

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

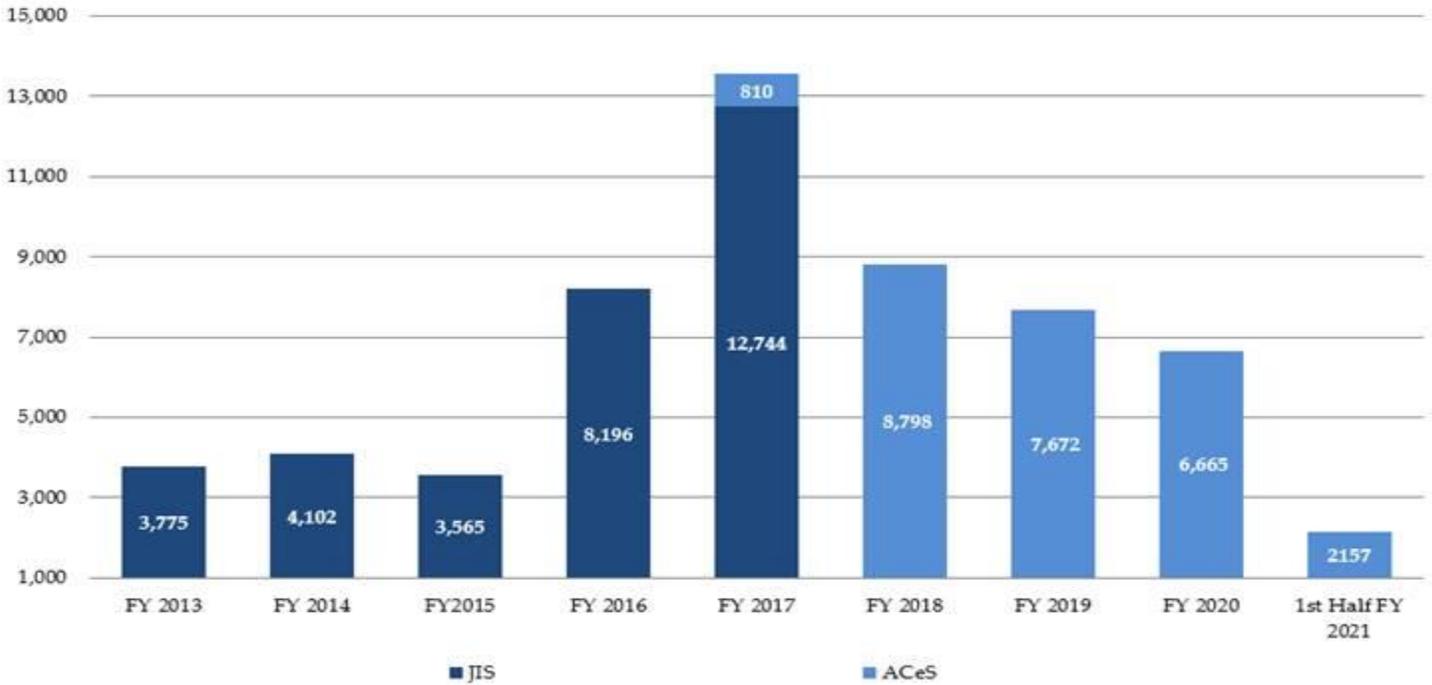
DATE: February 1, 2020

SUBJECT: Grievance and Appeals Unit Bi-Annual Statistics and Audit Report
July 1, 2020 through December 31, 2020

Four years ago, Sheriff Laurie Smith witnessed a void in the way inmates were able to submit complaints in regard to their conditions of confinement. As part of her Jail Reform Plan, Sheriff Smith created the Grievance Unit to ensure proper facilitation of this mandated process. Prior to the birth of the Grievance Unit, the process was paper-based and entered into an antiquated Jail Information System (JIS) which met all state regulations. Sheriff Smith was not satisfied with the status quo and detailed her goals of an improved and strengthened system in her Jail Reform Plan.

