

2023 BYRNE SCIP Draft Program Plan



Submitted by:
State of Connecticut
Office of Policy & Management
Criminal Justice Policy & Planning Division



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I. Introduction

On June 25, 2022, President Joe Biden signed *The Bipartisan Safer Communities Act of 2022*, following passage by Congress, which contains provisions including preventing and reducing gun violence, saving lives, and keeping guns out of dangerous hands. Additionally, the federal act establishes the Byrne State Crisis Intervention Program (Byrne SCIP) for which the United States Department of Justice (US DOJ) is authorized to release funds to states. Byrne SCIP funds the creation and/or implementation of extreme risk protection order (ERPO) programs, state crisis intervention court proceedings, and related gun violence reduction programs and initiatives. The federal act authorizes the US DOJ to make Byrne SCIP funds available over five years (FY 2022–2026).

In October 2022, the US DOJ released a solicitation for state administering agencies (SAAs), which in Connecticut is the Office of Policy and Management Criminal Justice Policy and Planning Division (OPM CJPPD), to apply for the first two years of authorized Byrne SCIP funding. OPM CJPPD applied and, in February 2023, was approved to begin the process to accept the federal funds.

II. Crisis Intervention Advisory Board

Per US DOJ guidance, each state must have in place a crisis intervention advisory board, which may be existing or established for purposes of Byrne SCIP and must contain representatives from the following stakeholder groups: law enforcement, the community, courts, prosecution, behavioral health providers, victim services, and legal counsel. Connecticut's active, statutorily established [Criminal Justice Policy Advisory Commission \(CJPAC\)](#) fulfills the US DOJ requirements and is performing the required Byrne SCIP advisory functions. It also has a long history of receiving presentations containing data analysis, providing advisory review of Connecticut's Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) grant program, and working collaboratively on criminal justice topics. Moreover, CJPAC includes representatives from the stakeholder groups required by the US DOJ. A list of members can be found here: [CJPAC-Members-July-2023.pdf \(ct.gov\)](#).

III. Process of Making Subawards

To expend Byrne SCIP funds, an SAA must submit a post-award program plan and budget, which is captured in this document, to the US DOJ. The program plan and budget must include details on how the SAA coordinated with the crisis intervention advisory board (in Connecticut's case, CJPAC) on development of the program plan and budget prior to OPM CJPPD executing any subawards.

To develop the program plan and budget and to identify program areas where funding could be allocated to address current critical needs, OPM CJPPD staff engaged CJPAC members and stakeholders. A draft of the program plan and budget was presented at a CJPAC meeting on June 29, 2023. The commission held discussion about the draft, and members were provided an additional period to provide input regarding the draft. At the conclusion of the input period, OPM CJPPD revised the draft to incorporate input. A final draft will be shared with CJPAC and submitted along with a letter from the commission chair to the US DOJ.

Once the US DOJ approves the program plan and budget, all Byrne SCIP subawards must be approved by the US DOJ via the submission of a Grant Award Modification (GAM). The GAM requesting approval for a subaward must include a signed letter on agency letterhead from OPM CJPPD's authorized representative that includes a summary of the selection process used to identify the subaward included in the request, a list of the recipients of the subaward and the proposed award amount and project periods, and a description of the proposed subaward and the subaward budget.

OPM CJPPD expects to follow a similar process to the one used while administering Byrne JAG program funding: A grant announcement will be created that invites interested parties to prepare proposals for projects to use available funds. With Byrne SCIP, OPM CJPPD will coordinate with CJPAC regarding the review of applications. After the review process, when an application has been identified by OPM CJPPD to be eligible for SCIP funding, OPM CJPPD will submit the mandatory GAM to US DOJ with required documentation. Any awarded Byrne SCIP funds must receive US DOJ approval.

If a subaward GAM is approved, OPM CJPPD will follow its established process to execute a grant award, and OPM CJPPD will provide monitoring and ensure compliance with the award conditions.

IV. Connecticut's Risk Warrant and Risk Protection Order Laws

A. An Act Concerning Firearm Safety (Public Act 99-212)

In general, "red flag laws" include risk warrants, risk protection orders (RPOs), and other proactive crisis interventions that establish a temporary process to suspend a person's access to firearms who is found to present immediate risk of injury to oneself or others. Prevention of mass shootings, suicides, fatal or nonfatal firearm injury, and other tragedies are typically referenced as events red flag laws seek to prevent.

