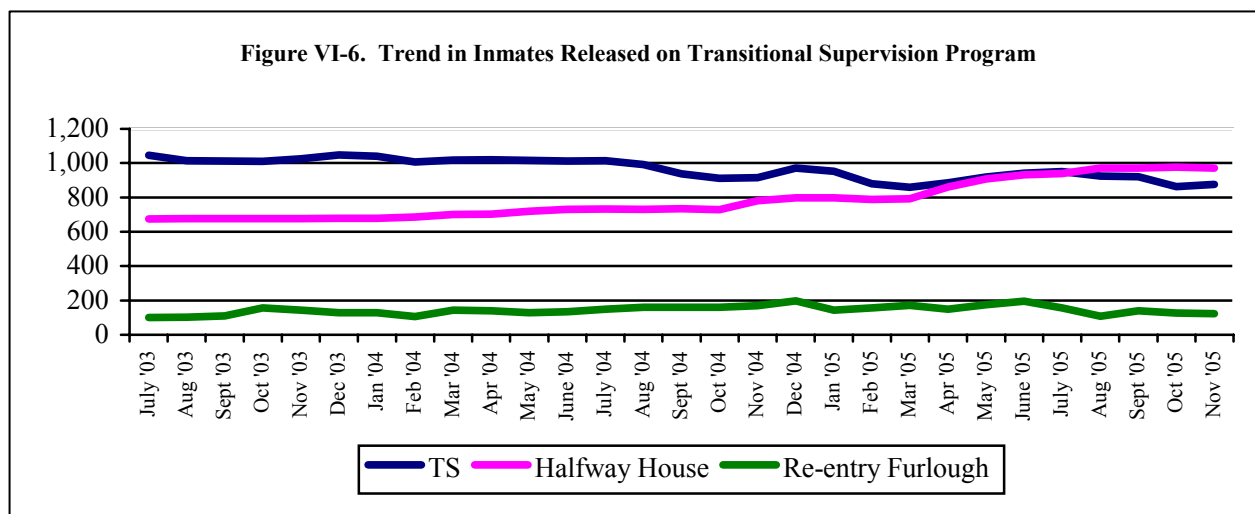
sexual assault, domestic violence, or driving while under the influence of alcohol or drugs (DUI) are excluded from the early release programs. Also excluded are inmates classified as a security risk group (SRG) member or threat member (level 3 and 4) or those placed in a chronic disciplinary or Level 5 custody status. Any change to the exclusionary policy would impact the eligible inmate population.

The number of inmates administratively excluded because of their classification or custody status remains stable. Generally, less than 5 percent of the inmate population is considered administratively ineligible for release. For example, on November 23, 2005, there were 420 inmates classified as SRG members or threat members, 83 inmates on chronic disciplinary status, and 139 inmates classified as Level 5 custody status.

In theory, the department can increase the number of inmates *suitable* (as opposed to eligible) for release through its institutional programs. Providing educational, vocational, substance abuse and mental health treatment, and other services while inmates are incarcerated can help to make them more suitable for early release programs.

As discussed below (see Measure 4), during the past two years, the DOC sentenced inmate population appears to have stabilized. There has been no appreciable difference in the number of inmates sentenced to two years or less who are statutorily eligible for transitional supervision. About 4,200 sentenced inmates are TS-eligible each month. Therefore, the number of inmates eligible for early release program has not increased.

Release rate. Figure VI-6 shows the trend in the number of inmates released by DOC each month to: transitional supervision; a halfway house; or re-entry furlough since July 2003, a year prior to the enactment of the offender re-entry strategy. Overall, the trends for all three programs have remained fairly constant until July 2004. After the enactment of Public Act 04-234, the total number of inmates released on the three programs fluctuated, but only the halfway house program sustained an increase over time. The number of inmates on TS and re-entry furloughs had dropped during certain months, but neither has reached its high point established earlier.



Currently, almost 1,000 inmates are released early from prison and placed in a halfway house. While inmates are eligible for halfway house placement up to 18 months before their end of sentence or voted-to-parole dates, DOC generally authorizes transfers inmates to halfway houses for about six month periods.

Between March and May 2005, the number of inmates placed in DOC halfway house programs dropped as a result of a change in DOC eligibility policy. By June 2005, however, the department returned to its original halfway house eligibility criteria and the network's vacancies rate was decreased and beds were filled.

In December and June 2005, the number of furloughed inmates increased to almost 200 per month, but in the following months the number dropped to around 150. In October and November 2005, there were only about 125 inmates granted re-entry furloughs.

Overall, as shown in Figure VII-6, the number of TS inmates released each month been decreasing since July 2003. The monthly total of released TS inmates reached its peak in December 2003 at 1,048 inmates and its low of 859 inmates in March 2005. Since August 2004, a month after the offender re-entry strategy legislation took effect, the trend in the number of inmates released on the TS program by DOC each month has fluctuated, but remains less than 1,000 inmates. In November 2005, 876 inmates were released on transitional supervision.

When asked to explain the changes in the trend in the number of inmates released on transitional supervision beginning in July 2004, DOC reported it generally finds it difficult to keep the transitional supervision caseload constant even though there have been no changes to the overall TS-eligible inmate population (i.e., those inmates sentenced to two years or less). DOC further pointed to two reasons for the changing trend. First, TS-inmates generally have a high violation rate and cycle through the program back to prison. Second, many TS-inmates are serving short sentences (less than a year) and discharge from their sentence after a short stay in the program. Because of these factors, DOC is often reluctant to grant transitional supervision.

However, the factors impacting the transitional supervision-eligible inmate population and caseload existed prior to July 2004. The fluctuation in the trend can, therefore, be attributed to the transition of parole supervision responsibilities from the board into DOC. The merger of two previously separate community-based supervision models may have caused changes to prior early release trends.

Successful discharge. Successful discharge from an early release program was measured by DOC as the number of inmates discharging at the end of their sentence (EOS) from a program rather than from a correctional facility. Unsuccessful discharge was measured as the number inmates returned to prison from an early release program for a technical violation or new criminal charges. The following graphics (Figures VII-7, VII-8, and VII-9) track the successful and unsuccessful discharges from transitional supervision, halfway houses, and re-entry furlough.

As shown in Figure VI-7, the successful discharge for the department's transitional supervision program fluctuates. During the 28 months under review, the program has had an average monthly successful discharge of about 170 inmates. Since July 2004, when DOC

assumed control over parole supervision, the TS successful discharges began to drop, reaching a low of 121 inmates in May 2005. In October 2005, 141 inmates successfully discharged from transitional supervision rather than prison at the end of their prison sentences. In comparison, an average of about 60 inmates each month are returned to prison for a TS violation. The unsuccessful discharges also fluctuated during the past 28 months.

