



**Department of State Hospitals
Pre-Trial Felony Mental Health Diversion
New County Partnerships
Fiscal Year 2021-22**



Agenda

1. DSH Diversion Background

- Program Goals
- DSH IST History and Characteristics of the Felony IST Population
- Review of Pre-Trial Mental Health Diversion Statutory Language

2. DSH Diversion Expansion

- Overview of expansion – New Counties
- How to Apply





DSH Diversion Program Background





DSH Diversion Program Goals

- Demonstrate effective strategies and community-based programs that can support the diversion of ISTs and/or individuals at risk of an IST finding on a felony charge from incarceration
- Reduce felony IST referrals to DSH
- Integrate individuals into long term community treatment after diversion to reverse cycle of criminalization





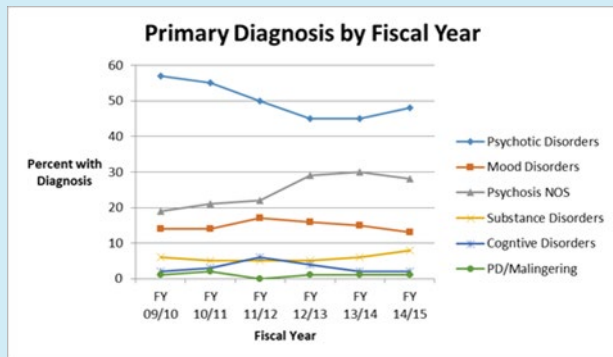
Department of State Hospitals IST History

- Increased IST Referrals & Pending Placements since 2013-14
- Increased number of ISTs served
 - Increased Bed Capacity since 2012-13
 - Reduced Average Lengths of Stay
 - Patient Management Unit
 - Legislative Changes
- COVID-19 Pandemic
 - System changes to prevent COVID-19 outbreaks

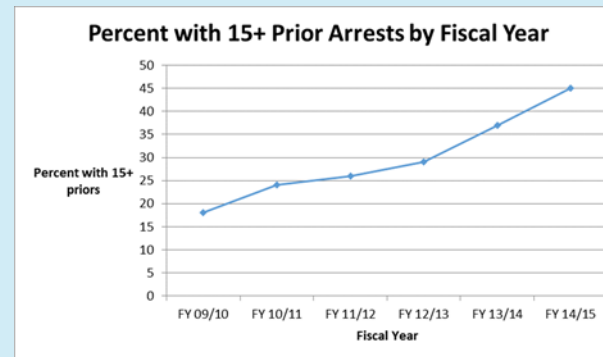


Clinical Characteristics: Felony ISTs

Schizophrenia, Schizoaffective Disorder, Bipolar Disorder (Napa Study)



History of Arrests (Napa Study)



47% of ISTs did not access Medi-Cal benefits in the 6-month period leading up to their arrest (Napa Study)

65.5% of ISTs are Homeless (FY 2018-19)

Initial review of ISTs pending placement to DSH in FY 2020-21 found **47% meet eligibility criteria for DSH Diversion**





Overview of Diversion Law

Diversion of
Individuals with
Serious Mental
Disorders

PC 1001.35 –

PC 1001.36

DSH
Diversion
Program WIC
4361





Diversions of Individuals with Mental Disorders (PC 1001.35-1001.36)

- Creates pre-trial diversion for individuals with DSM dx charged with felony or misdemeanor
 - Excludes: antisocial personality disorder, borderline personality disorder, and pedophilia
- Mental disorder played a significant role in the commission of the charged offense
- Qualified mental health expert opines the defendant's symptoms motivating the criminal behavior would respond to mental health treatment



Diversion of Individuals with Mental Disorders (PC 1001.35-1001.36) – Cont.

