

# **SANTA BARBARA COUNTY AGENCIES RESPOND TO 2023-24 GRAND JURY REPORTS**

## **SUMMARY**

The 2023-24 Santa Barbara County Grand Jury issued nine reports. The current 2024-25 Grand Jury has assembled the responses to the prior Jury's reports. The following report is based on the responses that agree or disagree with the Jury's findings and recommendations. This Response Report is also meant to allow the public to become more familiar with their local agencies by reading their answers to the Grand Jury's reports, found on its website: [www.sbcgj.org](http://www.sbcgj.org). Overall, Santa Barbara County agencies agreed with the 2023-24 Jury's findings 46 times (64.8% of the time) and stated that they either have implemented or will implement the Jury's recommendations 56 times (58.4% of the time).

## **INTRODUCTION**

In California, each county grand jury writes reports after looking into the operations of various local government entities. These reports are sent to the local agencies, who then are required to write a response to the jury's findings and recommendations that are addressed to them. The agencies can agree with the jury's findings and recommendations, and this can lead to changes in how policies are implemented. Agencies can also disagree with the jury, which can happen just as often. In these cases, the agencies explain their position and their actions in their responses.

Either way, the investigative process informs the public how our local government agencies work. While the agencies might not always agree with a grand jury, everyone is working together to improve their function in the community. This is, at its core, a collaborative effort.

A grand jury is considered the watchdog for the public. Grand jury members are able to directly interview members of the government and private citizens and gather information that is not always available to the public. In this way, a grand jury has a unique ability to "shine the light" on our civic processes.

The 2024-25 Santa Barbara County Grand Jury invites the public to contact it regarding areas of future investigations. A form to request an inquiry can be found on the Grand Jury website: [www.sbcgj.org](http://www.sbcgj.org). Letters can be mailed to: Santa Barbara County Grand Jury, 1100 Anacapa Street, Santa Barbara, CA 93101.

## **DISCUSSION**

The following reports are listed in order of their publication date during the 2023-24 Santa Barbara County Grand Jury's (Jury) term. The first report was published on March 22, 2024, and the last report was issued on June 26, 2024.

### **Lompoc Tourism Improvement District Management Agreement 2019-2028 March 22, 2024**

The Grand Jury investigated the finances of the Lompoc Tourism Improvement District (LTI) and the monitoring of those finances done by the City of Lompoc. A Grand Jury report from the 2011-2012 Jury had also identified Lompoc's failure to adopt a non-profit audit policy, which was again mentioned in a 2013-14 Grand Jury report.

The Grand Jury analyzed the annual reports prepared by LTI and identified a \$500,000 discrepancy between the carry-over funds and expenditures. It also noted that \$800,000 of the funds collected had been placed in a money market fund. The Grand Jury found that the City of Lompoc had exercised no financial control over the LTI and had not required an audit or implemented other monitoring measures. The 2023-24 Jury recommended that the City of Lompoc require financial reporting from the LTI and also that the City monitor the expenditures of the LTI.

In response, the City of Lompoc disputed some aspects of the financial analysis, agreed with two of the findings of the report, and partially disagreed with four, mostly related to its limited oversight role on the finances of the LTI. The City advised that none of the recommendations would be implemented because the City does not have the authority to implement financial controls over the LTI. The City serves only as a "passthrough" for funds collected from the hospitality industry and dedicated to LTI. The City noted that its agreement that created the LTI only required that the LTI issue an annual report, and that requirement had been met.

### **Potential Perceived Conflict of Interest for Death in Custody Investigations April 15, 2024**

The Grand Jury explored ways in which the Sheriff-Coroner could avoid a perceived conflict of interest when autopsies are conducted for in-custody deaths. While recognizing the Jury's concerns, the Sheriff's Office disagreed with the Jury's finding of a real or perceived conflict of interest in the Sheriff-Coroner's jurisdiction over in-custody deaths. The Sheriff-Coroner responded that the experience and expertise of its staff ensured impartial and ethical investigations into these deaths. To allay doubts about influence over its own investigative team, the Sheriff-

Coroner pointed out that the Coroner's Bureau falls outside the Custody Division's chain of command, and the pathologist acts independently. As for the Jury's finding that there is no succession plan for hiring pathology technicians, there was no answer to the finding itself.

