

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-259		7519	25	3	3
<u>Committee Pages:</u> <ul style="list-style-type: none"> <i>Corrections, Welfare & Humane Institutions 206-214</i> <i>Corrections, Welfare & Humane Institutions 218-223</i> 				<u>House Pages:</u> <ul style="list-style-type: none"> 2070-2072 	<u>Senate Pages:</u> <ul style="list-style-type: none"> 1706-1708

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
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Tuesday, May 4, 1971

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which these maps can be validated. More important perhaps is that the town has deeds which it has not recorded to the highways within this subdivision and these highways themselves are in doubt and the boundaries are in doubt until these maps can be validated. Over a million dollars worth of property is involved here. It appears that there is no other way that we can solve this dilemma. Accordingly, I move the passage of this bill.

THE SPEAKER:

Further remarks on the bill? If not, all those in favor indicate by saying aye. Those opposed? The bill is PASSED.

THE CLERK:

Page 5, Calendar No. 579, Substitute for H.B. No. 7519, An Act Concerning the Composition of The Commission on Adult Probation, File No. 518.

MR. BROWN (148th):

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark?

MR. BROWN (148th):

Mr. Speaker, there is an amendment. Will the Clerk please read the Amendment?

THE CLERK:

House Amendment Schedule "A" offered by Mr. Povinelli of the 120th. In line 13 strike out the words "two members" and substitute "one member".

In line 13, insert the word "an" after the word "be".

In line 14, strike out the word "Judges" and substitute "Judge" and in the same line, strike out the word "two" and substitute "one".

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In line 15, insert the word "an" before the word "active" and in the same line strike out the word "Judges" and substitute "Judge".

In line 16, strike out the word "one" and substitute "three" and in the same line strike out the words "a layman" and substitute "laymen".

THE SPEAKER:

Question is on adoption of House Amendment Schedule "A". Will you remark?

MR. BROWN (148th):

Mr. Speaker, I would defer to Rep. Povinelli who introduced the amendment.

MR. POVINELLI (120th):

Mr. Speaker, on the amendment, presently the Commission on Adult Probation consists of six members with the only statutory requirement that they be three Democrats and three Republicans. The existing law does not spell out the professional makeup as to the members' backgrounds. What this amendment does is clarify the language and spell out that rather than have a ratio of six from the Bar, or six members of the Bar and one layman, you would have three members from the Bar and three laymen. And further, Mr. Speaker, this would be in my estimation more responsive to the Probation Department needs. It would be more receptive to the people participating on the Probation Commission and I move for adoption of the amendment.

THE SPEAKER:

Further remarks on the amendment?

MR. BROWN (148th):

Mr. Speaker, as has been explained, that under the present amendment that there would be an equal division of three from the legal profession and three as laymen. I certainly respect the judgment of Rep. Povinelli. I

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understand that he has consulted some of the officials in this area and they feel that it probably would be a help to make it of this kind of composition and the committee would see no serious problem that should result in a controversy and we would support the amendment.

THE SPEAKER:

Further remarks on the amendment? If not, all those in favor indicate by saying aye. Opposed? The amendment is ADOPTED. It's ruled technical.

MR. BROWN (148th):

Mr. Speaker, I move for adoption of the Joint Committee's favorable report and passage of the bill with the House Amendment "A".

THE SPEAKER:

Will you remark further?

MR. BROWN (148th):

Again, this bill as amended would simply make the Parole Board consist of three from the legal profession and three as laymen conversients I would move adoption.

THE SPEAKER:

Further remarks on the bill as amended? If not, all those in favor indicate by saying aye. Opposed? The bill is PASSED.

THE CLERK:

Page 6, Calendar No. 591, H.B. No. 7485, An Act Concerning Escheat of Property in a Decedent's Estate, File No. 553.

MR. HEALEY (87th):

Mr. Speaker, I move adoption of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

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THE CLERK:

Cal. 577, File 553 Favorable report joint standing committee on Judiciary on H.B. 7485 An Act Concerning Escheat of Property in A Decendt's Estate.

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR JACKSON:

Mr. President, this bill decreases the number of years from 10 to five that any property of a deceased person which remains unclaimed may become subject to escheat by the state of Connecticut.

THE CHAIR:

The question is on passage of the bill. Will you remark further? If not all those in favor of passage signify by saying aye. OPPOSED NAY? The ayes have it. The bill is passed.

THE CLERK:

Please turn to page 6, first item, top of the page, Cal. 579, File 800 Favorable report joint standing committee on Corrections, Welfare and Humane Institutions Substitute H.B. 7519. An Act Concerning the Composition of the Commission on Adult Probation.

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THE CHAIR:

Senator Ciarlone.

SENATOR CIARLONE:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill as amended by House Amend. A.

THE CHAIR:

Will you remark?

SENATOR CIARLONE:

Mr. President, this bill changes the composition of the Commission on Adult Probation in the date when its members shall be appointed. This bill, I feel, allows for better representation on the Commission. In that one member shall be a judge of the Circuit Court, one member shall be an active Judge of the Superior Court, one member shall be a practicing attorney and three shall be lay people conversing in the field of criminal justice. The makeup of this Commission I believe provides for knowledgeable people in the area of criminology. And the members on this commission are not paid members. Its a good bill and we urge its adoption.

THE CHAIR:

The question is on passage will you remark further.

Senator Hammer?

SENATOR HAMMER:

As usual Mr. President, I have a question from the Senator

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from the 10th District. What lay people are conversing with criminal law?

THE CHAIR:

Senator Ciarlone if you wish?

SENATOR CIARLONE:

I have spent three terms here in the General Assembly I consider myself a lay person. And spending so much time with the legal people here in this circle, I consider myself conversed in legal law.

THE CHAIR:

The question is on passage. Will you remark further? If not all those in favor of passage signify by saying aye. AYE. Opposed nay? The ayes have it. The bill is passed.

THE CLERK:

Cal. 582, File 570, Favorable report joint standing committee on Corrections, Welfare and Humane Institutions on H.B. 8098 An Act Concerning Voluntary Admission to the Department of Children and Youth Services.

THE CHAIR:

Senator Ciarlone.

SENATOR CIARLONE:

Mr. President, I move acceptance of the Joint committee's joint favorable report and passage of the bill.

THE CHAIR:

Will you remark?

**JOINT
STANDING
COMMITTEE
HEARINGS**

**CORRECTIONS,
WELFARE
AND
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CORRECTIONS, WELFARE AND HUMANE INSTITUTIONS

THURSDAY

MARCH 18, 1971

REPRESENTATIVE JOHN B. CHAGNON PRESIDING

Members Present: Senators: Ciarlone and Finney
 Representatives: Chagnon, Hanzalek, Lowell, Colucci,
 Mesite, Fearson, Turek

I AM REPRESENTATIVE CHAGNON - 97th - VICE CHAIRMAN OF THE CORRECTIONS,
 WELFARE AND HUMANE INSTITUTIONS COMMITTEE DECLARING OPEN THE HEARING.

H. B. #7372 (AN ACT CONCERNING THE COMMUNICATIONS SYSTEM AT SOMERS PRISON)

H. B. #7373 (AN ACT CONCERNING MUCH NEEDED PRISON FACILITIES)

H.B. #7518 (AN ACT CONCERNING THE PLACING OF ADULT PROBATION OFFICERS
 UNDER THE MERIT SYSTEM)

H. B. #7519 (AN ACT CONCERNING THE COMPOSITION OF THE COMMISSION ON ADULT
 PROBATION)

H. B. #7520 (AN ACT CONCERNING THE DUTIES OF THE COMMISSION ON ADULT
 PROBATION)

H. B. #7521 (AN ACT CONCERNING RETIREMENT OF MEMBERS OF THE ADULT
 PROBATION DEPARTMENT)

H. B. #7614 (AN ACT CONCERNING THE TRANSPORTING OF PRISONERS)

H. B. #7612 (AN ACT CONCERNING INSURANCE RATES ON CARS, TRUCKS AND BUSES)

REPRESENTATIVE CHAGNON: We'll first hear from legislators -
 Representative Poganelli -

REPRESENTATIVE HENRY POGANELLI - 120th DISTRICT IN MILFORD: I'm here on
 behalf of four bills that I have authored 7518, 7519, 7520 and 7521.

