



January 16, 2022

Lesley Stewart, Community Corrections Partnership Workgroup

NAMI Statement Urging Pursuit of the Secured Forensic Treatment Facility

To the Partnership,

NAMI Santa Barbara County strongly urges development of the forensic Mental Health Rehabilitation Center (MHRC) for which the Community Corrections Partnership (CCP) set aside funding in 2017/2018. MHRCs are by definition locked, longer term, mental illness treatment facilities. Our forensic facility will fill a critical gap in the treatment continuum to which jail inmates with serious mental illness (SMI) on felonies or misdemeanors can be referred for secured treatment, with subsequent step-down to outpatient services.

Recently, a NAMI mother told us about her child who had spent a year in the jail followed by release to community-based treatment. Doing well for several months, she then fell out of treatment, reoffended on a non-violent felony, and has now been back in the jail for another 4 months awaiting a state hospital bed. This is not an untypical situation among persons with the most acute SMI, who cycle repeatedly between the jail, failed housing placements, and the street, lacking the intensive treatment they need to break the cycle of crisis and re-arrest.

Felony ISTs: Santa Barbara County jail inmates on felonies, who must be returned to competency so that they can comprehend the court process, are (with few exceptions) referred to a California state hospital system when they need secured, intensive treatment. In addition, 6 persons per year on non-violent felonies who meet strict criteria are referred to community-based treatment, housed at a Santa Maria Crisis Residential Treatment facility (CRT).

Misdemeanor ISTs: Misdemeanor ISTs are referred to the Psychiatric Health Facility (PHF), the Crestwood Mental Health Rehabilitation Center (MHRC), or to community-based treatment.

The California and County Crisis: Some time ago, because of a severe shortage of state hospital beds, California restricted admission largely to inmates on felony charges. Still the number of beds proved woefully insufficient, and today 1700 such inmates assessed as Incompetent-To-Stand-Trial (IST) throughout California are waiting for transfer to the state hospital system. Each month, the number continues to grow. As of early January, 26 such persons were waiting in the Santa Barbara County jail. This number does not account for 15 IST misdemeanors awaiting transfer to our Psychiatric Health Facility (PHF) or another location.

Nor does it include those with serious mental illness (SMI) in the jail who have not been assessed IST, but need secured, intensive treatment.

We have a widely acknowledged crisis of persons with SMI languishing in California jails, including ours. As a consequence, lawsuits have been brought against the CA Dept. of State Hospitals (DSH), and individual counties. This past summer, the CA Supreme Court affirmed a lower court ruling against the DSH that inmates awaiting placement at a state hospital be placed within 28 days (See [California Court Rejects the State's Prolonged Detention of People with Psychiatric and Intellectual Disabilities in County Jails | ACLU of Northern CA \(aclunc.org\)](#)). There is nowhere to place these patients. More recently, the DSH suspended all transfers from jails due to COVID.

IST Solutions Workgroup Report: In response to the IST crisis, in late 2021, California appointed an IST Solutions Workgroup with a short timeline for reporting. It's recommendations ([IST Solutions Report \(Final\).pdf \(ca.gov\)](#)) focus primarily on community-based treatment. However, inmates who are IST on felonies are eligible for state hospital beds because they have been judged to need a higher level of secured treatment. Lacking this, they often are unsuccessful in stepping down to outpatient treatment, and may pose a safety risk to the community.

Jail-Based Competency Treatment: Neither is Jail-Based Competency Treatment a solution for most of this population. "Jail-Based Competency Treatment (JBCT) programs are designed to treat IST patients with lower acuity and to quickly restore them to trial competency, generally within 90 days. If a JBCT program is unable to restore an IST patient to trial competency quickly, the patient can be referred to a state hospital for longer-term IST treatment. "The IST Solutions Workgroup did not recommend JBCT as other than a short-term solution for the IST problem, because persons with SMI unable to move to trial do not belong in California jails.

Grand Jury Report on Diversion: A recent Santa Barbara County Grand Jury Report on Diversion ([JailDiversion.pdf \(sbcgj.org\)](#)) observes that "The question of "divert to where?" is often echoed in criminal justice meetings. The problem of lack of facilities in the County has been particularly disturbing ." The Grand Jury recommended "That the Santa Barbara County Board of Supervisors develop a plan to adequately address the mental health needs within the County, including repurposing existing facilities."

New DSH Programs and Practices That Will Assign Increased Responsibility to Santa Barbara County: The Dept. of State Hospitals has recently adopted and funded a program whereby state-contracted agency representatives will re-assess IST felony inmates who have waited in excess of 60 days for state hospital placement. We expect this will result in more of these inmates being re-aligned to county responsibility.

In addition, whereas IST felony inmates who make it to a state hospital could previously be treated there for up to two years from the date of assignment, the DSH is now returning such

patients to counties as “unrestorable” in as few as 4 months. In one case, we spoke with a Santa Barbara mother whose daughter was then returned home without treatment or services. This was a person previously assessed to need high intensity, secured treatment for whom the “slate was wiped clean,” and who had to begin the multi-month process of re-applying for Behavioral Wellness outpatient services. Fortunately, she was able to return home to live, and had a family member organizing and advocating for her subsequent treatment. But, what of others returned to the responsibility of the county without family support?

