



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



Kelly A. Martinez, Sheriff

July 10, 2023

Honorable Michael T. Smyth
Presiding Judge of the Superior Court
San Diego Central Courthouse
1100 Union Street, Tenth Floor
San Diego, CA 92101

Dear Presiding Judge Smyth,

San Diego Sheriff's Department's response to Grand Jury Report: "Crisis in Treatment Access for Incompetent to Stand Trial Incarcerated Persons in the County Jails."

Pursuant to California Penal Code section 933(c), the following is my response to the Grand Jury's Findings and Recommendations 23-10 through 23-17.

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

I have reviewed the Grand Jury's report outlining their findings and recommendations related to access to mental health treatment for incarcerated persons who are deemed incompetent to stand trial (IST). I appreciate the thoughtful review and assessment made by Foreperson Ed Lopatin and members of the Grand Jury. This report indicated the members of the Grand Jury conducted nine interviews of San Diego Sheriff's Department (SDSD) staff, toured all the County jails and reviewed SDSD policy and procedure manuals, as well as California Code of Regulations Title 15, "Minimum standards for Local Detentions Facilities."

The Grand Jury identified twelve findings as a result of their above-mentioned methodology. Please refer below for the Sheriff's Department's responses to these findings.

Grand Jury Finding 01:

Most IST IPs in the San Diego County jails spend a lengthy jail time awaiting DSH treatment and thus have increased risk of harm to self or others.

Response: The San Diego Sheriff's Department disagrees partially with this finding.

The following facts in this report (listed below) used to substantiate Finding 01 are general in nature and time frames do not appear to be established or vetted averages in accordance with SDSD data.

- In San Diego County, the time from jail intake to the IP being found IST can be **2 to 3 months, or longer.**
- In San Diego County, the wait time from being found IST to transfer to DSH for those not selected for the JBCT program is **5 to 6 months, sometimes longer.**
- In San Diego County, the total time from jail intake to transfer to DSH can take up to **9 months or longer** for those IST IPs not selected for the JBCT program.
- Individuals with severe mental illness are at risk of self-harm when incarcerated.

In December 2022, based on a review of our IST population, the current wait time for transfer to a state hospital was 92 days (3 months) for males and 47 days (1.5 months) for females. This is far less than the 9 months noted above.

SDSD recognizes the number of incarcerated persons (IP') who have been deemed IST and awaiting placement into the Department of State Hospitals (DSH) for treatment has increased in recent years. Per DSH, this is as a result of a shortage of available beds at state hospitals state-wide, which has extended transfer times in some instances. However, the time frames referenced above related to incarceration periods within San Diego County facilities from intake to the time of transfer to DSH are estimations and do not appear to be determined by review of any actual booking records by the Grand Jury.

The SDSD partially disagrees with this finding since the time frames listed above are an over generalization and do not represent the experience of all incarcerated persons who are deemed IST. There are some instances where the length of stay can be extended due to DSH's availability, but this is not accurate in every instance. Additionally, the statement that individuals are therefore subject to increased risk of harm to self or others due to lengthy jail stays is unsubstantiated. There is no data presented in this report that indicates incarcerated persons deemed IST in San Diego jails had a higher rate of documented harm to themselves or others. There is no current documentation or tracking system that associates overall length of stay with incidents of self-harm or harm committed on others by individuals identified as IST.

Grand Jury Finding 02:

IST IPs in the San Diego County jails have an increased risk of being written up for rules violations or charged with assault the longer they stay in jail. Jail rules violations and additional charges can result in lengthier incarceration.

Response: The San Diego Sheriff's Department disagrees wholly with this finding.

The following fact in this report (listed below) was used to substantiate Finding 2.

- Individuals who experience psychological distress in jails are at risk of being written up for rules violations or charged with assault the longer they stay in jail. Jail rules violations and additional charges can result in lengthier incarceration.

There is no dispute that individuals who experience psychological distress may behave in a manner differently than their baseline. Since jails are a microcosm of society, it would stand to reason that people experiencing physiological distress in jails may also behave in a manner different than their baseline. However, there is no data that indicates IPs in psychological distress within San Diego County jails are more at risk of being written up for rule violations or have new criminal charges filed against them. Furthermore, the term psychological distress is broad in nature and there is no tracking mechanism to capture this metric in a Rule Violation Report (RVR) or a Crime/Arrest report. Mental health clinicians and sworn staff work together to address any concerns related to individuals who have mental health concerns and/or behavioral problems. Some of these individuals are IST. The multi-disciplinary group of sworn and mental health staff meet weekly to ensure these IPS are provided adequate medical and mental health resources. Incentive and behavioral plans are established if necessary. Sworn and mental health staff commonly use these plans in lieu of any written rule violation as they are deemed more successful and tailored to the needs of the IP.

