

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA

JOHN T. SAVRNOCH
District Attorney



KELLY A. DUNCAN
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Chief Deputy District Attorney

ANNE C. NUDSON
Chief Deputy District Attorney

MEGAN RHEINSCHILD
Victim-Witness Assistance Program
Director

JENNIFER KARAPETIAN
Chief Deputy District Attorney

KRISTINA PERKINS
Chief Investigator

MICHAEL SODERMAN
Chief Financial & Administrative
Officer

September 13, 2023

The Honorable Pauline Maxwell
Presiding Judge
Superior Court of California
County of Santa Barbara

Foreperson
2022-2023 Santa Barbara County Grand Jury
Santa Barbara Courthouse

Dear Presiding Judge Maxwell and Foreperson Eva Macias:

Enclosed please find the response from the Office of the District Attorney regarding the June 2023 Grand Jury Report entitled *A Death in Custody – Lessons Learned*.

Sincerely,

John T. Savrnoch
District Attorney

cc: Santa Barbara County Board of Supervisors
Santa Barbara County Executive Officer Mona Miyasato
Santa Barbara County Assistant County Executive Officer Tanja Heitman
Santa Barbara County District Attorney Executive Staff

Santa Barbara County District Attorney's Office
Response to the Santa Barbara County Grand Jury 2022-2023 Report
"A Death in Custody – Lessons Learned"

Finding 5

Lawfully shared data collection and analysis among multiple Santa Barbara County law enforcement agencies (Santa Barbara County Sheriff's Office, Santa Barbara County District Attorney's Office, Santa Barbara County Public Defender, Santa Barbara County Probation Department), the municipal police departments in Santa Barbara County (Guadalupe, Lompoc, Santa Barbara, and Santa Maria), mental health (County Behavioral Wellness) and public health (County public health) agencies would provide relevant county personnel with better tools to effectively serve community members with mental health illness.

The Santa Barbara County District Attorney agrees with Finding 5. The existing Santa Barbara County Data Sharing Committee includes the Santa Barbara County District Attorney, Santa Barbara County Probation Department, Santa Barbara County Sheriff's Office, Santa Barbara County Public Defender, Santa Barbara County Behavioral Wellness Department, and the County of Santa Barbara Superior Court as participating partners. Together, the Santa Barbara County Data Sharing Committee has developed and worked diligently to establish the Integrated Justice Information System (IJIS). The IJIS is a platform that allows each agency to share, analyze, and report data between the participating partner agencies. The IJIS has refined a process for matching data from disparate agency systems that are otherwise incompatible. This system is both flexible and efficient, as it allows agencies to request only the data that is required to work on a particular project, and outlines limitations on using that data to ensure each agency's confidentiality requirements and regulations are met.

However, the local municipal city councils with police agencies (Guadalupe, Lompoc, Santa Barbara, and Santa Maria) currently do not participate in the Santa Barbara County Data Sharing Committee. The District Attorney agrees that the participation of these agencies would be beneficial. However, the County does not have jurisdiction over these local municipalities. As a result, the police agencies listed above must willingly volunteer to participate in the Santa Barbara County Data Sharing Committee.

Finding 6

The Santa Barbara County Sheriff-Coroner investigation and the District Attorney's Office review of the medical cause and manner of JT's death that (sic) left the Jury with questions: (a) whether within reasonable medical certainty, the custody staff's use of on-stomach prone restraint and JT's vigorous resistance to it was the direct cause of JT's cardiac arrest; and (b) whether the custody staff followed Santa Barbara County Sheriff's Office training policies when they employed the on-stomach prone restraint hold on JT.

The Santa Barbara County District Attorney disagrees wholly with Finding 6(a). The County's forensic pathologist performed a post-mortem examination of JT and determined that JT died of sudden death due to the combined effects of morbid obesity, dilated cardiomyopathy, acute methamphetamine intoxication, active resistance, and restraint. The Grand Jury's finding that

two medical professionals concluded that the restraint applied by the custody officers and JT's resistance caused his death is questionable. It is not known what information these two medical professionals reviewed. The doctors suggested that the custody deputies placed their weight on JT's back. There is no evidence to support this suggestion. In fact, there is no evidence that anyone put their body weight on JT's neck, back, or head. Rather, the custody deputies used appropriate control holds on JT's shoulders, arms, and legs to stop his resistance. They exercised due caution to use safe restraint methods to stop his resistance so they could safely leave the cell.

The Santa Barbara County District Attorney disagrees partially with Finding 6(b). It is not the purview of the District Attorney's Office to review whether the custody staff followed Santa Barbara County Sheriff's Office training policies when they employed the restraint hold on JT. Rather, the Santa Barbara County District Attorney reviews in-custody deaths to determine whether anyone has state law criminal liability for their use of force on a decedent.

