

PSYCHIATRIC HEALTH FACILITY: A REVIEW OF BEHAVIOR PATTERNS

INTRODUCTION/PURPOSE

The State of California requires county grand juries to inspect all jails and prisons within their county on a yearly basis. Since incarcerated persons may be sent to the Psychiatric Health Facility (PHF), this facility is now routinely inspected. It is noted that the PHF is actually a medical facility and not a part of our county's jail system. In this report, the 2019-2020 San Luis Obispo County Grand Jury documents the results of our inspection of the County's PHF.

AUTHORITY

The issuance of this report is authorized under investigative powers of the Grand Jury pursuant to California Penal Codes § 919, 921 and 925.

The San Luis Obispo County Psychiatric Health Facility (PHF) is a hospital facility licensed by the California State Department of Health Care Services (DHCS) and is located at the former San Luis Obispo County General Hospital complex. San Luis Obispo County Health Agency oversees the facility. The PHF is licensed to serve 16 patients at any one time from 72 hours to 14 days.

The PHF serves:

- Individuals who may be involuntarily detained due to indications of a mental disorder or indications they may be harmful to themselves or others. (Welfare and Institutions Code §5150);
- Persons in custody of the county jail who are charged with a misdemeanor, but who have been determined to be incompetent to stand trial, are treated for restoration to competence so they can participate in legal proceedings. (Penal Code §1370);
- Conserved individuals (gravely disabled and permanently housed elsewhere) who are in need of stabilization.

SUMMARY

The Grand Jury toured the PHF facility and interviewed staff members as part of its routine inspection. A primary staff concern was the transfer of inmates from the county jail (Penal Code §1370). It was reported that sheriff's deputies transport these inmates to the PHF and leave after signing off. According to PHF staff, jail transfers may be violent and pose a security problem for PHF personnel who are not law-enforcement trained. During the inspection Grand Jurors inquired as to the general frequency of behavior problems. Grand Jury members learned of staff concerns regarding a variety of physical altercations among inmates, who are now patients, despite patient checks that occur every 15 minutes 24 hours per day. Data reflecting recorded behavior problems were solicited. These data are normally collected as part of standard procedure. The San Luis Obispo Board of Supervisors approved a contract (August, 2019) for additional security staff. The Grand Jury wanted to determine whether the additional personnel would positively impact the data reported for January - October, 2019, and requested follow-up data following the hiring of additional personnel.

DEFINITIONS FOR THE FOLLOWING CHART

- **Assaulted:** This would be categorized as an act by one person on another causing perceived injury. An example would be one person being struck on the left side of their head by another person with a right closed fist.
- **Assaultive:** This would be an act by one person on another of physical contact, attempted physical contact or threat when the ability is credible that would lead to injury. An example would be a person picking up a chair and swinging it like a club toward another person.
- **Destructive/Vandalism:** This would be any damage to property. An example would be a person breaking a fire sprinkler in the ceiling causing a flood leading to tens of thousands of dollars in damage to the building.
- **Staff Injury:** A staff member experiences pain during an event. An example would be staff members physically contain an aggressive person who is attempting to hit others. During the containment, the employee suffers neck pain.

- Penal Code (PC) §1370/Welfare and Institutions Code §4011 Clients: Clients who have been sent from the County Jail to PHF for stabilization.
- All Other Clients: Clients who may be involuntarily detained due to indications of a mental disorder, or indications they may be harmful to themselves or others.

Data reflecting altercations occurring between January and October, 2019 were as follows:

Period 1 – Prior to additional security

January – October, 2019					
1370/4011 Clients	Total	All Other Clients	Total	All Clients	Total
Assaulted	0	Assaulted	2	Assaulted	2
Assaultive	6	Assaultive	10	Assaultive	16
Destructive/Vandal.	3	Destructive/Vandal.	4	Destructive/Vandal.	7
Staff Injury	5	Staff Injury	2	Staff Injury	7
Total	14		18		32

Data reflecting altercations occurring between November, 2019 and July, 2020 were as follows:

Period 2 – Following additional security

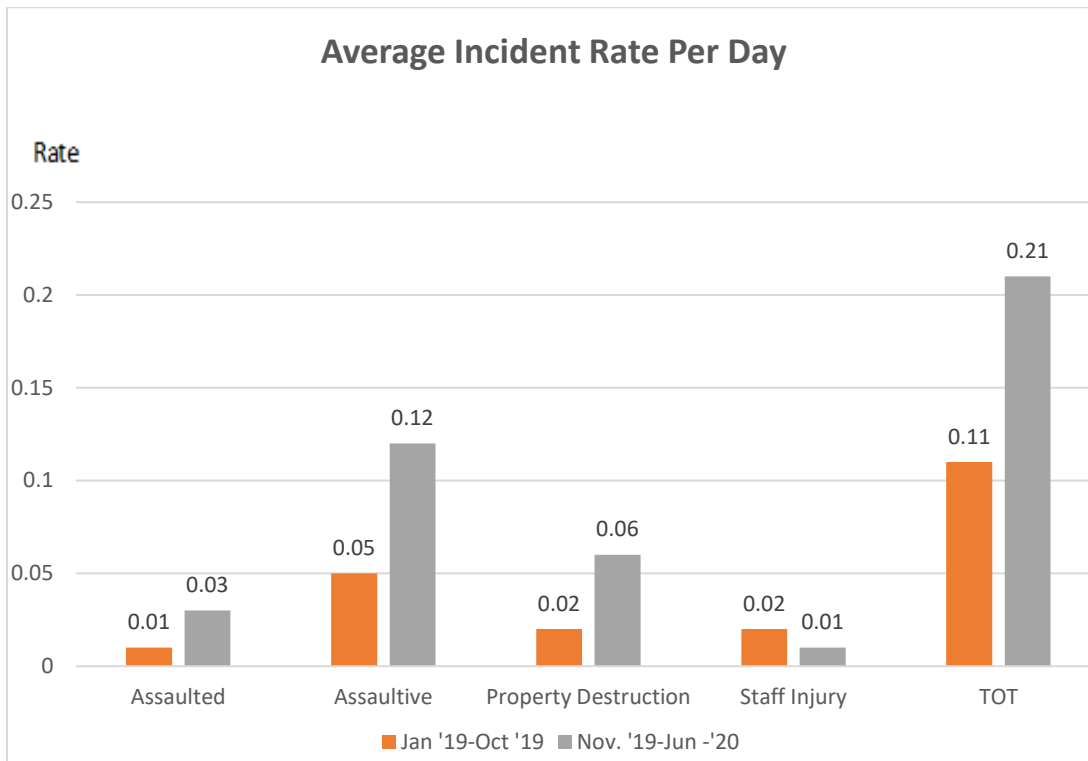
November 15 - July 01, 2020					
1370/4011 Clients	Total	All Other Clients	Total	All Clients	Total
Assaulted	2	Assaulted	4	Assaulted	6
Assaultive	11	Assaultive	17	Assaultive	28
Destructive/Vandal.	5	Destructive/Vandal.	8	Destructive/Vandal.	13
Staff Injury	2	Staff Injury	1	Staff Injury	3
Total	20		30		50

Given the different number of days in each period, incident data are most accurately reported as rate data, or number of incidents per day:

Period 1: January – October, 2019: 303 days	N	Rate
Assaulted	2	0.01
Assaultive	16	0.05
Destruction	7	0.02
Staff Injury	7	0.02
Total	32	0.11

Period 2: November, 2019 – June, 2020: 235 days	N	Rate
Assaulted	6	0.03
Assaultive	28	0.12
Destruction	13	0.06
Staff Injury	3	0.01
Total	50	0.21

Rate data presented in graph form:



This data indicates an increase in the rate of overall incidents from Period 1 (January, 2019) to Period 2 (November, 2019 - June, 2020)

The following factor must be considered in interpreting this data and its accuracy:

- Given the frequency of turnover in the PHF client population, the degree of variability in behavior of the clientele may vary considerably from one time period to the next, making direct comparisons difficult. For example, staff reported during November - December, 2019, two extremely violent individuals were on site, necessitating a disproportionate

amount of staff involvement, and possibly affecting the data reported for that general time period.

- Staff injuries decreased despite increased incidents in other areas.

The accuracy of this data was confirmed by PHF at a subsequent interview with GJ members. The data appears to be an accurate reflection of behavior patterns during Period 2. This suggests the addition of an estimated 2.1 - 3.62 full-time equivalent (FTE) staff had minimal effect on overall reported behavior patterns.

It was the expectation of PHF supervising personnel that four FTE security would be hired, trained, and on duty by late fall, 2019. PHF staff report that since January, 2020, at least two additional (FTE) additional security guards have been on duty, and as of the last interview with PHF staff (July, 2020) current strength was at 3.62 FTEs. Staff indicated there has been considerable turnover with the newly funded security guard positions since hiring began in October, 2019. The turnover in both staff and client population makes drawing any correlations between the effectiveness of additional staff and reported incidents problematic.

FINDINGS

F1. Not having the full complement of additional security guards has had an indeterminate effect on the reduction of reported behavior problems.

RECOMMENDATIONS

R1. It is recommended that the PHF security staff be increased to 4.0 FTEs per the August 2019, authorization.

R2. It is recommended the PHF staff continue to collect data and analyze the impact of additional security staff.

REQUIRED RESPONSES

The following people are required to respond to the findings and recommendations within the timeframe shown and in accordance with the California Penal Code Section 933.05:

San Luis Obispo County Health Agency shall respond to R1 and R2.

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by December 2, 2020. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

COMMENDATION

PHF staff is to be commended for their professionalism and commitment to improving mental health conditions in the county.

AGENCY RESPONSE REQUIREMENTS

The Penal Code Section 933.05 that specifies the format and methodology for agency responses is listed below. All agency respondents are required to respond to all findings and recommendations in the following manner:

- If the respondent disagrees wholly or partially with an item, the respondent must elaborate on the portion of the item that they disagree with, and provide an explanation.
- If a respondent notes that an item will be implemented in the future, the response must include a timeframe for implementation.
- If a respondent notes that an item requires further analysis, the agency must include in the response an explanation of and the scope of what will be studied and the timeframe needed for the study. The timeframe for follow-up from the agency cannot exceed six months.
- If the item will not be implemented or is not reasonable, the respondent is required to provide a detailed explanation.

933.05. Findings and Recommendations

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Presiding Judge	Grand Jury
Presiding Judge Jacquelyn H. Duffy Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403