

COUNCIL ON MENTALLY ILL OFFENDERS

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

MINUTES

May 19, 2011

LOCATION: CDCR Headquarters Office – 1515 S Street – Conference Room 502S – Sacramento, 94283

IN ATTENDANCE ON CONFERENCE CALL:

Council Members

Charles L. Walters, Ph.D., Law Enforcement Consultant, Orange County
Cindy Radavsky – DMH Designee
Dave Lehman, Chief Probation Officer (Retired)

Interested Parties

Arley Lindberg – AOC
John Lindgren – CDCR, Division of Adult Parole
Karen Moen – Collaborative Justice Project, Administrative Office of the Courts
Tim McDaniel

CDCR Staff

Linda Patterson-Turl – CDCR, Executive Office
Tess Rico, CDCR, Office of Strategic Management

IN ATTENDANCE AT 1515 S STREET:

Council Members

Matt Cate, Secretary, CDCR (Chairperson)
Dave Meyer, J.D., USC Institute of Psychiatry, Law and Behavioral Science
James W. Sweeney, J.D., Principal, James W. Sweeney & Associates
The Honorable Stephen V. Manley, Santa Clara Superior Court Judge

COMIO Staff

Bruce Slavin, - CDCR, Chief of Legal Policy

Interested Parties

Chris Geiger – Telecare Corporation
Donald McGill – Social Rehab. and Reg. Compliance
Frank Smith
Godfrey White
John Pryce – CDCR, Division of Adult Parole Operation
Joseph Partansky, Advocate PWDs
Patricia Lujan – CDCR, DAPO
Robert Storms – CDCR, Division of Adult Parole Operation
Steve Chapman – CDCR, Division of Adult Parole Operation

CDCR Staff

Peggy Ritchie – CDCR, Office of Strategic Management, DCHCS

ABSENT:

Council Members

Jon DeMorales, Executive Director, Atascadero State Hospital

CDCR Staff

Sharon Aungst – CDCR

AGENDA ITEM 1 – Introduction/Welcome/Adoption of Minutes – Chair

The meeting was called to order through remote conference call and others onsite at about 11:35 a.m. Introductions and welcoming was made by Secretary Cate and Bruce Slavin, CDCR. A quorum was present in person and through conference calling.

Due to untimely posting of the agenda, one day late, voting was not possible. Items for voting will be placed on the agenda for the next meeting.

Secretary Cate thanked Bruce Slavin for chairing and sitting in for him when he's unable to attend meetings. Secretary Cate indicated that the Realignment Process (AB 109) will occur due to the difficult budget crisis for California. Secretary Cate further indicated that with realignment, perhaps the budget crisis will get better. The Governor is eliminating 39 Boards and Councils and COMIO was not one of them, therefore, the Council is as important as ever, per Secretary Cate.

AGENDA ITEM 2 – CSA Probation Agencies' Mentally Ill Juvenile Paper – Suzie Cohen

Suzie Cohen was absent and unable to report on this topic. This item will be added to next month's meeting agenda. The report, "Mentally Ill Juveniles in Local Custody" was sent to CDCR to be posted on COMIO's website. Linda Patterson-Turl will assure it gets posted.

AGENDA ITEM 3 – Veterans' Court Legislation – Judge Manly

Judge Manly indicated that he is in strong support of the Veterans' Court legislation; the emphasis would target treatment, not jail or prison. Judge Manly indicated that he would get us the legislative bill number.

AGENDA ITEM 4 – Task Force for Criminal Justice Collaboration Recommendations

The "Task Force for Criminal Justice Collaboration on Mental Health Issues: Final Report (Recommendations for Changing the Paradigm for Persons with Mental Illness in the Criminal Justice System)" was received by the Judicial Council. There is strong support for an implementation plan and it will give us a chance to use this report during realignment. Low risk offenders will be served at the local level. Implementation will include training, education and lowering the bar on what is considered a violation. Offenders will not always be booked into jail, but referred for treatment. COMIO needs to review the report and identify how we can assist in implementing the recommendations and tie them to AB 109 and COMIO's Strategic Plan.

An example of a recommendation would be to "not release the mentally disordered at night from prisons and jails." The counties will need guidelines in this area. COMIO will need to focus on the issues immediately and not put off acting on AB 109 with legislators. It was suggested that the White Paper on AB 109 should go to the Public Safety Committee, Chief Probation Officers Association, and the Legislative Secretary. Additional groups that were recommended to receive the White Paper are the Mental Health Sub Committee 4, Senate Sub Committee 3, the Sheriff's Association, and Chiefs of Police Association. It was suggested that COMIO should pen a letter so the Governor's staff will pay specific attention; it was recommended that the White Paper be sent to each Chairperson. Judge Manly and former Secretary Tilton visited with legislative staff regarding Trailer Bill language for AB 109.

It was noted that Senator Steinberg has always been a supporter of COMIO.

