

Testimony of Brian K. Murphy, Acting Commissioner
Department of Correction

Judiciary Committees Oversight Hearing
on 2008 Criminal Justice Reforms

January 19, 2010

Good morning, Senator McDonald, Representative Lawlor and members of the Judiciary Committees. I am Brian K. Murphy, Acting Commissioner of the Connecticut Department of Correction. Thank you for giving me this opportunity to appear before you this morning to speak about the accomplishments the Department of Correction has experienced since the enactment of Public Acts 08-1 and 08-51.

It is with pleasure that I can report that since the enactment of the public acts and the last time we appeared before you in October 2008, the Department and its criminal justice partners, including the Judicial Branch, Chief State's Attorney, the Department of Mental Health and Addiction Services and the Board of Pardons and Paroles, have collaborated, communicated and cooperated with one another in meaningful and significant ways. The improvements in information sharing have significantly contributed to effective population management while enhancing public safety in the community. The current process is by far much more effective and efficient than what was in place in 2007.

Please allow me to begin today's discussion by giving you an update about the inmate population. Today's count is 18,249. This is well below last year's count at this time, which was 19,123, and down significantly from our all time high of 19,894 in February 2008. Our offender population has dipped as low as 18,029 on January 4, 2010, but we have experienced the typical seasonal increase after the start of the new year. The incarcerated population continues to fall below the OPM projections and the community count continues to grow. As you are aware, in November 2009, due to the current downward trend of the offender population, I recommended to the governor the closure of Webster Correctional Institution. All inmates have been transferred out and the facility is closed.

Commissioner Lantz and I have always taken this opportunity to publicly thank the Department staff for its professionalism and dedication. Daily the custody staff insures the safety and security of our facilities to ensure that the population is managed in a safe, secure, and orderly manner, while our parole officers provide significant and critical oversight of the offenders in the community. Despite the increase in our population of more than a 1,000 from July 2007 to February 2008, the number of incidents remains at historically low levels.

We have made great strides and continue to move forward. The process of supporting the successful re-entry of offenders returning to their home communities continues to improve. During FY '09, 4,017 offenders were released to Transitional Supervision compared to 3,225 in FY '08, a 25 percent increase. The number of persons released to parole rose to 2,737 in FY '09 from 2,097 in FY '08, a 31 percent increase. Overall, releases to all forms of community supervision, including residential placement, increased to 8,872 in FY '09 from 7,204 in FY '08, a 23 percent increase. During the

same period, the total violation rate for persons on community supervision decreased 12 percent. Criminal violation rates for all community supervision programs were 6 percent lower in FY '09 than in FY '08, after declining 33 percent the previous year. The number of offenders on all forms of community supervision increased in FY '09, from 4,292 on July 1, 2008 to 4,540 on July 1, 2009, a six percent increase. This combination of events contributed significantly to the reduction in the incarcerated population that occurred in this past fiscal year. These numbers represent the Department's commitment to effectively release and manage offenders in the community through appropriate supervision, which ultimately enhances public safety.

The Department has also created additional incremental sanctions such as the Time Out Program (TOP). This is a 30-day intensive program at Carl Robinson Correctional Institution and is a collaborative effort between the Department's Parole and Community Services Division and institutional staff. TOP is designed for offenders on community release, Transitional Supervision or parole, who are starting to go down the wrong road and need to take a break from negative behavior. Since March 2009, 253 offenders on Transitional Supervision and parolees successfully completed TOP and were returned to community supervision. The purpose is to provide offenders with relapse prevention programming in hopes of improving their chances of successful return to the community. The inmates have not been formally violated by their parole officers but are on a "Time Out." In the program, offenders assess the negative behavior that happened when they were on release and make a plan for a more successful reintegration. CRCI staff continually works with Parole and Community Services to efficiently return the offender to the community after programming. With the success of TOP, we have begun to think about using this program as a model for the female offender population.

The provisions of Public Acts 08-1 and 51 that impacted the Department (1) eliminated my discretionary authority to place an offender on reentry furlough with supervision in the community 30 days prior to their end of sentence; (2) required the Department to contract for 12 staff secure sexual offender beds; (3) required GPS for an additional 450 parolees; (4) granted the Department access to juvenile records; (5) directed the Department to provide the Board of Pardons and Paroles with secure video conferencing at each correctional facility; (6) required the Department, the Board, and Court Support Services Division to develop a risk assessment strategy for offenders in DOC custody; and (7) appropriated additional funds for reentry and diversionary services in Bridgeport, Hartford and New Haven, halfway house beds and additional staff.

I'll address each provision, its impact or the status of its implementation:

- Reentry Furlough: Public Act 09-7 of the September Special Session restored the commissioner's discretionary authority to grant reentry furloughs and increased the length of time an inmate is placed on furlough before end of sentence from 30 to 45 days. Beginning November 2, 2009, the reentry furlough process was reintroduced in a slow deliberate manner, weighing the need for reentry supervision of the offender against public safety needs. To date 113 offenders have been released to reentry furlough. Only one offender has been remanded back due to a technical violation of the furlough provisions.

The enhanced supervisory model developed prior to PA 08-01 has been implemented, and all offenders on reentry furlough are under the supervision of the Parole and Community Services Division. Furloughs are granted to assist with

reentry needs, such as establishment of residency, facilitation of treatment services and to seek employment.

The Department's Parole and Community Services Division and Judicial's Court Support and Services Division (CSSD) staff are working to develop a protocol for notification of reentry furlough approvals for offenders serving split sentences.

