

jmk JUDICIARY/APPROPRIATIONS October 16, 2008
1:00 p.m.

PRESIDING CHAIRMAN: Senator McDonald
Representative Lawlor

COMMITTEE MEMBERS PRESENT:

SENATORS: Kissel, Gomes, Harp,
Freedman, Kane

REPRESENTATIVES: Merrill, Hewett, Tercyak,
DelGobbo, Adinolfi, Aman,
Barry, Bye, Burns,
Candelora, Clemons,
D'Amelio, Ferrari,
Fleischmann, Genga,
Geragosian, Giegler,
Godfrey, Green, Hamm,
Hewett, Hovey, Hurlburt,
Kirkley-Bey, Klarides,
Lewis, Morris, O'Brien,
O'Neill, Orange, Powers,
Reynolds, Ritter, Roy,
Ryan, Stripp, Taborsak,
Thompson, Tong, Walker,
Wasserman, Wright

REPRESENTATIVE LAWLOR: --inform us about today.
But number one, the prison population does
appear to be somewhat higher or significantly
higher than what had been projected back in
April.

And that may or may not have consequences with
the budget, and it may or may not have some

policy consequences as well. So we're interested in hearing an update on that and what the plans are.

We're all aware about those requirements for sex offender beds, which apparently are not up and running. But I believe that's in the works, and we're hoping for an update on that.

There's been some well-publicized concerns about the GPS system, which was a significant part of our reforms. And I think Members of the Committee are very interested in finding out what's happening with that.

And we do know that the new information system has a new executive director, Mr. Thakkar. I haven't met him. Is he here? He's supposed to be here, but anyway, he'll be here.

And we wanted to congratulate him, and we'll be hearing from him on how that is rolling out at this point.

A number of us have gotten calls from constituents, media, and others about how things are going, so we thought the best way to go about it is just to ask for a briefing here.

Our goal is to end this at approximately 4:00. We've divided it up into two panels. We've asked that each of the invited speakers to make a presentation of about ten minutes.

When each panel is done, there will be an opportunity for some questions, but we're hoping to convene the second panel at 2:30,

2:40, something like that. So our goal is to get this done.

We could go on all night with questions, I'm sure, but our goal is to just get a brief update, have a small opportunity for some questions, and leave it at that.

So with that, the first panel consists of Secretary Genuario from the Office of Policy and Management, Commissioner Lantz from the Department of Corrections, Commissioner Kirk, Department of Mental Health and Addiction Services, Chairman Farr from the Board of Pardons and Parole, Director Carbone who heads the Adult Probation or the Court Support Division within the Judicial Branch, and Mr. Thakkar, who is the new Executive Director of the Criminal Justice Information System.

So if you'd each like to make a presentation, and then we'll have some questions when you're all done.

UNIDENTIFIED SPEAKER: [inaudible - microphone not on]

REP. LAWLOR: If you can fit there, that's great. If not, you can rotate, or however you'd like to do it, that's okay.

SEC. ROBERT GENUARIO: First we make our statements, and then we'll open up for questions.

REP. LAWLOR: Yeah, why don't you rotate, right.

SEC. ROBERT GENUARIO: Good afternoon, Senators Harp and McDonald and Representatives Merrill and Lawlor and Distinguished Members of the Appropriations and Judiciary Committee.

My name is Robert Genuario, and I'm the Secretary of the State of Connecticut Office and Policy and Management. I thank you for the opportunity to appear here today to discuss various issues regarding criminal justice reforms.

As you're well aware, the state's Criminal Justice System has undergone substantial change in the last year, change that was considered necessary after a thorough review of our Criminal Justice System, conducted by the Governor's Sentencing and Parole Review Taskforce last fall.

People of Connecticut must have confidence in their criminal justice systems, and offenders must know that community supervision is a privilege that cannot be abused.

The General Assembly passed two pieces of legislation, one in January's Special Session, Public Act 08-1, and one in Regular Session, Public Act 08-51.

The legislation had wide bipartisan support and made a variety of improvements to our system. This afternoon, I'll focus my remarks on three issues, OPM's responsibility regarding the legislation, the status of the implementation of the programs contemplated in the public acts, and the prison population forecast put

forth my OPM and our state's Statistical Analysis Center.

The Criminal Justice Policy and Planning Division of OPM, headed by, under Secretary Brian Austin, played a key role in implementing several of the initiatives created by the legislation.

I'm pleased to report that we conducted two day-long training sessions for members of the state criminal justice community.

These two training sessions, one conducted at Southern and one at the Connecticut Convention Center, were attended by over 800 individuals.

A number of Legislators participated in the lunchtime panels, and we thank you for your participation in the process. We're currently planning training sessions for next year as well.

OPM also provided administrative support to the Criminal Justice Information System's Governing Board in its search for a new Executive Director.

This tri-branch effort led to the hiring of Sean Thakkar who sits on the panel today. We look forward to working with Mr. Thakkar as he tackles the information technology challenges faced by the Criminal Justice System.

The Criminal Justice Policy Advisory Commission, led by OPM, has begun to undertake

a more thorough analysis of our re-entry strategies.

I expect thoughtful discussions being conducted by this group will lead to a quality product, one that is presented to the Governor and the General Assembly in February.

We also chair the Municipal Siting Incentives Committee established in Public Act 08-1, and this Committee is examining the issues, frankly a difficult and thorny issue, of siting some of the facilities that are needed by the Criminal Justice System in order to proceed with robust alternative to incarceration systems.

The committee continues its work towards a January report, but it is a challenging issue, to be sure.

The programs contemplated in Public Act 08-1 and 08-51 are proceeding at pace. The Board of Paroles had 57 filled positions in July of 2007, 68 filled positions in July of 2008, and 80 filled positions as of October, 2008.

Eleven of the positions are funded not by General Fund appropriations, but specifically by a burn grant administered by the Office of Policy and Management, and particularly targeted to dealing with the backlog of parole hearings that had built up during the pendency of the legislation at a time when parole had been suspended as a result of the number of problems that I think everybody recognized.

Additionally, five full-time members of the Parole Board have been hired, as called for, and community capacity, in terms of parole, is at its highest level in recent years.

As parole ramps up, DOC will fill an additional eight parole officer positions, as provided in Public Act 08-51.

Court Support Services Division and Department of Corrections are in the process of completing a bid process for the sex offender beds. Both Judicial and the Department of Corrections have begun contracting for new diversionary beds.

As these programs roll out, they will continue to increase the community capacity as contemplated and provide alternatives to incarceration.

There are still come questions as to whether the dollars appropriated for these diversionary beds are sufficient to fund the beds set forth.

When we complete the bidding process, obviously, we'll have finite data on what the dollars appropriated will in fact finance, but we are somewhat concerned about the amount appropriated versus the actual cost on a per-bed basis.

At the same time, funding has been provided for the Division of Criminal Justice, public defenders, Department of Mental Health and Substance Abuse, and the Department of Public Safety, consistent with the appropriated funds, and they have begun their hiring processes.

All of this is occurring notwithstanding the current economic climate and the state's current fiscal condition. In fact, this is one of only two policy areas that received new funding in Fiscal Year 2009.

The final issue that I will discuss today is the annual prison population forecast issued last March.

CJPAC, led by OPM and the state's Statistical Analysis Center, has established a standing forecast/research group.

The purpose of the group is to provide ongoing data. OFA and OLR are continuing to participate in that group so that, potentially, we're all working with the same numbers. We all are working with the same data.

With regards to our annual forecast issued in March, despite five months of continuous decline in incarceration between February and July, the monthly prison population remains 1% or 2% higher than what we had previously projected.

I believe it's important to note that in recent years, prison population has generally increased during late summer and fall.

This year, however, while prison population has risen during that time period, the rate of the increase during this time period has been substantially less than the historic trend.

As a result, the difference in the number of inmates incarcerated in 2008, compared to the number incarcerated in 2007, has narrowed considerably in recent months.

We believe as the new personnel in the Board of Parole gears up and begins to roll out, that we will continue to make substantial progress in terms of holding hearings for backlog and keeping current on new inmates who are eligible for parole.

We continue to believe that capacity exists to safety and appropriately supervise more offenders in the community. A concern is the ability to conduct parole hearings for individuals eligible for community supervision.

We've been meeting regularly with the Board of Pardons and Paroles and the Department of Correction and the Judicial Branch regarding this issue.

And as I said, a \$175,000 federal grant was awarded to the board to hire temporary personnel specifically to attack the backlog.

As a result, in the recent numbers reported to us, the board increased the number of paroles granted from July to August by 20%, 144 to 184, and the number granted from August to September by yet another 30%, 184 to 236.

OPM will continue to work with the board to ensure that the backlog is continued to be addressed consistent in the manner contemplated.

As we continue in 2009, the prison population should continue to track downward as we address the backlog.

I have attached to my testimony a chart of our current projections, and these are OPM's current projections, as to where we believe our prison population will be over the course of the next several months.

And as you see, we are projecting a continued downward trend. If you follow the white boxes, you will see the estimate. That does not take into consideration the additional personnel and the efforts to deal with the parole backlog.

The dark boxes take into consideration our view of the likely results of those efforts so that we should be able to get to a point that is below 19,000, maybe hover between 19,000, 18,900 or so, and 19,300 over the course of the year.

So we think we are moving in the right direction, though clearly, these are substantial changes in process that have taken time and have taken diligent efforts on the part of the line agencies to implement. Be happy to answer questions now or with the panel in general.

REP. LAWLOR: Thank you. Thanks, Bob. And I think it's easier to wait until everyone is done. Otherwise, we'll be here all day with questions. So just to get through it, because

I think people are commenting on similar themes from different perspectives.

SEC. ROBERT GENUARIO: I think that's--

REP. LAWLOR: --all the information, and we'll go. Commissioner Lantz?

COMM. THERESA LANTZ: Good afternoon, Senator McDonald, Representative Lawlor, Senator Harp, and other Members of the Judiciary and Appropriations Committee.

I'm Theresa Lantz. I'm the Corrections Commissioner. And I want to thank you for your invitation today, to allow me to have an opportunity to give you an update on what's going on in the Corrections System.

And I'm going to ask Senator McDonald to keep me on track because timeliness is important. And in the past, he's done such a great job of that because he knows how much I can talk.

So at any rate, I'm pleased to be able to be here and talk a little bit about what's going on in the Corrections System and our population and our sex offender beds that we're in the process of contracting.

Let me start by stating that today's population count is about 19,618 this morning. This is below last year's count at this time and down significantly from our all-time high of 19,894 in February of this past year.

Our offender population has dipped as low as 19,369, and that was just this past July. But with the surge in violence, primarily in our urban cities over the summer, we have experienced an increase in our count since then.

But I do remain confident that our incarcerated population will continue a very measured decline, especially as the Board of Pardons and Paroles continues to expand its hearing schedule.

Of course, at this time, I'd like to extend my appreciation and recognition and commend all the Department staff, which have continued to manage the population in a safe, secure, and orderly manner.

Despite the increases in our population of at least 1,000 from July, 2007, to February, 2008, the number of incidents continue to remain at historically low levels.

We are moving forward. The good news is that the process of supporting the successful re-entry of offenders, returning to their home communities, it continues to improve.

We continue to enhance our processes. And this is, I think, directly attributed to your focus, the Legislators' focus and the Governor's focus, on public safety.

Releases to department programs, other than discretionary parole, have increased over 31% since 2006. The technical violation rates for

all community supervision programs, it increased from July to September last year but has since declined 22% from July to September this year.

More importantly, the criminal violation rate has been reduced by 32% from 2006. So at least we know we're moving in the right direction, and we're improving our processes and our supervision.

The public acts addressed a number of issues that were applicable to the Department of Correction.

One of them was an unanticipated consequence of the Public Act 08-01, and that was the elimination of the Commissioner's discretion for re-entry furlough.

This has shown to have a 97% success rate, about 3,000 offenders were placed out on re-entry furlough prior to its, the year prior to its elimination.

And I would hope that I could at least have your consideration of that for this upcoming session.

The Governor's Taskforce had recommended an expansion of that authority to 60 days, so I hope that I can, you'll give me some consideration.

And I can talk a little bit more about what we've done to enhance our supervision model. And hopefully, you'll have the confidence to at

least consider an expansion, a reinstatement of that authority as well as an expansion.

As far as the sex offender beds, we have completed the request for proposal process. We've established a committee to review that.

The committee has not come back yet with its recommendations to both CSSD for their 12 beds and to the Department of Corrections for its 12 beds.

We hope that within the next week or two, we might have a preferred bidder recommended from the committee. And then from there, we would begin to look at whatever negotiations we would need to make.

So CSSD and my staff were both represented on the committee. And again, we, the committee has not forwarded its recommendations for the preferred bidders.

As far as GPS, for 450 additional parolees, Parole and Community Services currently has 200 offenders on GPS and over 500 offenders in the community under supervision on radio frequency electronic monitoring.

Last year, we had just 33 offenders on GPS and about 400 offenders on RFP. So we have dramatically increased the utilization of technology when it comes to that supervision.

Understanding that recently, there were some, I don't want to say conflict, but some consideration given to the effectiveness of

GPS. I do remain confident that it is a valid tool that we utilize for supervision purposes.

It is effective, and I just want you to have the confidence that we are utilizing it appropriately and that our supervision program and model that we utilize in the community continues.

This is just one of many tools, electronic monitoring, the radio frequency aspect of that, as well as the GPS. So we're confident that it continues to be and utilized effectively as a tool for supervision and management.

Access to juvenile records, we have coordinated extensively with the Judicial Branch. We have a memorandum agreement together, and we have access to the juvenile records as well as the Board of Pardons and Paroles.

One are that we've really accelerated and done a good job with is the secure video conferencing.

We have accelerated the installation of the conferencing equipment, which allows for its utilization for parole hearings, court appearances, and any other activity that can be completed via video communications, thus reducing the need to transport inmates and other Part A's to a court or another central location.

Basically, what we've done is we've expanded it to all 18 correctional facilities. So we have

an opportunity to do video conferencing at any of those.

We can, the Board of Pardons and Parole has two units in their central office, so they now can do parole hearings right from their central office into our facilities.

We've also partnered and used it with a number of other agencies as well, particularly Judicial as well as ICE and Social Security Administration and so forth.

So it's become a very valuable tool for us, and that's why we accelerated its use. And basically, it allows us to not have to transport inmates all over the state. It's a public safety issue, and it's very efficient.

Our risk assessment strategy, we have developed and approved the LSI-R as our risk assessment instrument for the community. This is in coordination with probation and some of the halfway houses, who also utilize it.

So it gives us consistency in the Criminal Justice System. We have, we are utilizing a tool to the parole offices. We're rolling it out to the other three.

We're in the process of training staff, and I think that's going to be an added opportunity to enhance public safety through that.

And we will be working with CSSD and presenting a report, per the public act, for January, the first of 2009.

Funding for re-entry and diversionary services in Bridgeport, Hartford, and New Haven, Public Act 08-1 provided \$725,000 to the Department, which allowed us to expand the funding of our contract with the Family Re-entry Fresh Start Program in Bridgeport.

The program is designed to serve up to 300 male offenders, discharging into the Greater Bridgeport area.

And it provides a multitude of services, everything from counseling to substance abuse counseling, employment services, and so forth.

This is an excellent vendor. It's an excellent contract. We're very much looking forward to that program getting into full swing.

And as far as the programs in Hartford and New Haven, Judicial does the Building Bridges, and we also have coordination and collaboration within our community contracts in those communities as well for re-entry.

And the halfway house beds, funding for halfway house beds, we've dramatically expanded halfway house beds with your support since 2003, when I became Commissioner.

Back then, we had about 685 halfway house beds, and today we're looking at almost 1,300 halfway house beds. They've been very valuable to us, and we continue to add to that.

In the last year, the Department has added 88 beds to date as a result of the funding that you provided. And we plan to add about 26 more in the near future, for an addition of about 114 beds.

Funding for additional staff, the Department has complied with the Public Act 08-1, hired nine parole officers.

With regard to 08-51, we are in the process of hiring 8 additional parole officers, based on the October 1st funding that we receive for that.

And we also have nine correctional officer positions that will come aboard for the December pre-service class.

REP. LAWLOR: Commissioner, I know Senator--

COMM. THERESA LANTZ: That's it.

REP. LAWLOR: --McDonald is to--

COMM. THERESA LANTZ: I'm good. I'm done. I did. Did I make it?

REP. LAWLOR: Yes, you did.

COMM. THERESA LANTZ: All right. I'm done, Representative Lawlor. That was it. I wanted to make sure I at least touched on all of them.

REP. LAWLOR: Perfect.

COMM. THERESA LANTZ: Okay.

REP. LAWLOR: Thank you very much.

COMM. THERESA LANTZ: Thank you.

REP. LAWLOR: Next is Commissioner Kirk. Is that correct? Yes.

COMM. THOMAS KIRK: Good afternoon, Senator Harp, Senator McDonald, Representative Merrill, Representative Lawlor, Distinguished Members of Appropriations and Judiciary Committee.

I'm Dr. Tom Kirk, the Commissioner of the Department of Mental Health and Addiction Services. I'm pleased to be before you today to share what DMHAS has been doing in partnership with other agencies relative to prison and jail overcrowding.

I'd like to begin my remarks by thanking you and the Governor's office for recognizing that we need to pay attention to individuals with substance abuse and psychiatric disorders who are entering or leave the Criminal Justice System.

The programs we have implemented, with our partners from DOC, Court Support Service Division, Judicial Branch, have made a positive impact on the lives of persons with behavioral health disabilities.

The resources you provided to us have allowed for the expansion of our successes, the ability to tweak some of our programs that needed such,

and most importantly to add services where we identified gaps.

I must say that one of the things we did for the sake of flexibility is we took some of the prison and jail overcrowding money we had and mixed it with the new money that came in.

That gives us flexibility to mix the dollars between the private nonprofit and the state-operated sector.

What have we done with the dollars? We've expanded our Connecticut Offender Re-entry Program to three new sites, Waterbury, Stamford, and Norwich/New London.

We currently service about 70 individuals in York and Garner, and we will be adding Osborne. We expect that we'll be able to serve 60 new persons with these dollars.

It's a highly successful program that identifies individual's psychiatric disabilities 6 to 12 months prior to their discharge, links them to needed clinical services through the DMHAS system.

One of the things that's unique and so successful about CORP is the fact that DMHAS staff go into the prison setting and actually work directly with the inmates, so the relationship between the two is solidified.

We run skills development groups within the Department of Corrections, assist with the creation of a discharge plan, and work closely

with our community mental health providers to assure that a treatment plan is in place before the person is discharged by DOC.

Another expansion, crisis intervention teams have been expanded so that the Bridgeport Police Department will be trained and working with a full-time clinician in the community to divert individuals from the Criminal Justice Systems and into treatment.

This is a highly successful venture. At the start of state Fiscal Year '09, 21 police departments already had a CIT policy and sufficient numbers of officers trained to provide CIT response in their respective communities.

By the end of state Fiscal Year '09, 10 new police departments will be onboard, and another 20 will have begun CIT training.

Another support that has come from the crime bill funding, we are in the process of recruiting an additional clinician to be assigned to our Women's Jail Diversion program so that we can expand our outreach into the Waterbury or Bridgeport area.

At present, we are operating programs in New Haven, New Britain, and Bristol and have used new dollars to purchase additional housing beds for this population.

