



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: County Executive Office
Department No.: 043
For Agenda Of: January 28, 2020
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors

FROM: Department Director(s) Mona Miyasato, County Executive Officer
Contact Info: Bernard Melekian, Assistant County Executive Officer
(805) 568-2060

SUBJECT: County Pre-Trial Felony Mental Health Diversion Program 1/1/2020-12/31/2022

County Counsel Concurrence

As to form: Yes

Behavioral Wellness

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify and authorize the County's Chief Executive Officer, or designee, to execute the multi-year grant agreement and its accompanying Contractor Certification, and Civil Rights Certification with the Department of State Hospitals accepting \$2,644,500 for the County of Santa Barbara to provide community mental health treatment including intensive residential treatment services to Felony Mental Health Diversion Clients for the three-year period of 1/1/2020 through 12/31/2022 (DSH Grant Agreement); and
- b) Approve and authorize the County's Chief Executive Officer, or designee, to accept matching funds in the amount of \$528,900 provided by the Community Corrections Partnership (CCP) representing 20% of the DSH Grant Agreement amount, as required by the DSH Grant Agreement, for community mental health treatment including intensive residential treatment services to Felony Mental Health Diversion Clients for the three-year period of 1/1/2020 through 12/31/2022; and
- c) Approve and authorize the County Executive Officer, or designee, to execute subsequent reports pursuant to Exhibit A, Section 6.B. of the DSH Grant Agreement or make immaterial amendments that do not change the amount or substantive terms of the DSH Grant Agreement; and

- d) Approve Budget Revision #0006569 to increase appropriations in the amount of \$361,089 in Public Defender General Fund for Salaries & Benefits (\$339,373), Services & Supplies (\$16,969), and Other Charges (\$4,747) funded by unanticipated revenue from Intergovernmental Rev-State; Establish Appropriations of \$1,425,645 in Behavioral Wellness MHSA Fund for Salaries & Benefits (\$462,055), Services & Supplies (\$602,501), and Other Financing Uses (\$361,089) funded by unanticipated revenue from Charges for Services (\$261,687), Intergovernmental Rev-State (\$969,965), and Other Financing Sources (\$193,993); and Establish Appropriations of \$193,993 in Probation General Fund (Local Realignment 2011) for Other Financing Uses funded by release of Restricted Local Realignment 2011 fund balance; and
- e) Adopt a Salary Resolution in Attachment C effective January 27, 2020, adding one (1) 1.0 FTE Epidemiologist Sr. and three (3) 1.0 FTE Case Workers to the Behavioral Wellness Department, and adding one (1) 1.0 FTE Social Service Worker Sr. and one (1) 1.0 FTE Behavioral Wellness Case Worker to the Public Defender's Office, which will be fully funded by the California Department of State Hospitals grant and AB 109 Realignment matching funds; and
- f) 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 physical 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:

The above referenced item is on the agenda to request approval of the recommended actions authorizing the County Executive Officer (CEO) to sign an agreement with the Department of State Hospitals (DSH) and its accompanying certifications accepting DSH grant funds in the amount of \$2,644,500 over the three-year period of 1/1/2020 through 12/31/2022 and accept matching funds in the amount of \$528,900 from the CCP for a Diversion Program that would provide intensive residential treatment services and other community mental health treatment for selected Felony Mental Health Diversion (FMHD) clients as well as other clients dealing with mental illness and/or substance abuse. The recommended action would also authorize the CEO to execute subsequent reports or immaterial amendments to the DSH Grant Agreement that do not change the amount or substantive terms of the DSH Grant Agreement.

The DSH Diversion Program is a collaboration between DSH and county governments to develop or expand diversion programs for individuals with serious mental illness who face felony charges and could be determined Incompetent to Stand Trial (IST). The DSH Diversion Program provides funding to counties to support community mental health treatment and other services for these individuals.

Some individuals who are Incompetent to Stand Trial commit felonies that stem from serious mental illness. They have difficulty accessing mental health services and committing to treatment and often cycle repeatedly through the criminal justice system. The goal of the DSH Diversion Program is to provide these individuals, when deemed appropriate by the court to do so, with long-term community mental health treatment and other services so as to avoid criminal charges and institutionalization. Approval of the recommended actions will allow the County to enter into a multi-year agreement with the DSH to help divert individuals who fall into the above category into a Residential Treatment Program instead of jail.

The CEO's Office has worked with the County departments of Behavioral Wellness, Public Defender, District Attorney, Probation and Sheriff; the Superior Court; community-based treatment providers; and housing providers to create a program plan to submit to DSH. The program plan describes the program from initial identification of potential Felony Mental Health Diversion Clients to program completion, list the roles and responsibilities of the departments, and all services to be provided in the program. The program plan is a deliverable under the DSH Grant Agreement and executing the DSH Grant Agreement will allow for reimbursement for the work on the implementation of the DHS Diversion Program. .

