

County of Santa Clara

Office of the Sheriff

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MEMORANDUM

Laurie Smith
Sheriff

TO: Bob Jonsen, Sheriff

FROM: Captain Michelle Asban
Lieutenant Joseph Nguyen

DATE: October 30, 2023

SUBJECT: Grievance and Appeals Unit Bi-Annual Statistics and Audit Report
January 1, 2023 through June 30, 2023

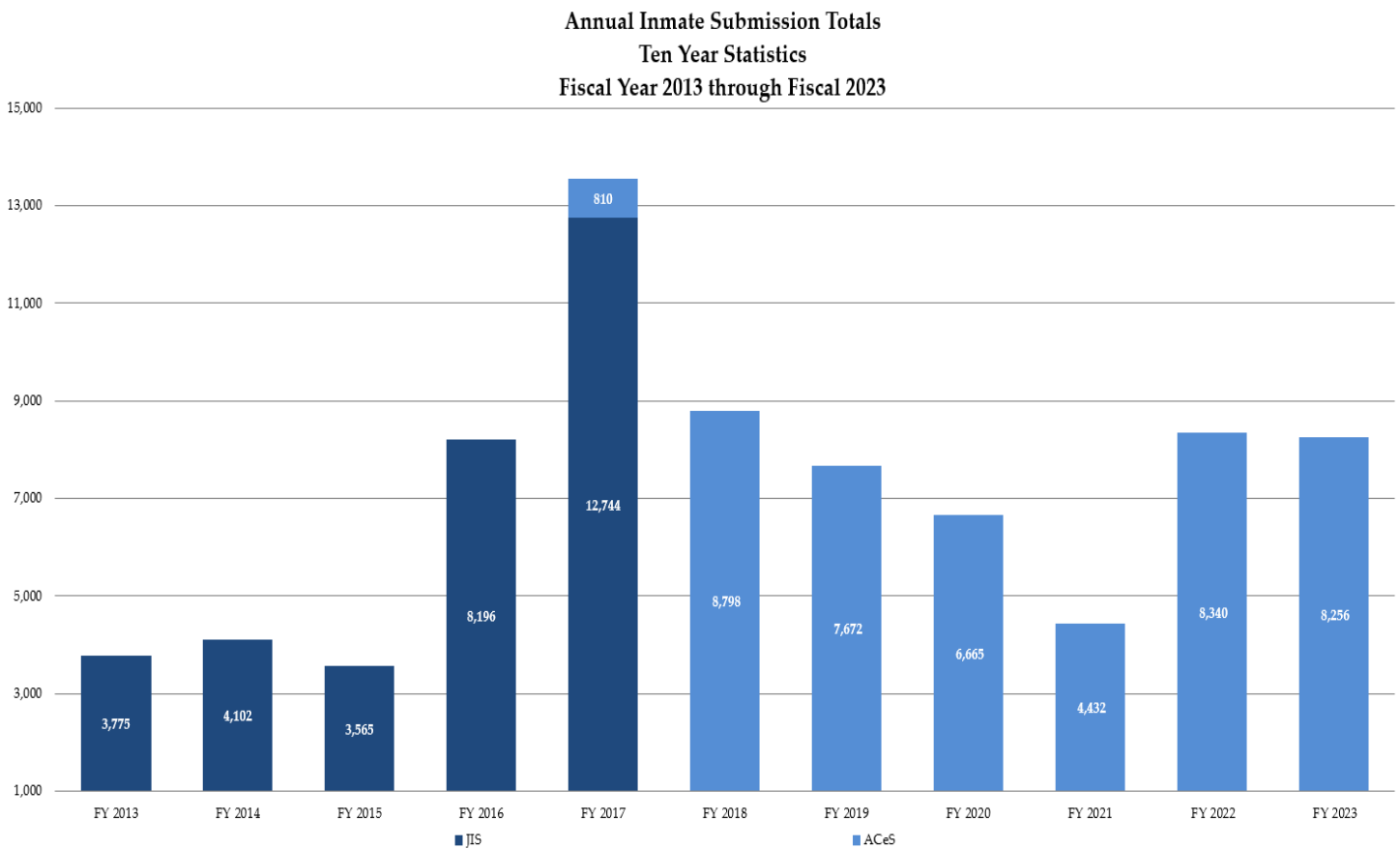
Robert Jonsen was elected as the 29th Sheriff of Santa Clara County on November 8, 2022, and sworn into office on December 12, 2022. With over 2 million residents in Santa Clara County and a 1,915-person workforce, Sheriff Jonsen is responsible for ensuring the safety and security of one of the largest counties in California and the fifth-largest jail system, with an average daily population of more than 3,000 incarcerated individuals. Approximately 48,000 arrestees are booked annually, with an average stay of about 206 days.

