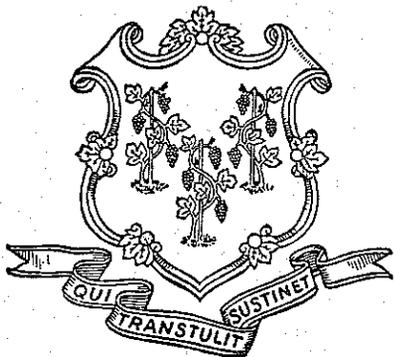


DEPARTMENT OF CORRECTION

Connecticut
General Assembly



LEGISLATIVE
PROGRAM REVIEW
AND
INVESTIGATIONS
COMMITTEE

JANUARY 1994

**CONNECTICUT GENERAL ASSEMBLY
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE**

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 to evaluate the efficiency, effectiveness, and statutory compliance of selected state agencies and programs, recommending remedies where needed. In 1975, the General Assembly expanded the committee's function to include investigations, and during the 1977 session added responsibility for "sunset" (automatic program termination) performance reviews. The committee was given authority to raise and report bills in 1985.

The program review committee is composed of 12 members. The president pro tempore of the senate, the senate minority leader, the speaker of the house, and the house minority leader each appoint three members.

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DEPARTMENT OF CORRECTION

**LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS
COMMITTEE**

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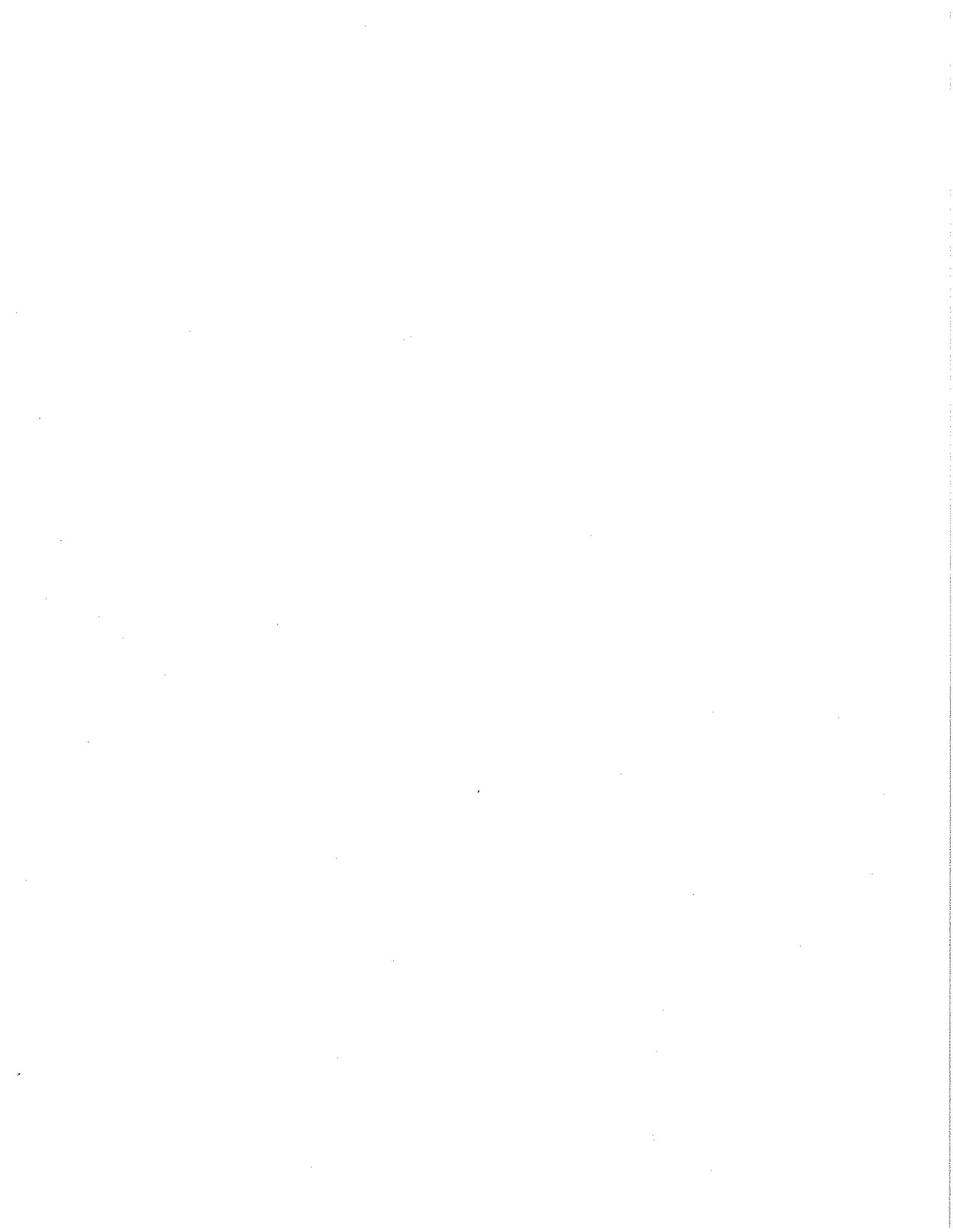


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EXECUTIVE SUMMARY

The Legislative Program Review and Investigations Committee voted in April 1993 to study the overall management of the Department of Correction (DOC) and issues surrounding management and labor relations. The program review committee found that the department is caught in a continuous 30-day cycle of reducing its prison population, to meet federal court and state statutory capacity limits, to the detriment of all its other operations. To effectively manage the prison system, the Department of Correction must be freed from endlessly operating in a crisis mode caused by the demand to keep the population under the mandatory release point. The committee also concluded that the strained labor-management relationship within the department is long-standing and will not be easily reconciled.

The proposed recommendations will have a significant impact on the operations of the Department of Correction, especially in controlling the increasing inmate population. The department's emergency control plan and community notification policy will be enhanced. Additionally, a process by which the department's management and labor can begin to settle their differences has been recommended.

RECOMMENDATIONS

1. **The current prison overcrowding emergency release statute (C.G.S. 18-87f [c-f]) be repealed, and replaced with the following, Controlled Action Program (CAP), to manage the inmate population during an overcrowding crisis:**

Whenever the Department of Correction's inmate population equals or exceeds 110 percent capacity for 30 consecutive days the commissioner shall request the commission, established in C.G.S. 18-87f, to declare a prison overcrowding emergency. If the commission finds that all available means for reducing the prison population have failed, it shall order the implementation of the Controlled Action Program.

Under the CAP program, the department shall rank all inmates sentenced to two years or less based on the amount of time remaining until their discharge date and begin releasing inmates until the population reaches 95 percent capacity. Those CAP inmates that have any additional term of court-imposed supervision shall be required to immediately serve that term.

However, under the Controlled Action Program, no inmate shall be released who: (1) has more than 120 days remaining before discharge; (2) is serving a sentence for a crime involving violence as set out in P.A. 93-219, or any part of a mandatory sentence; (3) has an adjudicated parole, probation or Controlled Action Program violation within the preceding one year; (4) has an adjudicated Department of Correction Class A disciplinary infraction

within the preceding six months; or (5) has an adjudicated Department of Correction disciplinary infraction for assault on department employee, riot, or hostage-taking.

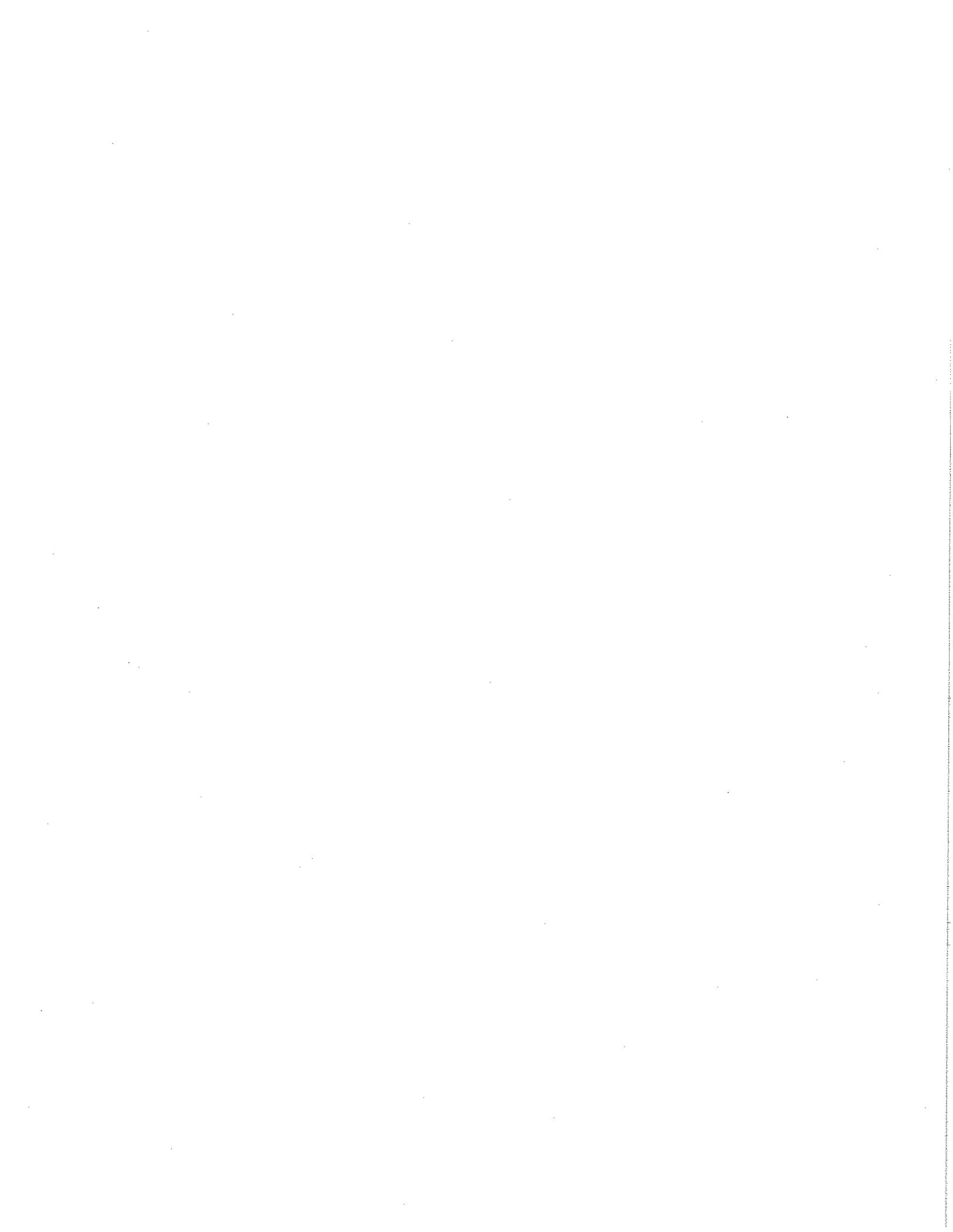
If the number of inmates eligible for release is not sufficient to reduce the population to 95 percent, then those inmates who have been favorably voted to parole by the Board of Parole shall begin their supervision. Notwithstanding all other statutory references to the 50 percent time served requirement, these inmates shall have their custody transferred to the Board of Parole.

If the number of inmates released still does not sufficiently reduce the prison population to 95 percent capacity, then the Department of Correction shall also rank all inmates sentenced to more than two years based on the amount of time remaining until their discharge date and begin releasing, based on the previously stated criteria, inmates until the population reaches 95 percent capacity. Custody of these inmates shall be transferred to the Board of Parole. In accordance with P.A. 93-219, CAP inmates, sentenced to more than two years, shall serve the remainder of their sentences on mandatory parole. The parole board shall ensure that CAP inmates receive the highest level of supervision at the time they enter into the program.

2. The Department of Correction shall adopt a standard emergency control plan that:
 - defines an emergency in practical terms and identifies the facility staff authorized to declare an emergency;
 - provides criteria for initiating the plan;
 - provides detailed instructions and responsibilities for all job positions, especially line staff.
3. The Department of Correction shall develop a emergency control training program through the use of mock disturbances. These mock disturbance training exercises are similar to the existing fire drills in that staff must act as if the situation were in fact occurring.
4. The Department of Correction shall seek an impartial labor relations consultant to develop a process through which labor and management can resolve their noncollective bargaining issues. The department shall submit a statement outlining the final resolution plan to the Labor and Public Employee Committee and any other committee having cognizance of this matter by January 1, 1995.

- 5. The Department shall develop policy and procedures for ensuring community relations is a high priority within the department. The policy shall provide for community education programs and forums to address community concerns.**

- 6. The Department of Correction shall standardize its community notification process into a policy. The policy shall: (1) identify the situations or incidents that would invoke the notification system; (2) outline a process for testing the system; (3) require a periodic review of the system that includes community safety committee input; and (4) outline the steps to be taken in community notification. The department shall consult with the local safety committees, as set out in P.A. 93-219, to address concerns specific to each town.**



INTRODUCTION

Over the past 10 years, the Department of Correction has grown dramatically in various areas, including inmate population, general fund expenditures, staffing levels, and in the number of facilities. The department has opened eight new correctional facilities as well as expanded a number of existing buildings. The inmates population has increased from slightly more than 5,000 in 1983 to approximately 13,000 in 1993.

Scope of Review

The Legislative Program Review and Investigations Committee voted in April 1993 to study the Department of Correction. The scope of the study included the overall management of the department and issues surrounding management and labor relations and community relations by the DOC. Additionally, the study included a review of the department's compliance to the recommendations made in the 1990 Commission to Study the Management of State Government (Thomas Commission).

Methodology

A variety of sources and research methods were used in conducting the study of the Department of Correction. State statutes, departmental policies and procedures, reports, and statistics were reviewed. The responses by other states to prison overcrowding and proposed changes and systems from professional associations and groups were analyzed. Committee staff also toured the state's prisons.

Structured interviews were held with the staff of the Department of Correction as well as labor representatives from the American Federation of State, County and Municipal Employees. State and national experts from the correction and labor relations professions were also interviewed. The committee obtained input from the department and interested parties at two public hearings held in September 1993.

Statistics from the Department of Correction were compiled and analyzed, including data covering inmate population, inmate disciplinary reports and penalties, serious incidents and disturbances. Staff grievance data were obtained from the Department of Administrative Services' Office of Labor Relations and worker's compensation data were also gathered and analyzed.

Report Format

The report is organized into six chapters. Chapter I provides an overview of the Department of Correction including its responsibilities, organization, and resources. Chapter II details the department's response to the tremendous growth it has experienced and its reliance on crisis management to control the inmate population. Chapter III contains a description of the institutional climate and the level of violence within the state's prisons and jails. The labor-

management issues confronting the Department of Correction are outlined in Chapter IV, and Chapter V gives an overview of the community notification policy. Chapter VI is a review the department's compliance with the recommendations of the Thomas Commission.

Agency Comments

It is the policy of the Legislative Program Review and Investigations Committee to provide state agencies subject to a study with the opportunity to review and comment on the recommendations prior to the publication of the final report. The response to the committee's report from the commissioner of the Department of Correction is contained in Appendix D.

CHAPTER I

OVERVIEW OF THE DEPARTMENT OF CORRECTION

The Department of Correction is mandated to protect Connecticut's citizens by providing fair, safe, humane, and secure care of individuals placed in the department's custody, and by intervening to reduce the likelihood of recidivism and criminality of those sentenced to its jurisdiction. Currently, the department operates 23 correctional institutions (prisons) and centers (jails), an inmate reception center, and a network of community correction services and programs for inmates residing in the community.

Statutory Responsibility

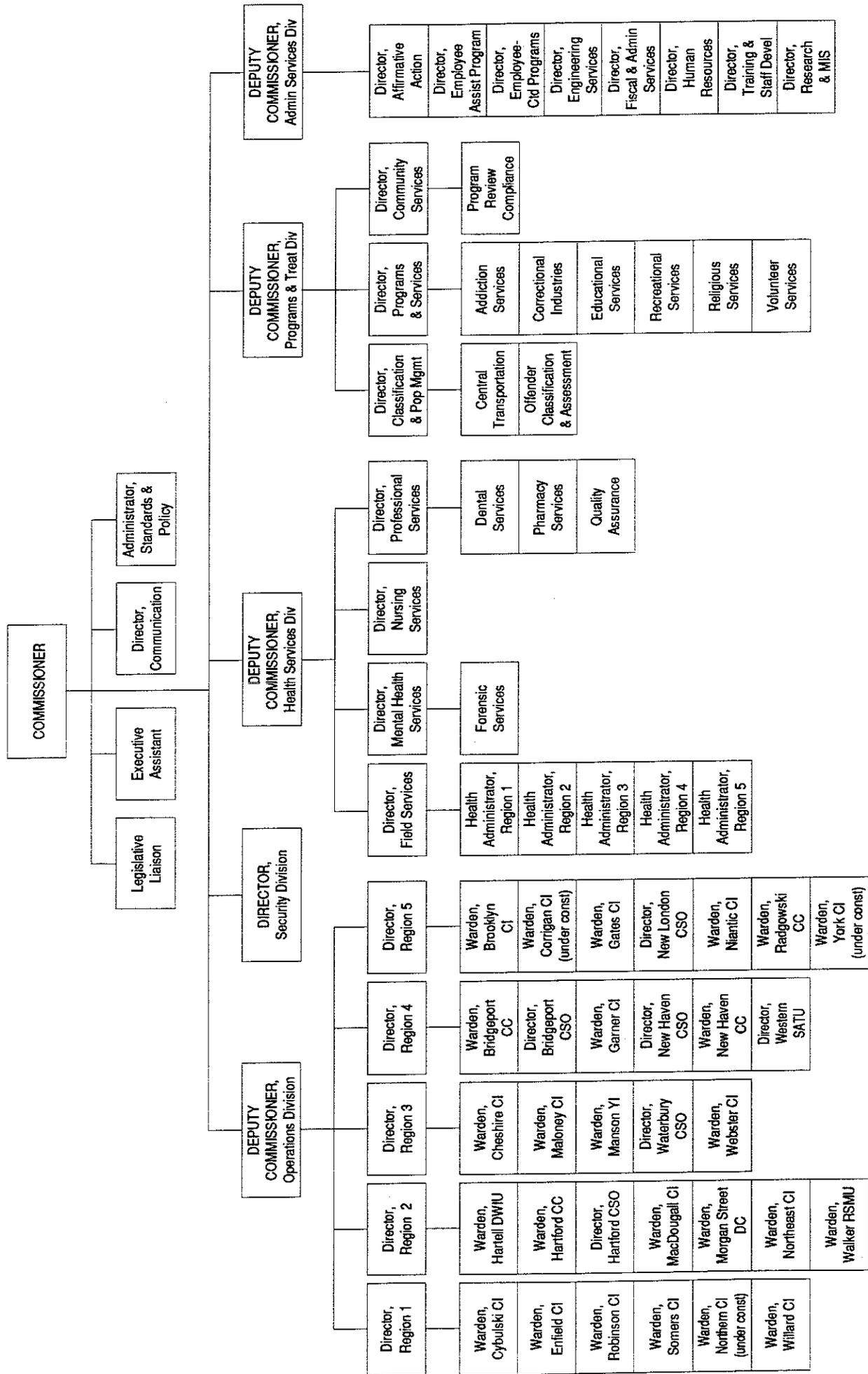
The commissioner of the Department of Correction is statutorily responsible for the administration, coordination, and control of the operations of the department and for the overall supervision and direction of correctional institutions, centers, and community release programs. Other major mandates given to the commissioner include:

- establishing rules for administrative practices and custodial and rehabilitative methods;
- establishing programs for: the discipline, diagnosis, classification, treatment, and education of inmates; research and statistics; and staff training and development;
- appointing wardens and administrators;
- establishing a school district within the department;
- releasing eligible prisoners to approved community residences and programs; and
- adopting regulations for riot control procedures.

Organization

The management structure of the department includes the commissioner, 4 deputy commissioners, 9 directors, and 23 wardens. The commissioner is appointed by the governor. The department's organization is shown in Figure I-1. At the top of the organization is the commissioner's office, which has four narrowly defined staff sections (legislative liaison, communications, executive assistant, and standards and policy) reporting directly to it. The department has five major divisions: Administration, Operations, Programs and Treatment, Health Services, and Security. The scope of this study primarily focuses on the Institutional

The Connecticut Department of Correction



Operations and Security Divisions, but a brief description of each division will follow.

Administration. The Administration Services Division is headed by a deputy commissioner and supports the department's administrative and fiscal operations. Other responsibilities include human resources management, staff training and development, research and information systems, construction and maintenance, and employee wellness and safety programs.

Operations. The Operations Division is managed by a deputy commissioner and subdivided into five geographic regions. Each region is lead by director. All facilities and community service offices within a region are managed by wardens and administrators, who report to the regional director. The wardens and directors are responsible for translating department policies into operational procedures. By statute, the wardens are responsible for: managing institutions; ensuring inmates are employed at work assignments during the length of their incarceration; and determining the amount of time off a sentence granted for an inmate's exemplary conduct, or the loss of such time for misconduct or insubordination.

In terms of physical facilities, the division consists of 18 functioning correctional institutions and 5 centers and three facilities nearing completion of construction: York Correctional Institution in Niantic; Raymond Corrigan Correction Institution in Montville; and Northern Correctional Institution in Somers. The division also operates an inmate reception center and five community services offices.

It should be noted that legislation (P.A. 93-219) passed during the 1993 session of the General Assembly will transfer a significant portion of the department's community supervision responsibilities from the Department of Correction to the Board of Parole. The change will take effect in July 1994, and involves supervision of inmates sentenced to more than two years who are released to the community on parole or discharged to mandatory parole.

