

COUNCIL ON MENTALLY ILL OFFENDERS

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

MINUTES

March 18, 2009

This meeting was held in conjunction with the California Forensic Mental Health Association's annual conference at the Embassy Suites Hotel Conference Center in Seaside.

In Attendance:

Council Members

Duane E. McWaine, M.D., Medical Director, DHCMHC, Los Angeles
David Meyer, J.D., USC Institute of Psychiatry, Law, and Behavioral Science
Wendy Lindley, Judge, Orange County Superior Court
Jo Robinson, M.F.T., Assistant Director, San Francisco Jail Psychiatric Services
Charles L. Walters, Ph.D., Assistant Sheriff, Orange County Sheriff

Support Staff

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

Interested Parties

Stephen V. Manley, Judge, Superior Court of California, Santa Clara County
Karen Moen, Collaborative Justice Project, Administrative Office of the Courts
Susan Kole, San Mateo County, Manager
Lynn Maddock, Monterey County Behavioral Health, Forensic Team Supervisor
Sheryl Curl, Orange County Health Care/CMH, Administrative Manager
Robert Hart, San Joaquin County BHS, Medical Director
Robert Jackson, Monterey County Mental Health
Ken Carabello, Forensic Mental Health Association of California (President)
Greg Barron, Student
Pat Butler, Butler Consulting
Jared Carrillo, Stanislaus County DA's Office
Muniy Sewali, DJJ (CDCR)

Absent:

Matthew L. Cate, Secretary, CDCR (Chairperson)
Stephen W. Mayberg, Director, Department of Mental Health (Vice-Chairperson)
Joel Fay, PsyD, Officer, San Rafael Police Department
Dave Lehman, Chief Probation Officer (Retired), Humboldt County
James W. Sweeney, J.D., Principal, James W. Sweeney & Associates

AGENDA ITEM 1 – OPENING COMMENTS / MINUTES

In his absence Chairperson Cate designated Bruce Slavin, CDCR Chief of Legal Policy, to call the meeting to order at 11:15 a.m., roll was taken, and a quorum of five Members was present. Guests were welcomed and introductions were made. Upon arrival, Council Member David Meyer assumed duties as the Chairperson. Duane McWaine moved and Jo Robinson seconded that the minutes of the last meeting held on January 15, 2009 be accepted. The motion was passed.

AGENDA ITEM 2 – COMIO 2009 BEST PRACTICES AWARDS

The Best Practices Committee composed of David Lehman, Duane McWaine and David Meyer reported on their recommendations to the Council. It was noted that a new category was created this year known as "Promising Projects" which recognize exciting potential for the future. These projects are not yet at the level to be considered as a Best Practice due to either a lack of maturity or an underdeveloped evaluation component that cannot as yet statistically confirm success of the project. A motion was offered by Jo Robinson and seconded by Charles Walters to recognize the two Best Practices and four Promising Projects for 2009 listed below.

Best Practices

- 1) Integrated Mental Health Assessment and Treatment Continuum for Juvenile Probation and Youth (IMAT), a public-private sector Sacramento County collaboration with River

- Oak Center for Children, Sacramento County Probation, Sacramento County Mental Health, Quality Group Homes and Panacea Incorporated
- 2) Supervised Treatment After Release (STAR), San Bernardino County

Promising Projects

- 1) Juvenile Mental Health Court, Los Angeles County Public Defender's Office
- 2) Mental Health Court, Placer County Health and Human Services
- 3) Mental Health Court, Western Riverside County Region of Riverside Superior Court
- 4) Whatever It Takes (WIT) Court, Orange County Superior Court

The motion passed unanimously. Best Practices Committee Members McWaine and Meyer will make the award presentations at a ceremony this evening as part of the California Forensic Mental Health Association's Annual Conference. The presentations will precede the keynote speaker. Executive Officer Lammers displayed impressive Best Practices plaques that were produced by the CDCR vocational training program, and congratulated Ms. Kathi Garcia who once again so very effectively coordinated the production of the plaques at Susanville. Also prepared at Susanville are the paper certificates that will be presented to the Promising Projects. It was noted that COMIO has coordinated with CDCR Information Office to produce a press release that has been placed on the COMIO website this morning.

