

JAIL REFORM PLAN
Santa Clara County



Laurie Smith, Sheriff



John Hirokawa, Chief

Board of Supervisors
Public Safety and Justice Committee
March 16, 2016

Independent Civilian Oversight Of Custody Operations

Goal: To create independent civilian oversight, including medical and mental health services. This civilian oversight would be empowered to improve public transparency and accountability of custody operations and to provide the public, inmates and custody staff with confidence that a fair and objective process exists to oversee custody operations.

Recommendation: Establish a nine-member Custody Operations Independent Civilian Oversight Commission comprised of community volunteers. The Commission will consist of nine members, five appointed by the Board of Supervisors (One commissioner per each Supervisorial district). Those five commissioners will then select the remaining four public board members.

- **Proposed Action:** Establish scope of commission, establish commissioner roles and responsibilities, establish conflict of interest requirements and establish appropriate support staff.

Recommendation: Create an Office of Inspector General (IG) that serves the civilian oversight commission and is directed by the commission to provide monitoring of custody operations and facilities (including medical and mental health services) and provide recommendations for improvement. The IG shall focus on matters relevant to department-wide policies, procedures and protocols and review use of force patterns, trends and statistics. The IG will review Internal Affairs investigations, allegations of misconduct and employee discipline. The IG shall make policy and practice recommendations to the Independent Civilian Oversight Committee.

Recommendation: The Independent Civilian Oversight Committee will publish an annual report on the status of custody operations, use of force statistics, and the resolution of inmate and citizen complaints. The commission may also publish other reports it commissions its IG to conduct.

Americans with Disabilities Act

Facilities and Program Improvements

Title II of the Americans with Disabilities Act was signed into law in 1990 to ensure disabled persons have equal access to public buildings, employment, and programs across the United States.

Goal: To eliminate structural access barriers for inmates with mobility disabilities housed in our aging jail facilities while ensuring inmates with disabilities have equal access to all inmate program opportunities for which they are eligible.

Recommendation: Update and eliminate existing structural access barriers in aging jail facilities to comply with the American's with Disabilities Act Title II ADAAG specifications.

- **Proposed Action:** Develop and implement structural modification plans to remove barriers to access in the Main Jail and Elmwood Correctional Facilities.
- **Action Taken:** Currently developing plans for structural modifications for Main Jail and Elmwood Correctional Facilities in consultation with ADA Access Specialist Architect. Modifications will be completed over the next several years.
- **Proposed Action:** Design the proposed Main Jail East Facility to maximize structural and program access for inmates with disabilities.
- **Action Taken:** Currently designing Main Jail East construction plans in consultation with ADA Access Specialist Architect.

Recommendation: Provide comprehensive eight hour ADA training for all Custody and Custody Health staff.

- **Action Taken:** ADA experts began eight hour comprehensive ADA training for Custody and Custody Health staff in December 2015.
- **Proposed Action:** Complete initial comprehensive ADA training by May 2016.

Recommendation: Purchase ADA tracking software program to ensure: 1) inmates with disabilities are identified and tracked, 2) inmates with disabilities receive reasonable accommodations, 3) inmates have appropriate housing for their respective disabilities, 4) inmates have equal program access, and 5) inmates have their ADA grievances tracked and resolved in a timely fashion.

- **Action Taken:** Contracted with a private consulting company to customize well accepted ADA software system and deploy by June 2016. Joint Application Development sessions began in February 2016 and are ongoing.
- **Action Taken:** ADA Coordinator position modified to full time with direct report to Assistant Sheriff Custody Division to oversee ADA program and ADA tracking system. An additional deputy has been added to this function, and more staffing was requested in the Fiscal Year 17 budget process.

Americans with Disabilities Act Facilities and Program Improvements

- **Proposed Action:** Train appropriate staff on ADA tracking system beginning July 2016.

Recommendation: Revise all Custody and Custody Health policies, procedures, practices, forms and inmate handbook to ensure compliance with current ADA mandates.

- **Action Taken:** ADA compliance experts are currently reviewing and revising all Custody and Custody Health policies, procedures, practices, forms, and inmate handbook to conform to Federal ADA Title II guidelines.
- **Proposed Action:** Once policies, procedures, practices, forms, and inmate handbook are revised and adopted, train all staff on the revisions.

Recommendation: Have ADA experts monitor compliance with current ADA mandates and facility modifications on an ongoing basis and prepare a corrective action plan every quarter in areas that are noncompliant.

- **Action Taken:** Contracted with ADA experts to monitor ADA compliance.

Develop and Improve a Valid and Reliable Classification Process

- Goal:** Ensure all inmates are appropriately housed to provide a safe and secure environment in a manner least restrictive to the inmate throughout their incarceration. Ensure that the classification process results in a fair and equitable mechanism for inmate placement.
- Goal:** Provide an initial and continual assessment of the housing for all persons confined within the Santa Clara County jail system.
- Goal:** Place all inmates in a safe and secure housing unit or facility that matches their custody level and/or special needs.

Recommendation: Implement an improved objective Jail Classification System.

