

DRAFT FOR ACTION AT 9/25 MEETING

Minutes

SITING INCENTIVES COMMITTEE **Legislative Office Building, Room 1A** **Hartford, CT** **June 26th, 2008**

Members Present: Brian Austin, Jr, statutory member as Undersecretary, Criminal Justice Policy and Planning Division, Office of Policy and Management, and Committee Chair; Theresa Lantz, statutory member as Commissioner, Department of Correction; Representative Arthur O'Neill, statutory member as Ranking Member, Judiciary Committee; Woody Bliss, First Selectmen, Town of Weston, appointed by Senate Minority Leader John McKinney; Senator Leonard Fasano, statutory member as Ranking Member, Planning and Development Committee; Senator John Kissel, statutory member as Ranking Member, Judiciary Committee; Sally Schenk, representing a community-based facility, appointed by House Minority Leader Lawrence Cafaro; Maureen Price-Boreland, representing a community-based facility, appointed by House Majority Leader Christopher Donovan.

In addition, John Brooks attended for William Carbone, statutory member as Executive Director, Court Support Services Division, Judicial Branch.

Chair OPM Undersecretary Brian Austin convened the meeting at 9:46am; the Committee members then introduced themselves.

Minutes: There were some amendments made to the minutes:

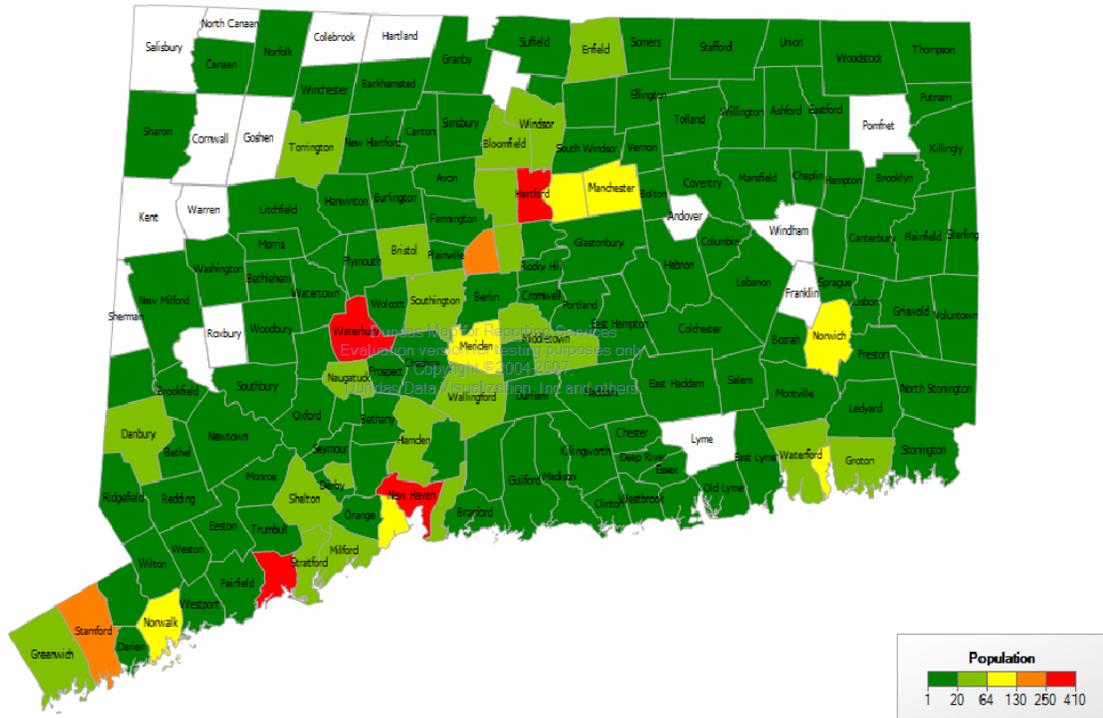
Page 2: under Department of Correction report, first paragraph, last sentence: DOC defines recidivism as a reconviction within ~~five~~ THREE years.

