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# Connecticut Regional Institute for the 21<sup>st</sup> Century

Assessment of Connecticut's Correction, Parole, and Probation Systems

July, 2010

*Final Report*

**BlumShapiro**

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# Background

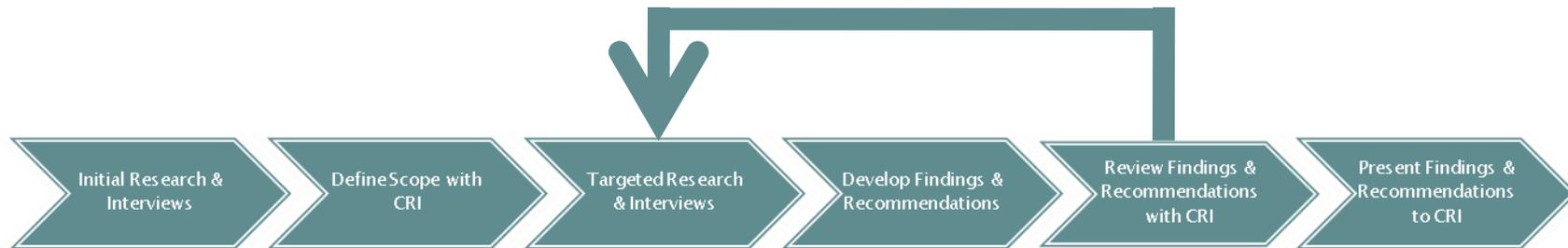
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The Connecticut Regional Institute for the 21st Century (CRI) has conducted research on a number of important state public policy issues and published results to provide information and recommendations that generate discussion and action that enhance the state's overall competitiveness.

CRI retained BlumShapiro to report on the Criminal Justice System in the State of Connecticut. The scope of this review includes Department of Correction, Court Support Services Division of the Judicial Branch and Board of Pardons and Parole. As agreed upon with CRI, BlumShapiro has followed the approach described on the next page and is pleased to provide this report as a result of our work.

# Approach

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BlumShapiro performed extensive research of existing studies and work performed on the Correction, Parole, and Probation Systems. This research was validated by performing interviews with as many key stakeholders as would agree to be interviewed. The interviews provided a better understanding of the many different stakeholders and perspectives that effect the criminal justice system in Connecticut. This research was used to develop findings and recommendations that could be used to improve the criminal justice system in Connecticut.

# Interviews Conducted

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- Brian Austin, Undersecretary, OPM
- Bill Carbone, Executive Director, Court Support Services Division, Judicial Branch
- Andrew Clark, Central Connecticut State University
- Allison DeFoor, Florida
- Liz Dupont-Diehl, Career Resources Inc, Vice President of Development and Communication
- Bill Dyson, Former Connecticut State Legislator
- Bob Farr, Chairman, Board of Pardons and Parole
- LaResse Harvey, A Better Way Foundation, Policy Director
- Kevin Kane, Chief States Attorney
- John Kissel, Connecticut State Senator
- Stephen Lanza, Family ReEntry, Executive Director
- Theresa Lantz, Former Department of Correction Commissioner
- Mike Lawlor, State Representative and Senate Chairman of the Judiciary Committee
- George Lomabardi, Director – State of Missouri Department of Corrections
- Jerry Madden, Texas State Representative
- Linda Mills, Annie Casey Foundation
- Brian Murphy, Department of Correction, Commissioner
- David Nee, Graustein Memorial Fund
- John Padilla, Annie Casey Foundation
- John Santa, Santa Energy - Bridgeport, Chairman
- David Stevenson, Fellowship House Ministries – President
- Mike Thompson, Council of City Governments – New York

# Connecticut's Correction, Parole, and Probation Systems<sup>1 2</sup>

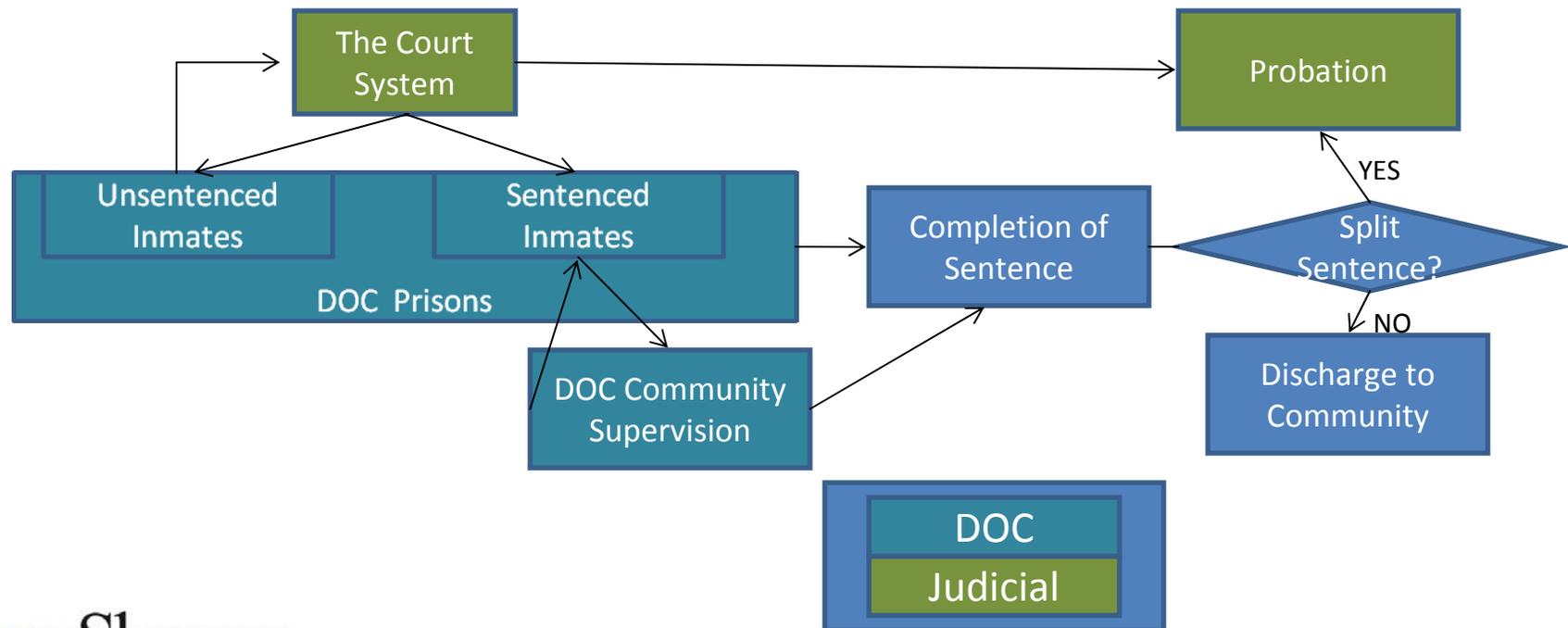
*In the systems assessed there are 2 governing entities:*

