

FOUR-YEAR
SUMMARY

OFFICE OF THE ATTORNEY GENERAL

TASK FORCE

on Criminal Justice and Mental Illness

RETIRED JUSTICE EVELYN LUNDBERG STRATTON,
TASK FORCE CO-CHAIR

Oct. 22, 2022



DAVE YOST
OHIO ATTORNEY GENERAL



The Attorney General's Office
protects Ohio and its families.

Our actions are driven by their interests,
guided by the rule of law
and the relentless pursuit of justice.

We seek to constrain evil and empower good,
without partisan preference
or subjective judgment, as defined
by the law and by the Constitutions
of the United States and Ohio.



DAVE YOST
OHIO ATTORNEY GENERAL



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Dear Colleagues,

I'm not a psychologist, but as a former prosecutor and as Ohio's attorney general, I have long been concerned about the tragic intersection between the justice system and untreated or undertreated mental illness.

At least half of those who end up in our jails and prisons suffer from mental illness, including many of our military veterans with post-traumatic stress.

Although we have an elaborate, well-funded and instantly responsive system for treating bodily disease, dysfunction and injury, we have nothing like that for those afflicted with mental disorders.

Think about the vast resources marshaled to fight COVID-19 in the past two years. Then imagine what it would be like if we mobilized our resources on the same scale to fight mental illness.

But because we lack a coherent and effective system for identifying and treating those with mental illness before it leads to harm, our law enforcement officers and our jails often are forced to be the first responders to mental illness.

And as long as that remains the case, it is our job to play that role as well as we can.

If we believe, as I do, that each life is precious and worthy of respect and dignity, we have no other choice. That dignity and that worth exist before someone enters the justice system, and after.

That's why I am grateful to all who serve on or work with the Attorney General's Task Force on Criminal Justice and Mental Illness. I especially thank my co-chair, former Ohio Supreme Court Justice Evelyn Lundberg Stratton, who probably has done more than any other person to push, pull, coax and cajole our criminal-justice system to recognize and respond to the key role that mental illness plays in crime.

This report outlines the efforts of the task force to knit together the resources of social-service agencies, law enforcement, courts, the Ohio Legislature and penal institutions to better cope with and help the mentally ill.

God bless all who work with us on this humane and necessary project.

Yours,

A handwritten signature in blue ink that reads "Dave Yost".

Dave Yost
Ohio Attorney General

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People with mental illness cycle in and out of the criminal-justice system with alarming frequency. It will take thoughtful research and evidence-based practices to break this cycle by, among other things, helping to turn this vulnerable population toward community resources and diverting those either involved in the system or at risk of involvement to programming and treatment.

Since December 2011, the Ohio Task Force on Criminal Justice and Mental Illness has been dedicated to addressing these very issues.

The task force, co-chaired by Ohio Attorney General Dave Yost and former Ohio Supreme Court Justice Evelyn Lundberg Stratton, consists of more than 300 members from across disciplines who serve on 15 committees, each with a specific purpose and set of goals related to reducing the number of people with mental illness who get trapped in the system.

Despite the challenges of the COVID-19 pandemic, which began in 2020, the task force continued its valuable work, including its vital partnership with the Stepping Up Initiative. This national effort shares the Ohio task force's goal of ending the collision between those with mental illness and the criminal-justice system.

What follows is a summary of the work of the task force committees during AG Yost's administration, which began on Jan 14, 2019:

AGING COMMITTEE

Purpose

This committee works to promote and implement models of care that divert the often-overlooked population of older residents to community treatment programs and services.

With a special emphasis on the role of courts and public-safety systems, committee members raise awareness of the needs and challenges faced by the growing older population in Ohio, and recommend options and best practices to reduce the prevalence of elder neglect, fraud and abuse.

The committee has worked to identify Ohio's resources that support older offenders via diversion programs and/or by linking them to people-centered care models, culturally responsive services, and community supports to minimize the gaps found in the community mental-health system.

Work highlights

With a membership that includes representation from Ohio's crisis continuum workspace and the Stepping Up project, the committee has outlined the priorities for public and private engagement at the local and state levels.

The committee heard from the Ohio Mental Health and Addiction Services administrator and expressed interest in working alongside that agency's Community Crisis Coordination subcommittee.

