

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

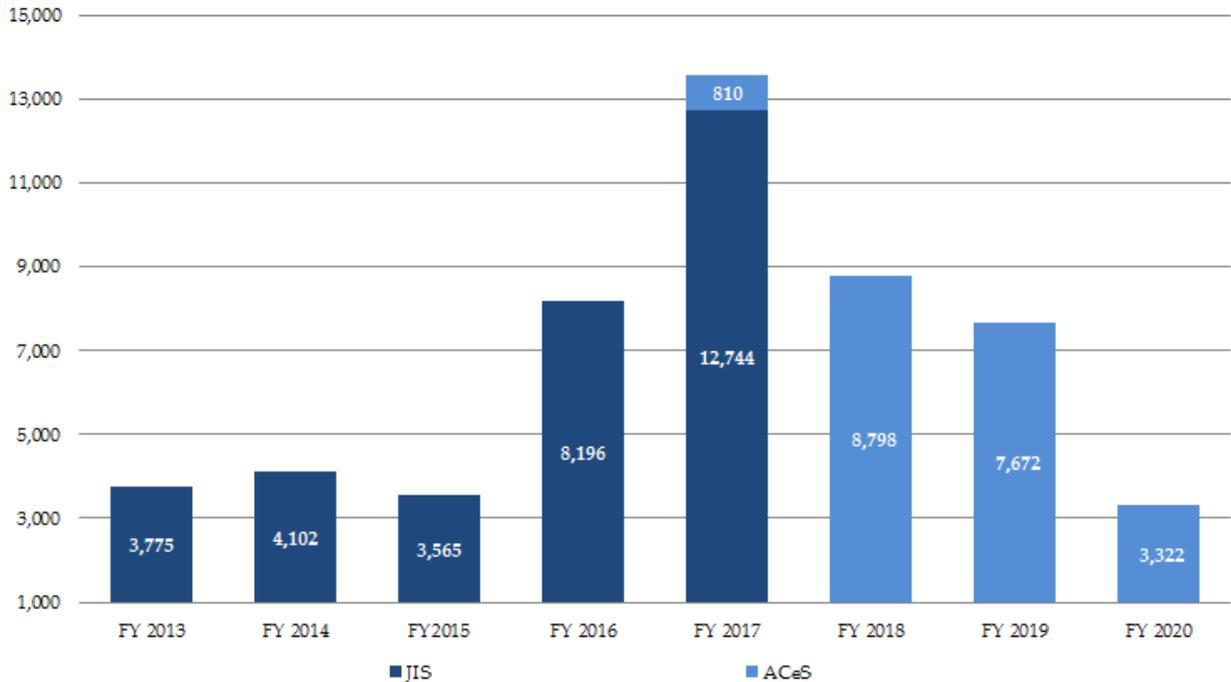
DATE: February 14, 2020

SUBJECT: Grievance and Appeals Unit Bi-Annual Statistics and Audit Report
July 1, 2019 through December 31, 2019

As part of the County's budget process, the Office of the Sheriff identified improvements to the inmate grievance process. The goal is to provide an effective inmate grievance process that ensures we are fostering a culture of fair, courteous and professional treatment of all inmates in our care. The Grievance Unit measures our ability to provide a confidential and easy way for inmates to submit and receive meaningful responses to their grievances by; instituting a centralized review process to provide consistent and meaningful responses, implementing a robust tracking system to analyze and react to complaint trends, and to ensure that grievance responses are timely.

It has been three years since the Grievance Unit was established by Sheriff Laurie Smith as detailed in her Jail Reform Plan in 2016. The ability to electronically document the receipt of an inmate grievance, assign grievances to the appropriate business unit, and monitor the progress of the resolution process through the ACeS Grievance Tracking System has been compelling. Through grievance review and analytics, the Department is able to increase transparency and the efficiency of the Inmate Grievance Process by publishing monthly statistical reports to facility management and to the public. The following statistical analysis is based on data from July 1, 2019 through December 31, 2019.

