Protecting Ohio's Families

Ohio Attorney General's Office

TASK FORCE

on Criminal Justice and Mental Illness

Annual Report

June 9, 2014

MIKE DEWINE
OHIO ATTORNEY GENERAL

JUSTICE EVELYN LUNDBERG STRATTON, RETIRED
TASK FORCE CO-CHAIR

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June 9, 2014

Dear Fellow Ohioans:

As a prosecuting attorney, I learned early in my career that people facing mental health problems could too easily get caught in the "revolving door" of our criminal justice system, receiving jail or prison time rather than the treatment they needed. Justice Evelyn Lundberg Stratton, Retired, saw the same thing throughout her judicial career — spanning her time from trial judge to Ohio Supreme Court justice.

Together, Justice Stratton and I co-chair the Attorney General's Task Force on Criminal Justice and Mental Illness. The Task Force began meeting in December 2011 after evolving from the Advisory Committee on Mental Illness and the Courts (ACMIC), which Justice Stratton formed in 2001 while still on the Ohio Supreme Court. Under her leadership, ACMIC helped make Ohio a national leader in mental health courts and other specialty dockets.

The Task Force is an action-oriented group. Its experts have established subcommittees, identified problems, and are working with their colleagues on and outside the Task Force to find solutions. The Subcommittees of the Task Force are: Mental Health and the Courts; Diversion and Re-Entry; Juvenile Justice Issues; Research and Best Practices; Law Enforcement; Housing; Psychiatry and Treatment; Veterans Courts and Military Affairs; Policy and Legislative; and Aging.

Through the Task Force, we have allocated nearly $500,000 from my office's court settlements to help law enforcement and treatment providers assist persons with mental health concerns. You will learn more about these projects in this report, which covers the Task Force's work to date.

When we convened the Task Force, we set a goal of having every Ohio peace officer receive meaningful training in mental health issues. To that end, the Ohio Peace Officer Training Commission revised the basic peace officer training curriculum to help officers better recognize characteristics of people in crisis and gain tailored de-escalation skills to assist them. Additionally, my office has given the Ohio Chapter of the National Alliance on Mental Illness (NAMI) $245,000 to increase the number of officers with Crisis Intervention Team (CIT) training, produce a documentary on mental illness and the criminal justice system, and develop a roadmap to reduce the likelihood of individuals with serious mental illness cycling in and out of the criminal justice system.

We won't solve the many issues involved in our mental health system overnight, but we can effect real change. And that will create a better environment for Ohio families, individuals with mental illness and their loved ones, and peace officers across the state.

Very respectfully yours,

Mike DeWine

Mike DeWine
Ohio Attorney General

Co-chair Justice Evelyn Lundberg Stratton, Retired
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The Task Force on Criminal Justice and Mental Illness, co-chaired by Ohio Attorney General Mike DeWine and Evelyn Lundberg Stratton, former justice on the Ohio Supreme Court, held its first meeting in December 2011. The Task Force evolved from the former Advisory Committee on Mental Illness and the Courts (ACMIC). Originally founded in 2001 by former Justice Stratton, ACMIC worked to develop solutions that addressed the issue of persons with mental illness revolving in and out of the criminal justice system. This new Task Force was established to expand the mission of ACMIC beyond the court system.

Since its first meeting, the Task Force has worked on a broad range of projects dealing with the issues of mental health and the criminal justice system. Its Subcommittees have worked to find ways to increase public safety and reduce the number individuals with mental illness trapped in the criminal justice system.

Policy and Legislative Subcommittee

Over the past 12 months, the Policy and Legislative Subcommittee has met frequently to review, discuss, and act upon policy and legislative initiatives affecting individuals with mental illness in the criminal justice system.

