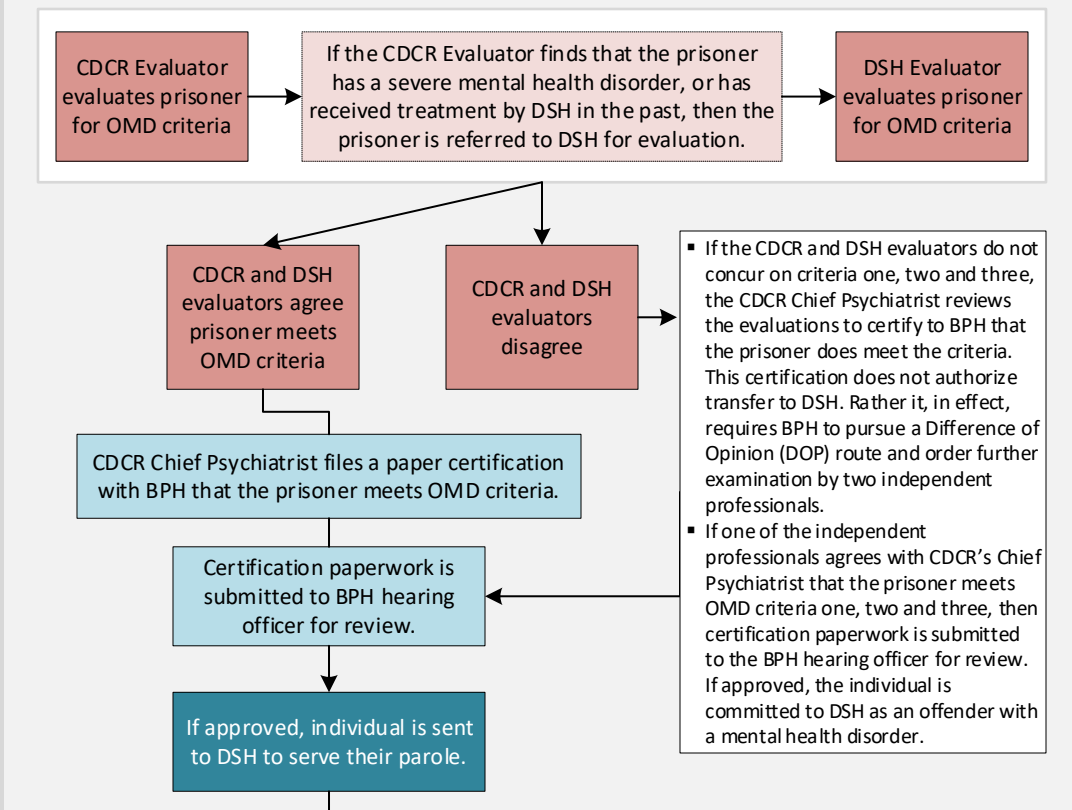


Individual begins in a CDCR facility



Offender with a Mental Health Disorder (OMD): The OMD commitment was created to provide a mechanism to detain and treat severely mentally ill prisoners who have reached the end of their determinate prison terms and are dangerous to others as a result of a severe mental health disorder. As a condition of parole, DSH admits OMD patients under Penal Code section 2962.

