

 *Protecting Ohio's Families*

Ohio Attorney General's Office

TASK  **FORCE**

on Criminal Justice and Mental Illness

Annual Report
November 30, 2018



MIKE DEWINE
★ OHIO ATTORNEY GENERAL ★

JUSTICE EVELYN LUNDBERG STRATTON, RETIRED
TASK FORCE CO-CHAIR



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

November 20, 2018

Dear Fellow Ohioans:

Since its inception in 2011, the Task Force on Criminal Justice and Mental Illness has worked to stop the cycle of incarceration for people with mental illness and to increase access to treatment.

The task force, which Justice Evelyn Lundberg Stratton, retired, and I co-chair, is made up of subject matter experts from across the state who focus on finding ways to resolve the issue of the criminal justice system being the de facto place of treatment for many with mental illness.

The 10 subcommittees of the task force work on issues specific to them — aging; diversion and re-entry; housing; juvenile justice; law enforcement; mental health and the courts; policy and legislation; psychiatry and treatment; research and best practices; and veterans courts and military affairs. For example, a major issue facing people with mental illness is the lack of affordable and supportive housing. Members of the Housing Subcommittee are working with the Stepping Up Initiative to provide technical assistance to counties in Ohio to help address housing needs. (More information on their work is contained in this report.)

I am proud of the support that my office continues to provide in order to expand Crisis Intervention Team (CIT) training. More communities are seeing the benefit of this training and are offering it not only to law enforcement but also to other first responders.

Through the collaborative work of the task force, we continue to strive to improve the environment of mental health care for all Ohioans.

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, co-chaired by Ohio Attorney General Mike DeWine and Evelyn Lundberg Stratton, former Ohio Supreme Court justice, 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: Aging; Diversion and Re-entry; Housing; Juvenile Justice; Law Enforcement; Mental Health and the Courts; Policy and Legislative; Psychiatry and Treatment; Research and Best Practices; and Veterans Courts and Military Affairs. The subcommittees are made up of a diverse group of subject matter experts from throughout the state. The issues raised and discussed during the meetings often turn into projects for the subcommittees, which search for solutions to create a healthier environment for people living with mental illness.

Currently, the task force is assisting 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 in the program. The task force is identifying ways to support an expansion of the initiative so every Ohio county can benefit.

Aging Subcommittee

The Aging Subcommittee promotes justice for older adults, including those with mental-health needs 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. The goal is to implement models of care that divert older offenders with mental illness from the criminal justice system to community treatment.

The subcommittee has outlined the priorities for public and private engagement at the local and state levels. The subcommittee will incorporate the criminal justice/mental illness intercepts, and use other agency committees to reach the goals of this subcommittee. During the next year, the subcommittee will continue to focus on:

- Developing a capacity/competency evaluation for older adults in crisis to prevent incarceration and to determine alternative community treatment and/or placement.
- Developing an environmental scan to assess the available resources throughout the state for older adults who have mental illness, substance-use concerns, and/or co-occurring dementia-related problems.
- Supporting, expanding, and funding 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.

The subcommittee supported the passage of House Bill 64 — the state of Ohio's fiscal year 2016 and 2017 biennial budget, which included much of the language of House Bill 78, the Ohio Elder Justice Act. The act modified the Ohio Revised Code and definitions. Key provisions include the expansion of 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 *abandonment*; 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.

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. Members work together to promote diversion and re-entry programs while promoting high quality care.

Through its promotion of the expansion of Crisis Intervention Team (CIT) training, subcommittee members aided 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 team of multidisciplinary professionals, will carry the momentum forward as ODRC works to implement CIT in every institution and Adult Parole Authority (APA) region. Franklin County is instituting a new Crisis Intervention Diversion (CID) program, which unites law enforcement with mental health specialists to reach out to people who are at risk of arrest.

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. Currently, Ohio has 44 counties participating in Stepping Up. Through the initiative, representatives from law enforcement, criminal justice, and the mental health service system come together to share best practices for diverting individuals who need mental health treatment to a care system instead of incarceration.

Housing Subcommittee

Since the task force has been assisting with the Stepping Up Initiative, the Task Force Housing Subcommittee and the Stepping Up Ohio Housing Subcommittee merged to work together on housing issues.

In an effort to reduce the number of people with serious mental illness in jails, the Council of State Governments Justice Center (CSGJC) received national funding to provide technical assistance to counties and states working to address housing needs. CSGJC and Sally Luken, a consultant, are providing technical assistance to Ohio Stepping Up counties, including Athens, Cuyahoga, Delaware Lorain, Mahoning, and Stark. Each team includes representatives from housing, behavioral health, and criminal justice. Probation was identified as a necessary element of these teams.

