EXHIBIT M

CLEVELAND DIVISION OF POLICE
40 HOUR CIT CURRICULUM
LESSON PLAN: MENTAL HEALTH LAW
CUYAHOGA COUNTY PROBATE COURT

Title of Lesson: Mental Health Law

Assigned Course Number: TBD

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Approving Authority: Pending

Overview:

The Mental Health Law portion of the 40 Hour Curriculum is a 60-minute module designed to provide participants with an overview of the role of the Probate Court and pertinent portions of the Ohio Revised Code Section 5122.01. In addition, a brief introduction to the Assisted Outpatient Treatment (A.O.T.) Program will be presented and the role police officers play in the program. Review of Casey's Law and local case Ferreri v. City of Strongsville will be discussed.

Course Goals:

The goal of the course is to provide participants with a working knowledge of Ohio Revised Code Section 5122.01 as it pertains to their duties and example of when an individual may or may not be subject to involuntary hospitalization.

Course Objectives:

1. Understand the definition of mental illness.
2. Understand warrant of detention.
3. The probate process which leads to a warrant of detention.
4. Understand the affidavit. Criteria 1-4 as stated in O.R.C. 5122.01.
5. A.O.T. Program and Order to Convey.
6. Review Casey's Law and local case Ferreri v. City of Strongsville regarding emergency admission.

Methodology:

Participants will be taught by the Chief Magistrate of the Psychiatric Department at the Cuyahoga County Probate Court. A PowerPoint presentation shall serve as an instructional aid; however, the instructor will encourage class discussion and provide pertinent examples of the material presented.

Target Audience:

Cleveland Division of Police Officers selected to serve as Specialized CIT Officer.

CLEVELAND DIVISION OF POLICE
40 HOUR CIT CURRICULUM
INSTRUCTOR MANUAL: MENTAL HEALTH LAW
CUYAHOGA COUNTY PROBATE COURT

Slide 1-Mental Health Law

Introduction

Slice 2-Overview of the Presentation

A brief overview of the various roles of the Cuyahoga County Probate Court will be presented. Briefly address Warrant of Detention. Will not spend much time on Emergency Hospitalization/Pink Slip as that is covered by St. Vincent and the Court is not involved with Pink Slip. Review Casey's Law and case Ferreri v. City of Strongsville.

Slide 3-Cuyahoga County Probate Court

The Court handles estates, guardianships, adoptions, land appropriations, marriage licenses in addition to the involuntary commitment of the mentally ill. The psychiatric department is staffed with two deputy clerks, two social workers and a magistrate.

Slide 4-Mental Illness: O.R.C. 5122.01

The definition of mental illness is discussed.

Slide 5-Warrant of Detention

The order will only hold the patient in the hospital as long as the treating physician feels is necessary. The order expires upon discharge or voluntary admission. It is important to understand that the order is good until it is served. It is a civil order.

Slide 6-Probate Warrant/Order of Detention

A warrant may be issued when an individual with recent actual knowledge comes to the Court to make application for an order. The individual seeking the order will undergo an extensive interview with an experienced social worker and the Magistrate will issue an order if appropriate. The Respondent must reside in Cuyahoga County and must be refusing treatment. There is a $25 .00 filing fee.

Slides 7- Assisted Outpatient Commitment
Persons not meeting the criteria for civil commitment in the hospital, can be civilly committed under probate court for Assisted Outpatient Commitment.

Slide 8, Cuyahoga County Assisted Outpatient Treatment Program

SAMSHA Grant funded collaboration between the ADAMHS Board, Frontline Services and the Cuyahoga County Probate Court. Five year grant to provide intensive treatment services for persons under Outpatient Civil Commitment. Review the criteria.

Slide 9-Assisted Outpatient Treatment/Order to Convey
Law enforcement officers have a partnership with the ADAMHS Board, Frontline Services and the Probate Court in this unique treatment model. Probate Court magistrate will issue an Order to Convey for the purpose of having that person transported to St. Vincent Charity Hospital when alerted by Frontline Services regarding the person's non compliance with treatment. Order to Convey is sent to the police district of where that person lives in order to convey to the hospital.

Slide 10-Assisted Outpatient Commitment
St. Vincent Charity Hospital is the designated hospital to receive the Order to Convey from the Probate Court. Person will have a hearing in the hospital with Probate Court along with evaluation for further services.

Slides 11- Casey's Law

A review of Casey's Law and what the Court is authorized to do as is relates to treatment for persons suffering from alcohol and other drug abuse disorders.

Slide 12-Casey's Law
Conditions under which a person can be served under Casey's Law.

Slide 13- Casey's Law
Responsibilities identified for the family and or significant other in order to request consideration for Casey's Law.

Slides 14-Application for Emergency Admission-O.R.C. 5122.10

The application for emergency admission also known as pink slip is addressed by St. Vincent Charity in their presentation. The Court does not issue pink slips. Identifies who can complete the Pink Slip-Police Officers.

