

**Behavioral Health Sub-Committee**

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

**March 9, 2023**

**9:30 – 11:00 am**

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

Minutes

In attendance: Michael Aiello, Christopher Burke, Thomas Kocienda, Kirk Lowry, Michael Norko, William O’Connor, David Rentler

Guests: Patricia O’Rourke (Institute for Municipal and Regional Policy, UConn), Callyn Priebe (Robinson + Cole)

1. Members and guests introduced themselves.
2. Minutes of the January 12, 2023 meeting were approved.
3. CGS 18-87k regarding the statutory charge for the CJPAC and its Behavioral Health Subcommittee was reviews. Reference in subsection (b) to the UConn Health Center providing health care services has been moot since July 1, 2018 when that contract ended.
4. Discussion of resuming criminal justice operations, inter-agency communications and preparation.

DMHAS report from Michael Norko and Chris Burke:

Competency to stand trial evaluations have continued at a significant pace, although mostly not above a pre-pandemic 2019 average rate of evaluation orders. There has been a new surge in court orders for restoration at Whiting over the last few weeks, which is expected to continue into at least next week. The hospital is near full census, but has contingency plans for over-census conditions in order to admit all individuals ordered for inpatient restoration. Chris Burke has been attending competency evaluations done by the teams throughout the state; more individuals seem to be appropriate for diversion from at least these evaluations, making our developments of the Enhanced Forensic Respite Bed (EFRB) increasingly relevant and timely.

The EFRB pilot program in Bridgeport has been utilized well; all 3 beds have been filled in recent weeks, with more clients queued for admission. We have been authorized to begin the expansion of the program from 3 beds to 8 beds in Bridgeport and to open programs in New Britain and New Haven, bringing the total to 15 beds in the state. We are still waiting on approval by the Office of the Attorney General of the scope of services language for the new contracts, but the funding has been finalized and we will be moving forward with the provider agencies while the contract language is finalized.

Pretrial Intervention Program (PTIP) referrals continue, with an increase in fund transfers in January 2023 compared to the previous 4 months. Our current fiscal assessment is that the fund for this program will be depleted by the end of FY 24. We are working on a projection for FY 25 which will be shared with OPM so that funding of this program does not deprive other DMHAS services of funding. The RFP for new contracts has been released and a bidders conference held.

The ABH Case Manager, Ayana Smith, is being utilized often to work with PSRB clients who are on TL and CR. Referrals come from the community providers who identify clients who can use additional support. A no cost extension of the grant fund for this position will support it through March 2024, after which we will assess the potential for sustained state funding..

The grant for the re-entry program (funded through a TTI-NASMHPD grant) with Alliance for Living, Safe Futures, and York Correctional Institution (YCI) closed. We will be able to fund a continuation

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of this trauma and education work through our forensic services budget, working with Alliance for Living and YCI.

The Connecticut Offender Re-entry Program (CORP) was not sustained during the pandemic because of various restrictions in DMHAS and DOC. We are now beginning to re-initiate this program. A group has started at Garner; another is forming at York. We will plan to add more groups at these two facilities. A meeting with Tom Kocienda this past week was very helpful in developing a plan to add times for additional groups, and to share the numbers of DMHAS clients in DOC facilities, so that we might look for opportunities to provide CORP services to MH3 clients at facilities other than Garner and York. Tom will also investigate whether we can automate a process for potential referrals via queries of their electronic health record looking for participation criteria.

CSSD report from Michael Aiello:

CSSD is hoping to have scattered site apartments established for pre-trial mental health clients by July. They are working on amending the MOA with DOC for this purpose.

Parole report from David Rentler:

Rhianna Gingras was appointed as Director in mid-August. Two new Deputy Directors were also appointed (Kendra Herrick, and Netasia Jones), as well as a new Mental Health Unit Supervisor (Tony DePina). Tony DePina will be overseeing the Women's Re-entry Unit, among other duties. Parole has eliminated mask mandates, and operations are returning to pre-pandemic conditions. Half-way houses have also largely eliminated mask mandates, except in specific circumstances. Waterbury West, a new 10-bed Residential Substance Unit program has begun operations under CT Renaissance. They will be able to use the 1115 waiver to charge Medicaid for substance use services, as will APT.

DOC report from Thomas Kocienda:

The posting remains open for a new Chief Mental Health Officer for DOC. All Mental Health 4s are now consolidated to Garner and York. Garner has a new MH4 unit as a result, plus half of another unit. One housing unit at Garner remains in use for general housing. Thomas will be meeting with the Informatics Nurse in their Central Office tomorrow to discuss the possibilities for automating a report that can be used for CORP referrals.

CLRP report from Kirk Lowry:

Kirk reported on an interesting situation with an inmate at Garner, who has a conservator of person. The clinical team wanted to refer him for ECT, and wanted the conservator's consent, but a conservator is prohibited by statute from giving consent. A probate court order would seem to be necessary. The person was transferred to Whiting for treatment, so this problem became moot. Whiting is proceeding with the probate court

Public Defender's office report from Bill O'Connor:

Bill reported that one acquittee has been discharged this year. Since the effective date of PA 22-45 permitting transfers of acquittees to Dutcher from Whiting without Board hearing/approval, there have been 3 such transfers, with another to happen soon. One of these led to a Board hearing, but the Board did not order a change in the person's status. Had that occurred, their office would have appealed the ruling since the statute does not have any provision for such action by the Board. Two clients have taken advantage of the new ability for the acquittee to request their own TL. The public defender's office met with resistance by community providers to consider such a request without the hospital putting it forward – thus seeming to render the statutory change ineffectual.

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- 5. We are compiling a list of available diversion services by various agencies. There are more programs to be added under CSSD, and the ESI program of the State’s Attorney’s office is also to be added. Our next step will be to add numbers of clients served in CY 2022 to the list.
- 6. Other agency updates: none
- 7. CJPAC: Next meeting March 30, 2023
- 8. Scheduled meetings of the Behavioral Health Subcommittee (9:30 – 11:00 am):
  - May 11, 2023
  - July 13, 2023
  - September 14, 2023
  - November 9, 2023