

**California Department of Corrections and Rehabilitation  
Council on Mentally Ill Offenders (COMIO)**

**11th Annual Report, December 2012**



## **History and Purpose of the Council on Mentally Ill Offenders (COMIO)**

On October 12, 2001, former Governor Gray Davis signed Senate Bill (SB) 1059 (Chapter 860, Statutes of 2001) (Perata) creating the Council on Mentally Ill Offenders (COMIO). The bill is codified as Penal Code Section 6044 which originally set forth a sunset date of December 31, 2006. In 2006 former Governor Arnold Schwarzenegger signed SB 1422 (Chapter 901, Statutes of 2006) (Margett) which eliminated the sunset date.

The Council is comprised of eleven members. The legislation designates as permanent members the Secretary of the California Department of Corrections and Rehabilitation (CDCR) and the Director of the California Department of Mental Health (DMH), with the CDCR Secretary serving as the chair. The vice-chairperson is selected from the membership. Other Council members are appointed as follows: three by the Governor, at least one representing mental health; two each by the Senate Rules Committee, and the Speaker of the Assembly, each appointing a representative from law enforcement and a representative from mental health; one by the Attorney General; and one superior court judge appointed by the Chief Justice. Six members of the council shall constitute a quorum.

The Council's primary purpose is to "investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who are likely to become offenders or who have a history of offending." In pursuit of that goal the Council is to:

1. Identify strategies for preventing adults and juveniles with mental health needs from becoming offenders.
2. Identify strategies for improving the cost-effectiveness of services for adults and juveniles with mental health needs who have a history of offending.
3. Identify incentives to encourage State and local criminal justice, juvenile justice, and mental health programs to adopt cost-effective approaches for serving adults and juveniles who are likely to offend or who have a history of offending.

The Council shall consider strategies that:

1. Improve service coordination among State and local mental health, criminal justice, and juvenile justice programs.
2. Improve the ability of adult and juvenile offenders with mental health needs to transition successfully between corrections-based, juvenile-based, and community-based treatment programs.

The Council is authorized to apply for funds from the “federal government or other sources to further the purpose of this article.” In addition, in signing the legislation the Governor directed the affected State agencies to “identify funds that can be used to support this program.”

Penal Code Section 6044 (h)(1) requires the Council to “file with the Legislature, no later than December 31 of each year, a report that shall provide details of the Council’s activities during the preceding year. The report shall include recommendations for improving the cost-effectiveness of mental health and criminal justice programs.”

### **Composition of the Council in 2012 with Appointing Authority**

Penal Code section 6044, the statute creating and authorizing COMIO, was amended in 2012 to add a twelfth member to the council. Previously, COMIO had been comprised of eleven members. The amendment to section 6044 adds the Director of the Department of Health Care Services (DHCS) as the new council member. Toby Douglas is the current director of DHCS. The quorum for a COMIO meeting remains the same at six members.

- **Chairperson:** Matthew L. Cate, Secretary, CDCR
- **Vice-Chairperson:** Manuel Jimenez, Mental Health Director, Merced County
  - Cliff Allenby, Ph.D., Director (A), California Department of State Hospitals
  - Toby Douglas, Director, California Department of Health Care Services
  - Dave Lehman, Retired Chief Probation Officer, Humboldt County
  - Dr. Glenn Hammel, Ph.D.
  - James W. Sweeney, J.D., Legislative Advocate, James W. Sweeney and Associates
  - Charles L. Walters, Ph.D., Assistant Sheriff, Orange County Sheriff-Coroner Department, (Retired)
  - The Honorable Stephen V. Manley, Santa Clara Superior Court Judge
  - David Meyer, J.D., Clinical Professor/Research Scholar, USC Keck School of Medicine

As of December 2012, there are two COMIO vacancies to be filled: One Speaker of the Assembly appointee representing mental health and one Governor appointee. Efforts are underway to contact the appointing authorities in order to fill the vacancies.

New members in 2012 included Manuel Jimenez, Mental Health Director, Merced County, Toby Douglas, Director, California Department of Health Care Services, and Dr. Glenn Hammel, Ph.D. Dr. Jeffery Beard, was appointed Director of CDCR on December 27, 2012, and will chair the council in 2013.

A sub-committee chaired by Charles Walters drafted a Memorandum of Understanding (MOU) between CDCR and a not-for-profit agency to provide access to grants and other funding to support the Council's legislative mission. The MOU went through draft revisions throughout 2012 and was examined by CDCR and the not-for-profit agency.

