

**Behavioral Health Sub-Committee**

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

**May 11, 2023**

**9:30 – 11:00 am**

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

Minutes

In attendance: Michael Aiello, Christopher Burke, Thomas Burr, Thomas Kocienda, Michael Norko, William O’Connor

Guests: Patricia O’Rourke (Institute for Municipal and Regional Policy, UConn)

- 1. Minutes of the March 9, 2023 meeting were approved.
- 2. The compiled list of diversion programs across agencies was discussed. Not all of these items are technically diversion (e.g. CREST), and not all items listed are technically programs, but rather services (e.g., Jail Re-Interview). But they all fit within the Sequential Intercept Model (SIM) at some point and it is good to have these descriptions of the variety of programs and people served. Chris Burke, Mike Aiello, and Patricia O’Rourke will work on a SIM mapping of these programs, similar to what the DMHAS Division of Forensic Services currently has for its programs in one areas of the state.
- 3. Discussion of criminal justice operations and inter-agency communications.

DMHAS report from Michael Norko and Chris Burke:

There has been a several month surge in court orders for restoration at Whiting since February, leading to over-census conditions at the hospital. Among this surge were 13 defendants with only misdemeanor charges. We have discussed this situation with Judge Gold. He agreed to talk to his colleagues about asking for jail diversion evaluations before ordering competency evaluations on defendants charged only with misdemeanors. Judge Gold was also going to speak with Chief State’s Attorney Patrick Griffin about this. Dr. Norko and Jose Crego (CEO of Whiting also met with Chief Public Defender TaShun Bowden-Lewis and William O’Connor about this matter. An email was sent to public defenders encouraging use of jail diversion.) The expansion of the Enhanced Forensic Respite Bed (EFRB) program from 3 beds to 15 is still awaiting approval of scope of services contract language in the Attorney General’s Office. When those beds are available, there will be increased capacity for diversion, as well as for outpatient competency restoration. DMHAS Jail Diversion clinicians have also been notified of this effort to increase diversion activities rather than competency evaluation/restoration/prosecution for misdemeanor defendants, and are prepared to manage the increased volume of cases.

We continue to predict a significant deficit in the Pretrial Intervention Program (PTIP) account in FY 24, 25, and beyond. Projections in April set the FY 24 deficit at \$200,000 and for FY 25 at \$1.5 m. This projection is based on the extraordinary increase in fee waivers from about 30% to 75-99% depending on the program. PA 21-102 stimulated this increase by mandating waivers for anyone qualifying for public defender services. Pandemic-related financial difficulties for people also seems to have been another factor in the rising waiver rates. Another concern is SB 1082 which proposes to lower the legal blood alcohol level from 0.08% to 0.05%. That will create more volume in referrals. If the bill passes and results in a 20% increase in referrals, the annual deficit will increase to \$1.8m, based on the April calculations. The DMHAS fiscal department is currently working on updating these budget projections. Further action will be needed to avoid sacrificing other DMHAS programs to finance this diversion program ordered by the courts.

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CSSD report from Michael Aiello:

CSSD continues to work on establishing new ARPA-funded scattered site apartments (through RE-Entry Assisted Community Housing; REACH) for pre-trial mental health clients. These will be used in concert with Advanced Supervision and Intervention Support Team (ASIST) and Adult Behavioral Health Services (ABHS). They are working on the contract with The Connection, Inc. Concerns in the New Haven court related to referrals to the Sierra Center have been resolved. A new 1115 waiver is being pursued for sentenced inmates in the last 90 days of incarceration to permit billing Medicaid for billable services. The waiver is based on a California program, so it is hoped it will be approved. It will also include individuals in juvenile detention in CT. It will not include Medicare for now.

DOC report from Thomas Kocienda:

DOC is working with DMHAS on developing a MOU related to resuming the Connecticut Offender Re-entry Program (CORP). Discharge planning in DOC is now supervised by the nursing executive team in DOC. DOC is shifting away from COVID testing, which will make facility assignments easier and more flexible.

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

The office of the Chief Public Defender got the word out about encouraging jail diversion services rather than competency evaluation/restoration for misdemeanor defendants. Feedback has been mixed, with some attorneys concerned about conditions imposed on diversion orders that place defendants at risk of further legal charges. The office is working on identifying PSRB patients on long-term Conditional Release in the community who are stable and who could be discharged from the Board's jurisdiction.

NAMI-CT report from Thomas Burr:

The list of diversion programs is very helpful and informative. Thomas plans to share it with their executive group. They continue to monitor activities/bills at the legislature.

Report from Patricia O'Rourke (Institute for Municipal and Regional Policy, UConn; and CT Sentencing Commission)"

It is useful to the work of the CT Sentencing Commission to hear these discussions and the developments and existing programs available in the state system.

4. Other agency updates: Dr. Norko noted that he is resigning from his role as Director of Forensic Services, effective June 30, 2023. Interviews are underway for a successor; hopefully, the successor will be chosen by the end of May and the new Director will be available for the July 13 meeting.
5. CJPAC: Next meeting June 29, 2023
6. Scheduled meetings of the Behavioral Health Subcommittee (9:30 – 11:00 am):
  7. July 13, 2023
  8. September 14, 2023
  9. November 9, 2023
  10. January 2024 TBD
  11. March 2024 TBD
  12. May 2024 TBD