

Criminal Justice Steering Committee
June 29, 2011
Rhode Island Department of Administration
Conference Room
One Capitol Hill
Providence, RI 02908

1. Call to Order/Welcome:

Chairman A.T. Wall welcomed everyone and opened the meeting. Director Wall noted that a quorum was present. He asked everyone to introduce themselves.

Present:

A.T. Wall, Director, R.I. Department of Corrections, Chair (voting member)
Public Defender John Hardiman, Office of the Public Defender (voting member)
Craig Stenning, Director, Behavioral Healthcare, Developmental Disabilities, and Hospitals (voting member)
The Honorable Alice B. Gibney, Presiding Justice, Superior Court of Rhode Island (voting member)
Gerald Coyne, Rhode Island Department of Attorney General, permanent designee of Attorney General Peter Kilmartin (voting member)
Major James G. Pereira, Rhode Island State Police, representing Colonel Steven G. O'Donnell (voting member)
Kevin McKenna, Department of Children, Youth, and Families representing Acting Director Kevin Aucoin (voting member)
Danica Iacoi, Rhode Island Department of Public Safety Legal Counsel
Thomas Mongeau, Administrative Manager, Public Safety Grants Administration Office
David LeDoux, Byrne/JAG Administrator, Public Safety Grants Administration Office
Pat Burla, Superior Court of Rhode Island
Ken Findlay, Rhode Island Department of Corrections
Brenda Brodeur, Rhode Island Department of Corrections
Michelle Lanciaux, Rhode Island Department of Corrections
Jonathan Houston, Justice Assistance
Steven Dean, Behavioral Healthcare, Developmental Disabilities, and Hospitals
Maria N. Sansiveri, Behavioral Healthcare, Developmental Disabilities and Hospitals
Kevin P. Richard, Family Court of Rhode Island
Anthony Robinson, Rhode Island House of Representatives
Gina Caruolo, Rhode Island Department of Corrections
Deborah Maresi, Rhode Island Department of Corrections
Jennifer Olivetti, Superior Court of Rhode Island
Joe Conley, Superior Court of Rhode Island
Dennis Hilliard, Rhode Island State Crime Lab

2. Approval of May 10, 2011 Minutes

Mr. Hardiman moved:

TO ACCEPT THE MINUTES OF THE MAY 10, 2011 MEETING AS PRESENTED.

Deputy Coyne seconded the motion,

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

3. Discussion of FY 2011 Edward Byrne Memorial Justice Assistance Grant Program

Director Wall stated that there are difficult decisions to be made regarding cuts to existing programs that are requesting continuation funding. He asked Mr. LeDoux to develop models to fund programs with the significant cut to this year's available funds.

Mr. LeDoux said that two years ago, when the stimulus money was distributed to states, Rhode Island received \$5.7 million. The grant program went from funding three state projects to funding 20 projects. The committee went through a strategic planning process and decided to combine stimulus and formula money for one pool of money to fund projects. Mr. LeDoux directed the committee's attention to the cream-color handout (Attachment 1), which is the planning process used for the stimulus and formula money. Certain projects received stimulus funding and others received formula funding based on the criteria set out by the federal government for the use of stimulus funds.

Last year there was \$1.3 million available in Justice Assistance Grant (JAG) money. Many of the stimulus-funded projects took time to start up; as a result they did not need continuation funding, e.g., Adult Drug Court, which requires the most funding. This year we have a 17-18 percent cut in available funding. Mr. LeDoux directed the committee's attention to the revised handout, "Byrne/JAG 2011 Continuation Funding Request Summary" (Attachment 2). This outlines what the state has been awarded this year as well as the requests for funding received. He had asked subgrantees to submit their applications for continuation funding with only the amount they will need after their current funding is depleted; i.e., the amount being carried over from June 30, 2011 into State FY 2012. The request should only be for new funding to carry them forward from that point to June 30, 2012. There was some confusion, and not all subgrantees reflected that amount in their application. Mr. LeDoux reviewed the breakdown of funds at the bottom of Attachment 2. He stated that this committee will be recommending to the Policy Board \$539,500 for state projects. There is a \$642,166 shortfall in requests vs. funding available.

