

Katherine Douglas

Public Comment - Roden

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**From:** Stan Roden <stan@baba2films.com>  
**Sent:** Monday, December 4, 2023 1:53 PM  
**To:** sbcob  
**Cc:** Stan Roden (baba2films)  
**Subject:** Clerk of the Board: Agenda Item #1 (Grand Jury Responses)  
**Attachments:** Letter re Grand Jury Responses.pdf

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Please find attached a letter regarding the 12/5 Agenda Item #1- Proposed Responses to Grand Jury Reports.

Please confirm receipt of this email.

Thank you for your assistance.

Sincerely,

Stan

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Global warming isn't a prediction. It is happening!  
James Hansen

Stan Roden

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December 4, 2023

Board of Supervisors &  
Clerk of the Board  
County of Santa Barbara  
105 E. Anapamu Street  
Santa Barbara, CA 93101

Re Agenda Item 1, December 5, 2023

Dear Chairperson Williams and Members of the Board of Supervisors

The CEO proposes that the Board adopt its proposed responses to four 2022-23 Santa Barbara Grand Jury Reports. I was a member of that Grand Jury, but I write this letter solely as an interested community member.

I urge the Board to delay the County's responses to the Grand Jury Reports and to conduct a County roundtable workshop open to all stakeholders, interested parties and interested members of the public.<sup>1</sup>

The goals of the workshop would be

- a) to study the disclosed facts and issues that led to the grand jury report findings and recommendations,
- b) to learn, discuss and understand the evidentiary basis for the County's responses before they are filed and how these are linked to the Grand Jury's 'findings' and 'recommendations,' and,
- c) to provide an opportunity for the County to educate the public about the issues related to their proposed responses.

Urban legend says that the 'civil grand jury process' results in well written, albeit generalized (sometimes overgeneralized) reports and terse government entity responses that often bring about little understanding of the issues or positive change.<sup>2</sup>

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<sup>1</sup> There is an argument that time is of the essence. The Grand Jury served its reports between July 1 and July 15, 2023. In accordance with law, responses were due 90 days after service, which was mid-October. A further delay of another month or even two does not seem unreasonable (to this author).

<sup>2</sup> This statement is not to belittle the fine work produced by past grand juries or to disparage anyone working for or with government entities that have responded to Grand Jury reports and elected to make meaningful change(s).

This urban legend occurs, in my opinion, from the reductionist approach that characterizes the current process. By "reductionist," I mean,

Considering or presenting something complicated in a simple way, especially a way that is too simple.

Source: <https://dictionary.cambridge.org/us/dictionary/english/reductionist>.

Let me explain.

The Grand Jury gathers and considers mountains of direct or "raw" evidence. Raw evidence comes from witness' testimony, though not under oath, and from relevant documents and other authoritative writings, e.g., authenticated documents, reports, articles, books, etc. The Grand Jury is instructed not to include "raw" evidence into its reports.<sup>3</sup> Instead of presenting specific facts, the Grand Jury is admonished to express more generalized statements that cannot be traced to their source. Often, this eliminates the use of quotations or direct attributions because they are considered objectionable "raw evidentiary" facts.

Take a simple example. Suppose someone testifies from personal knowledge that a local government department or agency "fails to follow Government Rule #1," along with a specific instance of this failure. Instead of reporting the specific facts, the Grand Jury would be required to summarize (generalize) the allegations into a broadly worded statement. The Grand Jury may not identify the witness who said it or anything supporting the allegation presented in any way that might identify the witness.

After stating generalized facts, often without direct evidentiary support, the Grand Jury's "findings" reduce its gathered mountain of evidence into a single, short sentence or two, e.g., 'The Government Entity failed to follow Government Rule #1.'

Further compounding this reductionist approach, the "recommendations" are generally a terse statement suggesting that the Government Entity should "follow" Government Rule #1 or "not ignore" its duty to follow Government Rule #1.

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<sup>3</sup> See CA Penal Code sections 919, 925 and 929. A grand jury report must never reveal, directly or indirectly, the identity of any person who provided information to the grand jury. *McClatchy Newspapers v. Superior Court* (1988) 44 Cal.3d 1162. "The grand jury is not empowered to disclose raw evidentiary materials by means of its watchdog report and that the absence of explicit statutory authority was purposeful on the part of the Legislature." @ p. 1165.

When the responding entity reviews the report, the people who work for the applicable government entity reply, more often or not, that they follow (or are doing their best to do so) Rule #1.

