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# COMMONWEALTH OF VIRGINIA



## OFFICE OF THE GOVERNOR

### NUMBER NINETY-EIGHT (2009)

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#### **CONTINUING THE COMMONWEALTH CONSORTIUM FOR MENTAL HEALTH/ CRIMINAL JUSTICE TRANSFORMATION**

National surveys have shown that 16% of all jail inmates have some form of mental illness. The 2005 Virginia Jail Survey yielded a similar prevalence in the Commonwealth of jail inmates with mental illness. These findings suggest that persons with mental illness are far too often subject to arrest and incarceration in Virginia for minor “nuisance” offenses related to their symptoms, and that many jail inmates with mental illness do not receive adequate mental health treatment in our jails, or when they return to the community. This lack of treatment access can lead to continuing acute illness or relapse, as well as engagement in criminal activity, including violent acts.

During the past decade, Virginia lawmakers and Executive Branch agencies have spearheaded efforts at identifying the needs of persons with mental illness who become involved with the criminal justice system. It is imperative that Virginia address the pressing public safety and treatment access challenges posed by the lack of adequate mental health treatment for persons with mental illness in the criminal justice system. Doing so will require that there be a coordinated effort across all branches of state government, as well as the active and direct development of community-based solutions to this serious social problem.

By virtue of the authority invested in me by Article V of the Constitution of Virginia and Section 2.2-134 of the Code of Virginia, I hereby direct the Office of the Secretary of Health and Human Resources and the Office of the Secretary of Public Safety to lead the Commonwealth Consortium for Mental Health/Criminal Justice Transformation, with the dual purpose of preventing unnecessary involvement of persons with mental illness in the Virginia criminal justice system, and promoting public safety by improving access to needed mental health treatment for persons with mental illness for whom arrest and incarceration cannot be prevented.

The Commonwealth Consortium shall be chaired by the Secretary of Health and Human

Resources and the Secretary of Public Safety, or their designees. The Office of the Attorney General and the Secretary of Finance shall provide key leadership and guidance to the Consortium. The Virginia General Assembly and the Supreme Court of Virginia have been invited to participate as partners in the Consortium. Membership of the Consortium shall include Commissioners or Directors of the following state government agencies (or their designees) that have a current or potential central role in improving access to treatment for persons with mental disorders in the criminal justice system:

- Board for People with Disabilities
- Commonwealth Attorney's Services Council
- Department of Corrections
- Department of Correctional Education
- Department of Education
- Department of Health
- Department of Housing & Community
- Department of Juvenile Justice
- Department of Medical Assistance Services
- Department of Planning & Budget
- Department of Health Professions
- Department of Rehabilitation Services
- Department of Social Services
- Department of Veterans Services
- Governor's Office for Substance Abuse Prevention
- Office of the Comprehensive Services Act (CSA)
- Virginia Criminal Sentencing Commission
- Virginia Employment Commission
- Virginia Indigent Defense Commission
- Virginia Office of Protection and Advocacy (VOPA)
- Virginia State Crime Commission
- Virginia State Police

The following additional organizations shall be invited to serve as members of the Commonwealth Consortium:

- Mental Health America of Virginia (MHAV)
- NAMI Virginia and its state regional affiliates
- University of Virginia, Institute of Law, Psychiatry and Public Policy
- Virginia Association of Chiefs of Police
- Virginia Association of Community Services Boards (VACSB)
- Virginia Association of Counties
- Virginia Association of Regional Jails
- Virginia Bar Association
- Virginia Community Criminal Justice Association (VCCJA)
- Virginia Council on Juvenile Detention

- Virginia Municipal League
- Virginia Sheriffs' Association
- Virginia Hospital and Healthcare Association
- VOCAL Virginia

The Consortium shall have the following goals:

Goal I: Transformation planning:

The Consortium shall evaluate the viability of jail diversion models for persons with mental illness, and develop recommendations for improving access to mental health treatment for persons with mental illness who cannot be diverted from arrest and incarceration. Representatives from relevant stakeholder groups in each locality, including Community Criminal Justice Boards, Law Enforcement, Local and Regional Jails, Community Services Boards and Local Community Corrections, Mental Health Services Consumers, and other public and private organizations shall be invited to participate in comprehensive transformation planning for their regions.

Goal II: Establish a Criminal Justice/Mental Health Training Academy for the Commonwealth:

The Academy will provide an integrative locus for coordinating the training activities of currently disparate state and local, public and private organizations into a concerted program of cross-training for criminal justice and mental health personnel.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until July 1, 2010, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 22<sup>nd</sup> day of October 2009.

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Timothy M. Kaine, Governor

Attest:

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Secretary of the Commonwealth