

# County of Santa Clara

## Office of the Sheriff

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## MEMORANDUM

Laurie Smith  
Sheriff

**TO:** Laurie Smith, Sheriff

**FROM:** Captain David Sepulveda  
Lieutenant Joseph Nguyen

**DATE:** July 31, 2020

**SUBJECT:** Grievance and Appeals Unit Bi-Annual Statistics and Audit Report  
January 1, 2020 through June 30, 2020

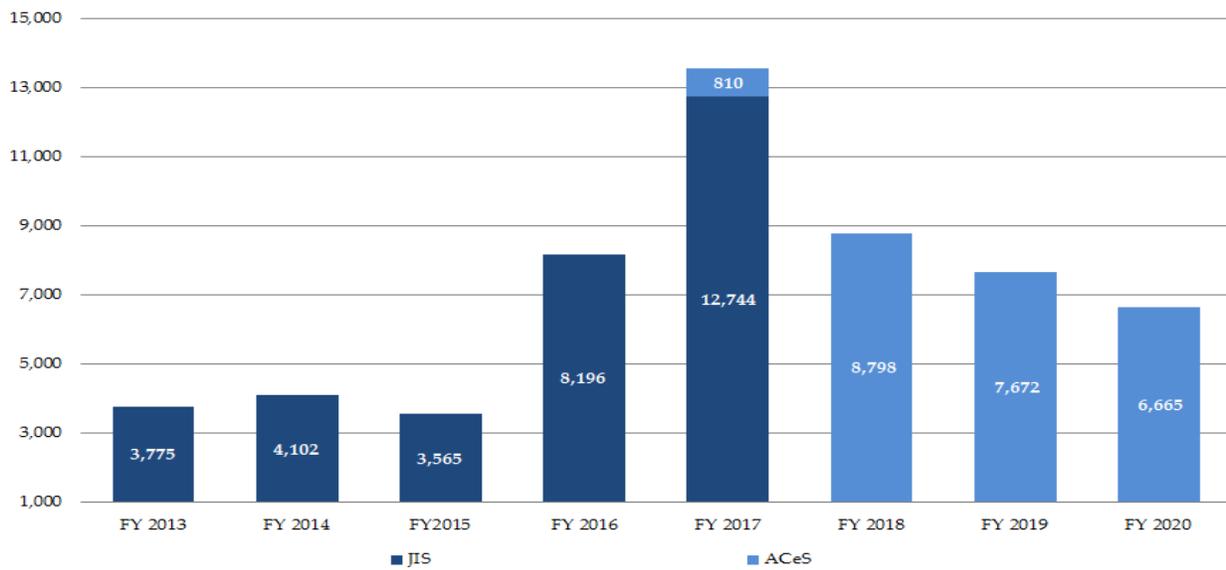
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Sheriff Laurie Smith called for change and established a Grievance Unit as part of her Jail Reform Plan in 2016. As a result, recommendations were suggested and improvements were made to strengthen the grievance system for all inmates in our custody. Prior to the implementation of the ACeS Grievance Tracking System, grievances were not tracked, responses were not monitored, and analytics were not performed on any grievance filed. Along with the automation of the grievance system on June 5, 2017, confidential grievance lock boxes were installed in each housing unit for inmates to safely and securely submit their grievances without fear of retaliation or their grievances being misplaced.

For the past three years, all grievances have been electronically tracked and centrally reviewed by the Grievance Unit Management Analysts. Once a meaningful resolution is reached by working with one of our Business Unit partners, each grievance is then ready to be distributed back to the inmate.

With the COVID-19 pandemic affecting the normal day to day operations of the department during the last few months, the Grievance System was truly put to the test and acted as the voice of the inmate population. Daily, weekly, and monthly grievance reports were sent to Business Unit Managers and Division Leaders to help resolve potential issues. The following statistical analysis is based on data from January 1 – June 30 2020.

