

Office of the Sheriff



SANTA BARBARA COUNTY

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May 31, 2024

BILL BROWN

Sheriff - Coroner

CRAIG BONNER

Undersheriff

Eva Macias
Foreman, SBC Grand Jury
Santa Barbara County Courthouse
1100 Anacapa Street
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Re: Responses to the Santa Barbara County Grand Jury Requests for Responses to the following report commitments: "A Death in Custody – Lessons Learned," "Every Death in Custody is a Failure," "A Vicious Cycle – Incarceration of the Mentally Ill," and "Death on Electronic Monitored Home Release."

Dear Foreperson Macias,

Enclosed is the Santa Barbara County Sheriff's Office response to the Santa Barbara County Grand Jury's request for follow-up on our responses to the following reports entitled:

- "A Death in Custody – Lessons Learned" - Recommendations 2a, 2b, 4b, and 5
- "Death on Electronic Monitored Home Release" - Recommendations 1a, 1b, and 2b
- "Every Death in Custody is a Failure" – Recommendation 1b
- "A Vicious Cycle – Incarceration of the Mentally Ill" – Recommendation 1

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

Sincerely,



BILL BROWN
Sheriff – Coroner

Enclosures: The Santa Barbara County Sheriff's Office response to the Santa Barbara County Grand Jury's request for follow-up on our responses to the following reports entitled:

- “A Death in Custody – Lessons Learned” - Recommendations 2a, 2b, 4b, and 5
- “Death on Electronic Monitored Home Release” - Recommendations 1a, 1b, and 2b
- “Every Death in Custody is a Failure” - Recommendation 1b
- “A Vicious Cycle – Incarceration of the Mentally Ill” - Recommendation 1

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's Request for Follow-Up re:
"Every Death in Custody is a Failure"

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.

Sheriff's Office Response: Requires further analysis.

To the extent such information can be legally shared, additional research would be needed to ascertain if a Wellpath contract amendment would be required due to an expanded scope of work. If so, negotiations would then be needed, as well as Board approval and funding, once that process was completed. Even with an aggressive schedule, the full implementation of such an information-sharing procedure will likely take 8 to 10 months.

Current Response: Will not be implemented

All parties agree that sharing 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. Therefore, this recommendation will not be implemented as it is not warranted.

Santa Barbara County Sheriff's Office
Response to the Santa Barbara County Grand Jury's Request for Follow-Up re:
"A Death in Custody – Lessons Learned"

Recommendation 2a

That by 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.

Current Response: Will not be implemented

After further analysis, this recommendation is not feasible and would not be a good utilization of resources. The 40-hour crisis intervention program is designed for lay law enforcement officers with little or no previous clinical training in managing or interacting with people with mental illnesses. Licensed nurses and mental health professionals receive significant training in interacting with and understanding signs and symptoms of mental illness. Therefore, providing this course to all medical staff would be an inefficient use of resources. The Sheriff's Office and Wellpath are working together to create additional training relative to crisis response, de-escalation and interacting with individuals with mental illness for medical, mental health and custody staff. The Sheriff's Office will include a training component for healthcare staff in the Request for Proposals for healthcare services for the subsequent healthcare contract beginning April 1, 2025.

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 teams 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.

Current Response: After further analysis, the Sheriff's Office partially agrees with this recommendation.

The Sheriff's Office, Wellpath and the Department of Behavioral Wellness (BWell) have been meeting regularly and working collaboratively to streamline the request for BWell's crisis services for incarcerated persons demonstrating behavior that warrants a crisis response. All Wellpath staff have been trained in how to access BWell's crisis services. Incorporating this requirement into the contract is not necessary as Wellpath has incorporated it into their revised policies which are under review by the County of Santa Barbara Public Health and BWell. BWell's crisis services teams began conducting rounds at both jail facilities in April 2024 during the evening hours to identify and/or evaluate potential incarcerated persons in crisis. Due to labor challenges, crisis response personnel were not stationed at the jail facilities as the Sheriff's Office intended in our original response.

Recommendation 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.

Current Response: Will not be implemented

After further analysis, this recommendation is not feasible and will not be implemented. All law enforcement officers and custody deputies receive training in crisis response, de-escalation and interpersonal communications in their respective academies prior to service. During this period of renewed fiscal challenges and budget constraints, this is not feasible at this time. The Sheriff's Office is committed to providing quality training that is responsive to the community's needs and to ensure its personnel adhere to training requirements mandated by Board of State and Community Corrections' (BSCC) Standards and Training for Corrections (STC) for custody deputies and Peace Officer Standards and Training (POST) for law enforcement deputies. Furthermore, the Sheriff's Office incorporates core concepts of the crisis intervention training into its ongoing quarterly training for both law enforcement and custody deputies.

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.

