



Mental Health Adjudications

The Connecticut Strategy

The National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP) federal grant implements the provisions of the NICS Improvement Amendments Act (NIAA) of 2007. The State of Connecticut received funds under the NARIP 2011 grant to improve the quality, completeness, and availability of NICS records. One of Connecticut's challenges is to develop accurate NIAA State Estimates with narratives that identify the structural or reporting problems of potential NICS records. State Estimates are provided by the originating agencies who may only understand their responsibility in the overarching process.

Connecticut's NCHIP Official, who oversees and verifies the annual NIAA State Estimates to the U.S. Attorney General, sought to create a shared understanding about how data is transmitted to NCIC, III, and the NICS Index. NARIP 2011 funds were utilized to hire business analysts who developed flow charts for Connecticut's current "AS IS" business processes from the local, state and federal levels for all seven (7) categories of records specified in the NIAA. The documentation is intended to provide a comprehensive understanding of the multiple data sources and reporting paths the data follows, providing a more accurate understanding of where records exist and how data is reported. A thorough examination of all the reporting systems can identify and resolve disparities, leading to more records being made available to NICS.

The seven (7) NIAA categories of records that Connecticut is assessing which may disqualify an individual from possessing or receiving a firearm under federal law are as follows:

- 1) Felony Convictions
- 2) Felony Indictments
- 3) Fugitive from Justice (Warrants)
- 4) Unlawful Drug Use Adjudications
- 5) Mental Health Adjudications
- 6) Protection Orders
- 7) Misdemeanor Crimes of Domestic Violence

This document is a work in progress and part of Connecticut's NICS Record Improvement Plan. The analysis contained in this document focuses on the NIAA Category 5 – Mental Health Adjudications.

Prepared by State of Connecticut, NICS Record Improvement Task Force, coordinated by Office of Policy and Management (OPM). This project was supported by Grant No. 2011-NS-BX-K005 awarded by the U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication /program/exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.

The NIAA Estimates define **Mental Health Adjudications** as records that identify a person who has had a mental health adjudication or has been formally and involuntarily committed to any mental institution and not protected from disclosure to the Attorney General by federal or state law.

Connecticut agencies involved in the *business processes* that have an impact on the quality, completeness, and availability of records submitted under Category 5 are:

Office of the Probate Court Administrator (PCA)
Department of Mental Health and Addiction Services (DMHAS)
Judicial Branch, Office of the Chief Court Administrator

- Superior Court Operations Division
- Superior Court for Criminal Matters (Criminal Courts)
- Superior Court Records Center

Department of Emergency Services and Public Protection (DESPP)

- State Police Bureau of Identification Unit
- Special Licensing and Firearms Unit (SLFU or State Firearms Unit)

Psychiatric Security Review Board (PSRB)

Office of Policy and Management (OPM)

The *systems* below have been identified as being involved in Category 5:

Office of the Probate Court Administrator (PCA)

- Probate Case Management System (PCMS)
- Probate Central Data Mart or Central Data Repository (CDR)
- Document Management System (LaserFiche)
- Mental Health Adjudication Repository (MHAR, new under development)

Department of Mental Health and Addiction Services (DMHAS)

- Mental Health Gun Control System (MHGCS or "black box")
- Probate Client Database (Microsoft Access standalone)

Judicial Branch (Judicial)

- Criminal Motor Vehicle System (CRMVS)
- Protection Order Registry Administrative Reporting Module (POR-ARM)

Department of Emergency Services and Public Protection (DESPP)

- Computerized Criminal History (CCH or State Repository)
- Connecticut On-Line Law Enforcement Communications Teleprocessing (COLLECT)
- Special Licensing and Firearms Unit (SLFU or State Firearms Unit)

U.S. Department of Justice (USDOJ)

- National Instant Criminal Background Check System (NICS)

Types of Mental Health Adjudications in Connecticut

The state has identified four (4) types of Mental Health Adjudications in Connecticut relevant to NICS Reporting. Three (3) are of public record (*Involuntary Conservatorship, Criminal Incompetence, and Criminal Insanity*); and one (1) is sealed by the Probate Court (*Involuntary Civil Commitment*).

