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INTRODUCTION

One of the most horrific crimes in Connecticut history occurred in Cheshire in July, 2007. In the wake of that tragic and deadly home invasion which resulted in the deaths of Jennifer Hawke-Petit, Hayley Petit and Michaela Petit, Governor M. Jodi Rell announced the formation and membership of the Governor's Sentencing and Parole Review Task Force¹.

The Task Force, jointly chaired by Judge Thomas West, Lisa Holden and Attorney Mary Galvin, was charged with conducting a top-to-bottom review of the procedures and processes involved in arresting, charging, sentencing and releasing those convicted of crimes in Connecticut. The Governor requested that the Task Force identify entities and processes that needed to be changed and make recommendations to her to effect such change. She stressed that ensuring the safety of its citizens is state government's most important responsibility.

PROCESS

The Task Force took its charge to heart and systematically examined each component of the criminal justice system in Connecticut. It is important to note that although the creation of the Task Force was prompted by the Cheshire incident, the Task Force's review was not limited to processes related to that incident, but encompassed all aspects of the criminal justice system.

Members heard detailed presentations on the following: risk assessment tools; the arrest process; prosecutors' charging function; sentencing; re-entry, furloughs and transitional supervision; criminal behaviour and mental illness; actuarial instruments in risk assessments; criminal justice information technology systems; and, offender management plans².

In addition, the Task Force held a public hearing on November 26, 2007 at which we received testimony from victims, ex-offenders, parole officers, correction officers, and many concerned citizens, as well as the Governor. At the public hearing, the Governor urged the Task Force to make recommendations that would enhance public safety, respect victims' rights, treat offenders fairly and even-handedly and prepare them for re-entry to family and community life.

After the presentations were completed, the Task Force split into the following six subcommittees in order to draft final recommendations to present to the Governor: Board of Pardons and Paroles, Sentencing Statutes, Re-Entry, Victims, Information Technology and Special Populations.

¹ For a full list of Task Force Members, see Appendix A.

² For a full list of presentations and the names of presenters, see Appendix B.

Each subcommittee drafted recommendations that were presented to the Full Task Force. The recommendations adopted by the Task Force follow this introduction.

Board of Pardons and Paroles Subcommittee

This subcommittee considered changes to the structure, composition and procedures of the Board of Pardons and Paroles.

Information Technology Subcommittee

The subcommittee analyzed how the state can best plan for and implement a comprehensive integrated criminal justice information system that will allow agencies to collect, process and share information in an accurate and timely manner. They also examined the best way to address the ongoing needs of the legacy systems maintained by each agency so as to ensure that those systems are meeting the operational needs of the agency and are developed in a manner that provides for the sharing of information among agencies.

The subcommittee felt strongly that all current and future criminal justice information technology initiatives should be adequately funded and staffed. Projects should be developed and maintained in a manner that provides for blended staffing utilizing both consultants and state employees.

Victims Subcommittee

The subcommittee explored the possibility of developing a holistic, comprehensive, coordinated community-wide system to respond to and address the needs of all members of a community who have been impacted by crime and to help restore the community's sense of health and well-being after a tragedy. They also examined adopting a fully-automated victim information and notification system.

Re-entry and Community Supervision Subcommittee

The subcommittee devised a comprehensive six-point reentry strategy that emphasizes appropriate assessment of offender risk and needs, offender accountability, program interventions, recidivism reduction, and most importantly - public safety. The subcommittee noted that research has established that targeted institutional programs and services can impact successful community reintegration and reduce recidivism. Research also supports that when community supervision combines manageable caseloads with evidenced-based treatment services, there are better case outcomes with greater reductions in recidivism and victimization. In addition, to maintain system integrity for those offenders who do recidivate and/or violate their community supervision conditions, the subcommittee concluded that probation and parole officers must have the ability to promptly locate and apprehend those offenders.

Special Populations Subcommittee

The subcommittee identified three groups of “special populations” on whom attention should be focused in the interest of reducing victimization and enhancing public safety, and for whom special program expansions and initiatives should be undertaken in order to increase public confidence in the workings of the criminal justice system. These three groups are: Sex Offenders, particularly the most dangerous predatory individuals; Convicted persons at the End of Sentence (EOS), discharging from the Department of Correction (DOC) without any form of supervision; and Probationers/Parolees/Diverted individuals with needs for special services to ensure community safety.

The subcommittee noted that collaborations among DOC, the Court Support Services Division of the Judicial Department (CSSD) and the Department of Mental Health and Addiction Services (DMHAS) have been very effective in providing services to offenders to improve management in the community and reduce risk to the public. Continuing to reduce the risk to the community for these three groups of offenders will require increased capacity for effective services.

Sentencing Statutes Subcommittee

The Sentencing Statutes subcommittee considered changes to the penal code and criminal procedure that would enhance public safety by providing harsher penalties for those convicted of serious crimes and repeat offenders, as well as initiatives to create a diversionary program for people with psychiatric disabilities.

