



I21 When Crime and Illness Overlap: California's New Mental Health Diversion Plan, Assembly Bill 1810

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Learning Overview: After attending this presentation, attendees will be familiar with: (1) recently enacted California Assembly Bill (AB) 1810 that implements Mental Health Diversion; (2) the primary purpose of this legislation concerning the disproportionate representation of persons with mental illness in jail; (3) evidence and opinions for and against AB 1810; and (4) suggested recommendations for community mental health professionals working with this specific population.

Impact on the Forensic Science Community: This presentation will impact the forensic science community in several ways. It will expand clinicians' knowledge and interpretation about a relatively new California mental health diversion law. In addition, this presentation will discuss existing programs designed to treat those individuals who qualify under this new law and identify the need that will arise for the development of treatment programs across a continuum of community care.

Assembly Bill 1810, also known as "Mental Health Diversion," was implemented in June 2018. This bill was in response to a bed space shortage at the California Department of State Hospitals (DSH) and jail overcrowding due to the growing population of persons with mental illness. The DSH shortage was attributed to an increasing population of those found "Incompetent to Stand Trial (IST);" namely, there was a 60% increase from 2013 to 2018 of individuals deemed IST and sent to state hospitals. Moreover, it was estimated that from 2010 to 2017, there was an 86% increase in the number of inmates in the Los Angeles County jail system with mental health problems.

Although AB 1810 promotes three major changes, it also incorporates a broader perspective: (1) increased diversion of individuals with mental disorders to mitigate their entry and reentry into the criminal justice system while protecting public safety; (2) allows counties discretion and flexibility in the development and implementation of diversion for individuals with mental disorders; and (3) provides diversion for this population across a continuum of care settings that addresses their unique mental health treatment and support needs.¹

Proponents of the bill cite that about one-third of inmates in California's jails suffer from serious mental illness.² They highlight that prior to AB 1810, California criminal courts had limited options to rehabilitate persons with mental illness charged with felonies.² This bill allows the court to order mental health treatment, counseling, and medication adherence for those whose mental illness played a role in the alleged misdemeanor or felony offense. However, certain criminal charges preclude an individual from consideration under this bill; that is, murder, manslaughter, rape, and other sex offenses.

Opponents of the bill express a number of concerns focused primarily on unclear and vague operational details. The roles and collaboration between courts, law enforcement, and community mental health treatment providers are not well defined. Further, counties may not be required to create or pay for new treatment facilities or programs, thus relying on pre-existing resources in community-based mental health treatment.² Care will potentially default to community psychiatric facilities and providers who may not be trained or willing to work with this unique forensic population.

This presentation will not only discuss AB 1810 but will also highlight its impact on those with mental illness who are charged with crimes, community mental health systems, the criminal justice system, and the public. Recommendations will be discussed for ways to deliver the necessary mental health services and structure for this unique population.

Reference(s):

1. California Assembly Bill 1810, 2017-2018, Regular Session (California 2018), https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1810.
2. California Assembly Floor Third Reading Analysis, California Senate Bill 215 (California, August 2018), [file:///Users/torrimontgomery/Downloads/201720180SB215_Assembly%20Floor%20Analysis_%20\(8\).pdf](file:///Users/torrimontgomery/Downloads/201720180SB215_Assembly%20Floor%20Analysis_%20(8).pdf).

AB 1810, Diversion, Felony