



# Mendocino County

## Legislation Text

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File #: 21-0785, Version: 1

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**To: Board of Supervisors**

**From: Sheriff-Coroner**

**Meeting Date:** July 13, 2021

**Department Contact:** Matthew Kendall

**Phone:** 463-4085

**Department Contact:** My Lan Do Nguyen

**Phone:** 463-4408

**Item Type:** Consent Agenda

**Time Allocated for Item:** N/A

**Agenda Title:**

Approval of Retroactive Revenue Agreement with the Department of State Hospitals in the Amount of \$2,879,097 for the Administration of a Jail-Based Competency Treatment Program at the Mendocino County Jail for the Period of May 1, 2021 through June 30, 2024

**Recommended Action/Motion:**

Approve retroactive revenue Agreement with the Department of State Hospitals (DSH) in the amount of \$2,879,097 for the administration of a Jail-Based Competency Treatment (JBCT) program at the Mendocino County Jail (MCJ) for the period of May 1, 2021 through June 30, 2024; and authorize the Sheriff to sign any future amendments to the Agreement that do not affect the maximum Agreement amount; and authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

On May 7, 2019, the Board approved Agreement 19-133 and Resolution 19-174 to establish a Small County Model JBCT program at the Mendocino County Jail. The Board has since approved two Amendments to Agreement 19-133 to add more DSH funds to the JBCT program.

**Summary of Request:**

Currently, a hearing occurs, and a psychological evaluation occurs when an attorney declares a doubt, under Penal Code section 1368, as to their client's mental competence. If a psychologist finds that the client is incompetent, the court case is suspended, and the client is sent to a State hospital to undergo competency training. The lack of beds at the State hospitals creates a waiting list, which causes the inmate to stay at the jail until a hospital bed is available. This process can take up to six months. The delay has a significant impact on the jail operations. In most cases, these inmates are severely mentally ill and require an inordinate amount of time to manage them.

The JBCT Program is designed to reduce or eliminate the need for the State's hospital system to perform this process and to minimize the wait time that inmates have to wait to receive treatment. The State funds Counties to provide the JBCT program. Having this program at MCJ means that the entire process is streamlined, fiscally prudent for the State and the County, more humane for the inmate, and the court process is more timely and efficient.



The Small County Model JBCT program has been very successful at MCJ. This new revenue Agreement with DSH expands the JBCT program. MCJ will provide access to portions of its jail for the purposes of administering a dedicated four to six beds JBCT program.

The Sheriff's Office will administer the delivery of JBCT program services including, but not limited to:

1. Provide restoration of competency treatment services for male and female individuals, referred to as "Patient Inmates," found by the courts to be Incompetent to Stand Trial (IST) under Penal Code section 1370;
2. Provide board and care for patient inmates referred and admitted to the JBCT program;
3. Provide routine and non-routine medical care for patient inmates referred and admitted to the JBCT program; and
4. Provide any administrative services required to provide services under this Agreement.

The Agreement displays that for the months of May and June, Mendocino will operate and be paid as a small county program, with the ability to invoice for each patient admissions at \$29,294.25.

The 6-bed program will commence on July 1, 2021. MCSO shall be paid in full for the minimum four beds (Allocated Beds) at the per diem rate of \$420 per bed, totaling \$1,680 per day. MCSO shall be paid for the additional fifth and sixth beds (Non-Allocated Beds) at the per diem rate of \$420 per bed for each inmate's actual number of days in the JBCT program. The Agreement is for three years and will not exceed \$2,761,920 or \$920,640 per fiscal year.

Due to changes made by DSH to the structure of the Agreement, the Sheriff's Office had to reroute the contract through the County approval process. This change contributed to this Agreement being retroactive.

**Alternative Action/Motion:**

Return to staff for alternative handling.

**Supervisory District:** All

**vote requirement:** Majority

**Supplemental Information Available Online At:** N/A

**Fiscal Details:**

**source of funding:** Department of State Hospitals      **budgeted in current f/y:** Yes

**current f/y cost:** \$332,806.12 NaphCare JBCT services      **if no, please describe:**

**annual recurring cost:** Not to exceed \$832,506.60 in NaphCare JBCT services      **revenue agreement:** Yes

**budget clarification:** FY 2020-21: \$117,177; FY 2021-22: \$919,800; FY 2022-23: \$919,800; and FY 2023-24 \$922,320

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes

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**CEO Liaison:** Cherie Johnson, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**



**FOR COB USE ONLY**

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Executed By: Atlas Pearson, Deputy Clerk I

Date: July 15, 2021

Final Status: Approved

Executed Item Type: Interim Agreement  
Number: \*21-146

**Note to Department** Number of Original Agreements  
Returned to Dept: 0 Original Agreement Delivered to Auditor?  
No

