

**CRIMINAL JUSTICE POLICY ADVISORY COMMISSION (CJPAC)
MINUTES
FOR
THURSDAY, JUNE 30, 2011 MEETING**

Members Present: Chairman Michael Lawlor, *Undersecretary, Criminal Justice Policy and Planning Division, OPM*; Leo Arnone, *Commissioner, Department of Corrections*; Kevin Kane, *Chief State's Attorney*; Dan Bannish, *Department of Corrections*; Loel Meckel, *Assistant Director Division of Forensic Services, Department of Mental Health and Addiction Services*; Erika M. Tindill, *Chairwoman, Board of Pardons and Paroles*; Theresa DeFrancis, *Attorney, Department of Education*; Susan O. Storey, *Chief Public Defender*; Nancy Kushins, *Executive Director, Connecticut Sexual Assault Crisis Center (CONNSACS)*; Elizabeth (Libby) Graham, *Department of Children and Families*; Scott Kaupin, *Mayor of the Town of Enfield*, Dennis Murphy, *Deputy Commissioner, Department of Labor*; Steven Spellman, *Department of Public Safety*; Brian Hill, *Court Support Services Division*; James L. Kenny, *Chief of Police of the Town of Vernon*; Richard P. Healey, *Public Member*.

I. Welcome Mike Lawlor, Undersecretary, OPM CJPPD

The meeting was called to order at 9:02 am by CJPAC Chairman Mike Lawlor. Chairman Lawlor stated that one purpose of this meeting was to explore the effect that imminent budget cuts would have on CJPAC agencies. He noted that a policy change in one agency can impact others. Chairman Lawlor also brought the committee's attention to Public Act No. 11-51 An Act Implementing The Provisions of the Budget Concerning the Judicial Branch, Child Protection, Criminal Justice, Weigh Stations and Certain Agency Consolidations, to be discussed later in the meeting.

II. Acceptance of Minutes

Several corrections to the minutes from the May 28th, 2011 CJPAC meeting were discussed. With corrections, the minutes from the May 28th meeting were approved.

III. Commission Correspondence

There was no commission correspondence.

IV. Public Comment

There was no public comment.

V. Update on State Fiscal Issues

Chairman Lawlor noted that, as the current proposed budget is still awaiting approval, it is difficult to assess the impact that budget cuts will have on CJPAC agencies. Chairman Lawlor emphasized the importance of CJPAC as a way to foster connectivity between different agencies, each of whom impacts one another on a systemic level. He invited the committee to share their comments and concerns. He said that responses from the meeting would be brought to the Governor's attention in order to make systemic change encompassing all agencies.

VI. Department of Corrections (DOC): Implementation of Risk Reduction Credits/House Arrest – Commissioner Leo Arnone

DOC Commissioner Leo Arnone explained the risk reduction credit system and emphasized that it is a reentry model, not a way to pump inmates out of the system. He explained that risk reduction credits provide an incentive for inmates to be involved in programs that are empirically proven to reduce recidivism. Commissioner Arnone stressed that in comparison to 47 other states, Connecticut was one of the most conservative in its approach to this program and that inmates who would not be eligible for parole would not be eligible for risk reduction credits. He stated that an inmate who misbehaves, is in special segregation, or causes trouble, will not gain risk reduction credits.

The Commissioner also stressed that good behavior alone is not enough to earn credits; the inmate must participate in volunteer activities and proactive programs which have been proven to reduce recidivism. He also noted that risk reduction credits cannot be used to reduce a mandatory minimum sentence.

Commissioner Arnone indicated that over 9,000 cases would have to be manually checked so that sentences are not inappropriately reduced, citing an outdated computer record keeping system. He stated that even though the program has a one year grace period to become operational, it may roll out by September of this year. He noted that release due to risk reduction credits would be an orderly and measured slow progression, not a mass release, and that there is no reason to believe that it would negatively affect half-way houses, or reentry programs. Risk reduction credits would be applied retroactively to time served after 2006 and credits will be applied to low-risk offenders first.

The Commissioner discussed the implementation of house arrest as a penalty for DWI and misdemeanor drug offenses. The Commissioner noted that DOC has collaborated with Mothers Against Drunk Driving (MADD) on this treatment-based program. He stated that this program could become a national model because incarceration alone is often unsuccessful without treatment programs.

Chairman Lawlor stated that this program is only for persons who are repeat DWI offenders or engaged in misdemeanor drug offenses, and it was noted that such changes will probably have a greater effect on the CSSD than on the DOC. Chairman Lawlor stated that an inmate is not entitled to these credits, and Commissioner Arnone described the process as discretionary. Commissioner Arnone stated that one year of preparation would be ideal to strengthen these retroactive pieces of the program. In regard to program waiting lists, offenders would receive credit for the gesture of signing up, contingent upon their joining a program once accepted. The Commissioner noted that DOC is still processing information about whether the budget problems will significantly affect these programs, and that it may take a year and a half to fully implement the program.

