



## Legislation Details (With Text)

**File #:** 2020-0942  
**Type:** Consent Calendar Item **Status:** Agenda Ready  
**File created:** 9/10/2020 **In control:** Sheriff's Office  
**On agenda:** 10/20/2020 **Final action:**  
**Title:** Amendment to Jail-Based Competency Treatment Program Agreement  
**Sponsors:** Sheriff's Office  
**Indexes:**  
**Attachments:** 1. Summary Report.pdf, 2. Feb. 2019 JBCT Approved Board Item.pdf, 3. Department of State Hospitals Agreement 18-79005-000, and Amendment A01.pdf

Date	Ver.	Action By	Action	Result
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**To:** Sonoma County Board of Supervisors  
**Department or Agency Name(s):** Sonoma County Sheriff's Office  
**Staff Name and Phone Number:** Sharon Post, 565 1119  
**Vote Requirement:** Majority  
**Supervisory District(s):** Countywide

**Title:**  
Amendment to Jail-Based Competency Treatment Program Agreement

### Recommended Action:

Authorize the Chair to execute an Amendment (A01) to Agreement 18-79005-000 with the Department of State Hospitals, to increase the number of State-allocated beds in the Sheriff's Office Jail-Based Competency Treatment Program, increase the maximum reimbursement to the County to \$5,878,840 over the contract term, beginning March 1, 2019 with an extended term through June 30, 2022.

### Executive Summary:

The California Department of State Hospitals (DSH) is responsible for returning to competency individuals charged with felony offenses and found by the courts to be Incompetent to Stand Trial (IST) under Penal Code Section 1370. These patient inmates are committed to state hospitals for care and treatment in an effort to restore competency that allows them to stand trial. Due to a lack of available bed space in the State hospital system, DSH has an interest in adding capacity through the Jail-Based Competency Treatment (JBCT) Program as part of its continuum of care.

Prior to the implementation of its own Jail-Based Competency Treatment Program, Sonoma County averaged 20 to 30 male and female adult inmates who were Incompetent to Stand Trial, each waiting for approximately three to six months for transfer to a State hospital where they could begin treatment. To better-serve our IST inmates and the judicial process, the Sheriff's Office implemented the Jail-Based Competency Treatment Program in the summer of 2017 and has worked since then as a contractor with the Department of State

Hospitals to provide more immediate access to competency treatment for inmates who are IST. The Program provides essential and timely treatment for male and female inmates, and benefits the inmate, the State, and the County by enabling a more expeditious judicial process.

**Discussion:**

On July 1, 2017, the Sheriff's Office implemented its own Jail-Based Competency Treatment (JBCT) Program in its Main Adult Detention Facility, with capacity for twelve inmate patients. The JBCT Program delivers the same restoration of competency treatment services to inmates as provided in a State hospital, and allows inmates to begin treatment immediately upon receipt of a court order. The Program has decreased the amount of time an Incompetent to Stand Trial individual remains incompetent, on average from approximately 126 to 62 days.

In calendar year 2017, 9 inmates were restored to competency in the JBCT Program. In 2018, 38 were restored; and in 2019, 40 were restored. To-date in 2020, 31 inmates have been restored to competency.

In FY 17-18, the Sheriff's Office JBCT Program provided 3,530 days of treatment and received \$1,534,410 from the State: \$57,281 for Program start-up costs, and \$1,477,129 for inmate patient reimbursement (\$418.45/day/patient). In FY 18-19, the Program provided 3,871 days of treatment and received \$1,637,804 (\$418.45/day for 8 months and \$431/day for 4 months) in reimbursement. In FY 19-20, the Program provided 3,737 days of treatment and received \$1,610,647 (\$431/day) in reimbursement.

The current Agreement with the Department of State Hospitals allows the Sheriff's Office to continue its Program from March 1, 2019 through February 28, 2022. The Agreement guarantees reimbursement from the State for treatment and custody costs for eight JBCT Program participants per day and allows reimbursement for up to twelve per day, with a maximum contract amount of \$4,723,760. This Amendment increases the guaranteed minimum reimbursement effective July 1, 2020 from eight patient inmates per day to ten, continues to allow reimbursement for up to twelve (the Program's capacity), and increases the maximum contract amount to \$5,878,840. It also extends the term of the Agreement through June 30, 2022 in order to align with the County's fiscal year. County expenses associated with the Agreement and Amendment are offset by the State. The State reimburses the County a per diem rate of \$431 per treatment day for each IST patient inmate in the Program, up to a maximum of 10 IST patient inmates. The revenue and expenditures anticipated with this Amendment are included in the Sheriff's Office FY 20-21 Adopted Budget and will be included in the FY 2021-22 Requested Budget.

**Prior Board Actions:**

Approval of current Agreement with the Department of State Hospitals, 2/26/2019.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 20-21 Adopted</b>	<b>FY21-22 Projected</b>	<b>FY 22-23 Projected</b>
Budgeted Expenses	\$1,573,150	\$1,573,150	
Additional Appropriation Requested			

<b>Total Expenditures</b>	\$1,573,150	\$1,573,150	
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal	\$1,573,150	\$1,573,150	
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	\$1,573,150	\$1,573,150	

**Narrative Explanation of Fiscal Impacts:**

All costs associated with this Amendment will be reimbursed by the State. Estimates assume the guaranteed minimum reimbursement of \$4,310 a day. The revenue anticipated from this Amendment is included in the updated Sheriff's Office FY 20-21 Adopted Budget. This Agreement and Amendment do not require a local match. The total reimbursement value of the original Agreement and the Amendment combined is \$5,878,840. The \$3,146,300 illustrated in the table above represents only the reimbursement generated from the two year extension covered by the Amendment.

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

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Department of State Hospitals Agreement 18-79005-000, and Amendment A01

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

N/A