

**COUNCIL ON MENTALLY ILL OFFENDERS (COMIO)**

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

**MINUTES**

**May 22, 2014**

**LOCATION: Executive Conference Room, 502-South  
Department of Corrections and Rehabilitation (CDCR)  
CDCR Headquarters, 1515 S Street  
Sacramento, California**

**IN ATTENDANCE AT 1515 S Street**

**COMIO Council Members**

- **Vice Chairperson:** Manuel J. Jimenez, Jr., Director, Alameda County Mental Health
- James W. Sweeney, J.D., Legislative Advocate, James W. Sweeney and Associates
- The Honorable Stephen V. Manley, Santa Clara Superior Court Judge
- David Lehman, Chief Probation Officer (Ret), Humboldt County (via conf line)
- Charles L. Walters, Ph.D., Law Enforcement Consultant, Orange County (via conf line)
- David Meyer, J.D., Professor, Institute of Psychiatry, Law, and Behavioral Science, Keck School of Medicine, University of Southern California (via conf line)
- Dr. Mark A. Grabau, Chief Psychologist, Department of State Hospitals (representing Cliff Allenby, Ph.D., Director)
- Brenda Grealish, Department of Health Care Services (representing Toby Douglas, Director)

**CDCR Staff**

- Diana Toche, DDS, Undersecretary, Health Care Services, and Undersecretary, Administration and Offender Services, CDCR
- Angela Ponciano, Associate Director, Policy and Clinical Support, Statewide Mental Health Program, Division of Health Care Services (DHCS), CDCR
- Robert Storms, Administrator, Division of Adult Parole Operations, CDCR
- Virginia (Ginger) Steele-Pirie, RN/NCPR, Statewide Mental Health Program, DHCS, CDCR
- Nicholas (Nick) Weber, Attorney, Office of Legal Affairs, CDCR
- Jessica Mazlum, Special Assistant to Secretary Jeffrey A. Beard, CDCR
- Michael Morrison, Special Assistant to Undersecretary, Dr. Diana Toche, CDCR
- Fu Yiu (Yoyo), Statewide Mental Health Program, DHCS, CDCR
- Pamela Michel, Associate Health Program Advisor, Statewide Mental Health Program, DHCS, CDCR

**Interested Parties**

- Joseph V. A. Partansky, Advocate for Persons with Disabilities
- Molly Willenbring, Executive Director, Forensic Mental Health Association of California (FMHAC) (via conf line)
- Justin Six, Contra Costa County Sheriff's Office
- Don Thompson, Associated Press (via conf line)
- Leslie Costalin, Otsuka America Pharmaceutical, Inc.
- Melinda Homola, Otsuka America Pharmaceutical, Inc.

**AGENDA ITEM 1 -Introduction/Welcome – Mr. Manuel Jimenez**

The meeting was called to order at 11:25am. Introductions and welcoming were done by Mr. Manuel Jimenez. Mr. Jimenez announced to the attendees that he is the new Director of Mental Health for Alameda County.

**AGENDA ITEM 2 – Adoption of Minutes (January 23 & March 19, 2014)**

Minutes from the January 23, 2014 and March 19, 2014 meeting were reviewed and adopted as written.

