

California Behavioral Health Planning Council

Patients' Rights Committee Agenda

Wednesday, April 17, 2019
Sheraton Fisherman's Wharf
2500 Mason Street, San Francisco, CA 94133
Marina 2 Room
10:30am to 12:30pm

TIME	TOPIC	TAB
10:30am	Welcome and Introductions <i>Walter Shwe</i>	
10:35am	Approve January 2019 Meeting Minutes <i>Walter Shwe and All</i>	Tab A
10:45am	Updates: AB 2316 and AB 333 <i>Daphne Shaw and Justin Boese</i>	Tab B
11:00am	Denver Office of the Independent Monitor & Civilian Oversight Board <i>Nicholas E. Mitchell, Independent Monitor</i>	Tab C
11:45am	Discussion: Pre-Trial Detention Reform <i>Walter Shwe and All</i>	Tab D
12:00am	Discussion: The Stepping Up Initiative <i>Walter Shwe and All</i>	Tab E
12:15am	PRC Ad-Hoc Member Vacancy <i>Walter Shwe and All</i>	Tab F
12:20pm	Plan for Next Meeting <i>Walter Shwe and All</i>	
12:25pm	Public Comment	
12:30pm	Adjourn	

The scheduled times on the agenda are estimates and subject to change.

Patients' Rights Committee Members

Chairperson: Walter Shwe

Members: Daphne Shaw, Darlene Prettyman, Catherine Moore, Richard Krzyzanowski, Susan Wilson

Staff: Justin Boese

If reasonable accommodations are required, please contact the CMHPC office at (916) 552-9560 not less than 5 working days prior to the meeting date.

California Behavioral Health Planning Council
Patients' Rights Committee
Wednesday, April 17, 2019

Agenda Item: Review and approve meeting minutes from January 16, 2019

Enclosures: Draft of PRC meeting minutes from January 16, 2019

Background/Description:

Enclosed is a draft of the meeting minutes from January 16, 2019, prepared by Justin Boese. Committee members will have the opportunity to ask questions, request edits, and provide other feedback.

Patients' Rights Committee

Meeting Notes

Quarterly Meeting – January 16, 2019

10:30 am – 12:30 pm

Committee Members Present:

Daphne Shaw, Chairperson

Walter Shwe, Darlene Prettyman, Catherine Moore, Susan Wilson, Richard Krzyzanowski, Samuel Jain

Council Staff Present:

Jane Adcock, Justin Boese

Welcome & Introduction:

Daphne Shaw welcomed all committee members. A quorum was reached.

Changing of the Officers:

Walter Shwe, previously chair-elect, became the new chairperson of the Patients' Rights Committee. The committee decided not to select a new chair-elect yet. Walter conducted the rest of the meeting.

Review and Approve Minutes:

The meeting minutes from October 17, 2018 were approved. Motion by Catherine Moore. Seconded by Richard Krzyzanowski. All approved except Susan Wilson, who abstained.

Implementation of AB 2316:

Daphne Shaw and Samuel Jain updated the committee on the implementation of AB 2316, the patients' rights advocate training bill. The committee will send a letter to patients' rights advocacy offices to inform them about the new requirement, and the California Office of Patients' Rights will follow up with details on how the training can be accessed online. Justin Boese will also reach out to Theresa Comstock, who will send it out to the local behavioral health boards and commissions.

There will be a standing item on the Patients' Rights Committee agenda to report on any new training forms that the committee has received. The committee discussed the possibility of doing an audit after 1-2 years and issuing a report on compliance with the new law.

Presentation: Patients' Rights in County Jails by Aaron Fischer

Aaron Fischer, litigation counsel for Disability Rights California (DRC) presented to the committee via conference call. Aaron outlined the four main topics that he wanted to address:

1. Exploring/Enhancing alternatives to jail.
2. Changing the model for treatment in jail facilities. Currently the model is "crisis response," which only takes actions once symptoms have escalated.
3. Addressing the continued use of solitary confinement and low out-of-cell time.
4. The San Diego jail report, and how to improve oversight and accountability.

Aaron started by discussing the report on the number of deaths by suicide in San Diego County Jail. He explained that the number of people who died by suicide in the SD County Jail is *very* high compared to other jails. There was only one death in 2017, but that was atypical for this jail. The jail has said that they are committed to increase staffing, which is a step in the right direction, but there is a lot of work to do. Aaron spoke to three main points from the DRC report:

1. The jail uses a "crisis response" approach. There is no enhanced outpatient care, nor is there group therapy or individualized treatment. They have a suicide watch unit that is essentially solitary confinement. This needs to change.
2. DRC asked the SD County Jail for incident reports regarding suicide attempts. In response, the jail narrowed the definition of "suicide attempts" to make the incident report look better than it is, which is unacceptable.
3. The jail needs a review board to improve oversight and accountability. Currently no such board exists.

Aaron went on to discuss issues in Sacramento and Santa Barbara counties that DRC is involved in. In the Sacramento County Jail, there is always a waitlist for mental health care, and they *only* provide high-level care in response to escalating symptoms. There are no low or mid-level mental health services. Patients frequently languish in solitary confinement, and there is so little space for MH patients that they are using a room that is supposed to be for program space for overflow of their inpatient care. The Sacramento County Jail recently added an IOP (intensive outpatient program) for men that has 20 beds, after DRC began investigating them. This is an improvement, but the jail needs closer to 85-100 beds. Disability Rights California has an active certified class-action lawsuit against Sacramento County Jail in response to these conditions.

Moving on to Santa Barbara County, Aaron said that while the county jail only has about 1000 people jailed each year, the conditions are terrible. The site is referred to as the "franken-jail" because it is outdated with mismatched rooms that have been renovated unevenly over the years. People have described the extremely outdated solitary confinement units as "dungeon-like." The Santa Barbara County Jail has no mental health facility, instead using a mental health "cluster unit." They have agreed to set

aside a single bed for mental health needs. Additionally, the jail has extremely limited space for out-of-cell time. Disability Rights California is ready to go to trial in a suit against the jail.

Aaron then discussed some alternatives to jail for people who need mental health care, including setting time limits on how long it takes to send people to Department of State Hospital facilities, and more community-based restorative services. He also said that while access to physical medical care in jails is just as bad as for mental health care, there are ways for inmates to access outside medical care, whereas this is not available for mental health care.

The committee members asked Aaron to provide some suggestions for improvements that the PRC could advocate for. Aaron had several suggestions.

Increasing out-of-cell time: Advocating for statewide guidance or legislation to increase mandatory out-of-cell time could have a big impact, as that is a high priority when it comes to improving conditions for the many inmates placed in solitary confinement due to mental health conditions.

Pre-trial detention: The CA Supreme Court recently created a group to work on pre-trial detention in jails with the end of cash bail. They are developing a new risk assessment to assess whether people will be released into the community before trial rather than wait in jail. There needs to be advocacy to insure that people with mental health needs aren't discriminated against in this process, and there also needs to be options for community supervision programs to which judges can release them too.

Improving release requirements: Advocating for ending "2am releases" and requiring warm hand-offs for those released from jail with mental health needs.

Civilian oversight: There are models for civilian oversight that can be used to increase accountability in jails. The city and county of Denver is an example of such a model, in which a civilian oversight entity and a civilian review board working together to monitor the police and sheriff's departments. Los Angeles and Santa Clara counties in California also have similar entities.

Planning for next meeting:

The committee discussed plans for the next meeting in April. Justin Boese will look for more information on the topics Aaron suggested, including civilian oversight, increasing diversion, pre-trial detention reform, increasing out-of-cell time, and information on the Stepping Up program. Justin will also see if someone from the Denver program can speak to the committee at the April meeting, by phone if necessary. There will also be an update on the AB 2316 PRA training verification, as well as the PRA retaliation legislation.

The meeting adjourned at 12:30 pm.

