



Ventura County SHERIFF'S OFFICE

Jim Fryhoff - Sheriff | John Reilly - Undersheriff
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February 11, 2025

County of Ventura Board of Supervisors

Subject: Adoption of a Resolution Designating the Ventura County Sheriff's Office as a County Agency and Sheriff's Office's Pre-Trial Detention Facility and Todd Road Jail Facility as Authorized Treatment Facilities for Administering, Through the Sheriff's Office's Contracted Medical Provider, Non-Emergency Involuntary Psychiatric Medication to Incarcerated Persons Under Penal Code Section 2603.

Recommendation(s):

1. Adopt a resolution designating the Ventura County Sheriff's Office as a County agency and Sheriff's Office's Pre-Trial Detention Facility and Todd Road Jail Facility as authorized treatment facilities for administering, through the Sheriff's Office's contracted medical provider, non-emergency involuntary psychiatric medication to incarcerated persons under the conditions specified in Penal Code Section 2603.

Fiscal Impact:

This item will not create any fiscal impact. The costs for necessary medications for inmates at the Sheriff's Office's Pre-Trial Detention Facility and Todd Road Jail Facility are allocated annually through the jails' contracted medical provider.

Discussion:

Pursuant to California Penal Code Section 2603, a county department of mental health or other designated county department may administer involuntary medication on a non-emergency basis if certain specified conditions have been met (refer to attached full text of California Penal Code Section 2603, Exhibit 1). Incarcerated persons housed at the Pre-Trial Detention Facility and Todd Road Jail Facility have the right to refuse medication. Prior to the adoption of Penal Code Section 2603, the Ventura County

Sheriff's Office, through its contracted medical provider, lacked the ability to administer involuntary antipsychotic medication if an incarcerated person did not provide informed consent to the medication, except in emergency situations or where the court ordered medication to restore the incarcerated person to competency. The Sheriff's Office is requesting your Board now designate the Sheriff's Office as the appropriate County department to administer antipsychotic medications, with administration handled by the Sheriff's Office's contracted medical provider, to incarcerated persons in our jails pursuant to Penal Code Section 2603, in order to provide critical psychiatric medication to incarcerated persons who meet the criteria. The Sheriff's Office is also requesting that your Board designate the Pre-Trial Detention Facility and Todd Road Jail as treatment facilities authorized to administer these medications. Significant delays in providing critical psychiatric medication can result in increased psychiatric distress, and in some cases cause danger to the incarcerated person and correctional staff.

Requirements of Penal Code Section 2603

Penal Code Section 2603(c)(1-10) specifies that involuntary administration of psychiatric medication in nonemergency situations may only occur if the following conditions, among others set forth in Section 2603 (Exhibit 1), have been met:

- 1. Serious Mental Disorder:** A psychiatrist or psychologist determines the incarcerated person has a serious mental disorder.
- 2. Grave Disability or Danger:** The mental disorder renders the incarcerated person gravely disabled or a danger to self or others, and they lack the capacity to refuse treatment.
- 3. Medication Prescription:** A psychiatrist prescribes psychiatric medication after assessing risks, benefits, and treatment alternatives, concluding that alternatives are unlikely to meet the incarcerated person's needs.
- 4. Refusal or Inability to Consent:** The incarcerated person has been informed about the medication and its risks and alternatives but refuses or cannot consent.
- 5. Judicial Hearing:** The incarcerated person receives a hearing, as specified in subdivision (c) of Section 5334 of the Welfare and Institutions Code, before a superior court judge, commissioner, referee, or hearing officer to determine if involuntary medication is warranted. Judges may evaluate if medication could affect the incarcerated person's ability to mount a defense.
- 6. Legal Counsel:** The incarcerated person is provided legal counsel at least 21 days before the hearing, or sooner for emergency cases.

7. **Hearing Notice:** The incarcerated person and counsel are given written notice at least 21 days before the hearing, outlining the diagnosis, benefits, risks, and legal rights related to the medication.
8. **Clear and Convincing Evidence:** The court finds evidence proving:
 - The incarcerated person is gravely disabled or a danger to self or others.
 - No less intrusive alternatives exist.
 - Medication is in the incarcerated person's best medical interest.
9. **Historical Course of Disorder:** The incarcerated person's mental health history is considered to evaluate their condition and treatment needs.
10. **Reconsideration Rights:** The incarcerated person may file a motion for reconsideration or introduce new evidence.

Designating the Sheriff's Office Instead of the Ventura County Behavioral Health Department

The Ventura County Sheriff's Office operates these detention facilities and is directly responsible for the care and custody of incarcerated persons, including those with severe mental health conditions. Designating the Sheriff's Office ensures that psychiatric care, including the administration of involuntary medication by the Sheriff's Office's contracted medical provider when warranted, can be provided within the secure environment of the jail. This arrangement avoids unnecessary transportation risks, ensures timely treatment, and allows the Sheriff's Office's contracted medical staff to address the unique safety and security concerns inherent to correctional settings.

While the Ventura County Behavioral Health Department provides critical mental health services, it does not operate within the secure infrastructure of the jail. The Ventura County Sheriff's Office and its contracted medical provider have the personnel, policies, and facilities to meet the dual objectives of ensuring an incarcerated person's well-being and maintaining public safety.

The objective of involuntary treatment in non-emergency situations pursuant to Penal Code Section 2603 is to stabilize the incarcerated person's condition. If the Sheriff's Office along with the Sheriff's Office's contracted medical provider are designated by your Board to provide involuntary psychiatric medication on non-emergency bases to incarcerated persons, the Sheriff's Office will, when necessary, apply to the Superior Court for an order allowing the administration of involuntary medication, as specified in Penal Code Section 2603. Therefore, in consultation with our judicial partners and County Counsel, and as authorized under California Penal Code Section 2603, the Sheriff is requesting your Board designate the Sheriff's Office as the department which may administer involuntary medication (through its contracted medical provider and by their trained and licensed medical personnel) to incarcerated persons in our jails (to be designated as authorized

treatment facilities) on a non-emergency basis pursuant to California Penal Code Section 2603.

Strategic Plan:

This item contributes to the Board of Supervisors' (Board) 2024-2027 strategic plan in many ways. Approval of this item aligns with the County of Ventura Strategic Plan goal to create a safe, healthy, and caring community by improving the care of mentally ill incarcerated persons housed at the Pre-Trial Detention Facility and Todd Road Jail Facility, both located in Ventura County, California. By designating the Ventura County Sheriff's Office to administer involuntary medication on a non-emergency basis, this initiative will enhance mental health services, facilitate the process of adjudication for those who might otherwise be at risk of being deemed incompetent to stand trial, reduce risks to both incarcerated persons and correctional staff, and provide more effective treatment for those with severe mental health conditions. This action further supports the County's broader objectives of improving public safety and health outcomes for vulnerable populations.

This letter has been reviewed by the County Executive Office, County Counsel, Auditor Controller's Office and Ventura County Behavioral Health Department. If you have any questions regarding this item, please contact Assistant Sheriff Shane Matthews (805) 654-2305.

Sincerely,



Jim Fryhoff
Sheriff

Attachment(s):

Resolution
Exhibit 1 – California Penal Code Section 2603