Recommendation: In summary, the more years we delay in planning for an in-county forensic, secured mental health treatment facility for inmates on felonies and misdemeanors with SMI, the more pronounced the need grows.

Our understanding is that the Community Corrections Partnership (CCP) Subcommittee on the Mental Health Rehabilitation Center (MHRC) is recommending just two additional pilot program beds be added at the Crestwood MHRC for misdemeanors; and that the felony IST population has not been considered by the subcommittee.

We in NAMI believe this recommendation falls tragically short of the need for a secured, forensic treatment facility. This (NOW) is the time to follow through with the CCP’s intention to develop the forensic MHRC, while investigating potential additional state funding via the \$2.3 billion Behavioral Health Infrastructure program.

Respectfully,

Lynne Gibbs, NAMI Santa Barbara County

To: Community Corrections Partnership (CCP) / Santa Barbara County

From: Anonymous

Date: January 19, 2022

Re: Needed SMI Treatment & Care

I am a six year Santa Barbara NAMI parent of my schizoaffective adult daughter who had her first psychotic episode and was diagnosed in Wisconsin in 2016. We her parents were living in Santa Barbara. If California could learn from Wisconsin, we would be far better off. It seems she did not spend one night in jail. When she caused her first disturbance, the local police transported her two hours to Winnebago Psychiatric Hospital. I do not know the legal procedures that took place, and if California was smart, they would learn them as fast as they could. Because starting on day two of her hospital admittance, my daughter called me every day for 14 days, as I watched her immediate and remarkable improvement unfold. Her total hospital stay was approximately 30 days, after which she received a continuum of care including a case manager, doctors, therapists and medication. I believe strongly in hospitals for our SMI people.

But it seems I've lost the battle. In the state of California it will now become the responsibility of the County she lives in. Since moving to California in 2017, my daughter has been homeless, given birth to two children fathers unknown, been incarcerated several times while waiting for treatment, and had two 24 hour stints in our Santa Barbara PHF before returning to the streets.

If my daughter cannot go to a hospital, this is what she needs:

She will need a secure medical facility for many weeks or more in order to see which medications work or don't work for her. She will need dedicated professionals and doctors to care for her and work with her. She will need MediCal coverage. Our jails, local hospitals, clinics and PHF do not provide these for her.

California's psychiatric hospitals have been shuttered and/or mandated for the criminally ill, with long waiting lists for admittance. Santa Barbara County's PHF facility has a 16 bed capacity to serve a population of over 450,000 people where long term treatment is rare.

Please let us open the treatment facilities we need. To provide professional, secure, longer term, SMI treatment and care, with enough beds to serve our needs.

Hi My name is Monica N. I have been advocating for my sons health for a while. Even before his incarceration in 2018 I even met with DA Mrs. Siegel and personal regarding having my son be screened appropriately and this was not a concern to them. In 2018 my son was incarcerated for murder and felony gang enhancement and firings a firearm. In December 3rd 2021 case was dismissed and my other son had to sign him out for his release. No paperwork nor any care plan was given to us nor my son. I went to the SB county jail to confirm this and It Was confirmed that no paperwork was necessary, but supervisor on this 12/4/21 this day stated my son had court on 1/07/22 explained to her since his condition almost committing suicide was found incompatient to stand trial was sent to Atascadero state hospital and in and out of puff strapped in a safety jacket who knows how many times. Was in isolation the duration of his incarceration, how was my son or us able to know his upcoming court date. I also asked her about his mental health care plan, supervisor stated (she doesn't not know anything and doesn't know there hours nor who is working this day) she did give me the extension to call from there phone in front. I did just that. I spoke to Joe from mental health and he stated my son file he was not able to access it, he could not retrieve it. I told him who my son was and why wasn't no care plan given to us with meds, what worked for them or not so we could incorporate at home . He stated there not there to rehabilitate anyone there job is to get them by during incarceration. I was again hot in my gut of injust after all his suffering they basically said pick up the pieces to which my son is worse then when him turning himself in in 2018z December 27th he got incarcerated again he had a Mental Crisis and is again health not attended to only incarceration. Since day one I have tried working with Mental Health at the SB county jail it's like pulling teeth. No good outcome other than he refuses to take his meds, but they force medicate and sent to the puff and strapped in a safety jacket when he needed TLC and proper Mental health care. This is legal Abuse in my eyes. Since his release I reached out to many organizations and was praying someone would hear my cries in my sons health other to hear it has to be voluntary. Also for a outpatient it was a two year wait there in SB county. This is unacceptable. It's been a heart renegeing journey for my son and the whole family because this is not just his journey it's all of our love ones journey to healthy. Because of Hippa laws I feel any agency working with our love ones avoid to address a very sensitive topic and proper care. A mother who cares about proper Health care while paying there debt to society and should be there responsibility to make sure anyone who needs proper care get it and not do anymore damage to there right to healthcare. Thank You and blessings your way 🙏

🧠 All Minds Matter 🧠

Monica Nunez