**Figure 1**  
**Annual Inmate Submission Totals**  
**Eight Year Statistics**  
**Fiscal Year 2013 through Fiscal Year 2020**



**Historical Grievance Volume Compared to Current**

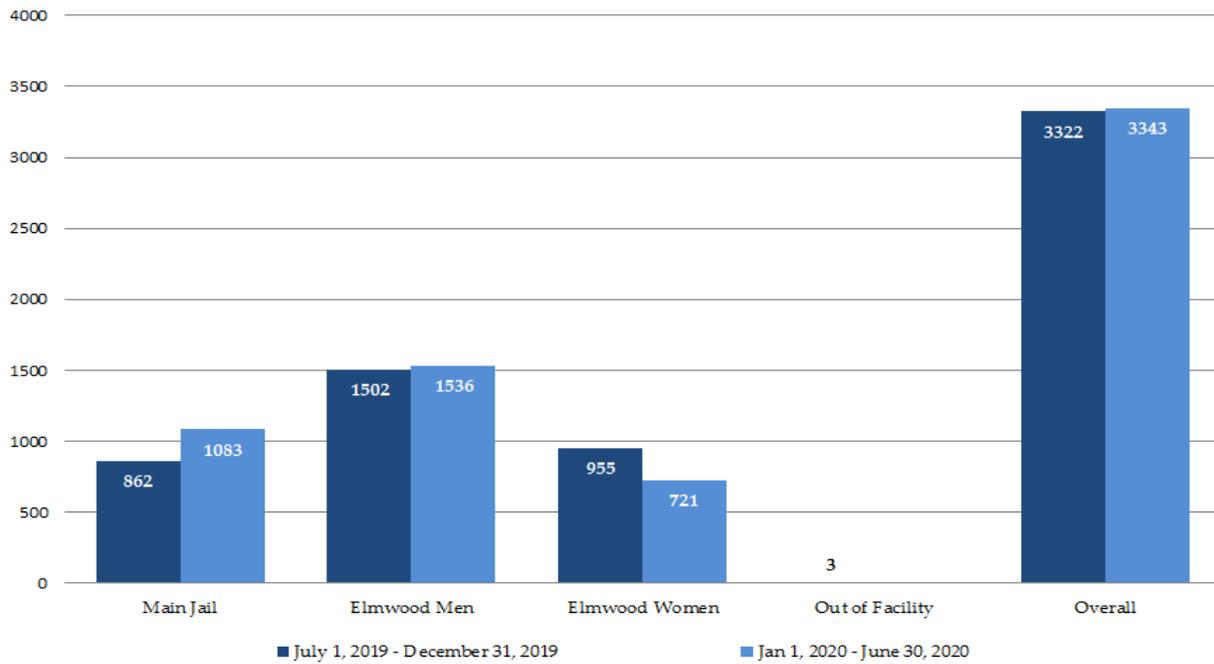
The chart above, *Figure 1*, depicts the total grievance submissions for Fiscal Year 2013 through Fiscal Year 2020. Since the ACeS Grievance Tracking System was initiated on June 5, 2017, all grievances have been electronically entered and tracked through the improved and strengthened system. Prior to Sheriff Smith’s Jail Reform Plan, all data prior to June 5, 2017 (indicated in dark blue) were tracked manually using an outdated Jail Information System (JIS).

As depicted above in Figure 1, grievance submissions continue to decrease downtrending from its peak in in Fiscal Year 2017. Compared to the same time three years ago, there has been a 51% decrease in grievance submission from Fiscal Year 2017 to Fiscal Year 2020.

The pandemic presented many unprecedented challenges for both our jail facilities and the criminal justice system. In a collaborative effort to decrease the jail population, judicial changes and directives were implemented in mid-March. As a result, the inmate population was reduced drastically and witnessed a 39% decrease compared to the same time three years ago; this could be an attributing factor to the lowered grievance count.