**AGENDA ITEM 3 – Public Comments**

- a) Mr. Joseph Partansky, Advocate for Persons with Disabilities, discussed **SB 1097**, Criminal Justice Reinvestment Assessment Grant Program of 2014 and **SB 1054**, Mentally Ill Offender Crime Reduction Program. Both bills are currently in the Senate Committee process and both are set for a hearing on May 23, 2014. Mr. Dave Lehman reported that SB 1054 is now in the Appropriations Committee since it falls under the Senate rules due to significant fiscal impact.
- b) At a recent mental health conference, Mr. Partansky discussed COMIO with Federal Judge, Thelton Henderson, who had never heard of the Council. Thelton Henderson is a federal judge of the United States District Court for the Northern District of California. In 2005, Judge Henderson ruled that medical care in the California Department of Corrections and Rehabilitation was unconstitutional and in 2006 he appointed a Federal Receiver to take over all CDCR medical services.
- c) Mr. Partansky discussed the problem of "suicide by cop." (Handout was provided by Mr. Partansky). Mr. Manuel Jimenez agreed and added that the Council is still working with the California Commission on Peace Officer Standards and Training (POST) to promote more Crisis Intervention Team (CIT) training. He cited the developments in Monterey County as a good example of how increased CIT training brings more positive resolutions when law enforcement encounters mentally ill persons. Dr. Mark Grabau suggested that Mr. Partansky may contact Joel Fay, Psy.D., a well-known psychologist practicing in Marin County and a retired police officer. Dr. Fay is a member of the American Board of Professional Psychology, and is Board certified in Police and Public Safety Psychology. Mr. Meyer reported that the District Attorney in his county is working on a major initiative regarding more CIT training, and added that a legislative initiative is needed to direct the Board that controls the training standards to ensure mandatory CIT training for law enforcement officers.
- d) Mr. James Sweeney proposed that the COMIO Council members send a letter to Senator Darrell Steinberg, asking him to support the issue of increased CIT training standards for law enforcement. Mr. Nick Weber, CDCR attorney, informed the Council members that they were part of CDCR and CDCR cannot support or oppose any legislation. Mr. Sweeney responded to Mr. Weber comments with Senator Don Perata's intentions when he formed the COMIO Council. Mr. Sweeney asserted that the Council members were supposed to inform the legislature regarding relevant mental health issues.
- e) Judge Stephen Manley proposed convening a meeting with POST and other officials to discuss and share relevant data that underscored the critical need for mandatory and increased CIT training for law enforcement officers. The data would show that increased training positively affects how law enforcement personnel act towards persons they encounter on the street. Mr. Jimenez suggested inviting Ms. Darby Kernan, a member of Senate President pro Tem, Darrell Steinberg's staff, to the meeting since she is well-versed in criminal and mental health issues and concerns. Judge Stephen Manley said that a panel discussion would be more meaningful. He further suggested inviting representative from the California Board of State and Community Corrections and Division of Standards and Training for Corrections to attend COMIO meeting for a panel discussion.

#### **AGENDA ITEM 4 – Chair Report**

The COMIO Chairperson, CDCR Secretary Jeff Beard, was not present at the meeting, but was represented by Jessica Mazlum. Ms. Mazlum discussed the Executive Director position and talked about utilizing state retired annuitants or hiring an Executive Director under contract like Molly Willenbring at FMHAC and the legal office of Warner and Pank for the Chief Probation Officers of California (CPOC). The Council members provided background information on their past experience of having an Executive Director. Dr. Diana Toche, CDCR Undersecretary, asked if the members wanted to add the ability to write Grant requests to their list of qualifications for the position, and the Council members agreed. Dr. Toche stated that the CDCR Secretary's staff is working on meeting this request and they hope to provide an update to the members by the next COMIO meeting in July.

#### **AGENDA ITEM 5 – Old Business**

##### **a) COMIO Website Update**

Fu Yiu (Yoyo) reported that the COMIO website is currently up-to-date; recently, she has made some minor corrections and some members still need to submit their biographical information for the site. Yoyo will continue to add new information to the website, as necessary.

##### **b) Strategic Plan for 2014**

Dave Lehman gave a strategic plan update commenting on the promising strategies guidelines, promoting evidence based practices, better training for first responders, and obtaining funding for the executive director position.

**c) Workgroup Update on Procuring a Part-Time Executive Director for COMIO**

This topic had been covered by Jessica Mazlum and Dr. Diana Toche (see Agenda Item 4, Chair Report).

