

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

12th Annual Report, December 2013



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 12 members. The legislation designates as permanent members the Secretary of the California Department of Corrections and Rehabilitation (CDCR), the Director of the California Department of State Hospitals (DSH), and the Director of the California Department of Health Care Services, 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, not 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 2013 with Appointing Authority

Penal Code section 6044 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 as the new council member.

- **Chairperson:** Dr. Jeffrey Beard, Secretary, CDCR (Statutory Appointment)
- **Vice-Chairperson:** Manuel Jimenez, Mental Health Director, Merced County (Governor Appointment)
 - Cliff Allenby, Ph.D., Director (A), California Department of State Hospitals (Statutory Appointment)
 - Toby Douglas, Director, California Department of Health Care Services (Statutory Appointment)
 - Dave Lehman, Retired Chief Probation Officer, Humboldt County (Senate Rules Appointment)
 - Patrick Dwyer, Law Enforcement Consultant, Santa Clara County (Speaker of the Assembly Appointment)
 - Dr. Glenn Hammel, Ph.D. (Senate Rules Appointment)
 - James W. Sweeney, J.D., Legislative Advocate, James W. Sweeney and Associates (Governor Appointment)
 - Charles L. Walters, Ph.D., Assistant Sheriff, Orange County Sheriff-Coroner Department, (Retired) (Attorney General Appointment)
 - The Honorable Stephen V. Manley, Santa Clara Superior Court Judge (Chief Justice Appointment)
 - David Meyer, J.D., Clinical Professor/Research Scholar, USC Keck School of Medicine (Speaker of the Assembly Appointment)

New members in 2013 included CDCR Secretary Dr. Jeffrey Beard and Patrick Dwyer. There is one vacancy on COMIO. The appointing authority for that vacancy is the Governor.

CDCR Support Staff

Legal Counsel: Tom Gilevich, Assistant Chief Counsel; Nick Weber, Attorney

Executive Officer: (Vacant)

Other CDCR Support Staff in 2013: Alicia Aguilar, Pamela Michel, Fu Yiu

Activities of the Council in 2013

In 2013, the council received a presentation on CDCR's new institution located in Stockton, California Health Care Facility, which opened in July 2013. The facility was built with AB109 funds, a statute that the council has historically monitored. The council discussed the impact on health care provided by CDCR to inmates and the effect of the facility on CDCR's population. The council was also briefed on the new DeWitt-Nelson institution set to open in early 2014. COMIO members participated in an AB109 panel at the Forensic Mental Health Associates of California's annual meeting in March 2013.

Council members discussed maximizing federal reimbursements for parolee mental health care, noting the need for beds in the community for mental health and substance abuse care. The council received a briefing from CDCR Division of Adult Parole Operations Director Robert Storms on the status of the parole outpatient clinics, the treatment available to parolees, and benefit application programs for inmate approaching parole. He also discussed steps being taken by CDCR to ensure inmates and parolees are enrolled in Medi-Cal when the Affordable Health Care Act takes effect.

COMIO also examined Senator Steinberg's Plan for Action with regards to mental health care funding throughout California. COMIO met with Darby Kernan from Senator Steinberg's office in July 2013 and received a presentation on the Senator's plan to achieve more accessible, less costly, and more effective mental health services for Californians. The council took notice of the plan's goals to achieve recovery, reduce costs, take efforts to minimize stigma and discrimination, and facilitate people in need into treatment.

Executive Director

COMIO still lacks an executive director, a position that COMIO believes is vital to the council being able to achieve its goals. CDCR has been unable to allocate funds for a full time executive director, as requested by the council. The position has been vacant for over a year.

Updates to COMIO Goals and Strategic Plan

The council began reviewing its strategic plan for revision in the latter part of 2013. The council has the goal of reviewing and revising the plan for the coming year. Many of the council's goals depend on the availability of support staff and an executive director.

MOU With Forensic Mental Health Associates of California (FMHAC)

Although COMIO drafted an MOU with FMHAC, the document ultimately did not come to fruition. COMIO instead sent a letter of intent to FMHAC pledging to work with them on projects contemplated via the MOU. COMIO and FMHAC will continue to work together on a project by project basis to promote accessible and effective mental health treatment in the community.

Meeting Minutes

COMIO's meeting minutes are available on its website at www.cdcr.ca.gov/comio.

Best Practices Awards

Each year, COMIO solicits the community for programs being run by organizations that provide excellent and innovative mental health care with the goal of reducing the future likelihood of criminal behavior.

Two applications were received from the 2013 Best Practices Award. The award was given to the San Bernardino Sheriff's Department, who contracts with Liberty Healthcare Corporation. The award was presented at the Forensic Mental Health Associates of California meeting in Seaside, CA on March 13, 2013.

Liberty Healthcare has run a program in the San Bernardino County Jail since 2011 with the goal of restoring to competency felony defendants within 60 days. Since 2011, 162 patients were admitted to the program, 139 were discharged, and 80 were successfully restored to sanity while 59 were transferred to the Department of State Hospitals (DSH) for further treatment. The average length of stay for those restored to

custody was 55 days. Liberty Healthcare runs a 20 bed program with nine clinical staff inside the county jail.

The program has saved an average of \$70,000 per patient when compared with the cost of sending the patient to a state hospital. The program has the ability to reduce the DSH's waitlist and realize savings, estimated at about \$1.4 million during the first nine months of operation. According to the California Legislative Analyst Office, the program has saved San Bernardino County the full amount of costs it would have incurred had it held the patient in county jail while waiting for a bed to open at DSH.

Nomination solicitations for 2014's Best Practices Awards have been sent out with updated guidelines.