

CONNECTICUT SENTENCING COMMISSION

Regular Meeting

Wednesday, April 8, 2026

1:00 – 3:00 PM

Legislative Office Building, Room 1A

Attendance: Fiona Doherty, Jessica Waggoner (on behalf of the Commissioner of DHMAS), Joe Garbaldi (on behalf of the Chair of the Board of Pardons and Parole), Judge Joesph Schwartz, Alex Knopp, Chief State's Attorney Pat Griffin, Gary Roberge, Judge Courtney Chaplin, Judge David Gold, John Santa, Jennifer Zito, Deb Sullivan, John Delbarba (on behalf of the Chief Public Defender), Chief Stephen Tavares, Natasha Pierre, Anna VanCleave, Undersecretary Daniel Karpowitz, Bill Dyson

Guests: Rachel Mirsky, Brian Austin

Staff: Mike Cronin, Matt Hono, Thomas Dowd, Rich Sparaco, Andrew Clark, Mason Towery

MINUTES

I. MEETING CONVENED

- a. Judge Gold convened the meeting at 1:05pm

II. APPROVAL OF MINUTES FROM THE 2.11.2026 MEETING

- a. Motioned to approve the minutes from 2.11.2026 meeting of the Commission was made by Alex Knopp
- b. Seconded by Deb Sullivan
- c. The minutes were approved by a voice vote
 - i. Jen Zito abstained

III. COMMITTEE UPDATES

- a. Mental Health Committee
 - 1. Intellectual and Developmental Disabilities Report, Presentation– Rachel Mirsky, Supervisory Attorney, Disability Rights Connecticut
 - a. Report was mandated by statute
 - b. Methods:
 - i. Prevalence data
 - ii. Scholarly works

- iii. Interviews with agencies that interact with defendants with I/DD
- iv. Reports from state agencies and other organizations
- c. Findings
 - i. CT collects a limited amount of data on those with I/DD
 - 1. DSS collects some data on the autism waiver
 - 2. DDS collects data on their clients
 - 3. DOC does not collect their own data and relies upon other state agencies
 - 4. Public defenders, DCJ, CSSD do not collect I/DD information on their clients
 - ii. Inadequate training
 - 1. Lack training regarding interacting with those with I/DD
 - a. Identification training
 - i. What does I/DD look like?
 - b. Sensitivity training
 - i. Learning how to interact with the person who has I/DD
 - ii. Choosing communication styles
 - iii. Criminal justice agencies do not communicate about those with I/DD regularly
 - 1. There are ways to share aggregate data without personally identifying information
 - iv. No standardized practice for collecting information on what crimes persons with I/DD typically commit
 - 1. Countries outside the U.S. have done more work to understand what tools work to diagnose people with I/DD and what services they need
 - 2. Criminal justice agencies in CT should be looking at these crimes and associated trends
 - a. Common crimes identified in other jurisdictions
 - i. Family violence, certain sex crimes, arson, theft crimes, vandalism
 - ii. This population may not understand fully what a protective order signals or the consequences of breaking such an order
 - b. Patterns

- i. Being encouraged to do criminal behavior by others
 - ii. Not understanding what they are looking at on the internet
 - iii. May be gullible or easily coerced
- v. State of Connecticut statute does not capture those with an IQ over 69
 - 1. DDS does not collect information on those who do not meet their criteria
 - 2. People with an I/DD or other developmental disability may have an IQ over 70
- vi. There is no definition for DD
 - 1. No definition of autism spectrum disorder
- vii. There are limited options for those with I/DD who are evaluated as not competent to stand trial. Some of those individuals are going to Whiting Forensic Hospital for restoration treatment.
 - 1. Some individuals have co-occurring mental illness and some do not.
- viii. I/DD diversionary programs often combine them with existing mental health diversionary programs
 - 1. These programs recognize that those with I/DD have different needs than those with mental health needs
- ix. Other state programs often designate a single agency or a non-profit to administer an I/DD diversionary program.
 - 1. CSSD could be the administrator.
- x. There are several different effective screening tools for those with ID and ASD
 - 1. The legislature asked what screening tools are available
 - a. Different than an evaluation
 - 2. Tools recommended that could be used by non-clinicians
 - a. HASI/LDSQ
 - b. CATI
 - c. Both these screening tools are short
 - 3. Tools for I/DD should be different than those for autism

- xi. Most states with an I/DD diversionary program do not automatically exclude people based on present or past charges or convictions
- xii. Other state programs have noted that support plan creation takes more time in I/DD diversionary programs than comparable mental health programs
- xiii. Other states note that individuals with I/DD are more successful when milestones and goals are set with incentives given
- xiv. Other state diversionary programs recognize that individuals with I/DD have lifelong disabilities. They require support after program completion.
- xv. Other states have established a board or a council with professionals of mixed expertise coming together to measure the success of the program
- xvi. More information is needed to understand how other states administer their programs, collect data, and calculate costs
- xvii. More information is needed about what crimes this population commits

d. Questions

i. Natasha Pierre

- 1. Why do we need a presumption of outpatient restoration treatment when the court already has the option to send these clients to other settings?
Can you clarify your points regarding Whiting further?