An RVR is an administrative report which documents the violation of facility rules and regulations by an incarcerated person. The ensuing disciplinary process is meant to correct errant behavior by an incarcerated person. Most disciplinary processes result in informal sanctions such as written warnings or verbal counseling. Formal sanctions for more severe incidents include loss of visits, loss of commissary, or disciplinary lockdown. Loss of good time credits as a sanction is used with great discretion and is considered a last step in progressive discipline. It has not been common practice in recent years for an individual who is deemed to be under psychological distress or is IST to lose good time credits as a disciplinary measure, thus extending their time in jail.

Grand Jury Finding 03:

The JBCT program decreases the San Diego County jail DSH transfer waitlist by providing competency restoration treatment for 23% of San Diego County jail IST IP's.

Response: The SDSO agrees with this finding.

Grand Jury Finding 04:

There is no competency restoration treatment and limited general mental health programming provided to IST IP's housed in the San Diego County jails who are not selected for the JBCT program.

Response: The San Diego Sheriff's Department disagrees partially with this finding.

At the time the Grand Jury toured the facilities, there were no other competency restoration programs in place, other than JBCT. We were in the early stages of working with the Department of State Hospitals to start a program focused on Early Access and Stabilization Services (EASS). The EASS program will enable the Sheriff's Department to provide restoration services to those who are not transferred to DSH or accepted into JBCT. The contract with a soon to be named vendor should be finalized in July 2023. It is important to note that competency restoration is a state obligation. See, e.g., Cal. Penal Code §1370.

Grand Jury Finding 05:

Implementation of competency tutoring/support as a stop-gap measure may increase likelihood of IST IPs, at time of 60-day re-evaluation, being found ready to proceed with court proceedings.

Response: The San Diego Sheriff's Department disagrees partially with this finding.

SDSD has no involvement in whether or not an IP is deemed IST. The IST process is initiated by the IP's legal defense team, which could begin immediately after booking or later in the process, as outlined in California Penal Code (PC) section 1368. During this time frame, SDSD provides a safe environment and in some cases, psychiatric services and medications for the IP as they await their forensic evaluation by a County psychiatrist from the Forensic Evaluation Unit (FEU). Mental health services provided by SDSD mental health professionals, other than those within JBCT, are focused on an IP's specific diagnoses, not on restoration. After the forensic evaluation is completed, a court will determine the IP's final IST status, as outlined in 1370 PC. Each case is unique and there is no set time frame for this process.

If deemed IST, DSH must have the IP transferred to a state hospital within a "reasonable amount of time" so that state mental health staff can complete a mandated report within 90 days, detailing the restoration process. In order to evaluate their own waitlist, DSH has implemented a re-evaluation program to assess overall needs of the IST population not at DSH or in JBCT. This program re-evaluates IPs after they have been in custody for 60 days to see if they have been restored to competency during this timeframe and no longer need services from DSH or JBCT. As noted above, SDSD staff provide mental health services and programs to all of our population. These services are tailored to the needs of the IP and their diagnosed mental health condition and not restoration. Restoration counseling and programming is a very specific treatment and should not be confused with other mental health programs within the jails. Competency treatment is a state obligation and DSH has not initiated any competency "tutoring or stop-gap" programs for this specific population. If DSH did introduce and fund such a program, the Sheriff's Department would gladly review the possibility of instituting it into our current JBCT programming. In the meantime, the Sheriff's Department has and will continue to provide quality mental health services to all IPs as needed. It is the FEU and the court who will ultimately determine if an IP will be able to assist in their own defense and can proceed with court proceedings.

Grand Jury Finding 06:

Untreated or inadequately treated individuals with a serious mental illness, especially in a jail setting, have increased risk of self-harm, being written up for rules violations, or being charged with assault while in jail.

Response: The San Diego Sheriff's Department disagrees wholly with this finding.