Within less than 6 months of creating the Grievance Unit, secured lockboxes were installed in every housing unit which allowed all inmates the ability to submit their grievances confidentially without fear of retaliation. In addition to the lockboxes, the automation of the grievance process was initiated on June 5, 2017 with the implementation of the ACeS Grievance Tracking System. Since then, all grievances have been tracked, monitored, and reviewed for meaningful responses. In addition to the automation of the grievance process, the ACeS database also provided the ability to identify and study grievance trends inside the facilities. The Grievance Unit provides an unbiased assessment of each grievance and ensures that each resolution is addressed or that the matter is redirected to the correct path that will address the situation properly. In any case, the Grievance Unit acts as a neutral liaison between the inmate population and the Custody Operation or the Business Units that serve the inmate population. The following statistical analysis is based on data from July 1, 2012 – December 31, 2020.

Figure 1
Annual Inmate Submission Totals
Eight Year Statistics
Fiscal Year 2013 through Calendar Year 2021

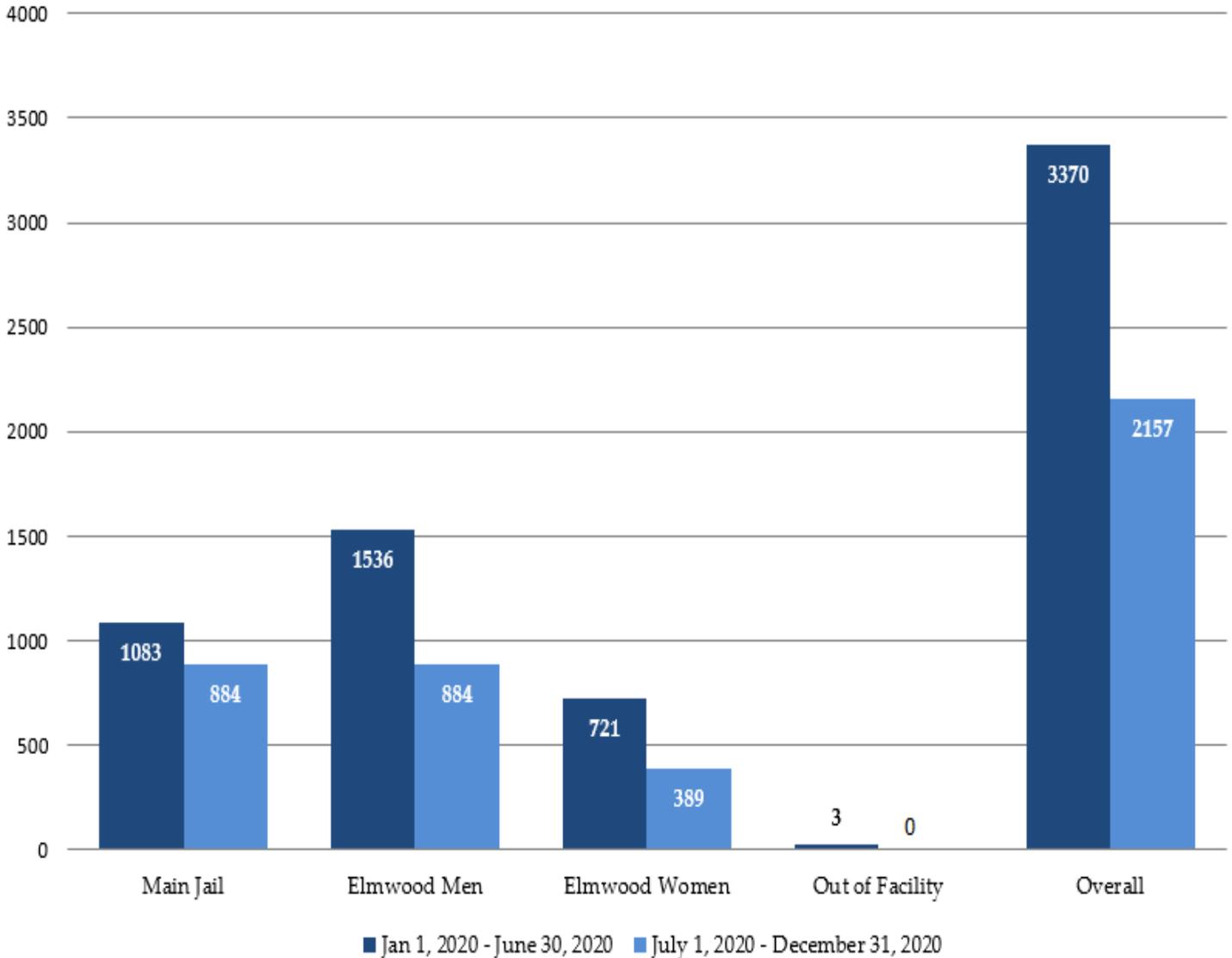


Historical Grievance Volume Compared to Current

The chart above, *Figure 1*, depicts the total grievance submissions for Fiscal Year 2013 through the 2nd Quarter of Fiscal Year 2021. Since the ACeS Grievance Tracking System was initiated on June 5, 2017, the grievances have been semi-electronically processed and tracked. ACeS has improved and strengthened our grievance system dramatically. Prior to ACeS all grievances (pre June 5, 2017, indicated