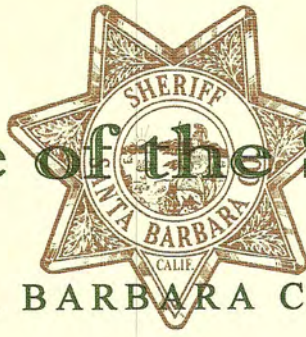


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Office of the Sheriff BY: _____



SANTA BARBARA COUNTY

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JIM PETERSON

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July 18, 2011

Ms. Kathryn D. McKee, Foreperson
2010-2011 Santa Barbara County Civil Grand Jury
411 East Canon Perdido Street, Suite 12
Santa Barbara, California 93101-7531

Reference: Response to Santa Barbara Civil Grand Jury Report Entitled,
*"Homeless Mentally Ill Indigent Recidivism – This is Not Good for
the County"*

Dear Ms. McKee:

Enclosed please find the Santa Barbara County Sheriff's Office response to the
2010-2011 Santa Barbara County Civil Grand Jury Report entitled *"HOMELESS
MENTALLY ILL INDIGENT RECIDIVISM – This is Not Good for the County"*.

If you have any questions, please do not hesitate to contact me.

Sincerely,

BILL BROWN
Sheriff – Coroner

c: The Honorable Joni Gray, Chair
Santa Barbara County Board of Supervisors

Enclosure

SHERIFF'S OFFICE RESPONSE
SANTA BARBARA COUNTY CIVIL GRAND JURY'S 2010-2011 REPORT
"HOMELESS MENTALLY ILL INDIGENT RECIDIVISM –
This is Not Good for the County"

In June of 2011, PHS Correctional Healthcare Inc. and Correctional Medical Services combined to form Corizon. To maintain consistency and avoid confusion with the verbiage used in the Grand Jury Report, we will use the term "PHS" to refer to what was PHS Correctional Healthcare Inc. at the time the Grand Jury report was written.

Finding 2a: Intake screening for mental illness at the Santa Barbara County Main Jail is currently undertaken by jail staff who have basic training in intake but are not certified mental health professionals.

Response to Finding 2a: The Sheriff's Office partially agrees with this finding.

Although jail staff members are not certified mental health professionals, it is important to understand that they do receive mental health training. In accordance with Title 15, California Code of Regulations, Minimum Standards for Local Adult Detention Facilities, Custody Deputies complete the medical screening form for all arrestees using approved and standardized questions developed by medical and mental health professionals. Section 1207 describes these standards:

**ARTICLE 11. MEDICAL/MENTAL HEALTH SERVICES
Section 1207. Medical Receiving Screening.**

With the exception of inmates transferred directly within a custody system with documented receiving screening, a screening shall be completed on all inmates at the time of intake. This screening shall be completed in accordance with written procedures and shall include but not be limited to medical and mental health problems, developmental disabilities, and communicable diseases, including, but not limited to, tuberculosis and other airborne diseases. The screening shall be performed by licensed health personnel **or trained facility staff** (emphasis added).

**SANTA BARBARA COUNTY SHERIFF'S OFFICE – CUSTODY POLICY AND
PROCEDURE MANUAL states:**

Receiving Medical Screening

Medical screening at Receiving is used to obtain important information about every new inmate's medical and health needs to ensure they are adequately addressed. The information is also beneficial because it enables Custody Operations to care for the safety and welfare of other inmates and jail staff.

It is the responsibility of the Receiving Deputy to complete the Medical Receiving Screening Form on every new inmate. The Deputy completes the form based on visual observation of the inmate and on the inmate's answers to specific questions. Should an inmate answer, "Yes" to questions #10 through #21 and #24, medical staff is notified and

will respond as soon as possible to Receiving. The Receiving Deputy will document the notification on the bottom of the form. The screening form was developed in compliance with the California Medical Association to improve medical care and mental health care services within the jails.

Custody Deputies assigned to the Receiving area are specifically trained per Section 1207 standards to look for indicators of mental health issues, whether or not the inmate answers "Yes" to any of the relevant questions. Any positive response on the form, or a positive indicator observed by the Receiving Deputy, requires an immediate notification to the on-duty mental health therapist or Registered Nurse (RN). The on-duty RN responds and completes the screening using a standardized Nursing Evaluation Tool (NET). Based upon this assessment, the RN may refer the inmate to PHS Mental Health staff for a more in-depth evaluation.

Finding 2b: Inmates with mental illness are not always recognized by booking officers, may not self identify as needing mental health treatment, may not realize they are mentally ill, and therefore, may not be referred for mental health assessment by skilled mental health clinicians.

Response to Finding 2b: The Sheriff's Office partially agrees with this finding.

