

1 [Contract Agreement - Retroactive - Department of State Hospitals - Early Access and
2 Stabilization Services - \$3,315,647.10]

3 **Resolution retroactively approving a Contract Agreement between the City and County**
4 **of San Francisco, acting by and through the San Francisco Sheriff's Office and San**
5 **Francisco Department of Public Health, and the Department of State Hospitals for Early**
6 **Access and Stabilization Services, for a term of three years from January 1, 2025,**
7 **through December 31, 2027, and for a total not to exceed the amount of \$3,315,647.10.**
8

9 WHEREAS, On June 30, 2022, Governor Gavin Newsom signed into law Senate
10 Bill 184 ("SB 184"), codified in California Welfare and Institutions Code, Section 4361.7,
11 requiring county jails to allow the Department of State Hospitals ("DSH") (and any of its
12 contractors or designees) reasonable access to its facilities and individuals deemed
13 incompetent to stand trial ("IST") on a felony charge to provide early access to treatment; and

14 WHEREAS, The State-funded Early Access and Stabilization Services ("EASS")
15 Program is designed to quickly begin competency restoration treatment for individuals
16 deemed IST on a felony charge while they are in jail awaiting transfer to DSH; EASS goals
17 include: reduced wait times for a state hospital bed, more rapid stabilization of mental health
18 symptoms, reduced acute care hospitalizations, decreased incidents of violence and use of
19 force, streamlined processes for involuntary medication orders, increased access to in-
20 custody care, and reduced delays in legal processes.; and

21 WHEREAS, Senate Bill (SB) 184 (Chapter 47, Statutes of 2022) established a growth
22 cap for all counties for individuals committed as IST on felony charges pursuant to
23 Section 1370 of the Penal Code; the growth cap program was deemed by the legislature as
24 an actionable solution to address the increasing number of individuals with serious mental
25 illness who become justice-involved and deemed IST on felony charges by helping to ensure

1 that the expansion of DSH-funded community-based care does not create unintended
2 incentives that result in an increased number of individuals being found IST on felony
3 charges; Welfare and Institutions Code, Section 4336, established a growth cap baseline for
4 San Francisco for felony IST determinations in Fiscal Year 2021/2022; San Francisco has
5 exceeded baseline numbers in each subsequent year and anticipates this trend continuing as
6 the jail population increases; IST patients restored to competence through the EASS Program
7 and not sent to DSH will not be included in the Felony IST Growth Cap count, resulting in
8 reduced annual fines for the City and County of San Francisco; 100% of the costs of EASS
9 services provided through the EASS Program, including psychotropic medications, are
10 covered by the State of California; and

11 WHEREAS, By agreement between the DSH, the San Francisco Sheriff's Office
12 ("SFSO"), and the Department of Public Health ("DPH") seeks to allow DSH access to its
13 custodial facilities for the EASS Program, and DPH seeks to provide EASS Program services,
14 on DSH's behalf, to individuals in the custody of SFSO deemed IST on a felony charge
15 ("Contract"); and

16 WHEREAS, Charter, Section 9.118(a), requires Board of Supervisors' approval by
17 Resolution of any contract which, when entered into, anticipates revenue to the City and
18 County of San Francisco of one million dollars or more; and

19 WHEREAS, The proposed Contract Agreement contained in File No. 250074, is
20 substantially in final form, with all material terms and conditions included, and only remains to
21 be executed by the parties upon approval of this Resolution; now, therefore, be it

22 RESOLVED, That the Board of Supervisors hereby retroactively approves the Contract
23 Agreement, in substantially the form contained in File No. 250074, for a term of three years
24 from January 1, 2025, through December 31, 2027, and for a total not to exceed the amount
25 of \$3,315,647.10; and, be it

1 FURTHER RESOLVED, That within thirty (30) days of the Contract Agreement being
2 fully executed by all parties, the San Francisco Sheriff's Office shall submit to the Clerk of the
3 Board of Supervisors a completely executed copy for inclusion in File No. 250074; this
4 requirement and obligation resides with the San Francisco Sheriff's Office, and is for purposes
5 of having a complete file only, and in no manner affects the validity of the approved Contract
6 Agreement.