in dark blue) were manually tracked in the antiquated legacy system know as JIS. The data was extremely limited and unaccommodating. Regardless of the recent reduction in the inmate population, grievance submissions had a consistent downward trend between the highest point in 2017 to the middle of FY20. However, the most notable reduction in grievance submissions began in the second half of FY20 and has continued through the first half of FY21. This reduction can principally be attributed to a dramatic decrease in the inmate population during that time period. This population reduction has been based on several factors associated with temporary changes to the County’s Criminal Justice System in an effort prevent the spread of the COVID-19 pandemic. The Average Daily Population (ADP) for the second half of FY20 (January-June 2020) was 2,715 and the ADP for the first half of FY21 (July-December 2020) was 2,106, which constitutes a 22.4% decrease in the overall inmate population during that time frame.

Figure 2

Grievance Submissions by Facility Jul 1, 2020 - Dec 31, 2020



Inmate Grievance Volume by Facility

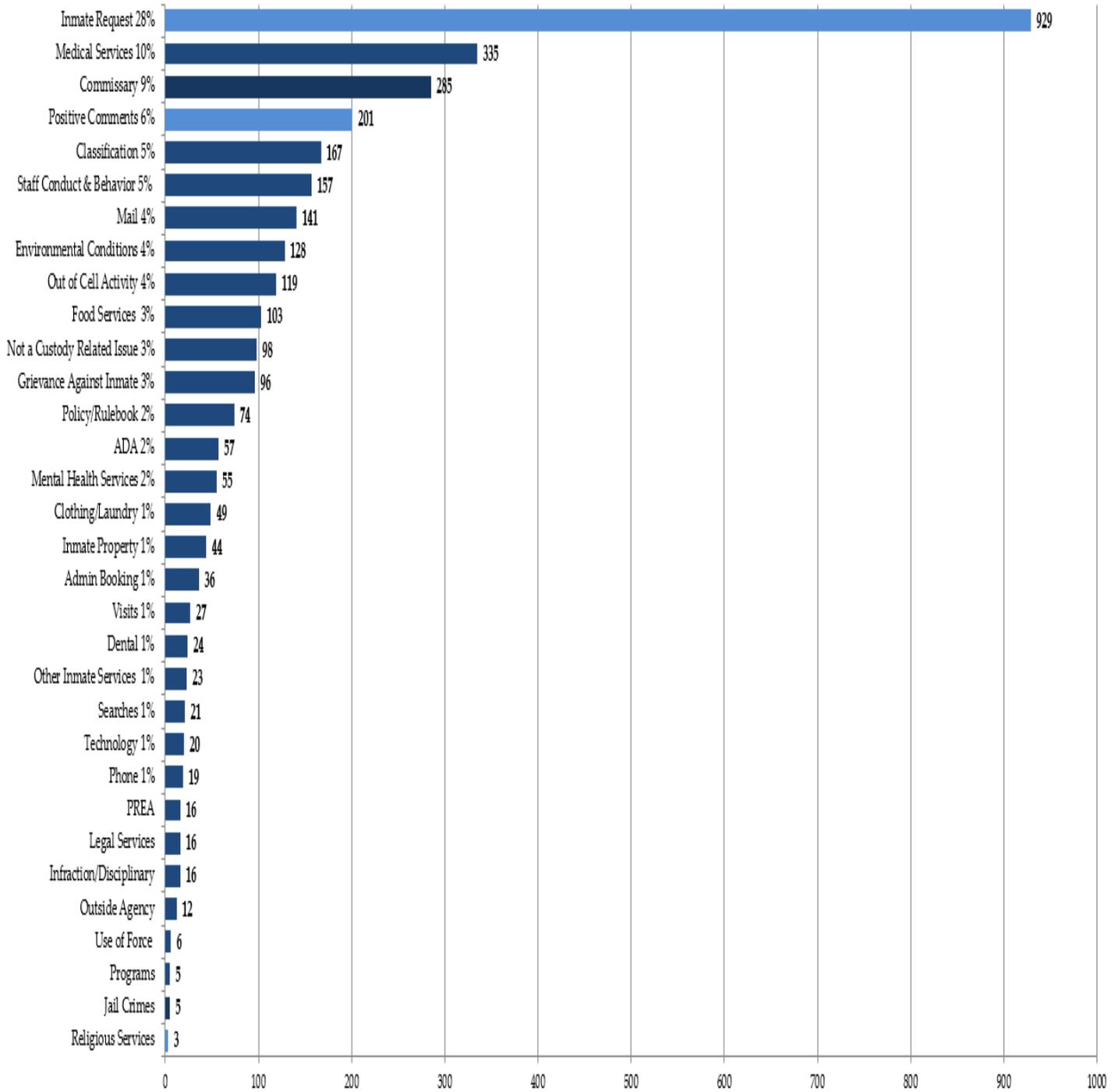
The chart above, *Figure 2*, illustrates all grievances processed for the first half of FY21 (indicated in light blue) compared to the previous 6 months or the second half of FY20 (indicated in dark blue) and by jail facility. The first half of FY21 experienced a 36% an overall decrease in inmate grievance submissions when compared to the previous six months. The individual facility reductions are as follows: Elmwood Women’s Facility decreased by 46%, the Elmwood Men’s Facility decreased by 42.5% and Main Jail North decreased by 18.4%.