I will preface my remarks by saying that most of my notes are intermixed
 with notes relative to another bill before Public Personnel which I have
 already come from and within the next day or so I will transpose these into
 proper form for your committee if I can have that consideration -- I'll
 resubmit them within a day or so.

First, I would like to give you a brief explanation to justify the bills which
 will be scheduled for this hearing. Perhaps, it is best to begin with House
 Bill #7519 which has to do with the composition of the Commission on Adult
 Probation. When the Adult Probation Department was born in 1956 it was
 decided the Department in the unclassified service of State Employment and
 in the Executive Branch of government directly under the Governor. It was
 felt that they should not be part of the Judicial Department and rightly so

REPRESENTATIVE HENRY FOGANELLI (cont'd):

but that since their work is so intimately connected with the courts, there should be some authority by members of the Judiciary. Accordingly, a seven man commission was set up to govern the adult Probation Department with the exception of stating that the Chief Justice would act as Chairman but with no vote except for tie breaking purposes. The only other requirement for membership on the committee was that three voting members be Republican and three voting members be Democrat. Initially active Superior Court judges made up the majority of the commission. The only Supreme Court Justice was the Chief Justice serving as Chairman Ex Officio. The Superior Court judges on the commission were all actively serving judges in touch with the every day business of the courts. At that time there was no Circuit Court System but rather a low Court system of City Court judges and Trial Justices who were in and out of office every two years depending who became mayor of each town. I believe there -- this is why there was no representation on the court by anyone other than a Superior Court. The laymen who were named to the court included a lawyer and a woman neither one of whom unfortunately seem to have much knowledge or interest in the Adult Probation.

During the many years since '56 the Superior Court judges who are on our Commission or on the Commission have been elevated for the most part to the Supreme Court and as a result the Commission soon became comprised of people who would have absolutely no current involvement in court matters which actually affect the Adult Probation System. In addition, although the Circuit has been established since '60 or '61 on a professional permanent level, at no time was anyone selected from that Circuit Court to serve on the Commission on Adult Probation despite the fact that half of the work deals exclusively with the Circuit Court.

Now, what I plan to do with this bill is to return the Commission to a living active group of responsible people who are touched with the problems confronting court in the community and the Adult Probation.

Going on it gives a brief disertation as to how the court should be set up which again I say I'll submit to you. It basically is to bring the Probation Department into a more functional set up that would be responsive to the needs of the people.

On #7520--^this

UNIDENTIFIED SPEAKER: May I just ask a question on 7519? Was it your intent to still leave within that bill -- there shall continue to be a Commission on Adult Probation composed of six members - no more of three shall be of the same political party -- was it your intent to still have the political situation in there? I was noting that you were enumerated people below which may not be in the --

REPRESENTATIVE POVINELLI: Right, it wasn't my primary intent to keep the political aspect of it intent but more so to break down the make up of the Commission with a different of set of -- again I say -- would be more responsive to the people - but the political aspect of it -- it was not my intent to retain/that -- no question of it.

REPRESENTATIVE POVINELLI (CONT'D):

On H. B. 7520 - that is to do with the duties of the Commission - actually it is an outgrowth of the make up of the Commission as we have it in the past. What I would like to point out is that the Probation Officer has generally been a highly dedicated individual whose first concern is doing the job in the very best way possible for the benefit of the court and the community and in this respect the Adult Probation Department has failed to keep pace in almost all respects. A quick look at the various parts -- the State's Attorney Office, Public Defender's Offices nature and sizes of institutional -- personnel, etc. quickly shows that all of these others have multiplied from three to six times the size and at the same time however the Probation Department has barely grown at all and as a consequence the staff has been called on to work as many as ten to thirty of hours of overtime per man per week in order to get the job done. I would like to mention that the pre-sentence -- preparation of the presentence investigation report which is prepared on each person convicted of a felony -- before that person can be sentenced and supervision of these offenders who are placed on probation rather than sent to prison or reformatory - the demands for the pre-sentence investigation is multiplied to such an extent that the supervision duties of the Probation Officer had to be almost completely neglected. The tremendous influx of narcotics business alone is such that the entire department could spend its time working only on narcotics and still be considerably undermanned. A number of years ago when the first director was still on the job, it became clear to the members of the department that the Commission simply had no desire to keep pace with the demands of the court or the increased personnel. It is a matter of record that the first director -- a gentleman by the name of Alton Cohen -- was a professional and an expert in that field of the Probation Department who apparently was INAUDIBLE by the Commission so far as bringing it up to par with the respective work loads and increased cases that were before it. So basically, just to summarize without going through more rhetoric here relative to the pertinent data which again I'll repeat I'll submit, what this bill would do generally, is instruct the Commission that they will have to speak with representatives of the professional staff of the Adult Probation Department in order that together they may reach a meaningful conclusion in matters pertaining to just salaries, proper workloads and a restructuring of the department so that they may be able to do properly the job which the law requires of them.

REPRESENTATIVE TRUEX: May I ask a question just for my own information?

REPRESENTATIVE POVINELLI: Yes, Representative Truex.

REPRESENTATIVE TRUEX: How frequently does to -- the Commission meet -- do you know?

REPRESENTATIVE POVINELLI: I think it's once a month. I wouldn't want to be quoted on that.

REPRESENTATIVE TRUEX - 23rd: And it is an active ongoing commission now?

REPRESENTATIVE POVINELLI: Yes mam.

REPRESENTATIVE TRUAX: Thank you.

REPRESENTATIVE POVINELLI: And uh -- with all due respect to the Commission -- and it wasn't my intent to come before this group or this Committee -- and belittle them but apparently with the times that have changed and as I mentioned the heavy case load in the Probation Department -- apparently the Commission is not responsive to the needs of the department to operate in a functional manner would be in the best interest of the state.

REPRESENTATIVE TRUAX: That's understandable.

REPRESENTATIVE POVINELLI: All right the next bill is 7518 -- which would place the Probation Officers under the protection of the merit system while remaining in the unclassified service of government.

I'm just trying to pick excerpts of this -- I won't bore you with a lot of detail --

Well basically what it is -- the Commission has a right without the Probation Department -- being in the classified service under the Civil Service -- they were allowed to determine whether they should give them automatic raises as the rest of the state employees -- whether they should similarly be given vacations -- sick leave -- holiday consideration-- only if the Commission so desires to go along with this type of a policy. They're not obligated under law to give the same benefits to the Probation Department that other state employees protected by the classified services presently are getting and basically this would allow a situation to be promoted to treat the Probation people in the same light as other state employees such as State Policemen, Correctional Institutional Employees, and anything that's under the merit system which they are not presently covered.

SENATOR FINNEY?? (Did not identify herself) I just don't understand how you can have it both ways here. If they are unclassified -- how can you put them in the same category with classified people? I'd also like to ask you if you know why they were unclassified in the first place?

REPRESENTATIVE POVINELLI: Apparently, this is the way it was set up originally when the Probation Department came into existence and I should say the Commission on the Probation Department.

SENATOR FINNEY: Do you think it's possible that they wanted it this way?

REPRESENTATIVE POVINELLI: To remain unclassified?

