

**Judicial Branch Implementation of
P.A. 08-01 of the January Special Session, AAC Criminal Justice Reform
January 2010 Update**

Section # (Effective Date)	Description	Status 1/10
1 (3/1/2008)	Creates new crime of home invasion Codified at CG.S. 53a-100aa	IMPLEMENTED As of 1/8/10: <ul style="list-style-type: none"> • 287 arrests have been made • 12 have pled or been found guilty of these charges • 142 cases are pending
2-4 (3/1/2008)	Changes to burglary statutes	IMPLEMENTED
6 (3/1/2008)	Changes definition of "persistent dangerous felony offender"	IMPLEMENTED
7-11 (3/1/2008)	Changes in persistent offender sentencing statutes – eliminates language about the court's opinion.	IMPLEMENTED
14 (1/25/08)	Requires the Judicial Branch's Office of Victim Services to assign 2 victim advocates to provide full-time assistance to victims appearing before the Board of Pardons & Parole.	IMPLEMENTED
18 (1/25/08)	Requires CSSD to contract for additional Diversionary Beds: <ul style="list-style-type: none"> • 35 immediately. • 50 by July 1, 2008. • 50 by Nov. 15, 2008 • \$245,000 for FY 07/08 (see Section 42(c)), non-lapsing to June 09. 	PARTIALLY IMPLEMENTED 75 of original 135 beds required in the section are on-line and funded through FY 10. BACKGROUND <ul style="list-style-type: none"> • 39 beds obtained by July 1, 2008. • \$245,000 FY08 funds expended. • Agreements in place for additional 90 beds to start in FY09. • \$3,275,000 budget for FY09 reduced to \$1,719,793 as part of July 08 Judicial allotment reduction. • 36 of additional 90 beds needed contracted in FY09. • Governor's budget recommendations for FY10 include roll out of FY09 \$1,555,208 rescission to beds, \$54,268 of January 09 allotment reduction and removal of \$1,680,000 for 60 diversionary beds. • State FY10 budget restores \$1, 680,000 for 60 beds but includes other Governor's recommendations. • CSSD opened 26 beds October 1, 2009. • Judicial Branch receives allotment reduction, September 21, 2009, from OPM of 12.9 million dollars in OE account. • CSSD closed 26 beds (expends \$58,240 for month of October 2009). • \$1,621,760 balance from 60 bed allocation used to offset Judicial Branch OE allotment reduction.

Section # (Effective Date)	Description	Status 1/10
20 (1/25/08)	<p>Requires the establishment of Staff Secure Residential Sex Offender Treatment Facility</p> <ul style="list-style-type: none"> • 12 beds/1 facility by July 1, 2008. • Report Due to Governor and Legislature April 15, 2008. • \$250,000 for FY 07/08 (see Sec 42(c)), non-lapsing to June 09). 	<p>PENDING</p> <p>BACKGROUND</p> <ul style="list-style-type: none"> • Judicial Branch 12/07 RFP for Sex Offender Housing Consultant received no responses. • Report to Governor and General Assembly filed in April, 2008. • No beds available by July 1, 2008. • Joint Judicial/DOC RFP issued by DOC in 5/08. • \$250,000 FY08 carried forward to FY09 reduced to 0 as part of July 08 Judicial Branch allotment reduction. • \$1,000,000 FY09 appropriation reduced to \$500,000 as part of July 08 Judicial Branch allotment reduction. • Contractor selected 1/9/09. • Contractor negotiations underway February, 2009 for late FY09 contract start. • March 23, 2009, DOC notifies CSSD that it has no FY09 funds for project. • Governor's FY10 recommended budget rolls out FY09 \$500,000 allotment reduction. • Governor's recommended budget mistakenly included removal of \$250,000 from Judicial's budget base as if the FY08 carry forward of \$250,000 had been annualized – it had not been. • State FY10 budget included Governor's recommendations. • Judicial Branch receives allotment reduction, September 21, 2009, from OPM of \$12.9 Million in OE account. • FY10 \$500,000 for sex offender beds used to offset Judicial Branch OE allotment reduction.
21 (1/25/08)	<p>Availability of VOP Information on the Internet:</p> <ul style="list-style-type: none"> • Requires the Judicial Branch to make information regarding violation of probation warrants available on the internet. • Requires the Judicial Branch to make available on the internet a quarterly report listing by court all outstanding VOP warrants. 	<p>IMPLEMENTED OCTOBER, 2008.</p> <ul style="list-style-type: none"> • Over 10,000 visits to site since opening. • 400 daily visits, on average.
23 – 24 (1/25/08)	<p>Release of Juvenile & Youthful Offender Records</p> <ul style="list-style-type: none"> • Makes delinquency and youthful offender records available to DOC and Board of Pardons and Parole. 	<p>IMPLEMENTED</p> <ul style="list-style-type: none"> • JEB (Judicial Electronic Bridge) opened in April, 2008 -- allows electronic access by DOC and BPP to records and electronic requests for records. • All procedures in place by June, 2008. • Scanning technology implemented in Juvenile Operations to facilitate electronic transmission of juvenile records. • May 2009 – Electronic PSIs available to DOC and BPP.

