



## Legislation Text

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**File #:** 2019-0082, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Sheriff's Office

**Staff Name and Phone Number:** Connie Newton, 565-8884

**Vote Requirement:** Majority

**Supervisory District(s):** Countywide

**Title:**

Jail-Based Competency Treatment Program

**Recommended Actions:**

Authorize the Chair to execute an Agreement with the Department of State Hospitals for a Sonoma County Jail-based Competency Treatment Program for the period of March 1, 2019 through February 29, 2020, for a reimbursement amount of approximately \$1,580,450. Authorize the Chair to execute up to two one-year renewal options, provided that such renewals continue to have no cost to the County's General Fund. The estimated reimbursement is \$4,885,013 over a maximum three-year contract term. This County jail-based program allows the State to reimburse the County for implementing the program and benefits the public by expediting essential treatment for inmates deemed incompetent to stand trial.

**Executive Summary:**

Pursuant to CA Penal Code Section 1370, the California Department of State Hospitals is responsible for returning to competency individuals charged with a felony who have been found mentally incompetent to stand trial. Defendants who are incompetent to stand trial are committed to state hospitals for care and treatment in an effort to restore competency that allows the inmates to stand trial. As a result of high demand and limited hospital beds for treatment of defendants who are incompetent to stand trial, Department of State Hospitals has sought to add capacity in county jails through the Jail-based Competency Treatment Program as part of its continuum of care to reduce demand on State Hospital bed space. The Jail-based Competency Treatment Program delivers the same treatment and restoration of competency services to inmates in the County's Main Adult Detention Facility (MADF) as would be received in a state hospital and allows inmates to begin treatment immediately upon receipt of a court order.

Prior to the implementation of Sonoma County's Jail-based Competency Treatment Program, the County averaged 20 to 30 adult inmates per year that were incompetent to stand trial, each waiting for approximately three to six months for transfer to a state hospital. In an effort to best serve our incompetent to stand trial inmates and the judicial process, the Sheriff's Office has worked with Department of State Hospitals to participate in the Jail-based Competency Treatment Program as a contractor. The Sonoma County Sheriff implemented a Jail-Based Competency Program in the summer of 2017 and wishes to continue the Program. In 2018, 40 inmates were restored to competency in the County's jail-based program.

### **Discussion:**

In 2017, Sonoma County implemented its own Jail Based Competency Treatment Program in its Main Adult Detention Facility. The Jail-based Competency Treatment Program delivers the same treatment and restoration of competency services to inmates as would be received in a state hospital and allows inmates to begin treatment immediately upon receipt of a court order. The Program has resulted in decreasing the amount of time an incompetent to stand trial individual remains incarcerated. Due to a lack of available bed space in the state hospital system, Department of State Hospitals has put forth an effort to expand the Program to other counties. The Program is one of the many programs the Sheriff offers to help address the needs of inmates with behavioral health issues in the jail.

The proposed Agreement with Department of State Hospitals will allow the Sheriff to continue the current Program for another year, and includes options to extend the Agreement for two additional years. Agreement provisions for the first year provide guaranteed reimbursement of treatment and custody costs for 8 Jail-based Competency Treatment Program beds and allows for reimbursement of up to 12 beds. Based on historical averages, the Sheriff's Office estimates an average of 10 beds will be filled for 12 months, which equates to a reimbursement amount of \$1,580,450.

The Sheriff is also requesting the Board to authorize the Chair to amend the Agreement for two additional one-year terms. This Program requires a substantial amount of lead time for implementation. This is mainly due to the need to hire staff, security clearances, and the extensive training needed before the Program can begin. Negotiating contracts with the State can take three to six months, making annual agreements difficult and time consuming to manage. The Agreement's options to amend preserve the complex operational provisions of the agreement and allow for adjustments to the fiscal component of the contract. Due to the State's inability to guarantee adequate funding over a three year term, and the volatility of the inmate population eligible to participate in this Program, both the State and Sheriff identified the need to defer finalizing provisions for the 2<sup>nd</sup> and 3<sup>rd</sup> year of the Agreement. Therefore, the Agreement includes a provision to allow the parties to extend the term for two additional one year terms, update fees, and revise the number of guaranteed/allocated beds. Allocated beds are part of the annual reimbursement formula. The contract also ensures that all current laws and regulations are incorporated into the Agreement throughout its term. There are no net costs to the County associated with this Agreement or any extension. Costs are fully reimbursed by the State.

### **Prior Board Actions:**

02-07-17 - Approved Agreement for Jail Based Competency Treatment Program  
02-06-18- Approved Agreement for Jail Based Competency Treatment Program

### **FISCAL SUMMARY**

| <b>Expenditures</b>                | <b>FY 18-19<br/>Adopted</b> | <b>FY19-20<br/>Projected</b> | <b>FY 20-21<br/>Projected</b> |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses                  | 528,260                     | 1,052,190                    | 1,580,450                     |
| Additional Appropriation Requested |                             |                              |                               |
| <b>Total Expenditures</b>          |                             |                              |                               |
| <b>Funding Sources</b>             | 528,260                     | 1,052,190                    | 1,580,450                     |
| General Fund/WA GF                 |                             |                              |                               |
| State/Federal                      | 528,260                     | 1,052,190                    | 1,580,450                     |
| Fees/Other                         |                             |                              |                               |
| Use of Fund Balance                |                             |                              |                               |
| Contingencies                      |                             |                              |                               |
| <b>Total Sources</b>               | <b>528,260</b>              | <b>1,052,190</b>             | <b>1,580,450</b>              |

**Narrative Explanation of Fiscal Impacts:**

All costs associated with this Agreement will be reimbursed by the State. FY 18-19 revenue and expenditures are included in the Sheriff's Adopted Budget and revenue and expenditures will be included in the Sheriff's FY 19-20 Recommended Budget. There is no change in net General Fund. This Agreement does not require a local match.

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

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

N/A

**Attachments:**

Agreement for Jail Based Competency Treatment Program with Department of State Hospitals

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

N/A