The Jury also recommended an independent investigation into all deaths in custody. The Sheriff-Coroner responded that this has been implemented, as the District Attorney does specifically investigate all cases of use-of-force or restraint by officers, and this practice may be expanded to all deaths in custody. The Sheriff disagreed with the Jury's recommendation that an independent medical team be used for all deaths in custody, as this would be cost-prohibitive and duplicative of its own services.

For the Jury's recommendation of a succession plan for officers with the specific skills needed in the Coroner's Bureau, the Sheriff avowed that they have been working on this with the County, and a plan would be finalized by September 2024; that is, the Jury's recommendation would be implemented.

### **Wellpath Contract Services Provided to Santa Barbara County and the Sheriff's Office April 19, 2024**

The Grand Jury issued its report on the Wellpath contract during the negotiations between the Sheriff's Office, Wellpath and the Board of Supervisors (Board) in April 2024. Because of this parallel timing, the Sheriff's responses, due within 60 days of the issuance of the Jury's report, reflected the inability to announce any definitive changes to the contract. When the Board of Supervisors published its responses to the Jury report 30 days later, it responded similarly to the findings and recommendations of the Jury although it was more specific about the changes being made to the Wellpath contract. The true measure of response came when the contract was finalized in June 2024 and the Jury's concerns were met with the positive changes in the Wellpath contract.

The Jury focused on four areas for discussion of the contract: lack of accountability for staff vacancies, lack of 24/7 mental health coverage, accounting shortfalls, and lack of timely annual reporting. According to the Sheriff's Office, it has cooperated with Wellpath on strategies to mitigate the impact of staff vacancies, and together they have invested in recruitment. As for accounting for staff vacancies, the Sheriff's Office wrote that the pandemic and the opening of a new jail complicated how to count staff. Although the Sheriff confirmed the shortfalls, the response partially disagreed with the Jury's finding.

The Board of Supervisors generally mirrored the Sheriff's responses. The Board did point out that Wellpath's annual report for service to the Probation Department was not late; it was only its

annual report for the Sheriff’s Office—a partial disagreement with the Jury’s finding. Otherwise, there were no Board comments on the findings.

Contract negotiations were underway at the time that the Sheriff’s Office was preparing its responses. Recommendation items on the table included additional positions, accountability, billing procedures, and oversight from Public Health. Its response for most of the Jury’s recommendations were “will be implemented.” As for increased training on critical mental health issues, the Sheriff’s Office felt that both Wellpath nurses and custody officers are well trained, and it did not need to impose more training. Likewise, telepsychiatry was defended as available at all times, although the Jury’s recommendation was for a thorough assessment of telepsychiatry’s efficacy, with particular attention to the issue of available care during the overnight hours.

Both the Sheriff and the Board could not respond to all recommendations because matters such as compensation and incentives for hiring nurses were not under their purview, but that of Wellpath. Both entities responded that they would not implement those Jury recommendations.

The Board was able to commit to anticipated staffing increases as its responses to the Jury took form further along in the negotiation process. It also had taken steps to assure contractual compliance by approving two new positions in the Public Health Department expressly for working with Wellpath in the jails. These medical advisors will assess performance of Wellpath staff. The Board also directed Behavioral Wellness (BWell) to staff mobile crisis units to be available to respond to situations at the jail during evening and nighttime hours, as advised by the Jury. The Board is encouraging a cooperative working arrangement between BWell and the jail staff. For on-time annual reports, the Board placed responsibility on the Sheriff’s Office more than on Wellpath and denied the recommendation to penalize Wellpath for late reports.

When the Board considered the Seventh Amendment to the current Wellpath contract in June 2024, it addressed the Jury’s concerns about staffing and increased Wellpath’s budget by \$13,232,153.75. The amendment added 16.6 FTE (full-time equivalent) positions, which included 2.5 FTE positions in mental health care. The tardy annual report was anticipated in the next month at the writing of the Board’s responses. Moreover, the Board of Supervisors reported that cost reimbursements for Wellpath services not rendered were in progress. Overall, the Board acknowledged the Jury’s concerns.

