



## Legislation Details (With Text)

**File #:** 2022-0196  
**Type:** Consent Calendar Item **Status:** Agenda Ready  
**File created:** 2/16/2022 **In control:** Sheriff's Office  
**On agenda:** 5/10/2022 **Final action:**  
**Title:** Jail-Based Competency Treatment Program Agreements  
**Sponsors:** Sheriff's Office  
**Indexes:**  
**Attachments:** 1. Summary Report.pdf, 2. Department of State Hospitals Agreement 18-79005-000 Amendment A02, 3. Department of State Hospitals Agreement 21-76003-014, 4. Department of State Hospitals DRAFT Renewal Agreement

Date	Ver.	Action By	Action	Result
5/10/2022	1	Board of Supervisors	Approved as recommended	Pass

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

**Title:**  
Jail-Based Competency Treatment Program Agreements

### Recommended Action:

- Authorize the Sheriff to execute Amendment A02 to the Sheriff's Agreement with the Department of State Hospitals for Jail Based Competency Treatment, to increase the program's capacity limit from 12 to 14 participants, through the end of the Agreement's term, 6/30/22. The Amendment will increase the maximum reimbursement from the State, from \$5,878,840 to \$5,957,282.
- Authorize the Sheriff to execute an Agreement with Department of State Hospitals to allow the Department of State Hospitals to provide telehealth services to certain inmates, for the term July 1, 2021 to June 30, 2024. The Sheriff's Office anticipates \$29,000 in revenue from this contract.
- Authorize the Sheriff to execute an Agreement with Department of State Hospitals to continue the Jail Based Competency Treatment Program for the term July 1, 2022 through June 30, 2025. The new Agreement includes revisions that are under review by the State and County Counsel. The Sheriff is seeking advanced authorization to execute the Agreement once it is finalized and approved by County Counsel.
- Authorize the Sheriff to execute future amendments and documents associated with revenue agreements from the State Department of Hospitals for the Jail Based Competency Treatment Program and Inmate Telehealth Services, provided by the Sheriff's Office in the Sonoma County Detention facilities, upon the approval of County Counsel.

### 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 contracted with California Sheriffs to establish Jail-Based Competency Treatment (JBCT) Programs in their local adult detention facilities to improve IST continuum of care.

The Sheriff is requesting authorization to sign an Amendment to an existing Agreement and to execute two new Agreements related to the Jail Based Competency Treatment Program. Additionally, in the absence of a County policy on revenue Agreements, the Sheriff is requesting authority to sign future amendments and related documents associated with providing the aforementioned services in the Sheriff's Detention facilities and receive offsetting reimbursement. This authority would provide the Sheriff with the authorization needed to continue the JBCT program, change capacity limits, and update fees, or modify services as needed to meet resource needs. If approved, such authorization shall only apply to amendments for the aforementioned programs, executed in consultation with, and approval from County Counsel.

**Discussion:**

Prior to the implementation of its own Jail-Based Competency Treatment Program in 2017, Sonoma County at any given time 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 operate a JBCT in the Sheriff's detention facilities. The JBCT Program provides 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.

On July 1, 2017, the Sheriff's Office implemented its own Jail-Based Competency Treatment (JBCT) Program in its Main Adult Detention Facility (MADF), 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 many inmates to begin treatment immediately upon receipt of a court order. The Program has decreased the amount of time an Incompetent to Stand Trial (IST) individual remains incarcerated.

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. In FY 20-21, the Program provided 4,174 days of treatment and received \$1,798,994 (\$431/day) in reimbursement. Nine inmates were restored to competency in calendar year 2017, 38 in 2018; 40 in 2019, 47 in 2020; and 52 in 2021.

