

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

**November 15, 2022**

**FROM**

**SHANNON D. DICUS, Sheriff/Coroner/Public Administrator**

**SUBJECT**

Revenue Agreement with the California Department of State Hospitals for the Administration of Re-Evaluation Services Via Telehealth Video Interviews

**RECOMMENDATION(S)**

Approve **Revenue Agreement No. 22-1093**, including a non-standard term, with the California Department of State Hospitals (State Agreement No. 22-76003-005) retroactively from July 1, 2022 through June 30, 2024, for a maximum reimbursement of \$280,000, to administer a Telehealth Video Interviews Program at the County's West Valley Detention Center. (Presenter: Kelly Welty, Chief Deputy Director, 387-0640)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**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 Discretionary General Funding (Net County Cost). The California Department of State Hospitals (DSH) will reimburse the Sheriff/Coroner/Public Administrator (Department) a maximum of \$280,000 (start-up costs \$5,000; one-time implementation costs \$32,500; flat rate per evaluation \$1,000), for both direct and indirect costs associated with administering a Telehealth Video Interviews Program (THVIP) for inmates that have been declared as Incompetent to Stand Trial (IST) and need to be re-evaluated by DSH's staff to assess their condition. Budget adjustments are not requested at this time, but will be included in the mid-year budget report presented to the Board of Supervisors (Board) for approval, if necessary.

**BACKGROUND INFORMATION**

The DSH is responsible for returning to competency individuals that have been charged with a felony and determined to be incompetent to stand trial by the California Superior Court (Court). Once an individual is committed to a DSH facility for treatment, the facility has 90 days to make a written report to the Court concerning the defendant's progress toward recovery of mental competence. Currently, the DSH has insufficient beds, creating lengthy waiting lists of jail inmates throughout the State, including those in San Bernardino County (County), who are in need of mental competency restoration services.

To address this shortage, the DSH has contracted with the Department to provide access to the West Valley Detention Center (WVDC) to administer the THVIP for inmates declared as IST by

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the Court. The video interviews will allow for DSH's staff to provide services remotely to ISTs to re-evaluate their competency status, psychotropic medication status, and assessment for placement in alternative community-based programs, including but not limited to mental health diversion or community-based mental health restoration services. This program will allow inmates to begin treatment sooner and significantly decrease the time these individuals remain incarcerated due to faster adjudication of their criminal charges.

Approval of this Agreement will allow the Department to provide a secure setting in the WVDC to conduct the telehealth video interviews, technology (via portable computing devices) and Deputy Sheriffs to escort the IST inmates to and from their housing units and interview room, while providing security and monitoring the IST during the interviews. The Agreement includes the following non-standard term that differs from the County's standard contract language:

1. In the event the DSH and the county jail facility are determined to be comparatively at fault in any claim, action, loss, or damage which results from their respective obligations under such contract, each shall indemnify the other to the extent of its comparative fault.
  - County Policy 11-07 requires the contractor to indemnify the County.
  - Potential impact: The DSH standard State Agreement requires the County to indemnify the State based on comparative fault. The County could be liable for potential harm or loss incurred by the DSH.

While this is a notable exception to the County's standard contract language, the Department recommends approval of the Agreement in order to pursue the County and Chief Executive Officer's goals and objectives by working with other agencies and to provide for the safety, health and social services needs of County residents. County Counsel and Risk Management have reviewed and provided input on the DSH standard agreement.

After lengthy negotiations between the Department and DSH, on September 26, 2022, the Department received notification of the Agreement from DSH with a performance period of July 1, 2022 through June 30, 2024. Interview services related to this agreement have been provided since July 1, 2022 in an amount of \$4,000, in addition to the initial set-up and implementation costs. These are eligible THVIP expenses that can be claimed retroactively to the beginning of the program. The Agreement is being presented to the Board for acceptance at the earliest available meeting after completion of the required financial and legal reviews.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on October 27, 2022; Risk Management (Victor Tordesillas, Director, 386-8621) on October 26, 2022; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on October 28, 2022; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on October 28, 2022.

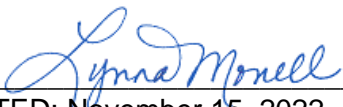
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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Joe Baca, Jr. Seconded: Janice Rutherford  
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Curt Hagman, Joe Baca, Jr.  
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: November 15, 2022



cc: Sheriff - Welty w/agree for sign  
Contractor - C/O Sheriff w/agree  
File - w/agree  
CCM 11/16/2022