

Exploring the Criminal Justice/Mental Health Intersection Project

The Mental Health Services Oversight and Accountability Commission is charged with overseeing the implementation of California's Mental Health Services Act (also known as Prop 63) and the transformation of California's mental health system. The 16 member Commission includes the California Attorney General and a county Sheriff appointed by the Governor.

In collaboration with stakeholders, the Commission provides vision and leadership to expand awareness and understanding of issues facing community mental health. The Commission conducts projects to examine critical issues and make informed decisions on how to improve services and provide better care to consumers.

Through the more than \$2 billion generated every year by Prop 63, some \$350 million is earmarked annually for prevention and early intervention services and another \$100 million is designated for innovations. Most of those funds are distributed directly to counties to provide services with a range of goals, including reducing the involvement of mental health clients in the criminal justice system.

THIS PROJECT:

The purpose of this project is to explore the opportunities to reduce the number of mental health consumers in California's criminal justice system, while examining ways to improve mental health care for those in custody.

The lead of this project, MHSOAC Commissioner Bill Brown, is the Sheriff of Santa Barbara County and the First Vice President of the California State Sheriff's Association. Sheriff Brown chairs the project's subcommittee which includes Commissioners Richard Van Horn and Tina Wooton.

The premise of this project is that reducing criminal justice involvement and promoting recovery of those with mental illness will require us to improve the connections between the criminal justice and mental health systems, for those who are able to be diverted and those who must remain in custody.

The work also will include the exploration of best practices around the country that could guide California's investments in our mental health and criminal justice strategies. With the funding available through Prop 63, particularly for prevention and early intervention and innovation, there is a tremendous opportunity to transform our approaches to serving people with mental health needs.



EXPLORING THE CRIMINAL JUSTICE/MENTAL HEALTH INTERSECTION

Project Framework

Goal

Develop an action agenda for the Commission, supported by key partners and stakeholders, which will reduce the number of individuals with mental illness involved with the criminal justice system, and improve outcomes for mentally ill individuals in custody and upon release from custody into the community.

Objectives

1. Document the intersections between the mental health and criminal justice systems.
2. Explore best practices and strategies for alternatives to criminal justice involvement and incarceration (i.e., diversion), treatment and programming for those in law enforcement custody, and transitioning out of custody into the community.
3. Identify challenges to reducing the number of individuals with mental illness in the criminal justice system, and improving treatment for those who must remain in custody and those released into the community, including “warm hand-off” to community-based services.
4. Explore models or strategies for improving outcomes for individuals with mental illness involved in the criminal justice system, including prevention, intervention, treatment addressing both psychiatric need and factors that contribute to criminal offending (i.e., criminogenic factors), discharge planning, and other service approaches.
5. Identify incentives, and other opportunities, such as training and technical assistance, to improve the use of best practices, innovations, and model approaches to reducing the number of individuals with mental illness involved with the criminal justice system, and improve outcomes for mentally ill individuals in custody and upon release from custody into the community.

These objectives will be integrated to advance the overall goal via the project’s four elements: Project structure, public engagement, research and policy development, and communications and drafting.

Project Structure

The project’s structure is designed to facilitate public involvement and provide transparency, incorporate information and develop a common understanding of issues and opportunities, and to inform and build integrity into the Commission’s conclusions and final work product.

MHSOAC. The project is designed for the Commission and key partners to develop a shared common understanding of the options and opportunities to improve outcomes for mental health consumers involved with the criminal justice system.

MHSOAC Subcommittee. To ensure this project is consistent with the direction of the MHSOAC, a subcommittee of the Commission, chaired by Sheriff Bill Brown, will guide the project. The Subcommittee will formulate action-oriented recommendations for consideration by the Commission.

Public Engagement

Public Hearings. Public hearings before the full Commission will support the Commission’s understanding of challenges and identification of opportunities for addressing those challenges. Hearings including individuals with lived experience, subject matter experts, policy leaders, and members of the public will provide additional foundational knowledge and first-person experiences supported by a discussion of existing challenges and potential opportunities for improvement. Sufficient time will be scheduled during public hearings to allow for an in-depth discussion between presenters and the Commission.

