



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office	(2) MEETING DATE 7/25/2017	(3) CONTACT/PHONE Geoff O'Quest/781-5011 Morgan Torell/781-5011	
(4) SUBJECT Request to adopt and file recommended responses to the 2016-17 Grand Jury Report "Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail." All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: (1) Adopt and file recommended responses from the Health Agency to the San Luis Obispo Grand Jury's 2016-17 report titled "Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail," (2) Direct the Clerk to forward the approved responses from the Health Agency to the Presiding Judge and the Grand Jury by September 4, 2017, and (3) Receive and file responses from the Sheriff-Coroner to the San Luis Obispo Grand Jury's 2016-17 report titled "Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail."			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT ☒ Consent ☐ Presentation ☐ Hearing (Time Est. _____) ☐ Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS ☐ Resolutions ☐ Contracts ☐ Ordinances ☒ N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A ☐ 4/5th's Vote Required ☒ N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY ☒ N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW This item was prepared by the Administrative Office			
(18) SUPERVISOR DISTRICT(S) All Districts			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Geoff O'Quest, Administrative Analyst
Morgan Torell, Administrative Analyst

DATE: 7/25/2017

SUBJECT: Request to adopt and file recommended responses to the 2016-17 Grand Jury Report "Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail." All Districts.

RECOMMENDATION

It is recommended that the Board:

- (1) Adopt and file recommended responses from the Health Agency to the San Luis Obispo Grand Jury's 2016-17 report titled "Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail,"
- (2) Direct the Clerk to forward the approved responses from the Health Agency to the Presiding Judge and the Grand Jury by September 4, 2017, and
- (3) Receive and file responses from the Sheriff-Coroner to the San Luis Obispo Grand Jury's 2016-17 report titled "Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail."

DISCUSSION

On June 6, 2017, the Grand Jury issued a report titled "Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail." The report looks at issues related to changes in population and programs, with a specific focus on safety and health at the San Luis Obispo County Jail. The Grand Jury report includes five findings and one recommendation. The County Health Agency and the Sheriff are required to respond to all five findings and the report's single recommendation.

All responses must conform to the response language and timelines required under Penal Code section 933. Under this section, County departments must respond within 90 days of the date the report is released, following adoption by the Board of Supervisors. Elected officials, including the Sheriff, must respond within 60 days and may respond directly to the Presiding Judge and the Grand Jury, which the Sheriff has done.

The responses from the Health Agency are due to the Presiding Judge by September 4, 2017. The responses from the Sheriff are due by August 5.

I. Recommended Responses from the County Health Agency:

Finding 1. "There is inadequate physical space to conduct programming for male inmates. This lack of space restricts the amount of programming offered, as well as inmate participation."

The County Health Agency agrees with this finding. However, this situation should be remedied in large part by planned construction of a new medical facility, which will include additional program space.

Finding 2. "There is no single official at the County Jail level that has true oversight and responsibility over all aspects of an inmate's well-being."

The County Health Agency agrees with this finding.

Finding 3. "Other counties sometimes contract correctional health care services to an outside provider giving the custodial side direct responsibility over all aspects of an inmate's well-being."

The County Health Agency agrees with this finding.

Finding 4. "Violations noted in the biennial [Board of State and Community Corrections] BSCC report, issued September 7, 2016 involve health and safety issues that are largely managed by the County Health Agency."

The County Health Agency agrees with this finding.

Finding 5. "Recent deaths of inmates at the County Jail and violations noted in the most recent BSCC report have raised public concern over the adequacy of health and safety procedures and policies related to the current population."

The County Health Agency agrees with this finding.

Recommendation 1. "The Sheriff and the County Health Agency should conduct a joint review of the adequacy and appropriateness of management structure, policies, and procedures related to inmate safety, physical and mental health (including suicide prevention), and should issue a public report by December 31, 2017."

The Sheriff and Health Agency have partially implemented this recommendation (as to the joint review of adequacy and appropriateness of management structure, policies and procedures related to inmate safety and the provision of physical and mental health services), and a report to the Board of Supervisors will be provided by the Sheriff and Health Agency within the recommended time frame.

II. Responses from the Sheriff:

Under Penal Code section 933, elected officials, including the Sheriff, must respond within 60 days and may respond directly to the Presiding Judge and the Grand Jury, which the Sheriff has done. The Sheriff's responses are provided below. A copy of the document transmitting the Sheriff's responses is attached to this staff report.

Finding 1. "There is inadequate physical space to conduct programming for male inmates. This lack of space restricts the amount of programming offered, as well as inmate participation."

