CONNECTICUT SENTENCING COMMISSION

Mental Health Committee

Tuesday, May 19, 2026

1:00 – 2:30 PM

https://uconn-edu.zoom.us/j/93016858268

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Members Present: Jennifer Zito (co-chair of Committee), Judge Courtney Chaplin (co-chair of Committee), John Santa (vice chair of Commission), Gary Roberge, Tom Canny, Bill O'Connor, Jessica Waggoner, Howard Sovronsky, Senator Cathy Osten

Staff: Rich Sparaco, Tommy Dowd, Matthew Hono, Jordan Oquendo, Patrick Riley, Andrew Clark

Guests: Rachel Mirsky, Lisa D'Angelo, Thomas Burr, Angelica Gill, Katie Farrell, Natasha Pierre

MINUTES

I. MEETING CONVENED
- Jennifer Zito convened the meeting at 1:03 PM.
- Zito highlighted a recent article from Inside Investigator, which covered the Commission's work on intellectual and developmental disabilities in the criminal justice system.

II. APPROVAL OF MINUTES FROM THE 5.4.2026 MEETING
- Gary Roberge raised a small correction.
- The minutes from the 5.4.2026 meeting were approved as modified.

III. INTELLECTUAL AND DEVELOPMENT DISABILITIES REPORT RECOMMENDATIONS

a. Review edits received
- No edits have been received since the prior meeting.

b. Discussion
- The Committee discussed concerns raised by various members regarding the recommendations.
- Concern #1: Excludable charges

- Rich Sparaco summarized possible policy options to address this concern: (1) mirror eligibility in SDP; (2) exclude certain charges, but not as many as SDP; (3) allow judges to consider suitability for all defendants regardless of charge
- Jennifer Zito argued against mirroring eligibility in SDP, but expressed willingness to compromise
    - Zito asserted that sex offenses should not be excluded because:
        - Individuals with I/DD are uniquely prone to committing these offenses without understanding the implications of their actions
        - Developmental/emotional age lags chronological age for this population
    - Zito also asserted that felony murder should not be excluded because individuals with I/DD could be duped into helping others commit a crime.
    - Zito maintained that allowing judges to assess suitability regardless of charge is a better alternative.
- Lisa D'Angelo reported that the Division of Criminal Justice believes eligibility should mirror SDP.
    - D'Angelo asked Zito whether there is a specific example of the concerns she raised.
        - Zito described a case involving an autistic 18-year-old client who was arrested for sexual assault arising from a relationship with a pubescent girl. According to Zito, the client received a term of incarceration despite his misunderstanding of consent and a low likelihood of reoffending if appropriately educated regarding consent.
            - Natasha Pierre asked Zito: (a) what outcome she was hoping for; (b) how the victim's rights would be upheld if the defendant had been shielded from prosecution; and (c) what should happen if the defendant committed a similar offense in the future.
                - Zito responded that she had advocated for a suspended sentence and for the individual to avoid placement on the sex offender registry because she believed the defendant

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did not intend to commit a crime and because experts testified that the defendant was unlikely to reoffend. She also expressed support for allowing multiple uses of the program, noting that I/DD is a lifelong condition.
        - Bill O'Connor concurred with Zito, underscoring that only a small number of cases are relevant to this discussion.
    - Sparaco cited two jurisdictions (New Jersey and Washoe County, NV) with I/DD diversionary programs that do not exclude offenses from consideration; eighteen programs exclude offenses in some capacity.
    - Pierre worried about minimizing victim input and policies that may inadvertently cast victims as the offender.
        - Zito sympathized with this point but reiterated that this population is often less culpable due to their disability.
    - Senator Cathy Osten expressed general support for an expansive diversionary program, emphasizing the divergence between chronological and developmental age for this population and the relatively small number of defendants that would qualify. She also raised that ineligibility for group home placement was an important collateral consequence of conviction for this population.
        - Zito added that this population would not qualify for juvenile justice services due to their chronological age, despite their lagging emotional developmental.
    - Natasha asked how many individuals in DOC custody have an I/DD.
        - Zito reported statistics from the Commission's I/DD report.
    - Zito asked D'Angelo whether DCJ would support the inclusion of sex offenses, felony murder, and/or arson.
        - D'Angelo reiterated that the Division currently favors mirroring SDP eligibility.
        - Zito said she will send materials for DCJ to consider.
- Concern #2: Repeat use
    - Zito asked whether members supported allowing individuals to use the program three times, mirroring the Drug Education and

