



TREATMENT, NOT JAIL:
Investing in Community Solutions to
Florida's Human Services Crisis

Florida Partners in Crisis
2007 Legislative Agenda

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Expanding Treatment Options to Jail: An Action Agenda

Background: Despite recent actions by legislators, Florida has failed to bridge the gap between available services and the growing treatment needs of its citizens with serious mental illnesses and addiction disorders. Florida, the nation's fourth largest state, spends \$35.96 per capita for mental health treatment, ranking 48th of all 51 states. Only Arkansas and New Mexico spend less on mental health care.

- More than three-fourths of adults (87%) and children (78%) who need substance abuse services are not being served.
- 52% of adults of who need mental health services are not being served, nor are 32% of children with emotional disturbances.

The lack of services contributes to increases in unemployment, homelessness, suicide and poverty. Years of inadequate funding, combined with cost-controlling reforms and a decline in the number of psychiatric hospital beds and outpatient services, has led to yet another crisis. Unprecedented numbers of adults and juveniles with mental illnesses and/or substance abuse disorders are entering the criminal justice system and there is a backlog of county jail inmates awaiting admission to state forensic treatment facilities. Fueling this crisis is the large number of people with mental illnesses and addiction disorders who are homeless. The enormous costs of this problem are well documented. In addition to the human burden, our law enforcement, jails, emergency care facilities and other health and human services agencies all shoulder major costs. Numerous studies and reports at the state and national level, as well as testimony by state mental health and substance abuse officials, have identified the barriers to treatment access and recommended alternatives to alleviate the crisis. Now is the time to act.

Recommended Actions:

- ❑ **Support Communities in implementing Solutions:** Vote for SB 542 to create a criminal justice mental health and substance abuse matching grant program with counties to promote and support local collaboration among the courts, law enforcement, healthcare providers, human service agencies, advocates and others to plan new or expanded services for adults and juveniles in the criminal justice system who have a mental illness or co-occurring substance abuse disorder.
- ❑ **Don't Make Mental Illness and Substance Abuse A Crime:** Fund comprehensive community mental health and substance abuse treatment services, including additional residential treatment capacity for people now in jails, jail diversion programs, and other services to prevent people with mental illnesses and addictions disorders from entering and re-entering the criminal justice system.
- ❑ **Open the Door to A Home:** Scrap the cap on the Sadowski Affordable Housing Trust Fund and free up resources to put a home within the reach of people with very low incomes, and earmark a portion of the money for people with serious mental illnesses and other disabilities.

Expanding Treatment Options to Jail: Community Reinvestment

Action: Vote for SB 542 and HB 1477 that will fund a matching grant program with counties to promote and support local collaboration among the courts, law enforcement, healthcare providers, human service agencies, advocates and others to plan new or expanded services for adults and juveniles in the criminal justice system who have mental illnesses and co-occurring substance abuse disorders.

Background: The number of inmates with mental illnesses and co-occurring substance abuse disorders in Florida jails and prisons is steadily increasing. The juvenile justice system faces a similar problem. The human burden, impact on public safety and growing costs to taxpayers make it critical that effective solutions be found in the immediate future

The Legislature has repeatedly recommended that community partnerships between criminal justice system and mental health stakeholders are the best approach to developing effective solutions. The effectiveness of such collaborative strategies as mental health courts, central receiving centers, pre-trial release programs and crisis intervention teams, has also been demonstrated.

A criminal justice matching grant program would create ongoing partnerships among key community leaders to:

- ☑ Analyze their community's jail and juvenile justice system population to identify individuals whose mental illnesses and addiction disorders contributed to their being arrested and jailed.
- ☑ Identify new interventions, including the array of services and supervision strategies needed to divert adults and youths from the criminal justice system.
- ☑ Set outcome goals for the new or expanded services.
- ☑ Coordinate the implementation of new or expanded services.
- ☑ Reduce recidivism and decrease time spent in jails or detention facilities.
- ☑ Decrease local and state criminal justice system costs.
- ☑ Improve treatment and rehabilitation outcomes.

