

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
COUNCIL ON MENTALLY ILL OFFENDERS (COMIO)

<http://www.cdcr.ca.gov/COMIO/index.html>

SIXTH ANNUAL REPORT

December 31, 2007

History and Purpose of the Council

On October 12, 2001, former Governor Gray Davis signed Senate Bill No. 1059 (Chapter 860, Statutes of 2001) (Perata) creating the Council on Mentally Ill Offenders (Council). The bill is codified as Penal Code (PC) Section 6044 which set forth a sunset date of December 31, 2006. Senate Bill 1422 signed in 2006 by Governor Arnold Schwarzenegger eliminated the sunset date.

The Council is comprised of 11 members. The legislation designates as permanent members the Secretary of the Youth and Adult Correctional Agency (now the California Department of Corrections and Rehabilitation-CDCR) and the Director of the California Department of Mental Health, with the CDCR 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.”

Legislation creating the Council required that the Council “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.” This requirement was changed as a result of the 2006 legislation. This annual report is now submitted to the Secretary of the California Department of Corrections and Rehabilitation (CDCR).

Composition of the Council in 2007

Chairperson: James E. Tilton, Secretary, CDCR.

Vice-Chairperson: Stephen Mayberg, Ph.D., Director, California Department of Mental Health (DMH).

- Joel Fay, PsyD., Mental Health Liaison Officer, San Rafael Police Department
- David Lehman, Chief Probation Officer (retired), Humboldt County, and former member of the Board of Corrections (now the Corrections Standard Authority)
- Wendy Lindley, Judge, Orange County Superior Court
- Duane E. McWaine, M.D., Medical Director, Didi Hirsch Community Mental Health Center, Los Angeles
- David Meyer, J.D., Professor, Institute of Psychiatry, Law and Behavioral Science, Keck School of Medicine, USC, and former Chief Deputy Director, Los Angeles County Department of Mental Health
- Jo Robinson, M.F.T., Program Director, San Francisco Jail Health and Psychiatric Services
- James Sweeney, J.D., Principal, James W. Sweeney & Associates
- Charles L. Walters, Ph.D., Assistant Sheriff, Orange County Sheriff-Coroner Department

Member Changes in 2007

There was one addition to the Council membership during 2007. On November 16, 2007, Fabian Nunez, Speaker of the California State Assembly appointed Joel Fay, PsyD., who serves as Mental Health Liaison Officer for the San Rafael Police Department. Dr. Fay has been a police officer since 1975 and a psychologist since 1999 and is past president of the Forensic Mental Health Association of California. This year he received the California Psychological Association’s Distinguished Humanitarian Contribution Award that honors a person whose voluntary and career efforts have directly and significantly improved the quality of life for a broad range and large number of persons in our society.

There presently is one vacancy on the Council.

Support Staff

Legal Counsel

Bruce Slavin, General Counsel, CDCR, provides legal guidance to the Council.

Executive Officer

Allan Lammers, Retired Annuitant, CDCR

Activities of the Council in 2007

Council discussions in 2006 led to eight priorities and goals for 2007 and beyond. This section not only sets out the established goals but it offers observations on how much progress the Council is making in achieving each goal. The overall and far-reaching Council priority was to focus on re-entry facilities and partnerships in communities to provide more effective transition for inmates coming out of jail and prison. The goals were to:

1. Determine effective minimum standards for assessing mental incompetence in the justice system - ***In progress***
2. Develop mechanism to educate legislature on needs of mentally ill offender population including need for mental health courts and using greater amount of Prop 63 for mentally ill offenders – ***Attempts have been made on several levels but results are fairly disappointing at this juncture.***
3. Create communication links with programs throughout the state that serve mentally ill offenders in order to develop a “Best Practices” summary – ***Very positive direction has been set as a result of:***
 - ***Holding joint conferences with two major statewide organizations, and***
 - ***Launching the first annual Best Practices Awards program (see Exhibits 1 and 2).***
4. Coordinate a web site with CDCR that includes basic information on programs, discussion boards, and links to other agencies – ***Web site is up and running with ongoing updates and enhancements being made.***
5. Promote the development of a consistent set of performance measurements and outcome measurements that could serve to gauge treatment effectiveness – ***This will take more time.***
6. Support a collaborative dialogue among mentally ill offender service providers and academia to determine future needs of the mentally ill offenders at the State and local levels, e.g., “From Words to Deeds” conferences – ***Many exciting accomplishments in this regard (see “Changing the Paradigm” below).***
7. Consider designing guidelines for an enhanced training approach for law enforcement personnel who deal with the mentally ill out on the streets and within correctional institutions. This is based on a briefing and demonstration

