

DAS WILLIAMS

First District, Chair

LAURA CAPPS

Second District

JOAN HARTMANN

Third District, Chair

BOB NELSON

Fourth District

STEVE LAVAGNINO

Fifth District, Vice Chair



BOARD OF SUPERVISORS

County Administration Building
105 East Anapamu Street
Santa Barbara, CA 93101
Telephone: (805) 568-2190
www.countyofsb.org

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, "A Death in Custody – Lessons Learned"

Judge Pauline 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, responses are provided on behalf of the Board of Supervisors as well as the Public Defender's Office and Probation Department.

Sincerely,

Das Williams, Chair
Santa Barbara County Board of Supervisors

cc: Santa Barbara County Board of Supervisors
Bill Brown, Sheriff-Coroner
John Savrnock, District Attorney
Holly Benton, Chief Probation Officer
Tracy Macuga, Public Defender

**Santa Barbara County Board of Supervisors
Response to the Santa Barbara County Grand Jury 2022-23 Report
“A Death in Custody – Lessons Learned”**

Finding 1

Under the existing agreement between the County and Wellpath, Santa Barbara County does not provide mental health professional care onsite in the Jails from 11 p.m. to 7 a.m.

The Board of Supervisors agrees.

Recommendation 1

That by the end of the second quarter of FY 2023-24, Santa Barbara County amend the existing agreement between the County and Wellpath to provide Jail inmates, in both the north and south facilities, with overnight (24/7) mental health professional onsite services.

Overnight mental health assistance for jail inmates will begin soon. The Department of Behavioral Wellness recently developed a pilot program to station a mobile crisis team at the jails during the overnight hours to assist with intakes and providing de-escalation and stabilization services in conjunction with Wellpath medical staff. An analysis showed the mobile teams received an average of one call or less per night requiring response in the community, which will provide the ability to be available at the jails during the majority of the overnight hours. The Sheriff’s Office and Department of Behavioral Wellness anticipate developing policies and procedures, identifying facility needs, and co-locating the staff in the jails by January 2024. Thus, **this recommendation will not be implemented because it is not warranted.**

Finding 2

Wellpath medical staff do not receive advanced training on mental health crisis intervention, which can be critical in circumstances when mental health staff are not on duty or not otherwise available and is required under a federal court order.

Wellpath provides all its staff with mental health-specific training at hire and annually after that, including suicide prevention and risk reduction, which is required per their contract. The Sheriff has indicated that Wellpath is open to incorporating additional trainings in line with the Grand Jury’s focus on this issue and will continue to work with Wellpath on this. Also, there is not currently a federal court order requiring this as stated. Therefore, **the Board of Supervisors disagrees partially.**

Recommendation 2a

That by the end of the first quarter of 2023-24, Santa Barbara County amend the existing agreement between the County and Wellpath (or its successor) to provide all medical staff with advanced 40-hour mental health crisis response training.

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 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.**

Recommendation 2b

That by the end of the first quarter of 2023-24, Santa Barbara County amend the existing agreement between the County and Wellpath (or its successors) that requires Wellpath medical staff, when faced with an emergent or urgent mental health case when Wellpath mental health staff is not on duty or available, to be trained on how to obtain outside assistance from a) senior regional Wellpath mental health staff and/or b) an available County Behavioral Wellness Crisis Management Team.

The partnership between the Sheriff's Office and Behavioral Wellness discussed earlier will accomplish the same purpose as this recommendation. The Sheriff's Office and the Department of Behavioral Wellness have come to a collaborative agreement to staff both the north and south county Mobile Crisis teams at the Main Jail and Northern Branch Jail, so that whenever they are not responding to a crisis in the community, they will be immediately available to assist custody and Wellpath staff in caring for mentally ill inmates in crisis. This will not require an amendment to the existing agreement with Wellpath. **Thus, this recommendation will not be implemented because it is not warranted.**

Recommendation 3

That by the end of the first quarter of 2023-24, Santa Barbara County and Santa Barbara County Sheriff's Office provide funding so that the Sheriff's Office implement effective advanced mental health crisis response training consisting of at least 40 hours of instruction and annual refresher training consisting of at least eight-hours for its custody staff.

The end of the first quarter of Fiscal Year 2023-2024 is too short of a timeline to conduct the analysis needed and determine the level of funding required. But perhaps more importantly, the Board of Supervisors also lacks the authority to dictate sworn workforce training requirements to the Sheriff. The Sheriff indicated in his response that he does not plan to implement this recommendation citing fiscal and staffing concerns. **This recommendation will not be implemented as it is not reasonable** at this time given the information above.

Recommendation 4b

That by the end of the first quarter of 2023-24, Santa Barbara County provide funding to the Santa Barbara County Sheriff's Office and the Sheriff's Office implement for its patrol staff and supervisors effective advanced mental health crisis response training consisting of at least 40 hours of instruction and annual refresher training consisting of at least eight hours.

The end of the first quarter of Fiscal Year 2023-2024 is too short of a timeline to conduct the analysis and determine the level of funding required. But perhaps more importantly, the Board of Supervisors also lacks the authority to dictate sworn workforce training requirements to the Sheriff. However, the Sheriff has indicated he will be doing further analysis related to this recommendation. Once that analysis is complete and a funding request comes to the Board of Supervisors it can be given further consideration. **This recommendation will not be implemented as it is not reasonable** at this time but can be reconsidered after the Sheriff's analysis is complete.

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 agencies (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 Board of Supervisors agrees.

Recommendation 5

That by the end of the first quarter of 2023-24, Santa Barbara County, the Santa Barbara County 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 County already has a structure in place that accomplishes a similar goal as requested by the Grand Jury. The County agencies identified above all participate in the Santa Barbara County Data Sharing Committee (previously known as the Criminal Justice Data Committee), with the purpose of establishing processes by which data can be shared and analyzed. The data sharing committee created a Memorandum of Understanding that outlines how data can be shared among the partner agencies. Data sharing of individual records is subject to legal restrictions, including privacy laws and attorney-client

privilege considerations, which can limit the ability to share confidential client information. Some of the city agencies have participated on the committee previously but are not currently actively engaged. The County agrees to invite the local municipal city councils with police agencies to the committee. The referenced SANDAG study will not be utilized as a local mechanism for sharing with the County committee, as the committee already serves an equivalent purpose. Although the county values and supports effective data sharing, **this recommendation will not be implemented because it is not warranted** given the current structure in place.

Recommendation 6

That the County of Santa Barbara and the Sheriff-Coroner's Office request an independent review from the State Attorney General of all facts and circumstances leading up to the death-in-custody of JT, and any legal consequences that result from that review to include the following questions:

- 1. 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;**
- 2. Whether the custody staff followed Santa Barbara County Sheriff's Office training policies when they employed the on-stomach prone restraint hold of JT.**

The Board of Supervisors takes all deaths in custody seriously and relies on the systems in place for investigation and review. The District Attorney has reviewed the pathologist's report and found no basis for criminal liability. The Board of Supervisors has no additional information at this time to warrant requesting State Attorney General review of the Sheriff's investigation and the subsequent District Attorney's findings. As to whether the Custody staff followed their agency's training policies, this is a matter that would fall under the authority of the Sheriff to conduct an internal affairs investigation. Given the background information and authority, **this recommendation will not be implemented as it is not reasonable.**