California Behavioral Health Planning Council
Patients' Rights Committee
Wednesday, April 17, 2019

Agenda Item: Updates: AB 2316 and AB 333

Background/Description

AB 2316: In 2018, the Patients' Rights Committee co-sponsored AB 2316, authored by Assemblymember Susan Eggman. The bill passed and was signed into law in August 2018. AB 2316 requires the California Office of Patients' Rights (COPR) to make training materials for county PRAs available for all PRAs at any time online. It also requires counties to verify that newly hired PRAs review these materials within 90 days of being hired, and to keep a copy of that verification and send a copy to the PRC.

AB 333: In 2018, the Patients' Rights Committee co-sponsored AB 2317, authored by Assemblymember Susan Eggman. The purpose of AB 2317 was to extend whistleblower protections to PRA's who are independent contractors or employees of contracted organizations. AB 2317 passed the state legislature but was vetoed by Governor Brown in August 2018.

In 2019, Assemblymember Eggman reintroduced the bill, now AB 333. AB 333 is currently identical to AB 2317 as it was originally introduced.

Enclosures: Assembly Bill 333 and Fact Sheet

ASSEMBLY BILL

No. 333

**Introduced by Assembly Member Eggman
(Coauthor: Assembly Member Reyes)**

January 31, 2019

An act to add Section 1102.51 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 333, as introduced, Eggman. Whistleblower protection: state and local independent contractors.

Existing law prohibits an employer, as defined, or any person acting on behalf of the employer, as defined, from, among other things, preventing an employee from, or retaliating against an employee for, providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of a law, regardless of whether disclosing the information is part of the employee's job duties. A violation of these provisions is a crime.

This bill would extend the protections afforded to employees under these provisions to independent contractors and contracted entities working for state and local government who are tasked with receiving and investigating complaints from facilities, services, and programs operated by state and local government. The bill would provide that prohibitions against retaliation by an employer apply to the state or local contracting agency under these provisions.

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1102.51 is added to the Labor Code,
2 immediately following Section 1102.5, to read:

3 1102.51. Notwithstanding any other law, the rights and
4 protections afforded to employees under Section 1102.5 shall apply
5 to all state and local independent contractors and contracted entities
6 tasked with receiving and investigating complaints from facilities,
7 services, and programs operated by state and local government.
8 The prohibitions against retaliation by an employer in Section
9 1102.5 shall apply to the state or local contracting agency.

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

O

**California Behavioral Health Planning Council
Patients' Rights Committee**

Wednesday, January 16, 2019

Agenda Item: Denver Office of the Independent Monitor

Background/Description:

The **Office of the Independent Monitor (OIM)** is a civilian oversight agency that was created by the City of Denver and began its work on August 1, 2005. The OIM is responsible for:

- Actively monitoring and participating in investigations of sworn personnel in the City and County of Denver's Police and Sheriff Departments;
- Making recommendations to the Manager of Safety, Chief of Police and Director of Corrections (who are responsible for discipline within the departments) regarding administrative action, including possible discipline for such uniformed personnel; and
- Making recommendations regarding broader policy issues.

The **Citizen Oversight Board (COB)** consists of seven community members appointed by the Mayor and confirmed by City Council. The COB is charged with:

- Assessing the effectiveness of the Office of the Independent Monitor (OIM);
- Making policy-level recommendations regarding discipline, use of force and other policies, rules, hiring, training, community relations and the complaint process;
- Addressing any other issues of concern to the community, the COB, the Independent Monitor, the Executive Director of Safety (EDOS), the Chief of the Denver Police Department (DPD), the Sheriff or the Fire Chief; and
- Reviewing and making recommendations as to closed Internal Affairs cases where the findings were not sustained, as appropriate.

The Patients' Rights Committee will be speaking with Nicholas E. Mitchell, Denver's Independent Monitor, to discuss the Denver model of civilian oversight.

Enclosures:

1. Office of the Independent Monitor 2018 Annual Report, Chapter 1*

*For full text please contact Justin Boese at justin.boese@cbhpc.dhcs.ca.gov or access at:

<https://www.denvergov.org/content/dam/denvergov/Portals/374/documents/2018%20Annual%20Report.pdf>

2. Citizen Oversight Board 2018 Annual Report



DENVER

CITIZEN OVERSIGHT BOARD

2018 Annual Report

Contents

Contents	1
The Citizen Oversight Board	1
Citizen Oversight Board Members	2
Duties of the Citizen Oversight Board.....	4
COB Activities in 2018.....	4
Public Outreach.....	5
The Effectiveness of the Independent Monitor.....	6
Staff Evaluations	6
Evaluations by Safety Leadership	7
COB Ratings.....	7
Workload and Performance Measures.....	10
Policy-Level Recommendations	12
Other Notable COB Activity	14

The Citizen Oversight Board

The Citizen Oversight Board (COB) consists of seven community members appointed by the Mayor and confirmed by City Council. The COB is charged with:

- Assessing the effectiveness of the Office of the Independent Monitor (OIM);
- Making policy-level recommendations regarding discipline, use of force and other policies, rules, hiring, training, community relations and the complaint process;
- Addressing any other issues of concern to the community, the COB, the Independent Monitor, the Executive Director of Safety (EDOS), the Chief of the Denver Police Department (DPD), the Sheriff of or the Fire Chief; and
- Reviewing and making recommendations as to closed Internal Affairs cases where the findings were not sustained, as appropriate.

The COB is required by ordinance to report on its activities, findings, and recommendations on an annual basis.¹

¹ Denver Revised Municipal Code (DRMC) §2-384.

Citizen Oversight Board Members

Katina Banks, Chair, is an intellectual property and technology transactions attorney at Baker & Hostetler LLP. A proud Denver native, she has been civically engaged throughout her professional career. She served eight years on the Colorado Civil Rights Commission, helping enforce the state's anti-discrimination laws. Katina was a member of the Colorado Lawyers Trust Account Foundation (COLTAF), which helps provide legal services statewide to underserved members of the community. She graduated summa cum laude from Capital University Law School after earning her Bachelor of Arts degree at the University of Pennsylvania. She lives in Denver's Park Hill neighborhood.

Molly Gallegos, Vice Chair, a Colorado native, has been working in the community for most of her life doing everything from translating safety information for migrant workers to participating in community theater with Su Teatro. She began her career as a community organizer in West Denver cultivating community leaders and advocating for the needs of Denver's working families. More recently she has found her calling working with Denver's high school students, providing them the support and encouragement they need to access their post high school goals. Molly holds a bachelor's degree in Ethnic Studies from Colorado State University and a Master's of Social Sciences/Women and Gender Studies from CU Denver.

Nikki Braziel, Secretary, is the co-founder of Octa, a Denver-based product design and manufacturing company that is focused on mounting solutions for mobile technology. She previously worked at the Space Science Institute in Boulder, where she assisted in the development and distribution of museum exhibits and displays. Before leaving her native Chicago, she worked in both legal marketing and professional development at Jenner & Block LLP. In her free time, she writes historical fiction.

Pastor Paul Burleson is the founder of Denver's Friendship Baptist Church of Christ Jesus in 1974 and continues to serve as its pastor. He is past president of the Greater Metro Denver Ministerial Alliance. A former dean of the United Theological Seminary's Denver Extension, Burleson is experienced in the prevention, identification and counseling of individuals and families with substance abuse and other at-risk behaviors. He served with the US Air Force in Korea. He has been on the COB since its 2005 beginning.

Dr. Mary Davis is President/CEO of McGlothlin Davis, Inc, an organization effectiveness firm that has provided consulting services to public, not-for-profit and private sector firms throughout the nation since 1995. For decades, she has been actively involved in civic and community improvement activities in Denver. She has served on five nonprofit boards, having been elected Board Chair for two of these organizations. She joined the COB in February 2009.

