



# **Comprehensive Behavioral Health Task Force**

## **EXECUTIVE SUMMARY**

August 7, 2016





**COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA  
COMPREHENSIVE BEHAVIORAL HEALTH TASK FORCE  
FINDINGS AND RECOMMENDATIONS**

**Executive Summary**

*The following information is intended to serve as a guide for counties seeking alternatives to incarcerating mentally ill and substance abusing offenders to increase the likelihood of improved lives, better use of resources and safer communities.*

**Goal - Encourage counties to employ successful strategies to reduce the need for incarceration**

Counties with robust diversion options have improved ability to control the population overall, and if diversion options support a particular population, the outcomes for the justice system improve even more. Effective diversion programs must focus on improving the interactions at the local level that will result in effective comprehensive criminal justice planning, employing the proven sequential intercept model by mapping local resources, and through consideration of medication assisted treatment options. Costs to provide medical care for inmates now exceed \$100 million annually. The average cost of incarceration in a county jail is approximately \$40,000 annually, compared to many community based alternatives at are estimated to cost less than half of that amount.

**Objective - Develop Effective Diversion Programs** - Examine the options available to law enforcement for diversion at the time of arrest. If law enforcement officers have options that protect public safety while obtaining the proper interventions for an offender, the resulting reduction in impact on the criminal justice system will be enhanced by the improved future opportunities that present themselves to the individual who is not saddled by a criminal history.

**Interaction with the Judicial System**

- Counties should work locally to encourage judges to embrace evidence-based change.
- CCAP should assist counties in improving local interaction with the courts by providing data on successful programs that commissioners can share with their local judiciary.
- CCAP should continue close interaction with the Administrative Office of the Pennsylvania Courts (AOPC), and in particular, open discussions with AOPC on their position on bail reform and diversion efforts.

### **Pretrial services, bail reform, and risk assessment**

- Counties should explore the opportunities presented through effective, evidence based pre-trial programs. Pre-trial services can include a range of supports for the offender and options for supervision, and can often be designed around a specific goal.
- CCAP should support a comprehensive reform of the bail system in PA. The Justice Reinvestment Initiative II is expected to contain a recommendation on bail reform when its report is released in late 2016, which will likely call for legislation.
- CCAP should support state funding for pilot projects such as pre-trial services, and the L.E.A.D. program, and options for probation violations that use community supervision rather than jail.
- CCAP should encourage counties to learn about risk assessment options and incorporate them where appropriate using a collaborative systems based approach to determine how risk assessments will be utilized in that county.
- CCAP should seek funding options for county risk assessment tools and explore the options for counties to share the costs of the development of the tools.
- CCAP should share successes of county-based pilots and grant programs with the media, improving the understanding of the public and helping our county residents understand the value of the investments being made into alternative options vs. the costs of jail.
- CCAP should examine resources that can be used to expand telemedicine options for mental health treatment in counties without psychiatrists.

### **Law enforcement training**

- CCAP should consider developing policy positions with regard to mandated crisis intervention training (CIT) for law enforcement and explore opportunities for expanded community policing models.
- CCAP should reach out to the Municipal Police Officers Education and Training Commission to learn what the minimum requirements are now, and what they may be willing to support.

### **Probation**

- CCAP should continue its support for funding for adult probation through increased grant in aid. Further, sustainable options must be developed. The Justice Reinvestment II proposal is expected to support the shifting of savings from state correctional facilities achieved through reductions in population to the front end of the system.

**Objective – Apply Sequential Intercept Mapping** - Various county departments interact with justice involved individuals throughout the continuum from pre-trial/diversion through and including parole/release. At each step of the process, there are opportunities to connect individuals with appropriate mental health and/or substance abuse services which should improve outcomes for the individual and reduce the reliance on incarceration.

- CCAP should provide opportunities for counties to learn about the Sequential Intercept Model through communications, articles and success stories arising from local county experience
- Counties should employ the resources from the Pennsylvania Commission on Crime and Delinquency (PCCD). PCCD funded projects through the Pennsylvania Mental Health and Justice

Center for Excellence resulting in a statewide assessment of service access points for local jurisdictions.

- Counties should engage local adult and juvenile justice systems' experts along with county behavioral health departments and service providers in a comprehensive Sequential Intercept Mapping exercise.

