



National Institute of Corrections  
Event #16J1021

technical assistance report to the

## Santa Clara County Sheriff's Office

Santa Clara County, California

Provided by  
Gary Raney & Ron Freeman

April 2016

## **Summary**

Santa Clara County (California) Sheriff Laurie Smith requested independent technical assistance from the National Institute of Corrections (NIC) and a scope of work was developed around organizational culture. NIC then contracted with Gary Raney, a retired sheriff and current criminal justice consultant, and Ron Freeman, a current chief deputy in a sheriff's office and former jail administrator. The direction and funding came from NIC and is provided at no cost to the citizens of Santa Clara County. Mr. Raney and Mr. Freeman were on site March 30—April 1, 2016. They interviewed sheriff's office leadership, employees and jail stakeholders who either volunteer or are paid to provide jail services.

From their interviews and observations, the following recommendations are offered:

### **Staffing:**

- \* Two staffing studies have recently been completed for the Santa Clara County Sheriff's Office (SCCS). The Sheriff and county supervisors should carefully review them to determine if one or both are valid. If not, consider using NIC resources for educational materials or technical assistance for a third study.
- \* As part of the existing or future staffing studies, jail practices should be evaluated to determine minimal staffing levels that will reasonably provide a safe environment for staff and inmates. We suspect that some areas are understaffed, but some practices could be modified to reduce personnel time required on a task.

### **Training**

- \* Research best practices in correctional learning and develop a new academy and jail training officer program that relies upon adult learning principles.
- \* Establish clear policies as to when deputies, who are still in training, can be in solo assignments and for how long.
- \* Develop at least a two-year in-service training calendar that not only covers the necessary skills like firearms qualification, but also classes on communication, inmate rights and legal processes like the Prison Rape Elimination Act, inmate discipline rights and grievance processes.
- \* Training officers and supervisors, current and future, should be given the proper education and training they need to be more effective. While this will include task level operations, the best return will come from investing in their professional development and helping them recognize and deal with minor misconduct early on.

- \* Current and future jail leadership should immediately engage in opportunities to learn the current best practices of jail operations through educational seminars and organized information sharing opportunities.
- \* Decision makers should tour model facilities and develop ongoing learning relationships with them. The NIC, the state sheriff's association or state jail association would be good resources to find jails that are operationally sound and of similar complexity to Santa Clara's.

### **Policy**

- \* Update, educate and train on a new use of force policy as soon as possible.
- \* Create well thought out, well written and reliable policy that guides employees. Help them understand the reason for the policy decisions to develop the culture of a learning organization.

### **Supervision**

- \* SCCS leadership should clearly identify the knowledge, skills and abilities needed to be an effective supervisor and develop a professional development program for supervisors based on adult learning principles. Curriculum should include an understanding of laws, standards and rules, including inmate rights, and basic operational concepts for the jail. Most importantly, it should include skill development on effectively communicating to employees the positive messages of desired behavior and coaching on how to address undesired behavior.
- \* Bring sergeants together in an environment that is safe to share thoughts, ideas and concerns about employee expectations, development and leadership. One of the best ways to instill culture is to develop it through peer association and support.
- \* Conduct at least a simple job task analysis to determine the current responsibilities of a housing sergeant. The results should be evaluated to ensure there is adequate time for sergeants to provide direction, mentorship and correction to employees.
- \* Develop an objective and thorough promotional process that assesses a candidate's job knowledge, communication skills and ability to apply good supervision practices with employees and inmates.

## **Equipment & operational technology**

- \* Inventory and assess current equipment needs into sets of priorities, so when resources become available purchases can be made quickly, but wisely.

## **Information & Technology: Getting the right information to the right people at the right time**

- \* Use a strategic planning process to establish and communicate the most significant outcomes, goals and expected activities for matters that face the jail, then use it to communicate to employees and the community. Ideally, this would include the next three years, but even a process that looks forward one year would be of great help to share throughout the agency.
- \* Include staff in decision making when practical, especially when changes will affect the operational level of the organization.
- \* As new information systems and applications are adopted, the SCCS should ensure there has been proper thought and analysis into the desired operational and management data needed for success. Jail systems should create efficiency and provide important management data through regular reporting.
- \* Use the data reports as organizational report cards and moreover, use them to create conversations that reinforce desired trends or create strategies to address undesired trends.
- \* Consider using data from inmate surveys as a tool to assess operations and understand inmate perceptions.

## **Inmate Behavior Management**

- \* Continue revising the classification system and deploy it with adequate resources as soon as possible.
- \* Continue to reduce the amount of restrictive housing and increase the amount of structured and unstructured time out of cells.
- \* Create incentives for prosocial inmate behavior.

There are additional comments and recommendations on organizational communication, effective employee appraisals and the Employee Assistance Program contained within the report.

# INTRODUCTION

## Background

In February 2016, Sheriff Gary Raney (Ret.) and Major Ron Freeman were engaged by the National Institute of Corrections (NIC) to provide technical assistance consulting to the Santa Clara County California Sheriff's Office (SCCS). The original technical assistance award was modified by joint agreement of Sheriff Laurie Smith, the NIC and the consultants to include the following:

**Objective: To understand and assess employee culture in the jail.**

Questions to be answered:

- \* Do employees feel the agency's written policy provides adequate guidance to help them know what to do and what not to do?
- \* Do employees feel their training is adequate to direct them as to what to do and what not to do?
- \* Do employees feel physically safe working in the jail?
- \* Do employees feel supported as they do their jobs?
- \* Do the formal lines of leadership and authority support a healthy and accountable organization?
- \* Do employees feel as though other partners (medical personnel, facility) are equally committed to success?
- \* What do employees feel are the best aspects of the agency?
- \* What do employees feel could be improved?
- \* What could be done to improve communication in the agency?

The intent of the technical assistance was to represent the thoughts and feelings of SCCS employees, while also trying to determine whether elements of the culture allowed, or even condoned, the mistreatment of inmates like the employee actions that led to the death of Michael Tyree in August 2015.

The NIC award provided three days on site for the technical assistance providers and it was soon clear that the scope of work would have to be limited to maximize value under the time

constraints. We are confident that we gathered adequate information to reliably report the opinions of employees with a degree of reasonable certainty.

We have included some resources and references in this paper. There are additional resources and explanation we could have provided on each recommendation given more time, but some topics will be a lower priority to the SCCS. Although the delivery of this report fulfills our scope of work, we will continue to be available to assist the SCCS.

## **Methodology**

Prior to the on-site work, we had telephone conversations with Sheriff Smith and her staff and we reviewed several documents, including information from the Sheriff's Office, the Blue Ribbon Commission Report, reports by Aaron Zisser, the Jail Observer Program, and others. Additional documents were provided at, or after, the site visit and those were also reviewed.

We visited Santa Clara County from March 30-April 1, 2016. During the on-site visit, interviews and conversations with community stakeholders were arranged via the sheriff's administrative staff and held at the sheriff's office headquarters. Interviews were typically limited to 30 minutes unless people were coming as a group, in which 60 minutes was then allowed.

To gather employee information, we visited the Main Jail, both north and south, and the Elmwood men's and women's facilities. We asked for, and received, a senior deputy or sergeant to escort us rather than someone of higher rank. Each of our escorts would typically take us to a housing area, then wait to the side as we spoke with employees assigned to that area.

