MAY 2 1 2012

The Honorable Edward J. Kasemeyer
Chairman
Senate Budget and Taxation Committee
3 West Miller Senate Building
Annapolis, MD 21401-1991

The Honorable Norman H. Conway
Chairman
House Appropriations Committee
121 House Office Building
Annapolis, MD 21401-1991

RE: 2009 Joint Chairmen’s Report, Page 91 M00M - Annual Cost to Serve Court-Committed Individuals in the Community

Dear Chairman Kasemeyer and Chairman Conway:

Pursuant to page 91 of the Joint Chairmen’s Report of 2009, the Department of Health and Mental Hygiene respectfully submits this report on the census and cost of serving the forensic population in the community. Specifically, the Joint Chairmen’s Report requested that the Budget Committees be provided with a report on the cost of serving court-committed individuals in the community.

I hope this information is useful. If you have any questions regarding this report, please contact Ms. Marie Grant, Director of the Office of Governmental Affairs, at (410) 767-6481.

Sincerely,

Joshua M. Sharfstein, M.D.
Secretary

Enclosure

cc: Marie Grant
Renata Henry
Frank Kirk
The Developmental Disabilities Administration (DDA) has a continuum of services for court-involved individuals. This includes the Secure Evaluation & Therapeutic Treatment (SETT) program and community providers. The court commits individuals to the Department of Health and Mental Hygiene (DHMH) for evaluation or after a finding of Incompetent to Stand Trial (IST) or Not Criminally Responsible (NCR) and dangerousness to self or the person or property of another. Individuals committed by the court for inpatient evaluation or after a finding of IST or NCR and dangerousness are housed in one of the two SETT units and receive care and treatment. If the court orders an end to the commitment, the DHMH funds any services through licensed or certified providers in the community, necessary to maintain the individual’s competency or to address any dangers arising from the individual’s mental illness or intellectual disability.

During Fiscal Year 2011, the DDA developed comprehensive service plans for forty-one court-involved individuals with intellectual disability. These aftercare or service plans were approved by the courts and enabled the individuals to return to the community with support and services to meet their health, habilitation, treatment and safety needs. Six court-committed individuals were diverted from admission to the SETT units. They were evaluated in the correctional facility and, upon court approval, were released with appropriate community-based services without admission to the Jessup SETT unit.

In addition, there are approximately 105 individuals who have been released from commitment to the DHMH and who are being monitored by the court on probation, on conditional release or on pre-trial conditions of release in the community with support and services funded by the DDA. The estimated costs are over $12,708,908.

Table A below details the number of court committed individuals who received services in the community and the associated (actual) costs of those services during Fiscal Year 2011.

<table>
<thead>
<tr>
<th>Description of Services</th>
<th>Number of Individuals</th>
<th>Cost to Serve Individuals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, Day/Supported Employment &amp; Resource Coordination</td>
<td>36</td>
<td>2,552,706</td>
</tr>
<tr>
<td>In Home Support</td>
<td>5</td>
<td>82,160</td>
</tr>
<tr>
<td>Subtotals for individuals released during FY 2011</td>
<td>41</td>
<td>$2,634,866</td>
</tr>
<tr>
<td>Subtotals for individuals already served in the community</td>
<td>105</td>
<td>$12,708,908</td>
</tr>
<tr>
<td>Totals for individuals in the community for FY2011</td>
<td>146</td>
<td>$15,343,774</td>
</tr>
</tbody>
</table>

Effective October 1, 2009 references to “mental retardation” changed to an “intellectual disability” in all Maryland statutes except those involving individuals found incompetent to stand trial or not criminally responsible.
A workgroup was formed to make recommendations for expansion of existing community capacity and for the development of community options to meet the varied needs of court-committed individuals in Maryland. The stakeholders involved include the Arc of Maryland, the Judiciary, Kennedy Krieger Institute, Maryland Association of Community Services, Maryland Developmental Disabilities Council, Maryland Disability Law Center, Office of Public Defender, Office of State’s Attorney, Service Coordination and DHMH representatives from the Deputy Secretary of Behavioral Health & Disabilities and the DDA. The workgroup submitted its report to the Acting Executive Director of DDA in April 2011. The Secretary, Deputy Secretary for Behavioral Health & Disabilities and the DDA Executive Director reviewed the recommendations in the report. The report made recommendations in the following areas: 1) Office of Forensic Services; 2) Interagency Coordination; 3) Competency Evaluations and Risks Assessments; 4) DHMH DDA Responsibility for Court Committed Defendants with Multiple Needs; 5) Diversion and Crisis Intervention Systems; 6) Service Access and Delivery; 7) Aftercare or Service Plans; 8) Secure Community Options; 9) Training and Technical Assistance; and 10) Funding and Resources.

