

Forensic Project

Guidebook and Resource Directory

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Forensic Project Guidebook

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I. Remarks from the Executive Director, Dexter A. Henderson

South Central Los Angeles Regional Center is dedicated to developing new and innovative programs to meet the unique needs of our consumers. The Forensic Project was initiated as a direct response to the needs of an increasing number of regional center consumers who became involved with the criminal justice system. Prior to receiving funding from the California State Council on Developmental Disabilities to initiate the *Forensic Project*, SCLARC identified the need for a staff liaison to assist individuals with developmental disabilities who had been arrested and detained in a county jail facility. In 1979, with funding support from DDS, the position of Adult Liaison was created and a staff person was co-located at Los Angeles County Men's Central Jail. The Adult Liaison identifies and assists consumers from all seven regional centers in Los Angeles County.

Our experience with the Adult Liaison increased our awareness of the complexity of problems faced by consumers who are judicially involved. The *Forensic Project* was designed to address each of the requirements mandated in the Welfare and Institutions Code 4640.6 – “*Requirements for Regional Centers to Advocate for Regional Center Consumers Who Are Arrested*”. Each project component has yielded many benefits. The Multi-Agency Advisory Board (MAAB) members have learned a great deal about the participating organizations' missions, values, services, and legal and geographical boundaries. This knowledge has formed the basis for improved communication, more appropriate referrals, and written protocols for information sharing and interagency collaboration. The Forensic Assessment Team (FAT) has documented the need for additional resources for judicially involved consumers with special needs such as, substance abuse problems, sex offenders and those needing developmental center services.

We were especially fortunate to attract extremely qualified and dedicated staff and consultants. The members of the Forensic Assessment Team (FAT) bring a wealth of knowledge and experience related to the provision of assessments and treatment of culturally diverse consumers. They also bring knowledge of community resources and the appropriateness for the varied needs of judicially involved consumers. The other Los Angeles-based regional centers assisted through their participation on the MAAB, hosting training sessions and pooling their knowledge and access to specialized resources.

I would like to take this opportunity to thank the California State Council on Developmental Disabilities for funding the project. I am deeply appreciative of the ongoing support and encouragement of Mr. Cliff Allenby, Director of California Department of Developmental Services (DDS) as well as Mr. Curtis Rogers, DDS Special Projects, who served as the first project coordinator. Also, a special thanks to Ms. Carolyn Jackson, former SCLARC Clinical Services Director, who wrote the initial proposals that funded the Project for the first two years. Ms. Jackson recruited the initial members of the Forensic Assessment Team and Multi-Agency Advisory Board. Joseph Tillman, Ph.D. the present project coordinator, has provided invaluable

leadership and vision for the project. Finally, and most importantly, my deepest regards to all of the individuals who served as project staff, consultants, members of the Forensic Assessment Team (FAT) and Multi-Agency Advisory Board (MAAB) who participated in the development, implementation and evaluation of the *Forensic Project*. Your efforts have been noteworthy under trying times, but you are indeed pioneers in the arena of providing service to judicially involved consumers of the regional center.

SCLARC is committed to the continuation and long-term viability of the Forensic Project. To that end, we are seeking funding from public and private sources to continue the core elements of this project.

Dexter A. Henderson, Executive Director,
South Central Los Angeles Regional Center

II. Preface

South Central Los Angeles Regional Center for Persons with Developmental Disabilities, Inc. (SCLARC) began implementing the “*Services for Dually Diagnosed Judicially Involved Consumers Project in 1997, (aka, The Forensic Project)*”, with funding from the California State Council on Developmental Disabilities, Cycle XX Program Development Fund. Funding ended in 2002. During the five years, the Project became a significant resource for service coordinators (case managers) who work for the seven Los Angeles County Regional Centers.

The *Guidebook*, funded by the Department of Developmental Services, is designed to share the *Forensic Project* story with the rest of California and other interested parties, including: elected officials at the federal, state and county levels; law enforcement organizations; prosecutors; judges; public defenders; probation and parole agencies; child protective services and mental health agencies.

The four components that comprise the *Forensic Project* include:

- The Multi-Agency Advisory Board (MAAB)
- Adult and Juvenile Liaison
- Forensic Assessment Team (FAT) and
- Training

Each of these components compliments and interacts in a dynamic fashion. All of the components of this model can be adapted and replicated in any community. The *Guidebook* identifies critical collaborative partners that are essential for the development of your own model and consistent with the needs and structure of your own community. For example, all counties have a district attorney office, public defender or some structure to provide legal representation for the poor, law enforcement, provision of mental health services and a county probation department. Collaboration with these systems and other critical providers can be the basis of a Multi-Agency Advisory Board. Such a Board can assist a regional center with improving lines of communication and facilitating collaboration.

The *Guidebook* also describes the models utilized by Valley Mountain and Kern Regional Centers. These models have been very successful and provide alternative methods of meeting the needs of judicially involved persons with developmental disabilities.

All four components of the SCLARC model are described in the *Guidebook*, along with a resource guide that may be helpful to service coordinators. The resources identified in the document are primarily Los Angeles based; however, these listings serve as examples of the types of institutions and resources the reader might identify and access in their own communities. Some of the larger bureaucratic organizations mentioned are found in all counties in the State, and some listings of statewide agencies are included.

I would like to thank Mr. Dexter Henderson, SCLARC Executive Director, who endorsed the original vision for the *Forensic Project* and continues to support the Project beyond grant funding. Your continued commitment is deeply appreciated.

The success of any endeavor is dependent upon the efforts of those carrying out various tasks. Words at times can't fully convey the appreciation I feel for the staff and consultants that have made this program a success. They are dedicated to the vision that judicially involved consumers deserve quality service. Consultants have played a pivotal role in the functioning of the forensic program. Doctors Richard Koch, Miles Uychoco and Bruce Williams have been members of the program since its inception. Their insight during the Forensic Team Assessment process has contributed to the quality recommendations, which have been generated. I have learned a lot from their professional insight and the project has been made better by their presence.

Jeremy Trimble, doctoral student at California School of Professional Psychology worked diligently in formulating the resource directory for this document. Van Bell contributed greatly to our knowledge and understanding of how the California Department of Corrections operates. Philip Shorts also played an important role in the success of the program. Without his liaison efforts inside Men's Central Jail, the program would not have progressed.

Despite the complexity and size of the criminal justice system in Los Angeles County, there are only two additional full time staff members who have maintained the overall operation of the program. Randy Faveau has been instrumental in developing vital links in the juvenile probation and dependency systems in Los Angeles County. His efforts have lessened the possibility of a regional center consumer entering into one of these systems and not being identified. Officers do not run military operations, sergeants manage the daily tasks. Cinthia Torres has functioned as the program's Drill Sergeant, ensuring that I am where I need to be and provided monitoring of the overall operation. I am deeply indebted to all of you for your caring and dedication.

This guidebook functions like a roadmap. The central purpose of the document is to provide the reader with a sense of direction as to how to interface with the criminal justice system when a consumer has been arrested. Strategies discussed will aid staff in their efforts to provide services to the detained consumer.

Joseph Tillman, Ph.D.
Forensic Project Coordinator

III. Executive Summary

Role of Regional Centers for Persons with Developmental Disabilities

In 1969, the Lanterman Developmental Services Act created the regional center system whereby the State Department of Developmental Services contracts with local community based agencies called regional centers. Regional centers serve as focal points for individuals of all ages with developmental disabilities and their families to receive coordinated services. There are 21 regional centers in California. Each regional center serves a specific geographic area.

To be eligible for regional center services the individual's developmental disability must have occurred before the age of 18 and must be due to mental retardation, cerebral palsy, epilepsy, autism or neurological handicap.

Each regional center establishes collaborative relationships with a network of service providers that can offer services to regional center consumers based on needs identified in each individual's service plan.

