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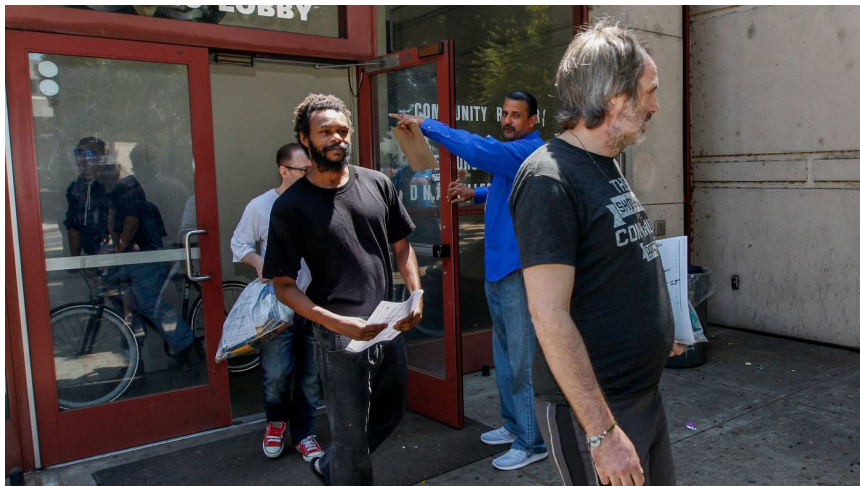
2018-02-02T08:05:00Z

latimes.com

By [Jazmine Ulloa](#)

Feb 02, 2018 12:05 AM

Sacramento



California's mentally ill inmate population keeps growing. And state money isn't enough to meet needs, lawmaker says

Gov. Jerry Brown has earmarked \$117 million in his [new state budget](#) to expand the number of treatment beds and mental health programs for more than 800 mentally ill inmates found incompetent to stand trial.

State officials said they have struggled to keep up with the needs of a population that has jumped in size by 33% over the last three years, as judges are increasingly referring defendants to treatment. But one state lawmaker says additional funds are

not enough.

Legislators, he said, need to update the laws used by judges to evaluate the mental health of people charged with crimes. And he has proposed his own legislation to keep mentally ill offenders out of the criminal justice system.

"It seems to me that the courts, the behavioral health people, law enforcement, social work — everybody should get together and try to solve that problem," Sen. Jim Beall (D-San Jose) said at a recent budget committee hearing. "Because it's like a bottomless pit if we don't reform."

Under California law, a judge can find a person charged with a crime incompetent to stand trial if they have a mental disorder or developmental disability that prevents them from understanding court proceedings or helping their lawyer with their defense. Depending on the severity of the alleged crime, defendants are supposed to be moved to a state hospital, a community mental health facility or a special jail unit to receive treatment for 180 days before undergoing another court evaluation.

Felony defendants can repeat that legal process for up to three years, misdemeanor inmates up to one. Inmates who do not improve can be placed under the care of a guardian or organization and some are confined in mental health facilities, but most are released back on the streets without resources to address their chronic conditions.

Beall argues the legal process fails to reflect advances in psychiatric and medical treatment. Defendants are committed to treatment for up to three years, when it can take only months or even weeks to determine whether medication will diminish the symptoms of mental illness and allow defendants to stand trial, according to Laura Arnold of the California Public Defenders Assn.

"The competency system is broken," Arnold said. "The main reason, I believe, is that the three-year maximum term of commitment hasn't been revisited since 1974."

As of December, 840 inmates in county jails were awaiting space in state hospitals or other treatment facilities. Most had a major psychotic or mood disorder and multiple arrests, according to state data. Nearly half had been homeless and did not have access to California's healthcare system for the poor, Medi-Cal, in the six months before their arrest.

If the Legislature approves the governor's budget, the state funds earmarked by Brown would help counties create or expand mental health programs that divert inmates away from jail and into treatment in their communities.

Most of the money would go to the 15 California counties with the largest populations of felony offenders found incompetent to stand trial. The highest number is in [Los Angeles County](#), where the state plans to spend at least \$15 million in the next year to treat up to 150 patients in community facilities.

Mental health experts said they hope the funds will encourage counties to divert mentally ill offenders away from the criminal justice system before they are charged with a crime or are found incompetent to stand trial.

Anne Hadreas, supervising attorney with Disability Rights of California, said the state doesn't have to overhaul competency laws to cut the state hospital waiting lists if officials rethink how services are provided for defendants.

"Do we start trying to provide them before someone gets arrested?" she said. "Do we start trying to provide them in lieu of going to jail at all?"

Beall has been thinking the same thing. A [bill he introduced](#) this legislative session would allow judges to place mentally ill defendants in pretrial diversion programs for up to two years in lieu of prosecution. A [similar proposal](#) from Beall was shelved last year amid fiscal concerns.

Beall says he hopes his new legislation has a better chance of passing.

"People tend to slide backward when people are in the jail and the prisons," he said. "It creates worse and more expensive problems."

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