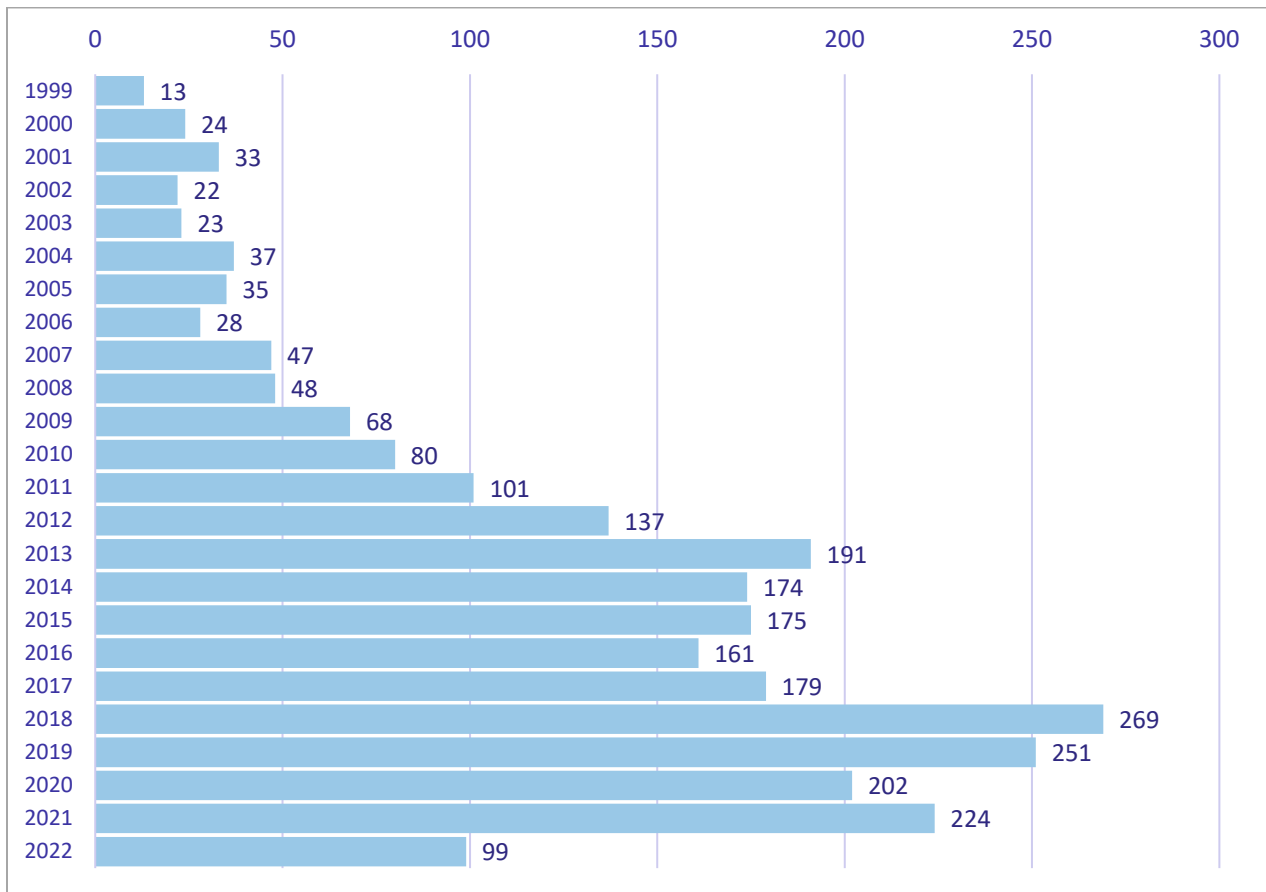
In 1999, Connecticut became the first state to enact a law establishing a process to prevent a person from possessing firearms who is at immediate risk of causing personal

injury to oneself or another person. Since then, 20 other states have enacted similar laws.¹ Under Connecticut's 1999 law, a judge — upon complaint under oath by a prosecutor or by any two police officers that a person poses a risk of imminent personal injury to oneself or others, possesses one or more firearms, and such firearms are within or upon any place, thing, or person — may issue a warrant commanding a proper officer to enter the dwelling, search, and take into custody any and all firearms. The prosecutors or police officers must first have investigated to determine probable cause and that no reasonable alternative exists for intervention. A judge, after considering several factors listed in the statute, may determine whether grounds for application exist or there is probable cause to believe such grounds exist and issue a warrant naming or describing the person, place, or thing to be searched. A copy of the warrant will be given to the named person along with notice of the right to a hearing and to be represented by counsel. No later than 14 days following the execution of the warrant, the local geographical area court where the person is named will hold a hearing to determine whether the seized firearms should be returned to the person or continue to be held by the State.