**Figure 2**

**Grievance Submissions by Facility  
Jan 1, 2020 - June 30, 2020**



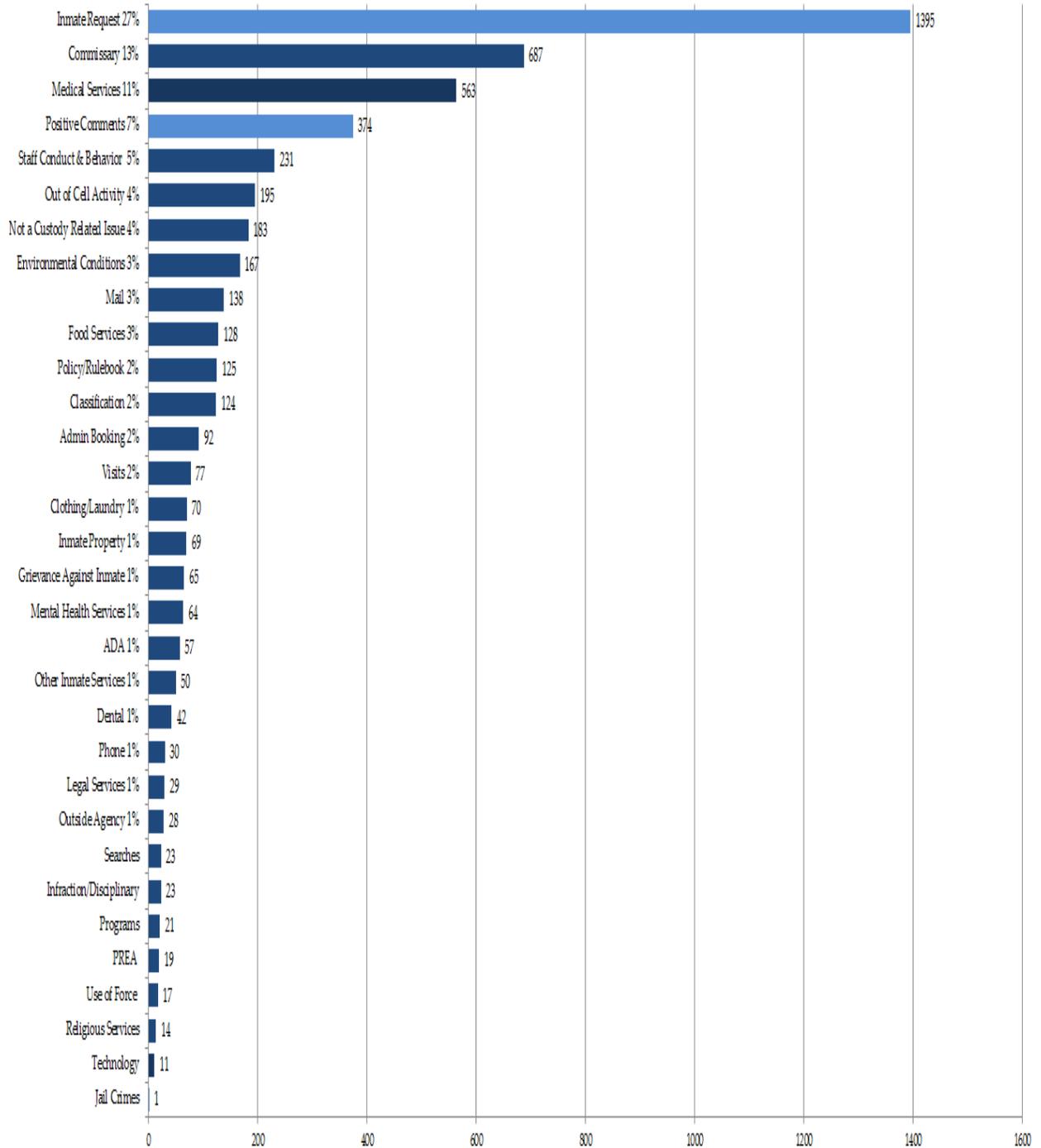
**Inmate Grievance Volume by Facility**

The chart above, *Figure 2*, illustrates all grievances processed for the 2<sup>nd</sup> half of Fiscal Year 2020 (indicated in light blue) compared to the previous 6 months or the 1<sup>st</sup> half of Fiscal Year 2020 (indicated in dark blue) by the respective facility.

In total, inmate grievance submissions increased by .6% in the second half of Fiscal Year 2020. The Elmwood Men’s Facility increased by 2.3% and the Main Jail increased by 25.6%. This was largely due to additional grievance submissions for the “Commissary” category during the last few months. In an effort to limit the spread of the virus from coming into our facilities, commissary services were temporarily suspended for all inmates in mid-March. When compared to the previous 6 months, January – June 2020 recorded 482 or 235% more grievances in this category. Conversely, the Elmwood Women’s recognized a 24.5% decrease in total grievances for the same time period. Compared to the previous 6 month period, there has been a 38% decrease in population for the Elmwood Women’s Facility. This statistic is consistent with the overall decrease in population of the entire jail system of Santa Clara County.