Francisco “Cisco” Gallardo joined and helped create what has been one of the largest gangs in Denver's north side in his teen years. Since that time, he has dedicated his life to undoing the damage he helped cause. Over the past 26 years, he has worked in the community to redefine respect, power and pride; he has helped countless young people to reclaim their own lives. He joined the COB in 2012.

Mark Brown, Vice Chair, is the Agent-in-Charge for the Colorado Department of Revenue, Division of Racing Events, a regulatory law enforcement agency. His duties include management of administrative judges, law enforcements officers, licensing personnel and veterinarian staff. In addition to those duties, he also conducts firearms and arrest control technique training.



Duties of the Citizen Oversight Board

The COB was created by ordinance in 2004 to:

1. Assess the effectiveness of the OIM;
2. Make policy-level recommendations regarding DPD and Denver Sheriff Department (DSD) discipline, use of force, and other policies, rules, hiring, training; community relations; and the complaint process;
3. Address any other issues of concern to the community, members of the COB, the monitor, the manager of safety, the chief of police, the undersheriff, or the fire chief;
4. Make recommendations as to specific cases that were closed by the DPD or DSD Internal Affairs Bureau (IAB); and
5. Perform other duties as set forth in the ordinance.²

The COB has no command responsibilities with respect to the DPD and DSD. It carries out its advisory duties in frequent meetings with the Independent Monitor and the Department of Safety (DOS). These meetings allow COB members to monitor confidential internal investigations and to make recommendations on discipline for individual IAB cases as well as policy recommendations.

In November of 2016, Denver voters overwhelmingly approved Referred Measure 2B, which places the OIM and the COB into the city charter.

(For duties of the Office of the Independent Monitor, see *Appendix A*.)

COB Activities in 2018

The COB does its work in three primary settings: COB meetings, Executive Sessions, and Quarterly Public Forums.

COB Meetings

The COB typically meets twice monthly in regular working sessions. The COB meets with the Executive EDOS, the Sheriff, and the Chief of Police at least quarterly, and with others on an as-needed basis. These quarterly meetings help to keep the COB informed on current policies and upcoming initiatives. They also provide the COB with the opportunity to give feedback to the EDOS, the Sheriff, and the Chief of Police. The COB also receives reports from the Independent Monitor and his staff. COB meetings are open to the public except for executive sessions to discuss ongoing investigations and other privileged matters. These meetings are generally held

² Denver Revised Municipal Code §2-377.

at the OIM at 101 West Colfax Avenue, Suite 100, at 10 am on the first and third Fridays of the month.

The COB held 19 regular business meetings in 2018. The COB met quarterly throughout 2018 with the DSD Sheriff Patrick Firman. Because of scheduling challenges, the COB met with the DPD Chief Paul Pazen and his predecessor, DPD Chief Robert White a total of three of the four quarters, and with EDOS Troy Riggs three of the four quarters. These meetings took place during regular COB meetings and were open to the public unless confidential exchanges were involved. Discussions between COB members and officials at these meetings were productive and informative.

Executive Sessions

In 2018, the COB devoted a portion of every regularly scheduled business meeting to executive sessions with Independent Monitor Mitchell reviewing a variety of pending disciplinary cases and ongoing investigations. The information gleaned in these sessions remains confidential under City and State laws and regulations.

Public Outreach

The COB holds quarterly evening public meetings in various locations around Denver, rotating to increase community outreach in different Denver Police Districts. Channel 8 records these meetings for broadcast over the ensuing weeks.

In 2018, the COB held three quarterly public forums. COB quarterly public forums are held in rotating police districts throughout the City and County of Denver. In 2018, quarterly public forums were held in DPD Districts 1, 2, and 6.

The Effectiveness of the Independent Monitor

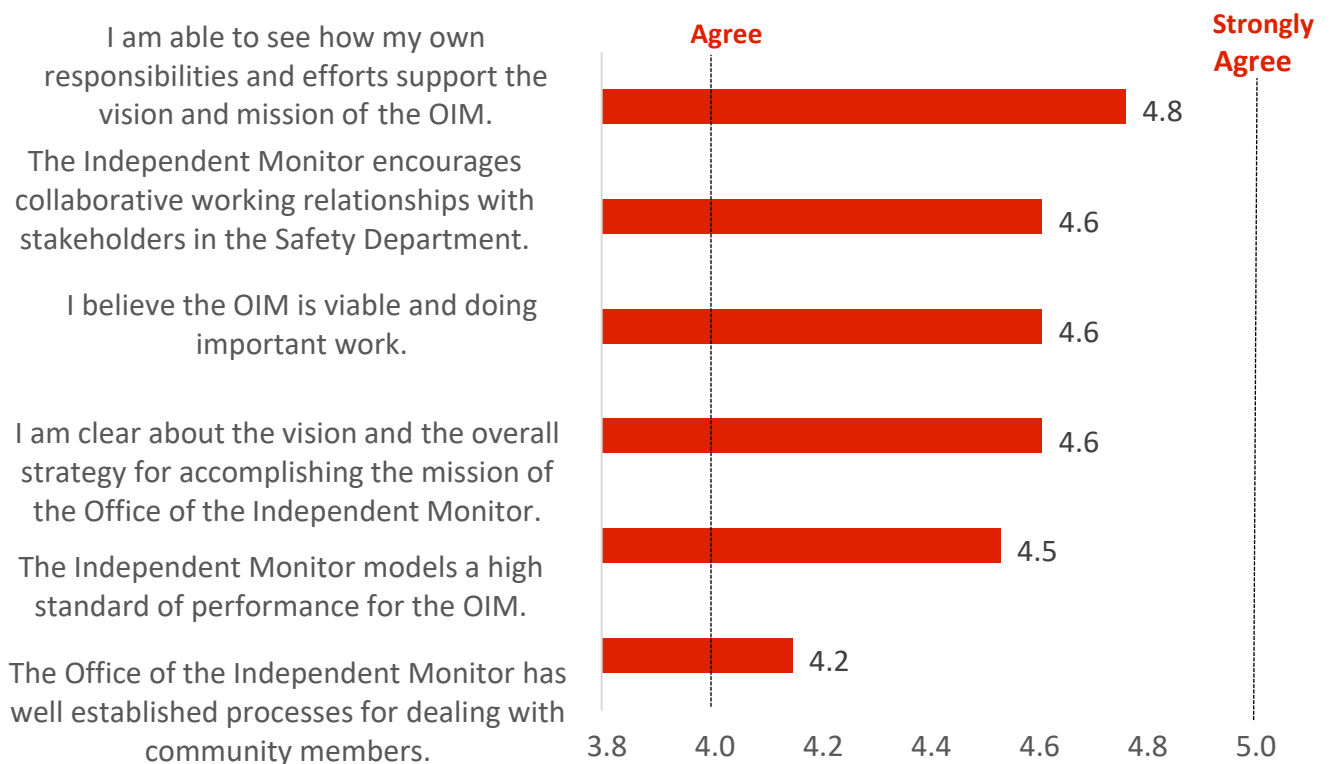
The ordinance that established the OIM entrusts the authority to evaluate the performance of the Monitor with the COB. In 2013, the COB engaged an evaluation expert to develop a quantitative and qualitative evaluation system which the COB subsequently approved. The COB implemented the expanded and improved evaluation package for their 2014 review of the Monitor's performance and used it again for its subsequent reviews. For its 2017 assessment, the COB made minor clarifying changes in the OIM staff review form and launched a web-based staff survey to encourage candor among staff.

The COB used a four-pronged evaluation approach: 1) a qualitative survey of the OIM staff, 2) a separate qualitative survey of COB members, 3) a questionnaire and/or interview completed by the Safety Department leadership, and 4) a series of quantitative performance measures.

