

***Substance Abuse and Mental Health
Stakeholders' Consortium***

Criminal Justice Commission

JOINT WORK GROUP

Meeting Summary

October 27, 2004

Present:

Chief Peter Abbott, Sarasota Police Department
Ken Alexander, Sarasota Memorial Hospital
Dave Beesley, First Step of Sarasota
David Bennett, Criminal Justice Consultant
Chief Judge Bob Bennett, Twelfth Circuit Court
Catherine Clouse, SCOPE
Sgt. James Davies, Sarasota County Sheriff's Office
Judge Nancy K. Donnellan, Mental Health Court
Maj. Kevin Gooding, Sarasota County Sheriff's Office
Sally Graham, SCOPE Mental Health Implementation Committee
Debbi Horst, Sarasota Office of Housing and Community Development
Lisa Jolliffe, Pretrial Services Program
Bill Little, Sarasota County Health and Human Services
Jamie Mahadeo, Sarasota County Human Services
Dennis Nales, State Attorney's Office
Susan Nunnally, Department of Children and Families
Helen Petriccione, Pretrial Services Program
Bob Piper, First Step of Sarasota
Sherri Reynolds, Sarasota County School Board
Rev. Skip Ritter, Sarasota County Sheriff's Office
Mary Ann Sharp, Public Defender's Office
Walt Smith, Court Administration
Lt. Paul Sutton, Sarasota Police Department
Chip Taylor, Sarasota County Human Services
Gabrielle Taylor, Sarasota County Sheriff's Office
Jerry Thompson, Coastal Behavioral Healthcare
Lt. Charlie Thorpe, Sarasota County Sheriff's Office
Davis Tornabene, Public Defender's Office
Pauline Tracy, Sarasota County Human Services

Detention of Persons with MH/SA Issues in the County Jail

The issue of the detention of persons with mental health and/or substance abuse problems in the Sarasota County Jail was discussed at recent meetings of both the Criminal Justice Commission and Substance Abuse and Mental Health Stakeholders' Consortium. As a result, this joint meeting was convened to take a look at the challenges and opportunities involved in dealing with affected inmates.

Judge Bennett introduced the Criminal Justice Commission's (CJC) point of view on the issue. He explained that the role of the CJC is to oversee the criminal justice system in Sarasota County to ensure that we are operating in the most equitable, fair and efficient way possible. David Bennett was engaged by Sarasota County Government as a consultant to make recommendations for system improvements. One such suggestion was the expansion of the pre-trial services program to a 24/7 operation, operating county-wide. Even though the change was only recently implemented, there has already been a significant decrease in the average daily population of the jail.

Judge Bennett pointed out that there are a handful of misdemeanants who have an extremely high recidivism rate and are taking up significant resources in the police and court system. For the most part, these people are typically affected by both mental health and substance abuse (typically alcohol) issues. He expressed the opinion that the criminal justice system in Sarasota County is not equipped to handle these individuals.

Current Situation and Local Initiatives Underway

David Bennett reviewed the results of his study. He stressed that the change to the Pre-Trial Services Program has been equally as effective as the fact that Judge Bennett has personally taken over the task of first appearance hearings, Monday through Friday. Statistics show that prior to the changes two months ago, the jail population stood at 857. After the change, the jail population remains around 739. This morning the population was 752. At the same time, bookings into the county jail have *increased* by 203, based on September 2003 to September 2004 figures.

To illustrate Judge Bennett's point about misdemeanants, a preliminary study done at the jail showed that, since 1999, there were 58 individuals who were arrested an average of 31 times each. This statistic shows that there is a great strain on the system as a result of these individuals. It is obvious that something different has to be done to deal with these types of criminals who demonstrate mental health and/or substance abuse issues. The jail is not the place to treat these types of problems and the system is not prepared to handle this level of demand.

