



CRIMINAL DIVISION
The Superior Court
LOS ANGELES, CALIFORNIA 90012

Mental Health Services Oversight & Accountability Commission
MHSOAC
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Superior Court of California County of Los Angeles

Overview of the Mental Health Courthouse of the Los Angeles Superior Court

The Mental Health courthouse provides a wide variety of services to people with mental illness and developmental disabilities. It is the only courthouse in the State of California that exclusively handles these issues. There are currently three courtrooms.

Housing all case types related to mentally ill people in one courthouse allows the attorneys and judicial officers to become subject matter specialists regarding issues that are often complicated, challenging, and require knowledge of the system and services that are available in the community for the treatment of people with mental illness or developmental disabilities.

Department 95

- **Competency proceedings** for all misdemeanor defendants and all felony defendants prior to the preliminary hearing, including competency determinations and placement decisions. In 2015, 3,504 new competency cases were referred to Department 95 for resolution, and over 5,000 new competency cases are anticipated during 2016. Four psychiatrists are on site daily to evaluate defendants' competence to stand trial. This often allows the Court to make a same-day determination of competency.
- **Mentally Disordered Offender** commitment petitions, including court trials.
- **Not guilty by reason of insanity extension** requests, including court trials.

Department 95A

- **LPS conservatorship** proceedings, including jury trials, placement issues, "do not resuscitate" petitions, rehearings, and medical petitions. In 2015, Department 95A adjudicated approximately 5,770 petitions for the appointment or reappointment of a conservator for mentally ill individuals.

Department 95B

- **Competency proceedings** subsequent to placement determinations, including status of transportation to state hospitals and developmental centers, progress reports, change of placements, and referrals for conservatorship investigations for individuals deemed not likely to be restored to competency.

- **Writs on involuntary psychiatric hospital holds** filed by those certified as gravely disabled, a danger to self, and/or a danger to others as a result of a mental illness, including medication capacity appeals. Hearings typically include testimony by a treating psychiatrist and the patient.
- **WIC 6500 petitions** regarding commitment of developmentally disabled individuals who are dangerous to themselves or others, from arraignment through trial.
- **“Murphy conservatorships”** committing those who have not regained competency within the period allowed by law (up to three years) and are dangerous.
- **Sexually Violent Predator** matters from arraignment, through probable cause hearing, motions, up to the point where the cases are ready to be sent out for trial.
- **Restoration of firearms rights** petitions filed by individuals who were previously involuntarily committed as a danger to themselves and/or others, including hearings on these petitions.
- **Electroconvulsive therapy hearings** in which hospitals seek permission to perform ECT.

Community Collaborative Courts

Criminal courts across the country are struggling to deal with the challenge of increasing numbers of defendants from the most vulnerable sectors of our society entering the criminal justice system. Issues like mental health, homelessness and veterans charged with crimes are being dealt with by judicial officers every day.

Effective immediately, the Los Angeles Superior Court is taking a new step in handling these challenging cases with the establishment of four Community Collaborative Courts. The CCC's are designed around a collaborative team approach including the Los Angeles Superior Court, the Los Angeles County District Attorney's Office (DA), Los Angeles County Public Defender's Office (PD), Los Angeles County Alternate Public Defender's Office (APD), the Los Angeles County Sheriff's Department and the Los Angeles County Probation Department. Other affiliated agencies will include the Los Angeles County Department of Mental Health (DMH), Los Angeles County Department of Public Health (DPH), Los Angeles Office of Military and Veterans Affairs and other designated service providers.

The Community Collaborative Courts (CCC's) are designed to be a multidisciplinary and resource intensive response to cases involving some of the most vulnerable populations involved in the criminal justice system. This includes veterans, chronically homeless, the mentally ill, those suffering from substance use disorders, and victims of sex trafficking and transitional at risk youth. The CCC model is not designed to replace the alternative sentencing court models that are currently operational such as Drug Court, Sentenced Offender Drug Court (SODC), Co-Occurring Disorders Court (CODC), Second Chance Women's Reentry Court and Veterans Court. The CCC model is actually designed to incorporate and enhance these model courts and approaches.