Figure 3

Grievance Totals By Category

July 1, 2020 through December 31, 2020

2157 Grievances + 929 Inmate Requests + 201 Positive Comments



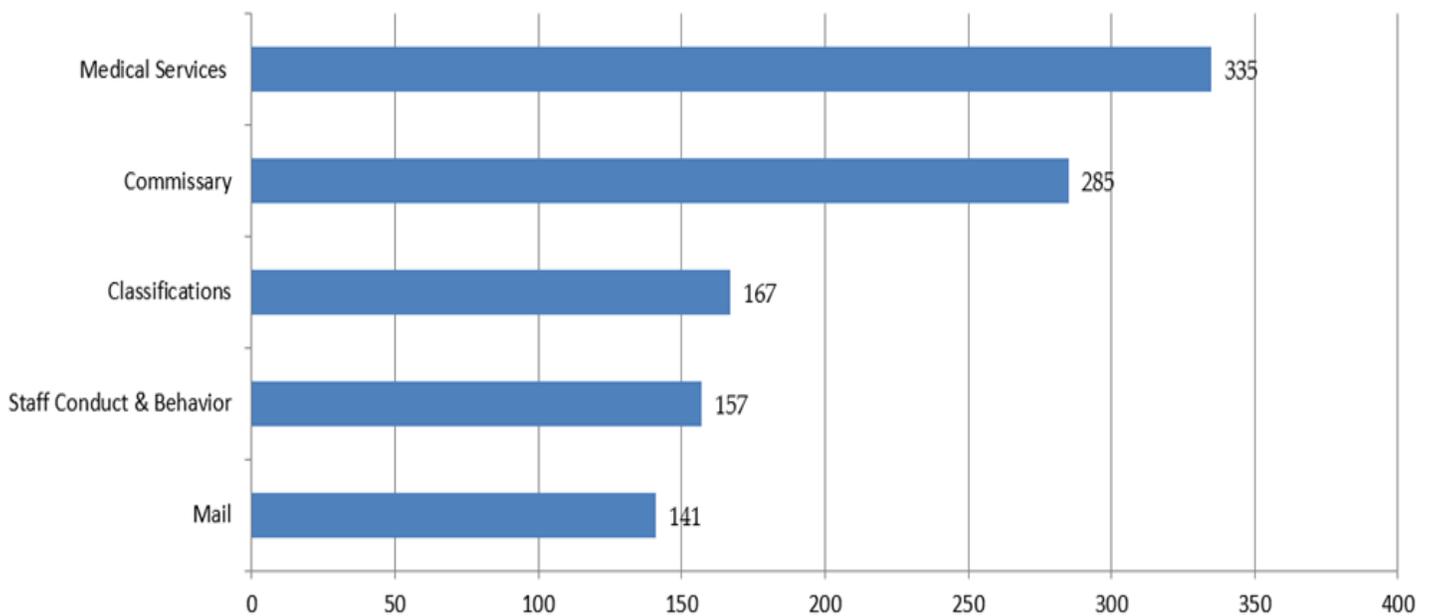
Inmate Grievance Volume By Category (Please refer to "Figure 3" on the previous page)