Page 5: under Court Support Services Division report, first paragraph, first bullet: Adult probation clients with open AND split sentence cases via population density mapping: 57,011

Page 6: after the bullet reading Juvenile clients with open cases via population density mapping: 4,272, (ADD MAP):

Juvenile Population Density

Juvenile clients with open cases
Data as of 05/12/2008
Total client count: 4272



Minutes, as amended, approved unanimously.

Chair Brian Austin noted that the Siting Incentives Committee was created to study how the State can effectively provide municipalities with incentives to allow community-based facilities (eg, halfway houses, transitional housing, and supportive housing). The list of Committee members, meeting agendas and minutes are publicly posted on the OPM website at www.ct.gov/OPM, then go to Criminal Justice, then go to the Siting Incentives Committee.

Invited Presentation: *Why Community Supervision is Important*
Dr. Stephen Cox, Director, Statistical Analysis Center
Central Connecticut State University
2008 Connecticut Recidivism Study

The *State of Connecticut Recidivism Study* is an annual report published in response to the statutory requirements outlined in Public Act 05-249, *An Act Concerning Criminal Justice Planning and Eligibility for Crime Victim Compensation*. This legislation created the Criminal Justice Policy and Planning Division (CJPPD) within the Office of Policy and Management (OPM) effective July 1, 2006, and tasked the Division with issuing an annual report on the recidivism of offenders released from the custody of the Department of Correction (DOC) and from probation.

This is the second annual report to study recidivism prepared by OPM. The 2008 report has been reconstructed to address concerns raised from limitations found in OPM's inaugural 2007 report. The 2007 report assessed recidivism rates of offenders released during the 2000 calendar year. The 2008 report assesses recidivism rates of offenders released during the 2004 calendar year; the 2004 calendar year was selected because it was more current and it afforded the opportunity to assess recidivism rates up to two years from the time an offender was released from DOC custody or placed on probation.

The 2007 report used a baseline sample of 9,501 offenders released from DOC custody with an 87% (8,221) match rate for criminal history records. The 2008 report used a baseline sample of 16,577 offenders released from DOC custody with a 98% (16,246) match rate for criminal history records; and, in addition, included a baseline sample of 24,263 offenders placed on probation with a 91% (22,261) match rate.

The 2007 report matched offender criminal history by official docket based court records from the Judicial Branch. The 2008 report matched offender criminal history by more straightforward offender based files from the Department of Public Safety.

Overall, the 2008 report is more extensive, comprehensive and contains more current information. In addition, the 2008 report has been expanded to include: new arrest rates; success (or completion) rates; violation rates for offenders released from DOC custody; recidivism rates for offenders on probation; and a detailed analysis of recidivism rates for 7 select offender groups.

Definitions

Recidivism is defined as new criminal activity by a person after a criminal conviction that resulted in either imprisonment or another sanction against them. The three most common measures used to track recidivism rates are new arrest, new conviction and new prison sentence. For the purposes of this 2008 study, all three have been included in addition to the violation rate for technical violations of community release.

- New arrest or re-arrest rate is an important measure since an arrest for a new misdemeanor or felony offense starts the criminal justice process as the initial response of the state against a person suspected of committing a crime.
- New conviction or re-conviction indicates that the offender was found guilty by the court disposition or verdict for each criminal case of the charges resulting from the new arrest. An offender may be charged with more than one crime per case.
- New prison sentence or re-imprisonment indicates that after a criminal conviction a new offense occurred and the court imposed a sanction against the offender.
- Violation rate for technical violations of community release is a measure indicating that an offender was brought back for a violation, other than an arrest.

