

# From Words to Deeds V

Changing the Paradigm  
for Criminal Justice  
and Mental Health

2008 Overview

# 2008 Workshop Overview and Priorities

Hosted by the California State Sheriffs' Education Foundation with support from Lilly, "From Words to Deeds" is a successful forum for addressing the nationwide problem of mentally ill offenders in the criminal justice system. During the past five years, key decision-makers have convened at the annual *From Words to Deeds: Changing the Paradigm for Mental Health and Criminal Justice* workshops to develop collaborative strategies to reduce incarceration of individuals with mental illness.

This forum has evolved into a standard best practice for creating collaborative opportunities among individuals and systems whose

approaches and objectives may differ, while fostering collaboration and empowering champions from among leaders in state and county governments, the courts, criminal justice, corrections and mental health.

On July 25, 2008, 80 key decision-makers from 25 counties participated in the fifth annual From Words to Deeds workshop to examine re-entry to the community from custodial settings; methods to best uncover community and systems needs; making "best practices" standard practices; and building higher levels of trust among partners.

## Challenges and Strategies

Re-entry is a shared issue that must be addressed both in the community and in the institution. Too many people with mental illness are not receiving community treatment, and therefore; they end up in jail. They then return to the community untreated and without linkage to the mental health services that will support their recovery. Ultimately, these individuals are rearrested, and the cycle begins again.<sup>1</sup> Participants at From Words to Deeds V identified the following challenges and strategies to create system efficiencies and improve outcomes.

**Challenge 1:** Current laws and policies prevent law enforcement officers and clinicians from sharing their records, creating barriers to successful screening and assessment.

**Key Strategy: Information Sharing**

*Teams of law enforcement personnel and clinicians delivering care and planning for discharge should collaborate while preserving privacy and adhering to confidentiality and public safety regulations.*

**Challenge 2:** Coordination of services is often confounded by the separation, or the "silos," of systems related to probationers and parolees as funding is spread out among agencies and governmental entities.

**Key Strategy: Aggregate Resources**

*All stakeholders should bear some share of the cost. Counties and correctional agencies as well as services and entitlement programs should be aggregated for sufficient joint funding for services and programs that stop the cycle of recidivism among mentally ill offenders.*

**Challenge 3:** Often, federal benefits that might legally be "suspended" are mistakenly terminated when recipients are jailed. This loss of benefits produces a significant additional local cost.

**Key Strategy: Preserve Benefits**

*Individuals in local custody pending disposition of charges should be specifically excluded from the term "inmate of a public institution." This would allow individuals with mental illness to continue receiving federal health benefits while in local custody until conviction or release.*

**Challenge 4:** With limited available public resources, a careful assessment of needs and benefits is critical to convincing policymakers to focus on diversion and re-entry projects.

**Key Strategy: Analysis to Action**

*A decision-support tool should be developed to move from analysis to action. This would enable decision-makers to establish funding priorities, define a target audience for diversion, assess the number of people who should be served, allocate resources and analyze the relative costs and benefits of different scales of investment. A performance consortium should provide guidance and oversight of this joint effort to assure consistent development of goals and the use of performance data to measure effectiveness of strategies.*



## Leadership by the Judiciary

The California Judicial Council Task Force for Criminal Justice Collaboration on Mental Health Issues was formed by the California Chief Justice to improve the response of the criminal justice system to mentally ill offenders. Promoting inter-branch collaboration at the state level and interagency collaboration at the local level will accomplish this. In addition, the task force will focus on improving practices and procedures in cases involving adult and juvenile mentally ill offenders, ensuring the fair and expeditious administration of justice, while

promoting improved access to treatment for litigants in the criminal justice system.

Judicial leadership has been the principal force bringing together disparate entities in many California counties. "Just do it" is the byword and pre-eminent influence brought to bear by trail-blazing judges who demand solutions. In these situations, planning can begin in court, rather than after a sentence is imposed.

# From Words to Deeds: Action Steps

Actions speak louder than words. During the afternoon session, participants divided into action groups to brainstorm about prevalent issues and to identify strategies with the greatest probability of success.

## Joining Forces with the Judiciary

Led by the Honorable Mary Morgan – San Francisco Superior County Judge and Allan Lammers – Executive Officer, California Council on Mentally Ill Offenders.

This group examined strategies for collaboration among corrections agencies, law enforcement, the judiciary, counties and community providers.

- **Issues and barriers:**
  - Challenges in dealing within an adversarial criminal justice system, such as bringing together the prosecution and defense and dealing with legal system “silos.”
  - Resistance from judicial leadership, the court system and the community.
- **Potential strategies and action steps:**
  - Collaborative courts and judicial/mental health combinations.
  - Commitment by all collaborators to pursue mutual goals through agreed upon processes and procedures.
  - Establish a continuum of treatment and services through the community and criminal justice systems.

## Diagnosing Your Community

Led by Toby Ewing – Research Director, California Forward.

This group explored strategies to communicate the value of diversion to diverse constituencies to impact funding decisions.

- **Issues and barriers:**
  - A lack of available data and a limited means of translating obtainable data into political will, policy formation and specific programs.
  - A lack of policy-level momentum to make changes.
  - Historical and structural barriers to inter-county government and state-county collaboration.
- **Potential strategies and action steps:**
  - Use diagnostic tools and planning processes to identify specific needs and design tailored programs.
  - Obtain the active support of county policymakers.
  - Identify a means to collect good data and find ways to translate available data into political incentives for policymakers and program administrators.

