

Judiciary & Appropriations Committee Public Hearing May 8, 2009

Testimony of Robert Farr, Chairman, Board of Pardons and Paroles Re: Risk Reduction Credits & Re-Entry Furloughs

Good afternoon Representative Lawlor, Senator McDonald, Representative Geragosian, Senator Harp and other members of the Judiciary and Appropriations Committee. I am Robert Farr, Chairman of the Board of Pardons and Paroles.

First, I would like to thank you for the invitation to come before you today to remark on the report completed by the Department of Correction regarding Risk Reduction Credits. I would like to point out that unfortunately the legislation did not call for a representative from the Board of Pardons and Paroles to participate in the preparation of the report so we did not have any input on any of the proposed options. While I believe that report is somewhat unclear as to how the application of the so called risk-reduction credits would apply to parole, it is important for me to stress that the Parole Board should remain the sole body to authorize any form of early release or reduction of time for parole-eligible inmates. I would like to share a few facts about parole:

- * Research shows that the re-entry of an inmate via parole contributes effectively to public safety. It does not shorten the sentence. It is part of the management of the sentence;
- * Parole provides a gradual and supervised release with conditions before the sentence ends;
- * Inmates with the highest success rate who are least likely to recidivate were those under parole supervision.

I believe that Risk reduction credits that result in an overall reduction of a court-imposed sentence can impact the length of community supervision and could actually increase the potential rate of recidivism.

I would like to take this opportunity to review with the committee what has transpired over the past 18 months regarding the reshaping and strengthening of the parole process in Connecticut by the legislature under the leadership of Governor Rell.

In response to the Cheshire tragedy, the Governor created a Task Force on Parole and Sentencing. That Task Force completed its report in 2008 and took its charge to heart and systematically examined every component of the Criminal Justice System. After public input, it made specific recommendations for changes to improve the parole process. The legislature then met in a special session in January 2008, and adopted many of the recommendations of the Task Force and specifically added some new changes to the statute. Those changes included:

1. Strengthening the Parole Board by adding full-time members to the Board who must be qualified with the appropriate education and experience;

2. Ensuring that the Board has access to all pertinent information before making release decisions and requiring that all cases be certified to determine that reasonable efforts had been made to obtain all pertinent information;
3. Requiring collaboration with the C.S.S.D. and D.O.C. on risk-assessment and types of instruments used;
4. Providing the Board with a Staff Psychologist to assist panels of the Board with release decisions; and
5. Enhancing the rights of victims by assigning two permanent Victim Advocated positions from the Office of Victims Services to assist in the Parole Hearing Process.

Under this new Act, the Parole Board was specifically charged to not make decisions unless it received a certification that reasonable efforts had been made to obtain all pertinent information concerning the release decision. Also, the process of Administrative Reviews was abolished and the Board is now required to conduct all hearings, face to face, with the offender being present either by video or in person.

The Parole Board has a long commitment to evidence-based practices and has been using a validated risk-assessment instrument since 1998. This risk-assessment instrument is used as a guide by the Board in determining what percent of the sentence an inmate should serve. In conjunction with this, the Parole Board has always had a commitment to reward inmates for good behavior and for program participation while incarcerated. The Board always factors this in release decisions.

Inmates who are sentenced to a parole-eligible terms participate in an orientation program in which they meet with a parole officer who explains the process, and reviews what the expectations for their conduct in prison are if they want to have an opportunity to be released on their parole eligibility date. Inmates sign an "accountability plan", which spells out recommended institutional programming as well as the impact that disciplinary reports will have in terms of delaying an offenders release under parole.

When the inmate is presented to the Board for his/her hearing, the Parole Officer advises the Board what programs the inmate was expected to take and whether or not the inmate has been successful in completing those programs. The Board is also advised of the number, nature, and recent disciplinary reports the inmate has received and examines the basis of those reports. The Board gives great weight to what actions the offender has taken in prison to rehabilitate him or herself, specifically in the area of education and job assignments. Inmates who refuse to take required programs may have their parole delayed or denied. Inmates who continue to get disciplinary reports may also have their parole delayed or denied. Often times parole hearings are rescheduled for a later date in order to give the inmate another opportunity to take the necessary programs. In short, all of the considerations that would occur under the risk reduction credit proposals are already being considered by the Parole Board when hearing parole applications.

It is important to remind the committees that a majority of inmates released each year are not parole eligible. Many of these inmates have received sentences of two years or less, which is too short under the statute to be parole-eligible. Those inmates who are sentenced to terms of two years or less have the opportunity for Transitional Supervision. This is a separate release mechanism under which the Commissioner of Corrections can release any inmate that she deems appropriate at 50% of their time served. Release to Transitional Supervision does not require the extensive review that parole does. While the average inmate has a sentence of a year or less, the average parole-eligible inmate has a sentence of more than 4 years, and Connecticut as in most states, has reserved parole as a privilege for the more serious offenders. I want to make it quite clear that any concerns I have about risk reduction credits applying to parole, do not apply to Transitional Supervision since Transitional Supervision is completely under the purview of the Commissioner of Corrections.

If a parole-eligible offender in Connecticut has been convicted of a crime which is considered a violent offense, regulations require that that offender must serve 85% of his or her sentence before being considered for release to parole. Violent offenses include robberies, serious sexual assaults and first and second degree burglary just to name a few. All other parole-eligible inmates who are serving sentences for non-violent offenses are eligible for release to parole after serving 50% of their sentence.

Evidence based research suggests that it is fiscally prudent to target early release to those individuals who have a lower risk of re-incarceration. If the legislature is entertaining the option of allowing the release of low-risk offenders to reduce prison costs without jeopardizing public safety, it is important that the release decision for parole eligible offenders be made by a fully accountable parole board, using all of the assessment tools that have been put in place.

Below are three options that the legislature might wish to consider:

- 1) The first option would allow the Commissioner of Corrections, after consultation with the Board, to identify low-risk offenders who would be eligible for risk reduction credits. The Board would then schedule a full parole hearing for the offender earlier in the sentence and review the possibility of releasing the offender to parole as well as releasing the offender before the statutory eligibility date by awarding these credits.
- 2) The second option would allow the Parole Board to identify those individuals at orientation who should be entitled to risk reduction credits. Such cases would be scheduled for early parole hearings and the offender would be eligible for an early release, after the Parole Board has voted them to parole, by the authority granted to the Chairman under transfer parole (C.G.S. 54-125e). This option is currently available, but not fully utilized because of the emphasis over the past eighteen months to reduce the parole backlog. I would like to point out that I have recently establish a pilot program targeting low-risk female offenders for such releases; or

- 3) The third option would be to lower the statutory threshold of eligibility for parole release by a set percentage and allow the Board the discretion to grant an early parole release if the individual has complied with his or her offender accountability plan and meets the statutory criteria.

The threshold as to what percentage of an offender's sentence should be served before becoming eligible for an early release is a decision for the legislature and the Governor to make. My concern is to continue to allow the Parole Board to continue to use all available tools in assessing the suitability for an offenders release back into the community on parole and under parole supervision.

Thank you.