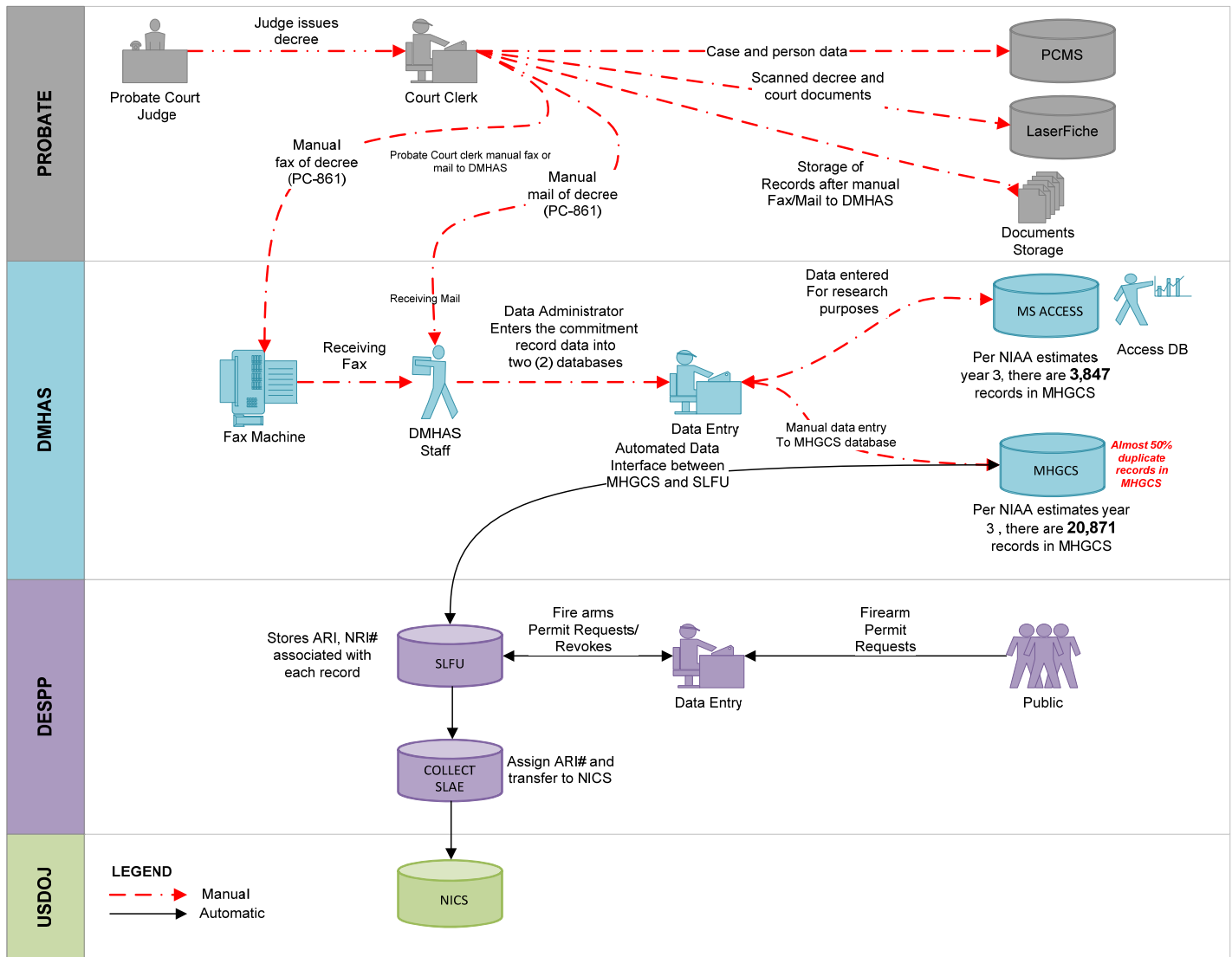
The first section describes the *Involuntary Civil Commitment* process, which includes the business and system related activities for this type of mental health adjudication.