Recommendation 5

That by the end of the first quarter of 2024 Santa Barbara County, the Santa Barbara Sheriff's Office, Santa Barbara County District Attorney's Office, Santa Barbara County Public Defender, Santa Barbara County Probation Department, and all local municipal city councils with police agencies (Guadalupe, Lompoc, Santa Barbara, and Santa Maria), mental health (County Behavioral Wellness), and public health (County Public Health) agencies adopt relevant recommendations for more effective data sharing in the referenced San Diego Association of Governments (SANDAG) study.

The Santa Barbara County District Attorney agrees partially with Recommendation 5. The Santa Barbara County District Attorney agrees that all relevant local law enforcement agencies and County health and human service departments would benefit from adopting relevant recommendations for more effective data sharing in line with the San Diego Association of Governments study. The existing Santa Barbara County Data Sharing Committee includes the Santa Barbara County District Attorney, Santa Barbara County Probation Department, Santa Barbara County Sheriff's Office, Santa Barbara County Public Defender, Santa Barbara County Behavioral Wellness Department, and the County of Santa Barbara Superior Court as participating partners. These participating partners should continue to work collaboratively to more effectively share data. The Santa Barbara County District Attorney also agrees that Santa Barbara County should encourage all local law enforcement agencies and County health and human services departments to participate in the Santa Barbara County Data Sharing Committee.

The local municipal city councils with police agencies (Guadalupe, Lompoc, Santa Barbara, and Santa Maria) currently do not participate in the Santa Barbara County Data Sharing Committee. The District Attorney agrees that the participation of these agencies would be beneficial. However, the County does not have jurisdiction over these local municipalities. As a result, the police agencies listed above must willingly volunteer to participate in the Santa Barbara County Data Sharing Committee.

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Dear Presiding Judge Maxwell and Foreperson Eva Macias:

Enclosed please find the response from the Office of the District Attorney regarding the June 2023 Grand Jury Report entitled *A Vicious Cycle – Incarceration of the Severely Mentally Ill*.

Sincerely,

John T. Savrnoch
District Attorney

cc: Santa Barbara County Board of Supervisors
Santa Barbara County Executive Officer Mona Miyasato
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"A Vicious Cycle – Incarceration of the Severely Mentally Ill"

Recommendation 4(a)

That Santa Barbara County work with countywide criminal justice agencies to analyze why the Santa Barbara County Incompetent to Stand Trial caseload is one of the highest in the state.

The Santa Barbara County District Attorney's Office agrees with Recommendation 4(a). Santa Barbara County should continue to work with countywide criminal justice agencies to analyze the Santa Barbara County Incompetent to Stand Trial caseload.

The District Attorney currently collaborates with other criminal justice stakeholders through the following work groups related to Incompetent to Stand Trial cases:

1. Department of State Hospital Community Collaboration Stakeholder Workgroup; and
2. Incompetent to Stand Trial Collaborative Group.

Recommendation 4(b)

That the County work closely with the Santa Barbara Superior Court and criminal justice agencies to identify effective community-based treatment programs to reduce Incompetent to Stand Trial orders and Department of State Hospitals commitments.

The Santa Barbara County District Attorney's Office agrees with Recommendation 4(b). The County should continue to work closely with the Santa Barbara Superior Court and criminal justice agencies to identify effective community-based treatment programs to reduce Incompetent to Stand Trial orders and Department of State Hospitals commitments when possible.

The District Attorney currently collaborates with criminal justice stakeholders through the following work groups related to Incompetent to Stand Trial cases:

1. Department of State Hospital Community Collaboration Stakeholder Workgroup;
2. Incompetent to Stand Trial Collaborative Group;
3. Rapid Mental Health Diversion Program/Workgroup; and
4. CREDO-47 Diversion Program/Workgroup.
 - a. CREDO-47 is a partnership between the District Attorney, Public Defender, and Behavioral Wellness. It is a pre-arrest and pre-filing program that diverts low-level offenders suffering from substance abuse and/or mental illness. With early intervention, the offender is connected to community-based services and diverted away from the traditional criminal justice system.
5. Collaborative Courts.
 - a. Collaborative Courts help provide services to the unhoused and those suffering from mental illness and/or substance abuse. Collaborative Courts include programs such as Substance Abuse Treatment Court, Mental Health Treatment

Court, Mental Health Diversion Court, Prop-36, Veterans' Treatment Court, High-Risk DUI Court, Incompetent to Stand Trial Court, and Domestic Violence Review Court.

The District Attorney remains committed to collaborating with the Santa Barbara Superior Court, criminal justice agencies, and health and human services agencies to identify effective community-based treatment programs to support individuals suffering from mental illness and/or substance abuse, all with the overarching goal of enhancing public safety within our community.