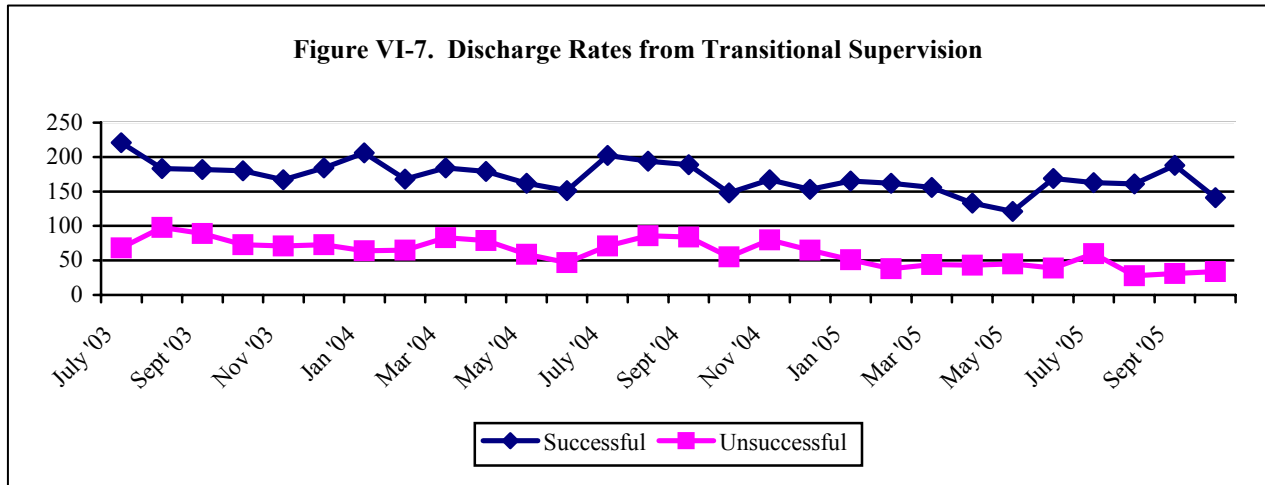
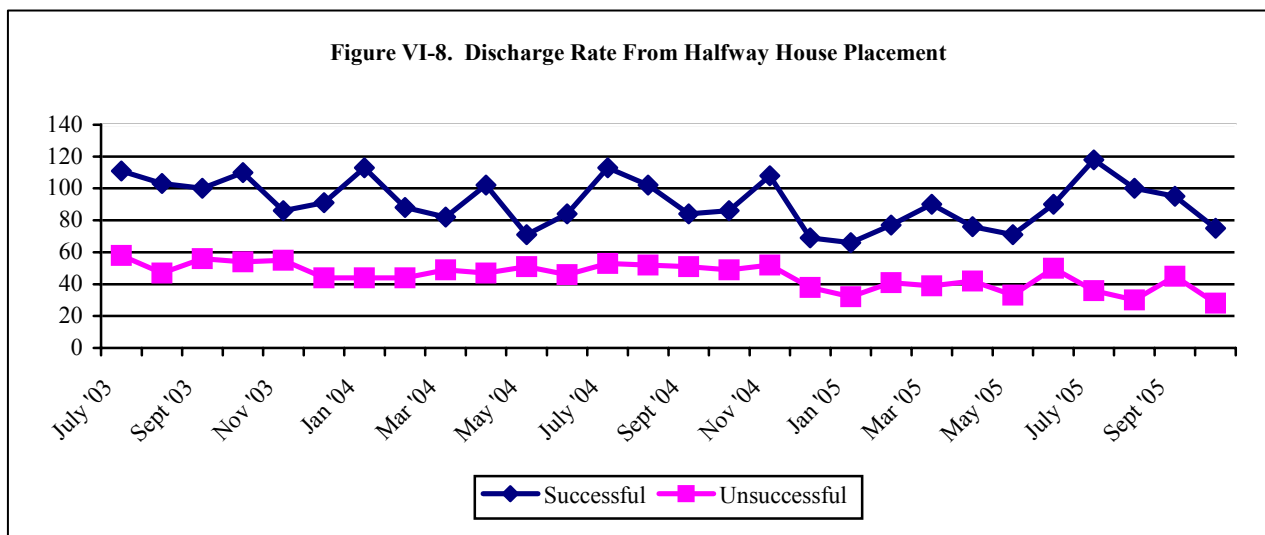
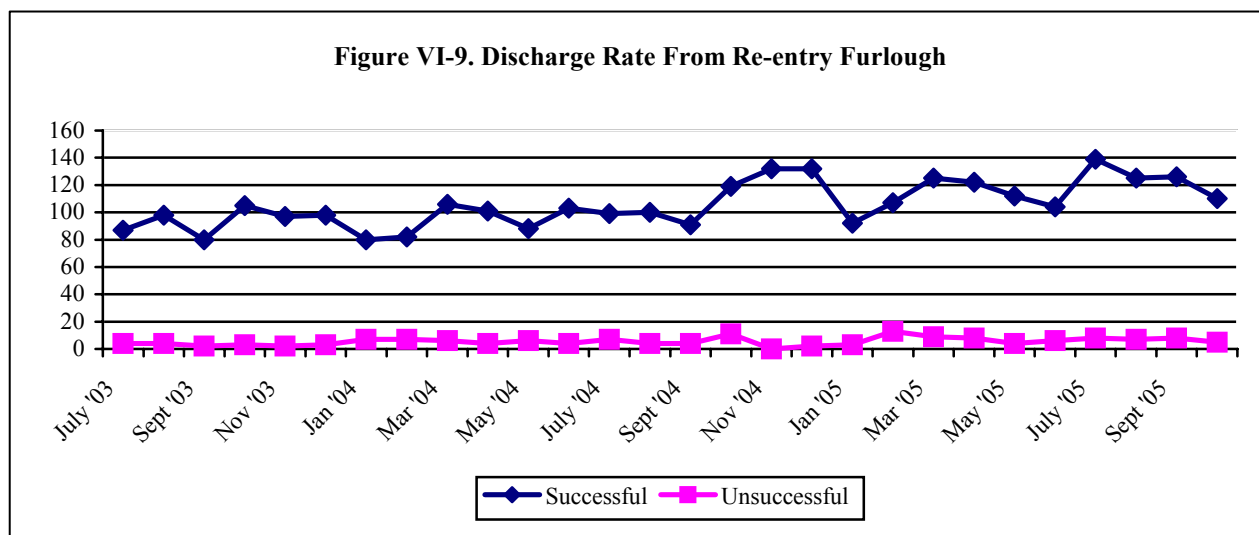


Figure VI-8 shows the trend in successful and unsuccessful discharges from a DOC halfway house. Similar to the TS rate, the successful discharges from a halfway house also fluctuates. Between January and May 2005, the successful discharges reached a low of about 65 inmates per month. This is due to the change in the department's administrative eligibility criteria. As stated, in response to a single, high-profile incident, DOC required all inmates serve at least 50 percent of their sentences to be eligible for halfway house placement. As a result, the number of eligible inmates, and subsequently the number of halfway house placements, dropped and the contracted halfway house provider network experienced a significantly increased vacancy rate.



In response to an attorney general’s opinion that inmates are not statutorily required to serve 50 percent of their sentences to be halfway house-eligible, the department repealed the administrative eligibility criteria and halfway house placements increased. The successful discharges spiked in July 2005, but have since dropped.

The trend in successful and unsuccessful discharge rates from re-entry furlough are shown in Figure VI-9. Again, the trend rises and falls with no constant pattern. Beginning in October 2005, the overall number of inmates successfully discharged increased. This can be attributed to the increase in the total number of inmates granted a re-entry furlough. As stated, Public Act 04-234 increased the re-entry furlough period from 15 to 30 days.



Most inmates are granted a re-entry furlough near or at the end of their sentence. DOC does not actively supervise furloughed inmates especially those in the last 30 days of their sentence. Many inmates reported as successfully discharging from re-entry furlough are actually discharging from their sentences.

MONITORING STATUS:

Based on the rates analyzed above, there appears to be no appreciable difference in the number of inmates eligible for or released under the Department of Correction’s various community-based, early release programs after Public Act 04-234 was enacted before and after Public Act 04-234.

Probation

Finally, the offender re-entry strategy was intended to increase the number of inmates released from prison to probation. Inmates are released from prison to probation only when sentenced by a judge to a prison term followed by a period of probation, which is commonly called a “split” sentence. Neither DOC nor the parole board can impact the number of inmates

serving “split” sentences because sentencing is a function of a criminal court judge. Therefore, this is an artificial measure of the success of the offender re-entry strategy and no analysis is presented.

It should be noted, however, the Court Support Services Division recently implemented the Probation Transition Program. The PTP program is intended to identify inmates serving a “split” sentence on parole who are discharging from their prison terms to a period of probation. The program objective is to reduce the rate of recidivism while on probation among persons serving “split” sentences. The PTP program is discussed in more detail in Section 5.

MEASURE 3: DISCHARGE PLANS

The third statutory success measure is the number of inmates who make the transition from incarceration to the community in compliance with a discharge plan. There is no existing statutory requirement for the Department of Correction or the Board of Pardons and Paroles to develop or implement a discharge plan for inmates released from prison to parole, a DOC early release program, or at the completion of their sentences. Public Act 04-234 does not specifically require these agencies to develop or implement discharge plans for inmates leaving prison.

By policy, DOC administratively develops a discharge plan for every inmate released from prison no matter under what conditions and the parole board establishes conditions for parole supervision that serve as a discharge plan. Discharge plans for inmates with post-incarceration community supervision requirements typically include reporting schedules, release conditions, provisions for the offenders’ transportation, housing, employment or education, and medical needs, and a re-entry treatment plan. The discharge plans are referred to the parole or probation officer for case management.

The department also develops a discharge plan for inmates discharging from prison with no post-incarceration supervision requirement (“maxing out”). Most often these discharge plans include provisions for transportation from the prison to the inmate’s residence, distribution of “gate money,” return of inmate’s property, notification requirements (DNA sample, sex offender registration, DCF notification), and referrals to community-based services and programs.

MONITORING STATUS:

A comprehensive, on-going analysis of recidivism among the offender population can be used to assess the effectiveness of discharge plans. To date, however, no such determinations can be made.

MEASURE 4: CAPACITY RATIOS

The success of the offender re-entry strategy is also measured by prison bed capacity ratios and the adequacy of the network of community-based treatment, vocational, educational, supervision, and other services and programs. Prison bed capacity ratio is calculated based on the number of permanent prison beds and the total incarcerated population.

As shown in Table VI-3, the current DOC bed capacity is reported as 18,786 permanent prison and jail beds, which is a 20-bed decrease from 18,806 beds reported in July 2004. Based on the three dates selected for review, DOC has operated at slightly less than 100 percent capacity.