The following is an update on the status of the recommendations and actions taken by the DHMH and DDA to date:

Office of Forensic Services
The DHMH is currently in the process of recruiting a new director for the DHMH Office of Forensic Services. The DHMH is restructuring the Office of Forensic Services and the director will have enhanced authority to oversee the interaction among the courts, DHMH facilities and programs, and the community forensic population. In addition, improving the training program for evaluators will be a responsibility of the director.

Secretary Sharfstein has appointed Gayle Jordan-Randolph, M.D., as Interim Director for the DHMH’s Office of Forensic Services. Dr. Jordan-Randolph is currently assessing the strengths and weaknesses of the forensic programs within the DDA, Mental Hygiene Administration and Alcohol and Drug Abuse Administration in order to detail a comprehensive behavioral health plan for forensic services.

Interagency Coordination
The DHMH’s forensic office will engage in a series of meetings with the Department of Public Safety and Correctional Services to develop service plans for individuals found incompetent to stand trial, as well as provide services for those defendants that will remain in detention centers and prisons.

Competency Evaluations and Risk Assessments
The DHMH’s Office of Forensic Services will conduct a review of appropriate literature and protocols utilized in other states in order to develop a best practices model for informing the judiciary on the competency of a defendant.

DHMH DDA Responsibility for Court Committed Defendants with Multiple Needs
The DHMH supports the integration of care for individuals with co-occurring disorders, including mental health, substance abuse and intellectual disabilities. The DHMH will pursue the development of specific programs, as well as additional training and capacity to serve the forensic population.
Diversion and Crisis Intervention Systems
The DHMH is supportive of maximizing all available resources including Medicaid and other alternative funding systems for individuals with disabilities. In addition, the DHMH is considering the development of crisis response teams with forensic experience.

Service Access and Delivery
The DHMH DDA is in process of centralizing eligibility determinations and will continue to work to streamline the process to more effectively move people into services.

Aftercare or Service Plans
The DHMH agrees that detailed aftercare or service plans should be provided to the Judiciary for individuals found incompetent to stand trial. The DHMH Office of Forensic Services will be responsible for overseeing the development of appropriate training programs to assist resource coordinators to develop service plans for court-involved individuals.

Secure Community Options
The DHMH Office of Forensic Services will explore enhanced options for defendants in the community, keeping in mind that the DHMH’s competencies, and its legal responsibility, are limited to providing treatments and therapies for mental illnesses, developmental disabilities and addictions, and do not encompass protecting the public from risks arising directly from a person’s criminal or antisocial conduct. There are some individuals for whom risk of criminal activity is separate from the disability.

Training and Technical Assistance
The DHMH Office of Forensic Services will work with the DDA, the Mental Hygiene Administration and the courts to develop a training manual for providers that will be involved with the forensic population. The DHMH is actively seeking to engage providers with proven experience in the provision of community-based services to forensic individuals.

Funding and Resources
The DHMH expects that the new director of the Office of Forensic Services will convene an advisory committee.

The DDA continues to work collaboratively with stakeholders and the courts to serve individuals with intellectual disabilities in the least restrictive and most integrated setting.

Census as of June 30, 2011

<table>
<thead>
<tr>
<th></th>
<th>Census</th>
<th>Capacity</th>
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<tbody>
<tr>
<td>Jessup Secure Evaluation &amp; Therapeutic Treatment Unit</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Sykesville Secure Evaluation &amp; Therapeutic Treatment Unit</td>
<td>20</td>
<td>20</td>
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