- **Proposed Action:** Classification will adopt a nationally recognized and validated assessment tool from the U. S. Department of Justice, National Institute of Corrections (NIC). This plan will be presented to the Board of Supervisors by May 2016.
- **Action Taken:** Classification staff is consulting with a nationally recognized expert and implementing the NIC objective assessment tool when classifying all inmates. An initial tool is being tested and 500 inmates have been reviewed to determine the validity of the process in order to make any modifications necessary to the tool. Once the final form is adopted, all newly arrested inmates will have the new assessment tool applied to their housing placement. Once this process has started, staff will proceed to interview the balance of inmates (approximately 3,000) who have not had the new assessment tool applied. This review will insure that all inmates are re-evaluated for possible “down class” to a less restrictive setting in a timely manner. In addition, this process will provide inmates with an incentive for good behavior and help staff identify any changes in conduct and/or special needs.
- **Proposed Action:** Prior to housing, all inmates will be classified using the initial classification form within six to eight hours of arrival at the facility and prior to housing. The initial form is intended to identify an inmate who presents a serious risk to the safety, security, and orderly operation of the facility. Once the initial custody designation has been completed, the inmate will be further interviewed/screened by the Classification Deputy to verify the accuracy of the objective classification data. The Classification Deputy will determine the need for mental health housing, Medical Housing (ADA), Protective Custody, Administrative Segregation housing and/or possible program needs. Inmates needing mobility accommodations, (i.e., walkers, canes, braces, prosthetics, wheel chairs, etc.) will be assigned to various housing areas based

Develop and Improve a Valid and Reliable Classification Process

on their Classification, thus allowing full accesses to educational/re-entry programs, services and activities.

- **Action Taken:** Currently, a large percentage of the jail population has been diagnosed with some form of mental illness or cognitive disability. Classification and Behavioral Health staff are collaborating to improve the housing placement of inmates identified with mental health needs.

Recommendation: Provide inmates with an acknowledgment form of their initial Classification custody level.

- **Proposed Action:** Classification will be implementing a new form for all inmates at their initial classification. This acknowledgement form will include the inmates first and last name, booking number, PFN (personal file number), security level and a narrative explaining how to appeal their classification level if they wish to do so. Classification will utilize this notification to provide the inmate a clear comprehension of his/her security level and provide an opportunity for questions/interpretations.

Recommendation: Institute an appeal process for inmates who are initially classified at a high security level.

- **Proposed Action:** Following placement into temporary Administrative Segregation, a supervisor (sergeant) from Classification will provide the inmate with a notification form of temporary segregation and an appeal of segregation form within 48 hours of placement. If the inmate wishes to appeal his/her placement they must complete the form and return it to classification within 7 days. After receipt of the form a classification supervisor (sergeant) will hold a hearing within 72 hours with the inmate. The inmate will be made aware of the decision within 48 hours. Appropriate action (placement) will be taken immediately after the appeal has been heard/authorized by a Classification Lieutenant and/or Captain. If an inmate's appeal is denied, and Administrative Segregation placement has proceeded, Classification shall review the inmates file every 60 days thereafter.

Recommendation: Expand structured and unstructured out time for all inmates within their security level.

- **Action Taken:** Classification is working diligently to provide a unified process in the attempt to improve and expand the out of cell time of all inmates. The county jail is limited on inmate bed space and is currently working with the County's Facilities and the Fleet Department to reopen housing units in order to classify all inmates within their security level for proper housing placement.

Develop and Improve a Valid and Reliable Classification Process

- **Action Taken:** Classification has implemented a new out of cell time process for inmates housed in maximum security at Main Jail. This process will help assist in determining eligible inmates to longer, structured and unstructured, out times throughout the week. After Classification has determined the eligibility of the inmate, the Classification Deputy will conduct an interview and will explain the expected conduct. This form will be approved by the Classification supervisor prior to integration.

Recommendation: Move low security level, pre-trial inmates to the Elmwood Facility and create a minimum camp for protective custody inmates.

- **Action Taken:** The Sheriff's Office is requesting funding for facility improvements to ensure proper housing placement for all inmates. As the population has changed, it has included housing State-level inmates with longer term sentences, and low level pre-trial protective custody inmates. Internal audits have shown that these inmates currently do not have access to various programs, services and activities that are available to inmates housed in other minimum security areas.
- **Proposed Action:** Evaluate where protective custody inmates can be assigned to a secure area on the minimum camp. If feasibility is determined, the planning and construction will be in collaboration with the County's Facilities and Fleet Department.

Increase Internal Affairs' Role in the Discipline Process

Goal: Provide an effective and transparent process for investigating complaints regarding employee behavior through the Internal Affairs Unit.

Recommendation: Strengthen and provide a more thorough review, screening and timely investigation of complaints received by Internal Affairs.

- **Proposed Action:** Assign all complaints to the IA Unit for investigation and eliminate review by front-line staff.
- **Proposed Action:** Add three additional investigators to the IA Unit to increase the screening, timely investigation and final resolution of complaints. These positions have been requested as part of the Fiscal Year 2016/2017 Sheriff's Office budget proposal.

Recommendation: Increase transparency on disciplinary actions taken against employees.

- **Proposed Action:** Publish and post online a quarterly report of all disciplinary actions taken involving staff. Information would include a summary of the incident and the level of disciplinary action taken. Employee identification will be redacted to comply with all employee privacy laws and collective bargaining agreements.
- **Proposed Action:** Publish and post online a discipline matrix so employees know what the level of discipline may be for specific policy violations.