Another expansion, Transitional Case Management Program, this is where we see inmates, particularly with substance abuse problems,

three to four months before their release and arrange for housing.

It's expanded to include New London, Norwich, New Britain, and Bristol. We've also expanded our clinical services in the Hartford program to meet the increased demand.

We are adding clinicians to our ASIST program, this is the venture between DMHAS and CSSD, their Alternative to Incarceration Center, so we can provide necessary supports to persons with psychiatric disabilities who now have access to this particular program.

We will increase staff into Middletown and Norwich/New London areas. Housing, we continue to work on the housing initiatives that were funded in the crime bill.

And we are looking to expand our use of sober housing for these individuals served by our Transitional Case Management Program.

We've added dollars to the DMHAS Housing Support program that helps to bridge the gap for individuals waiting to qualify for entitlements, RAP certificates, and so on.

This fund also assists individuals to pay the upfront security deposits required by many landlords.

I should point out that in contrast to housing that's based upon capital development, this housing here has been able to move without that

impediment because it's tied to existing housing. It's not development dollars.

DMHAS housing experts are exploring the idea of creating additional supportive housing units that would go a long way toward moving more individuals to recovery.

Let me give you one concrete example in the housing initiative, and then I'll make closing statements.

Highlight, our New London ASIST and Jail Diversion Program, we recently added a two-bedroom rented apartment to be made available to folks in this program who need housing.

Two women have utilized this apartment thus far, and they are now ready to move onto another level of care, as well as a different level of housing.

We believe their success with treatment and in staying out of prison is directly related to the availability of this housing.

Similar housing supports are linked to our jail diversion programs in New Haven, Hartford, and Waterbury, and these are being expanded to New Britain and Middletown.

As a result of the attention focused on these issues, a work group that's associated with the Criminal Justice Policy Advisory Council, that includes a variety of members, is very close to an agreement that would allow those leaving DOC to have expedited eligibility to

state-administered general assistance, which translates into these individuals into having immediate access to prescriptions and services.

I believe we have made considerable progress in meeting the goals and objectives of providing necessary service to this population, both on the diversion side as well as serving people after they leave DOC and reenter the community.

And we're committed to continue addressing these issues as we continue to move forward with our judicial partners.

REP. LAWLOR: Thanks very much, Commissioner. Next is Chairman Farr.

CHAIRMAN ROBERT FARR: Good afternoon, Senator McDonald, Senator Harp, Representative Lawlor, and Members of the Judiciary and Appropriations Committee.

I'm Robert Farr, Chairman of the Board of Pardons and Parole. I'd like to thank you all for the opportunity to be here this afternoon.

After the tragedy in Cheshire, Governor Rell created a Sentencing and Parole Review Taskforce to examine the Criminal Justice System as well as the parole process.

The taskforce completed its job and made recommendations in January of this year. The Legislature, on a bipartisan basis, convened later in the month in Special Session and passed Public Act 08-01.

During the Regular Session, it passed Public Act 08-51. The initiatives by the Governor and the Legislature have resulted in a dramatic change, not only in the structure of the board, but also in the manner in which the board conducts its business.

These changes have resulted in a more thorough and thoughtful process for reviewing parole-eligible offenders prior to their release and re-entry into the community.

The Legislature and the Governor, through their actions, recognize the valuable role that parole plays in the re-entry process of offenders back into the community, as well as protecting public safety.

I'd like to review the specific changes that resulted from the two bills that were passed. First, the makeup of the board, Public Act 08-01 provided for a new board consisting of 5 full-time members and 7 part-time members, whose role is to review and make decisions in the parole hearings.

The new members all have to be qualified by education, experience, or training. The Governor has appointed five members, five full-time members, as well as four of the seven part-time members, all of whom meet those qualifications.

These members are currently conducting parole hearings. Today, for example, three members are conducting hearings at, conducted a hearing

earlier this morning at Manson Youth Institution.

Another, I apologize, my text here indicates that we were going to go forward with a hearing in Carl Robinson.

That got canceled last night, after the text was prepared, because there was a lockdown in the facility. It had nothing to do with us, but we weren't able to have the hearing.

Training, the new legislation requires a formal training program for the members of the board, as well as the parole officers. The new board members have all gone through many hours of training.

They are scheduled for more training sessions over the next several months. Training at the board is ongoing and has become a regular process conducted on a monthly basis.

Certification of files, the new law provides that no hearing can be conducted unless the Chairperson has certified that all existing pertinent information has been obtained or is unavailable.

A certification process has been adopted and requires the parole officers to obtain, or attempt to obtain, all existing police reports, presentence investigations, sentencing transcripts, juvenile and youthful offender records, mental health evaluations, and sex offender evaluations where applicable.

Procedures were established in cooperation with the Judicial Department, the State's Attorney's Office, and the Department of Correction to obtain the necessary information.

The hiring of a psychologist, the new public act authorizes the board to hire a clinical psychologist.

The board has hired a psychologist who has completed training and has begun to assist the board in evaluating the risk and needs of offenders coming before the board.

Elimination of administrative reviews, the new legislation abolished the use of the Administrative Review Process, which the board used for nonviolent offenders.

This has tripled the number of full hearings that the board must conduct by allowing every offender the opportunity to appear before them.

Input for victims, the new legislation provided that more than one family member of deceased victims could testify at board hearings.

The new legislation has already been successfully used to allow the testimony of more than one family member at a recent hearing of an inmate whose offense was murder.

Victim advocates, the new legislation has provided for two victim advocates to be assigned to the board to conduct outreach to victims.

The victim advocates have been assigned by Judicial, from OVS, and are doing an outstanding job working with the board and with victims.

GPS monitoring, the new legislation provided for expansion opportunities for the use of GPS for offenders. The board has been requiring GPS monitoring as a condition of parole in appropriate cases.

Access to juvenile and youthful offender records, the new legislation allowed the board access to both of these records.

Under the procedures established by the board in cooperation with the Judicial Department, the board now has access to these records upon the inmate's signature on a waiver.

The board reviews these records, if applicable, for every parole decision. But I must emphasize that the board's staff handles that information with the utmost professional confidentiality.

New videoconferencing ability, the legislation required the Department of Correction to establish, by January 1, 2009, secure videoconference connections with facilities and the board for purposes of conducting hearings.

Today, it is my understanding that all connections have been established, and this is what the Commissioner testified to earlier. The board, in fact, held one of its legislative hearings today by videoconferencing.

Public Act 08-51 provided for three additional parole officer positions for the board and four clerical positions.

All of those positions have been filled, or are being filled, and will soon be assisting with the caseload of the board.

I want to again thank the Governor and the Legislature for their recognition of the importance of the parole process in protecting public safety and the reintegration of individuals into the community.

I want to thank the Legislature for its thoughtful actions in the passage of these bills. Thank you very much, and I'd be happy to answer questions at the appropriate time. Thank you.

REP. LAWLOR: Thanks, Bob. Next is Director Carbone.

EXEC. DIR. WILLIAM CARBONE: Thank you, Representative Lawlor and Senator McDonald and Members of the Committee.

There's several items that have already been reported on, so I'm merely going to address those items that affect Court Support Services and Judicial that have not yet been discussed.

First, the Senate, the first crime bill authorized us to increase the number of treatment beds that we purchase by 135.

And I recall that this is the one area where we seem to have the largest number of people who sit on wait lists to get into treatment.

I can report to you that to date, we have put 45 of those 135 beds online, and they are all currently in use.

And additional 83 beds, we have completed negotiations, but the contracts will actually begin on a staged basis.

Some of those beds will come online before the end of this year, some in January, some in March, some in April, and some in May.

So while the legislation had indicated we should try to accomplish this by November, staying within the appropriated amount, and also allowing the time necessary for the bidding process, we will be able to meet this goal of 135, I believe, by the 1st of May.

And I can tell you that we have some very diverse proposals that came in in response to our RFP, so we will be able to offer more appropriate treatment beds, especially for young Latinos, especially for women, and for persons with [inaudible] diseases, and also for persons in need of supportive housing.

The second major item of crime bill one that we have put in place is the supervised diversionary program for persons with psychiatric disabilities.

This first came from the Sentencing Taskforce. It was also approved by the Governor's Taskforce. This is the accelerated rehabilitation program in effect for persons with mental illness.

It went into effect officially on October 1. We have put formal policy in place. We have worked hand in hand with Department of Mental Health and Addiction Services.

Already in the first two weeks, people are applying for it. Forms are available in all the courts. People have been assigned responsibilities to assure that applicants get fully evaluated.

If the court orders this program, we have to have the treatment available on the day that the order is effective. And the person, the applicant, also goes under the supervision of adult probation.

Eight probation officers have already been hired. They start on the 26th to help us with this.

I have great hopes that in the future, this program will be a significant relief to the Department of Corrections with respect to the pretrial population.

I believe they estimated that there's some 700 or 800 people on any given day who might otherwise be eligible for this in their pretrial hearings.

The third item has to do with violations of probation. You had asked that the Judicial Department put all violations on the website as soon as possible.

I can report to you that effective on October 8th, all VLPs are now on the Judicial Branch website.

I would urge you to take a look at it, and you'll see that wherever photos are available, you can also see a picture of the individual.

Also to point out to you that the Judicial Electronic Bridge has also made it possible for us to bring youthful offender records and juvenile records, wherever they can be legally shared, to our fellow, our colleagues in the Board of Parole and the Department of Correction.

The fourth item from the crime bill that I want to bring to your attention all deal with sex offenders.

First, you had asked us to assure that every sex offender serving a split sentence get all of the clinical evaluations done prior to their release from the Department of Corrections.

We have put this in effect. We'll actually begin some time in November. We have hired the probation officers necessary to make this possible.

We have also entered into contracts to increase the lie detector testing which is done for this population.

Also for sex offenders, you had asked us to put day programs in place in Hartford and New Haven for sex offenders who happen to be living in shelters in those cities.

We have entered into an agreement with one of the vendors that works in the area of sex offender treatment.

And we would expect that the program in New Haven will be open some time later this fall. They will of course still be staying at the shelter, but during the day, they will be under the form of supervision by probation, as well as receiving treatment and other counseling and support services.

You had also asked us to increase sex offender supervision, and so 27 additional probation officers are scheduled to begin for that purpose in April.

You had also asked us to increase our efficiency with respect to the service of VLP warrants. Nine officers are scheduled to be hired for that purpose come January.

The final thing that you had asked us to do was to implement two new juvenile programs, one dealing with truancy prevention in the three largest cities that send the most children to the Juvenile Court for truancy, and also to

implement what was called Juvenile Justice Pilots for locations around the state.

The cities were specifically identified in legislation, as were the agencies to receive the funding.

I can tell you there were to begin in October. We have delayed them until January. However, in both cases, memorandums of agreement with the funding recipients are in place, or getting into place, and the programs will begin in January.

The final thing is, of course, GPS because in crime bill one, you did increase the number of GPS units that would be available to us.

And I can tell you that we in Judicial are conducting a very extensive review of GPS. We do consider it a valuable service.

I've said many times I think it's one tool in the toolbox that's got to be considered in the context of all the other information that we have about a person.

We have engaged some specialists in fact, who are in Connecticut now, that are examining the technology that we use, the equipment, our service agreement with our provider.

And we're asking them to answer two questions. Do we have the most efficient and best equipment that you can buy on the market today?

And is our service agreement likely to give us the most reliable information that we can depend upon?

So we hope once that review is complete, we will have more to say on this subject. We do though consider it a valuable adjunct to the probation system, but we also know it's not a perfect science.

And just as we have issues with cell phones around the state, we also have issues with that. I'd be happy to answer any questions you may have, and I'll stay around for it.

REP. LAWLOR: Thanks, Bill. You mentioned the lookup on the violation of probation, and I know I'm kind of technologically challenged. I'm trying to figure out how to do it here.

EXEC. DIR. WILLIAM CARBONE: Well, if you go to the Judicial Branch's website, you'll see along the left side, there's some links. You should see one that says criminal. And there should be a drop down there.

And I'm probably more technologically challenged than you are, but there should be a drop down there that says violation of probation.

REP. LAWLOR: Okay. Senator McDonald has figured out how to do it. He's going to explain it to me. I'm sure there's people watching on CT-N who might want to take advantage of it to look right now, so we'll figure out exactly how to do it. Thank you, Bill.

EXEC. DIR. WILLIAM CARBONE: Thank you.

REP. LAWLOR: Mr. Thakkar? You were outside the room, Mr. Thakkar, when we pointed it out, but I just want to say congratulations on your new position.

You've got quite a challenge ahead of you. I think we all wish you well, and we're glad to see you there. So congratulations.

EXEC. DIR. SEAN THAKKAR: Thank you. Good afternoon, Senator McDonald, Senator Harp, Representative Lawlor, Senator Kissel, Members of the Judiciary and Appropriations Committee.

I've just come onboard as the Executive Director of the Criminal Justice Information System Governance Board, and I would like to briefly introduce myself and share my initial findings and thoughts.

I have been involved in the IT industry for the last 20 years and, more specifically, in the public sector for the last 12.

I've also been involved in purchasing of, or helping states, municipalities, counties purchase criminal justice applications and information systems from a consulting perspective as well being the end user of that technology while I was at U.S. Marshals and also the CIO for a mid-size county in California.

My tenure with the State of Connecticut has begun, began on September 26th of this, September 26th of '08.

In this short time, I've been able to meet with criminal justice agencies to find out more about the systems and the things that, technologies that make sense to them.

I've also met with ongoing criminal justice information system project teams for Offender Based Management System, CJIS blueprint team, Connecticut Impaired Driving Records Information System, which is called CIDRIS, Connecticut Online Law Enforcement Communication Teleprocessing, COLLECT, the Version 2 team, which is a newer version that they are planning, and the Statewide Automated Victim Notification, SAVIN, team.

I would like to share a few of my findings. Number one, I've found that there are many diverse information technology, IT, systems spread throughout the CJIS community and agencies.

Many of the systems are old and coming to the end of their life cycle. There is little documentation associated with these systems. There is a heavy reliance on institutional memory.

Number two, there are dedicated IT professionals in the DOIT and CJIS agencies who want to do the right things.

However, more than 40% of the DOIT and IT employees in the agencies could be eligible for retirement in the next five to seven years.

I have also recognized a demonstrated high level of cooperation between the executive, judicial, and municipal CJIS agencies.

There is a commitment to a common goal of quickly completing the data sharing system initiative specified in Public Act 08-01.

My key objective for this, my role is to provide CJIS Governing Board with an independent and objective opinion and expertise on the implementation of the Criminal Justice Information System.

The project approach that I would like to take in implementing the information [Gap in testimony. Changing from Tape 1A to Tape 1B.]

--one, define, design, and architecture solution. In phase two, select a vendor and do the implementation of the system. And in phase three, manage the operation, maintenance, and management of that system.

The budget for the CJIS Governing Board for the year 2008-2009 is \$2,250,000 for the initiation of the Information Sharing Initiative.

The funds remain intact and will provide the bridge until the CJIS systems assessment is complete as a result of the initial RFP initiative and the design requirements for the data sharing system are better known.

I would like to thank the Committee for giving me the opportunity to present my testimony today, and I will be able to answer any questions once the Committee is ready.

REP. LAWLOR: Thank you, Mr. Thakkar. So I just have one question. I have a lot, but not for you, Sir. The, and it relates to the actual and projected DOC population because this was a major factor.

And I know in the budget deliberations back in April, and certainly in some of our policy decisions, about what would actually happen in the future in terms of the future DOC population.

And if I recall correctly, the projection which we were provided with back in April by OPM, together with Dr. Cox from Central Connecticut State University, was that by January 1st, the inmate population would be somewhere in the area of 18,900.

And I think, Commissioner, you testified that today, the population is 19,600. So now there's three months, not even, two months to go until January 1st.

And it looks like you've provided us with a revised projection that says on January 1st, it will be 18,973. Is that what you're projecting, or 175 higher than that, something like that?

It looks like 175 higher than that, so that would be like 20,050, 21,050. So it's your projection that it's going to go down about 600 or so in the next 2 months?

UNIDENTIFIED SPEAKER: [inaudible - microphone not on]

REP. LAWLOR: For either Bob or, sorry, Secretary Genuario or Commissioner Lantz.

SEC. ROBERT GENUARIO: If you're referring to the chart that is attached to my testimony, that is an OPM projection done by the Division of Criminal Justice in OPM Policy and Planning.

And it is based, if you look at the narrative, it is based on assumptions as to how aggressively we can attack the backlog.

There is about a 900, and perhaps Chairman Farr can address this better than I, but there's about a 900-inmate backlog that has built up as a result of the delay.

I think it's fair to say that, notwithstanding everybody's best efforts with the influx of new personnel, it took some time to gear up.

But clearly, over the course of the last three months, the Board of Parole is gearing up and is increasing significantly the number of parole hearings that are held every month, and therefore the releases.

We anticipate that increase to continue, and that will help drive down the population in accordance with what all of us hope and plan.

At the same time, the diversionary beds and the additional community capacity will roll out to help effectuate that.

REP. LAWLOR: So and I only raise this because there was a fair amount of skepticism back in April that the goal of getting to 18,900 on January 1st would actually be realized or achieved.

And so it seems unlikely that it's going to go down by 600 on a daily basis in 2 months, in 2½ months. Is that what you're projecting now, or are you projecting it's probably going to be higher than that?

SEC. ROBERT GENUARIO: The dark line is our current projection, which would have us at 18,973 in January.

REP. LAWLOR: So it's going to go down by more than that. So it's about almost 700 fewer than today.

SEC. ROBERT GENUARIO: About 600, about 600.

REP. LAWLOR: Nineteen thousand six eighteen--

SEC. ROBERT GENUARIO: Nineteen five eighty-six--

REP. LAWLOR: --something like that, okay.

SEC. ROBERT GENUARIO: Yeah.

REP. LAWLOR: Okay. I think it's important because I'm still a bit skeptical it's actually going to happen. An additional 600 or 700 inmates is a big problem, I would imagine, for the Commissioner of Corrections.

And so not, the other question relating to that is according to our Office of Fiscal Analysis, the projected deficiency for the Department of Corrections for the current fiscal year is going to be, it is somewhere between \$28 million and \$32 million.

And it sticks out in my mind only because approximately a year ago, we were informed, I think this was something that came from the Governor's office, in terms of a policy statement, that the Department of Corrections needed not additional resources from the Legislature in order for all these things to happen.

We actually ended up providing some additional resources, and now we're finding out they're running somewhere in \$30 million deficiency, plus or minus a few million dollars.

SEC. ROBERT GENUARIO: There are two parts of that question. On the 600 reduction in inmates, I think that if we can effectively attack the backlog at the rate of about 200 per month, we can achieve that reduction.

Now you're entitled to your skepticism, and skepticism is a good thing. And it is our job to do that, and we need to continue to work towards accomplishing that.

The staffing in the Board of Paroles is now in place, continues to increase. In order to effectuate that. We'll all wait and see as to how effective it is.

With regard to the Department of Corrections and their deficiency, I don't think it is correct to say that the Office of Policy and Management or the Governor's office ever projected that there would not be a deficiency in the Department of Corrections.

In fact, in our deficiency bill that we presented to the Legislature and the Legislature adopted, we had, I believe, for Fiscal Year '08, if memory serves me, about an \$18 million to \$19 million deficiency for Fiscal Year '08.

