

Legislative History for Connecticut Act

Act Number: 249	2005
Bill Number: 6976	
Senate Pages: Senate: 5089, 5209-5217	10
House Pages: House: 9060-9077	18
Committee: Judiciary : 4423, 4425, 4426, 4427, 4446-4448, 4616, 4619, 4708-4709, 4710, 4711-4712, 4816, 4820-4821	17

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2005

VOL. 48
PART 16
4844-5207

jlm
Senate

11
June 8, 2005

Thank you, Mr. President. Calendar 640, H.B.
6976, Mr. President, would move to place this item on
the Consent Calendar.

THE CHAIR:

Without objection, the item is on the Consent
Calendar.

SEN. LOONEY:

Calendar 641, marked Go.

Calendar Page 9, Calendar 642, Mr. President,
H.B. 6841 should be marked Go and Order of the Day.

THE CHAIR:

So noted.

SEN. LOONEY:

Thank you, Mr. President. Calendar, Calendar
643, marked Go.

Calendar Page 9, under Matters Returned from
Committee, Calendar 126, S.B. 1218, Mr. President,
would move to recommit this item to the Banks
Committee.

THE CHAIR:

Without objection, so ordered.

SEN. LOONEY:

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5208-5542

005209

jlm
Senate

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An immediate roll call has been ordered in the
Senate on the Consent Calendar. Will all Senators
please return to the Chamber.

Mr. President, those items placed on the first
Consent Calendar begin on Calendar Page 3, Calendar
593, H.B. 6565.

Calendar Page 4, Calendar 613, Substitute for
H.B. 6662.

Calendar Page 6, Calendar 624, Substitute for
H.B. 6669.

Calendar 626, Substitute for H.B. 5215.

Calendar Page 7, Calendar 630, Substitute for
H.B. 6727.

Calendar 632, Substitute for H.B. 5165.

Calendar Page 8, Calendar 636, Substitute for
H.B. 6608.

Calendar 638, H.B. 6909.

Calendar 639, Substitute for H.B. 5290.

Calendar 640, Substitute for H.B. 6976.

Calendar Page 9, Calendar 643, Substitute for
H.B. 6713.

And Calendar Page 15, Calendar 235, Substitute
for S.B. 544.

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Calendar 411, Substitute for S.B. 1037.

Calendar 621, S.R. 29.

Mr. President, that completes those items
previously placed on the first Consent Calendar.

THE CHAIR:

Thank you, Mr. Clerk. Will you please call the
roll.

THE CLERK:

The motion is on adoption of Consent Calendar No.

1. Senator Fonfara.

SEN. FONFARA:

Yes.

THE CLERK:

Senator Coleman.

SEN. COLEMAN:

Yea.

THE CLERK:

Senator LeBeau.

SEN. LEBEAU:

Yea.

THE CLERK:

Senator Handley.

SEN. HANDLEY:

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Yes.

THE CLERK:

Harris.

SEN. HARRIS:

Yea.

THE CLERK:

Senator DeFronzo.

SEN. DEFRONZO:

Yes.

THE CLERK:

Senator Kissel.

SEN. KISSEL:

Yes.

THE CLERK:

Senator Herlihy.

SEN. HERLIHY:

Yes.

THE CLERK:

Senator Ciotto.

SEN. CIOTTO:

Yes.

THE CLERK:

Senator Harp.

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SEN. HARP:

Yes.

THE CLERK:

Senator Looney.

SEN. LOONEY:

Yes.

THE CLERK:

Senator Meyer.

SEN. MEYER:

Yes.

THE CLERK:

Senator Gaffey.

SEN. GAFFEY:

Yes.

THE CLERK:

Senator Slossberg.

SEN. SLOSSBERG:

Yes.

THE CLERK:

Senator Hartley.

SEN. HARTLEY:

Yes.

THE CLERK:

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Senator Murphy.

SEN. MURPHY:

Yes.

THE CLERK:

Senator Crisco.

SEN. CRISCO:

Yes.

THE CLERK:

Senator Cook.

SEN. COOK:

Yea.

THE CLERK:

Senator Prague.

SEN. PRAGUE:

Yes.

THE CLERK:

Senator Stillman.

SEN. STILLMAN:

Yes.

THE CLERK:

Senator Gunther.

SEN. GUNTHER:

Yes.

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THE CLERK:

Senator Finch.

SEN. FINCH:

Yes.

THE CLERK:

Senator Newton.

SEN. NEWTON:

Yes.

THE CLERK:

Senator Cappiello.

SEN. CAPPIELLO:

Yes.

THE CLERK:

Senator Duff.

SEN. DUFF:

Yes.

THE CLERK:

Senator Freedman.

SEN. FREEDMAN:

Yes.

THE CLERK:

Senator McDonald.

SEN. MCDONALD:

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Yes.

THE CLERK:

Senator McKinney.

SEN. MCKINNEY:

Yes.

THE CLERK:

Senator Williams.

SEN. WILLIAMS:

Yes.

THE CLERK:

Senator Roraback.

SEN. RORABACK:

Yes.

THE CLERK:

Senator Colapietro.

SEN. COLAPIETRO:

Yes.

THE CLERK:

Senator DeLuca.

SEN. DELUCA:

Yes.