The goals of the technical assistance are to:

- Identify — through a data match process — the overlap of people with serious mental illness who cycle between jails and homelessness.
- Find funding gaps and work with counties to use supportive housing resources or to create new supportive housing for this population.

Some projects and issues coming out of this work:

- Many communities are struggling with local data matches and concern about the Health Insurance Portability and Accountability Act.
- A committee set up by Ohio Housing Finance Agency (OHFA) is working on developing a risk-mitigation fund for landlords, who are key partners in this work. In national efforts to end homelessness, risk-mitigation funds have been important in having landlords agree to rent to clients who face housing barriers.
- Consultant Sally Luken, working with Michael Daniels, director of the Franklin County Office of Justice Policy and Programs, has developed a template for communities to calculate and capture costs by using the business case for investment in supportive housing. They also are conducting webinars with selected counties on how to use the same modeling.
- The group discussed how counties are asking about homelessness, both at the screening and pre-sentencing period. For example, Lorain County has instituted screening questions in the county jail. The group has identified a need to develop fact sheets for Stepping Up counties related to housing and homelessness. There is already a GAINS Center re-entry checklist that addresses housing and can be used earlier in the incarceration process.
- The group is working on re-entry challenges, such as re-entry planning when someone is in jail for a short time and there is a need for short-term housing during treatment. Communities are struggling with coordinated entry, which was mandated by the Department of Housing and Urban Development in January 2018. All Continuums of Care are required to implement coordinated entry systems, which is meant to provide a structure for individuals to more quickly be assessed and prioritized for housing resources based on vulnerability. Several communities, such as Austin, Texas, are linking coordinated re-entry so that people are assessed before they leave jail.

Franklin County will be working with the Corporation for Supportive Housing to launch a FUSE (Frequent Users Systems Engagement) supportive housing project. The county is using Tax Credit Assistance Program funding for a permanent supportive housing project targeting frequent users of the jail.

The subcommittee is also working on the Adam-Amanda Mental Health Rehabilitation Center. The center is meant to provide 90 days of treatment to those coming out of a short-term hospital stay. The second phase of the center will be the addition of 80-plus units of permanent supportive housing for people transitioning from their initial stay at the center. Several hospital systems are interested in duplicating the project.

Juvenile Justice Subcommittee

The Juvenile Justice Subcommittee focuses on preventing youths with mental health needs from entering the juvenile justice system, ensuring they get the help they need, and working to ensure that youths with mental health issues within the justice system do not come out of confinement with exacerbated issues.

Positive relationships among law enforcement officials, school resource officers, and local schools improve the chances of diverting youths from entering the juvenile justice system. School resource officers are an essential part of the daily operations of many schools in Ohio and provide a valuable service to school administrators, parents, and students. However, many law enforcement agencies do not have established memorandums of understanding (MOUs) defining their roles in the schools. In late 2016, the Juvenile Justice Subcommittee worked with the Ohio School Resource Officers Association to craft a sample MOU for law enforcement agencies and school districts to use as an example when crafting their own agreements. With input from law enforcement and school administrators, this sample MOU is available as a resource on the Ohio School Resource Officers Association's website at <http://osroa.org/creating-a-sro-program/>.

The Juvenile Justice Subcommittee has followed the development of the \$5 million "crisis stabilization fund" in House Bill 49, the state of Ohio's FY2018 and FY2019 biennial budget. The fund was created to help pay for services for youths at risk of entering the juvenile justice or foster care systems. The subcommittee intends to continue exploring the topic to determine what, if any, changes should be recommended to increase access.

The U.S. Department of Education and the Department of Health and Human Services reported in 2014 that young students who are suspended or expelled are up to 10 times more likely to drop out of high school or face incarceration. Subcommittee members learned that during the last school year, more than 34,000 suspensions and expulsions were given to Ohio students in pre-K through third grade. The vast majority of them were for nonviolent behavior, such as disruption.

To help mitigate the consequences associated with suspension for Ohio's youth, the subcommittee members supported the introduction of Senate Bill 246, the "SAFE Act," sponsored by Sen. Peggy Lehner, R-Kettering, and Sen. Gayle Manning, R-North Ridgeville. The measure specifies the objectives and contents of the Positive Behavior Interventions and Supports (PBIS) framework that is now required in each public school. The act also supports the use of each school's framework to gradually replace the out-of-school suspension or expulsion of younger students. The bill, which was supported by teachers unions, children's hospitals and school districts, was passed by the General Assembly and signed into law in 2018 as part of House Bill 318, a larger school safety measure.

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 worked 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.

Between July 1, 2017, and June 30, 2018, 942 full-time Ohio officers from 345 law enforcement agencies attended a CIT course. Thirty-nine of these agencies sent officers for the first time. A total of 62 CIT courses took place during this time frame. Among those who also received training were 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. A grant from the Ohio Attorney General's Office assisted law enforcement agencies that sent first time attendees with associated costs.

