

BEFORE THE BOARD OF SUPERVISORS
OF THE
COUNTY OF FRESNO, STATE OF CALIFORNIA

IN THE MATTER OF DESIGNATING AND AUTHORIZING)
THE FRESNO COUNTY JAIL TO PROVIDE MEDICALLY) RESOLUTION
APPROVED MEDICATION TO DEFENDANTS HOUSED)
AT THE FRESNO COUNTY JAIL)

WHEREAS, the Fresno County Sheriff and the Director of Behavioral Health recommend the Board designate 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; and

WHEREAS, Penal Code section 1369.1(a) permits, upon the concurrence of the County Board of Supervisors, the County Sheriff, and the Director of Behavioral Health, the designation of a county jail as a "treatment 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. and Penal Code 2603(b) et seq.; and

WHEREAS, the Fresno County Jail may house persons found to be incompetent to stand trial for up to six months before being able to transfer these individuals to a state mental health institution or other authorized treatment facility; and

WHEREAS, state mental hospitals or other authorized treatment facilities have transferred persons to the Fresno County Jail who have been found competent to stand trial when they take prescribed medicines, but said persons often refuse to take such medicines, thereby interfering with their health and ability to resolve criminal charges against them; and

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

WHEREAS, the interests of the people of Fresno County, the State of California, and accused defendants are served by bringing accused defendants to trial; and

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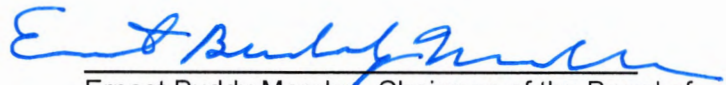
1 THE FOREGOING, was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this 4th day of February, 2020, to
3 wit:

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5 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

6 NOES: None


7 ABSENT: None

8 ABSTAINED: None

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10 
11 Ernest Buddy Mendes, Chairman of the Board of
Supervisors of the County of Fresno

12 **ATTEST:**

13 Bernice E. Seidel
14 Clerk of the Board of Supervisors
County of Fresno, State of California

15 By: 
16 Deputy