



COLLABORATING WITH THE OFFICE OF DIVERSION AND REENTRY (ODR) FREQUENTLY ASKED QUESTIONS

When was the Office of Diversion and Reentry (ODR) created?

ODR was created in September 2015 by the LA County Board of Supervisors to develop and implement county-wide criminal justice diversion for persons with mental and/or substance use disorders, to provide reentry support services based on individual's needs, and to reduce youth involvement with the justice system. As of February 2020, 4,837 individuals have been released from jail into community services.

Who can receive ODR services?

It is ultimately up to the presiding judge, to determine who receives ODR services. However, the categories outlined below may provide some guidance for who could potentially be enrolled.

- Pretrial defendants who have criminal felony cases and are homeless, have a serious mental health disorder, and are incarcerated in the Los Angeles County Jail.
- Pretrial defendants with serious mental illness who have the potential to be deemed incompetent to stand trial on felony charges.
- Individuals facing misdemeanor charges who are found incompetent to stand. This program aims to provide individuals with mental illness an alternative to incarceration. A misdemeanor is a criminal offense that is less serious than a felony and is generally punishable by a fine or incarceration in a local jail. An individual is found incompetent to stand trial if they cannot understand what is going on in court OR if they cannot rationally participate in their own defense. The Misdemeanor Incompetent to Stand Trial-Community Based Restoration (MIST-CBR) program takes individuals who are facing misdemeanor charges and who are found incompetent to stand trial, and diverts them into a community setting in order to restore that individual to competency. Depending on the mental health needs of an individual, they will be placed in a community setting that ranges from locked inpatient psychiatric care in a hospital to open residential programs. The goal is to provide mental health treatment and



housing outside of incarceration so that the individual's illness will improve and they will no longer be incompetent.

- Individuals facing felony charges who are found incompetent to stand trial. This program aims to provide individuals with mental illness an alternative to incarceration. A felony is a crime that is considered to be more serious in nature and is generally punishable by imprisonment of at least one year. An individual is found incompetent to stand trial if they cannot understand what is going on in court OR if they cannot rationally participate in their own defense. The Felony Incompetent to Stand Trial-Community Based Restoration (FIST-CBR) program takes individuals who are facing misdemeanor charges and who are found incompetent to stand trial, and diverts them into a community setting in order to restore that individual to competency. Depending on the mental health needs of an individual, they will be placed in a community setting that ranges from locked inpatient psychiatric care in a hospital to open residential programs. The goal is to provide mental health treatment and housing outside of incarceration so that the individual's illness will improve and they will no longer be incompetent.

In addition to the categories listed above, ODR identifies and prioritizes pregnant women who are currently in custody by diverting them to the community with supportive services. ODR also works with Olive View Medical Center to divert some of the most acute individuals in custody to inpatient care on the unit 6C.

Are registered sex offenders eligible for ODR services?

Yes.

Can I contact ODR about my client to request enrollment?

Yes. ODR has a flexible referral process. Referrals can come to ODR from many agencies including law enforcement, prosecutors, judges, defense bar, jail linkage programs, JMET, jail mental health teams, and jail medical teams. Those referrals then undergo screening by ODR to assess for initial clinical eligibility. If approved, ODR contacts the attorney of the individual to



submit the official referral since the attorney would be most aware of legal standing and the possibility of diverting the case to ODR. This is true across all ODR programs.

The final decision about an individual's suitability for ODR services is decided by the presiding judge who considers input from both the District Attorney and Probation.

The DMH provider can consult with Bryan Sykora, the Program Specialist at ODR to get assistance with navigating the ODR process. Bryan's contact info is listed at the end of this document.

When should I collaborate with ODR when working with an individual with criminal justice involvement?

Collaboration is critical at any stage of criminal justice involvement. A DMH service provider (e.g., FSP team member or HOME outreach specialist) should reach out to Bryan Sykora for information on how to collaborate with ODR. ODR will be able to provide contact information for the Intensive Case Management Services (ICMS) team assigned to a client individual and accept referral requests.

How does ODR partner with law enforcement?