During Sheriff Jonsen's first 100 days in office, he personally met and conducted one-on-one sessions with his executive team to gain insight into the organization's culture and operations, challenges, and potential for progress. As part of the transition plan, the Jail Reforms Division provided Sheriff Jonsen with a comprehensive presentation containing historical information about our responsibilities, specific areas of concern, and our division's goals and objectives.

The goal of the Grievance Unit is to provide a transparent inmate grievance process that offers those in custody a safe, secure, and easy-to-understand means to document and transmit complaints about the actions or inactions of custody staff, facilities, and operations. With tablets fully deployed systemwide by the 3rd quarter of 2021, the Grievance Unit continues to meet our objective by offering our incarcerated population a means to file electronic grievances confidentially and securely. Sheriff Jonsen fully supports our division's mission through increased transparency, accountability, and oversight.

The following statistical analysis is based on data from January 1, 2023, to June 30, 2023.

Figure 1



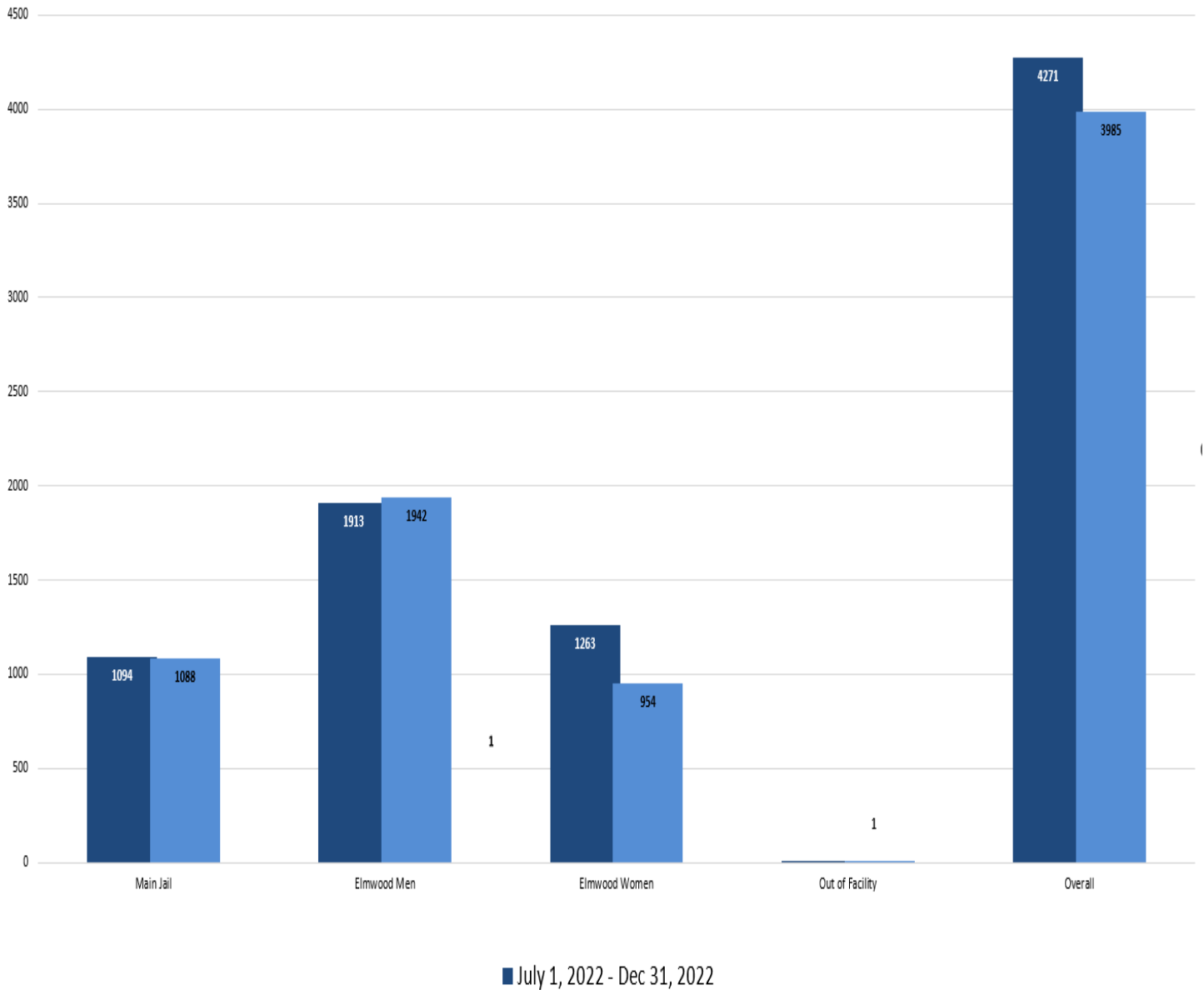
Historical Grievance Volume Compared to Current