Accomplishments of the Subcommittee include:

- Representatives from the Subcommittee were invited to participate in a meeting with Ohio Department of Rehabilitation and Correction Director Gary Mohr to discuss ways to encourage jails to enroll inmates in Medicaid before they are released.
- Members developed quarterly tracking sheet to keep the Task Force informed of legislative activity.
- Recommended funding for a Crisis Intervention Training Data Collection Initiative to determine if a statewide collection process is feasible and necessary. This request was submitted in conjunction with the Research and Best Practices Subcommittee, and funding was secured from the Ohio Attorney General's Office.

The Subcommittee is currently working on a number of issues, which include drafting a model policy for jail administrators on how to handle incoming medications in accordance with new jail standards; promoting telehealth treatment in prison for individuals with severe mental illness prior to re-entry; and monitoring the effectiveness of the Ohio Department of Rehabilitation and Correction's relatively new policy of providing access to 90 days of medication for inmates with severe mental illness being released from prison.

The Policy and Legislative Subcommittee has hosted a number of guest speakers on current issues impacting individuals with mental illness. Subcommittee members heard from these individuals:

- Lt. Ryan Kidwell, Hancock County Jail administrator, discussed proposed changes to jail standards.
- Cathy Harper Lee, executive director of The Justice League of Ohio, spoke about cases she has handled involving individuals with mental illness who were victims of crime.
- Stuart Hudson and Teresa Moorman Jamison, key staff members from the Ohio Department of Rehabilitation and Correction (ODRC), provided an update on several initiatives to improve services to prisoners with mental illness.

Veterans Courts and Military Affairs Subcommittee

The Veterans Courts and Military Affairs Subcommittee worked diligently to assist veterans in several areas. These include helping veterans gain financial support for training; passage of legislation that allows for consideration of military service before sentencing; and assisting in the startup of a veterans treatment court mentor program.

One of the Subcommittee's biggest successes was working with Ohio State Sen. Joe Schiavoni to pass House Bill 197, which requires a court to consider a person's military service record, as well as any emotional, mental, or physical condition that is traceable to his or her military service, when imposing a misdemeanor or felony criminal sentence. This law now allows courts to consider mitigating factors, such as post-traumatic stress and traumatic brain injury, in its sentencing. The goal of this new law is rehabilitation instead of incarceration when appropriate.

The Subcommittee also recommended two pilot programs for grant funding: crisis intervention training at Ohio Veterans Homes and a peer mentoring program in Veterans Courts throughout Ohio.

The Ohio Attorney General's Office awarded nearly $21,300 to the Ohio Veterans Homes in Sandusky and Georgetown for key employees to be trained as certified instructors in the Crisis Prevention Institute's Nonviolent Crisis Intervention training program. Employees were taught how to de-escalate the special mental and physical issues of their veteran residents. These 12 certified employees have trained over 120 coworkers and volunteers in these valuable de-escalation techniques. The Veterans Homes have already reported a decrease in assaults, disturbances, and resident-to-staff work-related injuries, all of which can be attributed to the effectiveness of the training.

The second grant of $31,000 was awarded to the Ohio Department of Veterans Services to establish a peer mentoring program in the growing number of Veterans Courts throughout Ohio. In April 2014, Veterans Services contracted with American Court Services to develop a Web-based screening tool and training program for use by Veterans Treatment Courts in Ohio. The Subcommittee will have an oversight role in the materials and program developed.

The Subcommittee has also formed an ongoing relationship with Ohio Military/ Veterans Legal Assistance Project (OMVLAP). OMVLAP is designed to help low-income service members and veterans connect with volunteer lawyers. OMVLAP is moving forward with Operation Legal Help Ohio (OLHO), which enables service members and veterans to call into OMVLAP/OLHO or fill out an online form to obtain legal assistance. The Subcommittee is helping OMVLAP identify and access additional resources, obtain more volunteers, and branch out to cover more areas.

Law Enforcement Subcommittee

The Law Enforcement Subcommittee is comprised of peace officers, judges, corrections officers, consumers, and mental health professionals working to ensure law enforcement agencies and communities have specialized police response programs, particularly Crisis Intervention Team (CIT) training programs.