SENATOR FINNEY: Yes --

REPRESENTATIVE POVINELLI: Yes, this is very possible Senator because it also brings to mind again without belittling the Commission -- it brings to mind the political patronage system where you can place unqualified people in a very important field such as Probation by being unclassified and possibly the answer is to have them put in a classified service where they will gain the benefit and also offer the services to the state in

REPRESENTATIVE POVINELLI (CONT'D):

a proper perspective.

SENATOR FINNEY: That's what I was trying to get at. You are really talking here of professional people now aren't you?

REPRESENTATIVE POVINELLI: Yes mam --

SENATOR FINNEY: So these should not be or would not likely to be patronage things would it?

REPRESENTATIVE POVINELLI: That's right.

SENATOR FINNEY: Don't you have a professional -- a requirement here?

REPRESENTATIVE POVINELLI: Yes mam -- no, there is no professional requirement with the exception I should say just mention this just for the record -- that basically ninety per cent of the probation people are college graduates who are specialized in that particular field and if they are producing the qualifications you know responsive to the job -- then all I'm trying to do with this bill is try to step them up in a situation where they will receive the same benefits that other state employees are getting and again to reiterate very possibly that's the answer and they should be placed in Civil Service rather than this semi-unclassified semi - Civil Service which is to mean in limbo.

SENATOR FINNEY: That's what I wanted to find out whether you are willing that they be in classified service.

REPRESENTATIVE POVINELLI: If there was any INAUDIBLE connected to this particular field I would be in very strong favor of removing that particular aspect -- most definitely -- as a qualification.

SENATOR FINNEY: Okay, thank you.

UNIDENTIFIED REPRESENTATIVE: Excuse me, have you presented that to the Public Personnel Committee too.

REPRESENTATIVE POVINELLI: Oh - I did already. I just came from there on another bill that I spoke on which is relative to this but had to do with presentencing reports to the confidentiality of the medical records which presently do not obligate it to the court and consequently of course is that might be judged on facts -- the judge or the Court System could not make a proper evaluation because these records are not available -- made available during the time of sentence. It's similarly related to this. It has the Probation Department in mind but it's not before your committee and that's why I mentioned earlier that I take all of my notes and break them down what belongs to your committee and what belongs to the Public Personnel and submit this within the next two days.

The final bill I wanted to mention is H. B. 7521 - dealing with the 20 year retirement for Probation Officers:

REPRESENTATIVE POVINELLI (CONT'D):

Two years ago serving in the General Assembly I served on the Corrections Committee and I have recollection of legislation that was submitted to cover members of the Correctional Institutions who were engaged in hazardous duties. This was approved by the Committee which heard the bills and I'm more than sure it was before our Corrections Committee at that time and an aim at Adult Probation Officers was pencilled in the bill. When the rough draft was prepared with the final wording, the pencilled in words Adult Probation Officers was inadvertently omitted and although the bill was passed and became law the final draft of the bill showed that they had been left out by accident and I'm assuming it was by accident. What they're asking for in this bill is to be treated again -- we just went through the same words -- like departments or other agencies like State Police, Correction guards, etc. who perform extremely hazardous duties and are covered by 20 year retirement at half pay.

Basically, that's about it Mr. Chairman and Members of your Committee. The rest is all relative wording concerning their duties and some of their occupational hazards and again I'd like to have you consider this 7521 because the correct -- to correct an inequity that was performed two years ago in the last session when a similar type bill was put before the General Assembly and I'd like to redo all of my remarks and put them in a proper perspective for your Committee and I'll submit within the next couple of days. Thank you very much for your time.

VICE CHAIRMAN CHAGNON: Are you here to testify sir? Is that gentleman going to testify?

INAUDIBLE talking!

UNIDENTIFIED SPEAKER: I might say that we were advised that this hearing would start at ten thirty so that may be why a number of people are not here.

VICE CHAIRMAN CHAGNON: Oh, you thing there might be more coming?

UNIDENTIFIED SPEAKER: Oh, there will be more coming.

VICE CHAIRMAN CHAGNON: Well, we'll take your testimony. We'll keep that in mind.

ALAN LEWIS, NORWALK * PROBATION DEPARTMENT OFFICER: I might say that I have not studied all of the aspects of the various bills that have been proposed.

I have been working with the Probation Department as an officer in Norwalk, Connecticut attached to the First Circuit Court as -- as a Court Probation Officer. I have been there since 1961, and the Officer in Charge of the Norwalk office. I don't know whether you people are familiar with the duties and functions of the probation department and what the responsibilities are and I'm not going to try to capsule it for you in a few brief moments but -- I would like to go and make a couple

ALAN LEWIS-NORWALK-PROBATION DEPARTMENT OFFICER (CONT'D):

of points. As far as the retirement program is concerned, I'm not thinking myself of retiring at this young and tender age, since I have at this point I'm only 45 years old or will be 45 very shortly, but, I would like to say that certainly there are a number of people in our department who look forward to a retirement after 20 years service and I think that this should be a consideration -- well chosen consideration because there is a great deal of tension and hypertension even in the anxieties and pressures that have been placed upon probation personnel in the performance of their duties. One of the problems that we see is the continued -- I might say increasing demands -- placed on Probation Officers in the supervision of cases that are assigned to them as well as the increasing demands that are placed on Probation Officers in performing investigations for the court -- the Investigatory Services.

In addition to that probation personnel are being swamped -- and I might say Parole Personnel as well -- with extremely heavy case loads of the narcotics violators. This -- we have a saying in our department that to supervise one junky is like trying to supervise fifty regular cases -- the continued interplay and chicanery and deceit that are perpetrated by narcotics violators is unique completely new and unfamiliar phenomenon to the entire corrections field and certainly the role that probation personnel play in this area is going to be increasingly important especially from the expenditure standpoint. You may be familiar with the amount of money it takes to incarcerate a narcotics violator in the state institutions but the latest figure we have was in Niantic for example - now it takes \$13,000 a year to incarcerate a female.

We see now a new approach to this field -- we see the influx of methodon maintenance programs, research projects, etc. all of which perhaps are being staffed by Federal Grants to some extent and getting Federal appropriations and approval to use this technique and consequently the INAUDIBLE of supervision under controlled program in the community falls largely on the Probations Staff. The consequences, of course, are that we have now Probation Officers carrying case loads in excess of one hundred - one hundred twenty five cases and the percentage of increase of narcotics situations is increasing at a very rapid rate . I'm sure that there will be others here who will expand this position but to continue with the trend which I started initially -- the idea of the early retirement -- you can see that the pressures that are being placed upon Probation Officers in this kind of a supervision situation are really INAUDIBLE - one of the officers in my office who works with me is suffering from an ulcer and he has periodic relapses -- needless to say perhaps brought about by a great deal of the pressure and stress that's put upon him from the job.

Additionally, I might say a Probation Officer is on 24 hour call. We receive telephone calls at all hours of the day and night from Police Departments and concerned parents, etc. about violators and this too is a kind of a service which we provide -- of course -- being professionals -

ALAN LEWIS--NORWALK - PROBATION DEPARTMENT OFFICER (CONT'D):

we're not compensated for that service. It's just kind of an additive that goes along with the job. That, I think, is enough after 20 years, if anybody can stand this job for 20 years I take my hat off to him. Years ago perhaps they may have been able to handle it but with the complexities that have developed in our current society, mobility factors, etc. the job is really intense. So, that being the case I would like to go on record for the 20 year retirement provision even though I myself do not expect to take advantage of it. That's that bill.

With respect to the other bills I'm favor in all except the Commission - the make up of the Probation Commission. I might say too I'm very much in favor of the act concerning the placing of adult probation officers on the merit system because certainly performance should determine reward and I think that in our own world - whether it be the world of free enterprise or the world of government - people are going to perform in hope that they'll be compensated fairly.

SENATOR FINNEY: Mr. Lewis, we understand then that you would be willing to be in the classified service?

ALAN LEWIS: The bill states without altering the unclassified status.

