



# History and Status of Minimum Mental Health Standards for Virginia's Local and Regional Jails

# What's the Problem?

- Individuals living with serious mental illness and co-occurring disorders are at greater risk for being incarcerated and often remain incarcerated for longer periods of time.
- The GAINS Center estimates approximately 1.1 million persons with serious mental illness are admitted annually to U.S. jails → Among these admissions, 72% also meet criteria for co-occurring substance use disorder.
- Per the 2018 Mental Illness in Virginia's Jails report, 34.48% (2,395) of females and 16.74% (5,457) of males were reported as having a mental illness. Of the total general population count **19.84% (7,852)** were known or suspected to be mentally ill.
- The over-representation of individuals with behavioral health disorders in prisons and jails is *multi-faceted* and *complex*. Stigma, discrimination, flaws across multiple systems, and barriers to care each contribute and exacerbate the problem.

# The Problem, Continued..

- Multiple efforts have been made to reduce the number of individuals with behavioral health disorders from the criminal justice system and better respond to their needs.
- Some of those efforts include:
  - ❖ Statewide CIT programs and CIT Assessment Sites
  - ❖ Mental Health Dockets and Jail Diversion Programs
  - ❖ Mandatory universal behavioral health screening in all jails
  - ❖ Jail based behavioral health pilot programs, and
  - ❖ Forensic discharge planning services and supports

Despite these efforts, individuals with behavioral health disorders continue to be incarcerated in Virginia's local and regional jails at rates higher than expected.

# Why Mental Health Standards?

- Comprehensive minimum standards for mental health care do not currently exist for Virginia's local and regional jails.
- The Virginia Board of Corrections (BOC) requires local and regional jails to adhere to 43 life, health, and safety standards. 11 relate directly or indirectly to incarcerated individuals with behavioral health needs.
- Out of 58 local and regional jails, 11 are accredited by the American Correctional Association (ACA) and approximately 5 of those are also accredited by the National Commission on Correctional Health Care (NCCHC).
- There has been growing interest across all three branches of Virginia government in the quality of behavioral healthcare being provided in Virginia jails. There have been numerous report, work groups, etc. focused on this topic.
- As a result, In 2018 DBHDS convened a multi-disciplinary workgroup to identify minimum standards which were published in a report in August 2018.

# Developing The Standards

- The original MH Standards workgroup met multiple times in the Spring of 2018. Members included multiple sheriffs, jail administrators, CSB representatives, advocacy groups, VADOC, DCJS, the state compensation board and others.
- **14 Minimum Standards** and compliance indicators developed by the National Commission on Correctional Health Care (NCCHC) were reviewed and adapted for Virginia. Challenges and opportunities were discussed and a final report documenting the process and the standards was published. The report can be accessed on the State Compensation Board's Website.
- Shortly thereafter, during the **2019 GA Session** three bills were introduced and passed (HB 1942, HB1918/SB 1598) requiring the Board of Corrections (BOC) to establish minimum standards for health care services, including behavioral healthcare in local and regional jails.
- DBHDS was directed to advise the Board of Corrections on such standards to ensure they followed best practices for behavioral health care, in response a second Workgroup was established.
- Standards developed by DBHDS in 2018 were focused exclusively on mental health but legislation requires establishment of standards for behavioral healthcare so workgroup is incorporation SUD standards

# Where are we Now?

- On April 29<sup>th</sup> 2019 the original workgroup reconvened with a few additional members to review the 2019 legislation, the role of the advisory group, the timeline, and the plan moving forward. Meetings were scheduled through August 2019 with an overall goal to finalize a list of comprehensive minimum standards to present to the Board of Corrections for consideration.
- The work of the advisory group includes a systematic review of the standards, an analysis of the fiscal impact and resources necessary to implement the standards, and to provide a summary of information to the Board of Corrections to include in their final report due to the Governor by October 2019.
- DBHDS's Office of Forensic Services provide staff to the advisory group and are in the process of crafting a self assessment to be completed by jails as to if they are meeting the standards (should they be adopted) and if not the resources needed in order to meet the standards.
- The results of self-assessment will help inform the fiscal impact of adopting the standards.

# The Standards-DRAFT

## **Standard #1: ACCESS TO CARE**

- Inmates have access to care to meet their mental health needs (or conditions) as listed in the minimal health standards for jails.

## **Standard #2: POLICIES AND PROCEDURES**

- The facility has a manual or compilation of policies and defined procedures regarding mental health care services which may be part of larger health care manual. Note: Private contractors must adhere to, and remain in compliance with the standards set forth for local/regional jails.