RECOMMENDATIONS

The Task Force adopted, by voice vote, each of the following recommendations.

1. Board of Pardons and Paroles

A. Access to Records: The Board of Pardons and Paroles (BPP) and DOC should have access to juvenile, youthful offender, education, and DCF records with the appropriate privacy safeguards. Such records shall not be subject to disclosure pursuant to the Freedom of Information Act³.

B. Strengthening the Board:

- i. The Board should have four full-time members in addition to the Chairman, and be supplemented by Judge Trial-Referees or part-time members. All members should be qualified by both education and experience in criminal justice, corrections, community

³ See also Recommendations 3C and 6D.

supervision, reentry, or related fields and have a minimum of a bachelor's degree.

- ii. The Board should create a joint working group with representatives from BPP, DOC, CSSD, the Police Officer Standard and Training Council (POST), the Division of Criminal Justice, Connecticut Police Chief's Association, the Office of Victim Services and the Chief Public Defender to develop a training schedule and program for both members of the board and parole officers. The plan should include cross training for all criminal justice divisions.
- iii. BPP's funding should be expanded to allow for the employment of a new staff psychologist or as an alternative, a contract for outside psychological consulting services to assist in the decision making process. The staff psychologist or provider of outside services shall act in consultation with forensic mental health staff affiliated with the Department of Mental Health and Addiction Services. Funding should also include a research position at the Board to be part of a coordinated, comprehensive research plan for criminal justice agencies, coordinated by the Criminal Justice Policy and Planning Division of OPM.
- iv. The Board should have adequate staffing to properly prepare hearings with the expanded access to sentencing transcripts, pre-sentence investigation reports and police reports. The Board needs to expand its staffing within its Orientation Unit to adequately prepare offender accountability plans.

C. Risk Assessment Instruments: BPP, DOC, and CSSD should proceed with plans to share the use of the "Level of Service Inventory – Revised" (LSI-R) as a risk and needs instrument, and should jointly engage in research on the effectiveness of risk instruments with the assistance of appropriate higher educational institutions.

D. Violent Offenders:

- i. BPP should resume parole consideration for violent offenders. The board shall only consider an application for parole when the board members have received all available information on the applicant, including the police report, pre-sentence investigation report, and sentencing transcript.

- ii. Residential burglaries of occupied dwellings shall be treated as violent offenses for the purposes of all parole hearings⁴.

E. Notice to Police Departments and Victims:

- i. BPP, in addition to notifying the State's Attorneys of parole hearings, will also notify police departments of parole hearings in a manner acceptable to the Connecticut Chiefs of Police Association, the Department of Public Safety and the Division of Criminal Justice.
- ii. BPP shall have the right to access victim contact information from the DOC and the Office of Victim Services and staff from all three agencies shall share information and coordinate activities.

The Task Force vote on these recommendations regarding the Board of Pardons and Paroles was as follows: 18 yea, 0 nay, 2 abstentions⁵.

2. Comprehensive Criminal Justice Information System

The State should plan and implement a comprehensive integrated criminal justice information system that will allow all criminal justice agencies and the Judicial Department to collect, process and share information in an accurate and timely manner. The state should also continue to address the needs of the legacy systems maintained by each agency and the Judicial Department to ensure that those systems are meeting the operational needs of the agency or department and are developed in a manner that provides for the sharing of information among agencies.

A. System Oversight: There is a need for a fulltime Criminal Justice Information System (CJIS) Governing Board executive director who would be responsible for the day to day management and coordination of the various criminal justice information projects of the agencies. That individual would be responsible for periodic reports and presentations to the Governor and the General Assembly and developing policy for the CJIS Governing Board. That individual would also be responsible for the planning functions of the CJIS Governing Board including the development of a blue print for a truly comprehensive integrated criminal justice system. That individual may need additional fulltime or durational staff.

B. Development of Comprehensive Long-term Plan: CJIS Governing Board should contract with an outside consultant with experience in developing statewide criminal justice information systems. Sufficient resources should be

⁴ This recommendation was suggested by both the subcommittee on the Board of Pardons and Paroles and the subcommittee on Sentencing Statutes. See Recommendation 6C.

⁵ Upon advice of Chief Justice Rogers, Judge West and Judge Carroll abstained from voting on these recommendations to eliminate any possible basis for recusal in any future criminal proceeding.

provided to issue an RFP to obtain such consultant. The consultant should evaluate the current state of the state's criminal justice systems, the business needs of the various criminal justice agencies and the Judicial Department and develop a long term information technology blue print for the criminal justice community. The consultant should focus on the completion of the Offender Based Tracking System (OBTS) and plan for a statewide online booking system. Any plan should consider all current systems under development, balance the needs of the "front-end" of the criminal justice system with those of the "back-end" of the system and also improve the coordination, communication and data sharing with criminal justice community providers to better facilitate community treatment and services. The consultant's duties should be completed within one year and findings presented to the Governor and the CJIS Governing Board at the end of the one-year period. The CJIS Governing Board's executive director should provide oversight to the consultant.