Background:

The Santa Barbara County jail houses the largest number of confined, mentally ill individuals in the County. A single day census on October 20, 2017, revealed that 52% of 1,051 jail inmates had a history of receiving mental health services from County providers at some point in the past, 47% had prior enrollment in community-based substance abuse treatment services, while 39% had received both mental health and substance abuse treatment service. Further analysis suggested that in total 60% (N=626) of the inmates had a history of mental health and/or substance abuse treatment through the County Department of Behavioral Wellness.

With only 16 locked beds in the entire County at the Psychiatric Health Facility (PHF) for treatment of acute mental health conditions, individuals in mental health crisis who come to the attention of law enforcement through 911 calls, welfare checks, public disturbances, nuisance crimes or community requests for assistance may end up admitted to jail in an effort to prevent further escalation of their behaviors. These arrests ultimately result in multiple negative consequences to the individuals, their families, the County, and community, with little positive impact aside from immediate removal from the circumstances of the precipitating event.

In recognition of the negative outcomes associated with the incarceration of individuals with behavioral health conditions, the Santa Barbara community joined the Stepping Up initiative in 2016 supported by a Resolution of the Board of Supervisors. This collaborative of criminal justice, law enforcement (LE), behavioral health, primary and hospital health service providers, advocates, family members, and local government and community leaders participated in developing a Sequential Intercept Model (SIM) to help identify keys points of contact and potential diversion for individuals with behavioral health disorders who become involved with the justice system.

The SIM collaboration has led to the development of multiple efforts to intervene with behavioral health clients to divert them from paths that result in incarceration, including: a centralized IST Court, outpatient competency restoration in a less restrictive environment for misdemeanants, and enhanced collaboration between Public Defender, Courts, District Attorney, County Council, and Behavioral Wellness on those cases where the defendant has been found IST and is subsequently slated for inpatient treatment.

The Santa Barbara Public Defender's Office has implemented holistic defense practices to provide early identification and intervention with clients who have mental health needs. This approach reduces recidivism when clients are helped to access community-based services by applying intensive social worker and case management services to clients. Other efforts are being pilot tested, or are planned for future funding opportunities, including law enforcement/mental health crisis co-response, Public Defender Pre-Arrestment Unit, locked intensive Mental Health Rehabilitation Center (MHRC) beds, Jail-Based

Competency Treatment for restoration (JBCT), expanded specialized care beds in the new jail (anticipated opening this year) and expanded Crisis Intervention Training (CIT) for law enforcement.

These efforts have had a positive impact on reducing the impact of misdemeanor IST cases on scarce behavioral health resources, but have largely not affected the felony IST population due to statutory and resource limitations. However, the new mental health diversion statutory framework provides the County an opportunity to expand our local efforts to impact potential felony ISTs. Several of these initiatives are also the focus of various countywide system change projects led by the County Executive Office's Renew '22 vision, which leverages existing resources, partnerships and County leadership. Our Renew '22 partners have a shared goal to identify areas in County services where vulnerable community members are falling through the gaps of needed services and better utilize existing services to provide efficient and effective solutions, which can reduce the criminalization of the mentally ill.

In October 2018, the County Executive Office submitted a Letter of Intent to apply for the DSH funding for Pre-Trial Felony Mental Health Diversion Programs and, in December 2018, was notified that Santa Barbara County was to be awarded funding in the amount of \$2,644,500. The County was required to contribute a 20% match (\$528,900) which was provided by the CCP, a committee made up of justice partner agencies and other local stakeholders charged with the responsibility of the implementation of a local Realignment Plan and strategies that increase public safety as part of "justice reinvestment." The DSH Grant requires that the County divert 18 individuals who have committed felony offenses as a result of their mental illness, who are IST or who may be found to be IST, and who do not pose an unreasonable risk to the public, to residential treatment, over the three-year grant period. DSH will disperse grant funds in installments upon County meeting target goals.

The Pre-Trial Felony IST Diversion Approach will build on the established collaborative initiatives to establish a broad continuum of treatment strategies that will include the following:

Public Defender's Office (PD): Because the Public Defender's Office will be the first to identify the client's mental health needs and is also the principal moving party to begin the diversion process for felony IST candidates, they will be highly impacted by the new approach. Therefore, the program will add 1.0 FTE Social Services Worker (MSW) and 1.0 FTE case worker. Other grant program staffing will be covered by existing staff to help efficiently serve the needs of this population.

Department of Behavioral Wellness: The Department of Behavioral Wellness will leverage existing restorative treatment models to develop a new intensive residential program that provides six (6) beds for Felony Mental Health Diversion Clients, including on-site security and clinical staff presence. This program will link FMHD clients with Assertive Community Treatment (ACT) level services provided by Justice Alliance (JA) while clients are in the residential program and will connect them with family members, preexisting treatment providers and other natural community supports. An Epidemiologist Sr. (to serve as Project Coordinator) (1.0 FTE) will be added to perform program implementation and evaluation duties.

Justice Alliance (JA): JA staff will provide wraparound services to FMHD clients and will facilitate access to the County's system of care for adults who are involved in the criminal justice system. Additionally, JA staff will complete any mental health assessments needed for FMHD Clients. In order to facilitate the expansion of services, the Program will add 3.0 FTE case workers to manage the increased workflow of FMHD clients.

