



March 11, 2021

Thank you for allowing me once again to present written testimony in support of this important legislation.

I am retired Justice Evelyn Stratton. I serve on Governor DeWine's RecoveryOhio Council, which advises the Governor on additional and mental health policy for the state. I also am co-chair with AG Yost of the Attorney General Task Force on Mental Illness and Criminal Justice, which has 450 members. I am Project Director of Stepping Up Ohio, a national effort to reduce those with mental illness in our jails and to break the cycle of our jails and prisons, not the hospitals, being our largest mental health facility in the state.

ALL KEY PARTIES AT THE TABLE. . We started working on this issue about twelve years ago but had too many roadblocks, so set it aside. More than three years ago, we decided there was a new opportunity to try again, so through the Attorney General Task Force on Mental Illness and Criminal Justice, we put another committee together that has all the keys parties at the table...judges, both criminal and probate jurisdiction, municipal and county prosecutors, treatment providers, key representatives from the Ohio Dept of Mental Health and Addiction Services, and others. Then Senator Gavarone joined our team. So we believe we have the right people to work on the issue and make sure we have the best bill possible.

LEAST RESTRICTIVE ENVIRONMENT FOR TREATMENT. Our main goal is to provide the "least restrictive environment" for treatment and restoration. We cannot just use the level of charge or a charge involving violence as the standard, because some with misdemeanor charges may still be very seriously ill even though not a danger to others. They need to be hospitalized. The bill allows for this.

However, as their conditions improve so that they no longer need to be hospitalized, or don't need that level of care to begin with, we need to provide step down or outpatient treatment opportunities so that hospital beds are free for those who really need them. But we can't also just release them to "outpatient" care without housing and services in the community. You can't put someone who has been found incompetent and has been charged with a crime back on the street and under a bridge. The bill also provides for this.

CONNECT WITH SERVICES. The second goal is to be sure they are connected with services once they have been discharged or not restored within the allowed time.

REMOVING LEGAL BARRIERS. We had two main challenges. One was to make sure we had the legal process in place. The Probate court is for civil commitments and has different protections and rights for those committed, while the criminal system is quite different and has much more control over a defendant.

This final version, Iteration 22, looks at removing some of the barriers between probate and criminal court, allowing transfer of information, data, reporting back when civil commitment fails, and removing other legal impediments.

RECOGNIZING LACK OF RESOURCES. The second challenge, hand in hand with the first, is adequate services and resources to provide competency restoration services in the community if they are not in a hospital bed. The bill does not require a release from the hospital to community unless there are housing and services available to do so so that we don't create a second tier of problems. The bill addresses this concern.

NEXT STAGE IS CREATING THESE RESOURCES. But we recognize that once this bill passes, we need to create that network of housing and services to deal with outpatient treatment. We are working closely with ODHMAS and other state and local agencies to try to create this network and we are collaborating closely with them.

This is a major issue both in Ohio and nationwide. Freeing hospital beds for those who really need them, and then being sure those in the system leave connected with services to prevent the recidivism and to improve their lives, both in the civil commitment and forensic side, is a goal we can achieve as we are all working together.

Thank you for allowing me to present in support of this bill.

Warm regards,

A handwritten signature in black ink that reads "Evelyn Lundberg Stratton". The signature is written in a cursive, flowing style.

Evelyn Lundberg Stratton