The chart above, *Figure 1*, depicts the total grievance submissions for Fiscal Year 2013 through Fiscal Year 2023. 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 known as JIS (Jail Information System).

At the beginning of October 2021, the Sheriff’s Office fully deployed tablets for every incarcerated person in our custody. With the option to electronically submit grievances via their tablet devices, the Grievance Unit has witnessed an increase in grievance submissions from inmates compared to pre-tablet statistics. Streamlining the grievance process has drastically changed all the Business Units’ workload and played a factor in the recent increase in grievances post tablet implementation. When comparing the statistics from FY 2022 to FY 2023, the total inmate grievance submission remained relatively flat with a slight 1% decrease from year to year.

Figure 2

Grievance Submissions by Facility
Jan 1, 2023 - June 30, 2023



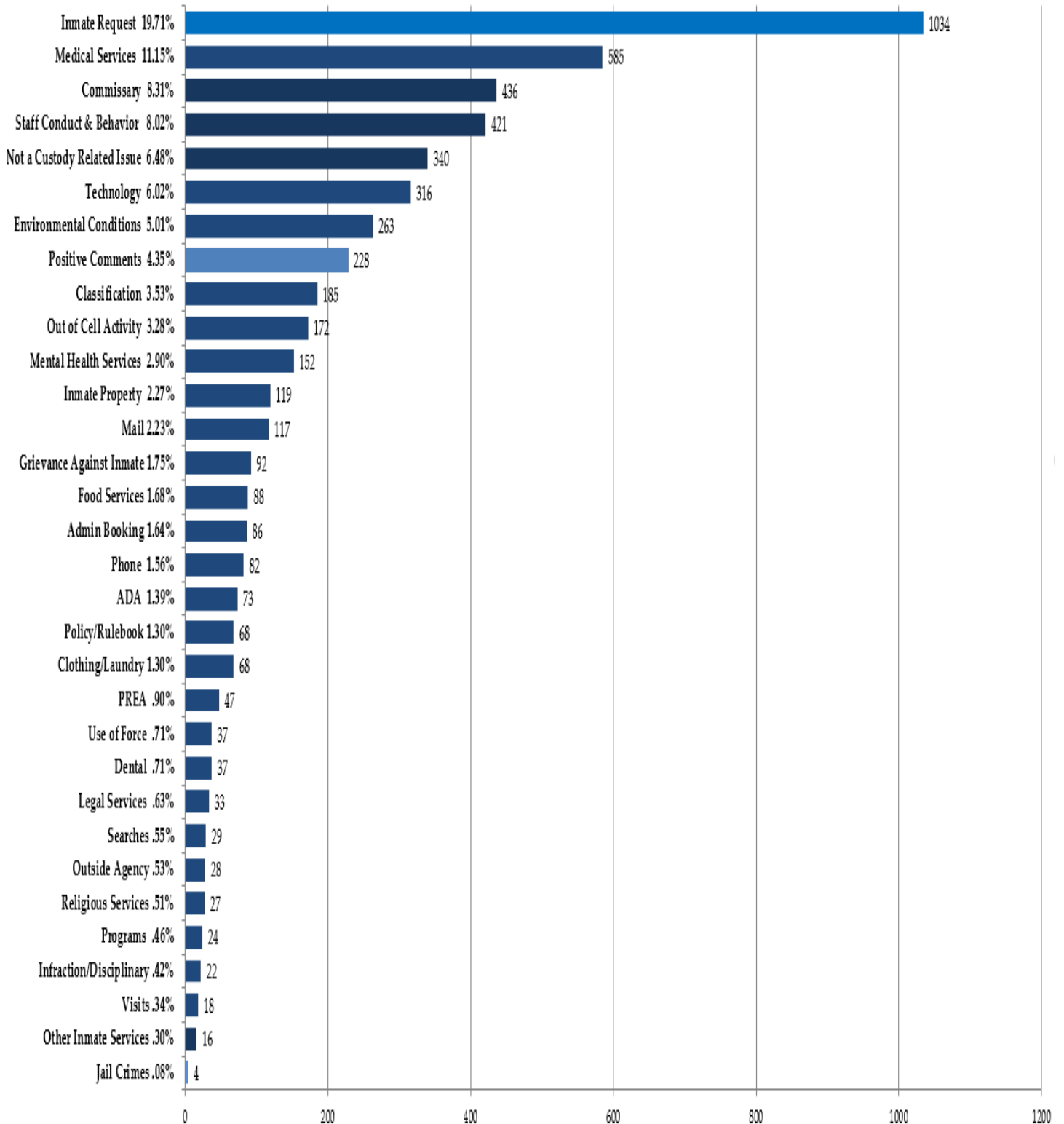
Inmate Grievance Volume by Facility

The chart above, *Figure 2*, illustrates all grievances processed for the 1st half of FY23 (indicated in dark blue) compared to the previous six months or second half of FY23 (indicated in light blue) and by jail facility.

The second half of FY23 experienced a modest overall decrease in inmate grievance submissions when compared to the previous six months. The individual divisional statistics are as follows: Main Jail decreased by 1%, the Elmwood Men’s Facility increased by 2%, and the Elmwood Women’s Facility decreased by 24%.

Figure 3

Grievance Totals By Category
January 1, 2023 through July 30 2023
3985 Grievances + 1,034 Inmate Requests + 228 Positive Comments

