



Incompetent to Stand Trial Solutions Work Group Meeting #5

November 19, 2021



Agenda

1. Welcome
 - Stephanie Clendenin, Director Department of State Hospitals
2. Recap of the IST Solutions Workgroup Process
 - Stephanie Clendenin, Director Department of State Hospitals
3. Review and Discussion of Final Draft of Guiding Principles and Solutions for the IST Solutions Workgroup Report
 - Stephanie Clendenin, Director Department of State Hospitals
 - Karen Linkins, Desert Vista Consulting
4. Call for Public Comment
5. Meeting Wrap Up and Next Steps
 - Stephanie Clendenin, Director, Department of State Hospitals

Members

Chair: **Stephanie Clendenin**, Director, California Department of State Hospitals (DSH)

Members:

- **Stephanie Welch**, Deputy Secretary of Behavioral Health, California Health and Human Services Agency
- **Nancy Bargmann**, Director, California Department of Developmental Services
- **Adam Dorsey**, Program Budget Manager, California Department of Finance
- **Brenda Grealish**, Executive Officer, Council on Criminal Justice and Behavioral Health, California Department of Corrections and Rehabilitation, Office of the Secretary
- **Tyler Sadwith**, Assistant Deputy Director, Behavioral Health, California Department of Health Care Services
- **Brandon Barnes**, Sheriff, Sutter County Sheriff's Office
- **John Keene**, Chief Probation Officer, San Mateo County & President-Elect, Chief Probation Officers of California
- **Stephanie Regular**, Assistant Public Defender, Contra Costa County Public Defender Office & Co-Chair of the Mental Health Committee of the California Public Defender Association
- **Veronica Kelley**, Director, San Bernardino County Department of Behavioral Health & Board President, California Behavioral Health Directors Association
- **Farah McDaid Ting**, Senior Legislative Representative, Administration of Justice, California State Association of Counties (CSAC)
- **Scarlet Hughes**, Executive Director, California Association of Public Administrators, Public Guardians and Public Conservators
- **Jessica Cruz**, Executive Director, National Alliance of Mental Illness – California
- **Pamila Lew**, Senior Attorney, Disability Rights California
- **Francine Byrne**, Judicial Council of California
- **Jonathan Raven**, Chief Deputy District Attorney, Yolo County



Ground Rules

- **Statute outlines the goals of the workgroup:**
 - Charge is to generate actionable ideas and solutions to advance alternatives to placement in DSH restoration of competency programs, not to provide oversight.
 - Must submit recommendations to CHHS and the Department of Finance on or before November 30, 2021, for short-term, medium-term, and long-term solutions.
- **Process for Meetings:**
 - Keep discussion moving forward toward solutions
 - This is not an oversight or voting group. Goal is to generate ideas and solutions.
 - Be brief and brilliant. Keep the discussion moving to allow for new ideas from all group members
 - Raise your hand on Zoom to indicate that you have a question or comment to share
 - Work group members, please refrain from using the chat function.
 - Participants may use Q&A function for technical issues, chat for public comment



Recap of the IST Solutions Workgroup Process



Work Group and Working Groups

IST Solutions Workgroup

- 8/17/2021 – 10:00 a.m. – 12:00 noon
- 8/31/2021 – 3:00 – 5:00 p.m.
- 10/12/2021 – 3:00 – 5:00 p.m.
- 11/5/2021 – 10:00 a.m. – 12:00 noon

Working Group 1: Early Access to Treatment and Stabilization for Individuals Found IST on Felony Charges

- 9/21/2021 – 1:00 – 3:00 p.m.
- 9/28/2021 – 1:00 – 3:00 p.m.
- 10/26/2021 – 1:00 – 3:00 p.m.

Working Group 2: Diversion and Community-Based Restoration for Felony ISTs

- 9/24/2021 – 10:00 a.m. – 12:00 noon
- 10/1/2021 – 9:00 – 11:00 a.m.
- 10/22/2021 – 1:00 – 3:00 p.m.

Working Group 3: Initial County Competency Evaluations

- 9/17/2021 – 2:00 – 4:00 p.m.
- 9/24/2021 – 2:00 – 4:00 p.m.
- 10/15/2021 – 2:00 – 4:00 p.m.