And we had always asserted that that deficiency would have to be rolled out in the '09 budget. So a deficiency in the Department of Corrections in '09 should come as a surprise to nobody.

What the extent and the amount of that deficiency is is something that we will continue to track.

We're carrying an \$18 million. I don't think we have a philosophical difference with the Office of Fiscal Analysis in terms of \$26 million.

I mean, candidly, we are conservative in the recognition of our deficiencies because we like

to keep pressure on people like Commissioner Lantz to save as much as possible, and I know she always does.

But we are conservative in our projection of deficiencies. But right now, we are carrying it at \$18 million to \$19 million.

I would add that to the extent it is higher than that, then you would look at a projected deficit that much higher than the 302 that we're currently projecting.

REP. LAWLOR: Well, speaking for myself, like you say, I wasn't surprised to find out there's a deficiency.

What did surprise me was a statement made, which I think was the official administration policy made last December, that the Department of Corrections doesn't need any new resources at all in order to deal with all this stuff.

That was the official statement that was made to us in December. I'm just pointing, I was skeptical when I heard it, so I'm just pointing that out.

SEC. ROBERT GENUARIO: I'm not familiar with the statement or who made it or what the content was.

REP. LAWLOR: Commissioner Lantz made the statement. I believe it was a rethinking of the statement she had made in September when she pointed out that maybe some new resources might be necessary.

And my sense was that seemed to be more of a general statement, not just on behalf of Department of Corrections, more on the we're not spending any more money. We don't need any more money in the upcoming session, that type of thing.

SEC. ROBERT GENUARIO: All I can tell you is that in February, when the Governor submitted her bills, it included a deficiency bill for the Department of Corrections of \$18 million to \$19 million.

It might have been a little less than that at that time, and that we had always taken the position that [inaudible] rolled forward in the '09 budget adjustments.

REP. LAWLOR: And finally, on the actual population count is that we have optimistic projections. Hopefully, we achieve those goals.

Is there a game plan if we don't, if it turns out we have a structural population of more like 20,000 than 19,000? What do we do?

SEC. ROBERT GENUARIO: Well, a prison population certainly drives expenses. I mean, there's just no question about it.

It drives expenses whether they're incarcerated or whether they're in alternative to incarcerated settings. They'll, clearly, incarceration is an expensive component of this issue.

So we will need to monitor this, do our best to get the prison population down as low as reasonable, keeping public safety issues in mind, and do our best to control the cost, to the extent that we cannot control our costs sufficiently.

And we do not, as I sit here right now, we are projecting that, notwithstanding best efforts, there will be a deficiency.

We will need additional appropriation from the Legislature as a part of its deliberations next, beginning next January.

REP. LAWLOR: I guess what I meant by that is do you have a backup plan to build more facilities or send inmates out of state just in case there were 1,000 higher than we're supposed to be, and that seems like it's going to be lasting and permanent? I guess that's my question.

SEC. ROBERT GENUARIO: No. We're not planning to build more facilities. And as yet, we have not made any determinations or made any plans to send prisoners out of state.

REP. LAWLOR: So if like a year from now we're in the same exact position we're in now, in terms of inmate count, is that considered a problem?

SEC. ROBERT GENUARIO: Well, if we are in the same position, with regard to inmate count, a year from now that we are in now, then one of two things is true.

Either we've wasted a lot of money on these programs, which I don't think is the case, or there is something else going on in Connecticut that we will need to address otherwise. But I do not think that is the case.

I think these are very reasonable projections, given the resources provided to the Board of Parole, given the resources provided for diversionary programs, given the processes that are in place. They are our best projections. And as in any agency, we go with our best projections.

REP. LAWLOR: Okay. Thank you. Are there any questions? Senator Kissel.

SEN. KISSEL: Just two very brief questions, thank you, Mr. Chairman. This is to Chairman Farr. From what I just heard from Secretary Genuario, a tremendous amount of the responsibility for making these projections actually occur is going to rest with your Board of Pardons and Paroles.

I know that we had an opportunity in the last couple of weeks to chat about this, and I appreciate your candor regarding the backlog that developed over the summer.

Do you feel that you have enough resources right now to make this sort of sprint and push to the end of the year, end of the calendar year, so that, honestly, this is something you feel is attainable because, and I raise that because there are a couple of concerns.

Part of it was just staffing, having adequate staffing and resources, but also, part of it was the statutory requirement now that you have complete files, and you can't act on an application unless you have a complete file.

And that would depend less on you than having everything else that comes to you in proper form.

And if that's all corrected now, or that that's all been filled in now, such that it's not even just a question of you having the adequate personnel to handle this, but that you feel that you have enough complete files such that you can deploy your resources to winnow that backlog down.

SEC. ROBERT GENUARIO: Well, let me just say that first of all, we've had tremendous cooperation with other agencies.

Judicial Branch has been providing us with the transcripts through the system for the state's attorney. We've been getting the requests out.

We have, the DRC has given us anything we need in terms of assistance. We have, we're still staffing up in the sense that there are five more parole officers that are going to be hired that will be on loan from the field directory to us.

We anticipate that if we get all the necessary staffing, and it's not all completely in place right now because it's going to take a few weeks before those positions are filled, that

we'll be able to increase substantially the number of hearings we're having.

There has, you know, I think we're at the point now that we're actually getting, we're going to have enough files to go forward that will be completed so that we can make some large dents in the backlog.

Part of what we did is that OPM authorized us to hire some retirees. We have a team that's now in place that have taken 500 of the backlog cases.

And their charge is to simply process those, obtain all the information and process those. And they're hoping to do that by the end of the year.

Now if they were able to do that and process 500 cases, that would go a long way towards meeting our goal.

That's a best case scenario, and I admit that the projections here are sort of a best case scenario, that it may be, it may take us a few more months to get to where we'd like to be.

SEN. KISSEL: Okay. Thank you. I'm hoping that the best case scenario pans out for a variety of reasons, not just budgetary, but because of the prison population pressures, especially with the facilities in my neck of the woods, which brings me to my question for Commissioner Lantz.

In your testimony, you had indicated that, I believe by the end of the year, there would be either seven or nine, I can't recall which, new correctional officers within the Department.

Is that above and beyond the baseline right now, or are we just--

COMM. THERESA LANTZ: Yes.

SEN. KISSEL: --basically filling retiree spots?

COMM. THERESA LANTZ: No. That's above our, that's added to our authorized count. So that's above and beyond what we currently have. And they'll be scheduled for the December class.

SEN. KISSEL: And you know, I just have to make one last inquiry. It was reported by Chairman Farr that there was a lockdown today at Carl Robinson. That's up in Enfield, my neck of the woods.

How are we doing as far as population pressures within the Department of Corrections? And if we're able to make this headway, regarding prison population, do you see that substantially easing some of the pressures on the correctional officers that man the six facilities in my neck of the woods as well as throughout the State of Connecticut?

COMM. THERESA LANTZ: Well, the reason that Carl Robinson is on a lockdown is because we're doing our annual shakedown, and we don't announce that ahead of time. And we announce it after we've initiated it.

And basically, we do at least one annual shakedown at every facility, and in many of our facilities, we do two annual shakedowns.

SEN. KISSEL: So you didn't announce that to Bob either?

COMM. THERESA LANTZ: No, we did not. We don't announce it to anybody. That's a security issue for us.

So it's just our annually scheduled shakedown, which we do. So that's number one. Number two, I think, and I'm just going to represent Representative Lawlor's--

SEN. KISSEL: Can I just say we're all laughing because Legislators used to be able to do that once a year, our annual shakedown. Now we have public financing, so--

COMM. THERESA LANTZ: I understand. You know, I think that there is a reason to be optimistic about the population count. And I've been accused of being a relentless optimist, and I am guilty of that.

You know, since, when I became Commissioner in 2003, we had had 20 years of continuous yearly annual growth in our prison population in this state.

And with your help and the collaboration of my partner agencies and the prison jail overcrowding committee and all of the things that you've instituted and working in

supporting us, and the Governor as well, you know, we were able to turn the tide.

And for years, we reduced our population. And in fact, it was a national model for how we managed our prison population.

And in 2007, we had a very tragic event that basically rocked us to the core, the criminal justice system to the core.

And as a result of that, we, our population did increase, and rightly so. All of us took a pause, and we looked at our processes and what we were doing and what we needed to do to enhance public safety and enhance our processes and so forth.

So our population gained 1,000 in a very short time. Since that time, since our all-time high in February, we were able to have about five months in a row of again a decline.

This past summer, we had another revisit of the 2006 urban violence. And as a result, we saw our pretrial population go up by a few hundred. And that wasn't unexpected.

In fact, I think that's the right thing to do is that there were sweeps. There was a law enforcement agenda going on in the cities to try to address that.

And unfortunately, we're still seeing some significant violence in our urban environments. And the Department of Corrections serves the public safety purpose of ensuring that

offenders who are violent or incorrigible and refuse to believe in productive citizenship, they should be locked up.

And you know what, we can manage it, and we have managed it. And I'm very proud of the staff and the good job that they do.

The board is in the process of building up. And as they build up their system and as they attack the backlog that they have, I believe we're going to see more offenders be discharged into the community.

And you have given the Department resources and funding to be able to address those individuals going back into the community under enhanced supervision with more effective tools, better training, and just better programs and processes, and you've done that.

So I am optimistic. As the board gears up, does more of its hearings, attacks that backlog that's, you know, many hundreds, I think that we're going to be able to manage them in the community, and I think that, once again, we will regain our status of being a very progressive, competent, and highly respected correctional system.

So I am an optimist, and I, you know, do I think that the 19,000 is doable by perhaps January 1st? I think that's optimistic because you know what, this type of cultural organizational change does not happen in a few months.

One of my counterparts in Michigan, after the Cheshire tragedy, she called me to give me some moral support because she had heard about it.

She said, Theresa, it's going to be 18 months to 2 years before you settle back into what you had before that, and I think she's right.

And so I have to be patient. I have to continue to work on our processes, continue to support the parole board. It's a valuable resource. They're getting, their new members are excellent.

So I do have a sense of optimism. I do think we're going to be able to turn this around, and I appreciate all of the support and all of the continued confidence that you have in our agencies.

And by the way, my partners are DMHAS, CSSD, all of the partners in the community, the nonprofits.

They have done an unbelievable job working with us and making us look good, and very productive. So I hope that that sort of answers your question.

SEN. KISSEL: Sure does, Commissioner. Thank you all very, very much. Thank you, Mr. Chairman.

REP. LAWLOR: Representative Walker?

REP. WALKER: Thank you, and good afternoon, everybody. Commissioner Lantz, before you leave--

COMM. THERESA LANTZ: Oh, I'm not going anywhere.

REP. WALKER: Okay. I first of all want to commend you on your dedication to your job. And I don't think that there's ever been a doubt that we've had a competent system and whether we've had a respect for the Department of Corrections.

So I don't think any of these assurgence of violence has anything to do with the question of whether your agency has the ability to do this.

So I think one of the main things we have to keep in mind is the fact that there are desperate situations out there in the communities.

It is not about DOC, and it's not about DMHAS or CSSD. It's about the quality of life that's out there, and a lot of people are going through struggles. And they're so desperate, they'll do whatever is necessary to survive.

Going on to the next question, or to my first question, in your deficiency issues, how much of your deficiency do you project will be overtime costs?

COMM. THERESA LANTZ: I'm sorry, I don't have an exact number for you. I can get--

REP. WALKER: Your overtime has increased a great deal though, hasn't it?

COMM. THERESA LANTZ: It's starting to come down.

REP. WALKER: It has come down.

COMM. THERESA LANTZ: Yeah. It's, you know, when you look at the chart, it's very, overtime especially is driven a lot by the correction officers and by the posts and the population and so forth.

And what you see in the chart, you see some peaks, but then you start seeing some declines, and it actually comes down. The chart actually goes up and down a little bit.

And a lot of that has, quite frankly, a lot of it has to do with schedules and holidays and sick calls and, you know, overflow posts.

In other words, if the count is up and I have to put in some overflow posts, that's above and beyond, and mostly that's on overtime.

So I don't have a number for you today, Representative Walker, as to how much of that is, I mean, I would say that that's a high percentage.

But in our personal services, it's actually, our projected deficiency has actually come down.

What we're seeing is in the other expenses categories, fuel, food, clothing, utilities, gasoline, electricity. Those continue to rise, and that's becoming and having more and more of an impact on our deficiency.

REP. WALKER: And as far as the unsentenced population, because we're having such a dramatic increase in that, is that also an area where we're seeing more overtime, because of the fact that our jails are, because you do have responsibility?

COMM. THERESA LANTZ: Sure, you'll see some overtime in the jails because the pretrial population is somewhat seasonal. You know, we'll see an increase in our pretrial during the summer.

But then it usually decreases into a, you know, sort of a normalized range. And I think we're going to start getting into that.

And if it wasn't for Judicial's [inaudible] interview and DMHAS's jail diversion program, we would be in big trouble.

REP. WALKER: I was reading the, Secretary Genuario's Criminal Justice Policy and Planning Monthly Report.

And they said, yes, it is seasonal, but we are extremely high compared to what we were the previous year.

And I didn't look back at the year before, but the unsentenced population seems to be getting higher and higher as opposed to leveling out.

COMM. THERESA LANTZ: They will start to come down, Representative Walker. It does equalize after the summer months. Usually, this is very seasonal, usually we see from November, and I

kiddingly say it's usually from November to Super Bowl Sunday, we usually see a decline in our population.

REP. WALKER: Well, usually, during the holidays you see it because of depression, and that's one of the other issues.

And because of our increase in our prisons, one of the things we've been working on so hard is getting more activities or more things to provide the offenders with training or something so that when they get out.

But because of the overcrowding, I've understood that there are a lot of those programs that have to be reduced because we don't have any facility or space to do them. So how are we going to adjust to that?

COMM. THERESA LANTZ: Well, I'm not sure if we reduced our programs. I think we, what we have done, and I'm basically doing a reorganization of the agency as to how--

REP. WALKER: Please don't say that.

COMM. THERESA LANTZ: No, no, no, as to how we assess and how we deliver and implement programs.

A couple of years ago, I instituted the Offender Accountability Plan, which was the initial step to ensure that the offender became part of and accepted responsibility for their programmatic participation and behavioral change.

What we're trying to do in prison is to have them think differently. What we're trying to do in the community is have them act differently.

So what we're done is I've taken a few major steps. Number one, we're revamping our assessment system.

We're utilizing more effective assessment instruments and tools, when they come in, to identify more clearly and specifically risk, including risk of recidivism, as well as needs. What programs and activities do they need?

I then took all of the programs in the agency, and I developed core programs. And we're really focusing on cognitive behavioral programs, domestic violence, education and vocation, substance abuse.

And those are core programs. And the cognitive behavioral is very important because that's domestic violence. That's thinking for a change. That's your attitudes and values and all of the rest of that.

Every program, every inmate, when they go before classification, and based on their assessments, they're going to be given an Offender Accountability Plan that they will sign off.

Their participation in that will then be given due weight when it comes to discretionary release consideration.

And so the core programs that, it really centers your staff and focuses them on evidence-based practices rather than doing multiple programs at facilities that aren't quite connected.

So we're really, that's the kind of overhaul that I've been working. And I've been working on this for a while, but it takes some time because you have to train staff, introduce the new instruments, and get the process working.

That's what we're working on to really hone in and make the agency very concise, not duplicative, and make sure that the programs being offered are evidence based.

REP. WALKER: Okay. I'm going to do this quickly because I know I'm getting breathed on behind the back of my neck.

On one of the other things that we had talked about, and I saw under Commissioner Kirk's statement, was eligibility being expedited in the facilities before they get released, especially for state of SAGA or some of the others. And we had talked about also having DSS do that too. Is that happening now?

COMM. THERESA LANTZ: Well, I've had a brief conversation with Commissioner Starkowski about making the re-entry population a focus, a strong focus, especially when they come out.

We've talked about in the communities, in the neighborhoods, where we know the majority of

offenders, for instance, your area is New Haven.

You have the FQHC Health Center, in a couple of your neighborhoods, is tying in DSS into those areas so that the offenders can do that.

REP. WALKER: All right. We've been talking about this for two years.

COMM. THERESA LANTZ: We've been doing it, but it's not, we've been doing it, but now we're trying to specifically target it. We've had staff do it, but has it been global? Not necessarily.

REP. WALKER: Because DSS had been given two positions to do that.

COMM. THERESA LANTZ: They did, right.

REP. WALKER: Okay. So we will find out about that very soon.

COMM. THERESA LANTZ: Okay. We'll talk about it later.

REP. WALKER: Yeah. We'll leave that one alone. And the other, two other things. There was a report on the number of re-arrest warrants, this was, I think, Mr. Carbone's area, where they had the violation of probations.

There are a couple of reports. And we're up dramatically in the number of re-arrests for violation of probation. Can you explain why?

In 2007, we had approximately 694 warrants. And in 2008, we had 1,170 warrants issued. Is there a reason for this trend?

EXEC. DIR. WILLIAM CARBONE: I don't think it's a trend. I think it's something we're seeing now for a very specific reason.

We implemented this new electronic system. The acronym is PRAWN, which is a paperless re-arrest warrant system. So violations of probation were never electronically available to the police.

So if I were arrested on a new offense and also have an outstanding violation of probation warrant, they wouldn't necessarily know that, unless it happened to be the location where the warrant was lodged.

Now when a person is arrested and they make an inquiry, they get an automatic notice that there is an outstanding violation of probation warrant.

The Legislature gave us the authority that right in that location, they could make a copy of the warrant.

And based upon the facsimile, they could present that person an arraignment for both the new offense and the violation at the same time.

So many people who had outstanding warrants and were not being pursued actively but now are getting re-arrested, there's an automatic

connection that's being made to an outstanding VOP.

For example, we had 6,500 warrants outstanding prior to the implementation of this new system, which just went into effect in the spring. We now have less than 5,000.

So what happened to all those warrants? Well, some were vacated. But for the most part, they were served on people who had new arrests.

REP. WALKER: Okay. So some of the increase in the number of unsentenced population could be because of the fact that we are increasing the number of arrests in violation of probation?

EXEC. DIR. WILLIAM CARBONE: Some of that might be, but I would say that they all have new arrests associated with them, so they would be part of, perhaps part of that pretrial population anyway.

REP. WALKER: Well, I mean, it's a dramatic, I mean, it's 4,000 over from what it was last year.

EXEC. DIR. WILLIAM CARBONE: Well, the actual, I'll have to look at those numbers, but the actual service of the additional warrants over the last few months has been really due to the PRAWN system. I can tell you that.

It is leveling off. And if you look actually at the number of warrants that are now being issued by probation, and you separate those out that are based upon new offenses from

technical, you see that the technicals are dropping.

REP. WALKER: Yeah, I did see that. But one of the, I guess I'm zeroing in on the number of people that are being detained by the State of Connecticut in their facilities.

And I'm, I mean, we're getting efficient in some areas. I don't know why, but we are getting efficient. Well, I do know why.

But whether we have the facilities to handle this efficiency in these areas, I'm sort of going along with Representative Lawlor in wondering, you know, we may be bringing down this population, but we're increasing this population.

And so I just want to, I'm, I guess I want to bring that to everybody's attention, that we are being efficient, but we're bringing in more people.

And so the overcrowding is coming from another area, and I think we need to sort of look at that.

