

Mental Health Diversion – A Call to Action

Laura Arnold, JD

Erin Ferma, PhD; Honorable Stephen Manley; Lieutenant David Petrocelli

Track: Legal

CE: CPA/BBS/BRN, MLCE (1.5)

POST TBD

Narrative

For decades, California has struggled to manage the ever-growing population of individuals with severe mental illnesses, many of whom, for various reasons, appear to be stuck in a revolving-door criminal justice system. Warehousing of these men and women in jails, state hospitals, and prisons has proven to be prohibitively expensive and unproductive in terms of reducing recidivism and protecting the public. State sponsored incentives for local governments to create infrastructures for community-based treatment of the mentally ill have had limited success. What was needed is a driving force, a game-changer, and it is here, in the form of mental health diversion of criminal defendants. But the work has only just begun. A panel of experienced criminal justice practitioners will explain the new law, describe the role of forensic and clinical mental health professionals in this brave new world, and address some of the challenges faced and solutions being contemplated statewide in implementing a system of community-based, public-safety-oriented, long-term care for California's mentally ill population.

BIO

Laura Arnold, JD

Lead Attorney, Writs & Appeals Unit, Riverside County Public Defender's Office

Hailing from Cleveland, Ohio, Laura has made Southern California her home since 1995. She is currently the lead attorney for the Writs & Appeals Unit for the Riverside County Public Defender, after a twenty-year career with the San Diego County Public Defender's Office. Laura presents regularly on issues of substantive criminal law and procedure for the California Public Defender's Association and for local bar associations, and over the past two years has expanded her speaking responsibilities outside of California, presenting on the use of evidence-based practices in negotiating just outcomes for clients accused of sexual and violent crimes and discussing strategies for trying and winning (or at least hanging) serious sex crimes cases. Last year, Laura presented for FMHAC on the subject of Juvenile Transfer ("Fitness") hearings. Laura sits on the Board of the California Public Defender's Association and chairs the Mental Health Civil Commitment Committee and the Juvenile Defense Committee. Since 2016, she has served the California Judicial Council as an appointee to the Council's Criminal Law and Appellate Law Advisory Committees.

Erin Ferma, PhD**Clinical Psychologist, Forensic Psych Consultants**

Erin is a clinical and forensic psychologist in San Diego, California. In her 12 years of practice, she has developed a specialty area in both trauma and sexual offending, and provides psychological evaluations to both attorneys and the courts throughout the State of California in an effort to answer psycho legal questions that frequently arise in criminal cases. Erin also provides trainings to various organizations on mental health related topics and has more recently become interested in utilizing her expertise via consultation as it pertains to public policy.

Honorable Stephen Manley**Superior Court Judge, Santa Clara County**

Honorable Stephen Manley is a Superior Court Judge in Santa Clara County and has served as a judge for over 30 years. He presently serves as the Supervising Judge of all felony and misdemeanor mental health and drug cases in the Criminal Division of the court. He developed and personally presides over a number of Treatment Court programs and calendars that include more than 2,000 offenders who participate in treatment and rehabilitation services while in diversion, probation, parole, are mentally ill, mentally challenged, and substance abusers. He established one of the first Mental Health Courts in the nation in 1998, one of the first Veterans Treatment Courts in 2012, as well as the first Parolee Reentry Court in California. By appointment of the Chief Justice, he serves as a member of the California Council on Criminal Justice and Behavioral Health that advises the Governor and Legislature on policy issues relating to the mentally ill, and he is Chair of the Mental Health Committee of the Advisory Committee to the Judicial Council. He served on, and authored recommendation for the Judicial Council Mental Health Task Force. He recently served as the Co- Chair and a member of the Board of Supervisors of his County for the Jail Diversion and Custody Operations Task Force. He has also served on the faculty of the California Judicial College and speaks throughout the Country. In 2008, he received the Chief Justice's Award for Exemplary Service and Leadership. In 2012, he received the Leadership in Justice for Children and Families Award from Chief Justice Tani Cantil-Sakauye, in June 2013, the Jacob K. Javits National Public Service Award from the American Psychiatric Association for his commitment to reducing stigma and improving the lives of persons with mental illness in the justice system, and in 2017, the Justice for Veterans highest honor. He is a graduate of Stanford Law School.

Dave Petrocelli**Lieutenant, Century Regional Detention Center**

Dave has been involved in the improvement of Jail Mental Health programs for the last 20 years. He has worked to develop close working relationships between custodial staff, mental health and medical professionals in order to promote a more holistic approach to the care and treatment for those persons within the Los Angeles County jail system. David would like to move the great majority of the jail mental health population to facilities and organizations outside of the jail system where they can receive appropriate treatment and rehabilitation outside of a custodial setting.

Learning Objectives

1. Analyze the impact of mental health diversion for mental health professionals and attorneys associated with the criminal justice system, either in a forensic or treatment capacity.
2. Describe the function of mental health professionals and attorneys, both in terms of identifying eligible candidates for diversion and in formulating effective and feasible individualized plans for treatment.