- Contract for 12 Staff Secure Sexual Offender Beds: The last time the Department provided you with information about the status of the sexual offender beds we reported that the Department and Judicial Branch issued a joint RFP. The intent was to serve a combination of probationers under the supervision of CSSD as well as offenders under the custody of the Department. Three bidders submitted proposals and the RFP Selection Committee recommended that each agency negotiate a contract with a preferred bidder, The Connection, Inc. In January 2009, a site visit indicated the proposed modular residential units would fit on the site at Corrigan-Radgowski Correctional Institution. It was later discovered that a piece of the property, which we thought was the Department's, actually belonged to a neighbor. Staff conducted another review and concerns remain about available space. The Department did have meetings with CSSD to discuss upcoming contract negotiations and a meeting was held at the local level to discuss potential issues. In March 2009, in light of the Department's \$18 million projected deficiency, it was determined that the expenditures for the sex offenders beds should be deferred until FY'10. At about that same time, CSSD advised the Department that it would no longer be able to proceed with the project due to budgetary constraints. Our budget was approved in September 2009 with \$1 million for the Department. In October CSSD indicated that due to budget reductions, they would no longer be able to fund the project. With the withdrawal of CSSD from the process, the Department reevaluated its needs to treat this as a pre-release facility only. The Department thought it best to move forward with the project and issued a RFP for 12 beds on January 8, 2010.
- Additional GPS Units for Parolees: As we reported in October 2008, GPS is an additional tool incorporated into the overall community supervision strategy to monitor offender compliance and increase accountability. It is a valuable tool and we have been using it wisely in conjunction with the electronic monitoring technology that we have used for years. The majority of GPS utilization is for sex offenders and those offenders in the community for Burglary 1 and Burglary 2 assigned to the Special Management Unit. These offenders are placed on GPS based on offense characteristics or clinical evaluation of risk.

The Department has over 1,000 offenders on electronic monitoring. As of the close of 2009, we have 225 offenders on GPS, a 684% increase from 2007. Offenders supervised on radio frequency (RF) electronic monitoring numbered 781 on December 31, 2009, up 195% from 2007, prior to the passing of PA 08-01.

- Access to Juvenile Records: The Memorandum of Understanding that was extensively coordinated with the Judicial Branch is still in place and we continue to access these records in a secure, confidential manner.
- Information Sharing: In a further effort to share information among the criminal justice agencies, the Department joined forces with the Division of Criminal Justice,

BPP, Judicial and the Department of Information Technology (DOIT) to electronically share police reports. The Division will now be able to scan the police reports and send them electronically to the DOC each day. The reports will be stored in a secure electronic folder and will be accessible by the BPP for their parole hearings and case files. A pilot will begin this month with the Division's Middletown office. We anticipate expanding the process to the Division of Criminal Justice's other offices once the pilot is successful.

- Secure Video Conferencing: We accelerated the installation of video 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 parties to a court or other location.

The number of video hearings continues to climb dramatically. The total number of video hearings for the month of December 2009 was 458.

With the support of JAG Recovery Act funds, both the DOC and CSSD will expand its Video Conferencing capabilities. With a \$600,000 stimulus grant, the DOC will be installing another 20 units, and most facilities are expected to have two units by June 2010.

Risk Assessment Strategy: In June 2009, DOC developed, validated and rolled out the Treatment Program Assessment Instrument (TPAI) in a collaborative effort with OPM's Criminal Justice Policy and Planning Division.

All offenders sentenced to 6 months or greater are being evaluated, using for triage to assign programs to appropriate offenders. This has become a critical piece of the offender management plan and the statewide reentry strategy.

Parole and Community Services will continue to use the LSI-R for case management, but may adopt the shorter version of the LSI-R for those offenders with low TPAI scores. The Department will continue to work with OPM's Criminal Justice Policy and Planning Division on analyzing data.

The Department is currently working closely with the BPP and OPM to cross validate a number of assessment tools. Initial review indicates the TPAI scores are consistent with result from the Salient Factor Risk Assessment (SFRA) used by the BPP. We have established a committee to further review the integration of our risk assessment instruments.

- Funding for Reentry 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 ReEntry Fresh Start Program in Bridgeport. Full implementation of PA 08-01 provided for the purchase of 94 work release and supportive housing beds, enabling the Department to provide community housing for approximately 300 offenders in FY '09. PA 08-01 also provided for the purchase of expanded services in the Bridgeport-based Fresh Start program as well as three Community Reentry Centers throughout the state. These programs provided behavioral health, employment and support services for approximately 125 offenders per month.

- Funding for Halfway House Beds: Since the October 2008 update, the department redesigned the statewide network of residential and nonresidential services. Existing services were reviewed and evaluated to determine the extent to which they met the needs of both the department and the community. This resulted in an RFP being issued, contractors selected, contracts written, and 1,145 beds being secured. Although this represents fewer beds, services are more appropriate for the needs of the DOC population, and are expected to be more productive in terms of services provided. The beds that were dropped were beds that were not being used or the providers did not meet the criteria of the RFP.
- Funding for Additional Staff: All parole officer positions under PA 08-01 and PA 08-51 have been filled. As of October 27, 2009, there are 104 Parole Officers in the Parole and Community Services Division.

Thank you for the opportunity to talk about the progress the Department has made since the enactment of Public Acts 08-01 and 51 to enhance the agency's public safety mission. I would be happy to answer any questions you may have.