

RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: Mental Health Care in the Marin County Jail Follow-up
REPORT DATE: February 21, 2018
RESPONSE BY: County of Marin Board of Supervisors

GRAND JURY FINDINGS

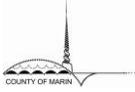
- We disagree wholly or partially with the findings numbered: **F1, F2, F3**

GRAND JURY RECOMMENDATIONS

- Recommendations numbered **R1, R2, R10 and R12** have been implemented.
- Recommendations numbered **R3, R9 and R11** have not yet been implemented, and will be implemented within the next 6 months.
- Recommendations numbered **R4 and R8** require further analysis.
- Recommendations numbered **R5, R6 and R7** will not be implemented because they are not warranted or reasonable.

Date: _____

Signed: _____
President, Board of Supervisors



County of Marin Response to Grand Jury Report Findings and Recommendations
"Care of Mentally Ill Inmates in Marin County Jail"
May 22, 2018

RESPONSE TO GRAND JURY FINDINGS

F1. Lack of full compliance by the Sheriff and the Board of Supervisors with the recommendations of the 2016-17 Grand Jury Report *Care of Mentally Ill Inmates in Marin County Jail* creates a situation for mentally ill inmates that could be characterized as cruel and unusual punishment as defined by multiple court cases.

Response: Disagree.

As discussed more fully in our response to the 2016-17 Grand Jury Report *Care of Mentally Ill Inmates in Marin County Jail*, mentally ill inmates are currently being treated by highly professional, dedicated, and competent staff in accordance with the laws and regulations that govern required services in a jail. This includes, but is not limited to, ensuring that the use of Safety Cells and the amount of out-of-cell time that mentally ill inmates are afforded comports, at a minimum, with California Code of Regulations Title 15 Minimum Standards for local detention facilities. While Courts have described the use of isolation as cruel and unusual punishment in certain circumstances, this is not the case for the use of Safety Cells as used in the County Jail. Settlement agreements involving other Counties do not alter or negate those existing laws and regulations that govern required services in a jail, with which the County of Marin currently complies. The Sheriff's Office and Department of Health and Human Services (HHS) will continue to monitor developments in this area to ensure that the County provides care that meets both constitutional and regulatory requirements.

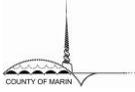
F2. Lack of full compliance by the Sheriff and the Board of Supervisors with the recommendations of the 2016-17 Grand Jury Report *Care of Mentally Ill Inmates in Marin County Jail* may expose the County to significant liability.

Response: Disagree.

As discussed more fully in our response to the 2016-17 Grand Jury Report *Care of Mentally Ill Inmates in Marin County Jail*, mentally ill inmates are currently being treated by highly professional, dedicated, and competent staff in accordance with the laws and regulations that govern required services in a jail. Agreement with all the recommendations in this 2016-17 Grand Jury report is not feasible nor legally required. However, the County of Marin does continually work to improve its standard of care for mentally ill inmates. Over the course of the past year, the Board of Supervisors has approved the addition of 2.5 FTE in the Detention Mental Health program. Numerous County departments are also now working together to implement the Stepping Up Initiative, which focuses on reducing recidivism, reducing the number of people with mental illness in the jails, reducing the length of incarceration for those who must be in the jails, and providing appropriate mental health treatment. HHS continues to work together with the Sheriff's Office and the County Administrator to present additional enhancements as described below in the responses to Recommendations, which will be implemented within the next 6 months.

F3. HHS is not timely updating the HHS Detention Medical and Mental Health Services Marin County Jail Policy and Procedures Manual.

Response: Disagree.



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The HHS Detention Medical and Mental Health Services Marin County Jail Policy and Procedures are reviewed annually by the responsible physician. Policies and procedures are revised as clinically indicated. Biennially, the Board of State and Community Corrections (BOSCC) completes an in-person inspection of the Marin County Jail. Additionally, annual health inspections are completed and submitted to BOSCC to ensure the facility meets standards established by Title 15 of the California Code of Regulations (CCR). The Marin County Jail is also in compliance with IMQ standards. In 2014 the Marin County Jail was accredited by the Institute for Medical Quality (IMQ).