Table VI-3. DOC Capacity Ratios			
	<i>July 1, 2004</i>	<i>January 1, 2005</i>	<i>July 1, 2005</i>
CI Capacity	4,029	4,029	4,029
CC Capacity	14,777	14,757	14,757
TOTAL CAPACITY	18,806	18,786	18,786
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Sentenced Population	14,148	14,046	13,930
Pre-trial Populations	4,357	4,217	4,220
TOTAL POPULATION	18,505	18,263	18,150
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CAPACITY PERCENT	98.3%	97.2%	96.6%
NOTE: Correction Institution (CI) is a prison for sentenced inmates. Correction Center (CC) is a jail for pre-trial inmates and inmates sentenced to one year or less. Source of data: Department of Correction			

The Department of Correction operates a unified system composed of 20 prisons and jails throughout the state. The facilities range from minimum to maximum security. Level 5 is maximum security, Level 4 is high security, Level 3 is medium security, and Level 2 is minimum security. Level 1 is reserved for inmates eligible and approved for community release programs such as TS, halfway house, and re-entry furlough.

DOC classifies inmates into corresponding custody levels: Level 1 through 5. An objective of the inmate classification and facility security level system is to transition an inmate to the lowest security level to ready him or her for release back to the community. The system is also used to manage the inmate population in a safe, secure, and humane environment and to protect DOC staff. Therefore, having a sufficient number of beds as a specific security level for the total inmate population classified at that level is critical.

This overall analysis of capacity does not take into account facility security or inmate classification levels. So while DOC is operating slightly under capacity, it may still be experiencing overcrowding problems for certain institutional operations. For example, it may be overcrowded in portions of the inmate population classified at a certain level or status, overcrowded at certain facilities with specific security levels, or experiencing increased staffing costs due to overtime. (Refer to Appendix B.) The ideal, therefore, would be under capacity at each facility security level to allow for the appropriate placement and management of the inmate population according the specific classification categories.

MONITORING STATUS:

There is virtually no change in the department's prison bed capacity as a result of Public Act 04-234. During the past two years, the growth in the total incarcerated population had slowed primarily due to stabilization in the number of sentenced inmates, but the pre-trial inmate population continues to increase.

While the Department of Correction has been operating at slightly less than 100 percent capacity, there has not been a sustained and/or significant decrease in the inmate population to allow for ideal inmate population management techniques. As a result, DOC continues to operate as if it were overcrowded (e.g., continued use of temporary prison beds, increase staffing costs due to overtime), which it may in fact be at any given time at certain facility security levels. To achieve a cost savings in the department's budget as intended by the justice re-investment initiative and offender re-entry strategy, the population must continue to decrease.

MEASURE 5: ADEQUACY OF COMMUNITY-BASED PROGRAM NETWORK

Another statutory measure of success of the offender re-entry strategy is the adequacy of the network of community-based treatment, vocational, education, supervision, and other services and programs. "Adequacy" is not statutorily defined. Appendix F provides an overview of the community-based network capacity contracted for by CSSD.

For the purposes of the compliance monitoring project, therefore, adequacy will be broadly interpreted to include three factors:

- the contracted capacity of the community-based network of programs (specifies the actual number of program slots and beds set forth in a contract);
- the community-based network's capacity to serve eligible and released offenders (represents an estimated number of client admissions that could be served in a fiscal year by the contracted capacity); and
- the effectiveness of the contracted programs (measured by client recidivism rates).

In FY 05, CSSD and DOC received new funding to increase community-based capacity. CSSD fully utilized its funding to increase drug treatment, job development, life skills, and medical and mental health assessment services to augment the new Probation Transition Program and Technical Violation Units. DOC did not fully utilize the new funding. It failed to spend approximately \$2.5 million to increase the number of contracted halfway house beds and, as a result, the funding was not appropriated for the next fiscal year.

MONITORING STATUS:

Overall, criminal justice agencies report there is not sufficient community-based program resources (beds and slots) for the existing offender population under community supervision. In Fiscal Year 05, CSSD and DOC received funds to increase community-based

program capacity and capacity to serve by adding new program beds and slots. CSSD maximized this funding by adding program capacity for its two new programs: Probation Transition Program and Transitional Supervision Units. DOC, however, did not fully utilize the funding to increase capacity and capacity to serve in its contracted halfway house network. The department has since lost the funding and opportunity to expand its community-based network.

Recidivism rate. Given that reducing recidivism is a primary objective and measure of success (refer to Measure 1) of the offender re-entry strategy, the measure of the effectiveness of the contracted, community-based program network is also recidivism among the client population. As previously stated, however, the criminal justice system has not tracked the recidivism rate of the offender population including those offenders admitted to community-based programs.

MONITORING STATUS:

The Department of Correction and the Court Support Services Division are unable to provide these data. There is, however, no indication from the available data that the baseline recidivism rates reported by the Legislative Program Review and Investigations Committee in 2001 and 2004 have appreciably changed. The success of the offender re-entry strategy based on this measure, to date, cannot be determined.

MEASURE 6: REINVESTMENT OF SAVINGS IN OFFENDER RE-ENTRY INITIATIVES

The final measure of success of the offender re-entry strategy is the reinvestment of any savings achieved through a reduction in the prison population into re-entry and community-based services and programs.

In 2004, in addition to the proposal of HB 5211, the eventual passage of which became Public Act 04-234, the Appropriations Committee provided \$13 million in the FY 05 for several offender criminal justice initiatives intended to control prison overcrowding, assist offenders as they transition from prison to the community, and enhance public safety. The funding was provided directly to the Court Support Services Division within the Judicial Branch, and the Department of Correction. (Refer to Appendix A.)

The goals of the offender re-entry strategy and the initial criminal justice investment initiative go hand-in-hand. However, the legislation (HB 52111) and the FY 05 budget initiatives were not linked or dependent on the other for passage.

Also during 2004, the legislature was developing a justice reinvestment concept.²⁶ Justice reinvestment to date has not been defined in statute, but it is a statutory measure of success for the offender re-entry strategy.

The justice reinvestment initiative is intended to realize cost savings in the Department of Correction budget. As a result, a portion or all of any money could be reinvested in offender

²⁶ Representatives William Dyson and Michael Lawlor sponsored the *Building Bridges: From Conviction to Employment* conference on January 15, 2004.

(and ex-offender) job development and placement and other employment programs, which may include a range of public and private services and partnerships, and other programs intended to reduce the socioeconomic barriers (e.g., transportation, housing, employment, and other restrictions due to criminal record) to re-entry to the community. The ultimate goal is to reduce recidivism among the offender population.

The offender re-entry strategy and the justice reinvestment initiative present a unique implementation problem for the legislative, executive, and judicial branches in that to realize any cost savings to reinvest in community-based supervision and service programs, the incarcerated population must be maintained for a sustained period of time at or below capacity. Reducing recidivism among inmates discharged from prison and offender under community supervision has been identified as a method to controlling prison overcrowding. To achieve a stabilization of the inmate population, the state's community supervision and capacity of community-based service programs must be sufficient to handle an influx in offenders and to be effective thereby resulting in a real decrease in the recidivism rates among offenders and a corresponding decrease in the incarcerated populations.

It appears the offender re-entry strategy and justice reinvestment initiative must be achieved at the same time for either to be successful. The growing budget deficit in the Department of Correction presents serious implications for the successful implementation of the offender re-entry strategy and the justice reinvestment initiatives. Given DOC's \$28.5 million deficit, actually reinvesting resources into community supervision and the community-based program network presents the legislature with difficult policy decisions. It also makes it difficult for the criminal justice agencies, especially DOC, to prioritize the offender re-entry strategy in the day-to-day operations of the criminal justice system.

Even though community supervision and community-based service programs are less expensive than prison beds, they are not cost-free options. Any increase in the offender population under community supervision must be accompanied by an increase in resources (e.g., supervision staff, services and programs, administrative support staff) to manage the caseloads otherwise recidivism rates will not be reduced and, in fact, could increase. If the offender re-entry strategy is not implemented as intended, a serious prison overcrowding crisis may re-occur.

Therefore, given the DOC deficit and the current state funding levels for community supervision and community-based program network, the legislature, the governor's office, and criminal justice agencies must still prioritize funding for prison beds over offender re-entry initiatives and community supervision.

Finally, managing the state's prison system is the Department of Correction's primary responsibility. Absent its current budget deficit, the department has a vested interest in maintaining prison resources. The offender re-entry strategy and justice reinvestment initiative are intended to and could ultimately reduce those resources. If the current DOC structure is maintained, it may, if the strategies work as intended, receive reinvested resources for parole and early release programs. However, since prisons are its priority, the department may not be sufficiently vested in the successful implementation of the two strategies.

MONITORING STATUS:

To date, the justice reinvestment concept has not been statutorily defined or adopted, but it is a statutory measure of the successful implementation of Public Act 04-234.

Since October 2004, the Department of Correction has been managing a growing budget deficit. In FY 05, it received \$28.5 million in deficiency appropriations in addition to its \$548.5 million annual budget. To date, therefore, there have been no cost savings in the DOC budget attributable to Public Act 04-234.

Appendix A

Evaluation of FY 05 Budget Initiatives

The following data, information, and analyses were provided by the Office of Fiscal Analysis (OFA).

