

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: Incompetent to Stand Trial Reevaluation Program

C-2400

EFFECTIVE:	REVIEWED:	REVISED:	UPDATED:
July 1, 2022	07-11-24	01-23-23	07-11-24

APPROVED BY: Detentions Bureau Chief Deputy Cindy Cisneros

REFERENCE: DBPPM C-300 and C-400; Penal Codes 1368,1370, and 1372 WIC 4335.2

POLICY

The Department of State Hospitals (DSH) has recognized that incarcerated persons sentenced to DSH are spending an inordinate amount of time awaiting transfer to their facilities. Due to this fact, DSH, in partnership with KCSO, has initiated the "Incompetent to Stand Trial Reevaluation" (ISTR) program.

For KCSO, the goal of the ISTR program is to reduce the wait time, increase the quality of services provided, and better manage the bed space of the facilities. However, for DSH, they are aiming to reevaluate competency status, psychotropic medication status, and assess the incarcerated person for placement in an alternative community-based program.

Program Structure

The ISTR program will be facilitated under the auspices of the Sheriff's Detentions Bureau, Population Management Section (PMS), Inmate Stabilization and Assessment Team (ISAT). The ISTR program liaison is designated as the ISAT Sergeant.

DSH Responsibilities

The DSH will administer reevaluation interviews with incarcerated persons awaiting transfer. These interviews will typically take place during regular office hours, Monday through Friday. DSH has its own eligibility criteria to select incarcerated persons for participation in the program. DSH will interview the incarcerated persons through remote telehealth, video conferencing, or other KCSO-approved technologies, although DSH may choose to interview the incarcerated individual in person. To best facilitate these interviews, the Patient Management Unit of DSH will provide a list of incarcerated persons to the ISAT Sergeant.

Directive #1

Once the ISAT Sergeant, or their designee, has received the list of incarcerated persons from the Patient Management Unit, they shall communicate this information to the ISAT Program Detentions Deputy.

From this list, the ISAT Sergeant, or designee, shall create a weekly schedule of the incarcerated persons to be interviewed. This weekly schedule will be communicated to the Patient Management Unit and the Program Specialist assigned to the ISAT program.

Directive #2

All Detentions staff assigned to either the ISAT program or the ISTR interview are directed to review and to be familiar with the contact/MOU with the DSH regarding the ISTR program.

Procedure A: Reevaluation Interview

On the day of the interview, the Deputy assigned to the ISTR interviews shall:

- Print the daily list of incarcerated persons to be interviewed. The Program Deputy shall notate on the list the attendance or non-attendance of the incarcerated person. The incarcerated persons are to be sent and returned to the Jail Management System (JMS).
- Notify the ISAT Sergeant of incarcerated people refusals.
- Ensure the incarcerated person is properly restrained during escort per DBPPM C-300 and DBPPM C-400.
- Ensure the incarcerated person is secured inside the temporary holding enclosure designated for the reevaluation interviews located at the Pre-Trial Facility for the duration of the interview. In the event the holding enclosure is unavailable the ISAT Sergeant, or their designee may authorize the interviews to be done in another location
- Complete any necessary reports in the JMS.
- Route the daily list of interviewed incarcerated persons to the ISAT Program Specialist.

Procedure B: Reevaluation Interview Refusals

If an incarcerated individual declines to be interviewed, the first refusal may be communicated directly to a Deputy. If the incarcerated person declines to be interviewed on a second attempt, the evaluator must have the opportunity to see and observe the Defendant decline the interview.

The ISAT Program Deputy shall complete an ISTR refusal form (DBPPM C-2400, Attachment A) for all refusals to participate in scheduled reevaluation interviews. The ISAT Deputy shall document on the ISTR refusal from the incarcerated person's behavior, the reason for refusal (if given), and if the DSH evaluator had the opportunity to see and observe the incarcerated person decline the interview. This form shall be completed and submitted to the ISAT Sergeant by the end of the shift of occurrence.

The ISAT Sergeant or their designee will review all ISTR Incarcerated Individuals Refusal Forms and submit the ISTR form to DSH within 72 hours. The ISAT Sergeant will maintain a copy of all ISTR forms for billing and tracking purposes.

Procedure C: JMS Codes

The following CJIS codes shall be used in documenting incidents relating to the ISTR program:

- 4071 – All detentions staff assigned to the ISAT program shall use the 4071-incident code for all incidents that occur during their regularly assigned duties.
- 4072 – All detentions staff assigned to facilitate the ISTR interviews shall use the 4072-incident code for all incidents that occur during the ISTR interview.
- ISTRP1 – All detentions staff assigned to facilitate the ISTR interviews shall send and receive the incarcerated persons in the JMS using the ISTRP1 program code.