The committee also heard from the Ohio Association of County Behavioral Health Authorities concerning the Ohio Crisis Academy, and from CareSource about older adults in local jails.

There was discussion of a potential Older Adult Crisis Academy forum hosted by the Ohio Association of County Behavioral Health Authorities as part of a series with the Ohio Crisis Academy.

Next steps and goals

- Continuing to support the Centralized Behavioral Health Call Center/988 number as well as the Learning Community through Crisis Academy, National Learning Community, Mental Health First Aid and SUD First Aid
- Continuing to support the Ohio Crisis Task Force, a group of thoughtful leaders across disciplines who come together to guide the next steps for crisis work. This team of experts works to ensure that there is a framework for policy and strategies that lead to sustainable investments, reimbursement and benefit alignment, a consistent lexicon, introduction of new and innovative technology, and evidence-based approaches and alignment with national best practices on crisis continuums.
- Strengthening the partnership with the Elder Abuse Commission of the Ohio Attorney General's Office to address the challenges that arise when the criminal-justice system interacts with older Ohioans. Committee members will work together on the goals to understand, advocate for and respond more appropriately to issues that surface.

BEST PRACTICES & MENTAL HEALTH TRAINING FOR JAILS COMMITTEE

Purpose

This committee aims to educate those who operate within the corrections system – clinicians, correctional staff, forensic examiners, jail administrators, judges, physicians, etc. – on best practices for the diagnosis and treatment of mental illness within the inmate population.

Its members work to ensure that treatment is maximized, supported by and rooted in the current scientific research and that training on best practices is provided and accessible.

In addition, the committee strives to promote an environment of curiosity and engagement by creating tools for training all stakeholders – no matter their current knowledge or experience level – with minimal required resources.

Work highlights

A statewide webinar, “Best Practices in the Use of Long-Acting Injectable Antipsychotic Medication and Clozaril in Jails,” was recorded and presented online. A second webinar, “Mental Health 101,” provided a comprehensive review of important areas, issues and conditions associated with mental illnesses within correctional settings. Both webinars, which featured introductions from Attorney General Yost and retired Justice Stratton, remain available online as educational tools.

A third webinar, “Collaborative Mental Health Care for Incarcerated Individuals – Part 1,” explored how a large urban jail and a state behavioral-health hospital partnered to improve service to those incarcerated.

The committee also collaborated with the Ohio Board of Pharmacy to learn more about prescribing medications for individuals who are released from jail.

During the pandemic, a particular focus was to examine the best practices of telemedicine as it relates to this population.

Next steps and goals

- Producing two more webinars about best practices for mental-health care at the time of entry into the correctional system, during incarceration and upon release (with an emphasis on community re-entry)
- Producing a webinar on building empathy and improving listening skills in a correctional setting and another on the look and feel of trauma-informed approaches to care. One will feature the new Franklin County Jail; the other, small-county collaborations.
- Producing webinars about how to distinguish serious mental illness from problematic behavior within the inmate population and how to identify and successfully treat personality pathology

COMPETENCY RESTORATION AND PROBATE COURT ISSUES COMMITTEE

Purpose

This committee, established in 2021, assists stakeholders with understanding, implementing, and utilizing laws and regulations that pertain to criminal competency and civil commitments.

It seeks to educate, train and provide resources to the community about those topics and issues, with an ultimate goal of reducing barriers to care for those with mental illness within the criminal-justice system and to streamline services as a way of improving outcomes and minimizing the burden on the system.

Work highlights

The committee received regular updates from the Ohio Department of Mental Health and Addiction Services and other organizations and agencies on competency-restoration efforts across the state.

The committee heard a presentation and studied the major changes in law brought about by the passage in 2021 of Ohio Senate Bill 2, which dealt with, among other things, competency evaluations and mental-health treatment in criminal cases.

A specialized subcommittee formed to conduct trainings statewide throughout 2022 about the Senate Bill 2 changes. In addition to two committee members, the subcommittee consists of a municipal court judge, a probate court magistrate, a prosecutor, a defense attorney and two forensic psychologists.

The larger committee learned from the Treatment Advocacy Center about assisted outpatient treatment (AOT) methods and the clinical, financial and other benefits of maintaining such a program.

