

JUDICIARY COMMITTEE

Oversight Hearing on 2008 Criminal Justice Reforms

January 19, 2010

Submitted by Robert Farr, Chairman, Board of Pardons & Paroles

Good afternoon Senator McDonald, Representative Lawlor, and members of the Judiciary Committee. I am Robert Farr, Chairman of the Board of Pardons & Paroles, and I would like to thank you for the opportunity to be here today.

After the tragedy in Cheshire, Governor Rell created a Sentencing and Parole Review Task Force to examine the criminal justice system as well as the parole process. The Task Force completed its job and made recommendations in January of 2008. The legislature, on a bipartisan basis, convened later in the month in special session and passed PA 08-01. During the regular 2008 session, PA 08-51 was adopted.

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 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 recognized the valuable role that parole plays in the re-entry process of offenders back into the community, and in providing for public safety.

In the fifteen months since the last oversight hearing in October 2008, the Board of Pardons and Paroles has had approximately 4,000 full panel cases heard. Today there are approximately 627 more inmates supervised on parole than there were in October 2008, and over 737 more inmates supervised on parole than there were in February 2008, the low-point after the Cheshire tragedy.

I would like to review the specific changes that have been implemented as a result of these two bills.

The Board- PA 08-01 provided for a new Board, consisting of five full-time members and seven part-time members whose role is to review and make decisions at parole hearings. The new members all have to be qualified by education, experience or training in administering community corrections, parole or pardons, criminal justice, criminology, evaluation or supervision of offenders, or providing mental health services to offenders. The Governor has appointed five full-time members as well as six part-time members, all of whom meet those qualifications. These members are currently conducting parole hearings. Today, for example, six members are conducting hearings for two different correctional facilities: a video conference hearing for Corrigan/Radgowski Correctional Institutions and an in-person hearing at Garner Correctional Institution.

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 a many hours of training and training is an on-going, regular process conducted on a monthly basis.

Certification of Files- The new law provided 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, pre-sentence investigations, sentencing transcripts, juvenile and youthful offender records, mental health evaluations, and sex offender evaluations, where applicable. Procedures have been established in cooperation with the Judicial Department, the State's Attorney's Office, and the Department of Correction to obtain this information. Last year the legislature adopted a new law allowing the Judicial Department to send electronic copies of transcripts to the Board without having to also supply a paper copy. Unfortunately, there are still several thousand cases of parole-eligible inmates for whom transcripts were never ordered at the time of sentencing. The Board is working with Judicial to clarify that list so that all past transcripts can be ordered. In addition, there continues to be some difficulties in obtaining police reports at the time of the sentencing. The State's Attorney's offices have initiated a new process of scanning police reports at the court house and sending them electronically. That process is just beginning on a pilot basis out of Middletown and needs to be expanded statewide.

The Hiring of a Psychologist- The new public act authorized the Board to hire a clinical psychologist. The Board was fortunate to be able to hire an experienced and extremely capable person for this position. He has been used on hundreds of cases. When Board Members or Parole Officers and Managers are reviewing cases and believe there may be a psychiatric issue they consult with the Board's psychologist, who reviews any previous psychiatric report(s) and if necessary, independently evaluates the inmate and offers a report to the Board. The psychologist is also consulted with in very high-risk cases, and has been of great value in terms of assisting in the structuring of re-entry program for individuals, and has given the Board more insight into risk assessment, strategies and effective ways to interview inmates during hearings. He also collaborates with other state agencies including DOC, DMHAS, CMHC, Probation, and Parole and Community Services (field division), regarding risk management and continuity of care on individual cases.

Elimination of Administrative Review- The new legislation abolished the use of the Administrative Review Process, which the Board used for non-violent offenders. This has tripled the number of full hearing that the Board must conducted 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. That new legislation has been used successfully 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 O.V.S.), and have handled over one thousand cases involving victims since October 2008. Their assistance to the victims has been invaluable to the Board.

GPS Monitoring- The new legislation provided for expansion opportunity 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 both 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 this information with the utmost professional confidentiality.*

New Videoconferencing Ability- The legislation required that the Department of Correction to establish by January 1, 2009 secure videoconference connections with all facilities and the Board for purposes of hearings. All of those connections have been established. The Board is in fact, today having one hearing by videoconferencing (Corrigan /Radgowski CI). Videoconference hearings give the Board greater flexibility in scheduling of hearings.

PA 08-51 provided for- (3) additional Parole Officer positions for the Board, and (4) clerical positions. All of these positions have been filled and the staff is currently assisting with caseloads at the Board.

New Challenges Ahead- The Board still has a backlog of cases which were not heard in a timely manner, but we are currently using a Federal Grant in the processing of these cases and hope to be completely caught up by the end of this summer. We can get all of the transcripts ordered for the cases, which were not ordered at the time of the sentencing and get police reports scanned in at the time of sentencing, we should be able to assemble the packages in a timely manner and have our highly-skilled parole officers use their talents more to help address the needs of the inmates in terms of programming and to determine the risk upon release instead of spending their time chasing papers.

I want again to thank the Governor and the Legislature for their recognizing 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 of the passage of these bills. I want to recognize the incredible hard work and dedication of the employees of the Board of Pardons and Paroles who have enabled all these changes to happen. I would also like to recognize the hard work and dedication of the new members of the Board, who bring incredible knowledge and skills to the performance of their job.

Thank you very much. If you have any questions, I will be happy to answer them for you today.

Robert Farr
Chairman, Board of Pardons & Paroles
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