At the hearing, the State has the burden of proving all material facts by clear and convincing evidence. At its conclusion, if the court finds that the State has met the burden proving that the person poses a risk of imminent personal injury to oneself or other people, the court may order the firearms seized under the warrant and continue to be held by the state for a no more than one year. In such case, there is notice given to the Department of Mental Health and Addiction Services (DMHAS), which may avail the person involved in the risk warrant connections to treatment. Otherwise, if the above burden is not met, the firearms are returned to the individual.²

From 1999 to 2021, an average of 110 risk warrants were filed annually with the clerk of the court.³ Within that period, during the first 12 years of Connecticut's risk warrant law (from 1999 to 2010) the number of warrants hovered in the double digits. In the 11 years that followed (from 2011 to 2021) the number of risk warrants was larger, ranging from a low of 101 to a high of 269. (Please see Chart 1 below and note that reported 2022 data is partial, from January 1 to May 31 of that year.)

Chart 1 Executed Risk Warrants (Sec. 29-38c) filed with the clerk of the court (January 1999 – May 31, 2022)



Connecticut's risk warrant law not only helped prevent gun violence committed against others but also suicides. Between 1999 and 2013, it is estimated that Connecticut's risk warrant law averted one suicide for every 10 to 20 warrants filed. Additionally, involvement in the risk warrant process created a pathway to behavioral health assessment and treatment. Only about 12 percent of people subject to risk warrants received treatment for a mental health or substance use disorder in the DMHAS system in the year preceding their gun seizure. Many of these individuals came into contact with DMHAS as an indirect result of the risk warrant, however: twenty-nine percent received treatment in the system during the year following gun seizure.⁴ DMHAS' presence at the hearing and other points of intersection in the process can help connect individuals to services and treatment.

B. An Act Concerning Risk Protection Orders or Warrants and Disqualifiers for Firearm Permits and Eligibility Certificates (Public Act 21-67)

In 2021, with several states across the country having enacted red flag laws following Connecticut's landmark law, Connecticut state policymakers enacted legislation expanding the scope of its risk warrant statute and introducing an RPO process.

Public Act 21-67 made several changes, including but not limited to those listed below, to the risk warrant statute.⁵

- Courts may issue an RPO prohibiting a person from acquiring or possessing a firearm or other deadly weapon or ammunition.
- Those subject to an RPO or risk protection investigation order are barred from obtaining a handgun carry permit, handgun eligibility certificate, or long gun eligibility certificate.
- Items subject to seizure are expanded from firearms to include other deadly weapons and ammunition.
- A family or household member or medical professional with a good-faith belief that someone poses a risk of imminent personal injury to oneself or others may apply to the court for an RPO investigation. If the court issues an investigation order, a police investigation will determine if there is probable cause that the individual poses a risk of imminent injury to oneself or someone else. When probable cause does exist, the police must seek an RPO, and when appropriate, a risk warrant.
- The one-year maximum period the state may hold items seized under a risk warrant is replaced with a provision that such items may remain seized until the person successfully petitions the court to terminate the order and warrant. People may periodically petition the court to challenge the order and seizure starting 180 days after the initial hearing.
- The removal of a provision in the original law requiring there to be no reasonable alternative available to a risk warrant to prevent a person from causing imminent personal injury to oneself or others using firearms.

Following Public Act 21-67's June 1, 2022, effective date, the number of risk warrants filed with the clerk of the court continued being tracked, but also the universe of data collected expanded to include RPO investigations and RPOs, both of which were established under the public act, filed with the court. Since then, there has been a steep increase in that universe of tracked data. Among partial data from 2022 (June 1 to December 31 of that year) and 2023 (January 1 to April 6 of that year), the number of risk warrants, RPO investigations, and RPOs filed with the clerk of the court was 754 and 683, respectively.⁶ Both years' counts, despite being partial, are substantially larger than risk

warrant counts in the prior years. The increase in filings with the clerk of the court from June 1, 2022, to April 6, 2023, correlates with an expansion of the policy under Public Act 21-67. The universe of data cannot currently be parsed to distinguish among risk warrants, RPO investigations, and RPOs filed with the clerk of the court.