The challenge for this meeting is to brainstorm how these individuals can be diverted from the criminal justice system and receive appropriate treatment in the community. The following points were made:

- If an individual is charged with domestic violence, they are precluded from participating in Drug Court and Mental Health Court.
- There is a “disconnect” between the handling of mentally incompetent individuals in civil and criminal proceedings. For example, an Alzheimer’s Disease patient can be determined incompetent in a civil court, but criminal charges still proceed. Often ACLFs and nursing homes won’t take a person with dementia if they have criminal charges pending.
- There have been occasions when a Baker Act patient has been refused admission by the Crisis Stabilization Unit (CSU) because there is not an available bed. This forces law enforcement to house these individuals in the jail.
- There are also instances where a judge will issue an *ex parte* order to take an individual to the nearest treatment facility. However, that facility turns the individual away due to lack of space
- Nine out of ten Marchman Act clients go to the jail rather than into a treatment bed due to lack of space.
- There are two ways to capture individuals in crisis—civilly and criminally. Criminal captures are well-funded compared to civil captures (Baker Act – funded; Marchman Act – unfunded).
- We need to focus on individuals who have *chronic* mental illness or substance abuse issues or both. We have avenues to address individuals in crisis. The Marchman Act needs to be changed to provide consequences for violators and funding for long-term treatment.

Susan Nunnally explained that when someone is committed for mental health treatment by a judge, they are committed not to a particular facility but to the Florida Department of Children and Families. Even though G. Pierce Wood Hospital has been closed, there is still an assigned state hospital for this area, Atlantic Shores. If Atlantic Shores can’t take the person, they go to Florida State Hospital in Chattahoochee. There is also a regional short-term residential treatment facility (SRT) at Manatee Glens in Bradenton that serves Sarasota County. With regard to Baker Acts, Susan explained that the Medicaid clients are referred to Sarasota Memorial Hospital’s Bayside Center since they have an

ability to pay. The CSU handles indigent clients. Susan reminded everyone that, by law, the maximum number of beds a receiving facility is allowed to have is 30. Also, the law states that law enforcement is not to be turned away at a receiving facility unless the facility feels that the individual will endanger the safety of others in the facility.

Chip Taylor reminded the group that it is a given that the state legislature is not going to fund an increase in CSU capacity in Sarasota County any time in the near future. The solutions that we come up with will have to be within the context of existing resources.

Bill Little made a number of suggestions for future consideration:

- All of the potential funding streams that might be used for forensic purposes may not yet have been identified. For example, the Community Development Block Grant could be considered to assist in the housing and community capacity arenas. There are probably more funding streams out there that have not been tapped at this point.
- There may be policies and procedures in place that we have created ourselves that adversely impact the decisions made in the criminal justice system. A systematic review of those policies that can be changed would be helpful.
- A case management system could be considered to identify and prioritize the needs of inmates who are in need of mental health and substance abuse services.
- Are we using the existing space in the jail to the best advantage? Could programs be operated in that facility?
- Are there other processes that we can look at to make changes (such as pretrial services, drug court, mental health court, etc.) to make the whole system work better?

A number of years ago, the residents of Manatee County voted to tax themselves to address the problem of drug abuse. Perhaps now is the time to approach our community for a new funding source. Perhaps businesses are ready to work with us financially to address this problem as well.

Discussion ensued regarding the possibility that a secure addictions receiving facility could be developed for our three-county area. Chip asked that representatives of Sarasota Memorial Hospital, DCF, First Step of Sarasota and Coastal Behavioral Healthcare make a presentation at the next meeting on what the impact would be of such a facility. He also suggested that we invite

representatives from the addictions receiving facility operated in Tampa by ACTS, Inc. be invited to the next meeting to describe the operation of their program.

Next Meeting

The next joint meeting of the Substance Abuse and Mental Health Stakeholders' Consortium and the Criminal Justice Commission work group is scheduled for November 16, 2004 beginning at 1:30 p.m. in the Health Department Auditorium (note: this date was changed from November 17 to accommodate the schedules of many of those who will be attending).