CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

COUNCIL ON MENTALLY ILL OFFENDERS

FIFTH ANNUAL REPORT

December 31, 2006

History and Purpose of the Council

On October 12, 2001, former Governor Gray Davis signed Senate Bill No. 1059 (Chapter 860, Statutes of 2001) (Perata) creating the Council on Mentally Ill Offenders (Council). The bill is codified as Penal Code (PC) Section 6044 which set forth a sunset date of December 31, 2006. Senate Bill 1422 signed in 2006 by Governor Arnold Schwarzenegger eliminated the sunset date.

The Council is comprised of 11 members. The legislation designates as permanent members the Secretary of the Youth and Adult Correctional Agency (now the California Department of Corrections and Rehabilitation-CDCR) and the Director of the California Department of Mental Health, with the CDCR Secretary serving as the chair. The other members are appointed as follows: three by the Governor, at least one of whom shall represent mental health; two each by the Senate Rules Committee and the Speaker of the Assembly, each appointing one representative of law enforcement and one representative of mental health; one by the Attorney General; and one superior court judge appointed by the Chief Justice.

The Legislature identified several related purposes of the Council. Its primary purpose is to "investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who are likely to become offenders or who have a history of offending." In pursuit of that goal the Council is to:

1) Identify strategies for preventing adults and juveniles with mental health needs from becoming offenders.
2) Identify strategies for improving the cost effectiveness of services for adults and juveniles with mental health needs who have a history of offending.
3) Identify incentives to encourage state and local criminal justice, juvenile justice, and mental health programs to adopt cost effective approaches for serving adults and juveniles who are likely to offend or who have a history of offending.

The Council shall consider strategies that:

1) Improve service coordination among state and local mental health, criminal justice, and juvenile justice programs.
2) Improve the ability of adult and juvenile offenders with mental health needs to transition successfully between corrections-based, juvenile-based, and community-based treatment programs.

The Council is authorized to apply for funds from the "federal government or other sources to further the purpose of this article." In addition, in signing the legislation the Governor directed "the affected state agencies to identify existing funds that can be used to support this program."

Finally, the Council is required to "file with the Legislature, not later than December 31 of each year, a report that shall provide details of the Council's activities during the preceding year. The report shall include recommendations for improving the cost-effectiveness of mental health and criminal justice programs."

Composition of the Council in 2006

Chairperson: James E. Tilton, Secretary, CDCR.
Vice-Chairperson: Stephen Mayberg, Ph.D., Director, California Department of Mental Health (DMH).

- Andrew Hall, Chief of Police, City of Westminster (resigned July 2006)
- David Lehman, Chief Probation Officer (retired), Humboldt County, and former member of the Board of Corrections (now the Corrections Standard Authority)
- Wendy Lindley, Judge, Orange County Superior Court
- Duane E. McWaine, M.D., Medical Director, Didi Hirsch Community Mental Health Center, Los Angeles
- David Meyer, J.D., Professor, Institute of Psychiatry, Law and Behavioral Science, Keck School of Medicine, USC, and former Chief Deputy Director, Los Angeles County Department of Mental Health
- Jo Robinson, M.F.T., Program Director, San Francisco Jail Health and Psychiatric Services
- James Sweeney, J.D., Legislative Advocate, State NAACP and Professor, National Fair Housing Training Academy
- Charles L. Walters, Ph.D., Assistant Sheriff, Orange County Sheriff-Coroner Department

Member Changes in 2006

Chief Andrew Hall submitted his resignation with regret due to significantly increased responsibilities in the City of Westminster. Assistant Orange County Sheriff Charles L. Walters, Ph.D., was appointed as Chief Hall's replacement by the Attorney General. Governor Schwarzenegger appointed James E. Tilton as Secretary to CDCR subsequent to the resignations of previous CDCR Secretaries, Rod Hickman and Jeanne Woodford. Two membership slots to be appointed by the Speaker of the Assembly are presently unfilled.

Support Staff

Legal Counsel

Bruce Slavin, General Counsel, CDCR, provides legal guidance to the Council.

Executive Officer

Rick Mandella, retired in 2005

Allan Lammers, hired on a part-time basis in 2006

Activities of the Council in 2006

This was a year of very significant transition for the Council. During 2006 three individuals served in the position of Secretary of the CDCR. Since the person holding the position of CDCR Secretary is also directed by the Legislature to serve as Chair of the council, the Council found itself periodically without a leader to call meetings and sometimes without clear direction as well. In addition, the Council's original Executive Officer, Rick Mandella, retired after many years of enthusiastic, competent, and dedicated service to the Council. His support person also retired this year. To compound the issues of transition, there was serious question as to the future existence of the Council itself since the legislation creating the Council called for a sunset on December 31, 2006. Given this confluence of problems, two Council meetings had to be cancelled and another lacked a quorum.