In 2004, in addition to the proposal of House Bill 5211, “AAC Prison Overcrowding,” in the Judiciary Committee²⁷, the Appropriations Committee provided through the revised budget for the FY 03/05 biennium (Public Act 04-216) \$13.0 million in funding in FY 05 for several initiatives. The specific justice initiatives are intended to control prison overcrowding, assist offenders as they transition from prison to the community, and enhance public safety.

The funding was provided directly to the Judicial Department’s Court Support Services Division and the Department of Correction. Table A-1 lists the initiatives and compares the amount of money that was appropriated to the amount of money that was actually expended by the agencies on these programs. The amount of money that remained unspent (unexpended) by the agencies in FY 05 is also listed.

Table A-1. Fiscal Year 05 Budget: Justice Initiatives						
	<i>Appropriated</i>		<i>Expended</i>		<i>Unexpended</i>	
	#*	\$	#*	\$	#*	\$
Judicial - Court Support Services Division						
Probation Transition Program	10	1,507,500	10	1,507,500	-	-
Technical Violation Probation Units	10	1,470,000	10	1,470,000	-	-
Probation Caseload Reduction	48	1,200,000	48	1,200,000	-	-
Pre-trial AIC Beds	130	2,375,000	130	2,375,000	-	-
Building Bridges Pilots	-	1,000,000	-	513,889		486,111
Hartford Resettlement Program (transfer to DOC)	-	100,000	-	100,000	-	-
Drug Treatment Beds (transfer to DMHAS)	-	500,000	-	174,400	-	325,600
CSSD Subtotal		8,152,500		7,340,789		811,711
Department of Correction						
Halfway House Beds	310	4,398,750	192	1,908,609	118	2,490,141
Community Service Officer Supervision	12	382,500	-	-	12	382,500
Job Developer Position	1	50,000	1	14,046	-	35,954
DOC Subtotal		4,831,250		1,922,655		2,908,595
TOTAL		12,983,750		9,263,444		3,720,306
*The figures in these columns represent the number of full-time positions or number of beds depending on the program. Source of data: Office of Fiscal Analysis						

²⁷ Eventual passage of which became PA 04-234.

Of the \$13.0 million for justice initiatives that was provided in addition to other criminal justice funds in FY 05, \$3.7 million (or 29 percent) was not utilized by the agencies and remained unspent. Almost all of the under-utilization occurred in the Department of Correction, which did not spend \$2.9 million (or 60 percent) of its new funding for community programs and community supervision staff. These services, especially the expansion of halfway house beds, had they been utilized, could have reduced occupied prison beds in DOC facilities.

It should be noted the Department of Correction was managing a budget shortfall in FY 05, and ultimately required an additional \$28.5 million in additional funds. (This issue is discussed in detail at the end of this appendix.)

Table A-2 compares the funding that would be needed in FY 06 to continue the originally planned programs with the amount of funding that was actually appropriated in FY 05. In the areas that were underutilized in FY 05, funding to conform with the original plan was not provided in FY 06. Therefore, 80 halfway house beds and 12 community supervision positions within DOC remain unfunded in FY 06.

Table A-2. Fiscal Year 06 Budget						
	<i>Annualized Cost of FY 05 Programs</i>		<i>Actual Appropriated</i>		<i>Amount Below FY 05 Plan</i>	
	#*	\$	#*	\$	#*	\$
Judicial - Court Support Services Division						
Probation Transition Program	10	2,007,500	10	2,007,500	-	-
Technical Violation Probation Units	10	1,970,000	10	1,970,000	-	-
Probation Caseload Reduction	48	2,247,657	48	2,247,657	-	-
Pre-trial AIC Beds	130	3,250,000	130	3,250,000	-	-
Building Bridges Pilots	-	1,000,000	-	1,000,000	-	-
Hartford Resettlement Program (transfer to DOC)	-	100,000	-	100,000	-	-
Drug Treatment Beds (transfer to DMHAS)	-	500,000	-	500,000	-	-
CSSD Subtotal		11,075,157		11,075,157		-
Department of Correction						
Halfway House Beds	310	7,130,000	230	5,290,000	80	1,840,000
Community Service Officer Supervision	12	600,000	-	-	12	600,000
Job Developer Position	1	64,866	1	64,866	-	-
DOC Subtotal	-	7,794,866	-	5,354,866	-	2,440,000
TOTAL		18,870,023		16,430,023		2,440,000
*The figures in these columns represent the number of full-time positions or number of beds, depending on the program. Source of data: Office of Fiscal Analysis						

Status of Judicial Department Funding

A total of \$8.2 million was provided in FY 05 to the Judicial Department for the following programs and initiatives. The order below corresponds to that of Tables A-1 and A-2.

Probation Transition Program: CSSD received \$1.5 million for probation officers and community-based services to establish the Probation Transition Program (PTP) for prisoners serving a “split” sentence, which includes a period of post-incarceration probation supervision, discharging from prison. This funding covers 10 probation officers and community-based drug treatment, job development, life skills, and medical and mental health assessment services.

All 10 positions have been filled and intended services have been contracted for by CSSD. The annualized cost (\$2.07 million) has been included in the FY 06 budget.

Technical Violation Units: CSSD also received \$1.47 million for 10 probation officers and community-based services to establish Technical Violation Units (TVU) to target offenders on probation who are at risk of being arrested for violations of probation in order to reduce the number of offender subsequently incarcerated for violations of probation. The funded services include drug treatment, job development, life skills, and medical and mental health assessment services.

All 10 positions have been filled and intended services have been contracted for by CSSD. The annualized cost (\$1.97 million) has been included in the FY 06 budget.

It should be noted the 10 PTP probation officers and 10 TVU probation officers are included in the total 48 new probation officers funded in FY 05.

Probation Caseload Reduction: CSSD received \$1.2 million in half-year funding for a total of 48 new probation officers to reduce the average caseload ratio of probation officers in order to make probation a more reliable, safer and viable option than incarceration. All 48 probation officer positions have been filled, and the total number of probation officers has increased by 34 percent to 436 officers statewide since July 2004. The annualized cost of these positions (\$2.25 million) has been included in the FY 06 budget.

Pre-Trial AIC Beds: The division received \$2.375 million for 60 pre-trial Alternative Incarceration Center (AIC) beds beginning July 1, 2004, and 70 pre-trial AIC beds beginning on January 1, 2005. This represents a net increase of 130 beds.

All 130 beds were contracted for and utilized in FY 05. The necessary full-year cost for the pre-trial AIC beds is \$3.25 million, and was provided in the FY 06 budget.

Building Bridges Pilots: CSSD received \$1 million for two Building Bridges pilot projects in Hartford and New Haven. Each project site received \$500,000 in FY 05.

After initial contract difficulties, the two projects began later than anticipated, part way through FY 05. Due to the late starts, less than half of the funds remained unspent for this purpose in FY 05. However, continuous full-year funding of \$1 million was provided in FY 06.

Hartford Resettlement Program: CSSD received \$100,000 for the Hartford Resettlement Program, which helps offenders discharging from prison who are returning to Hartford transition to the community. This program existed in DOC prior to FY 05 and the funds were transferred from CSSD to DOC to augment existing funds.

With the additional \$100,000 in FY 05, the budgeted program level was increased to \$219,071. These funds were spent in FY 05 and the increased funding level was continued into FY 06.

Drug Treatment Beds (transfer to DMHAS): Finally, CSSD received \$500,000 for drug treatment beds contracted for by the Department of Mental Health and Addiction Services (DMHAS). For budget purposes, the funds are transferred from the Judicial Department to DMHAS.

Due to start-up difficulties, DMHAS spent 35 percent of the appropriated funds. These funds were used to develop a Mental Health Alternative to Incarceration Center (MHAIC) pilot program. The pilot program consists of two components: (1) a day reporting program for approximately 40 offenders daily and 120 persons annually; and (2) a residential program with 24-hour monitoring for 20 offenders admitted to the day component in need of housing.

It should be noted that unspent funds from FY 05 (\$325,600) were carried forward within the DMHAS account, and will be available in addition to the \$500,000 appropriated to the Judicial Department in FY 06.

Department of Correction Funding

A total of \$4.8 million was provided in FY 05 to the Department of Correction for the following initiatives.

Halfway House Beds: DOC received \$4.4 million in partial-year funding for 310 halfway house beds, in addition to the existing halfway house beds funded in prior fiscal years, to increase capacity in the community for inmates eligible for early release from prison. By the end of FY 05, DOC had contracted for 192 of the total 310 beds (62 percent) for which funding had been provided. The department's failure to procure the authorized halfway house beds allowed almost \$2.5 million (57 percent of the total amount) to remain unspent. The unspent funds were transferred to other spending areas (most likely overtime personnel costs).

In addition, only 230 of the original 310 halfway beds were funded in the FY 06 budget. No funding was provided for the difference of 80 beds.

Community Service Officer Supervision: DOC received \$382,500 in partial-year funding for 12 community supervision officers to provide supervision for an anticipated increase in the number of individuals in community-based halfway house beds. As stated, funding was appropriated to increase the total number of halfway house beds thereby increasing the number of inmates transferred to those programs. DOC, however, did not fill any of the 12 community supervision officer positions. Therefore, no funds were appropriated for this purpose in FY 06.

Job Developer Position: Finally, DOC received \$50,000 for a job developer position to assist soon-to-be released offenders locate and obtain employment after release from prison. This position has been filled and annualized funding has been included in the FY 06 budget.

Detail on FY 05 DOC Budget Deficiency

OFA also provided an analysis of the Department of Correction budget for FY 05. It further analyzed the department's growing deficit. The following is an excerpt of the fiscal note on sHB 6672 (the FY 05 deficiency bill) of the 2005 session as it related to the Department of Correction.

The Department of Correction is projecting a net deficiency of \$28.5 million, which represents 5.2 percent of its FY 05 appropriation of \$548.5 million. This assumes a Personal Services holdback of \$2,851,199, an Other Expenses holdback of \$1,818,782, and a Spend Management holdback of \$1,768,687 will be released. The deficiency has grown significantly since October 2004: October 2004, \$12 million; November 2004, \$13.5 million; December 2004, \$18.5 million; January 2005, \$23.3 million; and March 2005, \$28.5 million.

The deficiency, totaling \$36.7 million, is occurring in three areas: (1) Personal Services; (2) Other Expenses; and (3) inmate medical services. This shortfall is offset by \$5.2 million in surplus funds in Workers Compensation, parole staffing and operations and community support services. However, \$3.5 million of these funds -- the surplus in community support services and Workers' Compensation -- are scheduled to be carried forward to FY 06 under the Governor's budget in order to reduce FY 06 funding requirements. Table A-3 lists the DOC FY 05 deficiency budget -- additional appropriations required to assist agencies with budget short falls are known as deficiency appropriations.

Factors contributing to the DOC deficiency include:

- overtime is up 24 percent over FY 04 levels of \$47.3 million;
- original FY 03/05 biennial budget included a reduction of 348 DOC positions in FY 05 to reflect a target of 2,000 inmates to be transferred out-of-state. As a result, training classes for new correction officers were cancelled. In addition, a hiring freeze was implemented. This contributed to a high vacancy rate within the correctional officer ranks;
- Other Expenses deficiency primarily consists of higher than budgeted costs in gasoline and utilities (\$2.2 million) and inmate food and beverage costs (\$2.1 million);
- [DOC] was funded for 310 halfway house beds. Of those, 215 beds have been contracted for and \$1.5 million in community programs will be unspent and carried forward to FY 06. On February 4, 2005, 155 inmates were eligible for immediate halfway house placement;
- \$1.7 million of the Personal services deficiency relates to funding 47 parole field positions and five administrative parole staff (52 total positions) for

- which funding was provided in the Parole Staffing account. An FAC²⁸ is anticipated to transfer the surplus from Parole staffing to Personal Services. An associated, but currently unknown amount, of Other Expense costs will also be FAC transferred;
- use of sick time is up 1.7 days [per correctional] officer over last year at 16.5 days [per] correction officer \$1.8 million;
 - various collective bargaining costs have also contributed to the deficiency:
 - majors, captains, and correctional counselors pay plan increase (\$697,000);
 - increase shift commander stipends of \$26 per day approved (\$200,000);
 - change in work schedule interest arbitration award (\$2.2 million); and
 - correctional supervisors award grants overtime at time plus one-half to all lieutenants over a certain salary level (\$807,000);
 - the shortfall in inmate medical services arises from overtime usage and utilization of nursing pools to cover staff vacancies. In addition, expenses for one patient with a serious illness [treated at the] UConn Health Center account for \$1.3 million of the deficiency. Medical costs per inmate are averaging \$4,600 annually;
 - Transportation Unit overtime usage is up. Medical transports of prisoners have increased an average of 109 hours per week. Non-medical transports have increased by 435 hours per week. The cost is estimated at \$900,000;²⁹
 - consolidation of mental health services at Garner Correction Institution required additional staff posts (\$3.9 million); and
 - off-site training was provided to meet [the] legal requirements for suicide prevention, diversity, sexual harassment training (\$766,000).

²⁸ An FAC is a transfer between accounts that must be authorized by a committee of elected officials known as the Finance Advisory Committee.

²⁹ In November 2005, Governor Jodi Rell directed the Department of Correction commissioner to investigate the factors increasing inmate transportation costs.

Table A-3. Department of Correction Budget: FY 05			
<i>Budget Item</i>	<i>Estimated Expenditure</i>	<i>Adjusted Appropriation</i>	<i>Surplus/- Deficit</i>
Full-Time Salaries	296,112,616	284,456,052	-11,656,564
Part-Time Salaries	2,440,554	2,258,472	-182,082
Overtime	58,569,428	41,266,322	-17,303,106
Other PS (Longevity, Meals, Shift Diff)	17,909,148	16,748,768	-1,160,380
Personnel Services Subtotal	375,031,746	344,729,614	-30,302,132
Other Expenses	68,093,145	63,488,949	-4,604,196
Worker's Compensation	22,925,355	24,925,355	2,000,000
Inmate Medical Services	83,310,867	81,563,821	-1,747,046
Parole Staffing and Operations	5,193,982	6,893,982	1,700,000
Community Support Services	21,068,397	22,568,397	1,500,000
Other Expenses	68,093,145	63,488,949	-4,604,196
Other Expenses Subtotal	200,844,700	199,440,504	-1,151,242
Total	575,876,446	544,170,118	-31,453,374
PS Holdback Release			2,851,199
OE Holdbacks Release			3,587,469
Carryforward FY 05 Workers' Compensation Lapse to FY 06			-2,000,000
Carryforward FY 05 Community Support Services Lapse to FY 06			-1,500,000
Net Deficiency			-28,514,706
NOTE: Accounts without surpluses or deficits are not included above Source of data: Office of Fiscal Analysis			

DOC Inmate Population

Since many of the offender re-entry strategy initiatives discussed throughout this report are ultimately intended to reduce the growth in the inmate population, an analysis of DOC prison capacity and the inmate population is presented below.

Prison Capacity

In 1995, the department completed a 10-year prison expansion project that added over 10,000 new prison beds. Since that time, DOC has not significantly increased its bed capacity.

Permanent beds. The Department of Correction does not have an official total bed capacity for the prison system. It reports prison capacity as a fluid number based on daily inmate population needs, which are dictated by security issues, inmate admissions and discharges, court decrees, legal mandates, staffing, suitability and design of the facilities, and the number of beds. The number of beds in use can change due to building maintenance, opening or closing of a unit or facility, a renovation or expansion project, or other emergency situation (e.g., riots, fires, etc). As a result, the department can increase or decrease the total number of available beds.

For the purpose of the Public Act 04-234 monitoring project, system capacity is defined as the number of *permanent* beds in a prison or jail. In July 2004, the department reported capacity at 18,806 permanent prison and jail beds and, as of July 2005, capacity dropped to 18,786 permanent beds, although this number may change daily for the reasons cited above.

Temporary beds. The department's ability to increase its capacity is in part due to its use of temporary beds to manage the overflow -- or overcrowding -- at a facility. Temporary beds are generally set up in nonresidential areas and provide dormitory-style housing, even in celled facilities. Temporary beds, however, present the department with obvious security and management concerns.

Since the number of temporary beds in use increases the total bed capacity, the average number of temporary beds in use was also examined. The number of temporary beds in use, like permanent beds, varies daily. Between July 2004 and October 2005, the number of temporary beds used each month ranged from a low of 3 in November 2005 to a high of 307 in October 2005. During this period, DOC averaged over 140 temporary beds in use per month.

The greatest use of temporary beds has been in the system's jails, which typically house the pre-trial population. However, temporary beds are used throughout the system. Since July 2004, temporary beds were used in the following jails or correction centers (CC) and prisons or correctional institutions (CI): Bridgeport CC; Hartford CC; New Haven CC; Corrigan-

Radgowski CC, Enfield CI; Osborn CI; York CI (the state's only facility for female inmates); and Walker-MacDougall CI.

Out-of-state beds. In 1995 (Public Act 95-229), the Department of Correction was authorized to enter into a contract with a governmental or private entity for up to 500 out-of-state prison beds and to transfer Connecticut inmates to those facilities. DOC subsequently entered into a contract with the Virginia Department of Correction to transfer 500 Connecticut inmates to two Virginia prisons.

During the 2002 legislative session, in response to the state's budget crisis, then-Governor John Rowland sought authorization to increase the number of out-of-state beds to 1,000, but the legislation did not pass. During the 2003 session (Public Act 03-6), the legislature authorized an additional 2,000 out-of-state beds (2,500 total) in FY 04 and FY 05 only. Public Act 04-2 eliminated the authorization for the additional 2,000 out-of-state beds and instead authorized an additional 1,000 beds for FY 05, FY 06, and FY 07.

