



# Health & Human Services Agency

## COUNTY OF TULARE AGENDA ITEM

### BOARD OF SUPERVISORS

LARRY MICARI  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

EDDIE VALERO  
District Four

DENNIS TOWNSEND  
District Five

**AGENDA DATE:** June 14, 2022 REVISED

Public Hearing Required	N/A
Scheduled Public Hearing w/Clerk	N/A
Published Notice Required	N/A
Advertised Published Notice	N/A
Meet & Confer Required	N/A
Budget Transfer (Aud 308) attached	N/A
Personnel Resolution attached	N/A
Agreement(s) attached	Yes

CONTACT PERSON: Donna Ortiz PHONE: 559-624-8000

**SUBJECT:** Approve an agreement with California Department of State Hospitals

**REQUEST(S):**

That the Board of Supervisors:

1. Approve an agreement with California Department of State Hospitals for Jail-Based Competency Treatment, effective from July 1, 2022 through June 30, 2025, in an amount not to exceed \$7,877,981.65.
2. Receive a presentation on Jail-Based Competency Treatment services in the Tulare County criminal justice facilities.
3. Designate the Tulare County Adult Pre-Trial Facility as a treatment facility pursuant to Penal Code 1369.1.
4. Establish an interest-bearing trust fund to receive revenues for the Jail Based Competency Treatment program.
5. Authorize the Chair of the Board to sign two (2) copies of the agreement.

**SUMMARY:**

Tulare County Health & Human Services Agency (HHSA) and the Tulare County Sheriff's Office have developed an agreement with the California Department of State Hospitals (DSH) to provide competency training to felony inmates deemed by the Superior Courts to be incompetent to stand trial (IST) because of a mental disorder. When an inmate is determined to be IST pursuant to California Penal Code Section 1370, the inmate is sent

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for treatment at a DSH facility. The goal is to restore the inmate's competency, so the inmate can proceed with their court trial.

However, wait times for bed space at a DSH facility can be up to 12 months and restoration can take 30-90 days. It is essential that these inmates receive treatment as soon as possible. Establishing a 15-bed Jail Based Competency Treatment (JBCT) program in Tulare County will allow the opportunity to provide such care on-site in the County's jail facilities. This will result in reduced time the offenders go untreated, it will provide a speedier trial, and will reduce the growing backlog of inmates that are waiting to be treated at a DSH facility.

HHSA intends to provide these services at the Tulare County Adult Pre-Trial Facility (APTF) through its mental health care provider, Precision Psychiatric Services. The proposed contract with Precision Psychiatric Services will be presented to the Board for Approval once the JBCT program and agreement with DSH are approved.

To provide the services under the JBCT program, APTF must be designated as a "treatment facility" under Penal Code 1369.1, which states; "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." This "treatment facility" designation is for the treatment of the IST inmate population only, and it does not classify the jail as a 5150 Welfare & Institutions Code designated facility. The Sheriff and the Director of Behavioral Health recommend the Board of Supervisors adopt a resolution designating the Tulare County Jail as a treatment facility pursuant to Penal Code 1369.1.

The Agreement contains the following deviations from the County boilerplate: (1) The County signs first; (2) The Agreement contains a mutual indemnity provision; (3) The State can terminate the agreement immediately for cause.

**FISCAL IMPACT/FINANCING:**

The proposed revenue of agreement with DSH is for \$7,877,981.65 effective from July 1, 2022 through June 30, 2025, with the option to extend the agreement for two additional terms of up to one year each. There is no net County cost to the General Fund.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's Five-year strategic plan includes Safety and Security Initiative to promote management strategies that ensure the safety of the county population and their well-being.

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**ADMINISTRATIVE SIGN-OFF:**

/s/Donna Ortiz  
Donna Ortiz  
Director of Mental Health

Cc: County Administrative Office

Attachments: Attachment (A) Agreement  
Attachment (B) Powerpoint Presentation