**Figure 3**

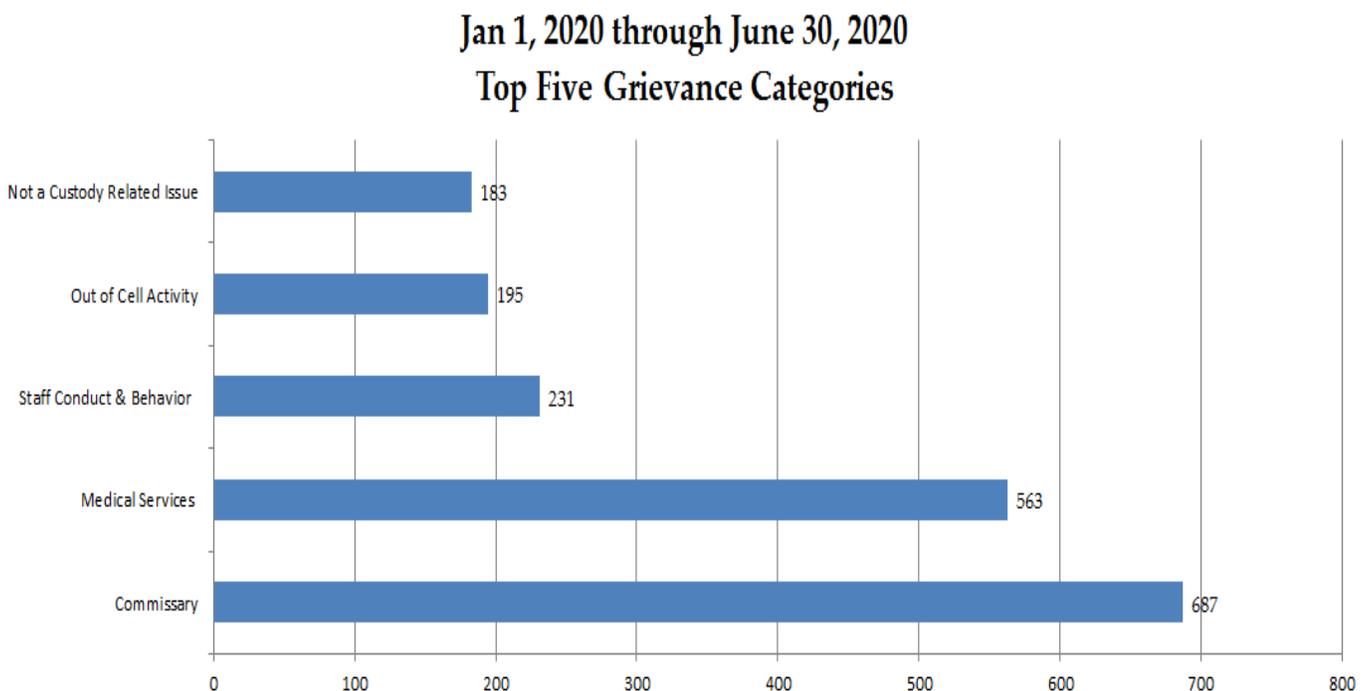
Grievance Totals By Category  
Jan 1, 2020 through June 30, 2020  
3343 Grievances + 1395 Inmate Requests + 374 Positive Comments



### **Inmate Grievance Volume By Category** (Please refer to "Figure 3" on the previous page)

Inmates are able to grieve any condition of confinement, including policies, decisions, actions, conditions, or errors that have a physical consequence on health, safety, well-being, non-participation or access to programs over which the Sheriff's Office has control. In addition to the 3,343 grievances submitted for the 2<sup>nd</sup> half of Fiscal Year 2020, there were 1,395 "Inmate Requests" and 374 "Positive Comments" submitted by inmates that the Grievance Unit processed. While not considered to be inmate grievances, the Grievance Unit does formally track and process the Inmate Requests they receive and also relays the Positive Comments back to the jail facilities. Appropriately, these two categories are not counted in the overall grievance statistics for our Grievance Reports. However, it should be noted that these two categories account for an additional 1,769 grievance submissions, which equates to 35% of all the work that the Grievance Unit processes.

The Top Five Grievance Categories (excluding the two categories mentioned above) total 1,859 grievances, which is 56% of the total grievances submitted for the 2<sup>nd</sup> half of Fiscal Year 2020. These top five grievance categories are:



The top two inmate grievance categories during the last 6 months were “Commissary” (#1) and “Medical Services” (#2). With the uncertainty that the COVID-19 global pandemic presented, the department needed time to reevaluate the commissary process to reduce the amount of contact from a third party vendor from distributing items to our inmate population. Before a modified commissary agreement was reached with the vendor, the Sheriff’s Office ordered and provided all inmates (at no cost to the inmates) with a one time ‘Commissary Care Package’ which included stationery supplies, hygiene products, and popular snacks.