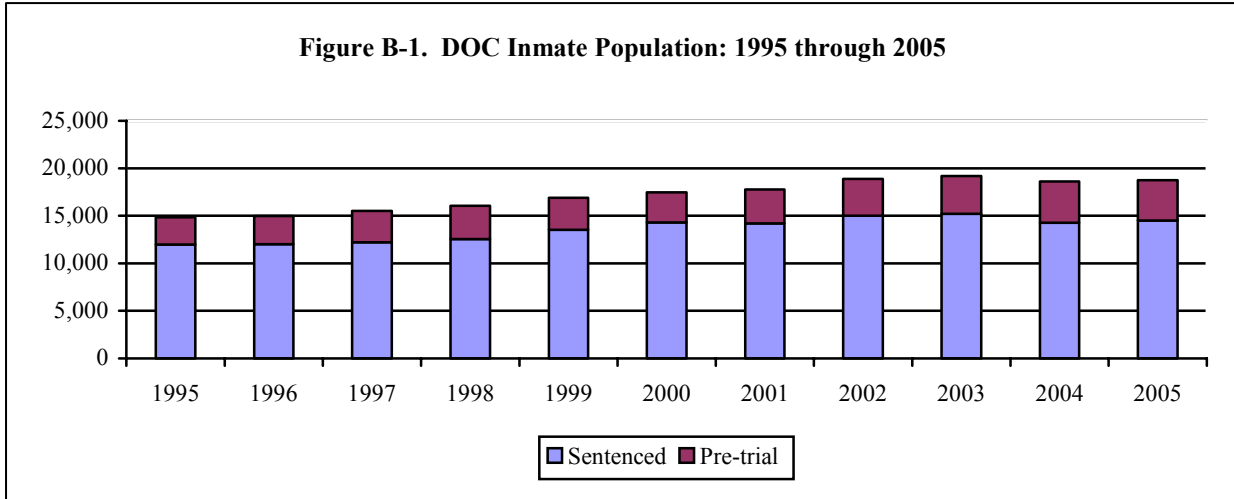
In July 2004, Governor Jodi Rell ordered DOC to return all inmates transferred to out-of-state prisons to Connecticut correctional facilities. By November 2005, all 500 inmates were returned to Connecticut prisons. The contract with the Virginia Department of Correction was allowed to expire and DOC has not negotiated or entered into any new contract for out-of-state prison beds.

While the 500 out-of-state beds are not calculated as part of DOC's prison capacity, the transfer of 500 inmates out of the state system impacted the prison capacity ratio (inmates-to-beds). The 500 inmates, however, have since been absorbed back into the general population.

Inmate Population

Figure B-1 tracks the growth in the DOC inmate population during the past 10 years. (The inmate population for 2005 includes January through November.) The total population includes pre-trial defendants and sentenced offenders incarcerated in prisons and jails.

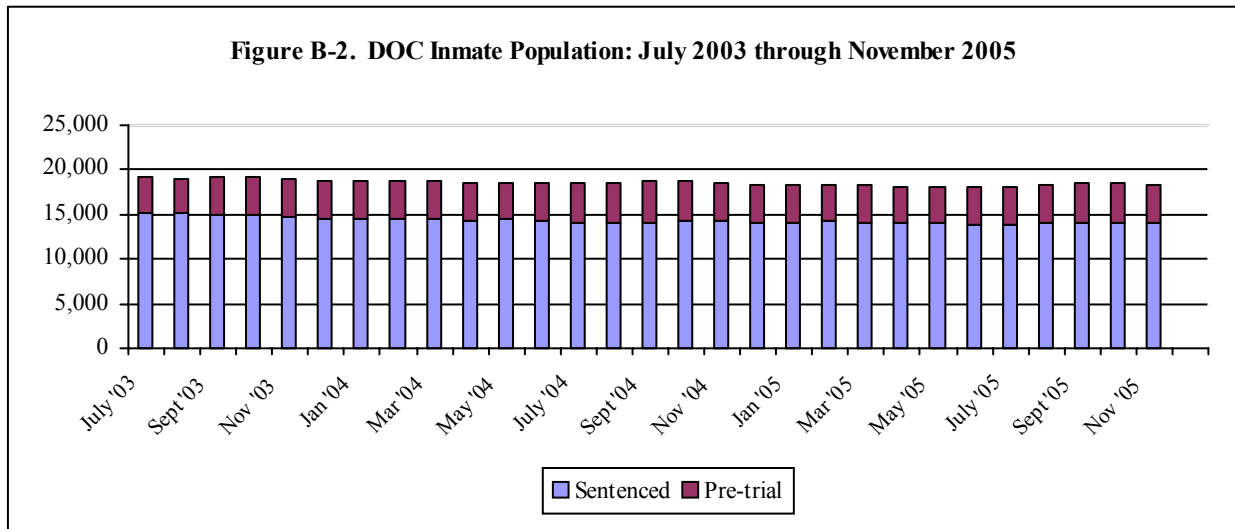
Figure B-1. DOC Inmate Population: 1995 through 2005



Overall, between 1995 and 2003, the department’s average inmate population steadily increased. The average annual inmate population, which represents the average number of inmates incarcerated on any given day during a year, increased from 14,847 in 1995 to a high of 19,198 in 2003. During the past two years, the average inmate population decreased to 18,602 in 2004 and, in 2005, to 18,280 inmates. Although the inmate population appears to be decreasing, it currently has dropped less than 5 percent from the system’s highest average in 2003.

Figure B-2 tracks the growth in the monthly average inmate population since July 2003. The sentenced inmate population reached an average monthly high of 15,199 inmates in July 2003. By July 2005, the sentenced population reached its lowest monthly average of 13,930 inmates. The sentenced population increased again to 14,118 inmates in November 2005, which is a 7 percent decrease from July 2003.

Figure B-2. DOC Inmate Population: July 2003 through November 2005



In comparison, the pre-trial population, which was averaging less than 4,000 inmates per month in July 2003, began to steadily increase to its highest monthly average of 4,648 inmates in September 2004. Beginning in October 2004, the pre-trial population began to drop until it reached slightly more than 4,000 in May 2005, but has since been increasing each month. In November 2005, the average monthly pre-trial population was 4,283 inmates. The increase in the average inmate population is driven by a steady growth in the pre-trial inmate population.

The pre-trial inmate population is problematic for the Department of Correction. This population is composed of defendants awaiting disposition of a criminal charge(s) who are statutorily ineligible for bail, cannot post the bond set by a judge, or who have violated the conditions of bail release and were incarcerated by a judge. Because this population is not yet sentenced, DOC cannot manage the population growth by releasing a percentage of pre-trial inmate population from prison to the community.

Another factor impacting the management of the pre-trial population is the availability of bed resources. Generally, pre-trial inmates are housed in DOC jails (correctional centers) not prisons (correctional institutions). DOC jail capacity is 4,029 beds. Currently, there are more than 250 pre-trial inmates than jail beds.

Division of Criminal Justice Policy and Planning

Public Act 05-249 created the Division of Criminal Justice Policy and Planning (CJPP) with the Office of Policy and Management (OPM). The new CJJP is to be headed by an undersecretary.

CJPP is to be responsible for developing a plan to promote a more effective and cohesive state criminal justice system. While the CJJP's primary focus appears to be the state's criminal justice system for adult offenders (16 years and older), it may also perform any of its statutory functions to promote an effective and cohesive juvenile justice system.

CJPP is specifically mandated to:

- conduct an in-depth analysis of the criminal justice system;
- determine long range needs of the criminal justice system and recommend policy priorities;
- identify critical problems in the criminal justice system and recommend strategies to solve those problems;
- assess the cost effectiveness of the use of state and local funds in the criminal justice system;
- recommend means to improve the deterrent and rehabilitative capabilities of the criminal justice system;
- determine long range information needs of the criminal justice system and acquire that information;
- cooperate with the Office of Victim Advocate by providing information and assistance relating to the improvement of crime victims' services;
- serve as the liaison for the state to the United States Department of Justice on criminal justice issues relating to data, information systems, and research;
- advise and assist the General Assembly in developing plans, programs, and proposed legislation for improving the effectiveness of the criminal justice system; and
- engage in other activities consistent with the responsibilities of the division.

The CJPP is required to develop a reporting system to track trends and outcomes related to the policies designed to reduce prison overcrowding, improve rehabilitation efforts, and enhance offender re-entry strategies. Specifically, the division is required to annually track recidivism among the offender population.

Background on Board of Parole Organization

During the past 25 years, the Board of Parole and the parole system in Connecticut have undergone significant changes. An overview is provided below. In contrast, however, until Public Act 04-234, there was no change to the Board of Pardons or the state's pardon system.

In 1981, traditional discretionary parole was abolished as part of the shift from indeterminate (minimum and maximum term) to determinate sentencing (fixed term) structure. Offenders convicted of crimes committed on or after July 1, 1981 were no longer eligible for traditional discretionary parole release, but the parole board maintained discretionary parole release authority for offenders convicted of crimes committed prior to July 1, 1981, and serving "old" determinate sentences of more than one year.

