



**STATE OF CONNECTICUT**  
*DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES*  
*A Healthcare Service Agency*

Dannel P. Malloy  
Governor

Patricia A. Rehmer, MSN  
Commissioner

TO: Judiciary Committee

FROM: Patricia Rehmer, MSN  
Commissioner

DATE: April 4, 2011

**SUBJECT: HB 6639 AN ACT CONCERNING PRETRIAL DIVERSIONARY PROGRAMS**

Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee we are writing to you today to express our concerns with sections 2 and 3 of **HB 6639 AN ACT CONCERNING PRETRIAL DIVERSIONARY PROGRAMS**.

**Section 2**

Section 2 removes the prohibition for participation in the Pretrial Drug Education Program (PDEP) related to previous participation in the Community Service labor Program (CSLP). Since the CSLP program is less expensive, we can expect defendants to now choose CSLP for their first offense, and then keep open their option for PDEP for a subsequent offense. CSLP participants are referred to PDEP groups. DMHAS has to pay for the PDEP groups, but no court fees are paid into the CSLP by defendants. Thus, DMHAS would either not be able to afford to provide the programs, or it would have to take money from other needs to finance this court-directed option, or it would require additional resources added to its budget. Thus, there are serious fiscal implications for this change. Currently, the prohibition related to prior CSLP use forces defendants to enter PDEP programs and pay the fee into the pretrial account, from which DMHAS pays private providers to deliver the educational programs, which keeps these programs solvent.

- SFY10 DMHAS paid for 5,331 evaluations and 4,151 group participants. The overwhelming majority were referred through the PDEP statute and their court fees (\$1,001,760) were deposited in the Pretrial Account (CGS 54-56k) to support the program.
- If this section is passed we can expect that most of these defendants would choose the CSLP option for diversion and their fees would go to CSSD; DMHAS would not receive any funding for PDEP for these defendants.
- CSLP fee is \$205 and they are referred to the 15-week, 22.5 hour PDEP group.
- PDEP fee is \$700 for application, evaluation, and 15-week, 22.5 hour PDEP group. The fee for the group, \$500, may be waived if the court finds the defendant to be indigent.

### Section 3

Section 3 duplicates for veterans the existing Supervised Diversionary Program under CGS 54-561 – from which veterans are in no way currently excluded. DMHAS is already engaged in a pilot program for veterans in the Norwich and New London court system and recently received OPM approval for 2 additional JD positions for Community Mental Health Center (CMHC) to expand the pilot to the New Haven court. The pilot in Norwich and New London is funded by the federal government and is targeting Veterans returning from Iraq and Afghanistan. One of the goals of this program is to derive outcome data on the utility and efficacy of this veteran-specific programming. Before the outcomes of this pilot program are evaluated, it would be imprudent of DMHAS to set standards for veteran-specific programming.

- The bill requires DMHAS involvement in placing a defendant in a program. The bill seems to be directed at recently serving vets and very few of these have an SMI. Many will be treated outside the DMHAS system for Traumatic Brain Injuries (TBI) and/or PTSD. Jail Diversion (JD) staff generally do not have experience with treaters outside of the DMHAS system so placement may require significant time to identify providers and arrange placement.
- The JD program is designed to target defendants with Serious Mental Illness (SMI). While JD staff statewide serve a significant number on non-SMI defendants (including some recent vets), JD in the busiest courts do not have time to take on additional non-SMI clients.
- So DMHAS involvement as required by this bill will require additional staff.

Thank you for your time and attention to this matter.