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Community Service Program rather than SDP, which only allows for two uses.
    - Pierre responded that she would need to consider the proposal further.
    - D'Angelo responded that she would need to consult with CSA Griffin.
  - O'Connor expressed support for unlimited program use, citing the findings in the I/DD report.
  - O'Connor asked whether unanimity was needed to advance the recommendations.
    - Sparaco reported that unanimity is preferred but not required.
    - Senator Osten agreed that unanimity was not necessary. She also expressed support for broad recommendations without eligibility restrictions.
    - Sparaco proposed sending the recommendations back to the Commission without consensus, positing that consensus could be reached before the Commission convenes on June 17.
- Concern #3: Fiscal impact
  - Sparaco reported that Commission staff have been working to estimate program usage and costs, but that estimates are imprecise.
    - Matthew Hono noted that Commission staff have sought assistance from DDS in estimating program costs.
  - Zito lauded the effort but noted the inherent uncertainty in any cost estimate.
  - Senator Osten maintained that cost estimates fall outside the committee's purview. She suggested asking OFA to estimate the program cost.
- Concern #4: Presumption of outpatient competency restoration for individuals with I/DD
  - D'Angelo relayed concerns from DCJ about the presumption of outpatient restoration for individuals with I/DD who are accused of serious charges.
  - Pierre worried about the presumption in the context of victim safety.
  - Zito countered that the presumption is rebuttable.

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    - Judge Courtney Chaplin asserted that the presumption is not necessarily difficult to rebut. He asked whether DCJ would favor additional language about how the presumption is rebutted.
        - D'Angelo said that additional language may allay their concerns.
    - Senator Osten raised concerns that Whiting Forensic Hospital is ill-equipped to serve individuals with I/DD but lamented that placement options are limited for individuals with I/DD who require a higher security level.
    - D'Angelo asked how many individuals with I/DD are in the CST system, and of those individuals, how many were restored.
        - Jessica Waggoner reported that Whiting has admitted 10 such individuals this fiscal year. Waggoner did not have data on restoration outcomes on hand.
    - Waggoner emphasized that the statute needs to clarify whether the presumption of outpatient restoration would apply for individuals with co-occurring I/DD and psychiatric disabilities.
- Concern #5: Data collection
    - D'Angelo shared concerns about requiring DCJ to collect data.
    - Rachel Mirsky asserted that the Judicial Branch should collect data but also felt that other agencies should participate too.
        - Gary Roberge was unsure how CSSD would collect data on individuals with I/DD and emphasized that CSSD does not process all criminal defendants.
    - O'Connor raised confidentiality issues with mandatory data collection requirements.
    - Hono expressed that the spirit of the recommendation is to improve data collection while acknowledging that collection efforts would not be perfect.
    - Katie Farrell noted that DDS could be useful in collecting this data.
        - Rachel cautioned that DDS data collection is limited by a strict IQ cutoff in its definition for ID.
    - Zito suggested eliminating mention of DCJ and OCPD in this recommendation.

c. Vote to send recommendations to the full Commission
- The Committee voted unanimously to resubmit the recommendations to the full Commission as previously presented, along with a summary of the discussions and concerns raised during the last two Mental Health Committee meetings.

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IV. OTHER BUSINESS

- Jennifer Zito adjourned the meeting at 2:37 PM.
- The next full Commission meeting will be held on Wednesday, June 17, at 1PM, in Room 1B of the Legislative Office Building.
- The next Mental Health Committee meeting will be held on Monday, August 3, at 1PM.

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