



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office		(2) MEETING DATE 8/22/2017		(3) CONTACT/PHONE Guy Savage 805-781-5011	
(4) SUBJECT Added Board Business Agenda Item #19 - Discussion about San Luis Obispo County Jail inmate health and safety. All Districts.					
(5) RECOMMENDED ACTION It is recommended that the Board receive and file a presentation related to inmate health and safety at the San Luis Obispo County Jail; and provide direction to staff as necessary.					
(6) FUNDING SOURCE(S) N/A		(7) CURRENT YEAR FINANCIAL IMPACT \$0.00		(8) ANNUAL FINANCIAL IMPACT \$0.00	
(9) BUDGETED? N/A					
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input checked="" type="checkbox"/> Board Business (Time Est. _____)					
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A					
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A				(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A		(15) BUSINESS IMPACT STATEMENT? No		(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW This item was prepared by the Administrative Office.					
(18) SUPERVISOR DISTRICT(S) All Districts					



COUNTY OF SAN LUIS OBISPO

TO: Additions, subtractions and corrections to the Board of Supervisors Agenda

FROM: Administrative Office / Guy Savage
805-781-5011

DATE: 8/22/2017

SUBJECT: Added Board Business Agenda Item #19 - Discussion about San Luis Obispo County Jail inmate health and safety. All Districts.

RECOMMENDATION

It is recommended that the Board receive and file a presentation related to inmate health and safety at the San Luis Obispo County Jail; and provide direction to staff as necessary.

DISCUSSION

Background

Mental illness an increasing issue for county jails and state prisons

The long-term problems related to the incarceration of the mentally ill in California prisons and jails are well documented. Counties across the country are facing similar problems. Approximately 2 million people with serious mental illness are incarcerated annually in the United States. Recent reports from the California Department of Corrections and Rehabilitation ("CDCR") show that the percentage of state prison population receiving mental health treatment has grown from under 14% in 2000, to over 30% in 2016. Similar increases in county jail inmates needing treatment have been experienced across California and in San Luis Obispo County. Furthermore, the CDCR estimates that the percentage of prisoners who are mentally ill will continue to increase. Many, including CDCR representatives, believe there is evidence that current projections underestimate the numbers of prisoners with mental illness. Importantly, the severity of psychiatric symptoms amongst prisoners is also rising. A joint study performed by the CDCR and California Correctional Health Care Services noted that the number of prisoners that required enhanced mental health services has increased by over 60 percent since 2012. Studies have also found that California defendants with mental illness are sentenced to longer prison terms than defendants without mental illness. Locally, approximately 40% of all County Jail inmates are on psychotropic medication.

People with mental illness regularly end up in a jail cell, a hospital emergency room, or a licensed facility such as the County's Psychiatric Health Facility ("PHF"). Jails, emergency rooms, and the PHF are the only places where society is legally bound to provide mental health treatment. A 1986 federal mandate requires hospital medical staff to treat everyone who enters an emergency room, regardless of their ability to pay.

Grand Jury

As was noted in the June 6, 2017 Grand Jury report titled "Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail," (see Attachment A) the San Luis Obispo County Jail ("Jail") has experienced a dramatic shift in inmate population, both in terms of the number of inmates and the number of inmates with mental illness. The Grand Jury report specifically looked at issues related to changes in population and programs, with a focus on safety and health at the jail. Findings in the report included:

- There is no single official at the County Jail level that has true oversight and responsibility over all aspects of an inmate's well-being.
- Other counties sometimes contract correctional health care services to an outside provider giving the custodial side direct responsibility over all aspects of an inmate's well-being.
- Recent deaths of inmates at the Jail and violations noted in the most recent Board of State and Community Corrections report have raised public concern over the adequacy of health and safety procedures and policies related to the current population.

Additionally, the Grand Jury report recommended that, "The Sheriff and the County Health Agency should conduct a joint review of the adequacy and appropriateness of management structure, policies, and procedures related to inmate safety, physical and mental health (including suicide prevention), and should issue a public report by December 31, 2017." Both the Sheriff-Coroner and County Health Agency Director agreed with both the findings and recommendation, and expect to provide a more thorough review at a future Board meeting.

Psychiatric Health Facility (PHF)

The County's Psychiatric Health Facility ("PHF") is a licensed 16-bed facility. The PHF provides observation and treatment for acute mental illness under licensed psychiatric direction. The PHF operates as a State Department of Health Care Services inpatient facility that treats individuals in psychiatric crisis who cannot be safely served in outpatient facilities. A psychiatric crisis is a non-life threatening situation in which an individual is exhibiting extreme mental health symptoms, considering harm to themselves or others, disoriented, or out of touch with reality and has a compromised ability to function safely. The PHF is the only such facility within San Luis Obispo County. The nearest alternative facilities for Welfare and Institutions Code 5150 individuals are located in Salinas, Santa Barbara, Fresno, and Bakersfield. In addition to Jail inmates, the PHF provides services to adults and juveniles from throughout San Luis Obispo County.

Andrew Holland

Andrew Holland was a 36 year-old Atascadero resident who had struggled with mental illness much of his adult life. He had been in custody at the Jail since an incident in September 2015 when he was accused of fighting with and injuring a police officer in Atascadero. On October 22, 2015, Mr. Holland began serving a four-year sentence for violation of Penal Code Section 243(C)(2), felony battery on a peace officer with injury. In early December 2016, Mr. Holland assaulted a correctional officer by head-butting him and was charged with a violation of Penal Code Section 243(B). He was arraigned on the peace officer assault charge on December 6, 2016.

