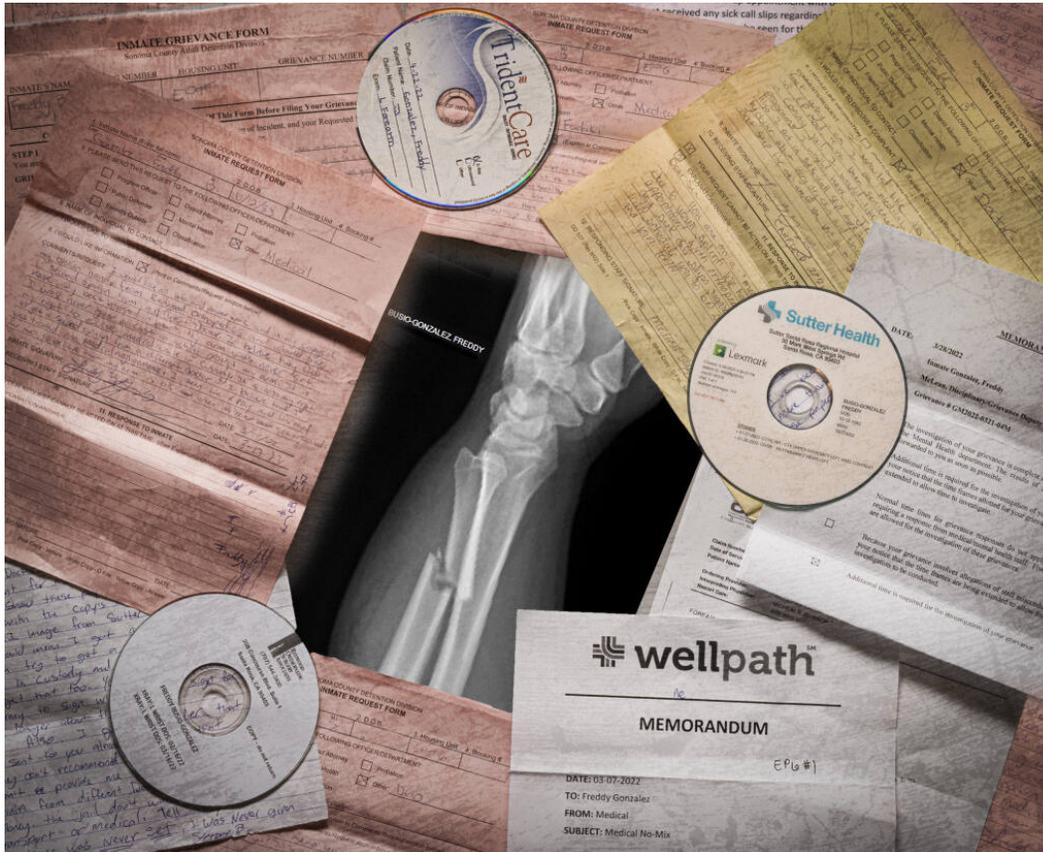


'It's scary in there': Delayed and denied medical care a chronic issue at Sonoma County Jail

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Freddy Busio Gonzalez's arm still causes him so much pain he can't sleep, put on his socks, carry his meal trays or exercise.

It was broken in a fight twodays before he was booked into the Sonoma County Main Adult Detention Facility in January.

Five months after his injury, his most recent X-ray appears to showhis arm is still misshapen, and the 38-year-old says he hears the bone clicking inside.

"I can't feel my two left fingers," Gonzalez said in a phone interview from the jail last month. "I can't move around — it hurts."

Gonzalez fears his arm won't heal properly without more intensive medical intervention, including a procedure to set it, a cast or even a store-bought brace — treatment, he says, he's been denied.

"They know my arm is messed up, and they choose to ignore it," Gonzalez said.

While Sonoma County Sheriff Mark Essick denies the claims of inadequate care and says Gonzalez has had 10 medical visits in five months, the case is not an isolated incident.