Initially, the CCC's will be located in the following courthouses: Long Beach presided over by Judge Marcelita Haynes; Compton presided over by Judge Karen Ackerson Gaufer; Van Nuys presided over by Judge Gregory Dohi and Foltz presided over by Judge Michael Tynan. The CCC model will not be limited to these four districts. The project is designed to provide inter-district service. If a qualifying case is identified in a district that does not have a CCC, the case can be transferred to the CCC according to a predetermined matrix.

Once a case is referred to the CCC, an assessment will commence by the assigned Probation Officer and appropriate agencies including DMH and DPH. These assessments are designed to be completed in approximately two weeks. Upon receiving the assessment, identifying the proposed level of care and a proposed treatment placement or sentencing plan, the CCC team will work to fashion an appropriate disposition for the case. To continue in the case, the

defendant will plead guilty or no contest and the case will be managed in the CCC. If the defendant successfully completes probation, he or she will be eligible for probation to be terminated, a PC 1203.4 dismissal or other result as contemplated by the initial plea agreement. If the defendant does not successfully complete the probationary term, he or she will be subject to a sentence as determined by the Court after a probation violation hearing or sentenced as contemplated or described by the plea.

These courts will be supervised out of the Offices of the Supervising Judge and Assistant Supervising Judges of the Criminal Division for policy and procedural issues. A standing CCC Executive Committee will regularly meet regarding the ongoing development of the CCC model.

All of the judicial officers in the Criminal Division are critical partners in the success of the Community Collaborative Courts. The identification and referral of appropriate cases to the CCC's is critical to the success of this new project.

Cases can and should be identified at any point after entering the criminal justice system. As the program develops, training will be conducted within the Court and with Justice Partner agencies to facilitate the identification of potential CCC cases early in the process, including at filing. Cases can be transferred from out of district to the CCC at any time after the preliminary hearing. Cases within the district can be transferred to the CCC upon the agreement of all parties at any time, including before the preliminary hearing.

The specifics of the CCC case criteria are as follows:

Eligible Cases:

Cases eligible for referral to CCC courts involve defendants with issues in one of the identified populations (veterans, homeless, mentally ill, substance use disorders, victims of sex trafficking and transitional at risk youth) who are charged with non-violent, non-serious felonies or felony probation violations in cases involving non-violent, non-serious felonies.

Cases excluded from the CCC program include those cases with:

1. A charged strike offense or prior strike conviction.
2. Charged sales, transportation for sales or possession for sales offenses. However, if all parties agree, low level controlled substance sales, transportation or possession for sales charges are eligible for referral to the CCC where there is clear evidence that the sales activity is driven by a history of substance abuse and/or addiction. For the District Attorney's Office, referral under these circumstances requires Head Deputy District Attorney approval.

3. A defendant with an excessively violent record.
4. A defendant who is an active gang member.
5. A defendant who is a registered sex offender.
6. Prior felony arson convictions.

Exception Protocol

The Los Angeles County District Attorney's Office will maintain an exception protocol to consider cases for inclusion in the CCC courts that might otherwise be excluded. This protocol requires approval from the appropriate Head Deputy District Attorney and Bureau Director.

Intake

Cases can and should be identified as soon as possible after entering the criminal justice system. However, appropriate cases will be accepted into the CCC even after conviction. As the program develops, training will be conducted within the Court and with our Justice Partner agencies to facilitate the identification of potential CCC cases early in the process, including pre-filing.

Process for Case Referral and Case Management:

Cases from outlying districts can be referred to the CCC at any time post-preliminary hearing or with appropriate preliminary hearing waivers. Cases within the CCC's District can be transferred at any time with the consent of all justice partners (Court, District Attorney, Public Defender, Alternate Public Defender or Defense Counsel), even before preliminary hearing.

Charged serious and/or violent offenses shall not be dismissed absent the agreement of all justice partners through the DA approval process, and, if approved, shall be dismissed only at the time of sentencing. Once in the CCC, the CCC justice partners shall agree that the case is eligible and agree to a proposed disposition or upon objection of any CCC justice partner, the case shall be sent back to the originating court.

If the case is referred from a district other than the home CCC district, the Defendant shall enter a plea to an agreed upon disposition before the case is transferred to the CCC. This plea shall include an *Arbuckle* waiver. The case shall then be referred to the CCC for handling as described below. Once transferred from another district, the case shall be handled either through the pre-transfer plea agreement or in the CCC process described below.

