REPORT BY THE

AUDITOR GENERAL

OF CALIFORNIA

INFORMATION ON THE IMPLEMENTATION OF THE MENTALLY DISORDERED OFFENDER PROGRAM

P-734 **DECEMBER 1988**

Telephone:
(916) 445-0255

STATE OF CALIFORNIA
Office of the Auditor General
660 J STREET, SUITE 300
SACRAMENTO, CA 95814

Thomas W. Hayes
Auditor General

November 28, 1988 P-734

Honorable Bruce Bronzan, Chairman
Members, Joint Legislative
Audit Committee
State Capitol, Room 448
Sacramento, California 95814

Dear Mr. Chairman and Members:

According to state law, the California Department of Corrections (department) cannot parole inmates who meet the criteria established for the mentally disordered offender program without requiring that the inmates undergo mental health treatment from the Department of Mental Health (DMH) as a condition of parole. Few inmates have been identified who meet these criteria. Out of approximately 73,500 inmates paroled between July 1, 1986 and December 31, 1987, 95 were required to undergo treatment through the mentally disordered offender program as a condition of parole. Fifty-five of these inmates have requested review hearings before the Board of Prison Terms and state superior courts. Of the 95 inmates who were originally required to enter the mentally disordered offender program, 58 were ordered to remain. We estimate that the cost for administering the mentally disordered offender program has exceeded $6.2 million.

Because the application of the law was not clear, the department's policies may have limited the number of inmates ordered into the mentally disordered offender program. Specifically, the department did not identify parole violators for consideration as mentally disordered offenders. The department does not have records available that allow us to identify inmates who had severe mental disorders and were paroled from prison, so we could not determine how many parole violators met the criteria for the mentally disordered offender program. During our review, the department revised its policies and now considers parole violators for inclusion in the mentally disordered offender program.

Background

On October 1, 1985, the Legislature enacted and the governor approved Chapter 1419, Statutes of 1985, amending the California Penal Code to establish the mentally disordered offender program. According to Section 2960 of the California Penal Code, the legislative intent of the statute was to protect the public from an inmate who has a severe but treatable mental disorder that was a cause of or an aggravating factor in the commission of a violent crime. According to Section 2962 of the California Penal Code, a severe mental disorder is, in part, an illness, disease, or condition that substantially impairs a person's thoughts, perceptions of reality, emotional process, or judgment or grossly impairs behavior; this does not include a personality or adjustment disorder, epilepsy, mental retardation or other developmental disability, or addiction to or abuse of intoxicating substances.

Section 2964 of the Penal Code requires that an inmate who meets the requirements of the mentally disordered offender program be paroled into a state mental hospital for inpatient treatment unless the DMH certifies that the inmate can be safely and effectively treated as an outpatient. The treatment emphasizes improvement of an inmate's vocational and educational skills and provides appropriate ways to monitor and manage psychotic symptoms and environmental stress.

The California Penal Code sections that established the mentally disordered offender program do not define the specific statutory violations that would constitute violent crimes. However, according to the assistant deputy director of the department's Institutions Division, a task force defined the violations that meet the statutory requirement of being violent. The task force, including officials and legal counsels of the department, the DMH, the Board of Prison Terms, and the Department of Justice, categorized such crimes as rape, manslaughter, and assault as violent crimes.

Based on the data supplied by the chief psychiatrist of the department's Office of Health Care Services, we estimated that the department incurred costs of $201,721 in conducting mental health evaluations and administering the mentally disordered offender program. In addition, the executive officer of the Board of Prison Terms estimated that the board has incurred program costs of at least

$169,000. Furthermore, using data supplied by the DMH's chief of the Forensic Services Branch, we calculated that the DMH had incurred costs of at least $5,763,755 for inmate evaluations and treatment through June 30, 1988, for those inmates admitted to the program between July 1, 1986 and December 31, 1987. Finally, data from San Luis Obispo County, which has processed almost all of the state superior court hearings, shows that hearings before the state superior court in that county have resulted in charges to the State of at least $138,380. Based on these data, we estimate that, for the inmates evaluated for or paroled into the mentally disordered offender program between July 1, 1986 and December 31, 1987, the total costs for administering the program from January 1, 1986 through December 31, 1987--including treatment and hearings through June 30, 1988--were at least $6,272,856.[1]