Observing the benefit of CIT instruction, some local communities wanted to extend the course offering to other first responders. For example, the Trumbull County Correctional Institution was selected and received a grant that allowed select officers to attend an in-house CIT program for correction officers. The course closely followed the core elements of CIT as developed by CIT International. In another instance, regional fire and EMS resources provided funding so the CIT program of Sandusky, Seneca, and Wyandot counties could be taught to local EMS and fire personnel.

Mental Health and the Courts Subcommittee

Much of the work of the Mental Health and the Courts Subcommittee was merged into the work of the Stepping Up team. The core team – Thom Craig, mental health program manager for Peg's Foundation, retired justice Stratton, and Melissa Knopp – promoted mental health courts as they visited the 41 counties that signed up to be members of the Stepping Up initiative. They shared funding resources and other information with the counties through regular emails and a newsletter. Additionally, various courts were provided assistance with certification efforts.

Policy and Legislative Subcommittee

The Policy and Legislative Subcommittee met quarterly and membership included representatives from the Office of the Ohio Attorney General, Ohio Department of Mental Health & Addiction Services, Ohio Department of Rehabilitation and Correction, Ohio Department of Youth Services, Disability Rights Ohio, National Alliance on Mental Illness (NAMI) Ohio, Ohio Association of County Behavioral Health Authorities, Ohio Community Corrections Association, and others interested in reducing the number of individuals with serious mental illness who are involved in the criminal justice system.

The subcommittee was charged with identifying and pursuing low-cost, high-yield policy and legislative changes that would positively influence those with serious mental illness who are involved, or at risk of becoming involved, in the criminal justice system. The subcommittee was successful in advocating for several changes, including:

- Successfully advocating for the state's adoption of a standardized release of information form. The form will improve the appropriateness and timeliness of mental health and addiction services provided to individuals engaged at every level of the criminal justice system. Additionally, timely access to comprehensive mental health information, including information about potential triggers and effective de-escalation techniques for individuals experiencing mental health crises, will reduce dangerous encounters.
- Successfully advocating for the inclusion of certain minimum jail standards in the Ohio Administrative Code. This includes a requirement for jails to adopt standards for incoming medication. A model policy, which was circulated by Ohio Department of Rehabilitation and Correction at the request of the subcommittee, would permit loved ones to drop off current prescriptions and, after verification, make them available to the inmate.
- Successfully advocating for the adoption of a Crisis Intervention Team (CIT) training program within the Ohio Department of Rehabilitation and Correction.
- Successfully advocating for increasing the amount of mental health medications prisoners receive at the time of release from prison from two weeks of medication to 90 days of medication.
- Successfully recommending funding for the CIT Data Collection project. After completion of the project, the subcommittee advocated for the adoption of recommendations from the report, including maximizing information-sharing strategies.
- Reviewing and commenting on pending rules for adult care facilities.
- Regularly providing a legislative tracking report to the members of the task force so they could remain abreast of bills related to criminal justice and mental illness.

The subcommittee heard from experts, including:

- John Adams and Jon Radebaugh from the Ohio Department of Rehabilitation and Corrections Bureau of Adult Detention, who reported on the progress of county jails in meeting behavioral health minimum standards.

- Phil Nunes, chief operating officer of Alvis House, who provided an overview of the changes being considered by the recodification committee.
- Josh Horwitz, executive director of the Coalition to Stop Gun Violence, who provided an overview of state laws on gun violence.
- Dan Damceski, staff assistant and state liaison of the Social Security Administration, who shared information about the administration's incentive payments to jails.
- Christina Shaynak Diaz, attorney, who spoke about the advantages of adopting a universal consent form similar to those available in Michigan and Florida.
- Rick Tully, policy manager of the Office of Health Transformation, who updated the group on the state's efforts to adopt a standard authorization form.

Ongoing Concerns/Unresolved Issues

Several issues have been identified by subcommittee members as potentially hurtful or helpful to the cause of reducing overrepresentation of serious mental illness in the criminal justice system. The subcommittee recommends the following suggestions for further consideration:

- Discontinue discrimination against individuals with mental illness on applications for the board of medicine, the board of nursing, and admission to the bar.
- Establish a single point of entry and access to Crisis Intervention Training (CIT) data, such as the Ohio Law Enforcement Gateway (OHLEG).
- Adopt an administrative rule requiring jails to notify the Ohio Department of Rehabilitation and Correction within 24 hours of a suicide.
- Adopt a consistent drug formulary in community jails, hospitals, and clinics.

