



*Office of Chief Public Defender
State of Connecticut*

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**TESTIMONY OF CHIEF PUBLIC DEFENDER
SUSAN O. STOREY**

***RAISED BILL NO. 639, AN ACT CONCERNING SERVICES PROVIDED BY THE
DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES TO ARRESTED
PERSONS***

***JUDICIARY COMMITTEE
MARCH 12, 2008***

The Office of Chief Public Defender supports the passage of *Raised Bill No. 639, An Act Concerning Services Provided By the Department of Mental Health and Addiction Services to Arrested Persons*, which expands mental health assessment and diversion for defendants charged with felonies. However, we are requesting that additional language be added to clarify that the consent of counsel to evaluate individual defendants must also be obtained prior to assessment. Such additional language protects defendants' 5th Amendment rights and maximizes the defendant's opportunity for a successful resolution of the criminal charges. Furthermore, if such program is expanded, the Division of Public Defender Services will require additional social work resources to meet the increased demands of the collaboration.

The Office of Chief Public Defender has always supported and collaborated with DMHAS to divert mentally ill people from the criminal justice system. In 1992, our Agency was an integral part of planning the multi-agency pilot program in Hartford GA #14 to respond to the increasing number of arrests and incarceration of mentally ill persons in Connecticut. This was the beginning of on-site evaluations and court diversion for defendants with psychiatric problems charged with misdemeanor offenses.

The immediate and dramatic success of the pilot program lead to the expansion of the project to other court locations. By 1999, DMHAS was providing mental health diversion services to the Geographical Area Courts in Hartford, Bridgeport, New Haven, New London, Norwich, Stamford, and Norwalk, Middletown, and Derby. That year we again testified in support of further expansion of these important court diversion services.

Currently, with the permission of the client and counsel, the court diversion programs provide on

site and immediate access to mental health services for those clients who are currently involved in or in need of mental health treatment. Public defender social workers collaborate with DMHAS staff to obtain client treatment options that address the concerns of the court and are tailored to maximize the success of the individual defendant while awaiting disposition of the criminal charges. Given the very high percentage of mentally ill defendants who are also indigent, the public defender social workers serve as a major referral source to DMHAS court diversion. They consult with the attorneys regarding the charges, the conditions of release set by the court, and continue to work closely with clients to make sure that they are complying with treatment until the charges are resolved. As such, if the program is expanded, the Office of Chief Public Defender will need additional social work resources in order to meet the increased demands of our collaboration with DMHAS. This Office has already requested five additional public defender social workers as a mid-term budget expansion option, which if funded, should be sufficient to expand collaboration with DMHAS, CSSD, and other state agencies in our major city offices.

The services provided by the DMHAS diversion programs have markedly expedited the successful diversion of cases of mentally ill persons from the criminal court system. Due to the long history of inter-agency cooperation between DMHAS, the Division of Public Defender Services, and other state agencies, the public as well as the mentally ill defendants are protected and well served.