C. Short-term Goals in Support of Long-Term Objectives:

- i. All criminal justice agencies and the Judicial Branch should be prepared to accept electronic signatures and develop an electronic certification policy.
- ii. The Division of Criminal Justice should complete its information technology business analysis plan and begin to implement a case management/records management system that includes a database of police incident reports that is accessible to other criminal justice agencies, subject to appropriate confidentiality and security restrictions.
- iii. The Department of Public Safety should complete its planning process and begin to upgrade the Connecticut On-Line Law Enforcement Communications Teleprocessing (COLLECT) system.
- iv. The Department of Public Safety should complete its planning process and begin to upgrade the Sex Offender Registry in a manner consistent with all federal requirements.
- v. The Judicial Department should complete the Case Management Information Systems (CMIS) rewrite and work with the Department of Correction and the Board of Pardons and Paroles to ensure that all information regarding offenders being supervised in the community is accessible to all agencies and providers, including non-profit and private organizations, involved in community supervision and treatment.

- vi. The Judicial Department should begin planning for the upgrade of the Criminal/Motor Vehicles Information System (CRMVS).

D. Funding and Staffing: All current and future criminal justice information technology initiatives should be adequately funded and staffed. Projects should be developed and maintained in a manner that provides for blended staffing utilizing both consultants and state employees.

The Task Force vote on these recommendations regarding a comprehensive criminal justice information system was as follows: 20 yea, 0 nay, 0 abstentions.

3. Victims

A. Public Safety: Connecticut should develop a comprehensive, holistic Coordinated Community Response to proactively respond to, and address the needs of, those who have been impacted by crime, including children, adults, victims' families, neighborhoods and entire communities. The continuum of services should be directed at resuming the community's health and well being. Counseling services must be accessible to all who need them⁶.

B. VINE Information and Notification Service: Connecticut should consider adopting the Victim Information and Notification Everyday service, a national data network that provides victim notification on offender status. This fully automated, information and notification service provides that registered users will be immediately notified upon a change in an offender's status. VINE can relay important custody or arrest information in a matter of minutes, anywhere in the US, via telephone. Users can access information about an offender's custody status in "real time", 24 hours a day⁷.

⁶ One model that seems to be successful is that of schools. Schools appear to have a systematic response to tragedies that occur to individual students through the availability of on-site counselors who specialize in trauma, loss and bereavement. A similar model should be piloted for entire communities.

⁷ A centralized, national Call Center located in Louisville, KY, constantly monitors inmate activity through an interface with the on-site booking system or other existing record-keeping system. Updated inmate records are automatically sent to the Call Center every 15 minutes. State inmate's records are sent every 24 hours.

Callers dial a toll-free VINE number (1-877-MN4-VINE) to check the custody status of an offender and to register with VINE to receive automatic telephone notification upon a change in the custody status of the offender. When a change in inmate status is received, including transfer, release, escape or death of an inmate, VINE automatically calls all registered persons. Calls continue for 48 hours or until a successful notification is verified with the registered person's Personal Identification Number (PIN).

Standard information available through the VINE service includes inmate custody status and location, criminal charge information, sentence expiration date and referral information for law enforcement and victim service provider organizations.

C. Protection of Victim Information: The Office of Victim Services, the Department of Correction and the Board of Pardons and Paroles should share information about victims to avoid duplication, as well as to support the timely sharing of Judicial Department records and information for correction management and community release decision making, however care must be taken to ensure that victim identification and confidential information, other than contact information, is not transferred between state agencies. Release of certain victim information can pose a significant safety risk for all victims and ultimately result in victims being re-victimized by the very system that is empowered to be of assistance to them⁸.

D. Access to crime victim services: Victims of home invasions and other previously identified “non-intrusive or non-violent” crimes should be eligible to receive services available to victims who have sustained a physical injury. Victims should have access to community-based services which in turn need to have funding to support their capacity to respond⁹.

The Task Force vote on these recommendations regarding victims was as follows: 20 yea, 0 nay, 0 abstentions.

4. Re-entry

The State of Connecticut should implement a comprehensive six-point re-entry strategy that emphasizes appropriate assessment of offender risk and needs, offender accountability, program interventions, recidivism reduction, and most importantly - public safety. Toward this end, the State should undertake a comprehensive approach to achieve the desired outcomes of this reentry initiative by establishing effective institutional-based programs, manageable caseloads for probation and parole officers, access to increased community-based treatment programs and services, swift and certain response to offender violations, expanded reentry supervision, and an enhanced research and evaluation capacity.

A. Expand Institution-based Interventions and Programs: Increase institutional-based counseling and program staff¹⁰ to provide expanded needs assessment (i.e.,

VINE is available in English or Spanish. Assistance in other languages is available through the AT&T translation service.

⁸ See also Recommendations 1A and 6D.

