

1 WHEREAS, individuals have a liberty interest to be protected from unwarranted
2 administration of drugs; and

3 WHEREAS, some persons found to be incompetent to stand trial are held in administrative
4 segregation until they are received by a State Mental Health Institution or other authorized
5 treatment facilities and are highly susceptible to decompensating without appropriate medication;
6 and

7 WHEREAS, it is common that persons found to be incompetent to stand trial refuse to take
8 their medication. As a result, such persons may decompensate to the point where it is impossible
9 to manage their behavior without the extended use of a Safety Cell or Administrative Segregation
10 housing; and

11 WHEREAS, if the Fresno County Board of Supervisors granted authority to the Fresno
12 County Sheriff's Office, through their jail medical provider (currently Wellpath), to involuntarily
13 medicate those persons found to be incompetent to stand trial that refuse their medication;
14 decompensation and a poor outcome could be avoided, and the interests of justice could be
15 advanced.

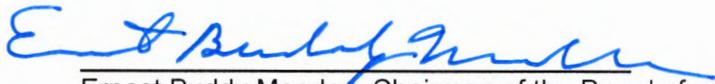
16 NOW, THEREFORE, BE IT RESOLVED that the Fresno County Board of Supervisors is
17 designating the Fresno County Jail as a "treatment facility" to provide medically approved, legally
18 authorized, medication to defendants found to be mentally incompetent and unable to provide
19 informed consent due to mental disorder, pursuant to Penal Code section 1367 et seq., in
20 accordance with Penal Code sections 1370, 1370.01, and 1370.02, dependent on court or other
21 procedures, consistent with *Sells v. United States*, 539 U.S. 166 (2003).

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THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 4th day of February, 2020, to wit:

AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
NOES: None
ABSENT: None
ABSTAINED: None


Ernest Buddy Mendes, Chairman of the Board of Supervisors of the County of Fresno

ATTEST:
Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

By: Susan Bishop
Deputy