The Sheriff's Office disagrees in part. It is often not a lack of space but conflict with inmate's classification that they can be programmed together in a group setting. The recently opened Kansas Jail (women's facility), contains two large

programming rooms and sub-dayrooms in the Maximum Security section which affords female inmates more opportunities to take advantage of the programs. The new programming space offers more programming and efficiency allowing convenient access. On page 5 of the report, near the bottom of the page, in the second bulleted item, it mentions that a new medical facility is being built on the former women's jail site. In addition to the new medical facility, programming space is also being built on this site that will help facilitate programming space for males.

The majority of the jail facility was built without programming space; therefore, it makes programming very difficult. For example, on the date of this response there were 81 inmates classified as Administrative Segregation and 161 classified as Protective Custody. For the safety of staff and inmates, inmates classified in this manner cannot interact with one another or inmates classified as General Population, which limits the amount of programming available to them.

Finding 2. "There is no single official at the County Jail level that has true oversight and responsibility over all aspects of an inmate's well-being."

The Sheriff's Office agrees with this finding. The Sheriff has no management or supervision over jail medical and Mental Health services. There is no single person in charge of all aspects of inmate well-being. However, it is mentioned on page 9 near the bottom that the three different departments within the County Public Health Agency Services report to the CAO. All three of these identified departments actually report to the Director of Health Services, Jeff Hamm.

Finding 3. "Other counties sometimes contract correctional health care services to an outside provider giving the custodial side direct responsibility over all aspects of an inmate's well-being."

The Sheriff's Office agrees with this finding. It is common for Sheriff's Offices to contract for medical and mental health services to companies that specialize in proper care and oversight in a custody setting. The contracts are managed by those Sheriff Office's. The Sheriff's Office recommended exploring the cost and feasibility of outsourcing, several years ago and remain interested.

Finding 4. "Violations noted in the biennial [Board of State and Community Corrections] BSCC report, issued September 7, 2016 involve health and safety issues that are largely managed by the County Health Agency."

The Sheriff's Office agrees with this finding. Many of the observations in the BSCC report are health issues and the Sheriff's Office is unable to respond. However, there were two noted observations contained in the BSCC report that are directly related to the Sheriff's Office;

(1) Inmate Sick call slips handled by custody staff- these slips are reviewed by custody deputies to ensure that an emergency medical or emergency mental health condition does not exist. This process has been fully examined by County Counsel and they are in agreement that it is legally permitted and necessary. The Sheriff's Office is still exploring alternative methods to this process.

(2) Use of Sobering Cells- the Sheriff's Office recognizes the intended purpose of these cells, however the expanded use of these cells is for the direct observation of inmates that are considered at risk and in need of a higher level of continual observation. The Sobering Cells are located in the Intake and Release Center (IRC), which provides direct observation and multiple cameras recording of all of the cells and surrounding areas. Additionally, more staff are present in IRC to allow for better monitoring, as well as a Registered Nurse staffed in IRC 24 hours a day, 7 days a week. Even though this might be considered a non-compliant issue by the BSCC, these cells provide a higher level of care to the inmate.

Finding 5. "Recent deaths of inmates at the County Jail and violations noted in the most recent BSCC report have raised public concern over the adequacy of health and safety procedures and policies related to the current population."

The Sheriff's Office agrees with this finding. The public concern has been elevated.

Recommendation 1. "The Sheriff and the County Health Agency should conduct a joint review of the adequacy and appropriateness of management structure, policies, and procedures related to inmate safety, physical and mental health (including suicide prevention), and should issue a public report by December 31, 2017."

The Sheriff and Health Agency have partially implemented this recommendation (as to the joint review of adequacy and appropriateness of management structure, policies and procedures related to inmate safety and the provision of physical and mental health services), and a report to the Board of Supervisors will be provided by the Sheriff and Health Agency within the recommended time frame.

OTHER AGENCY INVOLVEMENT/IMPACT

The County Health Agency and Sheriff drafted the recommended responses to the Grand Jury report, in consultation with the County Administrative Office and County Counsel.

FINANCIAL CONSIDERATIONS

Costs for preparing this response are included in current department budgets.

RESULTS

This response will meet the legal requirements and time frames for responding to a Grand Jury report with findings and recommendations.

ATTACHMENTS

1. 2016-17 San Luis Obispo Grand Jury report "Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail."
2. Sheriff's response to 2016-17 San Luis Obispo Grand Jury report ""Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail."