



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 9/16/2025

To: County of Sonoma Board of Supervisors

Department or Agency Name(s): Department of Health Services

Staff Name and Phone Number: Nolan Sullivan, 565-4774; Jan Cobaleda-Kegler, 707-565-5157

Vote Requirement: Majority

Supervisory District(s): Countywide

Title:

Memorandum of Understanding between Department of Health Services and Sonoma County District Attorney's Office, Sonoma County Public Defender's Office, Sonoma County Probation Department, and Sonoma Superior Court

Recommended Action:

Authorize the Director of Health Services, or designee, to execute a Memorandum of Understanding by and between the Department of Health Services and Sonoma County District Attorney's Office, Sonoma County Public Defender's Office, Sonoma County Probation Department, and Sonoma Superior Court to provide Mental Health Diversion services to qualifying felony offenders for a term of July 1, 2024 through June 30, 2029, in an amount not to exceed \$5,000,000. (Countywide)

Executive Summary:

This item requests authorization to execute a Memorandum of Understanding (MOU) by and between the Department of Health Services and Sonoma County District Attorney's Office, Sonoma County Public Defender's Office, Sonoma County Probation Department, and Sonoma Superior Court to provide Mental Health Diversion services to qualifying felony offenders. This MOU outlines the Department of Health Services program with California Department of State Hospitals to serve felony cases where individuals have been found incompetent to stand trial and are eligible for diversion under [Penal Code Section 1001.35](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1001.35.&lawCode=PEN) [et Seq.](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1001.35.&lawCode=PEN), *Diversion of Individuals with Mental Disorders*. This MOU unites Sonoma County justice partners working to advance collective efforts to divert felony offenders prior to commitment at the State Hospital. The program between Department of Health Services and California Department of State Hospitals will provide funding for this partnership through Fiscal Year 2028-2029.

Discussion:

In October of 2024 the Department of Health Services (hereinafter "DHS" or "the Department") received a funding agreement from California Department of State Hospitals (Attachment 2) to serve individuals who have been charged with a felony, found to be incompetent to stand trial (IST), and are eligible for diversion under Penal Code Section 1001.35, et Seq., *Diversion of Individuals with Mental Disorders*. The agreement was executed on January 7, 2025.

A portion of those funds are set aside for Justice Partners who will use the funds to advance collective efforts to divert felony offenders, prior to commitment at the State Hospital or entering the Justice System as a result

of being found incompetent to stand trial. The Justice Partners, comprised of the District Attorney, Public Defender, Probation, and Superior Court, will work in partnership with Department of Health Services toward the mutual goal of diverting qualified offenders away from the justice system by providing long-term community mental health treatment and avoiding criminal charges and institutionalization.

The District Attorney, Public Defender, Probation, and Superior Court are committed to designating specially trained staff, familiar with community mental health treatment options, to oversee cases where felony offenders have been diagnosed with certain mental illnesses and are not a significant safety risk to the community, and work in partnership with DHS to divert these individuals to long-term mental health treatment and avoid criminal charges. Full descriptions of the roles of each department are outlined in Attachment 1, brief descriptions are below.

Department of Health Services Roles and Responsibilities

- DHS will facilitate annual meetings with representatives of each Justice Partner Department to review:
 - Potential impact on reduction of County Felony Incompetent to Stand Trial (IST) Growth Cap commitments
 - Any fiscal change that would affect services provided under this funding
 - Any operational change that would require funding to be reallocated
 - Any request from DSH to present findings or meet to review scope of services
- Provide funding to Justice Partners for Fiscal Years 2024-2025, 2025-2026, 2026-2027, 2027-2028, and 2028-2029 in an amount not to exceed \$5,000,000, (breakdown below). Funding is contingent upon availability of funds provided by California Department of State Hospitals.

Department	Per Fiscal Year
Public Defender	\$304,175
District Attorney	\$304,175
Probation (additional staff coverage and monitoring)	\$150,000
Courts (Alienist)	\$200,000
Courts (interpreting)	\$41,650
Total	\$1,000,000

District Attorney Roles and Responsibilities

- Assign one Deputy III level attorney to evaluate, advise, and/or handle those felony cases in which a doubt is declared as to competency and the offense(s) are statutorily eligible for diversion. The District Attorney's Office has an item requesting this time-limited position allocation before the Board today, September 16, 2025.

Public Defender Roles and Responsibilities

- The Public Defender's Office will assign one Deputy III level attorney to the vertical representation of clients charged with a felony or felonies which are statutorily eligible for diversion and for whom a doubt has been declared regarding the client's competency to stand trial under Penal Code 1368, et. Seq. The Public Defender's Office has an item requesting this time-limited position allocation

before the Board today, September 16, 2025.

Probation Roles and Responsibilities

Probation's role in this MOU applies only to clients in this population placed on Pre-Trial monitoring.

- Probation Officers will monitor this population in this same manner as with all Pre-Trial clients. Once a client is released on Pretrial Services, Deputy Probation Officers perform case management functions including meeting regularly with defendants, assessing their needs and making referrals to appropriate programs. Defendants will be monitored by pretrial until pretrial monitoring is ordered terminated by the Court. Probation will be using Department of State Hospitals funding to pay for Extra Help positions to perform these services. They do not intend to request additional allocations at this time.

Superior Court Roles and Responsibilities

The Court will retain the services of a qualified alienist for the purpose of reducing the number of full forensic examinations, increasing the diversion of both competent and incompetent defendants, and decreasing wait-times for assessments and services in competency and diversion processes.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

On July 23, 2024 the Board adopted a resolution delegating authority to the Director of Health Services, or designee, to accept funding allocations for the County of Sonoma and execute revenue, data sharing, participation and other agreements, amendments, and related documents received in fiscal year 2024-2025 as necessary to receive revenue from California state and Federal agencies directly or their third-party administrators for various terms with some being for multiple years, subject to review and approval as to form by Counsel.

FISCAL SUMMARY

Expenditures	FY25-26 Adopted	FY26-27 Projected	FY27-28 Projected
Budgeted Expenses	\$1,000,000	\$1,000,000	\$1,000,000
Additional Appropriation Requested			
Total Expenditures	\$1,000,000	\$1,000,000	\$1,000,000
Funding Sources			
General Fund/WA GF			
State/Federal	\$1,000,000	\$1,000,000	\$1,000,000
Fees/Other			
Use of Fund Balance			

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General Fund Contingencies			
Total Sources	\$1,000,000	\$1,000,000	\$1,000,000

Narrative Explanation of Fiscal Impacts:

The FY 2025-2026 Adopted Budget includes \$1,000,000 in appropriations funded by the Diversion Program (Grant number 24-79015-000), awarded by California Department of State Hospitals. The grant period runs from July 1, 2024, through June 30, 2029, with a total award amount of \$18,172,000.

This includes an annual allocation of \$1,000,000 for Fiscal Years 2024-2025 through 2028-2029, totaling \$5,000,000, which will be used to fund this MOU. Revenue and expenditures for future years will be included in the respective fiscal year budgets.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Attachment 1 - Memorandum of Understanding

Attachment 2 - California Department of State Hospitals Agreement

Attachment 3 - Sonoma County Permanent Diversion Program Plan

Related Items "On File" with the Clerk of the Board:

None