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 2,157 grievances submitted for the first half of FY21, there were 929 "Inmate Requests" and 201 "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 communicates 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 1,130 grievance submissions, which equates to 34% of all the work that the Grievance Unit processes.

The Top Five Grievance Categories (excluding the two non-grievance categories mentioned above) total 1,085 grievances, which is 50% of the total grievances submitted for the first half of FY21. These top five grievance categories are:

Figure 4

**Jul 1, 2020 through December 31, 2020
Top Five Grievance Categories**



“Medical Services” (#1) and “Commissary” (#2) remained the Top 2 Categories for the entire Calendar Year. These two categories accounted for 29% of all grievance submissions during the last 6 months.

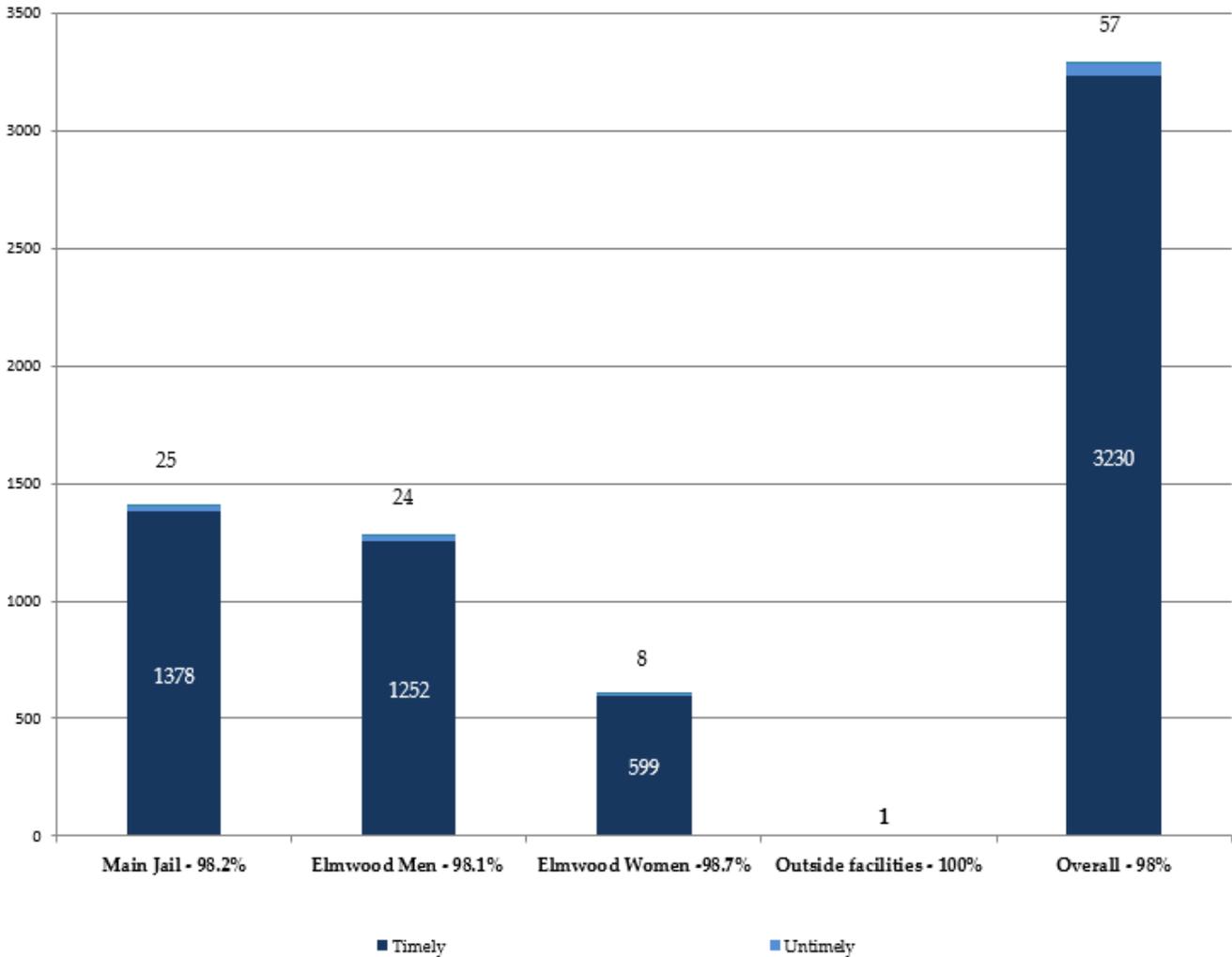
Custody Health Services has had a trying year dealing with the impacts the pandemic has had on staff and the inmate population. Although the “Medical Services” category placed itself as the #1 Most Frequently Grieved Category for the first half of FY21, there was a notable 51.5% decrease (356 grievances) compared to the same review period last year. After reviewing the medical related grievances, it was evident that the increase in COVID-19 positive cases within the jail facilities triggered an increase in the number of grievances in the “Medical Services” category. At the height of the exposure, in late December 2020, there were thirty-nine (39) positive cases amongst the inmate population, and it was necessary to restrict inmate movement during that time period to avoid the spread of the virus to other housing areas. This action and other protocols enacted were not readily accepted by the inmate population.