As addressed earlier in Finding 02, the San Diego Sheriff's Department feels this is speculative and an overgeneralization not backed by data specific to incidents within San Diego jails. The Grand Jury has not cited any data or examples that indicate IPs with a serious mental illness, within San Diego County jails have an increased risk of being written up for rule violations or being charged with assault.

For clarification, of the 204 Assault on Law Enforcement incidents documented as having occurred in San Diego jails between June 15, 2022, and June 15, 2023, 73 (36%) involved IPs who were classified as 1368 or 1370. A review of each of these cases revealed the following:

- 32 were submitted to the District Attorney (DA) for review
- 2 were submitted to the City Attorney (CA) for review
- 30 were closed by exception (not submitted to the DA or CA)
- 3 were closed or suspended by the Sheriff detective
- 4 were closed by arrest with no further disposition
- 2 remain open

A deeper review of assault cases occurring in 2023 YTD, involving an IP who was classified as 1368/1370, reveal that very few cases result in any sort of criminal charge.

- 70% of the cases were rejected or declined prosecution per discretion of the DDA
- 20% of the cases were suspended awaiting hearing to determine competency
- 10% of the cases are still open and not yet submitted.

As noted earlier, it is not standard practice for deputies to complete RVRs on this same population. Deputies and mental health care professionals meet weekly to discuss IPs with behavioral and mental health concerns and develop focused plans to help them work through issues and concerns while incarcerated.

Grand Jury Finding 07:

There is gender inequity as female IPs are not provided equal access to treatment.

Response: The San Diego Sheriff's Department disagrees partially with this finding.

The Grand Jury report listed the following facts related to this finding:

- The JBCT program only accommodates male IST IPs to participate in the program. Females are not offered JBCT.
- As of November 2, 2022, there were 19 female IST IPs in the San Diego County jail.

The San Diego Sheriff's Department did have a system in place to provide JBCT services to females, who are all housed at Las Colinas Detention and Reentry Facility (LCDRF). In 2017, San Bernardino County Sheriff's Department (SBSD) received \$40.1 million dollars from the State of California for a 96-bed JBCT program, which allowed them to provide services for IPs from any Southern California county. This contract was amended in May of 2018 and June of 2019, which ultimately increased the total number of JBCT beds to 146. Females from LCDRF were transferred to the SBSB for services. The original terms for this program ended in December of 2020, at which time the COVID 19 pandemic was at its height. Due to the risks associated with the pandemic, many programs, including those which required the movement of IPs between different counties, were placed on hold. San Bernardino County has now indicated they are not accepting any out of county IPs, which has resulted in the cessation of JBCT access to females.

Competency restoration is a state obligation. The state's limited funding for JBCT in San Diego has been put to most efficient use by setting up one location for males at our San Diego Central Jail. The state could fund a second location for female IPs but has not done so as of yet. The San Diego Sheriff's Department continues to advocate for our females to be accepted by DSH in a timely manner. Females will have access to EASS when it is implemented.

Grand Jury Finding 08:

IST IPs would have better access to mental health services in housing units which are staffed with mental health professionals.

Response: The San Diego Sheriff's Department disagrees partially with this finding.

The Grand Jury included the following facts to support Findings 08 and 09.

- Unless selected for the JBCT program, there is no dedicated housing for IST IPs.
- IST IPs are housed at any of the following facilities: Central jail [sic], Vista Detention, Las Colinas, George Bailey.
- IST IPs are housed in all types of housing units including administrative separation units which are solitary confinement housing.
- No group counseling or other multifaceted mental health programming is available for those IST IPs not in the JBCT program or the PSU unit.

SDSD currently has the following Sheriff's Mental Health Clinicians deployed at the following facilities and/or programs. These figures do not include our supervising Mental Health Clinicians, JBCT staff or our Psychiatric Stabilization Unit (PSU) staff. These figures do not include mental health clinicians and staff provided to us per our contract with our healthcare

provider, Naphcare. Naphcare provides staff as needed since we are a hybrid system, which includes SDSD staff working alongside Naphcare contracted staff.

- VDF-7
- SDCJ-8
- LCDRF-7
- GBDF-6
- Medication Assisted Treatment (MAT)-3

We are currently in the process of hiring additional clinicians for our newest facility, Rock Mountain Detention Facility, which began housing IPs on July 8, 2023. Mental Health staff from GBDF will also provide necessary coverage to IPs at RMDF until additional staff is hired.