Involuntary Civil Commitments

Involuntary Civil Commitments are not the result of a crime. Probate Court must find by clear and convincing evidence that the person suffers from a mental disorder and is either gravely disabled or a danger to self or others. These ongoing commitments are reviewed annually each year by Probate, but a person can petition every six (6) months or more frequently at their own expense for these hearings.

A Physician Emergency Certificate (PEC) is not a disqualifier and not reported. A PEC commitment is made to a hospital only when the person is evaluated and determined to be unsafe to release. A PEC allows for hospitalization for up to 15 days without the individual’s consent. Individuals may be civilly committed during or at the expiration of a PEC if continued hospitalization is required and the person is not willing to enter the hospital on a voluntary basis. There is no civil outpatient commitment in the State of Connecticut.

The business and system’s process diagram for *Involuntary Civil Commitments* is shown below:



Business Process Description

The data capture for Involuntary Civil Commitment records begins with the Probate Court. If the Probate Court Judge finds that an individual requires an involuntary civil commitment, the court issues the “Decree/Involuntary Commitment of Person with Psychiatric Disabilities” (Form PC-861). The Probate Court clerk will manually enter the court case data in PCMS. A hard copy of the decree will be physically stored in the Court files for audit purposes and scanned in order to store a copy of the original document electronically in their Document Management System (LaserFiche). The Probate Court will send the decree via fax/mail to DMHAS within three (3) business days per state statute.

Upon receipt of Form PC-861, the DMHAS staff will manually dual enter the same Involuntary Civil Commitment data into two (2) separate databases designed solely for capturing records. These systems are:

- Web-based Mental Health Gun Control System (MHGCS)
- Probate Client Database (Microsoft Access standalone)

MHGCS interfaces with the SLFU system through a “blackbox” process for the following purposes:

- To lookup if there is a person record match in both databases and to revoke or deny firearm permits; and
- To report to NICS any new Involuntary Civil Commitment records from MHGCS through SLFU.

The mandatory/required fields for creating a new Involuntary Civil Commitment record in MHGCS are last name, first name, gender, DOB, and commit date.

At times, DMHAS staff may need to contact the Probate Court clerk to verify particular details and/or obtain any missing information in order to enter complete and accurate data. Once the mandatory/required fields are submitted into MHGCS, the remaining fields of the person’s record (e.g. address, facility/hospital) can be entered.

To edit the mandatory/required fields, the DMHAS staff must delete the existing record and re-enter a new record with the correct information. Although a person may already exist in the system, a new record is created rather than updating the person’s existing one. This leads to duplicate records for the same person. If the DMHAS staff needs to check a person’s record in MHGCS, they will need to manually check each record by name since no search capability is available.

DMHAS staff will also enter the same data into the MS Access database. The MS Access database was primarily built and used for research and reporting purposes.

The MS Access database is a standalone application with no integration to any other systems/applications. The database will accept a new Involuntary Civil Commitment record for a previously committed person; however, the record will be updated with the new information rather than inserting a new record. Since the MHGCS system accepts duplicate entries for the same person, there is a count discrepancy between MHGCS and MS Access database for the number of Involuntary Civil Commitment records available. For example, as of 01/31/2012, the MHGCS system has 6,104 records and the MS Access database has 3,910 records.

Once the new Involuntary Civil Commitment record is added to MHGCS, an automatic lookup to the SLFU system will occur to verify if the person’s record exists. If there is a match, the new match count will be displayed on the MHGCS screen. The new match count; however, will not show the matched person’s record details. The DMHAS staff must manually look up each person added based on the new match count increase displayed on the MHGCS screen.

The DMHAS staff must manually notify the DESPP’s SLFU about the new match count and details of the person’s Involuntary Civil Commitment record (e.g. first name, last name, DOB, and gender). SLFU will send one (1) notice letter of permit revoked and/or, if applicable, a notice letter regarding the surrender of weapons. These notices will be sent to the person’s address, as shown in SLFU, and to DMHAS. The DMHAS staff will manually look up the person and send a notice letter, along with the letter(s) from SLFU, to the facility/hospital where the person is committed.