provided to the Council at its November meeting by the Orange County Sheriff's Department. The briefing included a "true-to-life" demonstration scenario of a mentally disabled female (played by an actress) being effectively and peacefully addressed by a Sheriff's Officer (CD available upon request) – ***More future emphasis needs to be made in this regard by initiating dialogue with CSA and POST.***

8. Request the Corrections Standard Authority (CSA) consider a review of current standards for space requirements in jails and juvenile hall facilities, and recommend staffing and space allocations for mentally ill offender treatment programs as part of normal CSA standards review and revision process (as CSA funds and staffing permit). As background information related to this, the CSA 2006 Legislative Report states:

The need for specialized beds in adult and juvenile facilities must be appropriate to the population being housed. Health care, female populations and secure segregation are three areas of specialized housing that challenge local jurisdictions. While the number of medical beds in adult jails statewide has remained fairly stable over the last seven years (the average number was 1,022 in 2005) the number of occupied beds used for inmates receiving mental health services has increased steadily from 1,329 in 1996 to 3,103 in 2005. In 2005, an estimated 32 percent of the juvenile detention population was identified as having an open mental health services case file. Additionally, the percentage of juveniles receiving psychotropic medication rose slightly from 10 percent in 1999 to 12.4 percent in 2005.

- No progress made on goal #8.

Activities of the Council in 2008

While Council members are generally pleased with the progress made in achieving the goals set forth for 2007, the members likewise recognize that much work needs to continue if several of these goals are to be achieved. It was agreed that there is a need for greater focus and intensity to achieve these goals. Rather than adopt a new list of goals, it was decided that COMIO would primarily concentrate on achieving additional success in reaching these goals and add one additional goal for 2008. The additional goal is to -

- Explore methodology and strategy to perform a study to determine the number of juvenile offenders in local facilities on psychological medications and to identify the types of diagnoses

Council Members Address "Changing the Paradigm" in 2007

Council members are dedicated to the improvement of services for mentally ill offenders. Taking action beyond their role in COMIO, members have exhibited an ongoing commitment to stimulating discussion and enhancing dialogue statewide through their involvement with the "From Words to Deeds" Conference series subtitled "Criminal Justice and Mental Health: Changing the Paradigm". Since its inception in 2004, the purpose of "From Words to Deeds" is to identify and advance strategies to

effectively divert individuals with mental illness from jail. Strategies discussed promote early intervention, access to effective treatments, planned re-entry and the preservation of public safety. Each conference features a “what works” segment that reviews successful ideas and projects from around the country for participants to discuss. Also featured are small group discussion opportunities to develop “action steps” so that participants can leave the conference with some guideposts for implementing all or part of what they have learned.

Several of the Council Members were actively involved in conference planning, moderating panels, leading discussion groups, and evaluating this years “From Words to Deeds Conference” which was sponsored by the California State Sheriffs’ Association and the Eli Lilly Foundation. The 2008 conference is scheduled for mid-year.

Future Council Meetings for 2008

The Council established their 2008 meeting dates and locations, as follows:

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| January | 17 – Administrative Office of the Courts
455 Golden Gate Avenue, San Francisco, CA
Santa Barbara Meeting Room |
| March | 19 – Seaside, CA and held in conjunction with the Forensic Mental Health Association Annual Statewide Conference |
| May | 8 – CDCR Headquarters Office (Sacramento) |
| July | 17 – CDCR Headquarters Office (Sacramento) |
| September | 11 – Bay Area location TBA and in conjunction with the annual California County Mental Health Directors Association’s (CMHDA) Policy Forum |
| November | 20 – CDCR Headquarters Office (Sacramento) |