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January 15, 1985

To: Governor William A. O'Neill and Members of the General Assembly

From: William H. Carbone, Under Secretary
 Office of Policy and Management, Justice Planning Division
 Chairperson, Prison and Jail Overcrowding Commission

On behalf of the members of the Prison and Jail Overcrowding Commission, I respectfully submit to you our 1985 report on (correctional overcrowding in Connecticut as mandated in C.G.S. 18-87.

This report is different from its predecessors in that it contains substantial information on existing efforts implemented over the last three years to relieve overcrowding. In our judgment, more than 1700 beds per day are being saved through many alternatives to incarceration and facilities enhancement programs. In addition, further relief can be expected later this year with the opening of the new 500 bed facility in Enfield. The modest expansion to existing programs, as proposed in the recommendation section of this report, coupled with continued work on the construction of two new facilities, should give further relief in the future.

Needless to say, despite determined efforts of state officials to stem the tide of prison and jail overcrowding, the problem continues to worsen. The average daily population of over 5500 inmates represents approximately 1500 more than our correctional system was designed to hold. This statistic alone should be cause for continued attention to this most serious problem.

I trust that this report will assist you in making further policy and budgetary decisions surrounding the overcrowding issue.

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This is the fifth in a series of reports to the Governor and the Legislature on prison and jail overcrowding in Connecticut. The initial report was submitted in early 1981 by the Governor's Task Force on Jail and Prison Overcrowding, which was appointed by the late Governor Ella Grasso in 1980. As a result of the first report, the Legislature established the Prison and Jail Overcrowding Commission, and gave the Commission a mandate to recommend long term solutions to the problem. Each of the previous reports has put forth numerous recommended actions pertaining to both correctional facility expansion and the development of alternatives to incarceration. This report is a continuation of that process.

Connecticut was one of the first states in the nation to undertake a coordinated effort to stem correctional overcrowding, a problem which has reached epidemic proportions on a national level. Our early recognition of the seriousness of the problem and our ability to relatively quickly organize and begin to implement strategies is the result of several factors, not the least of which is the organization of our criminal justice system on a state level. With the exception of local policing, all criminal justice activities in Connecticut are managed by state agencies. In contrast, all but 5 other jurisdictions in the nation have faced the difficulty of trying to coordinate the policies of a myriad of state, county, and local justice agencies.

While many other states have struggled with organizational difficulties and court orders to reduce overcrowding, we have been able to develop and implement a variety of strategies under the auspices of the Prison and Jail Overcrowding Commission. Utilizing a broadly-based membership which represents the major constituencies within Connecticut's criminal justice system, the Commission has recommended policies and programs which are saving more than 1,700 bedspaces per day through sound alternatives to incarceration and are providing or developing a total of 1,400 new bedspaces.

In addition to those measurable successes, we believe that additional beds are being saved through some less quantifiable means. Prison overcrowding, in Connecticut and nationally, has received a great deal of media attention over the past several years. There are likely no key policymakers or key decisionmakers in criminal justice who are unaware of the extent of this problem. As a result, correctional bedspace is now recognized as a valuable and very limited resource which must be utilized with discretion. The awareness that policies and decisions made throughout the criminal justice system determine the size of the incarcerated population will do much to control the future extent of the problem.

However, despite the very real successes which we have had in the policy development, legislative, and budgetary areas, the overcrowding problem persists. In fact, this report will shortly detail how the incarcerated population has reached all-time high levels in 1984.

This year's report will be much narrower in scope than our previous efforts and will focus primarily on an update on the extent of the problem and our efforts to date. Our recommendations for new or expanded programs are limited and reflect the comprehensiveness of the recommendations which we have previously made. Over the years we have recommended new prisons and jails as well as renovation of existing buildings and leasing of local police lock-ups. We have recommended alternatives to incarceration which keep accused persons out of jail, keep certain convicted offenders from going to jail and prison and release other offenders to the community early. In addition, we recommended an emergency release mechanism which provides a safeguard to very serious overcrowding. There are simply not many new avenues to explore. The recommendations in this report will expand certain programs already in place. The remaining policy areas which could have a very measurable impact on prison overcrowding, such as sentencing policy, seem beyond the scope of the Commission's mandate. In the sentencing area, there is, in fact, a Legislative Sentencing Commission which will be studying that very issue.

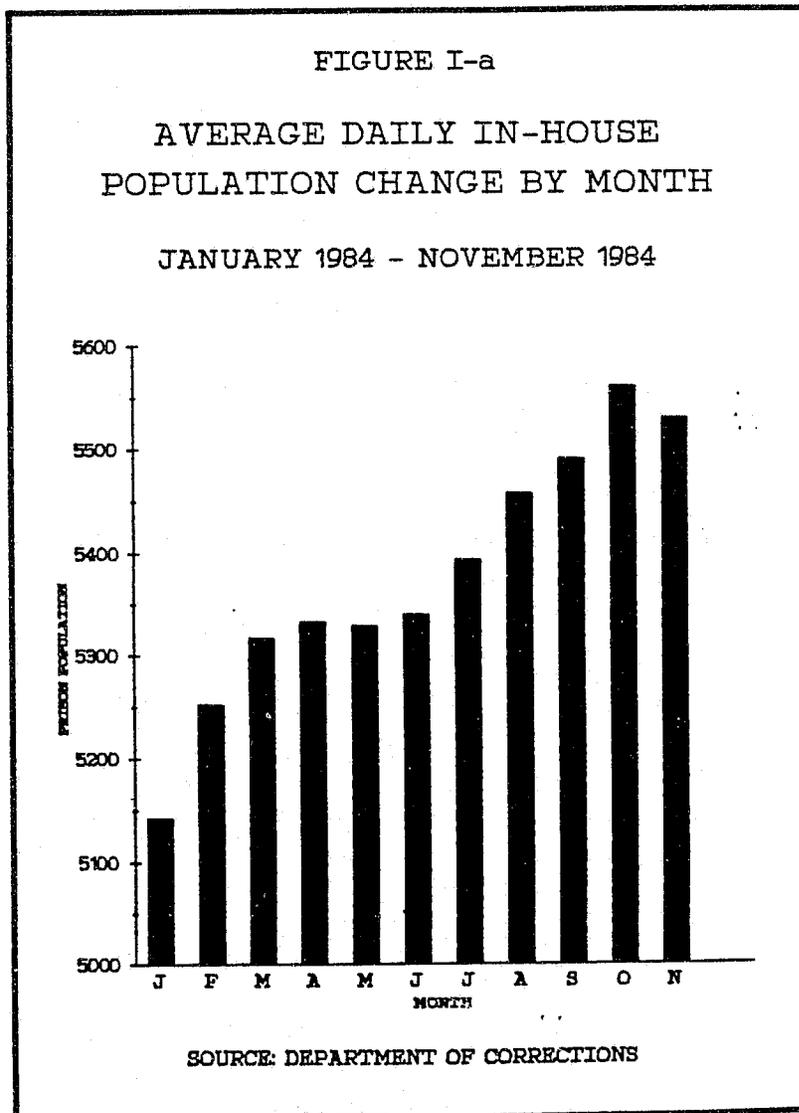
Section I of this report will update the extent of overcrowding in Connecticut. Section II will provide an overview of our efforts to date. Finally, Section III will offer our recommendations for 1985.

