

## SNAPSHOT

### Words to Deeds XIII Outcomes Matter: *Diversion that Works!* November 7, 2019

More than 100 leaders and stakeholders gathered at the Board of State and Community Corrections (BSCC) office in Sacramento on November 7, 2019, to discuss criminal justice system diversion in California. Discussion centered on criminal justice diversion for individuals with mental health or substance abuse issues, with a focus on the Incompetent to Stand Trial (IST) population, felony diversion, and housing. The full report will be available in the first quarter of 2020.

#### **Making the Case for Diversion – Working Toward Intercept Zero**

Hon. Stephen Manley, Santa Clara County Superior Court

Hallie Fader-Towe, The Council of State Governments Justice Center (CSG) [SLIDES](#)

Eric Washington, Veteran's Court Graduate, Mental Health Advocate

While not a panacea, diversion can:

- reduce jail days,
- reduce court costs,
- reduce missed court dates,
- reduce recidivism,
- reduce overall system costs.

Discussion included:

- over-valuation of risk for people with mental illnesses,
- risk cannot be eliminated but can be mitigated using a Risk-Needs-Responsivity (RNR) framework,
- felony diversion can work and you *can* pay for it.

#### **Next Steps**

- We need to expand the conversation to mental health with children and in schools.
- We need to establish a common understanding of diversion.
- We need to continue the work in overcoming siloes in collaboration, add housing stakeholders, and knit together technology, experience, goals, knowledge and funding.

A conversation with the Veteran's Court Graduate emphasized the importance of:

- listening to defendants to ensure they are given what they need to succeed,
- giving defendants enough time and continuing to offer opportunities for recovery,
- peer support, which can be very effective in helping people trust government support systems.

#### **The Elephant in the Room: It's All About the Trust**

Hon. James Bianco, Los Angeles County Superior Court Mental Health Court [SLIDES](#)

Sharon Farrell, PhD, Risk-Resilience Research Lab, University of California Berkeley [SLIDES](#)

Kathleen Connolly Lacey, LCSW, UCSF/Citywide Case Management Forensic Program

Having started with existing funding and personnel, the Los Angeles County Office of Diversion and Reentry (ODR) is a successful example of highly collaborative work and resource sharing. With its partners, the ODR provides:

- community-based restoration for misdemeanor defendants who are Incompetent to Stand Trial (MIST),
- permanent supportive housing for people charged with felonies,
- community-based restoration treatment for felony defendants,
- competency evaluations and restoration treatment while people are on the DSH waitlist.

The success of this collaboration was due to recruiting the right people to be in the room with the attitude that the status quo was unacceptable. Hurdles were always met with solutions shared from partnering departments throughout the county. Currently, Los Angeles is collaborating with the Department of State Hospitals (DSH) for felony IST diversion and is exploring the Trieste, Italy, approach to eliminating involuntary treatment.

Researchers Jennifer Skeem, Sharon Farrell, and colleagues have shown:

- justice-involved people with mental illness have more general risk factors for recidivism than their counterparts,
- controlling only symptoms of mental illness rarely reduces recidivism.

#### **What does work?**

An ongoing five-year research study is being conducted in San Francisco and Sonoma Counties using curriculum designed to reduce recidivism for people with mental illness involved in the criminal justice system. The goal of the research is to help define what constitutes successful treatment for this population that will reduce recidivism.

#### **Tips**

- Housing is crucial.
  - \* Plan to include funding for housing in grant requests and investigate creative opportunities, such as private funding from community members/ stakeholders.
  - \* Use housing to incentivize treatment.
- Employment is important.
  - \* Integrate employment goals for diversion court clients.
- Partnership with law enforcement and probation makes a big difference.
- Considering outcomes when creating programs is critical so that efforts continue to be focused on what works.
- It takes time to find the right services that work for each individual.

### **Hope on the Horizon – What Successful Diversion Looks Like**

Samuel Leach, Chief Probation Officer, Calaveras County, emphasized the importance of sequential intercept mapping to choose programs carefully. In addition:

- counties with fewer resources must select programs that serve more than one purpose,
- Calaveras County is building a system to try to catch people from falling through the cracks,
- CSG partnership was critical in getting local leaders working together as a system.

Judge Nan Waller, Multnomah County, Oregon, discussed improvements her county has made for people with mental illness involved in the criminal justice system. Identifying problems in the Incompetency to Stand Trial (IST) system:

- developed a mutually agreed upon, trusted group of IST evaluators,
- worked with judges to establish consistent criteria for referrals to state hospital,
- State offered grant program to support collaboration between counties and tribes.