Programs and Treatment. The Programs and Treatment Division is headed by a deputy commissioner who is responsible for the development, implementation, and administration of inmate programs. Included among the programs are addiction services, education services, and prison industries. The division is also responsible for offender classification and population management. Offender classification is the process through which an inmate is rated in terms of the level of security required, education, dependency on alcohol and drugs, medical and mental health, and other factors. This rating allows the department to place an inmate in a facility best suited to manage the inmate. Population management is the process by which the department administers the movement of inmates between facilities and tracks the population level to ensure compliance with the mandated capacity limit.

Health Services. The Health Services Division is led by a deputy commissioner and provides for the delivery of medical, dental, mental health, and pharmacy services to the incarcerated population.

Security. The Security Division is the only division managed by a director and is responsible for internal investigations, monitoring security risk groups (e.g., gangs), and auditing facilities for compliance with security policy and procedure.

Recent Organizational Changes

The Department of Correction reorganized its structure each year in 1991, 1992, and 1993. In 1991, the major changes to the organization were the creation of the Programs and Treatment Unit, and Training and Staff Development Unit. The training unit was short-lived and during a smaller reorganization became a line function of the commissioner's office. Also, as part of this reorganization, the Community Services Division incorporated parole services and was divided into five geographic regions. Later that year, the Health Services Division also regionalized its services. Throughout 1991, smaller modifications were made to the department's organization, such as the development of a Security Unit.

In 1992, another reorganization was effected that resulted in five divisions: Institutional Services, Programs and Treatment, Health Services, Security, and Administrative Services. The Community Services Division was eliminated and became the responsibility of an administrator. Its functions were decentralized and assigned throughout the regions.

In June 1993, the department regionalized its organization and administration. The primary objectives were to improve accountability in fiscal services, provide an equitable allocation of resources among facilities, ensure consistency across geographical areas, and increase communication and responsiveness among the department's central office administration, field staff, and the community.

For example, prior to the 1993 reorganization, each facility had its own on-site support staff assigned to the business office, personnel, maintenance, food service, commissary, warehousing, and other activities not related to custody. Under the regionalization, support services are being consolidated under the supervision of the regional director and allocation of resources will be based on the needs within the region and not on a prison-by-prison basis.

Correction Facilities

As previously noted, the Department of Correction operates two types of facilities, correctional institutions (CI) and correctional centers (CC). There are 18 correctional institutions, commonly known as prisons, and they house inmates sentenced to more than two years. The inmates incarcerated in an institution generally have been convicted of more serious crimes and received long-term sentences.

There are five correctional centers, or jails, and they house both pre-trial inmates and those sentenced to two years or less. Pre-trial inmates are accused defendants in criminal trials who have either been denied bail or are unable to raise bail set by the court. However, some

inmates with sentences greater than two years and with additional criminal charges pending may remain in the jails where transportation to court is more frequent and convenient.

At the beginning of 1993, the Department of Correction operated 24 facilities plus the Walker Reception Center. Due to budgetary constraints and deteriorating conditions, three facilities were closed by June 30, 1993. They were the Jennings Road Correctional Center in Hartford and Union Avenue Correctional Center in New Haven, and the Litchfield Correctional Institution, and in November 1993, the older of the two buildings at the Brooklyn Correctional Institution closed. The Hartell CI in Windsor Locks and Morgan Street Detention Center in Hartford were slated to be closed by the end of 1993 but were kept open. The department is planning on reopening the Jennings Road facility, formerly for male inmates, to house female pre-trial inmates. The closure of the three facilities and one building represents a loss of 504 beds.

During the 1980s, the Department of Correction began an expansion project that included the construction of several new facilities. In 1993, the department was authorized and received funding to open four new prisons. They are Garner in Newtown; Maloney in Cheshire; MacDougall in Suffield; and most recently Cybulski in Somers. The remaining prisons (York, Corrigan, and Northern) are still under construction and have opening dates in 1995 and 1996. These facilities represent 3,660 new beds for the department. However, combined with the closings previously noted, the net gain will be 3,156 beds.

The Walker Reception Center was opened in November 1992 as the department's receiving unit for male inmates 18 years and older and sentenced to more than one year. Walker was developed to centralize the classification process and to remove unclassified inmates from the general population. During the classification process, inmates are tested and rated as to their needs and security level. The department then incarcerates the inmates in the appropriate prison. At present, there are not any specialized classification facilities for females or males between the ages of 16 and 18. The classification process will be discussed in Chapter III of this report.

In July 1993, the status of the Walker facility was significantly changed when the Department of Correction created a special management unit there to house inmates placed from other parts of the system in either administrative or punitive segregation. The special management unit is maximum security, and will not provide any programming or education services and only limited recreational time. The creation of the unit will increase by 270 the department's capacity to house inmates sentenced to a term greater than two years. Inmates were transferred to this unit in January 1994. In addition, the sentence length criteria of inmates classified at the Walker facility was raised to a term of more than two years. Inmates sentenced to two years or less are directly admitted to and classified at one of the jails.

Security levels. In addition to dividing its facilities into institutions and centers, the department also rates them by 5 security levels. Level 5 is maximum security; Level 4 is high medium; Level 3 is medium; and Level 2 is minimum security. Level 1 is reserved for community residential programs, such as halfway houses and treatment centers. Currently,

Somers is the state's only Level 5 or maximum security prison for males. However, the newly opened Walker Special Management Unit is also a Level 5, but it is a unit within a facility which is not maximum security. There are 10 Level 4 facilities, including Niantic for women, which is unique in that it can incarcerate all levels 2 through 5. All correctional centers, or jails, are Level 4 security. The department operates four Level 3 and seven Level 2 prisons.

Table I-1 shows the number of beds and average daily inmate population for each of the four facility security levels. Level 1, community residences, are not included in this table. As shown, more than half (57%) of the available beds are Level 4, high medium security. Level 5 accounts for 12.6 percent of all beds; Level 3, 19.6 percent; and Level 2, 10.6 percent.

Table I-1. Number of Beds and Population by Security Level.		
SECURITY LEVEL	TOTAL NUMBER OF BEDS	AVERAGE DAILY INMATE POPULATION
FIVE*	1,706	1432
FOUR**	7,710	7,197
THREE	2,654	2,911^
TWO	1,438	1,586^

* Includes 270 beds at Walker Special Management Unit.
 ** Niantic CI is included in the Level 4 facilities.
 ^Population may increase to 110% of capacity (number of beds).
 Data dated December 1, 1993.
 Source of Data: Department of Correction

As previously noted, in terms of separate facilities for housing inmates, the Department of Correction currently operates 18 institutions, including the Walker Special Management Unit, and 5 correctional centers. Niantic operates as both an institution and center and is the largest facility for female inmates. Niantic, along with the Western Substance Abuse and Treatment Unit (WSATU), are currently the state's only facilities for female inmates. Manson Youth Institution is the only facility for male inmates between the ages of 16 and 18 years. Table I-2 shows a breakdown of the facilities by security level, population type, housing characteristics, capacity, and average daily inmate population. As shown in the table, the majority of prisons consist of dormitory facilities. Only five are made up of all cells and four prisons can incarcerate inmates in either type of housing.

All of the pre-trial population is housed at the correctional centers, which, as previously noted, also house inmates sentenced to two years or less. Except for Radgowski which is a dormitory, centers consist of both dormitory and cell housing. They are all rated Level 4 security, and because the pre-trial population is unclassified, they are managed as a high-risk group.

Table 1-2. Department of Correction Facilities. As of December 1, 1993.

FACILITY	SECURITY LEVEL	TYPE OF INMATE	TYPE OF HOUSING	NUMBER OF BEDS	AVG. DAILY POPULATION
CORRECTIONAL INSTITUTIONS					
Brooklyn	3	sentenced	both	418	459
Carl Robinson	3	sentenced	dorm	998	1,008
Cheshire	4	sentenced	cell	1,675	1,643
Cybulski*	2	sentenced	dorm	300	39
Enfield	3	sentenced	both	724	721
J.B. Gates	3	sentenced	dorm	514	723
Garner*	4	sentenced	cell	702	682
Hartell	2	sentenced	dorm	200	154
MacDougall*	4	sentenced	cell	900	43
Maloney*	2	sentenced	dorm	100	100
Manson Youth	4	sentenced	cell	645	621
Niantic	2-4	pretrial/ sentenced	both	667	724
Northeast	2	sentenced	dorm	350	346
Somers	5	sentenced	both	1,436	1,432
Walker Special Mangement Unit*	5	sentenced	cell	270	**
Webster	2	sentenced	dorm	320	380
Western (WSATU)	2	sentenced	dorm	160	186
Willard	2	sentenced	dorm	328	381
CORRECTIONAL CENTERS					
Bridgeport	4	pretrial/sentenced	both	927	1,002
Hartford	4	pretrial/sentenced	both	960	1,119
Morgan Street	4	pretrial/sentenced	both	204	196
New Haven	4	pretrial/sentenced	both	710	824
Radgowski	4	pretrial/sentenced	both	320	343
<p>* Facilities opened in 1992 and 1993. ** Will receive inmates in January 1994. Source of Data: Department of Correction.</p>					

Community Residence Programs

To manage the inmate population and control overcrowding, the Department of Correction relies on community residence programs. Responsibility for placing inmates in the community is divided between the department and the Board of Parole. Throughout the 1980s and into the 1990s, the department's primary community residence program was called Supervised Home Release (SHR). Under SHR, inmates were released to an approved community living arrangement, which was normally the inmate's home residence. The inmates were supervised in the community by the department's community services staff. At its height, the SHR program had an average daily population in the community of more than 6,000.

In addition to SHR, the department operates community release and furlough programs. Under the community release program, inmates are released from facilities to halfway houses, treatment residences, and work and educational programs. This program is a more restrictive living arrangement than SHR, in that the inmate resides at the center and program staff monitor his or her activity. The furlough program temporarily releases, without supervision, an inmate to the community for an specified time limit, usually 72 hours. The inmate must abide by certain restrictions on his or her activities and is required to return to incarceration.

In 1990, the SHR program was abolished by statute (P.A. 90-261) effective July 1993. Cognizant of prison overcrowding problems, the 1993 General Assembly authorized the department to develop a new community release program. The new release program designed by the department is called Transitional Supervision and was operational in August 1993. Transitional supervision provides community-based supervision of inmates serving definite sentences of two years or less and who have served 50 percent of the court imposed sentence minus all good time credits. These credits include statutory good time, jail credit, jail credit good time, outstanding meritorious performance awards (OMPA), and seven day job credits.

Jail credit is credit against the sentence for pre-sentence confinement. It is calculated as a day-for-a-day. Jail credit good time is granted for obedience to the rules during pre-sentence confinement. Statutory good time is granted for compliance with the rules and regulations established for the serving of the sentence. Statutory and jail credit good time are computed based on a reduction of 10 days for every 30 days served.

The remaining sentence reductions are seven-day job credits and outstanding meritorious performance awards. An inmate can receive credit of one day for each seven consecutive days employed at a job designated as a seven-day job. OMPA allows for the awarding of 120 days per one continuous term of incarceration for outstanding performance by an inmate. The awarding of OMPA can only be authorized by the commissioner.

Growth in the Department

Over the past 10 years, the Department of Correction has grown dramatically in various areas, including inmate population, general fund expenditures, and staffing levels. The growth

in the latter two areas is a direct result of the increase in the number of individuals being placed in the custody of the department, which consequently requires the development of additional facilities and prison beds. In order to provide the proper services to the state's rising inmate population, there have been significant increases in both the levels of funding and staffing for the Department of Correction.

Resources. Since 1990, the department has opened eight new correctional facilities, including an inmate reception center in Suffield, as well as the expansion of a number of existing facilities. The department's current capacity is approaching close to 14,000 beds. Three additional facilities are scheduled to be opened before the end of FY 96, which translates into just over 2,000 additional beds. It is evident the state has opted to increase the number of correctional facilities and beds in order to accommodate the rise in the inmate population. This is reflected in the Department of Correction's budget.

Table I-3, on page 10, shows the budgetary growth of DOC in five areas: (1) personal services, (2) other expenses, (3) other current expenses, (4) grants, and (5) equipment. In FY 1983-84, the department's total general fund budget was \$73.8 million. In the current fiscal year, the total budget is \$351.6 million and will increase to \$397.2 million in FY 1994-95. The cumulative growth of expenditures over the 10 year period is 438.4 percent, which is the most of any single state agency.

Table I-4 compares the department's expenditures to other state agency expenditures that experienced significant increases during the same time period. The Department of Mental Retardation and Department of Children and Youth Services also have had considerable expenditure increases. It is important to note that although the Department of Correction has the greatest cumulative growth, there are other state agencies with larger budgets.

Table I-4. Cumulative Expenditure Change Comparison Among State Agencies. (in millions)				
DEPARTMENT/ PROGRAM	ACTUAL EXPEND. FY 78-79	ACTUAL EXPEND. FY 91-92	APPROP FY 92-93	CUMMULATIVE EXPENDITURE % CHANGE
Correction	33.3	247.5	300.0	800.90 %
Mental Retardation	57.2	412.9	409.8	616.43 %
DCYS	49.5	174.2	197.4	298.79 %
Public Works	12.2	29.3	30.4	149.18 %
DMV	15.0	35.7	36.7	144.67 %
Mental Health	77.3	248.2	138.9	79.69 %

Source of Data: Office of Fiscal Analysis.

Table 1-3. Budgetary Growth of Department of Correction. (in \$millions)						
Fiscal Year	Personal Services	Other Expenses	Other Current Expenses	Grants	Equipment	Total General Fund
FY 84	\$51.3	\$18.6	\$3.3	\$2.2	\$0.26	\$73,780,437
FY 85	\$56.9	\$20.6	\$2.7	\$3.3	\$0.28	\$81,490,019
FY 86	\$64.1	\$23.5	\$2.7	\$3.9	\$0.61	\$92,487,737
FY 87	\$75.8	\$24.0	\$2.7	\$4.5	\$0.73	\$105,531,301
FY 88	\$87.1	\$27.6	\$3.0	\$6.0	\$0.82	\$121,926,799
FY 89	\$103.1	\$34.6	\$7.9	\$8.7	\$1.6	\$149,033,479
FY 90	\$130.0	\$41.3	\$7.1	\$13.7	\$1.0	\$186,942,334
FY 91	\$160.9	\$48.1	\$12.1	\$14.9	\$0.008	\$236,293,977
FY 92	\$170.2	\$49.9	\$20.8	\$14.5	\$0.96	\$256,503,603
FY 93	\$203.9	\$62.3	\$17.0	\$17.9	\$1.7	\$302,988,438
FY 94	\$241.4	\$72.9	\$18.7	\$18.0	\$0.46	\$351,579,028
FY 95	\$275.1	\$83.1	\$19.2	\$18.8	\$0.75	\$397,222,614

Source of Data: Office of Fiscal Analysis

Table I-5 demonstrates the consistent expansion of the DOC budget from FY 1983-84 to FY 1994-95. The table separates expenses based on the department's program budget categories of (1) care and custody, (2) field services, and (3) management services. Care and custody consists of the confinement of accused and sentenced inmates including the operation of prisons, jails, human service programs such as substance abuse, education, and religious, and volunteer programs. Staff development, recruitment, and training are also within this budget category.

Table I-5. Department of Correction General Fund Expenditures. FY 83-95. (in hundred thousands)				
FISCAL YEAR	CARE/CUSTODY	FIELD SERVICES	MANAGEMENT	TOTAL
83-84	67.4	3.6	2.6	73.7
84-85	74.0 (8.85%)	4.5 (20.72%)	2.8 (7.22%)	81.4 (9.46%)
85-86	84.0 (11.94%)	5.4 (15.43%)	3.0 (4.15%)	92.4 (11.89%)
86-87	95.4 (11.91%)	6.5 (16.74%)	3.5 (16.31%)	105.5 (12.36%)
87-88	107.5 (11.29%)	9.9 (34.08%)	4.4 (19.46%)	121.9 (13.45%)
88-89	131.3 (18.14%)	13.0 (24.03%)	4.6 (2.90%)	149.0 (18.19%)
89-90	161.5 (18.66%)	20.1 (35.25%)	5.2 (12.50%)	186.9 (20.28%)
90-91	200.5 (19.45%)	19.5 (-3.08%)	16.2 (67.55%)	236.2 (20.89%)
91-92	220.7 (9.13%)	20.1 (2.87%)	18.6 (13.25%)	259.5 (8.94%)
92-93*	261.1 (18.61%)	23.7 (15.32%)	20.1 (7.45%)	315.1 (17.65%)
93-94*	308.9 (12.22%)	23.4 (-1.36%)	26.4 (23.56%)	358.7 (12.16%)
94-95*	343.8 (12.17%)	25.0 (6.42%)	28.4 (7.08%)	405.1 (11.46%)
* Appropriated amounts. NOTE: Workers' Compensation added to management services in FY 90-91.				
Source of Data: Office of Fiscal Analysis.				

Field services involve the reintegration of inmates back into the community through a network of public and private community-based programs that supervise and assist the inmates. Field services cover parole services, substance abuse programs, halfway houses, and community residences. Finally, management services include administration, technical services, research and information, workers' compensation, fiscal planning, personnel, and communication services.

The increased expenditure in the care and custody category is directly related to the state's rising number of inmates and the cost of developing new facilities and prison beds. Since

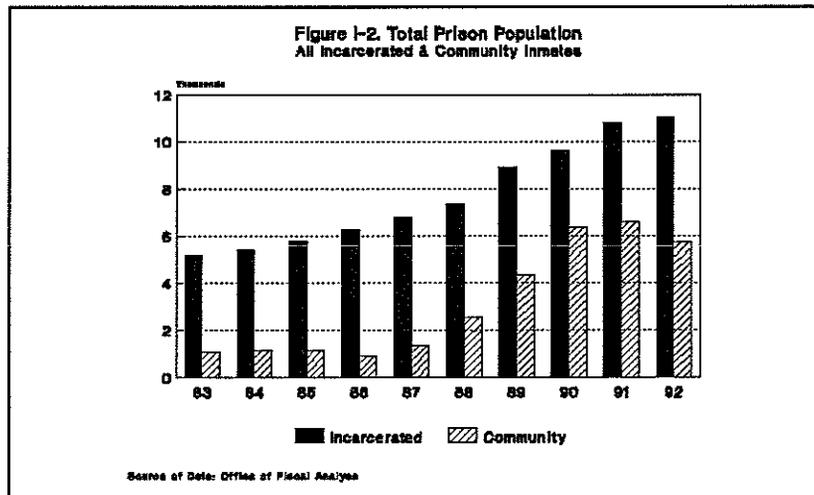
FY 83-84, the number of inmates has more than doubled and the care and custody budget has increased by five times the original amount during this same time frame.

The field services budget has grown due to the increasing number of inmates in the community (4,063 in August 1993) and management services has grown due to rising costs associated with workers' compensation. Although the funding for these two areas is considerably less, the increase rate is still significant. Field and management services have shown some increase, but care and custody still represents the majority (over 90% in FYs 83-85 and over 85% in FYs 90-92) of the department's expenditures.

Table I-6, on page 13, shows the percent of total dollars spent in the areas of health, education, community services, and administrative services.

Staffing. Figure I-2 compares the number of care and custody staff to the average daily number of inmates from 1983 through 1993. As the graph indicates, until FY 93, the number of care and custody staff increased at a rate proportionate to that of the inmate prison population.

Unlike the similarity between the growth of correctional officers and the inmate population, the department's field staff does not share the same commonality with its inmate population in the community. Table I-7, on page 14, compares the department's field staff to the number of inmates being supervised in the community. Clearly, field staff have not kept up with the rising number of inmates in the community in the last 10 years. During the height of the SHR program, parole officers sometimes monitored more than 150 clients each. Although parole officers currently have smaller caseloads, it is not due to the addition of a significant number of staff, but rather there are fewer inmates being released and supervised by the department in the community.



Inmate population. Figure I-3, on page 14, shows the total inmate population, including incarcerated inmates and those in the community, supervised by the Department of Correction over a 10-year period. In 1983, there were 5,184 inmates within the state's correctional facilities and 1,064 supervised in the community. Six years later, the incarcerated population almost doubled and those in the community reached 4,337. Respectively, this was due to an increased number of drug related convictions and the growing use by the department of the

Table I-6. Percentage of Expenditures for Department of Correction (in \$millions)									
Fiscal Year	Health	% of Total	Education	% of Total	Admin. Services	% of Total	Field Serv. & Parole	% of Total	Total General Fund
FY 88	\$9.6	7.9%	\$3.9	3.2%	\$11.9	9.8%	\$1.6	1.4%	\$121,926,799
FY 90	\$17.4	9.3%	\$6.7	3.6%	\$16.5	8.9%	\$4.5	2.4%	\$186,942,334
FY 91	\$21.7	9.2%	\$7.8	3.3%	\$24.2	10.3%	\$5.5	2.4%	\$236,293,977
FY 92	\$29.3	11.4%	\$7.3	2.9%	\$14.4	5.6%	\$3.4	1.3%	\$256,503,603
FY 93	\$30.8	10.2%	\$8.7	2.9%	\$17.4	5.7%	\$3.5	1.2%	\$302,988,438
FY 94	\$42.4	12.1%	\$9.8	2.8%	\$24.5	7.0%	\$1.2	0.4%	\$351,579,028
FY 95	\$47.6	12.0%	\$10.5	2.7%	\$25.4	6.4%	\$1.2	0.3%	\$397,222,614

Data for FY 89 not available from Department of Correction.

Source of Data: Legislative Office of Fiscal Analysis.