AGENDA ITEM 5 – Old Business – All

a. Best Practices Awards Update

Projects that were presented, reviewed and scored include:

- San Bernardino, Integrated New Family Opportunities Program (INFO), 238 points
- Los Angeles, Project 180, 233 points
- Humboldt, New Horizons, 232 points
- Sonoma, PATHS program, (Prevention-Anger Management-Thinking Cognitively-Health Issues-Stress Reduction) 216 points

All will be sent letters. Bruce Slavin recommended that we have the letters ready to go at the next meeting so formal voting can take place and the Awards sent out.

AGENDA ITEM 6 – New Business – All

a. Strategic Plan Vote

Peg Ritchie indicated she is the process of reviewing the current Strategic Planning draft and will make recommendations based on the legislative mission of COMIO and current initiatives. Bruce Slavin requested that "track changes" be used and then send out to everyone for review. There are new items from today such as the implementation of the recommendations for the Judicial Council Report that COMIO will assist with. The Strategic Plan will be voted on at the next meeting.

b. Vote/White Paper AB 109

There was considerable discussion on AB 109 and how to implement the bill as well as identify the bill's impact on the mentally disordered offenders and the counties (AB 109 needs funding in order to be implemented):

- Courts need to change their responses to the mentally ill parole violators.
- Trailer Bill language should be written to assure that funds are appropriated specifically to the services of mentally disordered offenders.
- We need the legislature to encourage the counties to take care of their clients.
- All 58 counties need to decide what violators to send to jail and/or prisons. They will need a lot of encouragement, education, and need to know what is available to them.
- Court case pending could release large amount of mentally ill offenders. We are asking to plan and/or set aside a level of care for these inmates at the county level. Not all counties are looking at ways to get out of taking care of these inmates, but some are and always have been.
- Louisiana works with the private sector to provide Training for Trainers to assist courts and judges to work with the system from the top.
- Communities are not used to working with parolees and jails are not used to working on a long term basis with the mentally ill.
- Encourage local jurisdictions to fund evidence-based treatment and practices.
- There must be a dedicated funding stream for the mentally ill in AB 109.
- All local stakeholders need to set aside appropriate funds to care for the mentally ill inmates; use evidence-based levels of care.
- We need to reinforce all these concepts as there are a number of ways that communities try to dodge working with the mentally ill inmates.
- CDCR must continue to provide constitutional levels of care in the institutions.
- We need to analyze the realignment that was done 20 years ago; look at social security and medical in reference to county services. Medical and social security were difficult to work within the past and now as well. It was a personal project of the Director of Mental Health to assure success and it is a challenge for CDCR to do the same. COMIO must provide leadership. There are additional issues now and guidance for the counties is needed.
- The State got Medi-Cal to work due to leadership and persuasion; it will be difficult for the counties.
- A meeting was held in Galt recently with CDCR and external stakeholders
- The current Mental Health Service Act, which is a source of funds, currently excludes parolees. Post release supervision offenders are eligible. Parole Outpatient Clinics and who they serve needs to be clarified.
- Federal funding must be maximized under the Realignment.
- Any waivers for federal monies need to be specific.
- CDCR will continue to work with local stakeholders in reference to AB 109.

c. Future of COMIO

Judge Manley and Dave Meyer will meet with Secretary Cate.

d. AB 355

James Sweeney indicated that there is new language being developed related to AB 355. AB 355 has been killed as a bill (liability to contract with providers as there was a lawsuit pending).

e. Privatize the Executive Officer

If CDCR does not support a private CEO there would be limited discussion on this topic. A letter of agreement could be made with DMH, CDCR, and a nonprofit to hire a CEO. The nonprofit could raise funds for the cost of a CEO. Long term, COMIO may become a private entity-“quasi-governmental.” There are several associations and organizations that could be approached for the CEO position. CDCR has lacked consistency in staff to assist with COMIO. Charles Walters will take the lead and also review some websites. There is an example with the European Commission and Brussels with the mental health and homeless populations. Bruce Slavin will discuss with other lawyers in CDCR to assess how a contractual agreement could be established. Maybe a MOU could be established with the Chair’s approval. Blogs can be established.

OTHER BUSINESS

a. Council Membership

There was discussion related to Council member vacancies. Currently, eight members are appointed and active. There are vacancies to be appointed by the Governor, Speaker, and Senate Pro team. Netty Sable, now working with the Governor’s office should be notified by letter (Anthony Williams). Any pending applications should be verified.

ACTION ITEMS

Action item	Responsible Party	Status
Make sure everything is posted on the web	CDCR	Done
Strategic Plan	CDCR	Done
Legislative letters on AB109		
Identify Bill number of Veteran Courts	Judge Manley	
Send the Task Force Report to Public Safety Committee, Senate, Assembly 7 members, Chief Probation Officers, Sheriff’s Association, Police Association, Mental Health Directors, California Institute of Mental Health etc. and a cover letter to the Governor’s Office	Administrative Office of the Courts/Judge Manley	Informational Only
Send revision of issue paper to sub-committee	CDCR	Done

ADJOURNMENT

Meeting adjourned at

*Next COMIO Meeting – July 21, 2011

CDCR Headquarters Office – 1515 S Street – Conference Room 502S – Sacramento, 94283

Respectfully Submitted,
Julia Rodden, Office of Strategic Management