



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

VACANT
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

MONICA MONTGOMERY STEPPE
Fourth District

JIM DESMOND
Fifth District

DATE: March 11, 2025

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TO: Board of Supervisors

SUBJECT:

SHERIFF - REQUEST TO APPROVE THE DEPARTMENT OF STATE HOSPITALS REVENUE CONTRACT FOR A JAIL-BASED COMPETENCY TREATMENT PROGRAM (DISTRICTS: ALL)

OVERVIEW

The California Department of State Hospitals (DSH) is responsible for returning to competency individuals charged with a felony who have been found mentally incompetent to stand trial (IST), pursuant to CA Penal Code Section 1370. The IST defendants are committed to a state hospital for care and treatment to restore competency. As a result of high demand and the limited hospital beds for treatment, DSH added capacity through a jail-based competency treatment (JBCT) program where DSH contracts with and reimburses counties on a per diem rate per patient to provide the treatment in their jails.

The JBCT program provides the same treatment and competency restoration services to the incarcerated population as those provided in state hospitals. The program permits individuals to begin treatment immediately after receiving a court order. The previous revenue contract with DSH for the JBCT program expired on December 31, 2024, and the Sheriff's Office would like to establish a new agreement to receive reimbursement for travel, medications, replenishment, and refurbishment provided to support the JBCT program. The new agreement will also reflect updated reimbursable per diem rates based on projected costs by the Sheriff's Office.

Today's request would approve a revenue contract with DSH for two years for the reimbursement of costs to provide a jail-based competency treatment program for the period of January 1, 2025 to December 31, 2026. The request would also waive Board Policy B-29, Fees, Grants, and Revenue Contracts - Department Responsibility for Cost Recovery which requires prior approval of the submission of grants and revenue applications.

RECOMMENDATIONS

SHERIFF

1. Approve and authorize the Clerk of the Board to accept and execute upon receipt a two-year revenue contract between the County of San Diego and the Department of State Hospitals for the period of January 1, 2025 to December 31, 2026, for reimbursement of

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costs for a jail-based competency treatment program to be provided at the San Diego Central Jail.

2. Authorize the Sheriff to execute all required revenue documents, including any extensions, amendments, or revisions thereto that do not materially impact either the program or funding level.
3. Waive Board Policy B-29, Fees, Grants, and Revenue Contracts - Department Responsibility for Cost Recovery which requires prior approval of the submission of grants and revenue applications.

EQUITY IMPACT STATEMENT

The California Department of State Hospitals and San Diego County Sheriff's Office recognize the systemic impact that the Statewide waitlist for incompetent to stand trial treatment services has had on incarcerated persons with serious mental illness who are awaiting trial. The jail-based competency treatment program increases equity by decreasing the disparity from the State justice system and benefits the incarcerated person by accelerating and facilitating improved access to restoration services.

SUSTAINABILITY IMPACT STATEMENT

The proposed action supports the County of San Diego's Sustainability Initiative of resiliency by ensuring the County's capability to respond more efficiently to the immediate needs of incarcerated persons with serious mental illness requiring incompetent to stand trial treatment services. The proposed action to expedite access to restoration and forensic services for incarcerated persons contributes to the County of San Diego's Sustainability Goal to provide just and equitable access because it lessens the time that incarcerated persons need to wait for a Department of State Hospitals bed at a state hospital.

FISCAL IMPACT

The proposed revenue agreement between DSH and the Sheriff's Office will include a per diem rate of \$538.93 for each patient for a minimum of 25 beds, and up to an additional 5 beds if needed for the first period of January 1, 2025, to December 31, 2025. The per diem rate will increase to \$555.09 for the second period of January 1, 2026, to December 31, 2026. Additional reimbursable costs will be included in the agreement for travel, replenishment, refurbishment, and medications for a total revenue contract value of up to \$12,396,917.

Funds for this request are partially included in the Fiscal Year 2024-25 Operational Plan for the Sheriff's Office. \$4,281,449 is currently budgeted, based on the previously approved per diem rate for calendar year 2024. If approved, this request will result in additional revenue of \$1,002,472 for a total of up to \$5,296,421 in the contract first period. The funding source is revenue from the Department of State Hospitals. Costs and revenues estimated at \$7,100,496 for calendar year 2026 will be included in the Fiscal Years 2025-27 CAO Recommended Operational Plan for the Sheriff's Office. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

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N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Pursuant to California Penal Code section 1370, when defendants on felony charges cannot understand the criminal proceedings against them or assist counsel in their defense because of a mental disorder, they are found incompetent to stand trial (IST), and the trial or judgement is suspended. They are ordered to be committed to a state hospital for care and treatment to restore competency to stand trial. The demand for restorative treatment is high and many defendants must wait in county jails until a bed at a state hospital is available.

On November 15, 2016 (2), the Board of Supervisors (Board) approved a revenue agreement between the San Diego County Sheriff's Office (Sheriff's Office) and California Department of State Hospitals (DSH) for the funding of a Jail-Based Competency Program (JBCT). DSH and the Sheriff's Office officially launched a 30-bed JBCT program at San Diego Central Jail and began treatment of incompetent to stand trial (IST) patients in February 2017. The program had two components: a treatment program provided by Liberty Health Care of California, Inc. (Liberty) and an agreement between DSH and the County of San Diego for partial reimbursement of the program cost on a fixed per diem basis.

On August 6, 2019 (3), a renewal for a five-year revenue agreement with DSH was approved for the period of January 1, 2020, to December 31, 2024. On June 1, 2022, the treatment program service provider transitioned from Liberty to Naphcare, Inc.

Having the JBCT program available in the San Diego Central Jail has allowed IST incarcerated individuals to begin treatment immediately upon receipt of the court order, thus decreasing the time individuals remain incarcerated. DSH has expressed its desire to continue the JBCT program at the San Diego Central Jail and is willing to negotiate to extend its agreement with the County for a multiple year term.

Today's request would approve a revenue agreement with the Department of State Hospitals for the reimbursement of costs to provide a JBCT program, for the period of January 1, 2025 to December 31, 2026. The request would also waive Board Policy B-29, Fees, Grants, and Revenue Contracts - Department Responsibility for Cost Recovery which requires prior approval of the submission of grants and revenue applications.

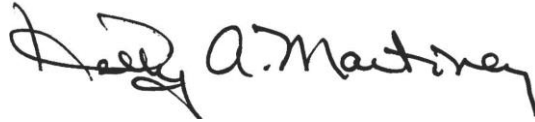
LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support the County's 2025–2030 Strategic Plan Initiatives of Equity and Justice. In terms of Equity, specific to health, this action shall reduce disparity and disproportionality of healthcare among the incompetent to stand trial population by providing more timely access to these services as some incarcerated persons have historically experienced long wait times for restorative services from the State. This action will promote a faster return to the adjudicative system for those incarcerated persons with serious mental illness requiring

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competency treatment services, which furthers the Justice Initiative of reducing disparities and disproportionality across the justice system.

Respectfully submitted,

A handwritten signature in black ink that reads "Kelly A. Martinez". The signature is written in a cursive style with a large, stylized initial "K".

KELLY A. MARTINEZ
Sheriff

ATTACHMENT

N/A