1. Department of Correction (DOC)

- Prisons
- Community Supervision Programs/Parole

2. Judicial Branch

- Courts
- Court Support Services - Probation

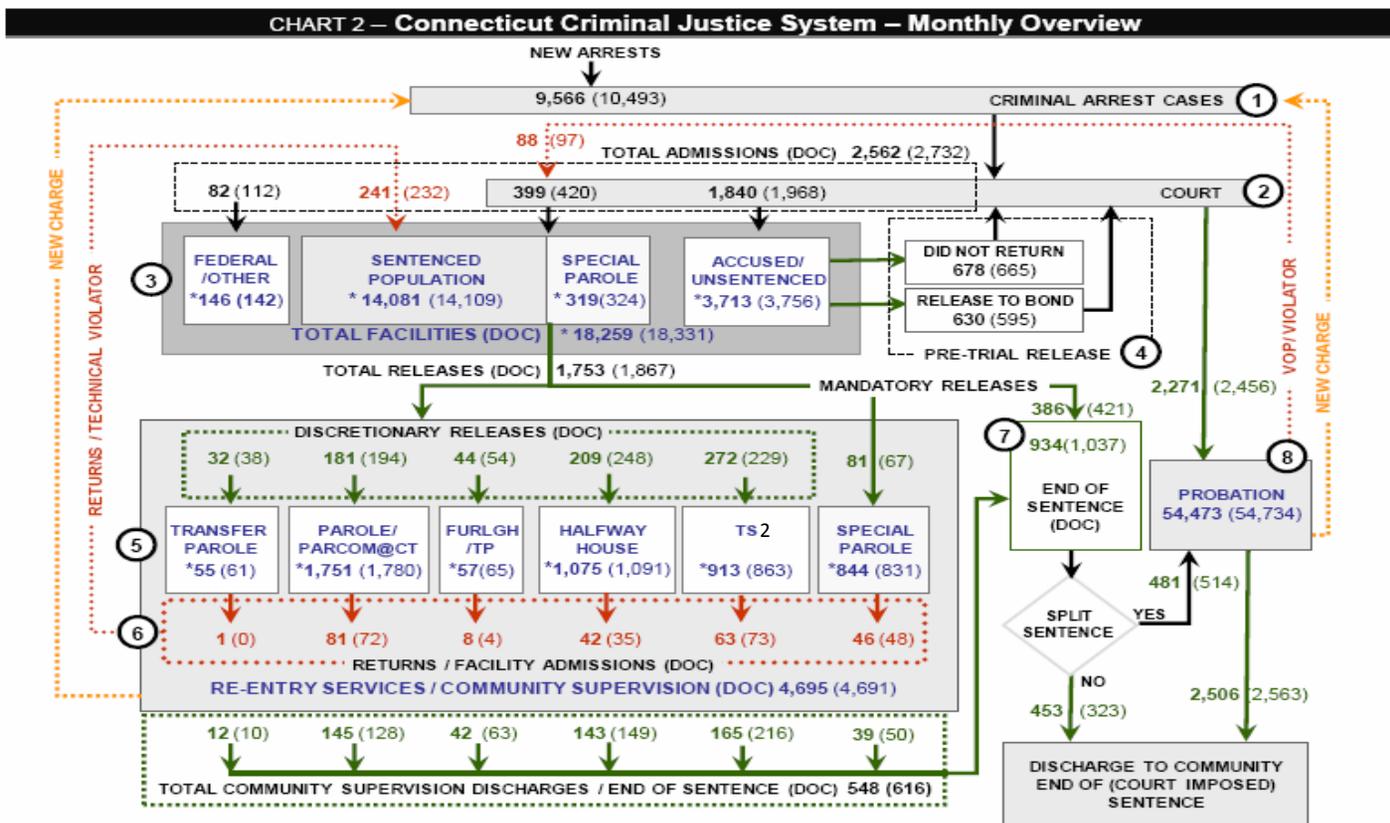


<sup>1</sup>Source : OPM – 2010 Annual Correctional Population Forecast Report Page 7

<sup>2</sup>Source : Criminal Justice Policy and Planning Division – Monthly Indicators, May 2010

# Connecticut's Correction, Parole, and Probation Systems

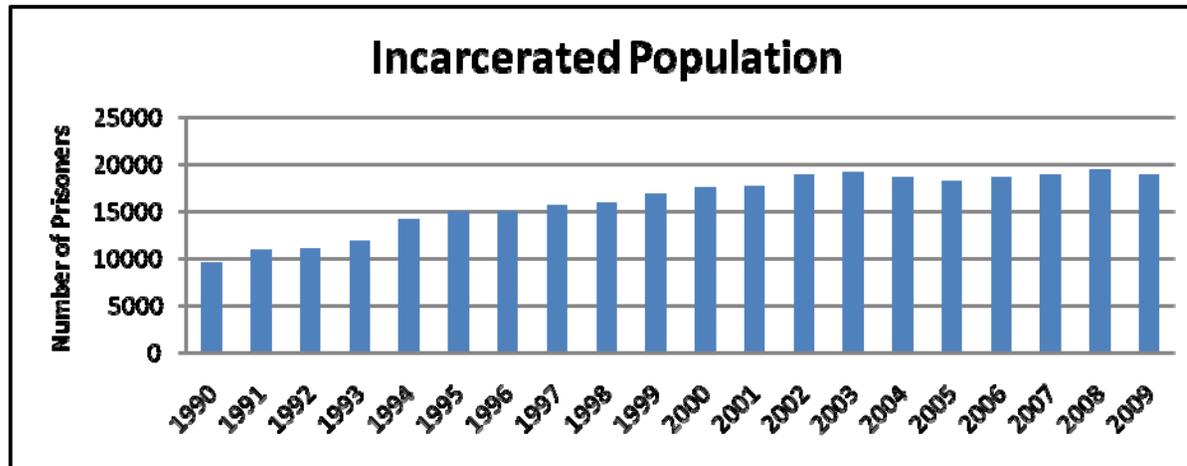
Connecticut's Correction, Parole, and Probation Systems are complex and have many cause and effect relationships between various elements in the system.



<sup>1</sup> Source: OPM Criminal Justice Policy and Planning Division: Monthly Indicators Report, May 2010; page 2

<sup>2</sup> TS = Transitional Supervision – Discretionary Release of Prisoners to Parole

# Connecticut's Correction, Parole, and Probation Systems



Source: Department of Corrections Website <http://www.ct.gov/doc/cwp/view.asp?a=1505&q=265586>

- The CT Prison population has risen and fallen in the last decade.<sup>1</sup>
  - Between January and November 2006 the prison system added inmates at a rate of 130 per month.
  - Between August and December 2007, in the immediate aftermath of the Cheshire home invasion and murders, the prison population increased at a rate of 317 inmates per month.
  - In the period from October 2008 through January 2010, the prison system lost inmates at a rate of 107 per month.
- OPM anticipates that although the prison population in the state will continue to trend downwards, it will move at a much slower rate than in the recent past and will begin to stabilize.
- Connecticut has a unified correction system. We are one of 6 states that have this system. This structure is an advantage to driving consistent policy in the entire system.