Mr. LeDoux explained that in the past, the Department of Justice would penalize a state's Justice Assistance Grant if certain legislation was not passed by the states, such as HIV testing, and the Adam Walsh Act. The federal government's deficit is increasing, and Mr. LeDoux feels that next year the Byrne/JAG will likely be cut dramatically. The Steering Committee needs to make some difficult choices this year, and there will be even more difficult choices to be made next year. Mr. LeDoux believes this may be the

end of level funding in this grant program. This time next year, in a worst case scenario, Rhode Island could be receiving what it received in 2008, which was \$500,000. That would mean that there would only be approximately \$250,000 to grant out next year. Director Wall said the state is not likely to be able to provide these programs with funding next year. Most of these projects will sunset in about one year's time, unless they have carryover funding available for the 2013 state fiscal year.

Director Wall reminded the committee that there is enough money to fund only 40 percent of what has been submitted. In previous years the committee recommended taking across-the-board cuts, so that programs could continue. That is not an option this year.

Director Wall then asked each Program Director to briefly describe what their funded programs are achieving. Mr. LeDoux directed the committee's attention to the summaries and performance measures that were e-mailed to each member. He said that the correct amount for the University of Rhode Island Crime Lab is \$18,600. This is a change from the chart that was e-mailed to the committee. Committee members can review this information to see what has actually been accomplished by the programs over the past twelve months.

***Project No. 1, University of Rhode Island Crime Lab's NIBIN Technician
(Attachment 3):***

Dennis Hilliard stated that stimulus funding was requested to maintain the firearms examiner position. He received that funding and has been able to maintain the position and the level of output. Both examiners later left state employment for other positions. The Crime Lab then used this money for the NIBIN program, which is a database maintained by Alcohol, Tobacco, and Firearms (ATF) to record fired cartridge casings, etc. It is utilized to link a gun or cartridge with others used in a crime. The ATF provides all equipment, etc., and the state provides the part-time technician. The Crime Lab does not have money in its current budget to maintain this position.

***Project No. 2, Department of Corrections Probation/Parole Database Re-Write
(Attachment 4):***

Michelle Lanciaux reported that they are in the process of moving this system to a new technology. Both Probation and Parole use this system. They have inputted 141 forms and letters that will now be automated, address checks will be available, and information will go out to the WINFACTS system and be made available to law enforcement agencies. They will be taking photographs of probationers, who have never been in prison. These will be facial recognition photos. This is a large-scale project, which will better track probation/parole information. Both law enforcement and the Attorney General's Office have been asking for this system.

Mr. LeDoux asked if the Department of Corrections does not receive continuation funding for this project, what could be accomplished with the funds remaining. Ms. Lanciaux stated that the \$40,000 remaining in the grant will give them three more months. They will be able to complete the forms and letters, but they will not be able to move the database over to the law enforcement system. Also, validation checks will not be inputted. The system is modular, so they are moving sections piece by piece and have made great strides in the collection process. Continuation funding would enable them to make this a very valuable tool. It will provide local police with important probation and parole information. Director Wall added that local law enforcement will be one of the major beneficiaries of the system. He stated that local law enforcement does very well under Byrne/JAG and asked if there is money available in their allocation that could possibly be committed to this project. Mr. LeDoux responded that the Law Enforcement Planning Committee (LEPC) has already met and decided how to spend its funds, which include in-service training and the precious metals database at the Attorney General's Office.