SLFU will store the record of revocation if a person’s firearm permit is revoked. When a new person’s record of a previously revoked firearm permit is added in MHGCS, there will be a new match count triggered. SLFU and DMHAS will continue to send the notice(s) even though the person’s firearm permit is already revoked.

An SLFU ARI (Agency Record Identifier) is added to each new Involuntary Civil Commitment record. SLFU will automatically transfer the person’s record to COLLECT and are available to NICS upon inquiry on a case by case basis.

Challenges

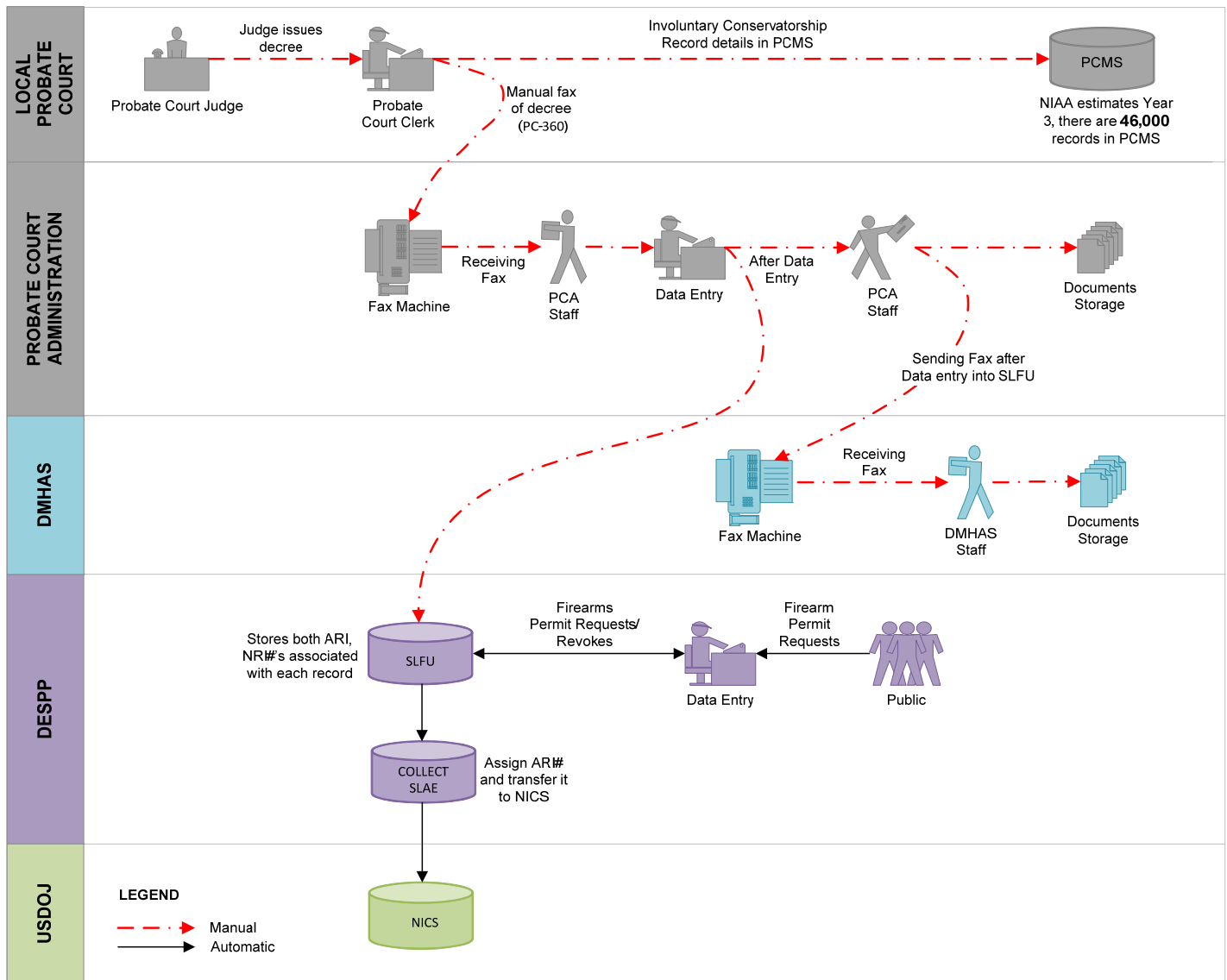
- All Mental Health Adjudication type records currently pass through multiple agencies. This requires manual data entry steps and duplicative processes which impacts the accuracy, completeness, and availability of these records in the state and federal (NICS) systems.
- For *Involuntary Civil Commitments*, the DMHAS staff does not have the ability to search and validate a person's record details prior to data entry into MHGCS. This leads to duplicate records being reported to the SLFU and NICS Systems.
- All records entered in DMHAS are fully duplicated by PCA's data entry.
- Since there is no integration between PCMS system and SLFU, the Involuntary Conservatorship record details are manually entered by PCA staff in SLFU for NICS entry purposes. This process is cumbersome, time consuming and susceptible to errors and omissions, which impacts the accuracy, completeness, and availability of these records to NICS.
- Prior to the 2006 NICS entry requirement, the Involuntary Civil Commitment and Involuntary Conservatorship records have not been entered in PCMS or made available to NICS. These records have not been entered because most of the court case determinations were rendered by the local courts, prior to the creation and system-wide use of PCMS by the PCA.
- Since all the mental health adjudication types require their associated forms to be manually prepared, the process is susceptible to errors and omissions, which impacts the accuracy, completeness, and availability of these records to NICS and in the agency systems.
- PCA is unable to view court cases for other local Probate Courts. PCMS is comprised of a distributed network of multiple servers used by the local Probate Courts and they only have the ability to track their in-house cases as they progress through their Probate System. For instance, the Bridgeport Probate Court clerk cannot look up a person's case/record in Bridgeport from the Hartford Probate Court.
- PCA does not have the ability to validate the records between the PCMS System and LaserFiche electronically. PMCS and LaserFiche are not integrated; therefore decrees and other court documents are maintained separately from the local Probate Court case data. This reduces the ability for the local Probate Court clerk to perform the validation of the records between PCMS and LaserFiche electronically.
- The PCMS system currently does not have the ability to perform validation of the record details, person look-up, decree look-up, case look-up, attorney look-up, hospital look-up, and Involuntary Conservatorship validations. This is due to the PCMS system limitations.