Scope and Methodology

The purpose of this audit was to analyze the department's implementation of the mentally disordered offender program and to report on the number of inmates involved in the program. We compiled statistics on the number of inmates whom the department released from prison between the inception of the program on July 1, 1986 and December 31, 1987, and who were identified for consideration as mentally disordered offenders. We reviewed these statistics to determine the number of inmates whom the department certified as mentally disordered and whom the Board of Prison Terms ordered to receive mental health treatment from the DMH as a condition of parole. We also determined the number of inmates who requested certification hearings conducted by the Board of Prison Terms and the number of inmates who filed petitions for hearings before state superior courts.

Inmates considered for the mentally disordered offender program must meet specific criteria, including receiving mental health treatment for a severe mental disorder while in prison. To determine whether the department identified all inmates who had severe mental disorders, we attempted to evaluate the department's records of mental health

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[1]We did not request cost data from department offices that did not have direct responsibilities for the program or from the Los Angeles County District Attorney's Office, which has been responsible for a limited number of state superior court hearings.

treatment provided to inmates who were released from prison between July 1, 1986 and December 31, 1987. However, the deputy director of the department's Institutions Division stated that it would require extensive computer programming to identify the mental health treatment that the inmates who are on parole received from the department before their release from prison. As a result, we could not determine whether the department identified all inmates who had severe mental disorders.

Candidates for the mentally disordered offender program must also have committed violent crimes. However, the department does not have accurate computerized data that we could analyze to determine the number of inmates, as of December 31, 1987, who both had severe mental disorders and had committed violent crimes. As a result, we could not determine whether the number of inmates that the department certified as mentally disordered was reasonable.

Section 1616 of the California Penal Code requires the State to contract with a research agency to determine the prevalence of severe mental disorders among the State's prison inmates and parolees, including the resident population and those paroled. The department has contracted with a research consortium to perform this work. The consortium's report is scheduled for release in late 1988.

Few Inmates Meet the Criteria for the
Mentally Disordered Offender Program

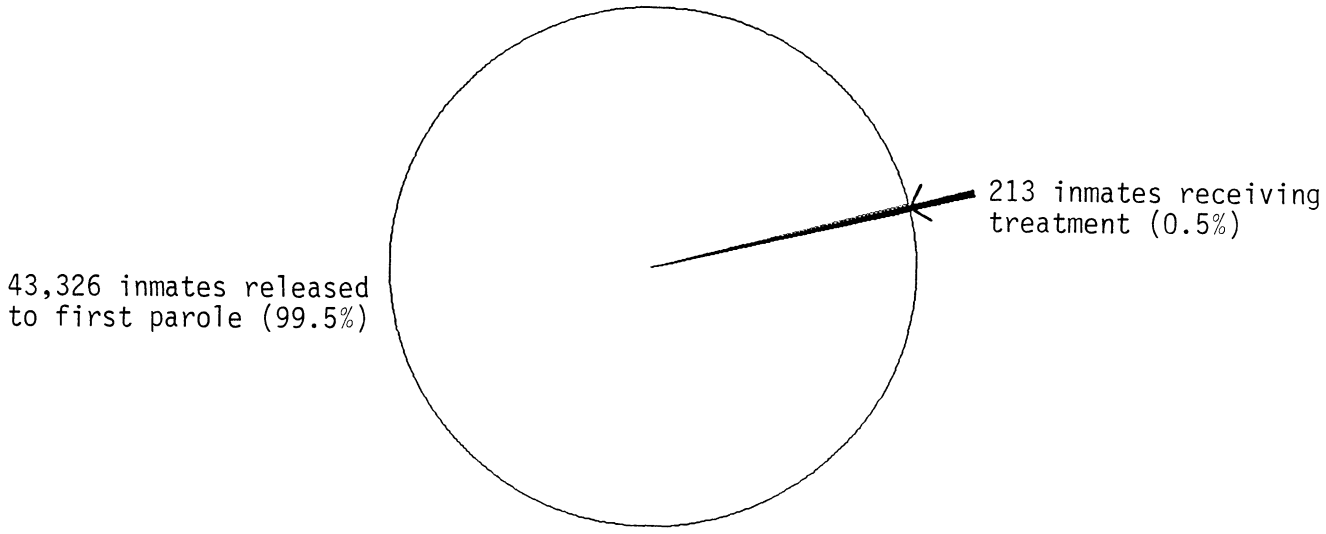
Section 2962 of the California Penal Code establishes the criteria for determining which inmates must enter the mentally disordered offender program as a condition of parole. Specifically, these criteria state that an inmate must (1) have a severe mental disorder that is not in remission or cannot be kept in remission without treatment; (2) have committed a crime that involved force or violence or caused serious bodily injury; (3) have committed the crime because a severe mental disorder was a cause or contributing factor in the commission of a crime; and (4) have received 90 days or more of mental health treatment for the severe mental disorder within the year before his or her parole or release.