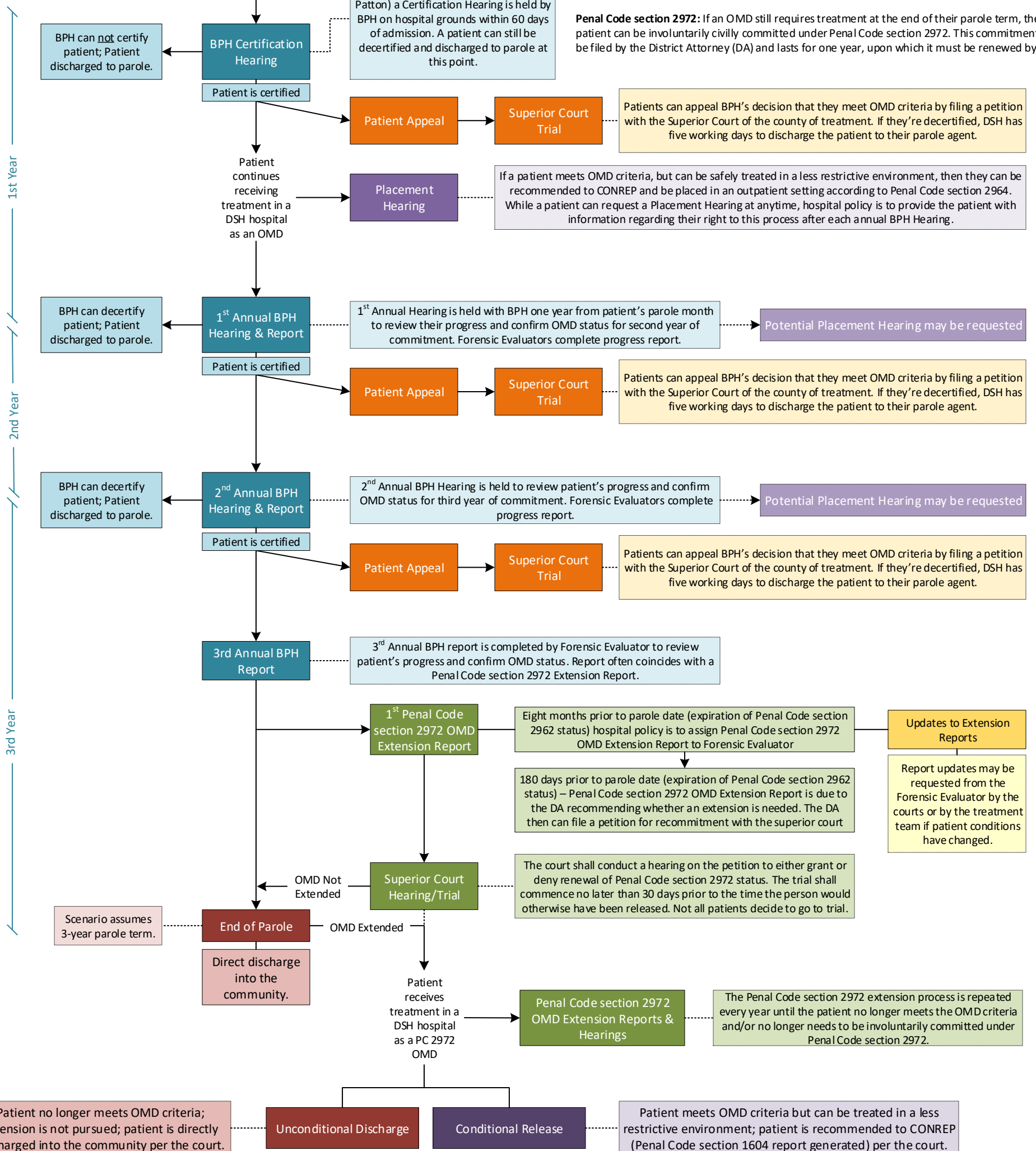
Penal Code section 2962: OMD Criteria

- 1) The prisoner has a severe mental health disorder.
- 2) Their severe mental health disorder is not in remission and/or cannot be kept in remission without treatment.
- 3) The severe mental health disorder was one of the causes of, or was an aggravating factor in, the commission of a crime for which the prisoner was sentenced to prison.
- 4) The prisoner has been in treatment for the severe mental health disorder for 90 days or more within the year prior to the prisoner's parole or release.
- 5) Crime meets criteria: defendant received a determinate sentence for an enumerated offense or one where prisoner used force or violence or caused serious bodily injury, or the threat thereof.
- 6) By reason of the prisoner's severe mental health disorder: the prisoner represents a substantial danger of physical harm to others (the public) if released.

