

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

August 20, 2024

FROM

THOMAS W. SONE, Public Defender

GEORGINA YOSHIOKA, Director, Department of Behavioral Health

SUBJECT

Public Defender Positions for Assisted Outpatient Treatment

RECOMMENDATION(S)

Authorize the addition of three new regular positions for the Public Defender under the following classifications:

- a. One Deputy Public Defender IV, Attorney Unit, Range 82 (\$145,683 - \$195,666 annually).
 - b. One Social Service Practitioner, Professional Unit, Range S2 (\$80,000 - \$160,000 annually).
 - c. One Paralegal, Technical and Inspection, Range 49 (\$57,429 - \$78,811 annually).
- (Presenter: Thomas W. Sone, Public Defender, 382-3950)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The estimated annual cost for the three positions and administrative costs (general expenses office supplies, travel and training) will be funded by the Department of Behavioral Health's (DBH) allocation of Mental Health Services Act (MHSA) funds. DBH will reimburse the Public Defender (PD) per the Memorandum of Understanding (MOU) established on July 12, 2024. Should the MHSA funding become unavailable for these positions, PD will delete the positions if PD cannot fund the positions. Adequate appropriation and revenue have been included in the PD and in DBH's 2024-25 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

Effective September 30, 2021, Senate Bill (SB) 507 amended AB 1976 to expand the criteria for when Assisted Outpatient Treatment (AOT) services may be court-ordered for persons with serious mental illness at risk for becoming gravely disabled or posing a risk of harm to themselves or others. Involuntary treatment implicates the fundamental right to personal autonomy constitutionally guaranteed to all persons in California. Accordingly, procedural due process protections, such as the right to counsel, to present evidence, to cross-examine witnesses and to habeas corpus, are embedded within the AOT legislation.

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On June 13, 2023 (Item No. 27), the Board of Supervisors (BOS) adopted Resolution No. 2023-90 to participate in AOT under the new requirements established by SB 507. Additionally, the Board approved the expansion of DBH's Recovery Based Engagement Support Team (RBEST) program complying with the new AOT service standards. DBH's RBEST-AOT program is designed to reach individuals who struggle to exit the mental health system's revolving door through a multi-disciplinary team approach and with support from key collaborative partners, including PD and the Sheriff/Coroner/Public Administrator.

On July 12, 2024, DBH and PD established a five-year MOU to provide AOT services, pursuant to Welfare and Institutions Code section 5345 *et seq.* (also known as Laura's Law), to county residents with a history of untreated mental illness that meet certain criteria. AOT services, intended to break the cycle of incarceration, homelessness and hospitalization of adults with serious mental illness, will be provided under DBH's RBEST AOT program. Under the MOU, PD will fulfill two critical AOT functions: 1) proactively engage with each potential AOT candidate to encourage voluntary participation in appropriate treatment, and 2) protect each person's due process right. PD's AOT mobile team will meet potential AOT candidates where they reside.

General expenses, office supplies, travel and training costs and the three new positions will be funded by MHSA funds, which will enable PD to provide legal consultation and representation to individuals receiving AOT services, provide field-based consultations and engagement for potential AOT candidates, and consult with DBH regarding referred clients and existing AOT program participants.

The Human Resources Department reviewed PD's classification requests and agrees with the above recommendations.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by Human Resources (Gina King, Deputy Director, 387-5571) on July 23, 2024; Behavioral Health (Georgina Yoshioka, Director, 252-5142) on August 1, 2024; Public Defender (Diana Lovelace, Chief of Administration, 382-3950) on July 23, 2024; County Counsel (Scott Runyan, Principal Assistant County Counsel, 387-5455) on July 23, 2024; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on August 6, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on August 6, 2024.

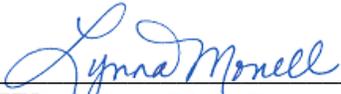
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: August 20, 2024



cc: File - Human Resources/ Classifications
jm 08/27/2024