

ERIE COUNTY MENTAL HYGIENE COMMUNITY SERVICES BOARD MINUTES

November 7, 2024

COMMUNITY

SERVICES BOARD: Daniel Antonius, Joan Baizer, Sharon Cavanaugh, Max Donatelli, Emma Fabian, Maya Hu Morabito, Stephanie Orlando, Elizabeth Smith, Charles Syms

PRESENTER: Jed Wolkenbreit, Counsel, NYS Conference of Local Mental Hygiene Directors

GUEST: Anoush Koroghlian-Scott – Partner at Lipith Mathias

MENTAL HEALTH

DEPARTMENT: John Grieco, Shannon Stocker

EXCUSED: Terry Alford, Victoria Brooks, Kathryne Coric, Pastor George Nicholas, BJ Stasio, Erica Westphal

Approval of Minutes:

- October CSB Minutes were not approved, due to not having quorum.

Introductions

- CSB members introduced themselves.
- Anoush Koroghlian-Scott, Partner at Lipith Mathias, the same firm as Jed. We are planning our transition to General Counsel of the Conference in January.
- Jed Wolkenbreit, currently Counsel for the NYS Conference of Local Mental Hygiene Directors. He will be retiring at the end of this year and Anoush will be taking over as Counsel for the Conference.

Presentation: Jed Wolkenbreit, Counsel, NYS Conference of Local Mental Hygiene Directors:



Chartered County
Handout.pdf

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- See Jed's handout.
- Dr. Antonius mentioned sharing the concerns that Jed brought up. The 730 incompetency has become such a state and a national problem. Different states are dealing with it differently. He is concerned that there may be some lawsuits coming, not our way, but the state's way. And then the criminal justice system will tell us how to fix it instead of us getting in front of it and trying to fix it before it becomes a problem. Erie County spends a lot of money monthly on sending people out for restorations. We do close to seven hundred 730 evaluations a year. We also do 730s now in other counties.
- John said our expense on a yearly basis exceeds \$3M most years, sometimes substantially more than that. People get sent for restoration, we get the bills, then once they are there, we lose control over their ongoing restoration. This makes it difficult to budget against. Another thing that happens sometimes is, once they get released and they are back at the Holding Center awaiting trial, or possibly in the community, they often will go back to the previous state and then get sent back for restoration because, by the time they get to their trial date, they are then again evaluated as unable to participate in their own defense and / or understand the charges against them.

- Jed added that it would be nice to use that \$3M to support people or get people into real care that's geared towards recovery and not just toward being able to sit as a defendant in a lawsuit. There is some good evidence that has shown that if people get diverted into a good program from the criminal justice system, they are way less likely to recidivate and to be a problem. They are more likely to become more useful and valued members of the community, and to themselves, which should be the goal of everything we do.
- Dr. Antonius pointed out that one area that he is really concerned about is the developmentally disabled and their increased interaction with the legal system, and especially 730s. He heard from police that they used to not arrest those folks because they knew they could never establish intent. But now those folks will end up in the criminal justice system. And with somebody with an IQ of 40, it's going to be really difficult to find capacity. For example, if they do something sexually inappropriate in a home and they get stuck with a B felony, they are found not competent, they get sent to Sunmount, and, for what? It's a system that needs to be revisited and looked at closely, and then we have to work very closely with the legal system; he knows they are frustrated as well.

Subcommittee Updates:

- MH Subcommittee (Erica):
 - o Last meeting was September 9th. Minutes will be sent out.
 - o Next meeting will be November 18th.
- PASS Subcommittee (Elizabeth):
 - o Last meeting was October 24th. Minutes will be sent out.
 - o They discussed 2025 priorities and plan on having Jason from Erie County present on overdose data in our next January 2025 meeting. No meetings in November and December due to holidays.
 - o Next meeting will be January 23rd.
- IDD Subcommittee (Max):
 - o Last meeting was September 19th. Minutes will be sent out.
 - o We had an open house for the satellite office this past month, which was very successful.
 - o We are still having workforce issues statewide.
 - o There is a new committee that's going to be looking at whole-person supports, which is a system change opportunity that may be helpful.
 - o Next meeting will be November 21st.

Next Meeting:

- Thursday, January 2, 2025, from 9:00-10:00am.
- This will be a packed meeting, so please let Stephanie know early if you can't make it because we are definitely going to have some things to vote on, including the edits to the bylaws.