THE CLERK:

Senator Daily.

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SEN. DAILY:

Yes.

THE CLERK:

Senator Fasano.

SEN. FASANO:

Yes.

THE CLERK:

Senator Guglielmo.

SEN. GUGLIELMO:

Yes.

THE CLERK:

Senator Nickerson.

SEN. NICKERSON:

Yes.

THE CHAIR:

Mr. Clerk, please announce the tally of the
Consent Calendar.

THE CLERK:

Motion is on adoption of Consent Calendar No. 1.
Total number voting, 36; necessary for adoption,
19. Those voting "yea", 36; those voting "nay", 0.
Those absent and not voting, 0.

THE CHAIR:

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Consent Calendar is passed. Mr. Majority Leader.

SEN. LOONEY:

Yes, thank you, Mr. President. Mr. President, I would move for immediate transmittal to the House of Representatives of any items acted on the Consent Calendar requiring additional action by the House.

THE CHAIR:

Seeing no objection, so ordered.

SEN. LOONEY:

Thank you, Mr. President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Returning to the Call of the Calendar, Calendar Page 1, Calendar 309, Substitute for S.B. 1086, An Act Concerning Flexible Zoning Districts, Site Plans and Zoning Variances, Favorable Report of the Committee on Planning and Development. Clerk is in possession of amendments.

THE CHAIR:

Senator Coleman.

SEN. COLEMAN:

H-956

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
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PART 30
8934-9234

ngw
House of Representatives

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CLERK:

Senate Bill Number 956, as amended by Senate

Amendment Schedule "A", in concurrence with the

Senate.

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	1
Those absent and not voting	4

SPEAKER AMANN:

Bill passes in concurrence with the Senate.

Representative Donovan.

REP. DONOVAN: (84th)

Good evening, Mr. Speaker. Mr. Speaker, I move for the immediate transmittal of House Bill Number 6906, Calendar Number 238 for the Senate.

SPEAKER AMANN:

Question is on immediate transmittal to the Senate. Is there objection? If not, so ordered.

Will the Clerk please call Calendar Number 423.

CLERK:

On Page 26, Calendar Number 423, Substitute for
House Bill Number 6976, AN ACT CONCERNING CRIMINAL

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JUSTICE PLANNING, Favorable Report of the Committee on
Government Administration and Elections.

SPEAKER AMANN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I move acceptance of the
Joint Committee's Favorable Report and passage of the
Bill.

SPEAKER AMANN:

The question is acceptance of the Joint
Committee's Favorable Report and passage of the Bill.
Will you remark, Sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. The file copy seeks to
establish really, for the first time in the long time,
a centralized ability here in our State government to
provide both planning and policy guidance to our
State's criminal justice agencies.

I point out, Mr. Speaker, that many states have
the equivalent of a political justice czar-type
position, usually a key advisor to the Governor.

And it is our hope over time, with the
establishment of this office, that Connecticut, too,

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would have one central person who has the overarching responsibility for coordinating our criminal justice functions.

Mr. Speaker, the Clerk has LCO Number 8019. I would ask the Clerk call and I be allowed to summarize.

SPEAKER AMANN:

Clerk, please call LCO Number 8019, which will be designated House Amendment Schedule "A".

CLERK:

LCO Number 8019, House "A", offered by Representatives Lawlor, Farr, et al.

SPEAKER AMANN:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This is a strike-all Amendment. It encompasses much of the central thrust of the file copy, however it makes a few significant changes. I will explain those changes briefly for a moment.

This creates within the Office of Policy and Management a new position or new title called undersecretary for criminal justice planning.

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I point out, Mr. Speaker, in the budget passed last night, there was funding for the second year in the biennium to establish this function within the Office of Policy and Management.

This office, the individual would hold the position of undersecretary, would have responsibility for, in essence, coordinating the planning and public policy decisions of the various adult criminal agencies, including the Department of Corrections, the Board of Pardons and Parole, the Department of Mental Health and Addiction Services, the Department of Public Safety.

And to consult with the Judicial Branch through the Chief Court Administrator and the Executive Director of the Court Support Services Division, which in essence coordinates all of the adult probation and other similar functions, plus the Office of the Chief State's Attorney and the Chief Public Defender.

Mr. Speaker, the Amendment catalogues a variety of avenues of inquiry in specific aspects of the criminal justice system which would, over time, be measured by this office within the Office of Policy and Management.

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I would like to point out a couple of things with regard to the genesis of this proposal.

This grows out of the effort that's been underway here over the last few years, really a collaboration of both the Judiciary Committee and the Appropriations Committee, the former Governor and the current Governor, the former Chairs of the Appropriations Committee and the current Chairs.

And I think, and I know that this has been endorsed now by the Office of Policy and Management.

I think everyone now acknowledges that, given the extraordinarily large role the Criminal Justice Agency plays both in our State budget and in the quality of lives every day, not just in preventing crime but also dealing with the complicated problems both of substance abuse and mental illness, that the time has come to really attempt to do sort of a managed care within the criminal justice system.

And I think this represents a consensus proposal that does not in any way undermine the individual agencies' ability to do their job on a day-to-day basis but adds to that this overarching planning and policy function.

