file Jail Diversion

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County of Santa Clara

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June 13, 1997

TO: James T. Beall, Jr., Chair, District 4
Pete McHugh, Chair, Public Safety and Justice Committee, District 3

FROM: Richard Wittenberg, County Executive R. W.

SUBJECT: Mental Health Court Funding (Budget Letter #7)

I am in receipt of your request to consider the concept of a mental health court. It is the recommendation of Administration that a task force of criminal justice and mental health representatives be convened to quantify the impact the mentally ill have on the criminal justice system, to identify what existing resources may be utilized to address the needs of the mentally ill in the criminal justice system, particularly the Courts, and to determine whether additional staffing resources and/or mental health services are needed to serve this population.

As you know, there are new efforts underway at this time which divert the mentally ill from jail and which expedite the release of non-violent inmates who are not considered harmful to the community or themselves. Both of these programs, the Mobile Mental Health Team and the Superior Court mental health calendar, have been up and running for fewer than four months and their brief experience is the only data we have on which to base any decision-making.

The Mobile Mental Health Team is working with the San Jose Police Department, the Sheriff's Department, San Jose State University Police and other local law enforcement agencies to assist officers in responding to calls involving the mentally ill. The Team is also working with other criminal justice agencies to identify ways to divert the mentally ill from being incarcerated and linking them with supportive services. As recently as last week the following efforts were noted.

- Most misdemeanors are already cited and released. Of those that are mentally ill, some are identified by Jail Crisis staff and linked to their mental health service team. However, support services are needed to see the client arrives in court and obtains legal representation.
- A pilot project is underway to address the mentally ill arrested on "nuisance" misdemeanor charges. Eligible individuals are screened by Jail Crisis staff and work with Pretrial Services to be cleared for early release or, if necessary, sent to Emergency

Psychiatric Services on a WI 5150 hold. If known to Mental Health, the service team is notified. The cases total approximately 2 per month.

- Persons arrested on warrants of $5,000 or less, and who are not a danger to the community, may be released by Pretrial Services.
- Persons arrested on other misdemeanors or felonies are usually held, at least to the arraignment. If identified as a mental health patient, the service team will be notified, who in turn will consult with Custody Health staff to see that proper treatment is provided and explore options for release. To date, all identified cases have been released.

In addition to this effort, Superior Court began experimenting with an early resolution calendar in April for clients who are mentally impaired. The intent of the effort is to intervene and find treatment resources for non-violent felons. The Court has seen an average of 3 to 4 cases a month. Existing staff resources are being utilized from the Courts, the District Attorney's Office and the Public Defender's Office.

There are outstanding requests for additional resources from two criminal justice agencies. The District Attorney is requesting funding for an attorney who would be trained as a mental health specialist. As proposed, this position would review misdemeanor cases involving the mentally ill, for the purpose of diverting defendants from the criminal justice system to mental health treatment.

The Public Defender is recommending funding for an attorney and a senior paralegal to staff the Municipal Court calendar and identify cases involving mentally ill misdemeanants and felons. According to the Public Defender, he can manage Superior Court cases with existing staff resources.

While the requests made by the District Attorney and the Public Defender are not without merit, it is the recommendation of Administration there is still much to learn before we design and cost-out a solution. For example, we need to understand how many mentally ill clients are involved in the criminal justice system. Superior Court is seeing 3 to 4 persons a month. Eligibility standards need to be identified to determine who qualifies as a mentally ill person. Affected departments need to come to agreement on how they will work together to best serve these clients. Also, we know there is a shortage of mental health services. However, it is necessary to collect data on the mental health acuity of clients in the system to determine what services they need.

If formed, the goal of the task force would be report to the Board in November on the impact the mentally ill are having on the criminal justice system and proposed solutions for diverting them from jail, with a goal of linking them to mental health services, where appropriate.

cc: Board of Supervisors
Honorable Robert Foley, Superior Court
Soleng Tom, M.D., Mental Health Department
Jose Villarreal, Public Defender
George Kennedy, District Attorney
John Cavalli, Probation Department & Department of Correction
Susan Chavez, Pretrial Services