# The Standards-DRAFT

## **Standard #3: COMMUNICATION OF PATIENTS NEEDS**

- Communication occurs between the facility administration and treating mental health care professionals regarding inmates' significant mental health needs that must be considered in classification decisions in order to preserve the health and safety of that inmate, other inmates, or safety of the institution/staff. Communication is bi-directional and occurs on a regular basis either through planned meetings or impromptu meetings as the need arises.

## **Standard #4: MENTAL HEALTH TRAINING FOR CORRECTIONAL OFFICERS**

- A training program established or approved by the responsible health authority in cooperation with the facility administration guides the mental health related training of all correctional officers who work with inmates.

# The Standards-DRAFT

## **Standard #5: MEDICATION SERVICES**

- Medication services are clinically appropriate and provided in a timely, safe and sufficient manner, with appropriate review and medication assessment to occur within 48 hours-unless there is data/evidence to suggest a more timely intervention is needed). The evaluation of the situation will be conducted by either by nurse, PA, etc. to develop a medication plan which could include referral to a physician and prescriptions (as indicated).

## **Standard #6: MENTAL HEALTH SCREENING**

- Mental health screening is performed on all inmates on arrival at the intake facility to ensure that emergent and urgent mental health needs are met.

# The Standards-DRAFT

## **Standard #7: MENTAL HEALTH ASSESSMENT**

- All inmates receive mental health screening; inmates with positive screens receive a mental health assessment.

## **Standard #8: EMERGENCY SERVICES**

- The facility provides 24 hour emergency mental health services.

# The Standards-DRAFT

## **Standard #9: RESTRICTIVE HOUSING**

- When an inmate is held in restrictive housing, staff monitor his or her mental health.

## **Standard #10: CONTINUITY AND COORDINATION OF HEALTH CARE DURING INCARCERATION**

- All aspects of health care are coordinated and monitored from admission to discharge.

# The Standards-DRAFT

## **Standard #11: FORENSIC DISCHARGE PLANNING**

- Forensic discharge planning is provided for inmates with serious mental illness who have been assessed as requiring behavioral health services upon release.

## **Standard #12: BASIC MENTAL HEALTH SERVICES**

- Mental health services are available for all inmates who need services.

## **Standard #13: SUICIDE PREVENTION PROGRAM**

- The facility identifies suicidal inmates and intervenes appropriately.

# The Standards-DRAFT

**Standard #14:** Patients with alcohol or other drug (AOD) problems are assessed and properly managed by qualified health care or mental health professionals.

**Standard #15:** Protocols exist for managing inmates under the influence of alcohol or other drugs and those undergoing withdrawal from alcohol, sedatives or opioids.

**Standard #16:** Inmates with substance use disorders are referred to services/programs within the jail (as they are available)

**\*\* These are new standards and have not yet been reviewed by advisory group\*\***

# Advisory Group Members

First Name	Last Name	Organization
Ms. Janet	Areson	Virginia Municipal League
Ms. Katie	Boyle	Virginia Association of Counties
Ms. Jana	Braswell	Department of Behavioral Health and Developmental Services - OFS
Mr. Bruce	Cruser	Mental Health America of VA
Mr. Keith	Davies	Office of the State Inspector General
Ms. Robyn	DeSocio	State Compensation Board
Ms. Beth	Dugan	Prince William CSB
Ms. Leslie	Egen	Department of Criminal Justice Services
Mr. Emmanuel	Fontenot	Department of Corrections
Dr. Olivia	Garland	Virginia Board of Corrections
Ms. Melissa	Gibson	DisAbility Law Center
Mr. Jeff	Hefty	VML/VACO
Ms. Angie	Hicks	VA Beach CSB
Ms. Kari	Jackson	State Compensation Board
Ms. Kemba	Jennings	Virginia Board of Corrections
Sup. Martin	Kumer	Albemarle-Charlottesville Regional Jail
Maj. Mandy	Lambert	Prince William County Jail
Dr. Denise	Malone	Department of Corrections

# Advisory Group Members

Sheriff Gabe	Morgan	Newport News Sheriff's Office
Ms. Karen	Nicely	Virginia Board of Corrections
Mr. Robert	Payne	Virginia Department of Health
Sheriff Lane	Perry	Henry County Sheriff
Sup. Bobby	Russell	Virginia Association of Regional Jails
Dr. Mike	Schaefer	Department of Behavioral Health and Developmental Services - OFS
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Ms. Aileen	Smith	VA Beach CSB
Ms. Tamara	Starnes	Blue Ridge CSB
Sheriff Kenneth	Stolle	Virginia Beach Sheriff's Office
Sheriff Michael	Taylor	Pittsylvania County Sheriff's Office
Sup Timothy	Trent	Virginia Association of Regional Jails
Sheriff Darrell	Warren	Gloucester Sheriff's Office
Mr. Andy	Warriner	Department of Criminal Justice Services
Ms. Leslie	Weisman	Arlington CSB