



OFFICE OF THE DISTRICT ATTORNEY

County of Ventura, State of California

GREGORY D. TOTTE
District Attorney

JAMES D. ELLISON
Chief Assistant District Attorney

July 13, 2011

The Honorable Vincent J. O'Neill, Jr.
Presiding Judge, Superior Court of California
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009-2120

Robert A. Peskay, Foreman
Ventura County 2010-2011 Grand Jury
800 South Victoria Avenue
Ventura, CA 93009-3751

Re: **Response to the Ventura County 2010-2011 Grand Jury report entitled, *Inmate Processing and Suicide Prevention in the Ventura County Jail***

Dear Judge O'Neill and Mr. Peskay:

As required by California Penal Code section 933.05, this letter is a response to the finding and recommendation of the Ventura County 2010-2011 Grand Jury report entitled, *Inmate Processing and Suicide Prevention in the Ventura County Jail*.

Recommendation R-01:

“The District Attorney should review VCSD suicide investigations, as is done in officer-involved shootings, with results of this review to be posted on the District Attorney website.”

Response to Recommendation R-01:

Any death in a custodial facility understandably generates public concern and interest in the circumstances surrounding the death. Independent prosecutor review is certainly appropriate and necessary when the death is a suspected homicide. However, the Grand Jury's recommendation that the District Attorney review all Sheriff's Office investigations of suicides in the jail will not be implemented because it is not warranted.

MICHAEL K. FRAWLEY
Chief Deputy District Attorney
Criminal Prosecutions

CHERYL M. TEMPLE
Chief Deputy District Attorney
Special Prosecutions

MICHAEL D. SCHWARTZ
Special Assistant District Attorney

ROBERT A. BRINER
Chief Investigator



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The recommendation appears to be based on the Grand Jury's finding that the Ventura County Sheriff's Office investigation of deaths in its own jail could be perceived as having a lack of transparency, calling into question the integrity of the investigative process and its findings. There are, however, already safeguards in place to ensure the integrity of the investigation.

The Grand Jury report accurately points out that the Ventura County Medical Examiner already reviews jail inmate deaths. (FA-14) In each case of a death in the county jail, the Ventura County Sheriff investigates the death and the Medical Examiner also investigates and determines the cause of death. If the death is determined to be a homicide, and thus a crime, the District Attorney is presented with the investigative results. (FA-27) In the case of suicides within the jail, the District Attorney does not review the investigation.

While the District Attorney reviews all officer-involved shootings and, with the exception of those cases resulting in a criminal prosecution, posts the review on the District Attorney's website, the District Attorney does so because the application of deadly force, when not justified by the circumstances surrounding the shooting, can be a criminal act. The District Attorney is responsible for conducting on behalf of the people prosecutions for public offenses. The public has the right to know the facts of a shooting and the rationale for the District Attorney's determination that no charges will be filed because the shooting was justified. The disclosure of the details surrounding the shooting is necessary for the public's continuing confidence in its public servants.

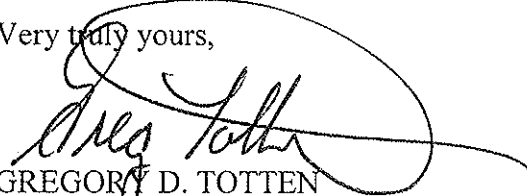
Suicide, however, is not a crime in any jurisdiction within the United States. (In re Joseph G. (1983) 34 Cal.3d 429) The majority of suicides are caused by untreated mental illness, most notably depression. With the exception of assisted suicides, in which the actions of the assisting party could be criminal, the District Attorney does not investigate or review suicide cases, regardless of the location in which they occur, because there is no criminal conduct involved. Further, because the act of suicide is most often a very private family tragedy, which hurts innocent family members tremendously, disclosing to the public in a report posted on the District Attorney's website the detailed circumstances which prompted the person to commit suicide would accomplish little other than to invade the privacy of already suffering surviving family members.

The Grand Jury notes that the Sheriff has instituted a "set of processes to screen, monitor, respond, and evaluate inmate suicides." It further found some of those processes are considered "best practices." The Grand Jury also reported that the Sheriff's policies and procedures track all of the elements of a suicide prevention program identified by the National Commission on Correctional Health Care. Finally, the Grand Jury found that the standard practices contained within the Sheriff's written policies and procedures are followed to the letter and with commitment.

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For all these reasons, it is neither necessary nor appropriate to insert the District Attorney into the review of these tragic incidents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Greg Totten", is written over a large, hand-drawn oval. The signature is fluid and cursive.

GREGORY D. TOTTEN
District Attorney

GDT/jd

cc: The Honorable Geoff Dean, Sheriff
Michael Powers, County Executive Officer

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JUL 16 2011
VENTURA COUNTY
GRAND JURY

Response to Grand Jury Report Form

Report Title: Inmate Processing and Suicide Prevention in the Ventura County Jail

Report Date: May 31, 2011

Response by: Gregory D. Totten Title: District Attorney

FINDINGS

- I (we) agree with the findings numbered: _____
- I (we) disagree wholly or partially with the findings numbered: R-01
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach 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 publication of the grand jury report.)
- Recommendations numbered R-01 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 7/13/11 Signed: 

Number of pages attached 3