



Board Agenda Item 46

DATE: June 18, 2024

TO: Board of Supervisors

SUBMITTED BY: Susan L. Holt, Director, Department of Behavioral Health

SUBJECT: Amendment II to Agreement 20-340 Jail Diversion Funding Agreement

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute Amendment II to Agreement with the California Department of State Hospitals to extend the term for Jail Diversion Program funding by one year from July 1, 2024 through June 30, 2025, with no change to the compensation maximum of \$5,843,700; and**
- 2. Approve and authorize the Director of the Department of Behavioral Health, or designee, to be the signatory on behalf of the Board of Supervisors on associated Jail Diversion Program funding documents, expenditure forms and reports.**

There is no increase in Net County Cost associated with the recommended actions. California Department of State Hospitals (DSH) Jail Diversion (Diversion) funding allows for continuation of jail diversion services in Fresno County as originally approved by your Board on September 20, 2022. Approval of the first recommended action will extend the term of the existing funding agreement by one year through June 30, 2025. Approval of the second recommended action will allow the Department of Behavioral Health (DBH) Director, as lead entity of DSH Diversion funding in Fresno County, to sign funding documents, expenditure forms, and reports. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. If your Board does not approve the recommended actions, Fresno County would lose access to DSH Diversion funding and not be able to provide needed community-based behavioral health services to justice-involved individuals who have significant mental health challenges and who would otherwise remain incarcerated. Additionally, the DBH will have to return to your Board for signature on all necessary funding reports and forms.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The non-competitive funding made available by DSH in the amount of \$5,843,700, has a required 20% County contribution match to these funds in the amount of \$1,168,740, which will be offset with Mental Health Service Act (MHSA) and Realignment funds, with up to 5% (\$58,437) able to be met through County administrative costs associated with program development, reporting and evaluation activities. The maximum total for the DSH Diversion funding is \$7,012,440. DBH has successfully invoiced DSH for \$4,090,590 to date, with an additional \$1,753,110 available to draw down. DSH Diversion funding is used to partially fund Mental Health Diversion Court (MHDC) training and implementation costs by Fresno County Superior Courts, community supervision and MHDC support by Probation, and community-based treatment program services. Sufficient

appropriations and estimated revenues will be included in the Department's Org 5630 FY 2024-25 Recommended Budget.

DISCUSSION:

In 2018, California Assembly Bill (AB) 1810 and Senate Bill 215 amended Penal Code (PC) Sections 1001.35 and 1001.36 to create a pathway for courts to authorize pre-trial diversion for individuals with serious mental disorders who committed certain felony or misdemeanor crimes. AB 1810 established Welfare and Institutions Code (WIC) 4361 to allow DSH the funding opportunity to contract with counties to provide services and support to a specific target population of individuals who have been or have the potential to be deemed as incompetent to stand trial (IST) on their felony charges.

The Board approved Agreement No. 20-340 with DSH on September 22, 2020, when DSH released a one-time, non-competitive diversion funding to Fresno County to develop a pre-trial jail diversion program with intent to reduce at minimum 42 felony IST referrals to State Hospitals by connecting them to long-term community-based treatment and supportive services. In collaboration with criminal justice partners, DBH has utilized the funding to support training and implementation of the centralized Mental Health Diversion Court (MHDC), a community supervision component through Probation to MHDC, and contracted services for community-based forensic behavioral health treatment services. MHDC was implemented by Superior Courts on June 18, 2020 to effectively and efficiently streamline diversion applications and hearings. Although probation is not required for diversion, justice partners felt a community supervision component through one (1) full time equivalent (FTE) Probation Officer was necessary for effective diversion by supporting the intersection between the criminal justice and community treatment systems.

The Board approved Amendment I to Agreement No. 20-340 with DSH on May 23, 2023. The Amendment extended the term for Jail Diversion Program funding by one year from July 1, 2023 through June 30, 2024.

As of March 2024, the pre-trial jail diversion program has been able to divert 55 individuals from incarceration through MHDC. Of the 21 DSH-funding eligible individuals participating in the community-based treatment program operated by Turning Point of Central California, Inc. (Turning Point Diversion Program), 15 were released from custody into treatment. There have been 33 successful graduations from MHDC, with 5 from the Turning Point Diversion Program.

Turning Point Diversion Pilot Program initiated September 20, 2020 sunset June 30, 2023, and the diversion program participants continue to receive ongoing behavioral health services through the new Forensic Behavioral Health Continuum of Care programs as approved by the Board on June 21, 2022 and amended on January 24, 2023. A Superseding Agreement was approved by the Board on June 20, 2023, which expires on June 30, 2025.

DSH does not require a detailed program plan or budget in the recommended Amendment in order to allow program adjustments to meet shifting needs. Extending the term of the agreement will allow DBH to continue funding community supervision through Probation, and contracted community based behavioral health services.

OTHER REVIEWING AGENCIES:

The Behavioral Health Board will be notified of the recommended amendment at its June 2024 meeting.

REFERENCE MATERIAL:

- BAI #29, May 23, 2023
- BAI #29, January 24, 2023
- BAI #44, June 21, 2022
- BAI #26.1, September 22, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Amendment II to Agreement with DSH

CAO ANALYST:

Ronald W. Alexander, Jr.