Involuntary Conservatorships

Involuntary Conservatorships are typically awarded by the Probate Court when an individual is determined to have a limited capacity to make decisions in his/her own best interest. An example may include an elderly individual with diminished cognitive abilities, as well as individuals with serious mental disorders. Two (2) types of *Involuntary Conservatorships* are as follows:

- *Conservatorships of ESTATE* – provides for oversight of finances ONLY
- *Conservatorships of PERSON* – provides for oversight of non-financial matters, such as consent to medical procedures, choosing a residence, or entering into contracts as determined by the Probate Court. *Conservatorships of Person* cannot admit the conserved person to a psychiatric hospital. They also cannot consent to psychiatric medications for a person hospitalized in a psychiatric hospital unless granted specific authority based on a Probate Court hearing

The business and system’s process diagram for *Involuntary Conservatorships* is shown below:



Business Process Description

The data capture for *Involuntary Conservatorship* records begins with the Probate Court. If the Probate Court Judge finds that an individual requires an involuntary conservator, the court issues the “Decree/Appointment of Conservator” (Form PC-360). The Probate Court clerk will manually enter the court case data in PCMS. As an interim step to support NICS efforts, the Probate Court clerk will then fax the “*Appointment of Involuntary Conservator*” Cover Sheet along with a copy of Form PC-360 to PCA for further processing.

Upon receipt of the forms, the PCA staff will manually enter the Involuntary Conservatorship record in SLFU. Since PCMS does not interface with SLFU, the PCA staff must manually access the SLFU system for data entry of Involuntary Conservatorship records for NICS entry purposes.

To check if a person’s Involuntary Conservatorship record exists in SLFU, the PCA staff must enter the first/last name and DOB and select the “*Search*” button. If the person’s record exists in SLFU, the person’s record details will be returned and the DESPP’s SLFU staff will be notified. SLFU will send one (1) notice letter of permit revoked and/or, if applicable, a notice letter regarding the surrender of weapons to the person’s address, as shown in SLFU.