As noted in the *Study Report*, p13, risk factor is predicated on two major issues: the severity of the current offense, and the level of violence involved. A current offense is defined as any offense remanding the inmate to the custody of DOC for the present committal, any offense pending before the court, and any offense resulting in the

concurrent and/or consecutive sentences. Offenders are defined as violent by DOC based on their criminal history. Ratings for their violence severity scores range from 1 to 4 with a 4-rated offense more serious than a 3-, 2- or 1-rated offense, and has a higher R-score.

- R-4 – Generally, these offenses result in a premeditated or an unpremeditated death or serious physical injury, except for offenses with a motor vehicle, e.g. vehicular homicide.
- R-3 – Generally, these offenses result in serious or moderate injury, but are a lesser degree felony than level 4 and may not be violent if no sexual, physical, emotional, or personal trauma occurred. If the offense is known to be of a sexual nature, it is classified at level 4.
- R-2 – Generally, these offenses include threat of injury or result in minor physical injury, motor vehicle offenses resulting in injury or death, and sale of narcotics or controlled drugs.
- R-1 – Generally, these offenses do not involve violence.

Data were collected for two separate study groups:

(1) DOC Study Group: the Connecticut Department of Correction (DOC) study group included 16,577 offenders who were released from DOC facilities and DOC community supervision programs between January 1, 2004 and December 31, 2004. The following are definitions that describe offender study groups by their release status and release types managed by the Department of Correction (DOC). The numbers shown in parenthesis next to each release status or release type represent the population size for this specific study group:

(a) End of Sentence (EOS) (8,436): At the time of study, those offenders who had completed their total sentence and had no further DOC supervision.
Release Types:

- Release from Prison (6,916): Offenders who were released from prison after completing their court sentence. These offenders were released from a correctional facility with no community supervision.
- Release from Parole (764): Offenders who were released from DOC custody after serving time in prison and completing their court sentence in the community under the supervision of parole officers.
- Release from Transitional Supervision (756): Offenders who were released from DOC custody after serving time in prison and completing their court sentence in the community under Transitional Supervision.

(b) DOC Post-Prison Community Supervision: At the time of study, those offenders who were under DOC community supervision were categorized as non-end of sentence (NonEOS). Release Types:

- Release to Parole (1,767): Per the discretion of the Board of Pardons and Paroles (BOPP), certain offenders who are serving sentences greater than two years may be released on parole. By statute, offenders convicted of non-violent crimes are eligible for parole after

...serving 50% of their sentence. Those offenders convicted of violent crimes must serve 85% of their sentence. Parolees are supervised in the community by parole officers.

- **Release to Transitional Supervision (2,515):** Per the discretion of DOC, offenders serving at least 50% of a sentence of two-years or less may be released to transitional supervision (TS). DOC provides supervision and case management, through its Parole and Community Services Unit, for these offenders. Offenders released on TS are supervised in the community by parole officers.
- **Release to Community Program (1,710):** For the purpose of this study, the two primary types of DOC community programs (Halfway House and Transitional Placement) were combined. Per the discretion of DOC, offenders who have exhibited satisfactory performance during their incarceration may be placed in an approved community or private residence facility 18-months prior to the end of their sentence or if they are voted to parole. This form of release typically provides greater support and supervision in the community. These offenders are supervised in the community by parole officers.
- **Release to Special Parole (278):** This is a mandatory form of release with no discretion. Offenders may be sentenced to a term of parole following completion of their prison sentence. Special Parolees are supervised in the community by parole officers.