**Objective – Utilize Medication Assisted Treatment as a diversionary measure** - Medication Assisted Treatment (MAT) is currently a hot topic in the criminal justice community and the substance abuse treatment community. While much of the focus is on utilizing MAT just prior to release, and in the community following release, it can be an effective tool combined with the appropriate level of treatment and recovery support, in preventing incarceration.

- Counties should meet with their medical providers, SCA and drug and alcohol treatment providers to determine the need and readiness for implementing Medication Assisted Treatment protocols within the jail and for individuals upon discharge.
- Counties should provide additional training for jail staff and treatment providers who need to recognize the role of Medication Assisted Treatment in comprehensive recovery planning.
- CCAP should pursue further discussion to learn how these programs could best serve the target population if they are funded in the 2016-17 budget.

**Goal - Expand training, education and awareness efforts to improve public perception and understanding**

The public sentiment on criminal justice, and those who are incarcerated, mentally ill, or addicted to drugs and alcohol is rarely positive and usually driven by perceptions that are inaccurate. Despite statistics that prove those with mental illness are no more prone to violent behavior, and are actually more likely to become victims of crime is not widely known, leading to pressures on policy makers to seek public protection measures that do little or nothing to solve the problem. In fact, the problems of those with mental illness or abusing drugs and alcohol can actually become worse as a result of incarceration that is not focused on the behavior disorder. Counties also need education on the costs and unique concerns that accompany the growth of inmates with behavioral issues in the county corrections system.

**Objective - Counties will improve risk management practices related to inmates with behavioral health issues** - There are many aspects of liability and risk associated with incarcerating individuals with both identified and unidentified behavioral health treatment needs. Counties have legal obligations to the inmates they house. Whether the inmate is a pretrial detainee or a sentenced individual is irrelevant. The Task Force discussed the need to assure wide spread buy-in at the state and national policy levels as well as locally to create improved attitudes about using jails to house those with mental illness and substance abuse.

- All facilities should review all written policies in regard to inmates with behavioral health issues.

- Counties should evaluate policies in place in jails or through third party providers regarding medication available to inmates at the time of release.
- County commissioners and their solicitors should review suicide prevention policies.
- BHMCO's, Medical providers for the jail, Single County Authorities, Administrators of Mental Health and Intellectual Disability Programs, Jail and Probation staff should meet regularly to coordinate services and funding. Commissioners should convene these meetings to ensure the best use of scarce resources.
- Counties are encouraged understand potential risks and liability associated with placing inmates in isolation or solitary confinement – especially those inmates with serious mental illness and that the state provide resources and technical assistance to counties regarding isolation and suicide prevention.
- CCAP should provide training for commissioners and solicitors on risk and liability issues at least biannually.
- Counties should work with medical care providers to carefully evaluate all policies and procedures regarding formularies and drug distribution to ensure that they are producing effective outcomes for inmates.

**Objective - Improve staff training in jails and juvenile facilities, police departments** - The nature of adult and juvenile justice prevention, intervention and post intervention has been evolving rapidly within the past century. To ensure new practices are implemented in a manner that impacts outcomes, they must be employed with fidelity. This requires many departments to not only increase instructor skills and incorporate new training tools in the classroom environment, but to also ensure supervisory staff have the skills and resources to evaluate and provide immediate constructive feedback in the field.

- CCAP members and staff should investigate and share long-term cost benefit analysis of training investments to better arm corrections agencies with supporting data when preparing budget proposals aimed at improving staff development.
- CCAP should collaborate with the PA Department of Corrections and federal partners as well as foundations and other private stakeholders who are willing and interested in sharing resources and in investing in local initiatives which show promise in addressing the behavioral health population.
- Counties should target joint cross-jurisdictional training programs that not only instruct participants on these evidence-informed practices but also provide implementation guidelines for transferring the knowledge back to the home environment.
- Counties should support performance improvement strategies for adult and juvenile justice agencies that arise from current best practices which are informed by research.
- County jails and justice service providers should participate in a validated training needs assessment. The assessments must be designed to identify deficits in staff understanding and application of evidence-informed practice as well as organizational barriers to application of the identified skills.