Currently our mental health professionals are staffed 24 hours a day at our booking facilities (SDCJ, VDF and LCDRF) four days a week. The other three days have coverage from 0600-2230. Mental Health schedules have been designed so that a clinician can respond from one facility to another on the days they do not have 24 hours coverage. GBDF has coverage each day from 0600-2230. We are actively working toward 24-hour coverage at GBDF. The populations at East Mesa Detention Facility (EMDF) and South Bay Detention Facility (SBDF) have access to mental health services as well. Anyone diagnosed with severe mental health issues, including IST, would not be housed at EMDF or SBDF.

These clinicians interact with our IPs through a variety of mechanisms, including: established psychiatric sick call appointments at the IP's request; unscheduled, emergent needs for IPs in crisis; follow-up appointments; medication assessments; staff referrals; and during weekly Wellness Checks; and, during programs. With the exception of JBCT and PSU, mental health clinicians are not assigned to specific housing units. The Sheriff's Department does not believe assigning clinicians to specific housing units would provide better access to mental health services for the IST population. We are continually recruiting additional mental health clinicians for our facilities and feel the increase in staffing will provide additional coverage at all facilities.

Grand Jury Finding 09:

Dedicated housing for all IST IPs will create more opportunities for therapy.

Response: The San Diego Sheriff's Department disagrees partially with this finding.

The IST population is currently assigned to different housing units within four of our facilities. Males are housed at San Diego Central Jail (SDCJ), George Bailey Detention Facility (GBDF) and Vista Detention Facility (VDF). Females are housed at Las Colinas Detention and Reentry Facility (LCDRF). There are IPs housed within the general population and administrative separation cells at all four facilities. Per Detention Services Bureau (DSB) Policy J.3, administrative separation shall consist of separate and secure housing, but shall not involve any other deprivation of privileges, other than is necessary to obtain the objective of protecting the

incarcerated person, staff, or public. Administrative Separation is not solitary confinement as noted in the facts above. With the exception of temporary, disciplinary isolation, DSB does not have housing defined as solitary confinement.

Administrative separation cells in all four facilities are within housing units with day rooms, which allow IPs access to telephones, showers, and television. Incarcerated persons in administrative separation housing, including those deemed as IST, may be eligible to share the dayroom and outside recreation time with another compatible incarcerated person or persons housed in administrative separation housing. The Jail Population Management Unit (JPMU) will determine if the incarcerated persons are compatible based on their classification. Incarcerated persons who agree to share the dayroom may be provided with a three-hour block of dayroom time. A shared dayroom program can serve as a step towards a return to mainline or designated special housing, but it is not required.

SDSD has developed housing units in these same facilities for IPs who require more guidance and monitoring based on their behavior and mental health concerns. These units are known as Out-Patient Step Down (OP Step Down) units. IST IPs can be housed in these specialized units. Currently there are 20 IPs deemed 1368/1370 who are housed in OP Step Down. Incarcerated persons housed at SDCJ OP Step Down unit have had access to group counseling sessions and individualized therapy for several months. We are currently in the process of introducing similar group sessions at GBDF. Obvious consideration is given to classification levels and facility safety when allowing for group counseling sessions. It is not feasible for all IPs deemed IST to be housed in designated housing units. Classification levels, criminal sophistication, behavioral concerns, and other individualized IP needs must be considered to determine appropriate housing for each IP. The Department recognizes the need for increased access to mental health care for all IPs, including those deemed IST and has already implemented programs accordingly, regardless of housing location.

Grand Jury Finding 10:

There is an insufficient number of mental health clinicians to provide appropriate basic on-site mental health services, as defined by NCCHC accreditation standards, to San Diego County jail IPs, including IST IPs.

Response: The San Diego Sheriff's Department disagrees partially with this finding.

The National Commission on Correctional Health Care (NCCHC) is an entity that offers three types of accreditations for correctional facilities, including mental health services. Accreditation in correctional environments is offered by entities other than NCCHC. Accreditation is essentially a voluntary process an institution may undergo to determine if they are meeting the entities' established protocols on defined areas. According to NCCHC, "accreditation signals a constitutionally acceptable level of care for a facility's inmates, which translates into improved

health status, fewer grievances and lawsuits, and reduced health risk to the community when incarcerated people are released."¹

It is not mandated that a correctional facility achieve accreditation from any entity, however we see the value in striving for accreditation which would validate that our processes meet the highest standards. The San Diego Sheriff's Department has made a commitment to seek accreditation from NCCHC for our facility health services as it relates to medical care and services. Once we demonstrate that SDSD's medical health service standards qualify for NCCHC accreditation, we intend to work toward accreditation for mental health services as well.