We usually directed our escort where to go, although sometimes we would simply ask to be taken to areas where multiple employees would be found. We were particularly interested in the 6<sup>th</sup> and 8<sup>th</sup> floors of the Main Jail facility and the intake area. Intake areas, also known as booking areas, are the jail location where force is most commonly used; therefore, a good place to observe the interaction between staff and arrestees. The high frequency of intoxication and emotion in the intake area may lead jail employees to develop interpersonal styles that are closed off and abrupt if they are not provided adequate training and resources.

We randomly chose employees to speak with - never asking for volunteers. Based on what we had read and been told, we expected employees to fear retaliation if they spoke with us. This was not the case. Additionally, no employee declined to speak with us and only a few were initially hesitant, wanting to understand who we were and why we were there before talking. Our conversations were usually one-on-one, but at times we spoke with groups of two to four

employees. During group conversations, we employed interview techniques to minimize groupthink and ensure each individual had a say.

For employee conversations, we had pre-determined themes and questions. The interviews would most often begin with an open statement like, "Tell me what's going well and what isn't." We also asked specific questions like, "Rate your perception of morale," and often posed hypothetical inquiries like, "If you were sheriff, what would you do to improve things in the next few months?"

After we spent time in the facility and employees understood why we were there, we received additional requests from others who wanted to speak with us. Due to the limited time, we scheduled some follow up conversations by telephone after we left Santa Clara County. These telephone conversations were completed one week after the site visit, and all individuals we spoke with were guaranteed confidentiality.

All in all, we spoke with 77 line-level employees, 6 Sheriff's Office administrators and almost 30 jail stakeholders. These included medical and mental health personnel (both administrative and operational), chaplains, Blue Ribbon Commission members, the Public Defender's Office, the Correctional Peace Officer's Association and others who had insight into the agency.

The responses from all interviews are aggregated in this report. The first section is the historical recollection we heard and how it contributed to the current situation. The second represents comments of individuals we interviewed, followed by our observations and recommendations. The third includes recommendations that may or may not directly tie to employee comments, but ideas that we hope are of value to the SCCS in the weeks and months to come.

## THE CREATION OF A CULTURE

### How did SCCS get here?

Those with knowledge of the history of the Department of Corrections (DOC) have varying views on how the current culture came to be. One person with considerable history with the agency said, “This has been an evolution.” It seems clear that the root of many issues goes back to the separation of the DOC from the Sheriff’s Office. The transition was tense and while the agencies were separate, two different organizational cultures naturally developed. When the sheriff again took over the DOC, these two cultures never formed back into one. Some employees welcomed the return, especially the resources and opportunities that the Sheriff’s Office could provide, but others felt that they were a lesser status to the enforcement side.

*Status perceptions.* There are many reasons why the perceived status differences of enforcement and corrections stays in everyone’s mind. It is almost a universal feeling in the jail that the Sheriff prefers the enforcement side of the agency and has not paid equal attention to the jail. Beyond that, the daily language the employees use give the impression that the enforcement side and corrections side are exactly that – sides – rather than one agency. Keeping the “Department of Corrections” terminology, wording that is associated with state prison systems, continues to separate the jail from the rest of the agency. Even the badges that employees wear separate the original corrections officers from sheriff’s deputies.

As is typical in human nature, people hold onto stories that support their perceptions. From pay to equipment issues and operational needs, jail employees continue to compare their situation with the enforcement side and other agencies. One particularly sensitive area to some employees from the DOC is that they had to reapply for their job when the sheriff took over. While there were reasons for the sheriff asking DOC employees to complete an application to become a sheriff’s deputy, those employees were offended to have to go through that process to keep the job that they had been doing for years. A very few even continue to associate with the past DOC organization and seem to refuse to admit it no longer exists.

Even within the county government, the supervisors have maintained an element of control over the jail by retaining the authority to appoint the chief of corrections. While this has worked since the merger, better policy would be to give the sheriff that authority, and then hold the sheriff accountable for the result. The way it is now is another reminder that the DOC is somehow different from the rest of the Sheriff’s Office. While it may be practical, and could



even be a good idea, it supports the idea that there is a separation from the rest of the agency. It also suggests that someday the county supervisors may change their mind and take the DOC back, leaving employees with a sense of uncertainty about what their future may look like.

Many longer-term employees perceive that the negative or unethical culture traits reach back to the independent DOC, which they believe had a higher rate of misconduct, use of force and a general lack of staff motivation. A couple of people offered that they had heard of “elevator rides” where inmates were beaten. One person said that the practice had continued until recent times, although there were no facts to support this. With historical recollections like this, it is difficult to separate reality from folklore. We think there is little reason to spend more time on the past, other than to understand that the cultural challenges in the agency extend back many years.

*Staff and supervisor experience.* Another important note of how history has created issues for today is the experience level of supervisors. When the DOC was a separate organization, deputies who were promoted to the rank of sergeant probably started their career in the jail and had a fundamental jail experience prior to be promoted to the rank of sergeant. Today, many sergeants are coming into supervisory positions with no corrections experience because they were hired into an agency without the DOC. Veteran deputies occasionally reported frustration with sergeants not knowing their job or being able to guide them in the jail tasks. If true, this may lead to a lack of confidence in those sergeants by experienced correctional officers and a lack of confidence by the newly promoted sergeants who do not have the requisite correctional experience which is necessary to effectively supervise such a complex organization.

Several jail employees retiring in the foreseeable future will present both a challenge and an opportunity. The challenge will be a loss of institutional knowledge. The SCCS should be very conscious of the fact that the new generation of employees will be a more inexperienced workforce. Inexperienced staff are often less mature and quicker to react with force. At the same time, this is an opportunity to reevaluate academy training and the jail training officer program to positively impact the perceptions and attitudes of a large number of employees from the first day of their career. If done well, the new generation of employees can be given knowledge and skills more suited for today’s jail operations and, by also training existing employees on the same concepts for inmate supervision, the jail could become a model operation within a few years.

*Resource issues.* A third major factor that continues to contribute to the current culture is that the DOC/Sheriff’s Office merger was grounded in the need to cut County expenses as a result

of the economic downturn. Since then, there have been even further cuts and no global evaluation of the balance of public safety resources in Santa Clara County. Although we did not study budgets and staffing levels, it is our perception that many of the current issues in the jail are the byproduct of these years of minimal budgets. From the time the DOC was reintegrated into the Sheriff's Office, followed by subsequent years of economic hardships, there is a prevailing sense that the Sheriff's Office has had less resources to deal with an older, sicker, more violent inmate population with significant mental health issues. We suspect that the jail has not had the organizational care and feeding that it needed. A lack of adequate resources, combined with more demand, makes many issues somewhat predictable in hindsight.

## SPECIFIC STAFF CONCERNS/PERCEPTIONS

### Morale and Job Satisfaction

The SCCS employees clearly feel demoralized, frustrated and embarrassed by the negative public attention on the agency. They strongly feel that the public perception of widespread brutality in the jail is unjust, and the death of Michael Tyree is as unbelievable to them as it is to the community. We often heard comments like, “It feels like everyone thinks we’re in here beating inmates every day.” and “What happened is not a reflection of this agency.”