Miriam Popper, New York City Mayor’s Office of Criminal Justice, offered several important elements of pretrial programming:

- supporting treatment instead of mandating it,
- incorporating peer consultants with lived experience,
- connecting program to community mental health for quick referrals,
- the importance of data to maintain trust in the program,
- using the least restrictive option.

In addition, New York City is:

- working on bail reform,
- planning on building transitional and supportive housing,
- closing Rikers Island in favor of community jails.

#### **Tips/Problems Identified**

- Lack of Board and Cares in California.
- Credible messengers need training. Some need help professionalizing and dealing with the trauma they carry and also are exposed to through their work. Cross training with other disciplines is important.
- Create a feeling of community with this population.

## **Shifting the Paradigm: We Can Do This! – Conversations with Leadership**

Leaders from across the state discussed their initiatives and emphasized their commitment to diversion.

### **Michelle Doty Cabrera, County Behavioral Health Directors Association of California**

- Working to address crisis needs but also invest in prevention and move to trauma-informed systems.
- Interested in payment reform, better integration of mental health and substance use treatment systems, redefining Medi-Cal necessity criteria, data exchange between jails and behavioral health providers, and holding private insurers accountable.

### **Stephanie Clendenin, California Department of State Hospitals**

- Partnered with Sheriff's Departments around the state to provide jail-based competency restoration.
- Starting a community-based restoration program in Los Angeles.
- Priorities include a diversion pathway for people found IST and transitioning greater numbers of people from DSH to the community and off the path of institutionalization.

### **John Connolly, California Health and Human Services Agency**

- Serve people in a human-centered, holistic way, recognizing all of their needs.
- Diversion and reentry are both important, including Law Enforcement Assisted Diversion (LEAD) models and collaborative courts and better communication around reentry plans between behavioral health providers and county jails or CDCR and counties.

### **Toby Ewing, PhD, California Mental Health Services Oversight and Accountability Commission**

- Working to help counties do more upstream diversion work by strengthening Full Service Partnerships (FSPs), piloting psychological advance directives, and Innovation Incubator county learning collaboratives.
- Also working on linking data between mental health and criminal justice to be analyzed and identifying key priorities to establish a common set of goals.

### **Linda Penner, Board of State and Community Corrections**

- Trends include warm hand-offs, rental assistance, adult reentry funding, and public-private partnerships.
- BSCC added 40 hours of training on mental health for probation and correctional officers in jails and juvenile facilities.

### **Kelly Pfeifer, MD, Behavioral Health, California Department of Health Care Services**

- Medication-Assisted Treatment is a priority and DHCS encourages jails, prisons and hospitals to provide it to opioid users.
- As part of CalAIM, a project to advance and redesign the Medi-Cal system, counties will be mandated by 2022 to have people leaving incarceration signed up for Medi-Cal and to do a warm hand-off to behavioral health providers if treatment is needed.

### **Next Steps/Problems Identified**

- Need more probation involvement in these discussions.
- Training in the Risk-Needs-Responsivity (RNR) model for behavioral health clinicians.
- Support for the development of Board and Cares.
- MHSAs prevention funding is not available for probationers.
- Community providers need access to programs in CDCR to assist in reentry transitions.
- Important not to make grant applications complicated.
- Must work with local city councils on entitlements, zoning and permitting of affordable housing.
- Cost-shifting is happening from commercial insurers to government.

**Diana Toche, Health Care Services, California Department of Corrections and Rehabilitation**

- While the prison population has decreased, the mental health population in prisons has remained steady, resulting in a larger proportion.
- Main initiative is the integrated substance use disorder program, hoping for a resulting reduction in substance use disorder morbidity and mortality, as well as a reduction in hospitalizations.
- Also working on pre-release planning and warm handoffs to the community.

**Lynn Von Koch-Liebert, Housing and Consumer Relations, Business, Consumer Services and Housing Agency**

- Major investment by the Governor for affordable housing production.
- Additional grant money was included in the budget to fill the gap for finding immediate housing while new units are being built.
- Also working on reducing discrimination in housing opportunities and partnering with CDCR to ensure prisoners understand their rights around housing and employment when they reenter the community.

**More Information**

For more information about *Words to Deeds* and FMHAC, visit [www.fmhac.org](http://www.fmhac.org) or contact:

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**Congratulations  
2019 Paradigm Award Winners!**

*Judicial Champion*  
Hon. Eileen Moore – Associate Justice, California Court of Appeal

*Law Enforcement Champion*  
Wendy Still – Chief Probation Officer, Alameda County

*State Champion*  
Mark Grabau, PhD – Chief Psychologist, Forensic Services Division, California Department of State Hospitals

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