

 *Protecting Ohio's Families*

Ohio Attorney General's Office

TASK  **FORCE**

on Criminal Justice and Mental Illness

Annual Report
October 3, 2016



MIKE DEWINE
★ OHIO ATTORNEY GENERAL ★

JUSTICE EVELYN LUNDBERG STRATTON, RETIRED
TASK FORCE CO-CHAIR



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

September 17, 2016

Dear Fellow Ohioans:

Since 2011, the Task Force on Criminal Justice and Mental Illness has focused on finding ways to stop the revolving door of incarceration for people with mental illness and to provide them with treatment.

The task force, which Justice Evelyn Lundberg Stratton, Retired, and I co-chair, is an action-oriented group. Members, working in subcommittees, have identified problems, and are working with their colleagues to find solutions.

Currently, the task force is helping with the Stepping Up Initiative, a national call to action that encourages counties and jails to work with state and local agencies on a plan to reduce the number of people with mental illness in the criminal justice system. Franklin County was one of six counties chosen nationwide to participate. The task force is identifying ways to support an expansion of the initiative so every county in Ohio can benefit.

My office has provided about \$250,000 to support the expansion of Crisis Intervention Team (CIT) training. More than 8,800 peace officers have received CIT training in our state.

Meanwhile, the Attorney General's Ohio Peace Officer Training Academy (OPOTA) offers expanded training related to responding to people with special needs and crisis de-escalation.

Through these efforts and those of the task force, I am confident that we are creating 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
Ohio Attorney General

Co-chair Justice Evelyn Lundberg Stratton, Retired,
of counsel, Vorys, Sater, Seymour and Pease

Since December 2011, the Task Force on Criminal Justice and Mental Illness (Task Force), co-chaired by Ohio Attorney General Mike DeWine and Ohio Supreme Court Justice Evelyn Lundberg Stratton, Retired, has met quarterly to address the issue of people with mental illness cycling in and out of the criminal justice system.

The task force functions through the work undertaken by its 10 subcommittees, which are made up of a diverse group of experts from throughout the state. During subcommittee meetings, members often undertake long-term projects to search for solutions to create a healthier environment for those who are living with a mental illness.

Aging Subcommittee

The Ohio Attorney General's Elder Abuse Commission assumed the function of the Aging Subcommittee of the Task Force on Criminal Justice and Mental Illness. The subcommittee promotes justice for older adults, including those with mental-health needs involved in the criminal justice system, and supports them via diversion and/or by linking them to people-centered care models, culturally responsive services, and community supports, when appropriate. The goal is to implement models of care that divert older offenders with mental illness from the criminal justice system to alternative community treatment.

The subcommittee has outlined the priorities and strategies for public and private engagement at the local and state levels. During the next year, the subcommittee will continue to focus on:

- Education – The group will identify populations and communities for Older Adult Trauma Informed care training.
- Direct practice – The group will promote the development of local Adult Protective Services Interdisciplinary Teams to review complex elder abuse cases.
- Research – The group will define successful outcomes and promote research in order to increase the number of professionals, advocates, and policymakers in Ohio who are familiar with developments in elder abuse research and its relevance; to identify the characteristics of the population and institutions in Ohio that could make elder abuse research particularly compelling; to point out research of interest to Ohio policymakers and practitioners.
- Policy – The group will support, expand, and fund the implementation of laws to provide for and protect older and vulnerable adults. The committee will also collaborate with legislative groups to create and strengthen laws to protect at-risk adults.
- Legislation – The group will promote the passage of House Bill 24, the Ohio Elder Justice Act. Some of the key provisions of the act include expanding the number of professionals named as mandatory reporters of suspected cases of elder abuse to include those from the financial industry; broadening the definition of *exploitation*; and statutorily requiring the Elder Abuse Commission, which is under the oversight of the Ohio Attorney General's Office, to increase awareness and research and to formulate and recommend strategies to improve policy, funding, and programming related to elder abuse.
- Support – The group will continue to build support networks on the local level to protect older adults and promote elder justice.
- Awareness – The group will continue to raise awareness of the warning signs of elder abuse.

Diversion and Re-entry Subcommittee

The Diversion and Re-entry Subcommittee reviews, discusses, and acts upon initiatives affecting individuals with mental illness in the criminal justice system. Through its promotion of the expansion of Crisis Intervention Training (CIT), subcommittee members provided assistance to the Criminal Justice Coordinating Center of Excellence with writing Ohio's CIT plan. The plan provides a roadmap to continue development of CIT. It identifies strategies beyond training to build key elements that will strengthen CIT programs and their foundation for success. The goal is to have a fully developed CIT program in every Ohio county and the participation of every law enforcement agency.