A key component of the regional center system is to assist individuals with developmental disabilities to live at the highest standard possible in their own communities. While most people with developmental disabilities benefit greatly from being integrated into their communities, a segment of the population succumbs to the negative influences of their environment. For some, this means becoming involved in the criminal justice system. Involvement may include arrests, trials, convictions, sentencing, incarceration in jails or prisons, probation and parole.

Unique Needs of Persons with Developmental Disabilities who are Judicially Involved

The regional center system has recognized that judicially involved persons with developmental disabilities face unique problems when interfacing with the criminal justice system. These may include the following:

- Initial contact with law enforcement – Persons with mental retardation who become suspects in criminal cases often lack the ability to fully comprehend questions and directions from law enforcement officers. They may lack understanding of the criminal justice system and rights afforded to those arrested, i.e. Miranda warning. They may also attempt to hide their mental retardation, which results in compliant, acquiescent behavior towards law enforcement and those in authority. (Association of Regional Center Agencies Forensic Task Force, "Final Report," January 2002).
- Competence to Stand Trial – Persons with developmental disabilities often stand trial even though they may not be competent to understand the proceedings or to assist in their own defense. (Association of Regional Center Agencies Forensic Task Force, "Final Report," January 2002).

- Incarceration – Defendants with mental retardation are at greater risk of being incarcerated than non-disabled suspects and are more likely to endure less favorable treatment and to suffer abuse (physical and verbal) from other inmates. Probation is less frequently granted to offenders with mental retardation and they have more difficulty adjusting to prison routines (Association of Regional Center Agencies Forensic Task Force, “Final Report,” January 2002).

To address these needs, the Welfare and Institutions Code 4640.6 (c) mandates that all regional centers “have or contract for...criminal justice expertise to assist the regional center in providing services and support to consumers involved in the criminal justice system as a victim, defendant, inmate, or parolee.” The Code stipulates that each regional center provide the following services to assist consumers who are judicially involved:

- a) 24-hour response to law enforcement.
- b) Court representation.
- c) Annual training of all case management staff in provision of services for forensically involved consumers.
- d) Provision of training to local law enforcement and court personnel.
- e) Assistance by an expert or forensic team on staff. Such assistance should include help with writing letters to attorneys and courts to propose legal options and to outline services, which the agency may provide to assist the client.
- f) Coordination with law enforcement agencies to provide services for adjudicated consumers in order to prevent recidivism.

South Central Los Angeles Regional Center

South Central Los Angeles Regional Center for Persons with Developmental Disabilities, Inc. (SCLARC), a private, nonprofit organization, was designated as a Regional Center by the State Department of Developmental Services (DDS) in 1974. The agency serves individuals with developmental disabilities and their families who reside in the Los Angeles County Health Districts served by SCLARC. These include the San Antonio, Compton, Southeast, Southwest, and South Health Districts, including the communities of Downey, Bell Gardens, Florence, Lynwood, Huntington Park, and Cudahy.

SCLARC's mission is:

To provide assessment, advocacy and coordination of case management services to persons with developmental disabilities and to persons who are at risk for developmental disabilities. SCLARC ensures that individuals with developmental disabilities will approximate a pattern of everyday living afforded to others of the same age. SCLARC is committed to the provision of culturally sensitive services which enhance the inherent strengths of the family and enable consumers to lead more independent, productive and normal lives in community integrated settings.

Annually, SCLARC serves 7,800 consumers, 75 percent of whom qualify as low income. Approximately 38 percent of consumers are African American, 60 percent are Latino and 2 percent other.

The Forensic Project at SCLARC

Many of the communities served by SCLARC are characterized by high crime rates. SCLARC consumers are both perpetrators and victims of crime. Statistics from the California Department of Corrections indicate that SCLARC currently has over 200 consumers who are either in prison or on parole. Since 1979, SCLARC has held administrative responsibility for the law enforcement liaison (LEL), which is placed in the Los Angeles County jail and monitors the progress of incarcerated adult consumers for the seven Los Angeles County Regional Centers. The LEL has worked effectively with criminal justice agencies to improve coordination of services.

Based on the judicial involvement of consumers as stated above, SCLARC recognized the need for a more comprehensive approach to addressing the unique needs of consumers with developmental disabilities who become judicially involved. In 1997, SCLARC received a grant funded by the Cycle XX Program Development Fund from the California State Council on Developmental Disabilities to create and administer a multi-dimensional, holistic approach to ensure comprehensive and coordinated services for both juvenile and adult consumers. Although the official title of the grant project is "*Services for Dually Diagnosed Judicially Involved Consumers*", during the course of the administration of the project, it was generally referred to as the "*Forensic Project*". Accordingly, the Project will be referred to throughout this report as the *Forensic Project*." The *Forensic Project* model was designed to directly address the six services mandated by the Welfare and Institutions Code in a comprehensive, consistent and continuous manner.

The Project also focused on preventive intervention for juvenile consumers who have exhibited pre-delinquent behaviors and were considered at high risk for criminal involvement. In addition, since many of the judicially involved consumers were dually diagnosed and had multiple health issues, the Project focused on coordinating and increasing the availability of medical and mental health services.

The goal of the Project was to improve the quality and availability of services for the targeted population and to enhance the knowledge and expertise of professionals within Los Angeles County's developmental disabilities and criminal justice service delivery systems.

The Project was staffed by a project coordinator, project assistant, and, juvenile law enforcement liaison. Although the position was not funded under the grant, the Adult Law Enforcement Liaison worked as a team member with the Project and served on the Forensic Assessment Team. Additionally grant funds paid consulting fees for members of the Forensic Assessment Team (FAT Team). These included: a forensic psychiatrist, educational/behavior specialist, two pediatricians, a forensic psychologist, and a behavioral psychologist. The Project was implemented by SCLARC; however, all seven regional centers in Los Angeles County were invited to sit on the Multi-Disciplinary Advisory Board to utilize the Forensic Assessment Team and to participate in various training sessions.

Components of SCLARC's *Forensic Project Model*

- **The Multi-Agency Advisory Board (MAAB)** is comprised of 20 members who represent agencies that either provides services to regional center consumers post incarceration, or they are involved in the criminal justice system proceedings. **MAAB** members worked together to increase participating organizations' understanding of what each member agency is charged to do; define its role in the criminal justice system; identify barriers that impede appropriate and effective treatment of persons with developmental disabilities by the criminal justice system; and develop strategies and protocols to improve inter-organizational collaboration.
- **Adult and Juvenile Liaisons** provide on-site assistance to adults and juveniles who have been arrested and serve as links between the consumer and the regional center. The adult liaison is housed at the Los Angeles Men's Central Jail. When he is informed that a regional center consumer has been incarcerated, he provides information to the Sheriff's Department regarding the limitations of the consumer. The Juvenile Liaison performs similar functions on behalf of juveniles. He identifies and coordinates services for juveniles who are developmentally disabled and/or dually diagnosed that are at-risk for delinquent behavior. The juvenile liaison works closely with the Los Angeles County Juvenile Justice System, including Los Angeles County Probation Department, Public Defender's Office, Department of Children and Family Services, Department of Mental Health, and Metropolitan State Hospital in Norwalk.
- **Forensic Assessment Team (FAT)** is a multi-disciplinary body designed to provide assistance to service coordinators when a consumer has been arrested. The FAT Team reviews cases referred by service coordinators, in order to make written recommendations to the appropriate entities in the

criminal justice system, which may include public defenders or private attorneys, prosecutors, or judges. Recommendations may include appropriate placement and treatment before or after the case has been adjudicated.