With the Governor's mid year appointment of James E. Tilton as CDCR Secretary, renewed energy was brought to the Council, and with the Legislature's subsequent repeal of the sunset, a future orientation was provided for the Council and its members. The combination of new leadership and stability allowed the Council to work towards achieving goals originally set forth in the legislation that created the Council in 2001. In addition, at its September meeting the Council recommended to the Chair that Allan Lammers be appointed as Executive Officer. The Secretary made the appointment at that time.

In spite of a rather tumultuous year, the Council was able to focus on several issues. Structurally within the Council, a new problem resolution strategy was adopted through the creation of small work groups. These will function to ensure that topics raised by the Council receive follow through and resolution. The designated groups are:

- System Entrance/Re-Entry (minimum standards for assessing incompetence)
- Assessment/Screening In-Out (diversion of mentally ill to mental health facility)
- Clarification of the Role of Courts and Psychologists
- Enhancement of State/Local Relationships and Partnerships

Council discussions this year have led to a variety of priorities and goals for the coming year. The overall and far-reaching Council priority is to focus on re-entry facilities and partnerships in communities to provide more effective transition for inmates coming out of jail and prison. More specific goals in the upcoming year are to:

- Determine effective minimum standards for assessing mental incompetence in the justice system.
- Develop mechanism to educate legislature on needs of mentally ill offender population including need for mental health courts and using greater amount of Prop 63 for mentally ill offenders.
- Create communication links with programs throughout the state that serve mentally ill offenders in order to develop a "Best Practices" summary.

- Coordinate a web site with CDCR that includes basic information on programs, discussion boards, and links to other agencies.
- Promote the development of a consistent set of performance measurements and outcome measurements that could serve to gauge treatment effectiveness.
- Support a collaborative dialogue among mentally ill offender service providers and academia to determine future needs of the mentally ill offenders at the State and local levels, e.g., "From Words to Deeds" conferences.
- Request the Corrections Standard Authority (CSA) consider a review of current standards for space requirements in jails and juvenile hall facilities, and recommend staffing and space allocations for mentally ill offender treatment programs as part of the normal CSA standards review and revision process (as CSA funds and staffing permit). As background information related to this, the CSA 2006 Legislative Reports states:

  The need for specialized beds in adult and juvenile facilities must be appropriate to the population being housed. Health care, female populations and secure segregation are three areas of specialized housing that challenge local jurisdictions. While the number of medical beds in adult jails statewide has remained fairly stable over the last seven years (the average number was 1,022 in 2005) the number of occupied beds used for inmates receiving mental health services has increased steadily from 1,329 in 1996 to 3,103 in 2005. In 2005, an estimated 32 percent of the juvenile detention population was identified as having an open mental health services case file. Additionally, the percentage of juveniles receiving psychotropic medication rose slightly from 10 percent in 1999 to 12.4 percent in 2005.

- Consider designing guidelines for an enhanced training approach for law enforcement personnel who deal with the mentally ill out on the streets and within correctional institutions. This is based on a briefing and demonstration provided to the Council at its November meeting by the Orange County Sheriff's Department. The briefing included a "true-to-life" demonstration scenario of a mentally disabled female (played by an actress) being effectively and peacefully addressed by a Sheriff's Officer (CD available upon request).

Activities of Individual Council Members in 2006

Indicative of the dedication of Council members for the improvement of services to mentally ill offenders is their individual commitment; during 2006 this was displayed in a variety of forms. Independently, but in the context of supporting the goals of the Council, several of the Council Members engaged in activities supporting the enhancement of services to mentally ill offenders at both the State and local levels. A sampling of these activities includes the following:

- Plan, participate, and evaluate "From Words to Deeds–Jail Diversion Leadership Conference" sponsored by the California State Sheriffs' Association held in Sacramento for the purpose of generating ideas for more effective treatment approaches to the mentally ill offender population.
- Participate in the Corrections Standards Authority Executive Steering Committee process for assessing and recommending grant application

proposals for funding nearly $50 million for juvenile and adult Mentally Ill Offender Grants to California Counties.

- Review the key features of successful Mental Health Courts and determine how new legislation might provide opportunities to emulate effective programs such as the San Francisco Justice Courts Programs including their Behavioral Health Court Team clinical summary assessment process.

Future Council Meetings for 2007

The Council established their 2007 meeting dates and locations, as follows:

January	18 – CDCR (Sacramento)
March	14 – Seaside (in conjunction with Forensic Mental Health Assn.)
May	17 – CDCR (Sacramento)
July	19 – DMH (Sacramento)
September	20 – CDCR (Sacramento)
November	15 – DMH (Sacramento)