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H.765

Introduced by Committee on Corrections and Institutions

Date:

Subject: Corrections; mental health; serious functional impairment (SFI);
reporting

Statement of purpose: This bill proposes to assess and improve the delivery of
services to incarcerated individuals with a serious functional impairment and
collect information regarding individuals with a mental illness or disorder.

An act relating to the mental health needs of the corrections population

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. INDIVIDUALS WITH A SERIOUS FUNCTIONAL IMPAIRMENT
INCARCERATED IN A CORRECTIONAL FACILITY~~

~~(a) On or before April 1, 2012, the secretary of human services shall
establish a work group, including representatives appointed by the secretary of
human services from the departments of corrections, of mental health, and of
disabilities, aging, and independent living and including stakeholders, for the
purpose of identifying and assessing the needs of individuals with a serious
functional impairment as defined in 28 V.S.A. § 906(1) who are incarcerated in
a correctional facility. The work group shall:~~

1 ~~(1) identify all individuals with a serious functional impairment and~~
2 ~~match each individual with the appropriate programs and services while the~~
3 ~~individual is incarcerated in a correctional facility;~~

4 ~~(2) discuss with the judiciary alternatives to initial incarceration and~~
5 ~~ways to limit the length of incarceration for an individual with a serious~~
6 ~~functional impairment, as appropriate;~~

7 ~~(3) work toward the successful reintegration into the community of an~~
8 ~~individual with serious functional impairment who has been incarcerated in a~~
9 ~~correctional facility;~~

10 ~~(4) work toward reducing the recidivism rate among individuals with a~~
11 ~~serious functional impairment; and~~

12 ~~(5) make long-term, systemic policy recommendations to the secretary~~
13 ~~of human services to create or improve mechanisms, programs, and services~~
14 ~~that benefit individuals with a serious functional impairment incarcerated in a~~
15 ~~correctional facility.~~

16 ~~(b) On or before January 15, 2013, the secretary of human services shall~~
17 ~~issue a report to the general assembly recommending how to better address the~~
18 ~~needs of individuals with a serious functional impairment who are incarcerated~~
19 ~~in a correctional facility, based on the findings of the work group in the course~~
20 ~~of its duties as described in subsection (a) of this section. Prior to finalizing~~
21 ~~the report, the secretary shall obtain public input regarding the report and shall~~

1 ~~release a draft report to the public for public comment on or before~~

2 December 15, 2012. At minimum, the report shall address the following:

3 (1) the prevalence of serious functional impairment among those
4 members of the corrections population incarcerated in a correctional facility at
5 the time the report is issued;

6 (2) the rate of recidivism among individuals with a serious functional
7 impairment;

8 (3) the prevalence of psychotropic medication utilization in the
9 corrections population, including data relating to the number of incarcerated
10 individuals with a serious functional impairment with valid prescriptions for
11 psychotropic medications;

12 (4) the number of individuals incarcerated in a correctional facility with
13 a serious functional impairment who are in need of mental health services that
14 are not currently available to them; and

15 (5) whether there are opportunities to combine the department of mental
16 health's expertise with that of the department of corrections to improve the
17 mental health services for individuals with a serious functional impairment
18 who are incarcerated in a correctional facility.

19 Sec. 2. INCARCERATED INDIVIDUALS AND MENTAL HEALTH

20 As a complement to the assessment conducted pursuant to Sec. 1 of this act,
21 the commissioner of mental health shall ensure that information regarding

1 ~~incarcerated individuals with a mental illness or disorder as defined in~~
2 28 V.S.A. § 906(3) is collected and recorded separately, in addition to the other
3 requirements of this act. The information collected shall include recidivism
4 rates among this population. On or before January 15, 2013, the commissioner
5 shall report this information and make recommendations to the house
6 committee on corrections and institutions, the house committee on human
7 services, the senate committee on health and welfare, and the senate committee
8 on judiciary.