C. An Act Concerning Risk Protection Orders or Warrants and Disqualifiers for Firearm Permits and Eligibility Certificates Based on Temporary Commitment Under a Physician's Emergency Certification (Public Act 23-89)

In 2023, Connecticut state policymakers enacted legislation (Public Act 23-89) making further changes to the state's risk warrant and RPO policy.⁷ The act, along with making other provisions:

- Reduces from two police officers, as per current law, to a single officer to apply for an RPO that does not include a risk warrant;
- Requires the RPO and, if applicable, risk warrant to be served at least three days prior to a hearing;
- Limits the RPO and risk warrant process to adults; and
- Creates a separate risk warrant process, for minors who possess firearms or other deadly weapons and pose an imminent risk of injuring other people, which follows the current process in many respects.

V. Budget Plan

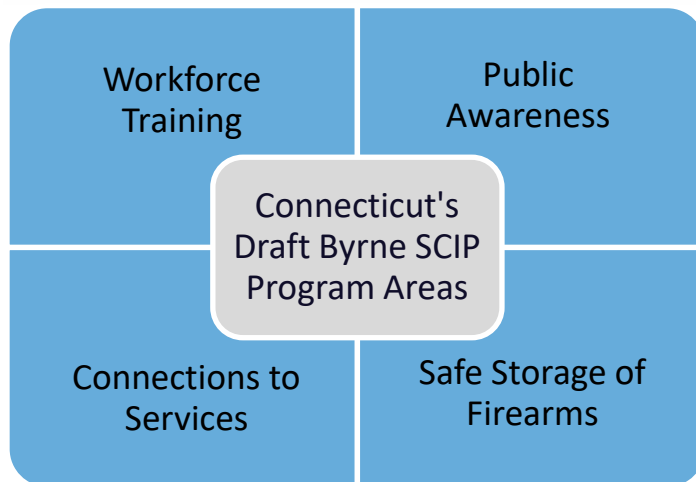
Connecticut's \$2,470,247 Byrne SCIP formula allocation from the US DOJ consists of two funding portions after accounting for direct administrative costs of operating the program. The first is a state share (60%) and the second is a local pass-through (40%). Table 1 below captures these funding under Connecticut's Byrne SCIP formula allocation. Subsection A below describes the state portion of the funds and Section B describes the local portion, which is divided into a direct pass-through and a Less-Than-\$10,000 portion.

Table 1 Connecticut's budgeted Byrne SCIP Formula Allocations

<i>State share subtotal</i>	\$1,333,933
–Direct local pass-through	\$724,555
–Local pass-through (Less Than \$10,000)	\$164,734
<i>Local pass-through subtotal</i>	\$889,289
<i>Direct administrative costs subtotal</i>	\$247,025
Total	\$2,470,247

A. State Portion

Connecticut's four draft Byrne SCIP state program areas will support the ongoing implementation of risk warrants, RPOs, and other crisis interventions to prevent people from possessing firearms and other deadly weapons and ammunition who are at immediate risk of causing personal injury to themselves or others. The program areas also will promote the safe storage of firearms inside the home or motor vehicle and help prevent situations warranting crisis intervention or fatal or nonfatal firearm injury. The program areas and examples have been informed by OPM CJPPD staff review of an array of resources, including Connecticut stakeholder engagement; data analysis; information contained in the Byrne SCIP solicitation and webinars; discussions with national experts; and review of national publications.



The four program areas, along with their estimated budgets and descriptions, are detailed below. Based on the size of Connecticut's Byrne SCIP formula allocation, and thus the amount allotted to each of the four program areas, projects receiving funding ideally will include the following: enhancement of an existing program to improve outcomes further, expansion of an existing program to accommodate additional need, launch of a pilot or demonstration project, or some

combination of the above. Consistent with US DOJ guidance on other grants OPM CJPPD administers, the federal funding may not be used to supplant, or replace, funds that have been budgeted for the same purpose using non-federal sources.

As previously noted, the program areas and examples as well as the budget are subject to change and approval of the US DOJ. Therefore, even following CJPAC approval of the program plan and budget, content may change prior to the announcement of a Byrne SCIP grant opportunity within Connecticut using these funds.