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And I think in the future this undersecretary will be sort of the go-to person for the Legislature and others to try and make sure that we are not wasting money duplicating services and getting better outcomes with less money and in general promoting a criminal justice system that's both fair and effective and just under our Constitution. Mr. Speaker, I would urge adoption.

SPEAKER AMANN:

Question is on adoption. Will you remark?

Representative Lawlor. Representative Farr.

REP. FARR: (19th)

Thank you, Mr. Speaker. Mr. Speaker, Members of the Chamber, this is a, this is a Bill which is long overdue. All that we're saying in this Amendment with the Bill, which the Amendment becomes the Bill, is that we have to think smart in dealing with criminal justice.

Unfortunately, when we're dealing with the area of criminal justice, historically, Connecticut has treated that like they treat many of their agencies. We have done it without planning. We have done it without measurements of results.

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And what this Bill is all about is finding out what works and what doesn't work in terms of modifying peoples' behaviors and interventions at a time which can be effective and which in the end result in a reduction in crime and a reduction of the cost of the system.

So I think this is an excellent Bill. I would also point out, interestingly enough, this is not a unique concept in Connecticut.

This is sort of an approach that seems to be growing across the country. A lot of the structure here was modeled after what happened, a program that was established under George Bush when he was Governor of Texas.

And that was a very successful program. And it seems to be a bipartisan approach and one that simply says that we're going to measure recidivism, we're going to figure out which programs work and which ones don't work so that we as policymakers can decide and realize that there are times that we have to spend more money on some programs in order to reduce the cost, reduce the amount of time and reduce the cost of

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the overall system. So I would urge the passage of
the Amendment.

SPEAKER AMANN:

Will you remark further? Will you remark
further? Representative Witkos.

REP. WITKOS: (17th)

Thank you, Mr. Speaker. A question to the
proponent of the Bill.

SPEAKER AMANN:

Frame your question, Sir.

REP. WITKOS: (17th)

Thank you, Mr. Speaker. Section 50 through 67
speaks of that the division will have access to
individualized records maintained by all the agencies
listed in Lines 50 through 56.

And I'm wondering, through you, Mr. Speaker,
would that be a violation of the federal HIPAA
regulations as far as mental health and addiction
services records? Through you, Mr. Speaker.

SPEAKER AMANN:

Representative Lawlor.

REP. LAWLOR: (99th)

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Thank you, Mr. Speaker. First of all, I'm not an expert on the HIPAA regulations, but I believe that medical records and other things subject to the HIPAA regulations can be shared with other professionals who are reviewing those records as part of their official function.

So, for example, I know that prosecutors' offices can share records with one another. But to the extent HIPAA prohibits it, I'm sure, this is really a planning agency that would be looking more at data as opposed to individual cases.

So they would not have any ability, I mean, certainly it's not intended that they would get involved in individual cases.

This is more of an overarching planning-type function which is more interested in statistics and data and results-oriented determinations, not in individual case decisions or the substance of specific cases. Through you, Mr. Speaker.

SPEAKER AMANN:

Representative Witkos.

REP. WITKOS: (17th)

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Thank you, Mr. Speaker. I thank the gentleman for his answers. And, actually, it was just pointed out to me in Line 63 through 64 it addresses the exact question that I had. So I'm all set. Thank you, Mr. Speaker.

SPEAKER AMANN:

Thank you, Sir. Care to remark further on the Bill as amended, on the Amendment? Representative Merrill.

REP. MERRILL: (54th)

Thank you, Mr. Speaker. Just briefly, I wanted to commend Chairman Lawlor on this initiative. I guess last year I was just sort of vaguely aware of this prison overcrowding initiative and didn't really realize the kind of planning function it represented.

I think it really is the kind of thing we have all been discussing in terms of having interagency planning and coming to bear on a number of problems in our correctional system.

And already I think it has had a net positive effect. There is less recidivism, fewer prisoners. We have brought people back from out of state.

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And I look forward to working with him and others on this initiative that I think is long overdue. The establishment of an interagency planning function is probably the most important piece and the next step in this initiative. So I would just like to lend my support to this legislation. Thank you.

SPEAKER AMANN:

Will you remark further on the Amendment before us? Will you remark further? If not, let me try your minds. All those in favor signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER AMANN:

Nay, all opposed, Nay. Ayes have it. The Amendment is adopted.

REP. LAWLOR: (99th)

Mr. Speaker?

SPEAKER AMANN:

Care to remark further on the Bill as amended?
Representative Lawlor.

REP. LAWLOR: (99th)

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Thank you, Mr. Speaker. The Clerk has LCO Number 8012. I would ask that the Clerk call and I be allowed to summarize.

SPEAKER AMANN:

Will the Clerk please call LCO Number 8012, which will be designated House Amendment Schedule "B".

CLERK:

LCO Number 8012, House "B", offered by Representative Lawlor.

SPEAKER AMANN:

Will you remark?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. This Amendment is intended to solve a very specific problem. I would like just a moment to explain it so Members of the House understand.

And I would also point out that this was contained in another Bill that had a public hearing before the Judiciary Committee. And I think it was, I think it's fair to say, inadvertently left out of an Amendment to another Bill.

