

Attachment B

Office of the Sheriff



SANTA BARBARA COUNTY

HEADQUARTERS

P.O. Box 6427 4434 Calle Real Santa Barbara, California 93160

Phone (805) 681-4100 Fax (805) 681-4322

www.sbsheriff.org

May 29, 2024

STATIONS

Buellton

140 W. Highway 246
Buellton, CA 93427
Phone (805) 686-8150

Carpinteria

5775 Carpinteria Avenue
Carpinteria, CA 93013
Phone (805) 568-3399

Isla Vista

6504 Trigo Road
Isla Vista, CA 93117
Phone (805) 681-4179

Lompoc

3500 Harris Grade Road
Lompoc, CA 93436
Phone (805) 737-7737

New Cuyama

70 Newsome Street
New Cuyama, CA 93254
Phone (661) 766-2310

Santa Maria

812-A W. Foster Road
Santa Maria, CA 93436
Phone (805) 934-6150

Solvang

1745 Mission Drive
Solvang, CA 93463
Phone (805) 686-5000

Sheriff - Coroner Office

1745 Mission Drive
Solvang, CA 93463
Phone (805) 681-4145

Main Jail

4436 Calle Real
Santa Barbara, CA 93110
Phone (805) 681-4260

Northern Branch Jail

2301 Black Road
Santa Maria, CA 93455
Phone (805) 554-3100

COURT SERVICES CIVIL OFFICES

Santa Barbara

1105 Santa Barbara Street
P.O. Box 690
Santa Barbara, CA 93102
Phone (805) 568-2900

Santa Maria

312 E. Cook Street, "O"
Santa Maria, CA 93456
Phone (805) 346-7430

BILL BROWN

Sheriff - Coroner

CRAIG BONNER

Undersheriff

Eva Macias
Foreman, SBC Grand Jury
Santa Barbara County Courthouse
1100 Anacapa Street
Santa Barbara, CA 93101
emacias@sbcourts.org

Re: Response to the Santa Barbara County Grand Jury Report Entitled "*Wellpath Contract Services Provided to Santa Barbara County and the Sheriff's Office*"

Dear Foreperson Macias,

Enclosed please find the Santa Barbara County Sheriff's Office response to the 2023 – 2024 Santa Barbara County Grand Jury Report entitled "*Wellpath Contract Services Provided to Santa Barbara County and the Sheriff's Office*".

As requested in the report, the Sheriff's Office is responding to Findings 1, 2, and 3, and Recommendations 1a, 1b, 1c, 2a, 2b, 2c, 2d, 3a, 3b, and 3d.

Should you have any additional questions, please feel free to contact me at (805) 681-4290.

Sincerely,

A handwritten signature in blue ink that reads "Bill Brown".

BILL BROWN
Sheriff – Coroner

Enclosure: The Santa Barbara County Sheriff's Office response to the 2023 – 2024 Santa Barbara County Grand Jury Report entitled "*Wellpath Contract Services Provided to Santa Barbara County and the Sheriff's Office*".

c: Honorable Pauline Maxwell, Superior Court of California
Mike Munoz, Deputy County Counsel
Paul Lee, Deputy County Counsel
Das Williams, First District Supervisor; Laura Capps, Second District Supervisor
Joan Hartman, Third District Supervisor; Bob Nelson, Fourth District Supervisor
Steve Lavagnino, Fifth District Supervisor; Mona Miyasato, County Executive Officer

Santa Barbara County Sheriff's Office
Response to the Santa Barbara County Grand Jury 2023-2024 Report
"Wellpath Contract Services Provided to Santa Barbara County and the Sheriff's Office"

Findings and Recommendations

Santa Barbara County Sheriff: 60 Days

Finding(s): 1, 2, 3

Recommendation(s): 1a, 1b, 1c; 2a, 2b, 2c, 2d; 3a, 3b, 3d

FINDING 1

WellPath/Sheriff staffing shortfalls at the Santa Barbara County jails occurred frequently, which could lead to delayed healthcare provision to the inmates.

Sheriff's Office Response:

Agree.

Both the Sheriff's Office and WellPath have experienced significant difficulties in recruiting and retaining personnel to work within our Santa Barbara County Jail facilities in recent years, particularly in the wake of the COVID-19 Pandemic. However, both organizations have worked individually and collectively to mitigate the operational impacts of the vacancies. This has included the use of overtime coverage, part-time/ extra-help coverage, telemedicine and close coordination between the operations of both organizations.

