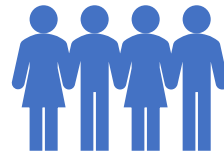


Forensic Working Group

As required in Sec. 6 of S. 3



Legislative Charge

- DMH is required to convene a “Forensic Working Group” to examine gaps in the mental health and criminal justice systems, evaluate options for creating a forensic system, including a forensic facility, and to review the notification process for non-compliance/inadequacy of Orders of Non-Hospitalization (ONH).

Legislative Charge – Members of Working Group

- (1) a representative from the Department of Corrections;
- (2) a representative from the Department of Disabilities, Aging, and Independent Living;
- (3) a representative from the Department of Buildings and General Services;
- (4) the Chief Superior Judge;
- (5) a representative from the Department of State's Attorneys and Sheriffs;
- (6) a representative from the Office of the Attorney General;
- (7) a representative from the Office of the Defender General;
- (8) the Director of Health Care Reform or designee;
- (9) a representative, appointed by Vermont Care Partners;
- (10) a representative, appointed by Vermont Legal Aid's Mental Health Project;
- (11) a representative, appointed by the Vermont Medical Society;
- (12) three crime victims representatives, appointed by the Vermont Center for Crime Victim Services;
- (13) the Mental Health Care Ombudsman established pursuant to 18 V.S.A. § 7259 or designee;
- (14) a representative of the designated hospitals, appointed by the Vermont Association of Hospitals and Health Care Systems;
- (15) three individuals with lived experience of mental illness, at least one of whom has lived experience of the criminal justice system or the civil commitment system, or both, appointed by Vermont Psychiatric Survivors;
- (16) a representative, appointed by the Vermont Developmental Disabilities Council; and
- (17) any other interested party permitted by the Commissioner of Mental Health.

Legislative Charge - Reports

- 1st report – due on or before January 15, 2022
- 2nd report – due on or before February 15, 2022
- 3rd and final report – August 1, 2022

2nd meeting agenda

September 16, 2021

Topics of the meeting:

- Discuss gaps in the current mental health and criminal justice system related to individuals that are incompetent to stand trial or who are adjudicated not guilty by reason of insanity.
- Discuss opportunities to improve public safety and address the treatment needs for individuals that are incompetent to stand trial or who are adjudicated not guilty by reason of insanity and as always, consider victim rights.

3rd meeting agenda

October 21, 2021

Topics of the meeting:

- Discuss competency restoration models used in other states, including models that do not rely on involuntary medication to restore competency and how cases where competency is not restored are addressed.
- Discuss and review models used in other states to determine public safety risks and the means used to address such risks, including guilty but mentally ill verdicts in criminal cases.

4th meeting agenda

November 18, 2021

Topics of the meeting:

- Review due process requirements for defendants held without adjudication of a crime and presumed innocent.
- Review processes regarding other mental conditions affecting competence or sanity, including intellectual disabilities, traumatic brain injury, and dementia.

5th meeting agenda

February 17, 2021

Topics of the meeting:

Assess the necessity of notification to the prosecutor upon becoming aware that individuals on orders of non-hospitalization (ONH), who are not complying with the order or that the alternative treatment is not adequate to meet the individual's treatment needs.

Including any recommendations:

- (A) necessary to clarify the process
- (B) addresses what facts and circumstances should trigger the Commissioner's duty to notify the prosecutor
- (C) addresses steps that the prosecutor should take after receiving the notification

6th meeting agenda

April 14, 2022

Topic of the meeting:

- Review and analyze models for forensic treatment, including the size, scope, and fiscal impact of any forensic treatment facility.

Any additional meetings TBD

- Lastly, we ask for your patience. This is a very large legislative charge, as we get into discussions, we may need to adjust the agenda to fit accordingly.
- As always, we are open to public comments.
 - Public comment portion of the meetings.
 - E-mails (Jennifer.Rowell@vermont.gov)
 - Phone calls (802-241-0090)
- Questions??