Recommendation: Implement a software solution that provides an early risk assessment (ERA) of employee conduct to proactively identify trends, such as the number of force incidents, inmate grievances, allegations of misconduct and policy violations. The solution will provide data and analytical reports to increase accountability and monitoring of employee behavior. Having a system to identify trends will potentially reduce the incidence of misconduct.

- **Action Taken:** The Sheriff's Office procured and is in the process of implementing an "early warning" software system that will allow supervisors to track grievances and also identify any trends for incidents involving staff. Internal Affairs staff will begin training on March 16, 2016.
- **Proposed Action:** Add an analyst position for data input and program monitoring of behavior trends. This position was requested as part of the Fiscal Year 2016/2017 Sheriff's Office budget proposal.

Modernize and Improve Jail Facilities

Goal: Provide safe, clean and secure custody facilities.

Recommendation: Replace aging Main Jail South with a quality facility that will provide additional bed space, increased programming and expanded medical and mental health treatment options for inmates.

- **Action Taken:** The County has designed a new facility that will provide additional mental health, special management, reentry, and general population beds. Construction is estimated to begin in the Fall of 2017 and it is estimated to be completed in early 2020. The new facility will also offer expanded inmate programming space to assist inmates with re-entry back into the community.
- **Action Taken:** Secured \$80M from the Board of State and Community Corrections SB 863 Jail Construction Financing fund.

Recommendation: Implement Americans with Disabilities Act (ADA) repairs to custody facilities to ensure the appropriate accommodation is provided for all inmates.

- **Action Taken:** The County retained ADA consultants to review all custody facilities to identify necessary improvements.
- **Action Taken:** The Board of Supervisors allocated \$500,000 in funding for County staff to work on immediate ADA repairs.
- **Proposed Action:** Secure additional funding to begin work on additional ADA repairs and improvements.

Recommendation: Complete structural modifications in the Main Jail North Booking Area to allow medical and mental health staff to screen inmates for sensitive health care information in a confidential setting to comply with federal HIPPA requirements.

- **Action Taken:** The project is currently in the design phase.

Recommendation: Increase and modernize the video camera surveillance system throughout custody facilities.

- **Actions Taken:** In March of 2016, video cameras were purchased to conduct an interim project to determine where cameras should be installed in Main Jail North. The cameras were placed to address current blind spots and provide coverage for areas without cameras. The County's Facilities and Fleet (FAF) Department is working toward a permanent solution.
- **Actions Taken:** The purchase of the interim camera systems for the remainder of the floors in Main Jail North is in process, pending Board approval.
- **Action Taken:** While all jail facility elevators have cameras, two are without recording capabilities. Storage solutions are being purchased to modify the current closed circuit system in Main Jail South to a recorded system.

Modernize and Improve Jail Facilities

- **Actions Taken:** Funding was allocated in February 2016 to begin design of new video camera surveillance system.

Recommendation: Expand the number of medical beds at Elmwood Correctional Facility.

- **Proposed Action:** Begin the necessary repairs and physical improvements to Elmwood's M1 building that will result in the addition of 80 more medical beds. Funding has been allocated and construction has commenced.

Recommendation: Complete identified improvement and modernization projects at Main Jail and Elmwood.

- **Action Taken:** Board of Supervisors approved \$22.8 million in funding for jail improvements.
- **Action Taken:** Identified capital projects including Main Jail North hardening to create more appropriate classification options for inmates; a new exhaust system for the Elmwood kitchen; hardening of administrative booking to increase staff safety; and creating a medical examination room in W4C to support onsite medical care for high security female inmates.
- **Proposed Action:** Establish dedicated FAF maintenance and repair crews to work directly with custody personnel. This will allow FAF to quickly identify, prioritize and complete maintenance, repair, and improvement projects of custody facilities.
- **Proposed Action:** Explore viability of establishing apprenticeship programs with local trade unions to assist inmates in gaining marketable trade skills and job experience.

Recommendation: Expand structured and unstructured "out time" for inmates by making improvements to housing units that have been closed due to age or physical conditions.

- **Action Taken:** Implementing a new classification system to reassess inmates with the goal of increasing their out of cell time and assigning them to appropriate housing units. Having improved facilities will greatly assist in enhancing inmate programming.
- **Proposed Action:** Request immediate funding for facility improvements at Elmwood to move low-level, pre-trial inmates to Elmwood and create a minimum camp for Protective Custody inmates.

Improve and Strengthen the Inmate Grievance Process

Goal: To implement a transparent inmate grievance process that provides those in custody a safe, secure, and easy to understand means to document and transmit complaints about the actions or inactions of custody staff, facilities and operations.

Recommendation: Develop multi-lingual written educational materials to inform inmates of their rights while in custody, the grievance process and how to file a grievance. These materials would be distributed to those in custody during the intake process.

- **Proposed Action:** Create an easy to understand, multi-lingual, Grievance Intake Form with simple directions on how to fill out the form.
- **Proposed Action:** Create a multi-lingual inmate training video describing the grievance process. It will be presented to inmates upon intake into custody facilities.
- **Proposed Action:** The inmate grievance forms will include “Retaliation” and “Harassment” as specific categories of “Grievances Against Staff” for inmates to specify.

Recommendation: Install grievance lock boxes to ensure that inmates have a confidential and secure method to file a grievance. Grievance Intake Forms and instructions on how to fill out those forms would be located adjacent to the lock boxes.