1. Amendment A02 to Increase JBCT Program Capacity from Twelve to Fourteen

Under the current Agreement, the Department of State Hospitals contracts with the Sheriff's Office to administer the JBCT Program for provision of restoration to competency treatment services for patient inmates charged with felony offenses and found by the courts to be Incompetent to Stand Trial (IST) under Penal Code 1370. The term of the Agreement is March 1, 2019 through June 30, 2022. The Agreement guarantees reimbursement from the State for treatment and custody costs for ten JBCT patient inmates per

day and allows reimbursement for up to twelve per day, with a maximum revenue contract amount of \$5,878,840. This second Amendment increases the guaranteed minimum reimbursement effective April 1, 2022 from ten patient inmates per day to twelve, allows reimbursement for up to fourteen, and increases the maximum revenue contract amount to \$5,957,282.

## 2. Agreement to Receive Reimbursement from DSH for Telehealth Interviews

In an effort to shorten the growing waitlist of individuals throughout the State awaiting placement at a DSH facility, a new State program was established January 1, 2022 to conduct remote telehealth and video conferencing evaluations of waitlisted IST defendants in the facilities where they are housed. Evaluation interviews are conducted and diversion referrals made when appropriate, so that inmate cases can be adjudicated and the waitlist reduced. The State is requesting the Sheriff's Office partner with the State to coordinate interviews with IST inmates at the MADF. The Agreement (21-76003-014) allows the County to recover costs at a rate of \$500 per interview to compensate the County for staff time involved with scheduling, providing records, and making equipment, space, and security available for 90-minute IST inmate interviews. The Agreement also enables the State to provide a one-time \$5,000 reimbursement for the purchase of equipment needed to conduct the interviews. Based on the current Sonoma County IST waitlist, it is anticipated that DSH will conduct approximately four interviews each month, resulting in \$24,000 in reimbursement revenue.

## 3. Renewal of JBCT Program Agreement

The State seeks to secure a new three-year Agreement with the Sheriff's Office to continue providing the JBCT Program for the term July 1, 2022 through June 30, 2025, at the 14 bed capacity level achieved through the aforementioned Amendment A02. Once the Agreement is executed, the State will guarantee payment to the County for twelve participants each day of the year, and up to fourteen participants when full capacity is utilized. The new Agreement includes revisions that are under review by the State and County Counsel. The Sheriff is seeking advanced authorization to execute the Agreement once it is finalized and approved by County Counsel. The per diem rate is anticipated to increase with this new Agreement, from the current \$431/person/day, to approximately \$462/person/day. The approximate revenue anticipated from the new Agreement (\$2,054,220) is included in the Sheriff's Office FY 22-23 Recommended Budget.

The Sheriff's Office expenses associated with providing the JBCT Program, including the services outlined in the Amendment and new Agreements, are fully offset by the State.

### Strategic Plan:

N/A

### Prior Board Actions:

Approval of Agreement 18-79005-000 with the Department of State Hospitals 2/26/2019; approval of Amendment A01 10/10/20.

### FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses	1,892,780	2,078,220	2,078,220
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>1,892,780</b>	<b>2,078,220</b>	<b>2,078,220</b>

<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal	1,892,780	2,078,220	2,078,220
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>1,892,780</b>	<b>2,078,220</b>	<b>2,078,220</b>

**Narrative Explanation of Fiscal Impacts:**

All costs associated with the Amendment and new Agreements will be reimbursed by the State. The Sheriff's Office anticipates receiving additional revenue in the amount of \$78,442 in FY 21-22 for the addition of two beds. Additionally, unanticipated reimbursement for an estimated twelve evaluations (\$6,000) conducted in FY 21-22 is expected. Projected impact for FY 22-23 includes guaranteed reimbursement for twelve participants daily at the increased per diem rate of \$469/day and reimbursement for an estimated four evaluations each month (\$24,000). All FY 22-23 expenses and reimbursements are included in the Sheriff's Office FY 22-23 Recommended Budget.

<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:**

1. Department of State Hospitals Agreement 18-79005-000 Amendment A02
2. Department of State Hospitals Agreement 21-76003-014
3. Department of State Hospitals DRAFT Renewal Agreement

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

N/A