Commissioner Arnone explained that the program is discretionary in that DOC has the right to change the program in the future, although it would never exceed the

five day maximum monthly credit. Commissioner Arnone emphasized the nature of the offense as a significant determinant in an inmate's eligibility for risk reduction credits. Inmate backgrounds will be carefully evaluated, victims interviewed, and the danger of the inmate will be assessed to provide the greatest prevention of danger to the community, and reduce the risk of re-offense.

Chairman Lawlor stated that persistent offenders would probably be made ineligible for RRC, given that certain offenses carry a mandatory minimum sentence that cannot be shortened. Commissioner Arnone explained that offenders with repeated offenses will not be able to take advantage of risk reduction credits.

Chairman Lawlor noted the tremendous effort that has been made to keep all persons involved with these criminal justice issues fully informed. He emphasized the importance of evidence-based programs to reduce recidivism, and that by using the tools and knowledge at hand, it is a collective obligation to fully focus on crime reduction.

VII. Agency Updates

Department of Education Attorney Theresa DeFrancis stated that a reduction in the budget would correlate to a decrease in the grants that would fund local and regional public education, thereby having a direct impact on education in each district. Programs affected will include health services, after school programs, and education cost sharing grants; but this is all contingent on the final budget vote. Ms. DeFrancis also discussed the effects of a reduced staff on her department.

Chief Public Defender Susan O. Storey stated that on July 1st the public defender's office will assume responsibility for all child protection matters, and they are working to ensure they are prepared for this transition. Ms. Storey described the effect that a reduced staff would have on her department.

Department of Children and Families (DCF) Deputy Commissioner Elizabeth Graham stated that at this point DCF knows it will be reducing its workforce by 359 positions, and checking on vacancies to fill these spots. DCF is chiefly concerned with the state of mental health services for the young adult population. DCF is also concerned with Department of Developmental Services (DDS) and the impact that budget reductions will have on community services. DCF is currently focusing on short term, but Ms. Graham emphasized the need for a focus on long term as well.

Department of Mental Health and Human Services (DHMAS) Chief Operating Officer Paul Dileo stated that DMHAS will be reducing staff. DMHAS will first look for vacancies and retirees in order to minimize the impact the budget cuts will have on client services. DMHAS is not considering reduction of forensic services at all. Mr. Dileo explained that if Plan B is passed, DMHAS may be closing the Greater Danbury mental health facility, thereby losing hundreds of clients, in addition to closing about 60 of 110 addiction beds. Chairman Lawlor explained that DMHAS should determine the specifics of how closing these facilities would potentially impact the prison population.

Department of Labor Deputy Commissioner Dennis Murphy, Department of Labor, explained that the Department of Labor (DOL) does not yet have a clear picture of what will take place with the STRIDE and STRIVE programs. He drew the committee's attention to a Bridgeport mattress recycling program called Park City Green, an employment opportunity for reentry individuals.

Department of Corrections Director of Health and Addiction Services Dan Bannish, stated that DOC maintains a solid infrastructure for individuals with psychiatric, cognitive and mental disabilities. Director Bannish explained that focusing attention and money on services for those with addiction problems will bring about long term benefits. Chairman Lawlor emphasized that quantifying the impact of these budget changes on agencies will assist in identifying the policy implications related to the budget.

Mayor of Enfield Scott Kaupin, stated that Connecticut has experienced \$54 million in municipal cuts, with Enfield's share as \$500,000. Enfield's greatest concern is the impact of the prison population on its surrounding community during this time. He stressed that Enfield has been working to decrease their expenditures for the past four years. Chairman Lawlor stated that the second year of the biennium may contain more difficult budget cuts; Mayor Kaupin responded that in that scenario Enfield would reevaluate its budget.

Public Member Richard P. Healey stated that the public wants to believe in the possibility to cut costs, increase efficiency and retain essential services. However, he emphasized that those affected by the cut are more focused on the impact of such cuts among and between agencies. He emphasized that the public fears dramatic changes, such as prison overcrowding, but that CJPAC has approached it in a very secure, calculated manner. He commended CJPAC for its effective group communication, and its collaboration of experience and skill in order to assess and contain risk during this time.

Department of Public Safety Legislative Liaison Steve Spellman announced that today was the last official day of DPS, as DPS is becoming a part of the new Department of Emergency Services and Public Protection (DESPP) agency. He stated that the DESPP will reduce staff. Currently, Connecticut's police force is understaffed. Commissioner Spellman expressed concern that further staff reductions could endanger public safety. He also questioned whether DPS could afford to have resident troopers dedicated to individual towns. Mr. Spellman also discussed ways to reduce the effect of these budget cuts on the DESPP.