- Allows the court to grant diversion if a mental health treatment program agrees to accept responsibility for the treatment of the defendant
- Diversion period is up to 2 years
- Charges are dismissed upon successful completion of the diversion program



DSH Diversion Program (WIC 4361)

- State-funded pre-trial diversion for individuals with a felony charge
- Primary diagnosis of schizophrenia, schizoaffective disorder, or bipolar disorder
- Correlation between symptoms of mental illness and/or conditions of homelessness and the instant offense
- Does not pose a significant safety risk if treated in the community



PC 1001.36 vs. WIC 4361

Diversion of Individuals with Mental Disorders	DSH Diversion Program
Penal Code 1001.35 – 1001.36	Welfare and Institutions Code 4361
Felony and Misdemeanors, <i>excluding</i> current charged offenses including murder, voluntary manslaughter, rape, and lewd and lascivious acts with a child under the age of 14	IST on felony charges or potential to be found IST on felony charges <i>excluding</i> current charged offenses including murder, voluntary manslaughter, rape, and lewd and lascivious acts with a child under the age of 14
DM Diagnosis, excluding antisocial personality disorder, borderline personality disorder, and pedophilia	Schizophrenia, Schizoaffective Disorder, or Bipolar Disorder





DSH Diversion Expansion





Diversion: New County Program Details

- Program open to all counties not currently contracted with DSH
- Funding for 3-year pilot programs
- County Population = 20-30% of average referrals from FY 2017-18 through FY 2019-20
- Funding = \$142,000 per client
- County match of 10-20% required
- IST or Likely-to-be-IST on a felony charge
- Diagnosis of schizophrenia, schizoaffective disorder, bipolar disorder
- Nexus between crime and mental illness or conditions of homelessness
- Defendant does not pose unreasonable risk to community





Diversions: New County vs. Existing County Expansions

Program Requirement	Existing County FY 18-19 Funding	New County FY 21-22 Funding	Existing County FY 21-22 Funding
Legal Status	IST or Likely-to-be-IST	IST or Likely-to-be-IST	IST
Diagnosis	Schizophrenia, Schizoaffective Disorder, Bipolar Disorder	Schizophrenia, Schizoaffective Disorder, Bipolar Disorder	Any allowed under PC 1001.36
County Match	Yes	Yes	No
Nexus	Yes	Yes	Yes
Reasonably Safe	Yes	Yes	Yes





How to Apply

1. Submit Letter of Intent to DSH by **September 17, 2021**

- Identify members of core collaborative stakeholder group: County Behavioral Health (or other designated county treatment organization), County Superior Court, District Attorney, and Public Defender (if applicable). Counties may include other core stakeholders to participate in program planning.
- Identify anticipated program size – 20%, 30%, less than 20%
- Identify areas of Training and Technical Assistance your county needs to be successful in this program

The week following September 17, county will receive:

- Program Planning Guide and Program Plan Template
- Diversion Contract Template
- Master Data Dictionary for DSH Quarterly Data Reports
- Copies of current Department Letters
- Invitations to the DSH Diversion Academy





How to Apply cont.

2. Attend the virtual DSH Diversion Academy

- Training and Technical Assistance with Dr. Deb Pinals, Dr. Sarah Desmarais, the Council of State Governments Justice Center and DSH
- Five four-hour sessions of training and direct assistance completing the required Program Plan Template
 - Day 1: Wednesday, September 29 from 1:00-5:00 pm
 - Day 2: Monday, October 11 from 1:00-5:00 pm
 - Day 3: Wednesday, October 13 from 1:00-5:00 pm
 - Day 4: Monday, November 1 from 1:00-5:00 pm
 - Day 5: Wednesday, November 3 1:00-5:00 pm
- Core stakeholder group members or alternates required to attend; other county stakeholders welcome to attend





How to Apply cont.

3. Virtual One-on-One Coaching and TA

- Two optional 60-minute direct coaching/TA sessions with the Council of State Governments Justice Center and DSH staff available to each participating county
- Sessions will be scheduled during the following weeks:
 - October 17 – 29
 - November 14 and November 29 (skips Thanksgiving holiday week)
- Sessions focused on assisting counties with working through obstacles to completing program plan





How to Apply cont.

4. Submission

- Completed Program Plan due **Friday, December 17, 2021**
 - Program plan must be approved and signed by core stakeholder group members identified in LOI
- County review of Diversion Contract Template due **Friday, December 17, 2021**
 - Any questions, concerns or requested edits to the contract must be included in tracked changes



What Happens Next

- Winter 2022
 - DSH Diversion Team review and approval of submitted plan
- Winter-Spring 2022
 - Contract negotiation and execution





Thank you!

Questions? Email us at DSHDiversion@dsh.ca.gov

For more information, resources and to access the Letter of Intent, visit our webpage:

www.dsh.ca.gov/Treatment/DSH_Diversion_Program.html

