



Legislation Text

File #: 2022-1215, **Version:** 1

To: 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 Agreement

Recommended Action:

Authorize the Sheriff to execute an Agreement with Department of State Hospitals whereby the State Hospital will continue to fund the Sheriff's Jail-Based Competency Treatment Program for the term July 1, 2022 through June 30, 2027. The maximum revenue contract amount for the five-year term is \$14,698,939.

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.

On May 10, 2022, the Sheriff received advanced authorization from the Board to execute, upon approval of County Counsel, an Agreement with DSH to continue the Jail-Based Competency Treatment Program for the term July 1, 2022 through June 30, 2025. During negotiations, DSH requested an extended term of five years, instead of the three-year-term that was approved by this Board in May. In order for the Sheriff to execute the Agreement for a longer term with associated increase in offsetting reimbursement, new Board approval is required. All material points have been negotiated and approved by County Counsel, and the County is waiting for DSH administration to provide executed copies, which may take several months due to State contracting backlogs. Advanced authorization is requested for the Sheriff to execute the Agreement when the documents arrive from the State.

Discussion:

Prior to the implementation of our own Jail-Based Competency Treatment Program in 2017, Sonoma County averaged at any given time, 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, which 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.

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/patient) 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.

Under the most recent Agreement, the Department of State Hospitals contracted 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 was March 1, 2019 through June 30, 2022. The Agreement initially guaranteed reimbursement from the State for treatment and custody costs for ten JBCT patient inmates per day and allowed reimbursement for up to twelve per day. The Agreement was amended effective April 1, 2022, to increase the guaranteed minimum reimbursement from ten patient inmates per day to twelve, allow reimbursement for up to fourteen, and increase the maximum contract amount accordingly.

Renewal of JBCT Program Agreement

The State seeks to secure a five-year Agreement with the Sheriff's Office to continue providing the JBCT Program for the term July 1, 2022 through June 30, 2027, at the fourteen-bed capacity level achieved through the aforementioned Amendment. 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 per diem rate will increase from \$431/day/patient to \$573.03/day/patient. The per diem rate will remain the same throughout the contract period. The annual revenue anticipated from the new Agreement, for twelve patients/day, will be approximately \$2,509,871. This is higher than the estimated \$2,054,220 included in the Sheriff's Office FY 22-23 Adopted Budget, which was calculated before the new per diem rate was established. The Sheriff is seeking advanced authorization to execute the five-year Agreement when the DSH produces the finalized documents. If approved, the Sheriff's Office will submit a mid-year, budget adjustment during Quarter 2 Consolidated Budget Adjustments.

The Sheriff's Office expenses associated with providing the JCBT Program are fully offset by the State.

Strategic Plan:

N/A

Prior Board Actions:

Approval of the prior JBCT Agreement 18-79005-000 with DSH on 2/26/19; followed by two Amendments, A01

on 10/10/20, and A02 on 5/10/22. Pre-authorization to extend JBCT services for an additional three-year term was also approved 5/10/22 along with a new JBCT telehealth Agreement.

FISCAL SUMMARY

Expenditures	FY 22-23 Adopted	FY23-24 Projected	FY 24-25 Projected
Budgeted Expenses	2,054,220	2,516,748	2,509,871
Additional Appropriation Requested			
Total Expenditures	2,054,220	2,516,748	2,509,871
Funding Sources			
General Fund/WA GF			
State/Federal	2,054,220	2,516,748	2,509,871
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	2,054,220	2,516,748	2,509,871

Narrative Explanation of Fiscal Impacts:

All costs associated with the Agreement will be reimbursed by the State. Estimates in the fiscal summary above were calculated using guaranteed reimbursement for twelve patients daily at \$573.03 each, for 365 days/year, or in the case of FY 23-24, for 366 days for leap year. The FY 22-23 Adopted Budget total is less because it was developed before the new per diem was established. If approved, the Sheriff's Office will submit a mid-year budget adjustment during Quarter 2 Consolidated Budget Adjustments.

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

DRAFT Jail-Based Competency Treatment Agreement with Department of State Hospitals

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

N/A