At the beginning of the COVID-19 pandemic in mid-March, commissary services were abruptly interrupted and grievance submissions spiked as inmates expressed their frustrations. Since then, our staff and our commissary vendor have been continually working with the jail facilities to improve commissary services for the inmates during this pandemic. The Department sought to remedy this issue by working with the commissary vendor to create a set of safety standards and protocols that would allow the vendor to increase staffing at the Main Jail on commissary distribution nights. This action provided a way for the vendor to immediately address most commissary complaints presented by the inmates. We are currently working to increase vendor staffing at the Elmwood Complex with the same safety protocols. This will require the vendor to hire additional staff to meet operational needs. During the holidays we also worked with the vendor to add an additional iCare package option so friends and families could order holiday packages for their loved ones in custody. These collaborative efforts have resulted in a 90% decrease in grievance submissions for this category since April 2020.

The Grievance Unit also receives “Positive Comments” from inmates using the same submission system as grievance. During this six month review period there were 201 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 6%. This statistic continues to show relationship between these two categories as there were 1.3 “Positive Comments” submitted for every “Staff Conduct” grievance.

Figure 5

**Grievance Response Timeliness
Response Provided <30 Days from Date of Grievance
July 1, 2020 through December 31, 2020**

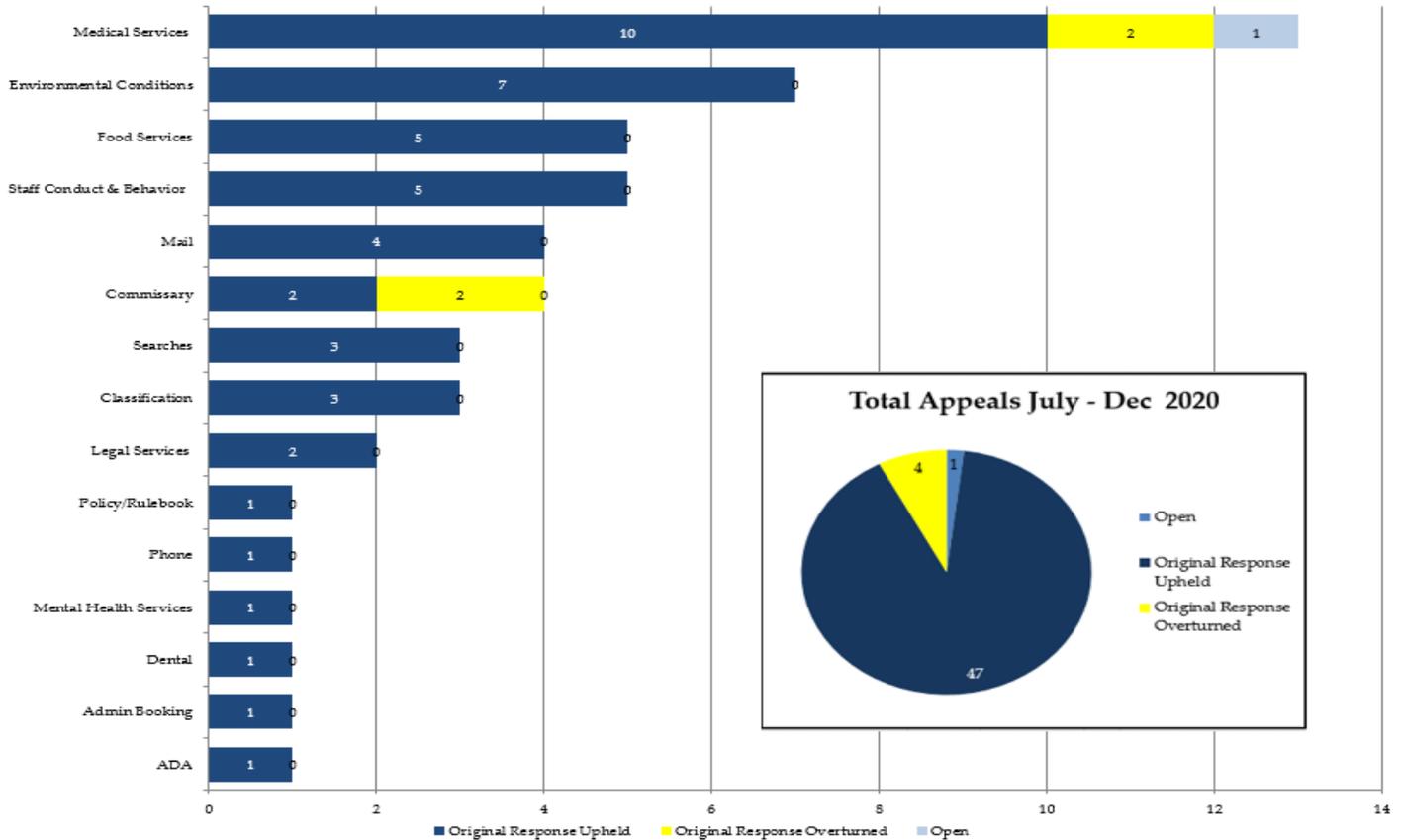


Grievance Response Timeliness (Please refer to “Figure 5” above)

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, 98% of all submitted grievances were answered and returned back to the inmate within 30 days of their submission date.

Figure 6