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



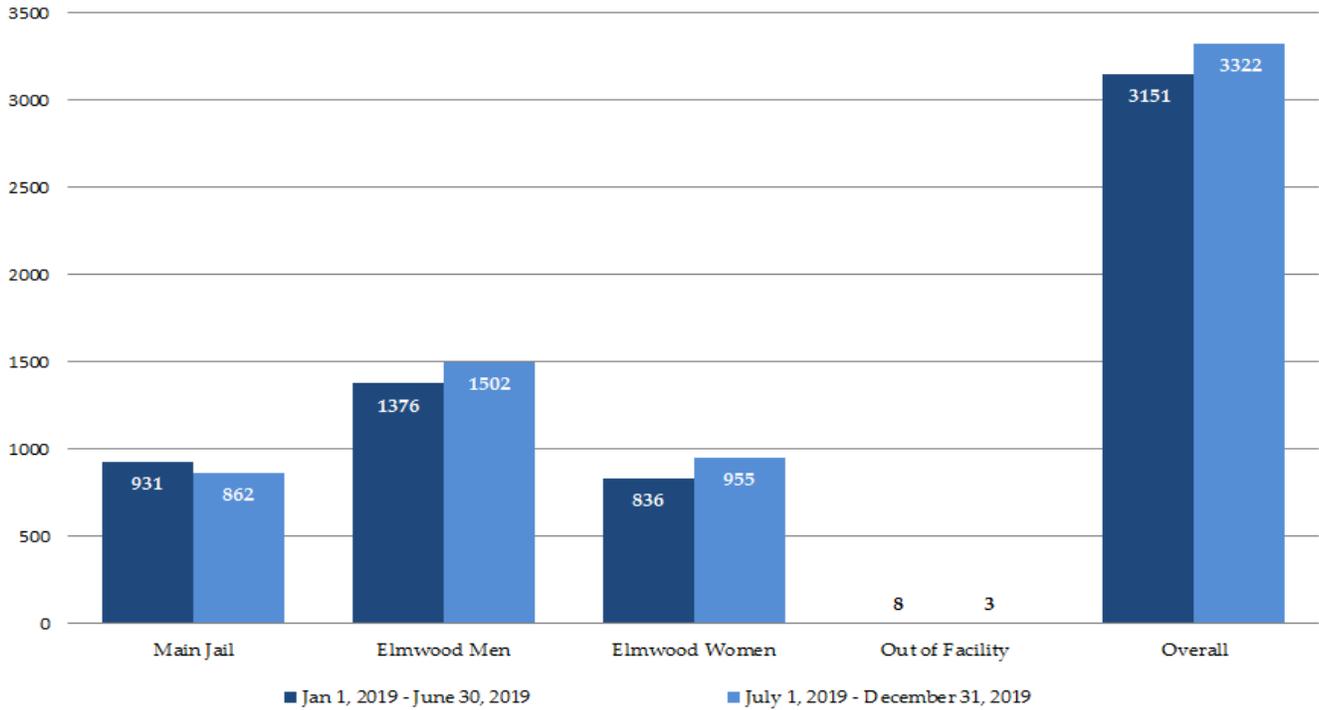
Historical Grievance Volume Compared to Current

The chart above, *Figure 1*, depicts the total grievance submissions for Fiscal Year 2013 - 2019 and the 1st half of 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).

Inmate grievance complaints peaked at the end of Fiscal Year 2017 with a total of 13,554 submissions. Along with an updated grievance tracking system, grievance lockboxes were also installed in every housing unit to ensure all inmate complaints were confidentially and securely submitted. Since the implementation of electronically tracking using ACeS, the Grievance Unit has not received complaints of lost or missing grievances. Data for the 1st half of Fiscal Year 2020 indicates a noticeable and continued downward trend from the highest point two and a half years prior. This indicates that there is a positive impact from our jail reform efforts.