Furthermore, in recognizing the importance of closing staffing gaps, both the Sheriff's Office and WellPath have invested considerable effort and resources toward enhancing our respective recruitment efforts and hiring processes, but are still challenged to overcome a number of strong societal changes relating to the workforce. A recent Wall Street Journal article concisely pointed out a number of workforce factors that are particularly challenging given the realistic constraints that come with operating 24/7/365 jail facilities (<https://www.wsj.com/lifestyle/careers/americans-attitude-work-data-0c2e487c>). Specifically, the article explained that jobs in the post-Covid era that require in-person work and fixed shifts are particularly hard to fill. Both of these factors are necessary for the successful operation of a 24/7/365 jail facility. The Sheriff's Office and WellPath continue to explore opportunities to further expand and refine our individual recruitment efforts.

Recommendation 1a

The Sheriff's Office shall include more healthcare positions in the upcoming 2024 contract.

Sheriff's Office Response:

Will be implemented, with an implementation schedule.

Contract negotiations, which includes additional healthcare positions, are currently underway between the County and WellPath. Once negotiations on the final Wellpath contract extension are complete, in the near future, a final agreement will be brought to the Board of Supervisors for approval and ratification.

Recommendation 1b

The Sheriff's Office shall institute higher initial compensation to better assist recruitment of qualified healthcare staff in the upcoming 2024 contract.

Sheriff's Office Response:

It will not be implemented with an explanation why.

It is outside of the scope of the Sheriff's Office to implement higher compensation for contracted employees. That is the purview of the contractor. Contract negotiations are currently underway with Wellpath that address cost of living increases. In the near future, once negotiations are complete, a final agreement will be brought to the Board of Supervisors for approval and ratification that includes contract employee salary ranges.

Recommendation 1c

The Sheriff's Office shall negotiate for competitive incentive programs in the upcoming 2024 healthcare contract. These would include signing bonuses, retention bonuses, enhanced benefit packages, transportation allowances, or other housing assistance packages commensurate with the high housing costs in Santa Barbara County.

Sheriff's Office Response:

It will not be implemented with an explanation why.

Although we have had ongoing discussions with Wellpath about recruitment and cost of living challenges in Santa Barbara County, setting salary and compensation levels and incentives is ultimately the responsibility of the vendor and not the Sheriff's Office. In order to successfully meet and maintain the required service and staffing levels, a vendor needs to ensure that their employees are afforded pay and benefits that are competitive in the regional market. Once these costs are identified, they need to be considered during the contract negotiations process. It is ultimately up to the County and the Board of Supervisors to agree to pay such costs.

FINDING 2:

A lack of accounting within the Sheriff's Office did not acknowledge WellPath staffing shortfalls which exceeded the agreed upon 2% vacancy level for which credits should have been applied.

Sheriff's Office Response:

Disagree partially with an explanation.

Over the course of the contract with WellPath, changes were made to the contractual staffing obligations, the measurement of compliance and staffing shortfall remedies. This was particularly influenced by the COVID-19 Pandemic and the early opening of the Northern Branch Jail. These and other factors resulted in a degree of confusion and disagreement as to how vacancy rates should be calculated and credits applied. During the first couple of contract years, Sheriff's staff believed Wellpath was generally meeting the 2% criteria, but in the wake of post-Pandemic staffing challenges, it became apparent that Wellpath was no longer meeting the contractual staffing criteria.

In October of 2023, the Sheriff's Office conducted a review of monthly WellPath staffing reports for the first 6 months of the contract term (April 2023 through September 2023). The WellPath reports provided aggregate hours for clinical healthcare staff classifications (i.e. Registered Nurses, Licensed Vocational Nurse, Psychiatrist, etc.). After further review and consultation with the County Executive Officer's Budget and Auditing staff, a request was submitted to WellPath asking for more granular data. The process of studying the more detailed staffing data is nearing completion, and will result in a formalized standard process for receiving and analyzing WellPath staffing reports and calculating

future contract credits. This will occur prior to the ratification of the current contract's final amendment and will be an ongoing process in future contracts.

Recommendation 2a

For the balance of 2024, prior to end-of-month invoice submission from WellPath, financially knowledgeable Sheriff custody staff shall work with the WellPath Health Administrator to examine, concur, and record any staff vacancies that exceed the 2% limit.

Sheriff's Office Response:

Has been implemented, with a summary of the implementation actions taken.

See Sheriff's Office Response to Finding 2.

Recommendation 2b

This agreed upon vacancy credit shall be clearly delineated in WellPath's end-of-month billing invoice.

Sheriff's Office Response:

Will be implemented, with an implementation schedule.