Implementation of the mentally disordered offender program requires the coordinated efforts of the California Department of Corrections, the DMH, and the Board of Prison Terms. The department initially identifies candidates for the mentally disordered offender program from inmates who have committed violent crimes and are receiving mental health treatment for a major mental illness or a mental illness in

partial remission that has resulted in the inmate having difficulty functioning because of residual psychiatric disabilities. Between July 1, 1986 and December 31, 1987, the department identified 213 (0.5 percent) candidates for the mentally disordered offender program from approximately 43,300 inmates who were eligible for parole for the first time. Chart 1 illustrates these figures.

CHART 1

CANDIDATES IDENTIFIED FOR THE MENTALLY DISORDERED OFFENDER PROGRAM JULY 1, 1986 - DECEMBER 31, 1987



After the initial identification, a psychiatrist or psychologist from the department or the DMH evaluates every inmate who is identified for consideration as a mentally disordered offender. If the psychiatrist or psychologist determines that an inmate should be required to receive mental health treatment from the DMH as a condition of parole, the inmate receives a second evaluation from a psychiatrist or psychologist from the agency that did not perform the initial evaluation. Once the psychiatrists or psychologists from the department and the DMH complete their evaluations, they forward the evaluations to the chief psychiatrist of the department's Office of Health Care Services or his designee. The chief psychiatrist or designee will then determine whether the inmates should be certified as having met the criteria for the mentally disordered offender program. Of the 213 inmates initially identified for consideration as participants in the mentally disordered offender program, the department's chief psychiatrist or his designee certified that 110 of these inmates met the program criteria.

After determining that the inmate meets the criteria for the mentally disordered offender program, the chief psychiatrist or his designee certifies to the Board of Prison Terms that the inmate should be required to receive mental health treatment from the DMH as a condition of parole. A hearing officer at the Board of Prison Terms reviews all of the documentation for the inmate. If the hearing officer determines that the inmate's evaluations support the chief psychiatrist's or his designee's conclusion, the hearing officer orders the inmate into the mentally disordered offender program as a condition of parole. If the hearing officer does not agree that the facts support the chief psychiatrist's certification, the inmate is paroled without this condition.

According to department data, approximately 73,500 inmates, including the 43,300 who were paroled for the first time, were paroled from prison between July 1, 1986 and December 31, 1987. A hearing officer of the Board of Prison Terms concluded that, of the 110 inmates certified by the chief psychiatrist or his designee, 95 of these inmates (0.1 percent) met the statutory requirements for the mentally disordered offender program and, therefore, were required to receive mental health treatment from the DMH as a condition of parole.

Certification Hearings and Court Actions
Have Reduced the Number of Inmates in the
Mentally Disordered Offender Program

The mentally disordered offender program includes provisions to protect the rights of those inmates who must undergo mental health treatment from the DMH as a condition of their parole. When the Board of Prison Terms first orders an inmate to undergo treatment in the mentally disordered offender program as a condition of parole, the inmate may request a review of the order through a certification hearing held by the Board of Prison Terms. Eighty-one (85.3 percent) of the 95 inmates who were ordered into the program as a condition of parole requested a hearing. For 8 (9.9 percent) of these inmates, the evidence presented during the hearings did not support the condition of parole.