Figure 2

**Grievance Submissions by Facility
July 1, 2019 - December 31, 2019**



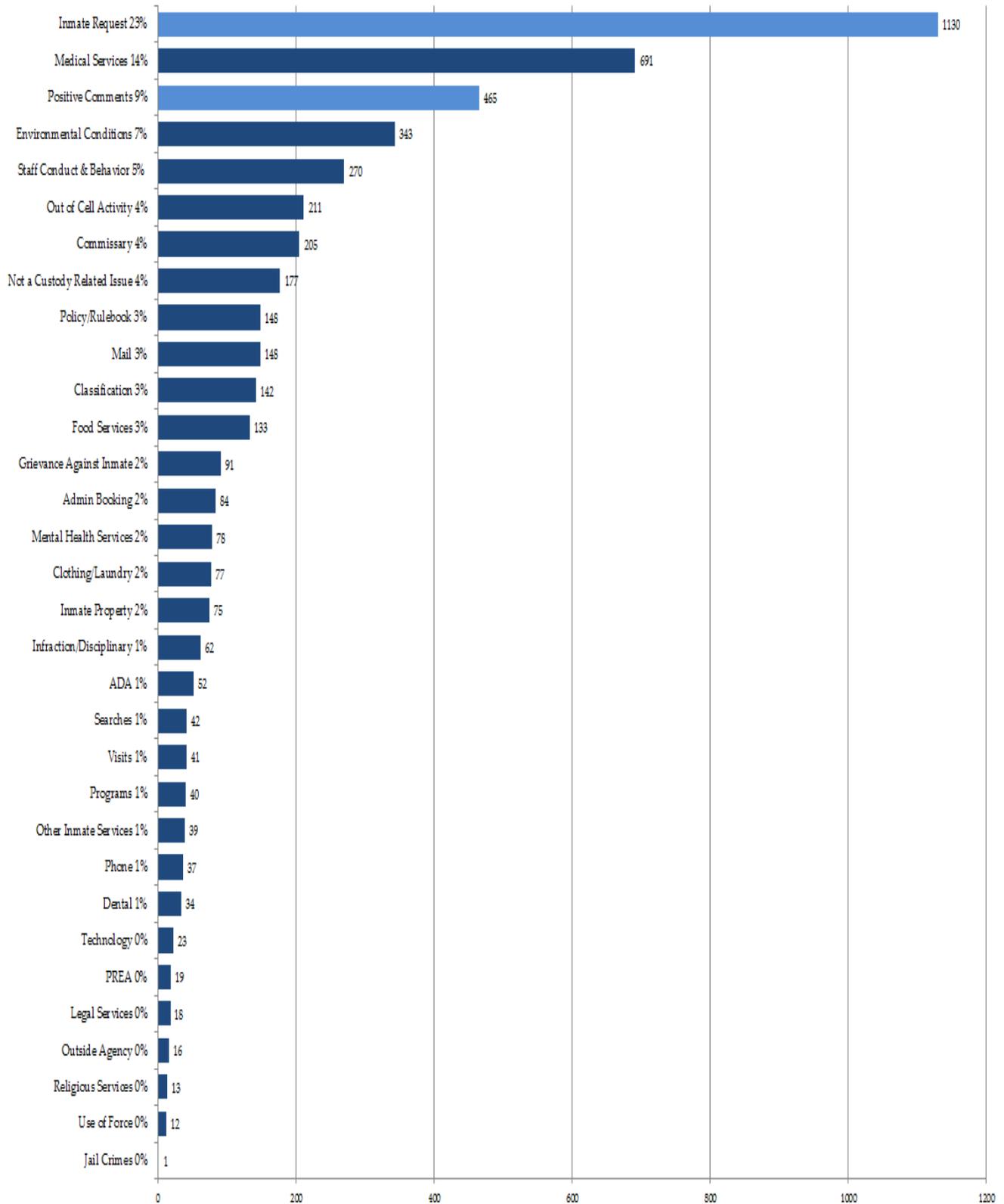
Inmate Grievance Volume by Facility

The chart above, *Figure 2*, illustrates all grievances processed for the 1st half of Fiscal Year 2020 (indicated in light blue) compared to the previous 6 months or the 2nd half of Fiscal Year 2019 (indicated in dark blue) by the respective facility.

In total, inmate grievance submissions increased by 5.4% in the second half of 2019. The Elmwood Men’s Facility increased by 9.2% and the Women’s Facility increased by 8.7%. This was largely due to additional grievance submissions for the “Environmental Conditions” Category. When compared to the previous 6 months, July – December 2019 recorded 38.8% more grievances in this category. (*It should be noted that the Elmwood average daily population increased in the second half of the year.*) Conversely, the Main Jail recognized an 8% decrease in total grievances for the same time period. Many positive strides have been made since the Sheriff initiated her Jail Reform Plan which works in conjunction with the changes from the Remedial Plan. Top Categories at the Main Jail such as “Staff Conduct” and “Classification” experienced significant reductions during the last 6 months; “Classification” decreased by 37% and “Staff Conduct” by 58%.