When asked their personal reaction to hearing the news of the death of Tyree and arrests of deputies, the most common response was they were “shocked” that three of their fellow deputies would beat an inmate to death. Sheriff’s Office leadership has not been able to share details of the death because of the criminal investigation, and this lack of information has left employees to their own speculation as to what happened. Many who have a hard time comprehending that something like that could have happened continue to believe that there may be more to the story. Some expressed a theory that it is possible for inmates to block the locking mechanism on their doors and they wonder if another inmate may have gotten out of their cell and done the beating rather than the deputies. Family members and friends of criminal defendants often struggle to believe that their loved one committed the crime they are accused of and, while the defendant deputies are not necessarily loved ones, the struggle to believe guilt by someone you know is a common human reaction. The lack of information, combined with seemingly unfair public speculation, has left employees feeling uncertain, uninformed and frustrated about something that affects them deeply, personally and professionally.

In addition to the public attention, many employees felt further demoralized by comments made by the Sheriff following the death. Some said that the charged deputies should have been referred to as “alleged” suspects, but instead they were referred to as “guilty”. Many also recall reading comments that the Sheriff was going to “weed out the bullying” and that there was more misconduct to be uncovered. D team, one of four teams in the jail, was publically called out for having a disproportionate rate of the use of force when compared to the other teams, essentially labeling them brutal. Employees across the jail have taken those comments personally and many said they felt disrespected by the intimation that misconduct is common. There is a sense that the comments put everyone in the same category and failed to recognize and support good employees.

The sense of demoralization brought about by the media, general public perception and public comments by the Sheriff, was nearly unanimous. Deputies agree that morale is at or near an all-time low, although many said it was starting to improve. When asked to rate morale on a scale of one to ten, the most common response was “two” with a range from one to five.

We saw deputies who were exemplary with inmates. They practice positive interpersonal communication techniques, understand modern correctional practices and want to see the agency grow in a positive direction. But overall, there was a prevailing sense of uncertainty and fear. Policy and supervision will be discussed later in this report, but we are compelled to mention it when discussing morale. The lack of clear and reliable policy, combined with undeveloped leadership, are two major limiting factors to the agency healing and reaching its potential. Employees need to know clearly what is expected of them and they need to feel supported at all levels when they do the right thing. The SCCS employees have neither right now, and fear of the unknown is somewhat paralyzing to them.

Another nearly unanimous perception by staff is that a slow shift of institutional power and control has moved away from the corrections deputies and into the hands of the inmates. The inmates are currently manipulating their conditions by using threats of grievances, media attention, lawsuits and other means that would bring undue scrutiny on the jail employees for doing their jobs. We also heard that stakeholders who have witnessed the actions and reactions within the jail are also being manipulated by inmates, or are unduly influencing deputies. Some stakeholders stated the very same concerns as deputies, fearing manipulation and retaliation for not giving in to what an inmate wanted.

This type of manipulative behavior is not uncommon in jails after high profile situations. The harm is twofold. First, it creates employees who are hesitant to act due to a concern that they may receive a complaint and undue scrutiny. They may hesitate to act in a controlling manner or hesitate to act at all. Employees who work under uncertainty and fear of the unknown do not effectively deal with inmates. Secondly, this type of manipulation dilutes the legitimate grievances and needs of inmates in the jail.

This sense of fear is inhibiting the best interests of the jail. Employees report fearing inmates - physically because of low staffing and professionally because of a fear of retaliation. They also report a strong fear of agency administration if they do anything wrong. They generally do not believe they would be given the benefit of the doubt in an investigation right now. The daily fear from above and below, combined with the public scrutiny and low morale, has impacted their work and their lives. There appears to be little recognition in the agency, or the

community, about the difficult emotional impact on those employees remaining in the jail and doing a good job every day.

Similar to fear, employees describe a deep lack of trust within the agency. If one considers all of the executive positions, middle management, supervisors, line staff, the union(s), commissions, committees, media, and others who impact the jail, there is a complicated web of distrust that permeates many, and maybe most, of these relationships. Employees report that they are weary of the public fights and infighting. We did not have time to explore some of the perceptions of camaraderie, past and present, and the sense of connectedness to the agency, county government and community, but we sense an overall demeanor of guardedness by almost every employee we spoke with. Healthy organizations breed professional comradery and, while it exists in the SCCS, it is not as strong as it should be.

As previously mentioned, it was almost unanimous that there is an unhealthy divide between enforcement and corrections operations. Employees reported that they believe the enforcement side is favored in executive attitudes, preferences, the division of resources and employee discipline. Some employees felt confident that people would be treated differently for the same misconduct depending on whether they were on the enforcement side or corrections. A few stated that enforcement employees get the benefit of the doubt during misconduct reviews but corrections employees do not. Across the board, corrections employees feel less valued.

A few staff specifically reported they feel frustrated because they never hear positive messages about employees and their work, only criticism. It is clear to us that almost everyone at the line level recognizes, and is proud of, the good work that is done every day, regardless of the scandals of the past few months. They feel their good work is unjustly overshadowed, both in the agency and the community, by the negative attention on isolated misconduct. It takes away from their pride and motivation and pushes them to focus on avoiding something negative rather than creating something positive.

At the same time, the vast majority of employees have enjoyed working for the SCCS and have pride in their personal education, their work and that of their coworkers. They are able to see beyond these recent events and know that the agency will once again be respected in the community. One relatively new employee stated that she went through the hiring process while the death and text messaging scandals were an almost daily story, but she had lived in the area for a long time and knew this agency was right for her career. Despite the negative feelings brought by media reports and public comments, most employees seem somewhat unaware of the deeper political controversies. They believe if they lay low and do their jobs,

they can ride out the storm. It is to their credit that they are focused on doing their job and getting through this difficult time.

Lastly, while there were many employees who felt the Sheriff had not stood behind them during the recent events, and some who think she should no longer be sheriff, there were also many employees who felt that she needs to “fix things”, but that she honestly cares about them and the agency and should continue to lead it during this period of organizational change. From their perspective, a change in leadership would only bring more turmoil and uncertainty in an already tumultuous time.

### **Staffing**

Jail staffing was overwhelmingly the most common concern mentioned by employees. We heard this from almost every employee at every facility. Staff at Elmwood report that employees moving to the Main Jail has left them with unsafe staffing levels. Staff at the Main Jail report that even with the transfers, they too are at unsafe levels. While the availability of overtime is positive for some employees, many more report that it is physically and psychologically draining, and adds to the stress of the job. Complicating this stress is the difficulty of getting vacation time approved.

Employees feel that low staffing threatens their safety because they cannot properly deal with inmates and move them in a secure manner. Some admit that the danger may be a misperception because they were trained with, and used to, higher staffing levels, but there is a common belief that their duties are not able to be carried out in a safe manner.

Some staff also commented about the effect of low staffing on inmates. It has been the practice of the SCCS to lock inmates in cells when staffing levels are low. One deputy described the issue well when he said, “[We need to] engage inmates and keep them busy. The lack of time out of their cell, because of staffing, raises the tension...” and that is unhealthy for everyone.

Stakeholders reported similar observations and agreed with employees about staffing conditions, both for them and the inmates. Stakeholders with other institutional experience realized the number of lockdowns was probably high, but understand that is the current policy. They also reported that some inmate services were cancelled because there were inadequate staff to move or supervise inmates during the activity.

Lastly, some employees were concerned about a lack of opportunity for female employees. Because of the difficulty of recruiting female staff and the need for them at the Elmwood

women's facility, they are effectively locked into that assignment and do not have the same opportunities for movement and experiences of their male counterparts. This is not uncommon in jails but is worth considering in future system changes.