SENATOR FINNEY: I think this is asking two things of us that are pretty difficult so the question really in my mind is whether you would be willing to be in the classified service if standards were set so that you as professionals would have standards for those coming in?

ALAN LEWIS: Well, we're certainly open --

SENATOR FINNEY: Would you lose anything by going into the classified service in your mind.

ALAN LEWIS: That's a question which I would rather leave to someone else with more experience with the classified and unclassified service. I never myself have been a member of the classified service. I've always been a probation officer as a state employee. I've always been in the unclassified service and I never really have explored all the intricacies of the various - the two different status situations but I would rather leave this question to be answered, if you would, by someone who is more familiar with all sides of the spectrum.

With respect to the composition of the Commission on Adult Probation -- certainly they have been doing a good job, but, I get the strong feeling that there is a lack of communication between the probation staffing itself and the Commission -- not that our director who I believe is a member of the Commission has been remiss in his responsibilities -- I'm sure that he has not been remiss in his responsibility -- but I do feel that the posture which he must take is somewhat aloof from the people who are actually in the field every day and again I'm not trying to take anything away from Mr. Capshaw because I have the utmost respect for his competence -- but administration is a posture which may not necessarily

ALAN LEWIS - NORWALK PROBATION OFFICER (CONT'D):

be in tune with the actual working field force and I feel strongly that there should be representation from the field force if you will -- on the commission and I would like to suggest that for whatever you care to make of it. I guess that's about all I have to say.

VICE CHAIRMAN CHAGNON: Are there any questions.

REPRESENTATIVE TRUEX: Mr. Lewis, two questions -- one you mention the present case load of 100 to 125 - can you give us any estimate of two, three, four, five years ago - ten years ago? Has it increased rapidly or --

ALAN LEWIS: The case load has -- it isn't a question of a case load increase -- I think there has been an increase in the case load -- certainly Mr. Capshaw has the statistical data I'm sure that will support that -- it isn't so much the increase in numbers of case loads but rather the types of cases which are being developed.

REPRESENTATIVE TRUEX: No this was clear -- but I wasn't sure whether there had been an increase in the case -- and going back to the composition of the Commission -- you partially answered my question that I had in mind when you said representation from the field force was -- in addition you would like to see -- in other words you have no objection to this bill as it is -- if this were included in it.

ALAN LEWIS: No, I do not. I just feel that -- I just feel that the Commission itself would be more effective in having some direct communication with the field force and I'm sure that there are very competent in our field force -- some of whom -- one of whom might be induced to serve in this capacity and I feel that would be helpful.

REPRESENTATIVE TRUEX: But otherwise you agree with this bill?

ALAN LEWIS: Yes.

REPRESENTATIVE TRUEX: Thank you.

VICE CHAIRMAN CHAGNON: Representative would you like to speak?

REPRESENTATIVE STANLEY BIGGS * 45th DISTRICT: I'd like to speak in favor of Bill 7372 which I sponsored. I do want to say at the very outset I don't think this was a proper subject for legislation but we had a problem with our Wardens and since they have failed to recognize the problem I would like to have pointed up here through the introduction of a bill. If this committee looks upon it favorably it will wind up I'm sure in the Appropriations Committee but we have not had an adequate warning system in the State Prison in Enfield and Somers. We have had escapes and before all the people who should know about it are notified it takes a matter of two or three hours and when it does by that time it -- the prisoner has got so far away that it's

DATON PALMER (CONT'D):

Speaking in favor of bill 7521 -- Retirement of Adult Probation Department -- It's always been incongruous to me that the State Police are considered as having an hazardous occupation and are allowed to retire after twenty years when we in the Corrections Department work with exactly the same people -- sometimes under more dangerous circumstances than they do because in the Probation Department we don't have weapons and yet we are going into the homes of these people. We are supervising them. We are arresting them for violations of probation and we work in the same areas as the police do.

Speaking for myself, for the past nine or so years I have been taking medication for hypertension and I'm sure that the years I spent in Wethersfield, Cheshire and the Probation Department haven't helped that condition at all so I would be very much in favor of allowing Probation Officers to retire after twenty years.

VICE CHAIRMAN CHAGNON: Any questions? Thank you sir.

JOHN FABRIZIO - 147th District - Norwalk, Connecticut: Chairman, Committee Members: I'm in favor of House Bill 7612 which I have submitted. This bill provides that a maximum rate of premiums be set that the insurance companies can charge on cars, truck and busses. Numerous times when one gets in an accident with their car and the insurance company has to pay money they find that their premiums have jumped the next time it is due or that their policy has dropped.

VICE CHAIRMAN CHAGNON: Representative --

JOHN FABRIZIO - 147th District: Is this Corrections?

VICE CHAIRMAN CHAGNON: It is but the bill your' speaking to is use of prison labor.

JOHN FABRIZIO: No, there's two of them -- one transportation -- oh, I'm sorry -- 7614 -- okay.

I feel that there should be maximum rates of insurance -- maximum rates an insurance company can charge on cars, truck and busses. In this way one could anticipate what might happen if there are a number of accidents and would not be put out of business over night -- thus I urge a favorable report on this bill. Thank you.

INAUDIBLE TALKING -----

CHAIRMAN CHAGNON: Terry S. Capshaw -- is that right?

TERRY S. CAPSHAW: Mr. Chairman and Members of the Committee, I would like to speak to these four bills -- 7518 through 7521. I'm the director of the Department of Adult Probation for the State of Connecticut.

Bill #7518 - about the placement of adult probation officers under the

TERRY S. CAPSHAW, DIRECTOR OF ADULT PROBATION FOR THE STATE OF CONNECTICUT;
(CONT'D)

protection of the merit system without altering they -- their unclassified status. This is a fifty fifty proposition but I think that recent experience would indicate that this bill would have some merit -- would have some merit. We have recently undergone a reclassification proposal of our agency which was rejected -- I think the staff was hurt by that because now people doing similar work to ours - in fact exactly similar work to ours -- in Juvenile Court and somewhat similar but not half as dangerous in the Family Relations Division of Superior Court are getting considerably more pay than my staff and I believe under the merit system this would not happen. We have provided considerable amount of statistical information and at the time it indicated about ninety four per cent of the people in the classified service had been reclassified in the past two years. Our staff had not been and under the merit system I believe they would have the protection and provided the employees of the classified.

Right now, there are advantages to being in the unclassified service as well and I believe that's why the prepositional phrase about without altering their unclassified status -- is included. We have advantages in hiring personnel and unfortunately on occasion we have the advantage also having to dismiss someone forthwith -- the Commission can do this but if this bill stood as it stands now, I believe it would be helpful to the staff.

Another question was overtime. When the personnel law was passed in 1967, it read "Any state employee" -- well, we had to get a ruling -- I was not the director at that time -- Mr. Cowan was the former director who's still in office -- we had to get a ruling from the Attorney General and it was ruled that this did not apply to people in the unclassified service. My staff works probably more overtime without any type of compensation whatsoever than any department in the state service I would say so I believe that bill -- I would like to see that bill acted upon -- I hope it gets a favorable report.

H. B. 7519 - Concerning the Composition of the Commission on Adult Probation -- When the Commission was originally organized in 1955 the original appointments were made -- the majority of the Commission was comprised of Superior Court Judges. Now, the longevity process and we have been in business now fifteen years, those judges have gone on now to the Supreme Court of Errors for the most part and of course they are a little removed from the trial scene, the courtroom scene as our officers know it -- we work in the courtroom -- and uh I believe the staff feels that the only person who is really aware of what the department is doing is the director, myself, and I'm not a member of the commission, I only service at their pleasure and I represent the department -- I call the meetings and things but I am not a member by a statute of the commission.

