



CLUE Santa Barbara
Clergy and Laity United for Economic Justice
1500 State Street Santa Barbara, CA
clue@cluesb.org

November 15, 2023

Dear Chair Williams and Members of the Board of Supervisors:

CLUE-SB (Clergy and Laity United for Economic Justice - Santa Barbara) and the League of Women Voters of Santa Barbara (LWVSB) study and advocate to support our County's ongoing efforts for criminal justice reform. League of Women Voters' of Santa Maria Valley, serving all of North County, supports and endorses the research and recommendations in this letter. Our current focus is on improving jail conditions for those who live or work in the jails. We share serious concerns with many in our community that, following a 2021 Stipulated Judgment in Murray v. County of Santa Barbara and Santa Barbara County Sheriff's Office, our Sheriff and Santa Barbara County have failed to meet required objectives for humane living conditions and responsive medical and mental health care for jail residents.

The purpose of this letter is to share the results of our research and recommend the Board direct the Public Health Department and Behavioral Wellness to provide oversight of the County's Wellpath contract for medical and mental health services in our jails, as required by the Federal Court Order. The Board directed the County Staff to investigate this option. We also studied this option and are sharing our results here.

Wellpath's Missing Performance Report & Lack of Oversight. We are aware that Wellpath, the current contractor providing medical and mental health services in our County jails, has failed to timely file an Annual Report and that there is little, if any, transparency concerning its performance under the contract. The Sheriff's Office is charged with primary oversight of Wellpath's contract but has failed to require Wellpath's timely compliance and has likewise filed no report. It is our understanding that the Board requested Wellpath's report for its October meeting. That report was not

forthcoming, requiring the matter to be rescheduled on your agenda for late November or December.

Neglect by the Sheriff's Office to establish meaningful oversight and monitoring of Wellpath, and continuing deaths and mental health crises for incarcerated jail residents, compel us to express our serious concerns. Specifically, we request that you **direct our Public Health Department and Behavioral Wellness to provide robust oversight of Wellpath's medical and mental health care that is given to County jail residents.**

Federal Court has identified failed performance and requires action. On August 14, 2023, the Federal District Court in Murray found the County and Sheriff's Office failed to comply with standing orders first issued in 2021, requiring corrections to existing inhumane and substandard jail conditions. Given the lack of progress, the Court issued a new order with terms agreed to by the parties.¹ That order continues to require compliance with the Remedial Plan, but extends into 2029 deadlines for completion of physical renovations and additions to the jails. Delays in jail renovations and additions to the North Branch Jail do not excuse non-compliance on all other measures in the Remedial Plan.

CLUE-SB, LWV-SB and LWV-SM urge you to comply with the required Remedial Plan in Murray by doing what the Court expressly requires:²

1. ***The County shall appoint*** a County employee or consultant with adequate expertise to provide ongoing monitoring and oversight of the private Jail health care provider contract.
2. The County's Departments of Public Health and Behavioral Wellness ***shall actively monitor*** the Jail health care contract with any private health care services provider [emphasis added].

Oversight of Wellpath's medical and mental health care for jail residents is woefully insufficient. In Santa Barbara County, the Sheriff has primary responsibility to oversee the Wellpath contract but has failed to do so. Overwhelming evidence supports the need for the County to monitor and assert oversight independent of the Sheriff's Office. Highlighting our concerns are the following facts:

1 [104] Order on Joint Status Report & Stipulation re Implementation of Remedial Plan, 08-14-23.pdf (disabilityrightsca.org).

2 See Remedial Plan II.A at pp. 3,4. [<https://www.disabilityrightsca.org/system/files/file-attachments/Murray%20v.%20Cty%20of%20Santa%20Barbara%20-%20Remedial%20Plan%2007-17-2020.pdf>]

1. The Sheriff has assigned oversight of the Wellpath contract to a custody deputy who, though well-meaning, does not have sufficient medical, mental health or health administration training or experience to oversee medical and mental health responsibilities in the jails. The reality is custodial and health care expertise are not the same. We are informally told that a number of Wellpath staff have left its Santa Barbara's Jail health care team because the Sheriff's oversight appointee is unable to effectively respond to Wellpath's staff needs.

