Mental Health Sub-Committee  
September 18, 2019

**Present:** Brian Hart, Whitney Agyekum, Lori Murphy, Christina Sirois, Sarah VanSkives

**Excused:** Lois Bocchicchio, Shannon Oakes, Kellie Traugott-Knoll, Tarry Jochem, Dina O’Herron, Sean Eagen

**Minutes:**

Approved without changes.

**Introductions:**

**Suicide Prevention Update—Shannon Oakes:**

- **In Shannon’s Absence Brian Hart gave the update:** Shannon is attending the Suicide Prevention Conference. Shannon will be leaving, as she has accepted a position with Guthrie in Corning. Brian will meet with her before she leaves to see what needs to be done. Family Services will be posting a part time position for up to 20 hours (flexible) a week. The Suicide Prevention Coordinator position is contracted through the County. Brian is not sure if they have someone in mind. This position is labor intensive and more hours the closer you get to the Walk-A-Mile event. The person reports directly to Brian, and the person has to be independent. Shannon has only been the 3rd person in this position.

**Director of Community Services report - Brian Hart:**

- **Red Flag Law-Confiscation of Weapons:** This Law was passed and signed in February and took effect last month. This is also known as the Extreme Risk Protection Order Law. A Judge can issue a temporary protective order to confiscate firearms from an individual who shows signs of being a threat to themselves or others. Directors of Community Services/Mental Hygiene Directors have nothing to do with this Law. The Law does not specify that the Director of Community Services needs to be involved like they are with the Safe Act. Brian will keep you posted if anything changes.

- **Bail Reform Impact:** This was passed in April and takes effect in January 2020 and will impact our services in the community. This is only happening in NYS.

Misdemeanors eliminated (2-exceptions) – This means that no will go to Chemung County Jail for these types of crimes. The only exceptions are sex offense misdemeanors and criminal contempt charges for an order of protection violation in a domestic violence case. Also, straight pretrial detention (“remand”) is eliminated in all misdemeanor cases. They have also shortened the DA’s time to prepare for cases. This is starting in January 2021.
Felonies – For Non-violent felonies both money bail and pretrial detention are eliminated. There are a limited number of exceptions: witness intimidation or tampering, conspiracy to commit murder, felony criminal contempt charges involving domestic violence, and a limited number of offenses against children, sex offenses, and terrorism-related charges.

Judges are required to consider financial resources when setting bail. They are also encouraged to release defendants while their cases are pending.

Officers and the DA will not want to bother with these types of cases. There will be no bail and no jail time. This means these individuals will be out in the community, and how will this effect providers? This means there will be a decrease in arrests and a decrease in the jail census. This will mean that layoffs will happen. The New York State Legislature decided on this.

Because they have reduced the amount of time the DA has to submit their cases, will this be enough time to request a 730 Evaluation? By reducing pretrial detention it will be good for County costs, but the impact on the Community will be interesting.

NYAPRS Request: They have requested to come our County to do a training for Bail Requests. Brian has referred them to STIRS, and will see where things go with that.

It has been a struggle for Counties when someone has a legal issue and their Defense Attorney requests an evaluation on their clients’ mental status and does not think they can assist in their own defense. A Judge orders this and the County pays 100% of the bill. The Court can agree/disagree/get a 3rd independent evaluation based on the report. It is the Courts decision on what they want to do based on the report. If an individual is deemed to be incompetent, they are sent to a State Forensic Facility. The individuals stay is determined by when they are cleared to assist in their own defense.

If an individual has developmental disabilities they tend to clear them rather quickly. If the individual has mental health issues they tend to take a must longer time to clear them. The County pays 50% of the cost, which means the County $500.00 a day. An issue we have been having is that the State Facility is not sending us any communication on the individual. They send the County the bill, but are not giving us updates on how the individual is doing. We have found verbiage to have the Judge add to the court order, that orders the State to give us information on how they are doing, and when they will be cleared and released. We will see if this changes things.
Sharing by Community Members:

- **Committee Member:** Discussed some issues they are having with communication with the Hospital’s Psychiatrist on safety concerns they have with a client and it not being a safe discharge. Brian gave the committee member contact information and said to make sure consents are signed.

  The next meeting is scheduled for October 16, 2019.