



Legislation Text

File #: 15-1131, **Version:** 1

Health and Human Services Agency and Sheriff's Office recommending the Board adopt and authorize the Chair to sign Resolution **170-2015** designating the County jails as treatment facilities for the sole purpose of administering antipsychotic medication to persons found mentally incompetent and unable to provide informed consent.

FUNDING: There are no material costs associated with this Resolution; however, cost savings will be realized within the Mental Health Division due to fewer bed days in locked psychiatric facilities as well as reduced transportation costs.

DEPARTMENT RECOMMENDATION:

Health and Human Services Agency (HHSA) and the Sheriff's Office recommending the Board of Supervisors (Board) adopt the attached Resolution to designate the County jails as treatment facilities for the sole purpose of administering antipsychotic medication to persons found mentally incompetent and unable to provide informed consent.

DISCUSSION / BACKGROUND:

As a result of changes to the criminal justice system including AB109 and Proposition 47, counties throughout the State now have a higher incident of misdemeanor offenders in jail with mental illness. In some instances the offender refuses to take their medications which exacerbates their mental illness, sometimes to the point of the inmate becoming a danger to themselves or others in accordance with Welfare & Institutions Code 5150, resulting in the individual being found incompetent to stand trial and needing to be transported to a locked psychiatric facility.

Pursuant to California Penal Code (PC) Section 1369.1, upon the concurrence of the county board of supervisors, the county mental health director, and the county sheriff, the jail may be designated to provide medically approved medication to defendants found to be mentally incompetent and unable to provide informed consent due to a mental disorder. PC Section 1369.1 further states that the provisions of PC Sections 1370, 1370.01 and 1370.02 shall apply to antipsychotic medications provided in a county jail, and that the maximum period of time a defendant may be treated in the jail shall not exceed six months.

Designating the jails as treatment facilities pursuant to this Penal Code section will allow for approved psychiatric medications to be administered in the jails rather than requiring the defendant to be transported to a locked psychiatric treatment facility for treatment. Benefits of this process include expedited treatment to the defendant instead of having to wait for available bed space in a locked psychiatric facility which is limited, as well as cost savings by not placing the inmates in secure facilities outside of the jail.

ALTERNATIVES:

Should the Board decline to adopt this resolution, inmates with mental illness will continue experiencing delays in treatment while waiting to be transferred to a remote locked inpatient facility or state hospital.

OTHER DEPARTMENT / AGENCY INVOLVEMENT:

County Counsel

CAO RECOMMENDATION:

It is recommended that the Board approve this item.

FINANCIAL IMPACT:

There is no increase to Net County Cost associated with this Resolution. HHSA anticipates minimal or no cost related to providing the service; however, HHSA anticipates cost savings in the Mental Health division due to fewer bed days in locked psychiatric facilities with the antipsychotic medication service.

CLERK OF THE BOARD FOLLOW UP ACTIONS

1. Clerk of the Board to obtain signature of Chair on attached Resolution designating the jails as treatment facilities.
2. Clerk of the Board to return one (1) certified copy of the Resolution to HHSA at 3057 Briw Road, and one (1) certified copy of the Resolution to the Sheriff's Office at 300 Fair Lane.

STRATEGIC PLAN COMPONENT:

Health and Human Services Agency Strategic Plan Project 2.4.2 "Maximize and stabilize available resources for mandated programs."

CONTACT

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