Now the GPS, last question, last area, we had a problem with GPS because of the amount of, statutorily, how much we could pay for it. Have we resolved that issue?

EXEC. DIR. WILLIAM CARBONE: Yeah. I don't think it's a financial issue at this time at all.

REP. WALKER: It's not a financial, how did we get around it? Because we didn't pass a statute to raise the amount.

EXEC. DIR. WILLIAM CARBONE: That had to do with the electronic monitoring system. But under the GPS, we have a contract in place, and depending upon whether it's active or passive, we pay either \$5 a day or up to \$12 and change per day, and I think that's pretty much the going rate. And there is an adequate funding source for it.

REP. WALKER: So we're able to cite it at the \$12, I think \$12.75 a day, so we're able to do the passive. This is not active. This is passive.

EXEC. DIR. WILLIAM CARBONE: No, active is \$12 and change per day. The passive would be \$5 and change per day. Electronic monitoring, which is different from GPS, that's just the bracelets, that's the thing that's \$5 per day.

REP. WALKER: Okay. And we're able to do the program that way. And as far as, I understood that the sex beds, the sex beds, the sexual offender beds--

UNIDENTIFIED SPEAKER: We can see what's on your mind.

REP. WALKER: Yeah, I know. The sex offender beds are underfunded. Do we know how much more these beds are going to cost us that we need to do this, as far as, because I know we've put in about \$1 million.

But we had \$2 million that lapsed from the previous year, so I'm curious what happened to the \$2 million, and how much more do we need to do the sex offender beds? Is that DOC, or is that CSSD?

COMM. THERESA LANTZ: Here's, let me, we have a committee together. It's a joint committee. Both, CSSD has, is going to contract for 12 beds, and the DOC is going to contract for 12 beds.

And the committee has not given Bill or I yet the preferred bidder or bidders. We did get three bids that came in that were reviewed.

So as far as the price is concerned, right now, honestly, I can't tell you, but we'll let you know as soon as we make a selection.

REP. WALKER: But we know it's not enough.

COMM. THERESA LANTZ: No, I'm not sure of that. I don't know that, Representative Walker, that it's not enough. I think we have good funding based on what you gave us.

REP. WALKER: That's why I was curious. I don't remember who said it, but somebody said today that we were--

COMM. THERESA LANTZ: No, I think we're, hopefully, you know, that--

SEC. ROBERT GENUARIO: I expressed some concern about the diversionary beds.

REP. WALKER: Oh, okay, I'm sorry, okay.

COMM. THERESA WALKER: So we'll know, perhaps in a couple of weeks, who the preferred bidders, bidder or bidders, is, and then we would, you know, begin the negotiation.

And hopefully, we'll be able to have something no later than the first of the year online, if all, again, my optimism takes over, in best case scenario.

REP. WALKER: Okay. But as far as the bids, the diversionary beds is what you were talking about that we were underfunded?

SEC. ROBERT GENUARIO: I didn't mean to say that categorically. We do have concerns because there is going to be a bidding process, and some preliminary feedback is to the effect that the price per bed will go up.

You don't know until the bidding process is done. I expressed some concerns because I felt that the Committees ought to know about that. As soon as we know what the price is, we'll--

REP. WALKER: I was just wondering because we did have some money in the previous year for sex offender beds, and that money lapsed. That was \$2 million, if I'm correct.

And I wondered what did we do with that, and are we putting it into the sex offender pot, or are we putting it into diversionary beds?

SEC. ROBERT GENUARIO: The first question, and I don't know the answer to it, but the first question is did we carry forward money, and I'm not sure what we did. I'll have to double check and get back to you on it.

REP. WALKER: All right, thank you.

SEC. ROBERT GENUARIO: If we did carry it forward, it would be available for the same purposes.

REP. WALKER: I hate these marathon questionings. Thank you all.

REP. LAWLOR: Well, Representative DelGobbo is next. I just want to point out that the hour and a half we allocated will have expired in about ten minutes or so.

But I'm just, we'd like to get on the other panel, in fairness to them, but I'm wondering do you all intend to stick around so that potentially, if people have other questions after the other panel is done--

COMM. THERESA LANTZ: Yes.

SEC. ROBERT GENUARIO: I might leave and come back.

REP. LAWLOR: Okay. I just wanted to clarify that. But Representative DelGobbo is next, and please proceed.

REP. DELGOBBO: Thanks, and I'll try my best to be brief. I learned a lot today, what's coming through the budget for the line on one of those sex beds.

In fairness, you know, I have to say up front, this is not a policy, area of policy expertise for me.

A lot of what I've learned I've honestly learned from Representative Walker on Appropriations, listening to her questions, as well as some of my other colleagues.

I appreciate the presentations that were made today. From my perspective, it showed, you know, when you think about the scale of the initiatives involved, I was pleased to hear the reports in each of these areas of significant progress.

And I think that's what a lot of us want to hear, not that there aren't bumps in the road and issues that need to continue to be addressed, but I think it should be acknowledged.

I've been around here long enough, not being an expert in this area, but in general, you know, it's one thing to have theory, and it's another thing to have it happen out in the field and to appreciate what it takes to execute this range of policy initiatives in criminal justice. So I appreciate that.

My question gets to, and it's sort of following on Representative Lawlor's, one is I can appreciate the additional challenge in addition to, you know, executing these things, that part of the normal process of things in the biennial budget would be a Legislature coming forward

and seeing what's happening in the field and, as Representative Lawlor sort of suggested, maybe saying, okay, you suggest projections were going to be X, and they're looking like they're turning to Y, so we're going to make, we're both going to make policy changes and potential budgetary changes to reflect that reality.

That did not happen. Despite that, it appears across the range here that there was commitment to move forward on all the initiatives.

My question to Secretary Genuario is obviously, none of this happens, or is going to continue to happen, in a vacuum of just these agencies before us.

We know, as we sit here today, that the state faces significant budget deficit. And it will, without a doubt, unfortunately be facing, you know, a multiplier effect as inactive markets happen.

My concern is that if we look at these, as has been a priority value of the Legislature and the Governor to address these criminal justice initiatives, and frankly a core, fundamental responsibility of government, as you look forward to what extent are these initiatives jeopardized by the environment we have, and, you know, from my perspective and some others, the sooner we face the issues before us, the lessening of the impact.

In other words, we've already, we've devoted enormous amount of time and energy and taxpayer

funds to take this track. I hate to see that derailed.

And I'm concerned of, you know, how do we deal with that within the context, and hopefully soon, of the current budget condition?

SEC. ROBERT GENUARIO: Wow.

REP. DELGOBBO: Just one question.

SEC. ROBERT GENUARIO: That's a very broad question. And you are right, Representative DelGobbo, we are facing a significant deficit this year. And in my opinion, it pales in comparison to the fiscal issues we're going to have in 2010.

I want to be very clear with everybody about that. This is an, this was an important policy initiative of the Governor. It was an important policy initiative of the Legislature.

It is an area where, to be sure, there are some bumps in the road and some tweakings and some disagreements.

It is an area in which I think there is a uniform and bipartisan support for these initiatives, which will result in a lot of attention and emphasis on them next year.

But I would be less than candid if I did not tell you that there's also bipartisan support for a lot of educational initiatives, a lot of healthcare initiatives, a lot of transportation initiatives, and municipal aid, poverty initiatives, etc., etc., etc.

And the problem, or the challenge I think perhaps is a better word, the opportunity, that we will have next January is reconciling those competing interests, which what will clearly be reduced resources.

The problem is, I think, increased by virtue of the fact that as some of these initiatives roll out in partial years and are funded for partial years, that next year, we have to fully annualize the cost.

So that puts an additional burden on the system. All I can tell you is that you and I, and I'm sure Senator Harp and Representative Lawlor and Senator McDonald and Representative Merrill and many others, the Governor herself, will be sitting down and having many, many conversations about this over the course of the next year, this and all of those other issues. I just wish I could tell you something different, but it's going to be--

REP. DELGOBBO: I guess the point of my question, and this will just be my final point, is I don't want to see us, you know, having paved the road and then very quickly tearing it up because of the realities that we already know today are there.

And you know, what I'd like, what I'm getting to in that question is really like shouldn't we be making those repairs now so that they don't, you know, we know that we're making certain investments, and if there's going to be adjustments, there are many of us that think we

need to do it sooner than later, to save the core initiatives that are on the table, that we're talking about today.

SEC. ROBERT GENUARIO: Well, I think that's right. And I think we need to consider that as we move forward, in terms of the implementation of this.

Let me add one additional point. I don't want to overstate this because people tend to put too much emphasis on it, and it has become the bane of my existence.

But this is not a zero-sum gain. There are savings associated with the proper implementation of this plan.

In the year that you roll it out, and maybe in the first two years that you roll it out, there is no question there is an increased cost to the implementation of this plan.

On the other hand, if we can reduce prison population, we can see some savings on the other end. The goal in having a model criminal justice system is to see savings there and savings in other areas of the budget.

I hesitate to say that because quite frequently, I tell people, don't tell me that, because we certainly won't see it in the first year.

But over the course of the biennium, we may see some rollout and some savings in the out years, perhaps in the second year of the biennial

budget, as the Corrections Department can adjust its staffing patterns resulting from decreased population.

REP. LAWLOR: Well, it is approximately after we started this panel. And I think with the caveat that you've agreed to stay around, and I understand, Mr. Secretary, you've got something you may have to do in the meantime, but you might stop back?

SEC. ROBERT GENUARIO: I would be delighted.

REP. LAWLOR: And so hopefully, we can continue this questioning after the next panel. And there's a fair amount of overlap between what you've been discussing and what they'll be talking about as well. So with that, let me say thank you, and hopefully, we'll--

SEC. ROBERT GENUARIO: You'll be about an hour with them, right?

REP. LAWLOR: I would say about that, yes, maybe less. There's fewer of them in any event.

SEC. ROBERT GENUARIO: Thanks a lot.

REP. LAWLOR: So if the next group of, there's only four in the next group, so this presumably won't be quite as long.

But in any event, the next group consists of Judge Clifford, who is speaking on behalf of the Judicial Branch, State's Attorney Dearington, Attorney Susan Storey, the Chief Public Defender, and Attorney Michelle Cruz,

who is the State Victim Advocate. [Gap in testimony. Changing from Tape 1B in Tape 2A.]

Good afternoon, Your Honor. Give people a chance to settle down here for one second, and we'll pick up.

JUDGE PATRICK CLIFFORD: I was just trying to cut ahead of everybody.

REP. LAWLOR: That's all right. It's too bad, really, because some of the people who need to hear what all of you have to say have left the room.

But hopefully, they'll watch it on CT-N because one of the things we've learned in recent years, that there's a tremendous value that goes along with different parts of the Criminal Justice System listening to the concerns and hopes of the other parts of the system so they can work together more effectively.

So that's one of the side benefits of just having these public discussions, and so thanks for doing this. And so, Judge, I know you're here on behalf of the Chief Court Administrator and others, so please go ahead.

JUDGE PATRICK CLIFFORD: Thank you, and good afternoon. I'm going to summarize rather quickly because I think we're probably going to be somewhat repetitive about what effects, if any, the new legislation, that took place back last January, and also the new persistent offender bill that was effective in May.

Public Act 08-01, which the new law of home invasion, which was effective in March of '08, some recent statistics, I know which were just handed out, that we were able to determine that there's been actually 40 of those charges filed around the state, and 1 has been disposed of.

I don't know what the disposition was, but 40 have been actually filed since March of '08 of that particular charge. That new charge, as we know, effective in March has a ten-year minimum mandatory.

Section 2 and Section 3, which amended and changed somewhat some of the different sections and elements of burglary in the 1st degree and burglary in the 2nd degree, don't have any really specific statistics because there's been 745 of those charges, but I don't know which ones are under the new or amended sections because there always was, obviously, a burglary in the 1st degree and a burglary in the 2nd degree.

As we know, as of March, home invasion and burglary in the first degree and burglary in the second degree with a firearm were added to the persistent offender statutes, and it's obviously too early to tell, you know, what effect that is.

But they are now in there as one of the qualifying offenses to be considered as persistent offender.

The *State v. Bell* language was taken out, effective in January, which would have required

the findings by the jury before there can be enhanced punishment under the persistent offender.

Once again, that's going to end up with a more automatic use of the persistent offender, I would think, down the road, obviously.

We also had Section 25 of the bill that was effective in January of '08, which requires judges to make certain findings of what factors they considered in setting bond or conditions of release for certain delineated felonies when we're considering dangerousness as one of the elements now.

Any of these things that were effective, I sent out, as the Chief Administrative Judge, as a memo to all the judges.

And then just recently, we had the criminal annual seminar in September, and I go over all these new requirements for what the judge must say on the record and any of the new legislation.

There's the new psychiatric diversionary program, but that was just effective, obviously, this October, and I believe that's going to be utilized a lot.

Public Act 08-51, now that was just effective May 9th of '08. Haven't seen a great effect yet obviously because that's going to be people who are charged with those qualifying offenses after May 9th of '08.

But as all of you know, the changes in that is that if somebody has one prior qualifying conviction, besides the maximum being two times the maximum of that crime you were convicted of, or 40 years, whichever is greater, there is a requirement that there be two times the minimum.

And we do deal with a lot of cases that have minimum mandatories. Your typical cases that usually qualify somebody for a persistent offender is your robbery in the first degree and assault in the first degree and home invasion now and burglary in the first degree.

And all of those clearly have sections that have minimum mandatories. If you have two prior convictions, now the sentence can be obviously no more than life, but the minimum is three times the minimum.

So once again, if it's a robbery in the first degree with the use of a deadly weapon, or an assault in the first degree with the use of a deadly weapon or dangerous instrument, there's a minimum mandatory of five years.

So the minimum would be a 15-year sentence with a maximum of not more than life. There also obviously, pursuant to that is more, I guess I would call it accountability because the state is required to investigate.

When somebody is charged with the more serious crimes that are delineated in the statute, the state is required to investigate to determine

whether somebody has two prior qualifying convictions.

And if they do, the case must be transferred to the Part A Court. Most of these type of charges are, but there are some that might have stayed in the GA.

If the state elects not to proceed with the persistent offender, they must state their reasons. And if they file the persistent offender and withdraw it, they must state their reasons.

And there is a requirement in the statute that judge inquire on any of these charges, when someone comes in, and not just before they enter a guilty or a nolo plea, but also before a not-guilty plea can be entered, the judge must inquire of the prosecutor have you investigated and determined whether in fact this person qualifies by having two prior convictions.

But having seen the effect that much, since once again, it's post-May 9th of '08. I'm sitting in Middletown.

It's not, you know, as busy a court as New Haven or Hartford or some of the other areas in Connecticut that might experience it more.

I did send out an e-mail to some of the, and most of the presiding judges, and they said they've had, you know, obviously some of these. And they've been making the inquiries.

They're familiar with the statute. All the judges are aware of it. And the prosecutors, if there's cases that qualify, are filing it.

But what's going to happen down the road, we don't know yet because those are still fairly new cases in the system. They might be involved in the plea-bargaining stage right now.

So I can't, I mean, so those are the new changes that affect us on a day-to-day basis, but I can't say that there's been a major change that I've seen yet as a result of them. I think we will, obviously, in the future.

I certainly have seen, not that it's based on new legislation, but there are more presentence reports being ordered.

Obviously, the prosecutors are ordering the transcripts in all the necessary cases, so all of that is clearly being done. And if you have any questions, I'd be glad to respond.

REP. LAWLOR: I think our intent is for each of you to say what you'd like to say, and then we'll have some questions following the four presentations. So State's Attorney Dearington, your turn.

STATE'S ATTY. MICHAEL DEARINGTON: Thank you. Thank you for being here. I particularly want to thank Kevin Kane, who skipped town yesterday. Judge Clifford pretty much spoke about the things that I was going to speak about.

I know that the division had given you, or has given you, I think, a six-page transcript of testimony.

A couple of things, just to follow up on what Judge Clifford said, with respect to the home invasion law, which we heartily supported and I think is a wonderful law, fills a lot of gaps.

Judge Clifford mentioned that there have been 40, I think 40 cases where it's been charged since it was enacted in March of this year.

And as Judge Clifford indicated, there's been one disposition, and I think that was perhaps in Fairfield.

But I know that the sentence was 10, suspended after 15 years, which is good, and 10, I think, is the minimum that the statute provided for.

REP. LAWLOR: Mike, if you'd, because you're a little bit distant from the microphone, I know CT-N is broadcasting this, and I'm sure they're concerned about the audio quality.

STATE'S ATTY. MICHAEL DEARINGTON: Sorry. I was an [inaudible] with respect to the 08-51, the persistent violent offender law, Judge Clifford covered that pretty well.

But there have been two transfers from Part B to Part A based upon that statute. I think again, one happened to be in Ansonia and Milford, and again one in Fairfield.

And those cases have yet to be disposed of. So as Judge Clifford indicated, it's really immature to indicate the impact of these new statutes with respect to the disposition of cases.

I noticed in our, the testimony submitted, it talks about habeas reform, which is something near and dear to my heart, and I don't know if you're interested in hearing about that, but I think New Haven has suffered the most because of the deficiencies in the system.

I'm not sure whether this is the time or place, but we feel extremely strongly about it's time to change the system.

And I see Ms. Cruz here. One of the greatest problems is that it impacts on victims and witnesses in a very dramatic way, and we've experienced that in New Haven.

We do have 225 pending cases, have 1 prosecutor handling them, and I have a per diem. And it's not, it has happened on numerous occasions where victims have been subpoenaed to habeas hearings.

They're revictimized, and that's, and I've written a letter. I wrote a letter on it in March, I think, and sent it around to everyone I could, relating all of these experiences we've had.

But I think everyone in the division, and hopefully many of you, feel it's time for a change. Thank you.

REP. LAWLOR: Just a point of information on that point, Kevin Kane, the Chief State's Attorney, has certainly talked to me, I assume to other Legislators, and we've all expressed a willingness to work it out.

I know how overwhelming and how frustrating it is to deal with many of those, which are groundless allegations. And so I think many of us are committed to figuring out a way to sort those out more effectively.

So that's definitely in the hopper. It's not specifically on today's Agenda, but it's definitely something that will come up before the people elected in a couple of weeks to serve in the next year's Legislature.

STATE'S ATTY. MICHAEL DEARINGTON: I'm glad to hear that, thank you.

REP. LAWLOR: Attorney Storey?

ATTY. SUSAN STOREY: My only chance to knock a judge out of the way here, so it's kind of fun. Thank you for the opportunity to be here today, especially Representative Lawlor, Senator Harp, Senator McDonald, Senator Kissel.

I appreciate the opportunity to join this group and to give you my impressions of how it's impacting our agency.

And I think, I want to go back to some of the testimony from the first group about the numbers of people that are in DOC because that

is something we pay pretty close attention to, especially that pretrial population.

And as you see, not only has the prison population gone through some increases, but also, the pretrial population has spiked quite a bit as well.

And I think if you look on the OPM website, one of the factors that they talked about was that 71.5% of the more than 33,000 admissions from September, '07, to August, 2008, were pretrial detainees.

And I think the current number is about 6,407. And this is something we see, and part of it is the impact from some of the reforms that were put in place in the last Legislative Session.

Especially, we're seeing higher bonds. We are definitely seeing more filings of persistent offender status.

Judges are asking the prosecutors upon arraignment whether defendants have the predicate offenses necessary to be charged with persistent offender status.

