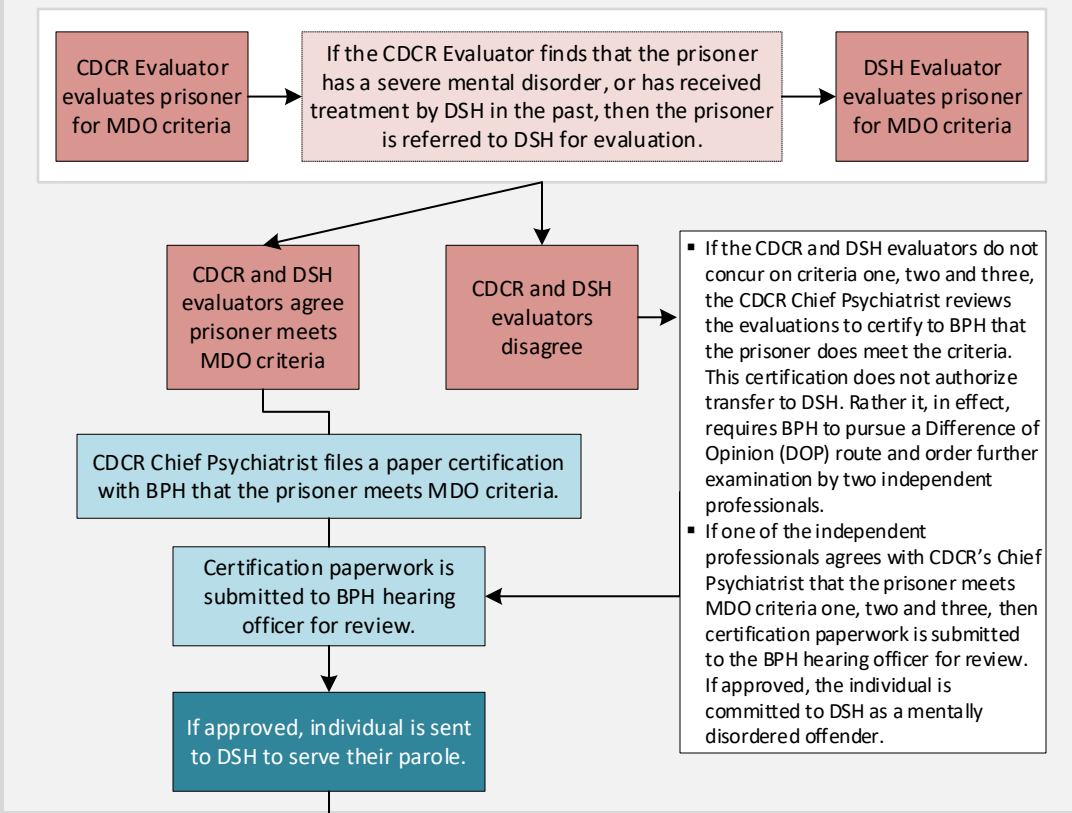


Individual begins in a CDCR facility



**Mentally Disordered Offender (MDO):** The MDO 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 disorder. As a condition of parole, DSH admits MDO patients under Penal Code section 2962.

**Penal Code section 2962: MDO Criteria**

- 1) The Prisoner has a severe mental disorder.
- 2) Their severe mental disorder is not in remission and/or cannot be kept in remission without treatment.
- 3) The severe mental 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 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 his or her severe mental 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 patient meets Penal Code section 2962 MDO criteria. (b) A prisoner who disagrees with the determination of the BPH that he/she 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 disorder, if it is not in remission or cannot be kept in remission without treatment, and whether by reason of his/her severe mental disorder, the parolee represents a substantial danger of physical harm to others.

**Penal Code section 2972:** If an MDO still requires treatment at the end of their parole term, he/she 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.