Supervised Home Release (SHR) program. In 1991, the total inmate population exceeded 17,000 and has remained close to this level ever since.

Recently, the department's involvement in community supervision was considerably reduced due to the phaseout of SHR, the increased authority of the Board of Parole, and the Judicial Department's Alternative Incarceration Center (AIC) programs.

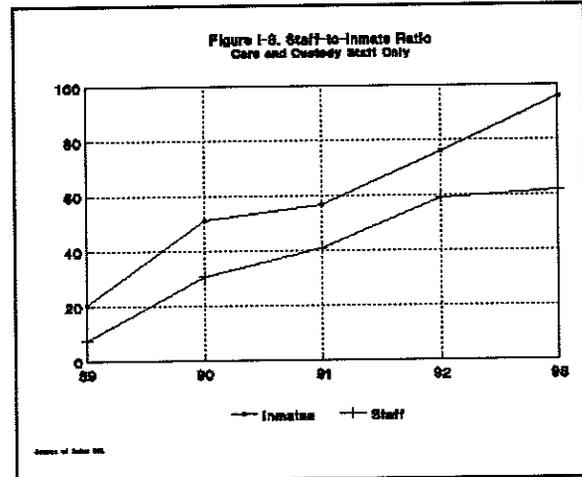


Table I-7. Field Staff-to-Inmate Ratios.

Fiscal Year	Field Staff	Inmates*	Ratio
FY84	35	1,064	30.4
FY 85	54	1,119	20.7
FY 86	71	1,126	15.9
FY 87	83	939	11.3
FY 88	137	1,332	9.7
FY 89	303	2,515	8.3
FY 90	256	4,357	17.0
FY 91	209	6,379	30.5
FY 92	276	6,587	23.9
FY 93	212	5,699	26.9

* Only inmates supervised in the community.
Source: Office of Fiscal Analysis

CHAPTER II

CRISIS MANAGEMENT AT THE DEPARTMENT OF CORRECTION

One of the consequences of the tremendous growth experienced by the Department of Correction since the early 1980s has been the institution of federal court-ordered and state statutory capacity limits on the number of inmates housed in any one prison or system-wide. The capacity limits, whether court-ordered or in statute, require that the available bedspace dictates the number of inmates housed. Federal court-ordered capacity limits are in effect for sections of the Morgan Street Detention Center (204 inmates), Bridgeport Correctional Center (304), Hartford Correctional Center (502), New Haven Correctional Center (513), and Niantic Correctional Institution (515). Litigation based on overcrowding is pending for Somers Correctional Institution and the oldest of two buildings at the Brooklyn Correctional Center.

State statute (C.G.S. 18-87f[a]) mandates the system-wide inmate population of the Department of Correction not exceed, for more than 30 days, 110 percent of the capacity limit set by a commission that is comprised of the chief court administrator, chief state's attorney, and the attorney general.

As of December 1, 1993, the system-wide capacity for male inmates is 11,205, which yields a 110 percent cap of 12,326. This is an increase from a capacity limit of 10,057 and an inmate cap of 11,063 set in August 1993. The additional bedspace was obtained through the opening of new facilities, Cybulski and MacDougall, and a facility expansion project at Cheshire. Female inmate capacity limits, as of December 1, 1993, were 754 for 100 percent and 829 for 110 percent.

The state is nearing the end of its construction projects with most of the planned expansions operating and housing inmates. There are only three facilities still under construction: York, Corrigan, and Northern, which are scheduled to be opened by 1996. When completed, it is estimated that the 110 percent cap will increase to 13,432 for males and 1,351 for females.

Prison Overcrowding

Overcrowding emergencies. In the event the department cannot reduce the inmate population, a prison overcrowding emergency is declared by the commission after notification by the correction commissioner. Under this condition, the department is required to systematically release inmates based on specified criteria, until the inmate population falls below the 100 percent capacity limit. The release criteria can be summarized as follows:

- parole eligibility dates of all qualified inmates are reduced by 90 days making them eligible to go before the parole board for a decision on their release, and those eligible

prisoners may be released pursuant to parole statutes until acceptable capacity limits are reached;

- in the event that expanding parole eligibility does not sufficiently reduce the population, inmates serving maximum indeterminate or indefinite sentences, or under a determinate sentence and already released to an approved community residence program, can have their sentences reduced in increments of one day, to a maximum of 90 days, and incarcerated inmates replace those discharged from the community residences; and
- if the overcrowding emergency remains in effect, parole eligibility dates of qualified inmates will further be reduced by 30 days to make them eligible to go before the parole board, and the reduction of the sentences of inmates placed in community residences will also be reduced by increments of one day, to a maximum of 30 days.

However, in applying these criteria no inmate can be released if convicted of a capital felony, class A felony, or specified assault violations until completion of any mandatory minimum term of imprisonment. In addition, no inmate can be released under this statute unless one-half of the minimum indeterminate or determinate sentence has been served.

In October of 1993, the Department of Correction experienced a severe overcrowding crisis. Several causes contributed to the inmate population increasing to over the 110 percent cap. Key among the reasons were the closure of several smaller facilities, the delayed opening of two new prisons, and a statutory change that limited the department's authority to place inmates into community release programs. In conjunction with the statutory change, the department was authorized to implement a new release program, called Transitional Supervision. However, the number of inmates released to the community through the transitional supervision program fell far short of the projections. This caused a surplus of inmates in the department's incarcerated population.

To avoid invoking the provisions of the emergency release statute, the department requested and was granted authorization to open the Cybulski Correction Institution in Somers. The department has also requested the authorization to re-open closed facilities, including Jennings Road Detention Center which will house female inmates rather than males when reopened.

Management of overcrowded prisons. Although DOC has some control over the number of available beds and the related capacity limit, it has no control over the number of inmates sentenced to its custody. Factors such as the public's heightened frustration with

criminal behavior and its demand for harsher punishment resulted in an increased inmate population. As previously noted, the incarcerated population has grown from less than 5,000 in 1981 to almost 14,000 in 1993.

In response to this increase and the corresponding imposition of capacity limits, the Department of Correction has had to direct its policies and procedures to keeping the inmate population under the 110 percent capacity figure. This has forced the department into a 30 day cycle that drives all operations and, in the view of the program review committee, has had a detrimental effect on other aspects of the correction system.

The method most often used by the department to stay within its capacity requirements is to constantly move inmates through official and unofficial means. The official means include transfers to lesser crowded facilities or those without court-ordered capacity limits, use of furloughs, and outside inmate work details, and placing as many eligible inmates as possible in community residence programs. The commissioner has testified at Legislative Program Review and Investigations Committee public hearings that unofficial means are also used, such as placing inmates, especially females, on a bus and driving them to a lesser crowded facility while a count of the population is taken.

Until recently the primary early release mechanism used by the department was the Supervised Home Release (SHR) program. At its height SHR had an average daily population count of over 6,000. However, the legislative phaseout of this program was completed in June of 1993.

Although supervised home release is no longer an option, the department has the authority to implement a release program, called Transitional Supervision (TS), for inmates sentenced to two years or less. However, this program has not had the widespread and dramatic effect of reducing the prison population as did SHR. The sentence length restriction and the department's stricter criteria have restricted the number of eligible inmates. The current population released on Transitional Supervision is approximately 600 inmates.

The department's use of other community residence programs, such as half-way houses and treatment centers, has not changed. However, these programs do not have a significant effect on managing the population numbers. For example, as of December 1, 1993, there were 367 inmates in the program, which is about the average of the past three years.

The third response to the overcrowding crisis has been to construct new facilities and expand or renovate existing ones. The facility expansion projects started in the late 1980s are scheduled to be completed in 1996. The total cost has been approximately \$650 million. Table II-1 details the new construction and expansion projects.

Table II-1. Department of Correction Facility Construction and Expansion Projects.

FACILITY	DESCRIPTION	TYPE	NUMBER OF BEDS	COMPLETION DATE	COST (\$Million)
WSATU	new	dorm	150	9/89	\$2.5
CRCI	expansion	dorm	600	4/90	\$17.6
Northeast	new	dorm	350	5/90	\$18.0
Willard	new	dorm	304	10/90	\$14.4
Maloney	new	dorm	100	12/90	\$10.0
Radgowski	expansion	dorm	304	12/90	\$17.9
J.B. Gates	expansion	dorm	208	5/91	\$4.2
Hartell DWI	expansion	dorm	100	6/91	\$0.064
Hartford	expansion	dorm	208	6/91	\$5.6
New Haven	expansion	dorm	208	5/92	\$5.6
Bridgeport	renovation/expansion	dorm	208	6/92	\$7.3
Brooklyn	renovation/expansion	dorm	304	7/92	\$17.8
Walker RC	new	cells	300	10/92	\$141.6*
Webster	new	dorm	304	12/92	\$14.7
Cheshire South Block	expansion	cells	550	6/93	\$19.5
Cheshire North Block	expansion	cells	550	6/93	\$26.5
MacDougall	new	cells	900	7/93	*
Garner	new	cells	708	7/93	\$67.6
Gates	expansion	dorm	208	7/93	\$12.9
Cybulski	new	dorm	300	8/93	\$9.9
York	new	cells	550	2/94	\$71.2
Northern	new	cells	300	4/94	\$44.0
Corrigan	new	cells	708	5/94	\$57.9
York	expansion	cells	192	2/95	\$5.8
Bridgeport	renovation/expansion	cells	600	11/98	\$52.7
TOTALS	New = 12 Expansion = 13	Dorm = 15 Cell = 10	9,214		\$646.0

* The costs for MacDougall are included in the Walker Reception Center costs (\$141.640 Million).

Source of Data: Department of Correction

As shown, the state has constructed 12 new prisons in the past 6 years; 3 have not been opened to date. In addition to the new construction, 13 existing facilities have undergone renovation to increase their capacity levels. In total, these projects have added over 9,000 inmate beds to the department.

The program review committee found that the effort to stay within capacity limits has forced the department into a crisis management mode of operation. The department is caught in a seemingly endless 30-day cycle of trying to keep the number of inmates below the 110 percent capacity limits.

Many of the consequences faced by the Department of Correction in dealing with capacity limits were noted in a Report to the President on Prison Crowding and Court-Ordered Population Caps issued by the Department of Justice in 1990. The report noted that: "Judicial involvement, by court order and consent decree, in establishing caps on inmate population, has seriously curtailed the ability of state and local officials to manage prisons, jails, and entire corrections systems effectively." The population caps added stress to correction systems already severely strained by increasing numbers of inmates, limited facilities, and budgetary constraints. Other research indicated prison officials were often "forced to abandon rational criteria for program decision-making, and assign inmates to services on a space-available basis."¹

Options for dealing with overcrowding. The Department of Correction and policy-makers, such as the legislature, are faced with very difficult choices with limited options when controlling the inmate population. The options available to manage the size of the inmate population within the capacity limits fall into three categories as defined by the Rutgers University School of Criminal Justice: system entry, punishment location, and system exit.²

System entry. System entry policies attempt to regulate the selection of offenders for terms of incarceration by: (1) restricting the types of offenders to be prosecuted; and (2) expanding the non-incarceration sentencing options available to judges for those who are convicted. However, both of these methods of controlling the size of the state's incarcerated population are beyond the control of the Department of Correction, and the scope of this study. It should be noted that Connecticut has invested in alternative incarceration programs, which divert pre-trial and sentenced offenders to community residential living arrangements, as a sentencing option in criminal cases.

Location policies. Location policies increase the number of confinement options available. As noted, Connecticut has made extensive use of this approach. It has increased its incarceration capacity by 34 percent since 1980 and drastically increased its community

¹ Rutgers University, School of Criminal Justice, Literature Review: Punishment Policy Options, p. 2.

² *ibid*, p. 6-8.

supervision of inmates, through such programs as community residences, half-way houses, work release, and electronic monitoring.

Exit policies. Exit policies attempt to shorten the duration of incarcerative punishments, typically by reducing the amount of time an offender is incarcerated. This is the most direct method to control inmate populations. Connecticut has three main exit policies: parole, the Transitional Supervision program, and the emergency release statute.

Parole is a discretionary release program operated under the authority of the Board of parole. Inmates are eligible after serving one-half of their court-imposed sentences. Beginning in July 1994, supervision responsibilities for parolees will be transferred to the parole board from the correction department. In addition, offenders convicted of crimes committed after October 1, 1994, and sentenced to more than two years, will be responsible for serving the remaining 50 percent of their sentences while on parole.

The Transitional Supervision program is another early release program run by the Department of Correction under its authority to provide such programs to inmates sentenced to two years or less. Eligible inmates may be released to the community after serving 50 percent of their sentences minus good time credits. While in the program inmates are supervised by the Department of Correction staff.

The third exit policy option is the state's emergency release statute. As noted under this approach inmates are systematically released using the statutory criteria.

The emergency release statute would seem to be a fail-safe way of preventing the department from being overwhelmed by the failure of diversion and capacity expansion programs to keep pace with demands for prison beds. However, since its adoption, the state's emergency release statute has been viewed negatively and as a worst case alternative. The state's policy seems to be to avoid the use of the emergency release of inmates at all costs in effort to avoid a backlash by the public. Public perception of the statute is that of a uncontrolled, mass release of predatory criminals.

The Department of Correction is faced with a prison overcrowding crisis that shows little signs of ending during the 1990s. The department must also work within the parameters of population capacity limits set up by federal courts and state statute and a limited number of prison beds. Currently, there are no means available to the department to terminate the capacity limits, which to some extent provide checks-and-balances to a system that is the fastest growing component of state government. The department must then develop methods for managing its inmate population.

In summary, the management options for dealing with prison overcrowding outlined in this chapter have all been used by the Department of Correction, with the exception of invoking the emergency release statute. None have produced any long term solutions to coping with the number of inmates flooding the correction system. The department remains caught in a

continuous 30-day cycle of reducing its prison population to the detriment of all its other operations.

The program review committee concluded that to effectively manage the prison system DOC must be freed from continuously operating in a crisis mode caused by demand to keep the population under the mandatory release point. The committee believed the concept underlying the state's existing emergency release statute should be allowed to work. However, the committee found the release criteria of the current statute are cumbersome and, if put into effect, would require a significant period of time to reduce the population. The consensus among correction officials and criminal justice planners is that it would take several weeks to reduce the inmate population to 100 percent capacity.

Therefore the Legislative Program Review and Investigations Committee recommended that the current prison overcrowding emergency release statute (C.G.S. 18-87f [c-f]) be repealed, and replaced with the following, Controlled Action Program (CAP), to manage the inmate population during an overcrowding crisis:

Whenever the Department of Correction's inmate population equals or exceeds 110 percent capacity for 30 consecutive days the commissioner shall request the commission, established in C.G.S. 18-87f, to declare a prison overcrowding emergency. If the commission finds that all available means for reducing the prison population have failed, it shall order the implementation of the Controlled Action Program.

Under CAP, the department shall rank all inmates sentenced to two years or less based on the amount of time remaining until their discharge date and begin releasing inmates until the population reaches 95 percent capacity. Those CAP inmates that have any additional term of court-imposed supervision shall be required to immediately serve that term.

However, under the Controlled Action Program, no inmate shall be released who: (1) has more than 120 days remaining before discharge; (2) is serving a sentence for a crime involving violence as set out in P.A. 93-219, or any part of a mandatory sentence; (3) has an adjudicated parole, probation or Controlled Action Program violation within the preceding one year; (4) has an adjudicated Department of Correction Class A disciplinary infraction within the preceding six months; or (5) has an adjudicated Department of Correction disciplinary infraction for assault on department employee, riot, or hostage-taking.

If the number of inmates eligible for release is not sufficient to reduce the population to 95 percent, then those inmates who have been favorably voted to parole by the Board of Parole shall begin their supervision. Notwithstanding all other statutory references to the 50 percent time served requirement, these inmates shall have their custody transferred to the Board of Parole.

If the number of inmates released still does not sufficiently reduce the prison population to 95 percent capacity, then the Department of Correction shall also rank all inmates sentenced to more than two years based on the amount of time remaining until their discharge date and begin releasing, based on the previously stated criteria, inmates until the population reaches 95 percent capacity. Custody of these inmates shall be transferred to the Board of Parole. In accordance with P.A. 93-219, CAP inmates, sentenced to more than two years, shall serve the remainder of their sentences on mandatory parole. The parole board shall ensure that CAP inmates receive the highest level of supervision at the time they enter into the program.

Population analysis. On request by the program review committee, the Department of Correction conducted an analysis of their inmate population for the week of December 6, 1993, based on the criteria of the Controlled Action Program recommendation. During that period there were 855 female inmates and 11,145 males. As called for in the recommendation, the inmates are divided into two groups based on the length of their sentences: (1) those sentenced to two years or less (410 females and 2,808 males); and (2) those serving more than two years (445 female and 8,337 male inmates).

Group 1 (two years or less), was broken down into those in community residence programs, including Transitional Supervision, SHR, and parole, and those in prison or jail. There were 122 female inmates in the community and 288 incarcerated in a correctional facility and 685 males in the community and 2,123 incarcerated.

The exclusionary criteria, except for mandatory sentences, generally would not apply to this group of inmates because they are the less serious offenders with shorter sentences. Therefore, the committee recommendation would require that these inmates be ranked according to those within 120 days of discharging from their sentence, resulting in 192 female and 1,082 male inmates being eligible for discharge.

When the exclusionary criteria are applied to the inmates in group 2 (more than two years), 38 female and 1,536 male inmates convicted of a violent offense as defined in statute (P.A. 93-219) are eliminated. In addition, 60 females and 655 males are ineligible due to a conviction for probation violation within the past year; 105 females and 1,522 males for an adjudicated Class A DOC disciplinary infraction within the preceding six months; and 1 female and 158 males for an adjudicated disciplinary infraction for assault of staff, rioting, or hostage-taking.

When all the restrictions contained in the recommendation are imposed, the total number of inmates within 120 days of discharge and therefore eligible for release are 19 females and 362 males. These figures represent four percent of the female and four percent of the male populations sentenced to more than two years. Thus, under the program review committee's recommendation up to 381 inmates could be discharged from the Department of Correction and transferred to the Board of Parole to serve the remainder of their full court-imposed sentences under supervision.

Based on the analysis done by the Department of Correction, if the recommendation was applied to the male population of December 6, 1993, up to 986 male inmates (362 in group 1 and 626 in group 2) could be released. For the female inmate population estimated at 50 over the present capacity limit of 829, the reduction would result in 100 inmates being transferred to the parole board for mandatory supervision and 19 being completely discharged.

The male population would be reduced to 99 percent capacity and the female to 91 percent. Applying the provision of the recommendation that calls for the release to parole of those inmates who have previously been favorably voted by the Board of Parole would add approximately 600 to 800 to the pool eligible for CAP release. If this estimate, provided by the Board of Parole, is correct and all were transferred to the parole board for supervision, the male inmate population would fall to 95 percent capacity.

The program review committee acknowledged the early release of inmates because of overcrowded prisons appeared on the surface to be inconsistent with the current "tough on crime" position taken by government and the public. The general consensus to provide swift and sure punishment for offenders, however, requires prison bedspace be available for those coming into the criminal justice system. The recommendation assured the necessary beds are available to incarcerate the most serious offenders by eliminating from the system, in an impartial manner, those with the least amount of time remaining on their sentences.

The program provides for an two-phase independent review by (1) the commission that all other available means to reduce the prison population have failed to do so, and (2) once the program is invoked, the department must abide by the eligibility criteria set out in statute. The Department of Correction may not substitute its own judgment for that of the court.

Unlike the existing emergency release statute, the eligibility criteria for the Controlled Action Program will be easy to administer. They are clear and concise. The Department of Correction can, within its existing computer capability, produce a listing of all inmates based on the length of time left on their sentences. The exclusionary criteria can also be applied to generate a list of all those inmates who may be released to the program.

Thirdly, and most importantly in the committee's view, the principles of the CAP program are consistent with the court's current sentencing patterns, in that, only inmates closest to their release will be considered for participation. Their release will be authorized only as they near the end of their sentence.

Finally, there is a point in a term of incarceration for a convicted offender when all that can be done has been done. The CAP program calls for the release from incarceration to mandatory parole supervision of those inmates in the last 120 days of their sentences, all of whom have already served more than the statutorily required 50 percent.

Legislation passed in the 1993 session requires that offenders convicted of crimes committed after September 30, 1994, and sentenced to more than two years, be supervised for

the length of their court-imposed sentence during incarceration by the Department of Correction and subsequently by the Board of Parole during discretionary release to parole or mandatory release. Prior to this legislation, the majority of inmates served only a portion, usually 33 percent, of their court-imposed sentence due to the awarding of good time credits. Beginning in 1994, the good time credits will apply only to that portion of the sentence which is served in a prison under the custody of the correction department.

An inmate will be released from prison in one of two ways. The first includes those inmates who, after serving 50 percent, are granted parole release by the Board of Parole. These inmates are then transferred to supervision by the board for the remaining time left on their sentence (the other 50 percent).

The second way in which an inmate will be released involves those who are denied parole by the board and are subjected to serve the maximum time, minus deduction of good time credits, incarcerated (approximately 60% of the court-imposed sentence). At the end of that time, the inmate is discharged from incarceration and transferred to mandatory parole supervision by the parole board for the remainder of the sentence (about 40%). It is this group of inmates that are targeted by the CAP program to control prison overcrowding. These inmates will not be released from their responsibility of serving their whole court-imposed sentence.

The risk to the public in releasing these inmates is minimal considering they would have been released anyway within that 120 day period. However, unlike past practice, the inmates are released to a term of supervision while in the community. A violation of supervision rules or a new criminal charge may subject an inmate to return to prison to finish the remainder of the sentence.