(2) CSSD Study Group: Connecticut Judicial Branch's Court Support Services Division (CSSD) study group that included 22,261 offenders sentenced to probation and supervised by CSSD probation officers during this same time period (calendar year 2004). The following are definitions that describe offender study groups by their release status and release types managed by the Judicial Branch's Court Support Services Division (CSSD). Judges may sentence convicted offenders to a term of probation instead of, or in addition to, time in prison. For the purposes of this study probationers are classified under two statuses: (a) Split Sentence Probationers and (b) New Probationers. Furthermore, the numbers shown in parenthesis next to each release status or release type correspond to those numbers represent the population size for this specific study group:

- (a) Split Sentence Probationers (2,816): It is common practice in Connecticut for judges to sentence convicted offenders to serve a prison term and, once this prison term is completed, the offender is sentenced to serve a term of probation. This practice is commonly referred to as a 'split-sentence' and guarantees that these offenders will have some type of community supervision following their release from prison. (Note: The data used for the split sentence group is a subset of end of sentence (EOS) offenders in the DOC Study Group. Only 3 release types of EOS offenders were included because they were the only DOC study group

being supervised by probation officers following their release from prison.)
Release types:

- Release from Prison (2,320): Offenders who were released from prison with no DOC community supervision, and completing their court sentence with a period of probation supervised by a probation officer.
- Release from Parole (207): Offenders who were released from DOC custody after serving time in prison and in the community under the DOC supervision of parole officers, and completing their court sentence with a period of probation supervised by a probation officer.
- Release from Transitional Supervision (289): Offenders who were released from DOC custody after serving time in prison and in the community under DOC transitional supervision, and completing their court sentence with a period of probation supervised by a probation officer.

(b) New Probationers (22,261): Judges may sentence convicted offenders to a term of probation instead of time in prison. Those receiving a term of probation are supervised in the community by Judicial's Court Support Services Division (CSSD) probation officers. The level of probation supervision is determined by an assessment at the beginning of their term of probation. In most cases the higher the resulting scores on the Level Severity Inventory–Revised (LSI-R), the higher the level of supervision assigned. However, non-discretionary and discretionary overrides can either increase or decrease the level of supervision determined by the assessment process. The five different levels of supervision for New Probationers are:

- Surveillance (787): The highest and the most intense form of supervision is surveillance, where probationers are required to report face to face with their assigned probation officer 3 to 4 times a month.
- High (5,559): The next highest level is high and requires probationers to report face to face with their assigned probation officer 2 to 3 times a month.
- Medium (4,567): The medium level of supervision requires probationers to report face to face with their assigned probation officer once a month or every other month.
- Administrative (10,876): The lowest level of supervision is administrative, whereby probationer contact can be made by phone or mail, and cases are managed by a private vendor under contract with the Judicial Branch.
- Sex Offender (472): Probationers classified as sex offenders may or may not be serving time for an actual sexual offense, however they have been placed in this level of supervision due to their propensity for this behavior or past sex-related charges.

Summary of Recidivism Study Findings:

- (1) DOC Offender Releasees - *Study Report, p 8*
 - Offenders released at end of sentence represented the highest proportion (52%) of the total offenders released in the 2004 DOC study group. Arrest, conviction, and new prison sentence rates were higher for offenders with no post prison supervision.
 - Among all end of sentence (EOS) offenders, those who had served a period of parole and transitional supervision prior to leaving DOC custody had lower new arrest rates (49.5% and 52%), lower new conviction rates (31.9% and 33.9%), and lower new prison sentence rates (13.6% and 14.9%) than those released from prison with no community supervision.
 - Almost one-half (47.5%) of parolees successfully completed parole while 25.3% were returned to prison for a technical violation, 27.2% were arrested for a new offense, 19.6% were convicted for a new offense, and 12.6% received a new prison sentence.
 - Offenders with the highest success rate (or completion rate) and least likely to recidivate were those under DOC community supervision released to community programs (67.3%) and transitional supervision (64.5%).
- (2) Recidivism Rates for Split Sentenced Probationers - *Study Report, p 8*
 - One-third (33.4%) of all end of sentence offenders or 17.3% of the total 2004 DOC study group served split-sentences to guarantee that some type of community supervision followed their release from prison.
 - Offenders with split sentence probation supervision have lower new arrest, new conviction, and new prison sentence rates than offenders leaving prison without community supervision.
 - Overall, the re-arrest rate was 10.5% higher for offenders who were released from prison following the completion of their sentence who did not have a term of probation to follow (59.9% to 49.4%). Offenders released from prison with no post-prison community supervision or probation had higher rates for new arrest (59.9%), new conviction (41.2%), and a new prison sentence (21.6%).
- (3) Recidivism Rates for New Probationers - *Study Report, p 9*
 - A total of 22,261 probationers began new probation supervision during 2004. For new probationers, 40.7% were arrested for a new offense, 20.0% were convicted for a new offense, and 11.4% received a new prison sentence.
- (4) Offenders Ever Convicted of a Violent Crime - *Study Report, p 12*
 - Offenders ever convicted of a violent crime represented 41.6% of all offenders in the total DOC study group population.
 - Overall, the recidivism rates for released offenders considered to be violent are not significantly different from all offenders.
- (5) Offender Severity/Violence of Current Offense Risk Scores - *Study Report, p 13*
 - This risk factor is predicated on two major issues, the severity of the current offense and the level of violence involved. Offenders convicted of serious violent crimes have a severity/violence of current offense risk score of 3 or higher, and represented 22.2% of all offenders in the total DOC study group population.