An inmate who disagrees with the initial certification hearing may file for a hearing before a state superior court. Section 2966 of the California Penal Code requires that, during this hearing, the state superior court determine whether the facts support beyond a reasonable doubt that the inmate met the criteria for the mentally disordered offender program at the time of the certification hearing. The statute also requires that the hearing consist of a trial by jury unless it is waived by both the inmate and the district attorney. Fifty-five inmates (75.3 percent) who remained in the program have filed petitions for hearings with state superior courts; as of June 30, 1988, 51 (69.9 percent) had participated in hearings. In 20 (39.2 percent) of the 51 hearings, state superior courts determined that the inmates should not have been ordered into the mentally disordered offender program as a condition of parole.

Of the 95 inmates who were originally ordered to receive mental health treatment from the DMH, 58 inmates were ordered to remain in the mentally disordered offender program. See Attachment 1 for a detailed analysis of the processing of the 213 inmates initially identified as candidates for the mentally disordered offender program.

The Department Did Not Consider
Parole Violators for the
Mentally Disordered Offender Program

Because the application of the law was not clear, department policy may have limited the number of inmates who were ordered into the mentally disordered offender program as a condition of parole. A department

administrative bulletin, dated July 29, 1986, excluded parole violators from consideration for the mentally disordered offender program. Parole violators are inmates who have been paroled but are subsequently returned to prison because they violate the law or the conditions of their parole. According to the assistant deputy director of the department's Institutions Division, an interagency task force was formed that included officials and legal counsels of the department, the DMH, the Board of Prison Terms, and the Department of Justice. This task force tried to interpret the statute that established the mentally disordered offender program before it was implemented on July 1, 1986. The task force's interpretation at that time was that the mentally disordered offender program did not apply to parole violators.

After the task force's decision to exclude parole violators from the program, the Board of Prison Terms questioned the task force's interpretation of Section 2962 of the California Penal Code, which does not specify that parole violators be excluded from the mentally disordered offender program. In May 1987, the chief counsel for the Board of Prison Terms stated in a memorandum to the DMH that parole violators should be evaluated and treated to the same extent as any inmate, and, if a parole violator meets the criteria contained in Section 2962 of the California Penal Code, the parole violator may be certified for mental health treatment from the DMH as a condition of parole. In addition, the Board of Prison Terms requested legal guidance from the attorney general. In an informal advice dated December 30, 1987, the attorney general concluded that parole violators must be required to receive mental health treatment as a condition of parole under the mentally disordered offender program if they meet the criteria of California Penal Code Section 2962.

Between July 1, 1986 and December 31, 1987, the department released approximately 30,200 inmates who had been parole violators. Under Section 2962 of the California Penal Code, some of these parole violators may have met the criteria for the mentally disordered offender program. We attempted to determine how many of the parole violators who were later paroled again would have qualified for the mentally disordered offender program because they had originally been sentenced to prison for committing a violent crime and had a severe mental disorder. However, the department does not have records available that would allow us to identify these inmates.

Corrective Action

During our audit, the department modified its policy to include parole violators for consideration in the mentally disordered offender program. Specifically, on April 11, 1988, the department issued Section 2317 of the department's classification manual, which requires that staff consider all inmates, including parole violators who are scheduled for parole, for inclusion in the mentally disordered offender program.

Conclusion

The mentally disordered offender program was established to protect the public from inmates who have severe mental disorders that have contributed to the commission of violent crimes. The inmates who meet the criteria for this program must undergo mental health treatment from the Department of Mental Health as a condition of parole. Of the approximately 73,500 inmates who were released to parole between July 1, 1986 and December 31, 1987, we determined that 95 (0.1 percent) were ordered into the mentally disordered offender program. Of these 95 inmates, 55 have requested review hearings. Fifty-eight inmates of the original 95 inmates were ordered to remain in the mentally disordered offender program.

Because the application of the law was not clear, the California Department of Corrections' policy may have limited the number of inmates in the mentally disordered offender program. Specifically, the department excluded parole violators from consideration for the program. However, during our review, the department revised its policies and now considers parole violators for participation in the mentally disordered offender program.

We estimate that the cost of administering the mentally disordered offender program has exceeded $6.2 million.