**BlumShapiro**

<sup>1</sup> Source : 2010 Correctional Population Forecast Report

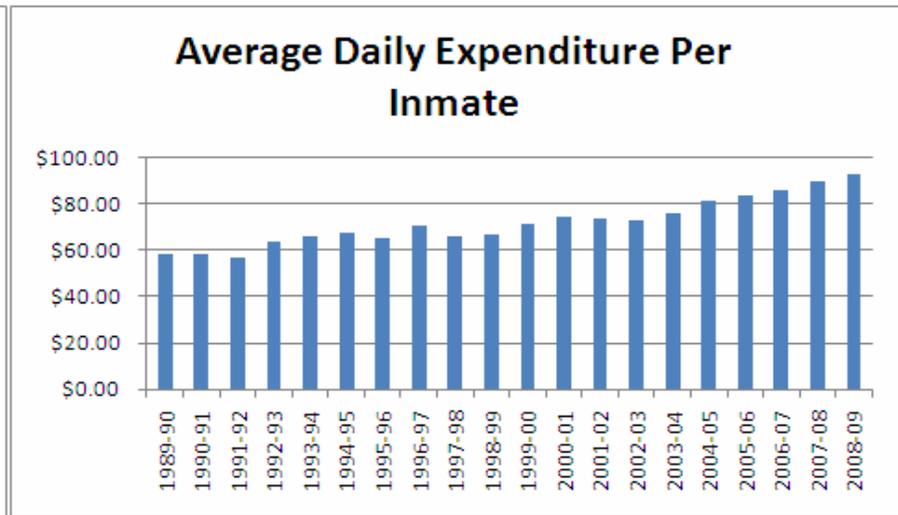
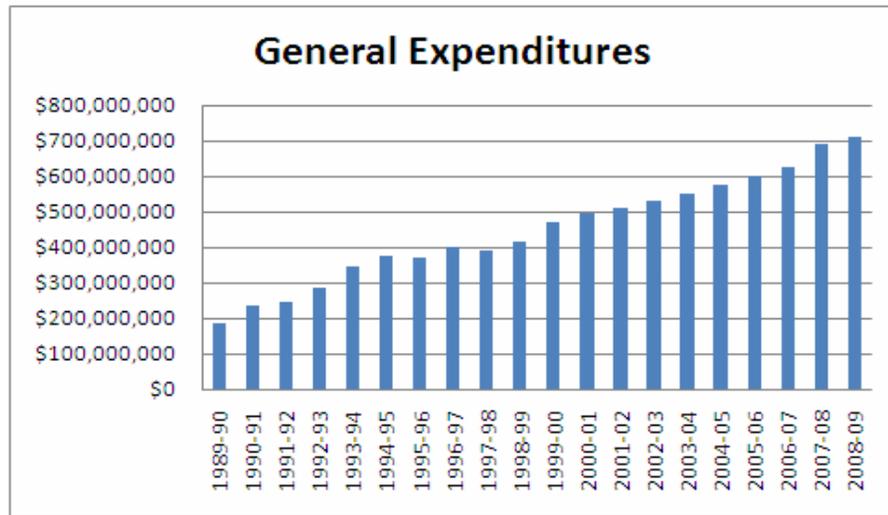
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# Connecticut's Correction, Parole, and Probation Systems

Includes the Prison System and Community Supervision/Parole



Source: Department of Correction Website:

<http://www.ct.gov/doc/cwp/view.asp?a=1505&q=265586>

Source: 2009 CT Department of Corrections Annual Report p. 8

- The General Expenditure at DOC has increased by 280% since 1990 while the Daily Expenditure per inmate has risen 57% in that same time period.
- 2008 – 2009 Department of Correction: \$710,139,836
- 2008 – 2009 Average Daily Expenditure per Inmate: \$92.35<sup>1</sup>

<sup>1</sup>It is not valid to assume that reducing prison headcount saves \$92.35/day per prisoner. The cost of incarceration varies by type of prisoner.

# Connecticut's Correction, Parole, and Probation Systems

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## Comparable States Daily Expenditure per Inmate

- These states have a unified correction system similar to Connecticut and represent the best comparable information.

State	Year	\$
Delaware <sup>1</sup>	2008	82
Connecticut <sup>2</sup>	2009	92
Hawaii <sup>3</sup>	2006	110
Alaska <sup>4</sup>	2005	110
Rhode Island <sup>5</sup>	2009	119
Vermont <sup>6</sup>	2009	139

<sup>1</sup>Source: State of Delaware, Department of Correction, FAQs, <http://doc.delaware.gov/faqs.shtml>

<sup>2</sup>Source: 2009 CT Department of Corrections Annual Report p. 8

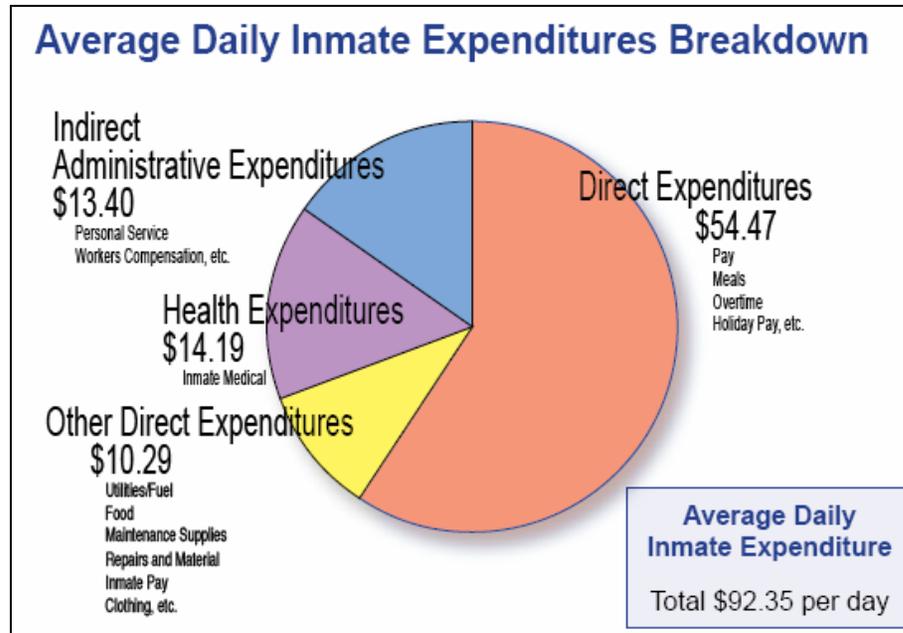
<sup>3</sup>Source: The Louisville Courier-Journal: Andrew Wolfson, *Hawaiian Women Incarcerated in KY--double punishment*, February 19, 2006, [http://realcostofprisons.org/blog/archives/2006/02/hawaiian\\_women.html](http://realcostofprisons.org/blog/archives/2006/02/hawaiian_women.html)

<sup>4</sup>Source: Juneau Empire: Tony Carroll, *Many Alaska prison inmates still being sent thousands of miles away*, [http://www.juneauempire.com/stories/103105/sta\\_20051031003.shtml](http://www.juneauempire.com/stories/103105/sta_20051031003.shtml)

<sup>5</sup>Source: Rhode Island Department of Corrections, *Cost per Offender – FY 2009 Actual Expenditures*, <http://www.doc.ri.gov/documents/administration/Cost%20Per%20Offender%20-%202009%20Actual%20Expenditures.pdfm>

<sup>6</sup>Source: Vermont Department of Corrections, Facts and Figures FY 2009, [http://www.doc.state.vt.us/about/reports/ff2008\\_adobe/view](http://www.doc.state.vt.us/about/reports/ff2008_adobe/view)

# Connecticut's Correction, Parole, and Probation Systems



Source: 2009 CT Department of Corrections Annual Report p. 8

- 58% of Department of Correction's total budget is related to direct staffing
- Based on our understanding of the current union contracts, the most effective way to control this cost is to reduce the number of inmates. By doing this it may be possible to close facilities or parts of facilities. Personnel can then be reallocated amongst facilities and over time can be reduced.

# Connecticut's Court Support Services

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Court Support Services (Probation) Cost – State Fiscal Year 2006<sup>1</sup>

Net State Cost	\$ 91,552,100
Per Diem cost per Client	\$ 10.24 <sup>2</sup>
Per Annum cost per Client	\$ 3,736

- More Current Data for the Cost of Probation was not available.
- The Cost of Probation is significantly less than the cost of incarceration.

