

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

Criminal Justice Diversion Advisory Panel

Meeting, July 25, 2016

The Criminal Justice Diversion Advisory Panel (the panel) of the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century met on Monday, July 25, 2016. Members present at the meeting were Leslie Weisman (Panel Chair), Steve Austin, Pete Earley, Patrick Halpern (via phone), Gabriel Morgan (via phone), Caitlin Reynolds-Vivanco, Tanisha Trice, Heather Zelle (via phone), Jana Braswell, and David Cotter. Allison Gilbreath (via phone) also participated in the meeting as Amy Woolard's designee.

Ms. Weisman began by describing her impression of the reaction to her presentation to the Criminal Justice Diversion Work Group (the work group) on June 23, 2016, at the Virginia Capitol in Richmond. Ms. Weisman stated that the work group was generally interested in mental health dockets, but that Del. Robert B. Bell, the chair of the work group, expressed certain reservations. Mr. Earley said that there are three primary objections to the establishment of mental health dockets: (i) the costs attendant to their creation and operation, (ii) the failure to see the need for such dockets, and (iii) the perceived unfairness stemming from the special treatment received by individuals participating in mental health dockets. Mr. Austin noted that there has been a history of opposition to problem-solving courts in the past in the Commonwealth, citing the example of drug courts, though Mr. Austin also explained that drug courts and mental health dockets serve different purposes. Sheriff Morgan emphasized the need to educate the members of the General Assembly on the benefits of mental health dockets as members may have a concern regarding voter reaction to such dockets. The panel concluded that it would be useful to develop specific proposals concerning mental health dockets to present to the work group as opposed to simply highlighting the benefits of such dockets.

Ms. Braswell stated that in addition to the work of the panel and the work group, there are several other studies of mental health dockets taking place in the Commonwealth. She noted that the Department of Behavioral Health and Developmental Services (DBHDS) was required by the 2016 budget adopted by the General Assembly to review and evaluate existing mental health dockets used in the Commonwealth and develop a model that can be used by other courts. DBHDS has also received a Justice and Mental Health Collaboration Program grant to (a) develop a Virginia Essential Elements for Mental Health Dockets Report, (b) hold a statewide summit (scheduled for September 23rd), and (c) provide funding for one or two mental health docket pilot sites. In addition, Ms. Braswell stated that the Office of the Executive Secretary of the Supreme Court of Virginia is also studying mental health dockets.

Turning to the issue of mental health treatment in jail, Sheriff Morgan explained his attempts to get certain questions included in the Local Inmate Data System survey conducted by the Compensation Board that would help provide data about the services provided for the treatment of mentally ill individuals in each jail. While it was too late to get these questions included in the latest survey, he expects that they will be included in the 2017 survey.

The next item on the agenda was jail discharge planning. Sheriff Morgan stressed the value of the recommendations from the DBHDS Justice-Involved Transformation Team. Ms.

Weisman stated that it would be beneficial for there to be guidelines or procedures in place similar to those currently used when an individual is released from a state hospital. There was some discussion as to whether jails could be required to follow any such guidelines or procedures as a condition of accreditation; however, Sheriff Morgan noted that accreditation is voluntary and reiterated that the recommendations of the transformation team should serve as the foundation for any jail discharge planning requirements.

The panel then briefly discussed various diversion programs currently operating throughout the Commonwealth. The panel concluded that it would be beneficial for the work group to receive presentations on the mechanics of some of these programs to determine whether they may be appropriate to institute in other localities throughout the Commonwealth. The panel hopes to arrange presentations on one or two mental health dockets and another diversion program, specifically the New River Valley Bridge Program, for the next meeting of the work group, which is scheduled for August 22, 2016, in Richmond.