We conducted this review under the authority vested in the Auditor General by Section 10500 et seq. of the California Government Code and according to generally accepted governmental auditing standards. We limited our review to those areas specified in the audit scope section of this report.

Respectfully submitted,

Thomas W. Hayes

THOMAS W. HAYES
Auditor General

Attachment

Responses:

Response from the Board of Prison Terms

Response from the Department of Mental Health
Comments by the Office of the Auditor General

Response from the Youth and Adult Correctional Agency
Comments by the Office of the Auditor General

ATTACHMENT 1

ANALYSIS OF THE PROCESSING OF INMATES CONSIDERED FOR THE MENTALLY DISORDERED OFFENDER PROGRAM

The California Department of Corrections identified 213 inmates who were eligible for parole between July 1, 1986 and December 31, 1987, for consideration as participants in the mentally disordered offender program. The department's chief psychiatrist or his designee certified that 110 of these inmates met the program's requirements. Of these 110 inmates, a hearing officer from the Board of Prison Terms determined that 95 met the requirements for the mentally disordered offender program and ordered that they receive mental health treatment as a condition of parole.

Of the 95 inmates who were ordered into the mentally disordered offender program as a condition of parole, 81 requested hearings before the Board of Prison Terms. Eight of the 81 were released from the program following their hearings.

Fourteen of the 95 inmates did not request hearings before the Board of Prison Terms. Four of these 14 refused the condition of parole and remained in prison, and one inmate committed suicide before his parole date. The other 9 inmates remained in the program. As of June 30, 1988, 2 of these 9 inmates had hearings pending before a state superior court although they had not first requested hearings before the Board of Prison Terms.

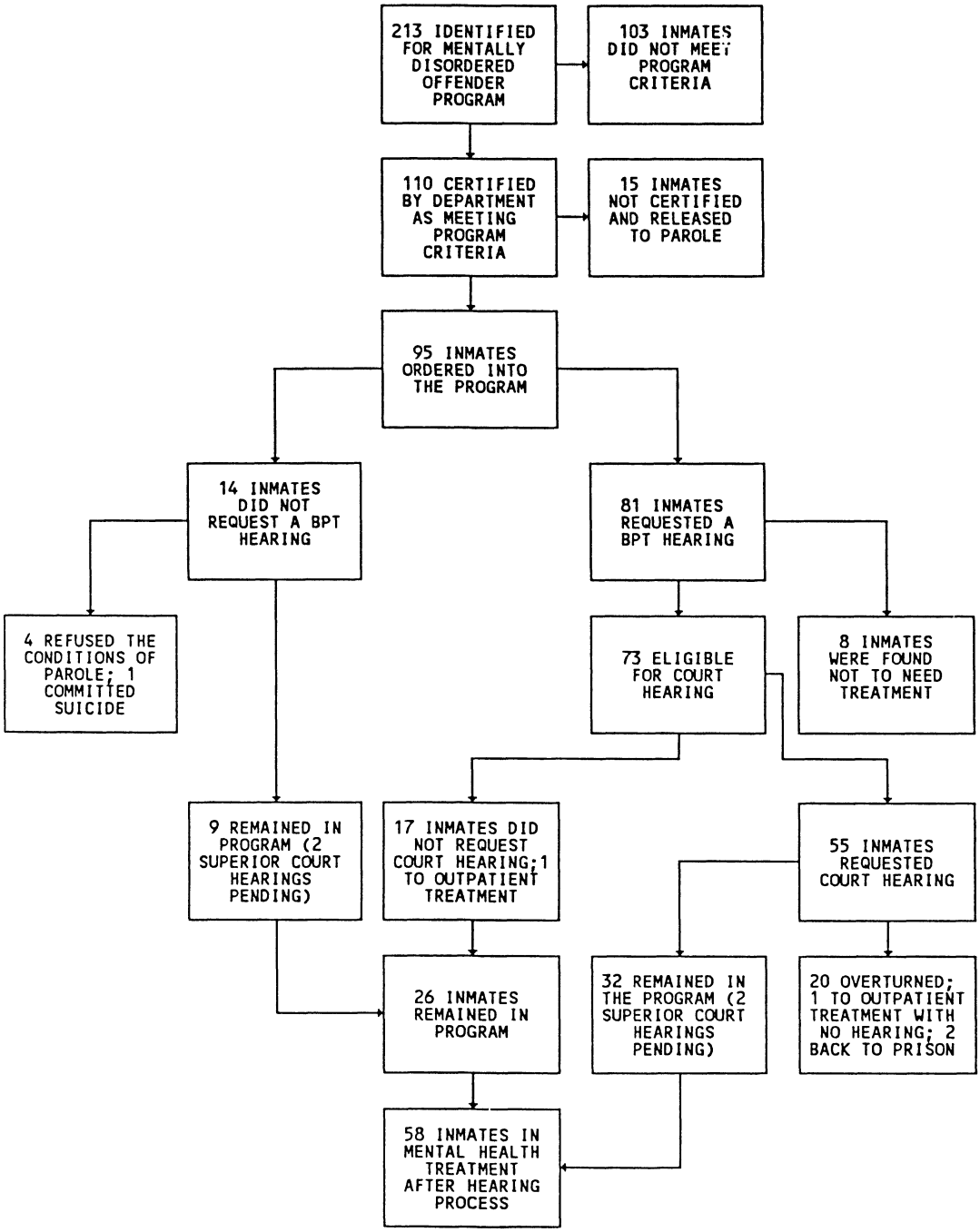
Of the 95 inmates, 73 were eligible for the next level of review before a state superior court. Fifty-five of these inmates requested review hearings. Of the 55 inmates, 20 were released from the program following the hearings; 2 violated their parole while in the program and were returned to prison; and one was released to outpatient treatment before his hearing. As of June 30, 1988, 2 of these 55 inmates were still awaiting hearings before a state superior court.

