



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Sheriff-Coroner
Department No.: 032
For Agenda Of: 1/23/24
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Bill Brown, Sheriff-Coroner, 805-681-4290
Director(s)
Contact Info: Anthony Espinoza, Lieutenant, Sheriff's Office, 805-681-4091

SUBJECT: Sheriff's Office Jail-Based Competency Treatment (JBCT) Program, Contract with California Department of State Hospitals

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify, and authorize the Sheriff or designee to execute a one (1) year contract with the California Department of State Hospitals (DSH) accepting an amount not to exceed \$1,805,523 for the duration of the contract (7/1/2023 through 6/30/2024) to provide a Jail Based Competency Treatment Program within the Sheriff's Office's Main Jail Facility.
- b) Approve, ratify, and authorize the Sheriff or designee to execute California Civil Rights Laws (Attachment F) and Contractor Certification Clauses (Attachment G).
- c) Determine that the above actions are government fiscal activities or funding mechanisms which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment and are therefore not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(4) of the CEQA guidelines.

Summary Text:

Pursuant to California Penal Code §1370, the DSH 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 to a level that allows the inmates to assist with their defense and stand trial. As a result of high demand and limited hospital beds for treatment of such defendants, the DSH has contracted with

county jails to add treatment capacity through the Jail-Based Competency Treatment (JBCT) Program as part of its continuum of care.

This item is before your Board for approval and ratification of a one-year contract for July 1, 2023, through June 30, 2024. During this contract period the Sheriff's Office and DSH will negotiate a new multi-year contract to begin on July 1, 2025. Staffing constraints in the Sheriff's Office led to a delay in bringing this item to your Board, but services are continuing and future updates will be brought before your Board before expiration on the contract.

Background:

In July of 2020, the Board approved the initial contract with DSH, and a contract amendment with California Forensic Medical Group/Wellpath (Wellpath) which allowed the Sheriff's Office in partnership with Wellpath to operate a JBCT Program within the Main Jail Facility to treat eight to ten inmates at a time who have been declared incompetent to stand trial.

The contract with DSH provided funding to the County for all contracted mental health professionals employed by Wellpath and one Custody Deputy in the Sheriff's Office to provide security for the treatment unit. The Second Amendment to the Agreement with Wellpath allocates the additional staff necessary to operate this JBCT program, the costs of which are paid from DSH to the Sheriff's Office to distribute to Wellpath.

The term of the original agreement was July 1, 2020 through June 30, 2023.

The Santa Barbara JBCT program is a ten -bed program located inside the Main Jail. The JBCT team includes a psychologist, psychiatrist, licensed clinical social worker, competency trainer, administrative assistant, and a dedicated custody deputy.

The program consists of daily therapy, competency groups, and weekly individual sessions that focus on the patient's specific challenges to provide a fully holistic approach to treatment. The DSH funds the JBCT program to restore competency to patients found not competent to stand trial by the court system.

Santa Barbara County's JBCT opened in November of 2020 and has restored 107 patients to competency as of August 2023. The JBCT has been recognized as one of the top programs in California to return defendants to trial without transferring them to a state hospital. This approach helps improve treatment outcomes and morale from reduced stress. It also increases visits from family and friends and a provides a low staff-to-patient ratio where individualized treatment is more available. The JBCT team has hosted numerous facility tours highlighting the program and services provided. The following statistics are current as of August 2023:

- Average number of days until restoration (admission to discharge): 57
- Average number of days until restoration from commitment date: 144
- Average number of days spent in JBCT (for both restored and non-restored): 62
- Average number of days until patient is transferred to DSH (admission to discharge; unable to restore in JBCT): 116
- Average number of days until patient is transferred to DSH (commitment date to discharge): 218

Performance Measure:

The County’s JBCT Program outcomes are measured and analyzed by the DSH. It is expected that the JBCT Program will continue to reduce offender wait times and competency restoration times, which will be measured and compared to previous time periods. The continued reduction of both wait and restoration times results in improved patient outcomes, increased court efficiencies, and decreased costs of confinement and adjudication. During the course of the JBCT program in Santa Barbara, the program has restored competency to individuals in an average of 66 days, which is faster than both the statewide average of restoration for other JBCT programs of 72 days and the State Hospitals average of 160 days. In the FY 2021-2022 the JBCT program had a restoration rate of 94% which at the time was amongst the highest percentage in county jail run JBCT programs.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State	\$1,805,523.00		
Federal			
Fees			
Other:			
Total	\$ 1,805,523.00	\$ -	\$ -

Narrative:

The contract with DSH provides \$1,805,523.00 for the term of the contract. DSH will provide \$490.58 per bed (one inmate per bed) to the Sheriff’s Office upon program acceptance. This amount, which was agreed upon by the parties based on negotiations, includes one Custody Deputy for the Sheriff’s Office and one contracted mental health clinician (1.0 FTE), one contracted competency trainer and a partial FTE contracted psychiatrist (0.40 FTE), psychologist (1.0 FTE) and administrative assistant (1.0 FTE). This daily rate per bed also accounts for anticipated costs associated with medications, food, facility costs and other services provided to the inmate population.

The contract with DSH accounts for eight to ten inmates participating in the program at any given time. If the program is full the entire year, the maximum reimbursement to the Sheriff’s Office this fiscal year will be \$1,805,523, including \$10,000 for program replenishing costs. During the term of the previous contract, the program operated at its maximum ten beds at all times except for small increments of time in which patients were transferred in and out of the program. There are currently two patients on the wait list for DSH placement in either the JBCT or a State Hospital, leading to expectations that the program will remain full for the foreseeable future.

Staffing Impacts:

<u>Legal Positions:</u>	<u>FTEs:</u>
Custody Deputy	+1.0

Special Instructions:

Clerk of the Board:

Please send one official Minute Order to the Sheriff's Office, Attention, Custody Lieutenant Anthony Espinoza.

Attachments:

Attachment A: DSH Agreement 23-79042-000

Attachment B: Budget Detail and Payment Provisions

Attachment C: General Terms and Conditions

Attachment D: Special Terms and Conditions

Attachment E: Confidentiality and Information Security Provisions

Attachment: F: California Civil Rights Laws Attachment

Attachment G: Contractor Certification Clauses

Authored by:

Custody Lieutenant Anthony Espinoza