**Objective - Improve education and awareness for public, stakeholders, families, providers, commissioners, policy makers** - Attitudes and biases make it difficult to affect change, especially where the treatment of substance abuse and mental health are concerned. Taxpayers may not be willing to support the investment of public funds into programs and services that assist those addicted to drugs or alcohol. The lack of support can translate into unwillingness to consider new options for treatment. To change the misperceptions and prejudices that exist with regard to addictions, treatments, mental illness, counties should consider changing the debate to one which demonstrates a return on investment of tax payer funds.

- CCAP should assist counties through the development of talking points and educational materials that can be used locally and statewide.
- CCAP should regularly seek opportunities to leverage media coverage that demonstrates the return on investment for the public.
- CCAP should continue the Task Force for the remainder of the year and charge it with the development of local media materials and talking points to be shared with counties for their use with local media.

**Goal - Provide effective supports and services to reduce entry into the criminal justice system and to improve outcomes for re-entry**

The task force explored the value of providing supportive options within the community and their value for reducing the potential for mental health and substance abuse issues being the catalyst to a person's entry into the criminal justice system. Basic needs for housing, health care, and access to services are key components on the front end – avoiding a jail admission – and the back end – re-entry planning and avoidance of recidivism. Lack of available, affordable housing with supports for re-entering inmates or for those identified for diversion can result in failure. Expanding presumptive Medicaid eligibility for those with substance abuse issues and mental illness who are leaving jail/prison, and finally, suspension as opposed to termination of Medicaid for inmates in county jails and state prisons will enable improved continuity of care, resulting in better outcomes.

**Objective - Assure available, affordable housing with supports for re-entering inmates and for those identified for diversion** - Research shows that in order to successfully re-enter the community inmates must secure safe, affordable and stable housing.

- Counties should work with their housing providers to improve understanding of what their rights are as well as the rights of potential re-entering inmate renters as outlined in the Fair Housing Act.
- Counties should participate in a re-entry data collection efforts. Statewide coordination must include all levels of the justice system.
- CCAP should encourage statewide training, regarding the barriers that exist for inmates, strategies to mitigate those obstacles and the available linkages for appropriate housing

- CCAP should work with the DOC to create partnerships that leverage DOC funds to create innovative housing programs, especially those that could be modeled after successful programs focused on people with disabilities.
- CCAP should support efforts for Pennsylvania to obtain a waiver allowing Medical Assistance (MA) dollars to be used to assist housing with supports.
- CCAP should explore pilot projects in counties and successful programs from other states.

**Objective - Warm hand-off at emergency departments** - Efforts to develop comprehensive responses to the current overdose epidemic include all service delivery systems throughout the Commonwealth. Engaging an overdose survivor in treatment and recovery support services as quickly as possible following an overdose saves lives and prevents subsequent overdose. Individuals with addiction issues who have been incarcerated are at high risk for overdose upon release because their tolerance level decreases while abstinent during incarceration. Without medication and treatment, cravings continue and using drugs becomes one of the first activities upon release. Recovery specialists are assigned to hospital emergency rooms to engage overdose survivors before they have an opportunity to leave the hospital. Certified peer specialists can interact on a very personal level, and share experiences on the positive outcomes of treatment and recovery.

- CCAP and counties should continue work to develop and implement warm hand-off projects for overdose survivors.
- CCAP should seek sources and collect data on the availability of and usage of treatment beds in the inpatient setting.

**Objective – Implement suspension vs. termination of Medicaid benefits and rapid enrollment at the time of release for those not previously enrolled, and expand presumptive Medicaid eligibility** - Whenever a person is admitted to jail or prison, their access to government benefits is immediately terminated, even before they have been convicted of a crime. Veterans benefits, Medicare, Medicaid, and SSI all immediately terminate upon admission, leading to a forced re-enrollment process once released that can take many weeks or even months. For inmates with substance abuse or mental health issues, the lack of coverage for crucial treatment often results in relapse, which further exacerbates health conditions, and leads to a revolving door of jail admissions.

#### **Medicaid suspension/Department of Human Services**

- CCAP should work closely with the administration to understand the process for suspension so that counties can be educated on the need for practice or policy change to assure inmates are enrolled when they are ready for release.
- CCAP should maintain close contact with the Department of Corrections in the development and implementation of procedures to assure that the unique circumstances of each corrections system are understood and factored into procedures.