<sup>1</sup>Source: CT General Assembly - Office of Fiscal Analysis – SFY 2006

<sup>2</sup>It is not valid to assume that reducing probation headcount saves \$10.24/day per client. The cost of probation varies by type of client.

# Connecticut's Correction, Parole, and Probation Systems

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- **Recidivism in Connecticut**

- In their 2010 Annual Recidivism Study OPM finds recidivism in Connecticut is generally consistent with other states for the categories of recidivism that were reported. As in past studies on both the state and national level, offenders that were discharged after completing community supervision programs, like parole or transitional supervision, had the lowest recidivism rates among all groups of offenders in the study. For example, while 36.6% of all offenders were re-incarcerated for new sentences within 3 years of release, 27.9% of offenders completing transitional supervision and 24.7% of offenders completing parole were re-incarcerated for new sentences.<sup>1</sup>

- **National Recidivism Rates (published June 2006)**<sup>2</sup>

- 67% of offenders were re-arrested.
- 52% were re-incarcerated to serve a new prison sentence.

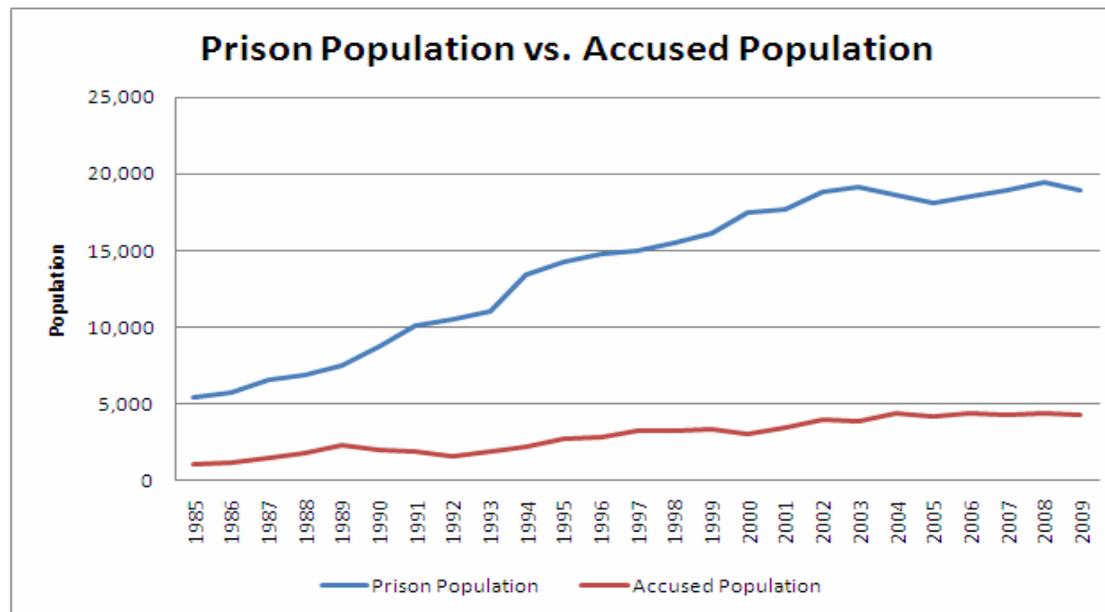
<sup>1</sup>Source : 2010 Annual Recidivism Report, State of Connecticut, Office of Policy and Management, Criminal Justice Policy and Planning Division, February 15, 2010. Page 3

<sup>2</sup>Source : The Commission on Safety and Abuse in America's Prisons, Gibbons, Katezenbach, Vera Institute of Justice – pg.106

# Connecticut's Correction, Parole, and Probation Systems

- Prison Growth has **not** been caused by growth in crime rates. Prison growth has been caused by policy choices.<sup>3</sup>

Since 1985 the prison population has increased significantly while crime rate has stayed fairly constant



<sup>1</sup>Source : For Years 1985 - 1999 : OPM Reentry Strategy Plan 2007 (Page 19)

<sup>2</sup>Source : For Years 2000 – 2009: DOC Website; <http://www.ct.gov/doc/cwp/view.asp?a=1505&q=265598>

<sup>3</sup>Specific policy areas that could be looked into include: domestic violence, mandatory minimums, and DUIs.

# National Criminal Justice System Trends

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Increased Prison Spending does not correlate to reduced crime

“There is little debate that imprisonment has protected communities from many of the most violent and menacing criminals, and that some offenders should be locked up purely for the sake of punishment. But in casting a wider net for criminals, prisons have snagged many smaller fish. A growing body of research is showing the limits of incarceration as a sanction for these lower level and less frequent lawbreakers, both in terms of its cost-effectiveness and its impact on crime.”

Source: *One in 31: The Long Reach of American Corrections*; PEW Center on the States; March 2009; page 17

# National Criminal Justice System Trends

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## There is no such thing as an “Average Prisoner”

“To understand this, it’s important to remember that all offenders aren’t the same. They present different threats to public safety, and thus their incarceration pays vastly different dividends. Criminologists long ago demonstrated that imprisonment of the *average* offender serves to avert many crimes that would otherwise carry considerable public cost. But more recent and refined research reveals that measuring the impacts of the average prisoner hides as much as it reveals because offenders - and their crime related impacts - vary so dramatically.

One such study, published by the Manhattan Institute, ranked all male inmates entering the Arizona prison system in terms of the harm they created in the year before incarceration. Those at the 80th percentile of harm, the research showed, created almost \$220,000 in social costs. But those at the 50th percentile - the median - inflicted \$25,500 in social costs, while those at the 20<sup>th</sup> percentile were responsible for just \$3,950 in social costs. The authors concluded that for Arizona and the two other states they analyzed (New York and New Mexico), incarceration for half of all entering prisoners would cost taxpayers more than it was worth, in terms of crimes avoided.”<sup>1</sup>

This same concept applies in Connecticut’s Criminal Justice System. It is not valid to assume that reducing prison headcount saves \$92.35/day per prisoner. The cost of incarceration varies by type of prisoner.

# National Criminal Justice System Trends

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## The Declining Impact of Incarceration on Crime

“Aside from evidence that incarceration doesn’t “pay” for all *current* prisoners, there are separate reasons to question its value as a broadly applied correctional tool for the *future*. One is what economists call the law of diminishing returns. Here, diminishing returns means that the larger the group of offenders scooped up by prisons, the lower the payoff for states in terms of crime reduction. It certainly pays to remove the most prolific offenders from the streets. But once they are locked up, more incarceration grabs the second and third and tenth tier offenders who are less likely to commit as many crimes. So gradually, the crime-prevention payoff declines. Diminishing doesn’t necessarily mean no returns at all, but it does mean that each additional prison cell provides less public safety benefit.”

