

Forensic Monitoring:
Delving Into the Details

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Introduction & Overview

Required Duties of a Forensic Monitor
2012 Forensic Manual
<http://mba.ohio.gov/Portals/0/assets/Treatment/Forensic/ohio-forensic-manual.pdf>

- Interact with the Legal Assurance Administrator (LAA) at the RPH
- Serve as liaison between the courts/criminal justice system, LAA, hospital staff, and community treatment providers
- Involvement in the development of the CR Plan prior to discharge
- Monitor treatment provided to the person by the service provider in accordance with the CR Plan and the orders of the court

Required Duties of a Forensic Monitor
2012 Forensic Manual

- Monitor reports of the person's criminal activity
- Optional: Maintain regular contact with person on CR while in community
- Optional: Interact with RPH Forensic Review Team regarding CR readiness
- Optional: Make recommendations for treatment to assist in developing the CR Plan

Duties in Relation to the Criminal Court:

- Attend hearing following a conditional release commitment
- Report compliance with conditional release plans as required by the court
- Immediately report to the court any violations of the terms of conditional release or deterioration in the individual's mental status
- Initiating or participate in legal and/or administrative procedures, if necessary, to facilitate hospitalization, institutionalization, or incarceration of the person who is on conditional release

Duties in Relation to the Criminal Court:

- Ensure that required reports for persons on conditional release are submitted to the court
- Reporting information regarding court hearing outcomes to treatment providers
- For persons released directly to the community from the court, developing a mechanism to identify these persons and working with the court and providers to implement CR Plans.
- Optional: provide consultation to the court
*consult w/ courts regarding their expectations

Duties in Relation to the County Boards:

- Notify Board of major unusual incidences/violation
- Prepare reports as required
- Work in conjunction with board to assist in out-of-county service planning/monitoring
- Provide training to board members/staff on forensic issues
- Consult with board on forensic policies/procedures
- Work with board in development and implementation of effective community risk management policies/procedures

Duties in Relation to OhioMHAS

- Assist in the ongoing implementation of the Forensic Tracking and Monitoring System (FTAMS)
- Send required quarterly FTAMS reports to Forensic Services, OhioMHAS
- Reporting to OhioMHAS any instances in which the monitor experiences difficulty in obtaining information needed to complete FTAMS

Duties in Relation to OhioMHAS

- Attend statewide Forensic Monitor meetings
- Participate in subgroups to further develop statewide Forensic Monitor Program, including making recommendations on policy, procedure and guidelines as necessary

Duties in Relation to Treatment Providers

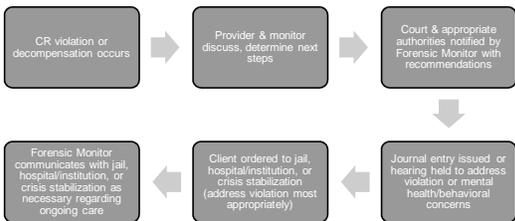
- Ensure that treatment planning is guided by:
 - Circumstances of the offense
 - Community safety
 - Clinical needs
 - Recent risk assessment
 - Current conditions outlined in the conditional release plan

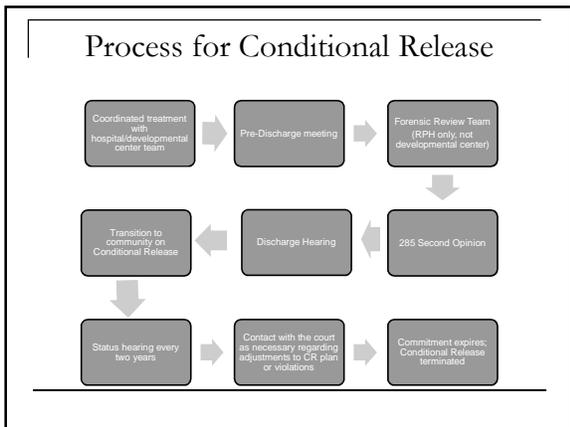
Duties in Relation to Treatment Providers

- Forensic monitor shall do everything possible to ensure that the community treatment agency is made aware of all of the requirements of the CR plan and their responsibilities when the person on CR violates any requirement on the CR plan.
- Ensure a plan is in place to allow prompt hospitalizations, reinstitutionalization and implement when necessary

Building Bridges and Developing Relationships

Lines of Communication





Conditional Release Planning

- A Conditional Release (CR) plan is a comprehensive individualized written plan that addresses **treatment needs** and **risk management issues** for clients that have been found NGRI or IST-U-CJ