- **Action Taken:** The Sheriff’s Office has installed 112 lock boxes throughout our custody facilities. Additionally, the Sheriff’s Office has implemented a grievance collection process where four times a day, supervisors, not correctional deputies, collect and process grievances. Supervisors are empowered to immediately resolve basic needs grievances (requests for blankets, items of clothing, hygiene products, etc.) as soon as possible in an objective and fair manner. For non-basic needs grievances, supervisors must route grievance to appropriate unit to act upon.
- **Proposed Action:** Add an analyst for each custody facility to collect and process grievances from lock boxes and enter grievances into the new grievance tracking system. Analysts will be required to immediately notify custody supervisors of any basic needs grievances so that they may be resolved as soon as possible. All other grievances will be routed to the appropriate unit for expeditious action. The analyst positions are included in the Sheriff’s Office Fiscal Year 2016-2017 budget request.
- **Proposed Action:** Add a Lieutenant at each facility who will ensure a proper and timely resolution of grievances. The Lieutenant will be empowered to immediately resolve all “basic needs” grievances. The Lieutenant positions are included in the Sheriff’s Office Fiscal Year 2016/2017 budget request.

Recommendation: Implement a grievance tracking system to document receipt of grievance, assign grievance to appropriate unit, and monitor progress on resolution of grievance.

Improve and Strengthen the Inmate Grievance Process

- **Action Taken:** Custody staff has implemented a temporary grievance tracking system as an interim measure until the permanent system is installed.
- **Proposed Action:** Implementing an “early warning” software system that will allow supervisors to track grievance trends including units/pods, facilities and custody staff. This data will be utilized to allow for timely intervention, additional training and/or policy changes to attempt to decrease grievances. The Internal Affairs unit will begin training on the “early warning” system on March 16, 2016.

Recommendation: Develop training module for all custody staff to educate them on the purpose of a grievance, the grievance process, and regarding the expectation that they resolve basic needs grievances (blankets, items of clothing, hygiene products, etc.) as soon as possible in an objective and fair manner. All other grievances will be routed to the appropriate unit for expeditious action.

- **Proposed Action:** Implement the training module and ensure all custody staff completes the training module.
- **Proposed Action:** Share collected data during the squad meetings to identify areas for improvement.

Recommendation: Create an electronic grievance form that inmates can utilize to file grievances on-line while utilizing the new tablets procured for inmate use at custody facilities.

- **Proposed Action:** Circulate an RFP for a tablet device capable of allowing inmates to electronically file grievances, request forms, and request medical, psychiatric and dental services.
- **Proposed Action:** Create a voice only grievance form that inmates can use to file grievances that utilizes voice prompts. This will assist inmates who may be not be able to read or for other reasons are unable to fill out a written form.

Recommendation: Publicly post a quarterly report detailing the number of grievances by category, status of grievances and disposition of grievances resolved. Personal information of all custody staff and inmates will be redacted to ensure privacy rights and laws are adhered to. In the instance of any criminal investigation stemming from a grievance, that information will not be included in these quarterly reports so as not to influence or compromise the investigation.

Increase Applicant Background Process and Minimum Qualifications

Goal: To increase applicant backgrounding capabilities to ensure additional time is spent on attempting to weed out those not best suited for custody operations.

Goal: To increase the hiring standards/minimum qualifications of applicants admitted to the Adult Corrections Academy.

Recommendation: Increase staffing in the Background and Recruiting Unit to provide additional time per individual applicant background process and to recruit greater numbers of highly qualified candidates in order to reduce staffing vacancies.

- **Action Taken:** Added two additional deputies to the Background and Recruiting Unit.
- **Proposed Action:** Hire and train an in-house polygrapher and double the amount of polygraph examinations required of applicants.

Recommendation: Raise the current minimum educational qualifications for Sheriffs' Custody Deputy. Additional consideration should be given applicants with a college degree, mental health college courses, criminal justice courses, or behavioral science course work or pertinent work experience in areas of mental health, behavioral science, or criminal justice system. There needs to be further study to determine the appropriate level of college required.

- **Proposed Action:** Coordinate with the County Employee Services Agency the modification of the current minimum qualifications for Sheriff's Custody Deputy job specification.

Decrease Inmate Infractions Through Education

Goal: During the intake process, ensure that inmates are provided an easy to understand orientation that details in-custody rules, expectations of inmate behavior while in custody and the consequences of rule violations (infractions).

Goal: Create an automated tracking system that documents inmate infractions, custody staff that issued any infraction, infraction type and penalty for infraction.

Goal: To ensure an impartial and consistent application of expected inmate behavior while in custody.

Goal: Provide a transparent procedure, with all due process rights, for inmates to appeal infractions.

Recommendation: Create multi-lingual written materials that detail in-custody rules, expected inmate behavior and consequences of rule violations (infractions). These materials would be distributed and explained to each inmate upon intake into custody facilities.

Recommendation: Create multi-lingual videos to be shown to each inmate upon intake into custody facilities that detail in-custody rules, expected inmate behavior and consequences of rule violations (infractions).

Recommendation: Assign custody staff to reinforce, re-educate, and remind inmates of their expected behavior while in custody. Continuous education is intended to reduce the number of infractions issued and create a more cohesive custody environment.

- **Proposed Action:** Add a specially trained correctional deputy to each facility who will conduct interactive, instructional classes for inmates in all housing units on expected behavior in custody.

Recommendation: Implement an automated tracking system that documents inmate infractions, custody staff involved, infraction type, and consequences for an infraction.