TERRY S. CAPSHAW, DIRECTOR OF ADULT PROBATION (CONT'D):

The governor has made two suggestions for new appointments to the Commission -- for two members whose terms are expiring and it will change the attitude or the complex of the commission -- composition of it considerably in that the two gentlemen as suggested are not from the legal or court arena. They are private citizens -- lay citizens -- and I -- personally, I'm not so sure that that's bad. I have feelings both ways on that but I think for one thing the Circuit Court for example is never been represented on the commission -- I believe they would have a valuable to make. We have -- a good part of our case load comes from the Circuit Court. We work very closely there and I believe it would be valuable to have a Circuit Court Judge say -- or one or two -- on the commission.

H. B. 7520 --

VICE CHAIRMAN CHAGNON: Mr. Capshaw -- what you've said is that the present composition is mostly -- or has Supreme Court of Error judges?

MR. CAPSHAW: Yes, sir.

VICE CHAIRMAN CHAGNON: And they are removed from your problem and they get just re-appointed because once your appointed till you die you more or less get re-appointed?

MR. CAPSHAW: I think that's been true up until this year.

VICE CHAIRMAN CHAGNON: If you want this balance that you're talking about -- lay people -- and judges -- you need a bigger committee.

MR. CAPSHAW: The expansion of it I think would be -- yes I would say that although that's not implied in this bill -- that would be my thinking it would be a larger group. Because I think the lay people have something to say and I'm not against their representation whatsoever. The Chief Justice services as chairman -- he does not have a vote only in the event of a tie. Right now there's only -- well, there's two lay members of the commission right now -- one is an attorney and one is a very knowledgeable from Fairfield County and the attorney is going off in August -- Mr. Kehoe -- will no longer serve and I believe Mrs. INAUDIBLE has only about another year so there the two lay people whose terms expire within fifteen or sixteen months. Judge Meyers is the only Superior Court Judge on the commission at this time and he is not going to be re-appointed as I understand it. So--

VICE CHAIRMAN CHAGNON: So that the people who have given you the business -- or your caseload -- are not represented on the commission?

Mr. Capshaw: Exactly.

UNIDENTIFIED WOMAN: Mr. Capshaw, do you also have the feeling that maybe someone who works in the field might be on this commission? Do you agree with that?

TERRY CAPSHAW, DIRECTOR OF ADULT PROBATION (CONT'D):

Oh, yes I do.

UNIDENTIFIED WOMAN: This would be helpful as well as a Circuit Court person?

MR. CAPSHAW: Right.

VICE CHAIRMAN CHAGNON: Could I just ask -- what is the usual attendance of the commission? Is it a pretty active committee or --

MR. CAPSHAW: Well, there have been times unfortunately in the past -- well at one time I think there was not a meeting of the commission between 1964 and 1967 but since I have been the director we meet quarterly and with one exception had full attendance at each of these meetings so I think they are -- when we begin to get them involved then they begin to show some interest. I think if we ignore them or don't try to -- maybe conceal what we're doing which I think some time administrative -- administrators do I think -- they don't really want the people to know what they're doing or they don't push their product so to speak. I'm a salesman -- I like to you know. I think probation has something to say and I want to sell it to the people of the State of Connecticut.

VICE CHAIRMAN CHAGNON: Were you appointed by the commission?

MR. CAPSHAW: Yes sir.

SENATOR CIARLONE: I just want to ask one question -- by overtime -- he says much of the department works overtime without compensation --

MR. CAPSHAW: Now does your help or personnel come under the minimum wage an hour regulations?

MR. CAPSHAW: The opinion from the Attorney General said that the staff was professional employees and we're not entitled to overtime compensation.

SENATOR CIARLONE: I see.

MR. CAPSHAW: And they did away with compensatory time at one time we were able to compensate them with time off which was all right -- I don't think it was as good as money but it serves the purpose. Unfortunately, this was compensatory time went outwith the new personnel law with the idea in mine we will no longer give you time off we will pay you but our people for some reason or another beyond my power of thinking anyway are excluded from that.

SENATOR CIARLONE: Is there any way of assessing of approximately how many hours an average employee in the department might perhaps bput in?

MR. CAPSHAW: The average work week in the Circuit Courts has been about forty four hours a week. This is when we had a ruling that the state

TERRY CAPSHAW, DIRECTOR OF ADULT PROBATION (CONT'D):

work a thirty five hour week. This would be nine hours there. In the Superior Courts it has increased to about forty six to forty six and a half right now.

SENATOR CIARLONE: Thank you Mr. Capshaw.

VICE CHAIRMAN CHAGNON: Can you schedule your people though to work within the forty hours limit. What I'm saying if they anticipate that they are going to have home coverage at night or something like that that they may be scheduled to come in later in the day is somewhat equivalent to compensatory time?

MR. CAPSHAW: In California for example if an officer works in the evening he is not allowed to come to work before noon the next day. It's a regulation of the department.

VICE CHAIRMAN CHAGNON: Is there anything that prevents us from doing this?

MR. CAPSHAW: We could do that if we had adequate staffing but with eighty three probation officers and ten thousand two hundred people on probation and seven hundred and seventy pre-sentence investigations done per year we're unable to --

VICE CHAIRMAN CHAGNON: That's what I wanted to establish that because of the lack of force

MR. CAPSHAW: There just isn't manpower -- we're stretched to the limit -- so thin now that we just couldn't revise the schedule to whereby we could say well two men could cover where we usually have four say. It would be a skeleton force.

VICE CHAIRMAN CHAGNON: Thank you.

UNIDENTIFIED WOMAN: Mr. Capshaw, do you feel that it is because of the type of problem that you're dealing with now rather than actually the number of increases in your caseload -- the size of the caseload that is the problem -- that makes the problem so acute?

MR. CAPSHAW: Well, I believe it is a combination of things -- and of course one of the things we feel rather strongly about and I think rightfully so is we should -- our service needs to be available and when a person is in trouble the person wants the help -- you take a drug addict -- when he's ready to go to the hospital we should have someone there to take him to that hospital because tomorrow he's not going to want to go -- he's going to be high and off some place in a corner and your're never going to find him but when he comes in at four o'clock and says, "You know what we talked about yesterday is true and I think I ought to do this -- I want to do it" well, we should get in a car and take him and we used to be able to do that in the days when we were dealing with a smaller case load when I was a probation officer -- I only worked in the drug area but our case loads were reasonable then. Today, the

TERRY CAPSHAW, DIRECTOR OF ADULT PROBATION (CONT'D):

average case load in the state now is one hundred eighteen. This is really just counting numbers. What can an officer do with one hundred eighteen people and he has to be in court and he has to do certain paper requirements and he just doesn't have -- there isn't enough hours in a day for him to really do his job the way he wants to.

UNIDENTIFIED WOMAN: Mr. Capshaw, do I understand you rightly really -- that you're a twenty four hour group aren't you?

MR. CAPSHAW: Yes --

UNIDENTIFIED WOMAN: I mean to -- you are subject to call for twenty four hours?

MR. CAPSHAW: Yes -- twenty fours a day.

UNIDENTIFIED WOMAN: So -- it would be very difficult for you to schedule a seven hour day unless you had an unconscionable amount of people.

MR. CAPSHAW: We never were able to fit -- I've been in well law enforcement and probation work since 1952 and I don't think I ever worked a forty hour week in my life. Not that I would probably anyway -- I'm not like that but I don't think any of the staff have either. They never had that luxury.

UNIDENTIFIED WOMAN: Then it would be difficult to schedule considering your clientele?

MR. CAPSHAW: Yes mam. You know -- they call you especially if you begin to develop a relationship with somebody -- they begin to lean on you and maybe you're all they have -- they may not have a family supporting them mentally or morally or physically. They may not have -- they may live in a little room downtown and you may be the only person that they're talking to in their life.

UNIDENTIFIED WOMAN: And this is your job? To talk?

