

**MOTION BY SUPERVISOR KATHRYN BARGER**

September 27, 2022

**Exploring Models for a Secure Mental Health Treatment Facility**

The latest report issued by Office of the Inspector General, presented to the Board of Supervisors on September 13, 2022 outlined the severe overcrowding conditions at the Inmate Reception Center (IRC). These conditions are also the basis for the ACLU's September 8, 2022 Temporary Restraining Order application.

The County has a constitutional duty to safely house and treat inmates. The Board of Supervisors has adopted the Care First, Jails Last model which has not expanded community-based mental health beds or addressed the woeful inadequacies of treatment beds for those inside the jail. This strategy was stressed in The JFA Institute's report issued on September 2021 as part of five strategies to reduce the jail population.

We must face the harsh reality that not all will qualify for diversion to community-based programs based on a variety of factors, including their charges and their threat to public safety. In his recent ruling, Judge Pregerson noted that the county must address the overcrowding issues and public safety. The conditions at the IRC and the proposed mitigation efforts will only be temporary and ineffective in the long run unless we address the lack of treatment beds in the jails to meet the constitutional rights of our

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mentally ill inmates, especially those with serious mental illness.

As our mentally ill inmate population continues to rise, investment in a new facility is more crucial now than ever before. A new facility can help with providing the proper therapeutic and programmatic spaces for our inmates but also attract and retain qualified professionals. More importantly, it is integral part of the county's ability to comply with the remaining and most challenging provisions in the DOJ's consent decree. Specifically, provisions related to mental health treatment and use of force as follows:

- **Provision 63:** "The County and Sheriff will maintain adequate High Observation Housing and Moderate Observation Housing sufficient to meet the needs of the jail population with mental illness. . ."
- **Provision 64:** The County/Sheriff must develop a long-term plan "to reasonably assure the availability of licensed inpatient mental health care." The plan must describe the capacity required, strategies that will be used to obtain additional capacity, and resources necessary for implementation.
- **Provision 80:** "The County will continue to make best efforts to provide appropriate out-of-cell time to all prisoners with serious mental illness . . ." including 100% of all HOH inmates with ten hours of unstructured out-of- cell rec time, and ten hours of structured therapeutic or programmatic time per week.

It is, therefore, prudent and necessary for our Board to revisit the options to replace Men's Central Jail and establish a humane treatment facility.

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**I, THEREFORE, MOVE THAT** the Board of Supervisors direct County Counsel to work with the Chief Executive Office, the Department of Mental Health, the Office of the Inspector General, the Sheriff's Department, Department of Health Services Correctional Health Services, the Office of Diversion and Re-entry, and other relevant departments to report back to the Board of Supervisors in writing within 90 days on existing or proposed models of non-custodial but secure mental health treatment facility/facilities for those incarcerated that cannot be diverted which will address Provisions 63, 64 and 80 contained in the DOJ Consent Decree.

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