



LASSEN COUNTY SHERIFF'S OFFICE

Dean F. Growdon, Sheriff - Coroner

1415 Sheriff Cady Lane Susanville, CA 96130

Administration	Dispatch	Civil	Adult Detention Facility
Phone (530) 251-8013	Phone (530) 257-6121	Phone (530) 251-8014	Phone (530) 251-5245
Fax (530) 251-2884	Fax (530) 257-9363	Fax (530) 251-2884	Fax (530) 251-5243

To: Lassen County Board of Supervisors

From: John McGarva #104, Captain-Custody Division Commander *JM #104*

RE: Designated Treatment Facility

Agenda Date: August 9, 2022

Subject: Authorize the Sheriff and Director of Behavioral Health, pursuant to California Penal Code Section 1369.1, to designate the Lassen County Jail as a "Treatment Facility" in order to provide medically approved medication to inmates who are found to be mentally incompetent to stand trial and unable to provide informed consent due to a mental disorder.

Discussion: A person cannot be tried or convicted while that person is mentally incompetent. If a defendant is found mentally incompetent to stand trial or judgment until he or she becomes competent. Meanwhile, the court must order a mental health evaluation of the defendant and must order that he or she be confined to an available public or private treatment facility approved by the county mental health director that will promote the defendant's speedy restoration to competency or that he or she be placed on outpatient status or, if the defendant is charged with a felony, alternatively, that he or she be confined to a state hospital for care and treatment of the mentally disordered.

The court must hear and determine whether the defendant, with the advice of counsel, consents to the administration of psychotropic medication. If the defendant does not consent, the court must conduct a hearing and, upon certain conditions, may issue an order authorizing the treatment facility to involuntarily administer antipsychotic medication to the defendant when and as prescribed by the defendant's treating psychiatrist.

Our contracted medical provider, Wellpath, has policies in place for the administration of medication for those determined incompetent to stand trial. The administration of such medication will be monitored by Wellpath medical and behavioral health staff to ensure it is administered as prescribed on an ongoing basis. This includes the involuntary administration does not exceed six months as required by Penal Code Section 1369.1.

Approval by the Board of Supervisors will assure timely and humane access to psychiatric medication by defendants who have been found to be incompetent to stand trial and are waiting to be transferred to another facility for competency restoration.

SB 568, enacted in October 2007, amended Penal Code Section 1369 and added Section 1369.1 to enable counties to designate county jails as treatment facilities for the purpose of administering antipsychotic medication to defendants that have been found mentally incompetent to stand trial and unable to provide informed medication consent due to a mental disorder.



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Currently, the Lassen County Jail is not designated as a **"Treatment Facility"** pursuant to Penal Code Section 1369.1 and as a result, may not provide defendants who have been found mentally incompetent to stand trial and unable to provide informed medication consent with antipsychotic medication pursuant to court order while they are housed in the facility. These individuals are frequently committed for treatment to the California Department of State Hospitals or other treatment facilities. Defendants often wait weeks or months for a bed in these facilities. This has resulted in decompensation of the person's mental health. This has caused erratic and often time violent and destructive behavior. The Lassen County recently had nine people awaiting a bed at one of the State Hospitals for treatment. The Department of State Hospitals has over 1,700 people on a waiting list for such beds statewide.

Penal Code Section 1369.1 provides that county jails may be designated a **"Treatment Facility"** under the law for the sole purpose of administering antipsychotic medication pursuant to a court order and specifies that upon concurrence of the county board of supervisors, the county mental health director and the county sheriff, a county jail may be designated to provide medically approved medication to defendants found to be medically incompetent to stand trial and unable to provide informed consent due to a mental disorder. A letter of support from the Lassen County Behavioral Health Director Tiffany Armstrong is included as an attachment. A board resolution authorizing the designation is attached as well.

Fiscal Impact: The cost of psychiatric medications are covered within the existing contract with Wellpath. The additional costs to the county for medications outside the contract is minimal.

Recommended Action: Approve the resolution to designate the Lassen County Jail as a designated treatment facility pursuant to California Penal Code Section 1369.1.

RESOLUTION NO. 22-

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN, STATE OF CALIFORNIA, DESIGNATING THE LASSEN COUNTY ADULT DETENTION FACILITY AS A TREATMENT FACILITY WITHIN THE MEANING OF PENAL CODE SECTION 1369.1 SO AS TO PROVIDE DEFENDANTS FOUND TO BE MENTALLY INCOMPETENT TO STAND TRIAL PROMPT ACCESS TO MEDICALLY APPROVED MEDICATION

WHEREAS, Penal Code Section 1369.1 permits, upon concurrence of the Lassen County Board of Supervisors, the Lassen County Behavioral Health director, and the Lassen County Sheriff, the designation of a county jail to provide informed consent due to a mental disorder pursuant to Penal Code Section 1367 *et seq.*; and

WHEREAS, the Sheriff of Lassen County and the Director of Lassen County Behavioral Health concur with said designation; and

WHEREAS, the Lassen County Adult Detention Facility houses persons found to be incompetent to stand trial for up to six months before being able to transfer these individuals to a State Mental Institution; and

WHEREAS, the Lassen County Sheriff strongly desires to house persons found to be incompetent to stand trial in the most humane manner possible; and

WHEREAS, it is common that persons found to be incompetent to stand trial are held in administrative segregation until they are received by a State Mental Health Institution and are highly susceptible to decompensating without administration of appropriate medication; and

WHEREAS, it is common for a person found to be incompetent to stand trial to refuse to take their medication. As a result, they decompensate to the point where it is impossible to manage their behavior without the extended use of a Safety Cell, and without exposing jail staff and other inmates to significant risk of injury.