In April, the union representing nurses with the company that manages health care for the Sonoma County Jail wrote a letter to the Sonoma County Board of Supervisors saying chronic understaffing has made it almost impossible for them to provide adequate care for the jail's 600 to 1,000 detainees, who include both convicted inmates and those awaiting trial. At the time of the letter, nurses estimated 300 cases had gone more than 14 days without being addressed by a health care professional, even though protocol calls for detainees to be seen within three days of a complaint.

In a November audit, the county's law enforcement watchdog agency identified health care as one of the primary problems the jail must address, and two attorneys who represent detainees have documented more than a dozen cases where clients have gone without adequate health care in recent years.

Essick says the jail's health care provider, Wellpath of Nashville, Tennessee, has failed to provide the staffing required under its contract with the county. However, he disputes characterizations of inadequate health care in the system.

"We are not a hospital by any means," he said. "We spend a significant amount of time, effort and money making sure inmates get the urgent care they need."

A Wellpath company spokesperson blamed the staffing woes on the pandemic.

"The nation is in the midst of an unprecedented crisis in nursing and mental health staffing, which has been exacerbated by the COVID pandemic. Like all health care organizations across the country, we are experiencing staffing challenges as a result," said Wellpath spokesperson Judy Lilley.

Lilley said the company is doing its best to "ensure sufficient staffing levels to provide quality patient care." She did not respond to follow-up questions.

After Wellpath's previous medical contract with the county expired last year amid charges of chronic short-staffing, it was awarded a new five-year contract in October. This time, though, it contained additional provisions for quarterly personnel reports to the Board of Supervisors — an attempt to compel Wellpath to fulfill staffing requirements.

In May, the most recent report showed “the problem is not completely resolved,” Supervisor Chris Coursey said.

Chronic short-staffing under Wellpath

Since the Wellpath contract took effect in November, the company has consistently filled less than two-thirds of its more than 40 contracted positions. The company continues to receive more than \$8 million a year from the county under its contract, though Essick said it has paid back over \$100,000 this year, adding this was “not a permanent solution.”

According to the April letter from the National Union of Healthcare Workers, total union medical staff in the jail shrunk from 82 to 60 employees between July 2021 and March 2022. Only 59% of the registered nurse hours Wellpath is contracted to fill were staffed between the end of 2021 and March 2022.

And six of 15 registered nurse positions were vacant since the new contract was signed. Those vacancies were either filled by per diem or overtime employees or went unfilled.

“Short-staffing has created a sustained domino effect of delayed patient care that may violate patients’ rights,” the union’s letter states.

Essick said those claims were “largely generalizations.” Though some full-time positions are vacant, he said, “We are still staffing a huge number of hours,” with per diem and overtime staffing making up a big chunk of the difference.

Under its contract, Wellpath is required to have around six nurses in the jail per day shift. But three nurses on staff told The Press Democrat they have often worked alone or alongside only one other medic while serving a detained population of 600 to 1,000.

“It’s scary in there,” said Sara Perez, a licensed practical nurse who works at the jail on a per diem basis. “We’re all trying our best, but you can imagine the burnout.”

“That short-staffing certainly rolls downhill in a lot of ways,” said Dana Martin, a per diem registered nurse at the jail. “We’re slower to get to sick calls, slower to be able to verify medications, all those things.”

Martin said staff have been forced into a state of “constantly having to triage everything that we do.”

While emergencies are generally covered, she said, some issues, such as chronic pain, often receive a lower priority and can go untreated.

The Independent Office of Law Enforcement Review and Outreach, which audits complaints against the Sheriff’s Office, said in its annual audit in November that the county is on the hook for the problematic practices of its medical contractor.

“Prisoners have a constitutional right to receive competent medical care: ‘deliberate indifference to serious medical needs of prisoners’ violates the Eighth Amendment’s prohibition of cruel and unusual punishment,” the office’s report says.



From left to right, a progression of Freddy Busio Gonzalez’s X-rays between Jan. 27 and May 4, 2022
(Courtesy Michael Busio Gonzalez)

'Horror stories'

Gonzalez, the detainee with the broken arm, said he was injured in a fight in late January, and the emergency room doctor did not immediately put his arm in a cast because it was too swollen. He was arrested and jailed days later.

