



**STATE OF CONNECTICUT**  
**DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES**  
*A Healthcare Service Agency*

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To: Criminal Justice Policy Advisory Commission

From: Michael A. Norko, M.D.  
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Date: December 12, 2007

Re: Recommendations from the CJPAC Behavioral Health Subcommittee

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The CJPAC Behavioral Health Subcommittee met on November 14, 2007 and decided to forward the following recommendations to the full CJPAC:

**Recommendation #1**

**Coordinate ad hoc and standing bodies across state agencies, the Judicial Branch, and the Legislative Branch that are addressing criminal justice issues and behavioral health issues**

Stakeholders in the state system recognize the need to address these issues from a multisystem perspective and have effectively established interagency bodies to develop service delivery, planning, and policy initiatives. Participants in these initiatives have realized that many issues are being addressed by multiple bodies and need to be better coordinated. The CJPAC Behavioral Health Subcommittee recommends that these interagency bodies and their initiatives be inventoried and coordinated. Such coordination would lead to more efficient use of resources through jointly developed programming based on statewide policy and an inventory of existing programs and projected need.

The following are recommended for this coordination:

- 1) commitment from the three branches to make this coordination work
- 2) a single source of accountability for the coordination process and single sources of accountability within each of three branches.
- 3) staff resources
- 4) a clear, limited mandate
- 5) specific goals and timelines

**Recommendation #2**

**Initiate State leadership to resolve system barriers that diminish effectiveness and efficiency of behavioral health initiatives for the justice-involved population. Relevant parties include, but are not limited to, OPM, DMHAS, DPH, DSS, DCF, DDS, DOC, Office of the Chief State's Attorney, Public Defender Services, DOIT, Board of Pardons and Paroles, Judicial Branch – CSSD**

- 1) Information Exchange
  - a) Standardized Behavioral Health/Medical Release of Information Form
  - b) Resolve legal and technical limitations for sharing of information among DMHAS, DOC, CSSD, UCHC within limits of HIPAA and appropriate professional guidelines regarding confidentiality
  - c) Improve the ability to monitor the impact of Mental Health and Substance Abuse programs in reducing recidivism by addressing limitations in the current infrastructure, technical expertise, and access to data analysis resources of state agencies.
- 2) Continuity of Care
  - a) Provide access to medications in the community for all inmates following discharge from DOC facilities.
  - b) Automatically approve medical benefits for all inmates following discharge from DOC facilities:
    - 1) reinstate previously granted SAGA and Medicaid benefits; and
    - 2) grant temporary SAGA for all others.
  - c) Remove legal and policy barriers to permit coordinated case planning and case management across state agencies.
  - d) Provide full capacity for community services to ensure ready access, sustained care, and recovery supports (e.g. clinical, housing, transportation, basic needs) upon reentry.
- 3) Systems Education/Transformation
  - a) Provide technical assistance and training to Mental Health and Substance Abuse treatment providers to implement services that provide clients with skills to improve ability to succeed in the community and reduce recidivism.
  - b) Increase awareness of civil commitment option (Track 2) rather than inpatient restoration services for persons with serious psychiatric disorders who are found not competent to stand trial but are restorable.
  - c) Increase understanding of individuals with serious psychiatric disorders and co-occurring serious psychiatric disorders and substance use disorders by judicial and law enforcement personnel to minimize arrest, improve management of these individuals in the criminal justice system, and maximize access to care.
- 4) Disparities

Develop and implement a plan to eliminate disparities (racial, ethnic, gender, socioeconomic, etc) in the criminal justice-involved population referred to the community service system.

- 5) Budgeting
- a) Permit flexible budgeting regarding purpose of funds and target agency. With multiple initiatives impacting this population, needs change in the time between funding requests and funding availability. A more efficient and useful funding system would allow a request for a pool of funds that could be used based on a needs assessment at the time that the funds became available.

**Recommendation #3**

**Investigate what appear to be wide differences in custody rates across police departments for individuals charged with criminal offenses**

Preliminary data from the Judicial Branch appear to indicate wide differences in custody rates (10% - 78%) among courts and, presumably, police departments and communities. Multiple state agencies are devoting considerable resources to divert appropriate individuals from jail and this data raises the question of whether situations in some communities and/or policies/practices in some police departments may be unnecessarily increasing the number of jail-bound defendants. If this is the case, then we may need to devote more attention and resources to initial contact between the police and people with substance abuse and mental illnesses.

*We are mindful, however, that these are preliminary data and need to be examined more closely before arriving at conclusions or making recommendations. There may justifiable reasons for the differences in custody rates.* The custody rates are calculated from the number of "Cases Added" from the Judicial Court Operations Division and the number of "Arrest Incidents" from the Judicial Court Support Services Division. The first number is approximately equal to the total number of criminal cases processed by the courts but does not include Violations of Probation and Motor Vehicle cases. The second number is approximately equal to the number of criminal cases where the defendant is transferred from the police lock-up to the court lock-up for arraignment (i.e. pool of defendants who could be diverted) and includes Violations of Probation and Motor Vehicle cases. (See attachment).

Recommended process:

1. Review data more carefully to see if the apparent differences in custody rates are real
2. If the differences are real, determine what factors contribute to these differences, and whether increased frequency of diversion is a valid goal
3. Determine what factors can be influenced by policy changes and/or resource allocation at the state level and local level in order to appropriately increase diversion practices while maintaining community safety
4. Make recommendations to modify policy and/or resource allocation
5. Assist communities and/or police departments as appropriate