

COUNCIL ON MENTALLY ILL OFFENDERS (COMIO)

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

MINUTES

September 25, 2014

**LOCATION: Conference Room, 510-South
Department of Corrections and Rehabilitation (CDCR)
CDCR Headquarters, 1515 S Street
Sacramento, California**

IN ATTENDANCE AT 1515 S Street

COMIO Council Members

- James W. Sweeney, J.D., Legislative Advocate, James W. Sweeney and Associates
- Honorable Stephen V. Manley, Santa Clara Superior Court Judge
- Charles L. Walters, Ph.D., Law Enforcement Consultant, Orange County
- Brenda Grealish, Chief, Health Care Services Division, Department of Health Care Services (representing Toby Douglas, Director)
- Sophie Cabrera, Department of State Hospitals representing Dr. Mark A. Grabau, Chief Psychologist

California Department of Corrections and Rehabilitation (CDCR) Staff

- Diana Toche, DDS, Undersecretary, Health Care Services, and Undersecretary (A), Administration and Offender Services, CDCR
- Nathan Stanley, Interim Executive Director of COMIO, Executive/CEA-II, Statewide Mental Health Program, Division of Health Care Services (DHCS), CDCR
- Nolice Edwards, Chief Deputy Secretary, Office of Public and Employee Communications, CDCR
- Kristoffer Applegate, Chief, Legislative Affairs Office, CDCR
- Robert Storms, Chief Clinical Program Administrator, Division of Adult Parole Operations (DAPO), CDCR
- Nick Weber, Staff Counsel, Office of Legal Affairs, CDCR
- Tom Gilevich, Assistant Chief Counsel, Office of Legal Affairs, CDCR (via conf line)
- Virginia (Ginger) Steele-Pirie, RN/NCP, DAPO, CDCR
- Thy Vuong, Staff Services Manager, Office of Public and Employee Communications, CDCR
- Jessica Mazlum, Special Assistant to Secretary Jeffrey A. Beard, 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 (via conf line)
- Kirsten Barlow, County Behavioral Health Directors Association
- Sandra Jacob, DAPO, CDCR
- Leslie Costalin, OTSUKA Pharmaceuticals
- Sarah Thomas, ISMIP Sacramento
- Rudy Vidaurri, James Sweeney assistant

AGENDA ITEM 1 -Introduction/Welcome – Mr. James W. Sweeney

The meeting was called to order at 11:10am. Introductions and welcoming were done by Mr. James Sweeney, Council member.

- Mr. Stanley, Interim Executive Director, discussed his background in state service. Mr. Stanley started his state career about ten years ago. His first started as a Budget Analyst at the Department of Finance where he worked on the medical services budgets for the Health and Human Services Agency, and later, he was responsible for the Budget Line Items for the Department of Developmental Services. For three years, Mr. Stanley worked at the Department of Mental Health (DMH, now called the Department of State Hospitals) specifically with Coleman Compliance and the DMH Inpatient Programs.

He joined CDCR two years ago as an executive in the Statewide Mental Health Services Program and he currently oversees the court orders for CDCR mental health services

Then, Mr. Sweeney invited Ms. Nolice Edwards, Chief Deputy Secretary, Office of Public and Employee Communications to provide her background information to the Council members and other attendees.

- Ms. Edwards has been working at CDCR for two years as the Deputy Assistant Secretary of External Communications for the department. Ms. Edwards previously worked as a lobbyist, and she lobbied for law enforcement promoting the concerns various agencies and departments. Additionally, Ms. Edwards was the Chief of Staff for Assembly member Karen Bass, former Speaker of the California State Assembly.

AGENDA ITEM 2 – Adoption of Minutes (July 24, 2014)

Minutes from the July 24, 2014 meeting were deferred.