- CCAP should continue working toward a rapid restoration process, similar to the process used for enrolling inmates who are ready for release to a residential drug and alcohol treatment program and work with DHS on expansion of options for presumptive eligibility.
- CCAP should work to develop a state/county Memorandum of Understanding similar to what is in operation for county jail inmates leaving for residential drug and alcohol treatment, applying the same principles to non-residential and to mental health treatment.
- CCAP should work with the administration to assure joint training of PA Department of Human Services staff and county staff simultaneously to assure consistent understanding of process changes and secure a primary contact within each county assistance office who will serve as liaison to the jails. If an inmate is preparing to leave a county jail but returning to a different county, a county assistance office liaison could quickly resolve cross-county issues through contact in the receiving county benefiting the Commonwealth as well as counties.
- CCAP should support and encourage funding for staff at the state and county level who are tasked with enrolling inmates in Medicaid.

### **Jails/County Assistance Offices**

- All jails should become PA Department of Human Services community partners and train staff to complete COMPASS applications.
- Counties should consider adding a County Assistance Office representative to county reentry councils.
- Counties should consider the benefit of navigators within the jail to assist with enrollment.
- Counties should consider a means of arranging for connections to SSI/SSDI for qualified inmates and provide educational programming for commissioners and jail administrators on the best practices for counties in obtaining SSI/SSDI for qualified inmates.
- Counties should explore a Memorandum of Understanding with Social Security Administration to submit SSI applications prior to release.

### **Other recommendations**

- CCAP should continue work with PCCD or other agencies to find ways to facilitate the ability for counties to get inmates enrolled in Medicaid.
- CCAP should research ways to expand technology to facilitate the Medicaid enrollment process and support funding assistance for counties in obtaining this technology.
- CCAP should explore data that demonstrates return on investment for counties that are employing successful strategies and share it with those that are not.
- CCAP should work with the DOC and DHS to develop strategies for encouraging families to assist in obtaining benefits for family members being released from jail and prison.

## **Goal - Understanding special populations and unique circumstances**

Veterans, juvenile offenders, women and individuals with intellectual disabilities and autism present a heightened need for specialized approaches within the criminal justice system. By understanding unique circumstances and applying research proven techniques, successful diversion from jail and reduced recidivism can be achieved. Tools to assist counties in understanding needs and the means to address them will further enhance the ability of counties to avoid jail placements that simply exacerbate the conditions that lead to the justice system encounters in the first place.

**Objective – Successful diversion from jail and reduced recidivism for veterans** - Successful diversion from jail and reduced recidivism for veterans can be achieved through focused options at the front end, and assistance to incarcerated veterans.

- Counties should work closely with their veterans affairs directors to assess the status of options for diversion and specialized programs and plans to implement appropriate options in collaboration with the criminal justice advisory boards and community partners.
- Counties should establish connections with regional veterans support programs and facility personnel. Counties should encourage partnerships between county Veterans affairs directors and community based behavioral health system partners.
- Counties should engage in local discussion around options for [veterans' courts](#), if they are not currently in place.
- Counties should assess the options for diversion of veterans within county boundaries or nearby. Counties should assess the availability of treatment and shelter beds in the community and determine whether barriers exist for veterans accessing those services.
- Counties should work with local law enforcement on a strategy for veterans' diversion using this partnership to expand the use of crisis intervention techniques.
- Counties should consider working with county veterans affairs directors to provide training for local police on special services available to veterans.
- Counties should work to develop connections with landlords or housing authorities to assist with homelessness.
- Counties should consider whether transportation options can be leveraged through current funding options or through public private partnerships.
- Counties should consider options such as the [Veterans Reentry Search Service \(VRSS\)](#) that quickly and systematically identifies incarcerated individuals with a record of military service so that reentry planning and connection to the Department of Veterans Affairs.
- CCAP should explore whether options for identifying veterans at the Magisterial District justice level are possible.
- CCAP should collect data on the return on investment into treatment courts that can be made available to counties. Source likely exist for this data at the state and national levels, as well as through peer to peer connections.