MR. CAPSHAW: I think so -- yes -- exactly-- yes mam.

UNIDENTIFIED WOMAN: Thank you very much.

UNIDENTIFIED MAN SPEAKER: Well, this is back to the commission itself -- what function does the commission actually perform? As opposed to the operating the board -- the commission when it meets what do they do?

MR. CAPSHAW: Well, for example they approve the hiring of any employees and the firing as well. They approve our policies, guidelines of the agencies -- we never had any until a few months back but they have approved the beginning of what we hope will be a probation manual for the entire staff -- our department, when we apply for Federal Grants--they approve the grant request -- I always bring it to their attention -- let

TERRY CAPSHAW, DIRECTOR OF ADULT PROBATION (CONT'D):

them know in what area we want to put this money to use if we can get it, anything to do with salary -- they set the salaries of the entire department with the exception of myself, and if we want to do any specialized work -- for example if I want to take an officer and say well I'd like to run an experiment in New Haven -- just have this man handle a case load of thirty five -- do no investigative work -- I'd like to see what that would do in terms of service to these thirty five people. I might start it without consulting them but I would bring it up at the meeting as informing them of what we are doing. I try to -- I sent them a report every couple of months of what we're involved in and we're going I hope -- where we're not going I hope-- things like that but they really are the policy making group. And if they in turn have things like right now we're investigating a short form pre-sentence investigation -- Justice Carter feels that we just have to cut back along the lines because we can't provide the court with the type of information which we have been doing in the past due to lack of staff so we're cutting back that and he has directed me to explore this around the county - country -- get some samples and look at them and see what we can do to reduce the size of that type of investigation.

UNIDENTIFIED SPEAKER: While we're on this subject -- supposing you're department is very small in number -- do you think that you would rightly fit into the Department of Justice or would you fit into the Corrections Department if you were to become a division of some other department?

MR. CAPSHAW: Well, I would think that if those two alternatives were open I would certainly feel that the Judicial would be more the arena for probation and ours is a court function and our work comes from judges -- in effect we work for the judges -- the judges are the boss --if when they ask for an investigation they direct one of my people to go out and do it and this is really our function -- the Department of Corrections to my way of thinking is institutional type agency -- the field service staff is very small -- we supervise -- well, about six times the number of people -- probably a little more than six times the number of people on the street that the parole division of the Department of Corrections does.

UNIDENTIFIED SPEAKER: But the Parole is comparable in their work --

MR. CAPSHAW: It's a similar type service but for instance if we arrest someone for violation of probation -- that person is brought before a court for a hearing and the judge in turn revokes that probation or continues it or changes it around -- extends it whatever he wishes -- the Parole Officer just picks up the body and transports him to the prison and files a report with the Chairman of the Board of Parole and he in turn eventually has a hearing but it's a pretty much after the fact situation.

UNIDENTIFIED SPEAKER: Is there another possibility -- you indicated given those two choices you would say Justice -- is there another possibility?

TERRY CAPSHAW, DIRECTOR OF ADULT PROBATION:

Well, frankly I would rather remain independent. I think -- I feel this way about it-- I'm a new director -- I've only been there one year -- if I fall on my face and don't do the job the way it is delegated to me then I would deserve to be absorbed by some other agency that could do better. But, I -- if I perform my function in the way I think I can, and with the loyalty of the people who work for me who are just excellent people -- they've been just as helpful as possible -- I can see probation going along way under the Commission just the way we are. But, the composition of the Commission is perhaps -- could be more tuned in -- say to the criminal problem --this has happened just through time -- it isn't through lack of interest on the part of the members or anything else. It's just the elevation of people to posts of higher authority where they have many many other problems to contend with.

VICE CHAIRMAN CHAGNON: Are you familiar with what the other gentleman -- the general reporting places in other states? Do they work under Corrections or Judicial Law or are they separate units?

MR. CAPSHAW: There are a few states where the Probation system is in a Department of Corrections and sometimes under a broader umbrella of say the Department of Public Welfare -- Virginia, Pennsylvania -- places like that but for the most part the trend right now seems to be from correspondence that I have received -- probation is run either by county government -- such as California, Illinois and Texas but there is a trend now towards state-wide probation systems. I have gotten several letters in the last two weeks asking me to describe the system in Connecticut -- two states where they have diversified system but want to have a state-wide probation system such as we have. We were in the beginning one of the few.

REPRESENTATIVE COLUCCI: I'd just like to ask you how many people have you hired in the past few years on your staff?

MR. CAPSHAW: The agency started out in 1956 with a staff of forty three I believe probation officers. We now have eighty three officers in the state. I believe when I took over the Department there were eleven vacancies and this is one of the advantages of being in the unclassified service by the way -- you can fill the vacancies if you can find the people and we are using a new recruiting method now which has been very helpful in finding the people and therefore we are now up to strength. We have filled every opening we had.

REPRESENTATIVE COLUCCI: You are up to strength.

MR. CAPSHAW: But we only had -- you know eighty three is not very many.

REPRESENTATIVE COLUCCI: Are you understaffed presently -- I mean

MR. CAPSHAW: In every court in the state we are understaffed. I could double the size of the department and we would still be working at -- if you go by the point system which is recommended by the National

TERRY CAPSHAW, DIRECTOR OF ADULT PROBATION:

Conference INAUDIBLE we would still be about fifteen points for month per man over what the staff should be working.

REPRESENTATIVE COLUCCI: More staff would eliminate overtime?

MR. CAPSHAW: Oh yes, and that's a goal -- I would like to see the agency get to the point where he had enough people where overtime wouldn't have to -- wouldn't be a problem. We could arrange a schedule whereby as the Chairman mentioned -- we could handle that if we had adequate staff. This would reduce that problem almost to nothing.

REPRESENTATIVE COLUCCI: Thank you.

UNIDENTIFIED WOMAN SPEAKER: Just another question along this line of overtime -- Mr. Capshaw can you satisfactorily work out the delegation cases at night time for instance of someone else or is there such a continuity of effort necessary on the part of your clients or your patients so to speak that one to one relation is important?

MR. CAPSHAW: Well, one of the things that we'd like to do more of if we had more staff would be group counselling both with families and with probationers. Now, this is done mostly in the evening. We have an officer now for example who's devoting three nights a week to this and going to school one night to further his education in that field-- getting a Master's Degree -- so that's four nights a week that Mr. Caput is working really and we would do that -- I've always felt too that if we had enough staff we might be able to have one or two of our officers in big cities open on a Saturday because people have a lot of weekend problems that we can't get close to for one reason or another by Monday it's too late some-time.

UNIDENTIFIED WOMAN: You could have group coverage then and it wouldn't destroy the effectiveness of a person having the one man to refer to or something like that -- I might -- mean he can establish an identity with a group then as far as your clients are concerned.

MR. CAPSHAW: In particular with drug cases the group concept is very very as helpful -- probably better than anything else.

REPRESENTATIVE LOWELL: Mr. Capshaw, when you mention the National Media of Cases to Worker -- how many states approach this?

MR. CAPSHAW: Probably only California I would say -- I don't have too much information -- New York did -- I don't know how they stand today -- probably not today with the way the increase in crime has come upon us in the last three years. Massachusetts does not -- I was just talking with their Commissioner a couple of days ago but not very many are like our work unit right now is about one hundred and forty five and NCCD Work Unit ruling is fifty. So we are about triple what we should be by their standards.

REPRESENTATIVE LOWELL: Do they have collections of National Standards -- I mean do you have publications that tell you what the states are doing?

MR. CAPSHAW: Only, probably this would be dispensed I think in June at probably the national convention but since I don't think anyone is travelling to national conventions lately I would have to get mine in the mail.

REPRESENTATIVE LOWELL: All right.