Section I: Extent of the Problem

The overall number of individuals incarcerated in Connecticut continued to grow during 1984, as it has during each year since 1978. This section of our 1985 report will describe the extent of that growth and will compare it to population change in previous years as well as to our expectation of future growth.

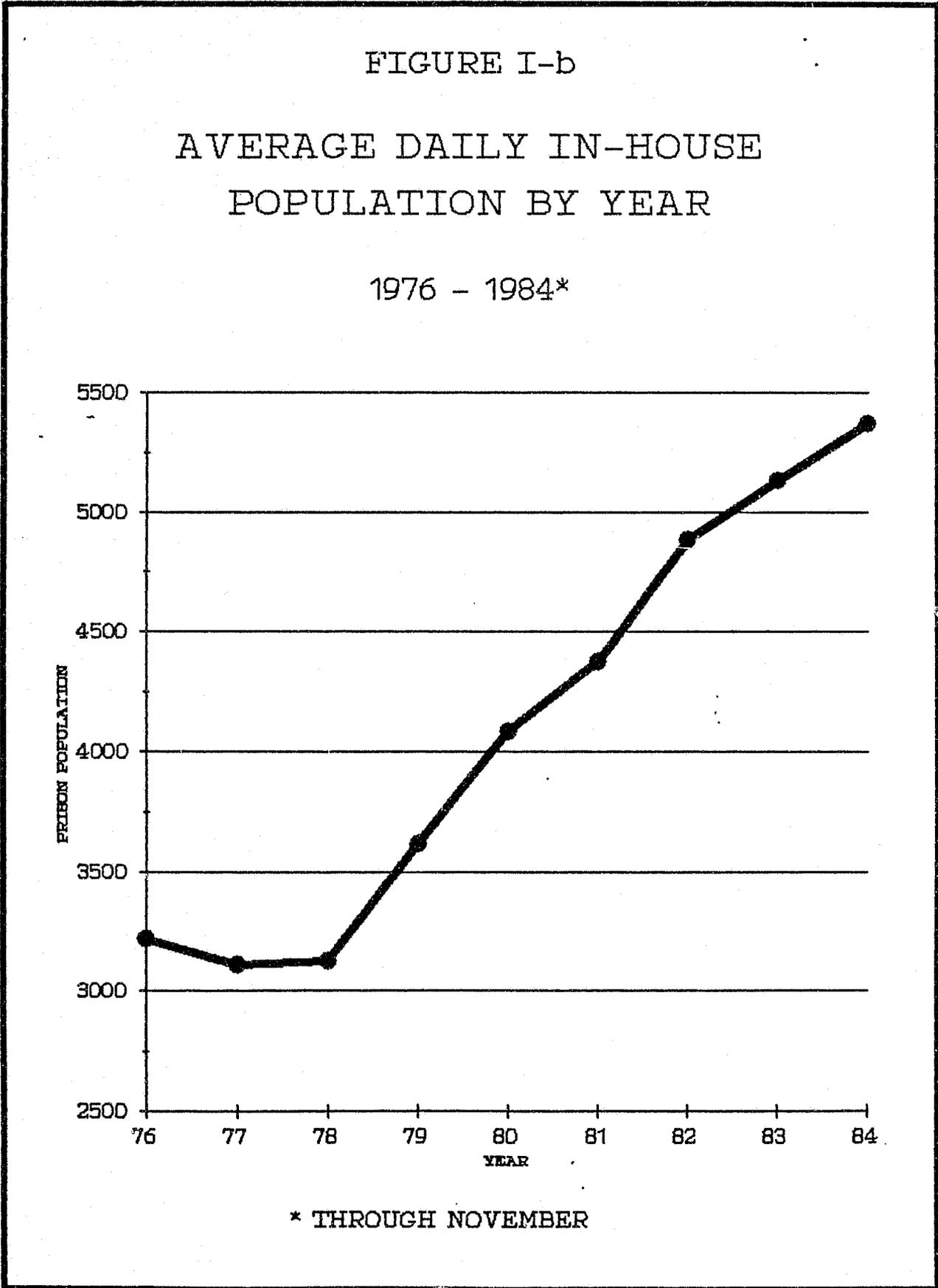
A. Correctional Population, 1984

The in-house correctional population continued to grow during the first eleven months of 1984. The average daily in-house population for the month of January, 1984 was 5,142. The average daily in-house population for the month of November, 1984 was 5,530, an increase of 387, or 7.5 percent, since the beginning of the year. Figure I-a depicts the average daily in-house population change between January, 1984 and November, 1984.



1. Correctional population change, 1976-1984

The size of the incarcerated population has changed dramatically since 1976. Figure I-b illustrates how the average daily in-house population has changed between 1976 and 1984.



During the years depicted above, the average daily incarcerated population has increased approximately 67 percent. The percentage increase during 1984 was, as stated above, 7.5 percent, well below the largest gain of 16 percent between 1978-1979. However, simply examining percentage increases can be misleading since as the size of the population increases, larger numerical gains must occur to maintain a given percentage increase. As an example, the 16 percent increase report between 1978-1979 was the result of a 496 person increase. The 7.5 percent population growth for 1984, seemingly half the percentage increase of 1978-79, was the result of a 400 inmate increase.

2. Sentenced and accused populations

The incarcerated population is composed of two major subsets, inmates convicted of a criminal offense and serving a sentence and inmates accused of a criminal offense and awaiting disposition of their case. The average population figures presented above reflect the total of both populations.