Expanding Treatment Options to Jail: Close the Revolving Door

Action: Fund comprehensive community mental health and substance abuse treatment services, including additional residential treatment capacity for people now in jails, jail diversion programs, and other services to prevent people with mental illnesses and addictions disorders from entering and re-entering the criminal justice system.

Background: Unprecedented numbers of adults and juveniles with mental illnesses and/or substance abuse disorders are entering Florida's criminal justice system, and a backlog of county jail inmates await admission to state treatment facilities. It is estimated that about half of the incarcerated individuals with mental illnesses have been found guilty only of non-violent offenses such as trespassing or disorderly conduct. Their "crimes" are often the symptoms of untreated or inadequately treated mental illnesses and substance abuse disorders. The following statistics illustrate the scope of this problem:

- 64% of local jail inmates and 56% of state prisoners have a mental health problem. Of these, three-fourths also have co-occurring drug or alcohol abuse.
- 49% of all youth in Florida's juvenile justice commitment programs have a mental illness and 35% have substance abuse disorders.
- Only about a third of inmates with mental illnesses in jails and prisons have ever had mental health treatment.
- The number of people committed to state treatment facilities because they have been found not guilty by reason of insanity or incompetent to proceed is expected to increase at a rate of approximately 8% a year.
- It costs from \$12,000 to \$18,000 a year to treat someone with serious mental illness in the community, compared to \$125,000 to \$130,000 in a state forensic treatment facility.

State officials and advocates alike agree expansion of the following treatment options would help alleviate the crisis:

- ❑ Pre-arrest, jail diversion and in-jail treatment programs, along with other well-researched options such as mental health courts and drug courts.
- ❑ Emergency care services (crisis stabilization and detoxification unit beds)
- ❑ Law enforcement Crisis Intervention Teams
- ❑ Short-term residential treatment beds in the community
- ❑ Step-down beds in state treatment facilities
- ❑ Annualization of the new secure forensic treatment beds funded in FY 2006-2007
- ❑ Housing and employment assistance

Expanding Treatment Options to Jail: Scrap the Sadowski Cap

Action: Scrap plans to reduce the cap on Florida's affordable housing trust fund to \$243 million a year and earmark a portion of the freed up revenues for people with mental illnesses and other disabilities. Support SB 180 and HB 381.

Background: Mental illnesses and substance abuse disorders—along with a lack of affordable housing for people with extremely low incomes—are major contributors to the rise in homelessness in Florida. On any given day in Florida, there are approximately 85,907 people who have no place to live. Of these, 16,379 people, or 19 percent, have mental illnesses or addiction disorders.

The Sadowski Affordable Housing Act generates \$500 to \$600 million annually, funded by a portion of the state's documentary stamp tax. The planned \$243 million cap for FY 07-08 is less than the \$249 million received in 2002, when the median existing home price was just over \$140,000. Today's median home price is nearly \$250,000.

There are good reasons to eliminate the cap:

- ❑ Lack of access to safe and affordable housing adds to the barriers facing people with mental illnesses and substance abuse disorders who are struggling to recover and be self-sufficient.
- ❑ Improved access to housing increases treatment outcomes and the likelihood these individuals will avoid more restrictive and costly settings such as jails, detox and crisis units and hospitals.
- ❑ Department of Children & Families officials say the majority of people served by the state's mental health system are "priced out" of Florida's housing market because they have incomes far below the poverty level. These individuals have little chance of obtaining housing without assistance.
- ❑ Lack of housing is one reason a number of people remain in Florida's mental health hospitals long after they are well enough to return to the community. Their full recovery is delayed and their care in the hospital costs the state much more than community treatment.
- ❑ Removing the cap will free up existing revenues to make housing available to more low income Floridians. No additional funding by the Legislature would be required.