If a new person’s Involuntary Conservatorship record does not exist in SLFU, the PCA staff will enter into the SLFU system the following fields; first/last name, DOB, SSN, gender, and Probate Court. The PCA staff has access to alter or update a record in SLFU up until the record is submitted to NICS.

Once the PCA staff has submitted the person’s Involuntary Conservatorship record in SLFU, a copy of the record will be faxed to DMHAS. Upon receipt of Form PC-360, DMHAS will physically store the original copy of the Involuntary Conservatorship record in their files. A hard copy of the decree will also be physically stored in the Court files for audit purposes.

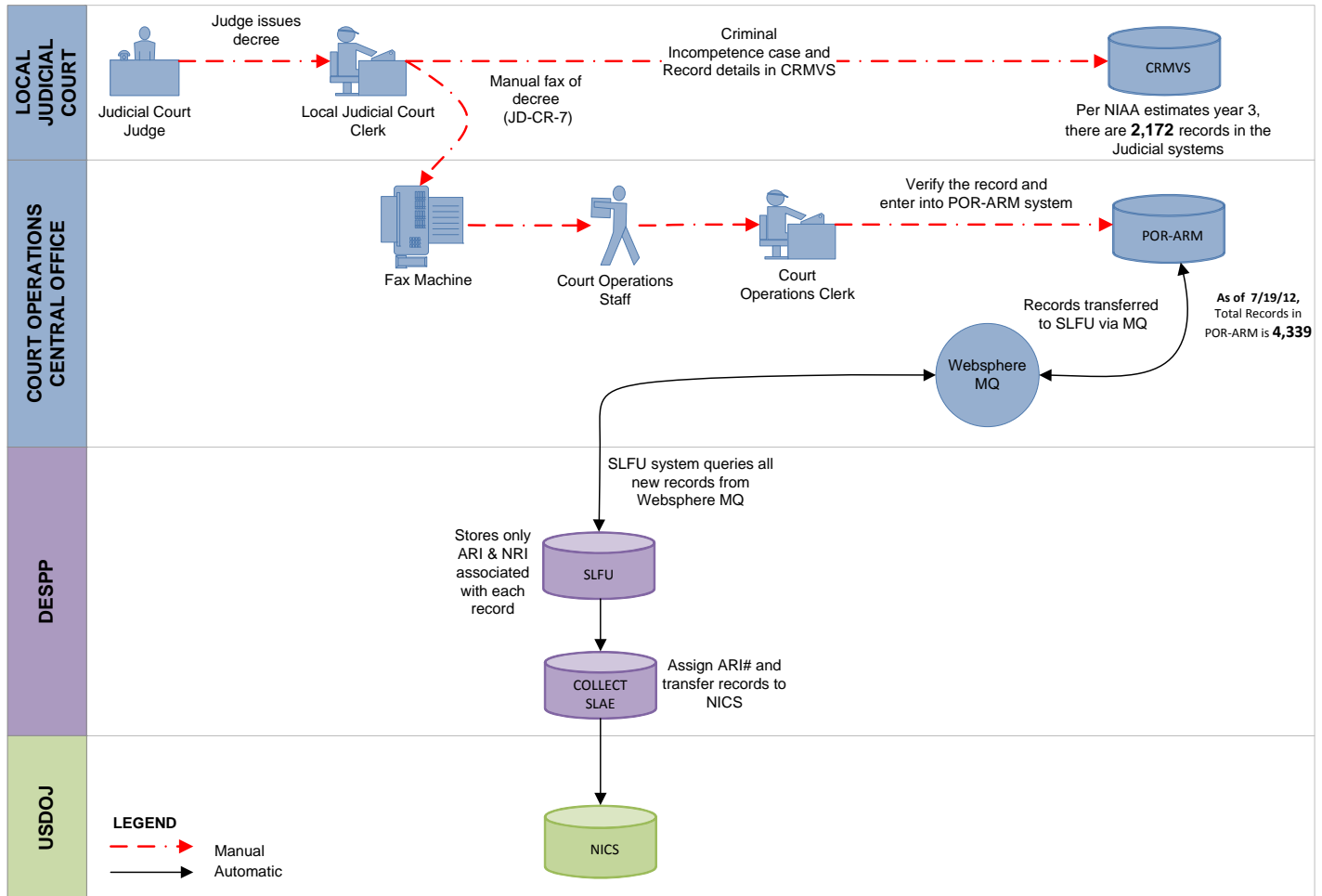
SLFU will store the record of revocation if a person’s firearm permit is revoked. When a new person’s record of a previously revoked firearm permit is added in SLFU by the PCA staff, there will be a new match triggered. SLFU will continue to send the notice(s) even though the person’s firearm permit is already revoked.