2. Rachel Mirsky

- a. Placing these individuals in Whiting may not be advantageous

3. Jen Zito

- a. Presumption would be that outpatient is the least restrictive placement appropriate, but the court can overcome that presumption
- b. Whiting is a psychiatric facility which may be ill-equipped to address all the needs of the population

e. Vote to accept report

- i. Bill Dyson motioned to accept the report
- ii. John Santa seconded
- iii. The motion passed unanimously through a voice vote

2. Presentation of Recommendations –Jennifer Zito, Chair, Mental Health Advisory Committee

a. Report Recommendations

- i. Create training, low-cost online training modules
- ii. Improve Connecticut's data collection for those with I/DD
 1. Consider implementing low-cost screening tools
- iii. Increase interagency collaboration for data reporting
- iv. Create a presumption of outpatient who are found not competent but restorable who have an I/DD and explore alternative in-patient treatment options for this population
 1. Whiting is a psychiatric hospital that is ill-equipped to address all needs of this population
- v. Incorporate a statutory definition of developmental disability
- vi. Develop an I/DD diversionary program
 1. This population should not have to swear under oath that they have never completed the program before. This requirement should be determined by CSSD.
 2. Upon program application and acceptance, the defendant's right to a speedy trial and the statutory statute of limitations should be tolled and waived until successful program completion or program termination
- vii. Do not limit the program to only individuals who have an IQ under 69.
- viii. Identify a single entity to administer the program
 1. CSSD is one option
- ix. Expand I/DD research efforts
- x. Do not automatically exclude those with a criminal record or certain pending charges from program inclusion
 1. Criminal history and the current pending charges should be one factor considered for program grant, among a host of other factors
- xi. There should be an individualized approach to evaluation and support plan development
- xii. Structure a program which includes individualized attainable goals
- xiii. Connect program participants with individualized services post-program completion

- xiv. Independently evaluate the program to understand effectiveness
- xv. Do further research
 - 1. More specifically the types of crimes
 - 2. Look at recidivism
 - 3. And help determine programmatic supports
- b. Discussion
 - i. Natasha Pierre
 - 1. I have concerns about past crimes not precluding eligibility. Doesn't this lend itself to infinite program utilization?
 - 2. Jen Zito
 - a. We should leave it up to the court to consider all factors, including the nature of crimes and how the defendant's disability might have impacted conduct
 - b. Examples:
 - i. Child porn crimes are severe and are excluded from AR and is common charge among this population
 - ii. Sex crimes: Those with I/DD might not be able to understand that those under a certain age are not able to give consent
 - ii. Fiona Doherty
 - 1. The report finds that many other programs do not require a guilty plea before program grant. Many CT programs do not require a guilty plea, but some programs do, such as drug courts. Why not include a recommendation that any diversionary program created should not include the requirement for a guilty plea.
 - a. Judge Gold
 - i. It is generally understood in CT's context that no plea is required for diversionary program grant.
 - ii. Drug courts behave differently than diversionary programs. They are shifts away from traditional prosecution.

iii. Patrick Griffin

1. Do we have any data on the number of individuals with I/DD who are found not competent but restorable?

- a. Rachel Mirsky

- i. We do not have any data on the matter.
- ii. Interviewees reported that this does occur
- iii. Senator Osten did report in the advisory committee a small number of 10-15 people

iv. Pat Griffin

1. Is the recommendation that no crimes be excluded? Does that include murder and kidnapping?

- a. Jen Zito

- i. The main point is that the crimes now included are way too broad.

v. Judge Gold

1. Raised concerns that we are recommending creating a program that is more expansive in eligibility than SDP, such as in terms of crimes that are allowed. Are we affording this population more opportunities than those with SDP? These recommendations go into a level of specificity that was likely not present when SDP was created. Are these recommendations too specific? The fiscal cost associated with this program may also be huge.

- a. Jen Zito

- i. I believe we are talking about a small population of people. More data is needed however.
- ii. In crafting the recommendations, we have tried to limit the fiscal impacts
- iii. There are limited resources available for those I/DD in criminal justice system and it's not fair to treat them the same as neurotypical people