Five months later, he is serving time for refusing to attend a court-mandated treatment program after he was convicted of grand theft and receiving stolen property. The procedure to fix his arm has still not taken place.

Gonzalez said he has seen an orthopedic doctor three times while in custody. Those appointments were only made after he submitted multiple medical request and grievance forms to jail staff, according to records obtained by The Press Democrat.

Doctors gave him a gutter splint, which is generally used to temporarily stabilize bones, though that has since been taken away, Gonzalez added.

Medical records show doctors told Gonzalez surgery was risky because of his regular methamphetamine use. In March, a doctor reassured him “the fracture is stable. It appears to be healing appropriately,” according to appointment notes.

In between appointments, Gonzalez said he has had little care for his pain and immobility from jail medical staff. While he's been in custody, he said, he's only received ibuprofen and ice packs. His most recent X-ray from May shows his bone was still healing. All he has had to stabilize it in recent months, though, is an elastic bandage wrap.

"They're not providing me proper medical treatment, which is a violation of my (constitutional) rights," Gonzalez said.

Essick, who has reviewed Gonzalez's file, disputes his characterizations.

"We determined that they came in with that preexisting condition, and they've been seen 10 times by medical staff," Essick said of Gonzalez. "It appeared the inmate was getting adequate medical attention based on the number of times he's been seen.

"The fact may be that he's not satisfied with the level of service, but he is not being ignored. We are certainly getting him medical care."

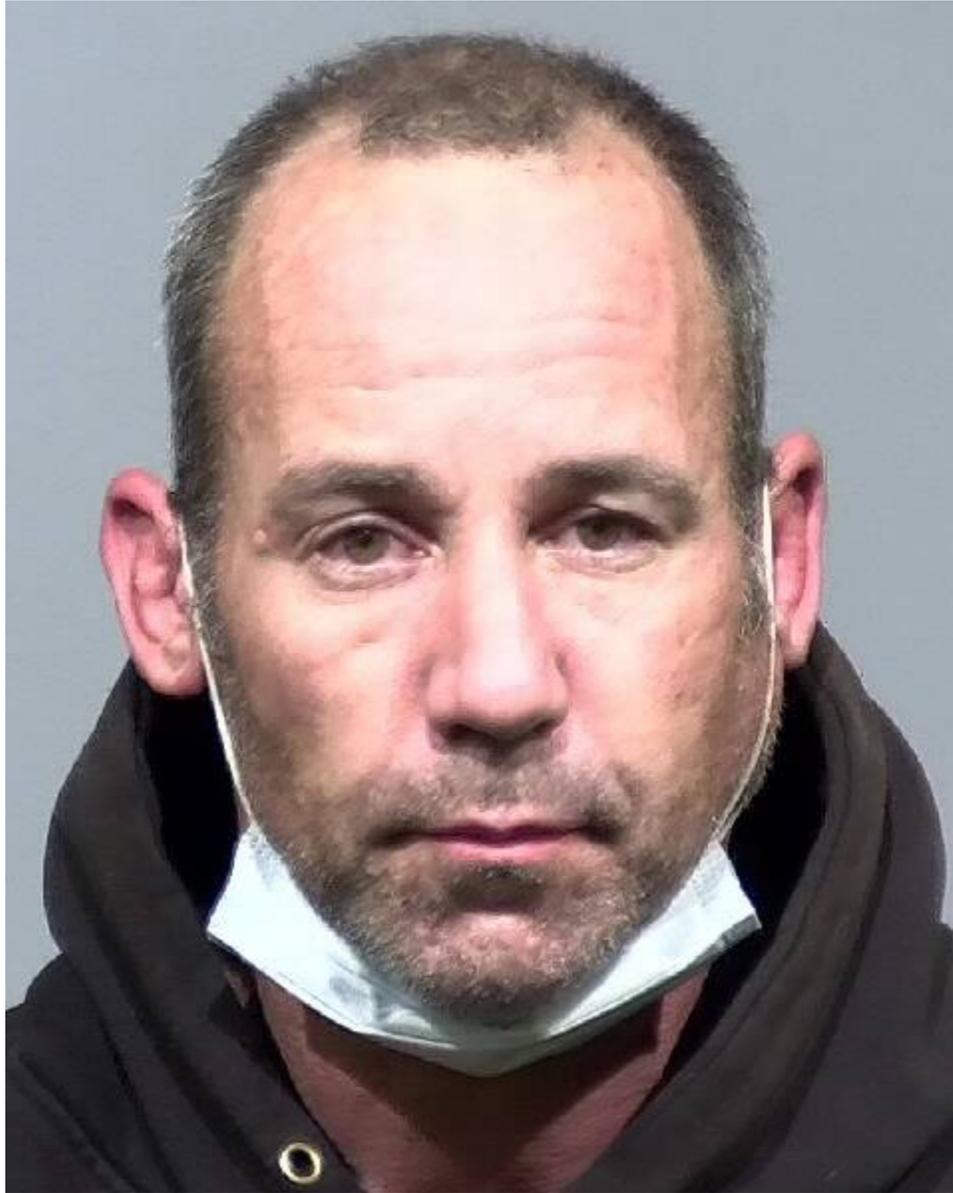
On average, Gonzalez was seen less than once every two weeks. Included in those visits was any time he was seen by a registered nurse or higher, Essick said — including his trips to the orthopedic surgery center, consultations or X-ray follow-ups.