An SLFU ARI (Agency Record Identifier) is added to each new Involuntary Conservatorship record. SLFU will automatically transfer the person’s record to COLLECT and are available to NICS upon inquiry on a case by case basis.

Criminal Incompetence

Criminal Incompetence pertains to those individuals that are found not competent to stand trial in a criminal court case. These individuals are usually referred to DMHAS for evaluation and treatment. Prohibition for firearms attaches to any of these scenarios. After treatment, a person can be “restored” and would then be subject to the Court Criminal charges, but the federal firearms disqualification remains.

The business and system’s process diagram for *Criminal Incompetence* is shown below:



Business Process Description

The data capture for *Criminal Incompetence* records begins with the Judicial Court. If the Judicial Court finds the individual incompetent, the court issues the “Competency to Stand Trial Finding and Order of Placement” (Form JD-CR-7). The Judicial Court clerk will manually enter the court case data into CRMVS. As an interim step to support NICS efforts, the Judicial Court clerk will then fax a copy of Form JD-CR-7 to the Court Operations Central Office for further processing.

Upon receipt of Form JD-CR-7, the Court Operations clerk will manually review the information to ensure accuracy and completeness of record. The Court Operations clerk must manually access the POR-ARM system for data entry of Criminal Incompetence records for NICS entry purposes.

The fields for creating a new Criminal Incompetence record in POR-ARM may include first name, last name, MID (middle initial), DOB, address, SSN, race, gender, adjudication date, docket ID, judicial authority, driver’s license, etc.

SLFU interfaces real-time with the POR-ARM system through the Websphere MQ. SLFU will query and retrieve all new Criminal Incompetence records from Websphere MQ and transfer the data to NICS.

When a new Criminal Incompetence record is received by SLFU, there is an automatic lookup in SLFU to check if the person’s record already exists in the database. If a match exists, then SLFU staff will be notified of the new match. SLFU will send one (1) notice letter of permit revoked

and/or, if applicable, a notice letter regarding the surrender of weapons to the person’s address, as shown in SLFU. SLFU will store the record of revocation if a person’s firearm permit is revoked. When a new person’s record of a previously revoked firearm permit is received by SLFU, there will be a new match triggered. SLFU will continue to