- **Training** is provided for staff of the seven Los Angeles regional centers and staff of agencies that provide services for the judicially involved regional center consumer. Training for service coordinators focuses on interventions they can utilize when one of their consumers is arrested. Training for criminal justice system members and other service providers is tailored to each particular audience and their specific role in relationship to judicially involved consumers.

Key Forensic Project Outcomes

The *Forensic Project* has yielded the following key results based on SCLARC's internal evaluation of the project:

- Law enforcement officials, i.e. Los Angeles County Sheriff's Department, District Attorney, and Public Defenders, City Los Angeles Police Department (LAPD) and Los Angeles City Attorney make referrals to the Forensic Project and work collaboratively with SCLARC to secure appropriate placements for regional center consumers.
- More than 1,000 regional center, criminal justice system and other service providers received training that increased their understanding of the special issues faced by persons with developmental disabilities who are judicially involved.
- Two-thirds (67%) of the Forensic Assessment Team's recommendations, which have known outcomes, were followed.

IV. Rationale for Intervention with Offender

There are individuals who are developmentally disabled that become entangled in the criminal justice system. The stereotypic perception that if a consumer is mentally retarded, he or she is not capable of committing a crime is now changing. Regional centers, law enforcement agencies, court personnel, generic social service providers and some family members are often presented with the dilemma of how to address, in a humane fashion, the growing problems of judicially involved consumers.

Issues at Arrest and Interrogation

Consumers who are arrested are in a potentially vulnerable situation at the point of contact with law enforcement. In many instances, law enforcement is not aware that a person is mentally retarded and the same interrogation techniques used to question non-disabled persons are utilized on the retarded suspect. Contributing to this situation is the tendency of some consumers to hide their disabilities from law enforcement. Cognitive limitations often prevent the consumer from fully comprehending the Miranda warning, thus it is not surprising that consumers plead guilty to crimes they did not commit, or provide law enforcement with answers the consumer thinks the police want to hear. Fear of law enforcement is another factor, which can influence how a consumer reacts to being questioned by the police. This is especially pertinent in neighborhoods where there exists a strained relationship between the police and the community.

Issues at Incarceration

If law enforcement deems it has enough evidence to arrest the consumer, the person with a developmental disability could possibly face a different type of threat. As such, Los Angeles County Men's Central Jail provides a module for housing consumers with developmental disabilities, instead of placing them in the general population. Incarceration in a city or county jail is stressful for most individuals, and many non-disabled persons who are arrested are at-risk of being abused when they are detained. This situation is considerably more serious for judicially involved consumers, whose vulnerabilities put them at increased risk for physical and psychological abuse. Individuals who have been sentenced to prison tend to have a difficult time adjusting to a prison routine. Failure to comprehend and follow the prison routine contributes to those with disabilities having longer prison terms, which also means a decreased opportunity for parole.

Issues at Release

The saga of developmentally disabled consumers who are judicially involved does not end with probation or parole. Often what transpires when a consumer is released from jail or prison is that he or she has no or few supports (familial and/or social), and they are at considerable risk of violating their terms of probation or parole. Efforts are being made to develop an agreement between the Department of Developmental Services, California Department of Corrections and Bureau of Prison Terms. This agreement will clarify who has responsibility for consumers before their release from prison, and clearly delineate their role as it relates to the provision of services to this population. As a result, the high rate of recidivism for consumers on parole may be significantly reduced.

There remains much to be done concerning judicially involved consumers. Issues such as placement (juvenile and adult), how to address the specific needs of substance abusers and sexual offenders, under utilization of the Diversion Statute, competency training and linking consumers to mental health services are just a few of the challenges the regional center system is faced with concerning this population. It is our hope that *The Guidebook* will be of assistance to service coordinators if they are called upon to provide services to a detained consumer.

V. Stages of Forensic Involvement

Many parts of the criminal justice system have both adult and juvenile components. The discussion of the stages of forensic involvement below looks at both adult and juvenile components of the law enforcement and court systems. Included are services, which should be provided to prevent criminal activity (i.e. proactive activities) and services, which should be provided after a consumer has been arrested, incarcerated, and/or sentenced (i.e. reactive activities).

Direct service and advocacy must be effectively provided at these stages of forensic involvement:

- 1) Prevention
- 2) Point of Arrest
- 3) Deflection
- 4) Jail and Juvenile Halls
- 5) Contact with Attorneys
- 6) Contact with Probation and Parole Officers
- 7) Preparation for Court
- 8) Court and Sentencing
- 9) Residential Placement and Clinical Treatment
- 10) Follow-up with the Court
- 11) Prison & Youth Authority
- 12) Parole

1. Prevention - This includes training of regional center service staff, law enforcement, and court personnel. Training of regional center staff should be conducted at least annually to ensure that new service coordinators are trained in a timely manner and that service coordinators and clinical staff have current information regarding local procedures.

Consumers at high risk for forensic involvement should be identified, and services should be provided to reduce their risk. Loeber (1982) has identified the following childhood risk factors for later criminal activity:

- frequency and variety of childhood behavior problems,
- presence of behavior problems in multiple settings,
- early onset of behavior problems.

Inter-agency coordination efforts also "set the stage" for effective intervention when consumers later become involved with law enforcement. Cross training should take place between regional centers and police, sheriffs (including jail personnel), probation, mental health (specialized workers provide services in jails and courts in some areas), and court personnel (e.g. public defenders, district and city attorneys, and judges). Please refer to Section VIII for reference materials, which may be used for this training.

2. Point of Arrest - Procedures for communication between the regional centers and law enforcement should be written and staff should be trained. Written guidelines should be prepared for both law enforcement and service system staff regarding interaction between the two agencies when a consumer (or suspected consumer) is arrested.

Information for law enforcement should include but not be limited to:

- a description of the regional center's catchment area (especially for metropolitan areas served by more than one regional center);
- a phone number to call for each regional center, the contact person(s) who should be available at different times of the day/night/weekends/ and holidays;
- type of information needed to determine whether the person is a regional center consumer; type of assistance and follow-up that regional centers might provide and who to notify if difficulties are encountered.

Guidelines for regional center staff should include but not be limited to:

- type of information to expect and to ask for from the law enforcement officer requesting identification and assistance;
- the procedures to determine detainment and/or booking of a consumer.

3. Deflection - When appropriate, consumers should be "deflected" from jails by law enforcement and service system staff. Consumers may return to their previous residences or may be placed in crisis facilities on an interim basis. Forensic liaisons or forensic teams should then be notified and should consult with the service coordinator regarding treatment and legal services.
4. Jail - Identification procedures should be outlined, and service coordinators must be notified in a timely manner to begin forensic services. Identification of developmentally disabled inmates may be improved by training jail staff, use of a screening assessment tool, and/or computer matching using the computer databases of the jail and the regional center. Note that information about regional center consumers is confidential--including the fact that a person is a regional center consumer. However, one exception to this confidentiality is contained in Welfare and Institutions Code 4514 (q). That statute states that such information may be shared with "the Youth Authority and Adult Correctional Agency or any component thereof, as necessary to the administration of justice."

Service coordinators should arrange for protective housing within all jails, since persons with mental retardation are at high risk for abuse. One or more staff from the regional center should obtain security clearance for entry into the jail and obtain an identification badge. The jail liaison should visit the jail at least weekly to advocate for regional center consumers in jail and to help identify and refer for eligibility assessment those non-regional center prisoners who appear to have a developmental disability. The liaison should help to coordinate services both within and outside the jail and to coordinate appropriate housing within the jail. Counseling should be provided by the liaison to regional center consumers in jail with respect to in-custody services and future legal involvement.

