

March 7, 2016

Via E-Mail

The Honorable Members of the Board of Supervisors
County of Los Angeles
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Surge in Mental Health Competency Cases

Dear Honorable Members of the Board:

The National Alliance on Mental Illness, Los Angeles County Council (NAMI LACC) supports Supervisors Solis and Kuehl's proposal to commission a full analysis on the dramatic increase in incompetent to stand trial cases in the county.

The Los Angeles Times article on March 3, 2016 speculated that the spike in incompetency cases could be due to increased awareness of mental illness in the criminal justice system, or to Proposition 47 reforms, to the growing homeless population, or to the shortage of treatment facilities. NAMI LACC believes that the steep rise is due to lack of access to and capacity at a higher level of care than is provided by our Mental Health Services Act-funded outpatient system.

Our county is home to a sizeable number of individuals living with serious mental illness who do not receive outpatient services through the county's largest mental health funding source, the Mental Health Services Act (MHSA). Many people who require a higher level of care receive no care at all or receive inadequate care in overwhelmed facilities. As an example, even after the Mental Health Court approves an individual's eligibility for LPS Conservatorship, patients can wait four or more months to receive long-term residential care. When patients cannot move to the next levels of care necessary for their recovery – to more restrictive placements or to the community – new patients behind them wait in place for access. This bottlenecked system is unfair, inefficient, and expensive.

NAMI believes that the increase in competency cases in the justice system corresponds directly with the lack of capacity in the mental health system as a whole for people in the most desperate need of its services and treatment. Many people revolve through short-term hospitalizations and multiple incarcerations, as they remain unable to sustain their engagement with treatment providers. This challenging population may well be the most significant contributor to the uptick in competency cases. Outcomes for people

released from longer-term residential IMD facilities should also be examined to determine if they fall through the cracks once more after discharge, further compounding the problem.

During its initial investigation, we respectfully suggest that the county collect the following data for the past five years:

- Bed capacity and utilization statistics for every licensing category of facility involved in the acute and sub-acute areas of the mental health system. Most of these facilities and the services they provide are funded by 1991 Realignment dollars – that have not grown as sharply or as steadily as dollars from MHSA – and Federal Medi-Cal matching funds.
- Trends in treatment bed expansion within the various categories of care. For instance, is bed capacity in the various categories increasing or decreasing on a year-to-year basis? What are the long-term trends? Are we prepared for projected capacity needs?
- Variances, if any, in access to care among the county’s eight Service Areas.

To this end, we urge the Departments of Public Health and Mental Health to publicly disclose bed capacity by licensing status (acute psychiatric care hospital, psychiatric health facility, residential long-term sub-acute IMD, etc.) and the level of care required to help people living with serious mental illness who are in crisis. The county might also consider:

- Current status of bed capacity versus the county’s current need in each category.
- Projected future need in each category of services.
- Projected future funding shortfalls.
- The number, type, and availability of community-based resources that coordinate care with the more acute and sub-acute segments of the system that have capacity to serve people with severe mental illness. Examples include IMD Step-Down facilities or residential housing programs. Many of these services and facilities may receive MHSA funding.

The resulting data will aid in identifying solutions to help us establish the recommended minimum level of care for a community the size of Los Angeles. The California Hospital Association identified a recommended minimum of 50 public psychiatric beds per 100,000 (CHA, Psych Bed Data, Nov 2015). Los Angeles falls short at 23.78 beds per 100,000.

The results of the system's status quo treatment of people with serious mental illness who desperately need treatment – years revolving through the mental health crisis system, increased incarceration, victimization, homelessness, jail, prison, and death – are unacceptable. Los Angeles has many hard working, dedicated people trying to keep our most vulnerable residents safe. They cannot succeed without the resources necessary to cope with the overwhelming number of people in crisis. Without enhancing these resources, people in crisis will continue receiving services in our most restrictive and expensive setting: Twin Towers Correctional Facility.

The Board's support of the District Attorney's Criminal Justice Advisory Board, creation of the Office of Diversion and Reentry, and implementation of four new Community Collaborative Courts, demonstrate that reform is underway. To produce better outcomes for people with serious mental illness, we must also direct resources toward community-based treatment. Focusing solely on the criminal justice system will lead to partial improvement in a still patchy system. A similar effort to increase available treatment resources is essential.

We hope you find our perspective useful. If there is anything more NAMI can do to help with this issue, or with improving outcomes and care for people living with mental illness in the county, please let us know. You may contact Brittney Weissman, Executive Director, at (818) 687-1657, or Mark Gale, Criminal Justice Chair, at (818) 621-3134.

Sincerely yours,



Brittney Weissman
Executive Director



Mark Gale
Criminal Justice Chair