Source: *One in 31: The Long Reach of American Corrections*; PEW Center on the States; March 2009; page 18

# National Criminal Justice System Trends

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## The “Tipping Point” – Where additional incarceration will have little effect on crime

“More recently, scholars have explored the tipping point concept in incarceration on a 50-state basis. A 2006 study suggests that, after exceeding a threshold in the range of 325 to 430 inmates per 100,000 residents, incarceration fails to reduce crime - and may even increase it. Imprisonment was more useful, the authors argue, when state incarceration rates hovered around 111 per 100,000 in the 1970s, or around 207 per 100,000 in the 1980s, than when they accelerated to 397 per 100,000 in the 1990s. Today, of course, the national rate of imprisonment is significantly higher - 506 per 100,000.”<sup>1</sup>

- To be within this threshold CT’s incarcerated population would range between *11,375 to 15,050*.
- CT’s sentenced, incarcerated population as of September 2010 is *13,855*.<sup>2</sup>

<sup>1</sup> Source: *One in 31: The Long Reach of American Corrections*; PEW Center on the States; March 2009; page 19

<sup>2</sup> Source: Office of Policy and Management: Monthly Indicators Report, September 2010; page 2

# National Correction System Trends

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- Support for Community Corrections is critical going forward

“Building more prisons is not a cost-effective path to greater public safety. Policy makers must confront the reality that, for the foreseeable future, roughly seven out of every ten offenders will continue to serve all or part of their sentences in the community. Ensuring public safety and balancing a budget, then, require states to strengthen badly neglected community corrections systems, so they can become credible options for more of the lowest risk offenders who otherwise would be in prison. This means states must take a harder look at which offenders should be locked up and which can be managed effectively in the community. It means they must give community corrections agencies the tools and incentives they need to do their jobs effectively and hold them accountable for implementing the supervision strategies that reflect the wisdom gathered through a quarter century of research on recidivism reduction.”<sup>1</sup>

## Connecticut Average Costs Per Day:

- Parole – Data was requested but is not currently available
- Probation - \$10,40
- Prison – \$92.35

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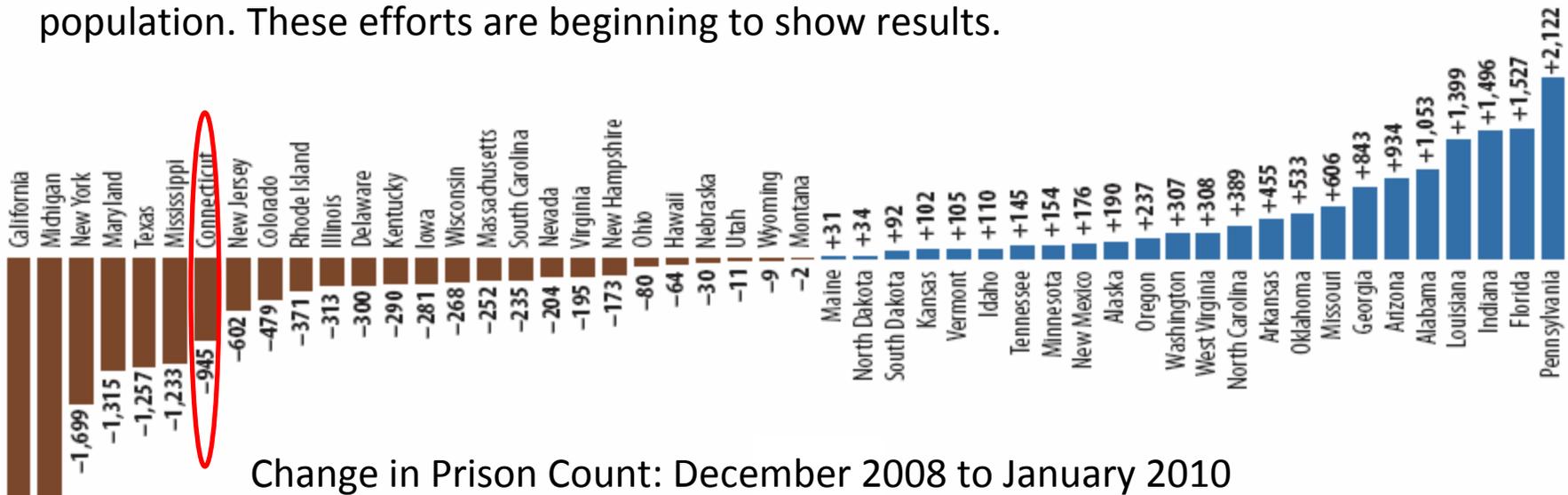
<sup>1</sup> Source: *One in 31: The Long Reach of American Corrections*; PEW Center on the States; March 2009; page 22

<sup>2</sup> Source : CT General Assembly - Office of Fiscal Analysis – SFY 2006

<sup>3</sup> Source : 2009 CT Department of Corrections Annual Report p. 8

# Connecticut's Initiatives to Improve

Connecticut has put in place specific strategies, programs, structures and processes to implement more effective community corrections and to control prison population. These efforts are beginning to show results.



States with Increases

States with Decreases



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Source: Pew Center on the States, Prison Count 2010, March 2010

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# Connecticut's Initiatives to Improve<sup>1</sup>

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“Connecticut’s prison population declined moderately during 2008. Between January 1, 2008 and January 1, 2009, the prison population fell by 460 inmates, a 2.4% decline. In 2009, the decline in the inmate count was much more dramatic. Between January 1, 2009 and January 1, 2010, the State had 925 fewer inmates in its prisons, a decline of 4.9%. The decline of 2009 led DOC to close one prison facility.

The decline in the State’s prison population, during the last year in particular, reflected a series of smaller, incremental factors coming into alignment. These factors included:

- A gradual increase in the number of offenders released each month into community supervision programs;
- A steady reduction of the offender backlog (that began in 2007) through discharges and releases into community programs;
- Fewer-than anticipated monthly admittances of unsentenced offenders, particularly during the summer and fall;
- Increased efficiency in pre-trial diversion programs;
- Optimized population management;
- Greater accountability and improved operational efficiency;
- and expanded collaboration between various criminal justice agencies including the Board of Pardons and Paroles, CSSD, and DOC.

OPM anticipates that although the prison population will trend downward, it will move at a much slower rate than in the recent past and begin to stabilize.”

<sup>1</sup> Source: Connecticut Office of Policy and Management 2010 Annual Correctional Population Forecast Report. Page 18

# Connecticut's Initiatives to Improve

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## Creation of the Criminal Justice Policy and Planning Division within the Office of Policy and Management

In accordance with Public Act No. 05-249<sup>1</sup>: The division shall develop a plan to promote a more effective and cohesive state criminal justice system and, to accomplish such plan, shall:

1. Conduct an in-depth analysis of the criminal justice system;
2. Determine the long-range needs of the criminal justice system and recommend policy priorities for the system;
3. Identify critical problems in the criminal justice system and recommend strategies to solve those problems;
4. Assess the cost-effectiveness of the use of state and local funds in the criminal justice system;
5. Recommend means to improve the deterrent and rehabilitative capabilities of the criminal justice system;
6. Advise and assist the General Assembly in developing plans, programs and proposed legislation for improving the effectiveness of the criminal justice system;
7. Make computations of daily costs and compare interagency costs on services provided by agencies that are a part of the criminal justice system;
8. Make population computations for use in planning for the long-range needs of the criminal justice system;
9. Determine long-range information needs of the criminal justice system and acquire that information;
10. Cooperate with the Office of the Victim Advocate by providing information and assistance to the office relating to the improvement of crime victims' services;
11. Serve as the liaison for the state to the United States Department of Justice on criminal justice issues of interest to the state and federal government relating to data, information systems and research;
12. Measure the success of community-based services and programs in reducing recidivism; [and]
13. Develop and implement a comprehensive reentry strategy as provided in section 18-81w, as amended by this act; and
14. Engage in other activities consistent with the responsibilities of the division.

