



Commission on Mental Health and Substance Abuse Criminal Justice Subcommittee

Meeting Date: Wednesday, January 19, 2022

Meeting Start Time: 2:00 p.m.

Meeting End Time: 3:05 p.m.

Attendees:

- Judge Mark Mahon
- Judge Steve Leifman
- Judge Ronald Ficarrota
- John Newcomer
- Larry Rein
- Dr. Leonard Branch
- Natalie Kelly
- Melanie Woofter-Brown
- Johnathan Cherry
- Shawn Salamida
- Heather Allman
- Joanna Johnson

Subcommittee Members:

- Judge Mark Mahon – *Chair Commissioner*, Judge for The Fourth Judicial Circuit Court
- Pat Smith – *Contact Liaison*, Executive Director of the Florida Children and Youth Cabinet
- Judge Steve Leifman – Judge for The Eleventh Judicial Circuit Court
- Chief Judge Ronald Ficarrota – *Commissioner*, Judge for The Thirteenth Judicial Circuit Court
- Larry Rein – *Commissioner*, CEO and President of Childnet
- Joseph Rutherford – CEO of Gracepoint Management, Inc.
- Johnathan Cherry – CEO of LifeStream Behavioral Center
- Shawn Salamida – *Commissioner*, President of Lake View Center
- Heather Allman, LCSW – Policy Unit Manager, DCF
- Annette Christy, Director of the Baker Act Reporting Center, USF
- Joanna Johnson – CEO and Founder of Avalon Treatment Centers
- Dr. Leonard Branch – Psychologist at Orange County Corrections



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Discussion Notes

Overview of Subcommittee:

Scope: Review Baker and Marchman Acts to include (1) expansion, (2) wrap around services, and (3) mental health and drug courts, but not limited to these parameters.

- Review of everything related to criminal justice

Comments Related to the Importance of this Subcommittee:

- Appreciation for subcommittee was stated as the state of Florida has some success but no uniform system for criminal justice.
- State of Florida State spends 25% of its entire mental health budget annually – about \$120 -125 million on restoring competency for 3,500 to 4,000 persons even though Florida has 150 to 160 thousand people who need acute mental health services at the time of their arrest.
- There is a need to look at juveniles as they are a growing concern.
- There is a lot of misunderstanding that a Baker or Marchman Act provides treatment. It gives the option of stabilization only, once the person is discharged, they can refuse treatment.
- There is currently inequitable distribution of inadequate funding for public receiving facilities that handle Baker Acts.

Overall Vision and Goal: Stated by Judge Mahon, Chair Commissioner

- Competency Restoration (**#1 Primary Goal**)
- Policy Changes
 - Baker and Marchman Acts that change stabilization to treatment to keep individuals out of the criminal justice system.
 - Every county should have a pre- and post-arrest diversion system.
 - State hospital beds should be limited to those who need to go to prison.

Comments and Questions Related to Overall Vision and Goal:

- Judge Mahon asked if there was interest in looking into the Baker and Marchman Acts?
 - Judge Leifman says there are a couple of bills that are in process that would streamline and modernize the Baker and Marchman Acts.
- Judge Leifman reiterated the importance of keeping individuals out of the criminal justice system by using all the various strategies available.
- Judge Leifman will prepare a presentation for next subcommittee meeting
- There is going to be crossover on issues to be addressed by each of the subcommittees. The committee should primarily focus on policy and practice. If we could get transformational change in that area, it would be a huge win with an extension ripple effect in the system.



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Potential Approaches:

- Figure out how to scale best practices so they can be implemented statewide.
- An assessment of the flow of persons into and out of state hospitals
- Universal service access (regardless of location) is needed to divert individuals out of the criminal justice system and into treatment
- Competency Restoration
 - Restoring competency should be reserved for high level/most at risk individuals; others should be diverted.
 - Creating a tangible map that saves the state money and improves outcomes by addressing competency restoration.
- Potentially endorse pending legislation related to Baker and Marchman Acts
- Baker Act criteria is much higher in Florida than in other states. Peer programs are showing to be very successful, and research is needed around the Baker Act bills awaiting session. All of them should be researched.
- Endorsement from the whole commissions would be easier to influence draft legislation rather than create a model bill.
- Joanna Johnson offered data related to competency, treatment, and placement of over 35,000 assessments that have been completed over the last 25 years.
 - Would like to also evaluate outpatient

Action Items (Next Steps):

- Judge Leifman will send to Pat two recent reports: (1) National Center for State Courts and (2) Council of State Governments.
- Suggested recommendations should highlight other key stakeholders

Public Comment:

- John Newcomer offered Thriving Mind's expertise in criminal justice diversion and data analysis for presentation to the subcommittee.

Next Meeting:

- Wednesday, March 16, 2022