5. Contact with Attorneys - Service coordinators, in coordination with forensic liaisons or forensic teams, should work diligently to assist defense counsel to advocate for the best possible legal outcomes for defendants. Contact with prosecuting attorneys may also be advantageous, especially at an early stage of the criminal proceeding. Contact with all attorneys, whether public defenders, other defense attorneys, or district or city attorney, should occur as soon as possible after arrest. If a public defender has not been assigned, the public defender's office should be asked to assign an attorney. Planning with the attorney for regional center involvement in the court deliberations may then commence, so that the court is made aware at an early stage of the proceedings of the defendant's developmental disability, the impact of the disability on culpability (if any), and how regional center services may play a role in preventing recidivism.
6. Contact with Probation and Parole Officers - These law enforcement personnel often advise the court regarding sentencing and are often involved after sentencing. Regional center service system staff must work together to obtain good results. It is particularly important to contact them at an early stage of the court or parole proceedings to contribute to terms of probation (upon release from jail) and conditions of parole (upon release from prison).
7. Preparation for Court - In addition to contact with attorneys, preparing correspondence and court reports, service coordinators may be required to advocate for diversion, probation, and competency placement.
8. Court and Sentencing - Service coordinators, sometimes accompanied by forensic liaisons or others, must appear in court to help convince the court that the service system will remain involved in carrying out sentencing recommendations. This often will help convince the court that a more restrictive sentence (e.g. prison) is not necessary. Residential placement should be in the least restrictive setting commensurate with public safety and effective treatment should be provided to reduce the chance of recidivism. The following sentencing options (in order from least to most restrictive) should be considered:
 - Dismissal - If it appears that the consumer did commit a crime, this may not be the most advantageous outcome, since the regional center's ability

to prevent recidivism may be impaired if there are no court-ordered terms with which the consumer must comply (e.g. residential placement away from the neighborhood in which the crime was committed, increased supervision arrangements).

- Diversion - P.C. 1001.20 says that defendants who are regional center consumers may be diverted from the court process to a treatment and habilitation program to be carried out by the regional center. Diversion is only available for misdemeanors and felonies, which are reduced to misdemeanors. Diversion may be requested at any stage of the criminal proceeding. If it is a “dual agency” diversion, the regional center and the probation department administer the plan approved by the court jointly. If a defendant fails to meet the terms of diversion and cooperate with the proposed treatment plan, he or she may be required to stand trial for the original offense, or the court may modify the terms of diversion. Progress reports are normally required to be written to the court (along with the probation department if it is a dual agency diversion) every six months. If terms of diversion are successfully met over the period of diversion (no longer than two years), the court will dismiss the charges, and the arrest record is canceled.
- Competency placement - If a defendant is found by the court not competent to stand trial, criminal proceedings are suspended until the defendant becomes competent, and the person must be placed in an appropriate living arrangement approved by the regional center director. Such placement may be with or without competency training. Placement may be ordered in a state hospital, developmental center, or community residence during the three-year period of court jurisdiction. Progress reports are required to be written to the court every six months. If the person receives training and is found competent by the court at any time up to the end of the three-year period, the consumer may be ordered back to trial for the offense. If the person remains not competent at the end of the three-year period, the court may dismiss the case, or a civil commitment to a developmental center may be ordered due to assessment of continuing danger to self or others (WIC 6500).
- Probation - Note that probation is an option if the person is convicted of the offense. However, for juveniles, probation may be as non-restrictive as diversion. If probation is completed satisfactorily, the charge will be dismissed and there will not be an adult criminal record because of the conviction. As with diversion and competency placement, terms are ordered by the court and must be followed to avoid revocation of probation and re-incarceration. It is often a good idea to ask the court to order face-to-face contact with the probation officer in order to reinforce the seriousness of the consequences if terms of probation are not followed. A probation officer is directly assigned to follow the person in formal

probation. Summary probation does not require close monitoring and supervision of the person.

- Jail sentence - A person may be convicted of a misdemeanor crime and sentenced up to one year in county jail. If the person has already served time in jail while awaiting trial, he or she may be credited with that time toward the length of the sentence. The person may be released from jail when the term has been served on probation. It is important for the service coordinator to work with the probation officer to carry out advance planning so that residential and other arrangements are made before the person leaves jail. The service coordinator should also consult with the probation officer regarding the terms of probation, since these court-ordered terms may help to identify needed services so that the consumer does not re-offend.
 - Sentence to a state hospital or developmental center - If the defendant has a diagnosed mental health disorder, he or she may be sentenced to a state hospital. Sentencing may also be to a developmental center. Usually the route to the developmental center is through P.C. 1370.1, a finding of not competent to stand trial. A civil commitment (WIC 6500) may also be made if the person is found to be dangerous to self or others. Normally the competency placement is reviewed every six months for continuation or termination and the civil commitment must be reviewed annually.
 - Sentence to prison - Someone who is convicted of a felony may be sentenced to prison and the sentence is generally for more than one year. However, as with jail sentencing, the actual time served is subject to many factors, so that periodic checks of the actual release date should be made to assist with planning for post-incarceration services. The person may be released on parole. Advanced planning with the assigned parole officer is then needed. Please refer to section 12 below.
9. Residential Placement and Clinical Treatment - Residential placement, degree, and type of supervision needed are critical to reducing recidivism. Specialized treatment services should be available, particularly for drug and sex offenders. These may include in-patient or residential treatment. The restrictiveness of diversion, competency placement, probation, and parole depends in large part on the terms or conditions, which the court mandates as part of the sentence. In many cases, the court may have the option of placement in the pre-offense residence or to a more restrictive placement such as developmental center, state hospital, or regional center-vendored residential placement with or without special restrictive supervision requirements. Sometimes relatively close supervision may be recommended and then ordered by the court, so that the person's freedom to move about the community may be limited, thereby lessening the chance that he or she will become

involved in further criminal activity such as theft, sexual behavior directed toward minors, etc. However, when the person has demonstrated compliance with such restrictions, it may be possible to have the court approve lesser restrictions, so that the person learns that increased freedom may be linked to increases in responsible behavior. Please refer to the Resource Guide for providers of some specialized treatment services (e.g. drug counseling and testing, sex therapy, mental health counseling).

10. Follow-up With the Court - Consumers are often ordered to appear in court after they are sentenced or while awaiting a court outcome. Service systems must ensure that consumers do appear on time in order to avoid bench warrants and poor court outcomes. Progress reports are often required to be sent to the court every six months. Other follow-up actions may be required.

11. Prison & Youth Authority

- a) Adults - When consumers are sentenced to prison, their cases should not be inactivated by the regional center service system. Instead, a tickler system should be used to alert service coordinators and forensic liaisons when contacts with prison officials should take place. When consumers are imprisoned, direct contact should be made with the prison counselor to ensure that dates for parole hearings and/or release are known. Since those dates often change, communication should continue to ensure timely notifications. Service systems should have input regarding parole, especially to ensure that prison and parole officials are aware of service system services which will be available upon the consumer's release.

The ADA (Americans with Disabilities Act) coordinator in each prison is the central figure for contact and exchange of information regarding prisoners with developmental disabilities. Each prisoner is also assigned a correctional counselor. Contact information for each prison is provided in the Resource Guide. Service coordinators should be aware that when criminal defendants are found guilty and sentenced to prison, they first go to one of the nine "Reception Centers," where they remain for approximately 90 days while they are processed and evaluated. A determination is then made regarding the prison to which to send them. For Los Angeles County, the two reception centers are North Kern State Prison and Wasco State Prison. Prisoners who are identified, in accordance with the *Clark v. California* consent decree, to be developmentally disabled are then sent to one of 13 prisons (of the 33 prisons in the entire prison system) that has programs to house and habilitate prisoners with developmental disabilities. Prisoners are often transferred among prisons; therefore, it is important to maintain contact with the ADA coordinator to be cognizant of the consumer's whereabouts.

b) Juveniles-The California Youth Authority's (CYA) mission, as described in Section 1700 of the *Welfare and Institutions Code*, is to protect the public from criminal activity. The law mandates the CYA to:

1. Provide a range of training and treatment services for youthful offenders committed by the courts;
2. Help local justice system agencies with their efforts to combat crime and delinquency;
3. Encourage the development of state and local crime and delinquency prevention programs.

Operating eleven institutions and four camps, CYA offers a number of housing options and programs to meet the varied needs of the youthful offender population the CYA serves. Following a period of clinical assessment and evaluation, offenders are assigned to a permanent program based on individual needs for training, treatment and education. In addition to the diagnostic program, each of the male reception centers has an Intensive Treatment Program for emotionally disturbed offenders. Female offenders are housed at the Ventura Youth Correctional Facility, which also serves as the reception site for all females. Several institutions stress remedial and academic education. College-level course work is available for qualified, selected offenders. Other institutional programs are focused on vocational training, work experience, and the development of employment skills.

12. Parole

Approximately 4 to 6 six months prior to the scheduled release date, planning should begin in earnest, in coordination with parole, to secure housing and to have services in place when the prisoner is released, in order to maximize the chances for successful reentry into society and to prevent criminal recidivism. Thus, contact with the ADA coordinator (or his or her designee) should occur 4 to 6 months before the scheduled released date.

The ADA coordinator will send information about the prisoner to the local (normally, area of last legal residence) parole office (Regional Reentry Unit), where a Parole Field Office is identified. Then a parole officer is assigned; that person is called the Agent of Record (AOR). The AOR should contact the regional center to begin coordinating services and to identify resources. It is important that contact is made and a service coordinator's input be given to the AOR regarding recommended conditions of parole. If the service coordinator has not heard from the AOR 3 months before the scheduled release date, he or she should attempt to identify and contact the AOR by calling the Regional Reentry Unit (Los Angeles office is identified in Resource Guide).

Additional information about the consumer may be obtained from the ADA coordinator in order to help determine what services may be needed for the consumer upon his/her

release from prison. Parole may have some resources, such as drug testing and mental health services, which may be utilized. In Los Angeles County, the case may be staffed with the Forensic Assessment Team (FAT) to facilitate recommendations for services and conditions of parole. The AOR must submit proposed conditions of parole to the prison staff and the regional center, 60 days prior to the scheduled release date. As with terms of diversion and probation, it may be important that the court mandate cooperation between parole and regional center services, in order to help ensure compliance with needed services and to prevent recidivism.

The parolee must report to his/her Parole Field Unit on the first working day after release. Assistance in transportation from the prison, which may be many miles away from the last legal residence, to the field office may be provided by parole. The service coordinator should arrange to see the parolee/consumer at the new residence within 6 to 10 days of arrival at the new residence; it may also be a good idea to arrange to meet the consumer at the Field Office for the initial contact between the consumer and the AOR.

A new Individual Program Plan should be written and should include services needed to address the consumer's legal involvement, within 30 days of arrival at the new residence. If the consumer is placed in a residential facility, Supported Living Services or Independent Living Services, parole violation reporting requirements should be made clear to that vendor. Reporting by the vendor and/or by the service coordinator to the AOR should be immediate for any parole violations, which involve the consumer being missing, or having missed a treatment appointment. Other violations must be reported by the next working day.

The service coordinator should work with the AOR if there is a parole violation. There is a wide range of options, which the AOR and the parole department have when a violation occurs. The service coordinator should be kept informed and should contribute to decision-making regarding consequences for parole violations. The service coordinator should participate in any parole revocation hearing; this will require ensuring that the service coordinator is listed on the hearing list as well as receive timely advance notification of the date and time of the hearing. The service coordinator should help to ensure that a lawyer is assigned for the hearing, since that does not necessarily happen automatically.

If the consumer's parole is revoked, efforts should be made to ensure that his or her developmental disability is clearly communicated to the staff at the prison Reception Center to assist in timely processing to avoid improper placement and treatment.

VI. THE SCLARC MODEL

There are four components, which comprise the SCLARC model:

- Adult and Juvenile Liaisons,
- Forensic Assessment Team (FAT),
- Multi-Agency Advisory Board (MAAB)
- Training for Regional Center staff, Criminal Justice Personnel and Other Service Providers

Each of these segments compliments the entire model. What makes the SCLARC model unique is how each segment of the model addresses the needs of a judicially involved consumer from the perspective of individual needs and from a policy direction. For example, FAT is driven by the fact that a consumer has been incarcerated and is possibly facing additional jail or prison time. The recommendations offered are based on the unique situation of an incarcerated consumer, and interventions and actions that should be taken to lessen the individual's involvement in the criminal justice system. The Multi Agency Advisory Board identifies gaps in services and resources; makes recommendations for policy alterations; and, facilitates inter-agency collaboration and planning for new and expanded resources.

1. Multi-Agency Advisory Board

The Multi-Agency Advisory Board is comprised of 20 members who represent agencies that either provides services to regional center consumers post incarceration, or they are involved in the criminal justice proceedings. The types of organizations that have participated include:

- Criminal Justice System: Los Angeles County - Sheriff's Department, Probation Department, Public Defender's Office, District Attorney's Office, Superior Court, Los Angeles Police Department, California Department of Corrections – Parole and California Youth Authority.
- Related Service Providers: Los Angeles County Departments of Mental Health and Children and Family Services, Los Angeles County Office of Education and Los Angeles Unified School District.
- Regional Centers: Westside, Eastern Los Angeles, Harbor, North Los Angeles, San Gabriel/Pomona, and South Central.

The organizations that participate on the board are committed to providing direction to the program and enhancing collaboration between systems. Poor and, in some instances, nonexistent collaboration has created a situation wherein some consumers who become entangled in the criminal justice system endure longer stretches of incarceration than inmates who are not developmentally disabled. The social service arena is changing at an ever-increasing rate, and it is impossible for any one individual to keep abreast of the constant policy and service shifts. MAAB meetings are held on a quarterly basis. Issues discussed concern gaps in services and specific problems the

developmentally disabled face when they encounter the criminal justice system. By disseminating information back to their place of employment, collaboration and changes in a given system can be fostered.

2. Adult and Juvenile Liaison

The SCLARC model encompasses two liaisons. Both liaisons provide services to consumers who become involved in the criminal justice system. The adult liaison is the link between the consumer and regional center, when there has been an arrest. Similar services are rendered by the juvenile liaison. When a juvenile is detained in a detention center the juvenile liaison is able to determine the charge and which detention center the juvenile is located.

2A. Adult Liaison

Relationship to Jail and Sheriff's Department

The role of the adult liaison is critical to the provision of services to consumers who have been arrested. The adult liaison is housed at Los Angeles County Men's Central Jail. When a consumer is arrested, and if the adult liaison is informed of the incarceration, he is able to provide information to the Sheriff's Department regarding the limitations of the consumer. If a particular consumer requires special care because of a medical or psychiatric condition, the liaison informs the deputies of the inmate's needs. (A description of how the adult liaison interfaces with the Sheriff's Department is included under "Stages of Forensic Involvement – Jail"). The adult liaison's interfacing with the seven regional centers in Los Angeles County is critical in reducing the possibility of harm to a consumer while he or she is incarcerated. Fortunately, there is a module for inmates with developmental disabilities located within Men's Central Jail. Male consumers can be placed in this module away from the general population, where they are at greater risk of being harmed by higher functioning inmates.

Relationship to the Service Coordinator

There is a dynamic relationship between a service coordinator and the adult liaison. If the liaison has knowledge that a consumer has been arrested and the service coordinator is not aware of the situation, the liaison will contact the service coordinator and inform them of the charges, bail (if it applies), next court date and where in the jail system the inmate is housed. It is equally important that when a service coordinator has knowledge of the arrest and detaining of a consumer that such information be passed on to the liaison. If this information is not shared with the liaison, then the consumer will likely be placed in general population.

