

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

Criminal Justice Diversion Advisory Panel

Meeting, October 11, 2016

The Criminal Justice Diversion Advisory Panel (panel) of the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century (Joint Subcommittee) met on Tuesday, October 11, 2016. Members present at the meeting were Leslie Weisman (Panel Chair), Steve Austin (via phone), Pete Earley, Lori Galbraith, Patrick Halpern, Allison Redlich, Caitlin Reynolds-Vivanco, Tanisha Trice, Heather Zelle, Jana Braswell, and David Cotter.

Ms. Weisman began by describing her meeting with Delegate Robert B. Bell, the chair of the Joint Subcommittee's Criminal Justice Diversion Work Group (the work group), on October 7, 2016. Ms. Weisman and Delegate Bell met in Arlington, Virginia, to discuss the work of the panel. Ms. Weisman explained that Delegate Bell wanted to ensure that the panel was making progress. During the meeting, Delegate Bell expressed an interest in the following subject matters: (i) crisis centers, (ii) crisis stabilization units, and (iii) the discharge of mentally ill individuals from state and local facilities. Ms. Weisman stated that she and Delegate Bell had an extensive discussion regarding jail discharge planning and the disparities in the availability of such planning across the Commonwealth. Delegate Bell requested that a list of the panel's priorities be presented at the next meeting of the work group on Wednesday, October 26, 2016. Delegate Bell also suggested that members of the panel visit jails around the Commonwealth.

Turning to the issue of behavioral health dockets, Leslie Weisman noted that at the last work group meeting in June, Delegate Bell questioned why individuals agree to participate in a docket when the conditions of such participation are frequently more onerous than the criminal punishment that would be imposed. Ms. Weisman and Professor Zelle discussed the idea of conducting a survey of participants to determine the reason for their participation and their satisfaction with the outcomes. There was a general discussion of the research currently available, and Professor Redlich noted that there may be an opportunity to educate members of the Joint Subcommittee on the benefits of behavioral health dockets by using data from other states. Professor Redlich specifically noted that there is data that demonstrates that felons may benefit more than misdemeanants from participation in a behavioral health docket. Ms. Braswell suggested that, instead of a survey, the panel could interview a few participants in each of the behavioral health dockets in operation in the Commonwealth. There was consensus for this approach, and Professor Zelle indicated that the results will likely be ready sometime in 2017.

Ms. Weisman then updated the panel on the Supreme Court of Virginia's Behavioral Health Docket Advisory Committee (advisory committee), chaired by the Honorable Jacqueline F. Ward Talevi, Chief Judge, General District Court, 23rd Judicial District. Ms. Weisman explained that the advisory committee has been developing the standards that must be used by a court that wants to establish a behavioral health docket and the application that must be submitted and approved by the Supreme Court before a court can set up a behavioral health docket. The advisory committee is supposed to submit its work to the Supreme Court by the end of the month.

The next topic discussed was the mental health services provided to individuals in jail and upon their discharge. Ms. Weisman noted that the panel has concurred in the recommendations of the Department of Behavioral Health and Developmental Services (DBHDS) Justice-Involved Transformation Team (Transformation Team) about the need for standardized mental health treatment in jails. Ms. Braswell stressed that not all jails screen individuals for mental illness upon their entry in the jail and noted that the Transformation Team recommended that all jails use a standardized screening instrument. Ms. Braswell specifically mentioned one such instrument, the Brief Jail Mental Health Screen, noting that it has been validated. The panel discussed the potential problem that may result if there are no mental health services to provide to an inmate who is determined by the screening instrument to be mentally ill. There was a brief discussion of the availability of telepsychiatry in the jails to ameliorate this potential problem. It was noted that the work group chaired by Delegate T. Scott Garrett was looking at the use of telepsychiatry in general.

Ms. Weisman then proceeded to recap the panel's discussions. She noted that the panel recommends that all jails be required to use the Brief Jail Mental Health Screen. Ms. Weisman also noted that the panel agrees that jail discharge planning is of paramount importance. The panel discussed the possibility of legislation requiring the study of discharge planning and the development of a plan to ensure that discharge planning occurs at every jail. Finally, Ms. Weisman briefly discussed the benefits of creating local criminal justice stakeholder groups to monitor any changes in services provided to justice-involved persons with mental illness; however, there was no consensus on whether creating additional groups would be worthwhile.

After a brief discussion about arranging a future trip to visit some jails in the Commonwealth, the panel adjourned. The panel's next meeting will be held on Monday, November 7, 2016, in Richmond.