

**SJ 47 Joint Subcommittee to Study Mental Health Services in the Commonwealth
in the 21st Century**

Criminal Justice Diversion Expert Advisory Panel

Conference Call, June 27, 2016

The Criminal Justice Diversion Expert Advisory Panel (the panel) held a conference call on Monday, June 27, 2016. Members present on the call were Leslie Weisman (Panel Chair), Steve Austin, Pete Earley, Lori Galbraith, Patrick Halpern, Gabriel Morgan, Allison Redlich, Caitlin Reynolds-Vivanco, Tanisha Trice, Heather Zelle, Jana Braswell, and David Cotter.

Ms. Weisman began by presenting an overview of the meetings of the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century and its Criminal Justice Diversion Work Group (work group) held on June 23, 2016, at the Virginia Capitol in Richmond. Ms. Weisman reviewed a summary of the work group's meeting prepared by the Department of Behavioral Health and Developmental Services (DBHDS). She noted that the work group was generally interested in the issues of mental health treatment in jails and discharge planning as well as diversion of individuals, particularly at steps one and two of the sequential intercept model. Ms. Weisman also noted that the work group discussed mental health dockets, but that Del. Robert B. Bell, the chair of the work group, questioned why an individual would choose to participate in such a docket. Ms. Weisman stated that she described Arlington's post-booking magistrate project to the work group but acknowledged that not every locality would have access to the same level of services available in Arlington.

The discussion then turned to the Virginia mental health docket matrix provided by Jana Braswell. The matrix compares the mental health dockets currently being operated by seven courts in the Commonwealth. At the work group meeting, the members of the work group asked for more information regarding mental health dockets. A subgroup of the panel was formed to collect this information, including information on the eligibility criteria for participation in a mental health docket by a defendant, what crimes can be adjudicated as part of a mental health docket, and what benefits there are to defendants who participate in a mental health docket. Mr. Austin, Mr. Earley, Ms. Galbraith, Prof. Redlich, and Ms. Braswell volunteered to serve on this subgroup. In addition, Mr. Earley and Prof. Redlich agreed to explore successful mental health dockets being used in other states.

Ms. Weisman then raised the issue of cross systems mapping and the sequential intercept model and the possibility of legislation to require that mapping be performed by each locality and that local stakeholder groups be established to perform such mapping. The already existing community criminal justice boards were mentioned as a possible entity in which to house such stakeholder groups, though Sheriff Morgan noted that such boards are ineffective in many localities.

The next issue discussed was crisis intervention team (CIT) training. Ms. Braswell noted that there has been no significant movement toward a state mandate for CIT training, though the Department of Corrections (DOC) may soon mandate CIT training for its officers. Sheriff Morgan stated that there has been some discussion regarding requiring CIT training as part of the police academy training required of all law-enforcement officers.

Ms. Weisman then raised the issue of the treatment of mentally ill individuals in jails. She stressed the interest of the members of the work group in this issue. Prof. Zelle echoed this sentiment, stating that the work group seemed interested in having community services boards (CSBs) more actively involved in the provision of mental health services in jails as well as standardization of such services among the various jails. It was noted that CSBs currently have very few responsibilities with respect to jails. Sheriff Morgan stated that the key factor is resources, as some CSBs are not capable of providing the services required, while some jails may not have sufficient funds to pay the CSBs to provide such services. The members of the panel agreed that there should be a basic level of services that need to be provided to mentally ill individuals in jails, regardless of how such services are provided. A subgroup of the panel was formed to ascertain the basic level of services that should be provided in jails with the ultimate goal being the development of statewide protocols or guidelines for such services. Mr. Austin, Mr. Earley, Sheriff Morgan, and Ms. Reynolds-Vivanco volunteered to serve on this subgroup. In completing its work, the subgroup will review the recommendations of the DBHDS Justice-Involved Transformation Team and the most recent Local Inmate Data System survey conducted by the Compensation Board.

Next, the panel discussed another topic of interest to the work group—discharge planning for individuals being released from jail. Ms. Weisman noted that there are existing guidelines for discharge planning when an individual is released from a state hospital and that the DBHDS Justice-Involved Transformation Team looked at using those guidelines as a model for jail discharge planning. She further noted that DOC has a memorandum of understanding with the CSBs to share information upon the release of an individual from a state prison. A subgroup of the panel was formed to look into jail discharge planning. Ms. Weisman, Mr. Earley, Ms. Galbraith, Mr. Halpern, Prof. Redlich, and Ms. Reynolds-Vivanco volunteered to serve on this subgroup.

Finally, the panel briefly discussed several different diversion programs currently being operated in the Commonwealth with the panel's intention to collect information on these programs and present that information to the work group.

The panel is planning to hold a meeting on July 25, 2016, in Richmond.