

Table of Strategies for California IST

Increase Capacity: Behavioral Health Workforce & Housing

In the state-wide survey with 51 counties responding, 47% of respondents specifically mentioned funding in response to the question: “What changes to state policy and laws would best facilitate improved use of mental health diversion across the state?” Their responses included: supportive housing, outpatient mental health treatment, supervision, and staffing (mental health, medical, legal, mental health at public defenders, mental health in rural counties, and mental health assessment).

Issue	Strategy	Rationale/Support	Short/Med/Long
Hiring			
Building a criminal justice competent behavioral health workforce	Provide or encourage counties to provide hiring and retention bonuses to diversion program staff/forensic liaisons/case managers to assist with ensuring diversion programs are staffed appropriately with well-trained and motivated people		Medium/Long
	Sponsor job fairs (state or county) and/or conduct other outreach at social work schools, colleges, community colleges, etc. to encourage people to apply for positions with diversion programs		Medium/Long
	Provide flexible funding that enables regional collaboration across counties for behavioral health and housing strategies, especially for less densely populated regions (e.g., Regional Center approach)		Short/Medium/Long
Facilitate focused attention to behavioral health population within the courts	Assign a senior leader to facilitate connections between California’s courts and Department of State Hospitals and local behavioral health systems in order to identify and address ongoing challenges.	New Mexico has created the position of Statewide Behavioral Health manager within its Administrative Office of the Courts to lead statewide training and coordination, including supporting local communities in implementing	Medium

		court-behavioral health collaborations. ¹	
Training			
Encouraging diversion/ community-based placement	Provide training in Motivational Interviewing and TTA focused on local court and jail policies to stabilize individuals		Short/Medium
	Provide training for CJ and BH stakeholders on assessing and mitigating “dangerousness” for people with BH needs		Short/Medium
Housing: Developing a continuum of housing options for diverse needs profiles. ² “Lack of housing” was identified by survey respondents as the #1 barrier to diversion (1 st choice of 42% of reporting counties).			
Increase mutual understanding among housing, health, and justice partners about local needs and available resources	<ul style="list-style-type: none"> • Provide guidance and/or financial incentives/requirements for county-level corrections and diversion leaders to formally participate in housing planning bodies, such as the local Continuum of Care Board. • Via HCFC, encourage, incentivize, or require local housing system leaders to participate in existing interdisciplinary meetings focused on the justice-involved population, such as community corrections partnerships or Stepping Up task forces. 	Justice system leaders often do not have the relationships and mechanisms to connect with the mainstream housing system and access its resources. Housing agencies have limited resources, and prioritizing this population requires policy and practice changes that will only take place after an initial foundation of collaboration has been built. In addition, if new local housing programs are launched, existing housing agency infrastructure may be needed to administer them.	Short

¹ This and other similar positions are detailed in a forthcoming publication by the National Center for State Courts.

² U.S. Department of Housing and Urban Development, *Recovery Housing Policy Brief* (Washington, DC: HUD, 2015), <https://www.hudexchange.info/resource/4852/recovery-housing-policy-brief>; Jocelyn Fontaine, et al., *Supportive Housing for Returning Prisoners: Outcomes and Impacts of the Returning Home-Ohio Pilot Project*, (Washington, DC: Urban Institute Justice Policy Center, 2012), <https://www.urban.org/sites/default/files/publication/25716/412632-Supportive-Housing-for-Returning-Prisoners-Outcomes-and-Impacts-of-the-Returning-Home-Ohio-Pilot-Project.PDF>; Anirban Basu et al., “Comparative Cost Analysis of Housing and Case Management Program for Chronically Ill Homeless Adults Compared to Usual Care,” *Health Services Research* 47, no. 1, pt 2 (2012): 523–543. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3393008/>.

		<p>In Ohio, cross-system collaboration between housing, courts, sheriffs, behavioral health provider, etc. through Stepping Up has resulted in counties investing in new permanent supportive housing for people with complex care needs leaving or diverted from incarceration.³</p> <p>As a result of sustained collaboration efforts, communities are beginning to prioritize newly available ARP Emergency Housing Vouchers for people leaving the justice system. In Austin, a partnership has developed between the Public Defender's Office and the CoC where clients are enrolled directly into the local Coordinated Entry system. In California, the Kings-Tulare Homeless Alliance (CoC for this two-county region) has elected to prioritize this resource for people leaving the local jail.⁴</p>	
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³ CSG Justice Center, "How State-Led Housing Initiatives Can Break the Cycle of Criminal Justice Involvement" (Webinar, CSG Justice Center, New York, September 23, 2020), <https://csgjusticecenter.org/events/how-state-led-housing-initiatives-can-break-the-cycle-of-criminal-justice-involvement/>.