2. The following four reports document continued harm to jail residents and failed compliance with Murray lawsuit agreements:

- **Staffing hours for crisis intervention are inadequate.** A 2023 Santa Barbara Grand Jury Report, A Death in Custody - Lessons Learned,³ found that crisis intervention techniques could have avoided the use of force on the night of jail resident JT's death. Wellpath has no such staff from 11 p.m. - 7 a.m., the time frame in which JT's death occurred. Professional mental health services need to be available onsite 24/7 as recommended by the Grand Jury.⁴
- **In February 2023, the report Sheriff's Office Jail Health Staffing Review, prepared by Avocet in response to the Murray provisions,⁵ found insufficient staff available in the jails to meet required levels of service and that key performance indicators were not monitored.** Required oversight of medical/mental health care in the jails is absent, inefficient, and/or ineffective to meet Court-ordered compliance with required staffing and service levels.
- **Needed oversight of jail health care policies and quality assurance by County Public Health and Behavioral Wellness is missing.** Dr. Homer Venters, another expert appointed by the Murray Court, filed his third report on September 5, 2023.⁶ Dr. Venters found that the County has failed to carry out its oversight role regarding medical/mental health in the Jails. He wrote (at p. 3):

3 Death In Custody - Lessons Learned.pdf (sbcgj.org)

4 [https://sbcgj.org/general-information/final-reports-responses-2022/p. 25](https://sbcgj.org/general-information/final-reports-responses-2022/p.25).

5 Avocet Enterprises, Santa Barbara County Sheriff's Office Jail Health Services Staffing Review (Feb. 2023). (See attached.)

6 Third Monitoring Report of Dr. Homer Venters in Murray et al. v. County of Santa Barbara et al. (Case No. 2:17-cv-08805-GW-JPR).

This is the third monitoring report regarding medical care in this case and there is one consistent and concerning theme throughout these reviews: Santa Barbara County lacks meaningful and organized clinical oversight of the vendor providing health services in the jails. There are some areas of cooperation and review of jail health services with the Department of Public Health and Behavioral Health, but there is no clear County jail health authority or correctional health office that ensures the policies are adequate, that analyzes quality assurance data independently, or that reviews clinical data regarding deaths and formulates independent findings. Many of these tasks that should be conducted by the County are left to the vendor, Wellpath. In many cases, Wellpath provides adequate care, but this does not remove the County from a responsibility that is clearly identified in the Stipulated Judgment and Remedial Plan, and which it currently does not meet.

- **There is an 87% failure to substantially comply with Murray remedial mental health provisions.** In October, 2023, a Remedial Plan Status Report prepared by Mental Health Expert Timothy Belavich, Ph. D.,⁷ focused on mental health care. Dr. Belavich rated 84 separate provisions and found jail conditions failed to “substantially comply” with 87% of agreed-upon provisions, including only partial compliance with 59 and non-compliance with 14. Two areas related to suicide prevention declined from Substantial to only Partial Compliance.

A critical area concerns remedial requirements for Continuous Quality Improvement. See Section III.J.4, at p. 60, “The county shall conduct periodic quality improvement reviews of the intake process to ensure that staff are accurately recording intake information and making appropriate referrals.” Dr. Belavich found “Partial Compliance” whereas the County argued these criteria had been “Completed” because “Public Health and Behavioral Wellness complete these audits quarterly....” The Expert’s Report, however, found:

...[T]his audit...does not include all important aspects of the intake process as it applies to the County. The audit... focuses on the frequency of whether or not an event occurred. It does not address quality aspects of the intake process. Also, when poor compliance was found there was no corrective action or next steps proposed in the documentation provided to the Mental Health Expert.