CIT training and other specialized police response programs ensure officers are educated on how to assist individuals with mental illness who are in crisis so they can be diverted to treatment, when possible. The Subcommittee works with NAMI Ohio and the Criminal Justice Coordinating Center of

Excellence to reach out to law enforcement agencies that have not had this training and to provide support to their respective communities as they enter into the process.

Last year, the Subcommittee monitored two grants from the Ohio Attorney General's Office for Hancock and Mercer counties. These grants, $25,000 each, were used to hire staff to assist inmates in jail with crisis counseling and re-entry planning. The staff in Mercer and Hancock counties reported great success stories as inmates received necessary treatment and were connected to services upon release, thus decreasing rates of reoffending. Both counties hope to continue funding these positions permanently.

The Subcommittee is currently reaching out to non-law enforcement first responders and other professionals to assist them in improving their interactions with individuals with mental illness. For example, it is helping to promote funding for a team that trains educators and other school personnel to respond to juveniles in crisis.

Aging Subcommittee

The Attorney General's Elder Abuse Commission assumed the role as the Aging Subcommittee of the Criminal Justice and Mental Illness Task Force in 2013. The Commission is comprised of representatives from state agencies and coalitions with expertise in elder abuse and related issues that affect the aging population. The Commission meets five times annually and allows public comment during meetings. The first task of the group was to identify and prioritize areas of work relevant to the mission of the Task Force.

Cognitive and mental health disorders are some of the most pervasive and clinically challenging problems of old age, and they affect a large number of older adults. The Centers for Disease Control and Prevention and the National Association of Chronic Disease Directors report an estimated 20 percent of individuals age 55 years and older experience some type of mental health concern. The disorders can lead to impairment of thinking, memory, functional ability, and ultimately decision-making capacity. They can prevent individuals from seeking help, advocating on their own behalf, or removing themselves from abusive situations. These behaviors increase vulnerability to mistreatment and exploitation by others, yet decrease the likelihood of detection and intervention. Likewise, a caregiver's mental health and behavior problems are strong predictors of abuse. In an effort to address these issues, the Aging Subcommittee chose to focus on the connection between elder abuse and mental and cognitive disorders.

The Ohio Attorney General's Office provided $50,000 to fund several regional and advanced trainings on elder abuse for first responders across the state. The trainings will teach first responders how to recognize the indicators of elder abuse and ways to effectively respond. They will be coordinated through the Crime Victim Services Section of the Attorney General's Office.

Three core trainings and an advanced training will be hosted in 2014 and 2015. An Ohio-based faculty will provide the core training, and a nationally recognized expert will provide the advanced training. Scholarships are available for those traveling greater than 30 miles to attend. The trainings will be offered at the Ohio Peace Officer Training Academy's regional sites or an alternative host location.

Throughout 2013, the faculty spent considerable time assisting with curriculum enhancements and overall program development. The two-day curriculum was originally authored by the U.S. Department of Justice in partnership with the National Sheriffs' Association and the National

Clearinghouse on Abuse in Later Life in 2007 with revisions in 2009. The faculty has since made significant updates, including the addition of a two-hour behavioral health module.

Additionally, the Aging Subcommittee has been instrumental in providing legislative recommendations that will improve the response to elder abuse incidents and encourage the reporting of elder abuse. In February 2013, Attorney General DeWine joined Ohio State Reps. Mike Dovilla and Wes Retherford as they announced HB 49, the Ohio Elder Justice Act.

Some of the key provisions of the Act include:

- Expanding the professionals named as mandatory reporters of suspected cases of elder abuse
- Creating a statewide registry of reports of elder abuse to help identify patterns of reported abuse
- Making the Elder Abuse Commission, which has existed for several years under the oversight of the Ohio Attorney General's Office, statutorily required to increase awareness and research as well as formulate and recommend strategies to improve policy, funding, and programming related to elder abuse

At the time of this report, the bill had been voted out of the Ohio House and is currently in the Ohio Senate Civil Justice Committee.