Staff Evaluations

The COB asked the OIM staff to give their perceptions of the Monitor's performance on a one to five (1-5) rating scale, with five being the highest or most positive rating and a rating of one indicating the lowest or most negative rating. As shown in Figure 1, overall, staff rated the work of the OIM and of the Independent Monitor highly, with most agreeing or strongly agreeing to statements about the importance of the OIM's work, its methods of dealing with community members and other stakeholders, and the Independent Monitor's high standard of performance.

Figure 1. Staff Assessment of the Work of the OIM



Through the Staff Evaluation, the COB also gathered confidential data that it will use to advise the Independent Monitor on the internal administration of the office.

Evaluations by Safety Leadership

COB Chairwoman Banks interviewed the following individuals to assess the Monitor's performance in 2018: EDOS Troy Riggs, DPD Chief Paul Pazen, and DSD Sheriff Patrick Firman. All interviews were conducted in March of 2019.

Safety leaders generally agreed that the Independent Monitor responds to them in a timely fashion and the majority felt that he considers their views during deliberations. One noted that, while they sometimes disagree, there are no issues. They assessed the Independent Monitor's demeanor as professional and were generally satisfied with the OIM's involvement in Safety Department events. One Safety leader noted OIM staff might benefit from participating in law enforcement trainings, rather than just observing them. Safety leaders were also satisfied with the opportunities they received to review and provide comment on OIM reports, though one noted that it would be helpful to have a longer turnaround for review.

Safety leaders expressed some concerns related to the presence of the Independent Monitor and his designees in disciplinary meetings. The COB will work with the Independent Monitor and safety stakeholders throughout 2019 to further assess this issue and make recommendations for improvements to the process, if deemed necessary.

COB Ratings

COB members were asked to rate the Independent Monitor performance in eight key areas. COB members had the option of rating the Independent Monitor as outstanding, satisfactory, or unsatisfactory in each performance area.

Communication with the COB

The Independent Monitor was rated as "outstanding" at providing regular reports to the COB, keeping them apprised of disciplinary issues, critical incidents, and the operation of the OIM, and seeking input on investigations and discipline. One COB member characterized the Independent Monitor as "very honest and straightforward." A second noted that:

Independent Monitor Nick Mitchell goes out of his way to keep the board informed about significant cases, briefing the board throughout the investigative and disciplinary processes. He is always available for questions and follows up in a timely fashion on all issues of concern to the board.

Monitoring and Review of Internal Affairs Investigations

The Independent Monitor was rated as "outstanding" at monitoring and reviewing Internal Affairs investigations. One COB member noted that the Independent Monitor and his staff review investigations "using their thorough knowledge of best practices in conducting investigations."

Monitoring of Disciplinary Process

The Independent Monitor was rated as “outstanding” in his monitoring of the disciplinary process. One COB member wrote:

The Independent Monitor displays a thorough and critical understanding of all incidents, as well as the disciplinary matrix. He offers sound and reasonable recommendations to the safety departments regarding discipline. The Monitor’s Office prepares its findings in advance of meetings at which discipline is contemplated, ensuring that the safety departments have a clear, advance understanding of its position.

Monitoring and Review of Critical Incidents

The Independent Monitor was rated as “outstanding” in his monitoring and review of critical incidents. A COB member commented:

The Independent Monitor displays the highest level of commitment and professionalism when it comes to investigating critical incidents, sometimes serving as the only high-ranking Mayoral appointee on hand at the site of investigation. The Monitor’s commitment to thorough, timely, and just investigations should be commended.

Production of Annual, Semiannual, and Ad Hoc Reports

The Independent Monitor, and his staff, were considered “outstanding” in this area. One COB member commented “I think one of the things the Monitor’s office does best is their reporting.” Another noted that “the OIM has done an excellent job in this area, including developing a detailed report on the incidents that led to the death of Michael Marshall and subsequent actions taken by the Department of Safety.”

Production of Policy, Practice, and Training Recommendations

The Independent Monitor was rated “satisfactory” to “outstanding” in this area. One COB member commented:

A number of policy recommendations that either originated with Independent Monitor Nicholas Mitchell or in which he took a critical role are now being enacted to the betterment of the Department of Safety. Those include establishing a policy to allow incarcerated mothers to pump breast milk, re-establishing in-person visitation in the jails, and civilianizing the Internal Affairs Bureau.

Outreach to Complaint Process Stakeholders

The Independent Monitor was rated “satisfactory” to “outstanding” in outreach to the community by the COB. One COB member felt that “in general their visibility and the visibility of the work they/we do could be increased.”

Overseeing the OIM's Mediation Program

The Independent Monitor was rated “satisfactory” to “outstanding” in this area, with one COB member noting that “The mediation program, while not widely acknowledged for its key role in addressing and often resolving citizen complaints, is widely respected nationally for its effectiveness.”

Management of the OIM

The Independent Monitor was rated “satisfactory” to “outstanding” in his management of the OIM. One COB member commented that “under the leadership of the Independent Monitor, Denver’s OIM has become a national model of excellence, winning awards and being studied by cities around the country.”

Policy-Level Recommendations

The Death of Inmate Michael Marshall

On March 19th, 2018, the OIM released a special report, [The Death of Michael Marshall, an Independent Review](#), which details the death of Mr. Marshall, who died while in DSD custody.³ When Mr. Marshall attempted to enter a jail hallway without permission, deputies used force to restrain him. For approximately 13 minutes, deputies used physical force while he intermittently struggled on the floor. Mr. Marshall became unconscious and was transported to Denver Health Medical Center, where he was in a comatose state. He died nine days later. His cause of death was determined to be, among other things, positional asphyxia due to restraint by law enforcement. Following the incident, an investigation was conducted by the DSD's IAB, which resulted in 10-day and 16-day suspensions being imposed on two deputies and a captain, respectively. The OIM's special report analyzes the incident, the IAB investigation, and the disciplinary decisions. It includes eight actionable recommendations to the DSD and DOS, one of which suggests that the management of IAB be placed under civilian control. On March 21st, 2018, the Independent Monitor presented the report to the City Council SAFEHOUSE Committee. One month later, the DOS appeared in front of the same committee to respond to the report.

On March 22nd, 2018, the COB held its first public meeting of the year as required by ordinance. Nearly 50 members of the Denver community were in attendance. The forum began with a presentation from Independent Monitor Nick Mitchell on the report, [The Death of Michael Marshall, an Independent Review](#). The presentation was broadcast on Channel 8 and is available online [here](#).⁴ Community members were then divided into breakout groups to discuss the findings and recommendations made in the report, as well as the public letter that the DOS provided as a response. Participants had a broad range of comments and suggestions. Some recommended giving rank to medical staff within the jails. Others requested weekly public updates from the DOS on the disciplinary process and its outcomes for sworn personnel. Ideas included: giving the OIM access to independent legal counsel (apart from the City Attorney's Office, which reports to the mayor); requiring the safety departments to respond substantively and in writing to all OIM recommendations; improving mental health training and adding a doctor to the DSD staff 24/7; working with the POST Board on training requirements; and allowing the city council to approve the appointment of the Chief of Police, the Sheriff, and the EDOS. Community members also volunteered their preference for strengthening the OIM, including moving appointment and removal powers of the Independent Monitor from the Mayor to the city council.

³<https://www.denvergov.org/content/dam/denvergov/Portals/374/documents/OIM%20Marshall%20Report.pdf> ⁴ http://denver.granicus.com/player/clip/11268?view_id=36

The DSD’s Nursing Mothers Policy and Practice

At the November 3, 2017 meeting of the COB, it shared with the Sheriff concerns related to the DSD’s breastfeeding policies and practices. The COB followed up with a [letter](#) to the Sheriff that was also shared with the community.⁵ Noting the many benefits of breastfeeding for both mothers and infants, the COB recommended that a nursing mothers policy being developed by the DSD should permit mothers to not only express their milk; they should also be allowed to provide it to their babies. The COB also offered its assistance in the process of revising the DSD’s policy on nursing mothers and asked to meet with the Sheriff to discuss its concerns related to the policy. In December 2018, the DSD shared a draft “Inmate Lactation Support” Policy that was responsive to many of the community’s concerns and the COB’s recommendations.⁶ The DSD has not yet finalized this policy.