Penal Code section 2964: Patients on outpatient status can be re-hospitalized pursuant to Penal Code section 2964, subdivision (a) if they violate CONREP's rules. A re-hospitalization hearing must be held within 15 days of re-hospitalization to determine if inpatient treatment is necessary. Pursuant to Penal Code section 2964, subdivision (b), if DSH has not placed a parolee on outpatient treatment within 60 days after receiving custody (re-hospitalization) of the parolee, or after parole is continued pursuant to Section 3001, the parolee may request a hearing before the Board of Parole Hearings (BPH) to determine whether the prisoner shall be treated as an inpatient or an outpatient. At the hearing, the burden shall be on DSH to establish that the prisoner requires inpatient treatment as described in this subdivision.

Penal Code section 2966, subdivision (a), (b), and (c): (a) A prisoner may request a hearing before the BPH to prove the patient meets Penal Code section 2962 OMD criteria. (b) A prisoner who disagrees with the determination of the BPH that the prisoner meets the criteria of Penal Code section 2962 may file in the superior court of the county of treatment a petition for a hearing. (c) If the BPH continues a parolee's mental health treatment under Penal Code section 2962 when it continues the parolee's parole under Section 3001, the procedures of this section shall only be applicable for the purpose of determining if the parolee has a severe mental health disorder, if it is not in remission or cannot be kept in remission without treatment, and whether by reason of the parolee's severe mental health disorder, the parolee represents a substantial danger of physical harm to others.

Penal Code section 2972: If an OMD still requires treatment at the end of their parole term, the patient can be involuntarily civilly committed under Penal Code section 2972. This commitment must be filed by the District Attorney (DA) and lasts for one year, upon which it must be renewed by the DA.



Patients can appeal BPH's decision that they meet OMD criteria by filing a petition with the Superior Court of the county of treatment. If they're decertified, DSH has five working days to discharge the patient to their parole agent.

If a patient meets OMD criteria, but can be safely treated in a less restrictive environment, then they can be recommended to CONREP and be placed in an outpatient setting according to Penal Code section 2964. While a patient can request a Placement Hearing at anytime, hospital policy is to provide the patient with information regarding their right to this process after each annual BPH Hearing.

1st Annual Hearing is held with BPH one year from patient's parole month to review their progress and confirm OMD status for second year of commitment. Forensic Evaluators complete progress report.

Potential Placement Hearing may be requested

Patients can appeal BPH's decision that they meet OMD criteria by filing a petition with the Superior Court of the county of treatment. If they're decertified, DSH has five working days to discharge the patient to their parole agent.

2nd Annual BPH Hearing is held to review patient's progress and confirm OMD status for third year of commitment. Forensic Evaluators complete progress report.

Potential Placement Hearing may be requested

Patients can appeal BPH's decision that they meet OMD criteria by filing a petition with the Superior Court of the county of treatment. If they're decertified, DSH has five working days to discharge the patient to their parole agent.

3rd Annual BPH report is completed by Forensic Evaluator to review patient's progress and confirm OMD status. Report often coincides with a Penal Code section 2972 Extension Report.

Eight months prior to parole date (expiration of Penal Code section 2962 status) hospital policy is to assign Penal Code section 2972 OMD Extension Report to Forensic Evaluator

Updates to Extension Reports

180 days prior to parole date (expiration of Penal Code section 2962 status) – Penal Code section 2972 OMD Extension Report is due to the DA recommending whether an extension is needed. The DA then can file a petition for recommitment with the superior court

Report updates may be requested from the Forensic Evaluator by the courts or by the treatment team if patient conditions have changed.

The court shall conduct a hearing on the petition to either grant or deny renewal of Penal Code section 2972 status. The trial shall commence no later than 30 days prior to the time the person would otherwise have been released. Not all patients decide to go to trial.

Scenario assumes 3-year parole term.

The Penal Code section 2972 extension process is repeated every year until the patient no longer meets the OMD criteria and/or no longer needs to be involuntarily committed under Penal Code section 2972.

Patient no longer meets OMD criteria; extension is not pursued; patient is directly discharged into the community per the court.

Unconditional Discharge

Conditional Release

Patient meets OMD criteria but can be treated in a less restrictive environment; patient is recommended to CONREP (Penal Code section 1604 report generated) per the court.