

Sevet Johnson, PsyDCounty Executive Officer

Mike Pettit

Assistant County Executive Officer

Kaye Mand

County Chief Financial Officer

September 27, 2023

Sent Via E-mail

Shawn Atln

Assistant County Executive Officer/ Human Resources Director Labor Relations

Honorable Kevin J. DeNoce Presiding Judge of the Superior Court Superior Court of California, Ventura County 800 South Victoria Avenue Ventura, CA 93009

Subject: Approval of Responses to the 2022-2023 Ventura County Grand Jury Reports,

Entitled "Water Availability for Wildfires in Ventura County" and "Deaths in Ventura County Detention and Jail Facilities" for Submittal to the Presiding Judge of the

Superior Court.

Honorable Judge DeNoce:

In accordance with State requirements, the responses from the Ventura County Board of Supervisors to the 2022-2023 Ventura County Grand Jury reports referenced above are hereby submitted along with copies of the respective board letter and minute order for each.

By way of this email, copies of the responses to the subject reports (Exhibits 1,2,3, and 4), Minute Order, and September 12, 2023 board letter were provided to the Ventura County Clerk; to Superior Court Jury Services; and to the Foreperson of the 2023-2024 Ventura County Grand Jury. As has been the usual practice in past years, Jury Services will provide copies of the responses to the State Archives.

Should you have any questions, please call me at 654-2864.

Respectfully submitted,

Mike Pettit

Assistant County Executive Officer

Attachments: Board of Supervisors' Responses to 2022-2023 Ventura County Grand Jury Reports on:

--Water Availability for Wildfires (Exhibit 1)

-- Deaths in VC Detention and Jail Facilities (Exhibit 2)

- -- Copy of Sheriff's Response to GJ Report on Water Availability for Wildfires in Ventura County (Exhibit 3)
- --Copy of Sheriff's Response to GJ Report on Deaths in VC Detention and Jail Facilities (Exhibit 4)

--Minute Order

--Board Letter dated September 12, 2023

- --Grand Jury Report June 2023 Water Availability for Wildfires in Ventura County (for reference)
- --Grand Jury Report June 2023 Deaths in VC Detention and Jail Facilities (for reference)

Copies:

-- County Executive Officer, Sevet Johnson, PsyD

-- County Clerk, Michelle Ascencion

--Jury Services Manager, Nan Richardson

--2023-2024 Ventura County Grand Jury Foreperson, Lori Macdonald



800 South Victoria Avenue Ventura, CA 93009 Tel (805) 477-1600 Fax (805) 658-4523 grandjury.countyofventura org

Response to 2022-2023 Ventura County Grand Jury Report Form (Please See California Penal Code Section 933.05)

Response to Grand Jury Report Form

Report Title: <u>Water Availability for Wildfi</u>	res in Ventura County
Report Date: June 12, 2023	
Response By: Jeff Pratt	Title: Public Works Agency Director

FINDINGS/CONCLUSIONS

F-03, F-05, F-06, F-07, F-08, F-09, F-10. These findings are not applicable to the four Ventura County Waterworks Districts managed by the Ventura County Public Works Agency Water and Sanitation Department (PWA-WS).

F-03 and F-05. PWA-WS has written procedures for actions to be taken during Fire Weather Watch (FWW) advisories and Red Flag Warning (RFW) events.

F-06. PWA-WS has written procedures for actions to be taken during an active fire event.

F-07. PWA-WS written procedures for FWW and RFW events are also used for Public Safety Power Shutoff (PSPS) events.

F-08. PWA-WS Waterworks infrastructure has adequate back-up power for its critical infrastructure and has a proven track record of maintaining power to its critical systems during PSPS, FWW, and RFW events.

F-09. PWA-WS Supervisory Control and Data Acquisition (SCADA) systems monitoring critical Waterworks infrastructure have adequate back-up power.

F-10. All four County Waterworks Districts purchase water from Calleguas Municpal Water District (CWMD). Communications amongst CWMD purveyors during emergencies is facilitated by CWMD's Emergency Response Coordinator. Any transfer of water could potentially be accomplished via CWMD's infrastructure. CWMD is also working on establishing interconnections with Las Virgenes Municipal Water District and Ventura Water.

RECOMMENDATIONS

R-01, R-02, R-03, R-05, R-07, R-08. These recommendations have been implemented by PWA-WS.

R-01, R-02, R-03. See responses to F-03, F-05, F-06, F-07, F-08, F-09, and F-10.

R-05. PWA-WS County-issued cell phones have FCC Wireless Priority Service (WPS) capability.

- **R-06.** Full Government Emergency Telecommunication Service (GETS) implementation is expected by December 2023.
- R-07. PWA-WS enrolled in the CalWARN mutual aid system in 2019.
- **R-08.** PWA-WS maintains a contract with a grounds maintenance contractor that ensures all County Waterworks infrastructure is compliant with the Ventura County Fire Protection District brush clearance requirements.



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Response to 2022-2023 Ventura County Grand Jury Report Form (Please See California Penal Code Section 933.05)

Report Title: Deaths In Ventura County Detention and Jail Facilities
Responding Entity: Ventura County Board of Supervisors
FINDINGS
I (we) agree with the Findings numbered:
I (we) disagree wholly or partially with the Findings numbered:F-11 (Attach a statement specifying any portions of the Findings that are disputed; include an explanation of the reasons.)
RECOMMENDATIONS
Recommendations numbered have been implemented. (Attach a summary describing the implemented actions.)
Recommendations numbered R-08 have not yet been implemented but will be implemented in the future. (Attach a summary indicating the timeframe for implementation.)
• Recommendations numbered R-06 require further analysis. (Attach an explanation to include: scope and parameters of the analysis or study and timeframe for the matter to be prepared for discussion with the agency or department head. The timeframe shall not exceed six months from the date of publication of the report.)
Recommendations numbered
Date:9/12/2023 Signed: Signed:
Title: Assistant County Executive Officer Number of pages attached:3

Response to Grand Jury Report Form

Report Title: Deaths in Ventura County Detention and Jail Facilities

Report Date: June 20, 2023

Response By: Mike Pettit Title: Assistant County Executive Officer

FINDINGS:

F-11: Partially Disagree

While we acknowledge the importance of involving the public and independent subject matter experts in various aspects of governance and decision-making, we must express our partial disagreement with Finding 11. The current oversight mechanisms, including the Board of Community Corrections (BSCC) and the National Commission on Correctional Health Care (NCCHC), serve to provide comprehensive and expert review of detention policies, procedures, and operations. Both of these entities are external to the County and are charged with overseeing that the Sheriff's Office is upholding regulated standards of care. The expertise and diverse perspectives offered by these organizations ensure the highest standards are upheld by organizations having extensive experience with best practices, legal regulation, and oversight in detention environments involving very complex dynamics, while maintaining the necessary privacy and confidentiality protections required for sensitive medical and legal information. It should be further noted that incarcerated persons in Ventura County detention facilities are evaluated by mental health professionals any time an indicator of previous or current suicidality is presented and the medical and mental health services provided in the detention facility mirror and/or exceed those available in the community. Adding an additional layer of review, as suggested by the Grand Jury, may duplicate efforts, and potentially compromise patient privacy.