Section # (Effective Date)	Description	Status 1/10
25 (1/25/08)	Requires a judge, when imposing conditions of release, to state for the record any factors it considered and the findings it made as to the dangerousness of the defendant.	IMPLEMENTED <ul style="list-style-type: none"> All judges have been informed of this requirement.
31 - 32 (1/25/08)	Requires the Judicial Branch to establish and implement a state-wide automated victim information and notification system.	PENDING <ul style="list-style-type: none"> Federal and State funds sufficient to cover project cost through FY11. Estimated first phase available Summer, 2010 BACKGROUND <ul style="list-style-type: none"> A committee was established to oversee this project. RFP responses received 12/08. Contract for system design and implementation signed June, 2009. Federal grant application sent 1/09 for estimated ½ of development costs. Federal grant for \$190,000 with 50% State match required for total project cost of \$380,000, received in July, 2009. Governor's Recommended Budget provides for \$250,000 in each year of biennium, compared to \$750,000 originally appropriated for FY09. Budget passes without any change to Governor's recommendation.
33 (1/25/08)	<ul style="list-style-type: none"> Establishes a committee to study the manner in which the state may provide incentives to municipalities to allow siting of community-based facilities. Report due Jan 1, 2009. 	IMPLEMENTED <ul style="list-style-type: none"> Committee was chaired by OPM; CSSD was a member of the committee. Committee was provided with all information requested from CSSD. Committee Report issued 12-30-08.

Section # (Effective Date)	Description	Status 1/10
36 (1/25/08)	Requires a Defendant to comply with conditions of original probation while a VOP is pending.	<p>IMPLEMENTED</p> <ul style="list-style-type: none"> • Changed by P.A. 08-102, June Regular Session, Sec. 5 and Sec. 6. • Revised language has been implemented. • Modified the Conditions of Probation Form (JD-AP-110) which specifically informs the probationer that if a violation of probation warrant is issued and the probationary period is interrupted, the conditions of probation will remain in effect unless a Judge orders differently. • Modified Court Support Services Division (CSSD) Policy 4.23, Warrant Service and Arrest Process, resulting in: <ol style="list-style-type: none"> 1) A warrant officer sending a letter, certified mail, to the probationer stating that a violation of probation warrant has been issued and all of the conditions of probation remain in effect. The officer also attaches a copy of the signed conditions of probation form. 2) A warrant officer reviewing and providing the probationer with a Warrant Service / Condition Notification Letter when the violation of probation warrant is served. The letter specifically notes the conditions of probation and informs the probationer that all of the original conditions of probation remain in effect unless otherwise ordered by a Judge. The officer also attaches a copy of the signed conditions of probation form. • Modified Court Support Services Division (CSSD) Policy 4.1, Bail Intake / Assessment Procedures, resulting in: <ol style="list-style-type: none"> 1) Pre-trial staff reviewing Case Management Information System (CMIS) case-notes, to determine if the defendant has been given a Warrant Service Notification Letter by a CSSD warrant officer. 2) If the defendant has not been provided a copy of a Warrant Service / Condition Notification Letter, pre-trial bail staff will review and provide the defendant with a Warrant Service / Condition Notification Letter when completing the bail intake/assessment process. The letter specifically notes the conditions of probation and informs the defendant that all of the original conditions of probation remain in effect unless otherwise ordered by a Judge.