AGENDA ITEM 3 – PROJECT STATUS / UPDATES

- *Facilities Needs Survey*

Executive Officer Lammers reported that the CSA has completed committee selection for the project, and funds are available for the selected contractor, Suzie Cohen, to complete her work. During mid-April initial subject matter conference calls are scheduled with a follow-up in-person meeting in Sacramento to refine issues raised by the various conference calls. CSAs Steve Keithley is coordinating the project. Additional telephonic committee involvement will continue in May with a briefing scheduled at the next COMIO meeting. The intention is to complete a white paper for CSA review after the May COMIO meeting.

- *Expansion of COMIO Website Functions*

While the concept of expanding the COMIO website for podcast capability remains viable, due to the lack of clarity of the budgetary situation at both the State and local levels, Council Member Charles Walters requested that this item be tabled until the May meeting.

- *Administrative Office of the Courts (AOC) Task Force Activities*

Pursuant to motions passed at the January 15th COMIO meeting, two separate COMIO initiated projects have been submitted to an AOC Task Force for review and consideration.

The first project is the Jail Mental Health Assessment tool developed by Jo Robinson and her committee. San Francisco, San Bernardino and San Diego Counties are piloting the tool presently. If successful, the tool could be used statewide and not only at the local level but at the state level as well thereby significantly decreasing staff time by avoiding duplicative data collection. Council Member questions arising but unanswered at this time include - what are the reactions of public defenders and consumer groups; Is there any way to gather aggregate data from the tool, and What does this tell us about what jail mental health programs need in terms of data?

A second project is a draft standards checklist for evaluators that creates tests for determining Not Guilty by Reason of Insanity and the ability to stand trial. The product was drafted by David Meyer. A major concern initiating this effort

has been the malingering issue wherein a large portion of the mentally ill population in institutions are there for long periods of time with little or no services. This inattention usually contributes to destabilization and worsening of an individual's mental condition. Judge Stephen Manley pointed out that malingering is related to incompetence as well as sentencing. For example, a serious offender might be given a *reduced* sentence because of his waiting (malingering) for his sentence – yet, he is a very dangerous individual! Related to this, it was suggested that the California psychological and psychiatry associations maybe should be brought into these discussions as standards to determine competence of evaluators are addressed.

AGENDA ITEM 4 – GENERAL DISCUSSION / CONCERNS

Expanding upon the discussion from the above agenda item, Judge Manley commented that judges are very frustrated because people are not moving anywhere. The result is that many judges are taking the initiative to moving people including low-level felons into mental health courts where they can be more readily be moved back into the community. An interesting lesson from this is thus far these individuals are doing quite well in community treatment. COMIO may want to ask, what should be done to address this problem? In one year SB568 dies but the long-term issue remains – should jails become treatment facilities, and should treatment be done locally rather than in State hospitals?

AGENDA ITEM 5 – OLD BUSINESS

None

AGENDA ITEM 6 – NEW BUSINESS

- 1) Online registration now open for the NIC sponsored webinar which involves Jo Robinson and is entitled *The Mentally Ill in Jail – Whose Problem Is It Anyway?*
- 2) Ken Carabello, Director of Liberty Healthcare's Regional Operations and President of FMHAC, summarized a new contract that his firm has with DMH in cooperation with the LA County Mental Health Agency to provide 40 restoration to competency cases within the LA County Jail. This contract is based on a similar success the firm has achieved in Virginia.
- 3) Jo Robinson suggested that a possible "Words To Deeds" topic might be to review document county practices as to how each is handling incompetence cases.
- 4) Future suggested discussion topics:
 - Assess how SB151 is addressing the mentally ill in the proposed 10 reentry courts (with 500 offenders in each court)
 - Failure to address the co-occurring disorders in a unified way by mental health and drug & alcohol agencies
 - Strategy for addressing MHSAs to incorporate a greater concern for the mentally ill offender at the local level

ADJOURNMENT -

Motion was made by Dr. Duane McWaine and seconded by Charles Walters to adjourn the meeting. The motion was passed and the meeting was adjourned at 1:20 p.m. COMIO will next meet in Sacramento at CDCR Headquarters on Thursday May 21, 2009 at 11:00A.M.

MINUTES RECORDED AND SUBMITTED BY:

Allan Lammers,
Executive Officer, COMIO