A doctor examined Mr. Holland following the December 2016 incident and submitted a report to the Court. On

January 10, 2017 and after reading the doctor's report, the Court determined that Mr. Holland was mentally incompetent to stand trial ("IST") within the meaning of Penal Code section 1368. As part of its actions on January 10, 2017, the Court ordered that Mr. Holland be sent to County Mental Health for evaluation and treatment until he was mentally competent to stand trial.

On January 20, 2017, Mr. Holland was observed violently striking himself in the face and head. It was at this point that the decision was made to place Mr. Holland in the restraint chair in an effort to prevent him from further harming himself. After he was placed in the restraint chair, efforts continued to be made to transfer him to the County Psychiatric Health Facility ("PHF"). At the time of his passing on January 22, 2017, Mr. Holland had not been transferred due to the acuity of patients already being housed at the PHF. Mr. Holland was to be transferred as soon as a bed became available. The cause of Mr. Holland's death was later found to be the result of an aneurysm. The aneurysm was the result of a blood clot that formed in Mr. Holland's leg while he was being held in the restraint chair.

On July 27, 2017, the County announced that a \$5 million settlement was reached with the family of Andrew Holland.

Federal Bureau of Investigation (FBI)

In April of 2017, Sheriff-Coroner Ian Parkinson welcomed a review of Sheriff Custody activities and actions related to Mr. Holland's death and other deaths that have occurred at the Jail. At some point, unknown to County staff, the FBI started a review. To date, an unknown number of County staff have been questioned by the FBI. The Sheriff-Coroner's office and all other departmental staff are cooperating fully with the FBI's review. The FBI review is on-going. Its exact scope and the timing of any recommendations from the review are not known by the County. Given the on-going activity by the FBI, the County is cautious about taking any actions that could be viewed as an attempt to influence or sway the results of the FBI's review.

Moving Forward

Changes

As detailed in Attachment B - County Policy and Procedure Changes, the County has made numerous changes in its policies and procedures since Mr. Holland's death, both in the Jail and at the Health Agency. For instance, the restraint chair has been dismantled and destroyed. The County, including the Sheriff-Coroner's office and Health Agency, has taken steps to ensure that the chair is never used again within the County. The County has also contracted with the San Bernardino Regional Jail Bed Competency Program for felons. If a felony defendant is found incompetent to stand trial (IST), they are now transferred to the San Bernardino program for placement recommendation. When a misdemeanor inmate is found to be IST, they will be transferred to the County's PHF. If the PHF is full, one or more non-inmate patients will be transferred to another facility to make room for the inmate. Health Agency policies for emergency administration of medication have also been updated in an effort to help ensure that inmates in need of medication will receive it in a timely manner, even when the inmate is refusing medication. In a collaboration between the Sheriff-Coroner and the Health Agency, training for Jail Custody and Health Agency staff who support Jail operations has been increased so that inmates who are experiencing mental health crisis will be more quickly identified. Additionally, procedures have been modified to ensure that an IST inmate, who continues to decompensate (unable to function), will be reclassified as a Section 5150 (California Welfare and Institutions Code) inmate who is suspected as having a mental disorder that makes them a danger to themselves, a danger to others, or gravely disabled, and will be transferred to the PHF.

While Mr. Holland's tragic death has been an important driver in recent changes, the County has been attempting to improve its Jail medical services for some time. Since July 2011, the County has added 17 FTE and contributed an additional \$2.3 million in an attempt to ensure sufficient services are provided to Jail inmates. Sheriff-Coroner and Health Agency staff regularly review activities that have led up to a negative outcome. Where existing staff or funding cannot be used to make corrections, the additional staffing and funding noted above have been used to implement changes.

Assessment

County Administration Office staff have been in direct contact with several individuals and companies that perform Jail medical and mental health assessments. Each of those contacted offer a wide variety of services in the assessment of Jail services. Those contacted noted that depending on the scope of the assessment requested, cost and duration will vary. The majority noted that they are willing to either respond to a specific scope of work or a more open-ended scope. Specific scopes could likely be completed within 30 days of contract, while open-ended scopes will take longer, often 60-90 days.

Outsourcing

At least 32 of the 58 counties in the State of California outsource some portion of their medical, juvenile, or mental health care in their Jail or Juvenile Hall. Counties who outsource include Kings, Santa Barbara, Monterey, and Ventura. County staff have identified 4 companies who provide these outsourcing services. In 2016 alone, at least four counties have begun or switched providers. Timelines for implementation or transition to an outsourcer is often driven by the contracting county; however, transitions usually occur within 60 to 90 days of contact. Outsourcers regularly make hiring offers to existing staff. Those who do not transition to the outsourcer often do so by choice, not because they are not wanted by the outsourcer. It is worth noting that before any outsourcing could be pursued, discussion would need to be held with union representatives. Based on recent outsourcing activities, County staff estimates that costs would range from \$4,800-\$7,000 per inmate per year, depending on requested services. Given that the Jail population usually fluctuates between 500-600 inmates, costs for outsourcing are estimated at \$2.4-4.2 million per year. These numbers are extremely rough estimates, gathered in a very short timeframe, and should not be used to determine future costs. Should the County wish to pursue outsourcing, a more thorough review of costs and related services would need to be performed before setting any budgetary targets.

OTHER AGENCY INVOLVEMENT/IMPACT

The Administrative Office developed this Board item in consultation with representatives from the County Counsel, Health Agency, Sheriff-Coroner's Office, and Human Resources – Risk Management. Representatives from all the offices involved will be available to answer questions during the Board meeting.

FINANCIAL CONSIDERATIONS

Costs for preparing this item are included in current department budgets.

RESULTS

The item and associated presentation meet the request of the Board of Supervisors, made on August 15, 2017.

ATTACHMENTS

1. Attachment A - 2016-17 San Luis Obispo Grand Jury report "Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail."
2. Attachment B - County Policy and Procedure Changes.
3. Attachment C - Powerpoint Presentation