RECOMMENDATIONS:

R-01: Will Not Be Implemented Because It Is Not Warranted

The Board of Supervisors and the County are acutely aware of the weighty responsibility undertaken by the Sheriff's Office, as they provide for the care and safeguarding of over 1,300 individuals each day, amounting to more than 23,500 individuals annually, and approximately 164,500 individuals through the period of time studied by the Grand Jury.

Acknowledging the immense tragedy inherent in the loss of any life, the County's commitment remains steadfast in support of advancements in the safety and well-being of those in custody.

Presently, in the event of an incarcerated individual's death within a Ventura County Sheriff detention or jail facility, a multi-layered review process takes place. This involves internal assessments conducted by the Sheriff's Office and external evaluations by independent agencies, up to and including the Grand Jury. A comprehensive investigation is conducted by the Sheriff's Major Crimes Bureau, supplemented by an independent inquiry led by the Ventura County

Medical Examiner. The Sheriff's Office also carries out an internal review to identify potential lessons for improvement. Both the District Attorney's Office and the Grand Jury have access to reports and findings from these investigative bodies.

Many cases of suicide among inmates are associated with prior suicidal tendencies, though these histories often go unreported by the incarcerated individuals themselves and remain unknown to medical and correctional staff. Mental health professionals evaluate incarcerated individuals whenever signs of past or present suicidality emerge. The County Sheriff operated detention facility's medical and mental health services are on par with, or even exceed, those offered in the community. In fact, the compliance of incarcerated individuals with supervised treatment often yields a higher success rate in deterring suicides compared to the community.

The need for communication and transparency is acknowledged as crucial in enhancing jail conditions and preventing deaths by suicide. The report accurately states that the Sheriff's Office is dedicated to effective suicide prevention, while being fully compliant with state law and the Board of Community Corrections.

The Ventura County Sheriff's Office demonstrates an ongoing commitment to the safety and well-being of incarcerated individuals. This commitment has led to the establishment of various programs and initiatives, such as the Construction of the new 64-bed Health and Programming Unit, implementation of the Jail Based Competency Treatment program, Medication Assisted Treatment program, and the Therapeutic Inmate Management Unit. Collaborations with external institutions and evaluations by independent bodies like the National Commission on Correctional Health Care ensure that medical and mental health standards are met or exceeded.

Over the years, the Sheriff's Office has introduced numerous programs and policies to reduce the likelihood of jail deaths, enhance medical evaluations and care, and address addiction and mental health challenges. The implementation of Moral Reconation Therapy, the affiliation with California Forensic Medical Group (CFMG), the creation of the Therapeutic Inmate Management Unit, and the installation of Plexiglass covers to reduce ligature attachment points are among just some of the noteworthy changes made.

Efforts to curb drug-related safety issues within the jail involve body scanning of detainees and the placement of amnesty boxes to surrender illegal drugs. Educational measures are also taken to inform inmates about the use of Narcan, an opioid overdose antidote, and its ready availability in the facilities.

In summary, the Sheriff's Office has diligently worked to enhance the safety and treatment of incarcerated individuals, collaborating with various institutions, and implementing a range of programs to prevent suicides and improve overall conditions within the jail.

We concur with the Ventura County Sheriff that this recommendation is not warranted at this time as the existing oversight mechanisms in place in the Ventura County Sheriff detention facilities currently engage expert professionals in continuous evaluation, recommendations, and best practices. The confidentiality and privacy concerns surrounding incarcerated individuals' medical and legal information are paramount, and we believe that the current and significant

level of new and robust programs implemented strike the right balance between transparency, industry leading health and safety practices, and preserving sensitive information.

R-06: Requires Further Analysis

Regarding Recommendation 6, which suggests evaluating the feasibility of adding passive-alert drug detection dogs to each jail facility, we acknowledge the intention behind this recommendation. However, based on the Sheriff's experience with similar initiatives and the assessment of the success of existing drug relinquishment programs, we believe that the dedicated use of passive-alert drug detection dogs may not be warranted at this time. Nonetheless, we will work with the Sheriff as he conducts a thorough analysis of this recommendation's technical and financial aspects and present his findings to our Board for consideration.

R-08: Will Be Implemented

We wholeheartedly agree with Recommendation 8, which encourages the Ventura County Sheriff's Office to provide annual reports to the Board of Supervisors detailing key performance metrics, training implementation, and the suicide prevention program as outlined in the Sheriff's contract with Wellpath. This commitment aligns with our Board's dedication to transparency and accountability, and we are pleased to confirm that the Sheriff has committed to implementing this reporting starting in March 2024. Similarly, this approach to transparency also supports and emphasizes our responsibility to uphold the rights of individuals, encompassing crucial privacy and confidentiality protections essential for handling sensitive medical and legal information.

Lastly, we are grateful for the Sheriff's ongoing commitment to continuous improvement in the protection of lives under the Sheriff's care and we appreciate the Sheriff's commitment to furnish the Board of Supervisors and the public with these regular reports.

In conclusion, we greatly value the Grand Jury's commitment to fostering transparency and improvement in the operations of public services. We remain dedicated to the safety and well-being of those in custody and appreciate the opportunity to engage in constructive dialogue that enhances the County's collective efforts. Please do not hesitate to reach out to us if you require any further information or clarification.