It is a true statement that the San Diego Sheriff's Department does not currently meet accreditation standards as it applies to mental health. However, this is not attributable to the fact that there is an insufficient number of staff providing services. Our current mental health staff, in partnership with Naphcare, is providing professional and "appropriate basic on-site mental health services" to our population. The Department is seeking to hire more mental health professionals in order to streamline workloads and provide proactive mental health programs for our population.

NCCHC has no established ratio of mental health clinicians to IPs. NCCHC standards are written so they are applicable to a jail with 5 IPS and a jail housing 5,000 IPs. At this time, SDSD does not meet NCCHC standards because we do not adhere to certain mandated policies by NCCHC, not due to quantity of staff or quality of our care. For example, NCCHC policy states a mental health clinician must have attended a class on "Infection Control." Currently, this is not a mandated SDSD policy for this specific classification. At the time we seek accreditation for mental health services, it will be a policy we adopt and are held accountable to.

Grand Jury Finding 11:

An increase in general mental health services will increase likelihood of IST IPs, at time of the 60-day re-evaluation, being found ready to proceed with court proceedings.

Response: The San Diego Sheriff's Department disagrees partially with this finding.

As addressed in the Department's response to Finding 05, SDSD staff provide mental health services and programs to all our incarcerated population, including those deemed IST. These services are tailored to the needs of the IP and their diagnosed mental health issues and not restoration. Restoration counseling and programming is a very specific treatment and should not be confused with other mental health programs within the jails. It is the responsibility of the state to ensure IPs are provided the opportunity to attain competency so they can continue their court proceedings. DSH has funded JBCT programs state-wide in many county jails, including San Diego to help decrease their wait list for treatment in a state hospital. Currently, the San Diego

¹ [Accreditation - National Commission on Correctional Health Care \(ncchc.org\)](https://www.ncchc.org)

Sheriff's Department is working in partnership with DSH to implement the EASS program to further decrease the waitlist for those not accepted into JBCT.

San Diego Sheriff's Department is always striving to provide timely and quality mental health services to all IPs. Without a doubt, the Sheriff's Department hopes that any mental health services we provide will benefit our incarcerated population with their mental health concerns as well as assist in their restoration. Currently, SDSD has not received any statistics presented by DSH since the Re-evaluation Program was instituted in 2021, which would substantiate that increased, generalized mental health services would increase the likelihood of an IP being found competent after a 60-day re-evaluation. DSH does not share any data with us on the results of these re-evaluations. Since the program start date in San Diego County, there have been 236 re-evaluations conducted by DSH, but they have not indicated how many were deemed competent. Without supporting data, this finding is speculative.

Grand Jury Finding 12:

Costs of increased County funding for competency restoration treatment and/or general mental health services to IST IPs may be offset by cost savings from shorter IST IPs jail stay.

Response: The San Diego Sheriff's Department disagrees partially with this finding.

While the Department appreciates the Grand Jury's attempt to identify possible cost savings, this finding does not take several things into consideration. First, timeframes related to IST proceedings are dictated by the State, not the County of San Diego. SDSD has no involvement in whether or not an IP is deemed IST. The IST process is initiated by the IP's legal defense team, which could be immediately after booking or later in the court process, as outlined in California Penal Code (PC) section 1368. During this time frame, SDSD provides a safe environment and in some cases, psychiatric services and medications for the IP as they await their forensic evaluation by County psychiatrist from the Forensic Evaluation Unit (FEU). After the forensic evaluation is completed, a court will determine the IP's final IST status, as outlined in 1370 PC. Each case is unique and there is no set time frame for this process.

If deemed IST, DSH must have the IP transferred to a state hospital within a "reasonable amount of time" so that state mental health staff can complete a mandated report within 90 days, detailing the restoration process. Court rulings have deemed a "reasonable amount of time" to be 30 to 35 days. See, e.g., *Stiavetti v. Clendenin* (Cal. Ct. App. 2021) 65 Cal.App.5th 691 (establishing maximum of 28 days for state to commence substantive restoration services). This allows for at least 55 days for the examination, assessment and report completion by DSH staff. DSH has the sole decision-making authority on who will be transferred to state hospitals or allowed to attend an in-house Jail Based Competency Treatment (JBCT) program. SDSD mental health staff reach out to the Patient Management Unit (PMU) of DSH on a regular basis to determine when an individual will be transferred as ordered. SDSD cannot transfer an individual to a state hospital without DSH approval. This transfer process is unique to each IP and

dependent on available bed space within DSH. This will obviously add to the length of stay for an IP as they await the restoration process.

