

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

13th Annual Report, December 2014



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'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:

- Identify strategies for preventing adults and juveniles with mental health needs from becoming offenders;
- Identify strategies for improving the cost-effectiveness of services for adults and juveniles with mental health needs who have a history of offending; and
- 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 must consider strategies that improve service coordination among state and local mental health, criminal justice, and juvenile justice programs; and 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.

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

The Council is comprised of twelve (12) members. Existing law 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 (DHCS), with the CDCR Secretary serving as the chair. The vice chairperson is selected from the membership.

Other Council members are appointed as follows: three (3) by the Governor, at least one (1) representing mental health; two (2) 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 (1) by the Attorney General; and one (1)

by the Chief Justice of the California Supreme Court. Six (6) members of the Council constitute a quorum.

As of this writing, the Council is currently comprised of the following individuals:

- **Chairperson: Jeffrey A. Beard, Ph.D., Secretary, CDCR.** The Secretary of CDCR is a statutorily required member and chair of COMIO.
- **Vice Chairperson: Manuel J. Jimenez, Jr., MA, MFT, Behavioral Health Director, Alameda County.** Mr. Jimenez was appointed to COMIO by Governor Edmund G. Brown, Jr. in 2012.
- **Pamela Ahlin, Director, DSH.** The Director of DSH is a statutorily required member of COMIO.
- **Jennifer Kent, Director, DHCS.** The Director of DHCS is a statutorily required member of COMIO.
- **Dave Lehman, Retired Chief Probation Officer, Humboldt County.** Mr. Lehman was appointed to COMIO by the Senate Rules Committee (chaired by Senator Don Perata) in 2005.
- **The Honorable Stephen V. Manley, Santa Clara Superior Court Judge.** Judge Manley was appointed to COMIO by Chief Justice Ronald M. George of the California Supreme Court in 2010.
- **David Meyer, J.D., Clinical Professor/Research Scholar, USC Keck School of Medicine.** Mr. Meyer was appointed to COMIO by Assembly Speaker Robert M. Hertzberg in 2002.
- **Lester P. Pincu, D.CRIM.** Dr. Pincu was appointed to COMIO by the Senate Rules Committee (chaired by Senator Kevin de León) in 2015.
- **James W. Sweeney, J.D., Legislative Advocate, James W. Sweeney and Associates.** Mr. Sweeney was appointed to COMIO by Governor Gray Davis in 2002.
- **Charles L. Walters, Ph.D., Retired Assistant Sheriff, Orange County Sheriff-Coroner Department.** Dr. Walters was appointed to COMIO by Attorney General William Westwood "Bill" Lockyer in 2006.

There are currently two (2) vacancies on the Council: a representative of law enforcement to be appointed by the Assembly Speaker, and one (1) individual to be appointed by the Governor.

COMIO Staff Support

In October 2014, Governor Edmund G. Brown, Jr. appointed Kirsten Barlow to serve as Executive Officer of COMIO. The Council is hopeful the addition of an Executive Officer to serve as its dedicated staff member will better position COMIO to achieve its statutory mission. Additionally, during 2014, the Council was ably assisted by the following CDCR staff members that each made helpful and substantial contributions to COMIO throughout the year:

- Patricia Carrillo, Office Technician, Statewide Mental Health Program, Division of Health Care Services
- Thomas Gilevich, Assistant Chief Counsel, Office of Legal Affairs

- Pamela Michel, Associate Health Program Advisor, Statewide Mental Health Program, Division of Health Care Services
- Nathan Stanley, Associate Director, Statewide Mental Health Program, Division of Health Care Services
- Nick Weber, Staff Counsel, Office of Legal Affairs
- Fu Yiu (Yoyo), Statewide Mental Health Program, Division of Health Care Services

Activities of the Council in 2014

During 2014, the Council held seven (7) meetings. Over the span of the year, COMIO focused on the topics and issues described below.

Best Practices Awards: Since 2008, COMIO has been honoring providers whose cost-effective approaches are meeting the needs of adults and juveniles with mental disorders who are likely to become offenders or who have a history of offending. Traditionally, these awards are presented in the month of March at the Forensic Mental Health Association of California annual conference. In 2014, COMIO provided an award to Hollywood4WARD, part of Hollywood Property Owners Alliance, an organization that manages the Hollywood Entertainment District Business Improvement District (BID) under contract to the city of Los Angeles. The Hollywood Entertainment District BID has taken the lead in Hollywood to bring agencies, nonprofits, faith community, law enforcement, and businesses together to work with the homeless population in southern California in an effort to end homelessness.

The second award was provided to the MOST team of Santa Cruz County. The MOST team is a Forensic Assertive Community Treatment program (FACT) that combines an evidence-based program of wrap around mental health services, case management, psychiatry, psychotherapy, and employment skill development with additional supports specific to criminal justice system involvement (i.e., probation, court discharge planning and disposition, liaison relationships with law enforcement and jail staff).