It is our impression that SCCS staffing is not adequate for a healthy organization, especially considering current mandatory overtime requirements caused by staff vacancies. Staff should be inside housing areas interacting with inmates as frequently as possible. If staff do not have the time, or do not feel safe entering the housing areas, key interactions cannot occur and power shifts from the deputy to an inmate boss who rules by intimidation and extortion. As we were all taught in high school psychology classes, Maslow's hierarchy of needs places safety just above physiological existence. This concept applies to the jail culture as well as the community. There is nothing more important to the culture of a jail than the sense of physical safety for staff and inmates. When staff do not feel safe, they do not engage inmates. When inmates do not feel safe, they do not engage staff and often protect themselves by being victimized for protection or resorting to violence as prevention.

€ Recommendations:

- € Two staffing studies have recently been completed for the SCCS. The Sheriff and county supervisors should carefully review them to determine if one or both are valid. If not, consider using NIC resources for educational materials or technical assistance for a third study. The Sheriff and supervisors should not discount the studies based solely on an inability to fund them. Staffing studies are often ideal situations, but they can help prioritize resources to be funded at partial levels.
- € As part of the existing or future staffing studies, jail practices should be evaluated to determine minimal staffing levels that will reasonably provide a safe environment for staff and inmates. We suspect that some areas are understaffed, but some practices could be modified to reduce personnel time required on a task.

## **Training**

Second to staffing issues are concerns about training, primarily the jail training officer (JTO) program. The SCCS uses a very traditional training system of sending new hires to academy training, then pairing them with an experienced officer for several weeks inside the jail in the JTO program. From what we were told the academy training and JTO program use obsolete learning systems and fail to take advantage of research on how adults learn. One employee

said, “We need to train common sense and not just tactics. The training program is not designed with adult learning principles in mind and some of the trainers have the knowledge, but not the wisdom.” We did not fully explore the curriculum and design of the training academy and JTO program, but based on what we were told, we will discuss ideas about training in our recommendations.

Overall, there is a sense that new employees are not adequately trained and are deployed in decision-making roles even before they complete this training. We heard many stories of people being placed on posts before they completed their training program. One employee even reported being placed on a solitary post for several hours on their first day out of the academy. None of these employees felt ready for those assignments.

For in-service training, employees expressed an overall lack, especially training on effectively communicating with difficult inmates. Every deputy in the academy now receives Crisis Intervention Training, but this is a fairly academic class about dealing with the mentally ill. There were regular comments to bring back Interpersonal Communication, or “IPC” classes. One employee summed up the concerns of many by saying, “Our training is emails and directives”. Employees are concerned about the lack of training for basic competencies and worried that the changes that are coming will be brought by directive rather than education. The transformations that will occur over the next few years will be a significant shift in the current employee’s existing belief system. In order for that belief system to transition more easily, the SCCS should take the time and effort to map a training and education plan and implement it wisely, listening to employee feedback along the way.

We heard many concerns that training officers often lack the experience needed for the assignment. Some employees said there is not as much pride in being a training officer as there used to be so to fill the slots, deputies are sometimes made training officers before they are ready. In addition to the perception of less qualified trainers, is the perception that the agency does not prepare them properly. The program to become a training officer was once eighty hours, but was cut to forty hours and is now only eight. There are JTO training models that do not require much preparatory training, but they rely upon employee development over a long period of time to get officers ready. The SCCS does not have that type of employee development program.

We also heard that staffing for training officers and overall training delivery systems were insufficient. One jail training officer said he had five trainees at one time, all in different areas of the jail, making it impossible to have a proper oversight and dialogue with them during their



shifts. There was an overarching sense that the training program is one of the areas most hurt by a pattern of “shortcuts”.

Alongside the issues about new employee training is a concern about training for supervisors. Fourteen sergeants were promoted within a relatively short amount of time, creating a first line supervision team with limited experience as sergeants. Employees also noted that many of them had limited housing unit experience because they had been in specialized assignments prior to their promotion. Employees recognize that a lack of experience on the floor, combined with a lack of experience as a sergeant, make the overall level of supervision in the jail inadequate. Also, some simply felt that some of the sergeants were not competent, or some had been recently disciplined, but were promoted anyway.

Lastly on supervision, we were told that demotions for a lack of competency do not happen in the SCCS. With any new assignment, some people may not have the ability to carry out their new duties. If it is true that there are no demotions, voluntary or involuntary, it suggests a culture where people are not held accountable or effectively coached into a voluntary demotion when they are performing inadequately.

On one hand, veteran staff are proud of the jail and have a sense that they are, or have been, the best. This may have contributed to their unwillingness to seek new ideas and participate in opportunities for learning and growth. Some of SCCS’s gaps and deficiencies might have come to light sooner if jail leadership had been more involved in national jail education opportunities and leadership discussions. There are no comprehensive national jail standards, so good jails must rely on organizations like the National Institute of Corrections, the American Jail Association and others to make them aware of best practices and emerging trends. Not maintaining occupational awareness, combined with limited depth of experience and knowledge among staff and leadership from the years when the DOC was separated, have combined for a weak depth of knowledge in the ranks of the SCCS. With an average census around 3,500 inmates, that lack of knowledge can negatively impact a significant number of individuals – inmates and staff.

The academy and JTO programs should be assessed against newer models of training that include adult learning principles and employee professional development. Consider blurring the lines between academy training, JTO training and first line supervision. Jail operations are mostly a craft that we learn from those who came before us, so academy training should include experiential learning within the jail. Curriculum should be developed that teaches new employees in intervals, not in 16 and 24 hour blocks. Reflection, journaling, group discussions

and other learning techniques should seek to build an employee who thinks and not just someone who does the tasks.

Similarly, JTO's need to know the right way to do the tasks and have the skills to coach behavior and provide effective feedback. Most JTO programs rely upon the traditional "daily observation report" with a rating scale for scoring. This method is obsolete and if the SCCS uses such a system, it should be replaced with training styles that stress learning processes and assessing emotional intelligence. An example can be found in the COPS Office Police Training Officer program that was developed for police functions:

<http://www.cops.usdoj.gov/default.asp?Item=461>. The program requires some adaptation to the jail function, but the concepts are the same and will help the SCCS apply learning principles into a training program specifically suited for their jail.

- € Recommendations:
- € Research best practices in correctional learning and develop a new academy and jail training officer program that relies upon adult learning principles.
- € Establish clear policies as to when deputies, who are still in training, can be in solo assignments and for how long.
- € Develop at least a two-year in-service training calendar that not only covers the necessary skills like firearms qualification, but also classes on communication, inmate rights and legal processes like the Prison Rape Elimination Act, inmate discipline rights and grievance processes.
- € Training officers and first line supervisors are the most important people in an organization. Training officers set the work ethic and expectations, and supervisors continue to instill it throughout the rest of an employee's career. SCCS supervisors, current and future, should be given the proper education and training they need to be more effective. While this will include task level operations, the best return will come from investing in their professional development and helping them recognize and deal with minor misconduct early on. They will also need training on effective coaching and appraisal skills, should the SCCS adopt a true performance appraisal system (discussed later).
- € Current and future jail leadership should immediately engage in opportunities to learn the current best practices of jail operations through educational seminars and information sharing like NIC's Large Jail Network and the American Jail Association

conferences. A wealth of educational information is online at NIC's website [www.nicic.gov](http://www.nicic.gov).

€ Decision makers should tour model facilities and develop ongoing learning relationships with them. The NIC, the state sheriff's association or state jail association would be good resources to find jails that are well ran and of similar complexity to Santa Clara's.