Also, the higher the bonds, or also, higher bonds have been traditionally very high over the last two years.

That has not abated, and that, I think, does nothing to abate the increases in the DOC population. But that's a problem.

And when you look at high bonds, and you also see that more of the people coming into the Criminal Justice System are represented by the public defenders because they are indigent, it's also a reflection that they cannot pay the bonds that are set by the courts.

And not being able to make bond is the highest predictor of actually having a sentence of incarceration imposed upon you.

So if you look at that trend that is still increasing, and we expect, as the economy progresses in this fashion, that we will have more clients, that this will not decrease.

And what you can see from last year, where public defenders represented about 75% of the incoming cases, in the Judicial District Criminal Courts, we're up to 83% on average this year.

So I guess I'm not as optimistic to reduce the prison overcrowding as some other people are because I see that Commissioner Lantz does not have the ability to release folks on furloughs.

We no longer have administrative parole hearings. And you know, given this combination, and with the increase of sentencing, and plea bargaining offers that you're going to see with persistent offender status, I guess I don't see the safety valve here or the ability, where that's going to come from to reduce the prison population.

So we have seen a dramatic increase in home invasion charging, in persistent offender charging, and now not specifically addressed by that legislation, also, a large increase in the charges of strangulation in domestic violence cases that was in the preceding session.

So under the Public Act 08-51, we did receive 10 entry-level attorney positions to alleviate some of the increases we're seeing due to the legislation.

This funding, and believe me, we're very, very grateful for it, it didn't include the fringe costs for the attorneys. So we've been working with OPM.

So these attorneys will come online as of November 21st. But we should be ready to go then. There won't be a lag, much of a lag time from November on for putting these folks in place.

And then if we see more cases shifting to the JD courts, where we're understaffed, we may have to do some shifting around, but that remains to be seen.

We are still seriously understaffed in the JD offices where our staff are outnumbered two to one, or sometimes six to one, by prosecutorial staff.

And as the numbers increase in the JDs from 75% to 83% of those cases, it does put more of a strain on our JD offices.

Understanding, we do understand however that the state is in a fiscal crisis, just like everybody else in the world, so we are trying to be resourceful and to use what resources we have in the best way we can. So thank you very much.

REP. LAWLOR: Attorney Cruz?

ATTY. MICHELLE CRUZ: Good afternoon, Senator McDonald, Senator Harp, Representative Lawlor, and Distinguished Members of the Judiciary and Appropriations Committee.

For the record, my name is Michelle Cruz. I'm the Victim Advocate for the State of Connecticut.

I have submitted a lengthy testimony, but I'm going to summarize just some of the main points in my testimony so I can comply with the time constraints.

I want to first thank you for the opportunity to provide testimony regarding the implementation of Criminal Justice Reform Bill Public Act 08-01, as well as the effects that the budget crisis has had, and no doubt will continue to have, on the Criminal Justice System.

While the Criminal Justice Reform Bill does not directly affect the operations of the Office of the Victim Advocate, the Office of the Victim Advocate is required to evaluate the delivery services provided to crime victims by state agencies and other entities.

In that, the Office of the Victim Advocate has had significant interest and responsibility for ensuring that the implementations made by the respective agencies in response to the Criminal Justice Reform Bill are fair and equitable for crime victims in Connecticut.

I would like to first share with you some of my impressions of the Connecticut's Criminal Justice System as I have focused on it for the past year.

I have traveled around the state, visiting many state's attorney's offices, victim advocates, victim service providers, law enforcement officials, and others working within the criminal justice arena.

The issues raised by many professionals in the system are the same issues being faced across the country.

Those of resources, heavy criminal dockets, and prison overcrowding are among the most prevalent and certainly not unique to Connecticut.

I have also had the opportunity to meet with many victims of crimes over the past year. Likewise, crime victims have expressed similar frustrations with lack of resources, heavy criminal dockets, issues of public and community safety and are still reporting that they feel a lack of recognition or inclusion within the criminal justice process.

I have spent a great deal of the last year conducting programs of public education and outreach to the community in an effort to raise awareness about victims' rights, the services that are available to crime victims, and the existence of the Office of the Victim Advocate.

Although Connecticut is a leader in the victims' rights movement, we are not immune to the nationwide problems that inadvertently impact crime victims and the Criminal Justice System.

In response to the horrific tragedy in Cheshire last year, the Legislature passed Public Act 08-01.

The classification of home invasion as a separate crime honors the memory of the Petit Family.

However, like many laws passed as a result of tragedy, the impact of the law will be measured by its usage. And I understand by 40 cases, that's pretty decent at this time.

Equally, the improvements to the persistent offender statutes will also be measured by its usage.

Too often, sentencing decisions are made, not based on an offender's history of previous conduct and the facts of the case, but on pressures of an overburdened justice system.

Defendants reaching this classification of a persistent offender must be recognized for this

achievement and not rewarded for the misplaced fiscal responsibility of the rising prison population.

It is my hope that the legislation regarding persistent offenders will prove to be a workable tool for the state's attorneys throughout Connecticut to hold offenders accountable for their acts and consistent disregard for the Criminal Justice System.

As a State Victim Advocate, I can definitely identify two specific areas of deficiencies that have a significant impact on services available to crime victims.

When it comes to court-based victim advocates, we fall far short of what is appropriate and necessary to handle the ever-growing court dockets in the state.

There are a total of 46 criminal courts in Connecticut, and there are only 26 victim advocates who are limited to providing services to victims who sustain personal injury.

Translation, victims of burglary, larceny, arson, kidnapping, identity theft, and even the newly defined crime of home invasion, absent any physical injury, will be left to navigate the Criminal Justice System without the benefit or services of a victim advocate.

Now I must state, for the record, the 26 court-based victim advocates are doing a tremendous job at handling their caseloads.

However, in order for justice to be provided to the crime victim, Connecticut simply needs to properly staff the courts with advocates for all victims.

This is a gap in services for which I proposed legislation last year, and I will continue to work with both the Judiciary and Appropriations Committees to hopefully resolve this issue.

I have to say that when I was sitting and listening to the testimony for the past, I think it's an hour and a half, one of the things I was struck by was the number of parole officers, probation officers, public defenders, beds, and so forth that have been allocated funds within this last nine, ten months.

And I would suggest that we look at the allocation of funds for offender programs as well as the funds for victim advocates and also victim services.

I will acknowledge that there will never be an equalization of funds for offenders, as well as victim programs, because as we know, the offender programs do serve victims by keeping victims feeling safe, which is a Constitutional right.

But at some point, we need to look at the dollars spent towards offenders and re-entry, and also the Department of Corrections, with regards to how we fund the victim programs.

The second issue is victim notification. I applaud the inclusion of the establishment and

implementation of the statewide Automated Victim Information and Notification System to provide notice of relevant offender information and status reports and the recent allocation of funds from SAVIN.

Soon after my appointment in November of 2007, I was invited to participate on the Governing Board for the establishment and implementation of SAVIN, led by Linda Cimino, Director of Office of Victim Services, Judicial Branch.

Through the discussions of the Governing Board, it appears there is a heavy focus on strict adherence to Section 32 of Public Act 08-01, with regards to the types of notification provided to crime victims through SAVIN.

There are many, many important events, beginning with the arrest of the offender, pretrial hearings, motions, and so forth, that the victims are entitled to be notified of.

As I earlier stated, there will never be enough money to fully fund every program for every need.

Nevertheless, the state has a significant responsibility to its residents, especially during economic turmoil, to ensure that the money being expended for programs is money well spent.

I bring to your attention the recent news articles of the nearly \$1 million a year contract being spent on GPS tracking systems to

assist the probation department in the supervision of sex offenders.

The public has freely expressed overwhelming support for this program, as they should. Although not every program can be guaranteed successful, the public confidence is challenged and shaken when these types of mishaps occur.

The end result is that the public not only feels a loss of safety and security for themselves and their family, but they also feel a financial loss.

The GPS tracking system is an important program as it serves as a tool for gauging compliance and accountability for dangerous offenders, and I support its use in the future.

However, the glitches need to be addressed so that crime victims, as well as the community and the public, can continue to support re-entry strategies of offenders.

Furthermore, I believe we need to continually evaluate Connecticut's offender programs, addressing issues quickly, and ensure the original goals are established when funding for these programs was delegated.

We should also have the courage to discontinue programs that are no longer successful or their goals are no longer desired.

Lastly, I want to end on an up note. It should be known that the OVA and its mission is not only to address gaps in services to crime

victims and address problems in services rendered to crime victims, but also to commend individuals and agencies in the field, working hard and restoring integrity to the criminal justice process by taking that extra step.

I have made it a point in my office to write letters of acknowledgement to individuals and agencies who have conducted themselves in ways that restore crime victims' faith in the system.

Today in fact, there was an article in the *Hartford Courant*. Hopefully, you've read it. The article was about the Hartford Police Department solving a cold rape case from 1994.

The victim's relative contacted the police, requested that they take a second look at the case.

The detectives responded quickly, gathered the information they could, sent the information to the lab, and received a DNA hit and then a followed arrest.

It is my experience that there is a lack of recognition for the good work that is being done.

I believe that we need to address the problems but also highlight the accomplishments. Everyone can point out shortfalls, but we also need to become better at supporting each other.

Thank you for the opportunity to testify and for consideration of my comments. I'd be happy to answer any questions you may have.

REP. LAWLOR: Thanks very much. I just had a couple of quick technical questions. First of all, Attorney Storey, did you say that the current pretrial population is 6,407? Is that what I heard you say?

ATTY. SUSAN STOREY: That was what, I thought that was what was on the OPM website.

REP. LAWLOR: I don't know. I'm just, I heard it, and I just--

ATTY. SUSAN STOREY: Well, I think, or actually, I thought that was from Commissioner Lantz, and she can correct me if I'm wrong.

COMM. THERESA LANTZ: Forty-six hundred.

REP. LAWLOR: Forty-six hundred, okay. That would make more sense, all right.

ATTY. SUSAN STOREY: Oh, I had it backwards. Thanks for correcting me.

REP. LAWLOR: No problem. And, Attorney Cruz, the implementation of that Automated Victim Notification System, where does that stand at the moment, as far as you know?

ATTY. MICHELLE CRUZ: What we have right now is we have a, it's a request. We put out a, what is it, it's a request for information.

The only program that actually does this in the nation is [inaudible] so then we're putting out another request for the type of program we want and what kind of notification we want.

And the committee is currently working on the specific notifications that can be gleaned from this type of program. And then we're going to put out that request to the committees.

REP. LAWLOR: I mean, as far as you know, as things stand today, when do you think that will be up and running, as far as you can tell?

ATTY. MICHELLE CRUZ: One of the things that continually gets talked about is the matched funding from the feds and the current crisis in the nation.

And so they're trying, the committee, I'm not really good about the budgetary parts of this particular function. My role is more as where do we go with notification.

But my understanding is we're trying to figure out when we're going to get the matched fundings versus when the state can provide funding and then try and figure out where we go from there.

So the best of my recollection was nine months to a year, we'd probably be up and running with some kind of program. And I'm not completely positive. I can get back to you personally on that if you'd like.

REP. LAWLOR: Okay. I think the statute had a deadline, and I think it might have been October 1st, but that's why I was asking.

ATTY. MICHELLE CRUZ: Yeah, we, definitely not near October 1st.

REP. LAWLOR: So Senator McDonald wants to be recognized, but I had one, and you'll be next, but I have one sort of over-arching question to ask all of you.

And that is apart from the specific details of the bills that were passed in the Legislature, what seemed to emerge as all of these discussions unfolded was a concern about the fact that there seems to be fewer trials taking place in the criminal courts compared to 10, 15, 20 years ago.

And the statistics appear to bear that out. I know the Chief State's Attorney had expressed a concern in that regard when he was first appointed.

So I guess my question is, for each of you, is there a sense that maybe it's better to have more trials, and depending on who you talk to, people tend to blame different people.

Some people blame the judges for being reluctant to do the trials, trying to move cases.

And other people identify the attorneys, the prosecutors, the public defenders, whatever, of

reluctant to go to trial because it's a lot of work, whatever.

And I don't know who's right and who's wrong, but I just, my question is do you have a sense that trials versus plea bargains seem to be getting a higher priority, and it seems to be moving in the direction of being more willing to try cases than has been the case in the recent past? Is that coming across, or is that not a topic?

JUDGE PATRICK CLIFFORD: So is your question does there seem to be, over the last year or so, an inclination to try more cases?

REP. LAWLOR: Yes, right.

JUDGE PATRICK CLIFFORD: I can't say that I've necessarily seen that. I haven't seen any of the statistics. The judges certainly seem to be busy trying cases. Judges like trying cases.

I mean, I'd rather try a case for a couple of weeks rather than maybe sit down and be plea bargaining cases.

REP. LAWLOR: I think the main concern though, Judge, not to cut you off, but the main concern was more in the GA Courts more so than the JD Courts, that we did have the statistics about how many trials were taking place.

And it seemed like few and far between in the GA Courts, and that seemed to create a concern amongst--

JUDGE PATRICK CLIFFORD: I still don't know, and I've seen you address it before, either, you know, watching it on CT-N or whatever, and I, my own feeling is there's got to be a lot of answers to, I don't think there's a simple answer.

I don't think people are afraid to try cases. I think we've got more programs out than we've ever had. We encourage people to use our alternatives and to use the programs.

I mean, we've got a program for everything, which we should. I'm not criticizing it. I think it's very important.

You know, we have the youthful offenders, and then soon the 16- and 17-year-olds will even, you know, will be in the juvenile system.

There still are more mandatory sentences, which I think discourage trials. I think plea bargaining, there's nothing wrong with plea bargaining.

I mean, I still feel, with all due respect to State's Attorney Mike Dearington, that even in the [inaudible] if they tried all their cases, they'd probably lose half of them. I mean, I think, not because of them, but because--

STATE'S ATTY. MICHAEL DEARINGTON: I have lost half of them.

JUDGE PATRICK CLIFFORD: I didn't want to get into that. But that's why we have plea bargaining.

But I just really think, and there's larger sentences after trial. I think statistics would show that.

So I think if there is a reasonable plea bargain because of the uncertainties of a trial, and certainly, I can tell you from my own experiences, there's cases that look like they're going to be a definite guilty.

The evidence is overwhelming, and it's a not guilty. And there's cases that appeared that it would be a not guilty that are guilty. There's real uncertainties.

And some people really don't want to roll the dice and go to trial if there's a reasonable plea bargain.

I'm sitting in the GA in Middletown. The majority of the GA cases, because I do a little bit of everything. I pre-try the Part A's. I try some Part A's. I sit in the GA.

The GA cases I've tried this year have been negligent homicide and probably three DWI cases, operating under the influence, because they were second or third offenders.

REP. LAWLOR: These are jury trials, Judge?

JUDGE PATRICK CLIFFORD: These are jury trials. And you know, as a third offender, when the minimum mandatory is one year and the maximum is three years, there isn't a great disadvantage in going to trial there.

Now in another type of a case where an offer might be a year in jail but you could face ten years after trial, I think a lot of people will take that.

Or as Sue said, you know, the people who are incarcerated especially, those cases, statistically, they receive more prison sentences or more jail sentences because they're in jail.

They're actually easier probably to work out because it gets closer to time served, or they want to get out. So I really think it's a number of things.

I don't think it's any one thing. I don't see anybody afraid to try cases. I see people who would rather be trying cases.

REP. LAWLOR: Okay. I was just curious, the defense attorneys and the prosecutors, what their input is.

ATTY. SUSAN STOREY: I can tell you what our numbers were for the GAs for last year, 24 cases diverted in the GAs.

REP. LAWLOR: Statewide.

ATTY. SUSAN STOREY: Yeah.

REP. LAWLOR: How many GAs are there statewide, 23?

ATTY. SUSAN STOREY: Twenty-three.

REP. LAWLOR: So statewide, these--

ATTY. SUSAN STOREY: Most of these [inaudible]

REP. LAWLOR: --public defenders.

ATTY. SUSAN STOREY: Jury selection started in seven additional cases. Now most of the trials in the GAs are occurring in Bridgeport GA 2, New Haven, and Hartford. In outlying areas, you don't see as many.

And Judge Clifford, you know, mentioned some of the reasons for that. One of the other reasons that you need to look at is that all the attorneys in these GAs are carrying, you know, some up to 500 new cases per year.

And you have 97% of serious B and C felonies remaining in the GAs. So if you're an attorney with a caseload like that, which is, I mean, a lot lower historically than it had been, you know, decades ago.

But if you're in court until 5:00 and you're going to have to prepare for a serious felony trial, I mean, that's very difficult in some of the GAs. But it's being done, and it's being done very well.

I think the rate of success in many of these trials was excellent, which really pleases us, and I think that speaks to our--

REP. LAWLOR: Success, meaning?

ATTY. SUSAN STOREY: Oh, for us.

REP. LAWLOR: --a not-guilty verdict, right?

ATTY. SUSAN STOREY: Yes, not guilty, from a public defender's point of view, or a reduced charge, or a, you know, motions for acquittal granted, that type of thing.

I mean, if you're looking at public defender work, that's what we're looking to do is have the best, what we think is the best result for the client.

And I think we're doing better in this regard because of our training program. It's much more intensive, and I think that's very helpful.

REP. LAWLOR: Can I just ask you, because people are listening, and I just want to make sure that I heard what you said correctly so that no one misses the point.

I think you said that for the entire year, the public defenders in the GA Courts took 24 cases to trial where it ended up in a verdict. Is that what you said?

ATTY. SUSAN STOREY: Yes.

REP. LAWLOR: Okay. And there are in fact 23 courts, 23 GA Courts in the state.

ATTY. SUSAN STOREY: Right.

REP. LAWLOR: So one way of saying that is on average, one per court per year trials. Now it's just the public defenders.

There's private attorneys too, so maybe would it be fair to say maybe double that per year, so two, maybe three per year per court?

JUDGE PATRICK CLIFFORD: Maybe more because the three or four that I just had in Middletown were all private attorneys because, especially if you're trying operating-under-the-influence cases, the majority of those are handled by private attorneys.

So the three or four GA ones that I had in Middletown over this past year, along with the Part A cases, but the GA ones were all private attorneys, actually. There were no public defenders. So the number could even be more in the GAs.

REP. LAWLOR: I think, the reason I highlighted it is because I think many people misunderstand that part of the court system, that virtually the vast majority of the cases are resolved through something other than a trial.

In fact, it's like 1% where there's a trial, maybe even less. And I think the statistic you cited would surprise a lot of people.

And as we evaluate what effects our public policy decisions have, it's good to know information like that. And that is consistent with the statistic I was throwing out.

It seemed like there was just very few trials. I mean, I think in New Haven, in the GA, I think they take in about 20,000 cases per year.

JUDGE PATRICK CLIFFORD: Yeah, they bring in over 2,000 a month, sure.

REP. LAWLOR: Do you have the number? Oh, Judge Quinn has the number. Here we go.

JUDGE PATRICK CLIFFORD: The answer is coming.

JUDGE BARBARA QUINN: [inaudible - microphone not on] 20 GAs, not 23.

JUDGE PATRICK CLIFFORD: There's 20 GAs we just found out. Even though New Haven is called GA 23, so we figured there would be 23, there's 20 GAs. We are the experts in the criminal system.

And our statistician says there's 150 criminal trials in the GA, not including motor vehicles. So I guess the three I had didn't count because those were motor vehicle.