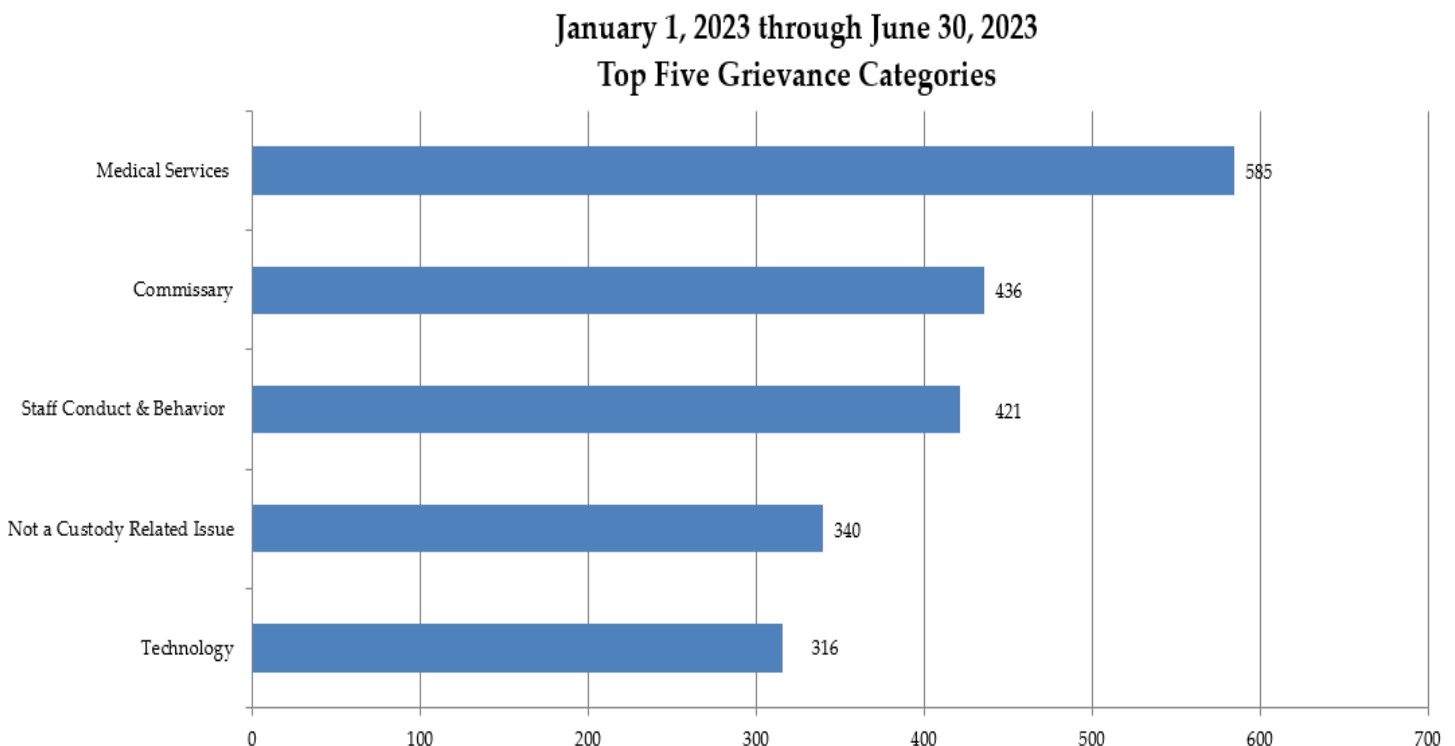


Inmate Grievance Volume By Category *(Please refer to "Figure 3" on the previous page)*

Incarcerated persons 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 3,985 grievances submitted for the second half of FY23, there were 1,034 "Inmate Requests" and 228 "Positive Comments" submitted by incarcerated persons 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 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 1,262 grievance submissions, which equates to 32% of all the work that the Grievance Unit processes.

The Top Five Grievance Categories (excluding the two non-grievance categories mentioned above) total 2,098 grievances, which is 53% of the total grievances submitted for the second half of FY23. These top five grievance categories are:

Figure 4



Top 5 Grievance Categories *(Please refer to "Figure 4" on the previous page)*

"Medical Services" (#1) and "Commissary" (#2) are the Top 2 Categories for the second half of FY23. These two categories accounted for 26% of all grievance submissions during the last 6 months.

