



# Board Agenda Item 23

DATE: February 4, 2020

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner-Public Administrator  
Dawan Utecht, Director, Department of Behavioral Health

SUBJECT: Designating the Fresno County Jail to Provide Medically Approved Medication to Inmates

RECOMMENDED ACTION(S):

**Adopt Resolution designating the Fresno County Jail as a “Treatment Facility” to provide medically approved medication to inmates found to be mentally incompetent.**

Approval of the recommended action will designate the Fresno County Jail as a “treatment facility” pursuant to Penal Code 1369.1(a) et seq. This designation would allow the Fresno County Jail 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. and Penal Code 2603(b) et seq. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved by your Board, the Fresno County Jail will not be able to be designated as a “treatment facility” and therefore could not have the ability to involuntarily medicate inmates (defendants) per Court Order.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Medications would be administered by the contracted medical and behavioral health care services provider (currently California Forensic Medical Group also known as Wellpath) as part of the normal services provided to inmates.

DISCUSSION:

Sheriff Margaret Mims and the Director of Behavioral Health, Dawan Utecht, are requesting the Board of Supervisors designate the Fresno County Jail as a “treatment facility”. This designation would allow the Fresno County Jail through the County’s contracted medical and behavioral health care services provider, Wellpath, to provide medically approved medication to inmates (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. and Penal Code 2603(b) et seq.

Currently, inmates (defendants) who are determined to be mentally incompetent by the Superior Court are sent to the California Department of State Hospitals for evaluation and treatment. The State Hospital evaluates the defendant and provides proper treatment and medications. Once stabilized and found to be competent to stand trial for their offense, they are returned to the Fresno County Jail to await trial.

Often times while awaiting trial or during their trial, inmates will refuse to take their Court ordered medications. Their refusal then causes them to decompensate to the point they are no longer mentally competent to stand trial, and their legal proceedings stop while the inmate is returned to the State Hospital. This cycle may repeat itself several times, before the defendant actually stands trial. The Sheriff and the Director of Behavioral Health believe that if the Board of Supervisors approves the resolution designating the Fresno County Jail as a "treatment facility", that with Wellpath's ability to involuntarily medicate inmates (defendants) per Court Order to those persons found to be mentally incompetent to stand trial that refuse to take their medication, decompensation of their mental health could be avoided and the interests of justice could be advanced in a more timely and efficient manner.

REFERENCE MATERIAL:

California Penal Code 1367  
California Penal Code 1369.1(a)  
California Penal Code 1370  
California Penal Code 1370.01  
California Penal Code 1370.02  
California Penal Code 2603(b)

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:

Jeannie Z. Figueroa