### **CDCR Support Staff**

**Legal Counsel:** Tom Gilevich, Assistant Chief Counsel, CDCR, provided legal guidance to the council throughout 2012; Katherine Tebrock, Chief Deputy General Counsel, currently provides counsel.

#### **Executive Officer (Vacant)**

**Other CDCR Support Staff in 2012:** Adrienne Johnson, Amy Perez, Diana Toche, Julia Rodden, Nathan Stanley

### **Activities of the Council in 2012**

#### **Legislation Examined**

##### **AB 109 and AB 117**

The council was regularly briefed on the effects of AB 109, the state prison realignment legislation. AB 109 and AB 117 are historic legislation that enables California to close the revolving door of low-level inmates and parole violators cycling in and out of state prison. Realignment is an integral step in reducing the state prison's population toward the court mandated cap of 137.5% of design capacity. County and CDCR coordination was discussed with respect to treating mentally ill parolees now being held at the county level. Coordination between CDCR's Parole unit and the county courts is essential to treat mentally ill offenders at the local level. Data was examined on inmates who have been released or paroled who were previously in CDCR's mental health programs.

##### **SB 1021**

Senate Bill 1021 adds statutes to the Penal Code regarding "Supportive Housing Programs for Mentally Ill Parolees." The statutes aid mentally ill parolees in finding transitional housing upon their release from CDCR. It also permits county to county transfers of inmates being held at the county level.

### **Lanterman-Petris-Short Act Reform Task Force (LPS)**

COMIO also examined changes in the Lanterman-Petris-Short (LPS) Act that could aid counties in providing treatment for mentally ill offenders. COMIO received a briefing on the LPS Reform Task Force Report in May 2012. The report is available on COMIO's website at [http://www.cdcr.ca.gov/COMIO/docs/LPSTaskForce\\_2012.pdf](http://www.cdcr.ca.gov/COMIO/docs/LPSTaskForce_2012.pdf). The report notes that inpatient community beds have been greatly reduced and they are further being impacted by parole realignment. This places more pressure on emergency rooms to treat mentally ill patients. The report also notes that a person with a severe mental illness is four times more likely to be in jail than in a hospital bed. The task force believes that the 45-year old LPS Act has not been adequately been updated in response to an evolving mental health delivery system.

### **MOU With Forensic Mental Health Associates of California (FMHAC)**

During 2011 and 2012, COMIO met with FMHAC and drafted a MOU to generate grant money. The goal is for COMIO and FMHAC to work together to access grants and other funding to support the council's legislative mission. The MOU will create grant seeking workgroups who will identify potential grants and apply for them. COMIO members are regularly briefed on the MOU's progress and hope to have an agreement finalized in 2013.

### **Texas Council on Offenders with Mental Impairment**

Council members discussed the Texas Council on Offenders with Mental Impairment. The council is funded by three different Texas agencies. The council met with COMIO in 2002 but has not had any contact recently. Members inquired if contact could be reestablished for purposes of information sharing.

### **Meeting Minutes**

COMIO's meeting minutes are available on its website at <http://www.cdcr.ca.gov/COMIO/Meetings.html>.

### **Best Practices Awards**

Four applications were received from the 2012 Best Practices Award. Two applicants met the scoring qualifications: The Riverside Mental Health Court and Orange County's Combat Veterans Court. The awards were presented at the FMHAC meeting in Seaside, CA on March 21, 2012.

The Regional Mental Health Courts within Riverside County were established to decrease criminal recidivism of defendants with severe mental illness who are eligible for probation, provide individuals with a linkage to mental health treatment as an alternative to detention, identify community resources to facilitate continuity of care, increase treatment compliance, and promote public safety.

Orange County's Combat Veterans Court was established pursuant to Penal Code section 1170.9, which authorizes the court to order treatment instead of incarceration for veterans whose involvement in the criminal justice system is shown to be the result of post-traumatic stress disorder, traumatic brain injury, substance addiction, or other mental health problem arising from their combat service. The program goals are to enhance public safety, reduce recidivism and its associated costs, and assist combat veterans to become mentally stable, substance-free, and successfully re-integrated into society.

Contact information for the two programs can be found on COMIO's website <http://www.cdcr.ca.gov/COMIO/>. Nomination solicitations for 2013's Best Practices Awards have been sent out and can be submitted to Alicia Aguilar via e-mail at [Alicia.Aguilar@cdcr.ca.gov](mailto:Alicia.Aguilar@cdcr.ca.gov) by COB January 31, 2013.