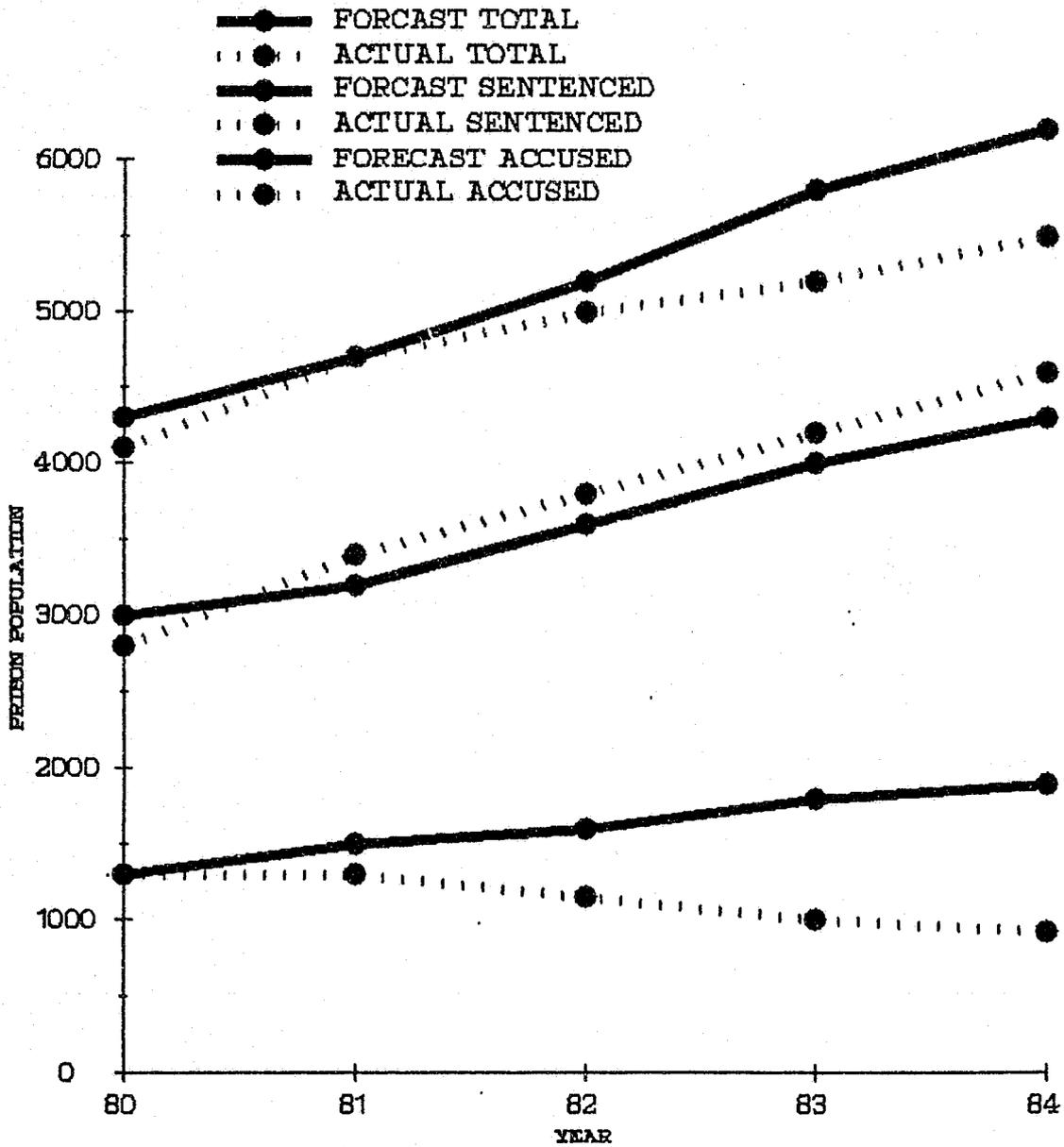
During 1984, a trend established in 1982 continued. That is, the number of incarcerated accused persons remained relatively constant throughout the year while the sentenced population grew significantly, accounting for all the population growth which occurred. In 1984, the accused population varied between 870 and 950 inmates, representing between 16.9 and 17.6 percent of the overall incarcerated population. The sentenced population, on the other hand, grew from about 4,270 in January to almost 4,600 in November.

The no-growth characteristic of the accused population is directly attributable to the work of the Bail Commission, which was upgraded and expanded in 1981 through the recommendation of the Overcrowding Commission.

As presented in previous reports, the following chart compares the growth of the overall population, as well as the sentenced and accused population subsets, with the Governor's Task Force 1980 short-term forecast of population growth.

FIGURE I-c

EARLY FORECAST OF POPULATION GROWTH VS. ACTUAL POPULATION



The graph illustrates that the overall population is smaller than expected solely due to the lack of growth in the accused population. The accused population has actually continued to decline in size, and is presently at a level 1,000 less than anticipated. The sentenced population has grown at a faster than expected pace for the past four years. The growth rate of the sentenced population is of particular concern when one realizes that alternatives to incarceration which have been developed for this group of offenders are removing approximately 500 sentenced inmates on a daily basis. In the absence of our current pretrial and sentenced alternatives, all implemented since 1980, the total incarcerated population would likely be in the 7,000 range.

The specific reasons for the continued growth of the sentenced population are not clear, but there is evidence that average sentence lengths for many offenses have increased dramatically over the past three years.

3. Prison population projection model

The prison population projection model developed for the Overcrowding Commission has been described in great detail in previous Commission reports. Briefly stated, the model is a series of linked formulas which simulate the many key "decision points" within the criminal justice system. Using the most up-to-date data available on offenses reported to the police, clearance rates, incarceration rates, average time served by sentenced inmates and the number of males in the most crime prone age group, the model estimates the size of a sentenced prison population. When combined with an estimate of the accused population, a sophisticated projection of the total prison population is available.

Two years ago, the Commission first examined the model's prison population estimates through the year 2000. Last year, the model was updated with more current data from various criminal justice agencies. The model's estimates were very similar in both cases. The prison population is expected to continue to rise through the mid to late 1980's and then begin a gradual tapering due to a decrease in the size of the critical 16-34 male age group. The model estimates that the prison population will peak at about 5,900 inmates. Since both the model's forecast and the actual prison population are still in a growth phase, the accuracy of the diminished growth projection is still uncertain. Policy decisions which change any of the key criminal justice input variables listed above will also have an impact on the size of the prison population. A graph depicting the model's population forecast follows.