Lastly, the Department of Justice found in its report that "caps imposed on a single prison have often required a system-wide shift of inmates and resources".³ Thus, the involvement of the courts in the management of prisons tends to interfere in long-term policy-making, budgeting, and planning, and "when courts impose requirements and procedures on a prison, they do so from outside the prison system, often with insufficient concern for its budgets, personnel, programs, and security, all of which are critical elements of corrections".⁴ The Controlled Action Program can provide a window of opportunity in which the Department of Correction can begin to shift its focus to other issues and programs.

Other states. Connecticut is only one of 40 states that are currently under court order or consent decree to limit inmate population and/or improve conditions. Thirty-two of those states, including Connecticut, have at least one of their major prison facilities under court order.

³ U.S. Department of Justice, National Institute of Corrections, Management of Crowded Prisons (January 1989), p. 30.

⁴ *ibid*, p. 30.

In response to the caps, there are 15 states that have enacted legislation to reduce prison population during an overcrowding emergency. They are: Connecticut, Florida, Georgia, Iowa, Michigan, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington, and Wisconsin.

For all states, the condition for implementing the statutory release mechanism is that the inmate population exceeds a set capacity limit, usually set by the correction department. Three states do not require that the inmate population exceed 100 percent capacity before early releases are granted: Florida's guideline is set at 97% and Tennessee and Texas are set at 95%. Iowa law requires that an emergency be declared when the inmate population exceeds 2,620 inmates.

The majority of states require that the commissioner of the correction department or other agency overseeing prisons notify the governor, who declares an overcrowding emergency. The release mechanisms vary with involvement by correction departments, parole and/or pardons boards, and the governor's offices. Basically, all of the legislation reduces sentences for those inmates deemed eligible by a specified number of days until the population is below the capacity limits. Appendix A contains a description of each state statute.



CHAPTER III

INSTITUTIONAL CLIMATE

This chapter will describe the environment inside Connecticut's prisons and jails and the department's response to the climate. To define the environment, the program review committee examined several types of data, including serious incidents, serious disturbances, inmate disciplinary reports, and worker's compensation claims. The committee also surveyed Department of Correction employees for opinions on management and policy issues relating to staff safety.

Operational Definitions

Before presenting the analysis, it is useful to review the Department of Correction definitions of an emergency, disturbance, and riot. An **emergency** is defined by the department as a present or imminent threat to the safety, order, or security of a correctional unit, including bomb threat, disturbance, fire, natural or environmental disaster, hostage situation, major medical crisis, riot, or job action which requires the implementation of the facility's emergency procedures.

A **disturbance** is defined as a disruption of normal operations resulting from deliberate individual or group misbehavior. Disturbances include such incidents as hostage taking and inmate work stoppages.

The department defines a **riot** as an emergency designated by the commissioner that involves inciting or participating in a general disturbance which results in a loss of control of all or a portion of a unit, serious injury, serious property damage, or other organizational disobedience to the rules of the unit.

In addition, there is procedure for the internal reporting of serious incidents occurring inside of prisons and jails. This procedure classifies incidents into three categories, and provides for responses commensurate with the type of the incident.

Class 1 incidents are the most serious and include: deaths of inmates or staff; assaults on staff; riots, hostage situations, or group disturbances; escapes; disturbances requiring the mobilization of Correction Emergency Response Teams (CERT); use of firearm; events which seriously impact the normal operation of a facility; and an event which has the potential to generate significant media, public official, or community attention.

Class 2 incidents include: attempted escapes; serious injury to inmates or staff; use of force resulting in injury; significant theft of or damage to state property; incidents resulting in notification of any law enforcement agency; and some assaults on staff.

Class 3 are the least serious incidents. They include: inmate fights or assaults; arrest of an inmate in a community residence program; use of force or restraints to subdue or control an inmate other than for routine transportation or movement within facility; breach of security; discovery of dangerous contraband; accidents resulting in minor injuries; and minor theft or destruction of state property.

Institutional Climate Indicators

Serious incidents. As previously noted, departmental policy categorizes serious incidents into three classes, although the department does not collect data in that format. The department maintains a database on nine types of serious incidents: (1) inmate-on-staff assaults; (2) inmate-on-inmate assaults; (3) escapes; (4) staff use of physical force; (5) staff use of chemical agents; (6) inmate destruction of state property; (7) suicides; (8) deaths; and (9) fires. For the purposes of this analysis, the program review committee added riot as a category.

Table III-1 shows the total number of riots, escapes, deaths, and fires in each year under analysis. As shown, the data on escapes include escapes from within a secure perimeter and from a custody situation, such as transportation, a hospital, or a work detail. As shown in the table, incidents involving fire have the highest reported occurrence; however, the severity of the fires may range from a paper roll to a building.

Table III-1. Department Total of Specified Incident Categories. 1990-93				
TYPE OF INCIDENT	1990	1991	1992	1993*
Riot	1	0	1	1
Escape	77**	63	60	25
Death	0	17	31	11
Fire	N/A	276	127	75
* 1993 data are as of June 30, 1993.				
** Data not retained in an accessible format. Historical information provided by DOC.				
Source of Data: Department of Correction.				

Table III-2 details the number of incidents in which department staff used physical force or chemical agents to manage inmates. The data are department-wide totals covering three and one half years. Physical force is defined by the department as the "use of physical contact or contact through an armory item by a staff member in a confrontational situation to establish control or restore order". Staff use of physical force may include the use of restraints in a non-transportation situation, physical touching, unarmed defense techniques, or use of a baton, firearm or shield. There is a confidential departmental policy regulating the use of chemical

agents such as mace and tear gas. Chemical agents are used primarily by the Correctional Emergency Response Teams.

Table III-2. Department Total of Incidents Involving Staff Action. 1990-93.				
TYPE OF INCIDENT	1990	1991	1992	1993*
Staff Use of Physical Force	1,847	1,689	993	642
Staff Use of Chemical Agents	0	77	51	66
* 1993 data are as of June 30, 1993.				
Source of Data: Department of Correction.				

Table III-3 details the total number of inmate-on-staff assaults, inmate-on-inmate assaults, and inmate destruction of state property. Inmate-on-staff assaults are categorized based on the severity of the attack. The level is determined based on a point value that is dependent on the circumstances of the assault. An assault can range from an object thrown regardless of contact or contact between parties that result in an injury. In reporting the destruction of state property by an inmate, the department does not differentiate based on the cost of the damage. Thus damage to a library book could be classified as destruction property.

Table III-3. Department Total of Assaults and Property Destruction. 1990-93.				
TYPE OF INCIDENT	1990	1991	1992	1993*
Inmate-on-Staff Assault Level I	68	122	46	38
Inmate-on-Staff Assault Level 2	679	552	421	398
Inmate-on-Inmate Assault	1,840	1,475	1,434	800
Inmate Destruction of State Property	**	421	316	272
* 1993 Data are as of June 30, 1993.				
** Data not kept for 1990.				
Source of Data: Department of Correction.				

Violence index. Using the department's data, the program review committee constructed three indices to analyze the occurrence of serious incidents. Specifically, inmate-on-staff and inmate-on-inmate assaults were combined to produce a violence index; inmate destruction of property and fires were added to form a destruction of property index; and staff use of force and staff use of chemical agents were summed to create a use of force index. Each index is reported in terms of incidents per 100 inmates. The period covered is January 1990 through August 1993.

Figures III-1 through III-4 chart the violence index for security levels two through five. Overall, Level 4 facilities experienced the highest amount of violence with approximately three violent incidents per 100 inmates every month. Level 5 had the most obvious decline in the number of violent acts over the period falling from a high of approximately 5 incidents per 100 inmates per month in early 1990 to a low of less than one in September 1992. Most recently, during March and April 1993, the number of violent incidents at Somers, the state's only Level 5 institution, have spiked to approximately 4 per 100 inmates.

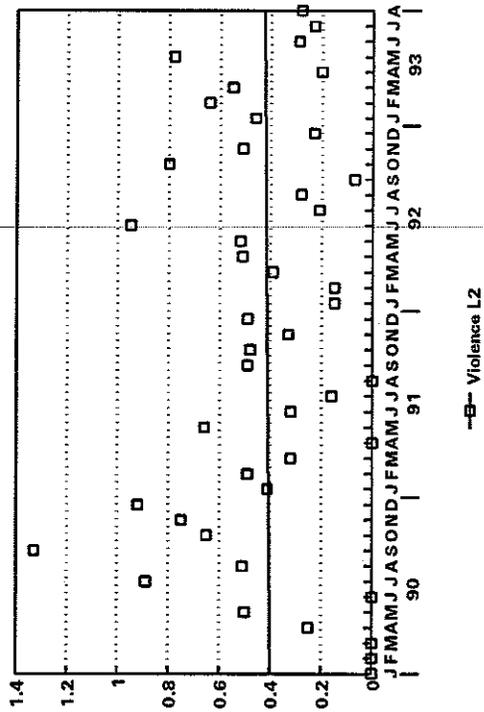
Caution must be used in interpreting the data because month-to-month variances reflected in the graphs may be due to a serious disturbance that involved many inmates, such as a riot, or at the other extreme a prolonged lockdown in a prison, which greatly restricts inmate movement and opportunities for engaging in violent behavior. Thus, attention should be focused on the long-term trends. Such a trend analysis, as shown in the four figures, indicates that for the period violence is down in all levels, except Level 2. Of course, this trend analysis deals only with the number of incidents and does not take into account the severity of the incidents.

Department of Correction staff are authorized to use force, either physically through restraints or by means of chemical agents, to subdue and control disorderly or violent inmates. Figures III-5 through III-8 chart the use of force index. The trend in the staff's use of force mirror the violence index. However, this finding only indicates the two variables are related and not that a change in one causes a change in the other.

Overall, the level of inmate destruction of property as measured by the destruction of property index has remained constant. However, in Level 4 facilities the index has shown an upward trend for the period reviewed. In all security levels the incidence of property destruction is small, measuring less than one per 100 inmates. Like the violence index, it is important to note that this information does not address the severity of the incidents. The costs of property destruction can range from damage to a library book to the burning of building.

Serious disturbances. The program review committee realized all inmate disturbances are serious and have the potential to become dangerous to staff and inmates. However, the severity of the acts vary from minor, such as a violation of housing unit rules or use of insulting language, to very serious, such as a riot or assaulting of staff. On request by the committee, the Department of Correction provided a more specific definition of a serious disturbance. A serious disturbance was defined as a protracted violent incident involving a large group of inmates where there was a loss of control by the institutional staff of part or all of the facility. The program review committee reviewed all incidents meeting this definition that occurred between January 1990 and August 1993.

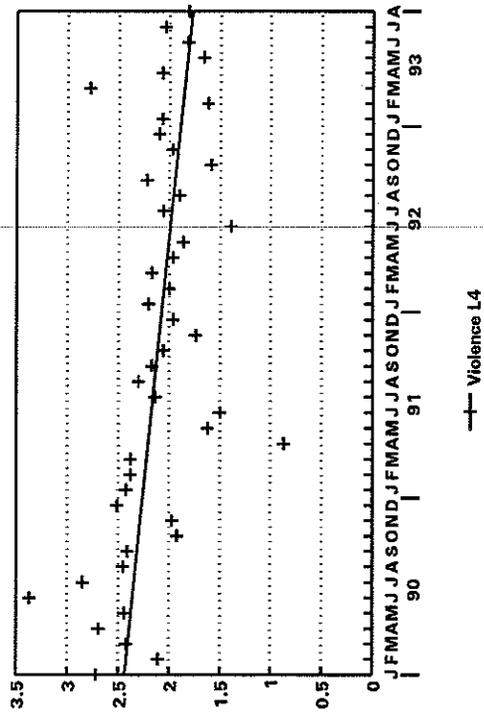
Figure III-1. Violence Index at Level 2
Department of Correction Facilities



Source of Data: Department of Correction

—□— Violence L2

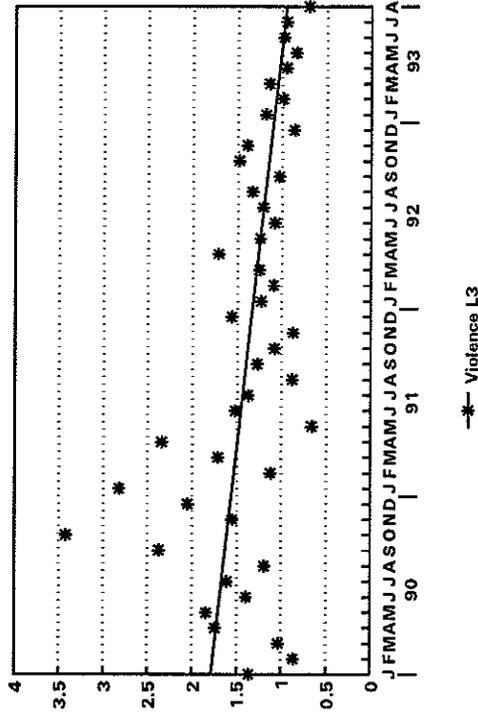
Figure III-3. Violence Index at Level 4
Department of Correction Facilities



Source of Data: Department of Correction

—+— Violence L4

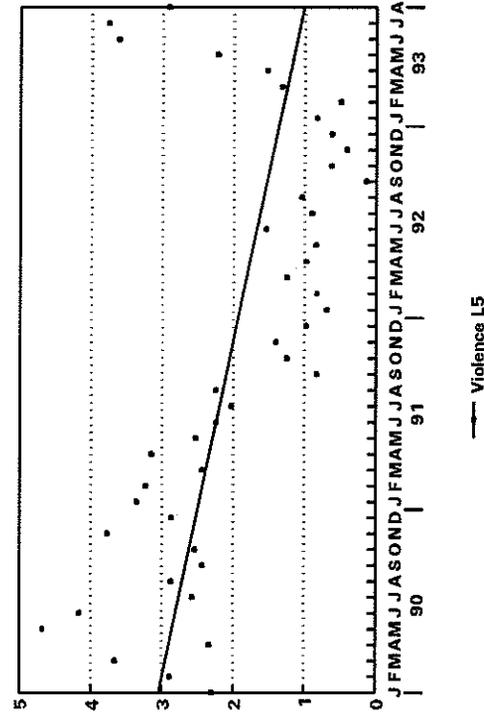
Figure III-2. Violence Index at Level 3
Department of Correction Facilities



Source of Data: Department of Correction

—*— Violence L3

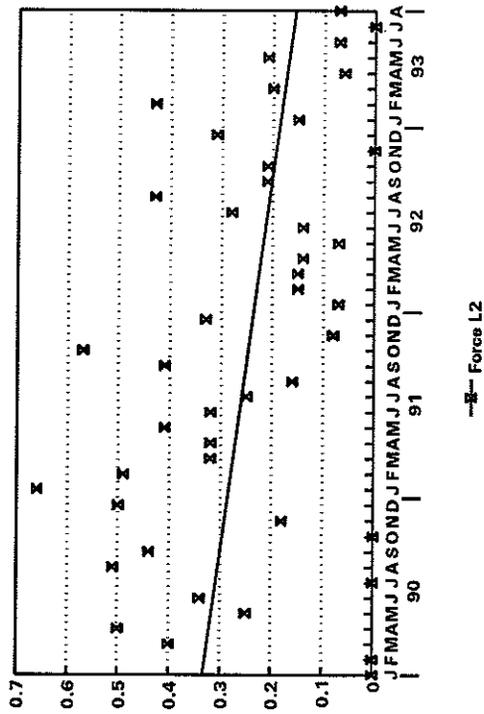
Figure III-4. Violence Index at Level 5
Department of Correction Facilities



Source of Data: Department of Correction

—●— Violence L5

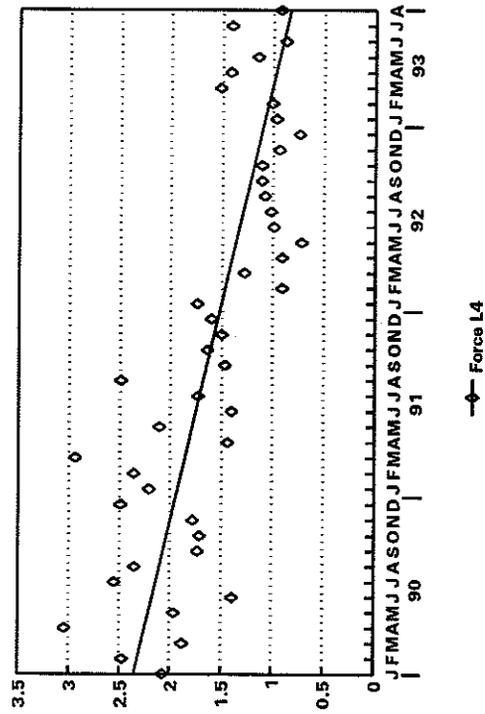
Figure III-5. Force Index at Level 2
Department of Correction Facilities



—x— Force L2

Source of Data: Department of Correction

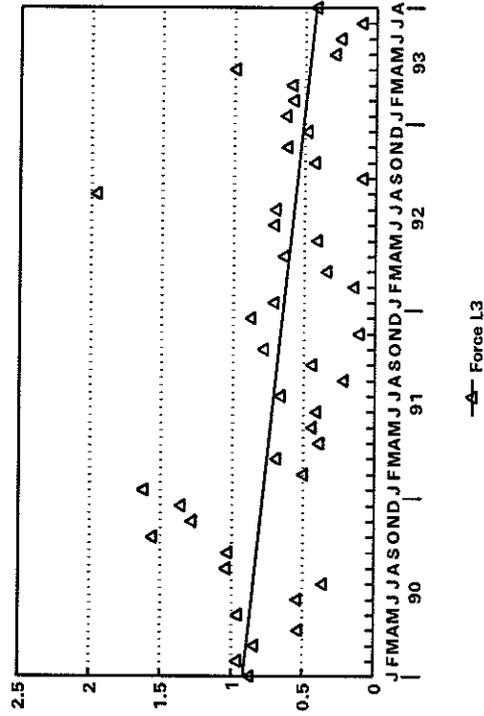
Figure III-7. Force Index at Level 4
Department of Correction Facilities



—◇— Force L4

Source of Data: Department of Correction

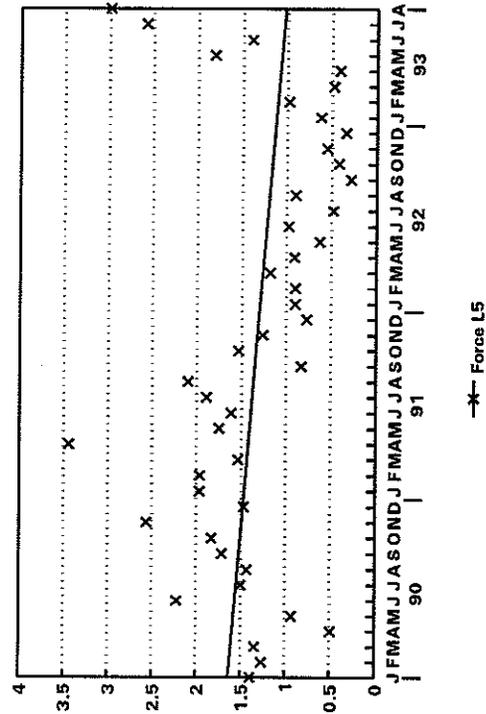
Figure III-6. Force Index at Level 3
Department of Correction Facilities



—△— Force L3

Source of Data: Department of Correction

Figure III-8. Force Index at Level 5
Department of Correction Facilities



—x— Force L5

Source of Data: Department of Correction

Three riots, as designated by the Department of Correction, have occurred since 1990. It should be noted that only the commissioner can designate a riot situation. These riots occurred at the Carl Robinson (1990), Enfield (1992), and Garner (1993) Correction Institutions. They are included in the following analysis.

Table III-4 shows a breakdown of the number of serious disturbances by institution as well as the response by the Department of Correction. Responses by the department were divided into four categories ranging from the least to the most serious as follows: (1) disturbance contained and/or controlled by on-duty staff; (2) assistance of off-duty staff required; (3) assistance of Correction Emergency Response Team required; and (4) assistance of outside agencies, such as local or state law enforcement, fire fighting units, or medical personnel, required. Only those facilities in which a serious disturbance occurred are included on the table. For the period under analysis, there was a total of 28 disturbances in 11 facilities.

Of the 28 serious disturbances, 11 required the use of outside assistance. Nine were quelled by the on-duty staff requiring no other assistance. The CERT teams were called in for five of the disturbances, while off-duty staff were needed in 3.

Table III-4: Frequency of Serious Disturbances in Department of Correction Facilities: 1990-1993																
Facility	RESPONSE #1: controlled by on-duty staff				RESPONSE #2: assistance of off-duty staff				RESPONSE #3: assistance of CERT				RESPONSE #4: assistance of outside agencies			
	1990	1991	1992	1993	1990	1991	1992	1993	1990	1991	1992	1993	1990	1991	1992	1993
CRCI													1	2		1
Cheshire	1							1								
Enfield		1		2					1	1						
Garner	*	*			*	*			*	*			*	*		1
Gates			1											1		1
Somers			2						1			1	1			
Bridgeport		1											1		1	
Hartford			1								1					
New Haven								1								
Radgowski								1								
Morgan St														1		
TOTALS	1	2	4	2				3	2	1	1	1	3	4	1	3

* Facility not open.

Source of Data: Department of Correction.

Table III-5 shows the frequency of response types by security levels. As shown, the majority of the disturbances (16) occurred at Level 4 facilities. However, disturbances requiring

the most severe response occurred most often in Level 3 facilities, 6 out of the 11 in which such a response was used.