Second, the County of San Diego does receive funding from DSH for the JBCT program and will eventually receive funding for the EASS program. This helps to offset restoration costs which have been transferred to the County of San Diego and contractually agreed upon by both parties. There is no expectation or mandate that DSH cover any mental health services costs incurred by IST IPs unrelated to restoration.

Third, IST IPs are in custody for a myriad of charges, ranging from low-level property crimes to crimes of violence against children and homicide. Since California's Public Safety Realignment Initiative (known commonly as Realignment) many of these individuals may eventually be found competent, convicted and sentenced to local prison time, which means they stay in County custody to complete their sentence. It would be an overgeneralization to assume there would be shorter stays in county jail and therefore any cost savings. While the Sheriff's Department recognizes the need to be good stewards of county funds, it is also important to provide quality mental health services as needed without cost savings being a major driver for decisions related to service and programs.

Below are the San Diego Sheriff's Department's responses to the Grand Jury recommendations.

Recommendation 23-10: Continue the partnership with DSH in funding the JBCT program. Request DSH expand the current 30 bed program to accommodate more IST IPs or find alternate funding from the County Board of Supervisors.

Response: This recommendation will not be implemented because it is not warranted or is not reasonable at this time. This recommendation actually has two parts. The Sheriff's Department will continue its partnership with DSH with respect to contracting for services for our IST population. We do so now for our JBCT program, and we are currently working on a contract for EASS. At this time, it is not possible or feasible to expand our JBCT program past our current 30 beds at San Diego Central Jail. We do not have the sworn staffing or adequate housing in our facilities to accommodate this specialized housing. San Diego jail facilities are currently undergoing infrastructure changes related to requirements for Americans with Disability Act (ADA) as well as upgrades for technological advancements. This will limit our bedspace for several years, well past the six-month time frame expected for recommendations submitted by the Grand Jury. Restoration is a state responsibility and local funding is not available for the program without reimbursement from DSH. The Sheriff's Department will continue to advocate at the State level for funding to become available.

Recommendation 23-11: Provide a female JBCT program through requesting additional funding from DSH or finding alternate funding from the County Board of Supervisors.

Response: This recommendation requires further analysis. In 2020, the San Bernardino County Sheriff's Department received funding from DSH for restoration programs which were open to all IST IPs in Southern California. The San Diego Sheriff's Department will contact SBSD and DSH to inquire if we can send our female IST population to their facility. It is our hope SBSD will be able to accommodate this request and particularly before the six-month requirement. Restoration is a state responsibility, and local funding is not currently available for a female specific JBCT program without reimbursement from DSH.

Recommendation 23-12: Provide competency tutoring/support as a stop-gap measure for IST male and female IPs who have not been selected for the JBCT program while they await DSH transfer.

Response: This recommendation has not been implemented but will be implemented in the future. The San Diego Sheriff's Department is currently in the process of finalizing a contract with DSH and a third-party mental health firm to provide EASS services to our female and male IST population.

Recommendation 23-13: Provide dedicated housing for IST IPs who are not selected for the JBCT program to facilitate more efficient access to IST IPs by the limited number of mental health clinicians.

Response: This recommendation will not be implemented because it is not warranted or is not reasonable. IST IPs are housed in several different housing areas within four separate jail facilities. Those IST IPs who are not housed in the JBCT program are housed according to their classification levels, their criminal sophistication, and their ability to maintain in certain housing units. Some IPs can maintain in general population, where they can interact with other non-IST IPs. However, some IST IPs pose a danger to themselves and others and require more restrictive or specialized housing. As a result, it is not feasible to house these two groups together due to impacts on daily operations such as dayroom time, outside recreational time, programming, and social visits. Mental health clinicians are able to provide services to all IST IPs in their current housing units.

Recommendation 23-14: Provide increased general mental health services to all IST IPs including individual counseling, group counseling, and psychological/psychoeducational programs.