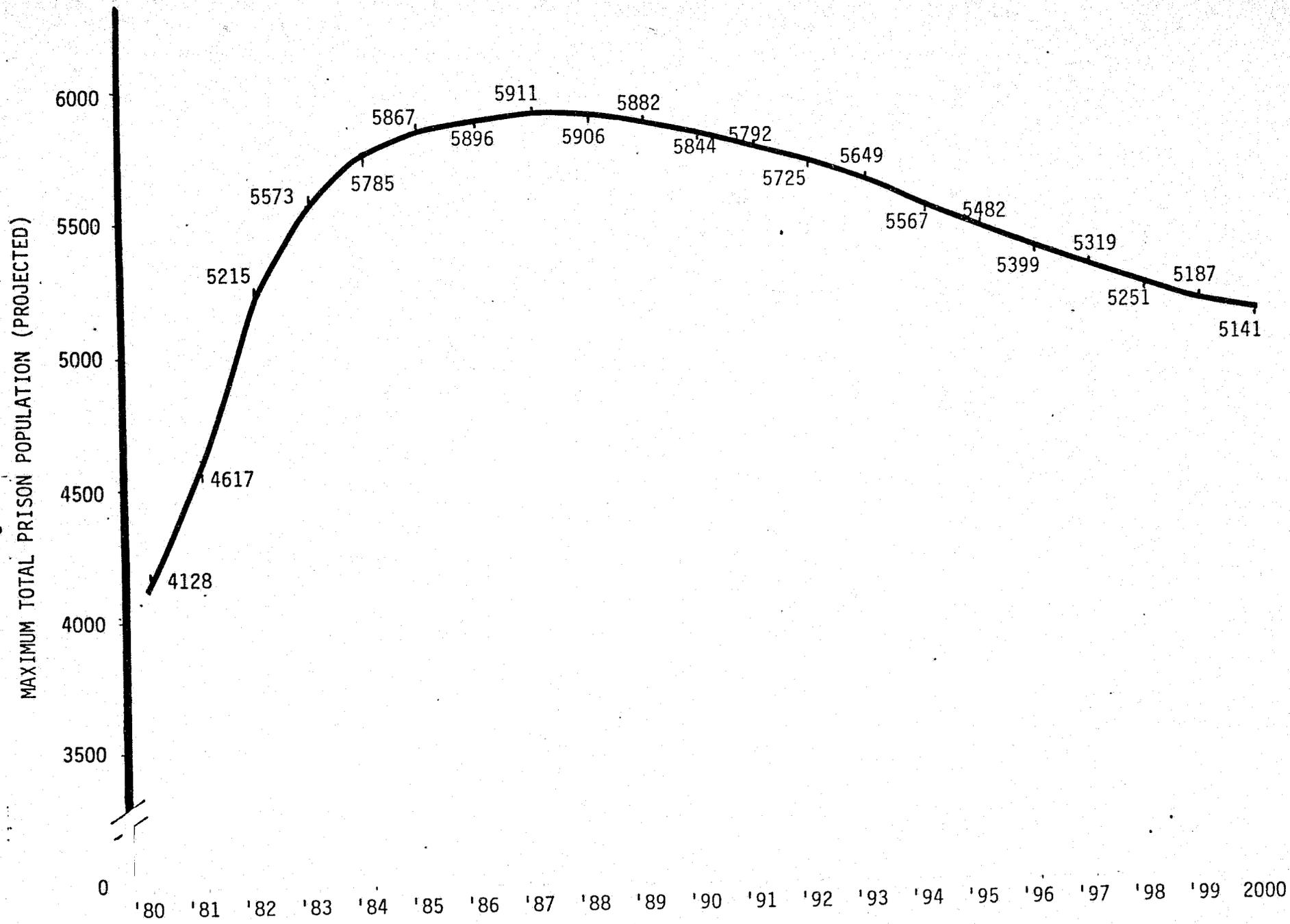


Figure I-d: Computerized prison population projection model, 1980 - 2000: maximum total prison population

Source: Hartford Institute of Criminal and Social Justice

Section II: Status of Overcrowding Initiatives

After four years of effort, a great many initiatives which were developed to address prison and jail overcrowding are in place. These initiatives cover a broad spectrum of areas, ranging from programs to reduce the number of persons incarcerated while awaiting trial, to several efforts to expand the bedspace available within the correctional system. The need for a diversity of strategies became clear early in the life of the Overcrowding Commission. Investigation of the composition of the incarcerated population, the nature of the overcrowding problem, and the practical concerns of cost and public safety all pointed out the need for a balanced approach to solving overcrowding.

What constitutes a balanced approach to prison overcrowding? Basically, the Commission's work has been framed by two concepts. First, the Commission wished to develop a myriad of sound alternatives to incarceration which could be in place at both the pre and post-trial levels to insure that persons who can be safely placed in the community not occupy valuable correctional bedspace. Second, the Commission recognized that sufficient secure bedspace must be available for violent and repeat offenders who continue to pose a threat to the community. It has been clear that only a balanced effort could effectively meet the concerns of the citizens of the state, respect the functions of the various criminal justice agencies, and garner required legislative support.

This section of the 1985 report will briefly review the status of the major programs developed to combat prison and jail overcrowding. It will be apparent that substantial efforts have been made, that a very significant number of bedspaces are being saved and an equally significant number of new bedspaces are available.

A. Alternative Programs

Alternatives to incarceration have proven to be very efficient and cost-effective means for reducing correctional overcrowding. Generally, alternatives can be quickly implemented, especially in comparison to the time required to build new facilities, and their costs, except for halfway house beds, are much lower than bed costs within correctional facilities. In 1984, more than 1,700 bedspaces per day were saved through alternatives to incarceration.

1. Bail commission

The initial report on prison overcrowding in Connecticut recommended that the Bail Commission be upgraded and expanded in order to reduce the number of accused persons incarcerated while awaiting trial. It was anticipated that a comprehensive pretrial screening mechanism could, through standardized interviews and weighted release criteria, significantly reduce the 28-32 percent of the incarcerated population in accused status.

Based upon an evaluation of the deficiencies within the existing Bail Commission and an examination of successful pretrial programs in other jurisdictions, the Governor's Task Force on Jail and Prison Overcrowding proposed a program which would insure the following:

- . sufficient staff to provide 24 hour coverage in at least all major urban centers, thereby minimizing the number of detainees held over night or over an entire weekend.
- . sufficient staff to conduct a standardized review and verification of information on all pretrial detainees not released by the police.
- . adequate support services for the Bail Commission to allow for ongoing collection and evaluation of release data and to provide a system of notification of court appearances for each released detainee.
- . a standardization of the Bail Commission interview and release criteria on a statewide basis.
- . ongoing training for Bail Commissioners.

Since implementing the new program, the Bail Commission has become a most-effective pretrial screening mechanism and is a key factor in managing the overcrowding problem. Based upon population forecasts which are described earlier in this report, the accused population is fully 1,000 less than expected. The accused population was forecast to reach 1,900 inmates by the end of 1984. In reality, the number now ranges between 900-1,000 and since the inception of the new Bail Commission in 1981, the number of incarcerated accused persons has declined by about 400. The lack of growth in the accused population is even more startling when compared to growth in the sentenced population. Over the 4 year period between 1981-1984, the accused population decreased by about 30 percent while the sentenced population was increasing by 35 percent.