⁹ The Task Force recommends a change to the definition of “victim” in section 1-1k of the general statutes to ensure that all victims have access to services.

¹⁰ Programs that have been identified as supporting successful community reintegration currently have long waiting lists, and many offenders discharge without access to or benefit of these interventions. Additional

mental health) and discharge planning, second shift programs, and implementation of offender accountability plans for inmates¹¹. Discharge planning, which includes transitional case management, job readiness development, continuance of substance abuse treatment, housing, medical and mental health transition, identification, general assistance/entitlements, and other support services, is vital for offenders transitioning from incarceration dependency to community self-sufficiency. Full implementation of the offender accountability plan for each inmate will reinforce offender responsibility for self-improvement and change, as well as establish behavioral and performance expectations and accountability. This will result in an increase in the number of inmates attending and completing programs while incarcerated; better continuity of care from institutional to community-based interventions; increased quality of life for inmates discharging from institutions; and lower rates of post-release violation and recidivism

B. Manageable Caseloads for Probation and Parole Officers: Ensure probation and parole officers have manageable caseloads to allow for closer and more intensive community supervision in order to hold offenders accountable to their conditions of community supervision¹². In addition to closer and more intensive community supervision, manageable caseloads will achieve the following: a more effective use of Global Positioning Satellite (GPS) and radio frequency technology to monitor offenders' movement within the community; increased ability for probation and parole officers to engage, reinforce expectations and motivate offenders toward pro-social behavior change resulting in an increased likelihood that the offender will successfully complete a treatment program; and, increased supervision for special need populations to include mental health, sex offenders, female offenders, serious violent offenders, split-sentence cases and offenders at risk of technical violation. In turn, this will result in enhanced public safety resulting from fewer probationers and parolees re-offending; more probationers and parolees completing their terms of conditional supervision satisfactorily; a reduction in the number of probationers and parolees in technical violation; and reduced re-incarceration rates for probationers and parolees.

C. Access to Community-based Treatment Programs and Services: Additional resources are required to address treatment program waitlists, geographical area treatment gaps, sex offender services and treatment for special populations such as Jail Diversion Program referrals. This will result in improved quality of life, which helps individuals move from incarceration dependency toward community self-sufficiency; reduction in the number of offenders incarcerated because of

program staff, especially for second shift, can mitigate the lack of availability for programs and provide vital discharge planning.

¹¹ Research has established that targeted institutional programs and services can impact successful community reintegration and reduce recidivism.

¹² Research also establishes that when community supervision combines manageable caseloads with evidenced-based treatment services, there are better case outcomes with greater reductions in recidivism and victimization.

technical violations; reduction in number of defendants detained while in pretrial status, thus reducing jail overcrowding; reduction in the number of violations for offenders with psychiatric disabilities; reduction in long-term recidivism rates; timely access to services resulting in reduced waiting lists for offender and defendant programming; and enhanced supervision and programming options for domestic violence offenders and sex offenders.

The following critical areas need to be addressed:

- i. Establish Community Re-entry Centers (multi-service centers) or expand the services at the present nineteen (19) Alternative Incarceration Centers to provide a linkage to comprehensive life skills services in the following areas for probationers and parolees: Education and Training Assistance; Employment Preparation and Job Bank; Housing (i.e., transitional supportive, sober); Transportation; Identification (i.e., driver's license, birth certificate, social security card, state I.D.); Transitional Health Care; and Family Support Services.
- ii. Expand evidence-based treatment capacity within the communities in critical need areas to include: mental health; substance abuse; domestic violence; co-occurring disorders; criminal thinking; sex offenders; recovery support services.
- iii. Provide major urban area courts additional public defender social work positions to increase their capacity to assess and refer defendants for appropriate service and treatment options.
- iv. Create a diversionary program for defendants with psychiatric disabilities charged with less serious crimes.
- v. Increase incentives for local communities to eliminate barriers for siting offender community-based programs; and review the potential for siting programs on existing state-owned properties.

D. Swift and Certain Response to Offender Violations: Enhance the capacity for probation and parole officers to identify, locate and apprehend high-risk and violent offenders who are in violation of their conditions of community supervision. The following critical areas need to be addressed: ability to target, apprehend and serve more violation-of-probation warrants and parole fugitive warrants for high-risk / violent offenders; increase probation and parole system integrity by holding offenders accountable to their conditions of community supervision and targeting offenders in violation status; and ability for probation and parole officers to partner with other law enforcement agencies. This will increase public safety; increase the number of warrants served on individuals who are on probation or parole for a violent assault, sexual assault, or weapons

convictions; enhance parole system integrity by targeting, apprehending and remanding to custody those who fail to abide by conditions of supervision and constitute a risk to public safety; increase probation system integrity by targeting, apprehending and serving more violation of probation warrants for high-risk offenders; and increase capacity to partner with other law enforcement agencies.