I think Members are familiar with sometimes that happens. But, this is a very, very simple and not, I

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mean, it's significant for the people who are affected by it. I would just like to explain it for a second.

Under our laws for victim compensation, victims are eligible to be compensated for things like counseling services, especially family members of murder victims.

However, there's a two-year limitation on the time in which you can apply for those services.

It was mentioned several times during our debates earlier during the session with regard to the death penalty issue that the family members of the victims in a case that led to the recent execution were obviously in need of counseling, given all the public attention to the condemned inmate.

And, unfortunately, under our current rules we are excluded from the ability to get those services because of that two-year limitation.

All this Amendment does is gives to the Office of Victims Services within the Judicial Branch the discretion to allow services to be provided after the two-year limit has expired.

I think we can all understand the wisdom of this change. I think no one envisioned this earlier, many

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years ago, when this limitation was first imposed.

And I would urge adoption of the Amendment.

SPEAKER AMANN:

Question is on adoption. Will you remark? Will you remark? Representative Dillon.

REP. DILLON: (92nd)

Thank you, Mr. Speaker. Speaking in support of the Amendment, years ago I was part of the group that actually helped develop at a conference at Rhode Island, met with some of the federal people to talk about how to set up the parameters of what would become the Victim Commission and how we would do certain types of benefits.

And Representative Lawlor was quite right. I don't think, I think because in the beginning a lot of things were done on a case-by-case basis and over time the Statutes were modified somewhat to adapt to new cases.

But this was never foreseen. A lot of us saw this, met with the family during the difficult ordeal when we were checking out the issues involving the murders committed by Mr. Ross.

I want to thank the Chair of the Judiciary Committee for taking this up, because a lot of us were very interested in it. And I'm very glad he followed up on it. And I hope we all support it.

SPEAKER AMANN:

Will you remark further? Will you remark further on the Amendment before us? If not, let me try your minds. All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER AMANN:

All opposed, Nay. Ayes have it. Amendment is adopted. Care to remark further on the Bill as amended? Representative Lawlor.

REP. LAWLOR: (99th)

Just very briefly, Mr. Speaker. Thank you. I'd just like to point out that the, the amended Bill itself now, the one thing I left out in my initial presentation was that much of this work was coordinated from the Council of State Governments.

I know many Members of the Chamber have been involved in the Council of State Governments, but they

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have been a wonderful resource. I know Representative Farr would echo that, and many of our colleagues here.

They have helped us work through these complicated issues, and I think Representative Godfrey would tell everyone that later on this year there will be a meeting where each Member of the Chamber can become more involved in these issues.

This is one byproduct of the process of working with other states, learning how other states solve problems.

And I would encourage Members to vote for the Bill and also to become involved in this effort on whatever issue is of importance to you. So I would urge passage of the Bill, Mr. Speaker.

SPEAKER AMANN:

Care to remark further on the Bill as amended?
Representative Green of the 1st.

REP. GREEN: (1st)

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this Bill as amended. However, I do want to encourage the Prison and Jail Overcrowding Commission, the Criminal Justice Policy and Planning

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Division as they develop their Commissions and their advisory group.

There are a number of individuals as indicated here that will be appointed. As we know in Connecticut, Connecticut I believe has some disparities in its racial composition in its criminal justice system.

I would only hope that as we put together this Committee that it is a diverse Committee that will be able to understand the needs and services of all those constituents that may be involved in the system.
Thank you, Mr. Speaker.

SPEAKER AMANN:

Thank you, Sir. Care to remark further on the Bill as amended? Would you care to remark further? If not, staff and guests please come to the Well of the House. Members take your seats. And the machine will be opened.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber.

SPEAKER AMANN:

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Have all the Members voted? Have all the Members voted? All the Members who have voted please check the board to make sure that your vote has been properly cast.

If all the Members have voted, the machine will be locked and the Clerk will take a tally. Clerk, please announce the tally.

CLERK:

House Bill Number 6976, as amended by House
Amendment Schedules "A" and "B".

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

SPEAKER AMANN:

Bill passes as amended. Will the Clerk please call Calendar Number 457.

CLERK:

On Page 5, Calendar Number 457, Substitute for
House Bill Number 5290, AN ACT CONCERNING AN INCREASE
TO THE UNEARNED INCOME DISREGARD FOR STATE SUPPLEMENT

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people and focusing on those people, which is again, really an adjunct to what's already going on in the system.

It does not take away from it. It's really not a duplication because it's not [inaudible] at this given time.

REP. GONZALEZ: Thank you very much. It sounds real good. I think that right now, in our community, we do question, you know, question why and how.

Because we know that there are people in the community who are not getting the treatment that they [inaudible]. And I think that we need some [inaudible]. Thank you.

SEN. MCDONALD: Thank you. Are there any other questions? Thank you for your testimony. Next is Gene Tewksbury, followed by Sally Joughin. Good afternoon, Sir.

GENE TEWKSBURY: Good afternoon, Senator McDonald, HB 6976
Committee Members. My name is Gene Tewksbury. SB 1283
I'm a Correction Officer with 19 years of state service and Vice President of AFSCME Local 1656.

I wish to submit this testimony on behalf of AFSCME Corrections United Locals 387, 391, and 1565. Together, we represent more than 5,000 front line employees of the Department of Corrections.