RESPONSE TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends the following:

R1. The Marin County Jail, together with the Board of Supervisors and the Department of Health and Human Services, should ensure that mentally ill inmates are not kept in a safety cell longer than 24 consecutive hours unless the Jail psychiatrist certifies that no other remedy is available to prevent the inmate from harming themselves or others.

This recommendation has been implemented.

Immediately after any placement in a safety cell, Marin County Sheriff's Office (MCSO) and HHS staff work collaboratively to ensure that any inmates with mental health concerns are monitored by the Sheriff's staff through direct observation at least twice every 30 minutes. The HHS Jail Mental Health Crisis Specialist conducts an assessment within 24 consecutive hours of placement in a safety cell, and confirms whether other remedies exist to prevent the inmate from harming self or others, in consultation with Jail Mental Health Psychiatrist. Psychiatric consultation is available 24 hours per day, 7 days per week.

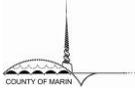
R2. Safety cells should never be used for mentally ill inmates as a substitute for adequate medication and/or other psychiatric treatment.

This recommendation has been implemented.

Safety cells have never been used for mentally ill inmates as a substitute for adequate medication and/or psychiatric treatment. Use of a safety cell may be needed to ensure the safety of the individual and/or other inmates and jail staff, or for the security of the jail facility. The use of the Crisis Stabilization Unit, Marin General Hospital and California Psychiatric Transitions provides additional options to address any need for urgent psychiatric conditions.

R3. Any inmate placed in a safety cell should be evaluated by mental health staff within four hours for the appropriateness of the placement and the evaluation of possible alternative placements.

This recommendation has not been implemented but will be in the future.



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HHS and MCSO staff are presently working to provide 20 hours of mental health coverage in the jail per day, 7 days per week. The increase to 20 hours per day will ensure inmates are evaluated within 4 hours of being placed in a safety cell by mental health staff. We anticipate this increase will be implemented within 6 months.

R4. The Board of Supervisors should, within 6 months, establish or contract with a local facility where sentenced inmates can receive involuntary administration of psychiatric medication.

This recommendation requires further analysis.

There is no current local facility that has this capacity. Inmates requiring such care will continue to be placed in licensed facilities as close as possible to Marin County. Both MCSO and HHS are interested in finding a more local solution. In addition, further research will be conducted, in partnership with other counties, to explore a regional option as well.

R5. As provided in the joint settlement agreement regarding the Los Angeles County Jails, the Marin County Jail should identify and adopt, within 6 months, policies that ensure mentally ill inmates are provided with 10 hours of unstructured out-of-cell time as well as 10 hours of structured therapeutic or programmatic time per week.

This recommendation will not be implemented because it is not warranted or reasonable.

While this settlement agreement is specific to the Los Angeles County Jail, a 19,000 inmates/day facility, MCSO has made changes locally to increase unstructured out-of-cell time. Eight hours per week of out-of-cell time is provided to mental health inmates. In addition, one hour per day of structured therapeutic and socialization time has been identified with an extra deputy to allow for multiple mental health classified inmates to be out at the same time.

R6. The Marin County Jail, together with the Board of Supervisors and the Department of Health and Human Services, should ensure that a psychiatrist be available at the Jail 8 hours per day, 5 days per week, and be available by telephone 24 hours per day, 7 days per week.

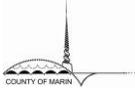
This recommendation will not be implemented because it is not warranted or reasonable.

Psychiatric consultation by telephone is currently available 24 hours per day, 7 days per week. On-site psychiatric coverage increased from 20 hours per week to 28 hours per week starting on September 30, 2017. Further increase of on-site psychiatric coverage is not warranted.

