

KEY FINDINGS AND RECOMMENDATIONS IN THE COMMISSION'S REPORT ON AN I/DD DIVERSIONARY PROGRAM IN CT

JANUARY 2026

REPORT GUIDELINES

- PA 23-137 §15 outlines that the Sentencing Commission “shall study the experience of persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder, who are involved in the criminal justice system. Such study shall include, but need not be limited to, (1) rates of incarceration of such persons compared to the overall population of such persons in the state, (2) the advisability of behavioral assessments of such persons before sentencing and costs of such assessments, and (3) best practices of other states concerning such persons. . . The report shall include the commission's recommendations for sentencing considerations for such persons.”

(2023).

REPORT STRUCTURE

- Introduction + 7 main sections
 - Section I: Methodology
 - Section II: I/DD Defined
 - Section III: Prevalence I/DD Data
 - Section IV: Screening Tools and Assessments
 - Section V: Best Practices in Other States
 - Section VI: Conclusion
 - Section VII: Recommendations

METHODS USED – DOCUMENTS

- Review of scholarly work
- Prevalence statistics and state administrative data from agencies and councils who serve I/DD populations
- More than 10 reports published by state agencies and councils on the numbers and needs of individuals in Connecticut with I/DD
- Training materials used to educate others about I/DD;
- Review of scholarly work, statutes and articles of 21 I/DD related diversionary programs outside of Connecticut among 16 states (BEST PRACTICES)

METHODS USED – INTERVIEWS

- Twenty interviews with
 - Expert professionals in the field of I/DD;
 - Educators;
 - Social workers;
 - Prosecutors;
 - Criminal defense attorneys who practice in state and federal court;
 - Probate attorneys and judges;
 - Individuals with I/DD lived experience in the community;
 - Incarcerated individuals with I/DD lived experience; and
 - Parents and caregivers of individuals with I/DD lived experience;

METHODS USED – INTERVIEWS

- Eight state agency meetings
 - Department of Developmental Services;
 - Council on Developmental Disabilities;
 - Department of Social Services;
 - Department of Mental Health and Addiction Services;
 - Department of Children and Families;
 - Court Support Services Division;
 - Office of the Chief Public Defender; and
 - Office of Policy and Management.

FINDINGS AND RECOMMENDATION OVERVIEW

- 19 findings and recommendations

FINDINGS AND RECOMMENDATIONS – PREVALENCE DATA

- **FINDING #1:** CT does not collect enough data on its I/DD population
 - What is collected: DDS (if ID + IQ 69 or below); DSS (if waiver eligible); DOC (relies on DDS data)
 - What is not collected: ID data over IQ of 69; DD individuals who do not have ASD or are not waiver eligible; CSSD; DCJ; OCPD; police departments; courts
- **RECOMMENDATION:** CT state agencies should improve data collection practices

FINDINGS AND RECOMMENDATIONS – PREVALENCE DATA

- **FINDING #2:** CJS agencies lack adequate training on I/DD (identification, sensitivity)
- **RECOMMENDATION:** Agencies that work in the CJS should provide their employees with training to help identify I/DD characteristics + how to interact
 - Police departments, EMS, CSSD, prosecutors, OCPD, private criminal bar, judges, judicial staff
 - Includes reasonable accommodation under the ADA training

FINDINGS AND RECOMMENDATIONS – PREVALENCE DATA

- **FINDING #3:** CJS agencies communicate about I/DD individuals on a very limited basis
 - CJS agencies know about I/DD individuals from DDS and DSS
- **RECOMMENDATION:** Agencies that work in the CJS should maintain collaborative inter-agency communication about individuals with I/DD

FINDINGS AND RECOMMENDATIONS – PREVALENCE DATA

- **FINDING #4:** There is no standardized practice for collecting data on crimes charged for individuals with I/DD
- **RECOMMENDATION:** Agencies that work in the CJS should collect data on crimes with which individuals with I/DD are charged (e.g. Judicial Branch, CSSD)

FINDINGS AND RECOMMENDATIONS – **CHANGES TO I/DD DEFINITIONS/CRITERIA**

- **FINDING #5:** State definition of ID does not account for individuals with IQs above 69 who might be in the CJS
- **RECOMMENDATION:** Revise statutory definition under CGS § 1-1g. Consider recent UConn multi-state comparison study.