# Connecticut's Initiatives to Improve

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Creation of the Criminal Justice Policy Advisory Committee (CJPAC) – see Appendix 2 for Current Membership in this Committee

**Criminal Justice Policy Advisory Commission established under Public Act 06-193 shall:** <sup>1,2</sup>

1. Develop and recommend policies for preventing prison and jail overcrowding;
2. Examine the impact of statutory provisions and current administrative policies on prison and jail overcrowding and recommend legislation to the Governor and the General Assembly;
3. Research and gather relevant statistical data and other information concerning the impact of efforts to prevent prison and jail overcrowding and make such information available to criminal justice agencies and members of the General Assembly;
4. Advise the undersecretary of the Criminal Justice Policy and Planning Division on policies and procedures to promote more effective and cohesive state criminal justice and juvenile justice systems and to develop and implement the offender reentry strategy as provided in 18-81w, as amended by this act;
5. Assist the undersecretary of the Criminal Justice Policy and Planning Division in developing the recommendations included in the report and presentation made by the division pursuant to section 4-68p, as amended by this act.

<sup>1</sup> Source: Public Act No. 06-193; <http://www.cga.ct.gov/2006/ACT/PA/2006PA-00193-R00HB-05781-PA.htm>

<sup>2</sup> Source: Office of Policy and Management Website; <http://www.ct.gov/opm/cwp/view.asp?a=2970&q=383604>

# Connecticut's Initiatives to Improve

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## Creation of The State of Connecticut Re-Entry Strategy<sup>1</sup>

The goal of a statewide re-entry strategy is to enhance public safety by reducing recidivism, relapse and revocation by implementing an integrated, collaborative and cost effective approach to managing an offender's transition from incarceration to the community. An integrated statewide re-entry strategy requires the collaboration of stakeholders who steadfastly reinforce the offender's responsibility to lead a law-abiding and productive life in the community, and provide the necessary support and intervention to meet that purpose.

Stakeholders include:

- Criminal justice employees across all branches of government, state and federal
- Community and Non-profit organizations
- Offenders
- Connecticut citizens

Through this collaborative effort, relationships will foster and strengthen a culture change throughout the criminal justice system and follow into the community. This will contribute to the success of an offender's transition from incarceration dependency to responsible community self-sufficiency.

**BlumShapiro** <sup>1</sup>Source: "Partners In Progress: The State of Connecticut Re-Entry Strategy: February 15, 2009; Page 5

# Connecticut's Initiatives to Improve

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## Creation and Expansion of the Jail Re-Interview Program<sup>1</sup>

- The Jail Re-interview Program (JRIP), administered through CSSD, works closely with the DOC and the Division of Public Defender Services to develop community based alternative release plans for defendants held on bond. The data clearly illustrate the proficiency of the JRIP program in successfully identifying defendants who can be supervised in the community while their criminal cases are pending and ultimately assisting the DOC with regard to prison and jail overcrowding.

SFY	Offenders Interviewed	# of Offenders Released from DOC	%
2006	9,801	6,371	65%
2007	10,885	7,468	69%
2008	15,949	10,257	64%
2009	15,548	10,426	67%

# Observations

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- Many societal issues, outside the scope of this work, have direct impact on the prison population.
  - Employment
  - Housing
  - Mental Health
  - Education
  - Substance Abuse
  - Parenting
- Connecticut's prison growth has not been caused by growth in crime rates. Prison growth has been caused by policy choices.
- Connecticut's Criminal Justice System is complex:
  - Spans multiple state agencies and branches of government
  - There are many cause and effect relationships in the system
- Connecticut's Prison and Probation Systems are costly.
- There is not one or a small group of recommendations that will have a large immediate impact on the system. There needs to be many smaller initiatives, rooted in a common strategy, that will need to be accomplished to yield benefits.

# Observations

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- Connecticut has seen a recent reduction in prison population but the cost of the Department of Correction continues to rise.
- National studies and data suggest that treatment, reentry, rehabilitation and community corrections programs are much more cost effective and appropriate compared to imprisonment.
- Connecticut has taken steps in the adoption of National Trends to improve Correction, Parole, and Probation.
- Investments in this system must be measured and managed, however, immediate payback may not occur. Many of these initiatives will take several years to yield benefits. Therefore, a long-term planning horizon (6-10 years) must frame any go-forward strategy.
- The two major focuses to reduce prison population are:
  1. Diversion from entering
  2. Elimination/Reduction from re-entering

These two elements must be the focus of a comprehensive go-forward strategy

# Recommendations

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Formalize and adequately fund a steering mechanism across the entire criminal justice system.

- Leadership of the entire Connecticut justice system is critical too insure alignment of the many disparate components of the existing systems.
- Rationale for change
  - There is no one person or group with appropriate authority that manages Connecticut’s Criminal Justice System.
  - Connecticut’s Correction, Parole, and Probation Systems cost \$801M.
  - There are many components to our existing system.
  - The components of the current system have direct cause and effect relationships between each other.
  - Without a single authority it will be very difficult to manage and improve the system in a timely and cost efficient manner.
  - There is no one person or entity with responsibility and accountability for this system.
- Potential Implementation Approaches
  - Extend the role, responsibility and authority of CJPAC.
  - Consider alternative organizational structure options to properly establish a leadership position.
  - Adequately fund and staff this mechanism to ensure measurement and accountability.

# Recommendations

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## The steering mechanism needs to develop a comprehensive strategy for Connecticut's Criminal Justice System

- The strategy must set the philosophy by which Connecticut will manage this system.
  - The strategy should leverage the work performed by CJPAC and the Governor's Task Force on Criminal Justice.
  - The strategy must include specific accountabilities for delivery of agreed upon priorities, a measurement system for results and a mechanism to make adjustments as more is learned.
  - The strategy must set a framework for improvements to the Criminal Justice System for the next 10 years.
  - This strategy must be created in collaboration between the Executive and Judicial Branch.
- Rationale for change
    - Connecticut does not currently have a documented, agreed upon Criminal Justice Strategy.
    - Connecticut has made strides with the formation of CJPAC, the Governor's Task Force and has been fortunate to have the outstanding personal working relationships amongst leadership of its major Criminal Justice departments. This ad-hoc structure should be formalized and accountability measures should be developed.

# Recommendations

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## Establish and monitor a measurement system across Correction, Parole, and Probation.

- A major component of the “steering” mechanism must be to establish relevant performance metrics across the entire justice system. These metrics must be used to measure progress, effect of specific programs and establish goals for the system to achieve. These metrics must be inclusive (cost, recidivism, crime, etc) and be used to measure the cost/benefit of the entire system.
  
- Rationale for change
  - There are no system wide metrics today.
  - There are very few metrics that measure the cost/benefit of specific programs and initiatives.
  
- Potential Implementation Approaches
  - Evaluate and implement the work underway by the Washington State Institute for Public Policy to develop an analytical tool for Washington, and perhaps other states, to identify evidence based policy options to reduce crime rates and lower the taxpayer costs of the criminal justice system. <sup>1</sup>
  - A unit that is appropriately funded and staffed must be established as part of the “steering” mechanism. This unit should have the responsibility to measure the system and all of its components. It should be independent of DOC, Judicial and Parole.
  - Consider the adoption of a Results Based Accountability (RBA) model used in the Connecticut Legislature which helps legislators assess the effectiveness and impact of programs they fund. <sup>2</sup>

<sup>1</sup> Source: Washington Institute for Public Policy; Fight Crime and Save Money: Development of an Investment Tool for States to Study Sentencing and Corrections Public Policy Options, April 2010

<sup>2</sup> Source: Implementing Results-Based Accountability in the Connecticut General Assembly, Office Of Fiscal Analysis, August 7, 2007

# Recommendations

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## Develop a comprehensive information system across Correction, Parole, and Probation.

