



Incompetent to Stand Trial Solutions Work Group Meeting #3

November 5, 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 Preliminary Solutions for the Final IST Solutions Workgroup Report
 - 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
- **Feather Gaither on behalf of 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
- **Farrah 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.

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 Preliminary Solutions for the Final IST Solutions Workgroup Report

Stephanie Clendenin, Director Department of State Hospitals

Karen Linkins, Desert Vista Consulting



Timeline for Next Steps



Guiding Principles to Frame Recommendations

Statute Guidance

1. Reduce the total number of felony defendants determined to be IST.
2. Reduce the lengths of stay for felony IST patients.
3. Support felony IST defendants to receive early access to treatment before transfer to a restoration of competency treatment program to achieve stabilization and restoration of competency sooner.
4. Support increased access to felony IST diversion options.
5. Expand treatment options for felony IST individuals, such as community-based restoration programs, jail-based competency treatment programs, and state hospital beds.
6. Create new options for treatment of felony IST defendants including community based, locked and unlocked facilities.
7. Establish partnerships to facilitate admissions and discharges to reduce recidivism and ensure that the most acute, high-risk, and at need patients receive access to State Department of State Hospitals beds, while patients with lower risk or acuity are treated in appropriate community settings.

Guiding Principles to Frame Recommendations

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

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

Homework

- Read and review the document
- Are any recommendations missing?
- Is the document representative of work group conversations?
- Are there specific ways to improve the organization of the recommendations



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

- Next Work Group Meeting
 - November 19, 2021 11:00 a.m. – 1:00 p.m.
- Work group subject to the Bagley-Keene Open Meeting Act
- Agendas and meeting materials will be posted on the IST Solutions Workgroup webpage at <https://www.chhs.ca.gov/home/committees/ist-solutionsworkgroup/>