

Office of the Sheriff



SANTA BARBARA COUNTY

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3500 Harris Grade Road
Lompoc, CA 93436
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New Cuyama
70 Newsome Street
New Cuyama, CA 93254
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812-A W. Foster Road
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1745 Mission Drive
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Sheriff - Coroner Office
66 S. San Antonio Road
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Main Jail
4436 Calle Real
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2301 Black Road
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COURT SERVICES CIVIL OFFICES

Santa Barbara
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BILL BROWN

Sheriff - Coroner

CRAIG BONNER

Undersheriff

September 13, 2023

Christian McGrath
Foreperson
2022-2023 Santa Barbara County Grand Jury
Grand Jury Chambers
Santa Barbara County Courthouse
1100 Anacapa Street
Santa Barbara, CA 93101

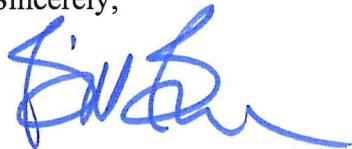
RE: Response to the Santa Barbara County Grand Jury Report Entitled
"A Death in Custody – Lessons Learned"

Dear Foreperson McGrath:

I am sharing with you the Santa Barbara County Sheriff's Office response to the 2022-2023 Santa Barbara County Grand Jury Report entitled "A Death in Custody – Lessons Learned."

As requested in the report, the Sheriff's Office is responding to findings and recommendations 1, 2, 3, 4, 5, and 6. Should you have any additional questions, please feel free to contact me at 681-4290.

Sincerely,



BILL BROWN
Sheriff – Coroner

Enclosure: SBSO response

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

FINDINGS AND RECOMMENDATIONS

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.

Sheriff's Office Response: Agree.

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.

Sheriff's Office Response: This will not be implemented.

The Sheriff's Office relies on a recent (April 26, 2023) analysis of WellPath Health and Mental Health Services entitled, "*SANTA BARBARA COUNTY SHERIFF'S OFFICE JAIL HEALTH SERVICES STAFFING REVIEW*" conducted by Avocet Enterprises. In their review, the experts did not indicate that additional coverage for Mental Health services was required as the Grand Jury suggests.

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.

Sheriff's Office Response: Disagree partially with an explanation.

WellPath disagrees that there is any causal relationship between the training of its staff and patient JT's unfortunate death, which was determined by the medical examiner to have been accidental and due to somatic medical causes, including morbid obesity, dilated cardiomyopathy, acute methamphetamine intoxication, and active resistance. WellPath does not oppose providing additional mental health training to jail medical staff. WellPath does provide all staff with mental health-specific training at hire and annually after that. While this training does include suicide prevention and risk reduction, we are always looking at ways to improve staff training and appreciate the Grand Jury's focus on this issue.

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.

Sheriff's Office Response: Requires further analysis.

WellPath will work to create more in-depth training for medical staff, which will include de-escalation techniques and crisis intervention. WellPath's Regional Mental Health team will develop this. This proposed training program will not replace the annual mental health training provided at hire and will supplement existing training. The hours needed to train staff will be determined by the regional team. We aim to develop this training by the end of the first quarter 2024.

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.

Sheriff's Office Response: Requires further analysis.

Jail medical staff currently work with the County's Mobile Crisis management team for patients with emergent needs. The Mobile Crisis team will respond to the jail when needed to assist WellPath with patients who require a higher level of care. Medical can request that the team evaluate a patient when WellPath mental health staff are not on-site after contracted hours. Furthermore, the Sheriff's Office and the Department of Behavioral Wellness have come to a collaborative agreement to station both the north and south county Mobile Crisis tea at the Main Jail and the 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. WellPath, County Behavioral Wellness, and the Sheriff's Office meet monthly to continue to grow and expand collaborative efforts to meet the needs of incarcerated persons with mental health needs at the jail. WellPath is open to discussions on further amendment of the contract with the Sheriff's Office.

Finding 3

The majority of the Santa Barbara County Sheriffs Office custody staff hired pre-2021 have not been provided 40-hour mental health crisis response training. Although the Santa Barbara County Sheriff's Office offers an advanced mental health 40-hour training course for members of its patrol co-response teams and for Santa Barbara County Sheriffs Office custody staff recent hires, it does not mandate this for custodial staff hired before 2021.

Sheriff's Office Response: Disagree partially with an explanation.

The Sheriff's Office continually offers advanced mental health 40-hour training for co-response and certain other patrol and allied staff. Custody staff hired since 2021 have each received 40 hours of CIT training in their Core basic training course. In addition, some other patrol, custody, and dispatch staff have received additional advanced mental health training from 8 to 40 hours.

Recommendation 3

That by the end of the first quarter of FY 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.

Sheriff's Office Response: Will not be implemented.

All custody deputies hired since 2021 have received and all newly-hired custody deputies are receiving 40 hours of mental health crisis training in their Core academy. Due to present staffing levels and substantial financial constraints, we are unable to offer this training at the moment. In the event that funding becomes available, the Sheriff's Office will proceed with additional advanced mental health training for pre-2021 custody staff as staffing levels permit.

Finding 4b

All cities in Santa Barbara County with their own police departments, i.e., cities of Guadalupe, Lompoc, Santa Barbara, and Santa Maria, and the Santa Barbara County Sheriff's Office patrol officers and supervisory personnel would benefit from advanced mental health crisis response training consisting of at least 40 hours of instruction and annual refresher training consisting of at least eight-hours.

Sheriff's Office Response: Requires further analysis.

The Sheriff's Office relies on established training standards for its sworn law enforcement deputies under the California Commission on Peace Officer Standards and Training (POST). Specifically, the mandated requirement for Basic Academy instruction includes the course entitled "*Mental Illness and Developmental Disabilities Course*," which must be a minimum of eight (8) Hours (Penal Code section 13515.25). While the Sheriff's Office recognizes the value of enhanced training in dealing with those with Mental Health issues and will do all it can to accommodate more deputies receiving the 40-hour training, a blanket order of forty (40) additional hours of training, would impose significant scheduling and financial challenges on the County.

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.

Sheriff's Office Response: Agree

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.

Sheriff's Office Response: Agree

The County has a committee dedicated to sharing data amongst the criminal justice partners and public health and behavioral health agencies. They report their progress regularly to the Board of Supervisors. We will present the Grand Jury's recommendation to the CJ data-sharing committee for consideration and ask for a response by January 13, 2024.

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 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.

Sheriff's Office Response: Disagree wholly.

In this case, the Sheriff's Office concurs with the forensic pathologist's finding of JT's cause of death, which he opined was due to the five factors: morbid obesity, dilated cardiomyopathy, acute methamphetamine intoxication, active resistance, and restraint. His opinion is that all five of those factors acted in synergy, and he emphatically believes that any one of them (i.e., physical restraint, as questioned by the Jury) cannot stand alone as the primary cause of death.

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 JVs vigorous resistance to it was the direct cause of DTs 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 on JT.

Sheriff's Office Response: Will not be implemented.

As previously stated, the Sheriff's Office concurs with the forensic pathologist's finding of JT's cause of death, which he opined was due to the five factors: morbid obesity, dilated cardiomyopathy, acute methamphetamine intoxication, active resistance, and restraint. His opinion is that all five of those factors acted in synergy, and he emphatically believes that any one of them (i.e., physical restraint, as questioned by the Jury) cannot stand alone as the primary cause of death. Additionally, on October 6, 2022, District Attorney Joyce Dudley concluded that the physical force used by custody deputies to restrain JT prior to his accidental death was reasonable and lawful, and that they bear no criminal liability.