A review of the Department of Correction's report on each of the 28 disturbances found a majority (25) of the disturbances involved large groups of inmates, usually 100 to 200. One disturbance, a riot at the Carl Robinson Correctional Institution, involved about 500 inmates. Three of the disturbances involved less than 50 inmates and were generally controlled by the staff on duty at the time.

Table III-5. Frequency of Response Type by Security Level. 1990-1993.				
SECURITY LEVEL	RESPONSE #1	RESPONSE #2	RESPONSE #3	RESPONSE #4
Level 5	2	0	2	1
Level 4	6	3	3	4
Level 3	1	0	0	6
Level 2	0	0	0	0
TOTAL	9	3	5	11

Source of Data: Department of Correction.

Based on the information found in the department's reports, it generally takes several hours to regain complete control of a facility during an serious disturbance. Two disturbances in 1993, one at Somers and the other at J.B. Gates, took 16 hours to regain control. The start of a disturbance typically involves a smaller incident, such as a fight between inmates or an inmate refusing a staff order, that other inmates become involved in or use the incident as their reason to react. Most of the disturbances were found to be gang-related. Most resulted in assaults on staff and inmates, property damage, and use of weapons.

Disciplinary reports. The Department of Correction has a written code of penal discipline. The department's disciplinary policy allows for a correctional officer to issue a ticket or disciplinary report to an inmate who violates the rules or commits an infraction as listed in the penal code.

The department has a hearing process to adjudicate violations for which a ticket was issued. An inmate is allowed a departmental advocate, either custodial or treatment staff appointed by the facility's warden, at the hearing and can present evidence and witnesses. A Department of Correction hearing officer determines the guilt or innocence of the inmate and the punishment.

The program review committee analyzed the department's disciplinary report data, which cover all ticketed offenses and adjudications for January 1991 through September 1993. Unfortunately, the manner in which the data are collected and reported by the department does not allow for a direct connection between the offense and punishment. The analysis therefore deals separately with offenses and penalties.

In 1991, there were 21,873 disciplinary tickets issued by correctional staff for 26,792 offenses; in 1992, there were 20,987 tickets and 21,041 offenses; and for 1993 (January through September), there were 20,598 offenses reported on 20,565 tickets. A ticket represents one incident and can include up to six offenses related to that incident. It should be noted that each inmate involved in an incident is issued a ticket; thus several tickets can be related to a single incident. The offenses cited on the tickets ranged from misdemeanors, such as insulting language, to rioting.

Table III-6 lists the offenses most frequently reported on disciplinary tickets and shows the percentage of total offenses that is accounted for by each. The table includes data from all institutions for the period under analysis. As shown, disobeying a direct order given by correctional staff is the most frequently (18%) cited offense. Violating the provisions or rules of a program is the second most charged offense. Although these are relatively minor offenses they are problems correctional staff must deal with on a daily basis.

Table III-6. Percentage of Most Cited Offenses on Disciplinary Tickets.			
OFFENSE n = total number of offenses	1991 n = 26,792	1992 n=21,041	1993 n=20,598
Disobeying a direct order	21.3%	21.0%	20.7
Violation of program provisions	6.9%	12.2%	7.3
Possession of contraband	3.2%	7.2%	7.3
Assault	3.5%	7.4%	5.9
Treats	3.2%	6.2%	6.7
Out-of-place	3.0%	6.1%	5.0
Fighting	3.2%	4.6%	3.6
Causing a disruption	2.1%	4.1%	4.4
Insulting language/behavior	2.0%	4.0%	4.0
Source of Data: Department of Correction.			

In 1991, the program review committee studied the Department of Correction's inmate privileges and programs. As part of that study, committee staff analyzed the disciplinary reports for 1990. When comparing the two analyses, the occurrences of violent offenses, such as assault, fighting, and threats, have risen slightly. However, the citation for causing a disturbance has dropped significantly since 1990.

Table III-7 shows a breakdown by security level of all violent offenses listed in the department's penal code and the frequency of such offenses per 100 inmates. The data in the table are shown for calendar years 1991, 1992, and the first nine months of 1993. The violent offenses include such acts as assault on staff or inmate, sexual assaults, rioting, causing a disruption, fighting, and hostage-taking, as well as attempt and conspiracy charges. As shown, Level 5 experienced the highest number of violent offenses per 100 inmates during each of the three time periods shown.

In general, violent offenses accounted for approximately 30 percent of all offenses for the period covered. A trend analysis performed by the program review committee found the level of violent offenses committed inside the prisons has been consistent during this period.

In all four security levels the number of violent acts per 100 inmates was down about two percent from 1991 to 1992. However, in 1993 (January through August) there has been an increase in the ratio of violent acts per 100 inmates. Level 5 has risen from 6.3 to 11.4 acts per 100 inmates, and Level 2 institutions have gone from 1.3 to 5.2 per 100 inmates. Based on the data provided, the program review committee was unable to determine the reason for this increase.

Table III-7. Number of Violent Offenses Per 100 Inmates.			
SECURITY LEVEL	1991	1992	1993*
Level 5	8.8	6.3	11.3
Level 4	7.7	5.5	7.1
Level 3	5.7	3.9	4.3
Level 2	2.6	1.3	5.2
Total	6.8	4.7	6.8

*1993 data covering January through September.
Source of Data: Department of Correction.

Disciplinary dispositions. The Department of Correction adjudicates the disciplinary tickets through a hearing process in which the inmate may present evidence and witnesses. The guilt or innocence of the inmate is determined by a departmental hearing officer, who upon a guilty finding sets the punishment. Punishment options range from a written warning to loss of good time or transfer to a segregated housing unit. More than one penalty may be imposed for

a single offense. For example, an inmate may lose his or her good time, be transferred to a higher security level facility, and lose privileges.

Since more than one penalty may be imposed for an adjudicated offense, the number of punishments is higher than the number of offenses. In 1991, there were 26,792 offenses and 41,251 penalties were imposed; in 1992 there were 21,041 offenses and 44,053 penalties; and for the first eight months of 1993, 20,598 offenses and 48,029 penalties.

Table III-8 shows the most commonly imposed penalties. As shown, the transfer to a punitive segregation unit is the most frequently used followed by the loss of good time.

Table III-8. Most Commonly Imposed Penalties for Adjudicated Inmate Offenses.			
PENALTY	1991	1992	1993*
Transfer to Punitive Segregation Unit	8,418	9,619	10,514
Loss of Good Time	3,392	9,085	8,524
Confined to Quarters	3,142	7,090	7,545
Loss of Recreation	2,331	3,197	3,973
TOTAL	17,283	28,991	30,556
*1993 data covering January through September. Source of Data: Department of Correction.			

The four penalties listed in the table accounted for 42 percent of all penalties imposed during 1991. In 1992, the portion increased to 66 percent and, for the first nine months of 1993, the listed punishment categories accounted for 64 percent of all penalties.

Worker's compensation claims. Worker's compensation claims are another indicator of the climate inside the prisons. Accordingly, the program review committee analyzed worker's compensation data for the Department of Correction and other state agencies with population management responsibilities.

Table III-9 shows the total worker's compensation expenditures for FY 91, FY 92, and FY 93 for the Department of Correction, Department of Mental Health (DMH), Department of Mental Retardation (DMR), and all other governmental agencies. These three agencies consistently have the highest worker's compensation expenditures. Expenditures by the Department of Correction grew from 19.1 percent of the state total in FY 91 to 21.6 percent in FY 93. During the same period, the Department of Mental Health portion declined from 15.9 percent to 14.4 percent, while the Department of Mental Retardation, the leading agency for compensation expenditures, declined from 36.5 percent to 31.5 percent of the state's total.

Table III-9. Worker's Compensation Expenditures. (in \$millions)			
AGENCY	FY 91	FY 92	FY 93
Department of Correction	\$11.6	\$12.8	\$14.5
Department of Mental Health	\$9.6	\$10.1	\$9.7
Department of Mental Retardation	\$22.3	\$22.6	\$21.1
Other government agencies	\$17.4	\$20.5	\$21.8
TOTAL WC EXPENDITURES	\$61,154,600	\$66,252,734	\$67,243,384
Source of Data: Department of Administrative Services, Worker's Compensation Unit.			

Table III-10 lists the number of worker's compensation claims and the number attributable to assaults. The table shows that the number of assault related claims at the Department of Correction have risen in each of the past two fiscal years, as have those of the other two custodial agencies. However, in comparing the three agencies, assault related claims of the DOC have risen almost twice the rate of DMR, but about one-third of the DMH rate between FY 91 and FY 93. Also, of the three agencies, DOC has the lowest percent of total claims attributable to assaults.

Table III-10. Number of Worker's Compensation Claims Due to Assault.						
AGENCY	FY 91		FY 92		FY 93	
	Assault	Total	Assault	Total	Assault	Total
Department of Correction	187	607	244	1,521	364	1,460
Department of Mental Health	231	600	532	1,689	581	1,364
Department of Mental Retardation	401	1,279	629	2,209	629	2,090
Other government agencies	39	687	254	4,170	292	4,714
TOTAL	858	3,173	1,659	9,589	1,866	9,628
Source of Data: DAS Worker's Compensation Unit.						

Employee survey. The program review committee surveyed a randomly selected sample of 350 Department of Correction employees. The survey was distributed to staff ranging from line correctional officers to central office administrators, with a response rate of 32 percent.

Of the 109 respondents, 60 percent answered they felt unsafe while performing their duties. When the responses were analyzed by job classification, an overwhelming majority (85%) of responding correctional officers gave an unsafe to very unsafe rating. However, of those responding they felt unsafe, 54 percent did not find such a rating unreasonable given the nature of their work.

When asked to rate DOC policies regarding inmate management, 32 percent of the respondents gave favorable ratings while 63 percent gave unfavorable responses. The policy for staff reporting of incidents was rated the most effective (60%) of all policies listed, while the policies for risk groups (gangs) and inmate classification were rated as very ineffective by the majority of employees (both at 59%) of those responding to the survey. The staff use of force, population management, escape, and code of discipline policies were generally given fair marks with the majority of the responses given as effective to ineffective.

Committee findings. In summary, the Legislative Program Review and Investigation Committee found that although the level of violence within the state's prisons and jails varies by time period and security level, the trend is downward. The program review committee found while the actual number of inmate offenses reported dropped 23 percent from 1991 to 1993, the number of penalties imposed on inmates found guilty of an offense has increased 16 percent from 41,351 in 1991 to 48,029 in 1993. This would seem to indicate that the department is taking a tougher stand on inmate behavior.

The committee cannot state a clear-cut finding in this area because the decrease in the number of offenses reported may result from redefining certain offenses and changing the way in which offenses are reported. For example, correctional staff now issue a ticket for the most serious crime committed and then provide a detailed report of the incident. The previous policy required each offense be reported on a ticket. The result is that there are not fewer tickets written but fewer offenses reported.

The program review committee found the number of assault-related worker's compensation claims filed by Department of Correction employees increased sharply over the past three fiscal years. It should be noted that one assault on staff by an inmate is too many. However, when compared to other state agencies with custodial responsibilities, the department's compensation claims are not extreme. The committee concluded that, at the very least, forces larger than those associated solely with the Department of Correction are causing employees to suffer physical harm.

Finally, based the opinion survey of Department of Correction employees the program review committee found the majority of line staff do not feel safe working inside the prisons but

many of these employees consider the hazards to be part of the job. Employee confidence or satisfaction with the department's current policies is divided.

Departmental Initiatives

The Department of Correction has responded to the safety issue through its policies and procedures, inmate classification process, organizational changes, and in the development of special task forces. The result has been that several key policies aimed at curbing and dealing with violent inmates have been revised and the department is in the process of standardizing the emergency control plans for all facilities.

Policy development. The Department of Correction implements its policies and procedures through directives. At present there are 111 directives outlined in a manual that is divided into 10 chapters. Each chapter focuses on a specific area, such as administration, human resources, security and control, safety and emergency procedures, classification, and inmate programs and services.

In late 1988, the department began a process to review and, where necessary, revise all directives. The directives were scheduled for review based on the importance to the operation of the department, changes in law, or in response to specific situations. The commissioner is the final authority for determining the order in which areas or directives will be reviewed and when the process will start. However, the commissioner's decision is made only after consultation with his senior staff. The department's director of standards and policy is responsible for assuring the process is followed in developing and implementing directives.

Once a directive topic has been selected by the commissioner, it is assigned to the deputy commissioner or director for the specific area addressed. The project is normally assigned down through the chain-of-command to staff with expertise or training in the area under review. The staff researches statutes, national correction standards, and federal guidelines prior to preparing a draft directive.

The initial staff-prepared draft is forwarded to the policy director to be formatted and amended for conformance to the department's regulations and guidelines. The final draft is passed to a committee, comprised of the commissioner, deputy commissioners, directors, and management staff directly affected by the directive. This group of senior staff meet approximately two to four times per month. Agendas are prepared and circulated in advance of meetings. The final draft is evaluated by the group and revised as needed.

Upon completion by senior staff, the directive is field tested. As a part of the field test, it is sent to all affected staff, the appropriate labor union, the ombudsman, and may be sent to the Office of the Attorney General. The field testing takes about one month and line staff are encouraged to comment on the new directives. The director of policy compiles the comments made in reply to the test and incorporates any changes into a draft for a second review by senior staff. Normally at this review there are very few modifications made by senior staff. A final

copy of the directive is forwarded to the commissioner and deputy commissioner for the specific area addressed. Any requested changes are considered, and the directive is signed by the commissioner.

Once the signed directives are distributed throughout the department, each facility or region is responsible for drafting its own unit directives. Unit directives are based on department directives, but also include policy and procedures specific to that facility or regional office. In some instances, the unit directives are no more specific than the departmental policy and in others they are more detailed.

There is no time schedule for the policy development process. Typically, it takes three months to a year to complete. The department is currently developing a computer system to track the development of administrative directives through the process.

Under this review process, 35 new or revised directives have been signed by the commissioner and put into effect. The first two were completed in 1989; in 1990, two more were finished; 17 were finalized in 1991; 11 in 1992; and, to date, 3 have been completed in 1993. Currently, there are approximately 74 directives in the development stage or draft form.

The director of policy is also responsible for conducting annual audits of each facility's unit directives and compliance with departmental directives. The audit does not measure performance, but includes a check to ensure the facility has:

- updated administrative directives;
- developed unit directives; and
- all directives formatted correctly.

Policy changes. In response to line staff concerns for their safety and regarding violent and gang-related activity by inmates, the department amended several directives that had only recently been developed or changed as part of the initial review process. Correctional staff had expressed concerns that some of the department's policies were too lenient on aggressive or unruly behavior by inmates. In an effort to strengthen the staff's ability to deal with these inmates, the department revised the inmate penal code, inmate classification system, reporting of incidents requirements, and security risk directives. In addition, the emergency plans and radio communication directives were amended.

The revisions made to the policies reflect a shift in the department's focus and an attempt to meet line staff needs. For example, the department recently changed its policy to deal with the leaders and enforcers of the gangs within the prisons. The shift involves focusing not on managing and controlling the many infractions and violations of the disciplinary code committed by gang members, but focusing on the leaders of each gang. The new policy requires that those

who are identified as gang leaders and enforcers will be classified at the highest security level and transferred to segregated units at Garner. These inmates will not be afforded many of the privileges and opportunities offered the general population. They will have to participate in a program aimed at denouncing gang affiliation to be transferred to the general population. The department hopes this policy will create a climate within the prisons and jails that lessens the benefits to gang membership and reduces the pressure on non-involved inmates to join a gang for various reasons including physical safety.

Another change involves the inmate penal code that has upgraded the seriousness of certain offenses, including, but not limited to, gang-related acts and violent assaults against staff. The change allows the department to impose more severe punishments.

Inmate classification. The classification of inmates has been defined by the Department of Correction as the ongoing process of collecting and evaluating information about each inmate to determine their risk and need levels for use in placing them in an appropriate facility and providing access to needed programs. Classification is only one process in the assessment of an inmate. The assessment program begins with admission to the custody of the department.

The administrative directive for the department's classification process states its goals as:

- assuring the safety and well-being of the community, facility, staff, and inmate;
- recommending programs and activities according to an inmate's needs;
- developing an incarceration plan and, where appropriate, a reintegration and community release plan;
- developing, recording, and analyzing inmate data to facilitate decision-making, programming, and facility planning;
- assuring understanding of and compliance with the process by staff and inmates; and
- imposing the least restrictive conditions of confinement.

Assessment process. In November 1992, with the opening of the Walker Reception Center, the department developed and implemented a new centralized assessment and classification process. Now all males, 18 years or older, sentenced to more than two years are assessed and classified at the Walker Center. A time schedule was developed to ensure classification and facility assignment was completed within 10 business days of admission to

Walker. The process involves five units: (1) admission, processing, and discharge; (2) health services; (3) classification; (4) education services; and (5) addiction services.

Inmates are tested and reviewed in seven areas including risk, medical, mental health, sex offender status, education, addiction services, and family needs. The review process is specific and each factor or answer corresponds to a numerical value. The result is a total needs score in each area. Only the risk score is a composite of various factors, such as convicted crime, sentence length, bond set by the court, any pending charges, violence history, and potential escape.

The needs scores are on a scale from 1 for the lowest need level to 5 as the highest. An inmate is classified based on the highest score. For example, if the risk score was a 4 even if the remaining scores indicated he or she could be placed at a lower facility the inmate would be placed in a Level 4 facility.

Table III-11 summarizes the 10 days of the assessment process. As shown, an inmate will spend four days with the Classification Unit, two days each with the Addiction Services and Education Units, and one day with the Medical Unit. Two days are spent with the Admission and Processing Unit on administrative functions.

At the end of the process, the department has identified the inmate's program and treatment needs, medical needs, and the level of security required to safely manage that inmate within the prison system. The inmate is assigned to the prison that can best meet all or most of these needs. The classification data are also used in transferring inmates among facilities for population control or other reasons, such as resolution of housing problems or programming.

Presently, this classification system is only applied to the adult male population serving more than two years. Adult male inmates serving two years or less are directly admitted to the jail system. These inmates are also assessed for risk rating and scored in all seven needs areas. However, the testing is not as extensive as at the Walker facility and most of the information gathered is based on self-reporting by the inmate and a review of existing files from such sources as the department, courts, police, and medical services. For example, an inmate will only be tested for an educational proficiency level if that inmate voluntarily enrolls in school.

Within 30 days of sentencing, all risk and needs scores must be established for inmates housed in the jails. (The ten-day assessment process is unique to the Walker facility.) Because many of the inmates have been incarcerated in pre-trial status at the jails, most of the classification information has been collected. Once the inmate has been sentenced, the conviction and sentence length information is completed and the classification finalized.

It should be noted there are several reasons for the less intensive assessment system for inmates sentenced to two years or less. First, an all-out effort is considered a waste of resources since many of the inmates who have sentences short of two years will be granted early release. Second, the programming options in correctional centers are not as extensive as in prisons, thus

reducing the usefulness of very detailed needs assessments. Lastly, qualified staff to conduct the assessment are in limited supply.

Table III-11. Assessment and Classification Process.			
DAY	SERVICE UNIT	SCHEDULED ACTIVITY	SCHEDULED ASSESSMENT
One	Admission/ Processing	Admission to facility	Initial Temporary Risk Rating & Sex Offender Need
Two	Classification	Orientation to facility	
Three	Medical	Medical, dental, mental health testing	Medical, Mental Health & Sex Offender Rating Scores
Four	Addiction	Orientation & testing	Treatment plan initiated
Five	Education	Testing	
Six	Classification	Social history data collection	Final Risk Rating & Incarceration Plan
Seven	Addiction	Substance abuse education class	Addiction Services Treatment Need Score
Eight	Education	Testing	Educational/Vocational Need Rating Score
Nine	Classification	Meet with caseworker	Objective Classification Need Score & Incarceration Plan
Ten	Classification	Orientation to DOC Prepare for transfer to facility	Assessment complete
Eleven	Admission/ Processing	Transfer to assigned facility	

Source of Data: DOC Assessment Handbook, Walker Reception Center.

Female inmates, whether sentenced or pre-trial, are all classified at the Niantic Correctional Institution. The assessment and classification process is similar to that in the jails. All female inmates, pre-trial or sentenced, receive orientation usually within three business days of admission, which describes the management of the facility and available counselling and programs. The inmates then meet with an addiction services counselor, parenting counselor, and a counselor supervisor. Most of the information gathered is through self-reporting by the inmates, although some testing is done. With the opening of the York Correctional Institution in 1995, sentenced female inmates will be assessed and classified by a system similar to that followed at Walker Reception Center.

As previously noted, sentenced male inmates aged 16 to 18 are incarcerated at the Manson Youth Institution. These inmates are also assessed and classified at the Manson facility by the system in place at the jails. However, because of the age of the population, there is more

emphasis on educational testing and programming, and a focus on mental health. The same tests and needs scores are used as with the adult population.

Security Division. As described in Chapter I of this report, there is a Security Division in the department's organization. One of the division's major responsibilities is conducting investigations into serious incidents and riots within the facilities. The division's involvement in a serious incident begins with authorization from the commissioner. The security director is then part of the executive command center that monitors and supervises all response activity within the facility experiencing the disturbance. After the prison's normal operations return, the security division, when directed by the commissioner, begin investigating the causes, responses, and outcomes of the disruption.

In addition, the division conducts audits of each facility's emergency control plan for compliance with departmental policy. These audits are conducted annually and each focuses on three to five different directives.

