

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/08/2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:



Resolution No. 2009/554

Legal Representation in Commitment Proceedings for Dangerous mentally Retarded Persons.

WHEREAS, Section 6500 of the Welfare & Institutions Code authorizes the District Attorney to file petitions for commitment to a restrictive facility, unless the Board of Supervisors delegates that authority to the County Council; and

WHEREAS, by Resolution No. 79/1052, October 16, 1979, the Board delegated such authority to the County Council; and

WHEREAS, an increasing number of requests for such petitions arise in connection with defendants in specified criminal proceedings in which the defendants' mental competency to stand trial is in issue or has been decided in favor of mental incompetency (Penal Code section 1367ff.); and

WHEREAS, other requests for such petitions arise outside the criminal justice system, when a person is alleged to be mentally retarded and a danger to himself or herself or to others;

WHEREAS, the Board finds that it is appropriate to allocate the authority to file such petitions in light of the expertise of each office respectively:

1. The Board reaffirms its delegation to the County Council of the authority to file petitions and present allegations under Welfare & Institutions Code 6500, except as to cases arising from suspended or pending criminal proceedings involving the mental incompetence of a criminal defendant to stand trial under penal Code section 1367ff.

Contact: Silvano B. Marchesi, 335-1810

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 8, 2009

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

2. The Board revokes the delegation to the County Counsel of authority to file 6500 petitions and to present allegations in cases arising from suspended or pending criminal proceedings involving the mental incompetence of a criminal defendant to stand trial under Penal Code section 1367ff.; authority to file petitions and present allegations as to such cases resides with the District Attorney.