Section # (Effective Date)	Description	Status 1/10
41 (10-1-08)	Supervised Diversionary Program for accused persons with psychiatric disabilities.	<p>IMPLEMENTED</p> <ul style="list-style-type: none"> • Program began 10/1/2008. • The OCE of \$612,360 in FY09 (annualized in State FY10 budget to \$816,480) buys mental health evaluation and treatment services through CSSD's Adult Behavioral Health Services network. • Since inception, 544 investigations have been ordered, 180 are pending, 71 were denied or withdrawn and 293 were granted. 283 clients are under active supervision, with 7 successful and 9 unsuccessful completions to date. • CSSD has contracted with Central CT State University to conduct an independent outcome evaluation for this program. The outcome evaluation is due to be completed in the Spring of 2011. • CSSD has developed internal policy and procedures detailing the role and responsibilities of CSSD staff during the eligibility investigation process and community supervision. • CSSD, DMHAS staff, the National Alliance for Mental Illness and the CT Alliance to Benefit Law Enforcement developed and delivered the specialized training for probation officers. • CSSD has established policies and procedures requiring its employees to notify victim(s) that the defendant has applied for the program and that the victim has the opportunity to be heard by the court on the matter. CSSD also requires staff to notify any victims of court-ordered conditions that directly affect the victim and of all scheduled court appearances with respect to the case. • As directed by the Act, Judicial has developed and maintains a database concerning people admitted into the SDP that state and local police can gain access to when responding to incidents. The information includes the defendant's name and other identifiers as well as whether a deadly weapon or dangerous instrument was involved. The information is maintained in the database for 5 years beginning at the person's entry into the program. • As required by the Act, CSSD has developed policy requiring all police reports related to the SDP to be maintained in the event that the court wants to review such report. • Hiring of 8 Probation Officers completed in October 2008.
42(c) (1/25/08)	<p>\$530,875 to Judicial for FY08</p> <ul style="list-style-type: none"> • PS = \$27,500 • OE = \$1,375 • Equip = \$7,000 • OCE = \$495,000 	<ul style="list-style-type: none"> • \$245,000 of OCE was expended for residential beds (see Section 18 above). • \$250,000 of OCE was unexpended in FY 08, carried forward to FY09 as authorized by this Section and reduced to \$0 as part of the July 09 Judicial Branch allotment reduction (see Section 20 above).

Section # (Effective Date)	Description	Status 1/10
43(3) (1/25/08)	\$7,094,076 to Judicial for FY09 <ul style="list-style-type: none"> • \$403,538 = PS • \$770,178 = OE • \$28,000 = Equip • \$4,892,360 = AIP • \$1,000,000 = Re entry 	<ul style="list-style-type: none"> • Included funding for 8 Adult Probation Officers. The process for hiring the 8 Adult Probation Officers has been completed. (see Section 41). • \$3,275,000 was allocated to annualize the 39 beds contracted in FY08 and to obtain 96 additional beds in FY09 (see Section 18 above). This was reduced to \$1,719,793 as part of the budget rescissions. • \$1,000,000 was allocated to obtain 12 residential sex offender beds (see Section 20 above) but was reduced to \$500,000 for FY09 as part of the Judicial Branch's budget rescission – Dec. 17, 2008. • \$612,360 was allocated for the purchase of mental health services in FY09 for referrals under the Supervised Diversionary Program (see Section 41 above). • \$1,000,000 was allocated for the purchase of reentry and diversionary services in the Hartford and New Haven areas, but was reduced to \$0 as part of a budget balancing process necessitated by a lack of a mid-term budget. Funds were used to support Adult Behavioral Health Services for same population.