### **Civil Grand Jury Compensation May 30, 2024**

The 2023-24 Grand Jury reviewed its compensation and recommended an increase. Disagreeing with the Jury, the Board of Supervisors indicated that they raised Jury compensation in 2001, or

23 years ago and not 25, and in doing so increased the compensation more than for what most grand juries in other counties in California currently receive (42 out of 57 counties) and more than what trial jurors receive. The Board agreed with the finding that commuting to South County for those living in North County does add to the overall budget expense because of the mileage money they receive from driving rather than telecommuting.

For the Jury's recommendation that the Board raise the per diem from \$25/day to \$50/day, as received by two counties in Southern California, the Board questioned the Jury's comparison of Santa Barbara County with Los Angeles and Orange Counties, rather than the 42 other similarly sized or smaller counties for pay equivalencies. Moreover, the Board did not see raising the per diem compensation as a method for attracting a more diverse applicant pool; the Jury's schedule itself restricts who applies for the Jury, as meetings occur during normal working hours and 20 hours per week are suggested, which precludes many who do not have that time to devote to the Jury.

For the costs of commuting to South County, where the Jury has a private room with office amenities, it would not help the budget to dedicate similar space in North County according to the Board because more jurors would be commuting in the opposite direction for those meetings. Instead, the Jury should find a room which has an optimal set-up for virtual meetings in North County, and the County and the Court are currently identifying sites for that purpose. The Board agreed to implement only one of the two Jury's recommendations.

### **Santa Barbara County Coroner Facility and Equipment: A Hazardous Environment June 13, 2024**

In several reports over the past years, the Grand Jury found that the Sheriff's Office operates an outdated and hazardous Coroner's facility. The Sheriff's Office agreed but relies on the Board of Supervisors to approve improvements at the facility and prioritize its replacement in the Calle Real Campus Master Plan.

In the two months following the issuance of the 2023-24 Jury's report criticizing the Coroner's building as a health hazard, the Sheriff's Office made the repairs recommended by the Jury. Thus, it disagreed with the Jury's findings that repairs were needed immediately because they had already been completed. The Sheriff's Office then was able to answer the Jury recommendations for a new roof, mold abatement, and exterminator treatment with "has been implemented" or "will be implemented" soon. Rather than hire independent contractors as recommended by the Jury, the Sheriff's Office used the County's General Services Department to address the problems.

The responses from the Board of Supervisors mostly followed those of the Sheriff’s Office, noting that satisfactory repairs had taken place. Additionally, the Board saw no reason to go outside the County’s General Services Department for repairs, and the passing of inspections by the Environmental Health Department validated the work. Likewise, the Board saw no need to add a safety officer at General Services when other departments already provide such services. The Jury’s photos of mold, wood rot, and termite damage did not persuade the Board that action by outside parties would be preferable.

The Sheriff’s Office and the Board of Supervisors split on moving up the replacement of the Coroner’s facility in the Calle Real Campus Master Plan as a priority before the end date of 2039. The Sheriff’s Office endorsed this action, but the Board of Supervisors referred to a decision in the Five-Year Capital Improvement Program to improve, not replace, the aging building. The Board, who controls the budget, judged that after the recent repairs, replacement would be “costly with limited benefit.”

As for the Jury’s recommendation that there be six months of testing of the new toxicology instrument, the Sheriff’s Office felt that thorough reviews and verification of results were adequate. Added toxicology testing would be excessively costly and unwarranted.

### **Detention Facilities in Santa Barbara County June 17, 2024**

In its visits to the Detention Facilities in the County, the Jury determined a need for improvement at two sites: a cell door at Cuyama Sheriff’s Substation and uncomfortably small cells and poor air ventilation at the Santa Barbara Superior Court Holding Facility.

According to the Sheriff’s Office, the cell door in Cuyama had been officially inspected and certified. As for the Superior Court Figueroa Courthouse cells, the Sheriff’s Office acknowledged the recommendation to remove the single cells and agreed to work with General Services to conduct a thorough analysis of the situation before the end of 2024 while at the same time saying that the single cells have a purpose when separating some inmates. The Sheriff’s Office responded that it would work with General Services and commission an analysis of indoor air quality.