- CCAP should explore funding opportunities through the Veterans Administration to support data collection.
- CCAP should arrange educational presentations for county commissioners and county corrections professionals. VRSS is currently active in 218 jurisdictions in 28 states.

**Objective – Meeting the needs of juvenile populations** - Pennsylvania’s juvenile justice system continues to take a lead role in many areas of juvenile justice reform by collecting and using data to drive decision-making. Counties that provide services to address the needs of young offenders at the earliest possible point may reduce the likelihood or even avoid future involvement with the adult criminal justice system. However, juvenile populations create additional challenges which require unique solutions.

- Counties should encourage juvenile and adult facilities that house young offenders to continue to build collaborative agreements between the various human service, educational, and supportive service programs locally.
- Counties should encourage local human service agencies, court personnel and state agencies such as AOPC and DHS to engage in cross systems collaboration and education to share new research findings that clarify the unique needs of youth and to improve the likelihood of a timely and comprehensive response.
- Counties should conduct a system-wide review to assess the extent to which evidence-informed practices geared toward improving outcomes are applied. Some of the successful intervention strategies identified by the Task Force include; Cognitive Behavioral interventions, Trauma Informed Approaches and Family Engagement models.
- Counties should encourage facilities/providers to identify methods for soliciting feedback from youth to gain insights about their perceptions of their experiences with justice staff and within institutional settings.
- CCAP should collaborate with the Department of Human Services to identify means to increase access to data. Data elements must be identified and standardized to improve statewide evaluation of incidents that introduce youth to the juvenile justice system, that entrench youth within the system and that interfere with positive outcomes.

**Objective – Encourage counties to explore the value of gender specific response** - The number of women incarcerated in the United States has increased by over 800 percent since 1974. The majority of women who become involved with the criminal justice system are victims of domestic violence, or found to have experienced significant trauma in their lives. Implementation of Trauma Informed Criminal Justice Responses has proven effective, yet is not often a standard approach. Improved understanding regarding the implications of incarceration for women can reduce the dependence on other systems, such as child welfare.

- CCAP should provide information for counties on [Trauma Informed Criminal Justice Responses](#), especially as it relates to [women](#).

- CCAP should assist in providing education to county staff in probation, jails, and throughout the county human services system on incorporating gender specific approaches.
- CCAP and counties should research the options for specialized assessment tools for women that better determine needs.
- CCAP should explore options to expand pilot programs, such as the Chester County WRAP program. The task force also recommends that training on gender responsive approaches be provided to the judiciary, and urges CCAP to work with AOPC to find opportunities to make that happen.
- Counties should examine their procedures and/or training methods for staff to expand Trauma Informed Care, and educate them on the use of trauma history screen.
- Counties should consider ways to develop shelter services that encourage family unity and provide a means to connect women to their communities upon release.
- CJAB's should familiarize members regarding the continuum of care that begins at the point of entry, and further develop alternatives to incarceration for female offenders.

**Objective - Promote techniques for developmentally disabled population** - Increasing numbers of developmentally delayed individuals are entering the criminal and juvenile justice systems leading to the need for diversion planning and the use of techniques to increase universal awareness and understanding at all levels within both systems. Negative outcomes with law enforcement and even emergency room personnel can result in a developmentally disabled individual becoming initially engaged in the criminal system. The use of proven communications and de-escalation techniques can lead to successful diversion.

- Counties should consider training in identifying at risk individuals and diversionary protocols for police officers and various sectors of the system including judges, probation, jail staff, detention.
- Counties should encourage public awareness campaigns regarding successful interaction with individuals who may be developmentally delayed and work to improve understanding of how families can access services including information regarding identification of any development issues.
- Counties should explore the Premise Alert System which is a free, voluntary safety program that allows individuals and families to notify the police, fire fighters and other first responders about disabilities, health conditions or other access or functional needs.
- Counties should explore protocols successfully in use in a Berks County Diversion Model that allows District Attorneys to make decisions on whether to file charges when there are certain disabilities present.
- CCAP should support the development of a statewide system to collect information regarding justice system interaction with developmentally delayed individuals and the outcome of diversion focused initiatives.

## **Goal - Address the needs of returning veterans**

The task force included a basic set of recommendations that improve the potential for successful return from deployment for veterans.