OIM Inclusion in the Performance Improvement Process

On April 6th, 2018, members of the DOS—including EDOS Troy Riggs, Deputy Director Jess Vigil, and Chief of Staff Daelene Mix—met with the COB and discussed the development of a new Performance Improvement Team (PIT). The PIT included Sheriff Patrick Firman, members of DSD IAB and Conduct Review Office, and other DOS personnel. Under the leadership of DOS Deputy Director Vigil, the PIT was tasked with assessing issues affecting the disciplinary process in the DSD. Specifically, the PIT would focus on the timeliness and efficiency with which investigations into alleged misconduct are concluded, as well as explore consistency in disciplinary outcomes. At that meeting, members of the COB voiced their preference that the OIM be included in the initial investigatory process. EDOS Troy Riggs responded that he would like to see the Monitor’s office involved sooner than the general public, but he stopped short of extending an invitation to the Monitor.

Beginning in March 2018, the PIT conducted research to inform recommendations for reform that would be made by an internal working group. The COB was invited to attend the final three meetings of the PIT. In early Fall of 2018, the PIT shared nine recommendations to the DOS with the OIM and the public:

1. Remove performance-related issues such as punctuality from the discipline process;
2. Handle less serious (“Category A”) misconduct outside of the discipline process and exclude them from personnel files;
3. Reinstate regular Conduct Review Meetings;
4. Limit the OIM’s authority regarding mediations and declined cases;
5. Update the Discipline Handbook to allow DSD staff to work with Temporary Reductions in Pay (TRIP) in lieu of unpaid suspensions;

⁵ Letter from the Citizen Oversight Board to DSD Sheriff Patrick Firman Re: Follow-up on Concerns Raised at COB Forum About the DSD’s Nursing Mother Policy and Practices (Nov. 15, 2017),

https://www.denvergov.org/content/dam/denvergov/Portals/64/documents/2017.11.15_Nursing%20Mothers%20Letter_Final.pdf.

⁶ Denver Sheriff Department Order 1.00.1068 (draft, reviewed April 2018).

6. Prohibit the Independent Monitor from assigning designees to high-profile cases and Conduct Review meetings;
7. Simplify the DSD’s handling of Unauthorized Leave;
8. Stop recording declined and informal complaints against DSD deputies in IAPro, IAB’s case tracking database; and
9. Allow less serious inappropriate uses of force to be handled in a way that would permit shorter periods of suspension than what is currently required.⁷

The OIM did not agree with several of the PIT’s recommendations and provided its feedback to the EDOS. In December 2018, Mayor Michael Hancock announced the creation of the Public Integrity Division (PID), a new civilian investigatory agency within the DOS that would handle DSD misconduct investigations.⁸ The COB will continue to be present and to make recommendations as the DOS develops policies and procedures that will guide the PID’s work.

Other Notable COB Activity

National Association for Civilian Oversight in Law Enforcement

As in previous years, COB members were actively involved with the National Association for Civilian Oversight in Law Enforcement (NACOLE). In late September and early October of 2018, several COB members attended NACOLE’s annual conference in St. Petersburg, Florida. The theme of the 2018 conference was “Sustaining Reform. Advancing Justice.”⁹ At the conference, COB members received training on four tracks: training for oversight, correctional oversight, building public trust, and sustainable reform efforts. Each track was relevant to NACOLE’s Core Competencies for Oversight Practitioners (see *Appendix B*).



One COB member, Dr. Mary Davis, was also a panelist in a session entitled “Best Practices for Volunteer Review Boards.” During this session, Dr. Davis shared information on the structure and the work of the COB. As an example best practice, Dr. Davis spoke of the COB’s commitment to keeping in touch with the community by holding quarterly public forums around the city. She discussed the COB’s involvement in community meetings sponsored by the DPD to get feedback

⁷ Memorandum for Deputy Director of Safety Jess Vigil and Assistant City Attorney Jennifer Jacobson to Executive Director of Safety Troy Riggs Re: P.I.T- Discipline Process Recommendations (January 3, 2019).

⁸ Mayor Hancock Launches Public Integrity Division, <https://www.denvergov.org/content/denvergov/en/mayors-office/newsroom/2018/mayor-hancock-launches-public-integrity-division.html>.

⁹ 2018 Annual NACOLE Conference, https://www.nacole.org/2018_annual_nacole_conference.

on proposed policies such as the Use of Force Policy. She spoke of the COB's ongoing invitation to the community to attend the COB's bi-monthly business meetings, noting that these meetings have helped the COB learn about what the community expects of it. Dr. Davis also discussed the role of social media in keeping the community informed of upcoming events and to receive feedback about the COB's work.

COB Budget Expansion

In its 2019 Budget, the City and County of Denver committed to providing additional resources that will allow the COB to be a more effective oversight body. First, the Mayor approved funding to create a part-time Administrative Support Assistant to provide administrative support to the COB and help plan its public meetings. The Mayor also approved a budget increase to support the COB with additional training as well as provide child care to community members attending the COB's quarterly public forums.¹⁰

Poetry, Race, and Policing Event

Everywhere were flashes, a siren sounding and a stretched-out roar. Get on the ground. Get on the ground now. Then I just knew. And you are not the guy and still you fit the description because there is only one guy who is always the guy fitting the description. (Claudia Rankine, *Citizen: An American Lyric*)

As part of the Denver Talks Series, on February 2, 2018, the COB hosted a conversation inspired by Rankine's text, with a focus on race in policing and incarceration. The session was facilitated by Bill de la Cruz, the Director of Diversity, Equity, and Inclusion at Denver Public Schools. It was well-attended, with roughly 80 participants. Participants were broken into groups and tasked with developing definitions and themes related to race and policing, in the context of Rankine's poems.

Denver Talks is a collaboration between Lighthouse Writers Workshop, the City and County of Denver, and NEA Big Read.

¹⁰ City and County of Denver, 2019 Budget Book (369), https://www.denvergov.org/content/dam/denvergov/Portals/344/documents/Budget/2019/2019_Budget%20Book_V_2-OnlineVersion-compressed.pdf.

APPENDIX A:

DUTIES OF THE OFFICE OF THE INDEPENDENT MONITOR

The Office of the Independent Monitor (OIM) is charged with working to ensure accountability, effectiveness and transparency in the Denver Police and Sheriff disciplinary processes. The OIM is responsible for --

- ◆ Ensuring that the complaint and commendation processes are accessible to all community members;
- ◆ Monitoring investigations into community complaints, internal complaints, and critical incidents involving sworn personnel;
- ◆ Making recommendations on findings and discipline;
- ◆ Publicly reporting information regarding patterns of complaints, findings, and discipline;
- ◆ Making recommendations for improving Police and Sheriff policy, practices, and training;
- ◆ Conducting outreach to the Denver community and stakeholders in the disciplinary process;
- ◆ Promoting alternative and innovative means for resolving complaints, such as mediation.

APPENDIX B:
**CERTIFICATION FOR OVERSIGHT PRACTITIONER OF CIVILIAN
OVERSIGHT**

NACOLE Requirements and Core Competencies

NACOLE is a nonprofit organization that brings together individuals and agencies working to establish or improve oversight of law enforcement departments and agencies in the United States. Of several educational opportunities, NACOLE offers the Certified Practitioner of Civilian Oversight (CPO) Program.¹

Requirements for Certification

To qualify for certification, a participant must receive a minimum of 45 credit hours of NACOLE certified training and attend two annual NACOLE conferences within three consecutive years. Of those 45 credit hours, participants must receive a minimum of 1.5 credit hours in each of NACOLE's 6 core competencies (Civilian Oversight of Law Enforcement, Investigations, the Public and Transparency, Law, Policing/Law Enforcement Policies & Procedures, Remediation and Discipline). In addition, participants are required to read two items from the approved reading list. All certification requirements must be completed in a three-year period.