E. Expanded Re-entry Supervision: Expand the Department of Correction (DOC) reentry furlough consideration for up to sixty (60) days prior to discharge. In split-sentence cases, DOC field services will coordinate with probation. Ensure that all offenders placed under community supervision undergo a risk and needs assessment to determine supervision classification and treatment needs. This expansion will result in improved coordination and provision of services between institutions and community supervision; increased public safety; reduction in prison overcrowding by decreasing the number of sentenced inmates; and reduction in recidivism.

F. Research and Evaluation:

- i. Establish a comprehensive evaluation model in order to measure the following: completion of Probation and/or Parole Supervision; rate of Probation and/or Parole Violation; rate of recidivism; effectiveness of a program(s) in reducing relapse, revocation or recidivism; effect on prison and jail overcrowding; and cost-effectiveness.
- ii. Establish a research and evaluation capacity within the DOC and the Board of Parole to implement a comprehensive program and service evaluation model.
- iii. The Office of Policy and Management (OPM) should coordinate a standing committee comprised of representatives from state agencies and the Judicial Branch which provide services to criminal defendants and/or convicted offenders to collaborate and review program information, research and effectiveness, and to recommend program and service policy changes when appropriate.

The Task Force vote on these recommendations regarding Re-entry was as follows: 18 yea, 0 nay, 2 abstentions¹³.

5. Special Populations

¹³ Upon advice of Chief Justice Rogers, Judge West and Judge Carroll abstained from voting on these recommendations to eliminate any possible basis for recusal in any future criminal proceeding.

There are three groups of “special populations” on whom attention should be focused in the interest of reducing victimization and enhancing public safety, and for whom special program expansions and initiatives should be undertaken in order to increase public confidence in the workings of the criminal justice system. These three groups are: Sex Offenders, particularly the most dangerous predatory individuals; Convicted persons at the End of Sentence (EOS) discharging from the Department of Correction (DOC) without any form of supervision¹⁴; and Probationers, Parolees and Diverted Individuals with needs for special services to ensure community safety, including individuals who present special management challenges to the criminal justice system, individuals who are at increased risk of committing serious offenses, and other individuals who are diverted from or released from incarceration.

A. Sex Offenders: Establish a system of monitored residential programs for sex offenders leaving the DOC or on probation, expand evaluations of mental health and substance abuse needs of these offenders by DMHAS staff, and establish a foundation for increased expertise in Connecticut in the assessment and management of sex offenders at all stages of the criminal justice system. Increased resources would be needed to implement this recommendation. Improved public safety and offender readjustment into the community would be achieved by providing housing for sex offenders in monitored residential programs designed to decrease risk; enhancing management plans for sex offenders through more extensive treatment of collateral substance abuse and mental health problems; and increasing availability of enhanced treatment capacity and expertise for convicted sex offenders while in prison, as well as in post-discharge follow-up and ultimately in services geared toward the prevention of victimization in the first place.

B. EOS Population: Expand DMHAS services to End of Sentence individuals (EOS). DMHAS currently collaborates with CSSD and DOC to provide continuity of care for EOS individuals. Highly effective reentry pilot programs funded by DMHAS, such as CT Offender Reentry Program and Transitional Case Management have produced a significant reduction in rearrest and reincarceration and demonstrate the contribution of community services to improve public safety. The federally funded Access to Recovery program has increased access to substance abuse services and recovery supports for EOS inmates. The DMHAS-DOC Interagency program begins discharge planning 6 months before release for inmates with serious psychiatric disorders – many of whom are EOS. These services need to be expanded to meet the needs of all offenders who present a risk to the community. Increased investment in these services will result in more offenders in living situations that support successful reintegration; improved integration in the community for offenders; less frequent and less serious criminal behavior by offenders who are not supervised by DOC or CSSD; and, fewer offenders requiring incarceration.

¹⁴ These individuals are not eligible for DOC or the Judicial Branch Community Support Services Division’s (CSSD) community programs and are often not receiving the community services that are necessary to improve public safety, reduce violence, and reduce re-arrest and re-incarceration.

C. Probationers, Parolees, and Diverted Individuals: Expand DMHAS support to DOC and CSSD to provide specialized services for 1) individuals who present special management challenges to the criminal justice system, 2) individuals who are at increased risk of committing serious offenses, and 3) other individuals who are diverted from or released from incarceration. Expanding the availability of these services would result in improved collaborative management of offenders who present management challenges; increased public safety and reduced victimization by high risk offenders; increased diversion/release of low risk offenders; reduced cost from decreased incarceration of low risk offenders with serious mental illness; reduced recidivism for low level crimes for low risk offenders; and, increased DOC bed space for high risk offenders.

The Task Force vote on these recommendations regarding Special Populations was as follows: 20 yea, 0 nay, 0 abstentions.