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Response to 2022-2023 Ventura County Grand Jury Report Form (Please See California Penal Code Section 933.05)

Report Title: Water Availability for Wildfires in Ventura County

Responding Entity: Sheriff James Fryhoff, Ventura County Sheriff

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FINDINGS
I (we) agree with the Findings numbered: F-01 through F-14
I (we) disagree wholly or partially with the Findings numbered: (Attach a statement specifying any portions of the Findings that are disputed; include an explanation of the reasons.)
RECOMMENDATIONS
• Recommendations numbered N/A have been implemented. (Attach a summary describing the implemented actions.)
(Attach a summary describing the implemented actions.)
Recommendations numbered have not yet been
implemented but will be implemented in the future. (Attach a summary indicating the timeframe for implementation.)
• Recommendations numbered R-04 require further analysis. (Attach an explanation to include: scope and parameters of the analysis or study and timeframe for the matter to be prepared for discussion with the agency or department head. The timeframe shall not exceed six months from the date of publication of the report.)
• Recommendations numbered R-04 will not be implemented because they are not warranted or are not reasonable. (Attach an explanation.)
Date:8/16/2023 Signed:
Title: Director - Sheriff's Emergency Services
Number of pages attached:2



Jlm Fryhoff - Sheriff | John Rellly - Undersheriff 800 S. Victoria Avenue, Ventura, CA 93009 | 805.654.2385 | VenturaSheriff.org

August 14, 2023

The Honorable Kevin G. DeNoce Presiding Judge, Superior Court of California County of Ventura 800 South Victoria Avenue Ventura, CA 93009

Subject:

Grand Jury Report, Water Availability for Wildfires in Ventura County

(June 12, 2023)

Dear Judge DeNoce:

This letter is in response to the Grand Jury's Findings and Recommendations pertaining to their report "Water Availability for Wildfires in Ventura County." The Ventura County Sheriff's Office appreciates the time and effort the Grand Jury exerted to examine the reliability of local water systems. We certainly share similar concerns for the safety and reliability of local water systems given the crucial role they play in fire suppression. The Grand Jury's concern on the topic is evident from its careful review of pertinent information and the thoughtful recommendations outlined in the report.

FINDINGS

I (we) agree with the Findings numbered: F-01 through F-14

RECOMMENDATIONS

- I (we) agree with the Recommendations numbered R-01 through R-03 and R-05 through R-09
- I (we) partially agree with the Recommendation number R-04

Recommendation R-04:

The Grand Jury recommends that the Ventura County Sheriff's OES develop a current contact list of water purveyors, updated at least once a year.

Response R-04:

Partially Agree. Recommendation R-04 suggests Ventura County Sheriff's OES develop a contact list of all 150+ water purveyors and update that list annually. While not directly stated, it is our opinion that this recommendation also implies it is the responsibility of Ventura County Sheriff's OES to notify water purveyors of inclement weather, including Red Flag Warnings. While Ventura County Sheriff's OES does play a role in operational area coordination, assuming the responsibility of notifying every public and private agency of adverse weather conditions is impractical.

The National Weather Service offers a variety of text message and email alerts capable of being sent to purveyors ahead of inclement conditions, free of charge. This Federal Agency is charged with the responsibility to alert and warn the public about hazardous weather conditions, including fire weather. It is incumbent upon water purveyors to sign up for these alerts and make an effort to stay informed on conditions that may impact the demand or stability of their systems. Purveyors have a statutory responsibility to provide safe, reliable water to their customers. To that extent, purveyors are responsible for taking steps to ensure systems are functioning properly and are equipped to provide the water capacity needed during an emergency.

Ventura County Sheriff's OES routinely hosts operational area conference calls and/or distributes information via a situation update email list. The goal of sharing information through these methods is to increase situational awareness with municipalities, often acting as catalyst to initiate preparedness activities. Presently, most major water purveyors are a part of these coordination calls, and the opportunity remains open to all other purveyors to participate.

Lastly, Ventura County Sheriff's OES is actively working with the Association of Water Agencies and several other major water purveyors to develop an opt-in communication system capable of sharing additional information with purveyors, should they choose to participate.

In conclusion, we are confident we are taking the necessary steps to address the concerns raised in the Grand Jury's report. Ventura County Sheriff's OES is committed to the safety and security of the communities we serve and continually strives to enhance the delivery of the service we provide. Again, we thank the members of the Grand Jury for their concerns and thoughtful consideration of this important issue.

Sincerely.

Jim Eryhoff

Sheriff

CC: Ventura County Grand Jury



Jim Fryhoff - Sheriff | John Reilly - Undersheriff 800 S. Victoria Avenue, Ventura, CA 93009 | 805.654.2385 | VenturaSheriff.org

August 18, 2023

Honorable Kevin G. DeNoce Presiding Judge of the Superior Court Ventura County Hall of Justice 800 S. Victoria Avenue Ventura, California 93009

Re: Response to the 2022-2023 Ventura County Grand Jury Report entitled *Deaths in Ventura County Detention and Jail Facilities*

Dear Judge DeNoce:

As required by California Penal Code § 933.05, this letter is a response to the findings and recommendations of the 2022-2023 Ventura County Grand Jury's Final Report "Deaths in Ventura County Detention and Jail Facilities" dated June 20, 2023 (the "Report").

The Grand Jury's role of acting as the eyes and ears of Ventura County residents is an important factor in building public trust. The Ventura County Sheriff's Office ("Sheriff's Office") values the importance of the annual Grand Jury inspection of its detention facilities and welcomes objective criticism from the Grand Jury as an important tool for transparency, mission accomplishment, and positive change. We know that the Grand Jury's efforts were in good faith and the Report was an honest attempt to evaluate this issue.

The Report, however, included certain inaccuracies and mischaracterizations that justify clarification to avoid future confusion or misinterpretation. The methodology used in the recent Grand Jury Report shows a bias which should lead the reviewer of this Report to question the veracity of its conclusions. Reports generated by the Grand Jury should not simply be a good-faith effort to get facts, when a more comprehensive investigation will reveal more accurate facts. The accuracy of the Report is critical to appropriately consider the recommendations that the Grand Jury makes.