2. Judge Gold raised concerns about the potential fiscal impact
 - a. CSSD will need to look at many new providers for this program, and we need to be mindful of the large cost. Without attaching money to this program, it might burden CSSD services already provided. We are also not sure how many people this program may impact.
3. Jen Zito
 - a. Other states have been successful when they have implemented other similar programs under pre-existing mental health programs.
- c. Resolution to adopt recommendations
 - i. Motion to adopt resolution 02-2026 to adopt the recommendations of I/DD report
 1. Santa motions to adopt
 2. Deb Sullivan seconds the motion to adopt
 3. Discussion of motion
 - a. Bill Dyson
 - i. Open ended about how to fund it is not ideal. OFA is going to have a hard time placing a cost.
 - b. Pat Griffin
 - i. DCJ supports the concept of a program like SDP for this population.
 - ii. Do we need to adopt all of the recommendations or can we parse some out today?
 - iii. We need more data.
 - c. Karpowitz
 - i. Eager to hear more on the scale of the population
 - ii. Is it the standard practice of the Commission that fiscal notes inform the recommendations? One might say yes, we need to consider the fiscal capacity of the state or not. Others could say our role is to make recommendations based on the merits

of the research and it's up to our colleagues at the CGA to determine the resource priorities.

d. Jen Zito

- i. We wanted to give the legislature a broad set of recommendations and the legislature itself will decide if it's economically feasible.

e. Pat Griffin

- i. How would the state attorneys collect data on the number of people with I/DD?
- ii. Jen Zito and Rachel Mirsky noted that screening tools could be used, collect data on the number of people who use the program, and that the recommendation was perceived as a broad sentiment.

f. Judge Gold

- i. Based on this discussion and the concerns that were raised today by Natasha Pierre and Pat Griffin, I would suggest that we table this motion until the next meeting where these concerns can be ironed out further.

g. John Santa withdrew his motion to adopt the recommendations

h. Griffin motioned to table the vote on the recommendations to the next meeting date

- i. Second by Chief Stephen Tavares
- ii. Voice vote to table the recommendations until next meeting passed unanimously

i. Natasha Pierre

- i. I would prefer that each individual recommendation be parsed out

IV. PRESENTATION ON EARLY SCREENING INITIATIVE – Brian Austin, Senior Assistant State's Attorney, Community Court, Hartford

- a. Brian Austin presented on the Early Screening and Intervention (ESI) Initiative

- i. Austin provided an overview of the program, including its goals, eligible offenses, excluded offenses, other eligibility criteria, program design, and outcomes
 - 1. The program focuses on root causes of crime, such as substance use, mental health, and homelessness, while still holding them accountable for their actions
 - 2. Housing is the biggest concern; the program tries to connect clients to housing
- b. Outcomes
 - i. In Hartford, New London, and Norwich, 165 individuals were accepted into the program in 2025.
 - ii. 86 of those individuals have successfully completed the program
 - iii. As of the end of 2025, 144 clients were actively participating in the program across all three sites.
- c. Daniel Karpowitz
 - i. Would love to see the longer-term effects and outcomes of this program.
 - ii. What is the scale? Do we have enough of this or too little?
 - iii. Brian Austin
 - 1. This could be in every GA court.
 - 2. I don't have any more data for today.
- d. Pat Griffin
 - i. Deb Sullivan and John Day have now signed onto the program
 - ii. The hope is to make it available in every GA court
 - iii. Hoping to push this again in the budget process next year
- e. Anna VanCleave
 - i. What does the normal screening and charge review process look like?
- f. Deb Sullivan
 - i. CCDLA has voted against the ESI program previously too
 - ii. We had concerns about the appointment of counsel and to continue inadmissibility of statements made to DCJ
 - iii. We have talked to DCJ about the resource coordinators not being employees of DCJ
 - iv. More training to clear up differences in practices across courts
 - v. More understanding of the program across all parties, including CCDLA who were not aware it existed until recently
- g. Pat Griffin
 - i. Nothing to preclude clients from coming with their counsel during the program

- ii. We're trying to get to the root of these issues and stop the churn of people coming in and out of the court
 - iii. We are for joint training and talking further about things like eligibility
- h. Judge Gold
 - i. This topic could be the subject of one of our resolutions in the future
 - ii. The limited number of court appearances required could decrease the opportunities defendants have to fail to appear.

V. AMENDMENTS TO COMMISSION BYLAWS

- a. Alex Knopp
 - i. There is inconsistency regarding when audiovisual participation is permitted
 - ii. Should make the bylaws consistent for virtual participation. It is only permitted in the advisory committee section.
- b. Judge Gold
 - i. Two changes of substance from last draft
 - 1. No advance written notice required for proxies
 - 2. When working groups are created, they are required to be composed of a sufficient number of statutory members of the Commission.

VI. FOLLOW-UP DISCUSSION ON 15-84 REPORT PRESENTATION

- a. Agenda item tabled until next meeting

VII. UPDATE ON EXECUTIVE DIRECTOR SEARCH PROCESS

- a. Judge Gold
 - i. About 19 individuals applied
 - ii. Only one applicant met the minimum qualifications
 - iii. IMRP is working to re-classify the position with UConn HR

VIII. ADJOURNMENT

- a. Jen Zito motioned for adjournment
 - i. Patrick Griffin seconded the motion
 - ii. Meeting adjourned at 3:18 PM