Also, subcommittee members assisted with the development of the Ohio Department of Rehabilitation and Correction's (ODRC) statewide implementation of CIT. ODRC certified 32 staff members from three institutions in June 2016. The group along with a strong team of multidisciplinary professionals will carry the momentum forward as ODRC works to implement CIT in every institution and Adult Parole Authority (APA) region.

Additionally, subcommittee members participate in Ohio's Stepping Up Initiative Steering Committee. Stepping Up was started by the National Association of Counties, the Council of State Governments Justice Center, and the American Psychiatric Association Foundation to reduce the number of people with mental illness in jails throughout the United States. The subcommittee, which is led by Justice Evelyn Lundberg Stratton, Retired, recently organized a summit of more than 150 people from 23 Ohio counties. Representatives from law enforcement, criminal justice and the mental-health service system came together to share best practices for diverting individuals who need mental-health treatment to a care system instead of incarceration.

Housing Subcommittee

The Home for Good rental subsidy program was originally established as a safety net for Returning Home Ohio participants who needed an extended housing subsidy and greater support services. The Home for Good program then expanded to serve people participating in the Hamilton County Mental Health Court, using grant funds awarded from the Ohio Attorney General's Office, and to serve people moving from institutional living to home- and community-based living through the HOME Choice program, using funds from the Ohio Department of Medicaid.

The Corporation for Supportive Housing (CSH), the Ohio Department of Medicaid (ODM), and the Ohio Housing Finance Agency (through a grant from the Ohio Attorney General) united to run Home for Good, with Emerald Development & Economic Network Inc. (EDEN) in Cleveland, serving as the administrator. As the administrator, EDEN is responsible for handling rental and landlord applications, housing inspections, landlord rental payments, and annual re-certifications. Home for Good is a compilation of three programs with three separate fund sources: Returning Home Ohio (which allocated \$610,000), the Attorney General's Office (\$215,250), and ODM's Home Choice (\$430,000).

In 2012, the Home for Good program was expanded through a grant from the Ohio Attorney General's Office in an effort to serve people participating in the Ohio Supreme Court's certified mental-health courts. The Hamilton County Common Pleas Mental Health Court was selected as the pilot court, since it had received certification from the Ohio Supreme Court and had already established a partnership with a mental-health provider, Greater Cincinnati Behavioral Health (GCB).

If an individual participating in the Hamilton County Mental Health Court is identified as homeless or at risk of becoming homeless, the presiding judge refers that person to the Home for Good program. A subsidy is then provided for rental payments and, on a limited basis, for a utility allowance.

Under the grant from the Ohio Attorney General's Office, today there are 17 individuals with mental illness receiving housing and services from Greater Cincinnati Behavioral Health. Original funding from the grant was used by the end of 2015. To keep the program running, Returning Home Ohio provided \$30,000. The Ohio Department of Rehabilitation and Correction also provided additional money to pay rent subsidies through June 2016. Case managers are working to transfer participants into another rental-subsidy program.

Juvenile Justice Subcommittee

Members of the Juvenile Justice Subcommittee determined that those most in need of housing services are transitional youths – individuals 18 to 24 years old who are exiting either the juvenile justice system or foster care. Transitional youths can be separated into two groups: those who are permanently disabled with severe mental-health diagnoses and those with less-acute mental-health conditions who, if treated appropriately, are able to function independently.

Youths with more severe diagnoses are typically served in a permanent group-home setting, places licensed by the Ohio Department of Mental Health and Addiction Services as Adult Care Facilities (ACF). The subcommittee's research indicated that there seems to be an adequate number of ACF's available in Ohio, but some of these facilities' employees are not trained or are unfamiliar with the specific needs and issues associated with youths exiting the difficult environments of foster care and/or the juvenile justice system. The subcommittee, in this report, identifies gaps in ACF's related to the services provided to this population, but not the quantity of placement options.

Transitional youths with less-acute mental-health conditions are most in need of housing services. These youths' mental-health diagnoses and symptoms are usually not severe enough to qualify for permanent placement in a licensed ACF. Therefore, they often fall through the cracks because of a lack of supportive housing services that not only include housing, but also case-management services, life-skills coaching, and general supervision. The lack of safe housing and supportive services quickly result in a downward spiral that might include mental-health decompensation, addiction relapse, and re-involvement in the criminal justice system. The direct and negative effects of proper services for transitional youths can also be felt by the community. The subcommittee determined there is both a lack in the quantity and quality of supportive housing services for these youths.

The following gaps were identified for transitional youths in Adult Care Facilities:

- Transitional youths may have less success in an adult facility due to spending many of their developmental years in foster care and/or a juvenile-justice setting.
- Staff may not be adequately trained regarding the issues and needs of transitional youths referred from the foster-care or juvenile-justice systems. Training may be of a greater need for employees working second and third shifts.
- The culture of some adult facilities may not be using a trauma-informed care approach, which is essential to addressing the needs of transitional youths.