When an incarcerated person dies in a detention or jail facility, there are multiple layers of review, both internally by the Sheriff's Office and externally by other independent agencies, including the Grand Jury. A comprehensive death investigation is conducted by the Sheriff's Major Crimes Bureau, along with an independent inquiry carried out by the Ventura County Medical Examiner,

Response to the 2022-2023 Ventura County Grand Jury Report Page 2 of 12

and an internal review is conducted to determine what if any lessons can be learned. In addition, the District Attorney's Office and the Grand Jury have access to both the reports and the findings from each investigative body.

Unfortunately, a majority of the people who commit suicide in custody have suicidal ideations or suicide attempts prior to being incarcerated. Understandably, suicide history while out of custody is not usually self-reported by the incarcerated person and not known by medical, mental health, or correctional staff. Incarcerated people in our detention facilities are evaluated by mental health professionals any time an indicator of previous or current suicidality is presented. The medical and mental health services provided in the detention facility mirror and exceed those available in the community. In some cases, our success rate in deterring suicides is greater than that found in the community because the incarcerated persons are more compliant with consistent, supervised treatment.

There are points in the Report that we agree on. Namely, that communication and transparency are key to improving the conditions in the jail and preventing suicides and deaths. The Report is accurate when it says the Sheriff's Office is committed to implementing effective suicide prevention and it is also accurate when it says the Sheriff's Office is fully compliant with state law and the Board of Community Corrections (BSCC).

The Sheriff's Office is committed, and has been committed, to the safety and wellbeing of those incarcerated in our jails. This decades long journey has been a continual effort by a long list of elected Sheriffs. The Sheriff's Office has always looked to be the leader in corrections policies, practices, and outcomes. The Sheriff's Office recently opened the 64-bed Health and Programming Unit; expanded its Jail Based Competency Treatment (JBCT) program from 8 beds to 10 beds; expanded Medication Assisted Treatment (MAT) including partnering with New York University and Community Memorial Health on a multi-year Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP) grant; and sharing the framework and successes of our Therapeutic Inmate Management Unit (TIMU) at several national conferences. In addition, the Sheriff's Office is never satisfied and is always looking for new and innovative ways to improve care and results for all persons entrusted to the care of our detention facilities.

From 2016, the first year of the Grand Jury's evaluation, through 2022, the Sheriff's Office has implemented multiple programs, policies, and practices to reduce the possibility of jail deaths, provide better medical evaluations and care, and help those struggling with addictions or mental health issues. During the seven years of the evaluation period, the Sheriff's Office has implemented our Jail Based Competency Program, the Early Access to Stabilization Services Program, the Therapeutic Inmate Management Program, and the Medicated Assisted Treatment Program. We have also brought in the National Commission on Correctional Health Care (NCCHC) to evaluate our medical and mental health services to provide an independent review and ensure we are meeting or exceeding national standards in these areas. We have also renegotiated our medical contract and expanded our services significantly, with Board of Supervisors approval, because we all recognize how important these services are for incarcerated persons.

The following list highlights the changes and program implementations the Sheriff's Office has undertaken during the Grand Jury review timeframe. The list is not exhaustive but reflects the effort the Sheriff's Office has put into aligning our correctional health care and mental health care to community standards.

- August 2017 Moral Reconation Therapy and incarcerated person socialization groups added
- 2018 California Forensic Medical Group (CFMG) becomes affiliated with Wellpath
 - o Staffing and procedures change
 - o Increased mental health staffing
 - o Increased mental health follow up for inmates removed from safety precautions
- December 2018 Health Intake screening done by a Registered Nurse instead of Custody Staff to incorporate a more in-depth medical and mental health screening
- 2019 Collaboration with Ventura County Behavioral Health (VCBH) to get inmates admitted on temporary mental health hold while in custody to treat acute suicidal behaviors
- June 2019 Creation of TIMU
- April 2020 At-Risk Inmates-Psych/Suicidal & Aggressive Indicator Trackers produced weekly by Crime Analysis
- 2020 Update Safety Cell/Safety Precautions policy to allow more flexibility in placing incarcerated persons on less restrictive monitoring based on objective factors
- December 2020 8 bed JBCT Program established
- October 2021 Plexiglass covers installed over window frames to reduce ligature attachment points
- February 2022 Implementation of Animal-Assisted Therapy Program into the TIMU
- July 2022 After year-long nationwide Request For Proposal, new contract with CFMG approved; increased staffing for medical and mental health staff
- July 2022 Added medical Captain position to oversee medical and mental health services, TIMU, JBCT, and the Health and Programming Unit
- August 2022 Implemented the Early Access and Stabilization Services (EASS) program
 in collaboration with the Department of State Hospitals (DSH) and Wellpath affiliates
 CFMG and California Health and Recovery Solutions (CHRS) to begin treating IST
 incarcerated persons waiting to enter JBCT
- October 2022 Increased JBCT by 10 beds

The Sheriff's Office has taken several proactive steps to reduce the influx of illegal narcotics into the jail that continue to plague our communities. All non-pregnant detainees booked into custody are placed into a body scanner which detects anomalies inside the body. If a detainee is found to have an anomaly, the booking is refused, and the arresting officer must obtain a medical clearance for that detainee. The number of overdose deaths in Ventura County has almost doubled in the past six years. During the same period the overdose deaths in custody have not. As an additional incentive to deter drugs being brought into custody, we have placed amnesty boxes throughout

Response to the 2022-2023 Ventura County Grand Jury Report Page 4 of 12

the booking area and admonish every inmate that they can surrender illegal drugs with no threat of arrest. There are also video monitors in the booking area which illustrate the availability and instructions on how to use Narcan, a drug used to treat life-threatening opioid overdoses. In addition to all staff members carrying Narcan, there are fixed locations in every housing section that have Narcan available for inmates to use without delay.

Lastly, References 01, 03, and 04 cited were reports from various advocacy groups. None of these reports had any content connected to any local detention facilities or incarcerated population.

FINDINGS

F-01. The Grand Jury finds that of the 13 deaths of detained persons reviewed, most were avoidable. (SF-01, SF-07, SF-12, SF-18, SF-29)

Response: The Sheriff's Office disagrees wholly with this finding.

This finding is anecdotal in its foundation. The philosophy of the Sheriff's Office is that correctional healthcare is community healthcare. Mortality in the community is largely unavoidable and thus the same standard should be applied when evaluating mortality in a correctional setting. The Sheriff's Office ensures its standards and training go above and beyond state law and state standards to prevent as many adverse outcomes as possible.

