

**Criminal Justice Oversight Committee
Minutes of the October 16, 2008 Meeting**

Chairman's Welcome

A meeting of the Criminal Justice Oversight Committee (CJOC) took place on this date at the RI Department of Corrections, 40 Howard Avenue, Cranston, RI.

The meeting was called to order by Chairman Jackvony who apologized for being called away and as a result not being able to attend the May meeting.

Attendance

Bernard A. Jackvony, Esq., Chair

Director A.T. Wall, RIDOC

Presiding Justice Joseph Rodgers, Jr.

Public Defender John Hardiman

Colonel Brendan Doherty, RISP

Ellen Evans Alexander, Esq., RIDOC

Jeffrey Renzi, RIDOC

Gregory McCarthy, RIDOC

Thomas Mongeau, RIJC

Kathleen Loiselle, RIJC

Approval of May 8, 2008 Minutes

There being no changes, Director Wall made a motion:

**TO ACCEPT THE MAY 8, 2008 MINUTES
AS SUBMITTED.**

The motion was seconded by Public Defender Hardiman and was unanimously passed.

Population Update

Jeff Renzi distributed a packet of information which provided a population update as of October 16, 2008. He advised that the average total population increased 14.0% from FY99 to FY09 which represented an average annual increase of 1.4%. The average total population increased 2/4% from FY07 to FY08, and the average total population decreased -0.03% from FY08 to FY09. The average monthly population was slightly lower in FY07 than FY08. Mr. Renzi pointed out that there was a steady increase of 134 inmates from January 08 to May 08 and began to decrease from May 08 to September 08. There was a decrease of -1.7% from May to July 2008 followed by an increase of +1.2% from July to September 2008.

Mr. Renzi also advised that the Sentenced population showed a slight increase of +0.2% in FY08 and a slight decrease of -0.2% in FY09. He added that the Pretrial population showed an overall +3.6% increase

in FY08 and thus far in FY09 has shown a +6.6 increase. Commitments for FY 1997 through 2009 have shown a 13.8% increase. The lowest population was seen in 1997 with 14,939 commitments. Mr. Renzi pointed out that the DOC population is driven by commitments and releases. He stated that there was a change in population with the passage of Article 7 - the "Good Time" legislation.

Mr. Renzi explained that in FY08 there was an increase in the Pretrial Population. He added that in FY09 there has been an increase of commitments over releases. Mr. Renzi stated that the total average population for September 08 is 3,885 which represent 91.1% of the Federal Capacity of 4,265. He pointed out that the RIDOC was over federal capacity one day in May, June, and September 2008. The RIDOC population reached an all time high of 4000 inmates on September 16, 2007. The month of September averaged 91.1% of federal capacity.

Mr. Renzi stated that FY08 followed usual seasonal patterns with a decrease in population in late fall through winter and an increase beginning in early spring. The FY08 average total population was 3860. To date FY09 has shown an increase of +1.2% in the average total population. Since May 08 the sentenced population has shown a decrease of -4.2% (134 inmates), and since May 08, the pretrial population has reflected an increase of 15.7 % (+112 inmates).

Mr. Renzi discussed the total population projections before and after the passage of the Correctional Options from FY 05 to FY18. He noted that if the Correctional Options legislation had not passed there would be a 25% increase in population from FY08 to FY18. With the passage of the Corrections Options the population projection from FY 08 to FY18 is 19%.

Chairman Jackvony inquired about the days when the federal capacity of 4,054 was exceeded. He asked if the capacity was exceeded within certain units.

Director Wall responded that the RIDOC exceeded federal capacity in the Intake Center in September, but was never over capacity for 5 consecutive days.

Chairman Jackvony asked about an increase in the number of beds.

Ellen Alexander stated that the last increase was 154 beds in the Medium Moran unit.

Justice Rodgers inquired if there were statistics available regarding the number of inmates that have a Deportation Order.

Director Wall asked if the Judge wanted information about inmates that were incarcerated because of a Detention Warrant.

Justice Rodgers clarified that he was interested in inmate statistics of those that were currently serving time and upon their release would be deported.

Greg McCarthy responded that the department cannot know for certain if an inmate has an immigration detainment.

Colonel Doherty inquired if DOC could provide an estimated figure.

Greg McCarthy stated that 155 would be a low figure and 210 would be a high estimate across the Awaiting Trial and Sentenced Trial population. He added that DOC is not sure they will be deported because Immigration and Customs Enforcement (ICE) would be responsible for them.

Ellen Alexander stated that approximately 180-190 inmates are consistently processed.