The Government Entity's response will likely be, "This recommendation will not be implemented because it is not warranted," or "This recommendation is not reasonable given the information we have received." Note that there is no weighing of the relative but inconsistent statements between the generalized facts from the Grand Jury report and those from the government entity and that there is no in-depth analysis of how the government operations might be improved that are clearly warranted based on the underlying facts.

In this reductionist system, the government's terse response to terse findings and recommendations are submitted to the court and are posted online along with the original Grand Jury Report. Sadly, but often, this ends the conversation.

What's troublesome with this approach is that the cursory findings, recommendations and responses diminish (not dismiss) the underlying problems and issues that prompted the writing of the Grand Jury report in the first place.

Here's one example from *A Death in Custody | Lessons Learned* (Item 1, Attachment A).

***Finding 2*** states that Wellpath does not provide its medical staff with advanced training on mental health crisis intervention.

***Recommendation 2a*** states that the County should amend the County-Wellpath contract to provide all Wellpath medical staff with such advanced training.

The proposed County response states that<sup>4</sup>,

*The current contract agreement does not require modification to accomplish this recommendation as the existing contract provisions allow Wellpath to be trained by both the Sheriff's Office and the Probation Department.*

The Grand Jury urged additional training involving evaluating and de-escalating JT's emergent mental health crises. How is the Sheriff's Office (a law enforcement agency) or Probation Department (an arm of the court) going to provide adequate, professional level training to Wellpath employees, an organization that deploys medical professionals with specialized training? Few in the Sheriff's Office have received the advanced mental

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<sup>4</sup> Agenda Item 1, Attachment A, p. 3 (pages not numbered)

health 40-hour course. How does the Sheriff's Office personnel become qualified to instruct licensed nurses and mental health professionals on how to perform their jobs better? The Sheriff's Office can help them understand the unique environment (jail) they work in but not provide the level of training that would be administered in a teaching hospital or at a professional college or university.

The CEO's response continues.

*The departments are working with Wellpath to explore additional training needs, but in terms of amending the existing agreement this recommendation **will not be implemented because it is not warranted.***

Emphasis in original.

Without any evidence to support it, he proposed CEO response says that "Wellpath provides all staff with mental health-specific training at hire" (not according to the GJ report) and annually after that (the Grand Jury Reports states that Wellpath experiences high turnover of its professional personnel).

What additional training needs does the response refer to? Provided by whom? When? To what standard? Will this training be directed by experts with knowledge of the requirements under the *Murray v. Santa Barbara County Remedial Plan*? Who will be accountable to ensure that training is adequate to the *Murray* standards? Who will ensure that trainees have absorbed and applied the information properly?

Presumably, the Sheriff's Office (and Probation) are working with Wellpath to explore additional training needs because its personnel need it. Otherwise, why would they bother? If they need it and if it would result in better health delivery outcomes in the jail, how can the County say additional training is *not warranted*? If it's needed but lacking, which the Grand Jury highlighted, shouldn't the County insist on inserting a contract term that the assigned Wellpath personnel are required to receive additional relevant specialized training, e.g., advanced de-escalation training for healthcare medical personnel facing emergent mental health breakdowns when mental health professionals are unavailable? If not, why not?

The contract specifies that Wellpath must staff the jails with medical doctors, nurses and mental health professionals, to name but a few. If the contract can require deployment of specific medical professionals, why can't the contract require that such individuals achieve a certain level of training that will ensure better outcomes for the incarcerated?

The bottom line is that JT was somebody's son, brother, lover and employee. He exhibited suicidal ideation and threats for hours, which were largely ignored. KP had a known history of mental health issues, including attempted suicide. He was put back into the same cell where his cellmate unsuccessfully tried to hang himself; the next day KP successfully committed suicide. KC and EEA had long histories of mental health issues. Each died from drug overdoses inside the jail. Both of them belonged someplace other than jail, e.g., institutions for the mentally ill. NM was on home release in need of attention paid to his addictions and mental health issues; he died from an overdose.

One can argue all day and night whether system actors' greater awareness, training and use of non-incarceration programs might have prevented these particular deaths. However, one cannot reasonably argue with the fact that better trained actors might made a difference in the health outcomes for untold numbers of other inmates.

Every one who is the subject of the four Grand Jury Reports presents multiple lessons to be learned from their tragic deaths and deserves responses beyond:

"is not warranted,"

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"is not reasonable."

The four Grand Jury Reports under consideration raise serious issues at the intersection of mental health and criminal justice systems. The Grand Jury reports raise issues that have broad-based community interest. The professionals, government agencies and the greater Santa Barbara community would benefit from a Board/CEO led workshop where the underlying facts and issues can be discussed and solutions can be explored.

Thank you for your consideration.

Stan Roden

*Stan Roden*

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An interested community member