FINDINGS AND RECOMMENDATIONS – CHANGES TO I/DD DEFINITIONS/CRITERIA

- **FINDING #6:** individuals with I/DD are evaluated for competency to stand trial, placing them in institutions – harmful and unconstitutional
- **RECOMMENDATION:** Modify CGS §54-56d to eliminate or reduce occurrences of placing individuals with I/DD in institutions which prevents access to assistance they need

FINDINGS AND RECOMMENDATIONS – **CHANGES TO I/DD DEFINITIONS/CRITERIA**

- **FINDING #7:** There is no statutory definition for DD
- **RECOMMENDATION:** Adopt a statutory definition of DD (e.g. the DSM V definition)

FINDINGS AND RECOMMENDATIONS – **I/DD PROGRAM COMPONENTS**

- **FINDING #8:** There is more information/research to complete on select aspects of an I/DD diversionary program and decisions to be made.
- **RECOMMENDATION:** Create a pilot program with the goal of a permanent I/DD diversionary program over time

FINDINGS AND RECOMMENDATIONS – **I/DD PROGRAM COMPONENTS**

- **FINDING #9:** States with I/DD diversionary programs often combine them with existing MH programs, but recognize the need to create individualized support plans with their programs.
- **RECOMMENDATION:** Combine an I/DD diversionary program with SDP that addresses individualized needs of individuals with I/DD

FINDINGS AND RECOMMENDATIONS – **I/DD PROGRAM COMPONENTS**

- **FINDING #10:** States with I/DD diversionary programs often designate a single agency or non-profit to administer their I/DD diversionary programs
- **RECOMMENDATION:** Identify a single entity to administer the I/DD diversionary program.

FINDINGS AND RECOMMENDATIONS – **I/DD PROGRAM COMPONENTS**

- **FINDING #11:** There are different effective screening tools for ID and ASD that can be either self-administered or with the assistance by non-clinicians
- **RECOMMENDATION:** Utilize the Learning Disability Screening Questionnaire or Hayes Ability Screening Index for screening ID; Comprehensive Autistic Trait Inventory for ASD.

FINDINGS AND RECOMMENDATIONS – **I/DD PROGRAM COMPONENTS**

- **FINDING #12:** Most states with I/DD diversionary programs do not exclude an individual automatically because of criminal history or crimes charged
- **RECOMMENDATION:** Permit an applicant's criminal history and crimes charged to be an eligibility factor in an I/DD diversionary program

FINDINGS AND RECOMMENDATIONS – **I/DD PROGRAM COMPONENTS**

- **FINDING #13:** Clinician evaluations and creation of individualized support plans take more time than the eligibility and acceptance process for SDP.
- **RECOMMENDATION:** Permit longer time frames than those provided for SDP, as needed, from screening to proposed support plan completion.

FINDINGS AND RECOMMENDATIONS – **I/DD PROGRAM COMPONENTS**

- **FINDING #14 and 15:** Other state diversionary programs note that individuals with I/DD are more successful when attainable goals/milestones are set, incentives given
- **RECOMMENDATION:** Structure a program which includes individualized support plans both attainable goals and incentives for positive reinforcement and success

FINDINGS AND RECOMMENDATIONS – **I/DD PROGRAM COMPONENTS**

- **FINDING #16:** Other state diversionary programs recognize that individuals with I/DD have lifelong disabilities requiring support after program completion.
- **RECOMMENDATION:** Include aftercare supports individualized to the needs of each participant which could help increase success and reduce recidivism.

FINDINGS AND RECOMMENDATIONS – **MEASURING PROGRAM SUCCESS**

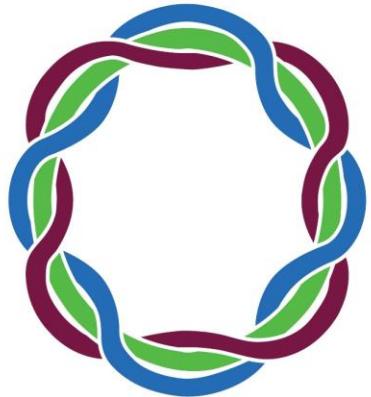
- **FINDING #17:** Other state I/DD diversionary programs establish a review process to measure the success of their programs (e.g. board/council comprised of professionals).
- **RECOMMENDATION:** Establish board/council to evaluate program success with professionals such as police, judges, attorneys, I/DD professionals, disability non-profits.

FINDINGS AND RECOMMENDATIONS – **ADDITION RESEARCH NEEDED**

- **FINDING #18:** More information needed to understand how other states administer their programs include effective data collection and costs
- **RECOMMENDATION:** Expand research by interviewing program administrators in other states as to how programs are evaluated and implemented.

FINDINGS AND RECOMMENDATIONS – **ADDITION RESEARCH NEEDED**

- **FINDING #19:** We only know general national data and through interviews about the types of crimes committed by individuals with I/DD – no CT data
- **RECOMMENDATION:** Conduct further research about the types of crimes committed by individuals with I/DD



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QUESTIONS?

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