
Intellectual & Developmental Disabilities Report

Recommendations



Connecticut Sentencing Commission

April 8, 2026

Practices for agencies to adopt to improve the state's understanding of individuals with I/DD who interact with the criminal justice system

Recommendation 1: Provide education about identifying individuals with I/DD in the criminal justice system

- This education should be available to all state agency personnel who work in the criminal justice system.
- To minimize fiscal impacts, the state should consider the use of low cost, readily available training modules, such as those available online.

Recommendation 2: Improve the State of Connecticut's data collection and estimation practices for individuals with I/DD

- As resources allow, various agencies should improve data collection on individuals with I/DD, including:
 - Police departments
 - JB-CSSD
 - DOC
 - DCJ
 - OCPD
- The state should consider implementing reliable, cost-effective screening tools, as resources allow, to identify those with I/DD.

Recommendation 3: Increase interagency collaboration for data reporting

- As permitted by law, state agencies that collect data on individuals with I/DD should share aggregate, de-identified data, such as rates of I/DD and types of crimes committed, which could:
 - Help improve the state's understanding of how individuals with I/DD interact with the criminal justice system;
 - Assist with crime prevention; and
 - Improve coordination of service provision between agencies.

**Statutory improvements to be
made regarding individuals with
I/DD**

Recommendation 1: Create a presumption of outpatient competency restoration for individuals with I/DD who are found not competent but restorable and explore inpatient options beyond Whiting Forensic Hospital when an outpatient placement is not suitable

- Whiting Forensic Hospital, which primarily serves individuals with a psychiatric disability, may be ill-equipped to provide services and treatment to individuals with I/DD.

Recommendation 2: Incorporate a statutory definition of developmental disability

- Connecticut should adopt a definition of “developmental disability” in its statutes to expand program opportunities for individuals with developmental disabilities who may face criminal charges.

**Decisions to be made as to how an
I/DD diversionary program should
be structured**

Recommendation 1: Develop an I/DD Diversionary Program

- Connecticut should allocate funding for an I/DD Diversionary Program to provide services to defendants with I/DD, and when appropriate, divert such defendants from Whiting Forensic Hospital and correctional settings.
 - Without such a program, individuals with I/DD may be placed in programs with insufficient resources to support the population.
- One potential avenue for achieving this goal is to expand the existing pretrial Supervised Diversionary Program (SDP) to include individuals with I/DD by amending CGS § 54- 56l.

Recommendation 1: Develop an I/DD Diversionary Program

- In expanding the SDP to include individuals with I/DD, it is recommended, due to the nature of their disabilities and, in some cases, potential inability for competency restoration, that these applicants be exempt from the requirements that they:
 - (1) acknowledge under penalty of perjury that they have not previously used the program or have not used it more than a certain number of times;
 - (2) agree to waive their right to a speedy trial; and
 - (3) agree to a tolling of the statute of limitations.
- Instead, it is recommended as a potential alternative that JB-CSSD determine their eligibility upon application, absent representation of past program use, and that the statutory rights related to a speedy trial and the statute of limitations (already satisfied by virtue of their arrest) be found automatically waived by the Court upon application up to the point of program completion or termination.

Recommendation 2: Eligibility for an I/DD diversionary program for individuals with an intellectual disability should not be limited to applicants with an IQ score below 69

- As defined by CGS § 1-1g, to be classified as having an intellectual disability, an individual must have an IQ score below 69.
 - For the purposes of a diversionary program that applies to intellectual disabilities, the IQ score criterion alone is insufficient and fails to consider other functional and behavioral considerations that warrant supports and services to mitigate risks for committing crimes.
- To include persons with developmental disabilities, such as autism spectrum disorder (ASD), the program should use a standardized definition broad enough to include individuals who do not have a co-occurring intellectual disability.

Recommendation 3: Identify a single entity that should be deemed responsible for the program

- This should be based on additional information learned about effective implementation components.
 - JB-CSSD is a potential administrator of the program.

Recommendation 4: Expand I/DD research efforts to include a qualitative component and create an expert panel to recommend relevant policies

- Conducting formal interviews with program administrators in Connecticut and other jurisdictions, as well as surveying the existing scholarship regarding independent program evaluations, will further the legislature's understanding on program implementation components, stages of implementation for program fidelity, outcome measures, and appropriate post-diversion supports.

Recommendation 5: An applicant's pending charge and criminal history should not preclude eligibility

- Connecticut's I/DD diversionary program should not automatically exclude applicants because of the crime(s) with which they have been charged or their criminal history.
 - Instead, courts should consider these factors alongside other relevant considerations when assessing an individual's suitability for the program.
 - This holistic consideration is important because understanding why an individual engaged in behavior constituting a crime is paramount in assessing an individual's ability to participate and succeed in a diversionary program.

Recommendation 6: Individualized approach to clinical evaluation and development of recommendations

- Guidelines for an I/DD diversionary program should recognize the need for a flexible approach to the assessment process, responding to the unique cognitive profile of each participant.
 - These individuals present with their own strengths and challenges among various cognitive and psychological domains.
 - An I/DD diversionary program should provide an approach to assessment and programming that responds to the unique conceptual, social, and practical function of each participant.

Recommendation 7: Structure a program which provides individualized attainable goals in stages (e.g., milestones)

- Goals set in treatment and support plans should be based on each individual participant's needs, monitored over time, and achieved in phases so that the participant can reasonably achieve these goals with the necessary support.
 - Attainable goals and phases over time must include completion of minimum program requirements.

Recommendation 8: Connect individuals with voluntary, post diversion services in the community after release, as resources allow

- Ongoing support and services for individuals with I/DD are critical to promoting long-term success, including full community integration and reduced recidivism.
 - Referring these individuals where available to necessary supports and services should be part of an I/DD diversionary program.

Recommendation 9: Independently evaluate the I/DD diversionary program

- This includes assessing its implementation and outcomes to improve effectiveness of the program.

Recommendation 10: Conduct further research into the behaviors that individuals with I/DD exhibit that result in criminal charges

- Further research should investigate:
 - Types of crimes individuals with I/DD commit
 - Recidivism rates for individuals with I/DD
 - Appropriate longevity of programmatic supports