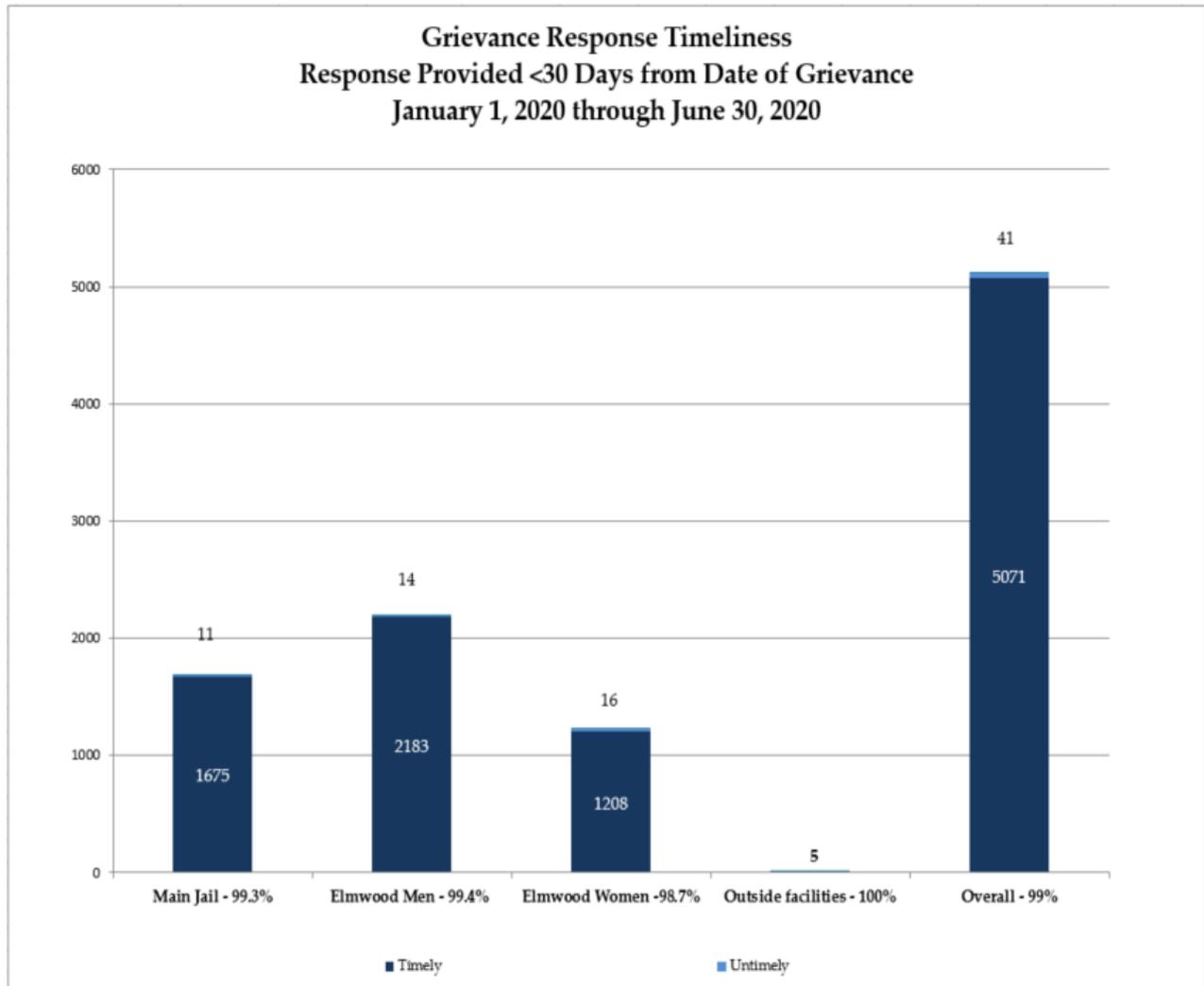
A modified commissary agreement was reached between the Sheriff’s Office and the vendor two weeks following the temporary suspension. The department continued to monitor the grievances and made adjustments to the modified commissary services based on the complaints received through the grievance process. As a result, there was a 81% decrease in grievance submissions for the “Commissary” category from April to May 2020.