Conditional Release Planning

- Conditional Release Plan addresses:
 - Psychiatric/Developmental treatment needs
 - Medical
 - Vocational/Educational
 - Legal/Supervision
 - Monitoring & restrictions
 - Housing
 - Substance abuse treatment needs
 - Financial

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Risk Assessment & Management

Risk Assessment

- Risk Assessment defined:
 - Process by which an individual's risk for violence is assessed
 - Has moved from a "predicting dangerousness" approach to a method of "assessing risk"
 - What's the difference?
 - A *broadening of scope*
 - Allows for examination of individual as well as environmental factors

Effective Risk Assessments

- To be effective, risk assessment should be:
 - Focused on individualized risk factors
 - Be ongoing
 - Informed by multiple sources
 - Focused on early intervention

Increased risk of violence?

- Such incidents include, but are not limited to:
 - an increase in psychiatric symptoms
 - noncompliance with medication and/or other treatment
 - suicidal ideation
 - threatening comments
 - assault or property damage
 - weapon possession,
 - substance abuse,
 - arrest, or any other change in behavior which, for this patient, has been associated with violent behavior.

Translating Risk Assessment into Risk Management

- Risk assessments performed prior to the individual being placed on Conditional Release assist in the development of a Conditional Release Plan
- The purpose of the Plan is to identify strategies to ensure psychiatric stability, prevent reoffense, and effectively monitor and manage specific identified risk factors for the individual

Risk Management Strategies

- Compliance with outpatient mental health treatment
 - Psychiatric and medication monitoring services
 - Therapeutic services
 - Case management – often intensive - services
- Compliance with substance abuse treatment, if relevant
- Abstinence from substances
- Random drug screens

Risk Management Strategies (cont'd)

- Prohibited access to victims
- Supportive housing
 - Or if living independently, community-based wraparound case management services
- Prohibition of access to weapons
- Inability to leave a designated area (e.g., the county or the state) without court approval
- Law enforcement notified of placement on Conditional Release

Risk Management Strategies (cont'd)

- Court notified of non-compliance
- Case reviewed by the court after six months, every two years, and more often if necessary

Challenges

Conditional Release straight to the Community

- Occurs when Court determines community to be least restrictive setting for the individual
- Individual is often in jail or already receiving services in the community on bond
- Can depend on severity of charges, risk as determined by the Court
 - often based on finding of the Eligibility for Commitment Criteria

Conditional Release straight to the Community

- Forensic Monitor must engage individual in jail or community to link to services and develop a Conditional Release Plan for monitoring within 30 days
- Forensic Monitor not involved in the process until the finding of NGRI or ISTU-CJ

Conditional Release straight to the Community

- Challenges
 - Engaging the individual
 - Identifying all risk factors & treatment needs
 - Individual's understanding of legal status & Conditional Release
 - Can vary based on their comprehension, information provided by attorney & Court

Conditional Release straight to the Community

- Benefits
 - Less disruptive to individual maintaining stability in the community
 - Individual can already have supports & services in the community (housing, employment, psychiatrist, etc.)
 - Helps to prevent possible institutionalization

Out of County Placements

- Living and receiving treatment out of county of committing court
 - Requires a board-to-board agreement
- OR ... living out of county but receiving services in county of committing court
 - Formal board-to-board agreement not req'd
 - But Monitor in county of residence should be notified as a courtesy

Special Populations

- **Individuals with Developmental Disabilities**
 - Can have cases that are ID/DD only, or ID/DD with mental illness
 - Individuals are often ISTU-CJ, as opposed to NGRI due to competency
 - MI/DD cases can be institutionalized in State Hospital or Developmental Center

Special Populations

- **Individuals with Developmental Disabilities**
- Forensic Monitor collaborates with the appropriate treatment team(s) to develop Conditional Release Plan for the community for services and monitoring
 - Ongoing communication for monitoring and managing in community
 - Collaborates to address any changes in needs that arise
 - Forensic Monitor reports as liaison to the Court, DD can complete necessary reports for ongoing commitment if appropriate

Special Populations

- **Probation/APA Supervision**
 - Individuals under supervision due to conviction in a separate criminal case
 - Collaborate with Probation Department or Adult Parole Authority to ensure compliance
 - Can incorporate components into CR plan for monitoring

Special Populations

- Individuals receiving services through the VA
 - VA provides primary psychiatric services, medical, support
 - Forensic Monitor still responsible for monitoring and reporting for the Court

Questions / Discussion