MR. CAPSHAW: H. B. 7520 -- on the duties of the commission on adult probation -- This as I understand involves the right of collective bargaining and I believe our recent experience would indicate that this would be very helpful to our department.

7521 - Twenty Year Retirement - I've been with the Probation Department since it started in 1956 -- came up through the ranks to fortunately be the head of it. I have a total of nineteen years service and -- in law enforcement and probation. One of our probation officers working in the Superior Court will see in a month more convicted felons than a State Trooper patrolling Route 91 will see perhaps in his career if he just makes speeding and accident investigations and thing like that.

We have the power of arrest -- we've never carried weapons -- we've never asked to carry weapons. We have dealt with that problems on the basis that if a man has developed any relations with the probationer and things begin to go wrong he will be able to exercise his authority without getting into a hassle with the person. You saw Mr. Falmer appear here a few minutes ago. Here's a man with thirty years service. He's been working with a difficult case load of Spanish speaking people. He speaks Spanish very well himself. He's had some break away from him and run away and of course what could he do about. You've got a felon on your hands who is under arrest. He runs out the door, down the street and gets away. I wouldn't want my people and I try to tell them I don't want them to get into any physical uproar with these people. You would be surprised in twenty years how the atmosphere in law enforcement has changed. The attitude of the defendants toward authority -- the age doesn't make any difference -- in fact the seventeen and eighteen year old kids are tougher than the thirty five year old safe men that we deal with sometimes. It's a much more grim job than it used to be. We used to have a few laughs a little fun -- some situations were humorous as you think back about them you can still laugh about them. But today it's very hard work. One of the problems in our field is that the longer you stay in it the harder you work. It doesn't get easier. A person who is an executive in a company -- things get a little cushy after a while. You get a little extra time off -- you make a little more money and you can do a few more things -- travel. Our people just seem to end up working harder and harder. One of my goals as director is to hopefully to make the job eventually a little easier for these people but I believe the twenty year retirement bill if it applies to the State Police Department and if it applies to Correctional Personnel, I just don't see why it can't apply to the Adult Probation Officers. Because they really deserve it.

VICE CHAIRMAN CHAGNON: Do you have many instances of where they have been physically harmed at all?

MR. CAPSHAW: I can't think of an instance where an officer has been physically hurt - no.

VICE CHAIRMAN CHAGNON: I don't mean that's a criteria but I --

MR. CAPSHAW: No, I understand it -- no we haven't had much in the way of training but it's one of the things we're developing as an in-service training program. We have a Federal Grant to do training and one of the things that's necessary. People who have the power of arrest -- they should have training in how to use it. There are things to do and things not to do -- one of my former jobs -- I used to transport a lot of prisoners around and if we had training I would handle that part of the training myself but there are things like walking prisoners to airports, putting them on airplanes, going downstairs with them -- there are niceties to the job to protect yourself and protect the general public who is around and our staff needs this type of training because I don't want anybody to get hurt. We have been very fortunate so far. If our caseloads go down and we get more staffing so that the caseloads can go down, the officers will be doing much more in the way of supervision. In doing that they're going to make much more arrests because they are going to uncover violations that are going unnoticed and unapprehended today. Now, in doing that we very well might get hurt. Naturally, if we have a guy who is a very bad person with a very bad record I would hope that the officer would obtain a warrant from the courts say and give it to the local police or State Police say and have them serve it. They're much better equipped for that type of thing than we are. But, we -- one of the things we have in the statute is the power of arrest without warrant to handle emergency situations as they occur. You might see a fellow on the street who say absconded and just returned to the jurisdiction or something and you know there is a warrant for him -- well, it's your duty really to apprehend that man but the possibility is always there. It is not an un-dangerous situation by any means.

SENATOR FINNEY? Mr. Capshaw, the possibility is always there but really your fundamental responsibility here is to rather rescue these people isn't it from incarceration?

MR. CAPSHAW: Well, I don't think you'd find a person arrested for violation of probation unless the Probation Officer felt he had exhausted the things at his command -- to change that person's life style and behavior. Once he decides that the person just is not having of it and just rejecting the whole concept, then we have an obligation to the community I believe to protect the community from that subject who is undoubtedly maybe going to hurt somebody himself.

SENATOR FINNEY? But fundamentally your really is to keep these people from prison? Different from the Parole which is another thing entirely?

MR. CAPSHAW: Right. Thank you very much.

VICE CHAIRMAN CHAGNON: Thank you for enlightening us -- a very enlightening presentation.

PAT COLAGROSSI, Stratford, Connecticut and I'm a Chief Probation Officer in the Probation Department and I work in the Superior Court in Fairfield County at the Bridgeport:

There's a saying that it's tough to follow an act like the one that preceded you and I'm not going to make any effort really to reiterate all that Mr. Capshaw has so excellently already imparted to you. Just a few notes that I have signed on as a speaker -- I am of course in favor of H. B. 7518, 19, 20, and 21 and basically for the same reasons that have been expressed to you by the speakers before me.

In terms of the merit system, 7518 I think it's well to point out to you in the event that you are not aware of it that there is a growing concern over the failure of the present statutes to afford proper protection to a large segment of the career employees in this state. I think the problem is really basically one of semantics. Years ago there were classified as opposed to unclassified to differentiate these Civil Servant who passed an exam and was working on the basis of merit, differentiate him from the so-called political hack who is being hired to serve in some capacity where he would be getting the paycheck principally and would go out when the administration came in. Now, of course unfortunately the name unclassified is remained and the connotation is changed and that it now covers a large number of people. It covers for example the employees in the Judicial Department. It covers all of your employees in your Education Department because they're all unclassified. It covers us. It covers a number of others specialized agencies which for one reason or another have to have the freedom of movement of maneuvering in terms of employing certain specialized people.

Now, when we came into existence, we were placed in the unclassified service. I think perhaps the fact that they did have to have a grandfather for us to cover certain people already in the field may have been one of the factors there. We, however, are permanent full-time career employees. We do this with the idea that we are dedicating our lives to this work and we will remain here regardless whether Governor Dempsey, Governor Meskill or Governor Who Knows.

Now, in an effort to show you that this is a problem which is really -- which really transcends merely the Probation Department -- I think it's wise to realize that the Connecticut State Employees Association has initiated legislation which would do away with the names classified and unclassified and refer to employees as permanent full-time state employees and thereby place all of the permanent full-time career employees under the protection of the merit system. In other words this is recognized by other department, other agents, and it's reached this point where an effort is being made at this time to affect this. It's not I believe under your Committee. I think it's under Public Personnel. I just want to bring this to your attention.

PAT COLAGROSSI, STRATFORD, CONNECTICUT:

In terms of the next act 7519 - the statement made by Mr. Capshaw I think is most adequate. Someone asked him about the various duties of the Commission. One of the things that he did not mention and which I think should be mentioned is that they determine the structure of the department. And by that I mean, they determine the hierarchy -- the chain of command and I know and we all know in the department that when you grow from a department of forty three to a department of eighty three there should be some changes to reflect the increased number of personnel and to place proper authority in order that there will be supervision of all of these people and an effort was made by Mr. Capshaw -- one of the very first things that he did he made an effort to change the basic structure of the department in order to provide for responsible authority on every level -- every single level so that in no place would there be someone without someone in charge of him. And it was going to be done at minimal cost and with optimum benefit to the State of Connecticut to the Courts and to the Department and yet it was -- in my opinion -- just arbitrarily turned down without a second thought and this is one of the areas I think where a Commission that was made up of people who are more attuned to the problem would be able to at least listen and then understand and I'm sure with listening and understanding they would have done something constructive in terms of this restructuring.