Although the “Medical Services” category placed itself as the 2<sup>nd</sup> Most Frequently Grieved Category for the month of May, there was an 18.5% decrease or 128 less grievances compared to the previous 6 months. May and June 2020 both recorded 50+% decreases per month compared to their respective months from a year ago.

The Grievance Unit also receives “Positive Comments” from inmates using the same submission system as grievanses. During this six month review period there were 374 positive comments about staff submitted by inmates. “Staff Conduct” grievances accounted for 4.5% of all grievances submitted during this review period, while “Positive Comments” accounted for 7.3%. This statistic continues to show a positive trend between these two categories as there were 1.6 “Positive Comments” submitted for every “Staff Conduct” grievance.

The Jail Crimes Unit is tasked to investigate every criminal allegation made by inmates and submitted on a grievance. During the last 6 months, the “Jail Crimes” category only received 1 grievance complaint and only 2 total complaints for the entire Fiscal Year of 2020. The Grievance Unit will continue to work with our investigative unit partners and forward all criminal referrals to ensure all complaints are taken seriously and be investigated thoroughly.

**Figure 5**

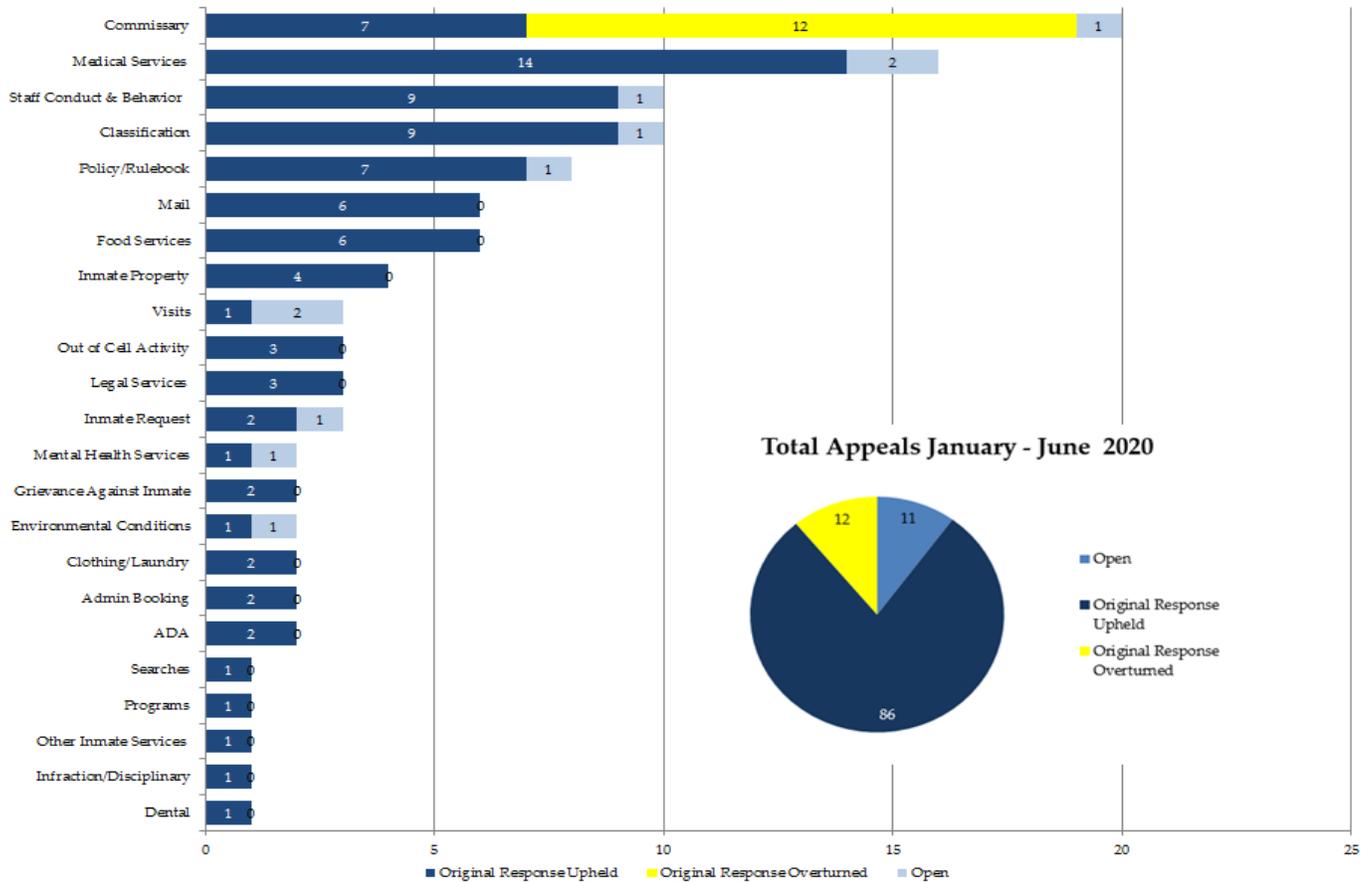


**Grievance Response Timeliness** (Please refer to "Figure 5" above)

Figure 5 highlights all grievances tracked through ACeS, including "Inmate Requests" and "Positive Comments." Although those two categories are not considered true grievances, the Grievance Unit collects, processes and tracks any and all submissions from inmates. Once entered into ACeS, the Grievance Unit has a goal to respond to all grievances meaningfully within 30 days. Some grievances necessitate further investigative measures in order to provide a resolution for the inmate. Thus, achieving the 100% timeliness objective might not always be feasible. For this review period, 99% of all submitted grievances were answered and returned back to the inmate within 30 days of their submission date. For the full fiscal year July 1, 2019 through June 30, 2020 all grievance responses were consistently reporting at a 99% timeliness rate.

Figure 6

**Grievance Appeal Dispositions  
Original Response Upheld vs Original Response Overturned  
by Category - 109 Appeals  
January 01 through June 30, 2020**