## **Policy**

Policy is not just what is written on paper. It is what is practiced, and practice creates the true culture of an organization. At one time, the jail had a compliance unit that was responsible for updating the written policy and helping ensure it filtered down to actions. Employees with several years of experience in the jail felt that the focus on good policy waned and operations started to adapt organically when the compliance unit was decreased in size and then eliminated.

The third greatest concern we heard from employees was a lack of confidence about knowing expectations. The written policy is unreliable, having become outdated or changed by directives that were not cross-referenced to the original policy. One employee said that practice comes more from tradition than it does direction because of this. Employees agree that they are not exactly sure what they can and cannot do right now, especially regarding use of force. They are fearful of doing something wrong, being "under the microscope" and getting in trouble when they were just trying to do the right thing. There is nearly unanimous agreement that policy and practice do not coincide and many stakeholders say practices commonly vary from shift to shift and place to place in the jail.

Employees express great frustration over policy changes that are not well thought out, nor communicated, but implemented immediately. A great example is the unintended consequences that resulted from recent changes in the grievance system. Before the policy change, most deputies would see a grievance and could often resolve it with the inmate in a matter of minutes. Now, because of a small number of deputies who did not handle grievances properly, everyone has lost the ability to deal with small issues themselves. Additionally, sergeants, already unable to give proper attention to their supervisory duties, must now gather grievance forms from lockboxes twice per shift. The goal of the grievance system should be to make sure inmates are heard and, if something is unjust, remedy the issue

as quickly as possible. With line staff left out of the grievance loop, regardless of the issue, grievances are not heard quickly or resolved efficiently. Staff recognize the irony in this policy shift.

The original grievance system was poor and lacked accountability, but employees feel the violations of policy should have been addressed firmly with the individuals involved. Instead of building a culture of accountability, a whole system was changed in a day to address misconduct that should have been handled at an individual level.

There is not a lot more to say about written policy other than to reiterate that current policy is not the reference manual that it should be for the agency. While there are many policies and practices that need updating, we are aware that many capable professionals are providing consultation on those matters, however, we would urge a thorough and thoughtful update of the use of force policy as immediately as is possible.

The SCCS would greatly benefit from embracing the leadership practice of “educating for change” whenever a major policy or procedure is updated. Staff will better adapt to the changes and be less worried if they understand the reasons behind the decision and are given some time to mentally adjust, ask questions and prepare for it.

Whenever possible, administration should ensure staff are properly educated about policy and practice changes prior to implementation. Even better, include staff at various levels of the organization in the development of new policies to create better communication and buy in throughout the jail.

€ Recommendations:

€ Update, educate and train on a new use of force policy as soon as possible.

€ Create well thought out, well written and reliable policy that guides employees. Help them understand the reason for the policy decisions to develop the culture of a learning organization.

## **Supervision**

The concern about staffing levels not only applies to deputies, but to sergeants as well. In most organizations, there is a wide range of knowledge, skills and abilities in any assignment.

However, the separation of the DOC and Sheriff's Office for an extended period may have led to the first and second line supervision levels now having a narrower range of competencies. Employees reported little guidance and supervision from sergeants, and sergeants reported little guidance and supervision from lieutenants. This does not mean there are not exceptional sergeants and lieutenants – we met several – but it does suggest a number of them are not properly trained or properly fulfilling their duties. First and second line supervisors work directly with the staff every day and should be correcting minor misconduct before it becomes a major transgression. If they do not, there is a greater probability of future misconduct and errors in jail processes.

Healthy organizations have first line supervisors with the knowledge and confidence to address misconduct at its first instance. In almost all jail scandals, one can look back to supervision prior to the event and see failures over months or years beforehand. When the culture of an organization leads to weak front-line leadership, culture trumps policy and negative informal leaders and power groups have opportunity to carry out their personal agendas.

Fourteen sergeants promoted in a very short amount of time might cause an agency to dig deeper into the promotional pool than they were traditionally comfortable with, but the SCCS complicated it further with an ineffective promotional process. Oral interviews are one of the worst predictors of behavior and we understand that the two most recent promotional processes relied on only five interview questions which was later limited to three. We understand that the Sheriff does not control the promotional process, but we do not know how much influence she has over it. Regardless, if it is true that promotions were based on a handful of interview questions, it is understandable as to why there are a lack of competencies at the sergeant level. The SCCS will now need to invest significant effort into the development of existing sergeants to provide them with the necessary skills to be successful.

The promotional process in the SCCS should be updated to a contemporary style that measures a range of attributes. Similar to our thoughts on employee appraisals, a good promotional process should identify the knowledge, skills and abilities of a good sergeant or lieutenant and then assess an individual against those desired characteristics. It is our understanding that the recent promotional process was as minimal as it was because well more than 100 people applied and it took days for the interview panels to process that many people. We were also told that past misconduct was not considered.

Almost every promotional process in a large agency has a set of minimum criteria for applicants. These often include time with the agency and no misconduct issues within a certain period of time prior to the application. These agencies may then use a written exam to

limit the number of people who move on. If 120 people applied, the written test could help manage the process by only advancing a certain number or percentage of applicants. Another approach, and one that we prefer, is to have minimum standards at each phase of the process. For example, an applicant may have to score 85% on the written exam to move forward, then 80% on three practical exercises, and 90% on the final oral interview. For it to work, you must hold true to the standards regardless of the number of people who advance. The advantage of this system is that you are maintaining consistent standards for promotion from year to year. A possible disadvantage is that an agency may not have enough people who successfully pass all of the criteria to fill promotional openings. In that instance, the testing process could begin again when the promotional list is exhausted.

Additionally, we would encourage a job task analysis, followed by an assessment of the current abilities and responsibilities of sergeants to determine where their time and energy is spent and what gaps may exist between the current and ideal use of their time. We want to be clear: we have discussed many concerns about the sergeant level, but we have no information or impression that the people wearing those sergeant's stripes are incapable or unwilling to carry out their duties. We suspect that a job task analysis will show that the sergeants spend too much of their time on administrative and clerical functions and have not received proper training and coaching to effectively manage personnel. They need proper policy, direction and training before any individual is judged as undeserving of their rank.

We focused our time mostly on line staff and sergeants since they are the ones who carry out the work of the agency, but we heard similar complaints about lieutenants. We are curious how much coaching and direction sergeants get from lieutenants, given that sergeants do not receive much formal training. If there is a future effort to clarify the roles, responsibilities, abilities and time resources of sergeants, it would be worthwhile to include lieutenants.

A handful of people suggested that the agency should establish a corporal rank to aid with supervision. That may be a consideration, but only after a full assessment of the sergeant's roles. Adding another level to an already weak system would only complicate the problems.

€ Recommendations:

€ SCCS leadership should clearly identify the knowledge, skills and abilities needed to be an effective supervisor and create a professional development program for supervisors based on adult learning principles. Curriculum should include an understanding of laws, standards and rules, including inmate rights, and basic operational concepts for the jail. Most importantly, it should include skill development on effectively

communicating to employees the positive messages of desired behavior and coaching on how to address undesired behavior. We have found the course of study *Crucial Conversations* to be helpful to some, in both their personal and professional lives.

