

## Mental Health Initiatives to Address Offenders with MH/DD

ASSISTANT PROSECUTOR RENEE WHITE  
DETECTIVE ALEX BROMLEY

OCEAN COUNTY PROSECUTOR'S OFFICE

### Renee White

- **17 years in healthcare**
  - RWJ: grief/loss in oncology
  - AI Dupont: CPMR, chronic illness, grief/loss
  - CMC, Atlanticare, SOCH: ER/psych-hold
- **10 years as emergency room nurse**
- **10 years as adjunct instructor OCC**
- **11 years as an attorney**
- **8 years as an assistant prosecutor**

## Alphabet Soup

- BLS
- ACLS
- ENPC
- TNCC
- CIT
- FN-CSA
- FNP next May!!

## OCPO

- Domestic Violence
- Juvenile
- Grand Jury
- Special Offenders Unit

## AP/Special Offenders Unit

- Director, Prosecutor-Led Mental Health Diversion Program
- NGRI
- Krol
- Competency
- First and Informals
- CIT Law Enforcement Coordinator

## Det. Bromley

- Three years at OCPO
- Juvenile Unit, Grand Jury Unit, Special Offender's Unit, Special Operations Group (TDY)
- Assistant Program Director of Special Offender's Unit
- Crisis Intervention Team Member
- MA-Criminal Justice/Homeland Security

## Why are we here?

- Find a better way to address people with MH/DD Co-occurring
- Keep this population out of jail
- Improve communication and collaboration between LE and MH
- **HELP PEOPLE!**

## Defined..

- The term Developmental Disability is an umbrella term used to characterize any neurological impairment which may affect the “executive function” of the brain. New Jersey law states that a developmental disability is a condition that:
  - Is attributable to a mental or physical impairment;
  - Is manifested before the age of 22, and is likely to continue indefinitely;
  - Results in substantial functional limitations of three or more of the following areas: self-care, self-direction, receptive and expressive language, learning, mobility, capacity for independent living, and economic self-sufficiency;
  - Reflects the person’s need for a combination of special interdisciplinary or generic care, treatment or other services, which are individually planned and lifelong or of extended duration.

## Some but not all..

- Autism Spectrum Disorders
- Cerebral Palsy
- Down syndrome
- Epilepsy
- Fetal Alcohol Spectrum Disorders
- Prader Willi Syndrome
- Spina Bifida
- Traumatic Brain Injury
- Williams Syndrome

## Identification

### Individuals with I/DD may....

- Have limited vocabulary.
- Have difficulty comprehending and responding to questions.
- Copy or "parrot" their answers.
- Be easily influenced by other individuals.
- Have an eagerness to please authority figures, overly compliant.
- NOT understand certain social cues or concepts. Common instances are:
  - o Personal Space; Facial Expressions; Verbal and non-verbal communication.
  - o Being teased or bullied by others and still believe that bully is their friend.
- Act immature for their age, childlike.
- Have poor impulse control.
- Be easily diverted.
- Have uncoordinated or poor motor skills.
- Exhibit inappropriate facial expressions in certain circumstances.
- Rarely make eye contact.

## Confirming before action

- **Provided is a list of documents that could demonstrate a presence of an intellectual or developmental disability.**
- Psychological evaluation or other assessments which reference a neurological impairment.
- School Records such as an IEP or Individualized Education Plan (special education classes or may have participated in therapies such as occupational, physical, or speech).
- Lack of work history (workshops, occupational centers, never held a steady job).
- Receives Social Security Income (SSI) or Social Security Disability Income (SSDI) to support himself, or is supported fully by family.
- Remember: In order to obtain necessary documentation you will need to have the person sign a release of medical, mental health and/or education records. See HIPAA, The Health Insurance Portability and Accountability Act of 1996, 45 CFR 160 et seq. If the individual has a guardian, you will need the signature of the guardian.