Slide 15-Application for Emergency Admission
Indicates that the person is transported to the nearest emergency room for the purpose of evaluation. There is no guarantee that the person will be admitted to the hospital.

Slide 16- Application for Emergency Admission
Describes what information is needed on the Pink Slip.

Slide 17-Application for Emergency Admission
Description about how to complete the Pink Slip.

Slide 18- Review of the Appropriate Pink Slip vs Inappropriate Pink Slip (Handout)
Inappropriate Pink Slip indicated that the doctor was told by someone else that the person was in need of hospitalization. No further documentation.
Appropriate Pink Slip gave history of diagnosis, person indicated that they were depressed and did not feel safe.
Additional questions-involvement with treatment? First time feeling unsafe? Ever hospitalized in the past?

Slides 19-Case Review-Emergency Admission

Review local case Ferreri v. City of Strongsville. Lawsuit filed by Diane Ferreri against 2 Strongsville police officers for violating her Fourth Amendment rights. Slide 20- Case

Slide 20-Case Review-Emergency Admission
Conditions under which Dr. Weiss wrote the Pink Slip.

Slide 21-Case Review-Emergency Admission
Review of what the client said happened during the encounter with the officers.

Slide 22-Case Review-Emergency Admissions
Who can complete the Pink Slip and under what conditions?
Did the client meet the conditions for Emergency Admission?
What did the officers know about administering the Pink Slip?
The client indicated alleged abuse by the officers, was force warranted given that this is an involuntary process?
What are the client rights concerns?
What are the additional questions you might consider?
What are your general concerns about this case?

Slide 23-Questions

MENTAL HEALTH LAW
CUYAHOGA COUNTY PROBATE COURT

JOHN SPICCIA, MAGISTRATE
CUYAHOGA COUNTY PROBATE COURT

OVERVIEW OF THE PRESENTATION

1. Role of the Cuyahoga County Probate Court
2. Mental Health Laws
    - Probate Warrant/Order of Detention
    - Assisted Outpatient Commitment
    - Emergency Certificate/Pink Slip
3. Drug Treatment Laws
    - Casey's Law

CUYAHOGA COUNTY PROBATE COURT

Matters within the Probate Court's jurisdiction are: estates, issuance of marriage licenses, adoptions, guardianship proceedings, the involuntary commitment of the mentally ill, and land appropriation cases.

MENTAL ILLNESS: ORC 5122.01

"Mental illness is defined as a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs judgement, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life."

WARRANT OF DETENTION

- Order will hold patient in the hospital as long as the treating psychiatrist feels it is needed.
- Not automatic permission to force medication.
- Court ordered admission is not necessarily longer than any other admission.
- Order expires if voluntarily is signed or discharge from hospital.
- Refers to alleged mental illness- not incompetence. (Guardianship issue)
- Process must be repeated for another episode.
- Order is good indefinitely until served

PROBATE WARRANT/ORDER OF DETENTION

- Any adult with recent knowledge & contact may come to the Court to file for a Probate Order.
- The respondent (person to be Probated) must be an adult currently residing in Cuyahoga County.
- Respondent must be refusing treatment voluntarily or have a recommendation from their doctor or social worker.
- Purpose of an evaluation determines the need for hospitalization.

ASSISTED OUTPATIENT COMMITMENT

- Ability for Probate Court to court order persons diagnosed with severe and persistent mental illness into outpatient treatment.
- Modifies the four criteria that a mentally ill person must meet to be subject to court order to include persons who would benefit from the treatment as manifested by evidence of behavior that indicates all of the following

CUYAHOGA COUNTY ASSISTED OUTPATIENT TREATMENT PROGRAM

Population Served:

- Clients identified as having a severe and persistent mental illness i.e. schizophrenia, schizoaffective disorder and or bipolar disorder.
- Clients who do not respond well to traditional mental health treatment i.e. case management and medication monitoring.
- History of noncompliance with treatment, increased need for crisis services and often coming under the attention of law enforcement.
- These clients must meet the criteria for Civil Commitment under the ORC 5122. 02 and subject to civil commitment through Cuyahoga County Probate Court to the ADAMHS Board.

ASSISTED OUTPATIENT TREATMENT/ORDER TO CONVEY

- Cuyahoga County ADAMHS Board places an individual on Assisted Outpatient Treatment.
- Supportive services are provided through Frontline Services.
- If the individual does not comply with requirements of the program or becomes a danger to self or others, the Board can recommend a transfer to a more restrictive setting.

ASSISTED OUTPATIENT TREATMENT/ORDER TO CONVEY

- An Order to Convey goes the designated police department to pick up and transport to St. Vincent Charity Hospital Psychiatric Emergency Room.
- A Frontline caseworker should be available to police for execution of the Order to Convey.
- The individual is admitted pending a hearing for a more restrictive setting. (held at the hospital)

OHIO SENATE BILL 117: CASEY'S LAW

- The Matthew Casey Wethington Act for Substance Abuse Intervention. Named for the young man who died in 2002 from a heroin overdose at the age of 23.
- R.C. 2101.24 Jurisdiction of Probate Court
- Grants the Probate Court exclusive jurisdiction to hear & determine petitions for an order for treatment of a person suffering from alcohol & other drug abuse & to order treatment under newly enacted sections.

