



Board Agenda Item 32.1

DATE: October 23, 2018

TO: Board of Supervisors

SUBMITTED BY: Dawan Utecht, Director, Department of Behavioral Health

SUBJECT: Letter of Intent with the State Department of State Hospitals for Jail Diversion Funding

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to submit a Letter of Intent to the California Department of State Hospitals, for non-competitive one-time funding for a Jail Diversion Program, in the amount of \$7,012,440; and,**
- 2. Approve and authorize the Department of Behavioral Health to operate as the Lead Entity and for the Department Director to serve as the primary contact for Fresno County related to the one-time funding opportunity.**

California Assembly Bill 1810 (AB 1810) and Senate Bill 215 (SB 215) enacted a non-competitive funding opportunity for the top 15 California counties that utilize State Hospitals for inmates who have been found incompetent to stand trial (IST). Approval of the first recommended action will allow the Department of Behavioral Health (DBH) to apply to the California Department of State Hospitals (DSH) for Jail Diversion funding.

ALTERNATIVE ACTION(S):

There is no viable alternative action. Should your Board opt not to approve the recommended actions, the Department would not pursue the funding opportunity and the IST individuals who have significant mental health challenges will remain incarcerated.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The one-time non-competitive funding made available by AB 1810 and SB 215 will be in the amount of \$5,843,700. There is a required 20% County contribution match to these funds in the amount of \$1,168,740. The 3-year combined total for the DSH Diversion program will be \$7,012,440. DSH and DBH will work collaboratively to develop a work plan for the Diversion funds and will return to your Board with a contract for execution to receive the funds.

Sufficient appropriations and estimated revenues related to the one-time funding will be included in the Department's Org 5630 FY 2019-20 Requested Budget and will be included in subsequent budget requests for the duration of this program.

DISCUSSION:

In 2018, AB 1810 and SB 215 amended Penal Code (PC) Sections 1001.35-1001.36 to create a pathway for courts to authorize pre-trial jail 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 for the funding opportunity for DSH 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 IST. WIC 4361 made the \$91 million one-time funds available to support this effort over a 3-year period.

The intent of AB 1810 and SB 215 is to reduce the number of felony IST individuals sent to the State Hospitals throughout California for restoration, and the ultimate goal is to help reverse the cycle of ongoing criminal justice involvement.

The DSH Diversion one-time funding provides the opportunity for justice-involved individuals under felony charges who have been declared IST and have a significant mental health challenge to receive services in connection to a long-term community-based treatment program and additional supportive services. Counties were notified of the funding opportunity on October 10, 2018. To receive the funding, the County must submit a Letter of Intent to DSH no later than October 31, 2018. The Department's specific utilization of the funding opportunity has yet to be determined; however, the Department is currently engaging with key stakeholders in planning for use of the funds.

The target population will be individuals at risk of being or already deemed IST with a serious mental illness on a felony charge who meet all of the following criteria: 1) diagnosed with schizophrenia, schizoaffective disorder, or bipolar disorder; 2) there is a significant relationship between the individual's mental illness and the charged offense, or conditions of homelessness and the charged offense; and 3) who do not pose an unreasonable risk of danger to public safety if treated in the community.

The top 15 counties of DSH bed utilization for inmates, who are IST, were identified to receive these one-time funds in order to make the most impact. Fresno County is included in this group. The amount of funding for each county within the group of 15 counties was allocated according to population size as determined by the most recent available estimates from by the Population Research Unit of the Department of Finance. Based on preliminary estimates, the Department elects the high end funding allocation. Following application submittal, the Department may return to your Board to adjust the funding request upon further communication with judicial partners to further analyze the data.

The County must submit a Letter of Intent to DSH indicating the County intends to use the funds for the purposes outlined in the provisions of AB 1810 and SB 215. In order to receive the one-time funds, the County must delegate a single Lead Entity to serve as the primary contact for the County. Approval of the second recommended action will allow DBH to operate as the Lead Entity and allow the DBH Director to coordinate directly with DSH to develop an appropriate work plan for the Jail Diversion target population. Services are tentatively identified to be implemented during FY 2019-20. DBH will return to your Board with the final contract between the County and DSH in order to officially receive the identified funds.

OTHER REVIEWING AGENCIES:

Due to the accelerated deadline to submit the Letter of Intent, the Behavioral Health Board will be made aware of the DSH one-time funding opportunity during the October 17, 2018 Behavioral Health Board meeting.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Letter of Intent

CAO ANALYST:

Ronald Alexander