[http://www.amazon.com/Crucial-Conversations-Talking-Stakes-](http://www.amazon.com/Crucial-Conversations-Talking-Stakes-Second/dp/0071771328/ref=sr_1_1?s=books&ie=UTF8&qid=1460652515&sr=1-1&keywords=crucial+conversations)

[Second/dp/0071771328/ref=sr\\_1\\_1?s=books&ie=UTF8&qid=1460652515&sr=1-1&keywords=crucial+conversations](http://www.amazon.com/Crucial-Conversations-Talking-Stakes-Second/dp/0071771328/ref=sr_1_1?s=books&ie=UTF8&qid=1460652515&sr=1-1&keywords=crucial+conversations)

- € Bring sergeants together in an environment that is safe to share thoughts, ideas and concerns about employee expectations, development and leadership. One of the best ways to instill culture is to develop it through peer association and support.
- € Conduct at least a simple job task analysis to determine the current responsibilities of a housing sergeant. The results should be evaluated to ensure there is adequate time for sergeants to provide direction, mentorship and correction to employees.
- € Develop an objective and thorough promotional process that assesses a candidate's job knowledge, communication skills and ability to apply good supervision practices with employees and inmates.

## **Equipment & operational technology**

Employees report that equipment is lacking, or in need of repair, and sometimes creates dangerous situations. We heard many reports about security cameras not being in place or working. Employees recognize the value of preventing escapes with perimeter cameras, and housing cameras provide a safer and secure environment by documenting evidence that can be used for discipline and criminal charges if appropriate. The DOC has vastly fewer cameras than most facilities its size, and we suspect that the installation of cameras would deter violence and vandalism. We are aware that the Sheriff has asked for more cameras, but do not know the details for that request or how the SCCS plans to deploy them.

In addition, some employees reported that their equipment is insufficient, outdated or obsolete. There are an inadequate number of service weapons and some of the emergency response equipment, including the self-contained breathing apparatus (air tanks), are not in compliance with current standards.

Lastly, employees also recognize that technology could help them do their job more efficiently. The jail lacks basic information systems so nearly all processes are manual, taking valuable staff time to complete simple tasks. We understand that a new jail management system is

being purchased and sincerely hope that the selection process will map the jail's business systems, account for all aspects of inmate management while in custody and consider data outcomes necessary to monitor and assess key jail operations, inmate behavior and employee behavior. There is more on this topic in the next section.

€ Recommendation:

€ Inventory and assess current equipment needs into sets of priorities, so when resources become available purchases can be made quickly, but wisely.

### **Planning and communication: Getting the right information to the right people at the right time**

The most successful organizations are clear on their priorities and direction, and they communicate them well to employees and the community. Those priorities are best created from within the agency through a process that is, or is similar to, strategic planning. Priorities can vary from jail to jail, but three are prevalent for most (in no specific order): (1) the safety of staff and inmates; (2) the security of the facility; and (3) the mental and physical wellbeing of inmates beyond their fundamental safety.

The SCCS would benefit from a formal, jail-specific strategic planning process that identifies intended outcomes of the jail and then sets objectives, goals and action items – all in a prioritized manner to address the greatest needs with the most impact first, followed by lesser needs in the next two or three years. If done correctly, it could be a process that is used to not only identify needs, but to bring in employees, county supervisors, community members and others who have legitimate and valuable insight for the future of the jail. To be successful though, the process must be that, *a process*. Too often organizations create strategic plans in order to have a document that then sits on the shelf. Effective planning processes never end because the challenges will never end.

We heard many, many comments, at all levels, about the lack of inclusiveness and haste with which decisions are made. Life and safety issues may require an immediate decision, but otherwise, taking a few days to communicate with and get input from staff will provide better informed decisions and create staff awareness of why changes are happening. The Sheriff has an opportunity to engage employees in problem solving efforts and encourage operational solutions from the ground up. Focus groups, expert employees and even committees could



help solve the current problems while reengaging employees and building excitement for the future.

As we believe the SCCS is aware, their information systems are absent or archaic and provide little value to management. While it is beyond the scope of this evaluation to discuss business processes, desired outputs, interfaces and other technical challenges, it is important to note that good information systems support good cultures. The SCCS leadership should regularly review reports that show trends and comparative data on important operational measures like uses of force, inmate-on-inmate violence, inmate-on-staff violence, suicides, attempted suicides, complaints, general grievances, medical grievances, restrictive housing trends, timeliness of wellbeing checks and other information. Without the ability to measure important operational outcomes, leadership is left with only subjective impressions as to the status, increases or decreases in those measures.

For example, if the inmate grievance system was automated, inmates would not have grounds to accuse staff of denying them grievance forms. The agency could track every grievance, by category, and know how long it took to respond, whether the grievance changed a condition of incarceration and whether the inmate appealed the outcome of the grievance. Additionally, there are no personnel resources in the process other than remedying and responding to the grievances. These systems are common and often bundled with facility telephone or commissary contracts.

The importance of good data though is not about the numbers. A culture of accountability and learning can be built by using the trends or changes in those numbers to create conversations about why the change is occurring. The goal should be to reinforce good operational practice when it is having a desired change and to create new ideas and strategies when something undesired is happening. For example, will the future changes in the classification system lead to more or less inmate-on-inmate violence? Will changes in behavior incentives have the desired effect of less violence and less discipline? These systems take time to build, but are key to organizational learning and accountability.

Lastly, the SCCS may want to consider surveying inmates for their perceptions and observations. As with any survey data, the reliability of it takes time to build, but asking inmates questions like these can be of value to leadership:

- \* Do you feel safe in the jail? The greater the sense of safety, the less violence there will be.

- \* Have you seen weapons inside the jail? If the positive responses consistently increased, it may be an indication of fear and a predictor of violence.
- \* Have you seen contraband in the jail? Contraband leads to inmate misconduct, but it's presence can also be an operational guide for the effectiveness of intake and housing searches.
- \* Is the grievance process fair? This is an important issue to inmates and, if the question were asked right now, the response would probably be low. The management goal should be to increase that positive response until it reflects a reasonable level of satisfaction.
- \* Is the staff professional? As a measure of accountability, this is a fair question to ask and again, it should be about raising the trend of positive responses over time rather than worrying about what the number might be.

These are just some examples of how inmate surveys can be used to assess operational effectiveness and predict undesirable outcomes. It can be an early warning system from the inmates themselves.

- € Recommendations:
- € Use a strategic planning process to establish and communicate the most significant outcomes, goals and expected activities for the matters that face the jail, then use it to communicate to employees and the community. Ideally, this would include the next three years, but even a process that looks forward one year would be of great help to share throughout the agency.
- € Include staff in decision making when practical, especially when changes will affect the operational level of the organization.
- € As new information systems and applications are adopted, the SCCS should ensure there has been proper thought and analysis into the desired operational and management data needed for success. Jail systems should create efficiency and provide important management data through regular reporting.
- € Use the data reports as organizational report cards and moreover, use them to create conversations that reinforce desired trends or create strategies to address undesired trends.

€ Consider using data from inmate surveys as a tool to assess operations and understand inmate perceptions.

Any review of organizational culture and employee morale after a major event tends to highlight the negative, so we would like to mention the great people in the SCCS. We saw great human beings, not trained to their potential, but with a great ethic of wanting to do the right thing. Every organization has instances of misconduct, but we feel confident the misconduct is an anomaly for SCCS. There is clear evidence that the underlying culture of the SCCS is a good one. It is interesting, and a good sign, that although the majority of employees had the same concerns, there were few issues brought up outside of those we have discussed. Employees know what is needed and we believe they are willing to do their part to move the agency forward. Education and training will bring new insights to staff, and the support of good policy and supervision will help employees of the SCCS make this a great organization.