Figure 3

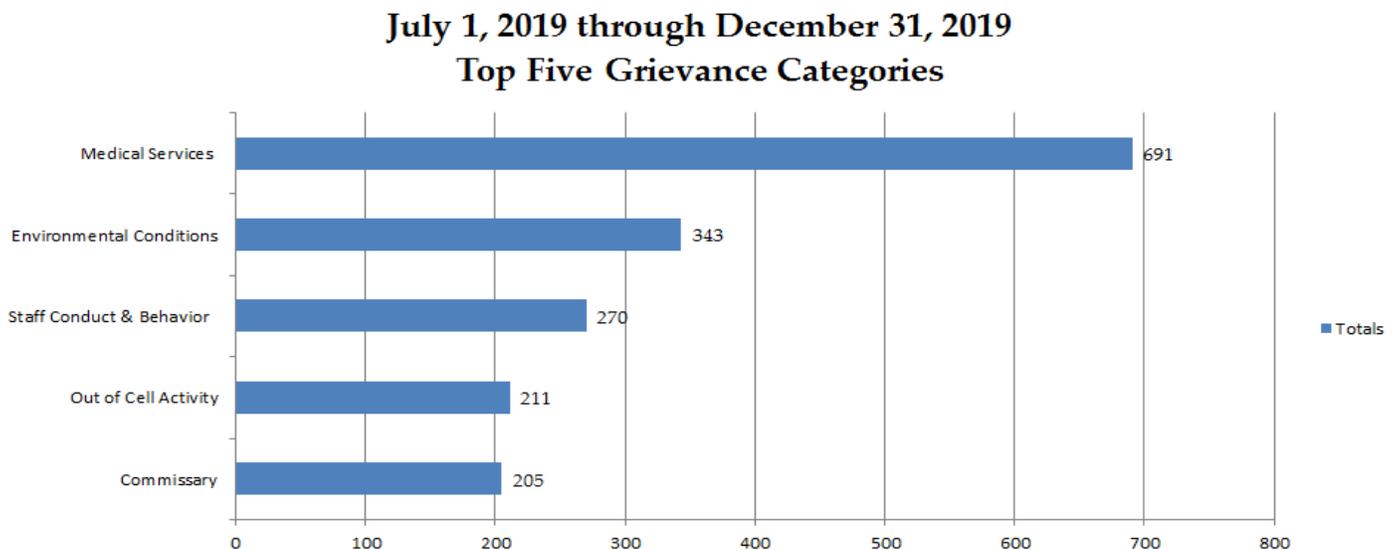
Grievance Totals By Category
July 1, 2019 through December 31, 2019
3322 Grievances + 1130 Inmate Requests + 465 Positive Comments



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 3,322 grievances submitted for the 1st half of Fiscal Year 2020, there were 1,130 “Inmate Requests” and 465 “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 1,595 grievance submissions, which equates to 32% of all the work that the Grievance Unit processes.

The Top Five Grievance Categories (excluding the two categories mentioned above) total 1,720 grievances, which is 52% of the total grievances submitted for the 1st half of Fiscal Year 2020. These top five grievance categories are:



The top two inmate grievance categories during the last 6 months were “Medical Services” (#1) and “Environmental Conditions” (#2). In an effort to address inmate grievance issues and to provide better services, Custody Health Services began piloting a new electronic Medical Request System at the Elmwood Women’s Facility in late January 2020. Newly installed kiosks will allow inmates to automate their medical

