

CONNECTICUT LEGAL RIGHTS PROJECT

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Judiciary Committee

March 12, 2008

Testimony of Sally R. Zanger, Staff Attorney, in support in part and in opposition in part to Bill No. 639 An Act Concerning Services Provided by the Department of Mental Health and Addiction Services to Arrested Persons.

Senator McDonald, Representative Lawlor and Members of the Committee:

The Connecticut Legal Rights Project (CLRP) is a legal services organization that advocates for low-income individuals who have, or are perceived to have, psychiatric disabilities. At times, some of our clients are arrested. While we do not represent them in these matters, we help them deal with (or prevent) some of the consequences, such as loss of housing, income, etc. The jail diversion program staffed by DMHAS, which is the subject of this bill, is very helpful to our clients and we are hopeful that with the increases in housing and community services proposed in SB 422, it will become even more effective in helping people remain out of jail, housed and in treatment if desired. **CLRP supports that part of the bill that expands the mandated responsibilities of the DMHAS jail interviewers to meet with people who have been arrested for felonies as well as those arrested for misdemeanors¹** for the following reasons:

1. Many people would be appropriate for and would benefit from these services, regardless of the level (felony or misdemeanor) of the offense for which they are arrested.
2. This change would mandate what many jail interviewers do in any case, which is speak with anyone who might need services. Thus, it would increase uniform practice statewide--a positive effect. (Diversion should not depend on where one is arrested.)

CLRP opposes the addition of §17a-486 (2) “the Department of Mental Health and Addiction Services shall, to the maximum extent possible within the limits of available appropriations, keep the person and the person's family members or representative informed of the status of the criminal case.” While it appears to be well meaning, it has many problems:

1. **Privacy and Confidentiality. Any information that is not available to the general public about a person's criminal case should not be given to anyone (other than the defendant) without a release from the defendant.** If a defendant wants his/her family members or representative informed, he/she may give the defense attorney a release.
2. **DMHAS staff should be very cautious about explaining a person's criminal matter to the defendant himself/herself.** Substantive information about the status of the case should be coming to the defendant from his or her defense attorney. No one should give legal advice unless he or she is an attorney. Requiring DMHAS staff to keep people informed about the status of the criminal case puts DMHAS staff in the position of having to explain matters or answer follow up question, both of which may call for legal advice and increase the risk of defendants being misinformed, albeit unintentionally.

Respectfully submitted,
Connecticut Legal Rights Project

¹ That is, the deletion of the word “solely” and the insertion of the phrase, “or felony” in the first line of C.G.S. §17a-486.