Two other current detainees interviewed by The Press Democrat attested to Gonzalez's condition and described their own experiences struggling to get medical care.

Rocky Lozano said a painful growth on his neck is beginning to affect his hearing and ability to swallow, but he has not been able to see a doctor to get it examined since he was locked up seven months ago on suspicion of grand theft auto, felony evading and illegal possession of a firearm.

"It's really starting to cause me a lot of problems," Lozano said. "It's been extremely hard to get responses about anything whatsoever. I can't even get my Epsom salt refilled."

His mug shot from last November shows a bulge on the side of his head, just below his left ear.



Rocky Lozano (Courtesy Sonoma County Sheriff's Office)

Lozano said he understands how costly and logistically challenging it might be to get the growth removed. Still, while he is detained, he said, “At least guide me in the direction to ... get a biopsy to make sure it’s not cancerous.”

All he said the jail has promised him is, “If you end up going to prison, you can take care of it there.”

Essick said he could not respond directly to Lozano’s issue, but said generally, “I would be surprised to learn if an inmate was in custody for eight months and had not been seen by a physician for a complaint like that. ... If it’s a dermatology or oncology thing like that, we don’t try to fake it — we send it out.

“My expectation would be at the next available sick call, at minimum, a nurse would meet with the inmate, talk to the inmate see what the complaint is and schedule a visit from the (physician assistant) or (medical doctor).”

Detainee Richard Jump, 57, who has his own medical issues, began helping younger people at the jail file complaints about access to care after witnessing Gonzalez, Lozano and others' experiences.

“I’ve never seen the conditions so bad here,” he said. “I’ve been coming here before this was built — I was in the old jail. It’s just in the last two years they’re turning their head.”

Having struggled with drugs his whole life, he’s been in and out of jail. In his most recent stint, he came in suffering from high blood pressure, asthma and chronic pain from a prior broken back and neck.

Though he puts in regular requests for help, he said, “Half the time they don’t respond to it. Everybody you talk to in here will tell you it doesn’t happen — you’ll get seen a month later instead of the week it’s supposed to be.”

Others who have since been released also recall experiences of belated or inadequate care.

Jesus Xavier Carrillo, who was jailed last year on suspicion of probation violation, said he had a similar experience after his ingrown toenail went untreated and became infected.

What began as a throbbing toenail soon became an oozing, swollen wound as he waited for medical staff to come see him, Carrillo said.