But I consider them pretty serious motor vehicle when they're operating under the influence, second or third offenders. So 150, so there must be a lot of private counsel trying the cases in the GAs.

REP. LAWLOR: Well, I think it's important for people to understand, that's 150 out of approximately 150,000 cases per year coming into the court. So if we had to try every case that came in, we'd have to shut down for the next 50 years.

JUDGE PATRICK CLIFFORD: There's no question.

REP. LAWLOR: I'm just trying to emphasize the number of cases that go to trial is very low.

JUDGE PATRICK CLIFFORD: It was always, in my opinion, the high 90% that are actually worked out through the plea bargaining process, which is not a bad thing.

REP. LAWLOR: Senator McDonald?

SEN. MCDONALD: Thank you very much, Mr. Chairman. I just wanted to ask the panel a question about the effectiveness of the diversionary program for people with psychiatric problems.

And I know it's only officially been in place for a couple of weeks, but what are the early indicators about your experience with it.

And in particular, in looking at the legislation, I notice, note that we didn't exactly set out any parameters for its utilization.

So I'm trying to figure out how that is being interpreted or implemented in the field in the absence of statutory guidance.

JUDGE PATRICK CLIFFORD: Well, I haven't, like I said, I don't sit in the GA all the time, and so I can't tell you that.

Since I've gone down there, maybe once or twice a week that I have seen any. One thing, and where I'm sitting is we've always had a mental

health informal program. It's called the ASIST program there.

But in general, I think it's going to work like an accelerated rehabilitation. There is, there was no outside time limit put in the statute. Where accelerated, you can give someone up to two years probation, there isn't any in this.

So technically, you could put them in this program, I guess, for 20 years. But I've kind of recommended to the judges to use it patterned after accelerated rehabilitation. I wouldn't go more than two years.

But otherwise, the way it's, it's all set up to go. We've got the judicial forms. We know we're going to be swearing the person in. It's going to be referred.

If they have a psychiatric disability that fits under the statute, we'd much rather see somebody with mental health issues be utilizing a program like that.

I think we have enough parameters, and I think CSSD is doing a great job in getting the mental health groups to work with them on this.

So it is all set up. How often it has been used I don't know because we even figured that if somebody applied for it for a time after October 1st, we'd probably have to continue it four to six weeks to get all the reports, to make sure that they're going to be eligible and that we have a placement for them.

So I doubt we're even at that point yet. For even an accelerated rehabilitation, we continue it for weeks to make sure that they're eligible.

So I doubt one's even been implemented yet when it's only, what, October 16th, because I think it's going to take three or four weeks to continue it to make sure they can set some up. But we're anticipating it's going to be utilized a lot.

SEN. MCDONALD: Thank you very much. Attorney Storey, did you have any--

ATTY. SUSAN STOREY: I don't have a sense, Senator McDonald, but I can check with our social workers and get back to you on what the results have been so far.

SEN. MCDONALD: Okay. Thank you.

REP. LAWLOR: I know Representative Fleischmann has a short question. We missed him just before, and then Senator Kissel, the Ranking Member, and then we'll go to Representative Kirkley-Bey.

REP. FLEISCHMANN: Thank you, Mr. Chairman. And this is a, I appreciate all the current panelists have offered. This was actually a question for Commissioner Lantz if she would be okay coming back to the microphone.

COMM. THERESA LANTZ: Yes, Sir, what can I do for you?

REP. FLEISCHMANN: I thank you for your testimony and the good work you've been doing. And I particularly appreciate that in your testimony, you mentioned the requirement that we put into that statute, enact in January, to have a risk assessment strategy.

COMM. THERESA LANTZ: Yes.

REP. FLEISCHMANN: Your testimony says that there's a risk assessment instrument, called the LSI-R, that you're using in Bridgeport and Hartford, that's what they're using over at probation, and you're looking to expand it and then give us a report.

I'm just wondering, for those of us who are lay people and not immersed in this, can you tell us what that LSI-R is, what it does, and how it might make us safer?

COMM. THERESA LANTZ: Sure, I'd be glad to. And I appreciate the opportunity to respond to that. The LSI-R is a risk and needs assessment. It's a level-of-services inventory.

And what it does is it, through a battery of questions and responses, it identifies both an offender's risk for reoffending, as well as what the specific needs are.

It's very effective when it comes to identifying needs. And what we mean by needs are what are some social and/or other types of deficits that the offender needs, such as, you know, education and vocational and substance abuse and things like that.

But it also gets into areas that are really critical to when you're working with offenders, and it has to do with criminal thinking and criminal peer associations.

Now it's kind of hard to deal with criminal peer associations while they're locked up because that's all they have.

But when it comes to the criminal thinking aspect, and when they're in the community, the criminal peer associations is a very relevant factor that seems to influence criminal activity.

So this instrument is nationally recognized. In fact, it's used in other countries as well. Probation has been using it. They've had it validated. It's been very successful for them.

When I was looking for a risk and needs assessment, specifically a needs assessment for community, basically, it, I brought in two consultants, or I requested two consultants that came in from the National Institute of Corrections.

And we sat down, and we had a long conversation about different risk instruments across the country and needs assessment instruments.

And because probation uses it, because halfway houses are using it, it seemed only common sense to be able to have a consistent instrument that is used across the criminal justice spectrum.

And that way, everybody, whether or not it's a split sentence, whether or not it's you're going on probation, whether or not you're going on parole, whether or not you're going on transitional supervisions, whether or not you're going to a halfway house, the information is easily transferable.

And what we're doing is we've already, I already made the decision to go with the LSI-R, and what we're doing is we're rolling it out.

There's quite a bit of training and experience necessary to adapt the instruments. So two of our parole officers have already, all of the officers and staff in those two offices have been trained and are using it.

And we're rolling it out to the other three. And we hope, by the first of the year, we will be able to have it fully implemented.

The board will also find this instrument very good for them, as far as discretionary decision making and rescissions and so forth.

REP. FLEISCHMANN: That sounds great, in terms of the perspective of John Q. Public. So after you've gotten to a place where you've rolled out this inventory among most of your population, what's the strategy that's going to be in place that it's going to make folks out in the community feel safer?

COMM. THERESA LANTZ: Well, I think it's a couple of things. Number one is that when we make

decisions and when we put offenders into programs, or we recommend programs, there is a foundation for that.

It's not just an individual officer's discretion. There's actually an instrument that assists us in doing that. So we're actually going to use it for management, assignment of programs.

We're actually looking at looking at it for a supervision model. You know, in probation and parole, you have different levels. You may have low risk, medium risk, or moderator risk, and high risk.

And the way you manage an offender in the community, the number of contacts, the number of conditions, the number of obligations, the number of programs, the number of visits that the probation or the parole officer will have with the inmate, these instruments will help us in that.

Now that's the re-entry strategy risk assessment. At the front end of the corrections system, we're expanding our assessment instruments as well.

I sent a team of staff to Pennsylvania Department of Corrections, and they're doing an excellent job with their risk assessments. We're looking at validated instruments in their system that they've been using very successfully for addiction services, for violence, for, related to like thinking, you know, criminal thinking.

We're actually even looking at the [inaudible] psychopathy instrument as well for those individuals who we may deem to be a psychopathic, sociopathic.

There's actually an instrument that helps us in that decision. And then what those instruments do is they provide you some guidance as to what programs an individual goes into, what type of interventions, what type of management programs and strategies do you want to use for that as well.

And that's at the front end. Roll it all the way through the incarceration period, tie it into the offender accountability plan, and then for discharge, back into the community for community supervision, the LSI-R is one of the best tools used for that as well.

So the way the public safety is enhanced is that there's a sense of objectivity to what we're doing.

We're making decisions not based on personal win, but we're really making decisions based on a validated risk assessment/needs assessment instrument. And I think that makes it much more productive.

REP. FLEISCHMANN: Thank you. And I do think, for people who are watching to know that at the front end, you've got instruments that you're using now that will help you to know whether someone may be a psychopath--

COMM. THERESA LANTZ: Yes.

REP. FLEISCHMANN: --who, despite all the programs you give them, is going to have a continuing tendency to do stuff, despite that.

COMM. THERESA LANTZ: Exactly.

REP. FLEISCHMANN: I do think that's reassuring, and I thank you.

COMM. THERESA LANTZ: Thank you.

REP. LAWLOR: Thank you. Next is Senator Kissel, the Ranking Member of the Judiciary Committee. I just, the previous panel, this is who was on the list in this order.

Next we have Representative Wasserman and Kirkley-Bey, Adinolfi, and Thompson. And so that's the order I have from the previous panel. So, Senator Kissel, and then Senator Gomes.

SEN. KISSEL: Sure. Thank you very much, Mr. Chairman. And my question is primarily for Chief Public Defender Storey. But if anybody on that second panel has any other observations, I'd welcome them. [Gap in testimony. Changing from Tape 2A to Tape 2B.]

--as was expounded by Chairman Farr and Secretary of OPM Genuario and Commissioner Lantz.

My understanding of what we're trying to do philosophically regarding criminal justice

reform is we're trying to attain those prison population reductions.

And at the same time, clearly, in 08-01 and 08-51, we had some enhanced penalties that the Chief Victim Advocate Cruz had indicated that she felt was philosophically sound as far as protecting the public and advocating on behalf of victims as well.

Clearly, one of my goals, and many of my colleagues here on the Committee, is to break that cycle of recidivism.

Depending on which state you talk to, they have different approaches to that. But I believe Connecticut has sort of approached it as let's look at the nonviolent offenders first, get them to diversionary programs, try to have not just point of release and send them back into society, have some periods of probation, parole, halfway houses, and all of that.

At the same time, well, so that's our approach. So what I'm saying is that there may be some things that are not necessarily part of the legislative construct, that may be working themselves through the system right now, in relation to what took place in Cheshire and New Britain and just generally a lot of the horrible crimes that have occurred over the last several years.

And what I mean by that is this. Before we did anything legislatively, it seemed to me that we saw an institutional pulling back, such that nobody really wanted to make the next incorrect

decision, or people wanted to unbalance error on the side of being more protective.

So you know, if there was a bond posted, it might be higher now than it was before. If there's a decision on sentencing, it may tend to be a little longer now than it was before.

If there's, all these, and it runs right through the entire Criminal Justice System. We've tried to address that, in part, by doing the cross training exercises and getting everybody to know what everybody else is doing, and also trying to address that by working on the criminal justice information system, so everybody is sharing the same set of information so that we can build decision upon decision.

So what my goal is, and I believe many of my colleagues, is our hope is is that Chairman Farr, as long as he and his team gets the resources they need, and everyone else, that we can maybe achieve that reduction in the prison population short term, because when addressing issues regarding the enhanced penalties, if someone was going to get four years and now they're getting five, or if someone was going to get two years and now they're getting three, we're really not going to see that impact until three, four, five years out.

And the goal is, hopefully, we have this organic hole, such that we can drive down the numbers now at the front end by tackling that cycle of recidivism.

If we can get that into breaking the cycles of recidivism, when we get to the violent offenders, hallelujah, that's even a bonus, you know, much tougher nut to crack there.

But if we can drive those numbers down, even though there might be some sort of implication with the tougher sentences for the violent offenders down the road, A, I philosophically believe in that, in terms of our goal of public safety, but, B, it should not have as dramatic an impact on the, our overall prison population for this year or next year.

And so you said you have some doubts, and I'm just wondering what your concerns are regarding short-term impacts on our prison population.

And maybe there are some things we need to visit going forward, while at the same time, you know, you and I may disagree philosophically on the enhanced penalties for persistent offenders or for offenders that are found to have committed certain crimes.

ATTY. SUSAN STOREY: Right, no, you know, and I think a goal of everyone is public safety, so I wouldn't want you to think that that's not one of my concerns.

But what I, there's a couple of things. One thing that Commissioner Lantz mentioned was, is that her discretion to grant furloughs to people in corrections has been curtailed.

And that was a very good program, evidence based, highly successful, did not seem to

jeopardize public safety. I think that was her testimony, and that was the evidence.

And so when I look at that, I feel like things may have gone a bit overboard towards, in areas of public safety, which have been proven actually not to jeopardize the public.

So I thought that was an important area to support her on. The other issue is that, and this, and the high bonds started before Cheshire.

And I don't know, and of course, home invasion and the scrutiny of media and public on judges, prosecutors in the court system, and the media involvement in the programming of court sessions, you are seeing higher bonds and stiffer penalties, even irrespective of the, what you enacted in 08-01 and 08-51.

There are just other things at work here that may not be a direct effect of what you're saying. And I agree with what you said.

There are no built-in incentives for anyone to go easy on people who are charged with crime. There's too much risk, except for the defense attorneys who are in that role.

But when you look at the scrutiny and what can happen to a prosecutor or a judge who makes a mistake, and the criticism that they're subject to if they don't set a high enough bond or they don't give someone a long enough sentence, in the eyes of those of you who can look at them

upon reappointment or the media or whatever, that's a lot to ask of them.

So there are other things at work here besides Cheshire that, I think, are going to keep the population in DOC up there. And I mean, that's the, you know, my view.

Do I hope I'm wrong? I really hope I'm wrong. I'm hoping that if more of these issues, re-entry beds and programs, come onboard, that people will feel, judges and prosecutors will feel that they can hang their hat on these and more safely release people to communities.

We all want people in the communities to be safe, and we all want our clients to succeed because that's one in the same.

SEN. KISSEL: I'm just wondering if anybody else on the panel, maybe Judge Clifford or the Victim Advocate or Attorney Dearington.

JUDGE PATRICK CLIFFORD: Well, I don't know of any statistics that indicate, or have demonstrated, whether the bonds are higher or not.

However, what Sue is saying, I mean, it may be human nature. I can't deny what she's saying. There's a public outcry, I think, certainly since Cheshire.

I think the criminal system is under the microscope, and I think what she's saying may be true. I don't have any statistics to back it up.

But I mean, if a judge is sitting there, and it's a difference between a certain amount on a bond and another, could he creep in to take the safe route? That might be human nature. I can't speak for all the judges.

I'd like to think not. I'd like to think when I go on the bench and I'm making my decisions, I'm aware of the public.

But I'd like to think that, you know, in spite of that, in spite of some negative publicity or whatever, that I'm just going to make the decision that's right.

But it may be right, you know, and plus, we have a lot of new judges, new appointments at any arraignment court.

Sentences may be higher. I think in general, the word to use, I think judges are more cautious.

I think when we're evaluating a case or evaluating bonds, I think we're very cautious because she's right.

You don't, there's so many, the amount of cases we deal with, and that's why it's very difficult to ever play it safe. It's too, there's a lot of land mines, so to speak.

And with all the people you deal with, somebody certainly may go out on a bond that you reduced, or you released them on a promise to appear, and they commit some horrible act. And there's, we don't have crystal balls.

And I don't disagree with Sue. So you know, because we're under the microscope, I don't think we should be setting all high bonds to keep everybody locked up.

But it may be happening right now. It may be, but I don't know. But I can understand that being human nature also because we are subject to so much criticism.

The first thing that happens, if there's a highly publicized crime, is every, it backs up, and what went on their last case? Do they have a case pending? What did that judge do? What did that prosecutor do?

Why didn't they file this charge? Why didn't they plea bargain it? You know, so all I'm saying is that that might be a common-sense way to evaluate it [inaudible]

SEN. KISSEL: And since I have you here, and just really brief because I know there's a lot of people that have further questions.

You know, the Chief Public Defender expressed her concerns as to whether the goals regarding prison population could be reached in the next two months.

What's your take on that? Do you think that we can attain those goals based upon everything that your, the preceding panel had brought to our attention?

JUDGE PATRICK CLIFFORD: I mean, I'm not, it's above my pay grade. I mean, I'm not into all of those numbers. And when I read the statutes, I don't even go as far as how much money is allocated where, you know.

I'm more of a front-line judge and just go in there. And so it sounds positive, what I've been hearing. I think it can be done, but I worry about also some of the things that aren't on paper, as Sue is indicating.

I mean, there's a lot of intangibles in this. But I think everybody is working very hard to attain these goals, everybody.

SEN. KISSEL: Well, I thank all of you for what you do for the people of the State of Connecticut. Thank you, Mr. Chairman.

REP. LAWLOR: Thank you. Next is Representative Wasserman.

REP. WASSERMAN: Thank you, Mr. Chairman. I have a question for Commissioner Lantz and also possibly Director Carbone, and I will try to make it very brief because I know time is running out. Commissioner, if you, it's good to see you here.

COMM. THERESA LANTZ: You too, Ma'am.

REP. WASSERMAN: I have a two-pronged question for you. It's really parochial. The, what proportion of the Garner prison population consists of inmates with substance abuse disorders and mental, psychiatric disabilities?

And the next part of that question is what happened to that long-range plan that I last hear about, where most of that population would be incarcerated at Garner? Garner was going to be the place for inmates with mental health problems.

COMM. THERESA LANTZ: And in fact, it is, Representative Wasserman. Those with significant mental health issues and needs, significant, are confined and treated at the Garner Correctional Institution.

As you may be aware, the stipulated agreement that we had with the Office of Protection and Advocacy, we were working with them, as well as partnering with DMHAS, to provide the mental health services and the monitoring and so forth.

That stipulated agreement, after three years, did end. It sunsetted, and we are now continuing the good work that we started and have built upon to continue that program.

REP. WASSERMAN: So that--

COMM. THERESA LANTZ: Most of Garner is with offenders with significant mental health issues.

REP. WASSERMAN: Okay. Does it also mean that most of the inmates in Connecticut are incarcerated there?

COMM. THERESA LANTZ: That have mental health issues?

REP. WASSERMAN: Yes.

COMM. THERESA LANTZ: Only the significant ones. We also have some other facilities that provide mental health services, but to a lower degree.

In other words, the offender's assessed need, if it's significant and high, they're going to be at Garner.

But we also have offenders at other facilities who are in outpatient, what we would call outpatient treatment services for mental health.

In our total incarcerated population, at least 20% have significant mental issues that require some type of intervention that my agency is doing through our partnership with University of Connecticut Health Center.

REP. WASSERMAN: That answers my question. Thank you very much. Now I don't know whether you would answer this or Director Carbone, whom I owe an apology from my town, from 21 years ago, when we first got Garner.

And I was not on deck at the time, but I came in shortly after. And I know what you went through to get the prison situated in my town.

The only question I have is really I think it's, I've been on Program Review and Investigations too many years. I look at

everything with a jaundiced eye to reform, and that includes consolidation.

I've been asked this many times by my constituents, and I really don't know. But how many different agencies within the system perform mental health evaluation and treatment services?

I don't have the answer to that. And the reason I'm asking is is it under, are those given under one umbrella, or does there, is there a need, and I'm not going to be around after this year, before consolidation of these services?

Because it does appear as though, and maybe for good reason, that many different agencies are performing those functions.

EXEC. DIR. WILLIAM CARBONE: Well, I think that's true. However, the Department of Mental Health and Addiction Services, Department of Corrections, Judicial Branch work really in a very collaborative way so that we do not duplicate efforts.

So just to give you some examples of it, the Department of Mental Health and Addiction Services has employees who are contractors in all of our GA Courts. They are called the Jail Diversion Units.

And when the courts want to have individuals evaluated to determine the level of mental health problem and whether they're susceptible

to services in the community, we have a resource there with DMHAS.

Then DMHAS has contracts with local mental health programs for different levels of assistance, outpatient, intensive outpatient.