- To support the “steering” mechanism an information system strategy must be developed and implemented.
- Rationale for change
  - There is not an integrated information system across the Criminal Justice System today. As a result there are significant information islands that exist at DOC, Judicial and Parole.
  - The lack of information sharing across DOC, Judicial and Parole played a major role in the Cheshire incident.<sup>1</sup>
  - Significant investment has been already made in this area with very few results.
- Potential Implementation Approaches
  - Evaluate other successful state models such as the Pennsylvania Justice Network (JNET).
  - Centralize I.T. responsibility within the “Steering” mechanism.

# Recommendations

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Review, analyze and standardize the risk assessment instruments that should be utilized across Correction, Parole, and Probation.

- Currently different risk assessment instruments are used by Court Support Services, Department of Corrections and Parole.
  
- Rationale for change
  - A consistent method of assessment and visibility of those results should allow for better and more consistent decision making throughout the system.
  
- Potential Implementation Approaches
  - A task force is scheduled to begin work on this in August 2010. This effort should remain a priority and accountability for delivery of recommendations should be established.

# Recommendations

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Continue to build and enhance partnerships and collaborations with community based service providers.

- Rationale for change
  - Enhanced information sharing between agencies and community partners.
  - Timely outreach with offenders who are released from prison. The first 72 hours following a release are the most critical time to provide a support network.
- Potential Implementation Approaches
  - Evaluate the use of Reentry Councils. Consider existing models in New Haven, Hartford and Bridgeport as examples for other communities.
  - Role and Responsibility of community based service providers should be defined in the strategy for Connecticut's Criminal Justice System.

# Recommendations

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## Institute the use of meritorious good-time for certain offenders

- Should be linked to existing re-entry strategy
  
- Rationale for change
  - There are two major benefits from such a program:
    - Provides DOC with an incentive based tool to motivate inmates.
    - If used appropriately will reduce prison population.
  - Classify certain offenses/offenders where eligibility for good time is not an option.
  - Must fund prisoner improvement programs that have meritorious good time as an outcome.
  
- Potential Implementation Approaches
  - Implement program targeted at lowest risk inmates initially.
  - Measure the recidivism and population results.
  - Make decision on maintaining, expanding or eliminating the program.

# Recommendations

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## Renegotiate Union contracts

- Connecticut union contracts provide little flexibility to allow for the reduction of cost in the criminal justice system.
- Rationale for change
  - If Connecticut is to effectively manage the cost/benefit of its Correction, Parole, and Probation Systems than more flexibility is required to manage the largest cost in the system.
  - The only way to control labor cost in the system is to reduce the number of inmates. This will allow for the possibility to close facilities or parts of facilities. Under current contract these closures would not result in the ability to reduce headcount. The only benefit that can be derived is to redeploy personnel amongst other facilities and avoid the cost of overtime.
- Potential Implementation Approaches
  - Benchmark other state contracts to Connecticut's contracts specifically focusing on:
    - Worker's compensation
    - Work schedules
    - Overtime
    - Sick time
  - Partner with unions and explore gainsharing opportunities.

# Recommendations

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Connecticut's business community should be included in the Criminal Justice strategy and structure.

- Rationale for change
  - There is limited business community involvement in the current system.
  - Appropriate business representation to facilitate discussion regarding providing jobs for ex-offenders as well as provide business perspective to the management and measurement of the Criminal Justice System would be healthy.
- Potential Implementation Approaches
  - Include business input to Criminal Justice strategy.
  - Include business representation in CJPAC.

# Recommendations

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The current Department of Correction re-entry programs both internal and community based need to be funded and sustained; however, there need to be specific measurement systems at the program level to determine cost effectiveness.

- Rationale for change
  - With the pressure to reduce cost in the budgeting process we must understand that these programs yield significant return on reducing recidivism.
  - To support this statement, specific measurement of the programs need to be implemented.
- Potential Implementation Approaches
  - As part of the Information Technology strategy these measurement systems need to be designed and ultimately implemented.
  - Connecticut must resist the temptation to reduce funding for these programs.

# Recommendations

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Within the context of an overall Justice System strategy examine the racial disparity of Connecticut's prison population.

- Rationale for change
  - Connecticut's prison system ranks among the highest in the nation in terms of racial disparity.<sup>1</sup>
  - Begin to understand and link the reasons for the disparity back to core issues:
    - Employment
    - Housing
    - Education
    - Parenthood
- Potential Implementation Approaches
  - The recently passed approval of a Sentencing Commission should have this issue as a priority when examining current Connecticut law.

<sup>1</sup>Source: Mauer, Marc & King, Ryan S. (July 2007). Uneven Justice: State Rates of Incarceration By Race and Ethnicity. *The Sentencing Project*.

# Recommendations

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Extend the early release furlough program for appropriate inmates.

- Rationale for change
  - This program allows an inmate to re-establish his or her ties to the community and look for suitable employment while under supervision.
  - If implemented correctly, this program should reduce prison headcount.
- Potential Implementation Approaches
  - Evaluate current early release furlough program and assess its effectiveness.
  - Evaluate the use of mandatory community supports to improve the recidivism results of this program.

# Recommendations

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Consider implementing the Hawaii Opportunity Probation with Enforcement (HOPE) Probation program model which has yielded success in Hawaii.

- Rationale for change
  - In 2004, First Circuit Judge Steven Alm launched a pilot program to reduce probation violations by drug offenders and others at high risk of recidivism. The high-intensity supervision program, called HOPE, is the first and only of its kind in the nation. Probationers receive swift, predictable and immediate sanctions – typically resulting in several days in jail – for each detected violation, such as detected drug use or missed appointments with a probation officer.<sup>1</sup>
  - In a one-year observation period, HOPE probationers were<sup>2</sup>
    - 55% less likely to be arrested for a new crime.
    - 72% less likely to use drugs.
    - 61% less likely to skip appointments with their supervisory officer.
    - 53% less likely to have their probation revoked.
    - As a result, they served or were sentenced to, on average, 48% fewer days of incarceration than the control group.

Sources:

<sup>1</sup>Hawaii State Judiciary Website: Hope Probation,

[http://www.courts.state.hi.us/special\\_projects/hope/about\\_hope\\_probation.html](http://www.courts.state.hi.us/special_projects/hope/about_hope_probation.html)

<sup>2</sup>National Institute of Justice, DOJ Sponsored Evaluation: HOPE Evaluation Findings

<http://www.hopeprobation.org/wp-content/uploads/2009/06/HOPE-graph-NIJ.pdf>

# Recommendations

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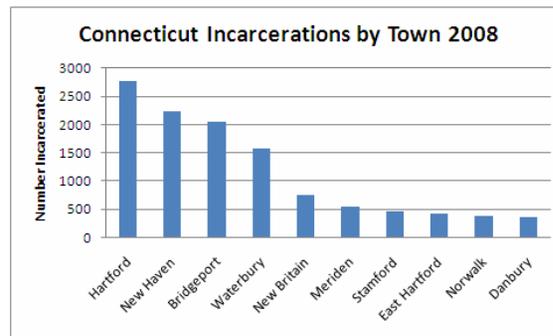
Establish a faith based pilot initiative within the incarcerated male population.

- Rationale for change
  - A successful female faith based program is in effect in the York facility. This program has reportedly yielded the lowest recidivism rates in the Connecticut system.
  - Other states such as Florida have seen good results from these programs.
- Potential Implementation Approaches
  - Seek advice from States where these programs have been successful to establish the pilot.
  - Dedicate space in a level 2 or level 3 facility to pilot approach.
  - Solicit and agree with a community based provider to manage and/or operate the program.

# Recommendations

Examine and address issues related to prison-based gerrymandering. A longstanding flaw in the Census counts incarcerated people as residents of the prison location as opposed to the town in which the offender lives.