He said he received one antibiotic pill while in jail and was only prescribed the full round once he went to the emergency room after he was sent home in October, more than a month after he reported the ingrown toenail to the staff.

Essick said he was not aware of cases where medical calls were not handled promptly and appropriately. He said “once in a blue moon” he has received complaints regarding jail medical care from family of detainees directly, though he is “not down in the nitty-gritty decisions.”

“If we have an incident, I get apprised,” he said.

Heather Wise, a lawyer who often represents indigent clients in the jail, considers these stories “par for the course.”

“I have seen people stabilized, getting the care they need, and I’ve also seen clients ... who have had medical issues not addressed,” Wise said. “There’s all kinds of horror stories.”

One client, she said, had a dislocated elbow that was not treated for two months while he was held at the jail. It got so bad, she said, after he was released, the doctor needed to cut his elbow open to mend it.

Another of her incarcerated clients had chronic obstructive pulmonary disease. He needed a machine to help him breathe, and the jail did not provide a clean one and distilled water to put in it.

Wise pointed out that many people in custody are pretrial detainees, meaning they haven't been found guilty of any crime and are presumed innocent.

Izaak Schwaiger, a civil rights lawyer who has successfully sued the sheriff's office over police misconduct, said he has received at least 16 credible reports of medical neglect at the jail over the past two years.

The county's watchdog agency has received two formal complaints that allege violations of the Sonoma County Sheriff's Office's policies concerning medical care in the past year, according to Interim Director Garrick Byers.

County 'responsible for their health and welfare'

County Supervisor Susan Gorin, who was closely involved in the approval of the recent Wellpath contract, said Sonoma County's problems mirror those across the country.

"There may be medical neglect, or it may just be they are not having timely response, which points to the challenges of staffing — and, again, this is a nationwide issue," she said.

Essick put more of the blame on Wellpath.

"The county of Sonoma and the county taxpayer are shelling out a substantial amount of money for these medical services, and we're not getting the staffing we were promised," he said.

Short of pulling the contract with Wellpath altogether, Essick said the Sheriff's Office and county have two options to enforce the contract's staffing terms: suing the company or withholding payment. Both, though, require proof of a pattern.

He declined to say whether he plans to take either avenue.

"I would much rather just not have to fight with them. I would much rather they just fill the positions," Essick said. "I'm not defending them, but ... they are the vendor that we have, and I have a responsibility to the 720 or so inmates we have in custody to provide medical services, so I'm doing everything I can to make the contract work."

Other counties working with Wellpath, like Alameda County, have provisions requiring it to reimburse the county for unfilled positions. There are no such penalties in Sonoma County's contract with Wellpath.

Still, Essick said, he convinced Wellpath to retroactively pay back between \$40,000 and \$60,000 in each of the first three months of the year, but that is "not a permanent solution, it's more of a stopgap solution."

Because Wellpath is one of few providers of correctional mental health and medical care, Supervisor Coursey said the county has little recourse.

"The fact is, we need to have health services and mental health services in the jail, and at this point ... I don't know if there is a backup," he added. "I'm hoping that we'll have better, or any, competition when this contract comes up."

The Sheriff's Office is assessing "ways to hold (Wellpath) accountable and make sure they fulfill the promises they made," Essick said.

Coursey said the Board of Supervisors is taking the matter of jail health care seriously.

"When people are in the jail, they are not just in our custody — they are our responsibility. We are responsible for their health and welfare," he said.

Michael Busio Gonzalez, like his brother, Freddy, has struggled with drug use and incarceration in his past. He said, though he agrees his brother should be in jail and face consequences for his mistakes, it is hard to hear him in pain while nothing is done to heal him.

"He's a human being. He has an arm that's broken, and we just want them to treat him like a normal human," he said.

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Criminal justice is one of the most stirring and consequential systems, both in the North Bay and nationwide. Crime, policing, prosecution and incarceration have ripples that reach many parts of our lives, and these issues are under increasingly powerful microscopes. My goal is to uncover untold stories and understand the unique impacts of criminal justice and public safety on Sonoma County.