Intake Screening is a highly structured process; however, as stated by the Grand Jury, not all persons with mental illness will self-report or be immediately recognized by Custody staff as being in need of a referral for a mental health assessment. Many persons with mental health issues have co-occurring disorders. Their mental health issues are often masked by drugs and/or alcohol. It takes time for the effects of the drugs and/or alcohol to subside and for indicators of mental health issues to emerge. Therefore, in addition to the observations of the Receiving Deputy, the assessment of inmate behavior and needs continues throughout their jail stay. There are multiple referral sources for Mental Health services:

- Arresting Officer/Deputy
- Classification
- Housing Deputy
- Inmates themselves during the intake process or later during the incarceration. (Inmates can request medical and mental health treatment by using Sick Call Request forms. Inmates can submit these forms at any time; PHS's goal in responding to them is within 3 days; a timeframe that compares very favorably with the delivery of similar medical or mental health care in the community. All Sick Call Request forms receive follow-up by a nurse, a mental health professional or a doctor, depending on the issue.
- Cellmates will often alert the Housing Deputies to an inmate's unusual behavior or statement made outside the Housing Deputies' supervision.

In addition, family members, those connected with the inmate from the legal system, or community medical and mental health persons are also valuable sources of information that can result in referral and treatment.

Furthermore, PHS has access to the "Clinician's Gateway," the County Alcohol Drug and Mental Health Services (ADMHS) database of County clients. This access allows PHS to check all persons who are referred to them for prior contact with ADMHS.

While we cannot say for certain that we are able to identify each and every individual who may have a medical or mental health problem, all of the above resources are part of a large safety net designed to identify and deliver care to those with mental health concerns. The goals are to deliver quality medical and mental health services to those inmates in our custody and care, to make the best use of available resources, and to maintain a continuity of care within the community.

Finding 2c: The contract between Prison Health Services, Inc. and Santa Barbara County for the mental health care of inmates, includes the provision that intake screening will be conducted by a mental health professional; however, this is not being done.

Response to Finding 2c: The Sheriff's Office disagrees with this finding.

This finding is referenced out of context. The contract between PHS and the County of Santa Barbara states:

"PHS will provide sufficient qualified mental health/medical staff to respond promptly to requests from security personnel for medical information/intervention, including assessment and monitoring of Inmates identified at intake by the medical alert system, as allowed per HIPPA regulations." (emphasis added.)

"Mental Health Screening

PHS mental health professionals will screen inmates for mental health conditions at the time of the Intake Screening, which occurs upon arrival at the facility..."

The section of the contract referred to in the Grand Jury Report was written with the intent to comply with standard practices in the corrections community, as well as with State regulations regarding intake screening. The current policies and practices at the Santa Barbara County Jail fully comply with not only the letter of the law, but with the intent and spirit of the applicable regulations.

The Intake Screening process used by the Santa Barbara County Jail complies fully with Title 15, California Code of Regulations, Minimum Standards for Local Adult Detention Facilities. In accordance with Title 15, Section 1207 (see response to Finding 2a), "trained facility staff" (Custody Deputies) complete an initial medical/mental health screening. The Sheriff's Office has passed every California State Corrections Standards Authority inspection on this topic.

Custody Deputies assigned to the Receiving area are specifically trained to look for indicators of mental health issues, whether or not the inmate answers "Yes" to any of the relevant questions. Any positive response on the form, or a positive indicator observed by the Receiving Deputy, requires an immediate notification to the on-duty mental health therapist or RN. (As part of the

State Licensing requirement for Registered Nurses, they must all complete training in recognition and assessment of mental health issues and illness.) The on-duty RN responds and completes the screening using a standardized Nursing Evaluation Tool (NET). Based upon this assessment, the RN may refer the inmate to Mental Health staff for a more in-depth evaluation.

Finding 2d: The contract between Prison Health Services, Inc. and Santa Barbara County for the mental health care of inmates, states that Prison Health Services, Inc. will provide a comprehensive mental health program that "provide(s) a seamless continuum of services from the point of entry into the correctional system through post-release community based services" including "1 FTE (full-time equivalent) for a licensed clinical social worker (LCSW) who will have the responsibility for overall discharge planning;" however, this is not being done.

Response to Finding 2d: The Sheriff's Office disagrees with this finding.

PHS is meeting its contractual obligation. PHS staffing includes one full-time equivalent (FTE) Licensed Clinical Social Worker (LCSW) who provides discharge planning. In addition, a full-time Psychiatric RN and a full-time Masters' Level Mental Health Therapist, both of whom are skilled in providing discharge planning, work closely with the LCSW, allowing the discharge effort to take place seven (7) days a week.