Once accepted in the CCC, the case shall be referred to the assigned CCC Deputy Probation Officer to commence an initial assessment. This initial assessment may involve partner agency representatives including, but not limited to, the Department of Mental Health, Department of Public Health and the Los Angeles County Department of Military and Veteran Affairs, who will assist in identifying the appropriate level of care and treatment plan.

The case shall be brought back to the CCC for results of the assessment in a timely manner, normally two weeks. Probation and the partner agency representative(s) will provide a written assessment and proposed level of care and treatment plan to the justice partners. During this period, Probation and involved justice partners will meet and confer to determine appropriate disposition and case management strategies for the individual cases.

STATEMENTS

The primary purpose of this program is treatment. Therefore, any statements made by a defendant participating in the program, made in connection with treatment, shall not be used against him or her in any subsequent adversarial proceeding. However, spontaneous statements made by the defendant in open court, which refer to unrelated felonious criminal activity which are not related to the defendant's participation in the CCC program, may be admissible in other criminal proceedings and such admissibility shall be determined in an evidentiary hearing according to the Rules of Evidence.

URINE RESULTS

Urinalysis results will only be used to assist the Court and the parties in evaluating the defendant's progress. The results will only be used to determine if the defendant is progressing satisfactorily, to determine if the treatment plan needs modifying, or as an aid in determining whether the individual should be terminated or graduated from the program. Therefore, urinalysis results should not be used as evidence of a new crime or in any other manner not consistent with the goals of the CCC program.

If an appropriate disposition can be reached between the parties, the defendant will enter a plea and be sentenced according to the disposition. Victims will be provided an opportunity to be heard prior to any sentence being imposed and victim restitution will be ordered and enforced through the CCC. These dispositions will typically involve 3 – 5 years of formal probation, a treatment and services plan including 90 day period in the Central Jail Treatment Program, residential placement and treatment, sober living with outpatient treatment and/or community based after care and services. The CCCs will be modeled after the Drug Court intensive court supervision model including graduated incentives, sanctions and

frequency of court supervision that will accompany successes and violations in the treatment program.

If the defendant successfully completes the program and treatment as provided for in the disposition and probation period, the defendant shall be entitled to dismissal, reduction to a misdemeanor and/or 1203.4 PC relief as contemplated in the original disposition. If the defendant fails to complete the program or violates probation, a Probation and Sentencing Hearing and/or Probation Violation Hearing shall be conducted and the defendant shall be sentenced accordingly.

The CCC concept is built upon a fundamental pillar of collaboration. It is hoped that this collaboration will include all of our justice partners, service providers, city, county and state government stakeholders, key community members and the judicial officers of the Los Angeles Superior Court. We look forward to working with all of you.

