

## Is there life After AB 1810 and SB 317?

### **Level**

Intermediate

### **CE**

CPA/BBS/BRN/CJER

### **Track**

Clinical

### **Bio**

Laura Arnold, JD

Hailing from Cleveland, Ohio, Laura Arnold has made California her home since 1995, and she currently resides in Modesto, California. She is the President of the California Public Defenders Association. Over the past quarter-century Laura has been a tireless advocate for the rights of indigent, justice-involved children and adults, working as a public defender in Southern California, the Inland Empire, the Central Valley and the Central Coast. Laura regularly presents on issues of substantive criminal law and procedure for the California Public Defender's Association and local bar associations. Laura has presented for FMHAC on the subject of Juvenile Transfer ("Fitness") hearings and Mental Health Diversion. Since 2016, Laura has served the California Judicial Council as an appointee to the Council's Criminal Law Advisory Committee.

Honorable Stephen Manley

Stephen Manley is a Superior Court Judge in Santa Clara County and has served as a Judge for over 30 years. He presently serves as the Supervising Judge of all Felony and Misdemeanor mental health and drug cases in the Criminal Division of the Court. Stephen developed and personally presides over a number of Treatment Court programs and calendars that include more than 2,000 offenders who participate in treatment and rehabilitation services while in Diversion, on Probation, or on Parole, who are mentally ill, mentally challenged and substance abusers.

He established one of the first Mental Health Courts in the Nation in 1998, one of the first Veterans Treatment Courts in 2012 as well as the first Parolee Reentry Court in California. The Mental Health Treatment Court and Veterans Treatment Court are two of the largest in the Nation. By appointment of the Chief Justice, he serves as a member of the California Council on Criminal Justice and Behavioral Health that advises the Governor and Legislature on policy issues relating to the mentally ill, and he is Chair of the Mental Health Committee of the Advisory Committee to the Judicial Council. He served on and authored recommendation for the Judicial Council Mental Health Task Force. He recently served as the Co-Chair with a Member of the Board of Supervisors of his County for the Jail Diversion and Custody Operations Task Force. He has also served on the faculty of the California Judicial College and speaks throughout the Country. He is a graduate of Stanford Law School.

Penny Bernhisel, LCSW

Penny Bernhisel is the Clinical Program Supervisor at Alameda County Behavioral Health Care Services. She supervises the County's Behavioral Health Court, the Court Advocacy Project, the Misdemeanor IST Program and she is also developing and finalizing a 3-year 3M dollar pilot program with the Department of State Hospitals. She has been working as a behavioral health clinician since 2006, has been a licensed clinical social worker since 2012 and was honored in 2018 by the Alameda County Mental Health Association as recipient of a Lifetime Achievement Award.

Stephanie Regular, JD

Stephanie Regular is the Chairperson of the California Public Defender's Association's Mental Health/Civil Commitment Committee and the Supervisor of the Contra Costa County Public Defender's Office's Mental Health Unit. She was amicus counsel in *Stiavetti v. Ahlin* and has been appellate counsel in several cases in the First District Court of Appeal, including *In re Loveton*, in which the Court affirmed a sixty-day admission deadline for IST's committed out of the County's superior court. With over twenty years of experience as a public defender, Stephanie has handled hundreds of mental health cases, including cases of competent to stand trial, involuntary medication and civil commitment cases. Stephanie emerged as a leader in the statewide effort to reduce wait-times for state hospital admissions of individuals found incompetent to stand trial. Her behind-the-scenes efforts were critical for the enactment of SB 1187 and SB 317. Stephanie is a member of the Words to Deeds Leadership Group and CPDA's delegate to the State's IST Solutions Workgroup.

### **Narrative**

A group of criminal justice stakeholders (working in collaborative and mental health courts) will discuss the practical impact of recent legislation enacted due to our collective growing realization that jails are not ideal settings for mental health treatment, that systemic challenges exist (in terms of gaps at the various points in service along the continuum care and value-differences which impede meaningful collaboration and trust-building among stakeholders with differing interests and mandates) and that the only solution to California's mental health problems, particularly with regard to the unsheltered homeless, is courageous and innovative ideas and frank discussions about how, working together, we can achieve our common goals.

AB 1810 (2018) gave rise to mental health diversion, and it even came with money, but in many counties, things were slow to get off the ground. Now (April, 2022), nearly four years later, counties have created all types of mental health diversion programs, working collaboratively, truly seeing and hearing one another and making compromises. With the enactment of SB 317 (eff. 1/1/2022), the need for continued collaboration – real collaboration – is even greater. More and more justice-involved adults, afflicted with severe mental illness, are being diverted (hopefully) from high-cost and poor-result traditional sentencing alternatives like incarceration and imprisonment. We need to learn from each other, share our common and different experiences, and continue to work together to effectively engage these traumatized, justifiably

mistrustful, and often drug-addicted individuals at the earliest possible point in the sequential intercept model, and, at the latest, the earliest possible point in the criminal justice process. It's not that hard. We just need to figure out how to do it and then commit to getting it done.

### **Learning Objectives**

Describe three reasons that jails are poor settings for mental health treatment.

Explain three ways that collaborative efforts at engaging treatment-resistant individuals is most effective in an outpatient setting.

Identify two major barriers to success for chronically homeless justice involved individuals experiencing behavioral health disorders and become familiar with tried-and-true methods of overcoming those barriers in three Bay Area counties.