

THE
STEPPING UP
I N I T I A T I V E



THE OHIO
PROJECT

September 18, 2019

Chairman Eklund, thank you for allowing me to speak in support of this important legislation. Senator Gavarone has ably presented the issues and data around the need for this legislation so I will not repeat that here. I will address the challenges of the problem.

We started working on this issue about eight years ago but had too many roadblocks, so set it aside. More than two 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 Department 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.

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.

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

We have two main challenges. One is to make sure we have 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. We are proposing we look at crafting some probate standards into the justice system, and allowing Judges to use the Limited Guardianship for Mental Health statute, just passed, as one tool but it needs funding to appoint such a guardian. The bill also provides for this. We are still looking at other options.

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 addresses this concern. We are working closely with ODHMAS and other state and local agencies to try to create this network. We know that ODHMAS is also working on this issue and toward the same goal, and we are collaborating closely them.

This is a major issue both in Ohio and nationwide. I have been told others are looking to see what we do. 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 testify in support of this bill and I would be happy to answer any questions.

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