6. Sentencing Statutes

A. Home Invasion: Create a separate crime of Home Invasion which would apply to a burglary of an occupied dwelling during the course of which a participant in the burglary commits or attempts to commit a felony against the person of a non participant in the burglary who is present in the dwelling, or when a participant in the burglary is armed with explosives, a dangerous instrument or a deadly weapon. Home Invasion would be a Class A felony. For purposes of the crime of Home Invasion, the mere violation of a protective order without more would not in and of itself be a felony against the person.

B. Persistent Offender Statutes: The present persistent offender statute should be made more functional and amended, as suggested by the Connecticut Supreme Court in State v. Bell, 283 CONN. 748 (2007), by removing the statutory predicate requiring the court be of the opinion that the public interest would be best served by extended incarceration.

C. Residential Burglaries: All burglaries of occupied dwellings should be considered to be violent crimes for sentencing and parole purposes¹⁵.

D. Access to Records: Sections 46b-124 and 54-76l of the General Statutes which deal with the confidentiality of juvenile and youthful offender records should be amended to permit the sharing of all information concerning juveniles and youthful offenders to the full extent permitted by federal law with the Department of Correction and the Board of Pardons & Parole¹⁶. (Note: This may require the amending of the FOI statutes to assure that records which are important to offender planning and supervision are not public records.)

¹⁵ This recommendation was suggested by both the subcommittee on the Board of Pardons and Paroles and the subcommittee on Sentencing Statutes. See Recommendation 1Dii.

¹⁶ See also Recommendations 1A and 3C.

E. Diversionsary Program for People with Psychiatric Disabilities: Create a diversionary program similar to accelerated rehabilitation for people with psychiatric disabilities, other than substance abuse, who are charged with crimes which are not of a serious nature¹⁷. The statute should permit a court to grant the diversionary program after an assessment of the mental health status of the accused, if the accused is amenable to treatment and appropriate services and treatment are available. The program may not be used more than twice. The record of pending and dismissed charges must be readily available to police officers for five years after dismissal of any charges so that police officers will be aware of such charges when responding to calls. The Judicial Department Court Support Services Division will retain the police reports and supervision records relating to all pending and dismissed charges and such information will be provided to the court, state's attorney and defense counsel if a court is considering granting the diversionary program a second time¹⁸.

F. Periods of Probation: Reduce the present statutory maximum periods of probation, provided that the court, if it chooses to do so in a particular case, may impose the present maximum period of probation, and that probation officers will file progress reports with the court and may recommend that probation be terminated¹⁹.

The Task Force vote on these recommendations regarding Sentencing Statutes was as follows: a) with respect to Recommendations A, B, C and D: 18 yea, 0 nay, 2 abstentions²⁰; and b) with respect to Recommendations E and F: 20 yea, 0 nay, 0 abstentions.

CONCLUSION

The Task Force members appreciate having been afforded the opportunity to examine the processes and procedures of the state's criminal justice system in an open and collegial environment, and to contribute to the reform of the system.

The Task Force, in developing its recommendations, tried to address the needs of all who are involved with the criminal justice system, including victims, offenders, law enforcement, community providers and the public.

While some of our recommendations directly address the issues raised by the Cheshire tragedy, we believe that the breadth of our recommendations regarding Re-entry and

¹⁷ For purposes of the diversionary program, "crimes which are not of a serious nature" shall have the same meaning that it has for purposes of section 54-56e of the general statutes.

¹⁸ See attached proposal in Appendix C.

¹⁹ See attached proposal in Appendix D.

²⁰ Upon advice of Chief Justice Rogers, Judge West and Judge Carroll abstained from voting on these recommendations to eliminate any possible basis for recusal in any future criminal proceeding.

Special Populations speaks to the broader need for the state to focus its efforts on preparing offenders to reintegrate into the community upon release. Increased programs, both institution-based and community-based, are vital to the success of these efforts.

We also believe that the voices of victims and families have been unheard for too long. Our recommendations concerning victims are designed to increase the safety of victims and allow them greater input into the system.

Finally, we wish to thank all of the individuals who made presentations to the Task Force for contributing to our knowledge and understanding of the state's criminal justice system and, ultimately, for helping us to develop a comprehensive set of recommendations that we believe will enhance public safety, increase public confidence in our criminal justice system and have a positive long-term impact upon our communities.

Appendix A

Task Force Members:

- Ana Alfaro of Windsor, Public Affairs Specialist for Connecticut Light and Power Company
- Brian Austin of Granby, Undersecretary of Criminal Justice Policy and Planning, Connecticut Office of Policy and Management
- William Carbone of New Haven, Executive Director of the Court Support Services Division of the Judicial Department
- Judge Patrick Carroll of Seymour, Deputy Chief Court Administrator
- Linda Cimino of Glastonbury, Director of the Office of Victim Services within the Judicial Department
- Eric Crawford of Hartford, Intervention Specialist for the Capitol Region Education Council
- John Danaher of West Hartford, Commissioner of the Department of Public Safety
- Robert Farr of West Hartford, Chairman of the Board of Pardons and Paroles
- Thomas Flaherty of Milford, Executive Director of the Police Officer Standards and Training Council
- Mary Galvin of Columbia, South Carolina, retired State's Attorney and Dean of the National College of District Attorneys; co-chairperson
- Lisa Holden of West Hartford, Executive Director of the Connecticut Coalition Against Domestic Violence; co-chairperson
- Kevin Kane of Killingworth, Chief State's Attorney
- James Kenny of South Windsor, Chief of Police in Vernon, Connecticut
- Thomas Kirk of Cheshire, Commissioner of the Department of Mental Health and Addiction Services
- Theresa Lantz of Manchester, Commissioner of the Department of Correction
- Lisa MacDonald of Clinton, Attorney
- Mary Anne O'Neill of West Hartford, Attorney, Office of Governor M. Jodi Rell
- Maureen Price-Boreland of Durham, Executive Director of Community Partners in Action
- Susan Storey of Durham, Chief Public Defender
- Judge Thomas West of Danbury, retired Connecticut Appellate Court Judge; co-chairperson

APPENDIX B

<u>Date</u>	<u>Presentation Topic</u>	<u>Presenter(s)</u>
October 5, 2007	“Salient Factor Score” “Systemic Approach to Effective “Community Supervision”	Richard Sparaco, Board of Pardons & Paroles William Carbone, Thomas White, Thomas Hogan, Brian Hill all of Judicial Court Support Services Division
October 25, 2007	“An Overview of the Connecticut Sentencing Task Force” “Dept of Correction Offender Management Plan” “Current Correctional Population Indicators” “Administrative Directive Table of Contents” “Dept. of Correction 2006 Annual Report” “Dept. of Correction Fact Sheet about the Department” “DOC Discharge Resource Card” “DOC 2005-2008 Strategic Initiatives” “An Overview of the Comprehensive Plan for the Connecticut Criminal Justice System”	Chairman Robert Farr, Board of Pardons & Paroles and Andrew Clark, Central CT State University Theresa Lantz, Commissioner, Randy Brarer and Fred Levesque all of Dept. of Correction Brian Austin, Jr., Under- secretary, Office of Policy & Management, Criminal Justice Unit, Policy and Planning Division
	“Joshua Komisarjevsky Sentencing Transcript”	Michael Lawlor, State Representative, Judiciary Committee Co-Chair
	“Public Act 97-257 – An Act Concerning Crime Victims” “JD Movement of Criminal Docket and GA Locations” “Criminal Trials Held in the GA and JD Locations” “Daily Incarcerated Population”	

November 8, 2007	“The Arrest Process	John Danaher, Commissioner, Dept of Public Safety and Jim Kenny, Vernon Chief of Police
	“The Charging Function of the Prosecutor”	Dean Mary Galvin and Kevin T. Kane, Chief State’s Attorney
	“Sentencing and Plea Bargains	Judge Patrick Clifford
December 3, 2007	“Actuarial Instruments in Risk Assessment”	Yale University Law & Psychiatry Division Howard Zonana, M.D. Madelon Baranoski, Ph.D. Michael Norko, M.D. Alec Buchanan, Ph.D., M.D.
	“Planning for Re-entry”	Theresa Lantz, Commissioner, Joseph O’Keefe And Donna Cupka all of Dept. of Correction
	“Prison to Home”	Maureen Price-Boreland, Community Partners In Action
December 10, 2007	“Offender Re-entry: A Public Safety Strategy”	Thomas White, Judicial Court Support Svcs., Div.
	“Connecticut Integrated Criminal Justice Information System”	Suzanne Niedzielska, D.O.I.T.
	“Criminal Behavior and Mental Illness”	Thomas Kirk, Ph.D., Commissioner, Michael Norko, M.D., Loel Meckel, Patrick Fox and Paul Amble all of D.M.H.A.S.
	“Case Management Information System Family in Crisis”	Celia Siefert, Judicial Branch Suzanne Quinlan

Appendix C

SUPERVISED DIVERSIONARY PROGRAM

Purpose: To reduce the number of clients with psychiatric disabilities incarcerated or insufficiently served while aiding in recovery.

Proposal: To create a diversionary program for people with psychiatric disabilities other than solely substance abuse who have pending charges that are not of a serious nature. When appropriate, the court can grant the Supervised Diversionary Program in lieu of prosecution after an assessment of the client's mental health status is completed if the client is amenable to treatment and appropriate services and treatment are available. The period of probation cannot exceed two years.

"Psychiatric disability other than solely substance abuse" is defined as a mental or emotional condition that (1) has substantial adverse effects on the defendant's ability to function and (2) requires care and treatment.

The program model is designed to be a collaborative effort by the Department of Mental Health and Addiction Services (DMHAS) and the Court Support Services Division (CSSD) to provide community supervision, services and treatment for persons with psychiatric disabilities.