We purchase many of our services through them so that they are the umbrella agency, and through the co-contracting that exists in state government. These programs are monitored by DMHAS.

So I think while there are some things that we do individually, and that's because the body is in our custody, either in the correctional system or in the probation system.

So we have the responsibility after assessment to make sure that they receive the services. I think I can say to you that there is a very high level of coordination between the agencies that are involved in this business and then us and the local private nonprofits who are the deliverers of the services themselves.

More and more people with mental illness are ending up in the criminal justice system. Each year, we see more and more of it in probation.

And I think this is now being handled in perhaps the most collaborative way that I've ever seen.

I'll give you this last example. If you went to any of eight locations around the state, you'll find these mental health units that

consist of parole, probation, the officers that are involved with the casework, a clinician from DMHAS, as well as a private provider, and they work as a team in managing people with significant psychiatric problems who are in the probation or the parole system.

And I think that's just an example of how committed we are to make sure we're spending money wisely and in a way that's going to get the best long-term outcome.

REP. WASSERMAN: But I do take it then that what you're saying is that DMHAS is the major player in the, of treatment services.

COMM. THERESA LANTZ: In the community, DMHAS is clearly the leader. In the Department of Corrections, it is our contract with the University of Connecticut Correctional Managed Healthcare that does the actual performance of the duties.

And before you leave, we want you to know how much we've appreciated you, working with you. We know this is the end of your long stellar career, Representative Wasserman.

And you have been nothing but a delight, a brilliant woman, and I appreciate everything you have done.

REP. WASSERMAN: Thank you for saying that. I'm just beginning.

EXEC. DIR. WILLIAM CARBONE: Thank you, Representative Wasserman.

REP. LAWLOR: Representative Kirkley-Bey?

REP. KIRKLEY-BEY: Thank you, Mr. Chairman. You two can stay, and, Bob, you can join them, and, Judge, you can join them, Judge Clifford.

I have several questions. But I'm going to direct the first one at Bob because I heard of something I've never heard before.

I was at a meeting of a group called the Clean Slate Committee, and a gentleman there said he was on parole for life.

And I was wondering, is that something we do often, or is that something that's done very rarely? And I would assume it has to be for something very, very egregious.

CHAIRMAN ROBERT FARR: Yeah. Up until, I believe it was 1982, '81? We had discretionary, we had indeterminate sentences.

So an individual who had committed a murder would be sentenced to, typically a sentence of 15 to life. Then it was up to the Board of Parole to make the release decisions.

And once he was released, he would be on, that individual would be on parole supervision for the rest of their lives.

Now there is a provision in the statutes which allows us, the board, to actually make a determination at some point later in life to terminate that.

And apparently, they have occasionally done that but not since I've been there. We haven't had an occasion to do that.

But that, the statute is no longer on the books so that it only applies to somebody who is sentenced for a crime committed before 1981.

REP. WASSERMAN: So if an individual has that specific kind of ruling, can they come in to see you, to see if they're eligible to get--

CHAIRMAN ROBERT FARR: Yes. Well, they can, well, what, I'm sorry, to get the parole terminated, you mean?

REP. WASSERMAN: Yes.

CHAIRMAN ROBERT FARR: Yes. They have to talk to their parole officer, who will then bring that up to our attention. What we have done, we have examined that in the past.

REP. WASSERMAN: I mean, that was the first time I've ever heard of it, so I didn't know what the process was.

I don't know if this is your question or Commissioner Lantz. But as we release individuals from the Department of Corrections, are they being released based on the ones that were there when the freeze went on, and coming forward, or is it a blend and mix of people who were there for a while and people who are eligible tomorrow?

COMM. THERESA LANTZ: Well, most of the releases that we're doing in the Department of Correction are transitional supervision, so they wouldn't be the parolees.

About 60% of offenders today are discharging end of sentence, which is a bit higher than it used to be in the past.

And the 40% that is being discharged to supervision, most of them are coming out of my authority in transitional supervision.

So as Bob starts, as the Parole Board, I think, starts to ramp up, I don't want to respond for you, and I'm sure you've got a response, so why don't I do that?

But we would supervise them under parole based on when, of course, they're granted parole and after we have looked at all the issues related to their supervision.

REP. WASSERMAN: Before Bob answers that, the reason I'm asking is I had a woman call me from Mississippi who has a son in the Connecticut Correctional Department.

And I want to compliment you and your staff because she was an excellent individual who helped me.

He was due to come out three months ago, but they didn't have a bed for him anywhere. So he got stuck in there for three additional months.

But the parole officer, no one would let her know, his sister, to whom he was going to be going to in Connecticut, why they weren't letting him out. And I didn't understand that.

COMM. THERESA LANTZ: Yeah. I'm not sure the rationale for that either. Perhaps there was a home check, and there was something that was not acceptable in the home.

I'm not quite sure. If the individual that you're talking to, or the sister, would contact my Director of Parole and Community Services, we'll be glad to address the issue forthrightly with her.

REP. WASSERMAN: Okay. Thank you.

COMM. THERESA LANTZ: You're welcome.

REP. LAWLOR: Letting you off easy.

REP. KIRKLEY-BEY: For Judge Clifford, I have talked, and Mr. Carbone can verify this, about the fact that so many juveniles are youth of color that are caught up in the system.

Is there a way to send them to Job Corps or some other entity, where they don't get a mark on their records, and they can try to turn their lives around? If they don't, then you can impose the sentence.

Because my question is there's 128 to 140 Job Corps with 5,000 openings. So if kids are here in gangs, you can move them around the country.

But I was told that that's something the judges would have to think about, and so I'm just putting it on your plate as something to think about.

And I think it's a much better way to, for people who are truant, a little bit of graffiti, whatever, whatever.

And I'm hoping that you and I and Bill can get together and discuss this because I want to find ways to help them before they get a criminal charge.

JUDGE PATRICK CLIFFORD: You mean before they get a charge in Juvenile Court or before they get to Adult Court?

REP. KIRKLEY-BEY: Juvenile Court.

JUDGE PATRICK CLIFFORD: I mean, some places have the juvenile, they have regional places. Some of the towns do, which I know a lot of the cities don't have, which handle things so they don't go to Juvenile Court. I mean, and that's a great--

REP. KIRKLEY-BEY: Correct, and we don't have it. So I'd like to work with you on that. The other question that I had is on the juvenile records, when they're, I guess they're going to Adult Court or something like that.

If a person has committed three crimes as a juvenile, does that mean that the sentence that will be imposed, for whatever infraction is

being done at that time, will take into consideration, based on the juvenile record--

JUDGE PATRICK CLIFFORD: You mean if I have them in an Adult Court and they're convicted of something, am I factoring in their juvenile record?

REP. KIRKLEY-BEY: Yes, Sir.

JUDGE PATRICK CLIFFORD: Only if it's a felony and we've ordered a presentence report and we get access to that.

And even then, we usually don't get the whole juvenile record. That's usually the more serious adjudications.

But on the majority of the cases that we deal with, maybe we're not ordering presentence reports, especially on minor crimes.

We're not even looking into the juvenile record because it's irrelevant. If it's a minor crime in the Criminal Court, it's really kind of irrelevant to me what happened when they were younger.

REP. KIRKLEY-BEY: And I'd just like to say to Chairman Farr, I'm glad you're meeting on a regular basis. I hear very, very positive things about what's going on there.

I mean, Mr. Everett and I used to go back and forth, but he was a nice guy. But I hear that you're doing a good job. I have two more

questions, and it's Susan Storey and Michelle Cruz.

Michelle, this is my question. A family member of mine is killed. I'm not the victim. The person that was killed is the victim.

But do I have the ability to use your services, or can you, or do you refer people to like Wheeler Clinic or other places, where they can get grief counseling?

ATTY. MICHELLE CRUZ: Well, I can give you just a brief summary of what we do at OVA. At OVA, we take complaints from crime victims, and that includes the family of a murdered victim.

And what we would do is if you're having a problem with some agency within the system, we can help look at the issue you're having, meet with you, meet with the agency, try to mediate the issue, look at if there's a policy or systemic issue, whether it's individual, regional, or statewide, and then address it.

If you called my office though, what would happen is if you said, you know, I'm looking for counseling, we would then find a place for you to go, make sure that number is a good number, and then refer you to another agency to do the counseling.

But we basically are the watchdog agencies for crime victims' rights in the state. So we don't offer actual counseling, but we can refer people.

If they keep hitting closed doors, they can come to us, and we can hook them up with whatever appropriate agencies there are.

And if we find that there aren't any agencies, then we can look at whether or not there should be some type of agency to address that particular victim's needs.

REP. KIRKLEY-BEY: Thank you. Ms. Storey, my question for you is, one, what is the caseload that is going on now per public defender?

ATTY. SUSAN STOREY: Well, that varies depending on what type of case, whether it's juvenile, GEA, the busy GA Court, the judicial districts where there's more serious or habeas. There's different caseload goals that were set by--

REP. KIRKLEY-BEY: Average.

ATTY. SUSAN STOREY: Well, let me tell you, in a GA, it can average between 400 to 500.

REP. KIRKLEY-BEY: Per person?

ATTY. SUSAN STOREY: New cases per attorney per year. And that includes some major felonies that do not go to Part A. In the judicial districts, the caseload goal is 75, no more than 75 new cases per attorney per year.

But that includes now more murders, capital cases where death could be imposed. Those cases count as ten cases towards a waited caseload.

In juvenile, it's 300 to 400. But the juvenile caseloads now are down. And I think, and many of them are below that right now.

And I think that's because of the Family with Service Needs Legislation that was passed a couple years ago. And I think that has considerably reduced the juvenile caseload.

REP. KIRKLEY-BEY: The other, last question that I have is, well, I have one more after this, is you indicated that 75% to 83% of the cases are done by your staff?

ATTY. SUSAN STOREY: That's when you're talking about the judicial district cases. That's where the serious felonies are handled.

In some places, it's even greater than that. In some of the judicial district courts, it's as high as 98%, 93%, I think, in New London, of the incoming criminal caseload in the judicial district.

It varies by district, but on average now, it's up to 83% of the criminal cases in the judicial districts.

REP. KIRKLEY-BEY: Could you send me something that says how many were convicted, if anybody were plea bargained, and if anybody was actually found not guilty?

ATTY. SUSAN STOREY: Yes. We keep track of cases, the numbers of cases that are nolle, how many trials we have--

REP. KIRKLEY-BEY: So you could send me that information?

ATTY. SUSAN STOREY: Yes.

REP. KIRKLEY-BEY: Okay. And this is a question I'm posing to all of you, but I think it really belongs to Judge Clifford.

There was a case not too long ago of a gentleman in Enfield who was arrested for having 600 guns in his houses, many of which would have found their way into the hands of the kids in my city, who, it's very easy for people to pick up.

So my question is could you tell me, not now because I don't believe you have it off the top of your head, what was the disposition of that case?

I want to know if he went to jail with 600 guns, because he's not going to go hunting with those. And what was the disposition of that case? And I want to look at what you're doing relative to the kid who might have had the gun?

JUDGE PATRICK CLIFFORD: So your, because I don't know anything about the case. You said it's a case out of Enfield in the GA Court?

REP. KIRKLEY-BEY: I don't know what court.

JUDGE PATRICK CLIFFORD: And somebody got arrested for having possession of 600--

REP. KIRKLEY-BEY: Six hundred guns.

JUDGE PATRICK CLIFFORD: Six hundred guns?

REP. KIRKLEY-BEY: Yes, in his household.

JUDGE PATRICK CLIFFORD: In their household.

REP. KIRKLEY-BEY: In their house.

JUDGE PATRICK CLIFFORD: Wow.

UNIDENTIFIED SPEAKER: I don't believe they lived in it though.

REP. KIRKLEY-BEY: I don't know if they lived in it, but it happened in Enfield.

JUDGE PATRICK CLIFFORD: But it went to Enfield Court?

UNIDENTIFIED SPEAKER: [inaudible - microphone not on]

JUDGE PATRICK CLIFFORD: Oh, it got transferred to the JD in Hartford? I can find out and get you that information. It might still be pending, so I don't know.

REP. KIRKLEY-BEY: I would be happy to [inaudible - microphone not on]

REP. LAWLOR: Okay, so just an update on where things stand. It's 4:00 p.m. now. We've kind of assured people we'd be out at approximately 4:00 p.m.

Representatives Adinolfi, Thompson, Gomes, Hovey, and, or Senator Gomes, Representative Hovey, and Senator Harp have also asked to ask some questions.

So we will continue for a short while, but I ask people to keep in mind our goal to adjourn this relatively close to 4:00 p.m. So with that, Representative Adinolfi.

REP. ADINOLFI: Thank you, Mr. Chairman. I'll be brief. I only have three questions that are short, but the answers might not be. My first question is about the prison population projections. I'm concerned about that.

Because of the downturn in the economy, and with the predicted number of layoffs and such that goes along with the downturn, I think we're going to see an increase in shoplifting, burglary, home invasions, breaking into cars.

And I would guess that in the next few months, because of this, you're going to see population going up and not down. I was wondering if that was anticipated in your projections.

COMM. THERESA LANTZ: I don't believe that was. I mean, the economy downturn, and I'm speaking on behalf of OPM.

Anybody from OPM would like to come up and answer, there you go [inaudible] I'm not answering. There you go, Sir. Thank you.

SEC. ROBERT GENUARIO: I think it's fair to say that the projections did not specifically take into

account any changes in arrest patterns as a result of the economic cycle we've seen over the last several months.

REP. ADINOLFI: Thank you, but I think that's something we ought to look into.

COMM. THERESA LANTZ: [inaudible - microphone not on]

REP. ADINOLFI: I'm not going to answer the question I asked.

SEC. ROBERT GENUARIO: I'm sure the economic cycle will.

REP. ADINOLFI: Yeah. My second question had to do with the re-entry system. Maybe I don't fully understand that if somebody gets sentenced to two years in jail, and he goes for re-entry, gets ready for re-entry, and we train him in some trade or something like that, and he goes out.

And say six months later, he does something else, or she does something else, and they're back for two more years. Do we start the re-entry program over the second time, or are they finished the first time?

COMM. THERESA LANTZ: No. We continue to do re-entry. Re-entry is not just something that happens and then ends. We do have offenders who come through the system on the installment plan.

I hate to, I'm not trying to be funny about it, but that's the best way I can describe it. In the re-entry process, you know, sometimes it takes individuals a number of times to understand and to really cognitively make that change in their head about being productive.

So, no, I'm not one that just, you know, automatically gives up on somebody who would come in. We have individuals who come in and rotate in and rotate out.

And sometimes I call it that we triage. And in many cases, we're doing social service support rather than, you know, criminal, than dealing with criminal issues. So I don't give up.

Obviously, there are individuals who are violent, and they are, or individuals who are incorrigible and just are not willing to change their behavior.

And that's what prisons and jails are all about. Then what I do, and what my staff do, is we manage them. We manage them safely and securely. And we will provide programs for self-improvement.

But we're going to concentrate on a population, a nonviolent population, a population that has better chances of going back into the community. And hopefully, with some re-entry efforts and interventions, we'll be successful.

REP. ADINOLFI: I just think somewhere along the line, we ought to draw the line and perhaps take the money we used in that area and put it

over into the Judicial System so we can speed up some of these trials and some of these cases. And I'll get to that next.

But my third question is the time it takes to get to a trial. As you know, there's a few of us in this room that have been pretty close to the Cheshire tragedies.

And I've probably been closer in proximity to those tragedies than the others. I did spend some time this week with the victims of the Cheshire, the families of the victims of the Cheshire tragedies.

And what's going on now is almost like a torture. We hear now that this trial is probably not going to come up until 2010.

Do you know what that means to the people who are sitting here waiting for some sort of conclusion and final things to happen with this case? It's torture, and I thought torture was against the law.

And it just bothers me that we're taking so long. Don't we prioritize certain cases? I mean, this is a triple murder.

And does this case take a priority of going to trial over somebody that robbed a bank or stole a car or stabbed somebody or shot and wounded somebody? How do we establish a time scale for these things?

It just troubles me, and I know people are troubled by it. I live in this community. I

talk to my neighbors every day, and they're all scratching their heads. What's going on? What's taking this so long?

You go to people, and you talk about this tragedy, and there's emotions. We did raise, that neighborhood, the people in the community, they did raise a lot of questions.

And I think we've made some headway in the area of doing things. I was shocked when I heard that home invasion was not a violent crime. It shocked many of us here.

Had home invasion been a violent crime ten years ago, as it should have been, Joshua Komisarjevsky still would have been in jail, and those people would have been alive. I don't know what's going on with this system.

Cost of incarceration, what is it costing us to keep those two gentlemen, gentleman, those two criminals, in jail? I understand they're on the suicide watch. They're constantly watched.

It's got to be costing us a couple thousand dollars a day, I believe. Or I might be wrong, but it's costing us a lot of money to do this. When are we going to do something? I think we have to set our priorities.

And I have no problem taking money from the re-entry system and put it into the Judicial System to get some of these trials, get some of these cases over with.

I'm not looking at [inaudible] here, but I'm looking to set our priorities and see if we're spending our money correctly, and we're not wasting money in many areas.

But I got to come up with, we have to come up with answers or some time scale of when we just stop delaying these things. We have to come to conclusion on not only this case but many cases.

And I'm sorry if I get a little upset about it, but I'm very close to it, and I hear from these people every day. And I'm sure some other people in the room hear it too.

I'm sure Mary is hearing it. I mean, I'm sure Dr. Kirk here, I live five doors away. Kr. Kirk is eight doors away. So I'm sure that he's hearing it also.

We have to do something, not only for this case, but I'm sure there's other cases that fall into the same category.

And I don't know if you have an answer, but I'm just trying to make my point that we have to do something. Thank you.

JUDGE PATRICK CLIFFORD: I could just say no, but I, I mean, I don't have an answer to that. I mean, it is a death penalty case. It's a pending case, so I don't want to, you know, I have no idea what the delays are on it.

It's not unusual that that happens. These cases are extremely complicated. They take a lot of investigation, a lot of work.

I don't want to ladder roll it, but we have the state's attorney here from New Haven, State's Attorney Michael Dearington, but they take an extremely long time. You don't want to comment on a pending case.

And we have a number of people right, you know, we have a lot of people, I mean, I handled the end of the Michael Ross case.

And even though I know one of the cases, it was a retrial, it was 20 years from the date he was arrested, you know, until the date that he was put to death, and he had volunteered.

It's a long, complicated process. But I wouldn't comment any more than that because that is a pending case. But I understand your frustrations.

REP. ADINOLFI: I just think we have to look at some way to speed up these processes. And if we have to spend more money to do it, I don't have a problem with that.

But I'm saying we are, me, my opinion is that we are spending too much money in other areas that could much be spent much better in this area. Thank you.

CHAIRMAN ROBERT FARR: Thank you.

REP. LAWLOR: Representative Thompson.

REP. THOMPSON: Thank you. It's been a very interesting afternoon. And I did want to thank the Corrections Commissioner for her legislative liaison person.

The last six months, it seems I've been in touch with your department on several different issues new to me, believe me, and you were very helpful.

But I do want to go back to the population you're dealing with is, and Bob Genuario might get involved where I go, and the population you're dealing with is a high-risk population, healthcare-wise.

And earlier this year, in our deficiency hearing, we had money transferred from the Department of Social Services to your department so that you could pay the department, UConn Health Center, for the care they are providing to your population.