Furthermore, any conclusion regarding the four cases of suicide being preventable according to "expert analysis" is hollow. Suicides, especially jail suicides, are complex and individualized and not all suicides, jail or otherwise, are preventable. Reputable mental health professionals in the field of corrections have affirmed that jail suicides are complex and individualized.

F-02. The Grand Jury finds that in general, the public is not informed of the final results of the MCU and ME's investigations of deaths of detained persons in the Ventura County jails. (SF-02, SF-03, SF-04)

Response: The Sheriff's Office partially disagrees with this finding.

Prior to January 1, 2023, there was no requirement to inform the public about the final results of an incarcerated person's death. On January 1, 2023, California Assembly Bill 2761 took effect which requires certain information be released to the public and updated after investigations are complete. The Sheriff's Office has complied fully with the new law. Additionally, the Sheriff's Office recognizes that legal obligations related to the privacy of Protected Health Information do not terminate upon the death of an incarcerated person. The Sheriff's Office considers these privacy rights when releasing information to the public.

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F-03. The Grand Jury finds that the current training regarding suicide prevention and response does not follow recommended best practices for consistent cross-training of deputies, SSTs, and Wellpath medical personnel. We did find that current practices are compliant with state law and BSCC requirements. (SF-05)

Response: The Sheriff's Office partially disagrees with this finding.

The Sheriff's Office agrees that its current practices are compliant with state law and BSCC requirements. Regarding the issue of consistent training on suicide prevention and response measures recommended by the NCCHC, the Sheriff's Office has met, and exceeded, the NCCHC standard. The NCCHC standard requires annual health emergency "man-down" drills. Since May 2021, the Sheriff's Office has conducted joint custody-medical "man down" drills quarterly on each shift at each jail facility.

F-04. The Grand Jury finds that between 2016 and 2022, the VCSO committed to implementing or strengthening primary, secondary, and tertiary suicide prevention measures consistent with BSCC and NCCHC standards. Despite these efforts, detained persons committed suicide. (SF-06, SF-08, SF-09, SF-10, SF-14, SF-15, SF-16, SF-24)

Response: The Sheriff's Office agrees with this finding.

F-05. The Grand Jury finds that during incarceration, multiple factors can lead to a personal crisis after the initial screening. Communication and follow-up become key for suicide prevention. (SF-06, SF-10, SF-13)

Response: The Sheriff's Office agrees with this finding.

F-06. The Grand Jury finds that primary level intervention measures, including improvement of the orientation process and involvement of families, aid in the prevention of suicide. (SF-06, SF-11, SF-12, SF-13, SF-16)

Response: The Sheriff's Office agrees with this finding.

Should a family member have an immediate concern about the health, and/or well-being of an inmate, they can complete an Inmate Emergency Medical Notification Form located at www.venturasheriff.org. This notification form is immediately routed to the jail Watch Commander and medical personnel. There is a drop-down box specifically for suicide concerns. Family members can also contact public reception either in person or via phone.

F-07. The Grand Jury finds that current incentives to surrender illicit substances and body searching protocols do not result in adequate detection and confiscation of increasingly dangerous drugs at PDTF and TRJ. (SF-17, SF-18, SF-19, SF-22, SF-23)

Response to the 2022-2023 Ventura County Grand Jury Report Page 6 of 12

Response: The Sheriff's Office disagrees wholly with this finding.

The Sheriff's Office goes to great lengths to detect and confiscate illegal substances from entering any of our Jail facilities. Arrestees are searched at least twice by arresting officers prior to booking. Detention Services deputies then conduct a third, and sometimes fourth physical search in booking. When reasonable suspicion arises, and approved by the Watch Commander, a visual strip search of the arrestee is conducted and documented. A fifth search using a whole person body scanner is then conducted for every incarcerated person who is not pregnant.

In addition, we use our patrol K-9s to conduct random drug searches in the jail on a regular basis. And lastly, we offer immunity from criminal charges to arrestees coming into the jail if they will voluntarily surrender illegal substances into our amnesty boxes.

Since the installation of the amnesty boxes at all jail facilities in March 2022, there have been 181 amnesty surrenders through July 23, 2023. This equates to an estimated half-pound of potentially deadly drugs that this incentive has prevented from entering our jails.

F-08. The Grand Jury finds that use of passive-alert drug detection dogs to discover illicit drugs is an effective methodology not fully utilized at the PTDF and TRJ facilities. (SF-19, SF-20, SF-21)

Response: The Sheriff's Office disagrees wholly with this finding.

The Ventura County Sheriff's Office currently has seven dogs in our Patrol Services Division. All seven of these dogs are trained in narcotics detection, which includes the ability to locate fentanyl using Scent Logix as the training aid. Our office has only been using Scent Logix (fentanyl) in training for the past year. Previous to that, our dogs were not trained in the detection of fentanyl. Our dogs do not train with the street drug fentanyl directly, as it is extremely dangerous for the dog, and the handler.

Our Detention Services Division does frequently utilize our patrol detection dogs for searches in our housing units. Our handlers are available, and on-call (if not already on duty), on a 24-hour basis, so using contracted resources in this capacity is unnecessary.

Although it would make sense to assume that drug detection dogs in jails would reduce or eliminate overdoses or overdose deaths, the Sheriff's Office did not find any factual evidence in the references used by the Grand Jury that drug detection dogs in a custody setting reduced or eliminated overdoses or overdose deaths. In fact, the reference used by the grand jury for Los Angeles County states clearly that they use drug detection dogs to reduce violence in their jails because drugs in jails are a type of currency and in-custody violence over drugs is a problem for them.

Response to the 2022-2023 Ventura County Grand Jury Report Page 7 of 12

F-09. The Grand Jury finds that historically, medical and behavioral health treatment in Ventura County's jails often has been reactive rather than proactive, and has not included a robust "See Something, Say Something" protocol. (SF-06, SF-07, SF-25, SF-26, SF-29)

Response: The Sheriff's Office partially disagrees with this finding.

Inmates routinely devise new and unique means to defeat any proactive means taken to prevent self-harm. Just like in the community, correctional health care and mental health care are constantly evolving to new and unique presentations, diagnoses, and methods of treatment.

