

# Responses to the 2013-2014 Grand Jury Report

Every year, when the annual Santa Cruz County Grand Jury Report is published, designated agencies are requested to respond to the findings and recommendations of the report. These responses may agree, partially disagree, or disagree with the findings, and may indicate that recommendations have already been implemented, will be in the future, or will not be implemented, or that further analysis is required.

Comments may also be added to the responses. When a response agrees with a recommendation, further comments are optional. In case of complete or partial disagreement, or in response to recommendations for action, comments should be provided as part of the response.

For each report, the collected responses are published in a separate file on the [grand jury's section of the county's public website](#). Note: The responses are provided as received, and have not been edited, except for minimal formatting to make them appear correctly on this web page.

## Report: [Five Deaths in Santa Cruz: An Investigation of InCustody Deaths](#)

This report requested responses from the following:

1. Santa Cruz County Sheriff-Coroner: Findings 1-7,10, 11, 13; Recommendations 1-7
2. County of Santa Cruz Health Services Agency, Crisis Intervention Team: Findings 7-9; Recommendations 7-9
3. California Forensic Medical Group: Findings 2-5; Recommendations 1-4
4. Dignity Health Dominican Hospital: Findings 2,3; Recommendation 1

### Findings

- **Finding 1: County medical staff in 2012 at the Main Jail did not follow accepted standards of care in treating an inmate with complications arising from intravenous opiate abuse.**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman):  
**Disagree**

In 2012 Jail Medical Services were supervised by a contract physician. The Sheriff's Office has not seen evidence demonstrating that medical staff was not following accepted standards of care in treating inmates with complications arising from opiate abuse.

- **Finding 2: There was inadequate communication between Dominican Hospital and the Main Jail medical staff regarding a critical change in diagnostic information.**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman): **Agree**

In one instance, Dominican Hospital did not adequately communicate a critical change in diagnostic information to the medical provider at the Main Jail.

- Response from California Forensic Medical Group (Taylor Fithian, MD. President and Medical Director CFMG): **Cannot agree or disagree**

This was before CFMG began the provision of medical services to inmates at the Santa Cruz County Main Jail and at the Rountree facility. Since the time CFMG has taken over the medical care at the jail facilities as indicated in CFMG's response to R1, CFMG's medical director has instituted contact with the director of emergency services at Dominican Hospital. Both CFMG's medical director and external peer review consultant are on the staff at Dominican Hospital, and work in the department of emergency medicine. Both physicians have worked to facilitate and enhance continuity of care between Dominican Hospital and Santa Cruz County Jail medical staff, CFMG and the Sheriff's Department.

- Response from Dignity Health Dominican Hospital (Monica Hamilton, Senior Director Quality, Dominican Hospital): **Disagree**

As noted by the grand jury, the jail medical staff, including the physicians, has the responsibility to access the Dominican Hospital records for all jail inmates seen at Dominican, through the electronic medical record Elysium system. Dominican Hospital has no knowledge or control over the jail medical staff's utilization of the Elysium system, just as it had no knowledge of the ongoing complaints of patient/inmate Sanders after she returned to the jail.

The discharge instructions for Ms. Sanders when she was transferred back to the jail from Dominican Hospital indicated her diagnosis was bronchitis. The discharge instructions indicated immediate medical care should be sought if Ms. Sanders became progressively more ill, or developed increased difficulty breathing, wheezing, or shortness of breath. These instructions were not followed. When Ms. Sanders began complaining of shortness of breath and chest pain on August 20 it had been over a week since she had been treated at Dominican Hospital. If the jail medical staff failed to seek appropriate medical follow-up for these complaints it was not because of a communication problem on the part of Dominican Hospital employees.

- **Finding 3: CFMG's current procedures may fail to detect diagnostic updates by Dominican Hospital under certain situations.**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman):  
**Disagree**

California Forensic Medical Group (CFMG) is an independent contractor. The Sheriff's Office believes that CFMG's procedures provide for adequate communication. Please see CFMG's response to this finding.

- Response from California Forensic Medical Group (Taylor Fithian, MD. President and Medical Director CFMG): **Partially disagree**

CFMG's medical providers access the hospital records to review diagnostic findings, treatment and care of any inmate who has been recently hospitalized at Dominican Hospital. It is Dominican Hospital's current policy to notify patients if they identify a discrepancy in diagnostic findings. CFMG's medical director is currently working with administrative personnel at Dominican Hospital to help facilitate continuity of care and documentation of medical care provided at the hospital and to see that that information be transferred to the correctional medical staff at the Santa Cruz County Jail.

- Response from Dignity Health Dominican Hospital (Monica Hamilton, Senior Director Quality, Dominican Hospital): **Disagree**

Had jail staff obtained appropriate medical follow-up, or had they reviewed Ms. Sanders' Dominican Hospital records through Elysium, as their policy dictates, the updated diagnostic information would have been noted. While it is not for Dominican Hospital to comment on the appropriateness of the CFMG current policies, it appears from the Grand Jury report the policies were appropriate, but not followed.