- **Action Taken:** A fit/gap analysis has been completed and the business requirements were finalized in 2015 for this automated tracking system. Vendor demonstrations were completed in February 2016 and the request for proposals will be issued in the Spring of 2016.
- **Proposed Action:** Upon implementation of the jail management system, inmate infractions will be tracked.
- **Proposed Action:** The data culled from this automated tracking system will be utilized to allow for timely intervention, additional training and/or policy changes, or additional inmate education on rules while in custody to attempt to decrease inmate infractions.
- **Proposed Action:** This data tracking system will allow for an impartial evaluation of custody practices.

Improve Access to and Quality of Healthcare in our Jails

Goal: Provide timely access to competent medical, mental health, and dental treatment in the Department of Correction Jail facilities and reduce incarceration.

Background: Inmates are the only population in the world that have a constitutional right to timely and competent healthcare under the 8th and 14th Amendments of the Constitution of the United States. Since the state legislature passed the California Realignment Act of 2011, the Santa Clara County jails have slowly been transformed from a transitory jail facility to a hybrid jail/prison that houses older, sicker, and more violent inmates whose sentences no longer are limited to a maximum of one year. As a result, the system must evolve into a custody operation that embraces its evolving Constitutional obligations as a hybrid jail/prison to provide timely access to competent healthcare for a longer term inmate population with significantly greater healthcare needs.

Recommendation: Conduct a comprehensive clinical review of our custody healthcare program to determine what gaps, if any, exist in our custody healthcare delivery system.

- **Action Taken:** In July of 2015, began a process of engaging nationally recognized experts in medical, dental, mental health and suicide prevention to conduct a comprehensive clinical gap analysis of our custody healthcare delivery program.
- **Action Taken:** January 2016 clinical gap Analysis began and is currently in progress.
- **Proposed Action:** Upon completion of the clinical gap analysis, finish implementation of the recommended changes that will improve access to competent healthcare in a cost effective and efficient manner.
- **Proposed Action:** Add minimum performance standards for Custody Health clinical positions.
- **Proposed Action:** Accelerated the implementation of cutting edge electronic medical record technology.
- **Proposed Action:** Evaluate administrative oversight of Custody Health to achieve greater accountability and oversight.

Recommendation: Develop a mental health pilot program for seriously mentally ill inmates housed in our custodial facilities that increases clinical staffing, increases individual/group therapy, increases out of cell recreation opportunities, develops a resilient reentry process to ensure continuity of care in the community. This program will explore alternative structured and supervised environments in the community for the seriously mentally ill that reduces returns to custody for behaviors that are an affect of their mental illnesses without jeopardizing public safety.

- **Action Taken:** The County's Health and Hospital System (HHS) increased mental health Psychiatrist and Psychologist staffing through an interim contract entity.
- **Action Taken:** The first team of pilot project to begin work on Monday March 14, 2016 with additional custody staffing support.

Improve Access to and Quality of Healthcare in our Jails

- **Action Taken:** Funding was approved for twelve pilot project mental health treatment teams. Five teams will be deployed before July 1, 2016.
- **Proposed Action:** Analyze clinical outcomes for pilot project quarterly and make appropriate adjustments, if any, in clinical treatment programs to improve outcomes in a cost effective manner.

Recommendation: Add dedicated custody support staff to multi-disciplinary healthcare teams to ensure timely access to medical, dental, and mental health treatment.

- **Action Taken:** Overtime funding was provided for this year and sixty correctional positions were requested for Fiscal Year 2016-2017 to support increased programming opportunities and timely access to healthcare.

Recommendation: Train all Custody Healthcare staff on mandates of the Americans with Disabilities Act.

- **Action Taken:** Comprehensive eight hour ADA training course for Healthcare staff currently underway.

Recommendation: Review best practices for suicide prevention for custodial facilities.

- **Action Taken:** Have added a dedicated coordinator on staff through the County's Health and Hospital System.
- **Action Taken:** Added additional training for medical and custody staff on suicide prevention.
- **Action Taken:** In the process of modifying some cells to make them suicide resistant.

Recommendation: Implement a plan to reduce the number of inmates in custody with mental health issues.

- **Action Taken:** In December of 2015 the Santa Clara County Board of Supervisors unanimously approved the creation of a Jail Diversion and Behavioral Health Subcommittee to consider and recommend alternatives to incarceration.
- **Proposed Action:** Develop a plan for consistent and reliable transportation from jail to the designated treatment center.
- **Proposed Action:** Increase the number of mental health treatment opportunities for those scheduled for release from custody.
- **Proposed Action:** Continue to work with County Behavioral Health on the concept of mobile crisis response teams to potentially reduce the numbers of arrests where treatment is more appropriate.

Recommendation: Revise Inmate Handbook and Orientation process to ensure inmates clearly understand how to access timely healthcare and to file healthcare grievances.

- **Action Taken:** ADA experts are currently reviewing inmate orientation process and inmate handbook and will meet with staff in newly formed Inmate Handbook and Orientation Process workgroup in the next several weeks.

Improve and Enhance Comprehensive Educational Programs

Goal: Increase overall inmate participation in educational and comprehensive programs to prepare inmates for reentry. Further, to expand program access to women and those in higher security levels of the jails.

