

A DECISION TOOL: WORK GROUP #1

ADULT CRIMINAL JUSTICE AND MENTAL HEALTH SYSTEM

prepared by Sheri Heffelfinger, Research Analyst
Montana Legislative Services Division
for the
Law and Justice Interim Committee
January 11, 2008

***Study Phase II: Focus and Prioritize
On which issues should the committee focus and
in what order of priority?***

The following is a menu of issues identified during the background phase of the studies. It is offered to assist the committee in choosing which issues are most important and merit more attention. The menu is not intended to be comprehensive or exclusive. However, in order to effectively manage its time and resources to develop viable recommendations, the committee should focus on a few key issues and prioritize its work.

- I. **Options for state-level action based on the President's New Freedom Commission recommendations listed on the GAINS Sequential Intercepts for Change color chart**
 - A. Fund a statewide effort to provide Crisis Intervention Training for local law enforcement as done in OH, AZ
 - B. Support or encourage jail diversion programs as done in FL, MI, IN, CT, TX
 - C. Make state-level changes in Medicaid or SSI eligibility to provide for a suspension rather than termination of benefits when the individual is incarcerated, as done in Lane County, OR
 - D. Remove constraints that exclude persons formerly incarcerated from housing or other community support services; make criminal justice clients a priority for housing, as done in MD
 - E. Fund evidence-based programs for community-based services targeting people with mental illness in contact with the justice system
 - F. Create a criminal justice priority eligibility group for human services funding without "net-widening" or limiting services to others; for instance, use HUD funds or Justice Assistance Grants for housing for justice-involved mentally ill individuals

- G. Provide comprehensive and integrated treatment programs for persons with mental illness and co-occurring substance use disorders diverted or released from the criminal justice systems (*no other specifics were listed in the GAINS chart*)
- H. Legislate task forces/commissions consisting of mental health, substance abuse, and criminal justice stakeholders, as done in TX, AZ, CA

II. Issues raised in presentations to the committee and in committee discussions (and not already listed above)

- A. Examine how to develop "intermittent" crisis services for individuals detained in jail and awaiting final disposition by the court but who were stable when initially taken in but who then experience a mental health episode and need crisis intervention
 - raised by Brenda Desmond, Standing Master, 4th Judicial District (Missoula and Mineral Counties) in her Oct. 1, 2007, testimony.
- B. Examine the current statutes and funding for Behavioral Health Inpatient Facilities (BHIFs)
 - raised in context with court-based diversion alternatives by Brenda Desmond, Oct. 1, 2007, also mentioned in staff background paper on HJR 50 study of involuntary civil commitments
- C. Provide funding for mental health courts so the courts can develop court-based diversion programs
 - generally implied in various testimony related to court-based programs, Oct. 1, 2007
- D. Examine possible changes to statutes related to presentence investigations (PSIs)
 - PSIs were discussed by Sen. Shockley during the Oct. 1, 2007, meeting in the context of questions on intercept 2, court-based programs, and intercept 4, incarceration/secure treatment
- E. Revise involuntary (and voluntary?) commitment statutes
 - broader that the cost questions raised in the HJR 50 study resolution, raised by several panelists during both the Oct. 1 and Nov. 9 meetings

- F. Drug offender sentencing and diversion programs
 - Rep. Goodman from Washington state discussed the program his state enacted in 2002, see Oct. 1 minutes
 - Daniel Abrahamson of the Drug Policy Alliance (in his Nov. 8 presentation) , Tom Daubert (in public comment and in a letter sent to the committee), and some members of the committee (Nov. 8) expressed interest in looking at the drug offender sentencing data in greater detail (by gender, judicial district, county, for sale/distribution offenses, as part of probation and parole violations)

- G. Address prison-based mental health services
 - for example, develop legislative policy with respect to a Secure Treatment and Examination Program (STEP), or something similar -- Oct. 1, panel on Intercept 4

- H. Consider a Montana equivalent of Kendra's Law, passed in New York State in 1999, to provide for assisted outpatient treatment for mentally ill individuals who need more intensive supervision and medications (**see handout on Kendra's Law included in this Jan. 2 mailing**)
 - may respond to concerns raised in panel discussions on Oct. 1 that it is a problem for law enforcement and mental health providers when individuals refuse treatment or stop taking their medications; also mentioned in literature provided by NAMI - Montana

- I. Examine the various definitions of "mental illness" or "mental disorder" and consider developing standard language (**see handout of MCA definitions for adults included in this Jan. 2 mailing**)
 - raised by Sen. McGee and discussed Oct. 1 and Nov. 9

III. Other references

- A. Recommendations of the Mental Health Oversight Advisory Council relative to criminal justice and mental health systems
 - **see August 21, 2006, memorandum** addressed to Joan Miles, Director, DPHHS (Attachment C in staff report entitled *HJR 26: A Primer*, July 13, 2007)

- B. Staff paper (*HJR 26 - Mental Health and Criminal Justice: Problems and Needs Summary*) summarizing Oct. 1 panel discussions -- provided to the committee at the Nov. 9 meeting

CI0429 8002shma.