- Overall, the recidivism rates for released offenders with a severity/violence of current offense score of 3 or higher are not significantly different from all offenders.
- (6) Offender History of Violence Risk Scores - *Study Report, p 14*
- For the history of violence risk score, emphasis is placed on the number of prior violent acts, the seriousness of these acts in terms of the rating of the offense, and how recent the violence occurred. Offenders with a history of serious violence represented 10% of all offenders in the total DOC study group population.
 - Offenders with a serious history of violence had a higher recidivism rate for end of sentence release types and for releases to transitional supervision from all offenders combined.
- (7) Offenders Ever Convicted of Burglary - *Study Report, p15*
- Overall, offenders convicted of burglary crimes represented 16.5% of all offenders in the total DOC study group population. Of those offenders convicted of burglary, Burglary 3 is the largest with a total of 2,090 offenders.
 - Of the 101 offenders convicted of Burglary 1, 60% were released at their end of sentence from prison with some form of community supervision.
 - Offenders convicted of Burglary 3 had higher recidivism rates than offenders convicted of Burglary 1.
- (8) Substance Abuse Treatment (SAT) Needs Scores - *Study Report, p 17*
- Offenders with substance abuse need scores of 3 or higher represented 60.2% of all offenders in the total DOC study group population.
 - 63.5% of offenders with substance abuse need scores of 3 or higher were released with some form of community supervision.
 - Offenders with high substance treatment needs scores did not have significantly different recidivism rates from those with low need scores.
- (9) Mental Health Treatment (MHT) Need Scores - *Study Report, p 18*
- Offenders with mental health need scores of 3 or higher represented 13.8% of all offenders in the total DOC study group population. 61% of these offenders having higher mental health need scores were released at the completion of their end of sentence from prison without any form of community supervision.
 - Although only a small segment of the total DOC study group population, offenders with higher mental health treatment needs scores had higher recidivism rates (including new arrest, new conviction and new prison sentence) for end of sentence released from prison and parole compared to the overall rates.

Conclusions :

- The recidivism rates found in this study are comparable to the 2001 Connecticut Legislative Program Review and Investigations Committee report and to national studies of recidivism.
- Offenders released from prison with no community supervision were most likely to be arrested, convicted, and incarcerated for a new offense than offenders who received some type of post-release supervision.

Next Steps:

- The 2009 Annual Recidivism Study will use the same sample and will have a full 36-month follow-up period for all offenders.
- The Connecticut Statistical Analysis Center is working with OPM's Criminal Justice Policy and Planning Division to evaluate two re-entry programs.