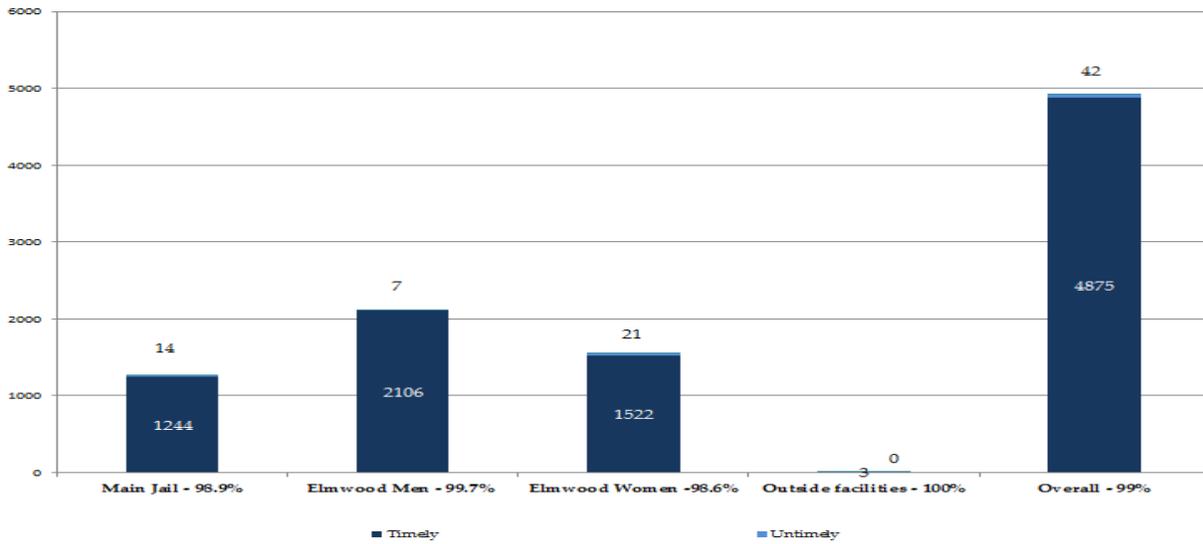
requests/needs electronically for proper triage and tracking by Custody Health Services. With regard to the Environmental Conditions category, the Elmwood Men's Facility saw an increased amount of grievances. When analyzed, these complaints related to climate control as the colder weather arrived. This information allowed the Elmwood Administration to work with the Facilities and Fleet Department to address these issues quickly.

The Grievance and Appeals Unit Bi-Annual Statistics and Audit Report published last year, which focused on the data from July 1, 2019 through December 31, 2019, identified that the "Staff Conduct and Behavior" category peaked at an all-time high with 949 grievances submitted. In response, the Grievance Unit performed an in-depth analysis of all grievances submitted in regarding the conduct of County employees, contractors, or volunteers assigned to the jail system. This extensive audit required the individual evaluation of each grievance to determine what factors played a role in the initiation of the grievance and if there were any common threads of actions or behaviors associated with this category of complaints. The findings of the report provided insight to each Division or business unit allowing them to target in on the proper action to reduce conduct related matters. As a result, there was a 72% decrease in grievances for the "Staff Conduct and Behavior" category from the 1st half of FY19 to the 1st half of FY20.

The Grievance Unit also receive "Positive Comments" from inmates using the same submission system as grievanes. During this six month review period there were 465 positive comments about staff submitted by inmates. "Staff Conduct" grievances accounted for 5% of all grievances submitted during this review period, while "Positive Comments" accounted for 9%. This statistic marks a very positive trend in between these two categories as there were 1.7 "Positive Comments" submitted for every 1 "Staff Conduct" grievance.

Figure 5

**Grievance Response Timeliness
Response Provided <30 Days from Date of Grievance
July 1, 2019 through December 31, 2019**