Project No. 3, Department of Corrections Re-Entry Projects (Attachment 5):

Mr. Ken Findlay is the grant manager for this project. He reported that the program provides enhanced services to sex offenders. A total of 60 offenders have been added to this program, and they are the highest risk offenders, who have received services that otherwise would not have. Probation and Parole works directly with the sex offenders, and the expanded treatment program been very effective. They conduct discharge planning, which includes three programs with CCAP and Crossroads to deal with homelessness following release. Discharge planning for offenders has increased because of this program, and they have placed 56 individuals in homeless/discharge planning. The average caseload of discharge planners is 200 to 1. Without the discharge planners, this would revert to being done by the counselors. Mr. Hardiman asked if there are other federal grants dedicated to sex offenders that could make up the difference. Director Wall responded that the City of Providence applied for funding and did not receive a grant. The Department of Corrections is applying this year, however, it is a very competitive grant program. Mr. LeDoux stated that three of the objectives of this program speak to recidivism. How effective is the project in reducing recidivism? Is the result of the project actually keeping offenders out of prison? Mr. Findlay responded that recidivism is being reduced. They have found that it takes a combination of assessment, treatment, release, and probation. All these programs have to be in place for recidivism to be reduced. They are conducting an ongoing study regarding recidivism. Director Wall said any good study takes three years worth of data to be credible. However, they are heartened by the preliminary results, but they cannot be presented until the three years have elapsed.

Project No. 4, Family Court Mental Health Clinic (Attachment 6):

Kevin Richard reported that in 2006 they started a clinic for children in conjunction with the Court. The purpose was to ensure safety for children, reduce recidivism, and reduce the amount of time it took to provide services to children. They have seen about 900 children since 2006. The Bench has referred 11 percent for immediate clinical evaluation. Having doctors in the building to provide immediate help for children has been invaluable. Safety has been addressed, and the process has been streamlined. Approximately 500 hours of services have also been provided to the Bench. As of yesterday, the Court has recidivism data. Approximately 4,000 to 5,000 children have been through the system, and approximately 40 percent repeat their offense. Through the use of this clinic, the rate of recidivism is about 26 percent. The program needs this continuation funding to make the program whole. They had doctors on maternity leave, so they still have funds remaining. The program funds two psychologists, one psychiatrist and one social worker. They need this high level of expertise to deal with the youths, who frequently have learning disabilities and other complex problems. The program provides immediate help for these children. They have explored other grant opportunities, but have not had any success, and this is their only funding stream. Director Wall asked if the Office of Juvenile Justice and Delinquency Prevention may have funding available. Mr. Richard said their proposals to OJJDP have scored high, but they have not been able to receive any funding. Kevin McKenna added that this program saves the state a great deal of money, because these children would have to come to the Department of Children, Youth, and Families otherwise, and it would be much more expensive for them to provide these services.

Project No. 5, Public Defender's Defender Advocacy and Re-Entry Assistance (Attachment 7):

Mr. Hardiman stated that there are no other eligible grants for this program. The project helps the Court system, represents their clients, and reduces recidivism. This program has been funded for the past eight years and is for clients in the Superior Court's Courtroom 14, which deals with all warrants and technical violations. Technical violators are otherwise being held at the prison. Their cases, per violation attorney, went up from 60 to 100. They place an attorney, social worker, and community liaison worker into this courtroom. These clients have homelessness, unemployment, and/or drug/alcohol problems. They try to resolve these cases quickly and have been quite successful in doing so. They ensure that proper services are provided to the client. The social worker goes to the cellblock every day to see who needs services as an alternative to incarceration. They represent 86 percent of warrant violators, who are then released instead of being incarcerated. Approximately 50 percent of violations have been withdrawn, and they have had great success keeping people out of prison or decreasing prison time. Every Thursday they meet with Magistrate Harwood to review cases. For example, sometimes sex offenders become violators, because they are homeless. As a result, they do not have a home address to register with law enforcement. They try to

get them housing as well as mental health care through the social worker, who also helps them with all their issues, including housing, employment, etc. The community liaison goes out and talks to people at, for example, soup kitchens, and she counsels them. She has had success, for example, getting records expunged when appropriate. They have also had success getting warrants cancelled and community service/restitution completed, which directly impacts recidivism.

Mr. LeDoux asked what would happen if they did not receive continuation funding. Mr. Hardiman responded that they would lose their community liaison and social worker. In response to a question from Director Wall, Mr. Hardiman responded that they have been trying for the past seven years to obtain state funds for the community liaison position and four years to obtain state funds for the social worker position. He stated that they have found that having one person consistently doing this work every day works best with their client population.