⁴ U.S. Department of Housing and Urban Development, *Emergency Housing Vouchers Office Hours* (Washington, DC: Office of Public and Indian Housing, October 26, 2021), <https://www.hudexchange.info/trainings/emergency-housing-vouchers-webinars-and-office-hours/>. Meeting between The Council of State Governments Justice Center and Kings/Tulare Homeless Alliance, October 2021.

Facilitate repurposing and building housing for this population	<ul style="list-style-type: none"> • Provide guidance and TTA to local housing, health, and justice stakeholders on engaging key partners (e.g., developers, property managers, services providers) and navigating funding applications and real estate regulations. 		Medium/Long
	<ul style="list-style-type: none"> • Pursue non-traditional funding strategies to sustainably increase housing supply, such as consolidating public and private rental assistance and support service resources into Flexible Subsidy Pools, and securing housing funding from other sectors such as corrections and health care. 	<p>Philanthropy, health care, corrections partners are increasingly realizing that funding housing aligns with their mission.</p> <p>The Los Angeles County Flexible Housing Subsidy Pool (FHSP) is a partnership initially supported by the Conrad N. Hilton Foundation that provides rental units for people with behavioral health conditions who are experiencing homelessness. The program funds rental subsidies, case management, and other supportive services, and has housed over 8,000 people since 2013. FHSP funds a range of rental assistance programs that serve different sub-populations, including people in the criminal justice system.</p> <p>Health insurance and hospitals, recognizing the value add, are increasing investing in the development of housing. Hospitals such as Bon Secours in Baltimore are doing so to meet their Hospital Community</p>	Medium/Long

		Benefit obligations. ⁵ Insurers such as Anthem in Kings and Tulare counties are making similar investments, recognizing the value to their enrolled members.	
Prioritize access to housing for people with justice involvement	Explore with HCD whether any priorities/preferences could be implemented in the Homekey program (forthcoming funding rounds, set-asides, etc.) or in the state allocation of HOME-ARP funds. Other key funding streams controlled by other agencies would include State and Local Fiscal Recovery funds and Behavioral Health Infrastructure Continuum funding.	<p>California needs at least 1 million more affordable units for extremely low income renters, and less than 15 percent of very low income housing permits are approved in the state.⁶ Without attention, people with CJ-involvement are unlikely to win the competition for scarce housing resources.</p> <p>In Pennsylvania, this collaboration has resulted in increased prioritization in housing funding and tax credits for projects prioritizing this population.</p> <p>In Colorado, the Homeless Solutions Program increases the availability of permanent supportive housing and prioritizes people with SMI who have frequent contacts with public systems, including the justice system. To develop new housing</p>	Medium/Long

⁵ *Social Determinants of Health, Housing, Before House and Senate staff*, 115th United States Congress (Bon Secours Mercy Health staff).

⁶ National Low Income Housing Coalition, *The Gap: A Shortage of Affordable Rental Homes*, (Washington, DC: National Low Income Housing Coalition, 2021), <https://reports.nlihc.org/gap>; California Housing and Community Development, "Housing Element Implementation and APR Data Dashboard," accessed October 2021, <https://www.hcd.ca.gov/community-development/annual-progress-reports.shtml>.

		units, Colorado's Governor's Office, Division of Housing, and the Colorado Housing Finance Agency coordinate to jointly underwrite tax credit properties, providing gap funding and project-based vouchers. ⁷	
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Encourage Appropriate Community-Based Placements

In our survey, 44 of the 51 responding counties indicated that they have some sort of mental health diversion in place. 77% of these counties reported that the programs are open for both misdemeanors and felonies. 56% of these counties reported that participants are supervised by probation. 51% of these counties reported that peers are part of their treatment teams.