### **Individuals in Crisis June 21, 2024**

The Grand Jury addressed the past practice of not allowing Santa Barbara County law enforcement officers to write a Welfare and Institutions Code section 5150 hold for people in an acute mental

health crisis that endanger themselves or others. It discovered that the origin of this practice was a money saving step after the passage of State Proposition 13 in 1978. There were no legal impediments to allowing law officers to write a 5150 hold rather than restricting this process to clinicians of the County Behavioral Wellness Department (BWell). Since the 1978 state law, BWell has assumed the role of intervening in emergency situations for people with mental health disorders with its Mobile Crisis Teams. However, with recent staff shortages, BWell's responses to such situations have not always been timely. The Jury encouraged the addition of law enforcement officers with training in issuing 5150 holds.

The Board of Supervisors and the Sheriff's Office agreed with the policy of training law officers for mental crisis intervention and stated in fact this has been a part of the Academy training and has been put into effect with the Co-Response teams (one law officer and one BWell clinician) for a number of years. Yet while agreeing in principle, both the Sheriff's Office and the Board of Supervisors did not see a need for more training for law enforcement officers. The Board of Supervisors pointed to a recent study that showed the local Co-Response teams received low volumes of calls and therefore concluded that the recommendation to increase such units would not be implemented. The Sheriff's Office stated that it would defer to the Co-Response Teams and BWell's Mobile Crisis Team before instructing Sheriff's deputies to respond to mental health emergencies. The one city that responded to this report, Lompoc, will train its police officers in the assessment for 5150 holds. In essence, these parties agreed that having more police officers available for issuing 5150 holds, when necessary, would benefit the persons involved and the community, but the need for empowering more officers does not appear to be a pressing issue at this time.

Although required, the cities of Santa Barbara and Santa Maria did not respond to this report.

**Homeless Encampments in Santa Barbara:  
Becoming Part of the Community Again  
June 25, 2024**

In 2021, the County of Santa Barbara adopted a Homeless Encampment Resolution Strategy. This action plan was scheduled for renewal in June 2024, which motivated the Grand Jury to assess "successes and the continued challenges" of encampment programs. The Jury's report coincided with the hearing before the Board of Supervisors (Board) and the adoption of a renewal.

The Jury's findings and recommendations were essentially a study of what had worked and what didn't work in clearing, or "resolving," encampments, and the Board agreed with all the Jury's findings. The Board of Supervisors – which had already been working with a team approach for sweeps, clean-up of encampments, the principle of Housing First, warnings before weather

emergencies, mapping and collaborative funding – responded that it had implemented the Jury’s recommendations in these areas.

Even though the Board stated that County agencies cleaned up after encampments, it showed resistance to supplying more sanitation measures, e.g., porta-potties. The City of Goleta affirmed a similar position and stated that to do more would enable the homeless individuals to stay there as in a “de facto shelter” rather than try to improve their living situation, an estimation that the City of Carpinteria seconded. Carpinteria also pointed out that providing sanitary facilities in encampments would divert resources from their housing initiatives. Santa Barbara also declined to add any bathroom facilities because it would suggest a sponsored encampment. Also, the City of Santa Barbara is unique in that there are several day centers for the unhoused and many parks where bathrooms are available. Lompoc felt that it was complying with this recommendation by sending the residents elsewhere, where there were sanitary facilities. The city councils of Guadalupe, Solvang and Buellton, on the other hand, could not confirm any actual response because there are no encampments in their cities. There seems to be a unified approach among cities to sanitation in encampments. They recognized that it is essential for health and safety but were wary about enabling the unhoused to stay in encampments rather than strive for better housing options.

Although required, the city of Santa Maria did not respond to this report.

**Deaths in Custody in Santa Barbara County Jails:  
Our County Jails Meet Many Needs  
June 26, 2024**

In the six deaths in custody cases that the 2023-24 Grand Jury investigated, errors were discovered and for the most part, the Sheriff’s Office acknowledged them. The Sheriff’s Office agreed with ten of the fourteen findings by the Jury.

