

# Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century

## Work Group 2: Criminal Diversion

### Meeting Summary

June 5, 2018, Central State Hospital, Petersburg

Work Group 2: Criminal Diversion (the Work Group) of the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century (the Joint Subcommittee) held its first meeting of the 2018 interim on Tuesday, June 5, 2018, at Central State Hospital in Petersburg. Following introductions, Delegate Bell, the Work Group's chair, noted that the Work Group and the Joint Subcommittee have two years remaining to complete their work. Over the course of the remaining two years, the Work Group will focus on the delivery of mental health services in jails, the study of criminal diversion plans in the Commonwealth, and the review of data from the forensic discharge pilot program.

### **Work Group Organization, Goals, and Work Plan**

Following a brief update from staff on the work of the expert advisory panels, the Work Group members discussed the Work Group's organization, goals, and work plan for the interim. Staff began the discussion by presenting the draft work plan, major topics of which include:

- Identifying barriers to CSBs providing services in jails;
- Reviewing data on recently approved improvements, including the mental health jail screening tool, forensic discharge planning, and alternative transportation; and
- Reviewing the results of the Locality Readiness Assessment conducted by the Criminal Diversion Expert Advisory Panel.

In carrying out its work, the Work Group will seek information and assistance from the Criminal Diversion Expert Advisory Panel, the Mental Health Crisis Response and Emergency Services Expert Advisory Panel, and various other experts to inform its work and will strive to identify and provide opportunity for comment by stakeholders. The Work Group also will receive updates from the Expert Advisory Panels on other work and initiatives currently underway as information is available. The Work Group will hold a number of meetings throughout the interim to carry out its work and will report on its work to the full Joint Subcommittee at each meeting to receive input and direction from all members of the Joint Subcommittee. The Work Group will present final recommendations to the Joint Subcommittee in the fall of 2018.

Members of the Work Group then discussed the draft work plan. Delegate Bell noted the opportunity to explore the mental health delivery services in jails; to look into the various diversion plans that are being used in the Commonwealth, including the mental health dockets; and to review data from the forensic discharge pilot program.

Delegate Hope noted that the Work Group should also examine the use of restrictive housing in Department of Corrections (DOC) facilities as well as any legal restrictions regarding the use of diversion programs in pre-custodial situations.

Delegate Watts noted that the county attorneys should be consulted when developing diversion programs, as there could be liability issues for localities. Delegate Watts also wanted the Work Group to look into mental health standards for jails, which would include the use of physical restraints and medical sedation.

Senator Howell noted that years ago the Joint Legislative Audit and Review Commission studied the provision of mental health services in jails by CSBs and that such study may be helpful to the Work Group.

Senator Hanger noted that the expansion of Medicare may have a significant impact on providing mental health services in jails. With expansion, more of the jail population may be eligible for health care coverage.

Members of the Work Group discussed potential agenda items for upcoming meetings, including the various diversion programs across the Commonwealth, the use of restrictive housing in jails and DOC facilities, and the provision of mental health services in jails by CSBs.

#### **Next Meeting**

There being no further business, the meeting was adjourned. The details of the next meeting will be announced on the Joint Subcommittee website at a future date.