



CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.

STATEMENT OF KATHLEEN FLAHERTY, ESQ.
EXECUTIVE DIRECTOR, CT LEGAL RIGHTS PROJECT, INC.
CRIMINAL JUSTICE COMMISSION OPEN FORUM
RE: CONNECTICUT'S NEXT CHIEF STATE'S ATTORNEY
OCTOBER 11, 2019

My name is Kathy Flaherty and I'm the Executive Director of Connecticut Legal Rights Project (CLRP), a statewide non-profit agency that provides legal services to low income adults with serious mental health conditions. CLRP was established in 1990 pursuant to a Consent Order which mandated that the state provide funding for CLRP to protect the civil rights of DMHAS clients who are hospitalized, as well as those clients who are living in the community. CLRP attorneys and advocates represent forensic patients in Whiting Forensic Hospital regarding competency restoration, acquittees committed to the PSRB and DOC transfers. We also represent pre-existing clients if they are in the Department of Corrections facilities. I'm also the Co-Chair of the Keep the Promise Coalition (KTP). KTP is a coalition of advocates (people living with mental health conditions, family members, mental health professionals and interested community members) with a vision of a state in which people with mental health conditions are able to live successfully in the community because they have access to housing and other community-based supports and services that are recovery oriented, person-driven and holistic in their approach to wellness. Lastly, I'm a member of the steering committee of the Connecticut Cross Disability Lifespan Alliance, an alliance of people of all ages with all disabilities who pursue a unified agenda.

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I submit these comments to the Criminal Justice Commission today not as an attorney who practices criminal law, but as an advocate for people with psychiatric disabilities who too often find themselves trapped within the criminal legal system because they have been unable to access voluntary services and supports to address their mental health conditions.

It is imperative that the person chosen to serve as Connecticut's Chief State's Attorney understands the way that people's mental health (or lack thereof) impacts their ability to navigate living in the community without running afoul of the law. The next Chief State's Attorney must be aware of the effect of the daily trauma experienced by members of marginalized communities, and recognize that people's functional behaviors are attempts at communication when words have failed. She or he must recognize that we have criminalized behavior that is often directly related to symptoms of someone's mental health condition.

The next Chief State's Attorney should emphasize diversion of people with mental health conditions away from the criminal legal system toward a civil system focused on treatment rather than punishment. She or he should be supportive of competency restoration in the least restrictive environment, with an emphasis on community placement rather than hospitalization. The next Chief State's Attorney must be willing to continue the work of criminal justice reform and examine issues of re-entry for persons under the jurisdiction of the Psychiatric Security Review Board, and make policy decisions rooted in accurate information about the effectiveness and efficacy of treatment with psychiatric drugs and the devastating impact of forced medication, restraint and seclusion practices in inpatient forensic psychiatric settings.

The next Chief State's Attorney must be willing to consider input from all relevant stakeholders when it comes to continuing criminal legal system reform. Connecticut's next Chief State's Attorney must be someone who prioritizes ending mass incarceration, alternatives to incarceration, and eliminating racism in the system.