To some degree, many of the Jury’s recommended actions had already been initiated with Public Health and Behavioral Wellness (BWell) Departments sharing some supervision of medical and mental health care in the jail. In other cases, the Sheriff readily adopted the Jury’s suggestions of changing intake forms for better communication and supervision checks. Another distinguishing feature of the Sheriff’s responsiveness to change was the newly required revision and oversight of protocols for its healthcare provider, Wellpath. In these ways, the Sheriff’s Office could answer most of the Jury’s findings with “Agree” and most of the recommendations with “Will be implemented” or “Has been implemented.” This confirms the era of cooperation occurring within the criminal justice system in Santa Barbara County, generated by the 2020 *Murray* Case and Disability Rights California.



The Sheriff's Office agreed with the Grand Jury's findings on the circumstances in the six deaths. When the Sheriff's Office disagreed that there was not enough observation, it was mostly a matter of opinion over the degree of direct observation and the timing in cases of those who have just entered the jail. Newly booked inmates are critically vulnerable at this time, a point emphasized by the Jury. The Sheriff's Office agreed with this matter of critical timing for the one suicide where there was no immediate supervision. For the other five cases, the Sheriff's Office pointed to evasive measures on the part of the inmates. The Sheriff's Office and the Jury also disagreed over the intensity of harm done during restraint of an inmate as well as the danger posed to others in the jail because of outbursts.

Further, the Sheriff disagreed with the finding that the release of documents to the Grand Jury was delayed, citing changes made in the Office to specifically have documents available earlier.

As for the Jury's recommendations, the Sheriff's Office disagreed with four recommendations, saying it would not implement them, but stated that of the other 16 recommendations, 12 had been implemented and four would be. The Sheriff has been working with the Board of Supervisors and two other County Departments, Public Health and BWell, to effect change.

As for the details of the Jury's recommendations, the Sheriff's Office was most responsive when creating forms that could improve the communication of critical information and when collaborative working partners are involved. The Sheriff's Office also declared that it will henceforth expect more accountability from Wellpath, the healthcare provider. Other improvements will come with Public Health positions inside the jail being staffed; the new healthcare officers will oversee Wellpath and complement its services.

The Sheriff's Office disagreed with the Jury's recommendation of utilizing alternative housing – specifically when troubled inmates first arrive at the jail – saying that they could not be lawfully detained outside the jail, other than in a hospital.

The Board of Supervisors underscored the “collaborative system improvements” that were the source for many of the findings and recommendations of the Grand Jury. It encourages the new partnerships, while diplomatically recognizing the main responsibility and decisions rest with the Sheriff.

The Board's ratification of the Wellpath contract on June 25, 2024, moved the Sheriff's Office, the Public Health Department, and Behavioral Wellness forward in supporting new programs, e.g., the medically assisted drug treatment program, or MAT, and the diversion and re-entry program READY. The Board also supported the Public Defender's pilot program in the Northern Branch

Jail being implemented in the Main Jail. The Jury's report emphasized how collaboration among county departments will benefit inmates.

## **CONCLUSION**

The 2023-2024 Santa Barbara County Grand Jury's findings and recommendations endorsed many actions taking place in and among county agencies, serving to highlight positive changes. The Jury would like to acknowledge what it notes as a high degree of cooperation among agencies and the Jury in this past year. Overall, agencies agreed with the Jury's findings 46 out of 71 times (64.8%), and over half of the Jury's 96 recommendations either have been implemented or will be (31.3% Have Been Implemented and 27.1% Will Be Implemented). The Jury's reports spotlight the agencies' actions so that the citizens of the County can participate to best ensure that the changes are carried out in a timely manner.

The Jury thanks the agencies and other local entities that provided their responses to the 2023-24 Jury's reports in a timely manner. The Jury further commends them for their commitment to implementing the Jury's recommendations and improving the services they provide to our local communities.

## **FINDINGS AND RECOMMENDATIONS**

**Finding 1:** County agencies agreed with most of the 2023-24 Jury's findings and implemented a majority of the 2023-24 Jury's recommendations, which reflects an encouraging level of cooperation among local agencies and the Jury.

This Response Report has no recommendations.

## **REQUIREMENTS FOR RESPONSES**

This Response Report does not require a response from any governmental agency.