R7. The Marin County Jail, together with the Board of Supervisors and the Department of Health and Human Services, should ensure that a Mental Health Crisis Specialist or a psychiatric nurse be available at the Jail 24 hours per day, 7 days per week.

This recommendation will not be implemented because it is not warranted or reasonable.

MCSO and HHS have agreed to increase on-site mental health coverage to 20 hours per day, 7 days per week. 24 hours of on-site coverage is not warranted.



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R8. The Marin County Jail, together with the Board of Supervisors, and the Department of Health and Human Services, should immediately institute programs to provide appropriate professional (non-pharmacological) mental health therapy to all mentally ill inmates, particularly those incarcerated for longer than 7 days.

This recommendation requires further analysis.

HHS is fully engaged with the Sheriff’s Office, the District Attorney’s Office, the Public Defender’s Office, the Probation Department, the County Administrator’s Office, and representatives from the Marin County Board of Supervisors to implement the Stepping Up Initiative. This initiative focuses on reducing recidivism, reducing the number of people with mental illness in the jails, reducing the length of incarceration for those who must be in the jails, and providing appropriate mental health treatment. HHS is committed to enhance and implement jail behavioral programming that is consistent with emerging best practices, and will, within 6 months, increase Jail Mental health staffing to 20 hours per day, 7 days per week. This increase will allow the development of programs that provide enhanced mental health therapy to all mentally ill inmates incarcerated for more than 7 days.

R9. The Marin County Jail, together with the Board of Supervisors and the Department of Health and Human Services, should ensure that classification of inmates as mentally ill be reviewed by a member of the mental health staff within four hours of booking.

This recommendation has not been implemented but will be in the future.

HHS and MCSO are working to increase on-site mental health coverage in the jail from 15 to 20 hours per day to help expedite the housing classification of inmates within four hours of booking. This increase will be implemented within 6 months.

R10. All policies and procedures in the Sheriff’s Manual related to the care of inmates should be reviewed and updated within 6 months. As required by law, they should be reviewed and updated biennially thereafter. An immediate review should take place whenever code changes are made.

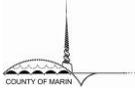
This recommendation has been implemented.

MCSO regularly informs HHS of all policies and procedures related to the care of inmates, and has identified thirty-seven policies and procedures related to the care of inmates that will be reviewed and revised, as needed, within 6 months, and on a biennial basis thereafter.

R11. The County should provide adequate funding to implement these recommendations.

This recommendation has not been implemented but will be in the future.

As part of the “Stepping Up” initiative, funds have been set-aside to provide more comprehensive behavioral health services in the Jail. Concurrent with the submission of today’s Grand Jury response, staff is recommending increased ongoing spending of approximately \$500,000 per year for mental health treatment and coverage at the jail, including the following additional positions:



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- A 1.0 FTE Behavioral Health and Recovery Services Unit Supervisor to provide clinical supervision, plan, oversee, review and evaluate the program and make to recommendations to management regarding needs and opportunities to increase effectiveness; and
- A 1.0 FTE Licensed Crisis Specialist to increase behavioral health staff's physical presence in the jail from 15 to 20 hours per day, 7 days per week, providing increase availability for early intervention at booking. With this increased coverage, staff will be able to provide therapeutic groups discussing psycho-education, symptom identification and management, coping skills development, activities of daily living and basic living skills, navigating the Behavioral Health and Recovery Services and community agency system at discharge, medication management and non-violent communication.

R12. The Jail should inform HHS of procedural changes that affect HHS policies and procedures in the jail.

This recommendation has been implemented.

The Marin County Sheriff's Office works with HHS Jail Medical and Mental Health staff daily and holds weekly leadership meetings to ensure procedural and policy changes made by the Sheriff's Office are clearly communicated so that medical and mental health policies affected by those changes are updated as well.