Deputies and SSTs are trained in detection of suicidal behavior and suicide prevention through our Crisis Intervention Training (CIT) academy. The addition of suicide prevention posters with indicators of suicide ideation and different avenues of notifying jail staff will help inmates find alternate ways to notify staff of potential suicidal inmates. The TIMU identifies inmates at risk of suicide. The TIMU contacts willing inmate families to learn HIPPA compliant inmate triggers and de-escalation techniques. The TIMU creates inmate profiles with this information that is stored with the TIMU. The TIMU uses inmate profiles to create programs that reduce the inmate's risk of suicide.

In reference to the "See Something, Say Something" protocol referenced in Reference 51, this is a training given by the University of Michigan, Department of Public Safety & Security that discusses the types of incidents that should be reported and how to report them; personal safety, prevention and dealing with threats; and suspicious behavior. Reference 51 is a study completed by clinician-researchers at Harvard Medical School and Beth Israel Deaconess Medical Center. The study "results highlight the need to explicitly support patients and families to speak up in real time about perceived errors. Hesitancy to do so represents a real safety gap." The Sheriff's Office, as well as our correctional health care partner CFMG (Wellpath), have always sought out and valued the input of the patient (incarcerated person) to prescribe individual treatment plans for each patient. The Harvard Medical School study was completed using subjects from an urban academic hospital where family members were able to have face-to-face contact with the patient. This is not possible in a correctional setting. Family members are encouraged to, and often do, provide any input they have on an incarcerated person's current or historical medical conditions.

F-10. The Grand Jury finds that the intake screening process and reassessments during incarceration do not always provide a complete evaluation of current medical and behavioral health, as outlined in the NCCHC Initial Health Assessment standard. (SF-26, SF-27, SF-28)

Response: The Sheriff's Office partially disagrees with this finding.

Our current initial and follow-up medical and mental health screening assessments meet the NCCHC standards. However, as is seen not only in a correctional setting, but the community as well, obtaining a complete and accurate health history is only as good as the information being provided by the patient (incarcerated person).

In some cases, a patient's (incarcerated person) reported medical history at intake can be supplemented by community health records, however these are not immediately available to medical personnel during the Intake process. Additionally, jail medical staff are often still reliant on a patient (incarcerated person) to report prior hospitalizations, surgeries, primary care providers, etc. Proactive searches for records are conducted in some instances after intake, however this requires significant time and personnel resources, and is not feasible to do universally.

F-11. The Grand Jury finds that involvement of the public and independent subject matter experts in the review of deaths in jail may reduce the risk of death, provide additional insight, justify additional resources and increase transparency. (SF-30, SF-31)

Response: The Sheriff's Office partially disagrees with this finding.

We agree that independent subject matter experts may be able to provide additional insight and increase transparency. However, it is our belief that adding members of the public in the reviewing of incarcerated person's deaths would be counterproductive. Members of the public are not afforded the same privileges and protections to review sensitive and protected medical and legal information discussed during our comprehensive reviews. The Sheriff's Office takes these privileges and protections with the utmost solemnity to protect the patient's (incarcerated person), and their family's, privacy.

The Sheriff's Office would like to reiterate its commitment to safeguarding the lives and property of residents of Ventura County and responding to public concerns in a manner which is fair, unbiased, lawful and promotes neighborhoods free from crime. The foundation of this commitment is built upon the Sheriff's Seven Pillars. Although all are equally important to the stability and success of our Mission, Pillar 6 – Providing Secure and Humane Detention for Incarcerated Individuals, is one that the Sheriff is Constitutionally mandated to do, and all Detention Services personnel, including contract personnel, are dedicated to mission accomplishment.

RECOMMENDATIONS

R-01. The Grand Jury recommends that within six months, the Board of Supervisors (BOS) institute a review panel comprised of community members and independent subject

Response to the 2022-2023 Ventura County Grand Jury Report Page 9 of 12

matter experts to review jail deaths and support death prevention efforts by the VCSO. (F-01, F-02, F-09, F-11)

Response: This recommendation will not be implemented because it is not warranted.

The Sheriff's Office wholeheartedly rejects this recommendation based on the fact that we already have oversight from two outside agencies whose sole purpose is to review, recommend best practices, and ensure implementation to maintain accreditation.

The Sheriff's Office has oversight from the Board of Community Corrections (BSCC) and the National Commission on Correctional Health Care (NCCHC). We are accredited by BSCC and are in the process of getting accreditation from NCCHC. The recommendation that the Sheriff's Office needs more oversight from the public and independent subject matter experts regarding jail deaths is duplicative.

The purpose of BSCC and NCCHC oversight and accreditation is to have independent subject matter experts from multiple disciplines continuously review our policies, procedures, and operations and provide evidence-based recommendations.

R-02. The Grand Jury recommends that within six months, the VCSO with Wellpath develop and implement a consistent in-service suicide prevention cross-training for all deputies, SSTs and Wellpath medical personnel. (F-03, F-04, F-09)

Response: This recommendation has already been implemented.

Since May 2021, Detention Services staff (deputes and SSTs) and CFMG (Wellpath) employees have jointly conducted quarterly suicide prevention training to include "mandown" drills.

R-03. The Grand Jury recommends that within six months, the VCSO with Wellpath improve existing communication protocols for monitoring suicidal ideation and/or increased risk factors among detained persons. (F-03, F-04, F-05, F-09)

Response: This recommendation has already been implemented.

The Sheriff's Office and CFMG (Wellpath) currently have effective communication protocols in place reference suicidal incarcerated persons. The Medical Captain and the TIMU Sergeant have weekly meetings with medical and mental health staff to review and update individual treatment plans based on all available objective factors to ensure effective treatment of underlying mental health disorders and provide a safe environment.

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CFMG (Wellpath) provides the Sheriff's Office quarterly status reports that also include Continuous Quality Improvement (CQI) initiatives. These quarterly status reports are also reviewed by our contract monitor, NCCHC.

The Sheriff's Office and CFMG (Wellpath) are currently evaluating modifying process and program protocols to take into account the recent opening of the Health and Programming Unit and maximize opportunities for efficiency and process improvement that facility affords us.

