



NATHAN FLETCHER

CHAIR

**SUPERVISOR, FOURTH DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS**

AGENDA ITEM

DATE: August 16, 2022

23

TO: Board of Supervisors

SUBJECT

**ENACTING EMERGENCY MEASURES IN SAN DIEGO COUNTY JAILS TO
PREVENT FURTHER DEATHS (DISTRICTS: ALL)**

OVERVIEW

Despite continuing efforts at reform made by the San Diego County Board of Supervisors (Board) and the San Diego Sheriff's Department, fifteen incarcerated individuals have died while in custody this year. During the month of July alone, five individuals died. The Sheriff's Department has identified a shifting nature of the deaths occurring in the jails, and that the proliferation of dangerous drugs, including fentanyl, are a major driver of deaths this year. Incarcerated individuals should not be allowed to die on our watch. It is our responsibility to prevent further deaths and stem the flow of drugs into our jails.

This item requires immediate action because the number of deaths in the jails are increasing and the Board must undertake any measures possible to support the Sheriff's Department to fulfill the County's duty of providing sufficient care for those who are incarcerated. Today's action proposes a suite of emergency measures designed to keep individuals safe from drug overdoses in jails. This includes the expeditious roll out of staffing programs, the exploration of innovative strategies to promote security and wellness, and the acquisition of sufficient technology, such as body scanners, that can help intercept and interdict dangerous drugs.

RECOMMENDATION(S)

CHAIR NATHAN FLETCHER

1. Direct the Chief Administrative Officer (CAO) to work with the San Diego Sheriff's Department to implement the following emergency measures within 30 days, or as soon as possible, and return to the Board with progress on efforts within 60 days.
 1. If approved, ensure the most expeditious roll out of staffing incentives and strategies for detention positions, sworn and not sworn, outlined in the proposed Compensation Ordinance brought forward before the Board at the August 16 Board Meeting.

**SUBJECT: ENACTING EMERGENCY MEASURES IN SAN DIEGO COUNTY JAILS
TO PREVENT FURTHER DEATHS (DISTRICTS: ALL)**

2. Explore strategies that will lead to increased levels of care and safety in the jails, including further enhancing the types and quality of security and wellness checks, and expanding access to Medication Assisted Treatment.
2. Request the Sheriff's Department allocate \$200,000 for the purchase of the latest body scanner technology, imaging and other avenues which will support the Sheriff's efforts to intercept and interdict dangerous drugs (in particular, fentanyl) from entering the jail system.
3. In accordance with Section 401, et. seq., of the County Administrative Code, authorize the Director, Department of Purchasing and Contracting to issue a competitive solicitation for one (1) Body Scanner, with the option to purchase up to (8) additional scanners of the model that is current at the time of purchase, over the next five years, and upon successful negotiations and determination of a fair and reasonable price, award a contract for a body scanner, and to amend the contract as needed to reflect changes to services and funding, subject to approval of the Sheriff.

EQUITY IMPACT STATEMENT

Due to the history of racism and oppression in the United States, incarceration has disproportionately impacted people of color. According to a 2018 report to the United Nations on Racial Disparities in the U.S. Criminal Justice System, Black Americans make up 27% of all individuals arrested in the United States, which is twice their share of the total population.¹ Further, the recent State Auditor's report on the in-custody deaths in San Diego County jails, noted that in the most recent three years—2018 through 2020—the percentage of deaths of Black individuals in the Sheriff's Department's custody was disproportionately higher than their overall composition of the jail population.² Continued efforts at reform must acknowledge current racial disparities and focus on equitable solutions.

FISCAL IMPACT

If the proposed updates to the Compensation Ordinance referenced in Recommendation #1a are approved, changes to the Compensation Ordinance will result in estimated costs and revenue of \$11.6 million for the Sheriff's Department in the current fiscal year. Funds for the proposed updates are not included in Fiscal Year 2022-2023 Operation Plan for departments; however, if approved, these costs will be absorbed by the existing allocations. There will be no change in net General Fund costs and no additional staff years. There may be future fiscal impacts associated with future recommendations tied to Recommendation #1b and as appropriate, staff will return to the Board for approval.