Discussion

Previously, the Siting Incentives Committee had requested analysis on the effect of halfway houses on offender success. The statistics show:

Outcome Comparison of Parolees Completing Halfway House Program prior to Parole Supervision

Parole Outcome	Halfway House (n=218)	No Halfway House (n=1,387)
Ended Sentence on Parole	60% (130)	46% (637)
Still Under Parole Supervision	7% (15)	5% (73)
Arrested Under Parole Supervision	22% (47)	30% (410)
Ended Sentence in Prison Due to Technical Violation	7% (15)	8% (112)
Still in Prison Due to Technical Violation	0	1% (17)
Absconder	4% (9)	9% (128)
Released to Halfway House	1% (2)	1% (10)

There was general discussion about discretionary and non-discretionary releases. The Board of Pardons and Paroles (BOPP) has the discretion to authorize parole for offenders with sentences of over 2 years. If the offender was convicted of a violent crime, the offender must serve 85% of the sentence before being eligible for parole; if convicted of a non-violent offense, the offender must serve 50% of the sentence prior to becoming eligible for parole. BOPP can place conditions on parolees (eg, must go into a halfway house, must participate in a substance abuse treatment program, must be employed). Parolees are under the supervision of DOC.

The Department of Correction (DOC) has discretionary authority to release offenders who have sentences of less than 2 years on transitional supervision once they have served 50% of their sentence. Transitional supervision is similar to parole: the offender serves some time, and then is released to community supervision. DOC puts conditions on the offenders in transitional supervision (eg, must attend an alcohol treatment program). Offenders on transitional supervision are under the supervision of DOC.

DOC and BOPP can both make discretionary decisions to release offenders to community programs (principally halfway houses). DOC only contracts with non-profit providers for the 1,200-bed halfway house system which has been very successful because it provides the offenders with needed supports of housing, employment, and substance abuse treatment. Some halfway house beds are 'mission specific' (eg, work

release beds, and substance abuse beds) and also for type or release (eg, parole, transitional supervision, and special parole). Because of siting and cost issues, there is a deficit of beds for special management populations, such as offenders with mental health problems, or sex offenders. The halfway house system has had much success in re-integrating offenders back into the community with links to housing, employment and therapeutic supports. Offenders in community programs are under the supervision of DOC.

Special parole is a decision of the court judge rendered at the time the offender is sentenced; the offender serves time in prison, and then is released to special parole under the supervision of DOC. As such, special parole is part of the sentence and is a 'non-discretionary' decision of DOC.

Similar to special parole, at the time of sentencing, the court judge can determine that an offender will serve time in prison and then be released to probation; this 'split sentence' probation time is under the supervision of the Judicial Branch's Court Support Services Division (CSSD). Split sentence decisions are also 'non-discretionary'.

The judge's decision to sentence an offender to split sentence probation or special parole is reflective of the seriousness of the offense, the offender's record, and plea bargaining.

If the offender can remain in the community for 24 months without a major violation, then the chance that the offender will be (re)arrested goes down.

Previously, DOC had the discretion to release offenders on a 're-entry furlough' 30-days prior to end of sentence or parole release for the purpose of re-entry support into the community. However, Public Act 08-01 eliminated DOC's authority to use this successful discharge mechanism.

There is no statutory authority for the State to negotiate a pre-release agreement with a soon-to-be-released offender in order to extend supervision in a community program beyond the court judge's imposed sentence; to do so would be illegal.

Under a state statute on work release/community programs, DOC has the authority to place an offender in a work release halfway house some time prior to the offender's parole hearing; the Board of Pardons and Paroles could then set a parole date one year out for this offender, who would remain on work release until the parole date. In this circumstance, the offender is technically incarcerated while in work release because he remains under the authority of DOC. Currently, this option is not used much because there are not enough halfway house beds to adequately support this program.

Several states (eg, New York and Pennsylvania) have been successful in awarding incentives ("merit awards") to offenders who complete programs - such as the offender who earns his GED may have 60 days reduced from his sentence for discretionary

release into the community. This allows for better population and cost management. Connecticut does not have this motivator/reinforcer.