Response: This recommendation has been implemented. Before receipt of this Grand Jury report by the San Diego Sheriff's Department, programs and group and individualized counseling sessions were already being conducted with our population in our OP Step Down housing units

at SDCJ. The OP Step Down unit currently houses 20 IST IPs along with other individuals who require specialized housing. Not all IPs are able to maintain in group counseling sessions either due to mental health or behavioral issues. Individualized meetings are set up for these IPs when they are willing to participate. These programs have been in place at our PSU units at SDCJ and LCDRF for many years. Similar group counseling sessions and programs are currently being planned for our IST population at GBDF.

Recommendation 23-15: Increase jail mental health staffing.

Response: This recommendation has been implemented. The Board of Supervisors increased our mental health staffing in fiscal year 20/21 based on our overall mental health needs at our current facilities, in anticipation of the opening of Rock Mountain Detention Facility and the implementation of our Medication Assisted Treatment (MAT) program. The San Diego Sheriff's Department has been actively recruiting new mental health clinicians to fill these new positions. Like many agencies around the nation, mental health clinicians are deemed a "hard to recruit and hire" position within San Diego County. We have been able to maintain 24-hour coverage in our intake facilities this past year and are on our way to 24 hours coverage at GBDF later this year.

In June of 2021 we finalized our contract with Naphcare to provide medical and mental health services. Naphcare mental health clinicians are used to supplement Sheriff mental health staff on a daily basis in all of our facilities. We have not hired mental health clinicians to fill all of our newly acquired positions but continue to aggressively recruit and work on retention of this staff.

Recommendation 23-16: Increase collaboration with local universities to bolster recruiting efforts to work in the jails and to provide additional mental health services by students/interns, while under the supervision of Sheriff's Department licensed clinicians.

Response: This recommendation has been implemented. In mid-2022, the Sheriff's Department and the County's Department of Human Resources (DHR) partnered to create a new entry-level mental health position for the Sheriff's Department. This newly created position allows the Department to hire college graduates aspiring to attain their license in social work, family and marriage counseling, or a similar field. These aspiring mental health clinicians, known as Associate Mental Health Clinicians, will work under the supervision of a licensed mental health provider and will receive on-the-job training and necessary credits and experience toward their license. The department is also partnering with local universities to provide training to supervising mental health clinicians for certification as instructors for this new classification.

Associates gain clinical skills to practice within this very specialized field of forensics/corrections and acquire skills to prepare them to practice independently as a Licensed Mental Health Clinician. Providing clinical supervision mitigates risks to our patients and the Department/County. This classification will provide case management services to clients in custody convicted of crimes confined in a Sheriff's detention facility. Case management will

include not only referrals to services within the custody setting, but they will also provide discharge planning services, follow up wellness checks, provide connections to community resources, and collaboration with Public Conservator's Office.

Recommendation 23-17: Increase collaboration and sharing of staffing resources with other county agencies to provide enhanced mental health services to all county jailed IPs.

Response: This recommendation has not been implemented, but will be implemented in the future. The Sheriff's Department is in constant collaboration with County's Behavioral Health Services (BHS) and Public Health Services to facilitate the sharing of information and best practices regarding mental health. One of the main goals of this collaboration is the sharing of data such as electronic health records (EHR) for increased continuity of care for our incarcerated population.

The biggest challenge to this effort will be to establish clinically useful but secure messaging built on Consolidated Clinical Document Architecture (CCDA) technology. This would enable information sharing on common patients between providers of the county psychiatric hospital and jail healthcare providers. The Sheriff's Department has worked with their EHR vendor, TechCare, to meet CCDA standards. BHS has confirmed that their vendor, Cerner, has the ability to use CCDA; however, BHS is still working on developing a specific module within Cerner to allow for this functionality. We are waiting for the completion of this project before we move forward. In the interim, BHS is providing Sheriff's clinical teams access to Cerner for care coordination and has requested Sheriff provide BHS clinical staff access to TechCare.

In closing, I would like to thank the Grand Jury for their efforts in working with the Sheriff's Department in their review and recommendations to provide quality care and service to our incarcerated population.

Sincerely,



Kelly A. Martinez, Sheriff

KAM:TMAH:aeb

cc: Members, Board of Supervisors
Helen Robbins-Meyer, CAO
Andrew Potter, Executive Officer, Clerk of the Board
Ed Lopatin, Foreman, San Diego Grand Jury