

Managing Encounters with the Mentally Ill – Risk Warrants / Orders 024-017
policy changes summary

The changes to the Managing Encounters with the Mentally Ill – Risk Warrants / Orders policy were brought about due to new changes in CT Public Act 23-89 that became effective on June 30, 2023. Modifications to the policy were incorporated in consideration of liability and accreditation concerns. Daigle law group previously reviewed and made recommendations on the policy and modifications included.

Summary of Changes:

Prior Requirements	2023 Changes
Risk Protection Orders (RPO) <ul style="list-style-type: none"> Applicable to all persons “regardless of whether the person is already ineligible to possess a firearm” Included minors, convicted felons, persons subject to domestic violence orders etc. Required 2 police officers to swear to truth of affidavit “before the judge” (in judge’s presence) 	RPOs <ul style="list-style-type: none"> <i>Inapplicable</i> to persons under 18 (i.e., 17 and under) If police have good faith belief person already precluded from acquiring or possessing firearm by virtue of felon status, already subject to existing RPO etc. creates discretion whether to seek a RPO Requires only 1 police officer to serves as affiant Removes requirement that officer must swear to truth in judge’s presence
Time Periods <ul style="list-style-type: none"> Required hearing within 14 days of when order served on subject Required order to be given to subject “within a reasonable time” 	<ul style="list-style-type: none"> Requires hearing within 14 days of when order <i>issued</i> Requires order to be served on subject no later than 3 days before scheduled hearing (i.e., within 11 days of when order issued)
Risk Protection Warrants <ul style="list-style-type: none"> Required 2 officers Required officers to swear to affidavit in judge’s presence Applied to all persons regardless of age Required probable cause that person danger to self or others and possessed firearm 	Risk Protection Warrants <ul style="list-style-type: none"> Requires 2 officers Requires officers to swear to affidavit in judge’s presence Applies only to persons 18 and older Requires probable cause person danger to self or others and possesses firearm
Minors (those under 18, i.e., 17 and under) <ul style="list-style-type: none"> Applied on same terms as all other people 	Minors (those under 18, i.e., 17 and under) <ul style="list-style-type: none"> No longer subject to RPOs Still subject to Risk Protection Warrants (RPWs) RPWs applicable only if danger to others RPW not available if minor only danger to self Must have probable cause minor possesses firearms Must be “no reasonable alternative available to prevent such child from causing imminent personal injury to others with” firearm or other deadly weapon
Confidentiality Provisions for Minors <ul style="list-style-type: none"> None 	Confidentiality Provisions for Minors <ul style="list-style-type: none"> Risk Warrant to be filed in juvenile court Subject to same confidentiality provisions as other juvenile delinquency proceedings under General Statutes § 46b-124(c) and (d) Child has right to be represented by attorney at hearing, if indigent and eligible, counsel must be appointed All court proceedings to occur in juvenile court in town where juvenile resides