

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.:)
Adopts a Resolution to:)
a. Designate the Monterey County Jail as a facility to provide medically approved)
medication to defendants found to be mentally incompetent and unable to provide)
informed consent due to a mental disorder, pursuant to California Penal Code Section)
1367 et. seq.)
)

WHEREAS, Penal Code section 1369.1 permits, upon the concurrence of the County Board of Supervisors, the County Mental Health Director, and the County Sheriff, the designation of a county jail to provide medically approved medication to defendants found to be mentally incompetent and unable to provide informed consent due to a mental disorder pursuant to Penal Code section 1367 et seq.; and,

WHEREAS, the Monterey County Sheriff and the Monterey County Mental Health Director concur with said designation; and,

WHEREAS, the Monterey County jail may house defendants found to be incompetent to stand trial for up to six months before being able to transfer these defendants to a state mental health institution; and,

WHEREAS, the Monterey County jail is initiating a Jail Based Competency Treatment Program in an effort to reduce waiting time for restoration to competency services and allow for more familial support during restoration by having treatment occur within Monterey County; and,

WHEREAS, the Monterey County Sheriff strongly desires to house defendants found to be incompetent to stand trial in the most humane manner possible; and,

WHEREAS, the interests of the people of Monterey County, the State of California and accused defendants are served by bringing accused defendants to trial; and,

WHEREAS, some defendants found to be incompetent to stand trial are highly susceptible to decompensating without appropriate medication; and,

WHEREAS, it is common that defendants found to be incompetent to stand trial refuse to take their medication. NOW, THEREFORE,

BE IT RESOLVED by the Board of Supervisors in and for the County of Monterey as follows:

The Monterey County Board of Supervisors, the Monterey County Sheriff, and the Monterey County Mental Health Director hereby agree to designate the Monterey County Jail to provide medically approved, legally authorized, medication to defendants found to be mentally incompetent and unable to provide informed consent due to a mental disorder, pursuant to Penal Code section 1367 et seq. dependent on court or other procedures, consistent with *Sell v. United States*, 539 U.S. 166 (2003). Such medications shall be administered by authorized medical personnel only.

PASSED AND ADOPTED on this ____ day of _____, 2019, by the following vote, to-wit:

AYES:

NOES:
ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors,
County of Monterey, State of California

By _____
, Deputy