



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Board Report

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**File #: 19-0677, Version: 1**

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- a. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign a two (2) year agreement between the Sheriff's Office and the Department of State Hospitals for an amount not to exceed \$3,697,388.00, to host a regional Jail Based Competency Treatment program in the Monterey County Jail retroactive to June 28, 2019 with a term ending June 27, 2021; and
- b. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign Amendment #1 to the CFMG (A-13814) agreement, in an amount of \$2,177,286.00, for the Jail Based Competency Treatment program, for new not to exceed amount of \$30,430,371.45; and
- c. Amend the Sheriff's Office Fiscal Year 2019-20 Adopted Budget (001-SHE003-2300-8238-6111) to add two (2) FTE Deputy Sheriff Positions; and
- d. Authorize and direct the County Administrative Office to incorporate the position change into the Sheriff's Office FY 2019-20 Adopted Budget; and
- e. Authorize and direct the Auditor-Controller to amend the Sheriff's Office FY 2019-20 Adopted Budget to increase appropriations by \$1,525,319.00, including \$892,649.00 in 001-SHE003-2300-8238-6111 and \$632,670.00 in 001-SHE-003-2300-8238-6384 financed by increased revenues of \$1,525,319.00 in 001-SHE003-2300-8238-5870; (4/5 vote required) and
- f. Approve designating 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. (MOVED VIA SUPPLEMENTAL)

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign a two (2) year agreement between the Sheriff's Office and the Department of State Hospitals for an amount not to exceed \$3,697,388.00, to host a regional Jail Based Competency Treatment program in the Monterey County Jail retroactive to June 28, 2019 with a term ending June 27, 2021; and
- b. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign Amendment #1 to the CFMG (A-13814) agreement, in an amount of \$2,177,286.00, for the Jail Based Competency Treatment program, for new not to exceed amount of \$30,430,371.45; and
- c. Amend the Sheriff's Office Fiscal Year 2019-20 Adopted Budget (001-SHE003-2300-8238-6111) to add two (2) FTE Deputy Sheriff Positions; and
- d. Authorize and direct the County Administrative Office to incorporate the position change into the Sheriff's Office FY 2019-20 Adopted Budget; and
- e. Authorize and direct the Auditor-Controller to amend the Sheriff's Office FY 2019-20 Adopted Budget to increase appropriations by \$1,525,319.00, including \$892,649.00 in 001-SHE003-2300-8238-6111 and \$632,670.00 in 001-SHE-003-2300-8238-6384 financed by increased revenues of \$1,525,319.00 in 001-SHE003-2300-8238-5870; (4/5 vote required) and
- f. Approve designating 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.

### SUMMARY

The Monterey County Sheriff's Office has tentatively agreed to a two (2) year contract with the Department of State Hospitals (DSH) to host a regional Jail Based Competency Treatment (JBCT) program aimed at restoring to competency those inmates charged with felonies and found by the courts to be incompetent to stand trial. The program would be regional as it would provide service to inmates in Santa Cruz and San Benito Counties as well. Further, the Sheriff's Office has reached agreement with CFMG to provide the services set forth by the DSH JBCT curriculum.

In February 2018, the Sheriff's Office made a presentation about the JBCT concept to the Community Corrections Partnership (CCP) at a scheduled public meeting. The purpose of the presentation was to offer information to the CCP, the public and other stakeholders of our local corrections system. CCP members expressed support of the concept.

On April 24, 2018 the Monterey County Board of Supervisors unanimously voted to authorize the Sheriff to negotiate with DSH and CFMG for a JBCT program in the Monterey County Jail. Sheriff Jim Hart from Santa Cruz County and Sheriff Darren Thompson from San Benito County spoke in support of the JBCT program at this meeting as well.

### DISCUSSION:

For many years now the Department of State Hospitals has faced an overwhelming need for bed and program space for inmates found by local Superior Courts to be incompetent to stand trial. This need has evolved into a multi-month wait for inmate placement into State Hospitals further delaying much needed treatment for these individuals. The State of California recognized this as being a major issue that needed to be addressed and provided funding to DSH to start local Jail Based Competency Treatment programs throughout the state. These local programs have proven to be effective in getting inmates into treatment and restored to competency at an accelerated pace. The introduction of these local programs has kept inmates from languishing any longer in county jails and has gotten them the treatment they need and restored their competency, in some cases in a time faster than they would have been transferred to the State Hospital prior to the local JBCT. It reduces the chance for decompensation and allows families to continue to support inmates due to treatment within the County.

The number of inmates in county jails, including the Monterey County Jail, with mental health issues continues to grow at a rapid pace. The Sheriff's Office is a supportive partner in trying to help divert these individuals from incarceration or as in this case providing them the services they need within the county jail. The JBCT has a set curriculum established by the DSH and would be administered by CFMG. This curriculum would include classroom environment programming, counseling and a therapeutic living environment that fosters socialization with other program participants. Where necessary it would also include individual work with program participants.