Background: The Office of the Sheriff collaborates with many county and community agencies to assist county jail inmates and ensure a successful transition into the community. Key partners include Milpitas Adult Education, Positive Parenting Program, Enneagram Prison Project, Innate Health Connection, Family and Children Services, Goodwill Industries, Pro-Bono Project, Record Clearance Project, Gardner Family Services, Ascent Services and several private providers. County partners include, Dept. of Probation, Dept. of Pre-trial Services, Office of Re-entry Services, Dept. of Social Services, Custody Health Services, and Office of Veteran's Affairs as examples.

Recommendation: Increase the overall participation in educational, comprehensive programs by expanding programs.

- **Action Taken:** Adopted the Correctional Assessment and Intervention System (CAIS), all programs staff were trained to use this system. The CAIS assessment system identifies the risk, need and supervision strategy for each inmate, thus allowing staff to place the inmate in the most appropriate classes and provide them with the most adequate supervision.
- **Action Taken:** Developed the CASP (Custody Alternative Supervision Program) to meet the specific needs of the realignment population. This two phase program starts in-custody with participation in educational classes and continues post custody into the community, where the participants are provided services, supervision and case management to enable a successful integration in the community.
- **Action Taken:** Developed a core curriculum to address all criminogenic factors. In collaboration with Milpitas Adult Education Program, developed a core curriculum addressing the 3Rs (Recovery, Rehabilitation and Reentry).
- **Action Taken:** Started (3) programs for medium and maximum security protective custody male inmates. All programs offer the 3Rs core curriculum and several electives.
- **Action Taken:** Started the REAL (Rehabilitating Each Addict's Life) comprehensive program for medium security protective custody male inmates with gang affiliation at the Elmwood facility.
- **Action Taken:** Started the AWAKE (Action Wisdom Accountability Knowledge Empowerment) comprehensive program for medium security protective custody female inmates.
- **Action Taken:** Started a class for maximum security protective custody female inmates focused on assisting inmates in dealing with incarceration stresses.

Improve and Enhance Comprehensive Educational Programs

- **Action Taken:** Started the Second Chance comprehensive, education program for high-medium and maximum security female inmates focused on behavior modification and working effectively in small groups.

Recommendation: Improve the quality and increase the number of classes offered within the comprehensive programs and to increase services offered to inmates

- **Action Taken:** In response to the direction from the board, discharge planning has been implemented for all inmates. In the past, SO/ DOC programs staff developed individualized transition plans for programming inmates. However, recently this service has been expanded to include 3 types of discharge plans –
 - a) Individualized Transition Plan – for those inmates who have participated in a program and are being transitioned to an out of custody program.
 - b) General Discharge Plan – a discharge plan developed for all inmates that have a pre-scheduled release date and are in need of resources or assistance with discharge.
 - c) Discharge Plan with coordination – a discharge plan for a high risk and high need individual where extensive community support and partnership is needed.
- **Action Taken:** In response to AB720, Programs staff implemented the MediCal program in all adult correctional facilities. Rehab Officers, identify inmates who are scheduled to be released and enroll them in the MediCal Program.
- **Action Taken:** Implemented the PACT (Parents and Children Together) Reunification program for minimum and medium security men. . Very recently the court evaluated the program and approved participants to get credit for the classes attended in-custody.
- **Action Taken:** Implemented a self-discovery class through the Enneagram for both male and female inmates. This class teaches participants ‘why they keep doing the same things over and over again’.
- **Action Taken:** Began workshops for legal services in family law, domestic violence, parentage, civil law and bankruptcy.
- **Action Taken:** Introduced a program that focuses on job-skills, resume writing, and managing a monthly budget.
- **Action Taken:** Expanded drug and alcohol recovery classes at the Main Jail.
- **Action Taken:** Milpitas Adult Education staff offers the ServSafe workshop which allows participants, following workshop sessions, to take a nationally recognized test and attain a food handler’s certificate. This certificate allows participants to attain jobs in the food industry.
- **Action Taken:** A support group for women was implemented for out of custody female inmates. This support group has been ongoing since 2014.

Improve and Enhance Comprehensive Educational Programs

- **Action Taken:** Implemented a Dialectical behavior therapy class for minimum security female inmates.
- **Action Taken:** Implemented a workshop program with San Jose State University law students to educate inmates on how to expunge their criminal records and those interested are provided with an individual roadmap to expungement.
- **Action Taken:** Implemented a parenting class for inmates with teenage children.
- **Action Taken:** Coordination of services for inmates with an IEP (Individualized Education Plan). Rehabilitation Officers work with the County Office of Education and the Dept. of Probation, Juvenile Hall staff to identify all inmates with an open IEP. Rehab Officers coordinate services for these inmates with community teachers.
- **Action Taken: Created a reentry resource table in the lobbies of both jails in partnership with faith-based organizations.**

Recommendation: To increase and improve collaboration with community agencies to enhance transitional opportunities for inmates.

- **Proposed Action:** Creating the Triple P – Parenting Class: with a community agency to for parents with children under the age of 5.
- **Proposed Action:** Implementing a Continuing Education Class with San Jose State University and Stanford University to create advanced education classes.
- **Proposed Action:** Creating a Job Development Class for female inmates. Additionally, the Sheriff's Office is working with Milpitas Adult Education program to implement a job development program for both male and female inmates.
- **Proposed Action:** Working with a community organization to implement additional Alcoholics Anonymous and Narcotics Anonymous meetings in the jail.

