

SPECIAL DIRECTIVE 19-01

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM: JACKIE LACEY
District Attorney



SUBJECT: THE MENTAL HEALTH DIVISION

DATE: JANUARY 23, 2019

I am pleased to announce the new Mental Health Division (MHD) under the leadership of Head Deputy Gilbert Wright and Assistant Head Deputy Tracey Whitney. MHD will begin operations on January 24, 2019.

MHD will be assigned to the Bureau of Central Operations and include the Psychiatric Section, the Office of Diversion and Reentry (ODR) and the Alternate Sentencing Courts (ASC) in the Clara Shortridge Foltz Criminal Justice Center (CJC). The ASC and ODR courts located outside of the CJC will continue to be supervised by the Head Deputy or Deputy-in-Charge of the Branch or Area Office. MHD will also directly implement the mandates in AB 1810 (pretrial diversion), now codified in California Penal Code section 1001.36, for cases assigned to the ASC and ODR Courts within Central Operations.

For pretrial diversion cases assigned to the Central Trial Units that have not been transferred to the ASC and ODR courts in the CJC, and for cases assigned to special units or other courthouses, the following protocol shall be followed:

On all PC 1001.36 motions (hereafter pretrial diversion motions), the Head Deputy shall confer with the Head Deputy of MHD. If both Head Deputies agree that there should be no opposition to the motion, then the pretrial diversion motion will be handled by the unit or courthouse from which the case originated. If the Head Deputy of MHD believes that the pretrial diversion motion should not be opposed, and the Head Deputy of a unit or Branch believes that it should be opposed, or if both Head Deputies believe that pretrial diversion should be opposed, then the Head Deputy of MHD will assume supervision of the case and MHD deputies, assuming there are no staffing issues, will handle all remaining court appearances on the case.

Newly enacted PC section 1001.36 will present issues of first impression as the Office moves forward. This protocol is a first step as the Office prepares to address these pretrial diversion motions in a fair and ethical manner. As the situation evolves, the protocol may need to be revised to address emerging legal and workload issues. MHD will provide assistance to Head Deputies and Deputies-in-Charge, as well as participate in discussions with other justice stakeholders in an effort to develop a countywide plan for implementation of the pretrial

diversion mandates. For any questions regarding pretrial diversion motions, please contact MHD at (213) 974-9748.

Special Directive 17-08 empowered deputy district attorneys and their supervisors to consider a defendant's mental illness, as well as other underlying circumstances of the crime, the defendant's criminal history, and the victim's rights when determining whether the interests of justice will be served by the defendant participating in an ASC or the ODR court. MHD will implement this policy, as well as serve as the countywide resource for the office, and other justice stakeholders and agencies outside the office. Additionally, MHD will sponsor trainings and disseminate notifications and updates related to mental health and alternative sentencing issues.