- **Finding 4: CFMG staff failed to identify and treat symptoms of methadone overdose.**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman):  
**Disagree**

The Sheriff's Office is not aware of evidence indicating that CFMG staff failed to identify and treat symptoms of methadone overdose. Please see CFMG's response to this finding.

- Response from California Forensic Medical Group (Taylor Fithian, MD. President and Medical Director CFMG): **Disagree**

This allegation is factually inaccurate as reflected in the medical record. The inmate was being treated appropriately for methadone withdrawal as reflected in the medical record.

- **Finding 5: CFMG staff at the Main Jail has insufficient oversight and treatment facilities for inmates confined in 'O' Unit.**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman):  
**Disagree**

Inmates requiring higher level of oversight and treatment facilities than those provided in O-Unit are transferred to a health care facility outside of the Main Jail.

- Response from California Forensic Medical Group (Taylor Fithian, MD. President and Medical Director CFMG): **Disagree**

The Level of care provided to inmates in the O Unit is similar to what is provided to patients in a home care setting. If the severity of the inmates's medical condition warrants specialized nursing care, telemetry or monitoring, then the patient is transferred to an acute care facility.

- **Finding 6: Corrections Bureau and CFMG policies differ over when to call CFMG staff for intake screening of inebriated individuals at the Main Jail.**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman):  
**Disagree**

The Sheriff's Office does not believe that its intake screening policy with regard to inebriated individuals conflicts with any relevant CFMG policy. The Sheriff's Office controls what level of involvement CFMG has with regard to intake screening of inebriated individuals. In addition to following the applicable Corrections Policy to the best of their ability, correctional staff is required and expected to exercise discretion and judgment when calling CFMG staff for intake screening of inebriated individuals. The Sheriff's Office believes that CFMG is called for intake screening when appropriate.

- **Finding 7: Corrections Bureau staff at the Main Jail made incorrect judgements regarding the use of monitored housing for inebriated or impaired individuals.**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman):  
**Disagree**

The Sheriff's Office is unaware of any instance in which Corrections Bureau staff made incorrect judgments regarding the use of monitored housing for inebriated or impaired individuals. Placing an individual into a Sobering Cell is governed by the California Code of Regulations, Title 15, Section 1056. This Section states that sobering cells shall be used "for the holding of inmates who are a threat to their own safety or the safety of others due to their state of intoxication." The section requires that such inmates shall be removed from the sobering cell as they are able to continue in the processing. In this instance the Grand Jury appears to be questioning the use of monitored housing when the detainee was not a threat to his own safety or any other person. Although he was arrested for suspicion of Driving under the influence of an alcoholic beverage (DUI), he was appropriately placed in a direct supervision environment in general seating.

- Response from County of Santa Cruz Health Services Agency, Crisis Intervention Team: **Disagree**

The Crisis Intervention Team cannot speak for the Sheriff's Corrections Bureau. Please see the Corrections Bureau's response to this finding.

- **Finding 8: The availability of CIT staff is not adequate for the proper determination of an inmate's needs for immediate mental health medication and monitoring during intake at the Main Jail.**

- Response from County of Santa Cruz Health Services Agency, Crisis Intervention Team: **Disagree**

CIT is on site 7 days per week and on-call psychiatry services are available after hours and on weekends/holidays. Current Correctional and Medical Procedures allow for safety observation and intervention, as warranted until CIT is available for face-to-face assessment. An integrated system of personnel (Corrections, Medical and CIT) and procedures exist to provide for assessment of inmate mental health related needs.

- **Finding 9: During the period covered by our investigations, CIT had inadequately documented procedures and lax medical record keeping for the mental health care of inmates at the Main Jail.**

- Response from County of Santa Cruz Health Services Agency, Crisis Intervention Team: **Disagree**

- 1) Policies and Procedures have been updated to accommodate changes in the medical Provider and to remain current with best practices.
- 2) During this time, CIT utilized paper records. CIT now has an Electronic Records system that has been fully implemented.

- **Finding 10: Corrections Bureau regulations for the frequency of cell inspections and the enforcement of rules governing items permitted in cells have not been consistently followed by Corrections Bureau staff at the Main Jail.**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman): **Agree**

The Corrections Bureau has instituted the position of Compliance Officer. This Supervising Correctional Officer (SCO) establishes and enforces the consistent application of rules by Corrections Staff to include training, inspections conducted by supervisory staff at the beginning of each shift, written inspection logs and unified schedules for changes. Emphasis has been placed on individual accountability for inmates, officers and supervisory staff.

