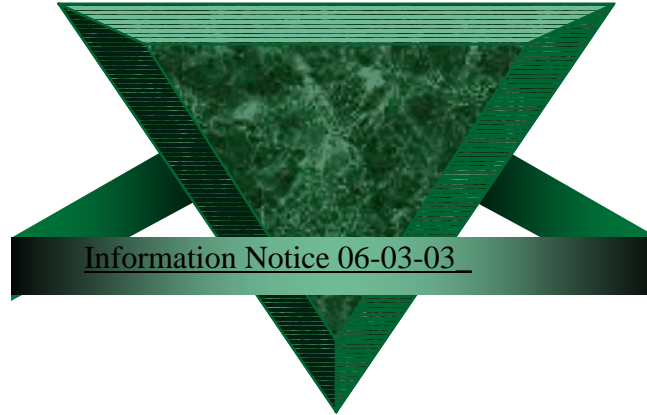




Ohio Department of Mental Retardation and Developmental Disabilities

Bob Taft, Governor

Kenneth W. Ritchey, Director



TO: Superintendents of County Boards of MRDD

FROM: Kimberly C. Anderson, Deputy Director
Division of Legal and MUI Services

DATE: March 28, 2006

RE: Community Forensic Monitoring Program

Community Forensic Monitoring Program

Introduction

The purpose of this notice is to inform you of Ohio's Forensic Monitoring Program and how it affects individuals with MR/DD when they are subject to its requirements.

Conditional Release

Section 2945.37 of the Ohio Revised Code creates the commitment status of Conditional Release for persons who are found incompetent to stand trial under criminal jurisdiction (IST-U-CJ) or not guilty by reason of insanity (NGRI). A person on Conditional Release lives and receives treatment in the community. The period of time a person receives treatment cannot exceed the maximum prison term or term of imprisonment the person could have received for the offense. At any time, the trial court may revoke the person's conditional release and order the rehospitization or reinstitutionalization of the person.

Section 2945.402 of the Ohio Revised Code is the statute on Conditional Release and it:

1. Authorizes the court to set conditions on the release with respect to the treatment, evaluation, counseling, or control of the person that the court considers necessary to protect the public safety and welfare of the person;
2. Allows the court to revoke a person's conditional release and order rehospitalization or reinstitutionalization any time the conditions of release have not been satisfied; and,
3. Requires that the person assigned to monitor a person on conditional release to immediately notify the trial court on learning that the person has violated the terms of the conditional release.

Overview of the Forensic Monitoring Program

The position of Forensic Monitor was formally created in 1996 as a result of House Bill 152 and become further defined with the enactment of Senate Bill 285. Each Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board and Community Mental Health (CMH) Board in Ohio is responsible to ensure that a Forensic Monitor is providing certain services for their board area. The Forensic Monitor may be employed by one Board or a consortium of Boards, by a community mental health agency, by a Community Forensic Center, or by a Community Support Network (CSN).

Section 5119.57 of the Ohio Revised Code requires that a coordinated system be developed to track and monitor persons who are NGRI and IST-U-CJ on conditional release in the community. This system is called the Forensic Tracking and Monitoring System (FTMS).

The Forensic Monitor/designee monitors individuals who have been charged with felony or misdemeanor offenses through Common Pleas and Municipal Court systems who have been found NGRI and/or found to be IST-U-CJ on Conditional Release commitment. The Forensic Monitor or designee also serves as a forensic resource and works in collaboration with others, to educate, train, consult, liaison service, collect data and compile required reports.

The Forensic Monitor or designee is typically involved with an individual prior to the person being released into the community. The monitor/designee participates in the development of the conditional release plan with the client, treatment team, County Board of MR/DD, MR/DD service providers, and the community mental health service provider as indicated. The exception to this occurs when an individual is released directly from the court to conditional release.

The Forensic Monitor or designee maintains regular contact with the community mental health providers, County Boards of MR/DD, and MR/DD service providers to support good coordination with the court system to monitor the person's progress, and to ensure that the community risk assessment instrument is being completed and to reduce the likelihood of re-offending through coordinated treatment. The monitor/designee also ensures that the court is informed about the individual's status and that all required reports are sent to the court.