Actually, the next one 7520 -- also covers some of what I just mentioned -- the duties -- if there were a mandate that the members of the Commission be required to meet with responsible representatives of the professional staff, I think that something comparable to the problem with the structure would never have occurred. I think that in many instances there are -- there is just the matter of getting the message across and we simply are not able to do this. There is some kind of a barrier. We've heard of the Berlin Wall well we have some kind of a wall here by which we just simply aren't able to get this message across and I think if they were required -- if the members were required to meet with us. Now, we are responsible people. We are hired on the basis -- the very stringent academic requirements -- employment requirements -- we undergo -- checks by the State Police into our character, etc. -- we're competent people. We are professional people -- we seek in this work a work in which we're dedicating ourselves to helping people -- helping the State of Connecticut, helping the courts, helping the community and we're not in here because we feel that this is the easiest way to earn a living but because we are actually dedicated to it and I think that it's in this light that I want to make sure that you understand our request that be given an opportunity to talk with them.

Lastly, on the matter of retirement, I think it's proper -- in case the first speaker did not mention it -- I think it's proper to state here that we've made an effort to -- two years ago to have our department included in a bill which was then under discussion. We were not as sophisticated then as we are now but knowing that we have to prepare these things in advance -- you know we were too busy doing pre-sentence reports and supervising but anyway we learned that there was such a bill which would cover a number of people -- particularly in the field of corrections and we

PAT COLAGROSSI (CONT'D):

managed in time for the hearing to come up and we were fortunate that -- to have Adult Probation Department pencilled in to a bill which was subsequently approved and the bill then was sent over for final drafting or whatever happens and unfortunately the pencilled in words -- Adult Probation Department never got this -- as far as the final printing and consequently when everything was voted on we were on the outside looking in. I think this is something that you should consider that we did make an effort and it was approved in the past. We appreciate, of course, the fact that you would give us the favorable consideration this time as well.

There's no need to repeat that we engage in a hazardous type of business in which some instances we go into areas that -- where fire departments today refuse to go and on a daily basis day and night we're -- where in some cases the police have been stoned and I think that if we wanted to give you details of these we could go on for a number of hours. I'm sure you understand what the problem -- Mr. Capshaw has covered it extremely well and I won't repeat. Thank you very much.

VICE CHAIRMAN CHAGNON: Mr. Musiak? Did I do justice to your name?

WILLIAM MUTAH: I'm Chief Probation Officer in New London. I've been with the department since 1959. It's going to be very difficult for me to follow previous speakers -- they have pretty well covered most of the points that I was going to make, however, I would like to register my approval of Bill 7518 -- that would place Adult Probation Officers under the Merit System.

I think it's important to know that in 1956 when our department was started, we had forty three officers. At the present time we have eighty three. In the beginning we were rather a close knit group but as years passed it becomes more obvious that there are many personnel problems that can come up. With the passage of time some officers have retired. There have been problems as to whether or not vacation time could be accrued -- whether they could receive credit for this accrued vacation time and at the present time there is some question as to whether we have a substantial sick leave bank or not. I know personally I really don't know what I have for vacation time because we're sort of in a gray area where in some ways we have the benefits of the people in the classified service yet we are still in the unclassified service and therefore there is a genuine question as to whether we have all of these benefits.

On Bill 7519 -- On the Composition of the Commission on Adult Probation -- I might mention that it might be even beneficial to expand the recommendation that we have two representatives from Circuit Court -- two from Superior Court and one a layman and one a practicing attorney. In fact I know some veteran officers have suggested we recommend that someone from the Educational field be on that Commission as well as possibly somebody from the medical profession and possibly somebody representing labor. As it is now we think that we have a Commission that is too far removed from problems of the Probation Officer working in the field. I think that there should be more adversity -- diversity working in the Commission and I think it would be just as bad to have a Commission made up of seven Probation Officers

WILLIAM NUTAL, CHIEF PROBATION OFFICER, NEW LONDON:

as it is to have four Justices and one Superior Court Judge that we have at present.

On Bill #7520 -- I feel that again there a lack of communication between our line people and the members of the Commission and an attempt to bring about some method of negotiating between the members of the department and the Bommission would be very beneficial.

Under Bill 7521 -- I'd like to register my approval. I think that primary criteria in determining what people should be included under a twenty year retirement are generally whether or not they're involved in a performance of hazardous duties and whether they are subjected to hypertension. I think if we consider one important point -- the fact that every man that goes to Connecticut State Prison went there because a Probation Officer first prepared a pre-sentence report. On that man. I think it becomes much more obvious that we have a job that is potentially much more hazardous than maybe that of the police officer that made the arrest. The police officer merely turns the matter over to the Court. I know in many cases police officers told people who I have interviewed that they had no choice -- they can pass the buck to the next line, however, when a Probation Officer does the pre-sentence report it's very obvious when remarks are made at the time of sentencing that pre-sentence report was very important in determining the sentence that was passed by the court. So I think in considering that I think it's much more obvious that we have a much more hazardous job than probably might at first think.

SPEAKER SEEMS TO BE CUT OFF AND NEXT REMARKS INAUDIBLE.

THOMAS W. O'MARA, CHIEF PROBATION OFFICER ASSIGNED TO THE 14th CIRCUIT COURT IN HARTFORD: I've been with the Department of Adult Probation since its inception in 1956 and I've been in the correctional field since 1940.

I am particularly interested in all of the bills that -- copies of which I have here 7518, 7519, 7520 and 7521 speaking here to approve all of those bills, but, I think that I am more particularly concerned with 7519 as it deals with the composition of the commission on Adult Probation. I have been working in the Circuit Court since 1956 and I feel it's behooves the Commission to conclude on it members of the Circuit Court bench who are familiar with our particular type of case which may be a little bit different than the Superior Court Cases. The -- in our particular office we have six probation officers and we have at the present time over nine hundred people on probation so there is a considerable volume of cases that come to our attention through the Circuit Courts and I urge your serious consideration for this bill for reconstituting the Commission on Adult Probation. Thank you very much.

VICE CHAIRMAN CHAGNON: Thank you sir. Are there --

MIKE BRICK, PROBATION OFFICER 17th CIRCUIT COURT IN THE BRISTOL AREA: My brothers I think have explained entirely well the duties that have the hazards and I like them endorse all of these bills which are before this Committee for consideration. I think, however, that possibly one omission has been made and I'd like to fill that in if I may a little better for you.

MIKE BRICK, PROBATION OFFICER 17th CIRCUIT COURT IN BRISTOL AREA (CONT'D)

Who are we -- we who work for other people? We have -- I think -- failed to tell you that we are also human beings -- that we have problems -- that we have families. I'm forty six years old and a veteran. I've been in the department since January 1958. I've got six children, a wife and a dog -- a working wife.

I think at one time before the advent of the Circuit Court System when we had local courts in which we served we had a little bit more latitude. The judges were more familiar with people of their own town. The Court staffs knew the people they dealt with. I think that as individual probation officers maybe the hazards were less, maybe the circumstances with which we were presented with the people were more minimal, but, now we are dealing in a Circuit Court System for now ten years. We have people who don't know. We have outsiders coming into our areas and a good many cases we as probation officers, as representatives of the department, are more familiar with the people coming before the court than any other member of the court staff. It has created problems. It has not not written anywhere increased our duties and our responsibilities.

The other thing I think I would like to point out is that as you get a little bit older maybe you get to be a little less foolish than you might have been earlier. I think that apprehensions come -- probably unfounded maybe -- maybe you're chasing ghosts but certainly things that maybe a younger age -- you didn't consider certainly they come of concern to you at a later date as your own particular responsibilities develop. I think that in light of some of these things you can see that we endorse these things because these things are the human factors that apply to us and I think they are real. I don't think that there is anything that I can add other than these few comments that I think probably might have been overlooked up till this time. Thank you.

VICE CHAIRMAN CHAGNON: Thank you. Any further speakers? If not, then I will declare the hearing closed and thank you so much for your dissertations.

Respectfully submitted:

Jeanne Collins
Secretary