

Forensics and RCEB Clients

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“Nearly every person with a form of intellectual disability lives in the community and is susceptible to becoming involved in the criminal justice system as a victim or a suspect.” - thearc.org

The Forensic Service Specialist assists and supports case managers with clients who have become involved in the criminal court, either as a defendant or a victim of a crime.

The RCEB Forensic Service Specialist, RCEB Crisis Response Project and various community agencies work together to provide services and supports for RCEB clients involved in criminal matters or in crisis.

Status of RCEB Clients

- Many people are referred to the Regional Center of the East Bay for Regional Center Eligibility without being previously been known to a Regional Center.
- Forensically involved clients are often referred by Alameda and Contra Costa County courts for Regional Center eligibility while in custody. In 2018, RCEB received 34 orders for assessment and 3 requests for reactivation.

Status of RCEB Clients

- Porterville Developmental Center [PDC] secure perimeter program can serve a maximum of 211 clients for competency restoration. RCEB has 17 clients at PDC secure perimeter program.
- RCEB has clients in custody at Santa Rita Jail, Martinez Detention Center, Richmond Detention Center, Tulare County Detention Center, Solano County Jail, San Francisco County Jail, and both Contra Costa and Alameda County Juvenile Justice Centers. An exact number of in custody clients is not available, as clients are arrested and released daily.

Case Managers and Forensic Clients

Case Managers serving clients who are involved in the criminal justice system, including offenders and their families, may work with inmates, recently released ex-offenders, or people identified for targeted secondary prevention or intervention programs such as drug or behavioral court.

Case Managers are responsible for identifying and recommending Regional Center services to the justice system such as progress reports, diversion or placement recommendations, status reports, or specific reports depending on the client's court case. The Case Manager or the Forensic Service Specialist will often be the person explaining the roles, abilities, and limitations of the Regional Center per the Lanterman Act.

Consistency and Court Standards from Arrest to Sentencing

The Forensic Service Specialist is able to provide support to the case manager from arrest to sentencing for most cases. Court is typically fast moving, confusing, and stressful.

The Forensic Service Specialist works with judges, public defenders, district attorneys, local law enforcement, CRP staff, families, vendors, and various community organizations [local and statewide] to educate the public about RCEB services and limitations.

RCEB and the Court System

- Both Alameda and Contra Costa County have Behavioral Courts. Behavioral Courts address criminal cases which involve clients who have been diagnosed with a mental illness, developmental disability, or who are dually diagnosed with developmental disabilities and mental illness.
- Judge Lewis Davis is the Behavioral Court Judge in Contra Costa County. The Behavioral Court in Contra Costa County is located in Martinez.
- Judge Carol Brosnahan is the Behavioral Court judge in Alameda County. The Behavioral Court in Alameda County is located in Oakland and at John George Psychiatric Pavilion in San Leandro.

- The Forensic Services Specialist works primarily in these courtrooms advocating for RCEB clients. However, the Case Manager and Forensic Service Specialist may attend court in any county where an RCEB client is arrested.
- Alameda County has adult courts in Oakland, Dublin, Hayward, Berkeley, Alameda, and Fremont.
- The Alameda County Juvenile Justice Center and Juvenile Hall are located in San Leandro.
- Contra Costa County has adult courts in Martinez, Richmond, and Pittsburg.
- The Contra Costa County Juvenile Justice Center and Juvenile Hall are located in Martinez.

RCEB Bench Cards

- RCEB created Bench Cards for judges and attorneys. The Bench Cards describe RCEB and our services on a dual sided laminated card.
- The following information is located on each card:
 - Description of RCEB
 - Phone numbers to the San Leandro and Concord Offices
 - Description of who receives RCEB services
 - Description of a developmental disability
 - Description of RCEB services
 - Short explanation that RCEB does not provide MH or Substance Use Disorder Treatment
 - Incarceration concerns
 - Communication tips

Competency to Stand Trial

A judge may order a competency evaluation, assessment, or restoration program to determine if a client is competent to stand trial for his/her charges.

1368PC is a Competency Assessment for a person with mental illness. If a client is dually diagnosed with mental illness and DD, a judge may order a 1368PC assessment

1369PC is a Competency Assessment for a person with solely a developmental disability

1370PC is a Competency decision in which a client has deemed not competent and in need of competency restoration services

1370.1PC is the section of the Penal Code which enables a client to be placed at Porterville Developmental Center for competency restoration services. A client may reside at PDC for up to 2 years for competency restoration

- CA State law states that a person who commits a serious felony must be placed in a 'locked and secure facility'
- There are 21 Regional Centers in CA. There are no 'locked' Regional Center group homes.
- Therefore a client can only be sentenced to Porterville Developmental Center for competency restoration in a locked facility

Court Reports

RCEB Case Managers may need to write these types of reports or recommendations for client's involved in the legal system:

- Progress Reports
- Status Updates
- Diversion Recommendations
- Placement Recommendations
- Requests to the Court for In Custody Appointments for IPP's, Annual Reviews, or Quarterly Reviews
- 6500 Declarations or Requests
- Comprehensive Release Plans
- Community Placement Recommendations
- Verification or Request of Release Letters
- Site Clearance Requests for in custody clients
- 1370.1PC PDC Recommendations
- PDC/DDS Intake Packets
- Competency Evaluation Progress Reports

The RCEB Forensic Review Team [FRT]

The Forensic Review Team was established to provide interdisciplinary consultation to case managers for clients who have complex criminal, placement and/or criminal court issues. The RCEB Forensic Review Team is the primary source for recommending services for clients involved in the judicial system.

The Forensic Review Team is composed of a forensic service specialist, supervisor of CPP/SDC unit, and select RCEB supervisors from the San Leandro and Concord offices.

FRT and Clients in Crisis

The FRT works directly with Case Managers and supervisors to review cases and give recommendations during the following typical situations:

- An RCEB client is in custody or is having difficulty understanding the scope of his/her crime or court proceedings
- A client has a court date within the next 30 days or a judge has ordered RCEB to provide a report to the court
- The case manager has been asked to testify or appear in court

Anticipated outcomes include enhancement of client services, accurate assessment and development of plans for upcoming court hearings, stabilization of complex situations through a multidisciplinary approach, development of case managers clinical knowledge and identification of a consumer's forensic needs.

Challenges When Working with Forensic Cases

- Case Managers working with forensic cases face many common challenges such as lack of resources, high level of coordination of services for clients on probation or parole
- Clients may be non-med compliant and be drug or alcohol addicted
- Judges and attorneys may lack knowledge of the Regional Center or the definition of Developmental Disability
- Court staff may not realize that the client is a Regional Center client

What to do if you are present when a RCEB client is arrested:

1. Behave appropriately around police
2. Ask the reason for the arrest
3. Stay calm
4. Find out the name of the criminal charge
5. Find out where the person will be booked and jailed
6. Call a family member, group home staff, or caretaker
7. Call the person's RCEB Case Manager
 - The case manager will work with the Forensic Service Specialist to advocate for the person in the courtroom from the beginning of the case to the end

What to do if an RCEB client calls you from Jail:

1. Inform the person that the call may be monitored by the Sheriff's Office
2. Ask the person what is the criminal charge
3. Tell the person not to speak to anyone without a lawyer present
 - This is especially important if the person is a Regional Center client who has difficulty communicating, may need an interpreter, or may need assistance communicating
4. Contact the Jail if the person has special needs
 - This is important especially if the person has a seizure disorder or needs medication
5. Contact the person's RCEB Case Manager for advocacy in the courtroom

Questions?



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THANK YOU!