



MONTEREY COUNTY, CALIFORNIA
SHERIFF'S OFFICE
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STEVE BERNAL
Sheriff-Coroner

August 24, 2017

Honorable Mark E. Hood
Presiding Judge of Superior Court
240 Church Street
Salinas, CA 93901

Re: Civil Grand Jury response - "Monterey County Jail Crisis: Our De Facto Mental Health Facility"

Dear Judge Hood,

I would like to thank the 2016-17 Monterey County Civil Grand Jury and the efforts put forth on the report related to addressing behavioral health issues in the Monterey County Jail Inmate population. I remain committed to operating a safe and secure county jail providing quality health care to inmates.

F 1. The jail, with approximately 45% of its 900 inmates dealing with mental illness is, by default, serving as a de facto mental health facility.

The Sheriff's Office disagrees with this finding. Mental illness refers to a wide range of mental health conditions, which affect behavior in a wide range of ways. Some individuals may be highly functioning while others need more assistance. The County jail is not a licensed psychiatric health facility. The county jail is not designed, staffed, or equipped to function as a mental health facility, in the way we believe the Grand Jury to mean. Many county jail inmates suffer from some behavioral health issues, caused by mental health issues. Sheriff's personnel work closely with stakeholders to minimize jail time for those who have more serious mental health conditions. Sheriff's personnel work cooperatively with private and public behavioral health experts, state and local hospitals, and the courts to transfer acute care inmates to appropriate locations as quickly as is permitted by state law.

F 2. Although health and safety standards in the jail are now being addressed to comply with the Hernandez Settlement, the MCCGJ is concerned that the mental health issues are still not adequately addressed.

The Sheriff's Office disagrees wholly with this finding. The Monterey County Jail and contract health provider CFMG have worked closely with the courts and plaintiffs' counsel to meet benchmarks required by the implementation plans from the Hernandez Lawsuit.

F 3. The failure of the responsible county agencies, prior to the Hernandez Settlement, to properly address serious problems at the jail, ultimately cost the county \$4.8 million: one half paid by the county and one-half paid by CFMG. This money could have been better spent elsewhere.

The Sheriff's Office partially disagrees with this finding. It is unfortunate to spend county money on litigation, and the County took every effort to minimize the costs of litigation in this matter. The County has never agreed with Plaintiffs' contentions that there were "serious" problems at the jail prior to the Hernandez lawsuit. Rather, the County offered to work with Plaintiffs' counsel to continue to improve the care of inmates and to meet the challenges imposed on County jails by AB 109. Moreover, Plaintiffs' assertions of deficiencies in county jail behavioral health delivery system prior to the Hernandez Settlement are irrelevant today; and are not a reflection of current confinement conditions in the Monterey County Jail.

F 4. There are no publicly funded mental health facilities in Monterey County except for Natividad Medical Center.

This finding and any response should be reserved for Monterey County Behavioral Health Professionals.

F 5. Natividad Medical Center, with only 22 beds dedicated to mental health, is the only facility in the county that has lock-down capability. This number is woefully short of what is needed to provide barely adequate care for the mentally ill in Monterey County.

This finding and any response should be reserved for Monterey County Behavioral Health Professionals.

F 6. An \$80 million addition has been approved for the Monterey County Jail. With the new 586 bed annex, approximately 400 spaces, or 22,610 square feet, will be now vacant at the old jail.

The Sheriff's Office disagrees partially with this finding. The jail expansion will add 576 beds. Although the additional beds will alleviate current overcrowding; it is impossible to predict how many existing beds or square footage will be vacant once the expansion is occupied. The potential space / jail bed gains will be influenced by: Inmate population, court ordered early releases, the expansion of pre-trial services, state legislation, inmate classification and housing needs, and staff available to work in the expansion.

F 7. The planning process for this new construction began over ten years ago. At that time, the emphasis was on overcrowding and not on mental health issues. The MCCGJ has not seen or found revised plans to reflect this change in priorities.

The Sheriff's Office disagrees partially with this finding. Although initial planning for jail expansion began more than ten years ago; the planning has evolved over time. The most recent plan has space for increased inmate programs and services. One of the main focuses from the onset of this project, was to minimize inmate movement around the facility while increasing programs and services provided to the inmate population.

Each housing unit will have a program and medical exam space attached to it via secure corridor. The housing unit design will allow large numbers of inmates to socialize together in common spaces while providing time exceeding minimum standards for yard and visiting with use of video visitation. These services will help inmates incarcerated at the Monterey County Jail to remain connected to their friends, families, and support systems. Increased recreation and socialization time will also encourage interaction with other inmates. In addition, the design allows staff to separate inmates within the housing unit that may need a break from pressures of group socialization without having to remove them from the unit. The mental health of our inmate population will be better served with these key components of the jail addition.