Including those who requested hearings and those who did not, a total of 58 inmates were ordered to remain in the program.

Chart A-1 illustrates the processing of the 213 inmates initially identified for consideration as participants in the mentally disordered offender program.

CHART A-1

FLOWCHART SHOWING PROCESSING OF 213 INMATES



STATE OF CALIFORNIA—YOUTH AND ADULT CORRECTIONAL AGENCY GEORGE DEUKMEJIAN, *Governor*

BOARD OF PRISON TERMS
545 DOWNTOWN PLAZA
SUITE 200
SACRAMENTO, CA 95814

November 14, 1988 916/322-6366

Mr. Thomas W. Hayes
Auditor General
Office of the Auditor General
660 J Street, Suite 300
Sacramento, CA 95814

Dear Mr. Hayes:

Your Reference: P-734

Thank you for allowing us an opportunity to review and comment on your draft letter concerning information on the implementation of the mentally disordered offender program.

We appreciate the diligent effort your staff invested in this audit and offer the following comments:

1. The report states, "If the hearing officer does not agree with the chief psychiatrist's certification, the inmate is paroled without this condition." (draft, p.6, paragraph 2)

   The issue is not one of whether or not the hearing officer "agrees," but of whether or not the Chief Psychiatrist's certification and any independent evaluations that may have been required by the statute provide sufficient facts, at the prepondernce of evidence standard, to support a decision that the statutory criteria have been met.*

2. The report states, "According to department data, approximately 73,500 inmates were paroled from prison between July 1, 1986 and December 31, 1987 A hearing officer of the Board of Prison Terms concluded that 95 of the inmates (0.1 percent) met the statutory requirements for the mentally disordered offender program and, therefore, were required to receive mental health treatment from the DMH as a condition of parole." (draft, p.6, paragraph 3)

   This paragraph may provide an inaccurate picture of the Board of Prison Terms' scope of authority in general and its role with respect to the mentally disordered offender program, in particular. The Board of Prison Terms had no opportunity nor authority to review the parole of 73,500 inmates. The Department of Corrections forwarded only 110 cases for consideration under the mentally disordered offender program.*

* The Office of the Auditor General's Comment: The report has been changed to reflect these comments.

The vast majority of individuals in custody in CDC institutions are released to parole by operation of the Determinate Sentencing Law without any Board of Prison Terms review because there is no provision for any such review. The Board of Prison Terms simply has no power to prohibit, in any way, the parole of these determinately sentenced prisoners.