**Grievance Appeals** (Please refer to "Figure 6" on the previous page)

The Grievance Appeal process allows an inmate the opportunity to contest the original disposition of a grievance. Inmates are allowed one appeal per grievance and it must be submitted within 30 calendar days of receiving the grievance disposition. Once the appeal is entered into ACeS, management from the pertinent Custody Division or Business Unit will evaluate both the appeal information and the original grievance response to ensure a meaningful resolution was achieved. If management determines that the resolution was not effective or sufficient then they will overturn the original disposition and seek the proper resolution. Conversely, if management determines that the matter was properly resolved then the original disposition will be upheld.

Out of 3,343 submitted grievances for the 2<sup>nd</sup> half of Fiscal Year 2020, 109 or 3.3% of all dispositions were challenged by the grievant. Since ACeS was adopted in 2017, the percentage of appeals to grievances has not been higher than 5.5%.

## **Conclusion**

Since the implementation of the ACeS Grievance and Tracking System three years ago, not only are grievances tracked and monitored, but analytics can be reported from the data gathered from the ACeS system. With the reporting capability, the Grievance Unit has been tasked with providing a myriad of trend reports to not only Business Unit Managers and Division Leaders, but to the Board of Supervisors and Plaintiff's Counsel. All public reports are available on the County of Santa Clara website under Sheriff's Jail Reforms.

The unrepresented COVID-19 global pandemic is one that law enforcement agencies, including the jail system have never faced. Changes and modifications to our normal day to day operations were necessary as our principal mission is the protection of life. With the abrupt interruptions to activities, programs, and services, inmates utilized the grievance system to express their displeasure and how the pandemic affected their daily lives within the confines of the jails. The Grievance Unit kept close track of all COVID related grievances and relayed all the complaints for immediate actions from the respective divisions. As a result, modifications were made and when possible, services were safely and slowly reintroduced back to the inmate population. During this pandemic, the Grievance Unit has acted as a direct liason between the inmates and the Administration to truly provide meaningful responses during these unprecedented times.

CC: Rick Sung, Undersheriff  
Timothy Davis, Assistant Sheriff  
Kenneth Binder, Assistant Sheriff  
Mike Doty, Assistant Sheriff  
Mark Padget, Captain, Elmwood Division  
Thomas Duran, Captain, Support Services Division  
Christopher Grumbos, Captain, Personnel Unit  
Blanca Hoyt, Captain, Main Jail Division  
Frank Zacharisen, Captain, Administrative Services Division  
All Support Unit Managers  
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