And it seemed to me that the money coming from the Department of Social Services was money that was not spent on health services for children and, or people in need of services.

And it seemed to me to be ironic that, and I mentioned this, I think, on another, that the population you're dealing with is probably close to those kids and families who, in many instances, who are not going to get service.

And all I could think of was that the services were simply not available. Certainly, the need

is there, and they were not available because of access. Doctors didn't want to take patients, dentists, and so on and so forth.

But your folks have a Constitutional right, I guess, to healthcare, and nobody quarrels with that.

But what intrigued me was a system, and I think we shared this information with you, in Massachusetts, the Hampton County Jail System, where they, through an innovative program a number of years ago, and still going on, I guess, contracted with the community federally qualified health centers to provide services and actually came into the jail.

And doctors and other healthcare providers were matched my zip code to the inmate so that the inmate was treated in the center, just like you're doing it now through the UConn Health Center.

And there were also contracts made with local hospitals so that, and when the inmate was discharged, or released from the jail, and as I understand it, that was a short-term institution.

People were coming from long-term sentences for their last two years to that jail. And so you had a mix of everybody, as well as people who were there for a short term.

But they would have a held home as they left. Now in listening to Dr. Kirk and others, that

there's a lot of this going on now with the mental health services.

But I, the UConn Health, and they must provide excellent care, I'm sure they do, but it might be a more reasonable service provided by the federally qualified health centers, and perhaps a more effective service.

And that's something you guys can figure out. But I'm stuck with that thought that we are, we can't get services to people who are dependent upon us because the access isn't there.

In your system, the access is there. So what I am going to suggest to you folks, and to whoever else is listening on the Committee, that might be a good investment of our time and energy to sit down with our Congressmen.

We have two Congressmen now, hopefully they'll be reelected, who were Chairs of the Public Health Committee here in Connecticut, who were champions of the federally qualified health centers.

And I noticed that Danbury just, down in Chris Murphy's district, just put in a federally qualified, just opened a new one there.

And those centers are all over the state. It might be worth our while to sit down with those two Congressmen and you folks and explore some way of providing quality health service but at the same time promoting the federally qualified centers, which your administration is doing right now more and more.

And they've picked up the ball, I think, to some extent on the Charter Oak plan. It would seem to me a perfect opportunity to look at that and perhaps weave that into your correctional system.

And UConn is in the process of reexamining where they're going with their service. It might be a good idea to have them involved so that we have a much more broader look at providing services because there's something wrong with our priorities when we cannot [Gap in testimony. Changing from Tape 2B to Tape 3A.]

--statistics regarding healthcare, infant mortality, low birth weight, and everything are always improving, but maybe not where they should be, and so on.

So a much more comprehensive approach, providing to your folks who have a Constitutional guarantee. Well, I kind of think the guarantee should be out there too for people who are poor.

So I'm hoping that you might consider that. You can wait until after Election Day. And hopefully, our two Congressmen will be back, or somebody like them, with this experience up here, might sit down and look at what help we can get from the federal government, what help we can give through the community health centers, and maybe relieve the university of some of their problem areas because they ran

short, and we had to move money from one needy group to another because of the law.

So that's it, just a suggestion. I don't, I know you probably weren't prepared for that kind of suggestion, but please think about it.

SEC. ROBERT GENUARIO: Thank you, Jack. We will take a look at it. It's a good suggestion.

COMM. THERESA LANTZ: Yup, it is.

REP. LAWLOR: Senator Gomes?

SEN. GOMES: Good afternoon. I have a couple of questions. I didn't know whether or not I was going to ask them, but I thought maybe this is the appropriate time to ask them.

Maybe you can answer first of all, in most of the correctional facilities that we have in the State of Connecticut, in the cells, they have access to electricity so that they can individually listen to a CD or a TV or radio, so on and so forth. Am I right or wrong?

COMM. THERESA LANTZ: No. Most cells, especially the newer facilities that were built, have access to electricity.

SEN. GOMES: Well, I had met with somebody accidentally at an affair last weekend who happens to be the warden of the Bridgeport facility. And he tells me that none of those cells there are wired for electricity.

COMM. THERESA LANTZ: Yeah, the jails, they're older. And Warden Ford of course is at the Bridgeport Correctional Center.

SEN. GOMES: And this, my estimation lends to another situation. Bridgeport is one of the most populated facilities, I understand, in the State of Connecticut and has one of the highest rates of altercations amongst inmates.

Now if those inmates don't have any diversion of their own in a cell, go in solitude, listen to music, so on and so forth, what they are, the only thing they have is to be out in the areas, the mass areas.

And the administration of this facility has said this has led to a lot of those altercations because if you put a bunch of people into a heavily populated area, there's going to be more altercations than if people were, had their own individual thing, where they could go off and have a little solitude, listen to radio, so on and so forth.

But he tells me that he's been told that there's no money for this. Now I can understand if we were talking about the last budget or something like that.

But I understand these areas have been wired for years, and this facility has been open for years. How come this, nothing has been done to take care of this situation?

Because it not only lends to the purpose of somebody enjoying themselves, but it lends to a

situation, a more control of altercations and fights and so on and so forth.

I just don't understand how this could have been put off for this long. And it had to be put off for years.

COMM. THERESA LANTZ: Well, first of all, they do have access to TV in the smaller day rooms. The Bridgeport Jail has--

SEN. GOMES: I understand that.

COMM. THERESA LANTZ: Yeah. So they have access to TV. But what's happened with the older jails, and I was the warden up in New Haven Correctional Center, and I can confirm this for you, is that a lot of the, in the jail population, because of the high transition and the high turnover of that population, the electrical outlets were used inappropriately for a number of reasons in the cells.

And basically what we got ourselves into the position was it's a fire hazard and all kinds of other issues. For instance, they use, they were using electrical outlets to try to light things, to try to, you know, create arcs.

As a result of that, we got into the position where to keep trying to go into individual cells and try to restore the electricity became much too costly, especially in the units, because the jail population comes and goes.

And therefore, we capped a lot of those. And instead, we looked at the day rooms. And these

are smaller populations in these day rooms. These are not 100, you know, inmates in one room watching TV.

These are smaller recreational, in the day rooms. We have TVs, and they're completely accessibly to the inmate population to watch.

I understand your concern. Unfortunately, it is very, very costly to over and over again try to repair the electrical outlets.

And in some of the older facilities, and those are the jails, New Haven, Bridgeport, and Hartford primarily, there's a limited electrical access in the individual cells.

Most times the inmates aren't in those cells for, you know, extensive periods, months at a time.

And so they would have to purchase a TV, which is not inexpensive, through the commissary, because we don't provide individual TVs. We only provide the TVs in the day rooms.

So I think that, and as far as the, you know, an increase in assaults at Bridgeport, that's not my experience. That's not what I'm seeing.

And Warden Ford is, and his staff have done an excellent job. But there is recreational activities. There are TVs in the day rooms.

Some of those cells, I'm not sure if all of them are, Senator Gomes, but I know that some of the, many of the cells in the jails, we've

had to cap those outlets because they were just being, they become a fire hazard.

They become a safety risk. And they've just created a problem for us, as opposed to the longer-term facilities.

And in some of the longer-term facilities, we do not have the electrical source for them as well. It's just not Bridgeport. It's at a number of facilities. We always provide day room TVs for recreation purposes.

SEN. GOMES: Well, the way I see it, maybe you feel a little differently than I do, and I don't mean to be confrontational, but--

COMM. THERESA LANTZ: I understand.

SEN. GOMES: --I see it as a serious situation, as far as I'm concerned, because like you said, that's one of those turnover situations, because there's less sentences.

There's a lot of young people that go in there. And the rule in there, in any facility, any correctional facility, is might makes right, you know.

And other people who are more able to inflict harm upon others will inflict it upon some of these young people that are there because they're in, like you said, a highly turnover situation while they're waiting for trial and so on and so forth.

And I don't see where they should be having any less accommodations than any other facility, whether it should be a new facility or not, because some of those people come out of there, and, you know, they come out of there innocent of crimes because they might go to court and not get convicted and so on and so forth, whatever reason they're there, and they're wards of the state there.

And I think that the state should present as much concern to them as they would to other people in other facilities. And for them to have no access to electricity in those cells, I think it contributes to a bad situation.

And I'm not the only one. Some of the people in there, that administrative people think it contributes to a bad situation.

And anytime you take people who is not able to have their own solitude, and like you said, they have these recreation rooms and everything, but whenever you get, the more people you put together, the more conflict you're going to have, and the more altercations you're going to have.

And I looked at your record of confrontations and altercations, and it's very high. It's very high in Bridgeport.

COMM. THERESA LANTZ: Well, I would be glad to--

SEN. GOMES: --as concern to other facilities.

COMM. THERESA LANTZ: Well, I'll, Senator Gomes, I'll be glad to talk with the warden. And if the warden has some specific issues or concerns, then I'm sure he can present some recommendations through the chain of command.

SEN. GOMES: Well, I know the reason why I'm concerned. I live in Bridgeport.

COMM. THERESA LANTZ: I understand, Sir. I understand.

SEN. GOMES: For a long time, and some of those people that are being turned over in the Bridgeport facility for good, bad, or otherwise, I know some of them.

And I want them to have the same breaks that other people have in other facilities in this state.

And like I said, I do come off as confrontational sometimes, but I don't mean to be. But I also want, I just do too.

COMM. THERESA LANTZ: I interpret your comments as passion and compassion.

SEN. GOMES: Well, I don't know what you call it, but I hope I get some results.

COMM. THERESA LANTZ: Thank you, Sir.

REP. LAWLOR: Senator Harp and then Representative Hovey, and then I don't have anyone else on the list, unless anyone else wants to volunteer, okay. Go ahead, Senator Harp.

SEN. HARP: Thank you. One of the groups that is not in the room, and really, I guess in many respects, we didn't really address them in our legislation in January, but it's come up, come to my attention, I don't know if anybody wants to answer this or not.

But you know, like one of the things that I worry about is that the police forces in Connecticut are really, there's really no way to sort of weigh and measure the way in which they handle their business.

And things can be done radically different from town to town. So I guess the question that I wondered was whether or not there's a system in the state to look at the procedures and protocols that exist in the various police departments, to see whether or not they're functioning at the highest level.

I think some of the things that have, some of the lapses that we've seen in some of the areas across our state, mine included, New Haven, but as well Madison, some of the other places, calls into, Bridgeport, no offense to my brothers in Bridgeport, call into question whether or not there is quality assurance that goes on with those forces and whether or not we have an equal netting of justice across our state.

My guess is that we don't, but you know, like one of the things that I think we need to do is to take a look at that because clearly, there

are problems, and that's the entry point of your system.

So if there are problems and there are questions and we don't have a way of assuring the public that there is quality there, you know, we have, I think that causes a lot of, frankly, our disparities as well.

You know, I have, that's just my sort of rant. One of the ideas, because we've changed the way in which we handle parole largely, and I'm seeing that you need these certification files, have we been able to address the technical, on-the-ground question about whether or not we have people prepare the sentencing transcripts, the presentence investigation paper so that, do we have enough transcribers?

Are we getting the paperwork done so that he can get it on time? And don't say yes if it's no because, I mean, the reality is that if you're not, it's really kind of clogging the system if you can't have a hearing until you have all that paper done.

CHAIRMAN ROBERT FARR: No, I don't believe there's a problem in the issue of transcripts in the terms of staffing, because there's a contract with the court reporters, and they actually get paid an expedited rate if they do these transcripts.

So we haven't found that there's a lack of staff to do that. The challenges come up in terms of identifying those transcripts we need

early enough in order to get them. And it is sometimes difficult to go through that process.

But once we get the orders in, I don't believe there's a lack of staff. There are some other technical problems in that because these orders were not made at the time of the sentencing, those transcripts were never transcribed.

So if the case is nine years old, and it's a court reporter who did it on one of the machines that they used to use in the court rooms, and that court reporter has retired, sometimes they have to ask the reporter to come back on a per diem to transcribe some stuff because nobody can figure out what's on that transcript.

Or sometimes when they record them, it's hard to do it. So there are cases where it's just physically not possible to get the court, the transcripts.

And we have a policy that if it's not available, if it can't be located, if it can't be understood, we're not going to get it, and we're going to proceed without it. But that's not a barrier.

Now as far as the PSIs are concerned, the problem has been that presentence investigations are not done in every case in Connecticut.

And the majority of individuals never have a PSI. And that's as much a function of the fact that having a PSI done takes time.

That delay is something that everybody tries to avoid when they're trying to dispose of a case because they reach a deal with the prosecutor and the judge.

And they want to put it to bed and enter it onto the, enter it in court. And if they have to wait six weeks to get a PSI, somebody may change their mind.

And the PSI might come up with some more information that will change the judge's opinion. And so therefore, the defense counsel may not want it.

And so on the PSIs, there has not, they weren't ordered in all cases. Before Cheshire happened, we had no way to know if a PSI actually existed unless the court had actually sent it into the Corrections Department and Corrections had properly filed it in the file.

Then we would have our officer go through it and locate it. But there were literally cases where the PSIs had been done. We didn't know they had been done. We had no way of knowing that.

Since then, Corrections has, Judicial Department has come up with this JEB system, which is an electronic bridge, where we can now go on that system, and we can tell instantly whether a PSI has ever been done.

If the PSI is a recently done case, since, I believe, last October, it would have already

been electronically loaded into their website, and we can download it.

If it's prior to that, we have to order it. Then they scan it into their website, and then we get access that way.

But there's no shortage of manpower, as far as I know, on Judicial's part, to do either one of those cases, to deal with either one of those issues.

SEN. HARP: Well, that's good to hear. And do you have procedures and protocols in place that you sort of tick off to let you decide when some of these reports and investigations are not available so that you can move forward?

CHAIRMAN ROBERT FARR: Yes, we do. Basically what happens is, for example, we try to take police reports in every case.

If it turns out that the, we have a presentence investigation that adequately describes the offense, and we can't obtain the police report, we will proceed with a good description, based upon the fact that there's a description of the offense in the PSI or in the transcript.

So we have some of those procedures in place. The problem is sometimes what we've having is a delay in getting, finding out whether that transcript actually exists, so that we have some cases where we've had transcripts requested several times, and nobody gets back to us to say we can't find it, and it doesn't exist.

And we don't want to proceed with a parole hearing, vote somebody to parole and then the next day have an incident occur, and then two days later, we get the transcript in.

So you know, we want to protect the public, and the best way to do that is to get all the information prior to the hearing.

SEN. HARP: Okay. And I guess, I think that's it with you, but I do think that we need to come up with ways in which we let those people know, who are supposed to be providing you with information, that it has to be done in a timely fashion and that there need to be both carrots and sticks around them, either getting you or not getting you the information.

Because having people sort of sitting there, it's costing us money. And as Jack says, it's basically making us decide between funding something, education, and funding corrections.

I mean, we've got to do both. But the reality is in this climate, it's really hard. So it would be nice if we could figure out a way to expedite all that.

CHAIRMAN ROBERT FARR: Well, there's a basic injustice issue too. If you say to somebody, you're going to be incarcerated for the next six months while we look for a piece of paper that we can't find, that's kind of the ultimate bureaucracy. I mean, it bothers all of us.

These are individuals who have a, have been incarcerated long enough to be entitled to having a hearing, and we can make a decision on the merits whether they should be released early or not.

But to just say we're not going to have a hearing because we can't locate the papers is just simply not acceptable.

And that's what we're moving forward to correct. And hopefully, over the next few months, we'll get that corrected.

SEN. HARP: Great. Well, thank you very much. I have one question for, it's an idea actually and a question for Secretary Genuario and Commissioner Lantz.

I was wondering, you know, just from a public policy point of view, how many people we have in prison who cannot engage in several activities of daily living, which would qualify them for nursing home care, particularly those who are not mentally ill because if you're mentally ill, you actually don't qualify.

So do we have a sense of how many people where really the prison has now become a nursing home for?

COMM. THERESA LANTZ: I can find that out for you. Unfortunately, I don't have a number, but I can tell you that, you know, we have what we call a hospital or inpatient at a number of our facilities.

And we do have people, we go all the way to hospice. We have three hospices as well in corrections. And so I can get you that number, Senator Harp, to kind of tell you.

Are you referring to those individuals who have extensive sentences or short-term sentences or both?

SEN. HARP: It could be both because if they really are so sick that they can't function and that you have to basically care for them in a hospital-type setting, my question becomes doesn't it make sense for us to figure out a way to deal with that population and get them in a facility where we can get federal reimbursement?

COMM. THERESA LANTZ: And I think that that's a wonderful idea. I will tell you that a lot of the facilities will not take our inmates based on their records.

If it's violent, if it's arson, if they have anything in their history of sex offenses and so forth, so there is a population that we have a very difficult time placing.

And we try, we have actually, we actually have medical discharge planners who look at options. But what I'd like to do, if it's all right with you, I'd like to go back and ask QCMAC to perhaps do a survey for me and get me that information, and then I can get it to you, and maybe we can have some further discussion.

SEC. ROBERT GENUARIO: Yeah, I think it is worthy of discussion. And I think that perhaps what Senator Harp is suggesting is that we could create something that is a confined nursing home and pick up federal reimbursement under that scenario. It's a good suggestion, and the data--

COMM. THERESA LANTZ: And I'm actually working on that, by the way, with Dr. Galvin from Public Health.

We've had discussions about looking at a nursing home that we could actually, as a state, contract with and would be specific for this population. So I have had a few conversations with Dr. Galvin on that.

SEC. ROBERT GENUARIO: There may be a few on the market.

COMM. THERESA LANTZ: Yeah, exactly.

SEN. HARP: Well, I think that it makes sense because at least we get some partnership in paying for it. And given these times, we need to look at all the partners we can find, right?

COMM. THERESA LANTZ: Absolutely, absolutely.

REP. LAWLOR: Representative Hovey.

REP. HOVEY: Thank you, Mr. Chairman. I just want to thank everyone for their time today. It's been very educational for me. And I had one concern that I wanted to raise before we ended the day here.

I think it's really unfortunate that we have, that the timing is such that we've initiated these reforms at the same time that environmentally we have what's going on in our economy because I do think that the phenomena is, and of course, remember I'm the one with the psychology background, but phenomena is that we are going to have people with more significant health issues occurring.

And also the psychology of the environment is that there most likely will be more crime in this environment.

And so I really believe that this, that the reforms are admirable, and they are comprehensive, and they're rigorous.

But I want to, in some of the talk, I have become a little bit concerned around the evaluation of the implementation of all of the reforms.

And I would just caution everyone not to rush to judgment on numbers increasing and phenomena occurring because I think it is unfortunate that we've initiated all of these reforms, and we also have the cultural occurrence that's going on.

And that may distort some of the data that comes back to us in a year. And so I just want us all to be cognizant of that. Thank you.

COMM. THERESA LANTZ: Thank you.

REP. LAWLOR: Anything further? If not, let me simply say thank you to all of you. I think you probably agree that you've probably learned some things. We've certainly learned a lot.

And I think this interagency dialog certainly helps more than it hurts, for sure. And I think mostly what we heard today is good news, and it's very encouraging.

And for those people who get elected to the next year's session of the General Assembly, I'm sure they'll continue to have some interesting challenge. But thank you for updating us. So we appreciate that very much.

[Whereupon, the hearing was adjourned.]