The Sheriff's Office has been working with the County's budget team and Wellpath to formalize end-of-month billing invoices that clearly identify vacancy credit due to unfilled contract positions. It is anticipated this methodology will be agreed upon prior to ratification of the current contract's final amendment, and that it will be ongoing in future contracts.

Recommendation 2c

The bookkeeping/accounting department in the Sheriff's Office shall provide accurate oversight to ensure proper entries of credits coupled with transparent deductions in payments.

Sheriff's Office Response:

Will be implemented, with an implementation schedule.

As soon as the process noted within response to Finding 2 is finalized, appropriate billing procedures will be followed to accurately track the credits applied to the contract.

Recommendation 2d: The Board of Supervisors shall require Public Health Department resources to carefully oversee and regularly report on performance measures and Contractual Agreement adherence.

Sheriff's Office Response:

Will be implemented, with an implementation schedule.

This recommendation is being implemented. The Board of Supervisors has approved funding for a Chief Correctional Health Medical Advisor and a Correctional Health Quality Care Improvement Manager. Recruitment is underway for these positions. They will be hired in the next fiscal year and will collaborate with existing staff from the Sheriff's Office, WellPath, and Department of Behavioral Wellness to facilitate evaluations and enhance continuous quality healthcare assurance efforts within our jail facilities. However, ensuring contractual agreement adherence is the responsibility the Probation Department and the Sheriff's Office.

FINDING 3

There is an absence of WellPath 24/7 mental health providers at both County Jail sites.

Sheriff's Office Response:

Agree.

Recommendations 3a

The Sheriff's Office shall instruct WellPath to expand in-depth training for nursing staff to better recognize and address both potential and existing mental health issues and crises to be initiated by the end of December 2024.

Sheriff's Office Response:

It will not be implemented with an explanation of why.

The Sheriff's Office is committed to continue working with WellPath to ensure their staff are adequately trained, equipped and prepared for working with incarcerated persons with behavioral health needs. However, this recommendation is not needed and is contraindicated by the Jury's report under the section entitled "Second issue: Lack of 24/7 mental health coverage". In this section the Jury reports, "*The entire WellPath staff is trained in emergency management of mental health crises.*" Additionally on page 6, the report states, "*The compliance standard from the National Commission on Correctional Health Care (NCCHC) requires at least 75% of staff present to be current in mental health training.*" In fact, the Main Jail is currently accredited by the NCCHC and WellPath remains in compliance with the NCCHC standard referred to by the Jury. In addition, maintaining licensures for all clinical staff members already requires on-going instruction by way of Continuing Education Units (CEU), with varying amounts depending on the classification of license. While WellPath and the Sheriff's Office are both sensitive to the needs of the patients in our care, arbitrarily and unilaterally prescribing an expansion of "in-depth training" is too vague to effectively implement.

Recommendation 3b

The Sheriff's Office shall expand in-depth training of all custody deputies to better identify potential and existing mental health issues and crises to be initiated by the end of December 2024.

Sheriff's Office Response:

It will not be implemented with an explanation of why.

The Sheriff's Office is committed to ensuring all of our staff members are trained to appropriate Board of State and Community Corrections' Standards and Training for Corrections (STC) and California Peace Officer Standards and Training (POST) standards. As with Recommendation 3a, Recommendation 3b is contraindicated by other content within the Jury's report. Specifically, on page 5, the Jury reports, "*Beginning in 2021 all custody staff graduates receive 40 hours of training in various areas related to mental health and crisis intervention included in their core academy curriculum. All current custody deputies are required to receive 24 hours of annual training, a part of which deals with de-escalation techniques and special considerations regarding the mental state of the subjects/inmates.*" As the Grand Jury's report explains, all of our custody deputies have received initial and ongoing Crisis Intervention Training. As an agency, we continually update and revise our initial and in-service training, including mental health-related training that reflects best practices.

Recommendation 3d

The Sheriff's Office shall instruct WellPath to conduct a thorough assessment of the accessibility and benefits of telepsychiatry, focusing on optimization of this service in the nighttime hours (11 p.m. – 7 a.m.) to be initiated by the end of December 2024.

Sheriff's Office Response:

Has been implemented, with a summary of the implementation actions taken.

WellPath is already providing telepsychiatry as well as telehealth through their WellPath Healthcare Cloud service. However, the service is rarely utilized within our custody facilities due to the fact our assigned medical director and psychologist are available, by phone, unless they are on vacation or out of the area. The cloud-based service connects clinicians and patients with specialty healthcare providers for a multitude of needs and requests, including bridging medications, behavioral health assessments, prompt and accurate diagnoses, shortening service delivery times, and covering periods in which in-person services are not available.