ODR works with the Law Enforcement Assisted Diversion (LEAD) team in order to intervene at the earliest point of contact with law enforcement to reduce the number of individuals who enter the jail system and to minimize further justice involvement. LEAD operational partners include prosecutors, case managers, and law enforcement who meet bi-weekly to coordinate care, engagement, and advocacy efforts for program participants.

Are all individuals enrolled in ODR on probation?

No, but most are. The majority of new ODR enrollees are on probation. However, some ODR enrollees were referred from a program that no longer exists and are not on probation.

Are individuals enrolled in ODR services required to be sober?

All individuals enrolled in ODR are expected to follow the judge's orders and meet certain probation requirements. If the individual is on probation, it is expected that they not participate



in any illegal activities and that they comply with the terms of their probation which may include providing random urine samples to screen for substance use.

Are individuals enrolled in ODR services required to be adherent to medication?

The judge orders each individual enrolled in ODR to follow all treatment recommendations, which includes being adherent to medication. Often, the judge will require that injectable medications are administered as prescribed. These medications may be prescribed by the ODR psychiatrist. If an FSP psychiatrist thinks there should be a change to medication, they must consult with the ODR psychiatrist. No changes should be made to the medication without final approval from the ODR psychiatrist. This is because the judge has ordered that the individual follow the ODR psychiatrist's medical recommendations not the FSP psychiatrist's recommendations.

Do all judges and courts work with ODR?

ODR works with three Judges in three different LA County courthouses, referred to as hubs. Hub 1 is located in Downtown LA, Hub 2 is near LAX airport, and Hub 3 is in Van Nuys. These three Hubs serve all courthouses in LA County.

Do clients enrolled in ODR have special housing resources?

There are 1,000 units through ODR supportive housing provided through the Department of Health Services Flexible Housing Subsidy Pool (FHSP), therefore, ODR uses its own housing resources for most individuals who are enrolled in ODR services. Existing Section 8 vouchers have been used in the past to place individuals in housing, but that is rare.

What happens when an individual followed by ODR is re-arrested? Do ODR services continue?

This can vary. It is ultimately up to the Judge to determine whether a rearrested ODR client is eligible to return to ODR, and it generally depends on the recent offense, the original offense, if the individual has any other ODR violations, and the opinions of the District Attorney and Probation.

Does every individual enrolled in ODR also get enrolled in FSP services?



Although ODR began referring individuals to FSP as standard practice in early 2019, some service areas do not have FSP slots. In that case, ODR refers individuals to other mental health providers.

What role does ODR play in an individual's care when they are also enrolled in FSP services?

All individuals enrolled in ODR are followed by an Intensive Case Management Services (ICMS) team throughout their enrollment in ODR. The ICMS team provides a crucial link between the treatment team (e.g., FSP) and ODR. At a minimum, ODR (*via* ICMS) oversees the individual's housing status, court mandates, and communication with the courts. At the same time, the FSP team oversees the individuals' mental health treatment. Frequent communication between FSP and ODR is essential, and this usually occurs through the ICMS team. Questions about any legal aspects of a client's care should be brought to the ICMS team.

What do I do if a client enrolled in ODR tells me they do not want FSP services?

When ODR refers an individual to FSP services, the individual is not able to decline those services. The individual has been court ordered to receive mental health treatment. Of course, the individual may still decide to decline services or not participate in treatment activities. In such circumstances, they can be informed that their decision may result in a violation of their probation and/or a revocation of their enrollment in ODR. It is very important for FSP teams to collaborate with the Intensive Case Management Services (ICMS) providers of ODR.

Can clients enrolled in ODR request a change in FSP program or provider?

Yes. The FSP team and the client will need to communicate with their ODR case manager on the ICMS team.

What can I do to ensure that the individuals I work with continue to receive ODR services?

DMH service providers can encourage and support individuals to comply with the orders of the court and avoid violations that may result in a termination of ODR enrollment. This includes, but is not limited to, working with individuals to take their medications as prescribed by the ODR psychiatrist, encouraging them not participate in illegal activities, and supporting them to be involved in healthy community activities. Additionally, the FSP team should keep an open line of



communication with ODR via the ICMS team to ensure that the individual is getting her or his needs met.

Contact information

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