9 Sec. 3. TRAINING

10 On or before October 15, 2012, the departments of mental health, of
11 disabilities, aging, and independent living, and of corrections, with input and
12 participation from peer and advocacy organizations, shall review the
13 department of corrections' training program for correctional officers as it
14 relates to the Americans with Disabilities Act and to working with individuals
15 with a serious functional impairment or a mental illness or disorder. No later
16 than January 15, 2013, the commissioners of mental health and of corrections
17 shall submit a report to the general assembly identifying the strengths,
18 weaknesses, and opportunities for improvement in this training.

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on passage.

*Sec. 1. INDIVIDUALS WITH A SERIOUS FUNCTIONAL IMPAIRMENT
INCARCERATED IN A CORRECTIONAL FACILITY*

(a) For the purpose of identifying and assessing the needs of individuals with a serious functional impairment as defined in 28 V.S.A. § 906(1) who are incarcerated in a correctional facility, the secretary of human services shall establish on or before July 1, 2012 a work group, including representatives appointed by the secretary of human services from the departments of corrections, of mental health, and of disabilities, aging, and independent living and including stakeholders. The work group shall:

(1) determine whether individuals with serious functional impairments are receiving appropriate programs and services while incarcerated in a correctional facility;

(2) consult with the members of the criminal justice community on ways to prevent initial incarceration and on ways to limit the length of incarceration for an individual with a serious functional impairment, as appropriate;

(3) work toward the successful reintegration into the community of an individual with serious functional impairment who has been incarcerated in a correctional facility;

(4) work toward reducing the recidivism rate among individuals with a serious functional impairment; and

(5) make long-term, systemic policy recommendations to the secretary of human services to create or improve mechanisms, programs, and services that benefit individuals with a serious functional impairment incarcerated in a correctional facility.

(b) On or before January 15, 2013, the secretary of human services shall issue a report to the general assembly recommending how to better address the needs of individuals with a serious functional impairment who are incarcerated in a correctional facility, based on the findings of the work group in the course of its duties as described in subsection (a) of this section. Prior to finalizing the report, the secretary shall obtain public input regarding the report and shall release a draft report to the public for public comment on or before December 15, 2012. At minimum, the report shall address the following:

(1) the prevalence of serious functional impairment among those members of the corrections population incarcerated in a correctional facility at the time the report is issued;

(2) the rate of recidivism among individuals with a serious functional impairment;

(3) the prevalence of psychotropic medication utilization by individuals in the mental health caseloads, including an analysis of the number of individuals with a serious functional impairment who possess a prescription

for a psychotropic medication and whether that prescription was prescribed before or after the individual was incarcerated.

(4) the number of individuals incarcerated in a correctional facility with a serious functional impairment who are in need of mental health services that are not currently available to them; and

(5) opportunities to combine the department of mental health's expertise with that of the department of corrections to improve the mental health services for individuals with a serious functional impairment who are incarcerated in a correctional facility.

Sec. 2. INCARCERATED INDIVIDUALS AND MENTAL HEALTH

As a complement to the assessment conducted pursuant to Sec. 1 of this act, the commissioner of mental health shall ensure that information regarding incarcerated individuals with a mental illness or disorder as defined in 28 V.S.A. § 906(3) is collected and recorded separately, in addition to the other requirements of this act. The information collected shall include recidivism rates among this population. On or before January 15, 2013, the commissioner shall report this information and make recommendations to the house committee on corrections and institutions, the house committee on human services, the senate committee on health and welfare, and the senate committee on judiciary.

Sec. 3. TRAINING

On or before October 15, 2012, the departments of mental health, of disabilities, aging, and independent living, and of corrections, with input and participation from peer and advocacy organizations, shall review the department of corrections' training program for correctional officers as it relates to the Americans with Disabilities Act and to working with and identifying individuals with a serious functional impairment or a mental illness or disorder. The review shall determine if the training is gender-responsive and trauma-informed. No later than January 15, 2013, the commissioners of mental health and of corrections shall submit a report to the general assembly identifying the strengths, weaknesses, and opportunities for improvement in this training.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.