- **R-04.** The Grand Jury recommends that within six months, the VCSO develop and implement suicide and self-harm prevention protocols involving family input, including:
 - Placing Suicide Prevention Hotline Posters in visiting areas encouraging family members to contact a 24/7 number to report concerns about suicide or self-harm of a detained person.
 - An automated recording with the same hotline information at the beginning of each phone call to a detained person.
 (F-05, F-06)

Response: The first part of this recommendation has not yet been implemented but will be implemented with an expected completion date of September 1, 2023. The second part of this recommendation will not be implemented as it is not reasonable.

Suicide prevention posters that align with Ventura County Behavioral Health suicide awareness and prevention will be added to the video monitors in the visiting area of each jail facility. The same posters will be added to the video monitors in the booking and release areas of the Pre-Trail Detention Facility, as well as being posted in housing unit common areas, tablets, and kiosks by the same date. Currently, it is not logistically feasible to add suicide hotline information to the beginning of each incarcerated person's phone call.

R-05. The Grand Jury recommends that within six months, the VCSO's Inmate Orientation include information explaining available resources for prevention of suicide, self-harm and overdose. (F-05, F-06, F-07, F-08)

Response: This recommendation has not yet been implemented but will be implemented with an expected completion date of October 1, 2023.

R-06. The Grand Jury recommends that within ninety days, the VCSO evaluate and report to the BOS the technical and financial feasibility of adding passive-alert drug detection dogs to each jail facility. (F-07, F-08)

Response: This recommendation requires further analysis.

Response to the 2022-2023 Ventura County Grand Jury Report Page 11 of 12

The Sheriff's Office believes the need for dedicated passive-alert drug detection dogs at each facility is not warranted, based on prior experience with drug detection dogs at local jail facilities and the success of other jail drug relinquishment programs. However, the Sheriff's Office will further analyze this recommendation and provide the County Executive Officer and the Board of Supervisors with a proposal for such, if determined to be appropriate, by September 12, 2023.

R-07. The Grand Jury recommends that within six months, the VCSO implement a more robust protocol of "See Something, Say Something" that is reinforced by ongoing staff training and detained persons' orientation. (F-09)

Response: This recommendation will not be implemented as it is not warranted.

The "See Something, Say Something" protocol referenced in Finding 09 is not applicable in a correctional setting. The Sheriff's Office already has a robust protocol to include the patient (incarcerated person), and family if willing and authorized, in the planning of their (patient) individualized treatment plan.

R-08. The Grand Jury recommends within six months, and annually thereafter, the VCSO report to the BOS on the key performance metrics, the implementation of training and the suicide prevention program, per the terms and conditions of the Wellpath contract. (F-03, F-04, F-09, F-10)

Response: This recommendation has not yet been implemented but will be implemented March 2024.

It is the goal of the Sheriff's Office and CFMG (Wellpath) to provide the Board of Supervisors and the public with an annual report highlighting contract performance metrics to include training and suicide prevention efforts.

R-09. The Grand Jury recommends that within six months, the VCSO align its intake tool with NCCHC's Initial Health Assessment standard. (F-10)

Response: This recommendation has already been implemented. Refer to Finding-10 Response.

R-10. The Grand Jury recommends that within ninety days, the VCSO implement a procedure to inform the public of the circumstances surrounding all jail deaths after the MCU investigation and/or independent review are completed. (F-02, F-11)

Response: This recommendation has already been implemented. Refer to Finding-02 Response.

Thank you for the opportunity to respond to this Grand Jury report. If additional explanation is needed, please feel free to contact Assistant Sheriff Shane Matthews at 805-654-2305.

Response to the 2022-2023 Ventura County Grand Jury Report Page 12 of 12

Sincerely,

Jim Fryhoff Sheriff



BOARD MINUTES BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS MATT LAVERE, JEFF GORELL, KELLY LONG, JANICE S. PARVIN AND VIANEY LOPEZ September 12, 2023 at 8:30 a.m.

COUNTY EXECUTIVE OFFICE - Approval of Responses to the 2022-2023 Ventura County Grand Jury Reports, Entitled "Water Availability for Wildfires in Ventura County" and "Deaths in Ventura County Detention and Jail Facilities" for Submittal to the Presiding Judge of the Superior Court.

- (X) All Board members are present, except Supervisor Gorell is absent.
- (X) The following person is heard: <u>Dr. Sevet Johnson</u>.
- (X) Upon motion of Supervisor <u>Long</u>, seconded by Supervisor <u>Parvin</u>, and duly carried, the Board hereby approves recommendations as stated in the Board letter

Deputy Clerk of the Board



Sevet Johnson, PsyDCounty Executive Officer

Mike Pettit

Assistant County Executive Officer

Kaye Mand

County Chief Financial Officer

Shawn Atin

Assistant County Executive
Officer/
Human Resources Director
Labor Relations

September 12, 2023

Board of Supervisors 800 South Victoria Avenue Ventura, CA 93009

SUBJECT:

Approval of Responses to the 2022-2023 Ventura County Grand Jury Reports, Entitled "Water Availability for Wildfires in Ventura County" and "Deaths in Ventura County Detention and Jail Facilities" for Submittal to the Presiding Judge of the Superior Court.

RECOMMENDATION:

It is recommended that your Board consider and approve, with or without modification, the responses to the 2022-2023 Ventura County Grand Jury Reports, entitled "Water Availability for Wildfires in Ventura County" (Exhibit 5) and "Deaths in Ventura County Detention and Jail Facilities" (Exhibit 6) pertaining to County Government under your Board's authority, for submittal to the Presiding Judge of the Superior Court in accordance with Penal Code section 933(c).

DISCUSSION:

Penal Code sections 933 and 933.05 require that your Board comment on Findings and Recommendations of the Grand Jury pertaining to County government under your authority.

Grand Jury Report – Water Availability for Wildfires in Ventura County

The 2022-23 Grand Jury issued a report dated June 12, 2023, entitled "Water Availability for Wildfires in Ventura County." The Grand Jury required a response from your Board regarding findings one through ten, twelve through fourteen, and recommendations one through three and five through eight. The Grand Jury also required a response from the Ventura County Sheriff on finding eleven and recommendation four. The response for your Board was prepared by the Public Works Agency (PWA) and the County Executive Office for your approval and is attached as **Exhibit 1**. The Sheriff's response is attached for reference as Exhibit 3.