Table 2 Connecticut’s Draft Byrne SCIP state share program areas and budgeted amounts

	Draft Byrne SCIP Program Area Descriptions	Budgeted Amount
(1)	Deliver training to criminal justice agencies, organizations, and other entities listed below regarding implementing risk warrants, RPOs, and other crisis interventions.	\$364,608
(2)	Provide public education, outreach, and awareness regarding risk warrants, RPOs, and other crisis interventions.	\$364,608
(3)	Provide technology, programs, safety planning, and other strategies complementing risk warrants, RPOs, and other crisis interventions to lower the risk of fatal or non-fatal firearm injury.	\$364,608
(4)	Promote the safe storage of firearms inside the home or motor vehicle and prevent situations warranting risk warrants, RPOs, and other crisis intervention or fatal or nonfatal firearm injury.	\$240,109
Total Byrne SCIP State		\$1,333,933

(1) Deliver training to criminal justice agencies, organizations, and other entities listed below regarding implementing risk warrants, RPOs, and other crisis interventions.

Program area summary: Trainings applying best practices and promoting statewide consistency in implementation.

Objectives include:

- Delivering trainings to professionals responding to people who may be appropriate for a risk warrant, RPO, and other crisis interventions;
- Obtaining curriculum and other content for professionals implementing risk warrants, RPOs, and other crisis interventions;
- Increasing threat assessment training for criminal justice professionals, behavioral health treatment providers, or mobile crisis units;

- Implementing train-the-trainer models to embed expertise regarding implementing risk warrants, RPOs, and other crisis interventions within an agency, organization, or other entity; and
- Recording training videos for distribution among professionals involved in crisis intervention.

(2) Provide public education, outreach, and awareness regarding risk warrants, RPOs, and other crisis interventions.

Program area summary: Approaches (i) providing clarity and consistency regarding appropriateness of an individual for a risk warrant, RPO, or other crisis intervention; (ii) focusing on constituencies such as veterans, victims and victim advocates, older adults, or Black, Indigenous, and people of color; or (iii) both.

Objectives include:

- Executing a communication, education, and public awareness strategy by developing fact sheets, brochures, webinars, television or radio engagement (including advertisements and spotlights), and social media outreach (to YouTube, Facebook, Twitter, and other platforms);
- Publishing best practices regarding risk warrants, RPOs, and other crisis interventions;
- Generating content clarifying considerations a person may make when determining available and appropriate responses to a person possessing firearms and other deadly weapons and ammunition who is at immediate risk of causing personal injury to oneself or others; and
- Generating content for crisis hotlines — such as 9-1-1 and 2-1-1 — to provide information to callers regarding risk warrants, RPOs, and other crisis interventions.

(3) Provide technology, programs, safety planning, and other strategies complementing risk warrants, RPOs, and other crisis interventions to lower the risk of fatal or non-fatal firearm injury.

Program area summary: Strategies providing interventions to individuals who are in crisis or their intimate partners, family members, or other directly impacted people.

Objectives include:

- Connecting people — at the point of risk warrant, RPO, and other crisis intervention — with services or treatment addressing assessed needs as well as peer support specialists and peer navigators;
- Providing trauma supports or delivering safety planning to intimate partners, family members, or other impacted people connected to people going through a risk warrant, RPO, and other crisis intervention;
- Providing firearm surrender compliance support under an order of protection or restraining order;
- Expanding current protection order and restraining order infrastructure to include additional firearm surrender initiatives;
- Supporting IT system upgrades to improve data entry related to risk warrant, RPO, or other crisis interventions; and
- Improving technology, analysis, or information-sharing solutions for ensuring law enforcement, the courts, and other criminal justice agencies are informed when a prohibited person attempts to purchase a firearm.

(4) Promote the safe storage of firearms inside the home or motor vehicle and prevent situations warranting risk warrants, RPOs, and other crisis intervention or fatal or nonfatal firearm injury.

Program area summary: programs (i) demonstrating a logical, fair, and equitable strategy to distribute safes, lock boxes, and other storage supplies; (ii) public awareness materials focusing on constituencies such as veterans, victims and victim advocates, older adults, new gun owners, or Black, Indigenous, and people of color; (iii) public awareness materials focusing on goals, including suicide prevention, intimate partner violence reduction, prevention of theft of firearms, curbing community gun violence; or (v) some or all of the above.

