



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 and Probation  
**Department No.:** 032 and 022  
**For Agenda Of:** August 18, 2020  
**Placement:** Administrative  
**Estimated Time:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5

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**TO:** Board of Supervisors

**FROM:** Department Bill Brown, Sheriff-Coroner & Tanja Heitman, Chief Probation  
Director(s) Officer  
Contact Info: Ryan Sullivan, Custody Commander, Sheriff's Office – x14091

**SUBJECT:** Sheriff's Office Jail Based Competency Treatment (JBCT) Program, Contract with California Department of State Hospitals and Contract Amendment with California Forensic Medical Group

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**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 consider recommendations as follows:

- a) Approve, ratify, and authorize the Chair to execute a three (3) year contract with the California Department of State Hospitals (DSH) accepting an amount not to exceed \$4,652,137 for the duration of the contract (7/1/2020 through 6/30/2023) to provide a Jail Based Competency Treatment Program within the Sheriff's Office's Main Jail Facility.
- b) Approve and authorize the Chair to execute a Second Amendment to Agreement for Services with California Forensic Medical Group (CFMG/WellPath) for healthcare services (medical and mental health services) at the Santa Barbara Main Jail and for medical services only for Probation's juvenile facilities to extend these services to provide a Jail Based Competency Treatment Program with the existing term to end March 31, 2022, in an amount not to exceed a total amount of \$22,723,309.20 for the remainder of the contract term; and
- 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 California Department of State Hospitals 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 defendants who are incompetent to stand trial, the Department of State Hospitals has sought to contract with county jails to add treatment capacity through the Jail Based Competency Treatment Program as part of its continuum of care.

The Sheriff's Office in partnership with their contracted inmate medical provider (California Forensic Medical Group/Wellpath) would like to operate a Jail Based Competency Treatment Program within the Main Jail Facility to treat 8-10 inmates at a time who have been declared incompetent to stand trial. The Sheriff's Office and their contracted medical provider must adhere to strict program guidelines set forth by the Department of State Hospitals in treating and restoring competency for offenders enrolled in the program.

This contract with DSH provides funding to the County for all contracted mental health professionals and one Custody Deputy for the Sheriff's Office who will be responsible for providing security for the treatment unit. The Second Amendment to the Agreement with CFMG/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 CFMG/Wellpath.

**Background:**

In FY2018-19, Santa Barbara County referred fifty-two (52) felony offenders who were incompetent to stand trial to the Department of State Hospitals. Most referrals to State Hospitals wait weeks or months to be placed in State Hospitals due to lack of capacity and increases in referrals from throughout the state, which causes significant delays in treatment, care and the ability to restore competency. While awaiting transfer, many inmates refuse to take their prescribed medications which often results in a further decline of their mental status. By operating a Jail Based Competency Treatment Program, the Sheriff's Office and our contracted inmate health care provider can decrease placement times and begin treatment as soon as possible following a court finding of incompetency to stand trial for offenders. This decreased wait time has been shown to significantly decrease the total time it takes to restore competency for offenders in other jurisdictions, resulting in better patient outcomes, increased court efficiencies and decreasing the costs of confinement and adjudication processes.

DSH has allocated \$70,000 for start-up costs which will be split evenly between the Sheriff's Office and the contractor to provide for facility modifications, equipment, resources, training and supplies. The Sheriff's Office is planning on creating a more therapeutic treatment environment in an existing section of the Main Jail which will include soft paint colors, moveable furnishings, access to direct sunlight and other aesthetic and functional improvements. This area will be appropriate to treat offenders suffering from mental illness. As part of the JBCT program, offenders will be allowed more access out of their cells in a direct supervision environment with a deputy present to observe and provide security. All therapeutic sessions will be conducted with appropriately licensed health and mental health staff members employed by our contracted healthcare provider.

This contract with DSH is set to expire on 6/30/2023, while the existing contract with CFMG/Wellpath ends on 3/31/2022. Therefore, the contract amendment with CFMG/Wellpath only covers the full fiscal year of 2020-21 and  $\frac{3}{4}$  of FY2021-22, resulting in cost adjustments for partial fiscal years. If this program proves to be as successful as planned, the Sheriff's Office will renegotiate with the existing or new contracted health care provider at the conclusion of the health services contract with CFMG/Wellpath to continue to provide JBCT services.

**Performance Measure:**

Jail Based Competency Treatment Program outcomes are measured and analyzed by the Department of State Hospitals. It is expected that the JBCT program will reduce offender wait times and competency restoration times, which will be measured and compared to previous time periods. The reduction of both wait and restoration times results in improved patient outcomes, increased court efficiencies and decreases the costs of confinement and adjudication.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>
General Fund			
State	\$ 1,527,279.00	\$ 1,527,279.00	\$70,000
Federal			
Fees			
Other:			
Total	\$ 1,527,279.00	\$ 1,527,279.00	\$ 70,000.00

**Narrative:**

This Contract with DSH provides an initial \$70,000 for one-time start-up costs to be utilized for facility modifications, equipment, furnishings, supplies and training of staff prior to the acceptance of patients into the program. This initial start-up funding will be split evenly between the Sheriff's Office and CFMG/Wellpath.

DSH will provide \$418.46 per bed (one inmate per bed) to the Sheriff's Office upon program implementation. This amount was agreed upon by the parties based on a staffing analysis which includes one Custody Deputy for the Sheriff's Office and one contracted mental health clinician, one contracted competency trainer and a partial FTE contracted psychiatrist (0.25 FTE), psychologist (0.80 FTE) and administrative assistant (0.60 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 (8) to ten (10) inmates participating in the program at any given time. If the program is full the entire year, the maximum reimbursed to the Sheriff's Office each fiscal year will be \$1,527,279. The Sheriff's Office will be provided with a maximum amount of \$4,582,137 over the three fiscal years plus the additional \$70,000 in start-up costs, for a grand total not to exceed \$4,652,137 over the life of the contract.

A maximum of \$853,223 will be provided to CFMG/Wellpath for staffing and operational costs in year one of this program (FY2020-21), which consists of \$802,131 in staffing costs, \$16,092 in medical supplies and \$35,000 in initial start-up costs. For year two of this program, (FY2021-22), a maximum of \$631,715.20 will be provided to CFMG/Wellpath as a result of this contract, which accounts for  $\frac{3}{4}$  of FY2021-22 for both staffing (\$619,646.20) and medical supplies (\$12,069) as the CFMG/Wellpath contract ends on 3/31/2022. The total amount paid to CFMG/Wellpath during the term of the Sheriff's Office's Agreement with CFMG/Wellpath will not exceed \$1,484,938.20.

**Staffing Impacts:**

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

**Special Instructions:**

Clerk of the Board, please send one original executed copy of the amended contract with Wellpath as well as one original executed copy of the Agreement with Department of State Hospitals and Certifications to Custody Commander Ryan Sullivan, Sheriff's Office.

**Attachments:**

Attachment A: DSH Agreement #19-79020-000;

Attachment B: Second Amendment to Agreement with California Forensic Medical Group (Wellpath) with the additions of Exhibit B2 and Exhibit E2;

Attachment C: First Amendment to Agreement with California Forensic Medical Group (Wellpath);

**Authored by:**

Custody Commander Ryan Sullivan