Next steps and goals

- Continuing to focus on the effects of Senate Bill 2 and how it has changed the landscape of care, with an emphasis on monitoring the success of outpatient competency-restoration programming
- Emphasizing the work of another multidisciplinary subcommittee – comprised of a judge, magistrates, prosecutors, defense attorneys and hospital administrators – that will study and identify legislative changes that might be necessary to clean up Senate Bill 2
- Continuing to work with the Ohio Department of Mental Health and Addiction Services to create various documents, templates and resources for a dedicated portion of the agency’s website
- Continuing to study proposed legislation concerning the addition of a “deterioration” prong to the current civil commitment statute

DIVERSION AND RE-ENTRY COMMITTEE

Purpose

The committee works to promote diversion as an alternative to incarceration for those with mental illness, and studies and promotes ways that those who have been incarcerated can successfully re-enter society.

The focus in 2021 was a gap analysis of available re-entry supports both inside and outside jail and prison fences. It included diverse partnerships to look for ways to prevent duplication of efforts, maximize resources and strengthen outcomes.

Work highlights

The committee heard from the innovator of Forensic Peer Supports in Pennsylvania and studied its work.

It also effectively helped key stakeholders increase the number of individuals who transitioned to a halfway house with early-release conditions of treatment transfer and transitional control; supported increased engagement of individuals within the Community Transition Program; and served as a resource and advocate to continue re-entry and diversion services during the pandemic by facilitating network and resource sharing.

Committee leadership met with the Ohio Community Corrections Association and Ohio Department of Medicaid to explore pursuing Medicaid benefits for the treatment transfer and transitional control population. A work group was established to develop next steps.

Next steps and goals

- Focusing efforts to support the ongoing Medicaid eligibility discussions about those in re-entry and transition, with a broad-level emphasis on trying to reduce time frames to benefits and increase access
- Targeting support and engaging with existing re-entry efforts to focus on successful integration of those returning citizens – specifically focusing on coordination meetings, sponsored events, etc.

EDUCATION AND STIGMA COMMITTEE

Purpose

This committee currently focuses on mental-health training for personnel in the justice system; mental-health training for employees in the foster-care system; and various campaigns that aim to reduce the stigma of mental illness and promote mental wellness.

Work highlights

A subcommittee focused on the mental-health training within the justice system continued to update a gap analysis to identify the existing needs and lapses within the system.

That same subcommittee worked with the Supreme Court of Ohio's Specialized Dockets group to provide Mental Health First Aid training to staff from eight county veterans courts and worked with the task force's Juvenile Justice Committee and the Ohio Department of Youth Services (DYS) to train personnel in all 88 counties on the state's Reclaim program.

It likewise offered the Youth Mental Health First Aid training to county juvenile courts. This training consisted of a two-hour mental-health course for juvenile judges, magistrates and court administrators, with the initial training in April provided to the Franklin County Juvenile Court. There are plans to extend the training to other counties.

The foster-care subcommittee focused on training foster caregivers (bio parents, foster parents and kin) and those professionals who support them. The subcommittee work included discussions with the Ohio Child Welfare Training Center and the Ohio Department of Education's Committee on School Success.

The subcommittee focused on reducing stigma worked with RecoveryOhio on its statewide campaign and, as a part of that effort, committee members helped RecoveryOhio create a media tool kit that addresses the importance of words and images when reporting on mental health and addiction. The kit has been released.

Next steps and goals

- Continuing discussions about offering Adult Mental Health First Aid training – in conjunction with the Ohio Department of Rehabilitation – to families of inmates as part of the re-entry process
- Continuing work on a proposal to offer Youth Mental Health First Aid Training to county juvenile courts
- Deploying Mental Health First Aid training to all foster parents and increasing the mental-health education and training requirements for programs that are distributed through the Ohio Child Welfare Training Program
- Continuing collaboration with the Begun Center for Violence Prevention Research and Education at Case Western Reserve University, Resilience through Integrated Systems and Excellence (OhioRISE) and the Medicaid Managed Care companies
- Modifying the media tool kit to become a general guide for a wider audience, including professionals in education, health care, social services and other areas as well as Ohio's largest employers
- Continuing to explore ways to promote and expand mental-health education across Ohio, including more work with the "On Our Sleeves" campaign at Nationwide Children's Hospital

HOUSING COMMITTEE

Purpose

This committee works to increase the number of housing units available to those with mental illness who find themselves involved in the criminal-justice system. It also wants to reduce incarcerations, homelessness and recidivism, and, ultimately, increase recovery for this population.

Work highlights

The committee worked closely with the Franklin County Frequent Users System Engagement (FUSE), an initiative to house and support 40 of the most frequent jail-stayers in the county who have experienced or are at risk of homelessness. To date, outcomes have been strong.

The committee worked with the Ohio Department of Mental Health and Addiction Services, Ohio Department of Rehabilitation and Correction and Ohio Housing Finance Agency (OHFA) on a Landlord

Mitigation Fund for supportive housing programs serving those previously incarcerated who are re-entering society. It has been piloted in several Stepping Up counties.

There also was collaboration with the OHFA on two new housing projects, in Akron and Columbus, that are specifically targeted to survivors of human trafficking and families involved in the child-welfare system.

In addition, the committee engaged the Ohio Housing Authorities Conference on issues related to re-entry and worked with the OHFA to reduce barriers to housing for those with criminal backgrounds through an “Improve Tenant Selection” plan.

Next steps and goals

- Tracking the Landlord Mitigation Fund to understand implementation issues
- Continuing to work on multiple housing solutions for this population

JUVENILE JUSTICE COMMITTEE

Purpose

With a focus on helping youth who have mental-health issues as they navigate and interact with all stages of the juvenile and adult criminal-justice systems, this committee emphasizes three primary goals: to review the transition process for youth who enter the adult prison system; to improve the Reclaim program operated by the Ohio Department of Youth Services (DYS), focusing on a continuum of care; and to explore national best practices for crossover youth.

Work highlights

The committee surveyed courts about juvenile-records practices and engaged with the Ohio Department of Rehabilitation and Correction about its intake process. A best-practices checklist regarding juvenile records and how they are used to support assessments and treatments in the state’s adult prison system is being developed.

The committee partnered with DYS and the task force’s Education and Stigma Committee to train more than 340 juvenile court personnel across Ohio in Mental Health First Aid.

In addition, the committee worked with various organizations to learn more about Mental Health First Aid, the Bridge Program and education support that exists for crossover youth.

Next steps and goals

- Finishing the draft of a “bench card” for youth in the juvenile-justice system
- Encouraging usage of the “Judges Guide to Mental Health Jargon,” which has been distributed to judges and magistrates in all Ohio counties
- Discussing a trauma-focused extension of the successful juvenile court trainings as well as mental-health sessions for attorneys and judges

LAW ENFORCEMENT COMMITTEE

Purpose

This committee seeks to help the law enforcement community improve its outcomes in situations in which officers interact with people with mental illness. Committee members promote the importance of law enforcement – whenever possible – diverting those with mental illness away from the criminal-justice system and into treatment alternatives.

Work highlights

The committee centered its work on five action items from a RecoveryOhio Advisory Council report dating from 2019: supporting a statewide campaign to end stigma against those dealing with mental illnesses and substance-abuse disorders, training non-specialists to respond to a mental-illness situation, expanding the use of standardized youth prevention surveys, strengthening law enforcement’s prevention role in community responses to substance abuse and mental illness, and using available data to support resource allocation as part of a response to the addiction and mental-health public crises.

The committee also assisted school-resource officers and school districts in Ohio in completing over 1,000 school vulnerability assessments. In addition, a three-hour assessment training developed by the committee was approved by the Ohio School Safety Center as an accredited training for education officials.

As part of its commitment to officer wellness, the committee worked with the Ohio Peace Officer Training Academy of the Ohio Attorney General’s Office to present an Officer Wellness Seminar. After that session, 17 law enforcement and first-responder agencies agreed to participate in a national survey focused on substance abuse, post-traumatic stress disorder, anxiety and depression, and other issues.

The committee continued its work with the Criminal Justice Coordinating Center of Excellence, the Ohio Department of Mental Health and Addiction Services and NAMI Ohio to make mini-grants and scholarships available to support training for Crisis Intervention Teams. By the end of November 2021, 146 CIT programs had received mini-grants, 30 law enforcement jurisdictions had received stipends, five public-safety telecommunicators had received stipends and 12 other stipends had been given for “lived experience reimbursement.”

Next steps and goals

- Assisting with another 1,000 school vulnerability assessments
- Continuing a commitment to help transform Ohio’s crises-response systems so that law enforcement officers are used as first responders only when an immediate or imminent threat to safety or a serious criminal concern exists

POLICY AND LEGISLATIVE COMMITTEE

Purpose

In working with policymakers and legislators to inform and offer guidance on relevant issues, this committee seeks to ensure that any measures aimed at treating individuals with mental illness improve outcomes and divert those within that population away from incarceration and into treatment.

Work highlights

At the committee's urging, House Bill 110 (the state budget bill) included funding for the Psychotropic Drug Reimbursement Program, the MAT reimbursement program and Specialized Court Dockets.

The committee reviewed spending for various COVID relief packages.

The committee discussed and considered 17 bills introduced by the General Assembly as well as multiple rule changes and reports from other task forces and work groups, including the Ohio Crisis Task Force, the Adults in Multi-Systems work group and the 988/Connect work group.

To aid in their core mission, committee members established a Bill Tracker account through Gongwer to receive real-time updates on legislation.

The committee also considered federal action around the housing and workforce needs of those with mental illness who are currently incarcerated, and reviewed opportunities and applications for federal funding that could flow to Ohio.

Next steps and goals

- Focusing on possible topics of future policies and legislation, including post-incarceration housing; the role of Alcohol, Drug Addiction and Mental Health boards; education about and availability of all FDA-approved medication formulas; case management systems; psychiatric determination and assisted-outpatient treatment; crisis intervention and the 988 hotline; and overall criminal-justice reform as it relates to mental illness

PROBATION AND COMMUNITY SUPERVISION COMMITTEE

This committee is new and has no current report.

PSYCHIATRY AND TREATMENT COMMITTEE

Purpose

The goal of this committee is to improve access to behavioral-health interventions and treatments for people with mental illness who are either already involved in the criminal-justice system or at risk of such involvement.

Work highlights

The committee led a reboot of a successful Grand Rounds program, sessions targeted to psychiatry and medical students throughout Ohio. Retired Justice Stratton championed this effort while on the Supreme Court of Ohio; it has continued with much success.

The updated Grand Rounds program, adapted for the pandemic, was presented in a virtual format and made available to all psychiatry residency programs in Ohio. The series initially has three offerings: one focused on the courts and mental illness; a second centered on crisis-intervention teams and law-enforcement interaction; and the third focused on the civil-commitment process, competency and outpatient assistance treatment.

The last two have been recorded and are on the Coordinating Center of Excellence website and have been sent to all law school deans for use in their criminal-justice courses.

The committee also provided valuable input regarding the restoration of competency legislation in the General Assembly.

Important teamwork with the task force's Diversion and Re-entry Committee helped the entire task force champion a project that educated providers on the use of long-term, injectable antipsychotic medications inside jails. A resulting benefit is a reduction in the recidivism risk because offenders don't run out of appropriate medications before they can meet with a community provider. This initiative led to a new committee focused on best practices and training within jails.

Next steps and goals

- Expanding education efforts and reviewing how best to spread understanding about conditional release in the Ohio's criminal-justice system
- Planning and presenting a fourth Grand Rounds, focusing on veterans involved in the criminal-justice system
- Continuing to focus on assisted outpatient treatment programs throughout Ohio and reviewing the need for a consistent statewide process and standards

RESEARCH AND BEST-PRACTICES COMMITTEE

Purpose

This committee raises awareness and promotes relevant research of evidence-based practices to improve the treatment of those in the criminal-justice system who deal with mental illness.

Work highlights

The committee worked with the Ohio Criminal Justice Coordinating Center for Excellence to help with feedback and provide guidance on a Crisis-Intervention Team (CIT) expansion project to implement an electronic reporting sheet for all CIT officers.

It also provided guidance on new law enforcement standards created by the Ohio Collaborative Community-Police Advisory Board, with a special focus on taking secondary trauma into consideration when developing standards and also aiding in the creation of standards when law enforcement officers interact with youth.