- If you suspect an individual may have an intellectual or developmental disability (I/DD) that you need to investigate further, this discovery may have implications for the outcome of the case.
- If an individual has been evaluated and classified in school, you should obtain these records.

## Justice Potter Stewart

- Stewart wrote:
  - I shall not today attempt further to define the kinds of material I understand to be embraced within that shorthand description ["hard-core pornography"], and perhaps I could never succeed in intelligibly doing so. **But I know it when I see it,** and the motion picture involved in this case is not that.

## Questions to ask

- • Was the person classified in school for special education?
- • Has the person ever held a steady job?
- • Does the person have a driver's license?
- • How does the person support himself/herself financially?
- • Does the person receive financial assistance such as Social Security Income?
- • Does the person appear to understand the questions being asked?
- • Does the person respond to questions without unnecessary delay?
- • Does the person have an eagerness to please others?
- • Can the person explain his/her actions in his/her own words?

## Family as a resource

- Importance of communication with family/loved ones/friends/clinicians
- Have to ask the tough questions
- Use resources (Department of Human Services)

## Police Reports

- **(Appropriate) Language regarding the behavior of the person**
- Eccentric speech patterns
  - Avoids eye contact
  - Difficulty modulating voice volume and pitch
- Rocking back and forth, hand flapping, humming, pacing, repeating words or phrases or other forms of "self-stimulating" behavior
- Inappropriate or out of place facial expressions or behaviors, like laughing at the wrong time
- Exhibiting avoidance of touch
- Extreme or unusual response to light, sound or other sensory input
- Demonstrating apparent insensitivity or high tolerance for pain or discomfort from heat or cold
- Difficulty recognizing voice cues from other people
- Difficulty recognizing faces
- Strong food preferences or aversions
- **IF YOU DO NOT KNOW, DO NOT IDENTIFY A DISABILITY!**



## Mental Health Diversion Program

- Grant funded through OAG/Ocean County
- Diversion out of CJ system for special offenders with 3<sup>rd</sup> /4<sup>th</sup> degree “non-violent” offenses
- Participants monitored by mental health providers, not probation department
- Successful participants will have downgraded disposition or dismissal, termination reverts back to the trial team

## Mental Health Diversion Program

- Director- Assistant Prosecutor Renee White
- Assistant Program Director- Det. Alex Bromley
- **Team Members**
  - Michelle Gaito, Christine Holmes-Jail
  - Ashley Diblasi, Preferred Behavioral Health (MH)
  - Kim Veith, Kathy Green, Ocean Mental Health (MH)
  - Professor Brian Lockwood, Monmouth University

## Mental Health Diversion Program

- **Referrals**
  - Ocean County Jail
  - Public Defender
  - Private attorney
  - Mental health providers
  - Judge
  - OCPO
    - AP
    - Det

## APPLICATION PROCESS

- **Applicants must fill out Application Packet**
  - Referral, authorization/disclosure, application
- **Packet is uploaded to “Brightlight”**
- **Legal Evaluation**
- **Clinical Evaluation**
- **Case Management Evaluation**
- **Final determination**

## Making the cut.....

- Over 70 referrals/applicants
- 10 slots for year one
- 9 slots for year two
- Additional slots available with alternate funding
  - JIS
  - VA
- Denials may end up in SOU as NGRI or competency

## From “Applicant” to “Participant”

- Formally accepted on the record in front of Judge
- Court appearances every month
- Terms and conditions of program
  - Drug testing
  - Drug tx/plx
  - MH tx/plx

## What can you do for the person?

- Stick around that one extra second...
  - Report, Hands on
- Get the story if you can....
- Get the meds if you can!!!
- Get collateral contacts if you can
- Don't complain too much about having someone in custody

## Crisis Intervention Team Training (CIT)

- local initiatives designed to improve the way law enforcement and the community respond to people experiencing mental health crises.
- built on strong partnerships between law enforcement, mental health provider agencies and individuals and families affected by mental illness
- [Citnj.org](http://Citnj.org)

## Case Studies

- MD
- MB
- DA
- RK