

MONTEREY COUNTY

COUNTY ADMINISTRATIVE OFFICE

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August 31, 2017

The Honorable Mark E. Hood
Presiding Judge of the Superior Court
Monterey County Superior Courts
240 Church Street
Salinas, CA 93901

SUBJECT: Response to 2016-2017 Monterey County Civil Grand Jury Final Report
"Jail Crisis: Our De Facto Mental Health Facility"

Dear Judge Hood:

Attached please find the Monterey County Board of Supervisors Response to 2016-2017 Monterey County Civil Grand Jury Final Report "Jail Crisis: Our De Facto Mental Health Facility" and the signed Board Order. The Board of Supervisors approved the response on August 29, 2017, which complies with the requirements set forth in Sections 933 and 933.05 of the California Penal Code.

The Board approved response should be deemed and accepted by the Presiding Judge of the Superior Court of Monterey County and the Monterey County Civil Grand Jury as the response of the Board of Supervisors, County Administrative Officer, and appointed department heads.

Sincerely,

Lew C. Bauman
County Administrative Officer

By: Manuel T. González
Assistant County Administrative Officer

MTG:mri

cc: Lew C. Bauman, County Administrative Officer
Office of the County Counsel

Attachments: Board of Supervisors Response
August 29, 2017 Board Order



Monterey County Board of Supervisors

168 West Alisal Street,
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831.755.5066

Board Order

Upon motion of Supervisor Alejo, seconded by Supervisor Phillips and carried by those members present, the Board of Supervisors hereby:

- a. Approved the response to the 2016 - 2017 Monterey County Civil Grand Jury Interim Final Report: "Jail Crisis: Our De Facto Mental Health Facility"; and
- b. Directed the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 7, 2017.

PASSED AND ADOPTED this 29th day of August 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Parker and Adams

NOES: None

ABSENT: Supervisor Salinas

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting August 29, 2017.

Dated: August 31, 2017
File ID: 17-0868

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By *Dennie Hancock*
Deputy



Monterey County Board of Supervisors

Response to the

2016-2017 Monterey County Civil Grand Jury Final Report

JAIL CRISIS: OUR DE FACTO MENTAL HEALTH FACILITY

August 29, 2017

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II. Jail Crisis: Our De Facto Mental Health Facility

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REPORT TITLE: Jail Crisis: Our De Facto Mental Health Facility

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, F-10, F-11 and F-12

F1: The jail, with approximately 45% of its 900 inmates dealing with mental illness is, by default, serving, as a de facto mental health facility.

Response F1:

The Board of Supervisors disagrees with this finding and concurs with the Sheriff's Office response to Finding 1.

F2: 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.

Response F2:

The Board of Supervisors disagrees with this finding and concurs with the Sheriff's Office response to Finding 2.

F3: 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 by CFMG. This money could have been better spent elsewhere.

Response F3:

The Board of Supervisors partially disagrees with this finding and concurs with the Sheriff's Office response to Finding 3. The County and the Sheriff had begun modernizing the Jail before the Hernandez case was filed and that modernization continues today, including a substantial jail expansion project.

F4: There are no publicly funded mental health facilities in Monterey County except for Natividad Medical Center.

Response F4:

The Board of Supervisors disagrees partially with this finding. The Behavioral Health Bureau within the Health Department invests in other intensive services both in and outside of Monterey County. The County currently has: 8 State Hospital beds, 165 Intensive Placement beds and 142 Board and Care beds. Our projected spending on these intensive placements this year will be \$7.4 million. Additionally, the Behavioral Health Bureau spends, \$7.0 Million to Interim Inc., for 250 + Supportive Housing beds and 28 temporary beds for dual diagnosis and crisis residential. This year we expect the capacity to be expanded by 14 additional beds as a second crisis residential facility has opened through our contractor Interim Inc.

F5: 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.

Response F5:

The Board of Supervisors agrees with this finding. In 2016, Behavioral Health contracted with Herbage Consulting, a statewide evaluator, to assess inpatient capacity and support determining where limited resources should be allocated. After an extensive review of the data the consultants recommended that scarce dollars be invested in intensive outpatient services as opposed to building additional inpatient capacity. There has been a correlation between reduced spending in intensive outpatient services and increase demand for acute services. The availability of beds has been negatively impacted by clients who are re-hospitalized. Increasing the investment in outpatient care will allow the county to reduce re-hospitalizations and improve community safety. As stated in the response to question f4 Currently, we are investing in sub-acute/step down facilities throughout Monterey County and the state

F6: 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.

Response F6:

The Board of Supervisors disagrees partially with this finding and concurs with the Sheriff's Office response to Finding 6.

F7: 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.

Response F7:

The Board of Supervisors disagrees partially with this finding and concurs with the Sheriff's Office response to Finding 7.

F8: It would appear that Monterey County's Behavioral Health Agency's expertise would benefit those needing mental health care in the jail.

Response F8:

The Board of Supervisors agrees with this finding and concurs with the Sheriff's Office response to Finding 3.

F9: 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.

Response F9:

The Board of Supervisors partially disagrees with this finding and concurs with the Sheriff's Office response to Finding 9.

F10: Historically, the responsibility of the jail was the detention of inmates, not to attempt to provide mental health care.

Response F10:

The Board of Supervisors partially disagrees with this finding and concurs with the Sheriff's Office response to Finding 10. In addition, while it is true that the jail is designed to detain inmates, detainees have always arrived at the jail in various states of need.

F11: There is a great need for a stand-alone mental health facility in our country.

Response F11:

The Board of Supervisors agrees with this finding. Statewide there is a shortage of intensive placement beds. Clients needing a state hospital bed will often go on wait lists which last longer than six months. We do recognize the need to invest more in supported housing which is a treatment model that keeps people connected to treatment and thriving in their community. Locally, Behavioral Health has seen a reduced demand for inpatient treatment in the last two years. They have expanded our use of step down beds and built intensive day treatment to prevent hospitalizations.

F12: The County, without plans to address this mental health crisis in our jails, should be prepared for additional class action 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." The same comment is true for the County's need for mental health services.

Response F12:

The Board of Supervisors disagrees with this finding and concurs with the Sheriff's Office response to Finding 12.

REPORT TITLE: Jail Crisis: Our De Facto Mental Health Facility
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-1, R-2, R-3, and R-4

R1: 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.
- The Stockade on the former Ft. Ord and other vacant or underutilized local buildings.

Response R1:

The Board of Supervisors agrees with the Sheriff's Office response to Recommendation 1

R2: 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.

Response R2:

The Board of Supervisors concurs with the Sheriff's Office response to Recommendation 2

R3: 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" or the "Stepping Up Initiatives".

Response R3:

The Board of Supervisors concurs with the Sheriff's Office response to Recommendation 3

R4: The Monterey County Behavioral Health Agency's services should be integrated with the jail, rather than contracting out those duties to CFMG.

Response R4:

The Board of Supervisors concurs with the Sheriff's Office response to Recommendation 4