### **Observations on the Use of Force**

Given the current environment, we feel compelled to share our perceptions on what we heard and saw about use of force and staff demeanor. Staff had a consistent message that force is not abused in the agency. However, most staff do not have any perspective except what they have been taught and lived during their careers at the SCCS.

The quality of the employees in the SCCS is remarkable. They are good people who have intelligence and good hearts and want to do the right thing. However, they have been taught that the right way to deal with inmates is from a position of power and conflict. In their tone of voice, their safety procedures, the facility housing arrangement and almost everything else, staff have been taught that a demanding demeanor will gain respect and compliance. That may sometimes be the case with a few of the most violent criminals, but it appears that deputies treat every inmate, to some degree, like they are that seriously violent criminal. We saw very few instances where inmates were greeted cordially by staff with calming words like, "How are you today?" or "Good afternoon." The majority of staff-inmate interactions began with tension and a directive, rather than a request. When a deputy starts a conversation with a respectful request, and there is resistance, the deputy has an option to verbally escalate the conversation or try to calm the matter. However, when the conversation begins with an authoritative command, the natural reaction is to maintain or escalate the urgency of the demand rather than deescalate the conversation. In other words, if you start with a calm demeanor, you have options and if needed, it is easy to escalate. If you start with an escalated demeanor and meet resistance, many people perceive it as a personal challenge and will escalate the situation even more.

Again, we were impressed by many individual employees in the SCCS, but training and culture has superseded common sense for communicating with inmates as human beings. One employee said, with some disgust, that, “They want us to act like a counselor”. Well, yes we do when necessary. Whether it is in the jail or on the street, contemporary law enforcement officers must have a range of skills and approach situations as problems solvers and helpers. Jail staff can no longer just be “guards”.

Culturally, there is also an us/them mentality. The communication styles, unnecessary isolation of inmates in their cells, hyper vigilant concern for staff safety and the classification system all contribute to a lack of willingness or ability to interact with inmates at the lowest most respectful level possible. Staff have been taught a guarded outlook and do not believe inmates could be out of their cells many more hours of the day or that voluntary compliance is gained by respectful interpersonal skills. A demeanor that encourages voluntary compliance lowers both violence against staff and unnecessary uses of force.

Leadership should be aware and understand that staff may not take to these new ideas easily. They are likely to perceive that the way they have always worked is the best, safest way. Typical law enforcement cultures often think this is a soft, “hug a thug” way of doing business, and are resistant to learning softer skills. A transition should be well thought out and introduced in measures by champions. Not all existing staff may be able or willing to adapt their communication style, especially if it is challenging to maintain and requires an open mind to learn. Force is easy – “Do what I say or I’ll lock you up.” Although positive interactions may be difficult at first, staff will quickly see improvements in inmate and employee culture. More positive interaction between deputies and inmates will lead to less tension, problems and violence in the jail, and create a better place to work. Similar to our leadership recommendation, it would help staff to see operations of other jails in the region that provide a style of inmate management that cultivates a safe and positive atmosphere. Small groups from line and supervisor levels can visit other jail(s) and observe that there can be less tension and misconduct in a well-ran direct-supervision facility.

As stated, there appears to be prevalence of fear – not so much physical fear, but a fear of being unjustly blamed for doing something wrong. Community voices and the media create fear in the upper levels of the agency, leading to increased focus on accountability. A new sense of accountability, mixed with unclear policies and procedures, create fear in the rank and file of the agency. Line staff fear unfair retaliation by inmates for doing their job. While we did not interview inmates, it is a safe assumption that the environmental fear trickles down to the inmates who may perceive physical threats from staff and other inmates as well as threats to their rights, processes and opportunities.

All that said, we would be remiss in not addressing the proverbial elephant in the room – the use of force. We are confident there is no systemic use of excessive force in the SCCS. We rely heavily upon the conviction of staff members who are clearly doing the right thing every day, and on stakeholders who are in and out of the jail regularly. These stakeholders are unique because they see the inside perspective. They talk to inmates and have no obligations to hide information or protect the SCCS. We especially relied on the observations of medical and mental health staff, who would attend to inmate injuries over the years if excessive force was used. We realize they are employed by the same county as the SCCS employees, but we perceived nothing but honest and open feedback from them. Of all the stakeholders we spoke to, only one said they saw an instance of excessive force that caused them serious concern, but it had occurred a long time ago. Another reported concern about an inmate report of excessive force but was not in a position to inquire further about its legitimacy. Otherwise, stakeholders – and again, we give special consideration to the medical staff – reported they had not seen an instance of excessive force or brutality. With our limited sampling, this does not conclude there has *never* been excessive force, but their responses make it almost inconceivable that there has been a regular pattern or practice of it.

## COLLATERAL OBSERVATIONS AND RECOMMENDATIONS

We observed things, or have opinions on, matters outside the scope of this engagement, but offer them to hopefully add value to the SCCS moving forward.

### Inmate Behavior Management

Although an examination of the classification system is beyond our scope of work, many employees are aware that the SCCS is revising classification procedures. From the sheriff down, many report that the jail is over-classifying inmates, which means they are supervised and housed under more restrictive levels than necessary. This is a common problem in jails because over-classification is the safe thing to do – higher security means there is less likelihood of injuries or escapes. However, when inmate wellness and resource allocation are considered, many jails would be better off by looking at individual risk factors and behavior as guides to their classification system.

Implementation should be about more than the classification tool though. The foundation of good inmate behavior management systems is interaction between staff and inmates. Secondly, there needs to be a system of incentives to promote prosocial jail conduct by inmates. The availability of more commissary items, more visiting time, better audio/video technology and opportunities for true inmate programming (the SCCS has traditionally called time out-of-cell as “programming”) are examples of things that motivate inmates to be more respectful, follow the rules, avoid fights, etc. We believe a well thought out and well implemented classification system would mitigate staff time and allow for a more efficient use of personnel resources.

We commend the Sheriff for her initiative of contracting with one of the most recognized experts in the nation on inmate classification and the steps she has taken to downgrade many classifications and increase programming for mentally ill inmates.

- € Recommendations:
- € Continue revising the classification system and deploy it with adequate resources as soon as possible.
- € Continue to reduce the amount of restrictive housing and increase the amount of structured and unstructured time out of cells.
- € Create incentives for prosocial inmate behavior.

## **Communication**

In most organizations, issues often stem from poor communication. This holds true in the SCCS. From the Sheriff not getting accurate information about operations to the line staff not getting detailed information about changes in policy and practice, there must be a concerted effort by everyone to communicate more effectively. When policies or practices are going to change, an explanation of why that change is being made is critical. Directives or memos should explain the problem, discuss the options and explain why one option was chosen over another. Communication in the SCCS is very directive rather than communicative. For example, there was good reason why inmates who had previously been kept separated were now going to be let out together, but none of the staff we met knew what it was. To them, this was just another random change that they didn't understand. In another instance, staff were told that they could not use pepper spray on any designated mentally ill inmate, but no one knew why – including the medical and mental health staff in that area.

The Sheriff has opened her office to Saturday meetings with staff, which is a good opportunity for those who can come. However, it is impractical for many employees to get to her office, so we recommend she begin walkabouts, continually broadening her audiences. In times of crisis like this, employees need to see and hear her. That said, there are many pressing matters on her mind and a lot of challenges that she has to deal with in the community. She has to be able to rely upon her leadership team to carry her message. We commend Chief Hirakowa for spending hours talking to staff, listening and answering questions, but everyone else with rank should be doing the same thing. For that to work, everyone speaking for the Sheriff has to have enough information and insight to feel reasonably confident in what they say. We encourage larger circles of dialogue at the executive level so that more people are clear on the outcomes and can then pass them on.

