

## **Behavioral Health Sub-Committee**

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

**November 14, 2024**

**9:30 am – 11:00 am**

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

### Minutes

#### 1. Introductions/Roll call:

Present: Judge Robin Pavia (guest), Alex Tsarkov (Sentencing Commission), Kelly Nguyen (Robinson + Cole), Kirk Lowry (CLRP), Thomas Burr (NAMI CT), Tom Kocienda (DOC) Judy Dowd (OPM), Bill O'Connor (public defender), Chris Burke (DMHAS), Reena Kapoor (DMHAS).

Apologies from Kevin Lawlor (SA).

#### 2. Approval of minutes of meeting on September 5, 2024 → approved with one correction to the spelling of Judy Dowd's name.

#### 3. Legislative matters

##### a. Upcoming session

- i. Supervised Diversionary Plan proposal: Alex Tsarkov reported that, last session, this bill was raised by Judiciary and voted out of committee, but it went no further due to concerns that it did not specify which agencies are responsible for providing services to ID an ASD populations. There were also fiscal considerations; without knowing how many defendants may be impacted by the SDP expansion, so it is difficult to estimate the fiscal impact. The Sentencing Commission's goal is to engage DDS and DSS in further discussions and to propose a revised version in the upcoming session.
- ii. Pretrial Intervention Program (DMHAS): Reena Kapoor reported that DMHAS is working on a proposal to allow health insurance to pay for a portion of services provided under the Pre-Trial Intervention Program (for first-time DUI offenders).
- iii. Bill O'Connor reported that the public defenders have discussed whether involuntary psychiatric medication should be permitted for competency restoration in cases where a defendant is facing only misdemeanor charges. This idea stems from the *Jane Doe* oral argument before the CT Supreme Court.

##### b. Follow-up from earlier sessions

- i. PA 24-137, Section 6 (competency restoration for misdemeanors): Reena Kapoor reported that there has been no significant increase in the number of outpatient restoration cases so far, but the law only went into effect six weeks ago. DMHAS has been working to enhance its capacity for outpatient restoration.
- ii. PSRB Working Group: Reena Kapoor reported that the working groups' goal is to complete the final report in 2024, as it has been meeting for almost two years.
- iii. Whiting architectural study: Reena Kapoor reported that there is a stakeholders' meeting in December to consider the architectural study and its fiscal impact. The new Whiting building is unlikely to be green-lit in the upcoming legislative session.

4. Competency to stand trial updates

- a. *State v. Jane Doe* oral argument in CT Supreme Court (see attached law review article): Although the case was dismissed for mootness the day after the oral argument, the group reviewed the case and its potential impact on CST practices in the state. Kirk Lowry reported that CLRP continues to represent hospitalized restoration defendants with low-level charges and to bring these issues to the court's attention.
- b. Outpatient restoration capacity: Reena Kapoor reported that DMHAS has created a revised outpatient restoration manual for providers and is training its staff in anticipation of increased outpatient restoration volume. She offered to train judges and other legal professionals as needed about the recent statutory change and CST evaluation/restoration procedures.

5. Agency updates: Alex Tsarkov reported that the annual Sentencing Commission Symposium will be held on 11/21 at UConn Law School.

6. CJPAC: Next meeting December 19, 2024, 9 am

7. BHS: Next meeting January 9, 2025, 9:30am – 11:00am [Russell Hall, CVH, Room 217-A and Teams for those unable to attend in person]