

COUNCIL ON MENTALLY ILL OFFENDERS
FIRST ANNUAL REPORT TO THE LEGISLATURE

History and Purpose of the Council

On October 12, 2001 Governor Gray Davis signed Senate Bill No. 1059 (Perata) creating the Council on Mentally Ill Offenders. The bill is codified as Penal Code section 6044.

The Council is comprised of 11 members. The legislation designates as permanent members the Secretary of the Youth and Adult Correctional Agency and the Director of the Department of Mental Health, with the Agency Secretary serving as the chair. The other members are appointed as follows: three by the Governor, at least one of whom shall represent mental health; two each by the Senate Rules Committee and the Speaker of the Assembly, each appointing one representative of law enforcement and one representative of mental health; one by the Attorney General; and one superior court judge appointed by the Chief Justice.

The Legislature identified several related purposes of the Council. Its 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 existing funds that can be used to support this program.”

Finally, the Council is required 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

Chair: Robert Presley, Secretary, Youth and Adult Correctional Agency

Vice-Chair: Stephen Mayberg, Ph.D., Director, California Department of
Mental Health

Members:

Lynne Deutch, Founding Board Member, National Mental Health

Awareness Campaign

Andrew Hall, Chief of Police, City of Westminster

Hon. Fred Fujioka, Judge of the Superior Court, Los Angeles County

Paula Kamena, District Attorney, Marin County

Duane McWaine, M.D., Medical Director, Didi Hersch Community

Mental Health Center

David Meyers, Chief Deputy Director, Los Angeles County Department of

Mental Health

Jo Robinson, Program Director, San Francisco Jail Psychiatric Services

James Sweeney, Executive Director, Oakland Independence Support

Center

Activities of the Counsel

First Meeting of the Council

After the appointment of a quorum, the first meeting of the Council convened at the Board of Prison Terms in Sacramento on August 27, 2002. All members appointed as of that date were present.

The Council's discussions were limited to issues of organization and goals. The Council first reviewed the major findings of "Being There – Making a Commitment to Mental Health," a report issued by the Little Hoover Commission in November 2000. One of the Commission's major recommendations was the creation of the Council. The Council also reviewed its statutory goals and duties.

For most of the first meeting the Council members and audience participants listed issues that they wished to see the Council address. These issues generally fell within a few major areas. These were:

- Optimizing existing resources through a better understanding of existing programs, the funding sources for those programs, and the accessibility into and linkages between programs.
- Identifying barriers to service such as confidentiality laws and other issues concerning information sharing between providers.
- Addressing co-occurring disorders, particularly the relationship between severe mental illnesses and substance abuse disorders.
- Fostering better understanding and attitudes between the criminal justice community and the mental health community.
- Establishing cross-training opportunities between mental health and criminal justice professionals.

At the conclusion of the meeting, the Council elected Dr. Stephen Mayberg as vice-chair.

Second Meeting of the Council

The Council reconvened on October 17, 2002, again at the Board of Prison Terms in Sacramento.

David Meyer gave the first of a two-part presentation on statutory mental health commitments. The presentation covered commitments of persons found incompetent to stand trial (Pen. Code secs. 1367, et seq., Welf. & Inst. Code sec. 5008, subd. (h)(1)(B)), not guilty by reason of insanity (Pen. Code secs. 1026, et seq.), and extensions of Youth Authority commitments (Welf. & Inst. Code secs. 1800 et seq.).

Millicent Gomes, Chief of Mentally Ill Offender Services, Parole and Community Services Division, California Department of Corrections and Chris Geiger, Vice-President, Walden House, discussed their partnership on a federal Serious and Violent Offender Re-entry Initiative Grant. The California Department of Corrections is working with Walden House, a non-profit drug treatment provider, to develop and implement a program to provide intensive case management to parolees with a history of serious and violent offenses who suffer from co-occurring mental health and substance abuse disorders.

Each member of the Council discussed briefly existing mental health programs with which they were familiar.

Finally, the Council agreed on four areas on which it will focus its future efforts. These are:

- Prevention efforts designed to treat the mentally ill prior to entry into the criminal justice system.
- Improvement of the processes for obtaining treatment for mentally ill offenders in the criminal justice system.
- Improvement of treatment for mentally ill offenders
- Recovery and reintegration of mentally ill offenders in the community.

Future Plans and Recommendations

The Council scheduled one final meeting for 2002 in Los Angeles. At that meeting, the Council will tour the mental health units of the Los Angeles County Jail and complete its review of existing mental health commitments. The Council will also seek

to identify potential sources of funding for its activities pursuant to Penal Code section 6044, subdivision (i).

In summary, immediately upon appointment of a quorum, the Council convened its first meeting. The two meetings to date have focused on understanding existing mental health commitments and programs and identifying issues upon which to build recommendations in future years. The Council will make its initial recommendations under Penal Code section 6044, subdivision (h)(1) in its 2003 year-end report.