2. Supervised pretrial release and temporary shelter

In this program, the Bail Commission, through its interviews of detained accused persons, identifies those who are not accused of a serious crime but who are unsuitable for release on a written promise to appear in court (WPTA). The Bail Commission screens this pool to identify those accused unlikely to post bail. Selected defendants (non-serious crime, unsuitable for WPTA, and unlikely to make bond) are then referred to the case screeners who determine eligibility for the supervised release program. The Bail Commissioner then recommends to the court the conditional release of the accused to the program. If the court orders the conditional release the program maintains close contact with the accused, may make referrals to needed social service agencies, and informs the Bail Commission of the defendant's status and compliance with the program.

Prior to fiscal 1984-85, the supervised pretrial release program was jointly run by the Bail Commission, the Department of Correction and the Connecticut Prison Association. In the current fiscal year, program administration was centralized under the Bail Commission as recommended in the 1984 report of the Overcrowding Commission. The supervised pretrial release program is presently operating on a full time basis in Norwalk, Bridgeport, New London, Hartford and New Haven and on a part time basis in Stamford. The Bail Commission reports that 205 persons per day who would otherwise be incarcerated are enrolled in the program.

In addition to the supervised pretrial release component, funds were allocated to the Bail Commission for fiscal year 1984-85 to contract for private sector living quarters (hotel, motel, YMCA, etc.) for those indigent and homeless defendants who would otherwise be incarcerated simply due to unstable living arrangements. The Bail Commission is currently contracting for approximately 10 beds to meet a portion of this need.

3. Halfway house beds for sentenced offenders

In each of its four reports to the Governor and the Legislature, the Overcrowding Commission has recommended increasing the number of halfway house beds for sentenced offenders as an effective means to reduce overcrowding. Additionally, halfway houses offer inmates a structured transition period between the rigidity of life in prison and the complete freedom of being in the community. The halfway house provides an inmate with a place to stay, meals and various supportive services such as counseling and employment referrals.

The network of halfway houses under contract to the Department of Correction has grown appreciably since 1980. In late 1980, there were only 80 halfway house beds under contract. By 1982, that number had grown to 150 beds. At the end of 1983, there were 175 beds under contract and at the end of 1984, 227 halfway house beds are available. The Department of Correction intends to raise that figure by the end of the fiscal year if funds are available. This represents a substantial number of beds which do not have to be provided within existing correctional facilities. Although halfway house beds are expensive in comparison to many other alternatives, their costs are far less than the costs of providing a like number of correctional bedspaces.

4. Supervised home release and intensive supervised home release

In 1982, the General Assembly approved an amendment to C.G.S. 18-100, thereby permitting the Commissioner of Correction to transfer an inmate, under the close supervision of Department of Correction personnel, to an approved community residence until the completion of the inmate's sentence. This authorization has had a positive impact upon prison and jail overcrowding by permitting the Department of Correction to place non-dangerous inmates in the community, freeing institutional bedspace for more appropriate offenders.

Inmates are screened for participation in this program under the same administrative guidelines used to identify persons eligible for halfway house placement, community release, work release, etc. This screening includes an assessment of the inmate's ties to the community, in order to determine whether or not a suitable community placement exists. Upon release under the provisions of this program, an inmate is closely supervised by Division of Parole Services staff, and is subject to specific conditions of release.

Since its inception, supervised home release has proven to be a very effective means of reducing prison overcrowding. In 1983, approximately 120 inmates per day were participating in this program. By the end of 1984, the number of inmates on supervised home release has increased to 325-350. The Department of Correction anticipates that in fiscal year 1985-86, as many as 500 inmates per day will be participating in supervised home release.

In addition to the regular supervised home release program, the Department of Correction is in the process of establishing an intensive supervised home release program as recommended in the 1984 Overcrowding Commission report. This program will differ from the regular program by taking inmates directly from incarceration about 1 to 1 1/2 years prior to their sentence release dates, and putting them on supervised home release status, but under much stricter controls and supervision than in the regular program. It is expected the 60 inmates per day will be enrolled in the program, which should be up and running by January, 1985.

5. Intensive probation

In its 1984 report, the Prison and Jail Overcrowding Commission recommended that the Judicial Department and the Department of Correction establish an intensive probation program as a means to reduce prison overcrowding. The intent of the program is modify the sentences of offenders already incarcerated and place them in a program of intensive community supervision by the Office of Adult Probation. Probation officers working in this program have much lower caseloads than in the regular probation program to permit much greater control over probationers. The key element of the intensive probation program is greatly increased contact with probationers including office, home and employment visits and drug and alcohol screening.

The 1984 General Assembly passed legislation establishing the program within the Office of Adult Probation (see Appendix A) and authorized first year funds for the purpose of implementing the program. The next several months were spent laying the groundwork for intensive probation. The Office of Adult Probation identified 8 senior probation officers to work in the program, and several meetings were held between Probation and Corrections officials to formalize the procedures to be used in identifying eligible candidates and making recommendations on the best candidates to the courts.

To date 900 qualified applications have been received from inmates with definite sentences of at least 2 years but not more than 5 years. In addition, 300 additional applications were rejected as not meeting the program's legal requirements. As of December 1, the first recommendations were being presented to the original sentencing judges, and it will likely be early 1985 before any significant number of inmates are actually released to the program.

B. Facilities

In addition to the alternatives to incarceration which are described above, an active campaign of facility acquisition has been undertaken by the State of Connecticut during the past four years. There are currently 1,400 new bedspaces in various stages of planning and development and approximately 280 bedspaces which have been gained through the leasing of 2 local police lock-ups. The new beds will result from the construction of 3 facilities, a 500 cell minimum security prison at Enfield, a 500 cell prison in the north central region of the state, and a 400 cell jail facility in the western region of the state. The beds will significantly increase the capacity of our correctional system over the next several years and will also replace bedspace expected to be lost when several older facilities are closed. Over the next 15 years, approximately 730 beds will be lost if the Litchfield, Brooklyn, and old Bridgeport facilities are phased out as planned.

The following is intended as a brief summary of each proposed facility, and does not begin to describe the incredibly complex and time-consuming capital development process associated with projects of this magnitude.

1. Minimum security prison at Enfield

In 1981, the Governor's Task Force recommended immediate acquisition of a 500 bed facility to relieve prison overcrowding, preferably through renovation of an existing state-owned facility. Subsequent feasibility studies determined that renovation would not be a cost or space-efficient undertaking and a decision was made to construct a minimum security 500 cell prison on the grounds of the Enfield Correctional Institution. Work is progressing steadily, and regular meetings between DAS, Public Works and the Department of Correction are ensuring adherence to a timetable which will open the facility in August, 1985. At the same time, certain security upgradings are underway to the perimeter of the existing Enfield prison to upgrade its status from minimum to medium. Additional upgradings will follow.