We support two bills related, that are related, House Bill 6936 and Senate Bill 274, acts

The DOC is relying heavily on posts that correction officers cannot rely upon for their safety.

The department's heavy reliance on overtime has caused fatigue and worse among officers, leading to more injuries and stress. The correction officer shortage puts a burden on employees and their families, as well.

As correction officers, we understand, we're certain of the instability created by the staffing deficit. We accept that ours is a dangerous job. That's the territory.

But we should be as safe as possible, not as safe as the budget allows. Please support House Bill 6936 and Senate Bill 274. I would like to briefly mention House Bill 6976, AN ACT CONCERNING CRIMINAL JUSTICE PLANNING.

This legislation, there is a Commission of Prison and Jail Overcrowding within the Office of Policy and Management. We would ask that the Commission include a member of the Corrections Union to ensure diversity.

Briefly, Senate Bill 1283, the cellular phone act that was discussed earlier. The language as currently written, it's our belief that lines 18, 18, 20, and 21 would make it a felon out of me if I accidentally walked into the facility with a cell phone.

And listening to the Commissioner, that doesn't seem to be the intent, but that's what the language says. Also, that language would also

affect inmates that are in programs that are in the community.

If their jobs require them to have a cell phone, it would violate that statute as well. So I agree with the Commissioner and Representative Lawlor that the language is unworkable.

SEN. MCDONALD: We'll work on that.

GENE TEWKSBURY: That's all I have. Are there any questions?

SEN. MCDONALD: Are there any questions? Thank you for your testimony and your service to the State.

GENE TEWKSBURY: You're welcome. Thank you.

SEN. MCDONALD: Sally Joughin, followed by Dan Strahinich, and then William Narwold. I apologize if I mispronounced your name.

SALLY JOUGHIN: You pronounced it right. Joughin.

SEN. MCDONALD: I said it three different ways, so I was bound to get it right at one point.

SALLY JOUGHIN: We're members of People against SB1325 SB1355
Injustice [inaudible] Criminal Justice Reform HB6290
Group in New Haven.

And I'm speaking in favor of bills concerning
criminal justice planning, the reentry
commission, fair commissary prices and
disciplinary hearings for prisoners, Board of

HB6548 HB6961

HB6968

HB6976

HB 6968
SB 1355
SB 1325

Pardons and Parole requirements and membership, and mental illness pilot program.

At an informational forum on March 4, we heard what sounded like good plans for reducing the prison population, and helping prevent released prisoners returning to prison.

But listening to the speakers at that forum, or some of them, you might have thought that the Department of Correction was a social service organization with a caring attitude toward their clients.

Unfortunately, our organization has heard from too many prisoners and former prisoners about the inhumane conditions that exist inside our Connecticut facilities.

While I am in favor of the proposed Criminal Justice Planning and Reentry commissions, I question whether officials of the Department of Correction can either evaluate the system.

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Or successfully contribute to a reentry process that reduces recidivism without also at the same time changing what goes on inside.

By treating humanely and with respect and offering incarcerated individuals all the services and programs that they need, we would be more successful at reducing recidivism, and it would benefit the community, as well as the offender.

The bills ensuring that the commissary prices are fair and that prisoners get clothing, and

HB 6290

the opportunity granted me on this important issue.

SEN. MCDONALD: Thank you very much. Are there any questions? Thank, ah, Representative Farr.

REP. FARR: You testified that there's an increased use of long guns. Is that Connecticut or [inaudible]?

JOE VINCE: No. We did not see that nationally. It does vary. But in Connecticut, we saw that increase over the four years.

REP. FARR: Do you have some statistic on that?

JOE VINCE: There is a report that I'm sure that Lisa Labella, one of the Co-Directors with the, can supply you. And it has all the figures in there. We've provided charts. I do not have it here, she does.

SEN. MCDONALD: Thank you. Anything further? Thank you.

JOE VINCE: You're very welcome.

SEN. MCDONALD: Sally Schenk, followed by Hilary Hahn and Kimberly Sundquist. Good afternoon.

SALLY SCHENK: Good afternoon, Committee Members. I am Sally Schenk, the Board President of Family Reentry, a nonprofit agency that's been providing services to people leaving the criminal justice system for some 20 years in southwestern Connecticut.

HB 6976
HB 6961

Regarding the House Bill 6976, AN ACT CONCERNING CRIMINAL JUSTICE PLANNING, we applaud the groundwork done by the Building Bridges Conference and the Prison Overcrowding Commission that has provided the backdrop for what we think is a very thoughtful bill.

We do think a centralized policy group will give this issue the focus it deserves, and provide, help provide organized solutions that will pull on all the state's resources.

We are here primarily to reinforce the sense of urgency, and more imperative, that the sheer scale of this issue demands.

We believe it's essential for all of us, and especially those in this proposed policy group, to begin with a sense of shock at the situation we find ourselves in.

To have incarceration rates that are seven times higher per capita than 50 years of our own historical norm prior to 1975 or seven times higher than any industrial country should create in all of us a sense of alarm and disbelief.

And when we dig deeper to find, as I know you all know, that 71% of inmates are people of color when only 19% of the state population is, and further that a good 65% or so hail from a few urban city neighborhood.