At this time, the two basic parole responsibilities of granting parole to eligible and suitable inmates and supervising parolees in the community was split between the parole board and correction department. The Board of Parole, which was within the Department of Correction for "administrative purposes only," was responsible for granting parole while the department was responsible for the supervision of parolees in the community.

Introduced along with the restructuring of the parole system was an early release program called Supervise Home Release (SHR), which consolidated discretionary early release and community supervision authority within the Department of Correction. The SHR program, initially created as a replacement for parole, quickly became a mechanism for dealing with prison overcrowding. By the early 1990s, most inmates were being released by DOC after serving about 10 percent of their court-imposed sentence. In 1990, the General Assembly established a three-year phase-out of the SHR program and transferred early release authority over determinate sentences from DOC to the parole board, thereby, reestablishing parole effective in 1993.

As a result of the SHR phase-out, the parole board once again became the primary mechanism for releasing inmates into the community. The board was given parole release jurisdiction over all inmates sentenced to more than one year. In 1994, the parole board underwent a major reorganization and its authority was greatly expanded. The legislature created (Public Act 93-219) the Board of Parole as an autonomous state agency with consolidated authority for discretionary early release and community supervision of parolees. It was no longer within DOC for administrative purposes.

To support the new parole agency, the 11-member board -- previously composed of a chairperson and 10 members -- was increased with the creation of two full-time vice-chairperson positions, and statutory qualifications were established for the chairperson and vice-chairpersons. (Subsequently, the board's membership was increased to 15 with the addition of two part-time board members.) The duties of the board chairperson were specified. New gubernatorial appointments to the board were required to reflect the state's racial and ethnic diversity. The

parole board and DOC were required to develop a transition plan to transfer parole officer and support staff and the parolee caseload from the department to the board.

Two important changes to the parole process were also implemented. First, Connecticut established the first time-served standard that requires all persons convicted of a crime committed after September 30, 1994, to serve the full (100 percent) court-imposed sentence either in prison or on parole under the supervision of the board or another early release program under the supervision of DOC. Second, an administrative parole process was established that allowed the release on parole of certain inmates sentenced to between two and four years without a parole panel hearing. In lieu of a traditional parole board hearing, a board employee (a parole officer assigned to the hearings division) reviews an eligible inmate to determine suitability for early release and makes a recommendation regarding parole release. Any release recommendation must be approved by at least two members of the board. The administrative parole process was implemented to efficiently deal with the increase in the board's caseload as a result of reinstating parole for all determinate sentences.

Despite these changes, however, the early release and supervision authority for inmates remained split between the parole board and DOC. This division was the result of a compromise by the legislative supporters of reorganization and DOC, which had vigorously opposed the 1993 legislation to reorganize the parole board's organization and expand its authority. The correction department retained discretionary early release and supervision authority for all inmates sentenced to two years or less. This narrowed the parole board's jurisdiction, which had under prior law and the initial legislative proposal covered all inmates sentenced to greater than one year. Since the majority of inmates are sentenced to less than three years, the compromise over early release jurisdiction has had significant caseload ramifications for both agencies.

The correction department to implement its new release authority established a new early release program. Similar to SHR, the new Transitional Supervision (TS) program authorizes DOC to: establish inmate eligibility criteria for the program; authorize early release to suitable inmates; supervise inmates released early from prison to the community; and return to prison any inmate found to have violated a release condition or committed a new crime.

Following major revisions in 1994, there were few changes to the parole board and system until 2003. At that time, the parole board and pardons board were merged into DOC.

Previously, the Board of Pardons was an autonomous entity within the Department of Correction for administrative purposes. The pardons board was composed of five members appointed by the governor. State law required one member be "skilled in one of the social sciences," one a physician, and three attorneys. No more than three members could be from the same political party, and the board elected its chairperson biennially. The board employed a full-time administrator (referred to as the secretary), but no other full- or part-time staff.

The parole board and pardons board merger was part of a plan to streamline government announced by then-Governor John Rowland in 2002. The plan was intended to produce cost saving initiatives by reducing executive branch staff and consolidating state agencies with similar mandates and responsibilities. During the 2003 regular session, the legislature did not

adopt the governor's consolidation initiative. Although many state agencies were included in the initial consolidation plan, only a few boards and commissions were, during the 2003 special session, consolidated or merged into state agencies as part of the state budget.

The Board of Parole and the Board of Pardons were merged into the Department of Correction as part of the 2003 budget implementer (Public Act 03-06). The pardons board, however, was already within DOC for administrative purposes.

The implementer statutory language is silent as to the roles and responsibilities of the two boards and DOC, but was interpreted by the executive branch as transferring all previously autonomous parole and pardon decision-making authority as well as administrative and operational responsibilities of the parole and pardons boards to the DOC commissioner. This change, in effect, gave the DOC commissioner the authority to determine parole release and pardon eligibility criteria, to authorize all discretionary parole release decisions and pardon and sentence commutation decisions, and to perform all other parole functions such as supervision.

The parole board and pardons board budgets were directly transferred to the DOC budget with a budgeted savings of approximately \$230,000. The savings was achieved by eliminating the two vice-chairpersons and two other board positions. There was no cost savings are a result of the merger of the pardons board.

Because the 2003 merger was part of the budget negotiations there is no record of legislative intent as to the purpose of the merger. Based on interviews with selected legislators, it appears the merger was a non-negotiable item for the governor's staff involved in the budget negotiations. The merger was not part of the overall legislative criminal justice agenda for 2003.

No statutory clarifications were made during the 2003 special session to the mandates and responsibilities of the Board of Parole, the Board of Pardons, or the Department of Correction. During 2003 and 2004, under an informal agreement between DOC and the parole and pardons boards, the agencies continued to operate separately as they had prior to the merger.

The impact of the merger was finally clarified under the provisions of Public Act 04-234. The provisions of which were the result of negotiations between the legislature and then-Governor Rowland. The act specifically included the transfer of parole supervision to DOC, an element the governor's office insisted upon. The act also consolidated the Board of Parole and the Board of Pardons into the new Board of Pardons and Paroles (BPP), within DOC for "administrative purposes only." The board retained only discretionary parole release and pardon decision-making authority independent of DOC.

Parole Hearing Process

Parole Eligibility Criteria

Currently, parole eligibility standards are based on policy decisions made by the General Assembly. As shown in Table E-1, by state law, all inmates sentenced to more than two years are eligible for parole except those convicted of a capital offense, murder, or other offenses including aggravated sexual assault in the first degree.

State sentencing laws establish two time-served standards for parole. Inmates convicted of “nonviolent” offenses must serve at least 50 percent of their court-imposed sentence to be eligible for parole. Inmates convicted of “serious, violent” offenses,³⁰ however, are required to serve 85 percent of their sentences to be eligible.

Table E-1. Parole Eligibility Standards				
	<i>Statutory Eligibility & Exclusions</i>	<i>Administrative Eligibility & Exclusions</i>	<i>Statutory Time-Served Standards</i>	<i>Release Presumption</i>
Parole	<p>Inmates sentenced to more than 2 years</p> <p>Inmates convicted of capital offense, murder, or aggravated sexual assault in the first degree are ineligible</p>	<p>BPP excludes from parole inmates classified by DOC as: (1) security risk group (gang) member; (2) Level 5 maximum security; or (3) chronic disciplinary status</p>	<p>Inmates convicted of “nonviolent” offenses must serve at least 50% of sentence</p> <p>Inmates convicted of “serious, violent” offenses must serve at least 85% of sentence</p>	<p>Reasonable probability inmate will live & remain at liberty without violating the law</p> <p>Release of inmate is not incompatible with welfare of society</p>
75% Reassessment	<p>Any inmate parole-eligible after serving at least 50% of sentence but who has not yet been paroled</p>	<p>None</p>	<p>Inmates convicted of “nonviolent” offenses must serve at least 50% of sentence</p>	<p>Reasonable probability inmate will live and remain at liberty without violating the law</p> <p>Whether benefits from inmate’s release to parole substantially outweigh the benefits of continued incarceration</p>

Source: Connecticut General Statutes and Board of Pardons and Paroles

³⁰ The Board of Pardons and Paroles had identified 33 “serious, violent” offenses. All other offenses are “nonviolent.”

Parole eligibility is also determined through Board of Pardons and Paroles administrative policies. The parole board, by policy, excludes from a parole hearing any inmate otherwise eligible for parole, but classified by the Department of Correction and placed in:

- security risk group unit (identified gang leader, enforcer, or member);
- level 5 (maximum/high security) facility; or
- chronic disciplinary unit.

Parole Hearing Process

The parole board grants parole through two processes: (1) parole panel hearing; and (2) administrative review. The board typically conducts either a panel hearing or administrative review six months prior to an inmate's parole eligibility date. As a result of a hearing or administrative review, the parole may grant or deny parole release and, if parole is granted, set the date of parole release from prison and establish the conditions of release.

