



State of Connecticut

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Testimony of Michael Alevy, Senior Assistant Public Defender Office of Chief Public Defender

Raised Bill No. 6648

An Act Concerning a Clinical Assessment of First-Time Offenders Judiciary Committee Public Hearing - April 8, 2011

The Office of Chief Public Defender opposes passage of *Raised Bill No. 6648, An Act Concerning a Clinical Assessment of First-Time Offenders*. The raised bill proposes new language that would permit a police officer to bring an arrestee to a hospital or other facility for a psychiatric assessment if that officer believes that the arrestee has a psychiatric disability. The bill seems to limit such action by police to cases where the officer has first determined that the person has no prior arrest record.

It is the view of the Office of Chief Public Defender that the language of the bill is both vague and overbroad. The bill as raised lacks any description of the nature of conduct that might be observed by or reported to a police officer which might lead the officer to believe that a person has some psychiatric disability. The bill also lacks any standards or criteria by which a police officer might make an informed judgment regarding that conduct and how it relates to a person's psychiatric condition. The bill also allows the officer to cause such person to be taken to a hospital or "other facility" for the assessment. There is no definition or guidance as to what such "other facility" could be and further, there is no mention of timeframes regarding when an examination would take place and how long an arrestee could be detained.

The bill's overall lack of specificity creates real questions regarding the protection of the basic constitutional rights guaranteed to individuals at the time of arrest. Specifically, the bill fails to address how an arrestee would attain release from a hospital, have probable cause determined by a court and, most importantly, gain access to the services of an attorney.

It is important to note that current law already provides a mechanism to address the issues contemplated by the raised bill. *C.G.S. section 17a-503* permits any police officer, who has reasonable cause to believe that any person has psychiatric disabilities and is a danger to themselves or others, to submit a written request for emergency examination of such person. Such examination would take place at a general hospital and be conducted within the time constraints as specified in the statute. Such current provisions adequately protect the due process right of an accused or detained person.

For these reasons the Office of Chief Public Defender opposes this raised bill.