**BEST PRACTICE:** The San Francisco Behavioral Health Court (BHC) is a collaborative project of all three branches of local government. Superior Court Judge Mary Morgan presides over this restorative justice project that engages with crime victims and provides community education while using evidence-based practices and the recovery model to serve clients. Three-fourths of the program participants are charged with felonies and only one-fourth are charged with drug offenses. The court’s effectiveness is validated by a recent peer-reviewed study of its outcomes published in the September 2007 American Journal of Psychiatry.<sup>2</sup>

## Re-Entry and Linkages to Community Care

Led by San Benito County Sheriff Curtis Hill and San Francisco County Assistant Sheriff Jean Mariani.

This group examined strategies to engage and collaborate with community mental health providers to enhance funding opportunities for jail diversion programs.

- **Issues and barriers:**
  - A lack of coordination among state and local corrections, local supervision and services representatives.
  - Inadequate transitional and supportive housing.
  - Service provider reluctance to serve the population.
  - Inadequate information available to key decision-makers, such as judges, at early stages of decision-making.
- **Potential strategies and action steps:**
  - Development of evidence-based models for jail intervention and sentencing alternatives.
  - Funding for training of jail-based service providers, including the Mental Health Services Act.
  - Development of peer advocacy, where possible, to support recovery model services.
  - Work-based opportunities, both in and out of custody.
  - Realignment of parole and probation systems to improve services.

## Special Populations

Led by the Honorable Gordon Baranco – Alameda County Superior Court Judge; Steven Binder – Deputy Public Defender, San Diego County; and Kevin Smith – Director, Adult Programs, Orange County Behavioral Health.

This group identified ways to more effectively meet the needs of people with mental illness who represent diverse populations.

- **Issues and barriers:**
  - The criminal justice system increasingly serves younger people, women with children, veterans and substance abusers.
  - Veterans, especially women, have additional needs arising from culture shock, status, shame and poor access to services.
  - Components of the criminal justice system do a poor job of identifying the special needs of certain cultures.
- **Potential strategies and action steps:**
  - Services and supports must be integrated with components of the criminal justice system, including probation and parole.
  - Services should be provided in a “one-stop” manner.
  - Early identification and voluntary participation is essential.

The content and opinions expressed in this document are a record of discussions at the From Words to Deeds V workshop on July 25, 2008, in Sacramento, California. Lilly provided funds to conduct the workshop and produce this document.

## Description

From Words to Deeds is the result of a collaboration of leaders in criminal justice and mental health from throughout California who joined together to identify and advance strategies to effectively divert individuals with mental illness from jail.

## Mission

The leaders in criminal justice and mental health participating in this effort strive to end the criminalization of individuals with mental illness by supporting proven strategies that promote early intervention, access to effective treatments, a planned re-entry and the preservation of public safety.

## Vision

A true shift in the paradigm between criminal justice and mental health will embody an effective jail diversion system that fosters a successful and ongoing exchange of information among courts, criminal justice agencies, mental health professionals, government and nongovernment organizations, to achieve a substantial positive change in the way individuals with mental illness are treated within our communities.

## Words to Deeds Leadership Group

- **Toby Ewing** – Research Director, California Forward
- **Curtis Hill** – Sheriff, San Benito County
- **Allan Lammers** – Executive Officer, California Council on Mentally Ill Offenders
- **Wendy Lindley** – Superior Court Judge, Orange County
- **Jean Mariani** – Assistant Sheriff, San Francisco County
- **David Meyer** – Clinical Professor/Research Scholar, University of Southern California School of Medicine, Institute of Psychiatry, Law and Behavioral Sciences
- **Karen Moen** – Senior Court Services Analyst, Administrative Office of the Courts
- **Jo Robinson** – Director of Jail Mental Health Services, San Francisco County Jail Mental Health Services
- **Patricia Ryan** – Executive Director, California Mental Health Directors Association
- **Kevin Smith** – Division Manager of Adult Mental Health Services, Orange County Health Care Agency
- **Steve Szalay** – Mediator/Facilitator, Center for Collaborative Policy
- **Helen Thomson** – Supervisor, Yolo County
- **Kit Wall** – Local Government Affairs, Lilly
- **Charlie Walters** – Criminal Justice Consultant, Orange County

To obtain more information about this effort, or the group of individuals who have joined together in this effort please contact Perry Communications Group at:

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<sup>1</sup> Comments by David Meyer, Clinical Professor/Research Scholar, Institute of Psychiatry, Law and Behavioral Sciences of the University of Southern California Keck School of Medicine at *Words to Deeds V: Changing the Paradigm for Criminal Justice and Mental Health*, July 25, 2008.

<sup>2</sup> *Effectiveness of a Mental Health Court in Reducing Criminal Recidivism and Violence* by Dale E. McNiel, Ph.D., and Renée L. Binder, M.D. *Am J Psychiatry* 164:1395-1403, September 2007 doi: 10.1176/appi.ajp.2007.06101664 © 2007 American Psychiatric Association: <http://ajp.psychiatryonline.org/cgi/content/full/164/9/1395>