Public hearings will be designed to explore the following questions and others related to the criminal justice and mental health systems intersection:

1. What is the current structure of the criminal justice system, and at what points does this system intersect with the community-based mental health system and its consumers? Where is this intersection working well? Where is it not? How could it be improved?
2. How could community-based services be expanded to support better coordination between law enforcement or first responders and the mental health delivery system? How can mental health needs be met before criminal activity/history occurs or prior to involvement with the criminal justice system?
3. How do social determinants of crime (e.g., housing, employment, and education) and co-occurring disorders (e.g., substance use disorders, developmental disability, traumatic brain injury) impact the service delivery system’s ability to effectively treat mental illness and prevent criminal justice contact?
4. What mechanisms are currently in place in the criminal justice or mental health system to identify individuals with mental health needs and divert them into appropriate services instead of the criminal justice system, or to services within the criminal justice system and in the community upon release? How do these mechanisms support reductions in recidivism and increases in wellness and recovery?
5. How are programs and services addressing both the psychiatric and criminogenic needs of this population to achieve better outcomes? What are the current alternative placement options for individuals with mental illness who commit low-level offenses? What is working and what is not working with regard to how crisis intervention/stabilization services and crisis residential programs are being deployed with this population?
6. What are the barriers or potential obstacles to expanding or replicating successful models across the state, and what are the opportunities or recommendations for overcoming those obstacles?

Subcommittee Public Engagement Meetings. The MHSOAC Subcommittee will conduct a series of meetings to engage stakeholders and subject matter experts to explore topics in-depth. These meetings will include subject matter experts from behavioral health, public safety, social services, and those with lived experience, representing state and county leaders, service providers, community members and others impacted by this issue. All meetings will be open to the public and will strive to incorporate a broad range of perspectives and experiences to support the development of shared knowledge, ensuring that any proposed recommendations address the needs and interests of diverse communities throughout California.

Community Forum. A community forum may be organized to engage clients, family members, professionals and other stakeholders in a dialogue about the criminal justice and mental health systems intersection. Presentations will be organized around local challenges and barriers, as well as solutions and innovative strategies.

Research and Policy Development

Data Linkage. The Commission will explore opportunities to conduct data analysis, such as matching criminal history data from the Department of Justice to mental health data to describe criminal justice involvement among those receiving mental health services, validate the arrest data within the Data Collection Reporting (DCR) database, and other analyses.

Literature Review. A thorough review of available written materials including academic articles, white papers, and public sector reports will shape and focus the project scope, support the development of problem definitions, and identify potential service delivery, models, or system improvement efforts. Information gleaned from the literature review will be summarized and provided to the Subcommittee, and stakeholders to support a shared understanding and develop recommendations.

Model Program Exploration. The Commission may explore opportunities to learn from national models in Florida, Texas and elsewhere. This exploration will highlight innovative strategies to reduce the number of people with mental illness in the criminal justice system, and develop alternative approaches to treatment in custody and upon release.

Site Visits. The Commission will organize site visits to support the development of foundational knowledge regarding the criminal justice/mental health intersection. Site visits may include county jails/correctional facilities, community-based service providers, mental health courts or other locations.

Communications and Drafting

To support the public engagement and policy development activities, the project will communicate all aspects of the project, including the status of public engagement activities, emerging descriptions of challenges and possible solutions, and ultimately the Commission's conclusions.

The final work product will be available on the Commission's website, with summaries of the activities and information gathering and as ongoing resource for implementation efforts. The final product, adopted by the Commission, should include the following three elements:

1. What can be done (policies, best practices; delivery systems).
2. How to get there (lowering barriers, building capacity, developing incentives).
3. The mechanisms for adoption and implementation (county plan proposals; legislation, learning collaboratives).

Project Schedule

This project is expected to last 15 months with projected completion by July 2017. Please see the calendar below for a proposed schedule of events and meetings. All dates and activities are tentative at this time and subject to change.