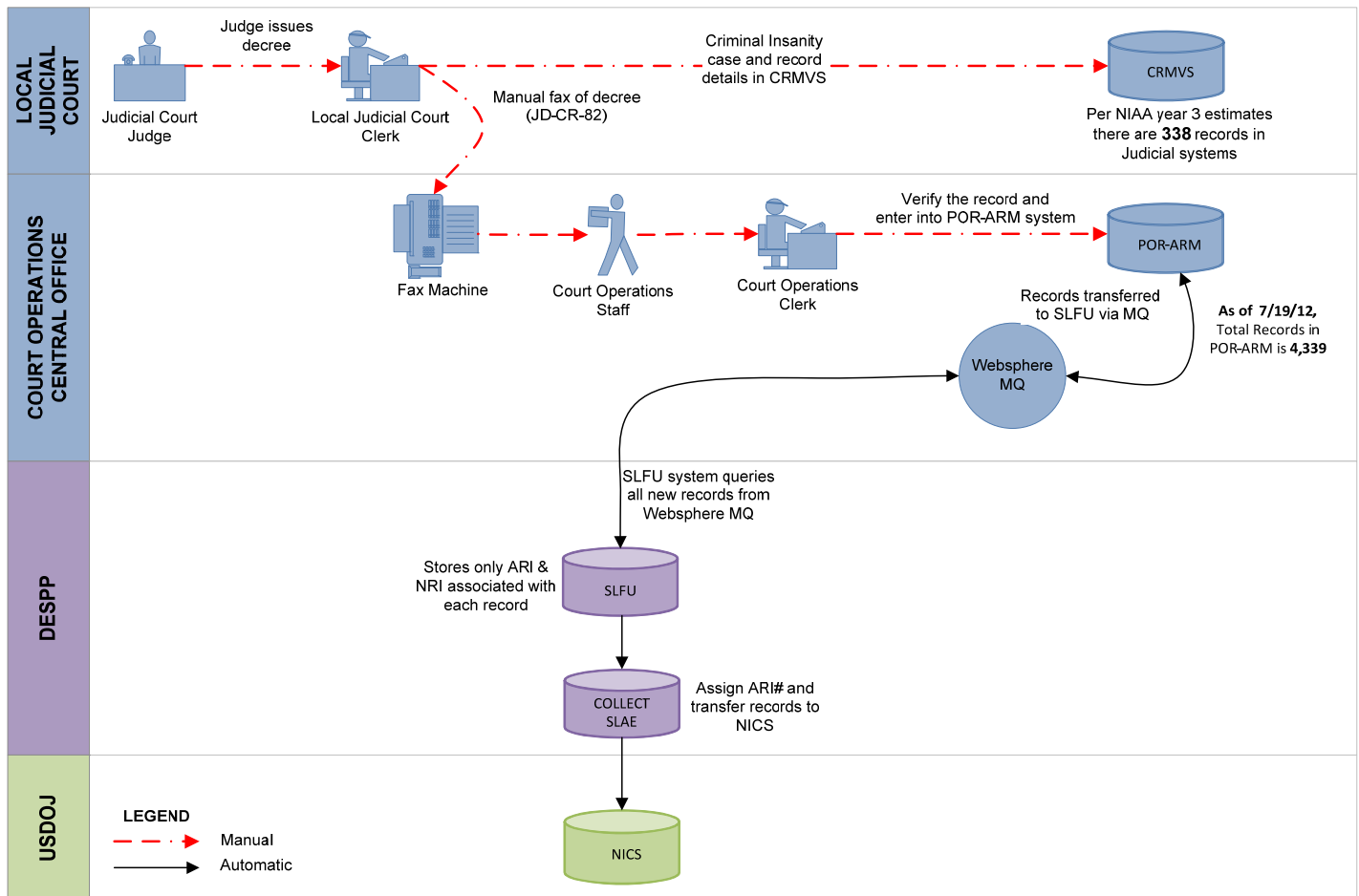
send the notice even though the person’s firearm permit is already revoked.

An SLFU ARI (Agency Record Identifier) is added to each new Criminal Incompetence record. SLFU will automatically transfer the person’s record to COLLECT and are available to NICS upon inquiry on a case by case basis.

Criminal Insanity

Criminal Insanity pertains to those individuals that are found *not guilty by reason of insanity* (NGRI). In Connecticut, criminal insanity acquittees generally are placed under the jurisdiction of the Psychiatric Security Review Board (PSRB). The PSRB is responsible for making movement and release decisions about the acquittees.

The business and system’s process diagram for *Criminal Insanity* is shown below:



Business Process Description

The data capture for *Criminal Insanity* records begins with the Judicial Court. If the Judicial Court finds that a defendant is not guilty by reason of insanity, the court issues the “Commitment and Examination of Acquittee; Final Order of Commitment or Discharge” (Form JD-CR-82). The Judicial Court clerk will manually enter the court case data in CRMVS. As an interim step to support NICS efforts, the Judicial Court clerk will then fax a copy of Form JD-CR-82 to the Court Operations Central Office for further processing.

The business processes thereafter are the same as those described in the *Criminal Incompetence Section*, except that this is for the *Criminal Insanity* capturing of records to NICS.