Objectives include:

- Distributing safes, lock boxes, and other storage supplies to safeguard firearms inside the home, motor vehicle, or both;
- Increasing public awareness — such as radio, television, social media, websites, and recorded videos —including tailored messages to constituencies promoting the safe storage of firearms; and
- Developing print materials — such as fact sheets, brochures, and flyers — with tailored messages to constituencies or groups promoting the safe storage of firearms.

B. Byrne SCIP Local Funds

US DOJ requires SAAs to pass through approximately 40 percent of Byrne SCIP funds to local initiatives under the “Local Pass-Through” and “Less Than \$10,000” components. OPM CJPPD seeks to permit Byrne SCIP Local-eligible jurisdictions to fund projects and programs based on the areas in the Table 2 as well as allowable projects pursuant to the Byrne SCIP solicitation and US DOJ federal grant guidelines.

i. Direct Local Pass-Through (LPT)

Based on Connecticut’s formula allocation, \$724,555 must be passed through directly to units of local government. For Byrne SCIP, a unit of local government is defined as a city, county, township, town, or certain federally recognized American Indian tribes. OPM CJPPD, in consultation with CJPAC, has the discretion to decide how the funds are passed through to units of local government.

ii. Less Than \$10,000

Connecticut will have \$164,734 allocated to the less-than-\$10,000 Pass Through. Federal guidance has established five ways that this pass-through funding can be allocated. OPM CJPPD, again in consultation with CJPAC, has the discretion to decide which of the five ways it will move forward with or choose a combination of the five options. The five approved pass-through funding options are as follows:

- Fund one less-than-\$10,000 jurisdiction;
- Fund multiple less-than-\$10,000 jurisdiction;
- Fund state courts that provide criminal justice and civil justice services to less-than-\$10,000 jurisdictions within the state;
- Fund a combination of less-than \$10,000 jurisdiction(s) and state court that provide criminal justice and civil justice services to less-than-\$10,000 jurisdictions within the state; and
- Request a waiver to retain the less-than-\$10,000 funds, or a portion thereof, at the state level for a project that would directly benefit less-than-\$10,000 jurisdictions.

VI. Technical Assistance

To support the administration of Byrne SCIP, OPM CJPPD seeks to utilize available technical assistance. The US DOJ has selected the National Criminal Justice Association (NCJA) under the *FY2022 Extreme Risk Protective Order and Firearm Crisis Intervention*

Training and Technical Assistance Initiative solicitation to provide technical assistance to recipients of Byrne SCIP funding. OPM CJPPD has experience with NCJA, which has provided technical assistance to states administering the Byrne JAG program, and plans to seek further assistance with administering Byrne SCIP. Anticipated areas of assistance include the collection of data elements needed for federal grant compliance, examples of approaches from other states, and guidance regarding evaluation.

Under the same grant solicitation as above, the Johns Hopkins Center for Gun Violence Solutions received support to launch an ERPO Resource Center to provide related implementation training and technical assistance to states administering Byrne SCIP. The resource center's goals include developing evidence-informed policy recommendations to reduce barriers to ERPO implementation. OPM CJPPD expects also to seek assistance from this center.

¹ "Extreme Risk Protection Orders," Giffords Law Center, <https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/extreme-risk-protection-orders/> accessed May 31, 2023.

² To access Public Act 99-212 and a summary, please visit the Connecticut General Assembly website, at https://www.cga.ct.gov/asp/cgabilstatus/cgabilstatus.asp?selBillType=Public+Act&which_year=1999&bill_num=212.

³ Based on data the Connecticut Judicial Branch provided to the Office of Policy and Management.

⁴ Jeffrey W. Swanson et al., "Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides?" 80 *Law and Contemporary Problems* 179-208 (2017).

⁵ To access Public Act 21-67 and a summary, please visit the Connecticut General Assembly website, at https://www.cga.ct.gov/asp/cgabilstatus/cgabilstatus.asp?selBillType=Public+Act&which_year=2021&bill_num=67.

⁶ Based on data the Connecticut Judicial Branch provided to the Office of Policy and Management.

⁷ To access Public Act 23-89 and a summary, please visit the Connecticut General Assembly website, at https://www.cga.ct.gov/asp/cgabilstatus/cgabilstatus.asp?selBillType=Bill&bill_num=HB06877&which_year=2023