- **Finding 11: During the period covered by our investigations, Corrections Bureau protocols and screening practices for individuals entering the Main Jail were insufficient for the interception of illegal drugs.**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman): **Disagree**

Federal and State law have traditionally placed limitations on the types and manner of searches that can legally be conducted on detainees and inmates. Moreover, changes in the law continue to occur in this area. Although practical experience informs us that it is not possible to intercept all unlawful drugs entering the institution, the Main Jail's screening practices are in conformance with current law, and do result in the interception of large quantities of drugs and other contraband.

- **Finding 12: CFMG has an extensive catalog of best practices based on decades of experience that are detailed in CFMG protocol manuals and maintained through regular training, review, and audits.**

- no responses requested

- **Finding 13: The addition of a Compliance Officer to the Corrections Bureau staff, and a new regime of accountability, should result in an**

## **improvement in regulation compliance and enforcement at the Main Jail.**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman): **Agree**

The introduction of a Compliance Officer has directly contributed to the improvement of cleanliness of the facility, more consistent timelines and procedures for operating the housing units, and a higher awareness of facility rules. This has resulted in a reduction in rule violations and an increase in the consistent enforcement of rule violations. Documentation is made with Inspections Logs and Shift Summary Reports that are reviewed daily by supervisors.

- **Finding 14: CIT record keeping procedures and treatment protocols are undergoing a much needed process of review and improvement.**
  - no responses requested
- **Finding 15: CIT has established an improved protocol for gradually transitioning inmates under mental health watch in 'O' Unit back into the general population.**
  - no responses requested

## **Recommendations**

- **Recommendation 1: CFMG and Dominican Hospital should create a formal protocol by which a CFMG contact person at the Main Jail is directly notified of any changes to an inmate's medical record at Dominican Hospital. (F2, F3)**
  - Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman): **Will not be implemented**

This recommendation requires actions between CFMG and Dominican Hospital. The Sheriff does not have the means or control over this issue to implement the suggested recommendation.
  - Response from California Forensic Medical Group (Taylor Fithian, MD. President and Medical Director CFMG):

Both CFMG's medical director and CFMG's external peer review consultant are on the staff at Dominican Hospital, and work in the department of emergency medicine. Both physicians have worked to facilitate continuity of care, and exchange of pertinent medical information to assure the health and safety of inmates who are released from Dominican and cleared to the Santa Cruz County Jail.

- Response from Dignity Health Dominican Hospital (Monica Hamilton, Senior Director Quality, Dominican Hospital): **Will not be implemented**

The grand jury fails to appreciate the way community hospitals like Dominican Hospital are organized and operated in California. Under California law the physicians on staff at a hospital like Dominican are part of the "medical staff." Although physician leaders work closely with operations at the facility level, the medical staff at a community hospital is an accountable, selfgoverning entity whose officers are responsible for the treatment and services delivered by their members. Physicians like emergency room physicians, radiologists, and the like are not agents or employees of the hospital. They are independent contractors who maintain their own standard of care.

Because there can be entries in a medical record by various employee and non-employee health care providers, there is no way for Dominican Hospital to be aware of "changes to an inmate's medical record," and therefore no way to routinely report such changes. It would be a difficult and unduly burden for Dominican Hospital employees to be expected to review all entries in a medical record, including those by non-employee physicians, at some point after discharge to determine if additional information was added to a medical record. Community Hospitals in California do not have an employee position that would perform this type of discharge chart review. The Grand Jury recommendation would require the creation of a new job position which would not be cost effective or consistent with current hospital practices. Thus, Dominican Hospital disagrees with this recommendation and has no plans to implement such a system. It is a physician responsibility to provide continuing care information and updates for changes in a patient's condition after hospital discharge.

Dominican Hospital also disagrees, fundamentally, that there was any communication problem by their employees. The discharge instructions were sent with Ms. Sanders, and clearly indicated additional medical attention should have been sought if her symptoms worsened or she developed shortness of breath. Both of these serious medical conditions occurred. The failure on the part of jail staff to appropriately respond to Ms. Sanders' deteriorating illness was not due to any failure on the part of Dominican Hospital employees to communicate information to the jail medical staff.



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- **Recommendation 2: CFMG should modify its detoxification protocols and training procedures to enable its staff to recognize and treat cases of methadone overdose. (F4)**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman): **Will not be implemented**

CFMG is an independent contractor that provides for the proper medical care and medical treatment of inmates, including adherence to medically approved detoxification protocols and procedures related to methadone overdose. The Sheriff does not have the means or control over this issue to implement the suggested recommendation.

- Response from California Forensic Medical Group (Taylor Fithian, MD. President and Medical Director CFMG):

CFMG has worked with experts in addiction medicine to develop policies and procedures to identify and treat intoxication, withdrawal and overdose of opiates.