**d) Actions Items Updates**

- 1) Yoyo will follow up with COMIO Website update-**Up-to-date**
- 2) Yoyo will work on guidelines for Innovative and Promising 2015 by using Best Practices model-**Done, approved with minor edits.**
- 3) Mr. Jimenez will send another letter to CDCR Secretary Jeff Beard, Mr. Cliff Allenby, DSH Director, and Mr. Toby Douglas, DHCS Director regarding the request of an Executive Direction for COMIO-**In progress**
- 4) Mr. Jimenez (with the help of Mr. Patrick Dwyer, SME in CIT training) will send another letter to POST requesting information regarding their training program, specifically dealing with the mentally ill population-**In progress**

**e) Innovative and Promising Award Guidelines for 2015**

Yoyo provided the Council members a draft of the new guidelines for the 2015 Innovative and Promising Award. Council members Mr. Lehman and Mr. Walters discussed the purpose of the guidelines, and elicited questions and suggestions from the other members and from the state representatives.

- **James Sweeney**-suggested on page 2 that the term “non-profit” to be added and also suggested that wording such as “community agencies, including but not limited to” also be added.
- **Mark Grabau**-suggested that program outcomes need to be included in the guidelines.
- **Diana Toche**-asked why the guidelines did not include an application deadline; Dr. Grabau explained that a date could not be included in the guidelines because these awards are part of the FMHAC annual conference, and the dates will fluctuate.
- **Brenda Grealish**-suggested that this award should be tied to the COMIO mission and purpose, and the guidelines should reflect that by requiring all applicants to describe how their program aligns with and/or enhances the mission of COMIO.
- **Judge Stephen Manley**-stated that the guidelines should permit programs to be nominated by others than the program director and requested that the term “nominate” be placed under “Who May Apply.”
- **Charles Walters**-requested that “state” be revised to “state and local” under section #5 of the guidelines.

**2015 Innovative and Promising Award Guidelines have been approved with above edits.**

**AGENDA ITEM 6 – New Business**

**a) Special Recognition for Senator Darrell Steinberg**

Mr. Jimenez discussed the Council members’ desire to honor Senate President pro Tem, Darrell Steinberg, whose term is about to end on December 16, 2014. Senator Steinberg has prioritized the many private and social issues associated with mental illness, and he has worked hard to write and support legislation to solve those issues. Mr. Jimenez contacted one of Senator Steinberg’s staff, Ms. Darby Kernan, who suggested the best timing for the senator would be after the current budget session. The consensus of the Council members was to target the next COMIO meeting on July 24<sup>th</sup> for their presentation. If Senator Steinberg was not available in July, then move it to the September 25<sup>th</sup> meeting. Ms. Molly Willenbring, the Executive Director of FMHAC, offered to fund the plaque for Senator Steinberg.

**b) Representative from State Agency to Vote**

Mr. Jimenez checked with the representatives for the directors of state agencies to determine if they were empowered to vote on behalf of their director. Brenda Grealish, who represents Mr. Toby Douglas, the Director of the Department of Health Care Services, said she did have that power. Dr. Mark Grabau, who represents Dr. Cliff Allenby, the Acting Director of the Department of State Hospitals, said he did have that power.

**Judge Manley Update — Need a Mental Health Task Force to Study Statewide Implications**

Judge Stephen Manley discussed the ongoing problem of judges sentencing individuals to terms in local jails who used to be sentenced to state prison. Unfortunately, some people could conceivably spend up to 12 years in a county jail, and these jails were not designed to hold people for long periods of time. The number of mentally ill offenders is increasing in the state of California as well as nationally. There are probably far

more mentally ill offenders than we generally think. Many, if not most, county jails have no in-house mental health services for their inmates, nor do they contract for any mental health services for those they incarcerate. The result of this lack of available mental health services is that sheriffs and counties are set up for potential lawsuits. The Council members discussed various aspects of this issue, including:

- **Judge Manley**-advised that coordination to be developed among parolees, local mental health systems, and the state, to make sure mental illness is not criminalized.
- **Dave Meyer**-reminded the members that Karen Mullen, a representative from the Judicial Council, attended COMIO meetings in the past and proposed that the Council request that practice resume in the future.
- **Judge Manley**-sated that alternative mental health programs are needed
- **Dave Lehman**-discussed the need for counties to plan for and program space for the delivery of mental health services in their jails, especially as they build new jails.
- **David Meyer and Charles Walters**-discussed Title 15 and State Regulations control what the Board of Corrections is able to do, and the Council members should review the standards at least every other year.
- **James Sweeney**-requested that these recommendations be added to the COMIO website.

### **Updates from Mr Robert Storms**

The Council members asked Robert Storms, Administrator from CDCR Division Adult Parole Operations (DAPO), for an update on programs he oversees regarding state prison inmates with mental health illness releasing to state Parole and to county supervision. Mr. Storms discussed the following:

- CDCR has implemented statewide Telepsychiatry services to all Parole units throughout the state, including adequate staffing and equipment.
- CDCR has an integrated program starting July 1, 2014 and internally funded by the shifting of existing funds to increase the existing 400 spots to over 500 spots.
- CDCR/DAPO has contracted with San Francisco County and Santa Clara County to provide MediCal federal billing services for CDCR, saving revenue and staff work hours.
- Access to housing subsidies for parolees has been increased through connecting with the Corporation for Supportive Housing in California.
- CDCR has worked to increase its coordination with various county entities, such as local county jails.
- CDCR has partnered with the Department of Health Care Services and the Welfare Directors Association to plan for services available under the Patient Protection and Affordable Care Act (aka, Obama Care). There is increased emphasis on applying for MediCal services for inmates during the pre-release planning process, and the MediCal card is sent to the prison representative until the inmate's release from prison. In the past, only about 18% of inmates who were eligible completed MediCal applications prior to their release date, now approximately 40% apply and the numbers are still increasing.

Manuel Jimenez asked if drug offenders were prohibited from receiving Medicaid (MediCal in California). Federal Supplemental Security Income (SSI) benefits, which include medical benefits, are denied to drug offenders. Brenda Grealish, from Department of Health Care Services, reported that MediCal benefits are only suspended while the individual is incarcerated.

### **Binders for COMIO Council Members**

Mr. Walters requested COMIO binders be made for all Council members. At the March 19<sup>th</sup> COMIO meeting, Mr. Lehman made the initial request for COMIO binders and the members created a preliminary list of what types of information should be included. To that preliminary list, Mr. Walters added (1) information about the State Judicial Council and (2) the well-known White Paper on Adult Mentally Ill Offenders. Yoyo had prepare a sample to the council members to review, will continue to work on the binders for Council members.

### **Adjournment of Meeting**

Manuel Jimenez adjourned the meeting at 1:05pm.

### **Action Items**

- 1) Fu Yiu (Yoyo) will follow up with the COMIO Website updates, including the Council members' mental health task force recommendations (see Item 6c).
- 2) Fu Yiu (Yoyo) will add the members' revisions to the guidelines for the 2015 Innovative and Promising Award.

- 3) Manuel Jimenez (with the help of Mr. Patrick Dwyer, SME in CIT training) will send another letter to POST requesting information regarding their training program, specifically dealing with the mentally ill population.
- 4) Manuel Jimenez will invite CIT representatives, POST representatives, Board of State and Community Corrections Training representatives, and Ms. Darby Kernan (from Senator Darrell Steinberg's staff) to the July 24<sup>th</sup> COMIO meeting to discuss increased CIT training for law enforcement personnel.
- 5) Fu Yiu (Yoyo) will prepare COMIO binders for the Council members.

**\*Next COMIO Meeting – July 24, 2014, 11:00am to 1:00pm  
1515 S Street, CDCR Executive Conference Room 510-South  
Sacramento, CA 95814**