Psychiatry and Treatment Subcommittee

The Psychiatry and Treatment Subcommittee seeks to improve access to and to enhance behavioral health interventions and treatment for people with mental illness who are involved, or at risk for involvement, with the criminal justice system. To that end, the subcommittee began exploring alternatives to the process for misdemeanor competency restoration, which restricts access to the type of dedicated mental health services available to individuals not otherwise connected to the criminal court system.

In 2018, the subcommittee convened a working group to review state and county issues and develop a checklist or toolkit as a resource for counties interested in participating in a pilot project focusing on alternatives to the current misdemeanor competency restoration process. The work group is made up of representatives from the Office of the Ohio Attorney General, Ohio Department of Mental Health and Addiction Services, the Stepping UP Initiative, NAMI Ohio and other treatment advocacy groups, as well as county prosecutors, physicians, and mental health providers. The work group continues to meet to discuss legal, practical, and ethical issues that may influence the development and implementation of any alternative processes, and to appropriately engage and inform those involved.

The subcommittee is also supporting and working with the Treatment Advocacy Center to implement Assistive Outpatient Treatment (AOT) courts throughout Ohio. Ohio will be hosting the first national AOT conference in 2019.

Research and Best Practices Subcommittee

The Research and Best Practices Subcommittee convened a meeting with the Policy and Legislation Subcommittee to learn about three Ohio law enforcement data systems — Law Enforcement Automated Data System (LEADS), Ohio Law Enforcement Gateway (OHLEG), and Ohio Incident-Based Reporting System (OIBRS) — and the possibilities they offer for mental health data entry and sharing

The subcommittee worked with the Coordinating Center of Excellence (CCOE) to develop a questionnaire for law enforcement agencies engaging in Crisis Intervention Teams (CIT) to understand the data they collect and the statistical sheets they maintain, and how these data are being used. The goal of this project is to determine the feasibility of developing a standardized CIT data collection tool that can be used by law enforcement agencies throughout the state. CIT data-collection tools have been gathered from about a dozen jurisdictions (some single jurisdiction, some countywide) and evaluated based on the presence or absence of information of data elements, such as details surrounding an incident, demographics of the individual, initial diagnosis of the individual, tools or techniques used to interact with the individual, and the disposition or outcome. Also being collected is information on how agencies use the data they collect.

Andrea Floro, program coordinator with LifeAct of northeast Ohio gave the subcommittee an overview of LifeAct, a suicide-prevention organization. Subcommittee members provided Floro with potential resources to assist her in her efforts.

The subcommittee has been providing feedback to Dr. Natalie Bonfine on her research and evaluation of sequential intercept mapping (SIM). Bonfine is the research coordinator with the “Quality of Life of People With Mental Illness” project at Northeast Ohio Medical University (NEOMED). The goal of the project is to assess attitudes about the perceived impact of mapping across the intercepts and the technical assistance providers, as well as to gather information on identified barriers and technical assistance needs. Participants of the SIM process, such as planning team members, community partners, family members, and consumers, will be surveyed. Two sets of surveys are being developed — one is a retrospective survey for communities that have already engaged in the mapping process, and the other is a pre- and post-SIM survey for those communities that will be engaging in mapping. The post-SIM survey is to be conducted at least six months after mapping, and may possibly be conducted again a year after SIM.

Veterans Courts and Military Affairs Subcommittee

The Veterans Courts and Military Affairs Subcommittee held conference calls to help educate and inform members about the Veterans Treatment Court Photography and Video Project, Lives Back, the Vet Center Program, the Grassbaugh Veterans Project at The Ohio State University’s Moritz College of Law, and guidelines for the Ohio Supreme Court’s specialized docket certification.

The subcommittee has been active in discussions regarding House Bill 409. The bill would authorize the creation of treatment courts for veterans. Several subcommittee members conducted conference calls with the bill’s sponsor and Ohio State Bar Association liaisons regarding suggested changes.

The subcommittee also sent a letter to the bill sponsors of HR 2147 – the Veterans Treatment Court Improvement Act of 2018. The bill was passed into law on Sept. 17, 2018. It will provide funding for an additional 50 Veterans Justice Outreach program specialists throughout the United States.

Members of the subcommittee created and distributed an Ohio Veterans Treatment Court (VTC) Survey regarding funds and resources to all certified VTCs and shared responses among committee members and VTC staff for reference.

The subcommittee discussed continuous updates on Operation Legal Help Ohio, Ohio State Bar Association Military and Veterans Affairs Committee events and news, and provided information regarding training opportunities such as Justice for Vets National Veterans Treatment Court Conference and local state trainings.

Members also supported Ohio Supreme Court Justice Sharon Kennedy’s initiative to visit Ohio VTCs and many presented at or attended the Aug. 30, 2018, seminar for Ohio judges, Lean Forward: Advancing Veterans Treatment Courts Across Ohio.



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