



COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

DATE: September 25, 2012

##

TO: Board of Supervisors

SUBJECT: STATE PRISONERS IN LOCAL SKILLED NURSING FACILITIES
(DISTRICTS: ALL)

SUMMARY:

Overview

Current law allows the California Board of Parole Hearings to recommend that convicted State criminals who are deemed to be permanently medically incapacitated and unable to perform activities of basic daily living be released if they are found not to be a threat to public safety. While still classified as incarcerated inmates, these criminals are referred to as 'medical parolees.' These inmates are then placed into skilled nursing facilities alongside other non-criminal nursing home residents. This creates a dangerous situation where these criminal medical parolees are watched by medical staff instead of prison guards.

There is currently no requirement that local law enforcement agencies be formally notified when medical parolees are transferred to facilities within their jurisdiction. This poses a threat for the safety of those in skilled nursing facilities as well as those in the surrounding communities.

Furthermore, residents of skilled nursing facilities that accept medical parolees, their families, prospective applicants, personnel, and care givers should be notified when a convicted criminal is released into their facility.

Therefore, today's action sponsors legislation that requires the State to notify the County, the District Attorney, and the Sheriff of both the county where a medical parolee is scheduled to be released as well as the county of arrest. In addition, this action also directs the CAO to work with skilled nursing facilities that receive medical parolees to include in their internal and disclosure process notification to families, prospective residents, personnel, and caregivers when a medical parolee is scheduled to be taken into their care.

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Recommendation(s)

SUPERVISOR JACOB AND DISTRICT ATTORNEY DUMANIS

Direct the Chief Administrative Officer to add the following statement to the County's legislative program:

1. Sponsor legislation that requires the State of California to notify the County, the District Attorney, and the Sheriff of both the county where a medical parolee is scheduled to be released as well as the county of arrest the name, criminal history, medical needs and location of the skilled nursing facility of every medical parolee no less than 30 days prior to their release.
2. Direct the CAO to work with skilled nursing facilities that receive medical parolees to include in their internal and disclosure process notification to families, prospective residents, personnel, and caregivers when a medical parolee is scheduled to be taken into their care. |

Fiscal Impact

There is no fiscal impact associated with this action

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

Current law allows the California Board of Parole Hearings to recommend that inmates who are deemed to be permanently medically incapacitated and unable to perform activities of basic daily living to be released if they are found not to be a threat to public safety. These inmates are then placed into nursing homes alongside other non-criminal nursing home residents. This creates a dangerous situation where criminals are watched by medical staff instead of prison guards.

This practice serves as another reckless example of the State putting our public safety at risk by shifting the burden of prisoner care to local jurisdictions in an effort to cut State costs.

Recently, a medical parolee made indecent gestures to female nurses at an El Cajon nursing facility, violating his terms of parole. This event highlighted the existing safety risk for nursing home personnel, residents of nursing homes and their families who depend on skilled care in a safe environment.

There is currently no requirement that local law enforcement agencies be formally notified when so called medical parolees (State prisoners) are transferred to facilities within their jurisdiction.

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We urge your support!

Respectfully submitted,

SUPERVISOR JACOB

DISTRICT ATTORNEY DUMANIS

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):
N/A

ORIGINATING DEPARTMENT: District 2, Board of Supervisors and District Attorney

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

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