The Aging Subcommittee will continue to focus on existing projects while examining ways to engage in additional efforts.

Juvenile Justice Subcommittee

The Juvenile Justice Subcommittee's focus has been on front-end diversion efforts to keep youth out of the juvenile justice system, developing Ohio's juvenile justice data collection system, and ensuring youth with mental health issues within the justice system do not come out of confinement with exacerbated mental health issues.

The Subcommittee recommended and is currently overseeing funding to the Department of Youth Services (DYS) to implement a mental health screen in all of Ohio's detention centers. The Ohio Attorney General's Office awarded $82,000 to DYS to complete the project. DYS will provide the detention centers with the Massachusetts Youth Screening Instrument (MAYSI-2) tool, which will be used to screen all youth entering Ohio's detention centers to assess them for mental health issues as well as alcohol and drug usage.

MAYSI-2 will assist in providing more targeted mental health services to youth in detention centers. Further, DYS will provide instruction in the Mental Health Training Curriculum-Juvenile Justice to all detention center staff to give the staff tools to better interact with youth in detention who may have mental health issues.

The Subcommittee also completed a project to gain more information on youth in adult jails, where youth have a greater likelihood of developing mental health issues or worsening pre-existing mental health issues. The Subcommittee sent a survey to all of Ohio's jails to determine how many youth are bound over in adult jails across the state and what their living conditions are in those adult jails.

Twenty-three jails representing 28 counties returned the survey and included a representative sample of both rural and urban jails. Nearly all of the jails reported holding bindover youth, or, youth age 18-21, under juvenile court jurisdiction. The survey found that youth-specific programming and services as well as educational opportunities (including those required by law) were lacking, and revealed overall that jails were not designed to house youth. The survey results were put into a document with findings and recommendations that will ultimately be given back to the jails and to other interested parties to help shape and implement Ohio's juvenile justice policy.

The jail survey project led the Subcommittee to collaborate with the Ohio Department of Rehabilitation and Correction (ODRC) and some of Ohio's jail administrators on drafting updated jail standards for youth in adult jails. The prior jail standards required very few provisions specifically relating to youth inmates in adult jails.

New standards for which the Subcommittee advocate include requiring "sight and sound separation" of youth and adult inmates without placing the youth in isolation, which could impact the youth's mental health. Most importantly, the new standards require that youth be held in adult jails only when there is a court order, all alternative placements have been considered and rejected, and the jail has provided information to the juvenile court regarding the conditions under which the youth will be held and the jail's ability to comply with the new juvenile-specific standards. Working hand-in-hand with ODRC and Ohio's jail administrators, the Subcommittee has created new juvenile-specific standards to improve conditions for youth held in adult jails.

Furthermore, the Subcommittee spent significant time gathering information on how to create a standardized data collection system for Ohio's juvenile courts. The lack of standardized data makes it difficult for policymakers to know which juvenile justice policies and programs are working effectively. Currently, the county juvenile courts and detention centers use different data collection software programs that are unable to speak to one another. The Subcommittee created a document containing categories of data that would be helpful to policymakers and gathered data on how other states structure their data collection systems. This information was given to the Supreme Court of Ohio to use in their efforts to explore the creation of a statewide data collection system, and the Subcommittee continues to advocate for such a system in Ohio's juvenile justice system.

Finally, the Subcommittee advocated for school responder programs to be implemented throughout the state. School responder programs place a mental health provider in the schools to assist in identifying and treating mental health issues that students exhibit in a time-sensitive manner. Currently, there are three school responder programs in the state — in Jackson County, Summit County, and Williams County. The Subcommittee advocated for the creation of more school responder programs to prevent mass school violence tragedies by writing a letter to and having a Subcommittee member testify at the Joint Senate School Safety Subcommittee.

The Attorney General's School Safety Task Force included school responder programs in its recommendations to prevent future violence by early identification of mental health issues. School responder programs are an evidence-based solution to deal with mental health issues in the schools before a child's behavior from an underlying mental health issue leads to referral to the juvenile justice system.

