

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

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

SEVENTH ANNUAL REPORT

December 31, 2008

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, and 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. Other Council 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 that directed the 2007 Annual Report to be submitted to the Secretary of the California Department of Corrections and Rehabilitation (CDCR). For 2008 and subsequent years, the Annual Report is once again to be filed with the Legislature.

Composition of the Council in 2008

Chairperson: Matthew L. Cate, Secretary, CDCR (May 16, 2008 to present)

James E. Tilton, Secretary, CDCR (Retired May 16, 2008)

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 2008

There was a change in the Council Chairperson effective May 16, 2008 upon the retirement of Secretary James E. Tilton. The newly appointed Secretary is Matthew L. Cate. No other Council changes occurred during this year.

There presently is one vacancy on the Council.

Support Staff

Legal Counsel

Bruce Slavin, Chief of Legal Policy, CDCR, offers legal guidance to the Council.

Executive Officer

Allan Lammers, Retired Annuitant, CDCR

Activities of the Council in 2008

Council discussions in 2006 led to the development of eight priorities and goals for 2007 and beyond. An additional ninth goal was added in last year's Annual Report. This section sets out the established goals and offers progress notes (**in bold**) as to actions taken by the Council to achieving each goal during 2008. The overall and far-reaching Council priority is to focus on re-entry facilities and partnerships in communities to provide more effective transition for adults and juveniles coming out of institutions. The goals are to:

1. Determine effective minimum standards for assessing mental incompetence in the justice system – **A “Competency to Stand Trial” Checklist has been drafted and approved by COMIO members in 2008 and will be introduced to the Administrative Office of the Courts for consideration.**
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 – **In 2007 SB851 was introduced by Senator Darrell Steinberg but was not signed into law. During the 2008 session, SB851 was reworked and introduced as SB1651. Due to budget constraints, the bill was not passed.**
3. Create communication links with programs throughout the state that serve mentally ill offenders in order to develop a “Best Practices” program – **The first COMIO Best Practices Survey was completed and recognition was given to five extremely effective projects (please see Appendix A for project descriptions). The presentations were made in conjunction with the California Forensic Mental Health Associations annual conference in March 2008. The Council and the Association have developed a very effective collaboration during the past two years. A complete list of all 2008 Best Practices applicants is available on Appendix B.**
4. Coordinate a web site with CDCR that includes basic information on programs, discussion boards, and links to other agencies – **The COMIO Web site is up and running with ongoing updates and enhancements being made. A podcast capability is presently being assessed.**
5. Promote the development of a consistent set of performance measurements and outcome measurements that could serve to gauge treatment

effectiveness – ***A new volunteer group of experts has been formed by one of the Council Members during 2008 to develop a common mental health screening tool for use by all jails. Ideally this would function from computer to hard copy.***

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 – ***There have been many exciting accomplishments in this regard (please 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 2007 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) – ***Further discussions need to be developed regarding this direction (particularly with CSA, POST, and the Sheriffs’ Association).***
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). - ***We are pleased to report that the CSA Board approved such a study during their May 2008 Board meeting. It is believed that at this time there will be sufficient fiscal resources to complete the review in 2009.***
9. 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 - ***It is hoped that this goal can be met through the CSA study discussed above (please see item 8 above).***

The Council will continue to address these nine goals during 2009 with the intention of refining the products and solutions that are in various states of development at this time.

Council Members Address “Changing the Paradigm”

Council members are dedicated to the improvement of services for mentally ill offenders whether adult or juvenile. 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 theme emphasized re-entry strategies, and will be summarized in a publication scheduled for release in the Spring 2009. A conference in 2009 is scheduled for mid-year.

Future Council Meetings for 2009

The Council established their 2009 meeting dates and locations, as follows:

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| January | 15 – CDCR Headquarters Office (Sacramento)
1515 S Street – Conference Room 502S
Sacramento, CA |
| March | 18 – Seaside, CA - held in conjunction with the Forensic Mental
Health Association’s Annual Statewide Conference |
| May | 21 – CDCR Headquarters Office (Sacramento)
1515 S Street – Conference Room 502S
Sacramento, CA |
| July | 16 – CDCR Headquarters Office (Sacramento)
1515 S Street – Conference Room 502S
Sacramento, CA |
| September | 17 – CDCR Headquarters Office (Sacramento)
1515 S Street – Conference Room 502S
Sacramento, CA |
| November | 19 – CDCR Headquarters Office (Sacramento)
1515 S Street – Conference Room 502S
Sacramento, CA |