JRB/SMG - Revised 01-27-16

Community Collaborative Courts Quick Reference Guide

Collaborative Community Courts	Drug Court	Sentenced Offender Drug Court (SODC)	Co-Occurring Disorders Court (CODC)**
Eligible Charges	<p>Pre-guilty plea: Drug possession offenses (H&S 11350, 11377, 11364, 11365, or 11550)</p> <p>Post-guilty plea: Prop. 36 and DEJ fall-offs; Theft related offenses with no evidence of organized criminal activity and minimal financial loss: (PC 459 2nd, 666, 487, 496, 484 and VC 10851)</p>	<ul style="list-style-type: none"> -Plead guilty to a non-serious or non-violent felony or admit a felony probation violation -Have a history of drug abuse and addiction -Exhibit a sincere desire to get clean and sober and -Have received an indicated state prison sentence 	<p>Track I: Prop. 36 eligible</p> <p>Track II: Plead guilty to low level, non-violent felony or misdemeanor or admit probation violation; Prop. 36 fall-offs</p>
Requirements of Program—could entail any combination on the right	<ul style="list-style-type: none"> -9 to 12 month outpatient intensive treatment program -Residential program available if needed -Post-guilty plea and Prop. 36 fall-offs: Deft. must spend first 45 days in county jail treatment pod 	<ul style="list-style-type: none"> -Waive <i>Arbuckle</i> & transfer to CJC Dept. 42 -Mandatory 104 days in county jail treatment pod as part of highly-structured 12 to 15 month program -Women transition to residential after county jail treatment pod -Men transition to sober living and outpatient after county jail treatment pod -Mandatory 5 years probation (termination possible after 2.5 years) 	<ul style="list-style-type: none"> -Waive <i>Arbuckle</i> & transfer to CCC -First 90 days at AVRC; then Project 180 provides treatment (including medication evaluation), housing, benefits establishment and education/vocational assistance -Next 3 to 6 months in structured supervised sober living with intensive outpatient treatment at Project 180 -12 to 18 month treatment program
Successful completion	<ul style="list-style-type: none"> -Pre-guilty plea: PC 1000.4 dismissal -Post-guilty plea: PC 1203.4 dismissal -Failure = case prosecution 	<ul style="list-style-type: none"> -PC 1203.4 dismissal available after 2.5 years -Failure = P&S 	<ul style="list-style-type: none"> -Track I: PC 1210 dismissal -Track II: PC 1203.4 dismissal -Failure = P&S
Exclusions	<ul style="list-style-type: none"> -No prior sales or strike convictions -Pre-guilty plea, Prop. 36 & DEJ fall-offs: No prior violent misd. convictions (unless agreed upon) -Post-guilty plea: Prior violent misd. convictions permitted w/HDDA approval -No grand theft firearm, crimes against elder or dependent adults, and any crimes charged with PC 186.11 or 12022.6 enhancements are not included as eligible theft related offenses -No active gang members 	<ul style="list-style-type: none"> -No charged sales or p/f/s offenses* -No charged strike offenses or crimes involving violence or the use of weapons <i>Program Requirements:</i> -No prior strike convictions -Certain medical or psychological diagnoses may prevent participation -Must be able to do treatment pod -No active gang members -Exception protocol*** 	<ul style="list-style-type: none"> -No charged sales, transportation, p/f/s or strike offenses; Exceptions protocol*** -No prior strike convictions (unless Prop. 36 eligible) <i>Program Requirements:</i> -Must be 26 to 59 years of age -No active parolees/ No AB109/ PRCS -No Regional Center involvement -Must reside in DMH Service Areas 4 or 6 (downtown, Compton or W. Hollywood) or be homeless or risk of homelessness

* If all parties agree, current low level sales, transportation, or p/f/s narcotics charges are eligible where there is clear evidence that sales activity is driven by a documented history of addiction with HDDA approval.

