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**BOARD OF SUPERVISORS**

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**COUNTY OF SANTA BARBARA**

December 5, 2023

Honorable Pauline Maxwell  
Presiding Judge  
Santa Barbara Superior Court  
County Courthouse  
1100 Anacapa Street  
Santa Barbara CA 93101

Reference: Response to Santa Barbara Civil Grand Jury report titled, "Every Death in Custody Is a Failure"

Judge Maxwell:

Please find attached the Santa Barbara County Board of Supervisors (Board) response to the above referenced Civil Grand Jury Report. As directed by the Grand Jury, all responses are provided in accordance with Section 933.05 of the California Penal Code.

Sincerely,

Das Williams, Chair  
Santa Barbara County Board of Supervisors

CC: Santa Barbara County Board of Supervisors

**Santa Barbara County Board of Supervisors  
Response to the Santa Barbara County Grand Jury 2022-23 Report  
“Every Death in Custody Is a Failure”**

**Finding 1**

Wellpath electronic medical records established that KP had a long history of substance abuse and severe mental health illness. When the Sheriff’s Office custody staff decided to house KP with a cellmate, it did not have access to the full extent of KP’s well established severe mental illness history. Inmates’ safety and overall health would be better protected if those making classification decisions had access to inmates’ vital medical and mental health information.

**The Board of Supervisors agrees** that inmates’ safety and overall health is likely to be better protected if those making classification decisions have access to inmates’ relevant medical and mental health information.

**Recommendation 1a**

That Santa Barbara County and the Santa Barbara County Sheriff’s Office promptly request that Santa Barbara County Counsel prepare a legal opinion as to whether, consistent with Federal and California law, Wellpath (or its successors) may provide critical inmate mental health information to Sheriff’s custody staff that have an appropriate need to know that information for inmate housing and programming.

**This recommendation has been implemented.** The Sheriff’s Office requested County Counsel’s legal opinion concerning whether Wellpath (or its successor) may disclose mental health information.

**Recommendation 1b**

That if County Counsel determines that Wellpath (or its successors) has any legal authority to provide inmate mental health information, then Santa Barbara County shall amend the agreement between Wellpath and the Santa Barbara Sheriff’s Office to provide inmate mental health and substance abuse information sharing on an appropriate need to know basis.

All parties agree that sharing of protected health information in a correctional setting is allowed when the information is necessary for the health and safety of inmates, individuals or custody staff. Extra privacy protections exist for substance abuse records. The current contract terms allow for information sharing as allowable under the statutes and regulations. **This recommendation will not be implemented as it is not warranted.**

**Finding 2**

**KP was severely mentally ill, was traumatized by witnessing his cellmate's attempted suicide, and should not have been rehoused alone, back into the same cell.**

Information about KP's mental health status is not known to the Board of Supervisors. However, based on the information presented it is reasonable to believe he was traumatized by witnessing his cellmate's attempted suicide and further assessment and support for KP was warranted. **The Board of Supervisors disagrees partially.**

**Recommendation 2**

**That Santa Barbara County and the Santa Barbara Sheriff's Office ensure that inmates with severe mental illness and suicidal ideation histories receive immediate mental health professional care after they are exposed to traumatizing events, including, but not limited to, the suicide attempt of a cellmate.**

**This recommendation has been implemented by the Sheriff's Office.** The Sheriff's Department reports that Wellpath issued a written directive and conducted training to ensure that inmates are provided with immediate mental health professional care after exposure to traumatizing events, including, but not limited to, the suicide or attempted suicide of a cellmate. Sheriff's custody staff participated in that training, and recently issued a critical incident follow-up communication directing custody staff to provide exposed inmates with enhanced observation, access to mental health services, and access to religious services.