We must all sense that something is really deeply awry in our social system. The order of

magnitude is what is so staggering about these statistics.

And we believe that though these are clearly the unintended consequences of previous policies and historical factors, the results are so deeply contrary to our American social ideals.

To me, it would be simply tragic if we're not galvanized to action to discover that young boys of color born into these neighborhoods of risk face a 40% chance of spending time in prison during their lifetimes.

Thus, we simply [Gap in testimony. Changing from Tape 2A to Tape 2B.]

--as to why we have gotten ourselves into this situation, to frame the issues within a larger social context so that we can really answer them.

Probe the underlying causes that produce these unacceptable results, build linkages amongst all the other fine work done in the community, helping, am I done already? It goes so fast.

Can I quickly say something on the Prisoner Reentry Commission, House Bill 6961? I think this is a good idea. Essentially, we would like to very much to see nonprofit providers, private sector people also included.

I've included just a quick sampling. There is recently relief from the Council of State Governments, a report on statewide reentry council.



James F. Papillo, J.D.
Victim Advocate

STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

Testimony of James Papillo, Victim Advocate Submitted to the Judiciary Committee Friday, April 1, 2005

Good afternoon Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record my name is James Papillo and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony in **SUPPORT** of:

Senate Bill No. 124, *An Act Prohibiting Plea Bargaining With Respect to a Charge of the Illegal Possession of a Firearm*

Senate Bill No. 1280, *An Act Concerning Notification of the Office of Victim Services by the Department of Correction Upon the Release of an Inmate*

Senate Bill No. 1324, *An Act Concerning Protective Orders* [TESTIMONY CONTAINS A PROPOSED AMENDMENT]

House Bill No. 5737, *An Act Requiring Persons Convicted of Voyeurism to Register as Sexual Offenders*

House Bill No. 6743, *An Act Requiring the Reporting of the Theft or Loss of a Firearm*

House Bill No. 6749, *An Act Concerning the Registration of Sexual Offenders*

House Bill No. 6976, *An Act Concerning Criminal Justice Planning* [TESTIMONY CONTAINS A PROPOSED AMENDMENT]

Senate Bill No. 124

This bill will enforce the punishment for illegally obtaining a gun by prohibiting plea bargaining resulting in the reduction, nolle or dismissal of a charge of the illegal possession of a gun. The plea bargain process can be a useful and effective tool for prosecutors in resolving many criminal cases. However, in an effort to establish the criminal history and maintain the "institutional memory" associated with an individual, those charged with the illegal possession of a gun should not be afforded the luxury of a nolle, dismissal or even the reduction of that charge. Particularly in the area of domestic and family violence, that information and history is vitally important for law enforcement responding to an incident as well as for prosecutors, judges and bail commissioners in determining appropriate bail or conditions of release. I strongly urge the committee to support this important bill for the protection of victims and public safety.

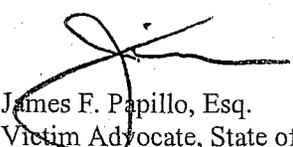
Senate Bill No. 1280

Currently, crime victims can register with the Department of Correction (DOC) and/or the Office of Victim Services (OVS), a Judicial Branch agency, for the purposes

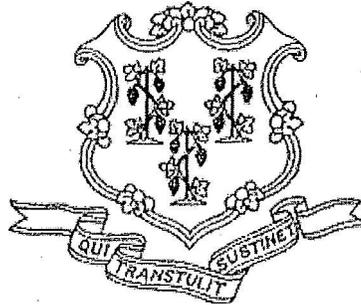
House Bill No. 6976

This bill will establish a Criminal Justice Policy and Planning Division to oversee and coordinate criminal justice planning in the state. I strongly support the effort to evaluate, analyze, assess and eventually coordinate and improve the criminal justice process. The vast information that will be available through the efforts of this division, I predict, will likely have a significant, positive impact as we evaluate and assess the current state of the criminal justice system and process. In light of the state constitutional rights afforded crime victims in Connecticut, and the impact that legislative changes to ease prison overcrowding can have on victim and public safety, the Commission on Prison and Jail Overcrowding should commit itself to having adequate representation from the crime victim community before further developing and recommending policies impacting prison overcrowding. Toward this end, I respectfully request that the committee consider amending Section 6 of House Bill No. 6976 to include the Victim Advocate or his/her designee as a member of this important Commission.

Thank you for considering my testimony. I strongly urge the committee to support these important proposals for victim and public safety.



James F. Papillo, Esq.
Victim Advocate, State of Connecticut



**AFRICAN-AMERICAN AFFAIRS COMMISSION
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Testimony before the Judiciary Committee

Friday, April 1st, 2005

12:00 pm in Room 1E of the LOB

Good afternoon, Senator McDonald, Representative Lawlor and honorable members of this Committee. My name is Vanessa Burns and I am the Executive Director of the African-American Affairs Commission a non-partisan state agency committed to improving the lives of African-Americans in the state. In recent legislative sessions the Commission presented testimony in support of a number of recommendations outlined in the Prison Overcrowding Report issued by the Prison and Jail Overcrowding Commission and initiatives discussed in the Building Bridges Report. The Commission expresses continued support for new proposals as referenced in

Raised Bill 1325 *An act concerning a pilot program to identify and address the mental health care needs of inmates with mental illness*

House Bill (HB) – 6961 *An act concerning a prisoner reentry Commission.*

Raised Bill (RB) 6976 An act concerning the administrative pardons process and the duties of the Board of Pardons and Paroles

Overall the intentions of these proposals seek to reduce recidivism rates by strengthening the effectiveness of pretrial diversionary and alternative incarceration programs.