⁷ Murray Final Report October 2023- Mental Health - Belavich FINAL PDF (1).pdf
(disabilityrightscs.org)

...The County needs to work through Wellpath in the development of a meaningful audit for the County's intake process, with oversight from County health agencies. This should include a process for corrective actions and follow-up when low compliance is found. The County also needs to provide the Behavioral Wellness monitoring documentation that reflects the quality review of the intake process....

Collectively, the Grand Jury and expert reports show a disturbing lack of oversight and express concerns that jail residents' health and mental health suffers from continuing non-compliance.

County inaction will perpetuate poor health care for jail residents, and potentially expose our County to serious financial consequences. Like Santa Barbara County, Monterey County is also under a Federal Court order to remediate inhumane conditions in their county's jails. In that case, Hernandez v. County of Monterey,⁸ Wellpath - the private health service provider - was a named defendant. On Sept 26, 2023 that court determined that Wellpath had not complied with 43 of the requirements of the court ordered settlement agreement and imposed fines of \$25,000 for each of the unmet requirements. The fines will go into effect unless Wellpath comes into compliance within 6 months. Fines could total over \$1 million at each review until Wellpath complies. Fines decline with compliance. Santa Barbara County and/or the Sheriff could face similar Court imposed fines for non-compliance.

The County can help assure fiscal responsibility by assigning Public Health to oversee jail healthcare. The administrative framework for making this change is established given that **our County Public Health Department already provides oversight for the provision of health services for juveniles in custody.**

Starting in 2024, CalAIM will begin reimbursing counties for the costs of providing Medi-Cal medical services to jail residents. An additional strong reason why Public Health should be assigned responsibility to oversee Wellpath's contract and performance is that, to obtain CalAIM reimbursements, counties must demonstrate that the entity overseeing Wellpath's provision of services has experience and expertise in


⁸ Hernandez v. County of Monterey, Case No. 13-cv-02354-BLF ORDER GRANTING PLAINTIFFS' MOTION TO ENFORCE SETTLEMENT AGREEMENT AND WELLPATH IMPLEMENTATION PLAN [Re: ECF 825] (See attached).

medical billing. While County Public Health has such experience, the Sheriff's Office does not.

Conclusion. There is ongoing harm to jail residents suffering from inadequate medical and mental health care, and documented failures of the Sheriff to ensure compliance with required remediation. We strongly support and urge the Board of Supervisors to appoint the Public Health Department and Behavioral Health to oversee and monitor the Wellpath jail contract as specifically directed in the reports. This will demonstrate efforts to bring the County into compliance with the stipulated agreement and required remedial plans in the Murray case.

Respectfully submitted,

CLUE-Santa Barbara

A handwritten signature in black ink that reads "Laurence J. Severance". The signature is fluid and cursive, with the first name being the most prominent.

by: Laurence J. Severance, President, Board of Directors


A handwritten signature in black ink that reads "Maureen Earls". The signature is written in a cursive style with a large, stylized 'M'.

by: Maureen Earls, Co-Chair Criminal Justice Workgroup

League of Women Voters, Santa Barbara

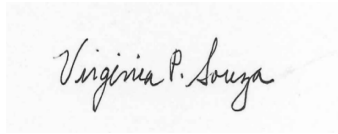
A handwritten signature in black ink that reads "Vicki Allen". The signature is written in a cursive style with a large, stylized 'V'.

by: Vicki Allen, VP Communications, Leadership Team

A handwritten signature in black ink that reads "Gail Osherenko". The signature is written in a cursive style with a large, stylized 'G'.

by: Gail Osherenko, Chair, Criminal Justice Reform Task Force

League of Women Voters, Santa Maria Valley

A handwritten signature in cursive script that reads "Virginia P. Souza". The signature is written in dark ink on a light-colored, slightly textured background.

by: Virginia P. Souza, President

cc: Santa Barbara County Probation Department

Santa Barbara County Sheriff's Department

Santa Barbara County District Attorney

Santa Barbara County Public Defender

Santa Barbara County CEO's office

Santa Barbara County Public Health Director

Santa Barbara County Behavioral Wellness Director