District Attorney's Office: The District Attorney will collaborate with the Public Defender and the Department of Behavioral Wellness to develop a protocol for determining how those persons recommended for diversion will be selected.

In addition to the above, the following new resources are included in the work program to support the diversion approach:

1. Funds to enhance residential six-bed facility for new intensive residential program.
2. Funds to develop and maintain the database for the required data elements, including IT staff time to develop and maintain the system (12 hours/year) as well as administrative staffing for data collection and entry (0.1 FTE)
3. Funds for post-booking forensic psychological assessments.

The additional Legal Positions are included in the attached Salary Resolution.

Performance Measure: The County is expected to provide all services, including any and all required reports, in a timely manner – in accordance with criteria articulated in the Agreement's Statement of Work. Specifically, fund disbursement pursuant to the DSH Grant Agreement is tied to meeting population goal outcomes. The project team anticipates no difficulty in meeting the targets.

Contract Renewals and Performance Outcomes:

County will be required to report data and outcomes to the DSH for all diversion program participants including the following data elements:

1. The number of individuals that the court ordered to post-booking diversion and the length of time for which the defendant has been ordered to diversion;
2. The number of individuals originally declared IST on felony charges that the court ultimately ordered to diversion;
3. The number of individuals participating in diversion;
4. The name, social security number, date of birth, and demographics of each individual participating in diversion;
5. The length of time in diversion for each participating individual;
6. The types of services and supports provided to each individual participating in diversion;
7. The number of days each individual was in jail prior to placement in diversion;
8. The number of days that each individual spent in each level of care facility;
9. The diagnoses of each individual participating in diversion;
10. The nature of the charges for each individual participating in diversion;
11. The number of individuals who completed diversion; and
12. The name, social security number, and birthdate of each individual who did not complete diversion and the reasons for not completing diversion.

County shall not disclose data or documents or disseminate the contents of the final or any preliminary report without written permission of DSH, as permitted by law. The County will otherwise comply with the California Public Records Act (Government Code sections 6250 et seq.) and privacy laws regarding medical and personal information.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

<u>Funding Sources</u>	<u>Year 1</u> <u>Costs</u>	<u>Year 2</u> <u>Costs</u>	<u>Year 3</u> <u>Costs</u>
General Fund	\$ -	\$ -	\$ -
State - DSH grant	\$ 970,000	\$ 837,250	\$ 837,250
State - Medi-Cal reimb.	\$ 262,000	\$ 204,000	\$ 204,000
AB 109 20% Match	\$ 194,000	\$ 167,450	\$ 167,450
Total	\$ 1,426,000	\$ 1,208,700	\$ 1,208,700

Narrative:

This Board letter seeks authorization for the County Executive Officer to sign an agreement with the Department of State Hospitals (DSH) accepting DSH grant funds in the amount of \$2,644,500 over the three-year period of 1/1/2020 through 12/31/2022 and accept matching funds in the amount of \$528,900 from the CCP for a Diversion Program that would provide intensive residential treatment services and other community mental health treatment for selected FMHD clients as well as other clients dealing with mental illness and/or substance abuse. Budget Revision #0006569 will establish budget for operations of the DSH grant-funded program for the remainder of FY 2019-20 in the Behavioral Wellness Department and Public Defender’s Office, as well as release the AB 109 match funds set aside in the Probation Department.

Key Contract Risks:

In order for the County to receive funds, it must meet target population goals defined as a Mental Health Diversion Client participating in the program for a minimum 30 days or completing the program within 30 days. The project team anticipates no difficulty in meeting the targets. The contract requires the County to provide all services to Diversion Clients including medical care. If County is unable to serve the proposed number of Clients due to actual client costs exceeding the level of funds available, the contract may be amended by DSH. The contract also includes a budget contingency clause which absolves the State from liability to pay funds or other consideration under the Agreement if funds are not budgeted for the program in which case the County may cease providing services under the Agreement. The County may also cancel the contract upon 50 days’ written notice to DSH.

Staffing Impacts:

Legal Positions:
6

FTEs:
6.0

The Salary Resolution (Attachment C) will establish six new legal positions: three Case Workers and one Epidemiologist Sr. (to serve as Project Coordinator) in Behavioral Wellness; one Social Service Worker Sr. and one Behavioral Wellness Case Worker in PD.

Additional grant program staffing that will not require new legal positions will consist of a 0.5 FTE extra help Investigative Tech in PD, 0.61 FTE of Deputy Public Defender IV time in PD (this work will be spread across multiple attorneys as appropriate; grant funding will support backfill attorney staffing during the grant period), and 0.1 FTE administrative office staffing in Behavioral Wellness to assist with data collection and entry.

Special Instructions:

Please email one (1) copy of the minute order to Barney Melekian, Assistant County Executive Officer, and Rachel Lipman, County Executive Office.

Attachments:

Attachment A: DSH Grant Agreement 1/1/2020-12/31/2022

Attachment B: Budget Revision #0006569

Attachment C: Salary Resolution

Authored by:

B. Melekian