3. Your report refers to inmates who "refused the condition of parole," (draft, Attachment 1, paragraph 3, and Chart A-1).

   It is important to add that these inmates may ultimately be involuntarily committed to the mentally disordered offender program pursuant to the provisions of Penal Code Section 2970. Before that time, they remain in prison as revoked parolees pursuant to Penal Code Section 3065.5.

Again, thank you for asking us to review and comment.

Sincerely,

RON E. KOENIG
Chairman

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF MENTAL HEALTH
1600 – 9th STREET
SACRAMENTO, CA 95814
(916) 323-8173

November 16, 1988

Mr. Thomas W. Hayes
Office of the Auditor General
660 J Street, Suite 300
Sacramento, CA 95814

Dear Mr. Hayes:

The report presents the implementation of the MDO program in a framework that is factual and objective. However, due to the apparent difficulty of obtaining data, it appears that the scope of the report has been narrowed. We would like to focus our comment on this issue.

The report, especially Chart A-1, shows how each agency contributed to the processing of the MDO caseload. However, the report could have provided an explanation as to why the original 213 cases were reduced to 58 cases. For example, we cannot determine from the report if significant numbers of cases were excluded because they had not been on treatment or, as a result of treatment, were in remission and no longer eligible for the program.(1)*

The report indicates that parole violators are now included in the selection process. Since April, 1988, the Department of Mental Health has experienced a doubling of the cases evaluated per month. Associated with this increase in evaluations, there has also been an increase in the number of MDO's certified and treated in the program.

We appreciate and thank you for the opportunity to comment on your report on the implementation of the Mentally Disordered Offender Program.

Sincerely,

D. MICHAEL O'CONNOR, M.D.
Director

*The Office of the Auditor General's comment on this specific point begins after the Department of Mental Health's response.

THE OFFICE OF THE AUDITOR GENERAL'S COMMENT ON THE RESPONSE BY THE DEPARTMENT OF MENTAL HEALTH

(1) Attachment A of our report shows the process by which the 213 inmates who were identified for the mentally disordered offender program were reduced to 58. The records from the mentally disordered offender program do not always explain why certain inmates were excluded from the program. However, of the 28 inmates who were released from the program after review hearings, we determined that no inmates were released because they had not been in treatment and 11 inmates were released because the mental disorder was in remission.

STATE OF CALIFORNIA GEORGE DEUKMEJIAN, *Governor*

YOUTH AND ADULT CORRECTIONAL AGENCY
OFFICE OF THE SECRETARY

November 18, 1988

Mr. Thomas W. Hayes
Auditor General
660 J Street, Suite 300
Sacramento, CA 95814 **P-734**

Dear Mr. Hayes:

The Youth and Adult Correctional Agency appreciates the opportunity to respond to your letter analyzing the Department of Corrections' implementation of the Mentally Disordered Violent Offender Program (MDVO). It is my understanding that your office provided the Board of Prison Terms with the opportunity to review and comment on the draft report and that the Board provided a direct response to you on November 14, 1988.

Your letter provides a summary of the evolution of the program from its initiation through December 31, 1987. We would like to provide some additional information.

MDVO ELIGIBILITY CRITERIA

The law mandates five specific criteria, all of which must be met before a prisoner is placed in the acute psychiatric inpatient program designated for mentally disordered violent offenders within the Department of Mental Health as a condition of parole. These are:

1. The prisoner has a severe mental disorder as defined in Penal Code Section 2962.

2. The prisoner used force or violence, or caused serious bodily injury in crime. (See Attachment A for specific Penal Code violations).

3. The prisoner's severe mental disorder was a cause or aggravating factor in crime.

4. The prisoner is not in remission or cannot be kept in remission.

5. The prisoner has been in treatment for 90 days or more in the year prior to parole.

As a result of the application of the above criteria, it is clear that inmates who meet these criteria are severely mentally ill and, as such, require long-term, intensive acute psychiatric inpatient mental health care in an institutionalized setting. Such setting must provide, in addition to mental health care, the appropriate level of security and custodial control for the protection of the public. Parolees who do not meet all of these criteria are provided with the appropriate level of mental health treatment determined by the Parole OutPatient Clinic as a condition of parole.