Core Competencies for Civilian Oversight Practitioners

Civilian Oversight of Law Enforcement

- Models
- History
- Current trends
- Theories, standards and practices

Investigations

- Basic investigative skills and techniques in the following areas (not an exhaustive list):
 - Interviewing
 - Writing clear, concise, well-organized and thorough investigative reports
 - Communication
 - Planning
 - Collection and preservation of evidence
 - Conducting independent and objective investigations
 - Review and/or Audit of Internal Investigations
 - Using matrices, timelines and relational database software to organize and conduct timely and thorough reviews of investigations
 - Basic auditing principles (Yellow Book)
-

The Public and Transparency

- Community Outreach
 - Holding meetings and keeping stakeholders informed
 - Receiving and processing stakeholder input

- Public Reporting
 - Tools/methods for making reports available to the public
 - Media relations
 - Public speaking

Law

- United States Constitution
- Important/Relevant Case Law for Civilian Oversight (not an exhaustive list):
 - Tennessee v. Garner o Graham v. Connor
 - Terry v. Ohio
 - Miranda v. Arizona (Arizona v. Gant)
 - Loudermill
 - Garrity
- Peace Officer's Bills of Rights/Labor Law
- Public records acts
- HIPPA
- Ethics of law enforcement and oversight

Policing/Law Enforcement Policies and Procedures

- Understanding of the criminal justice system/process, including basic policing models and tactics
- Technology
- Use of force (non-lethal, less-lethal, and lethal force)
- Community policing
- Police accountability mechanisms (e.g. EIS) and internal/external review
- Jail procedures

Remediation and Discipline

- Mediation
- Education-based discipline
- Early warning systems
- Disciplinary process including arbitration/grievance/appeal rights of officers and role of the police union in the disciplinary process

¹ www.nacole.org/cpo_credential_program

California Behavioral Health Planning Council
Patients' Rights Committee
Wednesday, April 17, 2019

Agenda Item: Discussion: Pre-trial Detention Reform

Background/Description:

At the PRC meeting on April 18, 2018, the committee voted to select patients' rights in county jails as their next area of focus. In January of 2019, the PRC had a presentation with Aaron Fischer, litigation counsel for Disability Rights California (DRC). Aaron suggested several issues for the PRC to look into concerning improving patients' rights in California county jails. One of those issues is pre-trial detention reform.

The passage of SB10 eliminated money bail in California. The money bail system will be replaced by risk-based assessments and supervision programs that base decisions on whether to jail arrestees before trial on their threat to public safety and likelihood of making a court appearance. Aaron advised that there is a need for advocacy to ensure that people with mental health needs aren't discriminated against in this risk-assessment process, and aren't unnecessarily jailed.

Enclosures:

1. **Understanding SB10: What the New Law May Mean for Californians**, a fact sheet by the Pretrial Justice Institute.
<https://university.pretrial.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=8d6194ae-1d2d-31af-6557-1da76c434d00&forceDialog=1>
2. **Summary of Release and Detention Process under SB10:**
<http://www.courts.ca.gov/documents/sb10-summary-of-bail-legislation.pdf>
3. **Chief Justice names Group to Review Pretrial Reform Efforts in California**, a News Release from the Judicial Council of California:
<https://newsroom.courts.ca.gov/news/chief-justice-names-group-to-review-pretrial-reform-efforts-in-california>

Please contact Justin Boese at Justin.boese@cbhpc.dhcs.ca.gov for electronic copies of the materials, or access them with the provided links.

California Behavioral Health Planning Council
Patients' Rights Committee
Wednesday, April 17, 2019

Agenda Item: Discussion: The Stepping Up Initiative

Background/Description:

The Stepping Up Initiative is a national initiative to reduce the number of people with mental illnesses in jail. Stepping Up asks communities to come together to develop an action plan that can be used to achieve measurable impact in local criminal justice systems of all sizes across the country. In California, 35 counties have passed resolutions to sign on to the Initiative's "Call to Action" to reduce the number of people with mental illnesses in their county jails.

Enclosures:

1. **The Stepping Up Initiative Overview.** <https://stepuptogether.org/wp-content/uploads/Stepping-Up-Overview.pdf>
2. **Reducing the Number of People with Mental Illnesses in Jail: Six Questions County Leaders Need to Ask, a resource from the Stepping Up initiative.** https://stepuptogether.org/wp-content/uploads/2017/01/Reducing-the-Number-of-People-with-Mental-Illnesses-in-Jail_Six-Questions.pdf
3. **Connecting Justice-Involved People to Treatment and Services.** A case study of a mental health screening program in Calaveras County which was chosen as one "Innovator Counties" by the Stepping Up Initiative. <https://www.naco.org/sites/default/files/documents/SAMHSA%20Case%20Study%20Calaveras%20Final.pdf>
4. **Prioritizing Policy, Practice and Funding Improvements for People with Mental Illnesses in Jails.** Slides from a webinar on the Stepping Up Initiative which uses Santa Clara County as an example of a data-driven planning process. <https://stepuptogether.org/wp-content/uploads/2017/08/Stepping-Up-August-Webinar-Slides.pdf>

Please contact Justin Boese at Justin.boese@cbhpc.dhcs.ca.gov for electronic copies of the materials, or access them with the provided links.

Prioritizing Policy, Practice and Funding Improvements for People with Mental Illnesses in Jails

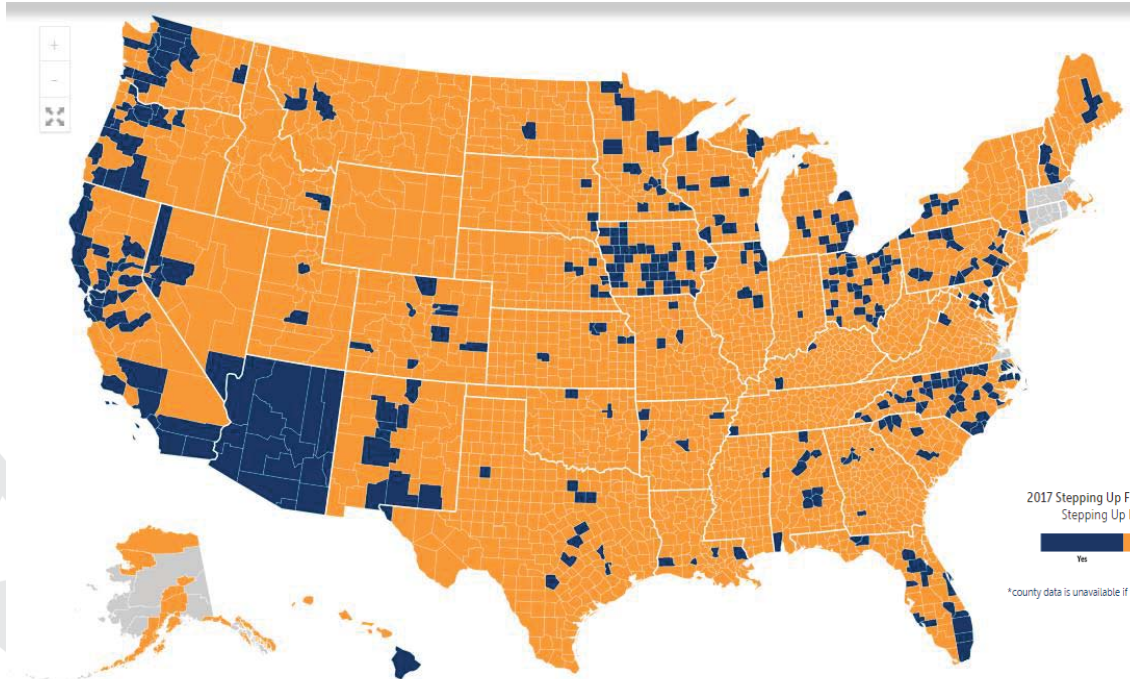
August 2017



@NACoTweets | www.NACo.org 1

Counties are Stepping Up

Stepping Up Resolutions Received as of August 1, 2017



@NACoTweets | www.NACo.org 2

Speaker: Maria Fryer

Maria Fryer
Policy Advisor: Substance Abuse and Mental Health
Bureau of Justice Assistance
Office of Justice Programs
U.S. Department of Justice



@NACoTweets | www.NACo.org 3

Today's Webinar

Council of State Governments Justice Center

Hallie Fader-Towe
Senior Policy Advisor

Pacific County, Wa.

The Honorable Frank Wolfe
Commissioner

Katie Lindstrom
Public Health Director

Rosanne McPhail
Justice Mental Health Collaboration Coordinator



@NACoTweets | www.NACo.org 4

Speaker: Hallie Fader-Towe



Hallie Fader-Towe
Senior Policy Advisor
Council of State Governments Justice Center



Stepping Up:

Prioritizing Policy, Practice, and Funding
Improvements

Hallie Fader-Towe, Senior Policy Advisor, The CSG Justice Center

August 10, 2017



Checklist for Question 5



Prioritized strategies

- Strategies should focus on systems-level changes and one or more of the **four key measures**: 1) jail bookings, 2) length of stay, 3) connection to care, 4) recidivism rates



Detailed description of needs

- Submit a proposal to the county board, which may include the need for policy reforms, additional staff, increased MH, substance use, and support services, information system updates, and training



Estimates/projections of the impact of new strategies

- The proposal should include the number of people to be impacted and estimated improvement in services, which helps explain how new investments will affect one or more of the **four key measures**

Checklist for Question 5 (Continued)



Estimates/projections account for external funding streams

- The proposal should describe how existing funding streams can be leveraged to fund additional staff, services, and other costs
 - Federal program funding
 - State grants
 - Federal and state discretionary funds
 - Local philanthropic resources



Description of gaps in funding best met through county investment

- The proposal should explain how county funds can meet a specific need or fill a gap that existing funding streams cannot fulfill

Setting Measurable Goals

**Goals Excerpted from Report to Board, August 2016
(original numbers from report):**

1. Reduce the number of people on the Jail Assessment Coordination (JAC) list (currently ranges from 80-100 people daily)

Goal: Eliminate incarceration of people who are held only because adequate residential and outpatient services are not available

4. Reduce the number of people with mental illness and/or co-occurring substance use disorders that are booked into jail

Goal: 250 fewer people over two years

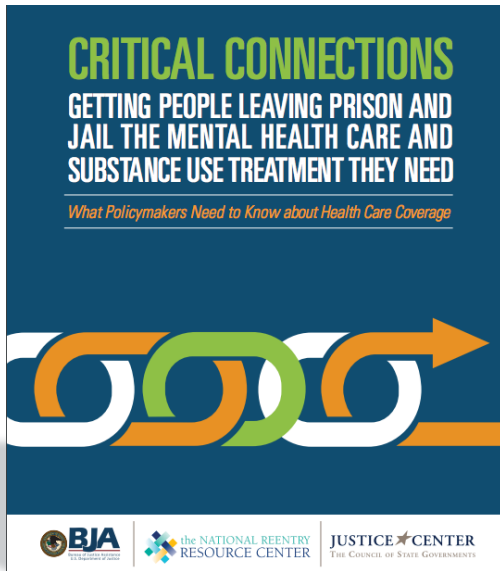
5. Reduce the length of time people with mental illness and/or co-occurring substance use disorders remain in jail (current length of stay is 159 days for males and 58 days for females)

Goal: 80 days for males and 30 days for females

Preparing the Funding Proposal: Know Your Numbers

- Use data to demonstrate current capacity as compared to the need
- Use data to demonstrate numbers to be served and expected outcomes tied to 4 key measures
- Use real-life stories/support from advocacy groups
- Project costs
- Identify funding streams

Further Information on Federal, State, and Local Resources to Address Gaps in Services and Promote Evidence-Based Practices



Released in January 2017

Highlights state- and county-level strategies for improving connections to **health care coverage and benefits** (e.g. Medicaid, SSI/SSDI, VA).

Highlights ways that states and counties can fully leverage **Medicaid** to improve coverage and delivery of the behavioral health treatment and services needed by people leaving correctional settings, supplemented by block grants and state funding.

Source: <https://csgjusticecenter.org/nrrc/critical-connections/>



THANK YOU

For more information, please contact:

Hallie Fader-Towe, Senior Policy Advisor, The CSG Justice Center hfader@csg.org

THE
STEPPINGUP
INITIATIVE

Speakers: Pacific County, Wa.



The Honorable Frank Wolfe
Commissioner



Katie Lindstrom
Public Health Director



Rosanne McPhail
Coordinator
Justice Mental Health
Collaboration



Stepping Up in Pacific County

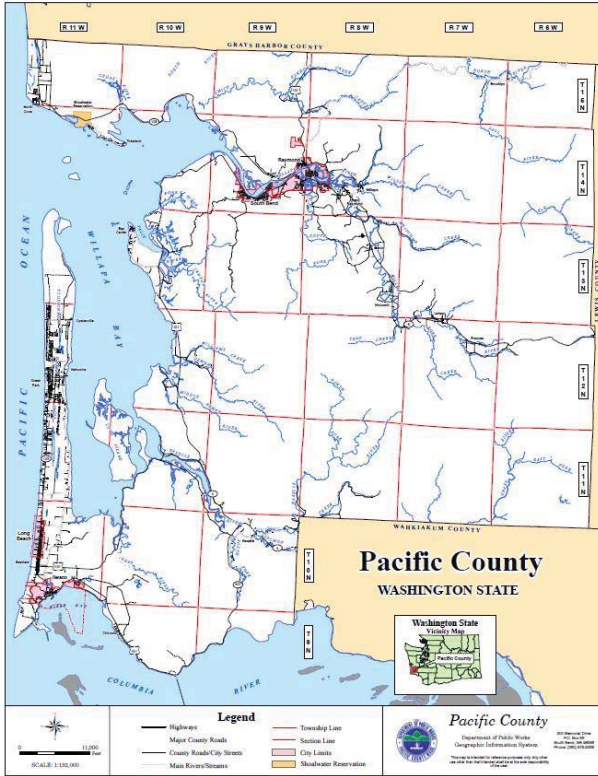
Prioritizing Policy, Practice and Funding



Presented by:

- Frank Wolfe, Pacific County Commissioner
- Katie Lindstrom, Pacific County Public Health Deputy Director
- Rosanne McPhail, Justice Mental Health Collaboration Coordinator

Pacific County, Washington



Population: 20,848 (2015)

933 square miles

22.5 person per square mile

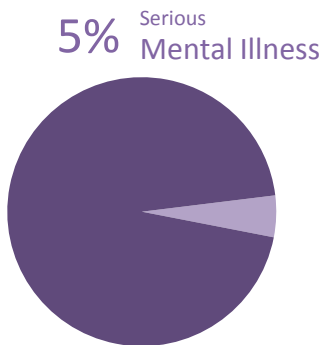
4 Incorporated Cities

Economy based on tourism industry, logging, lumber manufacturing, oyster harvesting, seafood canning, crabbing, sports and commercial fishing, dairy farming, stock raising and cranberry farming.

Why do elected officials care?

| The Problem

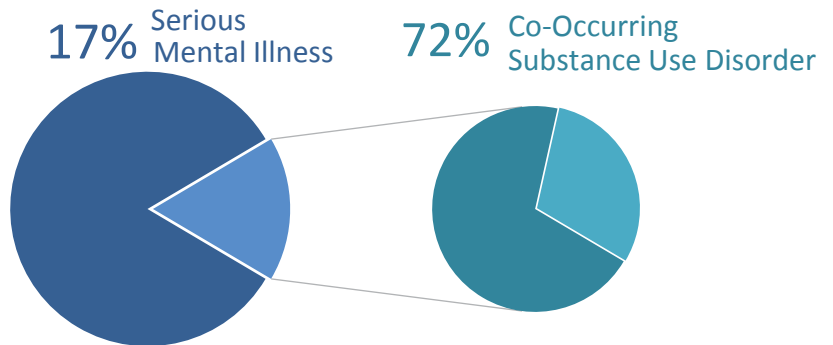
General Population



Our population:

20,848 5%:

Jail Population



2016 Annual Jail population: 845

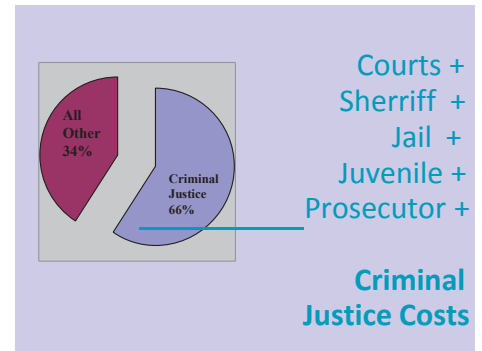
17%:143

72%: 103

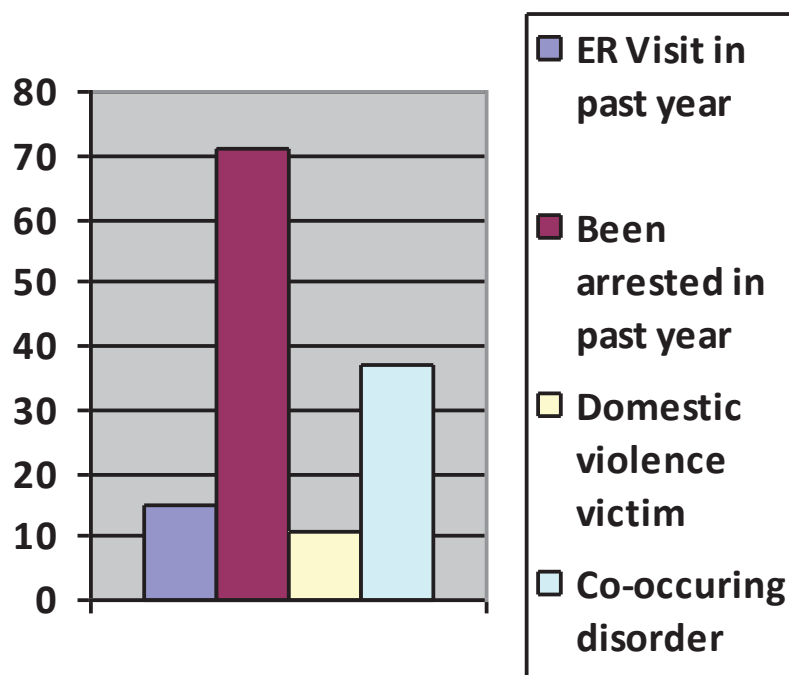
Costs Associated with Un-treated Mental Illness & Substance Use Disorders

- Decrease in tourism dollars coming into the county due to increased crime/vandalism and other problems associated with untreated mental illness and substance use disorders and decreased quality of life
- Increased absenteeism and less productive work force associated with mental illness and addiction
- Decrease in property values
- Health care business writes off extensive “bad debt” due to non-paying patients with mental illness and/or substance use disorders
- Excessive time and money spent by law enforcement and courts in dealing with mental health and SUD related crime
- Diversion of time, money, and other resources service providers who must spend disproportionate amounts of energy on individuals struggling with addiction and/or mental illness

Pacific County Budget (2016)

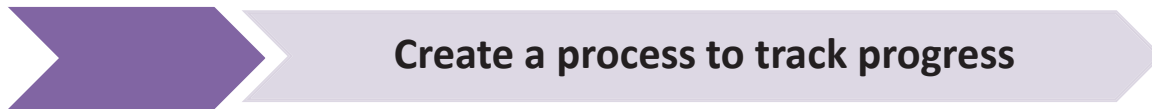


Characteristics of Individuals in Treatment in Pacific County



Funding ideas

- County .1% Sales Tax, Millage, and/or County General Funds
- Behavioral Health Organizations (BHOs)
- Justice Mental Health Collaboration Grant (BJA)
- WA State Prosecutorial Diversion Grant (5177)
- Trueblood Grant
- Medicaid (for related covered services)
- Medicaid Transformation Grant (ACH- Care Transitions)
- Criminal Justice Treatment Account (CJTA)
- Partner match/in-kind
- Community coalitions (for training/coordination)



Create a process to track progress

Four Key Measures

- Prevalence rate of mental illnesses in jail population
- Length of time people with mental illnesses stay in jail
- Connections to community-based treatment, services, and supports
- Recidivism rates

Contact Us!

Rosanne McPhail

E: rmcphail@co.pacific.wa.us

P: (360)642-9300 ex 2172

Katie Lindstrom

E: koien@co.pacific.wa.us

P: 360-642-9349

Frank Wolfe

E: fwolfe@co.pacific.wa.us

Upcoming Stepping Up TA Resources

Monthly Webinars and Networking Calls

- **Network Call:** Prioritizing Policy, Practice and Funding Improvements for People with Mental Illnesses in Jails (August 16 at 2pm ET)
- **Webinar:** Tracking Progress on Reducing the Number of People with Mental Illness in Jails (October 12 at 2pm ET)
- Register at www.StepUpTogether.org/Toolkit



Poll Questions



@NACoTweets | www.NACo.org 37





Contact Information

Nastassia Walsh, MA
Program Manager
National Association of Counties
E: nwalsh@naco.org
P: 202.942.4289



www.stepuptogether.org
info@stepuptogether.org

Chenise Bonilla
Senior Policy Analyst
Council of State Governments
Justice Center
E: cbonilla@csg.org
P: (646) 383-5768



Lindsey Fox
Director of Corporate and
Community Relations
American Psychiatric Association
Foundation
E: LFox@psych.org
P: 703-907-8519



@NACoTweets | www.NACo.org 38

California Behavioral Health Planning Council
Patients' Rights Committee
Wednesday, April 17, 2019

Agenda Item: PRC Ad-Hoc Member Vacancy

Background/Description:

Samuel Jain, one of the Patients' Rights Committee's ad-hoc members, has stepped down from his position on the PRC. The PRC will discuss how to proceed with filling the vacancy.

Welfare and Institutions Code (WIC); Division 5.

Part 1; Chapter 6.2 - Mental Health Advocacy;

Article 2. Patients' Rights Program [5510 - 5514]:
5514:

There shall be a five-person Patients' Rights Committee formed through the California Mental Health Planning Council. This committee, **supplemented by two ad hoc members appointed by the chairperson of the committee**, shall advise the Director of Health Care Services and the Director of State Hospitals regarding department policies and practices that affect patients' rights. The committee shall also review the advocacy and patients' rights components of each county mental health plan or performance contract and advise the Director of Health Care Services and the Director of State Hospitals concerning the adequacy of each plan or performance contract in protecting patients' rights. **The ad hoc members of the committee shall be persons with substantial experience in establishing and providing independent advocacy services to recipients of mental health services.**

(Amended by Stats. 2012, Ch. 34, Sec. 108. Effective June 27, 2012.)