Next steps and goals

- Continuing to support work being done by the Multi-System Adult Enhancing Wellness Project through the Ohio Department of Mental Health and Addiction Services – specifically, how to support long-term wellness for adults with frequent psychiatric hospitalizations that touch the criminal-justice system

RESOURCE AND CARE COORDINATION COMMITTEE

Purpose

Ohio jails face particular challenges when dealing with people who have serious and persistent mental illness. To that end, this committee seeks to explore and address issues that the jails encounter and to improve continuity and comprehensiveness of care for that population.

Work highlights

The committee worked closely to follow up with some of the 32 final recommendations put forth by an ad hoc Pandemic Response Committee. For example, the committee further explored the possibility of county jails joining a centralized pharmacy system and improving the flow of data between jails and the state Medicaid system; the possibility of a pilot program through which liaisons can help jail staff coordinate care; continued study of a program in Indiana in which jail inmates have presumptive eligibility for Medicaid; and finding ways to encourage jails to participate in the state's Health Information Exchange.

Next steps and goals

- Promoting best practices already being used by different counties
- Continuing to explore ways to better connect individuals coming out of jail with community health and support services

SPECIALIZED DOCKETS COMMITTEE

Purpose

This committee works to ensure public safety by identifying individuals with mental-health needs who are involved in the criminal-justice system and then supporting them through a diversion program and/or linking them with services that are trauma-informed, culturally responsive and consumer-directed.

Work highlights

The committee has most recently focused on supporting courts during the COVID pandemic, including promoting video conferencing, providing COVID information to those who needed it and encouraging courts to allow alternative drug-testing.

The committee also presented to the larger task force about funding opportunities for specialized dockets and the Supreme Court of Ohio rules of superintendence. Likewise, it hosted a panel discussion with specialized dockets judges.

Next steps and goals

- Advocating for the continued funding of specialized dockets and promoting their development in new counties

VETERANS COURTS AND MILITARY AFFAIRS COMMITTEE

Purpose

This committee assists the justice system in dealing with the civil and criminal-justice needs of our active-duty military and veterans, with an emphasis on the physical and emotional causes that led to their involvement in the system.

Among the committee's areas of focus:

- Raising awareness of programming available to veterans
- Creating political and legal environments that best serve this population through the Veterans Administration and community partners

- Fostering pro-bono programming for civil needs in the system
- Offering a forum for Ohio courts and agencies to exchange ideas, resources and best practices

Work highlights

The committee learned from the previous commander of the Ohio Chapter of the Military Order of the Purple Heart about how military-service organizations can assist veterans treatment courts, and reviewed a Delaware County case study for funding a county Veterans Service Commission.

Monica Kagey and Zach Vicha of the Supreme Court of Ohio's Specialized Dockets Section provided a statistical analysis used to measure the effectiveness of such courts.

Special attention was given to law enforcement's response to veterans in crisis, with Carrie Bartunek, director of external affairs for the Ohio Attorney General's Office, discussing with the committee the background and implementation of response teams to that population. Sgt. David Corlett, the military liaison with the Cincinnati Police Department, reviewed the processes in place.

The committee also heard from Associate Ohio Supreme Court Justice Sharon Kennedy about her contacts with members of the veterans community and from a supervisory social worker with the Veterans Administration in northeast Ohio, who spoke about outreach expansion and new initiatives.

Other topics researched through special presentations included the work of peer-support specialists and peer mentors; the work of attorneys in veterans treatment courts; and discussions about various services organizations, state and federal legislative updates, and veteran identification cards and license plates.

Next steps and goals

- Reviewing the online Veterans Mentor Training module on the Ohio Attorney General's Office website with the idea of recommending updates
- Compiling recommendations for the director of the Ohio Department of Veterans Services to help implement ORC 5902.20, the Veteran Peer Counseling Network



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TASK FORCE ON CRIMINAL JUSTICE AND MENTAL ILLNESS

FOUR-YEAR SUMMARY

Crime Victim Services
30 E. Broad St. 23rd Floor
Columbus, OH 43215
800-282-0515

www.OhioAttorneyGeneral.gov