AGENDA ITEM 3 – Public Comments

1. Mr. Joseph Partansky, Advocate for Persons with Disabilities, discussed his efforts to invite representatives from local law schools to attend the COMIO meetings by either in person or by phone. Mr. Partansky would like to see the Veterans Administration represented at these meetings since many mentally ill offenders are also veterans in need of mental health services.
2. Mr. Partansky also talked about the 14th Report on Suicides Completed in the California Department of Corrections and Rehabilitation (January 1 to June 30, 2012) by the Special Master's expert, Raymond F. Patterson, M.D., which is a 255 page report. He provided a handout of page one of the report for the attendees. Per Mr. Partansky, on page 13 of this report, cumulative suicide data for the years 2001 through 2010 is listed, 326 suicides in California state prisons—the highest total—to Texas state prisons with the second highest number of suicides at 248, to New Jersey state prisons with the lowest number at 34 during the same time period.
3. Mr. Partansky also provided a one-page handout regarding the Three-Judge Court Updates information page from the CDCR Internet site. Mr. Partansky pointed out that he read about this information in an 8-29-2014 New York Times article, and he expressed that he would want to see these information to be provided at the COMIO meetings in the future.

AGENDA ITEM 4 – Chair Report

The COMIO Chairperson, CDCR Secretary Jeff Beard, was not present at the meeting, but was represented by Diana Toche, DDS, Undersecretary of CDCR. Dr. Toche and Secretary Beard are continuing the search for a permanent Executive Director for the Council. In addition, Dr. Toche discussed the three items that Secretary Beard previously requested the Council review, and advised that the members focused on the best practices in the community.

AGENDA ITEM 5 – Old Business

a) Procurement of a Part-Time Executive Director

Mr. Nathan Stanley, Associate Director, Statewide Mental Health Program, Division of Health Care Services, CDCR, has been appointed to be the COMIO Interim Executive Director while awaiting the Governor's appointee to serve as the permanent Executive Director.

b) Action Items Updates

Yoyo reported that she sent Mr. Nathan Stanley's contact information to the Council members after the July 24th meeting.

c) Legislative Update

Mr. Kris Applegate, Chief of Legislative Affairs at the CDCR Office of Legislation for the Division of Adult Prisons, came to the meeting to provide the legislative update.

Mr. Applegate discussed the following:

- The **Mentally Ill Offender Crime Reduction Grant Program** (known as, MIOCR Program), is currently being re-established through proposed legislation sponsored by State Senate pro Tem,

Darrell Steinberg. Senator Steinberg's goal in bringing back this grant program is to focus on juvenile and adult offenders with mental illness in order to reduce crime in the communities and break the pattern of the jails and prisons being de facto mental health facilities. Under the prior MIOCR Grant Program, established in 1998, counties developed local projects including mental health courts, enhanced community-based mental health and substance abuse treatment programs, and vocational and employment training. A 2005 evaluation showed that offenders in these programs served less jail time, were arrested and convicted less often, and had significant improvement in functioning productively when compared to those treated as usual; however, the MIOCR Grant Program funding was eliminated during fiscal year 2008-2009 budget crisis.

- **Senate Bill 1412** (Criminal Proceedings: Mentally Incompetent Offenders), authored by Senator Jim Nielsen, is currently on the Governor's desk for review. This bill deals with county level Probation of mentally ill offenders and separates them out (as a group) from other crime offenders. The bill would prohibit a person from having his or her probation, mandatory supervision, post-release community supervision, or parole revoked while that person is mentally incompetent; this bill would establish a process by which the person's mental competency is evaluated and by which the person receives treatment with the goal of returning the person to competency.
- **Assembly Bill 2520** (Parole: Primary Mental Clinicians), authored by Assemblyman Brian Maienschein, is currently on the Governor's desk. It is already required by law that an inmate who is being considered for parole be evaluated by a clinician prior to a parole hearing, and that the inmate's primary clinician and a CDCR independent evaluator both evaluate the inmate. The law also requires the Board of Parole Hearings to appoint two independent professionals to conduct an additional review of the inmate who is mentally ill; however, these independent evaluators are not required to consult with the inmate's primary clinician before making a recommendation to the board, which could result in incomplete findings by the independent evaluators. This bill would require the independent evaluator from CDCR to consult with the inmate's primary mental health clinician before making a recommendation to the Board.

Mr. Applegate informed the Council members that many of the legislative bills that they might be interested in are currently waiting for the Governor's decision. Mr. Applegate offered to provide the members with more updates in November meeting. Mr. James Sweeney requested update on Darrell Steinberg's Senate Bill 1054 and the online Privacy Act if that bill extends to juveniles.

d) **Leadership, Participation, and Support**

The item was deferred

e) **Evaluation/Review of 2014 Strategic Plan**

Mr. Sweeney explained to the new Interim Executive Director, Mr. Stanley and to the other attendees that the Council members, write up a new version of the COMIO Strategic Plan annually.

f) **Update About the ISMIP Program**

Mr. Robert Storms, Chief Clinical Program Administrator for the CDCR Division of Adult Parole Operations (DAPO) provided an update of the Integrated Services for Mentally Ill Parolees (ISMIP) Program

Mr. Storms reported that program slots located in seven counties with a combined total of 510 slots. Capacity at the Los Angeles County location was increased 100 slots this fiscal year, and that location continues to increase the number of parolees enrolled to reach full capacity. On average (seven locations), 86% of the program capacity filled. 80% of the parolees enrolled in ISMIP have Medi-Cal, and the other 20% have pending applications or alternative health coverage.

Regarding the Case Management Reentry Pilot Program, per Penal Code Section 3016, CDCR is in the process of implementing this program. Site locations include Los Angeles, Sacramento, Santa Clara, San Diego County and San Francisco County. This program offers mentally ill parolees individualized reentry plans that focus on connecting them to existing federal, state and local services that provide assistance with food, clothing, shelter, and health services such as mental health, medical and dental treatment.

- **Judge Manley**-asked about the drawdown of federal funds for these programs. Mr. Storms replied that it was about 20% for the Santa Clara County contract.
- **James Sweeney**-commented about the ISMIP Pilot Program which has saved money for the state could be expanded to probationers. Mr. Storms said that for probationers, most counties have full service partnership providers that provide the same support as the ISMIP Program. In most of these counties,

funding for those services result from the Mental Health Services Act. Mr. Sweeney added that the proposals for \$20 million for reentry centers would help alleviate some of the problems.

- **Charles Walters**-mentioned the shift in mental health population to the counties and asked what degree of research has been done by CDCR on this. Dr. Toche also asked what is being done with initial contacts with police officers: Do they recognize the mentally ill when they encounter them on the streets? If so, what do they do with those individuals?

AGENDA ITEM 6 – New Business

a) Background Information for:

- Identify Best Practices for First Responders
- Delineate Placement for the Mentally Ill
- Improvement/Existing Resources of ISMIP Program

The item was deferred

b) Booking State Travel Through DSH's New Vendor

The Council members book their flights to Sacramento for the COMIO meetings through the Department of State Hospitals (DSH). DSH has recently changed its travel vendor from SWABIZ to The TravelStore (online, Concur Travel). With assistance from DSH staff, the members will have to create a new profile and obtain the correct budget codes in order to purchase airline tickets and request approved travel reimbursements.

Adjournment of Meeting

Mr. Sweeney adjourned the meeting at 12:11pm.

Action Items

- 1) Mr. Manuel Jimenez will contact Ms. Darby Kernan, at Darrell Steinberg's office, to arrange for Senator Steinberg to come to the November 20th meeting to accept commendations from the COMIO Council.
- 2) Mr. Stanley and Yoyo will check with Department of State Hospitals staff regarding Dr. Walters' pending reimbursements.

***Next COMIO Meeting – November 20, 2014, 11:00am to 1:00pm
1515 S Street, Room 502S Director Conference Room
Sacramento, CA 95814**