Judicial Branch Court Support Services Division Deputy Director Brian Hill stated that Court Support Services Division (CSSD) is awaiting further information before he can assess how the budget changes will affect his staff. He explained CSSD's concern that this will affect their ability to bring in new programs designed to reduce the prison population; any curtailing of programs will have an effect on high risk offenders receiving services. Mr. Hill explained that CSSD is working intently to see how they can minimize impacts on other agencies when court support makes cuts to programs. He

expressed concern about where those currently imprisoned would be held if there are no new prison beds.

Chairman Lawlor questioned what impact decisions made by the legislature, such as the marijuana decriminalization bill, would have on caseloads in court and probation. Mr. Hill explained that the exact impact on probation population is difficult to project.

He stated that an average probation officer carries a caseload of about 70 or 80, reduced from 200, while officers with specialized caseloads carry about 25-30. He explained that in the past four years CSSD has seen recidivism rates decrease, which will have an accumulating effect over time.

Commissioner Arnone further added that a significant portion of DOC funding is spent on staff. He stated that an assumption of this program is that intensive probation will reduce about 16 million of the budget. He expressed great concern that if this number does not arise from probation savings it will probably fall within the category of reductions in employees. DOC is closing the Burgen Facility in mid-August. There is a large reduction in space, and DOC is using nontraditional housing units.

Board of Pardons and Paroles Chairwoman Erika Tindill stated that the Board of Pardons and Paroles (BOPP) has always been a lean agency, with a staff of 72, which does not include 12 board members appointed by the Governor. This is a critical time to focus on the smooth implementation of risk reduction credits, which will affect the amount of people on parole. BOPP will not have to lay off any officers. Chairwoman Tindill emphasized the importance of using risk assessment tools to assure the factual basis for decision-making.

Connecticut Sexual Assault Crisis Services Executive Director Nancy Kushins noted that Connecticut Sexual Assault Crisis Services (CONNSACS) is a lean organization, and could be greatly impacted if it received additional budget cuts because state funds are used as a match for federal funds. CONNSACS is currently holding vacant positions open while waiting to hear whether they will receive state funds.

Chief State's Attorney Kevin Kane stated that the Governor's new proposal has largely impacted the Chief State's Attorney (CSA) office, as they have lost 17% of their 494 full time positions, which amounts to 84 employees. He explained that 92% of the CSA budget is staff-related. He stated that that CSA currently holds 44 per-diem people on staff, and explained that per diems would be let go prior to any full-time employee, because they do not have union coverage. Chief Kane stressed that losing so many per diem employees would significantly slow the movement of cases within the system, even pre-arrest. Many per diems are prosecutors handling the regional dockets, and without them there will be a large reduction in the speed at which prosecutors can review files. Chief Kane stated that per diems work on the habeas corpus and appellate units, which will now need to be staffed by prosecutors. He expressed concern that prosecutors might have overwhelming caseloads, which might lead to a decrease in the quality of the prosecutorial work and in the efficiency of the system. He voiced concern that

diversionary programs were being staffed to account for prosecutors' hesitancy to nolle cases, and spoke about revamping the court's scheduling to account for these changes.

Chief of Police of the town of Vernon James L. Kenny stated that 92% of the municipal budgets are salary and benefits. He stated that operating costs have been significantly reduced and he is strongly considering cutting community outreach and the next step after that would be to cut staff. Chief Kenny explained that a reduction in police services could create a ripple effect throughout the criminal justice system. Chief Kenny explained that the removal of overtime from pension calculation would result in a long term savings. He emphasized the minimum staffing standards and that hiring needs to happen quickly to replace retirees. Chief Kenny explained that if pension changes are implemented, many police officers will retire early to keep their benefits, which would lead to a large decrease in staff.

Attorney Kane stated that decrease in staff numbers could result in problems with an inability to evaluate all cases as thoroughly as possible. He voiced concern about inappropriate dispositions, and how this might pose a threat to the community.

Chairman Lawlor explained the necessity of comprehending the current situation as an imperative reality. CJPAC has the obligation to manage these issues in a systemic manner.

VIII. Other Business

Chairman Lawlor explained that Public Law 11-51, recently passed in the legislature and signed into law, requires CJPAC to consult with the Juvenile Jurisdiction Policy and Operations Coordinating Council to submit a report on the feasibility of establishing a unified community corrections agency no later than January 1st, 2012. Chairman Lawlor stressed that the state puts a great emphasis on the Judicial Branch, but the legislature wants to consider the creation of a new executive branch agency. Chairman Lawlor suggests that details of such an agency should be explored and evaluated in order to determine what the agency might look like.

Chairman Lawlor stated that this initiative will be addressed once the budget situation has been fully comprehended. He addressed the question of CJPAC meeting in the summer. He stated that the committee has not met in past summers, but that in light of budget changes, a meeting should be held the following month. Beyond that point, a decision will be made regarding further summer meetings.

IX. Adjournment

The meeting was adjourned at 11:18 a.m. The next meeting will take place on 7/28/2011 at 9:00am in Room 2B of the Legislative Office Building.