CASEY'S LAW

Authorizes the Court to order treatment only if all of the following apply:

1. The person suffers from alcohol or other drug abuse.
2. The person presents an imminent danger or imminent threat of danger to self, family, or others as a result of the abuse, or there exists a substantial likelihood of such threat in the near future.
3. The person can reasonably benefit from treatment.

CASEY'S LAW

1. Must contain certificate from a physician who has examined the respondent within two days prior to the petition being filed. Must indicate threat, need for treatment, type & length of treatment & if the person can reasonably benefit from treatment.
2. Arrangement must be made with a treatment facility. Statement from facility must include length of treatment proposed & estimated cost.
3. Petitioner must put up half the estimated cost in the form of a bond to the court. They sign a guaranty for all costs involved.

APPLICATION FOR EMERGENCY ADMISSION- ORC 5122.10

A written statement shall be given to such hospital by the transporting psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer, chief of the adult parole authority, parole or probation officer, or sheriff stating the circumstances under which such person was taken into custody and the reasons for the psychiatrist's, licensed clinical psychologist's, licensed physician's, health officer's, parole officer's, police officer's, chief of the adult parole authority's, parole or probation officer's, or sheriff's belief.

APPLICATION FOR EMERGENCY ADMISSION

A person transported or transferred to a hospital or community mental health services provider under this section shall be examined by the staff of the hospital or services provider within twenty-four hours after arrival at the hospital or services provider. If to conduct the examination requires that the person remain overnight, the hospital or services provider shall admit the person in an unclassified status until making a disposition under this section.

APPLICATION FOR EMERGENCY ADMISSION

The application for Emergency Admission form i.e. pink slip provided by the Ohio Department of Mental Health and Addiction Services, must contain facts which describe specific actions, incidents, or events. The facts provide evidence that a person engaged in conduct which forms the basis for a finding of probable cause to believe that he/she may have a mental illness and in need of court ordered hospitalization.

APPLICATION FOR EMERGENCY ADMISSION

- List how you became aware of the person and the situation.
- What you observed.
- Facts that were provided to you by the person and or others.
- Articulate not just what happened, but how what happened caused you to believe that the person may be a mentally ill person subject to hospitalization, and what caused you to believe that he/she represented a substantial risk of physical harm to himself/herself or others if allowed to remain at liberty pending examination.

APPLICATION FOR EMERGENCY ADMISSION

Review of the Appropriate Pink Slip vs Inappropriate Pink Slip Handout

- What are the issues with the Inappropriate Pink Slip?
- What are the specific words or language used with the appropriate Pink Slip?
- What else could the officer have included with the appropriate Pink Slip?

CASE REVIEW – EMERGENCY ADMISSION

Ferreri v. City of Strongsville

- Diane Ferreri filed lawsuit against two Strongsville police officers stating they violated her Fourth Amendment rights when they seized her under order of involuntary hospitalization on May 5, 2009.
- Ferreri was patient of Dr. Robert Weiss, psychiatrist for MetroHealth Hospital. He treated her since 1999 for Attention Deficit Disorder.
- Ferreri visited with Dr. Weiss on March 30, 2009. She had follow-up appointment but cancelled. Dr. Weiss made attempts to reach her by phone but unsuccessful. Ferreri was unaware of this.
- Two women from social services went to visit Ferreri, per Dr. Weiss' request. Ferreri did not allow women to enter her home.

CASE REVIEW – EMERGENCY ADMISSION

Ferreri v. City of Strongsville

- Due to lack of contact, Dr. Weiss completed an order for involuntary commitment for an emergency hospitalization for a mental health evaluation.
- The pink slip indicated that Dr. Weiss believed Ferreri was mentally ill and that she represented a substantial risk of physical harm to herself or to others.
- Officers went to Ferreri's home on May 5, 2009. They stated she appeared calm when they entered the house. When informed of the pink slip, she stated she was not leaving because she was not mentally ill. She gripped the counter lip in her kitchen to prevent officers from taking her. One officer pried her from the counter, handcuffed her and removed her from the house.

CASE REVIEW – EMERGENCY ADMISSION

Ferreri v. City of Strongsville

- Ferreri claims she was dragged out of her house while she screamed they were hurting hurt. She states she lost footing and heard a popping of her knee. She states she did not resist the officers as they were too strong.
- She states their conduct cause her knee injury which later required surgery and other treatment.

LET'S DISCUSS
WHAT WAS THE FINAL OUTCOME?

CASE REVIEW – EMERGENCY ADMISSION

Questions for Discussion:

- Was this an appropriate use of the Pink Slip?
- What were the questions you might have about the process?
- What are the client rights concerns?
- What are the officers concerns?

QUESTIONS?