In addition to the discharge services provided by PHS, the Santa Barbara County Jail also utilizes a full-time Homeless Discharge Planner. This position is funded equally by County Alcohol, Drug, and Mental Health Services and *Bringing Our Communities Home* (BOCH), a local non-profit dedicated to homeless issues. This discharge planner works closely with PHS staff to assist the homeless population in the jail. Discharge planning services provided focus on the continuation of medications upon discharge and the coordination of care with ADMHS or other community service providers. This service is a great example of a public-private partnership working to resolve a long-standing problem.

Finding 2e: The contract between Prison Health Services, Inc. and Santa Barbara County for the mental health care of inmates, states that Prison Health Services, Inc. will provide programs for inmates "that provide the foundation for productive, crime free lifestyles after incarceration."

Response to Finding 2e: The Sheriff's Office agrees with this finding.

The Grand Jury Report does not provide a recommendation to Finding 2e. Therefore, we conclude the finding is a positive statement with regard to the mental health services contract between the County of Santa Barbara and PHS.

These programs are provided as stated in our response to Recommendation 2c (see below).

Recommendation 2a: That the Santa Barbara County Board of Supervisors and the Santa Barbara County Sheriff hold Prison Health Services, Inc. accountable for its contractual obligation to provide professional mental health screening during the booking process.

Response to Recommendation 2a: The recommendation was implemented in 2009.

The Sheriff's Office has an assigned Custody Lieutenant who is responsible to oversee and ensure PHS contractual compliance in providing medical and mental health services to the Santa Barbara County inmate population. The contract does not mandate that every person who is booked receive a mental health screening by a licensed professional. The intent and spirit of the contract, along with Title 15, requires a screening by a licensed health professional or trained facility staff. The Booking station is an assigned post that requires specific training, including the identification of those with mental health issues. PHS has augmented the training to all Custody Deputies to look for those persons who display indications of mental health issues.

Recommendation 2b: That the Santa Barbara County Board of Supervisors and the Santa Barbara County Sheriff hold Prison Health Services, Inc. accountable for its contractual obligation to provide a continuum of comprehensive mental health services from entry through post-release including a full-time licensed clinical social worker as a discharge planner.

Response to Recommendation 2b: This recommendation was implemented in 2009.

PHS employs one (1) full-time Licensed Clinical Social Worker responsible for providing discharge planning services. In addition, there is one (1) full-time Psychiatric RN and one (1) full-time Masters' Level Mental Health Therapist, both of whom are skilled in providing discharge planning so that this activity can take place seven (7) days a week.

Discharge planning services focus on coordination of appropriate continuation of medication upon release and the coordination of care with ADMHS or other programs available within the community.

Recommendation 2c: That the Santa Barbara County Board of Supervisors and the Santa Barbara County Sheriff hold Prison Health Services, Inc. accountable for its contractual obligation to provide programs for the indigent mentally ill that provide the foundation for "creating a productive, crime free lifestyle after incarceration."

Response to Recommendation 2c: This recommendation was implemented in 2009.

The contractual obligation for PHS is to provide mental health services to inmates at the Santa Barbara County Jail. There is no contractual obligation that PHS provide separate programs for indigent mentally ill, as all inmates are treated the same. The contract states PHS's primary objectives for inmates with mental illness are:

- To provide clinical accuracy in identifying and treating inmates with mental illness;

- To use Inmate-centered approach to services guided by a multi-disciplinary team of professionals;
- To facilitate the coordination of medical and mental health services, including integration of patient specific information for community providers;
- To provide a seamless continuum of services from the point of entry into the correctional system through post release community based services; and,
- To provide a program that not only provides for better management of inmates in jail, but provides the foundation for productive, crime free lifestyles after incarceration.

It is the Sheriff's Office position that PHS meets its contractual obligations. PHS works with community providers (to the extent such services are available) to link mental health patients with programs upon release. PHS facilitates the provision of medications upon discharge to those mental health patients stabilized on medication while in jail. Both the Sheriff's Office and PHS provide programs and services designed to promote a crime-free lifestyle upon release from custody. However, the success of these programs requires a multifaceted effort by inmates, other agencies, and the community. It is not reasonable to expect the Sheriff's Office or its contracted entities to be solely responsible for the continued aftercare of released inmates and/or their successful reentry into the community.

Recommendation 2d: That the Santa Barbara County Board of Supervisors calls for an audit of the Santa Barbara County Main Jail's inmate mental health care practices to determine the level of performance per the Board of Supervisors' contract with Prison Health Services, Inc. dated June 16, 2009.

Response to Recommendation 2d: This recommendation is for the Board of Supervisors.

Should the Board of Supervisors elect to implement this recommendation, the Sheriff's Office will make available all requested information to assist in their audit.