**Grievance Appeal Dispositions
Original Response Upheld vs Original Response Overturned
by Category - 52 Appeals
July 1 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 2,157 submitted grievances for the first half of FY21, 52 or 2.4% of all dispositions were challenged by the grievant and 7.7% or 4 were overturned and provided a new resolution.

Conclusion

Sheriff Smith sought change to the status quo when the agency drafted the Jail Reform Plan four years ago. Part of that change was to replace the out-dated inmate grievance system with a modern and unbiased process that could be a model in modern day corrections. While we continue to move forward with our Jail Reform efforts today there has been many positive strides, which include the much improved Inmate Grievance System we have today. However, our work is not done. Recently, the Grievance Unit has begun a partnership with Office of Mediation and Ombuds Services to offer an alternative mediation process for those inmates who have the highest rates of grievance submissions. We hope this new effort will help us bridge the gap between our jail operations and the inmate population that we serve.

As the COVID-19 pandemic continues to persist in the nation and in Santa Clara County, adjustments have to be made daily by Custody Administrators to protect both staff and inmates alike. Working in conjunction with the Public Health Department of Santa Clara County, decisions are made to limit the spread of the virus and prevent outbreaks within the facilities. As programs and services are continually being modified, the inmates have grown weary to the inconvenience that these changes have caused. Statistical reports and communication from the Grievance Unit to our partnered Business Unit Managers occur daily to highlight issues that require immediate attention. The Grievance Unit will continue to provide neutral communication between the inmates and jail operations with the goal of providing long term resolutions to on-going issues.

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