Women inmates are housed at Twin Towers Correctional Facility. It is very important for a service coordinator to keep the liaison aware of a detained female consumer. It is more problematic for the liaison to coordinate services in Twin Towers, given his location at Men's Central Jail; therefore, the service coordinator must take a proactive

role in making the liaison aware of the incarceration status of female consumers, in order for appropriate services to be rendered.

2B. Juvenile Liaison

The juvenile liaison serves as the juvenile counterpart to the adult liaison. The juvenile liaison's responsibilities include identifying and coordinating services for developmentally disabled and/or dually diagnosed juveniles who are judicially involved or at-risk for delinquent behavior in Los Angeles County. Currently, the juvenile liaison is working with the Los Angeles County Juvenile Justice System, which includes L.A. County Public Defender's Office, and L.A. County Probation, which administers Central, Los Padrinos and Barry J. Nidorf (Sylmar) Juvenile Halls. The juvenile liaison also interfaces with other organizations outside of the juvenile justice system, including Department of Children and Family Services (DCFS), MacLaren Children's Center, Los Angeles County Department of Mental Health and Metropolitan State Hospital in Norwalk.

Identification of Potential Consumers and Referral for Regional Center Eligibility

A number of juveniles in juvenile detention facilities or institutions administered by child protective service agencies have not been identified as having developmental disabilities and may not be enrolled in the regional center system. Part of the juvenile liaison's job is to work with these systems to identify juveniles who may qualify for regional center services and to refer them for an eligibility determination.

Steps in the Process of Referral for Regional Center Eligibility

The referral process begins with an initial review of potential consumers by the juvenile liaison from a variety of referral sources. The information requested by the juvenile liaison typically includes a psychological, neuropsychological, psycho-educational, or psychiatric evaluation; an Individual Education Plan; and other current information on the minor, such as where is he/she currently located; parent's/guardian's/caregiver's name, address and telephone number; probation/parole status; ward of the court status. The juvenile liaison reviews the information and, when possible, conducts a personal interview with the juvenile. The juvenile liaison then checks the current regional center status of referred juveniles through the statewide regional center system database. If the juvenile is registered with a regional center, the statewide database indicates which regional center he or she is affiliated, as well as current or recent contact information. If the referral appears appropriate for regional center services, it is then sent to the appropriate regional center. The juvenile liaison works closely with intake personnel from all seven regional centers in Los Angeles County in order to facilitate the eligibility process for juveniles who are not regional center consumers, but who are identified as potential consumers. Determining which regional center receives the referral depends upon which agency it originates from and the juvenile's current court status.

Referrals from Juvenile Justice/Probation Department

Juvenile justice referrals are often provided by Los Angeles County Probation. Along with the relevant information stated above, it is important to also have the probation officer's name and phone number to facilitate transportation to and from the regional center for testing. For probation referrals, the juvenile typically lives with parents or family members. The parent/family address is used as the home of record and the referral is sent to the regional center in that catchment area. For minors with suitable placement orders, who will not be placed in a family home, the probation officer's office address is used.

Referrals from Child Protective Services

In Los Angeles County, the Department of Children and Family Services (DCFS) is the public child protective services agency. DCFS operates MacLaren Children's Center, a residential, emergency shelter that houses children who, for a variety of reasons, are deemed unsuitable for placement in foster homes or traditional community based group homes. Many children and youth placed at MacLaren are status offenders (truants, runaways, ungovernable) and are at high-risk for engaging in delinquent behavior that would put them under supervision of the juvenile justice system. The juvenile liaison's work with youth at MacLaren is largely prevention oriented. Additionally, the juvenile liaison and MacLaren staff attempts to identify youth who may have developmental disabilities, but who have never been in the regional center system. They also identify youth that are currently in the regional center system but whose cases may be inactive. After identification, the juvenile liaison facilitates appropriate services and placements as a means of preventing future delinquent or criminal behavior.

Referrals from MacLaren Children's Center to the juvenile liaison are received directly from DCFS case management staff housed at the facility. As is the case with probation referrals, current information and background information is requested for the referral packet. Minors from MacLaren, however, are typically wards of the court and have a DCFS worker providing case management services. This is important in terms of determining which regional center the referral is sent, as the DCFS worker's office address is used as the home of record. In the event the minor has been placed permanently at a group or foster home, then that address is used as the home of record. Per a letter of agreement among Los Angeles County regional centers regarding MacLaren Children's Center referrals, new referrals for regional center services are forwarded to San Gabriel/Pomona Regional Center. San Gabriel initiates a psychosocial assessment and a referral is made to the appropriate regional center to determine final eligibility.

Referral Outcomes

There are several possible outcomes of a referral to a regional center for determination of eligibility:

- A previously “Closed/Inactive” case may be re-activated with the appropriate regional center.
- It may be determined that the minor has been through the intake process with a regional center and the case has been “Closed/Found Not Developmentally Disabled (DD).” The minor is found not eligible for regional center services.
- A referral that has been “Closed/Found Not DD” after the 30-day appeal period has passed and is re-submitted when there is new information available, such as a psychological or neuropsychological evaluation, which points to a developmental disability.
- A minor is referred for the first time to the appropriate regional center for eligibility evaluation.
- After a review of information provided by a referring source, it is determined that the minor is not appropriate and not eligible for regional center services. For example, the minor is functioning in the low average or borderline range of intelligence.

The juvenile liaison also provides services to existing consumers who are incarcerated in one of the juvenile halls or at-risk for incarceration while housed at MacLaren and Metropolitan State Hospital. At this point, the consumer’s regional center service coordinator is contacted with the minor’s status and, when possible, a Forensic Assessment Team case staffing is arranged. The juvenile liaison attends and participates in the Forensic Assessment Team staffing for both juveniles and adults.

Follow-Up and Training

Follow-up and training are also integral functions of the juvenile liaison. Often times, the referral source is contacted with the follow-up status of a referral made to the regional center. In the majority of referrals, one of the major concerns is residential placement. For example, MacLaren is a temporary shelter and is not intended to be a long term housing solution. Consequently, it is imperative that MacLaren and the DCFS worker search for housing options. If the minor is a regional center consumer, this provides DCFS with other placement options and resources to utilize and may help to minimize the length of time at MacLaren.

Training is provided to all the organizations mentioned above. Formal trainings generally consist of an overview of the role of the Forensic Program, the Forensic Assessment Team and how to interact with forensically involved consumers. Informal training may occur on a daily basis. Interactions in meetings and weekly site visits commonly evoke questions regarding regional center and its services. Whether training is formal or informal, there is always a need to increase the knowledge and awareness about the regional center system and how the juvenile referral process works.

3. Training

The Forensic Program has always recognized the need for training. Consumers who are judicially involved pose special problems not only for providers of social services, but also for the judicial system. During the history of this program, training has been an active endeavor. Training sessions are tailored to a particular audience and their concerns about working with criminally involved consumers. For example, Los Angeles County Department of Probation's concerns will focus on the eligibility requirements along with collaboration with the regional center system in this county regarding judicially involved developmentally disabled consumers. Cross training efforts to generic resources such as Los Angeles County Department of Mental Health, Department of Family and Children Services, Kaiser Behavioral Health, Parole and outpatient mental health services is also key.

The program has also conducted training activities at all seven regional centers in Los Angeles County. It is important for service coordinators to understand that there are certain interventions they can utilize when one of their consumers is arrested. The program's training sessions provide service coordinators with various interventions to help them interact with the criminal justice system in an effective manner. Interventions may include how to liaison with public defenders, mental health, probation, child protective services and other generic resources. Judges, public defenders and district attorneys often have very little knowledge pertaining to this population and the role of the regional center. Training sessions have been conducted with court officers to inform them of how regional centers can be of assistance. For example, there is a diversion statute specifically designed to help the court come to a disposition, which allows the court to consider the developmental disability as a mitigating circumstance concerning the charge. (See Training Issues and Resources section for additional information on training).