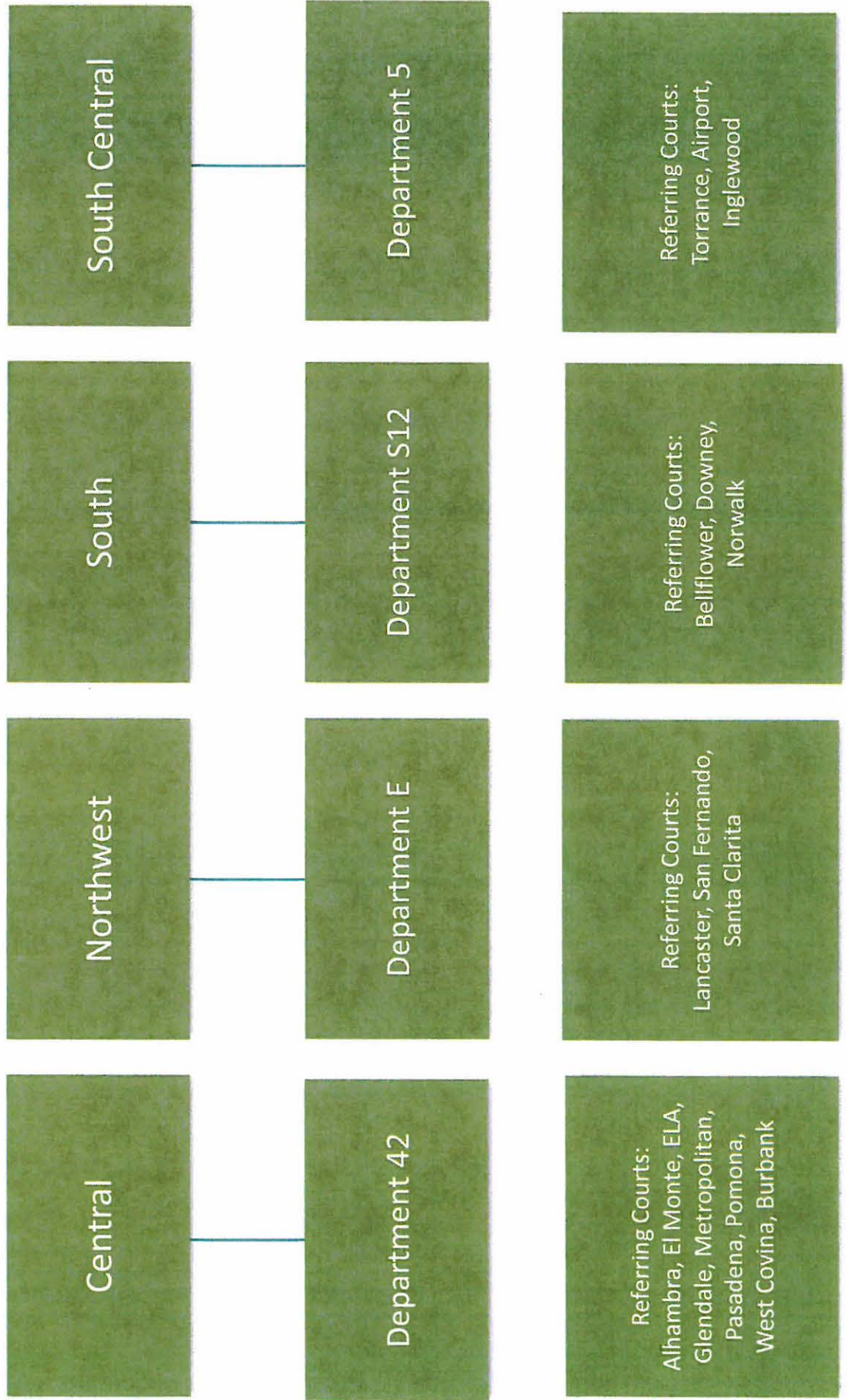
**Defendant with a severe Axis I mental illness and substance abuse disorder; Severe mental illness includes mood disorders (bipolar/major depression, anxiety, PTSD, etc), schizophrenia and related psychotic disorders; If a diagnosis is not clear, DMH will evaluate defendant.

Collaborative Community Courts	Second Chance Women's Re-Entry Court	Veterans Court	Collaborative Community Courts
Eligible Charges	<ul style="list-style-type: none"> -Plead guilty to non-violent, non-serious felony or admit felony probation violation -PC 459 1st degree charged or prior offenses are eligible if non-violent -Found amenable to treatment by Prototypes 	<ul style="list-style-type: none"> -Plead guilty to non-violent, non-serious felony -Entitled to veteran's benefits -Suffer from the following disorders which stem from their military service: sexual trauma, TBI, PTSD, substance abuse, or mental health problems 	<ul style="list-style-type: none"> -Plead guilty to non-violent, non-serious felony or admit felony probation violation
Requirements of Program—could entail any combination on the right	<ul style="list-style-type: none"> -Waive <i>Arbuckle</i> & transfer CCC -3 years formal probation -Minimum of 6 months of residential and 6 months outpatient treatment followed by aftercare -Applicants remain in jail until bed available and are transported directly to the treatment facility 	<ul style="list-style-type: none"> -Waive <i>Arbuckle</i> & transfer to CCC -3 to 5 years probation -DVA recommends residential or outpatient treatment 	<ul style="list-style-type: none"> -Waive <i>Arbuckle</i> & transfer to CCC for final eligibility & suitability determination -3-5 years formal probation -Treatment plan determined by CCC Team with graduated treatment including: 90 day CJ treatment pod; residential; sober living w/ outpatient; community aftercare
Successful completion	<ul style="list-style-type: none"> -PC 1203.4 upon successful completion of probation -Failure = P & S 	<ul style="list-style-type: none"> -PC 1203.4 upon successful completion of probation -Failure = P & S 	<ul style="list-style-type: none"> -PC 1203.4 upon successful completion of probation -Failure = P & S
Exclusions	<ul style="list-style-type: none"> -No charged strike offenses or prior strike convictions -Charged or prior PC 459 1st okay if no violence -No excessively violent record -No prior child physical abuse convictions -Exception protocol*** 	<ul style="list-style-type: none"> -No prior strike convictions -No registered sex offenders or felony arson convictions - Vets should be screened for SODC, CODC & Vets Court -Exception protocol*** 	<ul style="list-style-type: none"> -No charged strike offenses or prior strike convictions -No charged sales, t/f/s or p/f/s offenses* -No excessively violent record -No active gang members -No registered sex offenders -No prior felony arson convictions -Exception protocol***