For the Commission this is a matter of grave concern considering that African-Americans are overrepresented in Connecticut's criminal justice system. Overall African-Americans account for (9.1) percent of Connecticut's population, yet an estimated (44.0) percent of the prison population in the state, are African-Americans. We know that between 1985 and year 2000 Connecticut's prison population tripled from 5,375 inmates to 17,305 inmates. In the same period the State Department of Correction spent \$1 billion to add more than 10,000 prison beds but couldn't keep up with the flow of prisoners. By the Department's own calculations, at the time of these findings approximately two-thirds of those behind bars were classified as nonviolent, eighty (80) percent had substance abuse problems and at least twelve (12) percent were mentally ill, often with dual diagnoses of drug and alcohol problems. In response to these findings the Commission supports language in **Raised Bill 1325** that emphasizes the need to establish a pilot program within the Department of Correction to address the mental health care needs of Connecticut's inmates.

In reference to **HB 6961**, a growing body of research shows that the quality and availability of employment and job placement services will significantly impact the extent to which probationers and parolees succeed in the community after release. Without the necessary job-training and life skills, offenders have trouble attaining steady, gainful employment and studies suggest these offenders will someday return to criminal activity either to earn a living, or simply because they

believe they have no other alternative lifestyle choice. HB 6961 seeks to provide an oversight mechanism into the state's post incarceration initiatives Accordingly the Commission supports the intentions of this bill and is hopeful that the Prisoner Reentry Commission will further enhance the process of integrating ex-offenders into the community setting. More importantly though, the Commission is equally concerned that this Prisoner Reentry Commission dispenses its duties in an impartial and objective manner, to yield the best results for the state. There is concern about the degree of independence this Commission truly has in executing its reporting functions to the state legislature, considering the make-up of this Commission.

Finally in response to Raised Bill (RB) 6976 An act concerning the administrative pardons process and the duties of the Board of Pardons and Paroles the Commission supports language in the bill that streamlines the parole and pardons process in special circumstances. The Commission believes this technical change should further expedite the states reintegration efforts and provide more opportunities for offenders.

In closing the Commission thanks you all for granting the Commission the opportunity to comment on these very important criminal justice proposals. The Commission hopes the proper attention will be given to these matters in due course.

Endnotes:

1. Department of Corrections, Workforce Analysis Report by employment type occupational category, race and sex
2. Justice Policy Institute, Cellblocks or Classrooms
3. Program Review and Investigations Committee, Factors Impacting Prison, Overcrowding, December, 2000 and Recidivism in Connecticut, December 2001,
4. Bureau of Justice Statistics (BJS), Prison and Jail Inmates at Midyear 2000

Testimony – Judiciary Committee Public Hearing – Friday, April 1, 2005

Regarding bills 1325, 1355, 6290, 6548, 6961, 6968, 6976

•Criminal Justice Planning •Reentry Commission •Fair commissary prices and disciplinary hearings for prisoners •Board of Pardons and Parole requirements and membership •Mental illness pilot program

Several members of our organization, People Against Injustice in New Haven, attended the informational forum on March 4th. We heard what sounded like good plans for reducing the prison population and helping prevent released prisoners returning to prison, but we are disappointed that it is taking so long to implement these plans-- a reduction in prison population of only 343 a whole year after legislation was passed. Listening to the speakers at that forum, you might have thought that the DOC was a social service organization with a caring attitude toward their *clients*. Unfortunately, we have heard from too many prisoners and former prisoners about the inhumane conditions that exist inside our CT facilities. While I am in favor of Criminal Justice Planning and Prisoner Reentry commissions, I question whether officials of the DOC can either evaluate the system or successfully contribute to a reentry process that reduces recidivism without also changing what goes on **inside**. By treating prisoners humanely and with respect, and offering incarcerated individuals all the services and programs they need, we would be more successful at reducing recidivism and it would benefit the community as well as the offender. The bills insuring that commissary prices are fair and that prisoners get an impartial disciplinary hearing are a start. The pilot program to help the mentally ill is a good idea, long overdue.

The proposed Criminal Justice Policy and Planning Division, is charged with conducting an *in-depth analysis of the criminal justice system*. With so few community members, will it really look at what needs to be changed? Will health care neglect, abuse by guards, retribution for complaints, poor food, the effects of isolation and other conditions be part of the analysis? Jail reinterview and diversion is good, but will they also examine the bail system, which causes pretrial detainees who are not a flight risk, and who have not been convicted of anything, to be sent to prison simply because they couldn't afford their high bonds?

We are also wondering if the proposed Prisoner Reentry Commission will get any input from community people, including those who have experienced first hand the problems of reentry into the community?