Issue	Strategy	Rationale/Support	Short/Med/Long
Early identification of individual behavioral health, housing, and supervision needs	<p>Provide jail staff with examples of tools that can be employed to assess the housing and service needs of the Felony IST population (including but not limited to the VI-SPDAT, COMPAS, LSI-R, as well as emerging tools that center racial equity such as the Austin Prioritization Index).</p> <p>Provide technical assistance and funding for additional staffing (if needed) for local programs to integrate these assessments into their workflows.</p>	To succeed in the community, people in felony IST must be matched to housing and service models that meet their BH and criminogenic needs. While a subset of clients may temporarily or permanently need a higher level of residential care, research shows that many people with complex needs can succeed in community-based alternatives such as Permanent Supportive Housing, and results of this assessment will indicate which clients fall	Short

⁷ Alex Blandford, Thomas Coyne, Hadley Fitzgerald, et al., Stepping Up Pennsylvania: Findings and Recommendations from the Behavioral Health-Criminal Justice State Policy Scan Project (New York: The Council of State Governments Justice Center, 2021), <https://csgjusticecenter.org/wp-content/uploads/2021/06/CSGJC-PA-Policy-Scan-Report-June2021.pdf>.

		into each category. ⁸ This has been done in numerous places, including Salt Lake County, UT, and Louisiana.	
	DSH provides local jail and BH staff a daily/weekly list of individuals on waitlist who are eligible for diversion based on available charges and diagnostic information. Jail/BH diversion staff develop weekly target for assessments, including initial evaluations and encouragement towards medication compliance and develop process for notifying counsel of potential diversion eligibility.	Getting diversion program staff to meet with potential diversion participants ASAP helps build rapport and develop engagement with participants, even if they are very psychiatrically unstable. The program staff can also help motivate the participants to comply with their medications as it will help prepare them to potentially be released to diversion. This will also encourage jail staff to be looking out for diversion eligible people frequently knowing that program staff will be coming to interview people at least once a week. This approach is modeled after CASES NACT coordination system w/ NYS state hospitals. The clients who were interviewed and engaged at the state hospital had more successful program completions than other clients.	Short
	Address barriers to providing Medi-Cal funded treatment to out-of-county residents, as well as barriers to providing integrated mental health and substance use treatment	Survey responses	
	Consider creating community-based regional forensic evaluation and/or diversion treatment planning capacity	Many states used community-based forensic evaluators, often trained or	

⁸ National Academies of Sciences, Engineering, and Medicine, *Permanent Supportive Housing: Evaluating the Evidence for Improving Health Outcomes Among People Experiencing Chronic Homelessness* (Washington, DC: The National Academies Press, 2018), <https://www.nap.edu/catalog/25133/permanent-supportive-housing-evaluating-the-evidence-for-improving-health-outcomes>.

		<p>certified by the state, to reduce time for competency evaluation.</p> <p>For less-populated parts of the state, having this capacity at the regional level, potentially via telehealth, could reduce wait times and increase access to forensic evaluation.</p> <p>A similar regional capacity could be established for developing diversion treatment plans, which may save transportation time, as well as allow scarce behavioral health professionals to more efficiently cover a large geography.</p>	
Reduce reluctance to grant diversion	Create a presumption in favor of diversion for those who meet clinical and legal eligibility, subject to the availability of a treatment plan.	<p>This could address judicial and prosecutorial concern about being “on the hook” for granting a diversion.</p> <p>This option was suggested by multiple survey respondents.</p>	
Address need for immediate access to housing at the point of diversion	<p>Provide flexible funding,⁹ such as:</p> <ul style="list-style-type: none"> • Landlord incentives. These typically take the form of a small cash payment for leasing to a client, and then additional payments for keeping them housed for a period of time, such as 6 or 12 months. Another example are risk mitigation funds, where landlords 	In Ohio, the state’s Stepping Up initiative partners with state housing and behavioral health agencies to provide a landlord risk mitigation fund. The program is funded by the State for landlords to join at no fee and provides landlords with an extra layer of protection if a rental unit incurs damage.	Medium

⁹ This funding should be deployed strategically in each community, making sure not supplant any existing resources that may be available (such as CoC Rapid Rehousing funds), and leveraging additional resources to meet other critical post-diversion housing needs, such as Medi-Cal (eventually CalAIM) to fund housing search and stabilization.

	<p>can make a claim in the event of unexpected expenses such as damages, breaking leases, etc.</p> <ul style="list-style-type: none"> • Rental assistance. This funding would partially or fully subsidize the cost of a private market apartment, depending on client needs and financial resources. It could be time limited or “stepped down” over time as clients become more financially independent or secure permanent housing subsidies (ongoing case management support will be <u>critical</u> in this process). • Move-in costs such as security deposits, utility arrears, etc. 	Salina, Kansas leveraged flexible federal funding, through the Emergency Solutions Grant program, for rapid re-housing for people leaving incarceration. The assistance includes short-term financial support—such as rental assistance, security deposits, and utility arrearage payments—as well as housing search, landlord mediation, and other support services. ¹⁰	
Protect public safety during community-based placements	Locked housing is only necessary for a small subset of felony ISTs (those with highest behavioral health, criminogenic needs)	Community-based housing is a more cost-effective resource that often leads to better outcomes; a comprehensive review of existing research shows that people with high services needs and complex care needs can succeed in housing with supportive services. ¹¹	
Provide individualized connections to treatments and supports	Fund court- and jail-based liaisons or navigators to identify those who may need community-based treatment and supports and make appropriate connections with system partners to facilitate	Through SB 18-251, Colorado has created liaisons in each of its judicial districts to meet with defendants to assess need and connect people to services in the community. In the last	Medium/Long