- Policy makers should strive to create an environment that encourages successful reintegration of veterans returning from deployment and encourage access to services for those dealing with any service related challenges.

## **Objective – Develop a community approach to assisting returning veterans and create supports and linkages.**

- County leaders should work within their communities to encourage businesses to consider veterans, and work to develop strong public private partnerships.
- Counties should develop local integration strategies that connect county veterans affairs directors with county human services administrators.
- Counties should create collaborative opportunities between county veterans affairs directors and local veterans' service organizations and state Office of Veterans Affairs, include county human services staff to expand understanding and coordination between the support systems available.
- CCAP should consider a joint policy coordination approach similar to what was used in the Comprehensive Behavioral Health Task Force but for veterans' issues.
- CCAP and counties should work to raise the awareness of families of veterans to the services that are available at the county level, prior to the return of the veteran, if possible. Veterans should be encouraged to utilize the option of listing status as a veteran on their drivers' license so that outreach can be initiated at the earliest possible time.

## **Goal - Research larger policy issues and develop longer range policy strategies to assist county efforts**

The task force discussed larger societal issues that may increase the potential for criminal behavior, or increase the risk of behavioral health issues, including poverty, support and funding for basic education and identification and treatment of learning differences, reduction of trauma and domestic violence, and the need to engage schools more effectively on the county level. These matters are related, however, they are outside the scope of the Task Force as identified through the CCAP member priority. Funding for state and federal human services programs has been on the decline for well over a decade, and the ability of counties to provide services to everyone who needs them is severely challenged. While Medicaid expansion is having some impact on improving access, there are few, if any options for prevention as a focus, particularly for families and children. Additional mandates keep coming, with counties expected to step into ever increasing roles to address family issues without any increase in resources or support.

**Objective** – Explore the linkages between an indigent defendant’s access to effective public defense and potential for release on bail, length of time incarcerated pre-trial, and the length of sentence and probation.

- CCAP should review recent state level activities where until recently, public defense was funded by counties to determine whether similar legislative or policy efforts could be employed in Pennsylvania. Several states have acts that could serve as models for Pennsylvania, including the [Texas Fair Defense Act of 2001](#).
- CCAP members should discuss developing a strategy for achieving funding for indigent defense and whether this issue should become a priority for the association in future years

### **Objective – Improve the availability of data in the criminal justice realm, and establish linkages between the human services system data and jail admission/inmate treatment**

**data** - County jails are funded by local property tax payers and are not funded by a larger state based system. No comprehensive supports exist for county data systems that collect information on inmate behavioral health issues, or tie together with community based treatment systems. Commissioners should understand who makes up the population of their jail and why they are there. To do so effectively, we must find a connection between community-based services and treatment and jail admissions to be able to plan resources.

- CCAP should explore opportunities available through the Whitehouse Office of Technology [Data Driven Justice Initiative](#) that will create linkages around inmate behavioral health needs and the community and inform counties on the potential results of partnering in this project.

**Objective - Explore recent CMS clarification on inmate eligibility for Medicaid to assure that PA permits every possible option for covering inmates**

- Review CMS clarification to assure that PA is taking advantage of every option for covering inmates.
- Jurisdictions must be careful about how they contract with jail health providers.

**Objective - HIPAA and privacy rules must not be a barrier to providing assistance**

- Research ways that authorizations can be obtained to streamline sharing appropriate information. Understand state/federal disparities in requirements. Investigate practices of counties that successfully obtain consent forms from clients early in criminal justice process (e.g., Bucks, Montgomery) and provide counties with templates or procedural plans.

**Objective - Explore the relationship between funding for education and involvement with the criminal justice system for potential future policy position development by CCAP.**

- Conduct research as required to determine the linkages and initiative more discussion is needed among CCAP members.

**Objective - Fully explore the benefits of prevention and the extent to which funding challenges have forces counties to focus on immediate needs rather than invest in prevention**

- Consider the use, [evidence based and promising prevention practices](#) for models to consider whether Justice Reinvestment, II or other options create new opportunities to find dollars for prevention and treatment.
- County commissioners should become familiar with the [PAYS survey](#) and develop strategies to discuss incorporating the survey into local criminal justice planning strategies.



**COUNTY COMMISSIONERS**  
Association of Pennsylvania