Mentally Ill Offender Crime Reduction (MIOCR) Grant: The Council received information from legislative staff about efforts to provide funding to reestablish MIOCR. The 2014/15 state budget provided \$18 million for a competitive grant program for counties, divided equally for juvenile and adult programs, administered by the Board of State and Community Corrections (BSCC). MIOCR supports local investment in proven best practices, including early diagnoses, family and community-based treatment models, specialized mental health courts, and other collaborative models of intervention that have proven to be successful with mentally ill adult and juvenile offenders.

Competency Assessments for Incarcerated Juveniles: The Council discussed the need for competency assessments for juveniles under the jurisdiction of the juvenile courts. While the elements of competency have been established and standardized in California law for incarcerated adults, this is not the case for juveniles who are incompetent to stand trial.

Incompetent to Stand Trial Wait List: The Council discussed the wait list of individuals in county jails who are awaiting access to competency restoration services in the state hospitals. The Council identified the need to consider the perspective of judges in the development of solutions to the issue.

CDCR Division Adult Parole Operations (DAPO) Updates: The Council received updates on a number of DAPO initiatives, including:

- Expansion of telepsychiatry services
- Housing subsidies for parolees
- Coordination with counties
- Health care coverage enrollment for prison inmates upon release
- Integrated Services for Mentally Ill Parolees, a CDCR program that provides rehabilitative mental health services to assist high need mentally ill parolees with the development of independent living in the least restrictive environment possible
- Case Management Reentry Pilot Program, which CDCR is in the process of implementing to offer mentally ill parolees individualized reentry plans that focus on connecting them to federal, state, and local services (e.g., food, clothing, shelter, mental health care, medical care, dental treatment)

Commission on Peace Officer Standards and Training (POST): The Council received a presentation from POST, including POST's history, scope in setting minimum selection and training standards for California law enforcement, and current training offered for handling mental health related incidents.

COMIO Web Site: CDCR staff implemented requested updates to the COMIO web site, including information about the Council's legislative origin and purpose, COMIO Council members, and Council meetings.

Executive Director: Council members communicated with CDCR, DSH, and DHCS about COMIO's need for an Executive Director to help the Council implement its statutory mandates. As mentioned earlier, Governor Brown appointed an Executive Officer to COMIO in October 2014.

COMIO meeting minutes are available online at: www.cdcr.ca.gov/comio.

Priorities of the Council in 2015

During its December 12, 2014 Council meeting, COMIO members identified a range of potential areas of focus and deliverables for 2015/16. In an effort to ensure COMIO's activities over the coming year yield products that are most timely, helpful, and relevant, the Council's Executive Officer conducted outreach to an array of key stakeholders to get their perspectives (including Administration, state agency, legislative, and judicial branch staff; county and non-profit behavioral health providers; state and local law enforcement; hospitals; and mental health and disability rights advocates). While the

individuals consulted were not asked to provide a formal position on behalf of their organizational affiliations, they did provide helpful feedback.

At its January 22, 2015 meeting, the Council unanimously approved prioritizing the following three areas of focus for 2015/16:

Identify and promote integrated, cost effective strategies to:

- 1. Divert Persons with Mental Health Needs from the Criminal Justice System;***
- 2. Improve First Responder Training for Encounters with Persons with Mental Illness; and***
- 3. Prevent Youth with Mental Health Needs from Becoming Involved in the Juvenile Justice System***

While recognizing the need to respond to critical issues as they arise, COMIO will endeavor to engage external stakeholders over the coming months to identify recommended strategies in the above three areas. The 2015 COMIO annual report to the Legislature will outline the results of these efforts and will contain recommendations for consideration by policy makers and program implementers at the state and local levels.

To meet the usual timeframe for COMIO's annual Best Practices awards for 2015, COMIO would have needed to disseminate application materials in the fall of 2014. Given that COMIO's recently appointed Executive Officer just began work with the Council in November 2014 and planning for the awards had not commenced on its usual schedule, it would not be feasible this year to meet the March deadline to present them at the Forensic Mental Health Association of California annual conference. Additionally, COMIO is presently working hard to address critical organizational needs and identify its priorities and work products for 2015. Finally, the MIOCR grant process currently underway at the BSCC (in which some COMIO members are participating) may yield helpful information for COMIO to consider in planning and targeting its next round of awards. Given these factors, the Council decided to postpone the 2015 Best Practices awards and to invest its time and resources on planning awards for the following year.

Contact for Additional Information

Kirsten Barlow, Executive Officer
Council on Mentally Ill Offenders (COMIO)
Office of Secretary Jeffrey A. Beard
California Department of Corrections and Rehabilitation
Email: kirsten.barlow@cdcr.ca.gov
Phone: (916) 324-7021
Web Site: <http://www.cdcr.ca.gov/COMIO/>