



Psychiatry & Behavioral Science Section - 2015

II1 Mental Health Services Within California's Prison Realignment Act (Assembly Bill 109): Challenges and Recommendations

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After attending this presentation, attendees will be familiar with: (1) the legal background that led to the development of California's Assembly Bill (AB) 109, implemented October 2011; (2) the mental health services provided under AB109 in Los Angeles County; and, (3) the potential challenges faced by AB109 probationers in terms of accessing mental health treatment in Los Angeles County.

This presentation will impact the forensic science community by raising awareness of the barriers to accessing mental health services under AB109 and by identifying potential solutions to improving access and thereby decreasing recidivism.

AB109, commonly referred to as "realignment," came as a result of two major class action lawsuits in California: *Coleman v. Brown* in 1990 and *Plata v. Brown* in 2001, in which the United States Supreme Court ruled that inadequate medical and mental healthcare in California state prisons was a violation of inmates' eighth amendment rights protecting them from cruel and unusual punishment. These deficiencies were attributed to state prison overcrowding and the United States Supreme Court ordered California to reduce the number of its prison inmates by 33,000 within two years. The state of California responded by enacting new legislation, AB109, which overall resulted in the transfer of responsibility of low-level offenders from the state to local counties. AB109 resulted in three major changes in the California criminal justice system: (1) individuals convicted of non-serious, non-violent, non-sexual crimes now serve time in county jail rather than state prison, even if the sentence length is longer than one year, as long as they do not have any prior serious or violent convictions; (2) parole violators are sent to county jail rather than to state prison; and, (3) if the most recent offense was non-serious, non-violent, and non-sexual, then the offender released from state prison is placed on county probation (post-release community supervision) rather than state parole, regardless of prior convictions, which may be serious, violent, and/or sexual.

AB109 legislation has major implications for mentally ill probationers. It is estimated that nearly 30% of California prison inmates suffer from mental illness, and the recidivism rate is higher among offenders with mental illness, as compared to those without mental illness. Since the passage of AB109, more than 18,000 former state prisoners are now under Los Angeles County probation supervision, and approximately 8,000 are in Los Angeles County's Department of Mental Health database because of a history of mental illness. It should be noted that AB109 does not mandate that counties provide re-entry programs that offer rehabilitation; also, the allocation of funding to rehabilitation is left to the discretion of each individual county. Given the high prevalence of mental illness in California prisons, the question becomes whether local counties will be able to adequately fund rehabilitation programs to meet the needs of this at-risk, mentally ill offender population. AB109 could potentially be part of the solution to decreasing the "revolving door" of recidivism; however, this will depend on post-release mental health services and accessibility.

This presentation will include case examples that illustrate some of the challenges faced by AB109 probationers in terms of accessing mental health treatment. The presentation will include information obtained from individual semi-structured interviews with mentally ill patients on AB109 probation, regarding their mental health history, legal history, post-release mental health treatment course, and outcomes. Information from interviews with staff at a Los Angeles mental health treatment program for AB109 probationers will also be presented to demonstrate the perspective of treatment providers on the challenges and facilitators to providing mental health services to this population. In order to conduct the study, approval was obtained by the University of Southern California Institutional Review Board. Finally, recommendations will be made for ways to potentially improve the delivery of mental health services to this unique population.

Realignment, Assembly Bill 109, Mental Health