



# County of Santa Cruz

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## BOARD OF SUPERVISORS

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**JOHN LEOPOLD**  
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SECOND DISTRICT

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THIRD DISTRICT

**GREG CAPUT**  
FOURTH DISTRICT

**BRUCE MCPHERSON**  
FIFTH DISTRICT

August 16, 2016

The Honorable Judge John Gallagher  
Santa Cruz Courthouse  
701 Ocean Street  
Santa Cruz, CA 95060

RE: RESPONSE TO THE 2015-16 GRAND JURY REPORT  
"ANOTHER DEATH IN OUR JAIL"

Dear Judge Gallagher:

The purpose of this letter is to formally transmit the response of the Santa Cruz County Board of Supervisors and the Santa Cruz County Sheriff-Coroner to the 2015-2016 Grand Jury Report, titled "Another Death in Our Jail."

Sincerely,

**BRUCE MCPHERSON, Chair**  
Board of Supervisors

BM:fh  
Attachment

cc: Clerk of the Board  
Santa Cruz County Grand Jury



**Santa Cruz County  
CA**

**Agenda Item  
DOC-2016-697**



**Approve response to the findings and recommendations in the 2015-16 Grand Jury Report relating to the County jail, and request the Chairperson to forward the County's response to the Presiding Judge with a copy to the Grand Jury, as recommended by the County Administrative Officer**

Information

**Department:** County Administrative Office      **Sponsors:** County Administrative Officer Susan A. Mauriello

Attachments

[Board Memo](#)  
[County Jail, CAO\\_ResponsePacket FINAL](#)  
[Sheriff\\_SCCBoS\\_ResponsePacket](#)

Meeting History

**Aug 16, 2016 9:00 AM Video**      **Board of Supervisors**      **Regular Meeting**      **Draft**

**RESULT:**      **ADOPTED [UNANIMOUS]**  
**MOVER:**      John Leopold, Vice Chair, First District Supervisor  
**SECONDER:**      Ryan Coonerty, Third District Supervisor  
**AYES:**      John Leopold, Zach Friend, Ryan Coonerty, Greg Caput, Bruce McPherson

Public Discussion

[Add Comment](#)



**The 2015-2016 Santa Cruz County Civil Grand Jury  
Requires that the  
Santa Cruz County Board of Supervisors  
Respond to the Findings and Recommendations  
Specified in the Report Titled  
Another Death in Our Jail  
by September 6, 2016**

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When the response is complete, please

1. Email the completed Response Packet as a file attachment to [grandjury@scgrandjury.org](mailto:grandjury@scgrandjury.org), and
2. Print and send a hard copy of the completed Response Packet to

The Honorable Judge John Gallagher  
Santa Cruz Courthouse  
701 Ocean St.  
Santa Cruz, CA 95060

## Instructions for Respondents

California law PC § 933.05 (included below) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

### **Response Format**

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
  - a. **AGREE** with the Finding, or
  - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
  - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
  - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
  - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
  - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
  - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

### **Validation**

Date of governing body response approval: \_\_\_\_\_

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to [grandjury@scgrandjury.org](mailto:grandjury@scgrandjury.org).

## Findings

**F3.** The 2012–2016 contract does not allow the Sheriff’s Office to retain additional independent medical providers but the Watch Commander can override the medical service provider’s decision and escalate to a higher level of medical care in life-threatening emergency circumstances.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

**F4.** The 2012–2016 contract requirement that the jail medical services provider pay up to \$15,000 per inmate admitted to a hospital may be a deterrent to admitting inmates in need of hospital medical care.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

We concur with the Sheriff's Office conclusion that the \$15,000 payment clause did not deter hospital admissions. We also understand that the clause will be removed from the 2016 contract proposal.

**F5.** The Health Services Agency completed the required 2015 annual Title 15 inspection of the Main Jail but did not identify if the facility was in compliance with the Detoxification Treatment requirements (Title 15, Section 1213).

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

**Response explanation** (required for a response other than **Agree**):

We understand Main Jail inspections are now compliant with Detoxification Treatment requirements under Title 15, Section 1213.

## Recommendations

**R3.** Prior to approving a new medical services contract, the Sheriff-Coroner and Board of Supervisors should thoroughly review the existing contract and evaluate the performance of the 2012–2016 medical services provider with the assistance of qualified medical personnel. (F1–10)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

### Response explanation, summary, and timeframe:

The Sheriff's Office has reviewed the performance of our medical service contractor and contract. The Board will also review a new medical services contract this Fall, and given the short timeframe sees no need to immediately review the existing contract.

**R5.** The Sheriff-Coroner and Board of Supervisors should delete the contract requirement that the medical provider pay up to \$15,000 per inmate for each inmate emergency or catastrophic transfer to hospital care. (F4)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

This clause is no longer included in the medical service contract.

**R6.** The Health Services Agency should complete the annual 2016 Title 15 inspection and identify if the facility is in compliance with the Detoxification Treatment requirements (Title 15, Section 1213), as required by state law. (F5)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

HSA is expected to complete the inspection by the end of the year.

**R7.** The Sheriff-Coroner and Board of Supervisors should require in the contract that the medical services provider for detention facilities obtain and maintain accreditation from the California Medical Association-Institute for Medical Quality for adult detention facilities. (F6)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain scope and timeframe  
(not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

**Response explanation, summary, and timeframe:**

We expect a new CMA-IMQ Accreditation requirement to be included in the new medical contract.

## Penal Code § 933.05

1. For Purposes of subdivision (b) of § 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
  - a. the respondent agrees with the finding,
  - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of § 933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
  - a. the recommendation has been implemented, with a summary regarding the implemented action,
  - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
  - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
  - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**