¹⁰ Charles Francis, *How One City Used Federal Funds to Create Reentry Housing Opportunities* (New York, NY: Council of State Governments Justice Center, 2021), <https://csgjusticecenter.org/2021/04/12/how-one-city-used-federal-funds-to-create-reentry-housing-opportunities/>.

¹¹ National Academies of Sciences, Engineering, and Medicine, *Permanent Supportive Housing: Evaluating the Evidence for Improving Health Outcomes Among People Experiencing Chronic Homelessness* (Washington, DC: The National Academies Press, 2018), <https://www.nap.edu/catalog/25133/permanent-supportive-housing-evaluating-the-evidence-for-improving-health-outcomes>.

	dismissal/diversion, case planning, and effective reentry to the community	<p>year, the majority (82%) of cases were related to competency.¹²</p> <p>Arizona has established standardized descriptions for “clinical liaisons” and “peer/forensic navigators.”</p>	
	Examine data on repeat-ISTs (i.e., people who have been evaluated and/or restored repeatedly over a given period) to identify potential policy changes to facilitate transfer to civil system	States and counties that have analyzed data on repeat ISTs have used it to develop specialized processes to expedite evaluation, diversion, and/or dismissal with a transfer to the civil system to save time and money	
Provide research-based and culturally relevant community-based care	Work with community-based providers and communities themselves to identify and support what is working locally to promote health, including strategies that support people with histories of trauma. This should include a racial/cultural/linguistic analysis of those needing behavioral health care.	<p>Research indicates the importance of culturally relevant, community-based and trauma-informed treatment.¹³</p> <p>“Qualified, culturally diverse case managers are among the most important components of effective diversion.... Since ethnic and racial minorities are overrepresented in US jails, constituting 57% of the country's jail population,' diversion programs must be designed and implemented on the basis of the cultural experiences of the people they are meant to serve. Moreover, since English is not the primary language for</p>	

¹²Bridges Program FY21 Legislative Report Data slides.

¹³ Substance Abuse and Mental Health Services Administration. Improving Cultural Competence. Treatment Improvement Protocol (TIP) Series No. 59. HHS Publication No. (SMA) 14-4849. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014.

		many detainees, bilingual case managers are often essential.” ¹⁴	
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Improving Information Systems

Issue	Strategy	Rationale/Support	Short/Med/Long
Facilitate appropriate information sharing	Charge the California Office of Health Information Integrity with the development of State Health Information Guidance on sharing health and housing information in the context of serving people involved with the juvenile and criminal justice systems, including the development of standard authorizations for release of information and MOUs	Often misperceptions about federal and state privacy law prevent the sharing of information that would facilitate better case planning, as well as analysis to understand trends	Medium
Support cross-system data initiatives at the local and state level	Provide funding to support counties to undertake analyses of their criminal justice populations, including those with behavioral health needs to understand trends and identify data-driven strategies to reduce the use of IST	Many counties have taken advantage of data-driven system analyses through the Mental Health Services Oversight & Accountability Commission’s Data Driven Recovery Project, CSAC’s Results First, and California Forward’s Justice System Change Initiative. However, all counties would benefit from this sort of support in understanding and better managing their systems.	
	Provide funding to develop a state approach to monitor key data at the intersection of criminal justice, behavioral health, and homelessness.	CCJBH has taken an important initial step in developing a dashboard that examines key data from the community, treatment, social services, and justice systems, however this is a time-limited effort. Funding could fully develop and	Medium/Long

¹⁴ Steadman HJ, Morris SM, Dennis DL. The diversion of mentally ill persons from jails to community-based services: a profile of programs. *Am J Public Health*. 1995;85(12):1630-1635. doi:10.2105/ajph.85.12.1630

		<p>institutionalize this approach so that state policymakers can consistently draw on cross-system data to make decisions, rather than relying on one-off studies.</p> <p>Similarly, funding could support linkages between the new state HDIS, a new state-wide jail database that builds off of the BSCC's Jail Profile Survey, and state health information.</p>	
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