Custody Health Services reports on "Medical Services" grievances on a quarterly basis to the Public Safety and Justice Committee. At the request of Supervisor Ellenberg, the Sheriff's Office and Custody Health Services will jointly report on "Medical Services" grievances on a quarterly basis to the Public Safety and Justice Committee. For further information, the next quarterly report is scheduled for October 19, 2023.

The "Commissary" Category was the #2 Most Frequently Grieved Category for the second half of FY23. At the beginning of the year, the Sheriff's Office, in collaboration with our vendor, implemented several process changes in preparation for our vendor to resume full commissary distribution responsibilities just like pre-pandemic times. During the month of February, our vendor deployed digital capturing devices in all three facilities to help streamline the commissary distribution process. Since all records will be stored digitally in our vendor's accounting software, grievance complaints will be easier to resolve, and in some instances, our vendor can issue credits during the distribution process instead of days later once the paper receipts are received. The deployment of the hand-held devices not only increased efficiency for staff and incarcerated persons alike, it was also a precursor for our vendor to resume their full commissary distribution duties with pre-pandemic expectations. Having our vendor reinstitute their obligations at the beginning of March allowed the Sheriff's Office to shift the staffing efforts to increase inmate programming and out-of-cell activity.

Quarter 1 of 2023 looked promising, but unfortunately the "Commissary" Category faced some challenges and increased its submission rate by 25% or 88 more grievances when than the previous 6-month period. Due to the rising costs of ingredients, packing, freight, and labor during the past few years, our commissary vendor proposed switching suppliers to the Sheriff's Office at the end of 2022 to maintain regularly carried products and popular items. Items and products that are popular and in high demand have been either out of stock, substituted with a comparable item, or were not delivered because they didn't arrive by the time the order was processed. Switching suppliers will affect available products, menus, pricing of new products and iCare offerings (approved commissary items available for purchase by family members and friends for incarcerated persons).