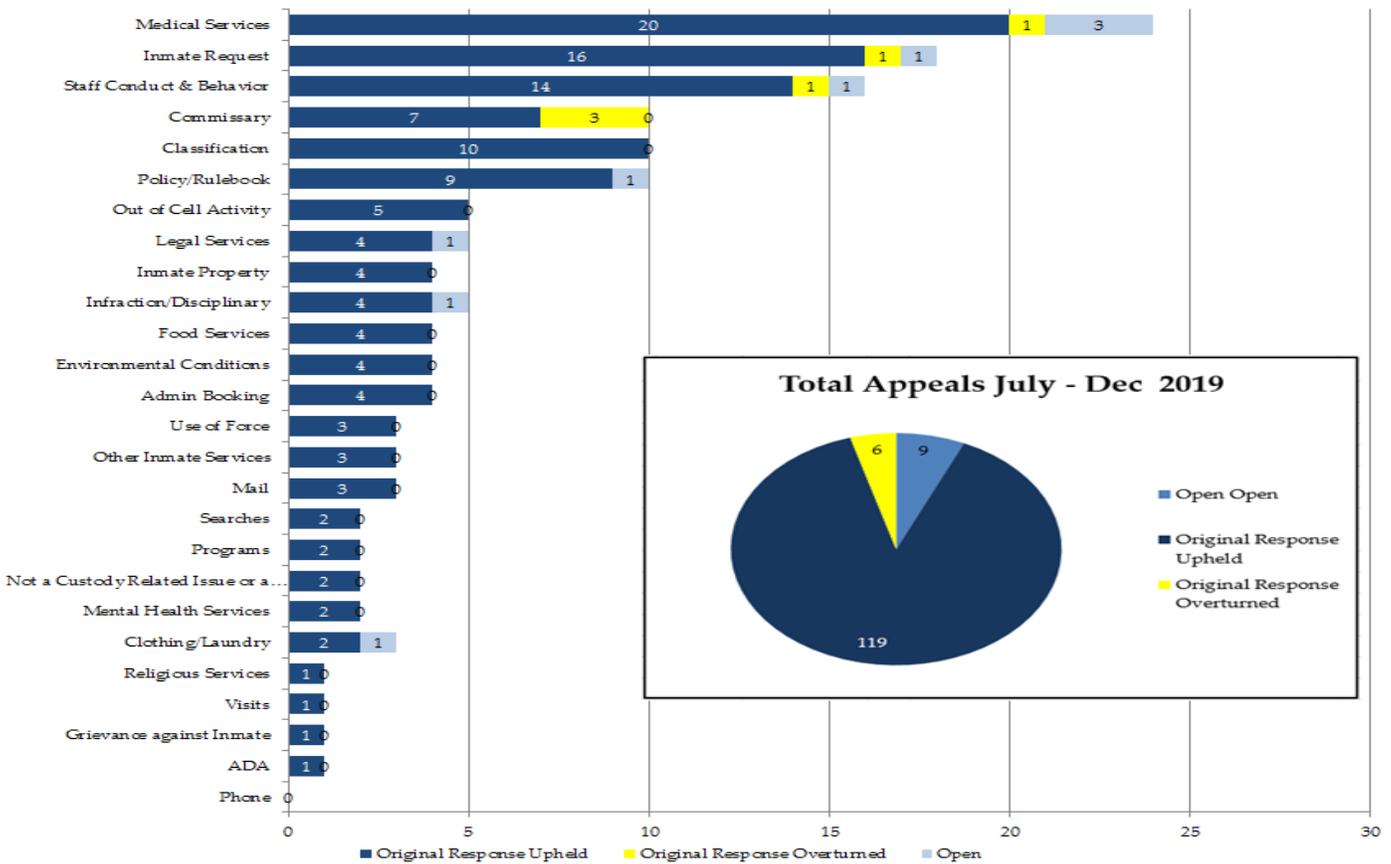


Grievance Response Timeliness

The chart 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. Notably, during this six month review period 99% of all submitted grievances were answered and returned back to the inmate within 30 days of their submission date; yielding a new all-time high for the timeliness rate since the adoption of the ACeS System in June 2017.

Figure 6

**Grievance Appeal Dispositions
Original Response Upheld vs Original Response Overturned
by Category - 134 Appeals
July 01 through December 31, 2019**



Grievance Appeals

The chart above, *Figure 6*, displays The Grievance Appeal process which 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 3,322 submitted grievances for the 1st half of Fiscal Year 2020, 134 or 4% 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

In closing, we would like to highlight some positive trends identified for the 1st half of Fiscal Year 2020:

- There was a 26.5% decrease in inmate grievance submissions as compared to the same 6 month period from a year ago.
- The Elmwood Men's Facility experienced a 9.8% increase in grievance submissions. However, it should be noted that the Elmwood Men's Facility absorbed more inmates due to construction projects at Main Jail North and the opening of the M1 Building.
- The Elmwood Women's Facility saw a notable 12% decrease in grievance submissions.
- As compared to the period of July-December 2019, there was a 56% reduction of inmate grievances submitted by the Main Jail Facility inmates in the same period in 2019.

The Grievance Unit will continue to send detailed monthly reports to Command Staff and Business Unit managers which highlight issues that require immediate attention and will continue to monitor responses to ensure all responses are meaningful and proper.

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