- Transitional youths of color and those who identify as LGBTIQ may have more specific needs related to their backgrounds and sexual orientation that adult facilities may not be prepared to adequately address.

The following gaps were identified for transitional youths receiving supportive housing and services:

- Transitional youths may have less success in an adult supportive housing program due to spending many of their developmental years in foster care and/or a juvenile-justice setting.
- Supportive housing staff may not be adequately trained regarding the issues and needs of transitional youths referred from the foster-care or juvenile-justice systems. Training may be of a greater need for employees working second and third shifts.
- Some supportive housing programs may not be using a trauma-informed care approach, which is essential to addressing the needs of transitional youths.
- Transitional youths of color and those who identify as LGBTIQ may have more specific needs related to their backgrounds and sexual orientation that supportive housing programs may not be prepared to adequately address.
- Some supportive housing programs do not adequately individualize case planning and intervention strategies for transitional youths.
- It is imperative for the supportive housing program to assist transitional youths in developing a step-down housing plan with the eventual goal of permanent and independent residency.
- The current funding stream is complicated and counterproductive because transitional youths must first be placed in shelters and considered homeless before they become eligible for adult housing and corresponding services.

Law Enforcement Subcommittee

The Law Enforcement Subcommittee works 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 that 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 the National Alliance on Mental Illness (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.

In this fiscal year, 942 full-time law enforcement officers from 345 law enforcement agencies in Ohio attended a CIT course. Thirty-Nine of these agencies sent officers for the first time. A total of 62 CIT courses were held this fiscal year in Ohio. Additionally, 126 court personnel, 125 correction officers, 41 fire and EMS personnel, 24 probation and parole officers, 23 mental-health providers, 22 dispatchers, 13 campus security officers, and 11 other security officers attended. The Ohio Attorney General's Office provides a grant to cover the cost of sending peace officers for first-time training.

After seeing the benefit of CIT instruction, local communities often want to extend the course offering to other first responders. For instance, the Trumbull County Corrections facility was selected and

received a U.S. Department of Corrections grant that allowed select corrections officers to attend an in-house CIT program. In another example, fire and emergency medical service resources paid for CIT classes for fire and EMS personnel in Sandusky, Seneca, and Wyandot counties.

Additionally, 10 Ohio CIT Coordinators attended CIT International's first Leadership Institute CIT Coordinators Certification Course. The course, conducted in Chicago, was limited to 80 people.

At the Probate Judges of Ohio annual conference, subcommittee members played a role in educating attendees on CIT and how such programs can benefit the courts.

Mental Health and the Courts Subcommittee

The Mental Health and the Courts Subcommittee has been promoting the Stepping Up Initiative, a national movement to reduce the number of people with mental illnesses in jails. The subcommittee sent a letter to Ohio judges encouraging them to request that their county become involved in the initiative.

The subcommittee will continue to focus on:

- Implementing Stepping Up throughout Ohio.
- Reviewing and recommending the most suitable pretrial screening tools. The screening tool recommended by the Council of State Governments and developed by Dr. Fred Osher, was selected by the subcommittee as a preferred tool. It now appears on the Stepping Up website for the Department of Mental Health and Addiction Services, where it is available for counties to download and use.
- Developing a process regarding the setting of bond. The Franklin County Stepping Up Committee will present findings to the subcommittee based on their experience with implementation of the Stepping Up Initiative. Franklin County was one of six counties picked nationally for the first round of the initiative.
- Educating probation departments on the use of a Medicaid Connection Navigator, who works to determine if defendants are eligible for Medicaid and then helps them sign up.
- Providing refresher training regarding forensic or technical access to state hospitals.

Policy and Legislative Subcommittee

The Policy and Legislative Subcommittee provides updates to the other subcommittees on pending policy and legislative proposals. Subcommittee members share what they know, identify and discuss the potential positive and adverse impacts of pending proposals, and answer any questions. Rarely does the subcommittee, as a whole, take a position but these discussions often result in improvements to pending policy and legislative initiatives.

The subcommittee has advocated for and accomplished:

- The inclusion of certain minimum jail standards in the Ohio Administrative Code, including a requirement for jails to adopt standards for incoming medications needed by inmates. At the request of the subcommittee, a model policy was circulated by the Ohio Department of

Rehabilitation and Correction (ODRC) that would permit loved ones to drop off current prescriptions, and, after verification, the medications would be made available to the inmate.

- The adoption of a CIT program within the ODRC.
- Gaining funding for the CIT data-collection project. The project has been completed and the subcommittee will soon begin advocating for the adoption of various recommendations, including maximizing information-sharing strategies.
- The review of pending rules impacting adult-care facilities.