Working Group Deliverables: Define actionable recommendation(s), cost/funding required, statutory changes that may be required, metrics to track and data sources



Timeframes for Strategies and Solutions – Bridge to Broader Behavioral Health Initiatives

Short-term (April 1, 2022)

Immediate solutions for 1600+ in jail waiting plus new referrals

Provide access to treatment now – in jail or in community including diversion
Identify those who have already restored
Reduce new IST referrals

Medium-term (Jan 10, 2023)

Continue to provide timely access to treatment
Begin other changes that address broader goals of reducing the number of ISTs,
Increase IST treatment alternatives

Long-term (Jan 10, 2024 or Jan 10, 2025)

Implement longer term solutions that can move the needle toward breaking the cycle of criminalization
Reduce the number of individuals found IST on felony charges while broader behavioral health transformation initiatives are implemented

CaAIM,
Behavioral Health
Care Continuum,
Community Care
Expansion



Review and Discussion of Final Draft of Guiding Principles and Solutions for the IST Solutions Workgroup Report

Summary of Feedback on Solutions for the Final IST Solutions
Workgroup Report

Stephanie Clendenin, Director Department of State Hospitals

Karen Linkins, Desert Vista Consulting



Guiding Principles – Original Draft

- Jail is not the right setting for mental health treatment
- Individual and family member engagement is critical
- Short-term goals are to treat the 1,700 individuals currently on the wait list
- Medium-term goals are to ensure treatment outside of jails
- Long-term goals aim to reverse the trend of criminalizing mental illness
- Implementing solutions to achieve the short-, medium- and long-term goals requires collective, multi-sector solutions and collaboration.

Guiding Principles - Revised

- Mental health treatment should be delivered in community-based treatment options to the greatest extent possible.
- While jail is not the appropriate setting for mental health treatment, jails need to be able to provide mental health treatment for individuals who are in jail and require treatment.
- Engagement of individuals with lived-experience and family members in planning and implementing solutions and programs is critical.
- Short-term solutions focus on treating the 1700+ individuals found incompetent to stand trial on felony charges and waiting in jail for access to treatment or diversion programs.
- Medium-term solutions focus on increasing access to community-based treatment and diversion for individuals found incompetent to stand trial on felony charges.
- Long-term solutions aim for system transformation and to reverse the trend of criminalizing mental illness.
- Implementing solutions to achieve the short-, medium- and long-term goals requires collective, multi-sector solutions and collaboration.
- To address the current IST crisis, implementation of short-term strategies that are not in alignment with long-term goals may be needed, but should be time-limited, phased out when medium- and long-term solutions are implemented, and not detract from the focus and implementation of the long-term goals.

Process for Organizing Solutions

- From 100+ to ~35
- What was actionable (and not already in process)
- Synthesized across working groups based on intent of proposed recommendations
- Recommendations will not reflect verbatim/specific wording or be attributed to individuals or organizations
- Organized by short-, medium-, and long-term solutions

NOTE: All homework, recommendations, and responses to information requests are posted on the IST Solutions Work Group web site

Summary of Feedback Provided Since Last Meeting

- Received additional feedback from five workgroup members and six non-workgroup public members or organizations.
- Feedback was wide-ranging and included:
 - Specific support or opposition statements for certain solutions
 - Suggested revisions or additions to existing solutions
 - Recommended shifting solutions between the short-, medium- and long-term categories
 - Provided additional options or solutions for consideration
 - Requested funding considerations be added for certain solutions
 - Conveyed concerns about existing IST treatment and processes
 - Expressed some concerns about the workgroup process or discussions



Summary of Feedback Provided Since Last Meeting

- Overall support for most solutions, particularly those focused on
 - prioritizing and increasing access to diversion,
 - community-based treatment and capacity building,
 - expanding role of peer supports,
 - training and technical assistance
 - enhancing communication between state/local partners
- Opposition feedback primarily focused on:
 - current reliance on jail-based competency treatment programs,
 - solutions involving
 - involuntary medication administration in jails, and
 - expansion of inpatient capacity to treat ISTs,
 - use of risk assessment tools that have potential for racial bias

Public Comment

- Public Comment will be taken on any item on the agenda
- There are 3 ways to make comments:
 - Raise hand on zoom to speak – please keep comments to 2 min.
 - Type comment in chat function
 - Email comment to ISTSolutionsWorkgroup@dsh.ca.gov

Meeting Wrap Up and Next Steps

- Report to be produced by November 30, 2021 and will be published on the IST Solutions Workgroup Website <https://www.chhs.ca.gov/home/committees/ist-solutionsworkgroup/>