January 2010 Update
On Judicial Branch Implementation of
P.A. 08-51, AAC Persistent Dangerous Felony Offenders and Providing
Additional Resources to the Criminal Justice System

Section # (Effective Date)	Description	Status 1/13/10
1 (upon passage)	Amends the persistent dangerous felony offender statute to provide for longer sentences	IMPLEMENTED
2 (from passage)	Required prosecutors to make certain statements on the record in persistent dangerous felony offender cases. Prohibited the court from accepting a plea of guilty, not guilty or nolo contendere from any person unless the prosecutor complied with requirements of this Section.	IMPLEMENTED
(July 1, 2008)	Provided funding for additional court staff, prosecutors and public defenders, as well as enhancement of probation supervision.	See details below

Description

This Section of the Act provided the Judicial Branch with personnel and funds to increase access to and production of transcripts; to increase supervision services for sex offenders through caseload size reduction and day reporting services for homeless sex offenders; increased use of polygraph examinations and increased use of GPS units; to increase the capacity to serve warrants for violation of probation and to create new programs to reduce juvenile truancy and to provide pilot intervention projects to juveniles at risk of becoming delinquents.

Of the 70 positions and \$5,232,000 appropriated to the Judicial Branch, 50 positions and \$4,040,000 were assigned to CSSD and 20 positions and \$1,192,000 to Court Operations for court staff, for FY 09, as follows:

	# of positions
- Sex Offender Supervision	27
- Warrant Service	9
- Provide monitoring of homeless sex offenders	0
- Mandated pre-sentence investigation for sex offenders	8
- Expedited evaluation/assessment and pre-release services for sex offenders	6
- Truancy Prevention Program	0
- Juvenile Justice Urban Cities Pilot	0
- Criminal Data Entry	15
- Production of Transcripts	5
- Temporary Assistant Clerks	0
TOTALS	70

BACKGROUND AND STATUS BY PROGRAM

PROGRAM	BACKGROUND	STATUS
Sex Offender Supervision	<ul style="list-style-type: none"> Contract executed in November, 2008 for polygraph service expansion (\$280,000 FY09). There was a staggered implementation between January and November 2009 during which 4 new examiners were hired and trained. The new examiners completed over 600 examinations during this time period. Policy and criteria were developed to enhance supervision of offenders with GPS beginning in April 2009 (\$26,500, FY09). A new centralized Electronic Monitoring Center opened in August, 2009 to improve the contractor's 24 hour/7 days per week response to detected violations capability. Hiring of 27 probation officers deferred from 4/1/09 to 7/1/09 due to budget shortfall. 2100 sex offenders under supervision – December 2009 (up 37% from December 2005); average officer caseload at 45. Governor's proposed FY10 budget eliminates 27 sex offender officer positions authorized under this Act. Final FY10 State budget restores 27 probation positions. 	<ul style="list-style-type: none"> Hiring of 9 probation officers deferred from 1/09 to 7/1/09 due to budget constraints. Governor's recommended budget removes nine (9) positions. Final State budget included Governor's recommendation
Warrant Service	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> December 2009, CSSD assigns five (5) supervising probation officers to warrant service. Warrant officer caseloads reduced by January 2010 to 277 per officer, down from 400.
Monitoring of Homeless Sex Offenders	<ul style="list-style-type: none"> Contract for New Haven resource coordinators and clinician executed in Nov., 2008 (\$205,936). Day reporting center opened in December, 2008. Since opening, forty-five (45) have enrolled in the program. Location for Hartford site not identified in FY09. The FY09 budget for this project was \$563,000, less the \$205,936 for New Haven which left a balance of \$357,064. This balance was expended on Adult Behavioral Health Services for sex offenders and other adult offenders. State FY10 budget annualized day reporting center programs to \$750,667 (\$308,904 for New Haven site, \$441,763 for Hartford). 	<ul style="list-style-type: none"> Currently 20 sex offenders are living in New Haven shelters – 13 of them are enrolled in the New Haven day reporting center. Hartford location identified, lease under negotiation. Targeted opening for Spring 2010.