***Exceptions on eligibility for SODC, CODC, WRC and Vet. Ct. require the approval of the HDDA and Bureau Director.

**** Limited spaces for women with children under the age of 18. The children must be able to participate in services but cannot live at the program if they are over the age of 11.

Community Collaborative Courts Matrix Rev. 09/21/16



Office of Diversion and Reentry Pilot Project

The Los Angeles County Office of Diversion and Reentry (ODR) has been tasked with using newly allocated resources to assist with obtaining appropriate treatment and to assist in the case management of mentally ill defendants housed in the Los Angeles County Jail system. The Court in partnership with the Office of Diversion and Reentry and our other justice partners is starting a new program to be piloted in Department 123 CJC.

The resources allocated to ODR included 300 beds (200 ICMS and 100 FSP).

ICMS provides high quality case management to clients eligible for permanent housing through Housing for Health (HFH). ICMS provides a client-centered approach and provide excellent customer service that is sensitive to the challenges that homeless persons with a range of medical and behavioral health issues face as they move into and maintain permanent supportive housing. ICMS also employs a “whatever it takes approach” to assist clients in their transition from homelessness to permanent housing.

ICMS forms the core of the services provided to clients in permanent supportive housing. The clients served by the Contractor will be DHS patients who are homeless and who have a chronic illness or physical disability or are a high utilizer of DHS services. ICMS shall be designed to assist homeless clients with achieving and maintaining health, mental health, and housing stability. The intensive case manager shall serve as the central point of contact for the referred client through which care and services are coordinated.

Intensive case managers will assist individuals at every stage of the housing stabilization process. ICMS services shall be flexible to meet the individual needs of clients and the intensity of services shall be regularly monitored and adjusted based on each client’s level of functioning and acuity of needs. Case management services may range from highly intensive individualized support as clients transition from homelessness to permanent housing to less intense support for activities related to maintaining housing and supportive services.

ICMS shall include, but is not limited to, the following authorized activities: outreach and engagement; intake and assessment; service planning; housing and rental assistance; linkages to health, mental health, substance use disorder services and other supportive services; ongoing monitoring and follow-up; assistance with benefits establishment, transportation, and legal issues; crisis management; eviction prevention; client education; housing location services; coordination and collaboration with HFH partners; etc.

Adult Full Service Partnership (FSP) programs are designed for adults ages 26-59 who have been diagnosed with a severe mental illness and would benefit from an intensive service program. The foundation of Full Service Partnerships is doing “whatever it takes” to help individuals on their path to recovery and wellness. Full Service Partnerships embrace client driven services and supports with each client choosing services based on individual needs. Unique to FSP programs are a low staff to client ratio, a 24/7 crisis availability and a team approach that is a partnership between mental health staff and consumers.

Adult FSP programs assist with housing, employment and education in addition to providing mental health services and integrated treatment for individuals who have a co-occurring mental health and substance abuse disorder. Services can be provided to individuals in their homes, the community and other locations. Peer and caregiver support groups are available. Embedded in Full Service Partnerships is a commitment to deliver services in ways that are culturally and linguistically competent and appropriate.

In this new pilot project, medical staff from ODR, working in conjunction with the Los Angeles will identify Central District defendants suffering from mental health issues who would be eligible and medically best served in a FSP or ICMS placement. Referral will be made to the Judicial Assistant of Department 123. Pursuant to LASC Rule 8.2, the matter will be transferred to Department 123 for a program suitability hearing. If accepted into the program, the case will be adjudicated in Department 123, if rejected, the matter will return to the home court for further proceedings.

As this program progresses, we look forward to expanding resources to the CCC's.