Expanding Treatment Options to Jail: Support the System of Care

Partners in Crisis also supports the following actions to shore up the mental health and substance abuse system of care:

- ❑ **Strengthen Service Delivery:** Fund fair market pricing for mental health and substance abuse service providers to offset the escalating cost of delivering treatment and rehabilitation services. Reimbursement rates for mental health and substance abuse service providers have not increased for more than a decade. During the past year alone, the cost of insurance has doubled, medical expenses for clients continue to rise, and transportation costs have skyrocketed. Providers must be adequately compensated if they are to recruit and retain a competent workforce.
- ❑ **Fund the Substance Abuse Treatment Gap:** Publicly-funded substance abuse services for adults and children continue to fall far short of the need for these services. Improving access to treatment will help reduce the incidence of child abuse and neglect, broken families, joblessness and criminal behavior that now levies a huge cost on health and human services budgets. Every dollar invested in substance abuse treatment also will return an average of \$7 in economic benefits to the public. The greatest savings come from reductions in costs to the criminal justice system.
- ❑ **Restore Medicaid Mental Health Coverage to Floridians in the MEDS-AD Eligibility Group:** Legislative action in 2005 cut off Medicaid mental health services for 3,100 Floridians with serious psychiatric disabilities. These individuals, living on disability income, had been eligible for both Medicaid and Medicare. Without Medicaid coverage, they have no access to case management and other types of needed treatment as Medicare does not cover the services. Because of the severity of their illnesses, these people have the greatest need for publicly-funded mental health care services.
- ❑ **Create Medicaid Special Needs Plan for Persons with Serious Psychiatric Disabilities:** Authorize the Agency for Health Care Administration to create a Specialty Provider Service Network for Medicaid beneficiaries with serious psychiatric disabilities. The Legislature has previously set up similar plans to improve the effectiveness of services for people with developmental disabilities and children with chronic illnesses. People who have serious and persistent mental illnesses would be served more effectively through a specialty health care plan.

Expanding Treatment Options to Jail: Effective Community Solutions

Various initiatives and programs have been implemented by counties across Florida that are demonstrating the effectiveness of collaborative strategies in improving the response to people with mental illnesses, substance use disorders and co-occurring disorders involved with the criminal justice system. Some of these initiatives are:

- Crisis Intervention Teams (CIT)
- Mobile Crisis Teams
- Central Receiving Centers (Baker Act and Marchman Act)
- Pre-trial Release Programs
- Community Competency Programs
- Mental Health Courts and Drug Courts
- Dedicated Discharge Planners for Jails and Prisons
- Forensic FACT Teams
- Specialized Forensic Probation Officers
- Involuntary Outpatient Treatment
- Intensive Case Management
- Supportive Housing models

Investing in the expansion of these types of initiatives and programs—along with supporting community collaboration to maximize resources and develop innovative services—is critical to avoiding crises in the mental health and substance abuse service system.

For more information about Florida Partners in Crisis and its Legislative Action Agenda contact:

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Message from Judge Nancy Alley, State Director, Seminole County, Florida

I was glad to accept the Board of Directors' nomination to serve as the Chair of this organization. Unlike some of the committees I have worked with, I wasn't out of the room or absent when my name was submitted.



Partners has been successful in bringing together a diverse group of stakeholders to work toward solutions to this crisis, both at the state and local level. Through education, research and collaborative planning, we help focus public attention on the unmet treatment needs and model programs. Equally important, we speak with one voice on behalf of improved access to treatment for people with mental illnesses and substance abuse disorders.

I have been dedicated to working for improvements in our mental health and substance abuse system for years, and have been a part of this group for almost four years. We offer a great potential as a power to unite a coalition of interested persons and groups to improve both the systems of care for those involved with mental health and substance abuse issues. Both the legal system and law enforcement have united with healthcare providers, and elected officials. Our major goal is to speak for those who have no voice and to advocate multiple solutions to resolve the crisis in Florida communities.

Since I was selected, I have been interviewed, given speeches, toured facilities, and addressed legislators in various areas of the state. Getting the word out to the community concerning the growth of the issues involved and the need for adequate funding of services to persons with mental health and substance abuse issues is a commitment that I ask of each of you.

I join an esteemed group of prior judges and sheriffs in taking a leadership role that will hopefully deal with a major issue that affects our families, homes, community and government. Please help us by visiting our website at www.floridapartnersincrisis.org and advising us if you can assist us or need our assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nancy Alley". The signature is fluid and cursive.

Judge Nancy Alley
Board Chair and State Director