Guest speakers are often invited to attend meetings to share their expertise on a particular topic of interest to the members. In the past year, the subcommittee has heard from a number of experts, including:

- OhioMHAS representatives, who provided an overview on proposed changes to housing rules, including Adult Care Facilities.
- Phil Nunes with Alvis Inc., who provided an overview of the significant changes being considered by the Recodification Committee.
- A Franklin County staff member, who talked about the county's involvement in the Stepping Up Initiative in Franklin County as an example of what other county collaborations could do.
- Christina Shaynak Diaz, who spoke about the advantages of adopting a universal consent form similar to one used in Michigan.

The subcommittee is currently working to:

- Adopt a universal consent form in Ohio. There are so many types of release forms used or accepted by providers of services to people with mental illness and/or substance use disorder. The paperwork contributes to the difficulty in sharing information among providers. A standardized release form may help expedite and coordinate care across the public service system. Michigan has adopted such legislation.
- Establish protocols or mechanisms at the local level for mental-health providers to effectively use CIT-encounter information. Information, such as which individuals have had multiple CIT encounters and have been identified by law enforcement as high risk but not meeting commitment criteria, could be shared with mental-health providers for appropriate follow-up.
- Establish a single point of entry and access to CIT data, such as the Ohio Law Enforcement Gateway (OHLEG). Access to the data would enable and encourage effective police response to calls involving individuals experiencing a mental-health crisis. The strategy would require data to be protected from public records searches. Such a network would enable consistent data collection and entry, as well as provide a source for aggregate data and reporting of CIT encounters throughout the state.

Aggregate data at the county level could make it easier to evaluate program effectiveness and training needs. Having information that is searchable by law enforcement agencies across jurisdictions could make it easier to identify someone with no history of involvement in the local mental health system or with local law enforcement, but who has a history of involvement in other Ohio jurisdictions. The system could make it easier to reconnect a person to services and support or to expedite local referrals.

Research and Best Practices Subcommittee

The Research and Best Practices Subcommittee provides a supportive role to the other task force subcommittees. The group offered the following assistance:

- In December, the subcommittee was asked by Terry Russell, executive director of NAMI Ohio and member of the Ohio Adult Care Facilities Association, to look into Adult Care Facilities (ACF) in Ohio. In particular, the subcommittee was asked to identify all ACFs in the state. Through the Ohio Department of Mental Health & Addiction Services, we were provided with a link to a listing of ACFs, including a postal address and phone number. These links were provided to Russell, and no further action was requested.
- In April, the Veterans Court and Military Affairs Subcommittee requested assistance identifying courts that use Veteran Justice Outreach (VJO) programs. The subcommittee identified the veterans courts, which are assumed to use VJOs. The subcommittee is reaching out to the VJO programs throughout Ohio to determine with which courts they interact. Doing so will help identify courts that are not using VJOs. Once this can be determined, the Veterans Court and Military Affairs Subcommittee can reach out to these courts to raise their awareness of the VJO programs.
- The Research and Best Practices Subcommittee connected Judge Taryn Heath of Stark County with Scott Sylak, executive director of the Lucas County Mental Health and Recovery Services Board, to discuss ways that jails are bridging the gap between a person's release from jail and access to necessary prescription medications.
- Members of the Research and Best Practices Subcommittee received funding from the Ohio Attorney General's Office to engage in a CIT data-sharing initiative. The overall purpose of the initiative was to test the feasibility of using uniform data tools and processes to collect and report information on law enforcement interactions with people who are mentally ill. The goal was to replicate CIT data forms and practices and to evaluate effectiveness across jurisdictions. An interdisciplinary, transinstitutional team worked on the project and sought input from some members of the subcommittee. The final report was released in May 2016.

Veterans Court and Military Affairs Subcommittee

The Veterans Court and Military Affairs Subcommittee continues to work diligently to assist our nation's veterans throughout Ohio. Activities of note:

- In 2015, the subcommittee assisted the Ohio Attorney General's Office and the Vietnam Veterans of America Buckeye State Council in hosting a conference for criminal defense attorneys and veterans organizations on best practices for defending and assisting veterans in the criminal justice system. The continuing legal education event focused on best practices regarding post-traumatic stress disorder (PTSD). It featured experts in psychology, veterans affairs and defending veterans.
- The subcommittee is working with the Stepping Up Initiative to distribute Veterans Justice Outreach booklets to Ohio's judges. The booklet provides judges with information on the resources available to them when working with the veterans who come before their court.
- Members of the subcommittee continue to participate in conferences and educational opportunities throughout the state, such as the Ohio Peace Officer Training Academy's

Understanding the Impact of PTSD on Combat Veterans course, NAMI's Stepping Up conference, as well as the Ohio Common Pleas Judges Association's winter conference.

- The subcommittee is designing a questionnaire to be distributed to all courts in Ohio in order to gather information on veterans treatment courts. The information gathered will be shared with veterans treatment court judges, as well as those interested in starting such a court.



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