

Behavioral Health Sub-Committee

Criminal Justice Policy Advisory Commission
Criminal Justice Policy and Planning Division
Connecticut Office of Policy and Management

March 14, 2024

9:30 am – 11:00 am

(Russell Hall, CVH, Room 217-A; and TEAMS)

Minutes

1. Introductions/Roll call

Thomas Burr, Alex Tsarkov, William O'Connor, Patricia O'Rourke, Judy Dowd, Kirk Lowry, Chris Burke, Reena Kapoor

2. Approval of minutes of meeting on January 18, 2024 → approved without corrections.

The group noted transitions of personnel in our agencies. Daniel Karpowitz is the new Undersecretary for Criminal Justice Planning. The Acting Chief Public Defender is John Day.

3. Legislative updates

- a. HB 5415 - An Act Concerning the Issuance of a Standing Criminal Protective Order When a Person Is Found Not Guilty By Reason of Lack of Capacity Due to Mental Disease or Defect
- b. An Act Concerning Pretrial Supervised Diversionary Program
- c. An Act Concerning Competency to Stand Trial

The Sentencing Commission's proposals have been included in HB 5500, introduced 3/13/24 (sections 8 and 9). The public hearing will be on Monday 3/18/24. The first CST provision is still opposed by the PD's office (re: consideration of defendants for diversion before a competency exam in ordered), who may propose substituted language whose goal is to have fewer people incarcerated pre-trial. Next two provisions are agreed upon by everyone. CLRP supports, NAMI hasn't really examined closely yet. Would be good to understand how other states manage the issue of diverting incompetent defendants, though it is not practical to do a formal 50-state survey at this point.

Section 3 of HB 5500 involved changes to the Supervised Diversionary Program for defendants with ID and ASD. There is a lot of work to do with DDS and DSS. Anticipate their opposition because of fiscal concerns and lack of clarity about what exactly is entailed. DMHAS may also oppose.

HB 5415, criminal protective orders for victims of insanity acquittees, must have a public hearing next week to move forward. Public Defenders are opposed, as is CLRP. Kirk thinks it's opposed to the idea that people are not dangerous when released on TL/CR. PD is opposed to the idea. Kirk highlighted the recent US Supreme Court decision in *McElrath*, which he will send to the group. All agreed that efforts would be better spent trying to improve treatment services for victims rather than criminalizing acquittees.

Kirk Lowry alerted the group to another PSRB bill: HB 5509. This makes a number of changes to procedures for movement of insanity acquittees out of the hospital, and it bases the court's decisions primarily on public safety and secondarily on the safety and wellbeing of the acquittee. May have a public hearing in Judiciary committee next week.

4. Barriers to accessing jail diversion services (Bill O'Connor)

Bill O'Connor sent an email to all PD social workers and had follow-up conversations with those who responded. Overall, the Jail Diversion (JD) program works very well except for a few trouble spots. DMHAS supervisor of JD program has been very helpful in trying to smooth things out. Hartford and Danbury courts are a challenge because (1) JD doesn't want to accept clients who are not already a client of the LMHA, which makes it difficult to refer to JD, (2) JD Substance Abuse (JDSA) clients seem to get violated very quickly for small missteps rather than getting supported. Most clients come back with a negative letter from the program, which makes the attorneys and social workers not want to refer them there, and (3) PD social worker find it difficult to refer clients to Respite programs, and it typically only happens when courts order it.

Chris Burke reported on DMHAS's efforts to address JDSA problems, bringing in new staff. He stated that there is no JD team that should be denying clients who are not already affiliated with DMHAS. He will follow up with supervisor and courts.

5. 1115 Justice-Involved Waiver update

DMHAS, DSS are trying to reimagine reentry planning for individuals with mental illness, asking DOC to think broadly about possibilities. Discussions about how to provide in-reach services and transitional case management are ongoing in weekly multi-agency meetings.

6. Sequential Intercept Map update

Chris Burke continues to work on the content. It would be ideal to have the information accessible on a website, though this may need to be part of a larger process of state agency website updates.

7. Agency updates

NAMI – There was a public hearing on peer respite yesterday (SB 370). 75 people were scheduled to testify. 42 people submitted testimony, and there was lots of interaction with committee. The bill received a very positive reception, and NAMI is optimistic that it will get out of committee. There were also two bills on telehealth (3-yr extension vs removing sunset clause completely). The MH parity bill also had a huge turnout, with most testimony in support of the idea that parity is still a problem.

PD – John Day is the acting chief PD. No other updates.

CLRP – Public defenders did a fantastic job on their brief about transfers from Whiting max to Dutcher for PSRB patients. The PSRB voted not to hold these hearings because there is no legal justification to do so. Other than that, CLRP continues to represent Whiting patients and one at CVH. There was an interesting hearing in probate court about an 18-y.o. ASD patient who is a DDS client. DMHAS is doing a great job of working with him and minimizing his stay in maximum security.

Sentencing Commission – Full meeting will be held today, with a presentation by Deborah Dorfman of DRCT. On March 26, students from Yale mental health clinic will present at the MH Subcommittee about ID in the criminal justice system.

DMHAS – We continue to work on the CST report with the Sentencing Commission. We have analyzed data that showed about one third of CST evaluations are done on defendants facing only misdemeanor charges. The EFRB program now has 7 of 15 beds operational, and there are delays in opening remaining 8 beds in Bridgeport. We hope to have updated timeline in next week or two.

8. CJPAC: Next meeting TBD

9. BHS Scheduled Meetings: 9:30am – 11:00am [Russell Hall, CVH, Room 217-A and Teams for those unable to attend in person]

- a. May 9, 2024
- b. July 11, 2024
- c. September 12, 2024