- Rationale for change
  - Understated population count results in reduced tax dollars to the communities that serve as ‘home’ to offenders.



2009 DOC Annual Report p. 14

- Potential Implementation Approaches
  - Address through General Assembly Bill No. 5523<sup>1</sup> which calls for adjustment of census data to count persons incarcerated in correctional institutions in the population count of the towns where they resided prior to incarceration.

<sup>1</sup>Source: State of Connecticut, General Assembly Bill 5523;  
<http://www.cga.ct.gov/2010/TOB/H/2010HB-05523-R00-HB.htm>

# What other States Have Done to Improve....

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## **Michigan (Improvement Initiatives – Inmate Reduction, Sentencing, Recidivism, Community Supervision) <sup>1,2</sup>:**

- Reduced the number of inmates who serve more than 100% of their minimum sentence.
- Eliminated mandatory minimum sentences for drug offenses and incorporated sentencing provisions into the guidelines system with enhanced judicial discretion .
- Decreased parole revocation rates.
- Enhanced reentry planning and supervision.
- Parole Release: Use of data-driven policies to identify lower-risk cases for release, establishment of greater range of intermediate sanctions for rule violators, and designation of two “reentry prisons” to assist in planning for release.
- Established the Michigan Prisoner Reentry Initiative to develop locally-based planning focusing on services in housing, employment, substance abuse, and other areas designed to increase prospects for successful reentry.

# What other States Have Done to Improve....

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## **Nevada (Improvement Initiatives – Inmate Reduction, Sentencing) <sup>1,2</sup> :**

- Legislature voted to enact several policy measures that increased program credits awarded for in-prison education, vocational and substance abuse treatment.
- Expanded the number of credits people in prison and on community supervision can earn for “good time” and compliance with conditions.
- Reinstated an advisory commission to review sentencing and corrections policies for effectiveness and efficiency.

## **New York (Improvement Initiatives – Inmate Reduction, Sentencing, Community Supervision) <sup>1,2</sup> :**

- Scaled back the “Rockefeller Drug Laws” to reduce the scope of mandatory sentences.
- Drug Treatment Alternative to Prison program established by the Brooklyn District Attorney’s Office to divert prison-bound defendants into treatment programs helped to reduce use of incarceration, and was expanded to other prosecutor’s offices statewide.
- Implemented “merit time” credits and other incentives for participation in education and vocational training, treatment and other services to speed parole consideration.
- Increased use of release programs and incentives to shorten time served in prison for people convicted of drug violations and other non-violent crimes.

<sup>1</sup> Source: “Downscaling Prisons”, Greene & Mauer; 2010

<sup>2</sup> Source: “Prison Count 2010” PEW Center on the States; 2010

# What other States Have Done to Improve....

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## **Missouri (Improvement Initiatives – Reentry) <sup>1</sup> :**

- The Missouri Reentry Process utilizes evidence-based programming and activities with an emphasis on preparing offenders to return to the community with the tools they will need to be successful.
- Local Community Reentry Teams: 40 MRP Teams throughout the state who analyze the gaps in their local communities and apply appropriate reentry practices. These teams include membership from partnering state agencies, community organizations, law enforcement, faith based organizations, ex-offenders, treatment providers and other citizens within the community.

## **Texas (Improvement Initiatives – Inmate Reduction, Community Supervision) <sup>2,3</sup> :**

- Invested in a network of residential and community-based treatment and diversion programs. This strategy has greatly expanded sentencing options for new offenses and sanctioning options for probation violators.
- Increased its parole grant rate and shortened probation terms.

<sup>1</sup> Source: State of Missouri, Department of Corrections – Summary of Reentry Projects; October 1, 2009

<sup>2</sup> Source: “Downscaling Prisons”, Greene & Mauer; 2010

<sup>3</sup> Source: “Prison Count 2010” PEW Center on the States; 2010

# What other States Have Done to Improve....

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## **Mississippi (Improvement Initiatives –Inmate Reduction, Community Supervision) <sup>1</sup> :**

- Non violent offenders are eligible for parole after serving 25% of their prison sentence.
- Worked with the Bureau of Justice Assistance to design and implement a parole risk assessment instrument.
- Meritorious Earned Time (MET) for selected offenders. MET moves up both the parole eligibility date and the offenders release date.
- Implemented reform that gives the Department of Corrections the authority to allow persons convicted of most drug crimes to be placed under house arrest with electronic monitoring.

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# APPENDIX

# Appendix 1: National Correction System Trends

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## Probation and Parole – Community Corrections:

“The public’s perception of corrections most commonly centers on prisons and jails—buildings with bars, locked cells and uniformed guards. But far more offenders pay for their crimes through community sanctions, including drug courts, home detention and electronic monitoring, residential facilities with treatment, and day reporting centers.

The centerpiece of community corrections is probation and parole. Offenders placed on probation - derived from the Latin word *probatum*, for “the act of proving”—are typically lower level offenders who are allowed to remain in the community provided they exhibit good behavior and meet other conditions while supervised by a probation officer. With origins in this country dating to the mid-19th century, probation is ordered by a judge and served under threat of more serious sanctions. If a probationer violates conditions governing his or her community release, a judge may impose additional rules or require a term in custody.

Parolees, by contrast, are offenders who have spent time in prison and are released to complete the remainder of their sentence under supervision in the community. Intended in part to smooth a prisoner’s transition back to society, parole, which became prevalent at the turn of the 19th century, is sometimes ordered by appointed parole boards, which also craft conditions governing a parolee’s release. More often, the date of parole release reflects an offender’s original sentence, perhaps shortened by credits for a clean disciplinary record or completion of in-prison programs. In the community, parolees are supervised by a parole officer and subject to similar rules as those on probation. If parolees violate the rules of their release, they too face penalties including re-incarceration.”

Source: *One in 31: The Long Reach of American Corrections*; PEW Center on the States; March 2009; page 6

# Appendix 2: CJPAC Full Membership List

## March 2010 <sup>1</sup>

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- Brian Austin, Jr., Esq., Chair, Undersecretary Criminal Justice Policy and Planning, Office of Policy and Management
- Linda Agnew, Acting Commissioner, Department of Labor
- Claudette J. Beaulieu, Deputy Commissioner, Department of Social Services
- William H. Carbone, Executive Director, Court Support Services Division, Judicial Branch
- Judge Patrick Carroll III, Deputy Chief Court Administrator, Judicial Branch
- George Coleman, Deputy Commissioner, Department of Education
- Rev. Shelly Copeland, Executive Director, Capitol Region Conference of Churches
- John A. Danaher, Esq., Commissioner, Department of Public Safety
- Laurie Deneen, Esq., Public Member
- Robert Farr, Esq., Chairman, Board of Pardons and Parole
- J. Robert Galvin, MD, MPH, Esq., Commissioner, Department of Public Health, Government Official
- Susan I. Hamilton, Esq., Commissioner, Department of Children and Families
- Richard P. Healey, Esq., Public Member
- Kevin T. Kane, Esq., Chief State's Attorney
- James L. Kenny, Police Chief, Vernon Police Department
- Nancy Kushins, Executive Director, CT Sexual Assault Crisis Center (CONNSACS), Victim Services
- Brian K. Murphy, Acting Commissioner, Department of Correction
- Patricia A. Rehmer, Acting Commissioner, Department of Mental Health and Addiction Services
- Susan O. Storey, Esq., Chief Public Defender
- Amalia Vazquez-Bzdyra, Esq., Commissioner, Department of Public Utility Control, Government Official

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# APPENDIX 3: RESEARCH LITERATURE

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