

COUNCIL ON MENTALLY ILL OFFENDERS

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

MINUTES

November 20, 2008

This meeting was hosted by Judge Wendy Lindley at the Orange County Superior Court, Community Court Conference Room, 909 N. Main, Santa Ana, California.

In Attendance:

Council Members

Joel Fay, PsyD, Officer, San Rafael Police Department
Wendy Lindley, Judge, Orange County Superior Court
Duane E. McWaine, M.D., Medical Director, DHCMHC, Los Angeles
David Meyer, J.D., USC Institute of Psychiatry, Law, and Behavioral Science
James W. Sweeney, J.D., Principal, James W. Sweeney & Associates
Charles L. Walters, Ph.D., Assistant Sheriff, Orange County

Support Staff

Allan Lammers, Executive Officer
Bruce Slavin, Chief of Legal policy - CDCR

Interested Parties

Jim Rostran, DMH
Karen Moen, Sr. Court Services Analyst, Collaborative Justice Project, Administrative Office of the Courts
Aaron Carruthers, Special Advisor, CDCR
Sherry Cook, Staff Services Manager I, CDCR-DAPO
Kevin Smith, Division Manager, Orange County HCA-AMHS
Lynn Fenton, Analyst, Orange County Superior Court
Paul Shapiro, Collaborative Courts Officer, Orange County Superior Court
Antoinette Herrera, Collaborative Courts Staff Assistant, Orange County
Wendy Brough, Deputy District Attorney, Orange County
Jim Maher, Collaborative Courts Coordinator, Orange County
O. Jimenez, Deputy Public Defender, Orange County

Absent: Matt Cate, Undersecretary, CDCR (Chairperson), Dave Lehman, Chief Probation Officer (Retired), Humboldt County, Stephen W. Mayberg, Director, Department of Mental Health (Vice-Chairperson) and, Jo Robinson, M.F.T., Assistant Director, San Francisco Jail Psychiatric Services were absent.

AGENDA ITEM 1 - Opening Comments/Previous Meeting Minutes

In the absence of the Chair and Vice-Chair, COMIO member Dave Meyer called the meeting to order at 11:14 A.M., roll was taken, and a quorum was present. Guests were welcomed and introductions were made.

James Sweeney moved and Joel Fay seconded a motion to accept the minutes of the previous meeting held on September 11, 2008 as modified. The motion passed.

AGENDA ITEM 2 – Discussion Items

Impact of Passed/Failed Propositions-

Discussion centered on the passage of Prop. 9. Issues raised included the fact that terminology was misused in terms of current statutes and that much work is needed to clarify meaning and impact. District Attorneys will be addressing a major issue involving victims who will be treated as a party in the trial. This is a fundamental change in our process. While there is contradictory language, much of what was mandated in terms of victim restitution is current practice. Another major unclear piece is related to the status of parole – is it creating a new state agency or is it part of CDCR?

Consideration of New Session Legislation-

The consensus is that due to the budget problems non-price tag issues will be the only types of legislation that will be considered. One example for discussion may be how to better define juvenile incompetence, e.g., can this condition be attributable to a lack of development rather than to mental illness? As an aside, it was noted that in spite of financial shortfalls, there are funds for juvenile treatment in the community through EPSDT and MediCal.

COMIO stance on the trend of exiting professionals moving from local to state positions-
Dave Meyer raised this as a question for members to consider for future debate.

Re-Entry Courts-

Members were interested in continuing dialogue in this area but would prefer to have these discussions when Chairman Cate is present.

Draft of COMIO Annual Report for 2008-

Following review and discussion of the draft, it was moved by James W. Sweeney and seconded by Duane E. McWaine that the draft be approved and finalized for submission to Secretary Cate for his signature so that it may be passed on to the Governor's office. The motion was passed unanimously.

AGENDA ITEM 3 –Competency to Stand Trial Checklist

Council member Meyer volunteered to work on a fix to the Penal Code that would give judges the authority to clarify the options for certifying competency for both felons and misdemeanants. COMIO members agreed that the checklist should be introduced to a variety of AOC committees so that the concept could percolate up through multiple sources. Karen Moen from AOC offered to look into how she might assist in this regard. Working with the legislature is still a possibility as well.

AGENDA ITEM 4 –Facilities Needs Survey

At the CSA's May Board meeting, CSA approved a COMIO recommended study that would address:

- (1) The intake and release process followed in jails and juvenile halls
- (2) A review of the medication follow-through, and
- (3) A review of space and programming allocations for mentally ill offenders.

A contract was in the process of being drawn up, however due to the delay in the budget Approval process, the project was put on hold until the approved budget funds were released. We will be having an update on this issue from CSA staff at the January meeting.

AGENDA ITEM 5 – Update on COMIO Website Enhancement

Charles Walters provided an update on the podcast development offered by the Orange County Sheriff's Department to assist CDCR in implementing the podcast capability on the COMIO website. He prepared a handout explaining the process and its potential use. As presently proposed, Orange County would run this for the State until software and hardware is acquired by the State. He assured the members that nothing would go on the site until COMIO approves it. James Sweeney moved and Duane McWaine seconded a motion for Joel Fay and Charles Walters to work on proposed procedures so that COMIO can move ahead and accept the podcast opportunity. The motion carried unanimously.

AGENDA ITEM 6 – OLD BUSINESS

2009 "Best Practices" - Allan Lammers reported that responses have been slower than last year and suggested that the deadline be extended to December 24th. Members concurred.

Vacant COMIO appointment –James Sweeney noted that one COMIO vacancy has remained unfilled for a long time and offered to submit a letter to the Governor's office reminding the appointment secretary of the situation.

AGENDA ITEM 7 – NEW BUSINESS

2009 COMIO Meeting Schedule – With the approval of the 2008 COMIO Annual Report, the meeting schedule listed on page five of that report was accepted. The 2009 meeting dates are January 15, March 18, May 21, July 16, September 17, and November 19. All meetings are on Thursday with the exception of the March meeting on Wednesday.

CIT Coordinators Training – Charles Walters and Joel Fay announced that this training would be going on in Monterey at the same time as our COMIO meeting in Seaside in March (all day on the 16th and a half day session on the 17th).

Appreciation to Judge Lindley and the AOC - Dave Meyer suggested and the COMIO members agreed that formal recognition of Judge Lindley and her staff, especially Lynn Fenton, be placed in the minutes in appreciation for the superb job of coordinating today's meeting. The Judge's willingness to enthusiastically welcome COMIO members to attend this morning's pre-court staffing, the morning drug court and the mental health court this afternoon are genuinely appreciated by all members.

Appreciation is extended to the AOC for their generosity and support contributing to better understanding of creative court approaches and for their support in providing a working lunch for the COMIO members during the meeting in the Community Court Conference Room. A special thanks goes to Karen Moen for coordinating this in such a professional manner.

ADJOURNMENT

A motion was made by Dr. Duane McWaine and seconded by Judge Lindley to adjourn the meeting. The motion passed and the meeting was adjourned at 1:10 P.M.

The next COMIO meeting will be held in Sacramento at CDCR headquarters on January 15, 2009.

MINUTES RECORDED AND SUBMITTED BY:

Allan Lammers,
Executive Officer, COMIO