4. Forensic Assessment Team

The Forensic Assessment Team (FAT) is a multi-disciplinary body designed to provide assistance to service coordinators when a consumer has been arrested. The Team is staffed by the Project Coordinator. Members of the FAT Team have included a:

- Forensic psychiatrist
- Education/ Behavior Specialist
- Pediatrician
- Psychological Specialist
- Adult Law Enforcement Liaison
- Juvenile Law Enforcement Liaison
- Forensic Psychologist
- Behavioral Psychologist

The team becomes involved when the project receives a referral from the adult or juvenile liaison that a consumer has been incarcerated. Contact is made with the regional center and service coordinator of record to determine if they would like to have the team conduct a clinical assessment. If the service coordinator desires to have an assessment, then certain information is requested from the service coordinator before the meeting. Below is a list of information the project asks for before a clinical staffing can transpire:

- Police Report
- Court ordered documents
- Assessment information (psychological, psycho-social, medical, psychiatric information)
- Treatment reports
- Regional center documents (IPP, Annual Report)
- Other (IEP, day program report, probation or parole reports)
- "Rap Sheet" or record of previous arrests and convictions
- Assessment of "Strikes"

It is also understood that some of this information can be difficult to obtain or is not available at the time of the meeting. The service coordinator is requested to provide as much information as possible. Once the service coordinator agrees to participate in the clinical staffing, a date is set. The requested information is faxed or mailed to the project before the assessment. There are instances in which the consumer is not incarcerated at the time of the assessment. In such occurrences, the service coordinator is asked to invite the consumer to the meeting, so the team can obtain the direct perspective of the consumer as to how he or she became involved in the criminal justice arena. Other salient individuals are invited to participate, such as family members, probation and parole officers, mental health professionals, Los Angeles County Department of Children and Family Services, SCLARC vendored Independent Living Services staff, SCLARC vendored day program personnel and other individuals who may have pertinent information about the consumer.

The meeting will focus on the circumstances involving the charge and the context in which the illegal action allegedly happened. After a thorough discussion of the case, recommendations are arrived at in conjunction with the service coordinator. The next day, the recommendations are faxed to the service coordinator; and, in the majority of cases, he or she will contact the public defender to explain what the recommendations involve. In the appendices, there are examples of the type of services the team often recommends (see appendices 4).

A consultant or staff person from the Forensic Assessment Team is assigned to follow up each case. The purpose of follow up is to help the service coordinator achieve the recommendations; and, if the service coordinator is having problems achieving the recommendations, the assigned team member will assist the service coordinator to implement the recommendations.

VII. Other Regional Center Models

Factors that might limit a regional center's capacity to replicate the SCLARC model

Some of the central features of the SCLARC forensic model may be difficult for some regional centers to provide, due to geographic considerations, types of resources available at the regional center and in the community, and other factors. For example, timely staffing with the service coordinator and a forensic team may be difficult in areas where staff must travel great distances within the regional center's catchment area. There may not be knowledgeable clinicians to form an effective multi-disciplinary forensic team. Time constraints of clinicians within the regional center may make difficult or preclude the formation of a multi-disciplinary forensic team, which can provide timely service. It may be difficult to gain access to local jails and juvenile halls in order to provide effective adult and juvenile liaison services.

Other forensic services that might be provided

On the other hand, the SCLARC team does not routinely provide some forensic services, which are provided at other regional centers. Specifically, several regional centers have a court liaison position that operates as an adjunct to the service coordinator by attending court proceedings and interacting with court and legal officials. Some regional centers heavily involve their client rights advocate in forensic matters. The degree of specialization and expertise among service coordinators for assisting forensically involved consumers also varies significantly from regional center to regional center.

We believe that it is possible to use the SCLARC model to provide services at all regional centers, although some adjustments or variations may be needed. Additionally, there are other effective forensic models in California. Kern Regional Center and Valley Mountain Regional Center have provided effective forensic services for many years as well.

Valley Mountain Regional Center (VMRC) Model

The Valley Mountain Regional Center (VMRC) has a Legal Services Review Team, which normally meets four times a month to staff complex legal cases, for both criminal offenders and victims of crime. In some cases, VMRC may initiate civil actions by declaring that a consumer is dangerous, asking the court to mandate placement. Standing members of the team include a:

- paralegal criminal justice consultant
- developmental center and deflection (from developmental centers) manager
- clinical psychologist
- case management specialist
- clerical support staff.

The service coordinator for each consumer is asked to fill out an information form and to bring the case file to the meeting. The functions of the team are similar to those of SCLARC's Forensic Assessment Team:

- monitor court dates to ensure the service coordinator and/or paralegal is present in court;
- help develop a comprehensive treatment plan which constitutes a formal recommendation to the court;
- help ensure compliance with required court reporting of consumers' progress;
- review commitments and discharges to and from developmental centers.

Kern Regional Center Model

The Kern Regional Center Model provides comprehensive, specialized services for judicially involved consumers by:

- providing a crisis emergency vendor for emergency after-hours contact with the police and to facilitate emergency placement if appropriate;
- maintaining a staff liaison in the Kern County Jail;
- staffing a Forensic and Special Needs Unit with a program manager and a court liaison;
- providing a Forensic Interdisciplinary Team (IDT).

The Forensic Unit manages all cases involving consumers who are on probation, parole, diversion (PC 1001.20), competency placement (PC 1370.1), and dually diagnosed consumers who are involved with the courts. The Forensic IDT consists of:

- Forensic Unit program manager and court liaison;
- service coordinator carrying the involved case; the
- program manager from the referring unit;
- chief counselor for highly complicated cases.

The court liaison plays a central role in this model, obtaining legal information from the Public Defender's Office, the Probation Department, and other sources, and by going to court on all cases.

VIII. Summary and Recommendations

Essential elements of an effective forensic program

Regardless of the model used, the design must ensure that services are provided at each step of forensic involvement.

- Consistent response to law enforcement - develop procedures for responding to law enforcement in a consistent manner, 24-hours a day, 7-days a week, when notified that a consumer has been arrested.
- Clinical planning – develop service plans and recommendations for the court to consider (when appropriate) to both prevent recidivism and to provide viable options to severe sentencing.
- Training for regional center staff – train service coordinators and supervisors (case management staff) to increase their understanding of how the criminal justice system works; problems that might negatively impact a Regional Center consumer who is judicially involved; and resources available to assist such consumers. Service coordinators must be prepared to assist consumers in court; and/or, specialists must be available to assist directly in court representation.
- Training for local criminal justice personnel – provide training to increase criminal justice personnel’s understanding of mental retardation and other developmental disabilities; how these conditions might impact a person’s capacities to respond appropriately to law enforcement and to participate in one’s own defense; availability of alternative sentencing options; and ways that regional centers can work collaboratively with the criminal justice system.

IX. Training Issues and Resources

A. Regional Center Staff

It is recommended that regional center case management and clinical staff receive at least annual training on issues related to service provision for consumers who are accused, arrested, convicted, and/or incarcerated for crimes. This training might be provided in conjunction with training regarding advocacy for consumers who are victims of crime, since knowledge of the criminal justice system is needed for effective service provision to both populations. This training should include the following:

- 1) Vulnerabilities of people with developmental disabilities, which may lead to their involvement in criminal activity or to the false conclusion that a person with a disability has engaged in criminal activity. Information about the various inequities for people with developmental disabilities at the different stages of the criminal justice process will also be helpful for staff to understand why effective service provision should be provided for this population.
- 2) Description of local law enforcement resources, including the local jail(s); how to communicate with these organizations; and, how to obtain information about consumers who may be in jail.
- 3) Description of the court process and how to communicate with attorneys and judges.
- 4) Description of the California prison and parole systems; how to obtain information about consumers in these systems; and, how to communicate with prison staff and parole officers.
- 5) How to provide service and advocacy for consumers at the different stages of forensic involvement. Section IV of this guidebook may be used as a resource for this part of the training.