- **Recommendation 3: CFMG should maintain a higher level of monitoring in the Main Jail's 'O' Unit, which should contain at least one hospital bed with monitoring equipment and video/audio surveillance accessible by medical staff. (F5)**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman): **Will not be implemented**

CFMG is an independent contractor responsible for providing medical care and medical treatment consistent with industry standards. Given that CFMG is an independent contractor, the Sheriff's Office does not control the means and methods by which CFMG accomplishes its duties. However, patients requiring a higher level of oversight and treatment than CFMG can provide within the confines of O-Unit are transferred outside of the Main Jail to an appropriate health care provider to ensure that the medical needs of the patients are being met.

- Response from California Forensic Medical Group (Taylor Fithian, MD. President and Medical Director CFMG):

CFMG, in partnership with the Sheriff's Department, has policies and procedures to monitor inmates throughout the jail, including O Unit. If an inmate requires a

hospital bed and/or any special monitoring equipment, that is done on a case-by-case basis. If an inmates's condition requires specialized nursing care, they are transferred to an acute care facility.

- **Recommendation 4: Corrections Bureau policy should align with CFMG policy calling for CFMG staff to examine all inmates brought into the Main Jail who are inebriated or detoxing to any degree. (F6, F7)**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman): **Will not be implemented**

Medical screening is performed by trained custody staff on all detainees including transferees, immediately upon arrival. An intake health form is completed, all visible injuries are documented, and inquiries are made as to medical problems, mental health problems, or developmental disabilities. Any affirmative “yes” responses are referred to medical staff for further screening and determination of whether the incoming detainee should be referred to an appropriate outside provider.

- Response from California Forensic Medical Group (Taylor Fithian, MD. President and Medical Director CFMG):

Such policies and procedures are currently in place. CFMG's policies and procedures require that individuals booked into the Santa Cruz County Jail who are intoxicated or pose a threat to their own safety or the safety of others are triaged and placed in specialized housing areas such as sobering cells. Observation in sobering cells follows Title 15 standards, and therefore follows requirements regarding both medical and custody observation. CFMG will continue to work with the Sheriff's Department to ensure that individuals who are intoxicated are identified, treated and monitored appropriately.,

- **Recommendation 5: The Corrections Bureau should have regulations regarding inmate behavior posted in all Main Jail housing units and ensure that these regulations are consistently enforced by every CO. (F10)**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman): **Has been implemented**

Inmates are provided with regulations regarding inmate behavior at the time of intake, the regulations are posted within the housing units, and the regulations are being consistently enforced by Corrections Staff.

- **Recommendation 6: The Corrections Bureau should apply Main Jail screening protocols equally to all visitors. (F11)**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman): **Will not be implemented**

Screening protocols will vary depending on the classification, security clearance and function of the visitor(s) to the facility.

- **Recommendation 7: CIT staff at the Main Jail should be involved in the final determination of monitoring and housing requirements for inmates with mental health conditions. (F7)**

- Response from Santa Cruz County Sheriff-Coroner (Lt. Fred Plageman): **Will not be implemented**

The Crisis Intervention Team has a vital role in providing the information necessary to monitor and house inmates with mental health conditions as well as provide services to inmates. However, the ultimate decision to monitor and house an inmate is made by Sheriff's Correctional Staff, taking into account the information provided by CIT.

- Response from County of Santa Cruz Health Services Agency, Crisis Intervention Team: **Will not be implemented**

The role of CIT is to provide information and recommendations to the Classification and Correctional Officers with regard to mental health related issues for consideration in housing determinations.

- **Recommendation 8: CIT staff should be available, in person or by phone, 24 hours a day at the Main Jail to participate in mental health screening, inmate classification decisions, and inmate treatment. (F7, F8)**

- Response from County of Santa Cruz Health Services Agency, Crisis Intervention Team: **Will not be implemented**

Correction and Medical procedures are in place to provide screening and triage for mental health issues. CIT is on site 7 days per week and on-call psychiatry services are available after hours and on weekends/holidays. Current Correctional and Medical procedures allow for safety observation and intervention, as warranted until CIT is available for a face-to-face assessment. An integrated system of personnel (Corrections, Medical and CIT) and procedures

exist to provide for assessment of inmate mental health related needs.

- **Recommendation 9: CIT should complete a comprehensive procedural manual of CIT protocols and practices to enable new staff members to perform their jobs without the need for excessive guidance. (F9)**
  - Response from County of Santa Cruz Health Services Agency, Crisis Intervention Team: **Has been implemented**

The CIT Policies and Procedures have been updated. New Policies and Procedures have been developed.

## **Commendations**

- **Commendation 1: We commend the CFMG staff and management for its high degree of dedication and professionalism. (F12)**
- **Commendation 2: We commend the Corrections Bureau for its addition of a new Compliance Officer. (F13)**
- **Commendation 3: We commend CIT management and staff for its efforts to improve and fully document its reporting and procedural protocols. (F14, F15)**