2. Medium security prison - north central location

In 1983, the Overcrowding Commission recommended the construction of 1,000 additional cells to relieve overcrowding, rid the correctional system of emergency bedspaces unsuitable for long term use, and replace outmoded facilities scheduled for phase-out over the remainder of the century. The 500 cell prison described here is a portion of that recommendation. At this time, Public Works and the Department of Correction are meeting to develop preliminary specifications for the project and it is expected that activity relating to this prison will intensify appreciably in the coming months.

3. Jail facility - western location

In addition to the development of the prison facilities described above, the Department of Correction previously expressed the need for a jail facility in the western portion of the state to house pretrial and short-term sentenced inmates. Currently, inmates in these categories are housed in the Bridgeport and New Haven facilities and cause an added strain on already crowded space. It has been determined that a 400 bed unit would meet the need in this area and when combined with the medium security prison described above, meet the called for 1,000 bed increase in bedspace. Based on current timetables, this jail facility would be the last of the three projects described herein to be completed.

4. Leasing

The Overcrowding Commission recommended in both 1983 and 1984 that the Department of Correction pursue the leasing of local police lock-ups as a means to provide short-term bedspaces and ease crowding in correctional centers. The Morgan Street lock-up in Hartford and the New Haven police lock-up were deemed to be the only local units of sufficient size to warrant consideration. The Department of Correction currently leases both facilities, gaining approximately 180 (double-celled) spaces in Hartford and 100 (double-celled) in New Haven. The leasing arrangements are cost-effective and timely, however Morgan Street is scheduled for redevelopment-related demolition in 1986.

C. Emergency Release Mechanism

The need for an orderly means to reduce the numbers of persons incarcerated in the event of a serious emergency was first recognized by the Legislative Sentencing Commission in 1980. In the process of recommending a change from indeterminate to determinate sentencing, the Commission, fearful of serious overcrowding resulting from longer sentences, proposed a mechanism whereby the Commissioner of Correction could petition the courts to release certain inmates. The General Assembly approved legislation establishing the mechanism, but subsequent experience showed it to be cumbersome and ineffective.

The Prison Overcrowding Commission proposed a revamping of the emergency release process in 1984. The proposed statute was intended to avoid the pitfalls of the previous efforts by establishing a formal process for declaring a prison overcrowding emergency and subsequently releasing certain inmates to community supervision. The General Assembly agreed with the process proposed and a new mechanism became law (a copy of the new legislation is contained in Appendix A).

Basically, the Commissioner of Correction is empowered to establish, through the Administrative Procedures Act, a capacity for the correctional system. A committee consisting of the Chief Court Administrator, the Chief State's Attorney and the Attorney General can offer advice to the Commissioner in this manner. When the population of the system exceeds this limit for 30 days, an emergency is in effect, and prisoners closest to the end of their sentences will automatically be released on parole, if qualified, or to an approved community residence. This process continues until the system is returned to its approved capacity level. The statute operates as a "pressure relief valve" to ensure that the correctional population does not exceed levels deemed safe, and establishes an orderly system for releasing prisoners.

Section III: Prison and Jail Overcrowding Commission Recommendations, 1985

As described previously, the 1985 report of the Prison and Jail Overcrowding Commission is predominantly a review of the status of recommendations to reduce overcrowding which have already been implemented. Section II of this report clearly illustrates that a significant number of programs are in place which either reduce the number of persons incarcerated or provide additional correctional bedspace. The alternatives to incarceration address a variety of clients at both the pretrial and post-incarcerative levels, and in total are saving more than 1,700 bedspaces per day. Additionally, 1,400 new beds are in various stages of development, and 280 beds are being leased from local police departments. The recommendations presented in this section are essentially expansions of these existing initiatives.

SUPERVISED PRETRIAL RELEASE AND TEMPORARY SHELTER

RECOMMENDATION:

The PRISON AND JAIL OVERCROWDING COMMISSION RECOMMENDS THE EXPANSION OF THE SUPERVISED PRETRIAL PRERELEASE PROGRAM.

RATIONALE AND IMPACT:

Last year, the Overcrowding Commission recommended consolidating the pilot supervised pretrial release program under the Bail Commission. Formerly run as a collaborative effort between the Bail Commission, the Department of Correction, and the Connecticut Prison Association, this program, as described in detail in Section II, places certain accused individuals, who would likely otherwise be incarcerated, in the community under close supervision.

The effect of the consolidation under the Bail Commission has been quite positive. In 1983-84, approximately 90 individuals per day were enrolled in this program. As of November 18, 1984, over 200 per day were enrolled, a figure which exceeds the Overcrowding Commission's 1984 estimate by 50 clients per day.

For 1985-86, we are recommending that the program be expanded to include Waterbury and a full-time program in Stamford, in addition to the current efforts in Hartford, New Haven, Bridgeport, Norwalk, New London and Stamford. The Bail Commission estimates that an additional 30 beds per day can be saved in this manner.

In addition, as a part of last year's consolidation, the Bail Commission was authorized to contract for private sector living quarters (hotel, motel, YMCA, etc.) for indigent and homeless defendants who would be incarcerated simply due to unstable living arrangements. The Bail Commission currently has contracts for 10 beds, a figure which can be increased in the next fiscal year.

COST:

The cost to expand supervised pretrial release by adding a program in Waterbury and by establishing a full-time program in Stamford is \$40,000. The requested addition in monies for additional temporary shelter beds is \$20,000.

BAIL REVIEW

RECOMMENDATION:

THE PRISON AND JAIL OVERCROWDING COMMISSION RECOMMENDS THAT THE BAIL COMMISSION BE GIVEN SUFFICIENT RESOURCES TO CONDUCT BAIL REVIEWS OF ACCUSED INDIVIDUALS WITHIN CORRECTIONAL CENTERS.

RATIONALE AND IMPACT:

As described in a variety of reports, the expansion and upgrading of the Bail Commission has resulted in substantial bedspace savings for the correctional system. Since 1981, in incarcerated bail eligible population has remained in a no-growth status (between 900-1,100 individuals) while the sentenced population has increased by 35 percent.

Much of the success in keeping the size of the accused population down can be attributed to timely interviews of those detained by the police, and the assurance that all individuals who are detained will receive a standardized bail interview prior to appearing in court. However, once an individual appears in court and has received an initial bail interview, the Bail Commission does not normally conduct subsequent interviews of those who cannot make bond. The result is that many of those who do not post bond remain incarcerated until disposition of their case.

The Bail Commission has indicated that a program whereby Bail Commission staff regularly visit major correctional centers to conduct bail reviews would free-up additional beds. Essentially, these reviews would identify individuals who have had some change in circumstance which would enable them to post a bond, either of the original amount or at a reduced level. We believe that additional beds could be saved in this manner.

This program would, in a sense, complete a network of pretrial screening and services which ensures that no accused individual who can make a reasonable bail and is likely to return to court is unnecessarily incarcerated.

COST:

This program can be implemented by having 2 Bail Commissioners cover the New Haven, Hartford, Bridgeport, and Niantic facilities. The cost for the 2 positions is \$32,000.

HALFWAY HOUSES

RECOMMENDATION:

THE PRISON AND JAIL OVERCROWDING COMMISSION RECOMMENDS THAT THE DEPARTMENT OF CORRECTION BE GIVEN SUFFICIENT RESOURCES TO EXPAND THE NETWORK OF COMMUNITY-BASED HALFWAY HOUSES FOR SENTENCED INMATES.

RATIONALE AND IMPACT:

Section II of this report describes the substantial growth of the halfway house network since 1980. In each of the four prior reports on prison overcrowding, increases in the number of halfway house beds have been recommended and have received favorable budgetary action. The result of an infusion of funds has been an increase from 80 beds under contract in 1980 to 227 currently under contract to the Department of Correction.

The Department has indicated that an additional increase is possible by the end of the current fiscal year. The additional beds could be used for the general population or targeted to a specific type of offender, such as those requiring continuing mental health services. We recommend an increase of 30 beds for fiscal 1985-86, bringing the total available beds to 257.

COST:

At an average cost of \$10,000 per bed, \$300,000 is required to fund 30 new halfway house beds.

ALTERNATIVE SENTENCE PLANNING

RECOMMENDATION:

THE PRISON AND JAIL OVERCROWDING COMMISSION RECOMMENDS EXPANSION OF THE ALTERNATIVE SENTENCE PLANNING PROGRAM JOINTLY RUN BY THE CONNECTICUT PRISON ASSOCIATION AND THE OFFICE OF THE CHIEF PUBLIC DEFENDER.

RATIONAL AND IMPACT:

For the past eighteen months the Connecticut Prison Association and the Office of the Chief Public Defender have cooperated in initiating a pilot program designed to reduce the likelihood of incarceration for certain offenders by supplying the court with a comprehensive alternative sentencing plan. Under the auspices of the Connecticut Center on Sentencing Alternatives, the program has been successful in safely channelling some offenders into structured community-based programs.

The pilot program began operation in May of 1983 in the Judicial District of New Haven. It has recently been expanded to include New Haven and the Judicial District of Hartford. Referrals are made by the Public Defender's office based on the following criteria:

- . The Public Defender's conclusion after reviewing the file that the defendant is likely to receive a sentence of incarceration;
- . The Public Defender's conclusion based on the crime and the defendant's background that the court may be willing to suspend the period of incarceration if a structured plan is developed.

Referrals are accepted based on the following criteria:

- . The Center's review and acceptance of the Public Defender's conclusion that the defendant is likely to receive a sentence of incarceration;
- . The Center's ability to locate sufficient resources in the community which will adequately address concerns of public safety, punishment, and rehabilitation.

To date 47 plans have been presented to the court. Approximately 1/3 have been accepted and have resulted in a suspended sentence and probation. Approximately 1/3 have been partially accepted and resulted in shorter periods of incarceration than was earlier predicted by the Public Defender. Approximately 1/3 have been rejected and the earlier predicted incarceration was imposed.

It is estimated that the cases which were completely accepted have saved an average of two years each of incarceration. The cases which were partially accepted net an average saving of three years per case.

The Overcrowding Commission is recommending that the program be expanded in fiscal 1985-86 to cover 140-180 referrals. This includes expansion of the present program to include Bridgeport in addition to New Haven and Hartford. Expansion would also include a pool of referrals for other judicial district and geographical area courts.

COST:

Total program cost for 180 referrals is \$140,000. The Office of the Chief Public Defender would receive the program monies and contract with the Prison Association to administer the program.

APPENDICES

(e) In the event that the number of prisoners released under subsections (c) and (d) of this section shall be insufficient to reduce prisoner population in the correctional system or at the Connecticut Correctional Institution, Niantic, to prisoner capacity, the commissioner shall first further reduce the parole eligibility dates of prisoners serving indeterminate or indefinite sentences by thirty days, and then further reduce the maximum sentences of prisoners serving indeterminate or indefinite sentences and the sentences of prisoners serving determinate sentences, by increments of one day, to a maximum of thirty days, until prisoner population in such system or at such institution is reduced to prisoner capacity. Eligible prisoners may be released on parole or to an approved community residence. The procedure set forth in this subsection shall be repeated until prisoner population in such system or at such institution is reduced to prisoner capacity.

(f) No prisoner shall be released from custody under this section if he has been convicted of a capital felony as defined in section 53a-54b of the general statutes, a class A felony or a violation of section 53a-59, 53a-59a, 53a-70, 53a-70a or 53a-134 of the general statutes, or until he has completed serving any mandatory, minimum term of imprisonment mandated by and imposed in accordance with any provision of the general statutes. No prisoner shall be released from custody under this section unless he has served at least one-half of his minimum indeterminate sentence or one-half of his determinate sentence, but shall have served not less than sixty days, including presentence confinement credit under sections 18-98c and 18-98d of the general statutes.

(g) Whenever a prison overcrowding emergency has been declared and prisoners have been released from custody under this section, the commissioner of correction shall, after such emergency is over and prisoner population has been reduced to prisoner capacity, submit a report to the governor and the joint standing committee of the general assembly having cognizance of matters relating to criminal law. Such report shall include, but not be limited to, the reasons for the declaration of the prison overcrowding emergency, the procedures instituted to reduce prisoner population, the total number of prisoners released from custody, and the number of prisoners released under subsections (c), (d) and (e) of this section, respectively.

Sec. 3. Section 53a-39 of the general statutes is repealed and the following is substituted in lieu thereof:

At any time during the period of a definite sentence of three years or less, the sentencing court or judge may, after hearing and for good cause shown, reduce the sentence, order the defendant discharged, or ORDER the defendant discharged on probation or conditional discharge for a period not to exceed that to which he could have been originally sentenced. AT ANY TIME DURING THE PERIOD OF A DEFINITE SENTENCE OF AT LEAST TWO YEARS BUT NOT MORE THAN FIVE YEARS, THE SENTENCING COURT OR JUDGE MAY, AFTER HEARING AND FOR GOOD CAUSE SHOWN, ORDER THE DEFENDANT DISCHARGED ON INTENSIVE PROBATION IN ACCORDANCE WITH SUBSECTION (b) OF SECTION 54-105, AS AMENDED BY SECTION 4 OF THIS ACT, FOR A PERIOD OF AT LEAST ONE YEAR.

Sec. 4. Section 54-105 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The director of probation shall be the executive officer of the office of adult probation. The judges of the superior court or an authorized committee thereof shall, within the limits of available appropriated funds and subject to the compensation plan established under section 51-12, appoint and fix the salaries and the date when such salaries and services shall commence of such number of probation officers, assistants and other employees as may be necessary to provide adequate probation service. The director shall supervise and direct the work of the probation officers and other employees and may require reports from them. He shall formulate methods of investigation, supervision, record-keeping and reports. He

Substitute Senate Bill No. 567

PUBLIC ACT NO. 84-505

AN ACT CONCERNING PRISON OVERCROWDING AND AN INTENSIVE PROBATION PROGRAM.

Section 1. (NEW) As used in sections 1 and 2 of this act:

- (a) "Commissioner" means the commissioner of correction.
- (b) "Connecticut Correctional Institution, Niantic" does not include the men's facility at such institution.
- (c) "Correctional system" means all correctional centers and institutions operated by the department of correction except the women's facility at the Connecticut Correctional Institution, Niantic.
- (d) "Prisoner capacity" means the permissible number of inmate residents as established under section 2 of this act.
- (e) "Prisoner population" means the number of inmates residing in the correctional system or the Connecticut Correctional Institution, Niantic.

Sec. 2. (NEW) (a) (1) There shall be an advisory commission composed of the chief court administrator or his designee, the chief state's attorney or his designee and the attorney general or his designee. A majority of said advisory commission shall recommend to the commissioner of correction a prisoner capacity for the correctional system and the Connecticut Correctional Institution, Niantic. (2) The commissioner shall establish by regulation, in accordance with chapter 54 of the general statutes, a prisoner capacity for the correctional system and the Connecticut Correctional Institution, Niantic. (3) Prisoner capacity shall be based upon sound correctional management principles, as well as: (A) Inmate health and safety; (B) maintenance of order and discipline; (C) availability of educational, therapeutic and recreational programs; and (D) demand for available correctional bedspace.

(b) The commissioner shall, whenever the prisoner population of the correctional system or the Connecticut Correctional Institution, Niantic, equals or exceeds one hundred ten per cent prisoner capacity for such system or institution for thirty consecutive days, declare a prison overcrowding emergency to be in effect for such system or at such institution, in accordance with the procedures set forth in subsection (b) of section 4-168 of the general statutes.

(c) Whenever a prison overcrowding emergency is in effect for the correctional system or at the Connecticut Correctional Institution, Niantic, the parole eligibility dates of all prisoners serving indeterminate or indefinite sentences in such system or at such facility shall be reduced by ninety days, and eligible prisoners may be released under section 54-125 of the general statutes until prisoner population in such system or at such facility is reduced to prisoner capacity. The reduction of parole eligibility dates shall be effective only for so long as the prison overcrowding emergency remains in effect, except for those prisoners actually released during that period.

(d) Whenever a prison overcrowding emergency is in effect for the correctional system or the Connecticut Correctional Institution, Niantic, and the number of prisoners released under subsection (c) of this section is insufficient to reduce prisoner population in such system or at such facility to prisoner capacity, prisoners held under the maximum sentence of an indeterminate or indefinite sentence or under a determinate sentence in such system or at such facility shall be released to an approved community residence in increments of one day, to a maximum of ninety days, off their maximum indeterminate sentence or determinate sentence, until prisoner population in such system or at such institution is reduced to prisoner capacity.

shall compile statistics on the work of all probation officers and shall perform such other duties as may be necessary to establish and maintain an efficient probation service in the superior court. He shall prepare and publish such reports as may be required by the chief court administrator. In the pursuance of his duties he shall have access to the records of probation officers. He shall maintain a record of all probationers.

(b) THE DIRECTOR OF PROBATION SHALL ESTABLISH WITHIN THE OFFICE OF ADULT PROBATION AN INTENSIVE PROBATION PROGRAM, WHICH SHALL BE OPERATED SEPARATELY FROM REGULAR PROBATION EXCEPT THAT IT MAY SHARE FACILITIES AND ADMINISTRATIVE SERVICES. THE PURPOSE OF INTENSIVE PROBATION IS TO REMOVE CONVICTED PERSONS FROM INCARCERATION AND PLACE THEM IN THE COMMUNITY UNDER CLOSE SUPERVISION AND RESTRICTION TO ENSURE PUBLIC SAFETY, REDUCE PRISON OVERCROWDING AND CONTRIBUTE TO THE REHABILITATION OF PERSONS IN THE PROGRAM. THIS PROGRAM SHALL BE CHARACTERIZED BY CASE LOADS OF NO MORE THAN TWENTY PROBATIONERS PER PROBATION OFFICER, WHO SHALL HAVE AT LEAST THREE CONTACTS PER WEEK WITH EACH PROBATIONER. SUCH PROBATION OFFICER SHALL ADDITIONALLY HAVE ONE OR MORE COLLATERAL CONTACTS PER WEEK WITH THE PROBATIONER'S FAMILY, EMPLOYER, SOCIAL WORKER, DRUG OR ALCOHOL COUNSELOR OR OTHER PERSON HAVING A RELATIONSHIP WITH THE PROBATIONER AS A MEANS OF MONITORING CONFORMANCE WITH THE INTENSIVE PROBATION PROGRAM. THERE SHALL BE WEEKLY TESTING FOR DRUG OR ALCOHOL USE FOR THOSE PROBATIONERS IDENTIFIED AS HAVING HISTORIES OF DRUG OR ALCOHOL ABUSE. THE DIRECTOR OF PROBATION SHALL INFORM A COURT WHICH ORDERED A SENTENCED DEFENDANT DISCHARGED ON INTENSIVE PROBATION OF THE PROGRESS OF SUCH PROBATIONER, AND SHALL IMMEDIATELY INFORM THE COURT OF THE FAILURE OF A PROBATIONER TO COMPLY WITH THE RULES, REGULATIONS AND ORDERS OF THE INTENSIVE PROBATION PROGRAM. THE DIRECTOR SHALL HAVE THE SAME POWERS AND DUTIES WITH RESPECT TO THE INTENSIVE PROBATION PROGRAM AS HE HAS WITH RESPECT TO REGULAR PROBATION UNDER SUBSECTION (a) OF THIS SECTION. PERSONS MAY ONLY BE PLACED IN THE INTENSIVE PROBATION PROGRAM PURSUANT TO AN ORDER OF A COURT OR JUDGE UNDER SECTION 53a-39, AS AMENDED BY SECTION 3 OF THIS ACT.

Sec. 5. Sections 18-87c and 18-87d of the general statutes are repealed.

Sec. 6. This act shall take effect from its passage and sections 1 to 4, inclusive, shall be in effect until July 1, 1987.

Approved June 13, 1984