However, it is the Sheriff's Office position that such an audit is unnecessary. A Custody Lieutenant has daily interaction with PHS and reviews the company's performance. Representatives from PHS, ADMHS, the Mental Health Commission and the Sheriff's Office meet quarterly to review PHS's performance and to discuss and resolve mental health related issues in the jail. All performance measures for PHS are reviewed in these meetings. PHS has consistently met its performance measures in all areas.

On January 18, 2011, the Sheriff's Office and PHS delivered a one and one-half hour presentation to the Board of Supervisors on the performance of mental health services in the jail provided by PHS from the implementation of the contract on June 16, 2009 through January of 2011. The report concluded that PHS was fulfilling their requirements of the contract to provide mental health services to those incarcerated in the jail. In support of this conclusion, in June of 2011 the Sheriff's Office elected to approve a 2-year extension to the contract for PHS to provide medical and mental health services in the jail.

Finding 3b: *The Santa Barbara County Main Jail has no designated licensed beds to treat the mentally ill inmate.*

Response to Finding 3b: The Sheriff's Office agrees with this finding.

The Santa Barbara County Jail does not have any beds that fall under the criteria for community care licensing. The Santa Barbara County Jail is not a mental health treatment facility. Those individuals who may require acute-in-patient psychiatric care are referred to ADMHS for evaluation and approval for housing in the County Psychiatric Health Facility (PHF) per Welfare & Institutions (WI) Code Section 5150. The Sheriff's Office incurs housing and acute treatment expenses for inmates meeting the WI 5150 criteria at PHF.

Additionally, inmates may be transferred to the County PHF or State hospital upon a court order to restore to competency to stand trial. The Sheriff's Office does not incur the housing and treatment expenses under this provision.

Finding 3c: *California Code of Regulations Title 22 details licensing criteria for providing correctional treatment beds for the mentally ill within existing jail facilities.*

Response to Finding 3c: The Sheriff's Office agrees with this finding.

Recommendation 3c: *That the Santa Barbara County Board of Supervisors and the Santa Barbara County Sheriff jointly prepare a cost analysis of the actual cost of converting a proportional number of jail beds to licensed treatment beds for mentally ill inmates.*

Response to Recommendation 3c: This recommendation will not be implemented because it is not reasonable.

The California Code of Regulations, Title 22 details licensing criteria for providing correctional treatment beds. The existing Santa Barbara County Jail facilities structure and staffing levels were not designed for, and are unable to accommodate, the requirements necessary to meet these criteria.

As the community is aware, our jail facilities have exceeded their life-expectancy and, consequently, there are significant design and structural limitations that prevent the implementation of licensed correctional mental health treatment beds in our existing facilities. Preliminary response from the Institute for Medical Quality (IMQ) to convert part of the existing jail to meet the standards of both Title 22 and Title 24 (Construction Regulations) for licensed correctional treatment beds shows it is not feasible to obtain licensed beds in our existing facilities. A 2002 IMQ response to an inquiry on this topic stated that State licensing requirements "include extensive construction issues that licensing [the State] has not been willing to grant waivers for – so unless you [the Sheriff's Office] plan to build a new facility, licensing is probably not an option." The IMQ also stated that we would need to almost double the Custody Deputy positions to staff the new wing. In this economic environment in which the

Sheriff's Office is unable to maintain its status quo staffing levels, it is highly unlikely that the funding required to comply with this recommendation could be identified.

Recommendation 3d: That the Santa Barbara County Sheriff applies for correctional treatment bed licensure.

Response to Recommendation 3d: This recommendation will not be implemented because it is not reasonable at this time due to the same reasons stated in the response to Recommendation 3c.

The Sheriff's Office is aware of several counties within the state that provide extensive mental health services in their jails, up to and including licensed mental health treatment beds, and that enjoy a successful collaboration with their community providers. To our knowledge, only the Counties of Santa Clara, San Diego, Orange and Los Angeles operate licensed mental health beds within their facilities. These county facilities are typically very large ("mega-") jails equipped to provide significantly more extensive in-house medical and mental health treatment. These facilities were also designed and built for delivering mental health services in a jail environment.

If correctional treatment bed licensure is to be pursued, the most practical approach would be to include it in the new North County Jail. During the early planning stages for the North County Jail facility, cost estimates were completed for a medical/mental health wing. Due to the lack of foreseeable funding, the original plans were reduced and the medical/mental health wing was eliminated. As the plans for the North County Jail continue to move forward, the Sheriff's Office will consider including a mental health wing with licensed beds in the final plans. Ultimately the deciding factor on whether or not such plans are incorporated will be the identification of sufficient funding for both construction and ongoing operational costs.