Project No. 6, Department of Behavior Healthcare Developmental Disabilities, and Hospitals Transitioning from Prison (Attachment 8):

Director Stenning stated that this program provides substance abuse treatment placement to individuals being released from prison. If there are no placements available in the community, the system will back up. There is more and more need for these services. Director Stenning said that this morning they had two sex offenders and one fire starter, who needed emergency placement. The State of Rhode Island has \$1 million placed into this transition-from-prison program. They have reallocated funding from the Access to Recovery grant to help people coming out of prison as well. This program allows BBDDH to increase capacity, and their outcomes are outstanding. The program reduces recidivism and increases compliance with treatment. Approximately 82 percent of their clients are in housing and/or treatment, which is better than all the other programs they have. There would be an approximate 30 percent lack of placement if the funding is discontinued. The last six months has been the worst in BHDDH history with having available placements. The program reduces the time from parole to release into the community by 50 percent. It reduces by 50 percent the time in prison, because they are required to have drug/mental health counseling as part of their release. It provides clients treatment in a more timely manner and saves \$100,000 for the 44 individuals they have been able to help. Director Wall stated that Corrections' bed space will be reduced by approximately 200 beds as a result of the new budget. He is concerned about the impact of this and the need to consolidate facilities as a result. The turnover for this program is about every three months; i.e., there are ten beds with a ninety-day turnover. This money is in addition to funds received through the Access to Recovery funding.

Project No. 7, Adult Drug Court (Statewide), Attachment 9:

Presiding Justice Gibney stated that this program has been cost effective and has saved money by not having to incarcerate individuals. It creates less reliance on social services by individuals who have since become productive members of society. It has provided a great deal of help to Drug Court clients through providing them an honest chance to regain their lives. They can remain in the community and work rather than being in the prison system. They are more employable and can contribute to their community. If they had to be imprisoned, the Department of Corrections is more expensive than this program. The cost of this program is \$3,000 per person. A year's stay at the ACI can be from \$5,000 to \$75,000. They have had 419 admissions into the program, and 70 percent graduate. After one year 73 percent have no further contact with the criminal justice system. Three Drug Court positions are state funded. They are requesting funding for testing and treatment, and they have had no success getting these positions state funded. Most of the is for the partner agencies – The Attorney General and the Public Defender. The Court's staff has been reduced. Jennifer Olivelli pared down their request by 30 percent to \$281,000 as a result of the carry over money. She stated that their request for \$430,000 would not cover costs for the partner agencies. They have \$149,000 remaining in carry over funds. They reduced their request to \$60,000 for testing and treatment and \$221,000 for the partner agencies, which will carry the Drug Court to the end of FY 2012, at the current capacity. If the Price facility closes or if the House bill passes, this will impact referrals to Drug Court. They have applied to the Department of Justice for discretionary funding to expand the program and not supplant; they would have to add more clients or provide more services. Mr. LeDoux asked if there was no funding next year, what would happen to the Drug Court clients? Ms. Olivelli stated that they do not know completely. The Public Defender could not dedicate an attorney to this program, and it would require different attorneys to cover these clients. The clients currently in the program have already pled nolo, so they are required to provide them services. It would be the decision of the partner agencies on how they would handle a lack of funding.

Project 8, Justice Assistance Tuition Assistance/Batterer's Intervention Program (Attachment 10):

Jonathan Houston stated that he has been talking about this for years. Justice Assistance completed a five-year study of clients referred to them and their recidivism rates. The \$184,800 requested is for those clients, who are referred to Justice Assistance, who need assistance paying for participation in a Batterer's Intervention Programs. When state certification began about fourteen years ago, there were 14-15 state certified programs. There are now three to four agencies providing this service. Most of the clients referred to Justice Assistance go back to Court for failure to complete the program because of their inability to pay for the program. After they have returned to Court three to four times, they are then sent to the ACI. Justice Assistance has tried to find resources through the private sector, but they generally do not grant money to programs like this.