The Juvenile Justice Subcommittee will continue to develop projects targeted to keep youth with mental health issues out of the juvenile justice system and get them the services needed to appropriately address these issues.

Diversion and Re-entry Subcommittee

The Diversion and Re-entry Subcommittee had several accomplishments, including:

- Assisted the Ohio Center for Advocacy Training and Support Speakers Bureau in securing a $1,000 grant from the Ohio Attorney General's Office to present at a national CIT conference on recovery.
- Several Subcommittee members toured Ohio's Correctional Reception Center and the Alvis House to increase their understanding of the prison system and re-entry programming.
- The Subcommittee supported the work of ODRC and Ohio Mental Health and Addiction Services to allow offenders with serious mental illnesses to receive a 30-day supply of medications and two prescription refills upon release.
- Subcommittee members participated in Buckeye State Sheriffs' Association meetings and provided input on jail standards revisions.

Over the next year, the Subcommittee will focus on three goals:

- Promote the continued expansion of CIT.
- Increase access of Medicaid expansion for those leaving jails and prison.
- Continue to work with the Buckeye State Sheriffs' Association on jail standards.

The Psychiatry and Treatment Subcommittee

The Psychiatry and Treatment Subcommittee has had three primary areas of targeted work efforts. When selecting and designing Subcommittee work, the Subcommittee utilized the "Sequential Intercept Model," which is a conceptual framework for communities to use when considering the interface between the criminal justice and mental health systems as they address concerns about criminalization of people with mental illness.

The Subcommittee has examined policy and legislative activity concerning legislation that was intended to clarify existing law regarding court-ordered outpatient treatment for people with mental illness. Activities included conducting formal face-to-face input from proponents and opponents of the proposed legislation. This effort culminated in a report that was posted on the Task Force website and also accessible through a link created by NAMI Ohio.

In addition, the Subcommittee has focused on the development of recommendations for training and education of involved parties to court-ordered assisted outpatient treatment, including probate judges/magistrates, mental health provider organizations, mental health consumers, family members, and others.

Throughout Ohio and the nation, there is a shortage of mental health professionals. However, there is no significant data available that details the exact problem in Ohio. There are many reports documenting the long length of time people with mental illness (adults and children) have to wait to gain access to appropriate prescribers, including psychiatrists and psychiatric nurse practitioners, but there is no quantifiable data for Ohio. The various Ohio Licensure Boards have initiated an effort to collect more detailed information at the time licensed and/or registered professionals renew licenses. However, it will be up to five years before such information might be available to begin to address the issue of the prescriber shortage. The Subcommittee has reached out to parties that

might be able to assist with the collection of such data. This issue is significant, as it impacts every point of the Intercept Model and court-ordered outpatient treatment.

Mental Health and the Courts

The Mental Health and the Courts Subcommittee's mission is to help support public safety through identifying individuals with mental health needs involved in the criminal justice system and supporting them via diversion and/or linkage to trauma-informed, culturally responsive and consumer-directed services and supports when appropriate. The majority of these individuals have low-level misdemeanor charges and cycle in and out of jail, the court, the community, and at times, the state psychiatric hospital. The goal is to develop a model that diverts offenders with mental illness and low-level misdemeanors from the criminal justice system to community treatment.

The following are some of the items on which the Subcommittee worked:

- Conducted a survey to identify issues/gaps in the mental health and court systems.
- Ensured the continuation of newer medications while an individual is incarcerated in jail or prison.
- Shared treatment information with judges and prosecutors prior to sentencing as part of pre-trial work.
- Demonstrated, through a survey, how pre-trial services contribute to the defense of individuals with mental illness.
- Collaborated with the Housing Subcommittee by jointly recommending a pilot program to increase housing/rental assistance opportunities for individuals with mental illness cycling through the criminal justice system. The Ohio Attorney General's Office awarded $215,250 to the project.

