



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

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Testimony of the Division of Criminal Justice

In Opposition to:

**S.B. No. 1238 (RAISED) AN ACT CONCERNING THE CIVIL COMMITMENT OF
PERSONS FOUND NOT GUILTY BY REASON OF MENTAL DISEASE OR
DEFECT**

Joint Committee on Judiciary – February 26, 2007

The Division of Criminal Justice strongly opposes S.B. No. 1238 and would respectfully request that the Committee reject this bill. The bill is nothing more than an attempt to obtain through this General Assembly a process that the Courts of this state have long and rightfully rejected.

Under present law, which was carefully drafted after a tragedy that occurred in Middletown many years ago, the Superior Court retains continuing jurisdiction over people who have been found not guilty by reason of insanity and committed to the Psychiatric Security Review Board (PSRB). That Board continually monitors the treatment and progress of acquittees and takes care to protect the public from tragedies such as the one that led to its creation.

The bill would strip the Superior Court and the PSRB of their continuing jurisdiction over those individuals who are found not guilty by reason of insanity and transfer this responsibility to the probate court. Such a system would not be in the best interest of the individual acquittee and certainly would not be in the best interest of the public safety.

The PSRB is the sole entity that has detailed familiarity with all aspects of the case of the acquittee. The PSRB has detailed knowledge of the underlying crime for which the individual has been found not guilty by reason of insanity and committed to the supervision of the Board. The PSRB also has the continued, detailed knowledge of the individual's behavior while under Board supervision for the entire time during which the individual is committed.

The PSRB knows what medications the individual has received, and which of those medications have worked and which have not been successful. The PSRB also has intimate knowledge of any and all courses of treatment the individual may have undertaken, and, again, whether those treatment programs were successful.

In short, the PSRB is intimately familiar with the acquittee and his or her history, and is the appropriate entity to decide the future course of treatment or supervision. For the benefit of those who may be new to this Committee or this process, it must be stressed that maintaining the current process does not by any means guarantee the continued commitment to a secure setting, such as a psychiatric institution. What it does guarantee is the continued appropriate supervision by the PSRB, be it in a community setting, or, if appropriate, an institutional setting.

What the bill envisions is abandoning all of the history and past involvement with the individual and placing the decision on his or her future treatment with the probate court. The reality is that once these cases were to reach the probate court, it would be a one-time matter. We envision very, very few, if any cases where there would be any continued substantive involvement by the probate court, and certainly none of the supervision and intimate involvement such as that provided by the PSRB. What is most important is that the current system provides the appropriate course of treatment and supervision that best serves the individual acquittee and the public safety. This system has served the State of Connecticut well for many years and has been repeatedly upheld by the Courts despite numerous legal challenges attempting to do essentially what S.B. No. 1238 envisions.

The Division of Criminal Justice respectfully request that the Committee reject S.B. No. 1238. We would be happy to provide any additional information or answer any questions the Committee might have. Thank you.