

Court-Ordered Involuntary Medications in the Marin County Jail



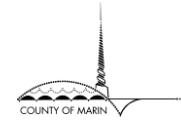
MARIN COUNTY BOARD OF SUPERVISORS

Photo Credit: Jeff Wong

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Involuntary Medications in the Marin County Jail



Current Practice

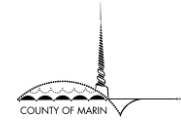
Mental health team on-site 7 days/week, 6am to 2am. Psychiatrist on-duty 20 hours/week. On-call psychiatric coverage available 24/7.

100% of incarcerated people are screened for behavioral health disorders upon booking. Of those who screen positive for serious mental illnesses, all are provided a full mental health evaluation.

Psychiatric medications are prescribed to incarcerated people voluntarily.

If someone declines prescribed psychiatric medication, even if Court-ordered, there are limited options to help.

Involuntary Medications in the Marin County Jail



Need for Involuntary Medication Procedures

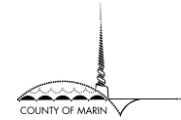
Incarcerated people with untreated psychosis and/or mood disorders may experience severe symptoms that manifest by screaming, hoarding and smearing bodily fluids, engaging in self-injury, violence towards medical and custody staff, and other mental health symptoms.

These individuals are clearly suffering.

These individuals are difficult to manage by custody staff.

These individual may face extended lengths of stay in the Jail (waiting for beds in DSH)

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Need for Involuntary Medication Procedures

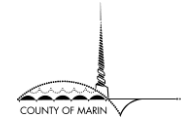
If these individuals were not in Jail, they would likely be eligible for involuntary medications through hospitalization or conservatorship.

Individuals who receive involuntary treatment at DSH and get restored to competency may decline medications upon return to Jail and be found incompetent again.

Marin County is a *Stepping Up Initiative* Innovator County, and this proposal is in line with the goals of *Stepping Up*.

The Grand Jury in 2017 recommended the County explore options for involuntary medications for incarcerated people.

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Need for Involuntary Medication Procedures

Other Bay Area Counties have options for involuntary medications through, 1) County-operated hospital that accepts incarcerated people, 2) an in-custody psychiatric facility, or 3) the jail as “treatment facility,” process

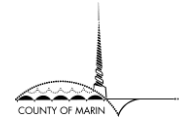


County hospital that accepts incarcerated people: Alameda, San Francisco

In-custody psychiatric facility: San Mateo, Santa Clara

Jail as “treatment facility”: Contra Costa, Solano, Sonoma

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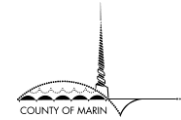


Legal Framework

Penal Code 1367 *et seq* includes a process for Court-ordered involuntary medications for individuals found Incompetent to Stand Trial.

Penal Code 2603 details the process for Court-ordered involuntary process for any individual in the Jail who is a danger to self or others, or gravely disabled.

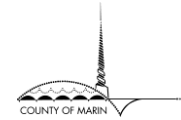
Involuntary Medications in the Marin County Jail



Proposal

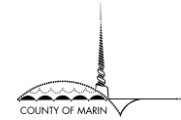
A cross departmental workgroup including HHS – BHRS, HHS – Public Health, and MCSO have been meeting to develop policies and procedures for Court-ordered involuntary medications for incarcerated people who meet specific legal criteria. This has included tours and informational sessions with other County Jails and review of protocols by County Counsel.

Involuntary Medications in the Marin County Jail



Proposal

1. Documentation of medical need and offering/refusal of prescribed treatments
2. Attestation by treating Psychiatrist
3. Petition to the Courts for involuntary medication where the incarcerated person will have legal representation (or, confirmation of existing Court order)
4. Designated team of custody staff and at least one RN to administer medications
5. Follow up observation and care.



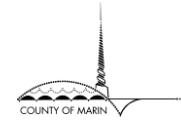
Proposal

Data collection on racial disparities in administration of Court-ordered involuntary medications.

Process safeguards include:

- Legal representation during capacity hearing
- All medications ordered by licensed Psychiatrist or Psychiatric NP
- All medications administered by an RN or other licensed medical professional
- Follow up monitoring for side effects or other adverse outcomes
- Debrief and review
- Jail CQI committee

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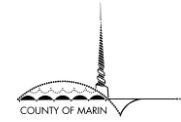


Proposal

Estimate of 10-12 people per year who might be eligible for Court-ordered involuntary medications through this protocol.

Anecdotal information from other Counties suggests that physical intervention is not needed in a vast majority of Court-ordered involuntary medication administration.

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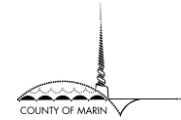
The Wrap and Cart



Restraint Chair



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Potential Benefits

Compassionate treatment of incarcerated people with serious mental illnesses, matching the community standard.

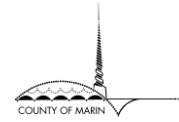
Calmer, safer, more stable Jail environment.

Reduction in length of stay and need for referral to state hospitals.

Reduction in revolving door to DSH for people who are incompetent to stand trial.

Established legal framework and due process protections for incarcerated people.

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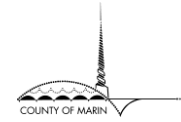


Potential Risks

Injury to incarcerated person, custody, or medical staff.

Medication adverse effects.

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Recommendation

BOS adopts resolution authorizing the Jail as a Treatment Facility for the purpose of administering Court-ordered involuntary psychiatric medications.

HHS and MCSO finalize policies and procedures with a goal to pilot by the end of Summer 2022.