

COUNCIL ON MENTALLY ILL OFFENDERS

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

MINUTES

September 15, 2011

LOCATION: CDCR Headquarters Office – 1515 S Street – Conference Room 502S – Sacramento 95811

IN ATTENDANCE ON CONFERENCE CALL:

Council Members

Dave Meyer, J.D., USC Institute of Psychiatry, Law and Behavioral Science
Jon DeMorales, Executive Director, Atascadero State Hospital

IN ATTENDANCE AT 1515 S STREET:

Council Members

Charles L. Walters, Ph.D., Law Enforcement Consultant, Orange County
James W. Sweeney, J.D., Principal, James W. Sweeney & Associates
The Honorable Stephen V. Manley, Santa Clara Superior Court Judge
Thomas L. Gilevich, Assistant Chief Counsel, CDCR, Office of Legal Affairs

Interested Parties

Carmen Maroney, QGH IISMP
Delphine Brody – CA Network of Mental Health Clients
Duke Doulphus, QGH IISMIP
Erika Barrow, Contra Costa County
Jim Kensalo, Contra Costa County
Joseph Partansky, Advocate PWDs
Mark Graban, DMH/FMHAC
Mavin A, QGH/SMIP CCS
Molly Willenbring – FMHAC
Regina Le-Ciraud Sawyer, QGH ISMIP
Sarah Thomas, QGH/RSMIP

CDCR Staff

Brian Sommers, CDCR, DAPO
Jane Soria, CDCR, Community Partnerships, Division of Adult Institutions, CDCR
Julia Rodden, CDCR, DCHCS, Office of Strategic Management
Patricia Lujan, CDCR, DAPO
Peggy Ritchie, CDCR, Deputy Director, DCHCS Office of Strategic Management
Scott Kernan, Undersecretary, CDCR
Sharon Aungst, Director, DCHCS, CDCR
Sondra Jacobs, CDCR/DAPO/PHMU

ABSENT:

Council Members

Dave Lehman, Chief Probation Officer (Retired)
Matt Cate, Secretary, CDCR (Chairperson)

AGENDA ITEM 1 – Introduction/Welcome – Chair

The meeting was called to order at about 11:30 a.m. Introductions and welcoming was done by Peggy Ritchie and Thomas Gilevich, as Matt Cate was not in attendance. A quorum was present in person and through conference calling. Thomas Gilevich facilitated the meeting on Secretary Cate's behalf.

AGENDA ITEM 2 – Adoption of Minutes (July 21st, 2011)

Minutes from the July 21st meeting were reviewed, no edits were made. A motion was made by James Sweeney to adopt, Judge Manley second the motion. Vote to adopt is a unanimous “yes” and the July 21st meeting minutes are adopted.

AGENDA ITEM 3 – Pelican Bay Hunger Strike

Scott Kernan gave a report on the July hunger strike that was based on demands from SHU inmates at Pelican Bay State Prison. Around July 1st, a letter was received stating that inmates in the “Short Corridor”, a unit of the Pelican Bay SHU housing identified gang leaders, were contemplating a hunger strike. Inmates and some advocates set out demands relating to conditions of confinement and the gang validation process, particularly as they relate to the Short Corridor. Hunger strikers were demanding changes to the processes used for inmates to get out of the SHU and have transfers to a less-restrictive housing based more on behavior. The department recognizes there are issues in the gang validation process. The protest spread to more than a dozen prisons where meals were refused for various periods of time. The protest went on for 20 days. Decisions to implement some changes in property and clothing to the Pelican Bay inmates were made and revisions to the validation procedures are underway. The legislature conducted a hearing and is continuing to seek a better understanding of how inmates are placed in SHU. CDCR is aware that efforts are underway to initiate another mass hunger strike in the near future although no specific demands have been received. Additional information and reports can be made available to COMIO.

AGENDA ITEM 4 – Old Business

a) Veterans’ Court Legislation – Judge Manley

This legislation (AB 201) passed both the Assembly and Senate but was vetoed by the Governor. Veterans courts can continue to be created even though there is no statewide statute establishing them as a separate component of the court system. Courts want us to be proactive in forming more Veteran Treatment Courts. Legislature did pass amendments giving the defense the right to raise the issue of PTSD in terms of sentencing. There is framework for the defense to present information to the court and to bring attention to judges that there are sentencing alternatives.

b) Best Practices Awards

Julia Rodden reported that award letters have been drafted to notify the winners and give them information as to when awards will be presented.

c) Update the Status of the Privatization of a CEO for the Council and a Public/Private Partnership with a Local Not For Profit – Update Status of MOU/Agreement with FMHAC

Charles Walters reported the committee has been formed and their focus is on collectively applying for grant funding. In August, he met with non-profit attorneys and professionals and laid out the concept for what we are trying to achieve. Two attorneys have volunteered to draft this document and a Professor of Philanthropy will review, all working on a pro bono basis. Charles Walters also met with representatives from California Forensic Mental Health Association to have them layout of their components of what they believe should be in the agreement. Mark Graban reported that FMHA Board of Directors met and they are open to an allegiance with COMIO. They are very impressed with energy and enthusiasm thus far and are very motivated.

d) Update on council membership and letter to governor’s office

Peggy Ritchie reported that there are three vacancies to be filled: one Senate Rules appointee (Mental Health), one Governor Appointee, one Speaker of Assembly appointee (Law Enforcement). Please send any recommendations or past history to Peggy. We need to work through the process of how this happens and are doing what we can to get the memberships filled.

e) Identify “recommendation” priorities that council members want to collaborate on with the Judicial Council’s Task Force Report

Judge Manley reported that it is very important to bear mind that the Judicial Council simply accepts this report and they are not saying these changes MUST happen. An appointed task force is looking at the broad scope of the recommendations. It is suggested that a subcommittee be put together to pull out recommendations that are most critical and suggest how they are presented to counties. It would be

helpful to have someone familiar at local level and CDCR should be part of it. The subcommittee is made up of Judge Manley, David Meyer and Charles Walters. Tom Gilevich and Sharon Aungst will make a decision on who will represent CDCR.

f) Identify strategies for how the council wants to work with local level Mental Health systems

g) Web Based Conference – Skype

We still have not been able to use Skype. Web cams would have to be acquired. For now, we are using AT&T webinar and conference line.

AGENDA ITEM 5 – New Business

a) AB 826 (Senate Appropriations Committee Passes Law)

The bill has been hit on inactive list. It will be taken up next year. AB826 has been slimmed down so it was a comprehensive bill and is now a reporting and numbers bill. We have to be careful of projections. There is an ongoing request for numbers. Regardless of what's happening we have to be prepared with the numbers. Information was handed out by James Sweeney.

b) Community Partnerships Presentation by Jane Soria

Jane Soria, Office of Community Partnerships, Division of Adult Institutions, provided an update on current volunteer and inmate self help programs in the prisons. She indicated that information on how to become a volunteer is available on the CDCR website. A matrix of current programs was provided to the Council members. She did indicate that there are several Veteran's programs with community volunteers.

c) AB 109 Status

Concerns were raised about the information available to counties regarding the October 1st implementation of AB 109 and the increased responsibility of counties under Realignment. Tom Gilevich noted that CDCR's efforts to implement AB 109 are set out and frequently updated on the department's website, and that several multiagency workgroups are meeting to address counties' concerns.

Next Meeting Agenda

1) Community Partnerships

2) AB 826

ADJOURNMENT

The meeting adjourned at 1:30pm.

*Next COMIO Meeting – November 17, 2011 **11:00am – 1:00pm**

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

Respectfully Submitted,

Julia Rodden, Office of Strategic Management