**The Council on Mentally Ill Offenders (COMIO)
2008 COMIO Best Practices Award Recipients**

ADULT Category

Behavioral Health Court, San Francisco Superior Court
Recipient: Judge Mary Morgan

- One of the only pre-plea felony court programs in the nation
- An evaluation of this program appeared in the September 2007 issue of *American Journal of Psychiatry*
- The study found that 18 months after graduation, the estimated risk of being charged with any new offense was about 39% lower than the comparison group and 55% lower of being charged with a violent offense
- Since its inception in 2003, the Behavioral Health Court has 173 graduates with an additional 160 currently in the program

Co-Occurring Disorders Court, Orange County Superior Court
Recipients: Judge Wendy Lindley

Jim Mahar, Collaborative Court Coordinator

- A post-adjudication alternative for felony drug offenders who are diagnosed as chronically and persistently mentally ill
- Unique to this program is a highly structured yet individualized four-phased treatment and recovery plan design for graduation
- Average length of program participation is 763 days.
- Since program initiation in late 2002, 123 individuals have entered the program and 40 have graduated

Mental Health Treatment Court, Santa Clara Superior Court
Recipient: Judge Stephen V. Manley

- This program was established in 1997 and is considered the first mental health court in California
- A major goal at its initiation was to change the orientation within the county from "jail and prison incarceration" to "community based treatment"
- In 2006 alone, the program saved 113,344 jail bed days translating into a county savings of \$7,874,007 and a savings to the State of California in excess of \$16,376,000
- Since 2001, 1,075 have graduated, 262 were terminated, and presently 1,500 are in program

**The Council on Mentally Ill Offenders (COMIO)
2008 COMIO Best Practices Award Recipients**

JUVENILE Category

Client Assessment Recommendation Evaluation (C.A.R.E.)

Los Angeles County Public Defender

Recipient: Jennifer Mayer, Deputy Public Defender

- CARE, operates in the ten juvenile branch offices of the Los Angeles Public Defender
- The focus is on assessing, identifying and making effective recommendations to the Juvenile Court to address children's mental health and special education needs at the earliest stages of the court process - During the past 4 and one-half years, the courts have adopted 83% of the CARE disposition recommendations
- Between 1999 and June 2007, 11,000 children received project services with 400 youth usually in the program at any one time
- A recent study found that 76% of the youth whose cases were opened and closed between February 2004 and December 2005 had no new charges filed in juvenile or adult court during the subsequent year

Court for the Individualized Treatment of Adolescents (CITA)

Santa Clara County Superior Court, Juvenile Delinquency Division

Recipients: Judge Richard Loftus

Sean Rooney, Supervising Probation Officer

Sandhya Shankar, Mental Health Clinician

Kevin Rudich, CITA Public Defender

- Initiated on February 14, 2001, CITA is the first juvenile mental health court in the country
- CITA seeks approaches supportive to the individual that are community-based, family centered and culturally appropriate
- CITA's evolving set of graduation criteria have been replicated by others throughout the country
- The program has a set population cap of 75 minors at any one time, and 171 have successfully completed the one-year program out of a total of 255.

COMIO 2008 Annual Report Appendix B

The Council on Mentally Ill Offenders (COMIO)
2008 COMIO Best Practices
Listing of All Applicants

LIBERTY CALIFORNIA CONDITIONAL RELEASE PROGRAM
Liberty Healthcare Corporation

CARE – CLIENT ASSESSMENT RECOMMENDATION EVALUATION PROJECT
Los Angeles County Public Defender

JUVENILE MENTAL HEALTH COURT
Los Angeles County Probation Department (Lead) and L.A. Superior Court

POST DISPOSITION PROJECT
Los Angeles County Public Defender

PUBLIC DEFENDER DIVISION OF JUVENILE JUSTICE (DJJ) UNIT
Los Angeles County Public Defender

CREATING NEW CHOICES
Monterey County Sheriff's Department

CO-OCCURRING DISORDERS COURT
Orange County Superior Court

WIT – WHATEVER IT TAKES COURT
Orange County Superior Court

RIVERSIDE COUNTY MENTAL HEALTH COURT
Western Riverside County Region of Riverside Superior Court

CITA – COURT FOR THE INDIVIDUALIZED TREATMENT OF ADOLESCENTS
Santa Clara Superior Court, Juvenile Delinquency Division

SANTA CLARA COUNTY MENTAL HEALTH TREATMENT COURT
Santa Clara Superior Court, Mental Health Treatment Court

BEHAVIORAL HEALTH COURT
San Francisco Superior Court