Forensic Monitor/Designee Duties

1. The Forensic Monitor or designee participates with both BHO (Behavioral Healthcare Organization, i.e. state psychiatric hospital) or (the Developmental Centers), County Boards of MR/DD, MR/DD service providers, and community treatment providers in planning and coordinating services for persons found NGRI or IST-U-CJ.

Required duties:

- a. Interacts with the BHO Legal Assurance Administrator (LAA) regarding case status.
- b. Serves as liaison between the Criminal Justice System, the LAA and other BHO staff, and community treatment providers.
- c. Meets with community provider treatment teams and/or case managers to develop and implement the person's conditions of release.
- d. Monitors treatment and/or habilitation provided to the person by the service provider in accordance with the conditional release plan and the orders of the court.
- e. Involvement in the development of the conditional release plan, which includes participation with treatment staff in the development of the conditional release plan prior to discharge.
- f. Monitors reports of the person's criminal activity.

Optional duties (*include but are not limited to*):

- g. Maintains regular direct contact with the person while in a community setting.
- h. Interacts with the BHO Forensic Review Team or Developmental Center staff regarding conditional release readiness.
- i. Makes recommendations for treatment to assist in the development of conditional release plans.

2. The Forensic Monitor or designee shall interact with the Criminal Court.

Required duties:

- a. Attends hearings following a conditional release commitment.
- b. Reports compliance with conditional release plans as required by the court.

- c. Immediately reports to the court any violations of the terms of conditional release or deterioration in the individual's mental status.
- d. Initiates or participates in legal and/or administrative procedures if necessary to facilitate hospitalization or incarceration of the person who is NGRI or IST-U-CJ on conditional release.
- e. Ensures that required reports for persons in the community are submitted to the court.
- f. Reports information regarding court hearing outcomes to treatment providers and, when appropriate, notifying the BHO Legal Assurance Administrator.
- g. For those persons found NGRI or IST-U-CJ and released directly to the community from the court, develops a mechanism to identify these persons, and works with the court and treatment providers to develop and implement a conditional release plan.

Optional duties:

- h. Provide advice and consultation to the court about required hearings and other time lines as requested by the court.

3. The Forensic Monitor or designee shall work with the agencies responsible for developing community services for persons found NGRI or IST-U-CJ.

Required duties:

- a. Notifying the agency of major unusual incidents and violations of the conditional release terms as determined by the agency.
- b. Preparing statistical or narrative reports as required by the MH Board.
- c. In conjunction with MH Board staff, assisting in out-of-county service planning, including monitoring responsibility for those services.
- d. Providing training to MH Board members and staff on forensic issues.
- e. Consulting with the MH Board on forensic policy and procedure development and implementation.
- f. Working with the MH Board and others as needed to develop and implement effective community risk management policies and procedures for persons on conditional release.

4. The Forensic Monitor or designee shall cooperate with the Ohio Department of Mental Health.

Required duties:

Assisting in the ongoing implementation of the Forensic Tracking and Monitoring System (FTMS).

- a. Assisting in the ongoing implementation of the Forensic Tracking and Monitoring System (FTMS).
- b. Sending required quarterly FTMS reports to ODMH.
- c. Attending statewide Community Forensic Monitor meetings.
- d. Participating on subgroups to further the development of the statewide Forensic Monitor Program, including making recommendations on policy, procedure and guidelines as necessary.

Because individuals with MR/DD who are on Conditional Release are receiving services from County Boards of MR/DD, it is imperative that County Boards of MR/DD provide information to and work with the Forensic Monitor/designee. Therefore, if an individual on conditional status who receives services by the board has left the county; has been arrested or charged with a criminal offense; or is otherwise violating his conditional release plan; or is engaging in conduct that is dangerous to himself/herself or others, the county board is to notify the Forensic Monitor/designee.

A more in depth description of the Ohio Forensic Monitoring Program is found in the Forensic Manual, which is published by the Ohio Department of Mental Health. To obtain a copy, please contact Sandra Cannon, Chief, Office of Forensic Services at (614) 466-1099. You can also obtain a copy on-line at www.mh.state.oh.us. Click on "ODMH Publication" and scroll down to "Ohio Forensic Manual" (The manual contains 230 pages). Attached is a list of the current Forensic Monitors.

If you have questions, please call Vicki Jenkins at (614) 644-7342.

c: Distribution Lists

Enclosure