B. Training Resources for Law Enforcement and Other Non-Developmental Disability Agencies

Several of the issues identified in Section IV can be utilized to create training guidelines for personnel of non-developmental disability agencies as well as regional center staff. In addition, a recommended annual training outline for regional center staff is presented in an appendix to the Final Report of the Criminal Justice Task Force for Persons with Developmental Disabilities. It may be obtained from ARC California by calling (916) 552-6619.

Over the last 30 years, there have been a number of training curricula and resources developed for teaching criminal justice and court personnel about mental retardation and about the developmental disability service resources. These curricula have focused on how to identify someone with a developmental disability, how to effectively communicate with him or her, and how to work together with developmental disability service and advocacy organizations. To a lesser extent, there has also been training on the vulnerabilities of people with developmental disabilities, which may lead to their involvement in criminal activity or to the false conclusion that a person with a disability has engaged in criminal activity.

The following training curricula and references are available to assist regional centers in providing such training to criminal justice personnel:

1. The SCLARC *Forensic Project*, which developed a variety of training materials including written materials, overhead projections, and PowerPoint presentations. Some of the training described the *Forensic Project* and how agencies may work with the Project to serve their clients. Training also included a discussion of mental retardation and other developmental disabilities, characteristics of people with developmental disabilities, their vulnerabilities within the criminal justice system, mitigating factors in considering culpability and for sentencing, and discussion of the array of service and advocacy resources for this population. Information, which may be useful for training, was obtained from other regional centers and law enforcement agencies during the course of some of these training activities. Some of those materials have been compiled and may be available for use by others.
2. The SCLARC Adult Criminal Justice Liaison prepared brochures for consumers about what to do if arrested, using the acronym "*COOL*"-- *Cooperative-Open-Organized-Legal*. The brochure is also useful for law enforcement personnel for communication with consumers.

3. The Regional Center of Orange County, Developmental Disabilities Board XI, Fairview Developmental Center, and the South Coast Regional Project have a brochure for law enforcement titled, *Tips to Assist Law Enforcement Officers and Criminal Justice Officials to Respond to Citizens Who Are Developmentally Disabled*. It may be obtained by calling (714) 973-1999.
4. ARC-United States assembled training materials and operates a website with materials on serving offenders with mental retardation. ARC-US is located at 1010 Wayne Avenue, Silver Spring, Maryland 20910, and may be contacted by phone at (301) 565-3842. Information on training may be obtained by accessing the website www.thearc.org. Go to "Topics" and then to the "Access to Justice Initiative." Among the brochures available from the ARC, is a *Police Officer's Guide* for what to do when in contact with people who have mental retardation. It focuses on identification, communication, protecting rights, learning about resources, and obtaining training from the ARC.
5. The Mentally Retarded Offenders Collaboration of Cuyahoga County [Cleveland, Ohio] prepared a one-page card summarizing characteristics of an offender with mental retardation. The Cleveland Mentally Retarded Offender Project's Federation for Community Planning published a 65-page *Handbook for Criminal Justice Personnel* (1982). Despite the age of this handbook, it remains a good resource for understanding criminal justice issues for offenders with mental retardation and for providing training for both law enforcement personnel and developmental disabilities service staff. Copies may be obtained for \$5.95 from the Federation for Community Planning, 1001 Huron Road, Cleveland, Ohio 44115. Phone number is (216) 781-2944 ext 424.
6. The Autism Society of America produced a video and wallet-sized cards for use by law enforcement personnel regarding how to recognize and communicate with a person with autism. The information may be accessed by calling 1-800-3-AUTISM.
7. For attorneys and judges there is an excellent journal article which summarizes the capability of a person with mental retardation to testify in court, either on their own behalf (as alleged perpetrator or victim) or as a witness to a crime. It also provides good advice on how to prepare for trial and how to conduct court procedures. The article is "People with Mental Retardation as Witnesses in Court: A Review," written by Mark R. Kebell and Chris Hatton. It appears in Volume 37, pages 179-187, June 1999 edition of the journal *Mental Retardation*.
8. For attorneys, there is a very good, brief article titled, "Defending and Advocating on Behalf of Individuals with 'Mild' Mental Retardation in the Criminal Justice System," written by Williams Edwards and Leigh Ann Reynolds. It is published in the journal *Impact*, Volume 10, Number 2 (1997).

9. The California Department of Corrections Developmental Disability Program has developed training materials for prison and parole staff in response to the *Clark v. California* and *Armstrong v. Wilson* consent decrees. One training manual is titled "Overview of Developmental Disabilities" and is written in a workbook format. It defines developmental disabilities, compares the disability to mental illness, addresses communication issues, and outlines the service requirements under the *Clark* decree.

10. Commission on Police Officers Standards and Training (POST) produced a video, funded by a grant from the California State Council on Developmental Disabilities. The video is designed for teaching law enforcement officers to identify and communicate with people with various types of developmental disabilities. A copy of the video may be obtained for training purposes by contacting the State Council: phone (916) 322-8481; e-mail address - scdd@dss.ca.gov; mail 2000 "O" St., Suite 100, Sacramento, CA 95814.

X Laws and Legislation

1. Welfare and Institutions Code 4515 - Confidential information and records; disclosure; and consent. This statute states confidentiality requirements for disclosure of information about regional center consumers. It lists 17 exceptions to confidentiality. Section (p) lists as an exception disclosure to governmental law agencies when a person with a developmental disability is believed to be a victim of a serious crime. Section (q) states as an exception the disclosure of information to the Youth Authority and Adult Correctional Agency--or any component thereof--as necessary for the administration of justice.
2. Penal Code 1367-1370 - This criminal statute addresses competence to stand trial. It describes how competence should be ascertained and, if the person is found to be incompetent, how the incompetence is to be resolved. It allows the court to sentence the defendant who is found to be "Not Competent to Stand Trial (NCST)" for a period up to three years. Section 1370.1 outlines procedures for residential treatment or outpatient treatment of a person with a developmental disability who is found NCST.
3. Welfare and Institutions Code 4640.6 – The Code requires regional centers to have or contract for criminal justice expertise to assist the regional center in providing services and supports to consumers involved in the criminal justice system as a victim, defendant, inmate, or parolee.
4. The Clark v. California lawsuit - Filed in 1996, the lawsuit alleged that the California Department of Corrections (CDC) illegally denied developmentally disabled inmates access to programs, services, and activities, and that it failed to adequately protect them. This resulted in a consent decree in 1998 between the Department of Corrections and plaintiffs requiring procedures for identification of inmates and parolees with developmental disabilities, training for CDC staff, safe housing, and appropriate treatment within prisons.
5. Penal Code 1001.20--1001.34 - This criminal statute defines who is eligible for diversion and spells out the procedures, which regional centers must follow to assist consumers with diversion. The statute applies only to defendants who are eligible to be regional center consumers.
6. Penal Code 2684 - This section of the penal code makes it possible for transfer of a developmentally disabled prisoner in the CDC system to a developmental center. Such transfer must be recommended by the Director of the California Department of Corrections, with approval by the Board of Prison Terms, and must be determined by the Director of the Department of Developmental Services to be able to benefit from care and treatment in a developmental center.

XI. Appendices

1. Multi-Agency Advisory Board Members

2. Job Descriptions

3. Forms and Sample Diversion Letters

4. Forensic Assessment Team Recommendations

XII. Resource Directory