Director Wall stated that the RIDOC is not holding anyone on strictly an ICE detainment. He added that either the inmates will be released to the street or sent to an ICE Detention Center.

Colonel Doherty inquired about a population increase after passage of the “Good Time” legislation.

Director Wall stated that the Correctional Options legislation which

was championed by the CJOC has done its job. He compared this year's population between May and September reflecting early release due to earned time to that of last year's population. Director Wall noted that inmates are currently being given modest credit when they begin taking a program, but will receive additional credit upon completion of the program. He added that the RIDOC was fortunate that the Correctional Options legislation passed when it did because if it wasn't passed the DOC would have exceeded the federal capacity and created an operational problem.

Colonel Doherty inquired if released inmates return quickly to the prison.

Director Wall responded that those statistics are currently being reviewed. It needs to be determined if an inmate would still be serving time when he/she re-offends, and if they would still be serving time were it not for an early release.

Director Wall commented that the rate of recidivism will remain the same, but the question remains whether the acceleration of re-offending will be different. He added that credit times will not make a big difference because the amount of good time given through the Correctional Options measure is not that great.

Public Defender Hardiman asked about the increase in the Awaiting Trial population given the fact that the cash bail option is no longer

an available.

Ellen Alexander responded that it could be that there have been a greater number of arrests which would account for the increase in the Awaiting Trial population.

Director Wall agreed that the Awaiting Trial numbers are higher, but there has not been an explosion of those numbers.

Greg McCarthy stated that he has looked at the cash bail factor in the past, and never saw a correlation between cash bail and the Awaiting Trial population.

Public Defender Hardiman commented that because the cash bail option is no longer available some alleviation of the population numbers should be seen in the future.

Director Wall pointed out that the no cash bail option was implemented on July 1, 2008. He added that now that DOC knows it has been implemented the affect it will have on the population can begin to be analyzed.

Jeff Renzi advised that there are no recent statistics available. He added that he will research how those held without bail are affecting the population numbers.

Conclusions

Director Wall stated that if it weren't for the passage of the Correctional Options legislation, the CJOC would be having a different meeting today with real anxiety about DOC's operational issues. He added that while the legislation has not solved the problem it has deferred a crisis. He noted that it was projected that passage of the legislation could buy DOC 2-3 years. Director Wall noted that currently DOC can breathe easier, but it doesn't mean that the overcrowding problem will disappear.

Chairman Jackvony stated that another meeting should be held after the first of the year and at that time a more formal presentation should be held. He added that the legislators will be back and would like to know the affect of the Correctional Options legislation.

Director Wall agreed that legislators will be interested in knowing the affects of the legislation and added that this will be an important part of the DOC budget.

Chairman Jackvony suggested that questions that Colonel Doherty raised regarding recidivism rates as well as Public Defender Hardiman's question about cash bail and if that will bring about DOC population relief should all be addressed in the presentation.

Director Wall stated that the fiscal picture is looking bleak. He

pointed out that lay-offs during the fiscal year and this year's retirement initiatives have left a gap in the DOC staff. Director Wall stated that in order to meet budget targets, DOC will need more eye opening types of proposals and he is unsure how they will be received by the Governor and legislative process. He added that DOC had a large number of employees leave. The staff is down and it is known that the vacant positions cannot be filled. Director Wall stated that the DOC is doing what it can with its remaining staff, but it is a challenge.

Schedule of Future Meetings

Chairman Jackvony suggested that the next meeting be held in February 2009.

Director Wall agreed that February would be a good time to meet.

Colonel Doherty inquired if the presentation should be held in the State Room of the State House.

Director Wall replied that he would rather preview any presentation at DOC first.

Chairman Jackvony inquired if information should be circulated prior

to the February meeting.

Director Wall suggested unveiling the information at the February meeting.

It was agreed that a February 2009 meeting date would be chosen.

Director Wall noted that at the May meeting CJOC attendance had been higher. He added that members may now feel that the population problem has been resolved with the passage of the Correctional Options measure. Director Wall thanked everyone for attending the meeting and for participating in the legislative process which appears to be going in the right direction.

Adjourn

There being no other business to discuss, Presiding Justice Rodgers made a motion:

THAT THE MEETING BE ADJOURNED.

The motion was seconded by Public Defender Hardiman and was unanimously passed.

The meeting was adjourned at 9:09 AM.

Respectfully submitted, Approved:

Kathleen M. Loiselle

Recording Secretary

Thomas H. Mongeau

RIJC Executive Director