Panel hearing. A panel hearing is a traditional parole hearing conducted by a three-member panel at which the members interview the inmate and vote to grant or deny parole. If parole is granted, the panel sets the date the inmates is to be paroled from prison and any release conditions for supervision.

Administrative review. An administrative review is a process whereby a parole-eligible inmate is interviewed and assessed by a parole officer who then makes a recommendation to grant or deny parole. The parole officer's recommendation is then approved or denied by a parole panel.

All inmates eligible for parole after serving at least 50 percent of their sentence are assessed for parole release through the administrative review process unless the board chairperson deems a hearing is necessary or the victim requests a hearing. Inmate required to serve 85 percent of their sentences to be parole-eligible are excluded from the administrative review process and must be assessed by a parole panel.

Hearing outcomes. If parole is granted, the parole board has discretion to set the date an inmate is schedule to be released from prison to parole. The board-set date may be an inmate's first eligibility date which is either at the 50 percent or 85 percent time-served mark of the sentence or a date sometime after the first eligibility date.

Since the July 2004 transfer of parole supervision responsibilities from the parole board to the Department of Correction, the department is responsible for managing an inmate's release from prison and ensuring all release conditions set by the board are met. DOC oversees and provides parole supervision and case management services.

If parole is granted, the board also sets the release conditions (referred to as stipulations) the inmate must follow to successfully complete parole. The conditions are established to address any special concerns or needs of the parolee, such as substance abuse or mental health

treatment, employment, housing, or to ensure the inmate does not have contact with any victims or co-defendants. The board typically stipulates that an inmate will be returned to prison if any conditions are violated.

If parole is denied, the board provides a written reason to the inmate. The board can also set a new hearing date, which is usually a year from the present hearing date, or refuse the inmate another hearing, which may cause the inmate to serve all of his or her sentence in prison (called “maxing out”). When the board denies a new hearing date, it has determined that the inmate is not and will not be suitable for parole release, and that incarceration is the best possible situation for that inmate. There is no appeal process for a parole denial.

Rescission and Revocation

Once approved for parole, an inmate is under the jurisdiction of the board. The board retains the authority to cancel a parole release through the rescission or revocation process. It rescinds or revokes parole through its hearing or administrative review processes.

The board may rescind parole when an inmate receives a disciplinary report from DOC for institutional misbehavior, is involved in any criminal activity prior to release (e.g., assault on correctional officer or another inmate), or the board receives information that directly affects its decision.

The board revokes parole when a parolee commits a technical violation of the release conditions set by the board or is arrested for a new crime. Parole revocations are referred by DOC to the parole board for a hearing.

Since July 1994, the Board of Pardons and Paroles has implemented an expedited parole revocation process. Similar to traditional plea bargaining in criminal cases, the expedited parole process allows a parolee to “plead guilty” to a parole violation charge in exchange for a reduced term of incarceration as a sanction for the violation and authorization of a new parole release date by the board.

If parole is rescinded or revoked, the board has three options available to it: (1) reinstate parole immediately; (2) require an inmate serve more time prior to a new hearing date; or (3) set no new hearing date and requiring the inmate serve the remaining portion of his or her sentence in prison.

If as a result of the hearing, parole is not rescinded or revoked, the board’s prior decision and release conditions are maintained.

DOC Early Release Programs

The Department of Correction administers three early release programs: (1) transitional supervision (TS); (2) halfway houses; and (3) re-entry furloughs. Table F-1 shows the statutory and administrative eligibility criteria for each program.

Transitional Supervision

In 1994, along with the re-instatement of parole and elimination of the Supervised Home Release program, the Department of Correction was statutorily authorized to discretionarily grant early release to inmate sentenced to two years or less who had served at least 50 percent of their court-imposed sentences. The legislature established and DOC administers the Transitional Supervision program to identify eligible inmates, grant early release, and supervised released inmates.

Halfway House

DOC is authorized to transfer from prison to a halfway house, group home, mental health facility, or other authorized community or private residence sentenced inmates for educational or employment purposes. There are no other statutory eligibility criteria. The department, however, established administrative eligibility criteria. Inmates must be within 18 months of their sentence discharge or voted-to-parole dates. Typically, for programmatic reasons, DOC only transfers eligible inmates to a halfway house within 6 months of either of those dates.

The department contracts with a network of halfway houses. Most, if not all, of the contracted programs provide some type of educational and/or vocational component, which allows DOC to broadly interpret the requirement to transfer inmates for education or employment purposes.

Re-entry Furlough

DOC is also authorized to grant furloughs for a variety of reasons to sentenced inmates. Under any type of furlough, an inmate is authorized to leave prison under certain conditions for a specific period of time and must return to prison at the end of that period. The department does not actively supervise inmates on a furlough. However, under certain types of furloughs (e.g., to attend a funeral, receive medical treatment), an inmate may be escorted by DOC staff.

The purpose of a re-entry furlough is to allow the inmate a period of time to arrange for housing, employment, educational program, and to reconnect with his or her family and community. A re-entry furlough is typically granted at the end of a sentence, at which time the inmate is administrative discharged from his or her prison sentence without returning to the prison.

Table F-1. Department of Correction Early Release Programs

<i>Program</i>	<i>Statutory Eligibility</i>	<i>Administrative Eligibility</i>	<i>Administrative Exclusion</i>
Transitional Supervision	Inmates sentenced to 2 years or less Inmates must serve at least 50% of sentence	None Suitability determined by facility warden	Sentenced inmates classified as: (1) security risk group member; (2) Level 5; or (3) chronic disciplinary status are ineligible Generally inmates convicted of or prior criminal history involving violence, domestic violence, sexual assault, & DUI are ineligible
Halfway House	All sentenced inmates Release for educational or employment purposes*	Sentenced inmates within 18 months of sentence discharge or parole release date	Inmates classified as: (1) security risk group member; (2) Level 5; or (3) chronic disciplinary status are ineligible Generally inmates convicted of or prior criminal history involving violence, domestic violence, sexual assault, arson are excluded
Re-entry Furlough [^]	All sentenced inmates	All sentenced inmates	Inmates classified as: (1) security risk group member; (2) Level 5; or (3) chronic disciplinary status are ineligible Generally inmates convicted of or prior criminal history involving violence, domestic violence, sexual assault, & DUI are ineligible

*The Department of Correction broadly interprets the statutory requirement to place inmates in a halfway house “for educational and employment purposes.” Most DOC-contracted halfway houses offer educational, vocational, and therapeutic services.

[^]Public Act 04-234 increased the maximum furlough from 15 to 30 days. DOC incrementally increases furlough lengths based on inmates’ successful completion. Typically the department initially grants an 8-hour furlough and then increases to 12 hours, then 24 hours, and then 2 days (48 hours) up to a maximum of 30 days.

Source: Connecticut General Statutes and Department of Correction

Community-based Network Capacity

The state's network of community-based treatment, vocational, education, supervision and other services and programs for criminal offenders are provided by nonprofit agencies under contracted with the Court Support Services Division, within the Judicial Branch, and the Department of Correction. CSSD and DOC do not directly provide any services in the community; however, DOC does directly provide similar service in its correctional facilities. These programs are provided statewide and are the principal community-based services for majority of the accused defendants and convicted offenders who are under CSSD or DOC community supervision.

There is no current information on the capacity of the community-based services and programs contracted for by the Department of Correction.

In 2004, however, the Legislative Program Review and Investigations Committee conducted a study of the effectiveness pre-trial diversion and alternative sanction programs. As part of the study, the program network's contracted capacity and capacity to serve were analyzed.³¹

Overall, the committee found:

- there was no significant growth in contract capacity for CSSD pre-trial diversion and alternative sanction programs; and
- in FY 04, CSSD total contracted capacity was approximately 5,000 program beds and slots;

In 2000, as part of its study of prison overcrowding, the program review committee identified the capacity of community-based programs and services contracted for by DOC and the parole board, which prior to 2003 contracted with CSSD for access to a specific number of program beds and slots for parolees. This information has not been updated.

Capacity to serve. In its study of CSSD the network of pre-trial diversion and alternative sanction programs, the program review committee found:

- the capacity to serve is much greater than the actual contracted capacity because a program slot or bed can accommodate several clients throughout a fiscal year and in some programs a slot can service more than one client per day;

³¹ Refer to the Legislative Program Review and Investigations Committee final report on *Pre-trial Diversion and Alternative Sanctions* (2004).

- in FY 04, over 13,500 CSSD clients were served in alternative sanction programs and over 26,000 in specialized court programs such as the community court and drug docket (data were not available for pre-trial diversion clients);
- CSSD capacity to serve reached its highest point in FY 02, but declined as a result of forced reductions to state agency appropriations as a result of the state's budget crisis (in 2002); and
- CSSD's community-based network utilization rate (the percentage of slots or beds used in a fiscal year) varied with some programs over-utilized and some under-utilized.