Increase Training to Align with Changing Inmate Population

Goal: Expand on the comprehensive training regimen that prepares all custody staff to safely, effectively and humanely meet the needs of inmates, especially those in need of mental health services.

Recommendation: Ensure custody staff are equipped to manage inmates exhibiting or diagnosed with mental health issues.

- **Action Taken:** A required forty-hour Crisis Intervention Training (CIT) course has been added for all recruits attending the Adult Correctional Academy.
- **Action Taken:** A budget request has been submitted to provide the CIT course to custody staff that have not received training to date.
- **Action Taken:** An eight-hour training course has been included in the academy relating to Americans with Disabilities Act. This is to ensure equal access and accommodations for inmates while in custody. Staff within the facilities is also being provided the ADA training.
- **Proposed Action:** Implement a “train-the-trainer” program to provide for jail-specific mental health training needs. Such a program would allow for qualified trainers to provide mental health training to correctional staff, re-fresher trainings, and ensure that the training principals are being implemented throughout the custody facilities.

Recommendation: Implement training courses specific to identified needs of inmates to ensure that the needs of all inmates are understood and managed appropriately.

- **Action Taken:** Two hours of LGBTQ training is being provided in the academy, as well as two hours of Cross Gender Supervision training.
- **Action Taken:** Revised an eight hour mental health training course for correctional deputies specifically assigned to mental health housing units. Also updated a three week in-house jail training and orientation program for deputies working the mental health units.
- **Proposed Action:** An additional four hour of Gender Response training is proposed for staff assigned to custodial facilities.
- **Action Taken:** Four hours of PREA (Prison Rape Elimination Act) training is being provided in the academy for all correctional deputies. This training assists jail staff in identifying inmates who are potential victims of sexual assault, and it provides a mechanism for investigating and reporting past incidents.
- **Proposed Action:** Provide PREA (Prison Rape Elimination Act) training to all correctional deputies that have not yet received it.

Recommendation: Develop an eight-hour training curriculum for all staff to ensure a proper understanding and application of the department’s updated Use of Force policy.

Increase Training to Align with Changing Inmate Population

- **Proposed Action:** The use of force policy for custodial staffing is being updated. Once a final policy is adopted, an eight-hour training course will be constructed to ensure that management, supervisors, and all staff possesses a clear understanding of the policy and its practical application.

Improve the Use of Force Policy & Reduce Overall Use of Force Incidents

Goal: To reduce the overall use of force in custodial facilities and to ensure the Use of Force policy sets clear expectations of custody staff and emphasizes the use of de-escalation techniques in the context of safety for themselves and others.

Definition: Use of Force is defined as any physical effort used to control or restrain another, or to overcome the resistance of another.

Recommendation: Implement a revised use of force policy that includes specific information on force prevention, and de-escalation techniques in order to decrease the number of incidents requiring the use of force. The policy will include investigative independence, principals, safety, prevention, accountability, reporting obligations, responsibilities, review requirements, analysis and audits.

- **Proposed Action:** Finalize revised use of force policy to include specific information on force prevention and de-escalation techniques in order to decrease the number of incidents requiring the use of force.
- **Proposed Action:** Create levels of use of force categories in order to determine the magnitude of investigative response and notification. These categories will encompass a wide range of levels from minor restraints to any force resulting in injury.
- **Proposed Action:** Implement training modules for existing staff and academy recruits to ensure compliance with the revised use of force policy.

Recommendation: Increase investigation, specialized response, oversight, review and evaluation, compliance and analysis of use of force incidents.

- **Proposed Action:** In addition to the standard use of force investigation, a specialized on-call team will be created to respond to categories of use of force incidents to ensure the immediate and specialized investigation of significant incidents. This team will have the authority to take control and assume full responsibility for the investigation.
- **Proposed Action:** Establish a custody review committee that will evaluate the force applied within custody facilities, the quality of the investigation and the effectiveness of the supervision. Members of the panel shall include command level personnel, representatives from medical and/or mental health (when applicable), a member of the independent Civilian Oversight Commission and additional support personnel. The supervisor completing the standard investigation and the approving watch commander will be required to attend to answer questions and justify their recommendations regarding the incident. The committee will review the force incident including the events that precipitated, any prevention or de-escalation efforts as well as the quality of the force review. A report will be generated that includes their findings and recommendations. If the findings include any policy or other violations, it will be referred for further follow-up. Exemplary performance or conduct shall also be noted.

Improve the Use of Force Policy & Reduce Overall Use of Force Incidents

- **Proposed Action:** Complete the implementation of an early warning system that will quantify the number of use of force incidents by employee, identify grievances and internal affairs complaints and identify patterns and trends for further analysis. The system is designed to provide the identification of problems in order to intervene and prevent.
- **Proposed Action:** In instances of use of force there will be an evaluation of an individual's performance that includes the strategies or tactics used leading up to, during and following a use of force incident. The evaluation will be a review of the performance to standards associated with the actions.
- **Proposed Action:** A compliance system will be implemented that tracks the status of all investigations, reviews and evaluates all use of force incidents and allegations of force to ensure that investigations and reviews are completed appropriately and timely.
- **Proposed Action:** An electronic tracking system will be implemented to aid in timely completion of all stages of the process.
- **Proposed Action:** All significant use of force incidents will be reviewed by the Jail Crimes Unit to determine if the force used was lawful.
- **Proposed Action:** Ensure a documented medical assessment of each inmate upon who force is used is completed as soon as practical after the force was utilized.

