

**Act No. 27(2023) Working Group Meeting Summary**  
**June 14, 2023**

**Overview of Act. No 27 by Commissioner White, DAIL**

The ultimate intent of the working group is to assess whether a forensic level of care is needed for individuals with intellectual disabilities who are charged with a crime of violence against another person, have been determined incompetent to stand trial, or adjudicated not guilty by reason of insanity, and are committed to the custody of the Commissioner of Disabilities, Aging, and Independent Living.

If it is determined that a forensic level of care is needed for such individuals, the Working Group shall propose legislation to establish a process and criteria for the placement of those individuals in a forensic facility.

The working group has also been directed to consult with additional individuals to include:

- a psychiatrist or psychologist with experience conducting competency evaluations.
- Individuals who have lived experience of an intellectual disability who have previous experience in the criminal justice system or civil commitment system or both.
- Family members of individuals with an intellectual disability who have experience with the criminal justice system or with competency evaluations.
- Executive Director of the Department of State's Attorney and Sheriffs
- The Defender General
- The Commissioner of Corrections
- The State Program Standing Committee for Developmental Services

This working group is to assess the need for a forensic level of care facility for individuals with an intellectual disability, including the extent to which a forensic facility addresses any unmet needs or gaps in resources for an individual with an intellectual disability.

On or before December 1st, 2023, the Working Group must submit to the House Committees on Human Services and Judiciary, as well as to the Senate Committees on Health and Welfare and Judiciary, a written report with its findings and any recommendations for legislative action, including proposed language. The group will cease to exist on July 1st, 2024.

The working group unanimously decided that there will be a Chair, Stuart Schurr, and a Vice Chair, Jennifer Poehlmann, and there will be administrative support through DAIL to both.

Members of the committee who are not otherwise compensated may receive a \$50.00 per diem per meeting. Ashley Bonneau will be sending out the expense forms to members.

**Definitions:**

The label of a forensic level of care, does that mean you have to go to a facility?

This facility would be specific to the very small population with an intellectual disability who is committed to the custody of the Commissioner under Act 248. The intent of forensic level of care means for individuals who meet that level of care to be eligible for placement into the facility.

Act 248 is for individuals who have been deemed incompetent to stand trial or have been found not guilty by reason of insanity after a trial. The Criminal Division of the Superior Court orders these individuals into the custody of the DAIL Commissioner. Currently, 26 individuals are in the Commissioner's custody under Act 248. Not all of these individuals would be eligible for the forensic facility.

The difference between Developmental Disability and Intellectual Disability.

Developmental Disability is a broader term that means an intellectual disability or an autism spectrum disorder that occurred before age 18 and results in significant deficits in adaptive functioning. Intellectual Disability means sub-average cognitive functioning, which is documented by a full-scale IQ score of 70 or below, or up to 75 or below when taking into account the standard error of measurement.

**Procedures:**

DAIL is committed to making sure the working group information is available. This will include issuing an agenda and handouts with sufficient time to review in advance of the meeting. Also, DAIL will prepare and distribute minutes and summaries after each meeting and will post them on its website.

Also, members and guests will be asked to state their name prior to speaking for everyone in the meeting.

**Frequency:**

Meetings will be held in the Waterbury State Office Complex with a virtual option. Meetings will be held every 3-4 weeks. The next meeting is scheduled for Wednesday, July 12<sup>th</sup>, from 12:30 pm-2:30 pm.