Current Response: Will not be implemented

Although the Sheriff's response to this recommendation included a referral to the Criminal Justice Data Sharing Committee, the Board of Supervisor's response was contradictory. The following is taken from the official response from the Board issued 12/05/2023: "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." Given the Board's response, and considering the Committee is chaired by the County of Santa Barbara's County Executive Officer, the Sheriff's Office did not make the request.

Santa Barbara County Sheriff's Office
Response to the Santa Barbara County Grand Jury's Request for Follow-Up re:
"Death on Electronic Monitored Home Release"

Recommendations 1a and 1b

That the Sheriff's Office and the Santa Barbara County Probation Department ensure that participants in the Electronic Monitored Home Release program, especially those with mental health and substance abuse issues, enter appropriate clinical programs and closely monitor such participation.

Sheriff's Office Response: Will be implemented, with an implementation schedule.

The Sheriff's Office and Probation Department will research, develop, and implement a process that strives to identify individuals accepted to the Alternative Sentencing Program who suffer from mental health and substance use issues, to ensure they are appropriately referred to treatment, and that their participation is monitored. This process will be completed on or before January 9, 2024.

Current Response: Has been implemented

As a condition of applying for electronic monitoring, all potential participants are screened for risk. Individuals who are medium or high risk to re-offend are screened further which includes an assessment of mental health and substance use/abuse needs. Santa Barbara County Probation staff utilize the assessments to tailor supervision and program requirements, which may entail additional clinical programs. The Probation Office is responsible for monitoring program participation, while the Sheriff's Office authorizes program acceptance.

Recommendation 2b

That if Santa Barbara County Counsel determines that Wellpath does have legal authority to provide inmate mental health information to Sheriff's Office personnel and Santa Barbara County Probation Department, then the County and the Santa Barbara County Sheriff's Office shall amend the existing agreement with Wellpath to require such sharing to the full extent of the law.

Sheriff's Office Response: Requires further analysis.

To the extent that such information can be legally shared, additional research would be needed to ascertain if a Wellpath contract amendment would be required due to an expanded scope of work. If so, negotiation would then be needed, as well as Board approval and funding, once that process was completed. Even with an aggressive schedule, the full implementation of an information-sharing procedure will likely take 8 to 10 months.

The Sheriff's Office has received legal advice from County Counsel and entered into negotiations with Wellpath about such information sharing. This process will be completed on or before January 9, 2024, with a view to implementing the Jury's recommendation.

Current Response: Will not be implemented

All parties agree that sharing 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. Therefore, this recommendation will not be implemented as it is not warranted.

Santa Barbara County Sheriff's Office
Response to the Santa Barbara County Grand Jury's Request for Follow-Up re:
"A Vicious Cycle – Incarceration of the Mentally Ill"

Recommendation 1

That the Santa Barbara Sheriff's Office compile and report monthly to the County and the public the number of inmates who have substance abuse, mild to moderate mental health disorders or serious mental illness.

Sheriff's Office Response: Requires further analysis.

For some time, the Sheriff's Office and various county agencies have been actively engaged in discussions regarding the sharing and integrating of data related to common clients and their resource utilization. Over the past few years, numerous efforts have been made to enhance efficiency and foster collaboration. One of the top priorities within this ongoing process has been identifying individuals with serious mental illnesses. Nevertheless, this is difficult to achieve and an issue that demands substantial labor.

It is essential to acknowledge that achieving significant progress in delivering reportable data within the timeframes recommended by the Grand Jury poses a formidable challenge. Identifying inmates with mental illnesses is easier said than done, as it is an inherently complex process and lacks a definitive litmus test. While we are committed to progressing, reaching our goals will take time.

It's crucial to note that relying solely on the number of inmates receiving psychotropic medications within our custody facility is not a comprehensive method of identifying those who suffer from mental illness. This approach is not all-encompassing, as it includes medications such as sleep aids, which do not necessarily indicate the presence of a mental illness. As mentioned in other contemporaneous responses to the Grand Jury reports, we are negotiating with Wellpath to determine a path forward to receiving medical and mental health information which will more accurately identify those inmates with mental illness.

Current Response: Has Been (Partially) Implemented

As mentioned in our previous responses, compiling, analyzing, and sharing data with the public has posed a formidable challenge due to resource availability, fidelity of the data, and ensuring that the information being shared is easily digestible to the public. Additionally, several categories, such as "mild to moderate mental health disorders," are not easily definable nor reportable as there is no standard definition of what that entails. Serious mental illness, on the other hand, is defined and is more easily distinguishable. The Sheriff's Office is committed to transparency and is working with our data unit to display on our website's data dashboard the average number of seriously mentally ill individuals in custody as well as the number of individuals participating in the medication-assisted treatment program for substance use disorder. To accomplish this, the Sheriff's Office has worked with Wellpath and the County data-sharing committee to create a data-sharing conduit to seamlessly share data from Wellpath's electronic medical record into the Jail Management system.