

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: EMERGENCY/COURT ORDERED PSYCHIATRIC MEDICATIONS H-1150

EFFECTIVE:	REVIEWED:	REVISED:	UPDATED:
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APPROVED BY: Detentions Bureau Chief Deputy Cindy Cisneros

REFERENCE: California Penal Code Sections 1368, 1369, 1369.1, 1370, 1370.01, 2603-2603 (et. Seq.) Title 15, California Code of Regulations, Sections 1214, 1217, 1209; Kern County Board of Supervisors action – August 7, 2012

POLICY

As designated by the Kern County Board of Supervisors, all Type II Kern County jail facilities, as defined in Title 15, are designated as "treatment facilities" to provide medically approved medication to incarcerated persons found to be mentally incompetent and unable to provide informed consent due to a mental disorder, pursuant to the provisions of California Penal Code Section 1369.1.

Correctional Behavioral Health personnel are authorized to administer psychiatric medication to incarcerated persons in emergency circumstances. Kern County Correctional Behavioral Health Psychiatrists may order such emergency or court-ordered medication to an incarcerated person in Kern County jail facilities in the absence of the incarcerated persons' consent. It is the sole responsibility of those Psychiatrists to determine whether the circumstances warrant an emergency administration of psychiatric medication absent an incarcerated person's consent, and to determine the sufficiency and scope of any court order for medication.

Sheriff's Office staff shall coordinate with Correctional Behavioral Health staff to provide for the safe and efficient administration of such medication pursuant to the provisions of this policy.

DEFINITION(S):

For the purpose of this policy, the following definitions shall apply:

Psychiatric Medication: Medication customarily prescribed for the treatment of psychoses and other severe mental and emotional disorders.

Emergency: A situation in which action to impose treatment over the person's objection is immediately necessary for the preservation of life or the prevention of serious bodily harm to the client or others, and it is impracticable to first gain consent. It is not necessary for harm to take place or become unavoidable prior to treatment.

DIRECTIVE #1

The following provisions shall be adhered to in relation to the administration of emergency and court ordered psychiatric medications to an incarcerated person by Correctional Behavioral Health staff pursuant to this policy:

- If a CBH Psychiatrist determines there is a need to provide psychiatric medication to an incarcerated person, jail security staff shall assist CBH staff in making a reasonable effort to provide the incarcerated person with information necessary to obtain the incarcerated persons voluntary informed consent to take the medication.
- In the absence of voluntary informed consent, psychiatric medications may be administered to an incarcerated person in only two circumstances:
 - A Court can enter an order authorizing CBH staff to provide psychiatric medication to an incarcerated person who has been found incompetent and unable to stand trial, per Sections 1368 and 1370 of the Penal Code, and absent the incarcerated person's consent, as part of the effort to restore competency (such orders are effective for a term of six months from date of entry), or;
 - When an incarcerated person requires immediate treatment for the preservation of life or the prevention of serious bodily harm to the incarcerated person or others, as determined by a CBH Psychiatrist.
- CBH nurses shall be responsible for administering all involuntary **court ordered and/or emergency** psychiatric medications to incarcerated persons in the jail.

Note: In the event that an incarcerated person decides to voluntarily take court ordered or emergency medications, medical staff will administer the medications. If the incarcerated person decides to refuse court ordered or emergency medications after taking them voluntarily for a given period of time, CBH nurses will resume the involuntary administering of the medication(s).

- Correctional Behavioral Health nurses shall be responsible for evaluating and monitoring incarcerated persons following the administration of involuntary **court ordered and/or emergency** psychiatric medications.

- The administration of involuntary medication within the authority of Penal Code section 1369.1 will not exceed six months.
- The Classification Unit supervisor or their designee will serve as the designated representative of the Sheriff's Office for any court proceedings or appearances necessary to facilitate this policy.

Procedure A: Court Ordered Involuntary Medication

When a court order is issued for the administration of psychiatric medication to an incarcerated person, the following notification requirements apply:

- The court desk will forward a copy of the court order to the Classification Unit supervisor or their designee;

The Classification Unit supervisor or their designee will:

- Notify the Correctional Behavioral Health supervisor of the court order, and provide them with a copy of the order;
- Notify the Section Manager of the facility housing the incarcerated person subject to the court order.

The Section Manager will:

- Advise the on-duty sergeant of the court order.

The on-duty sergeant will:

- Proceed with the involuntary medication process as described in **Procedure B**.

Procedure B: Administering Involuntary Medications

Medication will only be administered on an involuntary basis when:

- An incarcerated person refuses to voluntarily take prescribed psychiatric medication pursuant to a **court order** authorizing the involuntary administration of such medication, or;
- A Correctional Behavioral Health Psychiatrist has determined an **emergency** need for such medication,

When it becomes necessary for an incarcerated person to receive involuntary medication(s), the on-duty sergeant will:

- Coordinate with Correctional Behavioral Health Staff to make a reasonable effort to obtain the incarcerated person's voluntary informed consent to take medication;
- Notify the facility manager prior to the medication being administered or as soon as possible afterward if not feasible to do so beforehand.

The Correctional Behavioral Health Nurse will:

- Advise the on-duty sergeant of the Psychiatrist's recommended level of restraint and immobilization needed to safely administer the ordered medication.

The on-duty Sergeant will:

- Develop and communicate a plan which clearly articulates the roles and responsibilities for each officer that will be participating in the restraint and immobilization of the incarcerated person;
- Coordinate with CBH staff and approve a safe environment and an appropriate level of restraint to immobilize and safely administer the medication;

Note: The level of restraint required to safely immobilize the subject shall include due consideration for the safety of all assisting staff members to prevent accidental injury or bodily fluid cross contamination (needle stick, etc.) while the medication is being administered.

- Supervise the application of restraint, ensuring that the incarcerated person is immobilized as much as is feasible;
- Provide notice to Correctional Behavioral Health staff that they may proceed with administering the medication.

Immediately following the administering of the medication by the CBH Nurse, the on-duty sergeant will ensure that the Correctional Behavioral Health Nurse:

- Continuously monitors the incarcerated person for 30 minutes immediately following the administration of the medication(s);
- Performs a vital sign check every 15 minutes or more frequently as needed;
- Checks the restraints for circulation impairment;

- Performs a visual assessment of the incarcerated person every half hour, ensuring that no more than 30 minutes elapses between checks for two hours following the administration of the medication(s).

The on-duty sergeant will:

- Determine when it is safe to release the incarcerated person from restraints;
- After consulting with CBH staff, determine the appropriate cell for the incarcerated person to be returned to and shall house the incarcerated person accordingly.

The on-duty sergeant or their designee will:

- Write an Incident Report detailing:
 - The efforts to secure voluntary compliance of the incarcerated person to take the medication;
 - The written or verbal order of the Psychiatrist authorizing the administering of involuntary medications, including their full name and title;
 - Any force used to remove the incarcerated person from their cell;
 - Any force used to restrain and immobilize the incarcerated person;
 - The administration of medication;
 - All other pertinent information about the incident.

Note: Any JMS Incident written for this purpose shall include the involuntary medication incident type code: **4049 – Involuntary Medication and any other applicable incidents codes.**