Because many of the inmates are admitted to treatment with orders from the Court to administer psychotropic medications it is necessary for the jail to be designated a mental health treatment facility pursuant to California Penal Code section 1369.1. The purpose of this is to allow the administration of psychotropic medications to individuals in county custody who have been adjudged incompetent to stand trial due to a mental disorder, refuse to take psychotropic medications and are unable to provide informed consent. Medication will be prescribed by the treating psychiatrist.

The program is slated to operate as a 10-bed program, meaning it could accommodate 10 inmates at any time with the ability to expand to 15, if necessary. In addition to providing the therapeutic staffing required to provide the DSH curriculum, the program will require two new Deputy Sheriff staff members to provide escort and security functions in the jail facility. These members, assigned to the JBCT program, will ensure program participants are escorted to their program sessions and will stand by at a safe distance to provide security to staff and participants alike. The deputies will also receive special training in supporting the JBCT program. The cost of these positions has been included in the daily rate that will be charged to DSH. This means there will be no increase to the Sheriff's Office General Fund Contribution to cover these two new positions. During other periods of time when these deputies are off-duty existing deputy resources would be utilized to supervise and care for the inmates in this program along with their regularly assigned duties. With the jail addition coming online in the not too distant future the Sheriff's Office plans to continue to operate two housing units in the Main Jail and staff it with two deputy sheriff positions each shift, 24 hours a day, 7 days a week with existing funds. The JBCT program would add a housing unit to this area and fall under the duties of these two deputies as mentioned above while not increasing our General Fund Contribution.

The housing unit identified by the Sheriff's Office and DSH to host the JBCT program will need a series of improvements to meet the program's criteria. The hard start date of the contract with DSH on 6/28/19 is due to the fact the State committed the funds for the one-time jail improvement costs in Fiscal Year 2018-19 and does not have a mechanism to carry those funds over into Fiscal Year 2019-20. In addition, CFMG has one-time startup costs that will be reimbursed by DSH as well.

Forced medication may be used as a treatment option in the JBCT program. The attached resolution will 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. and allow the on-site psychiatrist to authorize forced medication when clinically necessary.

#### OTHER AGENCY INVOLVEMENT:

The Sheriff's Office has worked with the County Counsel's Office throughout this negotiating process and have their support in moving this item forward. Monterey County Behavioral Health is supportive of this action. Also, the Sheriff's Office has worked with RMA to expedite the physical improvements necessitated by adding this program to the county jail once Board of Supervisor approval is granted.

#### FINANCING:

The DSH has committed to paying the daily bed rate for 10 patients for the first 90 days regardless of the number of participants in the program on any given day. Over the course of each subsequent quarter period during the term of our agreement, if a 90% occupancy rate is not maintained, the DSH and the Sheriff's Office shall execute an amendment to this agreement upon jointly developing a plan to reduce the minimum number of beds provided and the budget amount accordingly. This clause is incorporated into our contract with CFMG as well. That daily rate will pay for therapeutic medical staff and deputy staff called out for by DSH in their staffing analysis. The Sheriff's Office will in turn pay CFMG for the therapeutic services provided. The Sheriff's Office has built in the costs of relief for the deputies' time off so as not to impact its overall budget. In the event the funding does not cover the entirety of the relief, the Sheriff's Office is prepared to find that funding in their existing budget.

The Sheriff's Office is requesting an increase in appropriations for FY 2019-20 totaling \$1,525,319, of which

\$892,649 is to cover the CFMG costs for the program as well as the two additional deputy sheriff positions for seven months and \$632,470 represents one-time costs including \$232,470 in one time start-up costs to CFMG and \$400,000 for jail improvement costs related to programming space. The increase in appropriations will be financed with revenue on a reimbursement basis from the Department of State Hospitals.

The first-year operating budget has been adjusted to anticipate a December 1st, 2019 start date of inmates transferring into the program.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

This request meets the Boards strategic initiatives by:

*“Improve health and quality of life through County supported policies, programs, and services”*

Mark a check to the related Board of Supervisors Strategic Initiatives

Economic Development  
Administration  
X Health & Human Services  
Infrastructure  
Public Safety

Prepared by: James Bass, Chief Deputy, X3887

Approved by: Steve Bernal, Sheriff, X3856

Attachments: Attachment A - Agreement between MCSO and the Department of State Hospitals  
Attachment B - Resolution to increase appropriations and positions  
Attachment C - 1369.1 Resolution  
Attachment D - Board Order / CFMG Agreement - Attachments on file  
Attachment D1 - CFMG Amendment #1  
Attachment E - Copy of Monterey County Proposed Budget  
Attachment F - Main Jail Diagrams