Board of Supervisors September 12, 2023 Page 2

The Grand Jury Report investigated current protocols and procedures utilized by 15 Ventura County public water purveyors to supply adequate water for wildland fire suppression. In their report, the Grand Jury put forth several recommendations to enhance the preparedness and response capabilities of water purveyors in emergency situations. The recommendations contained in the report encompass various aspects of emergency management. First, the report suggests water purveyors establish clear operational procedures and training programs to ensure an increased water supply for firefighting efforts during Fire Weather Watches (FWWs), Red Flag Warnings (RFWs), active fires, and Public Safety Power Shutoffs (PSPS). Secondly, the Grand Jury emphasizes the importance of having on-site emergency power for critical water infrastructure, including SCADA systems. Additionally, they advocate for the establishment of standardized communication protocols with neighboring water purveyors to facilitate coordinated actions, such as water transfers during active fires.

The Grand Jury further recommended that water purveyors prioritize their employees' emergency communication capabilities by enrolling them in the FCC Wireless Priority Service (WPS) and the Government Emergency Telecommunications System (GETS), providing priority access to cellular and landline phones in times of crisis. To enhance inter-agency support, the Grand Jury suggested that water purveyors join the CalWARN network, which facilitates the sharing of emergency resources among water and wastewater agencies. Lastly, the Grand Jury advised all water purveyors to implement brush clearance around critical infrastructure, including water tanks, supply pumps, pump houses, and related facilities.

Contained within the Grand Jury Report were nine (9) recommended actions for water purveyors to implement to better prepare for, respond to, and mitigate the threat of wildfires and improve the availability of water during wildfires.

As noted in the prepared response to the Grand Jury Report, findings within the report generally identified inconsistencies with the level of procedures, emergency backup power, training, and preparedness across the water purveyors surveyed rather than specific deficiencies of an individual water purveyor, including PWA. As a result, PWA determined that all the recommendations of the Grand Jury, except for recommendation number six (enrollment in the Government Emergency Telecommunications System – GETS), are already in place at County operated water districts and meet the standard of the Grand Jury's Report as implemented. PWA plans to complete recommendation number six by December 2023.

Grand Jury Report – Deaths in Ventura County Detention and Jail Facilities

The 2022-23 Grand Jury also issued a report dated June 20, 2023, entitled "Deaths in Ventura County Detention and Jail Facilities." The report presents a series of recommendations aimed at enhancing the safety and well-being of detainees within the jail system, as well as improving communication and prevention measures.

Firstly, it advises the establishment, within six months of a review panel comprised of community members and independent experts. This panel's purpose would be to review

Board of Supervisors September 12, 2023 Page 3

instances of jail deaths and provide support for initiatives focused on preventing such tragedies by the Ventura County Sheriff's Office (VCSO).

Another recommendation puts forth a collaboration between VCSO and Wellpath to develop and implement comprehensive in-service suicide prevention training for deputies, medical personnel, and other staff members. Within the same timeframe, the report calls for the refinement of communication protocols that monitor indicators of increased suicide risk or suicidal ideation among detainees.

The Grand Jury also emphasized involving families in suicide and self-harm prevention protocols. These protocol recommendations included installing Suicide Prevention Hotline Posters in visitor areas and adding hotline information to the beginning of each detained person's phone call. Additionally, the report highlights the need to incorporate suicide, self-harm, and overdose prevention resources into the VCSO's Inmate Orientation process.

Furthermore, the recommendations extend to evaluating the viability of incorporating passive-alert drug detection dogs in jail facilities and implementing a more comprehensive "See Something, Say Something" protocol, supported by continuous staff training and detainee orientation.

In terms of accountability and oversight, the report calls for regular reporting to the Board of Supervisors on key performance metrics, training implementation, and the progress of the suicide prevention program according to the terms of the Wellpath contract. Additionally, the VCSO is urged to align its intake procedures with the standards set by the National Commission on Correctional Health Care (NCCHC).

Lastly, the Grand Jury underscores the importance of transparency by suggesting that the VCSO establish a procedure to inform the public about circumstances surrounding jail deaths following independent reviews or MCU investigations.

At the conclusion of the report, the Grand Jury required a response from your Board regarding Finding eleven and Recommendations one, six and eight and a response from the Ventura County Sheriff on findings one through eleven and recommendations one through ten. The response for your Board was prepared by the County Executive Office for your consideration and is attached as **Exhibit 2**. The Sheriff's response is attached for reference as Exhibit 4.

As noted in the prepared response to the Grand Jury Report, your Board and the County are acutely aware of the weighty responsibility undertaken by the Sheriff's Department, as they provide for the care and safeguarding of over 1,300 individuals each day, amounting to more than 23,500 individuals annually.

Acknowledging the immense tragedy inherent in the loss of any life, the County's commitment remains steadfast in support of advancements in the safety and well-being of those in custody.

Board of Supervisors September 12, 2023 Page 4

In this pursuit, the County emphasizes our duty to uphold the rights of individuals, encompassing crucial privacy and confidentiality protections essential for handling sensitive medical and legal information. Furthermore, we are grateful for the Sheriff's ongoing commitment to continuous improvement in the protection of lives under their care and we appreciate the Sheriff's commitment to furnish the Board of Supervisors and the public with regular reports, detailing performance and safety metrics, strides in training protocols, advancements in detention treatment programs, and suicide prevention efforts. This alignment underscores your Board's and this County's unwavering commitment to transparency and the principles of accountability.

In conclusion, we greatly value the Grand Jury's commitment to fostering improvement in the operations of public services.

This letter has been reviewed by the County Executive Office, County Counsel, and the Auditor-Controller's Office. If you have any questions, please contact Mike Pettit, Assistant County Executive Officer, at (805) 654-2720.

Sincerely,

Sevet Johnson, PsyD County Executive Officer

Senetch

Exhibit 1: Response to Grand Jury Report "Water Availability for Wildfires in Ventura County"

Exhibit 2: Response to Grand Jury Report "Deaths in Ventura County Detention and Jail Facilities"

Exhibit 3: Copy of Sheriffs Response to Grand Jury Report "Water Availability for Wildfires in Ventura County"

Exhibit 4: Copy of Sheriffs Response to Grand Jury Report "Deaths in Ventura County Detention and Jail Facilities"

Exhibit 5: Copy of Grand Jury Report "Water Availability for Wildfires in Ventura County"

Exhibit 6: Copy of Grand Jury Report "Deaths in Ventura County Detention and Jail Facilities"