Recommendation:

Establish a team to respond to crisis situations and/or tactical situations involving those with mental health or other special needs.

- **Proposed Action:** Develop a policy for a team consisting of members with specialized skills and training. This team will respond and attempt to resolve the matter when the interaction involves an inmate with mental health issues. This team will maintain confidentiality and work in conjunction with medical and mental health professionals to potentially defuse the incident prior to any action.

Recommendation:

Increase transparency of the Use of Force policy.

- **Proposed Action:** Publish finalized revised use of force policy to ensure the public has access to the standards and procedures for the use of force in custody facilities.
- **Action Taken:** Training is on-going for enhancing the skill level of deputies. One training delivery method utilizes the force options simulator designed to develop techniques to resolve high risk encounters in the safest manner possible.

Changing Culture to Serve Our Evolving Custody Environment

Goal: To ensure correctional deputies, supervisors, command staff, and custody support staff are provided the necessary training and support to safely manage a diverse inmate population that reflects the high standards expected of their duties and actions by the public.

In addition to the recommendations below, we eagerly await any additional recommendations about improving culture within custody facilities that the National Institute of Corrections will provide after their evaluation and analysis of our current operations.

Recommendation: Review and implement recommendations provided by the U.S. Department of Justice's National Institute of Corrections (NIC). One of the major focuses of the NIC review is to examine organizational culture.

- **Action Taken:** The Sheriff, Chief of Correction and President of the Board of Supervisors invited the NIC to review our custody operations. An expert team from the NIC will be present throughout our facilities beginning March 29th.

Recommendation: To shift the organizational philosophy toward correctional best practices, including the manner in which correctional staff interacts with the changing inmate population. To reinforce training on how to recognize mental illness and developmental disabilities, along with a directed focus on if, how and when to deploy de-escalation techniques and use of force.

Nearly one-half of the Santa Clara County inmate population has been diagnosed with some level of mental illness, and a significant portion of this population has been diagnosed with a Serious Mental Illness (SMI). This changing inmate population, coupled with longer term sentences associated with AB 109, Public Safety Realignment, requires us to adopt a culture where correctional staff partner with inmates to rehabilitate inmates and prepare them for re-entry into society.

- **Action Taken:** The Sheriff re-instituted squad meetings at the beginning of each shift. These meetings increase communication amongst correctional staff and supervisors as well as allows for information to be exchanged between various shift teams. Equally important, the squad meetings allow management to impart expectations of staff behavior and performance.
- **Action Taken:** Created the ability to transfer seasoned correctional deputies from one jail facility to the other. In July of 2010 the Sheriff and the Chief of Correction recognized that a section of the MOU between the County and the CPOA allowed a correctional deputy with only ten (10) years of service to transfer to the facility of their choice if seniority allowed it for the remainder of their respective careers. The result was a

Changing Culture to Serve Our Evolving Custody Environment

greater number of seasoned correctional deputies opted to transfer to Elmwood, leaving a higher concentration of less experienced deputies at the Main Jail on the same team.

To create a balance of experienced and lesser experienced staff throughout the entire jail system, the Sheriff and the CPOA agreed during contract negotiations that all correctional deputies hired after 2014 would be excluded from this section of the MOU. During 2015 contract negotiations, the Sheriff and the CPOA agreed to amend the section so that only correctional deputies with 23 or more years of service could choose the facility they wished to be assigned to

Recommendation: Strengthen and provide a more thorough review, screening and timely investigation of complaints received by Internal Affairs.

- **Proposed Action:** Assign all complaints to the IA Unit for investigation and eliminate review by front-line staff.
- **Proposed Action:** Add three additional investigators to the IA Unit to increase the screening, timely investigation and final resolution of complaints. These positions have been requested as part of the Fiscal Year 2016/2017 Sheriff's Office budget proposal.

Recommendation: Increase transparency on disciplinary actions taken against employees.

- **Proposed Action:** Publish and post online a quarterly report of all disciplinary actions taken involving staff. Information would include a summary of the incident and the level of disciplinary action taken. Employee identification will be redacted to comply with all employee privacy laws and collective bargaining agreements.
- **Proposed Action:** Publish and post online a discipline matrix so employees know what the level of discipline may be for specific policy violations.

Recommendation: Assign custody staff to reinforce, re-educate, and remind inmates of their expected behavior while in custody. Continuous education is intended to reduce the number of infractions issued and create a more cohesive custody environment.

- **Proposed Action:** Add a specially trained correctional deputy to each facility who will conduct interactive, instructional classes for inmates in all housing units on expected behavior in custody.

Recommendation: Implement a revised use of force policy that includes specific information on force prevention, and de-escalation techniques in order to decrease the number of incidents requiring the use of force. The policy will include investigative independence, principals, safety, prevention, accountability, reporting obligations, responsibilities, review requirements, analysis and audits.

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- **Proposed Action:** Finalize revised use of force policy to include specific information on force prevention and de-escalation techniques in order to decrease the number of incidents requiring the use of force.
- **Proposed Action:** Create levels of use of force categories in order to determine the magnitude of investigative response and notification. These categories will encompass a wide range of levels from minor restraints to any force resulting in injury.
- **Proposed Action:** Implement training modules for existing staff and academy recruits to ensure compliance with the revised use of force policy.