Intelligence gathering and the dissemination of information on the inmate population and potential problems or disruptions are also part of the security division's responsibility. The division has developed a process for the identification of security risk groups (gangs) and the members of those groups. Gang activity has been the cause of some disturbances within the prison system and is an increasingly serious problem for the department. The information assists the department in controlling the movement of inmates, monitoring gang activity, and managing a facility. For example, during a disturbance or riot situation due to gang activity, gang leaders and activists can be identified and possibly controlled if the staff has sufficient information.

Emergency control. Many of the security, control, safety, and emergency procedures are new, in that they were revised or developed within the last 18 months following the process previously described. The policies cover many topics, including control of the facility and its operations; prevention methods; response procedures; investigation and intelligence gathering; and administration and management functions.

The general policy requires that the department address any emergency and maintain comprehensive departmental and facility emergency procedure manuals. These include procedures for:

- notifying the governor, state police, attorney general, National Guard, Federal Bureau of Investigation, legislators, and other support agencies;
- mobilizing departmental resources, including Correctional Emergency Response Teams (CERT), classification, transportation, and health services;
- notifying media and responding to requests;

- making a video recording of events; and
- providing services in the aftermath of the emergency to return to normal operations, including investigation.

The Department of Correction has a master emergency control plan developed to serve as a standard for the prisons and jails. In turn, each facility is required to develop its own emergency control plan with specifics for that institution's physical plant, security level, and staff. The individual facility plans are audited on a rotating basis by the department's security division for compliance with the department-wide plan.

After a review of correctional literature and nation standards, the program review committee developed a list of specific responsibilities, job descriptions, management techniques, and other issues that were deemed necessary to an effective correctional emergency control plan. The list was categorized into (1) early warning signs; (2) management philosophy; (3) specific policy; (4) staff involvement; (5) documentation and intelligence gathering; (6) other resources; (7) returning to normalcy; and (8) training. The committee then used the list as a guide in determining the adequacy of the emergency control plans for the department and each facility.

Overall, the level of detail provided varied greatly among the plans, with some facility plans simply referencing the departmental plan and others providing specifics for each job post during an emergency. The program review committee found no standardization in content or form among the facilities' plans.

Only seven of the facilities addressed the area of early warning signs within the inmate population to help staff notice changes in the climate that may result in violence or disturbances. Those plans provided nothing beyond a list of some behavior patterns or activities that may precede disruption in the normal routine of the prison. The plans did not require any formal reporting by correctional staff other than to inform a superior officer of any suspicious behavior or information.

The program review committee found the emergency control plans were seriously deficient in providing direction and information to line staff. Although most plans outlined responsibilities of the facility administration, top line staff, and other key positions within the facility during an emergency, the plans failed to address correctional officers and other staff working inside the prison. In the event of an emergency, the line staff are the first to be directly involved and therefore the first to need direction.

Additionally, the program review committee found the department has not provided an operational definition of an emergency, or under what circumstances the emergency control plan is to be invoked. The department cannot solely rely on the discretion of staff to determine when an institution should implement its emergency control resources. The emergency control policy should clearly define an emergency and situations requiring activation of the plan.

None of the emergency plans contained any specific information on returning the institution to normal operations or staff training for emergencies. Most of the policies did require fire drill training on a scheduled basis; however, no other training or drills were ordered.

The research and information reviewed by the program review committee stated that information packets or checklists for each job position within the prison should be provided with duties and responsibilities during an emergency. In addition, research has shown that use of mock disturbances or emergency situations is a good way to prepare and train staff in appropriate responses.

It should be noted the Department of Correction is currently in the process of developing a standardized emergency plan that each facility will adopt. Under this approach, the individual facilities will provide certain information specific to their physical plant, staffing levels, and inmate population. However, the master plan will provide all necessary duties and responsibilities to manage and control an emergency situation that will be followed throughout the department. The plan has not yet been formalized or signed by the commissioner. **The Legislative Program Review and Investigations Committee recommended that this plan:**

- **define an emergency in practical terms and identify the facility staff authorized to declare an emergency;**
- **provide criteria for initiating the plan;**
- **provide detailed instructions and responsibilities for all job positions, especially line staff.**

The program review committee further recommended that the Department of Correction develop a emergency control training program through the use of mock disturbances. These mock disturbance training exercises are similar to the existing fire drills in that staff must act as if the situation were in fact occurring.

CHAPTER IV

LABOR-MANAGEMENT ISSUES

There are nine separate collective bargaining units within the Department of Correction. Table IV-1 lists each unit, its bargaining agent, the approximate number of employees represented, and the date when its agreement with the state ends. As shown in the table, the largest single unit is the correction officers. For this reason, and because correction officers carry out the core function performed by the department, the focus of labor-management relations in this study will be on this group.

Table IV-1. Collective Bargaining Units Within Department of Correction.			
UNIT	BARGAINING AGENT	NUMBER OF EMPLOYEES	TERMINATION OF AGREEMENT
Administrative (P-5)	Admin. & Residual Employees Union	72	6/30/93 under 1 YR extension
Clerical (NP-3)	American Federation of State, County & Municipal Employees (AFSCME)	354	6/30/91 under 3 YR extension
Correctional (NP-4)	AFSCME	3,796	6/30/94
Engineering & Scientific (P-4)	Ct. State Employees Assoc. (CSEA)	12	6/30/95
Institution Educators (P-3B)	CSEA	157	6/30/91 - extended thru interest arbitration
Maintenance (NP-2)	Ct. Employees Union Independent (CEUI)	14	6/30/94
Para-Prof. Health (NP-6)	New England Health Care Employees Union (NEHCEU)	99	6/30/92 under 2 YR extension
Prof. Health (P-1)	NEHCEU	232	6/30/90 - extended thru interest arbitration
Social Services (P-2)	CSEA	2	6/30/95

Source of Data: Department of Correction.

Collective bargaining process. Collective bargaining for state employees is allowed under law (P.A. 75-566). The State Labor Relations Board oversees the process, including: determining state employee bargaining units; designating employee organizations as exclusive bargaining representatives for those units; holding elections when necessary to determine which organization represents a unit; and investigating prohibited practice complaints.

Mandatory subjects of collective bargaining include wages, hours, and other conditions of employment. Other subjects may be bargained only if the two parties agree. Bargaining must be statewide unless the issues involve working conditions peculiar to a given governmental locale. Common issues, such as pensions, health, and welfare benefits, may be bargained by a coalition committee representing various state employee organizations.

State employees are not permitted to strike, and must utilize a prescribed mediation system to assist in negotiations. If an impasse is reached, one or both parties may initiate binding arbitration. Arbitration may also be used to resolve disagreements over the interpretation of a collective bargaining agreement. The process allows state arbitration awards to be rejected by a two-thirds vote of the General Assembly on the grounds of insufficient funds. The General Assembly can approve or reject, within a mandated timeframe, a proposed contract; however, it can not amend the contract.

Labor-Management Issues

The program review committee interviewed the commissioner of the Department of Correction and representatives from AFSCME in an attempt to identify the major labor-management issues confronting the department. Based on the interviews, it appears the issues focus primarily on the health and safety of correctional officers, labor's role in the department's policy-making process, and communication between administrators and line staff.

While both management and labor agreed that the safety and health of correctional officers should be a primary objective of the department, there was a fundamental difference over whether management policies promote or detract from the objective. The conflict is symbolized in a dispute over the use of inmate programs and privileges. The position taken by labor representatives is that too much emphasis is placed on using positive incentives to maintain control within a prison. Union leaders indicated that there is a standard of behavior expected from inmates and that it should not be rewarded when reached; rather, the emphasis should be on disincentives for not maintaining an acceptable standard of conduct. One result of the conflict is a perception, among the union leadership, that the department's top management cares more for the well-being of inmates than that of the line staff.

The second major issue identified by both the commissioner and labor leaders involves the development of policy for the department. The basic difference is that labor wants a clearly defined role in the department's policy-making process and recognition of its contributions. The commissioner believes he is constrained by the collective bargaining process from consenting to the union's demands in this area. He believes that if he formally involves union representatives in policy issues the matters may become subject to the collective bargaining process. The commissioner considers all policy decisions to be the sole responsibility of the department's management.

A third issue apparent from the interviews is strained communications between the parties. There appears to be an intense feeling of misunderstanding and mistrust between management and labor.

Labor Relations Indicators

The program review committee analyzed data from the survey of Department of Correction employees and staff grievance statistics from the Department of Administrative Services' Office of Labor Relations (OLR) as indicators of the relationship between labor and management.

Employee survey. As noted above, the program review committee surveyed Department of Correction employees asking them to rate the department's performance in several areas, including meeting employee needs, achieving its mission, and staff morale. Overall, the survey results indicated employees are not satisfied with the administration. Line staff, such as correction officers, counselors, and health care workers, in general, gave the department lower ratings than did those in a management position (ranking officers and administrators). However, almost all employees (84%) responded that the morale within the department is very low.

Over half of the survey respondents (54%) rated the department's new regional administrators as poor in every category. Interestingly, the survey responses indicated that most staff (85%) had never actually met the regional administrator. The central office administration received similarly poor ratings. Facility administrators were given more positive ratings by the survey respondents. More than half (65%) considered their facility administrator as more successful in meeting staff needs.

When asked to rate the department's performance in meeting its mission statement, 55 percent of the respondents considered the department successful in protecting citizens by providing fair, humane, safe, and secure care to inmates. However, 80 percent rated the department as unsuccessful in its mission to intervene to reduce the likelihood of recidivism and criminality of inmates.

Survey respondents considered the morale at their work site to be better than that of the department as a whole. However, morale was rated very low in both categories. At the work site, 69 percent of the respondents rated morale as poor with the number increasing to an 84 percent poor rating for morale within the department.

When the work site responses were analyzed by job title, administrators and ranking officers gave much higher marks (91% rated excellent/good) than line staff, which gave the very low ratings (93% rated poor). The differences among the job classes did not appear in the responses to rating the morale within the department as whole is low.

Employee grievances. The Department of Administrative Services' Office of Labor Relations provided data on the types and number of grievances filed by Department of

Correction staff as well as the dispositions of the complaints. The process through which a staff grievance is disposed begins at the departmental level: Step 1 at the facility level and Step 2 at the administration level. Steps 3 and 4, which involve a hearing and arbitration respectively, are handled by the Department of Administrative Services' Office of Labor Relations. An employee with a filed grievance may appeal through the four steps to an arbitration hearing. This analysis will deal only with the disposition at Steps 3 and 4 because the Department of Correction does not collect or report any data on staff grievances or Step 1 and Step 2 decisions.

A grievance may be filed based on a contract interpretation; disciplinary action against staff such as a written warning; a suspension or dismissal of an employee resulting from a disciplinary action; or for other reasons such as layoff or reclassification of job title. Table IV-2 compares the Department of Correction to three other agencies with the highest number of filed staff grievances: Department of Mental Health (DMH); Department of Mental Retardation (DMR); and Department of Transportation (DOT). The data are analyzed based on an average over five fiscal years and by frequency per 100 employees. The data cover FY 89 through FY 93.

Table IV-2. Comparison Staff Grievances Filed Against DOC and Other State Agencies. (per 100 employees) Average Over Five Fiscal Years. FY 89 - FY 93.					
Agency	Contract Interpretation	Disciplinary	Suspension/ Dismissal	Other	Total # of Grievances
DOC	2.1	1.1	2.3	0.3	6.0
DMH	1.9	0.2	0.5	0.6	3.2
DMR	2.7	0.5	1.7	1.9	6.8
DOT	3.3	1.2	2.1	2.9	9.6
Total Number of Grievances	2,230	655	1,489	1,276	5,653
The average number of filled positions over the 5 years covered by the data was used in calculating the numbers appearing in the table. Source of Data: DAS Office of Labor Relations.					

As shown, the Department of Transportation has the most staff grievances (9.6 per 100 employees) filed for the period under analysis, followed by Department of Mental Retardation (6.8). The Department of Correction had 6.0 staff grievances filed for every 100 employees with Office of Labor Relations. However, the Department of Correction has the highest number (3.6 per 100 employees) of all grievances filed for disciplinary action against staff, which includes the categories of disciplinary and suspension/ dismissal.

Table IV-3 shows the number of grievances filed by type and employee class within the Department of Correction during FY 89 through FY 93. Since correctional officers represent are the single largest group of the DOC employees (approximately 60%), statistics on this group

were differentiated from all other DOC employees. As shown, 87 percent of all grievances filed, during the four fiscal years, were by correction officers.

Table IV-3. Staff Grievance Comparison Between DOC Bargaining Units. FY 89- FY 93.			
Type of Grievance	Correction Officer Bargaining Unit	All Other Bargaining Units	Total
Disciplinary	289	11	300
Suspension/Dismissal	588	32	620
Contract Interpretation	420	101	521
Other	31	46	77
Total	1,328	190	1,518

Source of Data: Office of Labor Relations

The data in the disciplinary and suspension/dismissal categories can be combined and analyzed because both resulted in a filed grievance for a disciplinary action against an employee. As shown in the table, over half (58%) of all grievances filed by Department of Correction employees were based on disciplinary action taken against a correctional officer. However, a trend analysis, as represented in Figure IV-1, shows that the disciplinary grievances filed by the correctional officers has been declining since FY 89.

As previously noted, the resolution process for grievances not settled at the departmental level involves a hearing (Step 3) and arbitration (Step 4) both of which are handled by the Office of Labor Relations. In analyzing the disposition data provided by the Office of Labor Relations, it is important to note that the written decisions are interpreted by OLR staff in reporting statistics, and most are interpreted in favor of the state.

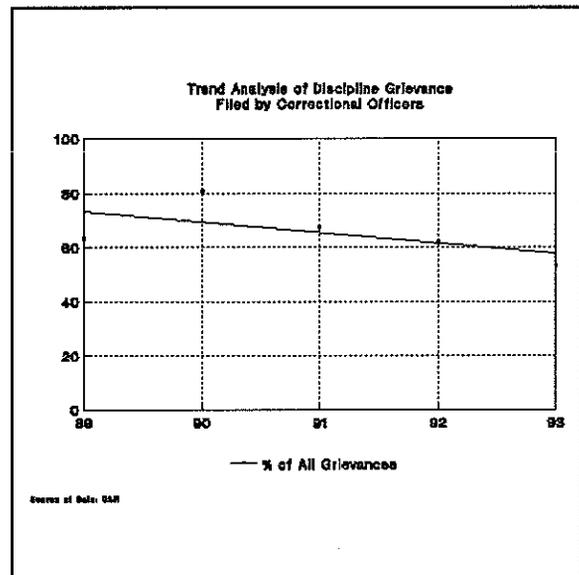


Table IV-4 shows the type of dispositions at Step 3 hearings from FY 89 through FY 93 for all Department of Correction grievances. The majority (66%) of the cases were decided in favor of the state (66%), that is, upholding the action taken by the Department of Correction

against an employee. Whereas, the action was overruled and found in favor of the employee in 7 percent of the cases and 15 percent resulted in a settlement or split decision.

Table IV-4. Step 3 Dispositions for DOC Grievances. FY 89 - FY 93.					
Fiscal Year	In Favor Of Employee	In Favor of State	Settle/Split	Referred to Arbitration	Other
FY 89	7	87	24	1	31
FY 90	9	72	47	0	30
FY 91	9	90	17	10	0
FY 92	17	94	9	0	3
FY 93	8	96	2	0	5
TOTAL	50	439	99	11	69
Source of Data: Office of Labor Relations					

Arbitration was the dispositional alternative in approximately 2 percent of the Step 3 cases. A complaint may be referred by a Step 3 hearing officer or an employee may appeal a previous Step 3 decision. The Office of Labor Relations acknowledged the current arbitration process is lengthy; in fact the docket is several years behind. Therefore, the actual number of final decisions is low but there are many more cases waiting to be heard or to have a final decision rendered. Table IV-5 shows the number of dispositions for arbitration cases involving Department of Correction grievances for FY 89 through FY 93.

Table IV-5. Arbitration Dispositions for DOC Grievances.			
Fiscal Year	Employee	State	Settle/Split
FY 89	1	9	3
FY 90	1	2	1
FY 91	1	8	6
FY 92	1	12	6
FY 93	0	2	1
TOTAL	4	33	17
Source of Data: Office of Labor Relations			

During the five fiscal years, only 54 grievances were resolved through arbitration of which 33 were found in favor of the state, or Department of Correction. Seventeen were settled or received a split decision. In only four cases did the arbitrator find in favor of the employee and reverse the action taken by the Department of Correction against that employee.

In summary, although there has been a decline in the total number of grievances filed since FY 89, the department has continued to be one of the agencies with the most staff grievances. Also, the department continues to have the highest number of grievances based on a disciplinary action taken against an employee. The program review committee believed that both of these findings were indicative of the poor relationship between employees and the department's administration.

Inmate privileges. In its 1992 report on the Department of Correction Inmate Privileges and Programs, the Legislative Program Review and Investigations Committee found the type of privileges granted to inmates by the department are standard among correction systems throughout the country.⁵ This finding is supported by a 1992 survey conducted by the Department of Correction on the types of privileges and practices used to manage the inmate populations by correctional administrators in other states. The survey was sent to the commissioners of the 50 correction departments or systems throughout the country and 48 states responded.

The survey identified 124 privileges and practices used as incentives to promote positive inmate behavior. The privileges ranged from recreational events such as movies and concerts to the free choice of food items in the cafeteria and on up to furloughs. Some of the practices included amenities such as table clothes, curtains, and landscaping to create a positive atmosphere within the prisons for staff, inmates, and visitors.

Of the 124 items listed in the survey, the Department of Correction employs 100 (81%) to manage its inmate population. The survey results as compiled by the department are included in Appendix B.

Department of Correction Initiatives

The initiatives taken by the Department of Correction to improve its labor-management relations and to address staff concerns have included policy and procedural changes; forming employee safety committees; and implementing a series of commissioner led informational forums at all of the department's facilities. It appeared to the program review committee that many of these attempts fell far short of satisfying labor. A summary of the department's initiatives follows.

⁵ Connecticut General Assembly, Legislative Program Review and Investigations Committee, Department of Correction: Inmate Privileges and Programs (January 1992), p. 43.

Safety committees. During 1993, the Department of Correction created eight employee task forces, each charged with a separate study topic, such as employee safety, prison violence, and aspects of staff supervision. The committees were comprised of volunteer employees, including line staff, supervisors, and administrators. Each committee was overseen by an advisory committee of a deputy commissioner and upper-level managers.

The problem with the safety committees from the labor perspective is that line staff represented only 33 percent of the membership. The percentage of line staff was even less on those committees charged with studying employee safety and inmate violence issues. In addition, labor representatives indicated that many of the line staff were not officially recognized labor spokespersons.

Informational sessions. As part of the initiative to improve the staff and management relationship, the commissioner began a series of informal question and answer sessions for staff. The meetings were generally held at a facility and attendance was not required. The department reported that these meetings were poorly attended and discussions were unsuccessful. Labor representatives noted that the meetings were held during shift changes or at such other times during the day as to make attendance by correctional officers impossible.

Policy changes. The Department of Correction has made numerous policy revisions during the past three years. Many of these changes have addressed concerns voiced by labor representatives, such as revisions to the inmate penal code, inmate classification, population management, and escape policy (see Chapter III). These are an area where there has been some indication from labor that the changes have been positive.

This is particularly the case with respect to the department strengthening its position on controlling negative inmate behavior. Policy changes initiated here resulted in procedures to identify and segregate gang leaders; reclassify inmates who continually act violent or are found guilty of a penal code offense; and punish as well as prosecute inmates who assault staff.

Overall, however, the program review committee found a serious rift exists between labor and management within the department, and that it is a protracted problem. The issues are long-standing, as the following excerpts from the minutes of labor-management meetings will demonstrate.

- "... we find that though disciplinary measures were tightened up for a while after the riot, and successfully so, they have and are being relaxed to such an extent that every disciplinary action taken by the officers is rejected and conditions are continually getting worse." May 27, 1960.
- "Inmates are running all over and there is no control..." July 8, 1970.

- "The question of segregation of leaders was discussed and boiled down to two items: a maximum security institution within the institution; and a meaningful segregation, the contention being that present segregation was not meaningful deterrent." May 25, 1972.
- "It seems that everybody is telling the officers what to do.... Direct supervision is lacking..." May 27, 1960.
- "Morale is very low..." July 8, 1970.
- "...recent series of newspaper articles have not done anything to enhance the image of the correction officer... He (the commissioner) expressed disappointment that he could not meet with a group of employees without having another group make an issue out of the matter. If this continues..., he will be reluctant to meet with employees." January 24, 1972
- "... the administration should do everything in its power to bring officer morale up to where it used to be and not try to save face at the officers' expense." May 27, 1960.
- "Many feel it (employees rule book) reduces the men (correctional officers)... from second class citizens to fifth class citizens." May 27, 1960.

The program review committee believed the problems between labor and management within the Department of Correction have existed long enough. Both sides must recognize they are contributing to the problem and resolve to seek a solution. **Therefore, the Legislative Program Review and Investigation Committee recommended the Department of Correction seek an impartial labor relations consultant to develop a process through which labor and management can resolve their noncollective bargaining issues. The department shall submit a statement outlining the final resolution plan to the Labor and Public Employee Committee and any other committee having cognizance of this matter by January 1, 1995.**

As previously noted in Chapter II, the state has made an extreme investment in the Department of Correction's new construction and prison expansion projects, almost \$650 million dollars. In addition, the increasing number of employees needed to staff the department's facilities has added to the growth in its budget, which is over \$350 million in FY 94. The program review committee believed it is in the best interest of all parties that the state's investment in the correction system be protected. The hiring of a labor relations consultant to resolve the labor and management conflict within the department will be only a fraction of the costs currently spent.