Connecticut is perceived as “tough on crime” because we are a “truth in sentencing” state which means that offenders must serve their entire sentence; Connecticut does not give “good time credits” to offenders. Yet we are pragmatic and thoughtful in seeking reform and change. The State should continue to be tough with the most violent, the most likely to recidivate, the most threat to society, while being creative with getting the other offenders back into the community as productive, taxpaying citizens.

This Siting Incentives Committee should help municipal leadership provide information to the public to allow them to understand that community supervision for certain offenders enhances public safety. Based on the statistics, it is better for public safety, and less costly, to have offenders enter into community programs post-release than be discharged end of sentence.

The statistics may show that the crime rate is down, but every day there is a violent crime against an innocent victim, therefore, the public will not believe that overall crime is down. The public reacts to media events (eg, Cheshire, New Britain tragedies) which are compelling and undermine the credibility of the statistics.

Some communities become outraged over perceived stigmas (Not In My Back Yard); for instance, one town is strongly opposed to the siting of an 8-10 bed for the destitute/homeless. Siting a home for offenders is much more difficult.

The State needs to think creatively about incentives to municipalities to accept community programs for offenders. The public, especially the business sector, understands economics; the State needs to inspire the private sector into becoming partners in community programs.

Some municipal zoning laws prohibit the siting of residential community-based facilities, such as allowing 2+ unrelated people living together. This may be a safety issue for the police and fire departments. The Committee should research the community prohibitions to locating community-based facilities within the municipality.

At the May 16th meeting of the Siting Incentives Committee, Judicial’s Court Support Services Division reviewed several obstacles, issues and problems in siting community programs:

- Barriers and Opposition
 - City / Town Opposition
 - Citizen / Neighborhood / Community Opposition
 - Tax Loss Concerns
 - Abutting / Area Property “Devaluation”
 - Serving “Out of Towners”
 - Proximity = Victimization
 - Criminal Justice Programs ≠ Revitalization

- Saturation Concerns
- Agency Reluctance – Loss of Local Funding
- No Local Benefit in Advocating Sites
- Offender “Labels” Shut Down Dialogue / Consideration
- Zoning Issues
 - No Clear Cut Zones / Requirements / Regulations
 - Inconsistent Definition / Understanding of CJ Programs
 - No / Few Approvals When Proposed Site is in Proximity to “Incompatible” Services
 - Outright Ban of Social and/or CJ Programs
 - No Residential Zoning for Multiple Unrelated Persons / Ban
 - Zoned but Special Exception / Special Use for Children
 - City / Town Departments Don’t Agree on What CJ Program Is
 - Difficult to Move / Expand / Change Use
- Model of Procurement
 - No State Level Coordination of Siting Across State Agencies
 - Agencies (Non-Profits) Take Lead in Siting
 - No Landlord Incentives to Hold Properties for Zoning Approval
 - Poor Bid Results
 - Agency Mission ≠ CJ Mission
 - Agencies Can’t Afford “Transaction Costs”
 - Public Transportation Needs
 - Potential Litigation Costs
 - No Bonding / Capital Money
 - Site Renovation Costs High
 - No City / Town Incentives / Trade-Offs

Future Presentations

Chair Brian Austin noted that the Committee would need to meet regularly through December to accomplish the task of developing the report.

August 21st Meeting

- Where do offenders come from
- Is it effective to return the offender to the community of origin
- Proximity of offender housing and risk of victimization for that community
- Review of the sentences of offenders released to community programs
- Review of the offender populations in various release programs (“mission of the facility”)
 - By program type
 - How released
- Discussion of potential incentives

September Meeting (date to be determined)

- Connecticut Conference of Municipalities (CCM)
- Council of Small Towns (COST)
- Discussion of potential incentives

October Meeting (date to be determined)

- Connecticut Association of Non-Profits and other related groups
- Discussion of potential incentives
- Rough draft of Report

Meeting adjourned at 11:45am.