If the Department of Corrections could work with Justice Assistance, they could probably do the program for less money. Mr. LeDoux asked who the principal applicant is for this program would be, and Mr. Houston said it would be Justice Assistance that would be the fiscal agent.

Director Wall thanked everyone for their time and input. He reiterated that this committee needs to reduce the grant requests by 60 percent. He asked the Public Safety Grants Administration Office to put together several possible models. He stated that the committee does not have to make these decisions today, but if not, the committee would have to meet again this summer. The Policy Board will need to meet in September to vote on the Steering Committee's recommendation. He asked the committee what it would like to do. Mr. Hardiman stated that he would prefer having some time to review all the information presented today, and Deputy Coyne agreed.

Mr. LeDoux presented one model he developed. He said the committee is faced with taking percentage cuts and paring down programs through logical criteria, such as carryover money, reviewing the number of years programs have been funded, and either eliminate projects that are the most recent or those that have been funded a long time. He said he asked subgrantees for their carryover amount as of June 30th. He asked the program managers if the amount on Attachment 2 is still accurate. There were three programs that did not take into account carryover money: Drug Court, Family Court, and URI. He said he was not sure if the Department of Corrections Reentry Projects' \$25,000 balance would defray the \$129,000 requested. That would reduce what Corrections needs down to about \$103,000. The Public Defender had 2009 money totaling \$31,868. Is the \$31,868, if that is actual amount available, going to carry the program through for three months? Does the program need the full \$95,000 to operate to June 30, 2012? Regarding the Corrections Probation and Parole rewrite project, two years ago, with stimulus and formula money, \$300,000 was set aside for CJIS-type projects: The Department of Motor Vehicles license imaging project and re-write project. \$150,000 was granted to DMV and was supposed to be sufficient to complete the project. \$200,000 for the re-write project was not sufficient to complete everything Corrections wanted to do. This project has a definite conclusion. Some of these grant requests are for services provided to clients, and they are ongoing. If the committee continues to fund Drug Court at its current level with funding split among several agencies, it will not be able to run efficiently. Many of these projects provide benefits to reduce recidivism, provide drug abuse services, etc. One program is not more important than any other. The committee will have to weigh the effectiveness of these projects. The question is where and how to cut?

Due to time constraints, Mr. LeDoux stated that he created one model as follows. He apologized to Mr. Houston, but in this model, he could not entertain any new projects. He also eliminated the two newer projects: The Re-Write project and funding for

Transitioning from Prison. Director Stenning suggested that programs that have been funded a long time should have taken this time to find a new funding stream by now. Mr. Houston stated that at a recent Policy Board meeting he believes the Board made a commitment to fund the Re-Write project. Mr. Mongeau stated that he will check the minutes. Mr. LeDoux asked the committee to refer to the Corrections Re-Entry project and cut this to \$109,801. He said that this is only one scenario, and the committee does not have to vote today. Director Stenning recommended having more than one model to choose from. The survey that was done prior to distributing stimulus money indicated substance abuse treatment and re-entry programs to be a priority. He recommended reviewing the survey and the priorities the committee agreed on. Director Wall asked Mr. LeDoux to provide a model so that the committee could understand how these decisions should be made. The question is should the committee continue to fund the older projects or the newer ones. Director Wall asked Mr. LeDoux to work with each of the agencies and talk to them about what they are willing to let go of. He reiterated the theme of "shared sacrifice." Otherwise, does the committee need to decide which programs will be discontinued completely. There were no additional comments from the committee. Ms. Olivelli asked Mr. Mongeau if the Re-Write project would be appropriate for NCHIP funding. Mr. Mongeau stated that the state received \$150,000 from NCHIP, and it has been obligated.

4. **New Business:** There was none.
5. **Adjourn**

There being no further business, Mr. Hardiman moved:

TO ADJOURN THE MEETING.

Deputy Coyne seconded the motion.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

Respectfully submitted,

Barbara J. Laird
Recorder

Approved by:

Thomas Mongeau
Administrative Manager

A.T. Wall, Director
R.I. Department of Corrections
Chair