The department must promote cooperation between labor and management as well as mutual problem solving in not only collective bargaining agreements but for other labor issues and situations. Therefore, the committee encourages the Department of Correction to employ a labor relations consultant that is experienced and knowledgeable in dispute resolution procedures other than the existing collective bargaining process.

Before proceeding, the Department of Correction and labor representatives should consider meeting with representatives of the Connecticut Institute of Municipal Studies (CIMS), which is a non-profit corporation created in 1992 by the General Assembly. The institute has reviewed procedures and systems that allow for employee participation in the decision-making process in government administration and should be able to help formulate a strategy for complying with this recommendation. Another source of advice that could be tapped is the Labor Education Center at the University of Connecticut.

CHAPTER V

COMMUNITY NOTIFICATION

Department of Correction policy allows for a notification system to be implemented to alert communities to potentially dangerous or otherwise noteworthy incidents inside the facilities if the system is agreed to by the affected community. In addition, the department must maintain notification systems with local and state law enforcement, public officials, legislators, rescue agencies, and other designated persons or agencies.

Also, based on legislation passed in the 1993 session (P.A. 93-219), the Department of Correction is required to establish a public safety committee in each town hosting a correctional facility. The committees are to be comprised of the institution's warden or administrator and representatives appointed by the town's chief elected official. The committees are to meet at least quarterly to examine prison safety and security issues, including a community notification system.

Notification systems. Table V-1 describes the basic community notification systems currently in place at each prison and jail. As the table shows, eight facilities utilize a beeper or pager system either operated by the Department of Correction or a local agency. Those facilities with a department-operated system are Enfield, Carl Robinson, Somers, Webster, and Willard. After notification by the administration of Garner, Walker Reception Center and Special Management Unit, and Western Substance Abuse Treatment Unit, the local police department activate their beeper systems. Some facilities utilize more than one type of notification system.

There are six facilities that rely on telephone tree systems to notify communities of a disturbance, riot, or escape. Under this system, officials at the facility are required to notify specified community members who, in turn, contact several others who are also required to telephone more members. Brooklyn and Northeast operate automated calling systems. The Northeast facility requires community residents to request their telephone numbers be placed in the system. Usually, a local community group, such as a prison advisory committee or neighborhood watch program, organize the calling trees. In some areas, specified members in the community are initially contacted to begin the process.

The remaining 11 facilities do not have an organized community notification system. The facilities do contact local officials, law enforcement agencies, or other community groups. The impetus for contacting residents is with the officials or community action groups.

Community relations. Prior to the 1993 legislation, the public, particularly those hosting a prison, had expressed dissatisfaction with the department's community relations policies. Departmental policy did allow for a notification system to be implemented to alert communities to potentially dangerous or otherwise noteworthy incidents occurring within or outside the facilities. However, development and implementation of such systems was not a

Table V-1. Community Notification Systems at Correctional Facilities.

FACILITY	COMMUNITY NOTIFICATION SYSTEM
Bridgeport CC	Contact state and local police departments.
Brooklyn CC	Telecorp System 606- automatic phone system- notifies local officials & residents.
Cheshire CC	Local officials contacted. Resident telephone tree system initiated by Local Prison Advisory Committee.
Enfield CI	SNET Emergency Pager System (ALERT) notifies several community members who have beepers. Local law enforcement, businesses, WPKX radio station, and several community members contacted by telephone which activates a telephone tree system.
Garner CI	Prison control center dedicated 3 lines for emergency use to contact state police, Fairfield Hill Hospital Fire Dept. and Newtown Police Dept. Local agencies activate beeper system.
Gates CI	Contact First Selectman and Emergency Control Center of East Lyme.
Hartford CC	Contact Post Office.
Hartell DWI	Contact Windsor Locks Police Dept. and First Selectman.
Maloney CI	Contact police chief, state representatives, and designated member of Prison Advisory Committee.
Manson YI	Only if escape occurs, police chief, state representatives, and representative of Prison Advisory committee are contacted.
Morgan St. DC	Contact local officials, companies, and security units in area.
New Haven CC	Contact New Haven Police Dept. and state police, Whalley Avenue Special Services District, and New Haven Coalition for People.
Niantic CI	Contact state police, First Selectman, and Emergency Communications Center. Emergency Communications Center contacts 5 community members who initiate telephone tree system through the Neighborhood Watch Program. Also, contact schools if in session.
Northeast CC	Contact local officials, town manager, chair of Town-Prison Liaison Committee, and local residents who placed their telephone number in an auto-dialer system to receive an automated telephone message.
Radgowski CC	Contact mayor, local and state police.
Robinson CI	SNET Emergency Pager System (ALERT) notifies community members with beepers. Contact law enforcement agencies, businesses, WPKX radio station, and specified residents who activate telephone tree system.
Somers CI	SNET Emergency Pager System (ALERT) notifies community members with beepers. Contact law enforcement agencies, businesses, WPKX radio station, and specified residents who activate telephone tree system.
Walker RC/SMU	Contact Suffield and Windsor Locks Police Departments which activates their beeper systems, and local officials.
Webster CI	Beeper notification system contacts Cheshire Police Dept., state police, Prison Advisory Committee liaison, state representative and senator.
Western SATU	Contact Newtown Police Dept. and Fairfield Hills Hospital. Newtown Police Dept. notifies residents through its beeper system.
Willard CI	SNET Emergency Pager System (ALERT) notifies community members with beepers. Contact law enforcement agencies, businesses, WPKX radio station, and specified residents who activate telephone tree system.

Source of Data: Department of Correction.

departmental priority. Over time, systems were developed and implemented in conjunction with the local communities for notifying, during emergency situations, local and state law enforcement, public officials, legislators, rescue agencies, and other designated persons or agencies. However, there were no standards or process to develop a notification system, nor was the department required to take part in community meetings.

There is heightened awareness among host communities and neighboring towns of the disruptive activity within prison facilities. New construction and expansion projects and increased media attention on escapes and prison violence has spotlighted the effects of correctional management on local communities. The communities have expressed fear of escapes and increased criminal activity by escapees; anger about the locations and expansion of correctional facilities; lack of protective fencing and alarm systems; frustration over the department's reluctance to provide accurate details of situations or projects and its perceived lack of concern for community issues; and apprehension over potential dangerous situations that may not be reported as a result of the tenuous relationship between the communities and department.

Community survey. In an effort to gauge the opinion of community leaders, the program review committee conducted a survey of 118 state legislators, local elected officials, local law enforcement officials, and members of community activist groups from 41 cities and towns. Forty-three percent of those surveyed responded; of those, 59 percent were from towns hosting a prison facility and 41 percent from neighboring towns.

Of the 23 that have an existing notification system, 17 were satisfied with the system, and 12 others were involved with the department in development of a system. Of all the state legislators that responded less than half (45%) were satisfied with the notification system in their area as opposed to the local elected officials who were overwhelmingly either very satisfied or satisfied (88%). All of the local law enforcement respondents were satisfied with the system as were the community group members.

When asked if the community notification system has been used in the past six months, 56 percent (15) said it had. The majority of the respondents stated the department uses the system appropriately, and only 10 stated they knew of an incident in which the system should have been used but was not.

Finally, respondents were asked to identify the types of incidents they want to be informed of through the use of a notification system. The majority (90%) listed escapes as their priority followed by a riot or disturbance situation within a facility requiring assistance from outside agencies, such a state or local police. A low percentage wanted to be notified of riots or disturbances totally contained within a facility and a prison lockdown status.

Although the survey results are mixed, testimony provided by residents of Newtown, host of the Garner facility, at a Legislative Program Review and Investigation Committee public hearing, indicated the community feels uninformed and considers the prison to be risk to their community. Similar opinion has been expressed through the media by residents of Cheshire.

Committee Findings

There is a perception among at least some residents of the community hosting a correctional facility that the Department of Correction, especially the commissioner, is insensitive to their concerns. The department's response to the community is usually a defensive and guarded one. The program review committee believed the department fails to adequately address community perception and places too low a priority on its working relationship with the local communities.

As part of its mandate, the Department of Correction must protect the state's citizens. If the presence of the department in a community causes fear and distrust, it is part of the responsibility of the commissioner to educate the citizens by providing honest and accurate information.

The Legislative Program Review and Investigations Committee recommended the Department of Correction develop policy and procedures for ensuring community relations is a high priority within the department. The policy shall provide for community education programs and forums to address community concerns.

The program review committee further recommended the Department of Correction standardize its community notification process into a policy. The policy shall: (1) identify the situations or incidents that would invoke the notification system; (2) outline a process for testing the system; (3) require a periodic review of the system that includes community safety committee input; and (4) outline the steps to be taken in community notification. The department shall consult with the local safety committees, as set out in P.A. 93-219, to address concerns specific to each town.

CHAPTER VI

COMPLIANCE WITH THOMAS COMMISSION REPORT

During 1990, the Commission to Study the Management of State Government (Thomas Commission) approved a study of the Department of Correction. The review focused on the department's operations, concentrating on the potential for program improvements, cost savings, and enhanced non-tax revenue. The report, issued in January 1991, contained 33 recommendations covering 11 program areas. Four of the recommendations required legislative action to be implemented and the remaining 29 called for administrative action.

The Legislative Program Review and Investigations Committee included as part of its study of the Department of Correction an assessment of the state's compliance with the recommendations made in the Thomas Commission report. Compliance was determined through a survey of the DOC.

In summary, none of the four legislative recommendations were acted upon favorably by the General Assembly. Of the 29 administrative recommendations, the department stated that 10 had been implemented and that an additional 11 were in the process of being put in place. The department indicated that it planned to adopt four others in the future.

The department's response stated that neither the recommendation to expand contracting for on-site food service or renegotiation of contracts with telephone companies would be implemented. Two recommendations, maintaining an average time served limit and assessing the impact of parole legislation, were not addressed by the department in its response. Appendix C of this report contains a complete copy of the survey, the details of the recommendations, and the department's responses.

APPENDIX A
EMERGENCY RELEASE LEGISLATION
IN OTHER STATES

Table A-1. States That Have Enacted Emergency Early Release Legislation.

STATE	CONDITION TO RELEASE	RELEASE AUTHORITY	ACTION TAKEN
Connecticut	Inmate population exceeds 110% capacity for 30 consecutive days	Commissioner of Corrections notifies statutory commission that declares emergency	Modification of inmate sentences based on statutory criteria.
Florida F.S. 944.022	Population exceeds 98% of lawful capacity	Secretary of DOC when Governor verifies emergency	Sentences of all inmates eligible to earn gain time are reduced by 30 days in 5 day increments to reach 97% of capacity. If condition persists 15 days after credit of gain-time specified, inmates with sentences of 3 years or less can be released on the authority of the secretary of the department and Parole and Probation Commission.
Georgia GCA 42-9-60	Overcrowding for 30 consecutive days as determined by DOC	DOC notifies Governor, who declares emergency	State Board of Pardons and Paroles selects inmates for early parole until population is reduced to 100% of capacity.
Iowa S.P. 532	Population exceeds 2,620 inmates for 45 days	Commissioner of Social Services	Upon declaration of emergency, Board of Parole will consider all prisoners, except Class A felons, who are within 9 months of parole date, for early parole. If population is still above 2,620 inmates after 90 days, property offender time is reduced by 90 days.
Michigan MCLA 800.71	Population exceeds rated capacity for 30 consecutive days	Corrections Commissioner certifies condition to Governor, who declares emergency	All established minimum sentences are reduced by 90 days, creating a group of parole eligible inmates to be reviewed by the Parole Board to reduce population to 95% of capacity. If 95% of capacity is not achieved, sentences are again reduced by 90 days to increase the number of parole eligible persons.
New Jersey NJGS 030:4-123.72	Population exceeds total operational capacity	Commissioner of Corrections	Commissioner requests Governor to declare emergency and orders acceleration of parole release dates up to 90 days for those already certified for parole except 1- or 2- felons, those with aggregated terms, and those with life sentences.
North Carolina NCGS 148-4.1	Secretary of Corrections determines need to reduce population to a manageable level	Secretary of Corrections instructs Parole Commission	Offenders are made eligible for parole 6 months prior to previous discharge date. The Parole Commission can also release and terminate supervision.
Ohio OGS 2987.18	Population exceeds capacity set by department	Director of DOC notifies Governor who must act within 30 days	Offenders made eligible for early parole on priority lists; i.e. first priority given to misdemeanor offenders, second given to 4-felons. No 1- or 2- felons are eligible.

Table A-1. States That Have Enacted Emergency Early Release Legislation

STATE	CONDITION TO RELEASE	RELEASE AUTHORITY	ACTION TAKEN
Oklahoma 1084	Population exceeds maximum capacity as determined by Director of DOC	Director of DOC	Pardon and Parole Board considers nonviolent offenders for a 8 month advance of discharge date or prisons can refuse to accept transfers from local jails.
Oregon ORS Chap. 421	Population exceeds total legislatively budgeted capacity by 3%	Assistant Director of Corrections notifies Governor who declares emergency	Governor orders parole and discharge dates be advanced by a number of days calculated to cause a reduction in population by early release within 30 days to a level 3% below legislatively budgeted capacity. This applies to all prisoners who have release dates. If condition still exists then repeat after 30 days.
South Carolina SCS 24-3-1110	Population exceeds operating capacity for 30 days	Board of Corrections notifies Governor who declares emergency	Governor orders release dates advanced 30-90 days (order specifies number of days). If still overcrowded after 60 days an additional 30-90 days are advanced.
Tennessee 41-1-301	Population exceeds 95% if design capacity for 60 days	Corrections Commissioner certifies condition and notifies Governor	Governor notifies Board of Paroles who establishes criteria for early release up to 6 months.
Texas TGS Title 100 Art. 61846	Population exceeds 95% of capacity	Director of DOC notifies Governor who declares an emergency	Trusty or Class 1 offenders made eligible for 30 days early release. If situation still exists following 30 days than parole dates of trusty and Class 1 offenders advances by 30 days and if still exists after 60 days parole dates advances another 30 days.
Washington 944.100	Population exceeds maximum capacity	Governor declares emergency	Governor: 1) Calls Sentence Guidelines Commission into emergency meeting to re-evaluate sentence ranges; or 2) calls Board of Prison Terms and Paroles into emergency meeting (if before 7/1/88) to evaluate its guidelines and procedures; or 3) call the Clemency and Paroles Board into emergency meeting for purpose of recommending Governor's power to commute and pardon be used.
Wisconsin (no legislation)	Population exceeds DOC designated capacity	DOC notifies Secretary of Health and Social Services who declares emergency	DOC advances release up to 135 days prior to scheduled release for non-violent, non-dug offenders.

Source of Data: National Conference of State Legislatures (NCSL)

APPENDIX B
RESULTS OF DOC PRIVILEGES SURVEY

CORRECTIONAL ACTIVITIES AND PRACTICES SURVEY
 FACILITY SECURITY LEVEL
 LOW 39 STATES HIGH 39 STATES MED 40 STATES ANY LEVEL RESPONSE % STATES

 QUESTION *****

8. Establish formalized facility audit and inspection systems (i.e. security, sanitation, safety, etc.).

YES	X	NO	X	NOANS	X	PARTLY	X	YES	X	NO	X	NOANS	X	PARTLY	X	YES	X	NO	X	NOANS	X	PARTLY	X	36	90.00%
35	89.74%	4	10.26%					36	90.00%	4	10.00%					34	87.18%	5	12.82%						

9. Set up a system so that designated administrators and managers (i.e. Deputy Wardens, shift supervisors, department heads) are visible in all areas of the facility daily.

YES	X	NO	X	NOANS	X	PARTLY	X	YES	X	NO	X	NOANS	X	PARTLY	X	32	82.05%	7	17.95%					33	82.50%
32	82.05%	7	17.95%					33	82.50%	7	17.50%					32	82.05%	7	17.95%						

10. Place counselor offices in housing units.

YES	X	NO	X	NOANS	X	PARTLY	X	YES	X	NO	X	NOANS	X	PARTLY	X	32	82.05%	7	17.95%					37	92.50%
32	82.05%	7	17.95%					34	85.00%	6	15.00%					32	82.05%	7	17.95%						

11. Establish days of the week when Warden, Deputy Warden, and other top administrators are present in the dining hall for the entire meal.

YES	X	NO	X	NOANS	X	PARTLY	X	YES	X	NO	X	NOANS	X	PARTLY	X	17	43.59%	22	56.41%					20	50.00%
17	43.59%	22	56.41%					16	40.00%	24	60.00%					17	43.59%	22	56.41%						

12. Have Warden conduct a formalized facility walk through inspection at least once a week.

YES	X	NO	X	NOANS	X	PARTLY	X	YES	X	NO	X	NOANS	X	PARTLY	X	21	53.85%	17	43.59%					23	57.50%
21	53.85%	17	43.59%					20	50.00%	19	47.50%					19	48.72%	19	48.72%						

13. Normalize building interiors through creative decorating (i.e. bright colors, wall designs, positive pictures or sayings, plants, curtains, attractive signage, floor tile patterns, wall murals).

YES	X	NO	X	NOANS	X	PARTLY	X	YES	X	NO	X	NOANS	X	PARTLY	X	25	64.10%	13	33.33%	1	2.56%			30	75.00%
25	64.10%	13	33.33%	1	2.56%			30	75.00%	9	22.50%	1	2.50%			27	69.23%	11	28.21%	1	2.56%				
22	56.41%	16	41.03%	1	2.56%			25	62.50%	14	35.00%	1	2.50%			20	51.28%	17	43.59%	2	5.13%			27	67.50%
27	69.23%	12	30.77%					26	65.00%	14	35.00%					24	61.54%	13	33.33%	2	5.13%			31	77.50%
26	66.67%	13	33.33%					24	60.00%	16	40.00%					22	56.41%	17	43.59%					30	75.00%
21	53.85%	18	46.15%					19	47.50%	21	52.50%					15	38.46%	24	61.54%					24	60.00%
25	64.10%	13	33.33%	1	2.56%			24	60.00%	16	40.00%					23	58.97%	15	38.46%	1	2.56%			28	70.00%
16	41.03%	23	58.97%					15	37.50%	25	62.50%					14	35.90%	24	61.54%	1	2.56%			17	42.50%
24	61.54%	15	38.46%					18	45.00%	12	30.00%					23	58.97%	15	38.46%	1	2.56%			30	75.00%

14. Develop a Unit of the Month Award based on sanitation, number of D/R's, etc. and provide winners with special meal activity or privilege.

YES	X	NO	X	NOANS	X	PARTLY	X	YES	X	NO	X	NOANS	X	PARTLY	X	8	20.51%	29	74.56%					13	32.50%
8	20.51%	29	74.56%					11	27.50%	27	67.50%					6	15.38%	31	79.49%						
								2	5.00%	2	5.00%					2	5.00%	2	5.13%						

15. Establish an inmate newspaper.

YES	X	NO	X	NOANS	X	PARTLY	X	YES	X	NO	X	NOANS	X	PARTLY	X	21	53.85%	16	41.03%					27	67.50%
21	53.85%	16	41.03%					23	57.50%	16	40.00%					23	58.97%	15	38.46%						
								2	5.13%	2	5.00%					1	2.50%	1	2.56%						

16. Provide staff with regular facility written bulletins on facilities issues and rumors.

YES	X	NO	X	NOANS	X	PARTLY	X	YES	X	NO	X	NOANS	X	PARTLY	X	25	64.10%	14	35.90%					29	72.50%
25	64.10%	14	35.90%					25	62.50%	15	37.50%					25	64.10%	14	35.90%						
								2	5.13%	2	5.00%					1	2.50%	1	2.56%						

CORRECTIONAL ACTIVITIES AND PRACTICES SURVEY
FACILITY SECURITY LEVEL
LOW

ANY LEVEL
RESPONSE STATES

HIGH 39 STATES
MED 40 STATES
LOW 39 STATES

17. Establish open commissary hours without pre-ordering and have a snack shop.

YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	21
17	43.59%	22	56.41%	16	40.00%	24	60.00%	11	28.21%	28	71.79%	52.50%

18. Place vending machines in housing units.

YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	12
11	28.21%	27	69.23%	8	20.00%	31	77.50%	5	12.82%	33	84.62%	30.00%

19. Conduct regular facility tours for staff and their families and community members. (Provide refreshments and discussion time).

YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	22
19A	48.72%	18	46.15%	20	50.00%	17	42.50%	16	41.03%	20	51.28%	55.00%
19B	66.67%	10	25.64%	29	72.50%	8	20.00%	24	61.54%	12	30.77%	72.50%
19C	10.26%	2	5.13%	4	10.00%	1	2.50%	4	10.26%	2	5.13%	15.00%

20. Place staff suggestion boxes in the facility.

YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	30
25	64.10%	14	35.90%	29	72.50%	11	27.50%	26	66.67%	13	33.33%	75.00%

21. Create inmate clubs and require staff sponsor.

YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	31
27	69.23%	11	28.21%	31	77.50%	8	20.00%	23	58.97%	15	38.46%	77.50%

22. Establish a well monitored inmate council to provide an avenue of communication and regular contact with the facilities administrators.

YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	20
14	35.90%	24	61.54%	18	45.00%	22	55.00%	14	35.90%	25	64.10%	50.00%

23. At least yearly, review every institutional rule and ask: Why does it exist, does it make sense, is it reasonable, what would happen if it didn't exist, is it being enforced, is it enforceable? Make modifications as appropriate.

YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	27
26	66.67%	13	33.33%	26	65.00%	13	32.50%	25	64.10%	14	35.90%	67.50%

24. Establish inmate to staff request systems and monitor the timeliness of responses.

YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	35
32	82.05%	7	17.95%	35	87.50%	5	12.50%	33	84.62%	6	15.38%	87.50%

25. Establish a regular (i.e. weekly, bi-weekly) open staff forum with the Warden.

YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	21
18	46.15%	20	51.28%	17	42.50%	22	55.00%	18	46.15%	20	51.28%	52.50%

26. Use community volunteers as much as possible and engage the community in inmate matters.

YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	34
31	79.49%	8	20.51%	32	80.00%	8	20.00%	29	74.36%	10	25.64%	95.00%

CORRECTIONAL ACTIVITIES AND PRACTICES SURVEY
 FACILITY SECURITY LEVEL
 LOW 39 STATES HED 40 STATES HIGH 39 STATES ANY LEVEL
 RESPONSE STATES

QUESTION	YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	YES	NO	NOANS	PARTLY	ANY LEVEL RESPONSE STATES
27. Have a monthly staff luncheon for both administrators and line personnel.	2	5.13%	37	94.87%	1	2.50%	39	97.50%	1	2.56%	38	97.44%	3
28. Ensure security staff supervisors visit as many security posts as possible on each shift. (Use these visits as times to update staff, respond to questions, and monitor post order compliance).	37	94.87%	2	5.13%	39	97.50%	1	2.50%	38	97.44%	1	2.56%	39
29. Create non-smoking housing unit for inmates.	17	43.59%	22	56.41%	17	42.50%	23	57.50%	15	38.46%	24	61.54%	21
30. Do not place a smoker and non-smoker in a cell together.	25	64.10%	12	30.77%	27	67.50%	11	27.50%	26	66.67%	11	28.21%	29
31. Racially balance housing and job assignments.	23	58.97%	15	38.46%	24	60.00%	15	37.50%	21	53.85%	17	43.59%	26
32. Have the Warden/Deputy Warden rotate working on each shift once a month.	4	10.26%	35	89.74%	5	12.50%	35	87.50%	5	12.82%	34	87.18%	8
33. Create an outdoor visiting area for families.	37	94.87%	1	2.56%	32	80.00%	8	20.00%	18	46.15%	21	53.85%	39
34. Allow families to bring in picnic lunches during visits.	24	61.54%	15	38.46%	10	25.00%	30	75.00%	3	7.69%	36	92.31%	25
35. Provide table games in visiting room and establish a children's area.	12	30.77%	24	61.54%	15	37.50%	23	57.50%	12	30.77%	25	64.10%	18
35A TABLE GAMES	22	56.41%	13	33.33%	27	67.50%	9	22.50%	20	51.28%	15	41.03%	29
35B CHILDREN'S AREA	2	5.13%	1	2.56%	2	5.00%	1	2.50%	2	5.13%	1	2.56%	3
35C OTHER													
36. Allow free movement in contact visiting areas and place tables so they are not side by side or in a long row.	26	66.67%	12	30.77%	23	57.50%	17	42.50%	16	41.03%	23	58.97%	28

QUESTION	YES	NO	NOANS	PARTLY	ANY LEVEL RESPONSE 1 STATES													
47. Establish an inmate level system (by housing unit) with increase privileges and preferred housing based upon formally established criteria.	18	46.15%	19	49.72%	2	5.13%	22	55.00%	16	40.00%	2	5.00%	20	51.28%	17	43.59%	25	62.50%
48. Shorten long lines of inmates waiting to get their meal by directing (snaking) lines away from inmates already eating.	21	53.85%	18	46.15%	23	57.50%	17	42.50%	16	41.03%	23	58.97%	1	2.56%	23	58.97%	23	57.50%
49. Add cubicles (partitions) to dorms to provide some privacy.	21	53.85%	17	43.59%	1	2.56%	19	47.50%	12	30.77%	26	66.67%	1	2.56%	26	66.67%	26	65.00%
50. Install ceiling fans in housing units to provide additional ventilation and acoustical material to reduce noise levels.	22	56.41%	16	41.03%	1	2.56%	20	50.00%	15	41.03%	21	53.85%	2	5.13%	24	60.00%	24	60.00%
51. Institute unit/sector management teams to enable staff to address inmate needs and problems more quickly and directly.	23	58.97%	15	38.46%	1	2.56%	24	60.00%	23	58.97%	15	38.46%	1	2.56%	30	75.00%	30	75.00%
52. Report inmates as unassigned rather than placing them on jobs which there is little or no work and don't pay unassigned inmates.	21	53.85%	15	38.46%	2	5.13%	23	57.50%	18	46.15%	20	51.28%	1	2.56%	27	67.50%	27	67.50%
53. Establish a formal system to evaluate and document inmate job performance.	24	61.54%	13	33.33%	2	5.13%	26	65.00%	22	56.41%	16	41.03%	1	2.56%	28	70.00%	28	70.00%
54. Make sure every inmate job assignment includes a job description and prerequisite requirements.	21	53.85%	15	38.46%	3	7.69%	24	60.00%	20	51.28%	18	46.15%	1	2.56%	27	67.50%	27	67.50%
55. Make needed program completion (i.e. educational/vocational/addiction services) a prerequisite for desired job assignments.	21	53.85%	17	43.59%	1	2.56%	22	55.00%	19	48.72%	20	51.28%	1	2.56%	24	60.00%	24	60.00%
56. Have facility program and service staff (i.e. Chaplain, Grievance Coordinator, Records supervisor, Food Service Director, Medical staff, Principal, Addiction Services staff, Chief of Security, etc.) conduct regularly scheduled visits to inmate housing units.	19	48.72%	18	46.15%	2	5.13%	20	50.00%	19	48.72%	19	48.72%	1	2.56%	22	55.00%	22	55.00%

CORRECTIONAL ACTIVITIES AND PRACTICES SURVEY
FACILITY SECURITY LEVEL

ANY LEVEL
RESPONSE % STATES

HIGH 39 STATES

MED 40 STATES

LOW 39 STATES

67. Have inmate dances and allow attendance by one individual from the approved visiting list.

YES	%	NO	%	NOANS	%	PARTLY	%	YES	%	NO	%	NOANS	%	PARTLY	%	ANY LEVEL RESPONSE % STATES	
4	10.26%	34	87.18%			1	2.56%	2	5.13%	37	94.87%					6	15.00%

68. Establish a facility community advisory board.

YES	%	NO	%	NOANS	%	PARTLY	%	YES	%	NO	%	NOANS	%	PARTLY	%	ANY LEVEL RESPONSE % STATES	
20	51.28%	18	46.15%	1	2.56%			15	38.46%	23	58.97%	1	2.56%			23	57.50%

69. Place top administrative staff offices inside the facility.

YES	%	NO	%	NOANS	%	PARTLY	%	YES	%	NO	%	NOANS	%	PARTLY	%	ANY LEVEL RESPONSE % STATES	
29	74.36%	8	20.51%			2	5.13%	22	56.41%	13	33.33%			4	10.26%	31	77.50%

70. Engage staff in non-traditional functions and responsibilities (i.e. correction officers conduct programs, sponsor inmate clubs, etc.)

YES	%	NO	%	NOANS	%	PARTLY	%	YES	%	NO	%	NOANS	%	PARTLY	%	ANY LEVEL RESPONSE % STATES	
17	43.59%	20	51.28%	1	2.56%			16	41.03%	21	53.85%	1	2.56%			23	57.50%

71. Establish a fitness program and exercise facilities for staff.

YES	%	NO	%	NOANS	%	PARTLY	%	YES	%	NO	%	NOANS	%	PARTLY	%	ANY LEVEL RESPONSE % STATES	
21	53.85%	15	38.46%	1	2.56%	2	5.13%	23	58.37%	13	33.33%	1	2.56%	2	5.13%	25	62.50%

72. Develop cultural awareness programs and training for staff and inmates.

YES	%	NO	%	NOANS	%	PARTLY	%	YES	%	NO	%	NOANS	%	PARTLY	%	ANY LEVEL RESPONSE % STATES	
25	64.10%	13	33.33%	1	2.56%			23	58.97%	15	38.46%	1	2.56%			28	70.00%

73. Promote fund raisers with staff and inmates for worthy causes.

YES	%	NO	%	NOANS	%	PARTLY	%	YES	%	NO	%	NOANS	%	PARTLY	%	ANY LEVEL RESPONSE % STATES	
28	71.79%	11	28.21%					28	71.79%	11	28.21%					31	77.50%

74. Develop a cross training program for staff.

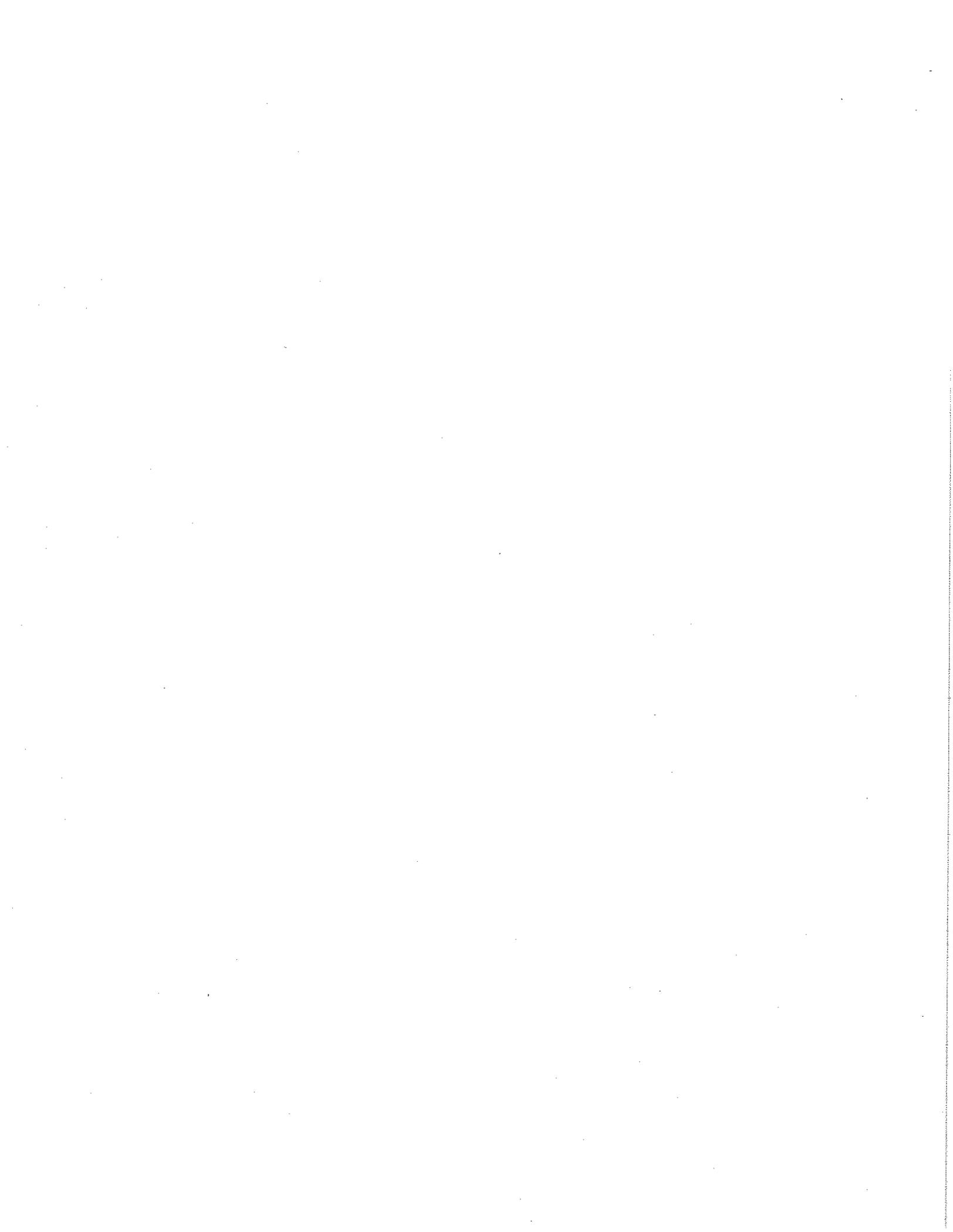
YES	%	NO	%	NOANS	%	PARTLY	%	YES	%	NO	%	NOANS	%	PARTLY	%	ANY LEVEL RESPONSE % STATES	
23	58.97%	15	38.46%	1	2.56%			23	58.97%	15	38.46%	1	2.56%			25	62.50%

75. Conduct wellness clinics for staff.

YES	%	NO	%	NOANS	%	PARTLY	%	YES	%	NO	%	NOANS	%	PARTLY	%	ANY LEVEL RESPONSE % STATES	
19	48.72%	17	43.59%	2	5.13%	1	2.56%	20	51.28%	16	41.03%	2	5.13%	1	2.56%	23	57.50%

76. Set up a quiet room for staff.

YES	%	NO	%	NOANS	%	PARTLY	%	YES	%	NO	%	NOANS	%	PARTLY	%	ANY LEVEL RESPONSE % STATES	
13	33.33%	25	64.10%	1	2.56%			15	38.46%	23	58.97%	1	2.56%			20	50.00%



APPENDIX C

THOMAS COMMISSION RECOMMENDATIONS COMPLIANCE



Table C-1. Thomas Commission Recommendations Requiring Legislation.

Recommendation	Status of Recommendation and/or Legislation 1. Enacted 2. Not Enacted 3. Adopted	DOC Position on Recommendation 1. Favor 2. Favor with Modification 3. Opposed	Explain DOC Position
1. Maintain current average time served at approximately 9.1 months	_____	_____	(Average time served is approximately 11 months)
2. Establish uniform schedule for correctional officers on all shifts in all institutions	2	1	Controlled by collective bargaining, cannot be changed by agency. It would increase number of work days per employee significantly.
3. Credit unused sick leave day for day toward service longevity at retirement	2	2	Would be a retention measure and hopefully improve employee dependability and reduce overtime costs.
4. Modify statutes and regulations to exclude overtime earnings when computing retirement compensation	2	1	Cost savings.

Table C-2. Thomas Commission Recommendations Requiring Administrative Action by Department of Correction.

Recommendation	DOC Position	Current Status of Recommendation	Explain DOC Position
	Choose one answer: 1. Favor 2. Favor with Modification 3. Opposed	Choose one answer: 1. Implemented 2. Currently being implemented 3. Planning to Implement 4. Not adopted	A. If the current status is 1. (in column 2), indicate when the recommendation was implemented and describe how relevant DOC operations, including policies and procedures, have changed. B. If current status is 2 or 3, indicate when full implementation will be completed and describe how relevant DOC operations, including policies and procedures, will be changes. C. If current status is 4, indicate reasons for not implementing.
1. Document impact of parole legislation and correctional policy on inmate population	—	—	
2. Designate a separate facility to confine technical parole violators	2- Release Program	1 (Release Program*)	Reason for violations vary and security and program needs would not make a single facility practical or cost effective.
3. (At a future point when sufficient bed-space for all inmates is achieved), close, convert, renovate, or expand facilities as needed	1	2	Some out-dated facilities have been closed due to budget constraints, others have been renovated and new facilities are being constructed.
4. Eliminate multiple levels of approval required to fill vacant positions	1	1	June of 1992 - very relevant
5. Improve working conditions and job satisfaction to reduce employee absenteeism	1	2	On-going quality of worklife and safety programs initiated; EAP and Wellness Programs implemented.
6. Develop employee support and assistance programs to encourage workers to return	1	2	Supervisors training; EAP and peer support teams; CARE-SYS
7. Bring action against employees who abuse worker's compensation law	1	1	Staff have been arrested; close monitoring of cases by worker's compensation sub-unit.

Table C-2. Thomas Commission Recommendations Requiring Administrative Action by Department of Correction.			
Recommendation	DOC Position	Current Status of Recommendation	Explain DOC Position
8. Establish automated system to track days lost due to worker's compensation claims be employees in each institution	1	2	We can track the information and forecast from it.
9. Create temporary assignments for light duty status employees	1	3	Recommendations were made to senior staff: under review-union contract issues with hazardous duty.
10. Expand contracting for on-site food service	3	4**	Contracting has not proved cost effective and the quantity and quality of food has been problematic when compared to state run food operations; terminated contracts and gone in-house.
11. Study cost considerations of "cook-chill" system	1	1	Study conclusions did not support system-wide cook-chill system. Will use modified cook-chill at Niantic.
12. Automate repetitive food service management tasks	1	3	Purchasing through central warehouse in Middletown is being automated. Scheduled for July 1993.
13. Contract with a private provider to deliver health services	—	—	Contracting done with some nursing services and doctors; no overall system contracting.
14. Expand industries to provide work for 15% of sentenced inmates	1	2	See fiscal operating plan for correctional industries.
15. Develop goals and objectives for sales, productivity, expanded inmates employment, and eventual self-sufficiency	1	1	See fiscal operating plan for correctional industries.
16. Implement a more realistic accounting system	2	3	Industries reviewing SAAAS.

Table C-2. Thomas Commission Recommendations Requiring Administrative Action by Department of Correction.			
Recommendation	DOC Position	Current Status of Recommendation	Explain DOC Position
17. Obtain increased federal funding of educational services under Chapter I for delinquent persons	1	1	Chapter I FY89-90 307 (\$266,737) FY90-91 386 (\$266,469) FY91-92 405 (\$333,196) Cross numbers- increase funds for Capitol Funds vary from year to year.***
18. Obtain increased federal funding of educational services under Public Law 89-313 for handicapped persons	1	1	FY90-91 259 (\$154,713) PL 89-313 FY91-92 312 (\$170,606) FY92-93 321 (\$189,783)
19. Consolidate institution transportation operations units under one centrally managed unit	1	1	
20. Integrate inmate transportation system into automated inmate tracking system	1	3	
21. Purchase vehicles of appropriate size to reduce number of vehicles required to move inmates and their property	1	1	
22. Re-negotiate contracts with telephone companies for DOC to collect reasonable share of derived revenue	1	4	State DPUC regulations still prevent us from doing this.
23. Keep all alternative incarceration center programs slots filled	1	2	Judiciary and Department of Correction are fulling all available AIC slots.
24. Competitively bid all community program slots and beds	1	1	Doing so now.

Table C-2. Thomas Commission Recommendations Requiring Administrative Action by Department of Correction.			
Recommendation	DOC Position	Current Status of Recommendation	Explain DOC Position
25. Convert manual time and attendance methods to standardized system linked to automated payroll system	2	2	Currently implementing BOSS time and attendance system. Comptroller will not permit tie-in.
26. Purchase integrated inmate payroll, account, commissary, and banking system to manage funds and track inventory	1	2	FBOP system being implemented.
27. Divide institutional services division into five regions	1	2	Agency will move to regional management- with five regional directors already hired. Starting date 6/1/93.
28. Provide support staff for each region to monitor compliance with department policy and procedures	1	2	Positions to accomplish this will be within each region.
29. Authorize funds to support current and future reorganization to ensure fiscal and program integrity	1	2	Utilizing current operation expenses.

* Awaiting clarification from Attorney General. Plan to return parolees prior to violation who are exhibiting relapse symptoms, for 30-60 days Relapse Prevention Program at Webster CI.

** Contracting has not worked out. DAS has canceled two contracts for non-performance, pose health and security problems.

*** Note: Chapter I funds are awarded on the basis of the previous years' count. PL 89-313 on current years' count. As such, while the fiscal years differ, they represent increased funding levels for the same year. (1990-91) (1991-92) (1992-93)



APPENDIX D
AGENCY RESPONSE



STATE OF CONNECTICUT

DEPARTMENT OF CORRECTION

340 CAPITOL AVENUE
HARTFORD, CONNECTICUT 06106

LOWELL P. WEICKER, Jr.
GOVERNOR

LARRY R. MEACHUM
COMMISSIONER

February 17, 1994

Mr. Michael L. Nauer
Director, Legislative Program Review
and Investigations Committee
State Capitol - Room 506
Hartford, CT 06106

Dear Mr. Nauer:

This is to acknowledge receipt of and respond to the Legislative Program Review and Investigations Committee report, *Staff Findings and Recommendations: Department of Correction*, dated January 20, 1994.

Recommendation 1:

The Department of Correction supports the recommendation to repeal the current prison overcrowding emergency release statute and replacing it with a statutory release mechanism which would be a systematic, controlled acceleration of release dates for inmates scheduled to be released with supervision into the community. Although the intent is that it would not need to be activated, it would provide for the orderly discharge from incarceration in the event of an overcrowding emergency.

Recommendation 2:

The Department is formalizing an emergency control plan which will address the issues itemized in the recommendation. The plan will also provide for a continuous review of conditions so that the Department will be prepared to prevent or contain incidences.

Recommendation 3:

The training component of the emergency control plan will include mock disturbance training exercises.

Recommendation 4:

Department management is receptive to participating in a process which would facilitate resolution of non-collective bargaining issues and which would not compromise matters under negotiation. Both labor and management could benefit through a process which contributes to an improved response to workplace issues in an atmosphere of mutual respect.

Recommendation 5:

Community relations is a priority within the Department. The existing community education programs will be enhanced and opportunities to engage in dialogue with community members through forums will be more frequent.

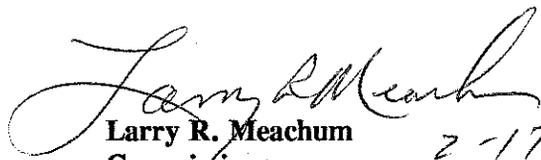
Mr. Michael L. Nauer
February 17, 1994
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Recommendation 6:

As specified in PA 93-219, the Department is establishing community public safety committees which will recommend procedures to address the concerns of the host communities.

We appreciate the opportunity to comment on the report. If further information is required, please contact me at 566-4457.

Sincerely,


Larry R. Meachum
Commissioner *2-17-94*

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