APPLICATION OF THE PROGRAM TO PAROLE VIOLATORS

As you point out, CDC initially excluded PV's from consideration from the MDVO program. This exclusion was based on the conclusion of a broadly-based task force that tried to interpret this complex statute before its implementation in July 1986. Based on subsequent legal advice, the department changed its policy in 1988 and now screens PV's for inclusion in the program.

COURT OF APPEAL DECISION HOLDING MDVO STATUTES TO BE UNCONSTITUTIONAL

On October 6, 1988, in the case of People v. Gibson, State of California, Court of Appeal, Second Appellate District, Division Six, Second Criminal Number B025616, the Court held the MDVO statutes to be unconstitutional.

However, the Office of the Attorney General, on behalf of CDC, has filed, as of November 15, 1988, a Petition for Review with the California Supreme Court. Pending a ruling on the Petition for Review, the program can continue to function or the Department will have 60 days to remove the parolees from the program.

PAROLE OUTPATIENT CLINIC INVOLVEMENT

The Department's Parole Outpatient Clinics provide outpatient mental health treatment to an average population of about 6,000 parolees. Those who are or become "severely mentally ill" and/or dangerous to themselves or others are placed in an acute psychiatric inpatient treatment program within DMH pursuant to Penal Code Section 2974. The average number of beds occupied by Penal Code Section 2974 parolees was 50 during Fiscal Year 1987-88.

INCLUSION OF PAROLE VIOLATORS

Since CDC has included PV's in the mentally disordered violent offender evaluation process, 23,000 PV's have been returned to custody. Of these returns, the violent offenders were identified and evaluated for Penal Code Section 2962 placement. Of these evaluations, 51 received joint CDC/DMH psychiatric evaluations with 31 being certified by the Chief Psychiatrist as meeting all five commitment criteria. Of these, three were released by the BPT, two refused to sign an agreement and were retained in CDC, and 26 are confined in DMH facilities. This represents 0.11 percent of all PV's being returned to custody from March 1988 through October 1988.(1)*

PROGRAM COST

We agree with your cost estimate for this program. However, the services provided consist of institutionalizing the most severely mentally ill violent offenders from the state's prison system into a highly secure intensive, acute psychiatric inpatient program for a long period of time. This program is not routine "mental health treatment."

In conclusion, I want to thank you for the opportunity to comment on this letter and to extend my appreciation for the positive and thorough manner in which your staff conducted this audit.

Sincerely,

Joe Sandoval
Secretary

*The Office of the Auditor General's comments on these specific points begin after the Youth and Adult Correctional Agency's response.

ATTACHMENT A (2)

The following Penal Code sections are always evaluated for initial screening for the Mentally Disordered Violent Offender program:

Penal Code Sections

187	242	451
189	243	452
192	244	664
203	245	667.51
207	261	667.7
209	264	4500
211	264.1	12020
217.1	273a	12021
218	286	12022
219.1	288	12022.5
220	288a	12022.7
222	289	12022.8
240	292	12025
241	417.6	12560

In addition to the above list of Penal Code sections, the Department reviews the commitment offense of all severely mentally ill inmates to determine appropriate parole placement which may include Penal Code Section 2962, Penal Code Section 2974, or Parole Outpatient Clinic mental health treatment as a condition of parole.

THE OFFICE OF THE AUDITOR GENERAL'S COMMENTS ON THE RESPONSE BY THE YOUTH AND ADULT CORRECTIONAL AGENCY

(1) The audit report includes only those inmates evaluated for the mentally disordered offender program through December 31, 1987.

(2) From July 1, 1986 to December 31, 1987, the California Department of Corrections (department) did not screen inmates for the mentally disordered offender program as described in Attachment A of its response. According to a department administrative bulletin issued on July 29, 1986, the department evaluated only those inmates for the program who had committed violent crimes and who were identified from the inmates in treatment for a major mental illness or a mental illness in partial remission that resulted in the inmate having difficulty functioning. The list of penal code sections contained in Attachment A reflects a revision to the department's classification manual that was issued on April 11, 1988.