F 8. It would appear that Monterey County's Behavioral Health Agency's expertise would benefit those needing mental health care in the jail.

The Sheriff's Office agrees with this finding.

F 9. A significant number of state hospitals were closed under the Reagan administration. This severely restricted the access of our county's inmates to the remaining state mental health facilities.

The Monterey County Jail became the de facto mental health facility. Inmates, suffering from mental illness, did and can wait months and even longer before being transferred to a state hospital and receive treatment. This is cruel and inhumane.

The Sheriff's Office partially disagrees with this finding. There were several state hospitals that closed many years ago and this did put pressure on county jails across the state. The county jail is not a mental health facility. Every inmate in the county jail has been arrested or convicted of a crime. Some of these inmates suffer from behavioral health issues. Inmates cannot simply be transferred to a mental health facility. Inmates are entitled to due process of law. If a judge determines inmates meet the legal requirements for commitment; they are referred to state or local mental health facilities. Inmates can only be transferred when the receiving facility has a bed available. Those inmates continue to receive mental health treatment during their entire time while in county jail. Inmates are examined by physicians, nurses, counselors, offered programming and prescribed medication as needed to address mental health issues in jail. The treatment meets both a Constitutional and community standard of care until they are transferred to a mental health facility.

F 10. Historically, the responsibility of the jail was the detention of inmates, not to attempt to provide mental health care.

The Sheriff's Office disagrees wholly with this finding. County jails are required to book and confine inmates that are brought to jail in accordance with law. Jails do not have the luxury of only housing "healthy" inmates. The Sheriff is required to accept all arrestees unless they are in immediate need of medical care. Once cleared for initial booking, the jail must confine inmates and deal with their health, mental health, and dental needs. Jails have been treating illnesses for as long as inmates have been held in custody.

These issues have expanded and become exacerbated since public safety realignment (AB109) was enacted in 2011. Realignment caused certain felons to serve time in county jails instead of state prisons.

This resulted in longer jail sentences and increased the average length of stay. Longer sentences resulted in jails having to deal with inmate health concerns on a much longer time line.

F 11. There is a great need for a stand-alone mental health facility in our county.

This finding and any response should be reserved for Monterey County Behavioral Health Professionals.

F 12. The County, without plans to address this mental health crisis in our jails, should be prepared for additional class actions cases and significant fines. To quote Supervisor Parker, when asking for a visitation option in the new jail addition: “We need to deal with this now, before it becomes a major community, logistical and budgetary problem.”⁵ The same comment is true for the County’s need for mental health services.

The Sheriff’s Office disagrees wholly with this finding. The Grand Jury fails to recognize all the significant changes in health / mental health care delivery since the Hernandez Litigation initiated. This finding and the entire report are more of a history lesson than a representation of current jail conditions. The Sheriff’s Office and CFMG are working closely with the court and the court monitors with the goal of being substantially compliant with the court’s orders in the near term.

Recommendations:

R 1. The Board of Supervisors should fund the building of a new mental health care facility or study the use of available properties in the county that could be repurposed for mental health facilities. For example: • The soon to be vacant portion of the current jail • The soon to be vacant Youth Center 5 • The Stockade on the former Ft. Ord and other vacant or underutilized local buildings

This recommendation requires further study.

R 2. The Board of Supervisors should study the other existing models of integrated mental health facilities within the jail. Examples are: Los Angeles and Santa Clara counties.

This recommendation requires further study. However, the jail is already providing integrated medical / mental health services within the facility via contract with a private correctional health care provider.

R 3. The Board of Supervisors should continue to provide funding for county agencies to participate in statewide initiatives, which deal with incarcerated patients with mental health issues. Examples are: “Jail Based Restoration of Competency”⁶ or the “Stepping Up Initiative”.

This recommendation is already in place. The county sent representatives from the CAO’s Office, District Attorney’s Office, Public Health, Behavioral Health, and the Sheriff’s Office to the Stepping Up Initiative conference in Sacramento in January of 2017.

R 4. The Monterey County Behavioral Health Agency's services should be integrated with the jail, rather than contracting out those duties to CFMG.

This recommendation is already in place. The county jail and CFMG work in partnership with Monterey County Behavioral Health to address the wellbeing of county jail inmates. There are monthly meetings with CFMG and county behavioral health personnel. Additionally, county behavioral health is notified of all new bookings so behavioral health can determine if the arrestee is a current or former behavioral health patient. This notification allows behavioral health to share appropriate health information with CFMG to ensure continuity of care. Plus, the county and CFMG have each developed implementation plans to address security, ADA, medical, mental health, and dental concerns. Together, the county and CFMG are working to be in substantial compliance for all areas in the implementation plan. The county and CFMG both share a vested interest in being compliant by demonstrating strong commitment to a safe and secure jail providing quality health care to inmates.

Respectfully Submitted,



Steve Bernal
Sheriff-Coroner