The Subcommittee will continue to develop a model to lessen the revolving-door cycle for individuals with mental illness charged with low-level misdemeanors. This population repeatedly enters the criminal justice system on charges that have a maximum 30 days in jail, such as trespassing and disorderly conduct. The goal is to identify and link these individuals to appropriate services (housing, mental health, vocational, etc.) and to examine various methods to keep them engaged in services to avoid further contact with the criminal justice system. The Subcommittee will examine three jurisdictions representative of large, medium and small counties — Franklin, Summit, and Fairfield — to develop a model that can be utilized across the state to address the revolving-door issue.

Research and Best Practices Subcommittee

The Research and Best Practices Subcommittee is using its expertise to provide technical assistance to the Housing Subcommittee for evaluation of the Home for Good project. The Home for Good project, funded by a $215,250 grant from the Ohio Attorney General's Office and run by the Ohio Housing Finance Agency (OHFA), provides supportive housing to eligible individuals involved in the Hamilton County Mental Health Courts.

Currently, a process evaluation is being conducted by an OHFA researcher. The evaluation will examine issues such as fidelity to the policies and procedures of the program; delivery of programmatic components to clients; the satisfaction of clients receiving housing and of mental health court staff involved in the program; the processes used to identify and reach out to the target population; and whether the target population was successfully reached. A few case study

illustrations will be included to demonstrate the process of taking a mental health client through the steps to obtain supportive housing.

Through a collaborative effort, the Research and Best Practices and the Policy and Legislative Subcommittees recommended funding for a pilot implementation and process evaluation project, the Ohio Crisis Intervention Training Data Collection Initiative. As a result, the Ohio Attorney General's Office awarded a grant of $50,000 to the Northeast Ohio Medical University for the development and implementation of data collection tools and procedures associated with law enforcement encounters with individuals with mental illness. The goal of the project is to test the feasibility of establishing a uniform data tool to collect information on CIT and non-CIT officer-involved interactions with persons who are mentally ill by identifying, expanding upon, and evaluating selected existing practices in Ohio.

Housing Subcommittee

The Housing Subcommittee and the Mental Health and the Courts Subcommittee recently merged to provide oversight and implementation of the Home for Good program. As previously noted, the Research and Best Practices Subcommittee will assist in program evaluation.

The Home for Good program is a rental program at the OHFA that provides rental subsidies for individuals recently released from prison who are at risk of homelessness and have a disabling condition. The rental subsidy only provides support for a limited time while the tenant establishes a rental history and receives needed supportive services.

In 2012, the Housing Subcommittee recommended and is monitoring a $215,000 grant to OHFA to expand the Home for Good program to serve individuals with mental illness who are participating in certified mental health court dockets. The project piloted in late 2013 in Cincinnati with the Hamilton County Mental Health Court, which recently received its specialized docket certification.

As of January 2014, 11 individuals have been identified and accepted into the program. Four of these 11 have been through the application process, received housing, and signed leases. The remaining seven are at various stages of the process. The Hamilton County Mental Health Court continues to reach out to the local rental market to increase the housing stock with which to work.

Though it is too early to evaluate the effectiveness of the program, those clients housed report satisfaction and gratitude. The clinical staff at Greater Cincinnati Behavioral Health (GCBH), who is implementing the project with the Court, reports improvement in clients' symptoms. The early success of the program is attributed to the cooperation among the client, GCBH, the Court, the Prosecutor's Office, and the judges.

In addition to implementation of this project, OHFA has secured additional funds from the Ohio Department of Medicaid, which will expand the supportive housing options with the Home for Good. This phase of the project, which targets persons with mental illness placed inappropriately in nursing homes due to their criminal backgrounds, will begin later in 2014.

Conclusion

Since its inception, the Task Force has taken many key steps to find ways to increase public safety and reduce the number of individuals with mental illness trapped in the criminal justice system. We know that much still needs to be done. The Task Force will continue to look for innovative ways to address the special needs of individuals with mental illness and their involvement in the criminal justice system.

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