Mandated Pre-Sentence Investigations for Sex Offenders	<ul style="list-style-type: none"> • Anticipated language in PA 08-51 mandating PSIs for all offenders convicted of a sex offense not included in final bill. • Hiring of 6 probation officers and 2 clerical staff deferred from January to July, 2009. • Governor's recommended FY10 budget removes 8 positions from Judicial Branch. State FY10 budget included Governor's recommendation. 	<ul style="list-style-type: none"> • Since September 2007, CSSD has experienced an increase of 900 PSIs ordered per year (12 months ending 9/07=2,033 – 12 months ending 9/09=2,927). • December 2009, CSSD assigns six (6) supervising probation officers to PSI reports
Expedited Evaluation / Assessment and Pre-Release Services for Sex Offenders	<ul style="list-style-type: none"> • Contract for sex offender therapists to conduct pre-release evaluations executed in November, 2008 (\$216,480 FY09). • Contract funded for \$288,000 in FY10 based on State FY10 budget. • Five probation re-entry officers hired in October, 2008. Training of new officers completed in Spring 2009. Policies and procedures implemented to ensure all sex offenders are either seen by a probation officer and/or evaluated by the treatment provider prior to their release from incarceration. • One clerical position deferred from October, 2008 to July, 2009 due to budget constraints. • Clerical position eliminated in Governor's recommended FY10 budget for Judicial Branch. Final State budget included Governor's recommendation. 	IMPLEMENTED
Truancy Prevention Program	<ul style="list-style-type: none"> • \$428,000 appropriation reduced to \$0 under Judicial Branch rescissions budget, and OFA instructions. • Governor's recommended FY10 budget rolls out FY09 rescission of \$404,415, leaving \$166,251 for truancy prevention. State FY10 budget includes Governor's recommendation. 	<ul style="list-style-type: none"> • Program not opened in FY09 or FY10. • \$166,251 in FY10 used in CSSD YES Program contracts that address truancy.
Juvenile Justice Urban Cities Pilot	<ul style="list-style-type: none"> • \$573,000 appropriation reduced to \$341,502 under Judicial Branch rescission budget. • Evaluation contract executed in January, 2009 (\$20,000 FY09). • Bridgeport (\$66,500 FY09 estimated) and New Haven (\$100,000 FY09 estimated) contract will be executed in January, 2009. Hartford contract under negotiation. • Governor's recommended budget rolls out FY09 rescission and eliminates annualized amount for program. • Contract offers with cities withheld in FY09 pending FY10 budget resolution. • Evaluation contract suspended in FY09 pending FY10 budget resolution. • State FY10 budget included Governor's 	<ul style="list-style-type: none"> • Program eliminated for FY10 due to lack of appropriation.

	recommendation.	
Criminal Data Entry	<ul style="list-style-type: none"> • Funding provided for 15 clerks beginning January, 2009 to reduce time from court action to entry into computer system. • Positions not filled due to Judicial Branch budget rescissions and Governor's recommended FY10 budget that removed positions. State FY10 budget included Governor's recommendation. 	<ul style="list-style-type: none"> • Judicial Branch courts continue to have delays in entering data.
Production of Transcripts	<ul style="list-style-type: none"> • Funding provided for five (5) court recording monitors beginning April, 2009 to address need for transcript production for Board of Pardons and Parole. • Positions not filled due to Judicial Branch budget recessions and Governor's recommended FY10 budget that removed positions. State FY10 budget included Governor's recommendation. 	<ul style="list-style-type: none"> • Judicial Branch addressed transcript backlog through existing resources.
Temporary Assistant Clerks (TAC)	<ul style="list-style-type: none"> • Increase in hours for part-time court recording monitors effected 10/08. • Hiring of 20 court staff deferred from 4/1/09 to 7/1/09 due to budget constraints. • Increase in hourly rate of TACs deferred from 4/1/09 to 10/22/09. • Governor's recommended budget eliminates 20 court staff positions. State FY10 budget includes Governor's recommendation. 	<ul style="list-style-type: none"> • Increased hours for monitors and increased TAC hourly rate - ongoing.