If approved, funds for Recommendation #2, will result in estimated costs and revenue in the current fiscal year for the Sheriff's Department of \$200,000 to pilot enhanced body scanning in the jail setting. Funds for this request are not included in the Fiscal Year 2022-2023 Operational Plan for the department, and, if approved, these costs will be absorbed by the existing allocations of the department. There will be no change in net General Fund cost and no additional staff years. As appropriate, staff will return to the Board for approval of future costs and revenue associated with system wide adoption of new technology.

¹ <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>

² <http://www.auditor.ca.gov/pdfs/reports/2021-109.pdf>

SUBJECT: ENACTING EMERGENCY MEASURES IN SAN DIEGO COUNTY JAILS
TO PREVENT FURTHER DEATHS (DISTRICTS: ALL)

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Despite increased attention and measures enacted by the San Diego County Board of Supervisors (Board) and the San Diego Sheriff's Department in recent years, in July 2022, five individuals in custody in San Diego County jails died. The number of deaths for the 2022 year is now 15, on track to outpace last year's 18, the previous high mark in recent years. This continued loss of life is unacceptable.

The Sheriff's Department has identified a shifting nature of the deaths occurring in the jails, and that the proliferation of dangerous drugs, including fentanyl, are a major driver for deaths in the jails this year. The Board must undertake any measures possible to support the Sheriff's Department in fulfilling the County's duty of providing sufficient care for those who are incarcerated, prevent drugs from getting into the jails, and to prevent loss of life.

Deaths in County jails have been an increasing concern for the Board in recent years. While the California State Constitution provides that the Sheriff is an independent elected entity with independent functions and duties, the Board has authority over the Sheriff's Department through the Board's budgetary powers and may assert policy priorities as recommendations for the Sheriff's Department. It is unacceptable for incarcerated individuals to die while in our San Diego County jails, and today's action enacts emergency measures to stem the tide of overdoses in our jails.

In my time in office, I have made addressing the ongoing deaths in San Diego County jails a top policy concern. In October of 2019, I requested a review of best practices of jail operations to compile recommendations for how our system could improve, many of which are currently underway. In June of 2020, I introduced a proposal to expand the authority of the Citizens' Law Enforcement Review Board (CLERB) to increase the ability for civilian oversight of jail operations, and to support CLERB with adequate staffing and resources. In August of 2020, I brought forward a competing proposal to the then-Sheriff's proposal to completely privatize medical care in the jails, which could have led to further endangerment of incarcerated individuals. My competing plan failed to get Board support, but luckily, the plan for privatization was later abandoned.

In 2021, along with new Board members, came an increased focus and additional measures to address concerns in jails, including budget priorities to ensure adequate staffing to provide additional behavioral health and medical health for those incarcerated. In March of 2022, following a State audit that outlined concerns and recommendations related to the care provided in San Diego County jails, Vice Chair Vargas and I brought forward a proposal to accept the report, pursue the recommendations in the audit, and support legislation that increased standards of care for incarcerated individuals. Finally, in recognition of the staffing shortages and pressures

**SUBJECT: ENACTING EMERGENCY MEASURES IN SAN DIEGO COUNTY JAILS
TO PREVENT FURTHER DEATHS (DISTRICTS: ALL)**

on staff within the jails, in June 2022, the Board approved efforts to explore how to address staffing challenges for public safety officers, including those in detention facilities. As a result of these efforts, at the August 16 Board meeting, there will be proposed updates to the Compensation Ordinance that would create new incentives and classifications to address some of the drastic needs for jail staffing, including medical and behavioral health staff.

While the Board has been passing policy proposals and funding additional positions to address concerns around adequate care in the jails, the Sheriff's Department has instituted a number of improvements and investments in jail operations with the goal of eliminating in-custody deaths. These changes include: updated security checks; an enhanced critical incident review process; wellness checks; expanded Medication Assisted Treatment (MAT) program; facility improvements, renovations, and upgrades; reorganization of personnel; a body worn camera pilot program; aligning medical contracts under one provider; providing Narcan directly to incarcerated individuals; and better access to medical appointments.

Included in these changes is a new wellness check program that has recently been launched to better engage with vulnerable individuals who are currently incarcerated, such as those with behavioral health issues. This program provides a multi-disciplinary team including behavioral health and medical staff, to offer supplemental care and engagement by conducting health and welfare assessments and an immediate needs assessment. This approach identifies health-related concerns more quickly and allows for more immediate care responses.

Another innovative change that aligns with my overall efforts to advance harm reduction that has been a policy priority of mine is the expansion of the MAT program. Individuals identified at screening are now provided medication to ease withdrawal symptoms. The next step, which will begin this month, includes a scoring system which will enhance treatment and ease the effects of opiate and alcohol withdrawal, enhancing the safety and well-being of incarcerated individuals.

In June, the Sheriff's Department launched a program to make Narcan readily available to individuals in custody, which similarly aligns with harm reduction best practices. Narcan can rapidly reverse the effects of opioids in the body so a person can breathe normally again. The Narcan kits are placed with photo instruction in the common areas of the housing units, as well as the visitation areas of detention facilities. This follows an effort that now has all detention deputies carrying Narcan.

Despite the efforts by the Board and the Sheriff's Department, the number of deaths in the jails continues to climb. New policies have led to fewer suicides, but drug overdoses, including by fentanyl, have seemingly increased. The rise of overdoses within the jails reflects the trends in the broader community outside of the jails.

According to the San Diego Medical Examiner, preliminary data shows over 1,300 accidental overdose deaths in San Diego County in 2021 (this count includes both confirmed and likely positive toxicology cases for cases pending final review/investigation). This number marks a 134% increase, or an additional 746 deaths, in five years. This data also shows that 812 accidental overdose deaths involved fentanyl in 2021, which marks an 867% increase, or an

SUBJECT: ENACTING EMERGENCY MEASURES IN SAN DIEGO COUNTY JAILS TO PREVENT FURTHER DEATHS (DISTRICTS: ALL)

additional 728 deaths in five years. Fentanyl was involved in 62% of all accidental overdose cases.

Trends in the increase of drug overdoses in the general population are mirrored within the jails. In 2022, there have been 15 deaths in the jails, and drug overdose has been a significant driver of these deaths. The prevalence of drugs within the jails is reflected in recent urinalysis data collected by the Sheriff's Department. According to urinalysis data from July 1, 2022, and July 24, 2022, 504 manual urine drug screen tests were conducted at the time of booking. Of the 504 tests conducted, 419 (83%) had a positive test result for at least one substance. Meth was the most common positive drug test. In fact, one out of every two manual urine drug screen tests was positive for meth (261 positive for meth out of 504 tested). Additionally, 197 of 504 (39%) tested positive for fentanyl. Fentanyl is extremely dangerous and can lead to overdoses. In fact, according to the Centers for Disease Control and Prevention, "fentanyl and other synthetic opioids are the most common drugs involved in overdose deaths. Even in small doses, it can be deadly."³ The open data portal on the San Diego Sheriff's website provides a further glimpse into the issue, as of August 4, 2022, there have been 129 total suspected jail overdose incidents with Narcan deployment so far this year.⁴

These tests provide a snapshot of the reality in jail. There needs to be a better way to prevent drugs from getting in the jails and to ensure that those entering jail under the influence of dangerous drugs that make them vulnerable to withdrawal or overdose can get the care they need to stay safe. While the incorporation of MAT, a service I have advocated for years, is underway in the jails, based on the number of drug overdoses occurring, it appears that this treatment must be more widely available.

The Sheriff's Department identifies that illicit narcotics, such as fentanyl, represent an increasing threat to the safety of incarcerated individuals. Thus, it is imperative that the Sheriff's Department has the tools needed to stop the introduction of drugs into the jails. The Board should support efforts to evaluate and procure the most technologically advanced and effective drug detection and interdiction equipment on the market to address this issue.

In addition to the increased presence of drugs within the jails, staffing issues have continued to undermine efforts at reform. The COVID-19 pandemic exacerbated staffing issues, resulting in increased demands on Sheriff's Department employees, including mandatory overtime. Some proposed policies and reforms have still not been fully implemented because of current staffing levels. The Sheriff's Department is concerned with potential understaffing in detentions, particularly in hard-to-recruit classifications in the medical field. These staffing issues may restrict the Sheriff's Department's ability to support efforts related to drug interdiction, medical response, health care monitoring, and other ongoing operations.

In discussions with the Sheriff's Department in anticipation of this Board Letter, it is clear how critical the increase of staffing is to continue efforts in the jails and to explore new measures to ensure the better safety of those currently incarcerated. A board letter introduced in June

³ <https://www.cdc.gov/stopoverdose/fentanyl/>

⁴ <https://www.sdsheriff.gov/home/showpublisheddocument/5579>

**SUBJECT: ENACTING EMERGENCY MEASURES IN SAN DIEGO COUNTY JAILS
TO PREVENT FURTHER DEATHS (DISTRICTS: ALL)**

proposed changes to the Compensation Ordinance that is scheduled for a First Reading at the August 16 Board Meeting, which will include staffing strategies aimed at employee retention and recruitment. If the Board approves the amendments to the Compensation Ordinance at its August 30 meeting, the changes will go into effect as early as September 2022. These changes must be implemented as soon as possible to benefit the County employees who bear a significant burden due to staffing issues and in turn will benefit those who are currently incarcerated.

Because of the continued loss of life in San Diego County jails despite efforts at reform, combined with shifting issues around drugs in the jails and continued staffing shortages, I am directing the Chief Administrative Officer (CAO) to work with the Sheriff's Department to implement the following emergency measures within the next 30 days and to return to the Board with progress on efforts and additional recommendations within 60 days.

Staffing

There is a critical need for increased levels of staffing in the jails. I am recommending upon the adoption of the amendments to the Compensation Ordinance, the CAO works with the Sheriff's Department, the Department of Human Resources, and other relevant stakeholders to implement the most expeditious rollout possible of new strategies and incentives to increase staffing levels within the jails. There is a particular need to address staffing shortages for medical staff, including nurses, and I would request detailed information on the continued needs for additional staff during the return to the Board.

Innovative Strategies

Building on the recent launch of interdisciplinary team wellness checks on vulnerable individuals who are incarcerated, I am recommending further explorations of innovative strategies, including further enhancing the types and quality of security and wellness checks, and expanding access to Medication Assisted Treatment.

Body Scanners

Finally, the appropriate tools must be in place to better screen and prevent the transportation of dangerous drugs such as fentanyl into the San Diego County jails. Fentanyl is incredibly potent and only a small amount needs to enter the jail to create a major health issue. The Sheriff's Department has identified a gap in the presently utilized technology that may detect narcotic smuggling and new technology to expand screening at intake and within the facilities could help close that gap. Adequate equipment, and newer equipment able to detect small amounts of drugs, are critical to stop drugs from getting in the jails. I would request the Sheriff's Department allocate \$200,000 to explore the latest technology or imaging device that will enhance drug interdiction efforts in the jails. Advanced imaging technology will further reduce dangerous drugs, particularly fentanyl, from entering or moving through the jail system.

These emergency measures align with longer-term strategies around increasing care in jails but are necessary now to stop loss of life. The need is critical, and I urge your support.

SUBJECT: ENACTING EMERGENCY MEASURES IN SAN DIEGO COUNTY JAILS
TO PREVENT FURTHER DEATHS (DISTRICTS: ALL)

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action to enact emergency measures to prevent future deaths in jails supports the Equity and Justice Strategic Initiatives in the County of San Diego's 2022-2027 Strategic Plan by taking steps to increase safety and well-being for individuals who are currently in custody at San Diego County jails.

Respectfully submitted,

NATHAN FLETCHER
Supervisor, Fourth District

ATTACHMENT(S)

N/A