Tentative Project Schedule

TENTATIVE PROJECT SCHEDULE		
Date*	Task/Activity	Goals
June 30, 2016	<ul style="list-style-type: none"> · MHSOAC Subcommittee Public Engagement Meeting 	<ul style="list-style-type: none"> · Formalize project scope and goals · Refine schedule and activities · Discuss criminal justice system and mental health intersection
July 2016	<ul style="list-style-type: none"> · Model Program Exploration 	<ul style="list-style-type: none"> · Identify local and national model programs and experts · Conduct site visits
August 2016	<ul style="list-style-type: none"> · MHSOAC Subcommittee Public Engagement Meeting 	<ul style="list-style-type: none"> · Share findings from the Model Program Exploration and discuss potential application to California
September 21, 2016	<ul style="list-style-type: none"> · Site Visit – Los Angeles 	<ul style="list-style-type: none"> · Explore custody challenges for persons with mental health needs and challenges to preparing these individuals for release back into the community · Improve understanding of opportunities and challenges to diverting individuals with mental illness from the criminal justice system
September 22, 2016	<ul style="list-style-type: none"> · Public Hearing – Los Angeles 	<ul style="list-style-type: none"> · Hear from subject matter experts about the opportunities and challenges to reducing the number of individuals with mental illness in the criminal justice system, and improving treatment for those who must remain in custody and those released into the community
October 2016	<ul style="list-style-type: none"> · Community Forum - TBD 	<ul style="list-style-type: none"> · Host community forum to engage with stakeholders (specifically clients and families) on local issues and solutions
November 2016	<ul style="list-style-type: none"> · MHSOAC Subcommittee Public Engagement Meeting 	<ul style="list-style-type: none"> · Review alternate models and system improvement efforts · Guide selection of potential site visits and public hearing participants
January 25, 2017	<ul style="list-style-type: none"> · Site Visit - TBD 	<ul style="list-style-type: none"> · Explore best practices, models and strategies for alternatives to criminal justice involvement and incarceration (i.e., diversion), treatment and programming for those in law enforcement custody, and transitioning out of custody into the community
January 26, 2017	<ul style="list-style-type: none"> · Public Hearing 	<ul style="list-style-type: none"> · Hear testimony and discuss with subject matter experts best practices in mental health and criminal justice, and incentives to use such best practices · Explore models or strategies for improving outcomes for individuals with mental illness involved in the criminal justice system, including prevention, intervention, treatment addressing both psychiatric need and factors that contribute to criminal offending (i.e., criminogenic factors), discharge planning, and other service approaches
February 2017	<ul style="list-style-type: none"> · MHSOAC Subcommittee Public Engagement Meeting 	<ul style="list-style-type: none"> · Summarize project findings and identify potential action-oriented recommendations

March-May 2017	· Draft Summary Action Agenda and Recommendations	· Organize, summarize and document activities and recommendations
June 2017	· MHSOAC Subcommittee Public Engagement Meeting	· Secure input and approval of action agenda and recommendation prior to presentation to full Commission
July 27, 2017	· Commission Review & Approval	· Commission to review, discuss and approve action agenda and recommendations

*All dates are tentative at this time and subject to change.

Additional Engagement Opportunities

The Commission has been in consultation with federal, state and local organizations on this issue. Below additional opportunities for engagement with other organizations have been identified (subject to change):

June 2016: White House Office of Science and Technology Policy, Data Driven Justice Initiative Convening, Washington, D.C.

Workshop hosted by the White House Office of Science and Technology Policy to convene jurisdictions across the country that are involved in the “Data Justice Initiative” which will focus on local data exchanges, diversion, and data-driven risk assessment tools.

July 2016: Council on Mentally Ill Offenders (COMIO), Site Visit to the Los Angeles Office of Diversion and Reentry, Los Angeles, California

COMIO’s 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.” The Office of Diversion and Reentry was created within the Department of Health Services to oversee diversion of inmates who are mentally ill, have substance abuse issues and who are at risk of becoming homeless once they are released from jail.

September 2016: White House Office of Science and Technology Policy, Data Driven Justice Initiative Convening, California

Potential workshop in California to convene local jurisdictions that are involved in the “Data Justice Initiative” which will focus on local data exchanges, diversion, and data-driven risk assessment tools.

November 2016: Words to Deeds Conference, Sacramento, California

Since 2003, Words to Deeds has provided a unique forum that has evolved into a standard best practice for creating a true shift in the paradigm between criminal justice and mental health by fostering successful and ongoing collaboration among courts, criminal justice agencies, mental health professions, and governmental and nongovernmental organizations.

Early 2017: Council of State Governments Justice Center/CPOC/CSSA/CBHDA/CSAC, Stepping Up California Summit

Convening of California county leadership teams as part of the national Stepping Up Initiative to help counties reduce the number of adults with mental illnesses and co-occurring substance use disorders in jails.

March 2017: Forensic Mental Health Association of California (FMHAC) Conference, Monterey, California

The FMHAC provides an essential voice in California by training forensic mental health professionals, educating the public and giving support to legislation that improves the system in which we provide treatment to mentally ill individuals. FMHAC’s annual conference has provided intensive training in current forensic mental health issues.
