**IST Workgroup**

**- Modify P.C. 1370 to allow for an off ramp for those that have stabilized in jail**

 Currently if a person is deemed to be incompetent to stand trial, the person is ordered for treatment in a locked facility (Department of State Hospitals or Jail-based Competency Treatment) or unlocked facility (community placement or CONREP). At times, a person may stabilize and regain competency before they are transferred to a treatment program. The statute is silent on whether a defendant can return to court without first being admitted to a program and some courts have interpreted this as a mandate that they must go to a program before returning to court. PC 1370 could be modified to allow a defendant who regained competency to be reevaluated and returned to court from jail without going through a treatment program.

**- Modify P.C. 1370 to allow for direct community placement for those who are not restorable**

Similar to those who have regained competency, P.C. 1370 does not fully address those who will not regain competency due to the severity of their illness. The statute could be modified for an individual to be evaluated for severe illness and moved directly into a conservatorship process instead of placement in an IST program.

- **Step down options**

What options are in the community for individuals to transition out of inpatient IST programs?

- **Conservatorship Process**

 Once an IST has been determined to not be restorable or has reached their maximum commitment time, they are returned to court. Often, the next step is to seek conservancy. This process can be complicated and lengthy at times and often the individual is returned to the state hospital pending conservatorship. Modifying the conservatorship statutes to streamline the conservatorship process and identifying maximum timeframes a person can be housed at DSH pending this process could help ensure individuals receive the treatment they need in the most appropriate setting quicker while also ensuring that beds for the treatment of ISTs are not filled with individuals pending conservatorship.

**- In-jail care**

Individuals who are found incompetent to stand trial often wait in a county jail prior to being transferred to DSH, JBCT or to CONREP. Often, individuals transferred to these programs from county jail have not been stabilized on psychotropic medications. Increasing access to psychotropic medications in jail will provide ISTs quicker access to treatment and could shorten the overall length of time to restoration. Are there other services that could be provided in jail that would allow for a diversion of some defendants from DSH and quicker treatment times for others?

**- Cognitive disorders**

Those who are incompetent due to cognitive disorders, such as traumatic brain injury or dementia, which are not treatable in a mental hospital, are not addressed by P.C. 1370. What changes could be made to the statute to allow for evaluation of these issues and proper placement.

**- Availability of acute and sub-acute psychiatric beds in the community**

There has been a significant decrease in acute and sub-acute psychiatric beds in the community since 1995. Increasing this capacity in the community may help to prevent those with mental health needs from becoming involved in the criminal justice system.

**- Maximum length of commitment**

According to the Justice Policy Institute, 70% of ISTs will be restored within 6 months and 9 out of 10 within one year. Shortening the maximum commitment date would free up space and align California with more than half of the other states who have shorter maximum commitment periods.

**- Pilot programs for housing chronically and seriously mentally ill**

 DSH has seen an increase in the number of individuals with over 15 previous charges who are admitted to DSH. Additionally, a high number of ISTs admitted to DSH indicate that prior to their committing offense they were homeless. Implementing pilot programs for the chronically and seriously mentally ill could reduce the number of these individuals who ultimately commit a crime and are found incompetent to stand trial.

**- Service Options in the Community for Those with Developmental Disabilities**

What options could be developed in the community for individuals who are developmentally disabled and become involved in the IST process?

**Updates for Next Meeting**

- DSH research and data

- Update on involuntary meds in jails (Sherriff’s Association)