Impact: DOC data obtained on two separate dates identifies 758 unsentenced inmates classified as Mental Health 3's and 157 Mental Health 4's. In fiscal year 2004-2005, Jail Re-Interview Program (JRIP) staff screened 6,012 pretrial defendants with 64% of them being released to the community and in fiscal year 2006-2007, the number of pretrial defendants screened increased to 10,885 with 69% being released to the community. The success of the JRIP with clients with substance abuse needs suggests that a similar reduction in the number of unsentenced clients with psychiatric disabilities who are incarcerated could be achieved through the Supervised Diversionary Program.

Based on the number of clients incarcerated who have a psychiatric disorder and the limited resources available to this population, it is anticipated that the Supervised Diversionary Program has the potential for significant use throughout the state.

- The Judge, prosecutor, defense attorney or CSSD employee can refer the client to the Jail Diversion staff or CSSD's contracted provider to assess the client's mental health condition.
- At the Court's discretion, the Supervised Diversionary Program may be used by clients who have a criminal record as well as clients who have used other diversionary programs including one prior use of the Supervised Diversionary Program.
- The Supervised Diversionary program would be available to defendants a maximum of two times.
- The charges that are excluded from this program would be consistent with the charges that prohibit a defendant from using Accelerated Pretrial Rehabilitation.

- When there is an identified victim, the Office of Victim Services or other court personnel will send a court-approved letter to the victim(s) by registered or certified mail, notifying the victim that the defendant is seeking a diversionary program. The victim(s) will be given an opportunity to express to the court their views regarding the diversionary program.
- CSSD will establish within its policy and procedures a requirement that probation staff notify victims of any court-ordered condition(s) that directly affect the victim and inform the victim of the client's next court appearance for this matter.
- An individually tailored treatment plan will be presented to the court prior to adjudication.
- Clients will be placed under the supervision of a probation officer with a reduced caseload who has received specialized training in working with clients with mental illness.
- Prior to dismissal, CSSD will provide the court with a report detailing the client's compliance with treatment and all other conditions of supervision.
- CSSD can return a client back to court early when the client has exhibited a pattern of non-compliance.
- The Judge will dismiss the case when the client successfully completes the period of supervision.
- The State's Attorney shall provide a copy of the police report to CSSD at the time an application is made.
- CSSD will retain the police report and the record of supervision including the dates of supervision. CSSD shall provide such information to the judge, state's attorney and defense counsel when the judge is considering granting a second term of supervision under the Supervised Diversionary Program.
- CSSD will maintain a database that will be available to local and state police departments in Connecticut that will provide officers with confidential information that may improve the safety and effectiveness in responding to calls. The information in the database will include the client's name, DOB, social security number, charges for which the diversionary program was granted, the dates of the program and if there were any weapons associated with the case that was diverted by means of the Supervised Diversionary Program. This information will be entered into the database after the program has been granted and will be retained by CSSD for a period of five years.
- Other than the exception stated above, all dismissed information shall be considered confidential and not available to the general public.
- Statutes governing erasure may need to be amended or waived.

Appendix D

PROBATION TERMS AND OFFENDER BEHAVIOR

Purpose: To align the terms of probation with a behavioral change model of probation and evidence-based practices, thereby enhancing CSSD's ability to protect the community through prosocial behavior change of probationers. Internal as well external research indicates that probationers are most likely to re-offend or violate in the first 12 months of supervision. By incorporating an incentive model at the onset of supervision, we anticipate greater compliance among probationers enabling probation officers to spend more time with probationers who pose a greater risk to public safety.

Proposal: To modify the maximum terms of probation and to enable selected early termination based on positive behavior change.

- Convicted offenders placed on probation shall be subject to the following maximum terms: Registerable sex offense – 10 to 35 years; Class B felonies – 5 years; Other felonies (C, D and unclassified) – 3 years; Class A misdemeanors – 2 years; Class B and C misdemeanors – 1 year.
- On a case-by-case basis, the court in its sole discretion may, at the time of sentencing, increase the term of probation for C, D and Unclassified felonies as well as misdemeanors beyond the above maximums as follows: Felony convictions other than registerable sex offenses – up to 5 years maximum term; Class A misdemeanors – up to 3 years maximum term; and Class B misdemeanors – up to 2 years maximum term.
- For probation periods greater than 2 years for felonies categorized as C, D and Unclassified and greater than 1 year for Class A and B misdemeanor convictions, the supervising probation officer will submit a report to the original sentencing court 60 days prior to the 2 year (felonies) or 1 year (Class A or B misdemeanors) anniversary of the start of the supervision period. The Report will detail the progress of the probationer in addressing assessed needs, and meeting any court-ordered conditions. The officer completing the report will, in accordance with guidelines developed by the Judicial Branch, recommend whether the probation supervision period should be ended or if active supervision should continue for the duration of the controlling sentence. The court will, within 60 days from receipt of the report, make a ruling on whether the initial term of probation will be ended or remain in effect. Upon agreement of the parties, a court hearing will not be required.
- CSSD will establish within its policy and procedures a requirement that probation staff notify victims that the probationer's term of probation may be modified.