We hear that there are prisoners who are eligible for supervised release who are still being held in prison, because of there being no place to send them. Shouldn't the "outpatient" model outlined in the Prison & Jail Overcrowding Commission Report have been easy to implement already? We see no reason why all people who have made parole should not be released almost immediately; it shouldn't take months to get someone ready for release. Will the expansion of the Bd. of Pardons and Parole improve this situation?

And last, but not least of my questions: What happens if and when overcrowding is eliminated and CT's prisons contain the number of prisoners who fit the intended capacity of the facilities? There are currently about 18,760 prisoners. I don't know what number would constitute an "un-crowded" situation. What we do know is that 70% of CT's prisoners are incarcerated for non-violent crimes and that thousands should have a response other than prison. Treatment instead of incarceration, for both drug users and the mentally ill, would greatly reduce the prison population. If all low-level drug offenders were diverted, for example, maybe there would be 10 or 11,000 in prison. But we suspect that there are those who would not be interested in having the prison population drop below capacity. Some of those who might lose their job or their supply contracts if such diversion took place might not want to go beyond the elimination of overcrowding. What will be the goal of the Criminal Justice Policy and Planning Division?

Sally Joughin, People Against Injustice, New Haven

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2005

Family ReEntry

Empowering Individuals & Families to Reduce Violence, Crime, Abuse & Neglect



Testimony for Family ReEntry Judiciary Committee Hearing April 1, 2005

HB 6961

I am Sally Schenk, Board President of Family ReEntry, a non-profit agency providing services to people leaving the criminal justice system throughout southwestern Connecticut.

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Regarding Bill No. 6976 An Act Concerning Criminal Justice Planning

We applaud the groundwork done by the Building Bridges Conference and the Prison Overcrowding Commission that has provided the backdrop for this thoughtful bill. We think a centralized policy group will give this issue the focus it deserves and provide organized solutions that pull on all the state's resources.

We are here primarily to reinforce the sense of urgency and moral imperative that the sheer scale of the issue demands: We believe it is essential for all of us in this state, and especially this proposed policy group, to begin with a shared vision and sense of shock at the situation we find ourselves in. To have incarceration rates that are **7 times higher per capita than 50 years of our own historical norms prior to 1975 or 7 times higher per capita than any other industrialized country** must create in us all a sense of alarm and disbelief. When we dig deeper to discover that 71% of inmates are people of color when only 19% of the state pop are people of color, and further, that a good 65% hail from a few, urban inner city neighborhoods, we must all sense that something is deeply awry in our larger social context. The order of magnitude of these statistics is staggering. We must believe that though these are the unintended consequences of previous policies and multiple historical factors, the results, however we got here, are deeply contrary to our American social ideals. It would be tragic if we were not galvanized to action when we discover that young boys of color born into these neighborhoods, face a 40% chance of spending time in prison.

Thus our primary point of emphasis for this thoughtful bill is that we cannot simply frame the problem as fixing the internals of the criminal justice system. To frame meaningful solutions to this problem we must frame the problem properly, in its larger social context. We understand that the causes are complex, that solutions will be complex and long term, not simple and short term. But we must all share a sense of urgency about seeking solutions. We must take the time and have the courage to ask all the difficult questions if we want all of our citizens to have a realistic shot at a good American life.

I add my personal sense of optimism that we *can move forward and make progress* on what may seem a complex task. Social change is occurring on its own, key metrics are improving for people of color, racial barriers are declining. The train is already moving, but we must help accelerate the pace of change to make progress on these unacceptable statistics. I do believe that if we share this vision together, that we can make a quantum leap forward in social progress and equity. The children in these neighborhoods are our children too and they deserve a better future.

Thus we say bravo and ask you to

- **Please keep the social urgency in the mission and goal of this policy group.**
- **Ask the deeper questions such as:**
 1. What is an appropriate incarceration rate for this country? Though the thought of "target" rates is offensive in some sense, we have to engage in order of magnitude thinking. If 100 to 120/100,000 was the norm for 50 years and now we are at 700/100,000, is it reasonable to foresee for instance, moving back to a doubling or tripling of the former rate and reduce or maintain crime rates at the same time? How will we measure our success?
 2. Why are arrest rates for drug related charges so much higher for people of color than white people when substance use and abuse rates are similar?
 3. Are our sentencing policies truly fair?
- **Probe the underlying causes that help produce these unacceptable results.**
- **Build linkages** to all the fine work that is being done elsewhere to help promote healthier neighborhoods, better education, stronger families and better access to jobs in these high-risk environments.
- **Help promote greater public awareness** and understanding of the issue.

And, most importantly, we believe that all of this can be accomplished without risk to public safety, especially with the structures provided for in this bill. Why? – fundamentally because we know that among those who compose this completely historically unprecedented incarceration rate, there are many who yearn for and have the capacity to lead upright lives.

Regarding Bill No. 6961, An Act Concerning A Prisoner Reentry Commission

We also applaud this bill and only request that community providers who are working on reentry issues also be included. The work of reentry does indeed need to begin upon entering prison as Commissioner Lantz has stated, but much of the finishing work is done or should be done in the community. A reentry commission that does not even include representatives from this arena cannot possibly be complete. The state should encourage pulling on all the resources it has available, including the non-profit and private sectors. Surely a representative sampling would enhance the quality of effective linkages in planning and execution, improving overall results.