IT IS THEREFORE RESOLVED that the Lassen County Board of Supervisors, the Lassen County Sheriff, and the Lassen County Behavioral Health Director hereby agree to designate the Lassen County Adult Detention Facility to provide medically approved medication to defendants found to be mentally incompetent and unable to provide informed consent due to a mental disorder, pursuant to Penal Code Section 1367 *et seq.*

RESOLUTION NO. 22-

The foregoing Resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 9th day of August of 2022 by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

Chris Gallagher, Chairman of the Board of Supervisors
County of Lassen, State of California

ATTEST:

JULIE BUSTAMANTE

By _____

Deputy Clerk of the Board

I, _____, Deputy Clerk of the Board of the Board of Supervisors,
County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board
of Supervisors at a meeting thereof held on the _____ day of _____, 2022.

Deputy Clerk of the County of Lassen Board of Supervisors



LASSEN COUNTY

Health and Social Services Department

- ☐ **HSS Administration**
336 Alexander Avenue
Susanville, CA 96130
(530) 251-8128
- ☐ **Public Guardian**
336 Alexander Avenue
Susanville, CA 96130
(530) 251-8128
- ☐ **Grant and Loans Division**
1400 Chestnut Street, Ste. C
Susanville, CA 96130
(530) 251-8309
- ☒ **Behavioral Health**
555 Hospital Lane
Susanville, CA 96130
(530) 251-8108/8112
- ☐ **Patients' Rights Advocate**
336 Alexander Avenue
Susanville, CA 96130
(530) 251-8322
- ☐ **Public Health**
PO Box 1180
1445 Paul Bunyan Road
Susanville, CA 96130
(530) 251-8183
- ☐ **Community Social Services**
1400 Chestnut Street, Ste A
Susanville, CA 96130
- LassenWORKS
Business & Career Network**
PO Box 1359
1616 Chestnut Street
Susanville, CA 96130
(530) 251-8152
- Child & Family Services**
1600 Chestnut Street
Susanville, CA 96130
(530) 251-8277
- Adult Services**
PO Box 429
1400 Chestnut Street, Ste B
Susanville, CA 96130
(530) 251-8158
- ☐ **HSS Fiscal**
PO Box 1180
Susanville, CA 96130
(530) 251-2614

July 16, 2022

Captain John McGarva
Custody Division Commander
Lassen County Sheriff's Office
1405 Sheriff Cady Lane
Susanville, CA 96130

RE: Jail-Based Competency Treatment Program in Lassen County

Dear John McGarva,

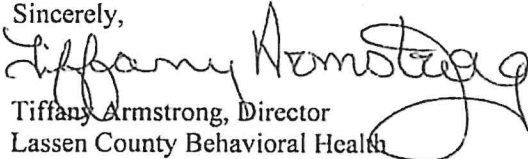
On behalf of Lassen County Behavioral Health (LCBH), I am providing Lassen County Sheriff Department (LCSD) with a letter of support for the jail to be designated as a treatment facility to provide medically approved medications to individuals found to be mentally incompetent. We support LCSD as a community partner to provide the best well-rounded care to individuals who have identified with severe and persistent mental health issues along with substance use issues. Specifically, LCSD will support community efforts by identifying individuals with mental health issues and provide medication services to offenders when they are incarcerated.

In our rural County, the availability of services to individuals who have been found to be mentally incompetent is limited. Individuals waiting to be transferred to the state hospital system to restore competency often languish in our county jail for six months to one year before they are transferred. With their mental health issues being untreated many lose contact with their support system and connections to local resources. Once they are released from incarceration they are often high utilizers of inpatient care, particularly emergency department services and are most often re-incarcerated.

The opportunity to provide jail-based competency services can move from a traditional custodial environment to a therapeutic environment. This new therapeutic approach can help the community serve the most vulnerable individuals in our County. LCBH supports the Sheriff Department efforts of providing mental health and drug and alcohol treatment to individuals in a competency treatment facility.

We look forward to our continued partnership with LCSD on addressing the mental health and substance use issues of our community's most vulnerable populations.

Sincerely,


Tiffany Armstrong, Director
Lassen County Behavioral Health

cc.

Barbara Longo Lassen County Health and Social Services Director
Dean Growdon Lassen County Sheriff