Communication needs to grow in both directions and we hope the union(s) will join in that effort for everyone's sake. Good horizontal and vertical communication throughout the organization, delivered repeatedly and in a variety of formats, would help everyone.

## **Other personnel matters**

A healthy organization relies upon a regular and honest feedback loop to let people know how they are doing and how they can be more successful in the future. In the SCCS, most employees we spoke with said they had not received a performance appraisal in many years. Weak communication at the supervisor level combined with no formal system of performance appraisal both promote a lack of accountability in the agency.

The SCCS would benefit from an appraisal system that is based on proven methods but developed internally with input from every level of the organization and community stakeholders. Staff will have more ownership of the system if they help develop it and target it to their jail operations. Off-the-shelf systems sometimes lack the personalization needed for buy-in.

The most common problem with evaluation systems though is that they simply are not used. Software is readily available that simplifies the process of writing the evaluation and ensures that regular input is added throughout the year and completed on time. They also give administration the ability to make sure every employee receives an evaluation every year, or whatever the designated time frame would be.

When developing an appraisal system, the SCCS should have a long-term goal of including horizontal and vertical input into the evaluation process. While a “360 degree” process is likely unmanageable in an agency this size, some feedback, especially from direct reports about their supervisor, can be helpful. Self-evaluations as a part of the process are also useful. We have a considerable amount of information on appraisal systems and examples of ones we think are most effective. We could provide additional information if requested.

Now is probably not the right time, but at some point the agency will be better if it truly becomes unified. The more equal all sheriff’s deputies are to each other in pay, benefits, uniforms, opportunities, respect and other matters, the more cohesive it will be. The jail should never be a place where enforcement employees who engage in misconduct are sent. If they are not worthy of being an enforcement deputy because of misconduct, they should be fired. The culture should change to reflect one agency, with two different areas that do two very different things. Employees in one area are not better or worse than the other, they just have different duties and need different skill sets. Continued movement between organizational areas can help blend the culture, but there should be a preference for promoting and developing professional corrections employees. Jails are complicated operations. It is no longer sufficient to have blue-collared staff walking up and down cell blocks. They need smart, trained professionals who can adapt to the many situations and challenges in today’s jail environment – and the correctional deputies deserve to be treated like that.

Last but perhaps most importantly, we strongly urge the administration of the SCCS, as well as the union(s), to embrace and promote the use of the Employee Assistance Program (EAP). Being a correctional employee is a stressful job to begin with. Add on the additional stressors in personal lives, the embarrassment of public perception and the fear within the agency, and



employees are going to be strained. We met employees who are utilizing the EAP program on their own, but we did not hear of any systematic outreach to employees to help them through this difficult time. Cops are supposed to be tough - going to a counselor is weak. That's what our perceptions are and the idea that has to be overcome. Like the change in outlook with inmates, we would hope that any effort to promote broad use of EAP will be well thought out. We would suggest:

- \* Educate the staff on what the EAP is and who the counselors are. Utilize a known counselor to talk to staff in briefings or other comfortable settings.
- \* Champion the people and stories of EAP and let staff begin to share its success amongst themselves.
- \* Be absolutely clear on the privacy of the process and provide legal guidance as to the counselor/client privilege.
- \* Compensate employees for the first time they go.
- \* Have the unit that administers it be one that is perceived as safe. Do not have Human Resources manage it if they also manage discipline and terminations. Consider using a victim-witness or similar non-threatening unit.
- \* Build reference lists of the counselors with whom employees have had good experiences.
- \* Approach it from a sense of, "If you don't want to go for yourself, go for your coworkers. Lessen the stigma of going."
- \* Thank those employees who promote it and use it.

## CONCLUSION

The questions, and now the answers, we sought to address are:

- \* Do the employees feel the agency's written policy provides adequate guidance to know what to do and what not to do?
  - a. No. Policies are outdated, inadequate or not always adhered to.
- \* Do employees feel their training is adequate to direct them as to what to do and what not to do?
  - a. No. It may be minimally acceptable for the moment, but it is inadequate for the future. New curriculum and delivery systems should be considered.
- \* Do employees feel physically safe working in the jail?
  - a. They usually do now because of the lockdown practices. They often fear the idea of more inmate interaction because they have not experienced how the jail could operate with the right systems in place.
- \* Do employees feel supported as they do their jobs?
  - a. No. There is a pervasive distrust due to internal and external factors facing the agency right now.
- \* Do the formal lines of leadership and authority support a healthy and accountable organization?
  - a. To a degree. There are good people in leadership, but many who need training and development to be more effective.
- \* Do employees feel as though other partners (medical, facility) are equally committed to success?
  - a. Although there is tension at times, most employees feel the medical and mental health staff do a good job. The tension often comes out of frustration when dealing with mentally ill inmates.
- \* What do employees feel are the best aspects of the agency?
  - a. They remain optimistic about the future and know that the heart of the agency is ethical and professional. They want to see change, but they want it done thoughtfully and in a way they understand.
- \* What do employees feel could be improved?

- a. Staffing, training and supervision are the most common answers.
- \* What could be done to improve communication in the agency?
  - a. An articulable vision of the future with some detail about how and when the coming changes will happen. (If a strategic planning process was adopted, that process map could be shared throughout the agency).
  - b. Educate for change before adopting new policies and practices.
  - c. More frequent and meaningful information from the executive levels.
  - d. Lieutenants and sergeants should be carrying forth the message, getting answers to questions and being the communication bridge between administration and operations.

Most of the challenges that face the jail are not singularly uncommon in other jails across the nation. The unique dynamic that the Sheriff faces is that there are so many things to be done and everyone wants them done now. When organizations take on too many issues at once, they fail. The Sheriff and others need to be thoughtful and realize that this is a situation of circumstance that will require many years of cultural development. Even with the best efforts, it will take two to three years to develop the budget, the personnel and the systems that will ensure the jail is running as well as it can be. The jail is not broken, but it does need a serious tune-up. The foundation of a jail is good people and the SCCS has outstanding people. With planning, communication, training and good policy, we have no doubt that they will pass through these difficult times with a conviction to once again be one of the best jails in the country.

There is a vast amount of technical knowledge available through the NIC website including resources on many of the issues that are under consideration in the SCCS. Additionally, the SCCS may want to access additional technical assistance as the Sheriff did for this cultural assessment.

Respectfully submitted:

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RE: NIC Technical Assistance No. 16J1021

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The resource person who provided the on site technical assistance did so through a contracted agreement, at the request of the Santa Clara County Sheriff's Office, and through the coordination of the National Institute of Corrections. The direct onsite assistance and the subsequent report are intended to assist the agency in addressing issues outlined in the original request and in efforts to enhance the effectiveness of the agency.

The contents of this document reflect the views of Mr. Gary Raney and Mr. Ron Freeman. Points of view or opinions expressed in the Technical Assistance report are those of the authors and do not represent the official opinion or policies of the U.S. Department of Justice. Upon delivery of the final Technical Assistance report to the agency that requested the assistance, the report becomes the property of that agency. The National Institute of Corrections will not distribute the report to non-NIC entities, or consider it an agency record under the Federal FOIA, without the express, written approval of the agency.

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