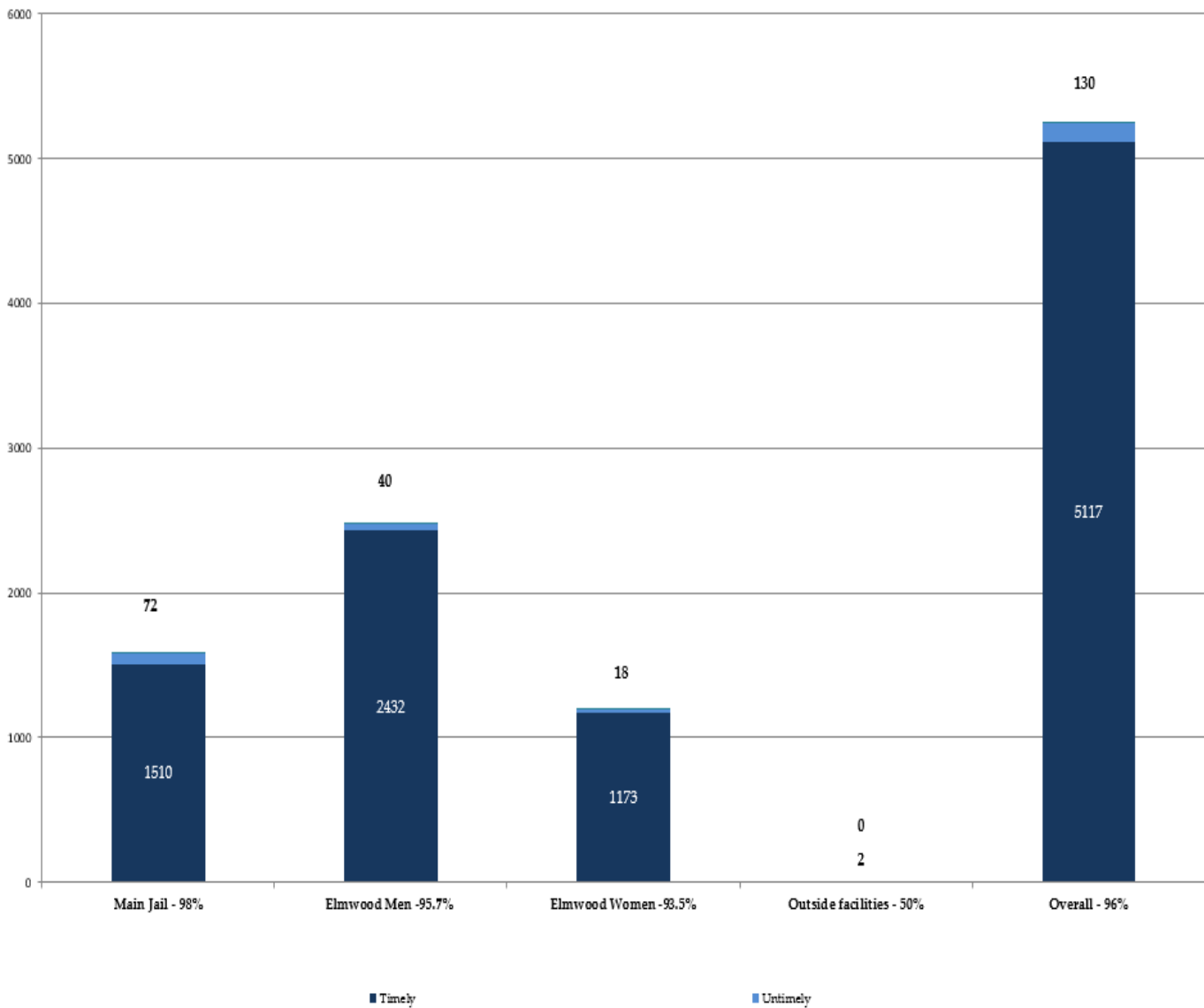
The commissary contract amendment received approval from the Board of Supervisors on May 2, 2023. Following the signing of the amendment, our commissary vendor was granted a period of 10 days to undertake several critical tasks. These tasks included informing our incarcerated population about the impending price adjustments, transitioning to new suppliers and products, and developing updated menus that incarcerated individuals could use to place their orders.

During the month of May, the "Commissary" category experienced a notable 29% increase in volume compared to the preceding month. The inventory of hygiene products listed on the commissary menu, including items such as soap and shampoo, were entirely depleted from the original supplier's stock by the time the amendment was finalized. Due to a 10-day gap between transitioning suppliers, a considerable number of incarcerated persons filed complaints concerning the availability of hygiene products during this transition phase. To address these challenges, both the Main Jail and Elmwood Division proactively assembled 6000 hygiene kits on May 3, 2023. These kits contained essential items like a comb, toothbrush, toothpaste, soap, and a spork. In order to mitigate any further issues and provide the new vendor ample time to establish their operations, warehouse, and product offerings, staff began distributing one hygiene kit to each incarcerated person per week. This strategic measure hoped to alleviate potential problems and facilitate a smoother transition as the vendor adapts to the new supplier arrangement, restructures their warehouse logistics, and updates their menu offerings.

As the 6-month reporting period comes to a close, the "Commissary" category was the most frequently grieved category for the month of June, experiencing a noticeable 115% increase compared to the same timeframe last year. An audit was conducted for the "Commissary" category, revealing that the majority of grievance complaints stemmed from the choice of commissary items on the previous menu (pre-amendment) compared to the new one. Our incarcerated population was informed about the menu change by staff, through tablet notifications, and with posters supplied by the vendor in each housing unit. Due to dissatisfaction with items on the new menu, incarcerated individuals requested a potential reintegration of items from the previous menu. Our commissary vendor was notified and informed that when items become available, they will attempt to incorporate it on the new menu.

Figure 5

Grievance Response Timeliness
Response Provided <30 Days from Date of Grievance
Jan 01, 2023 through Jun 30, 2023

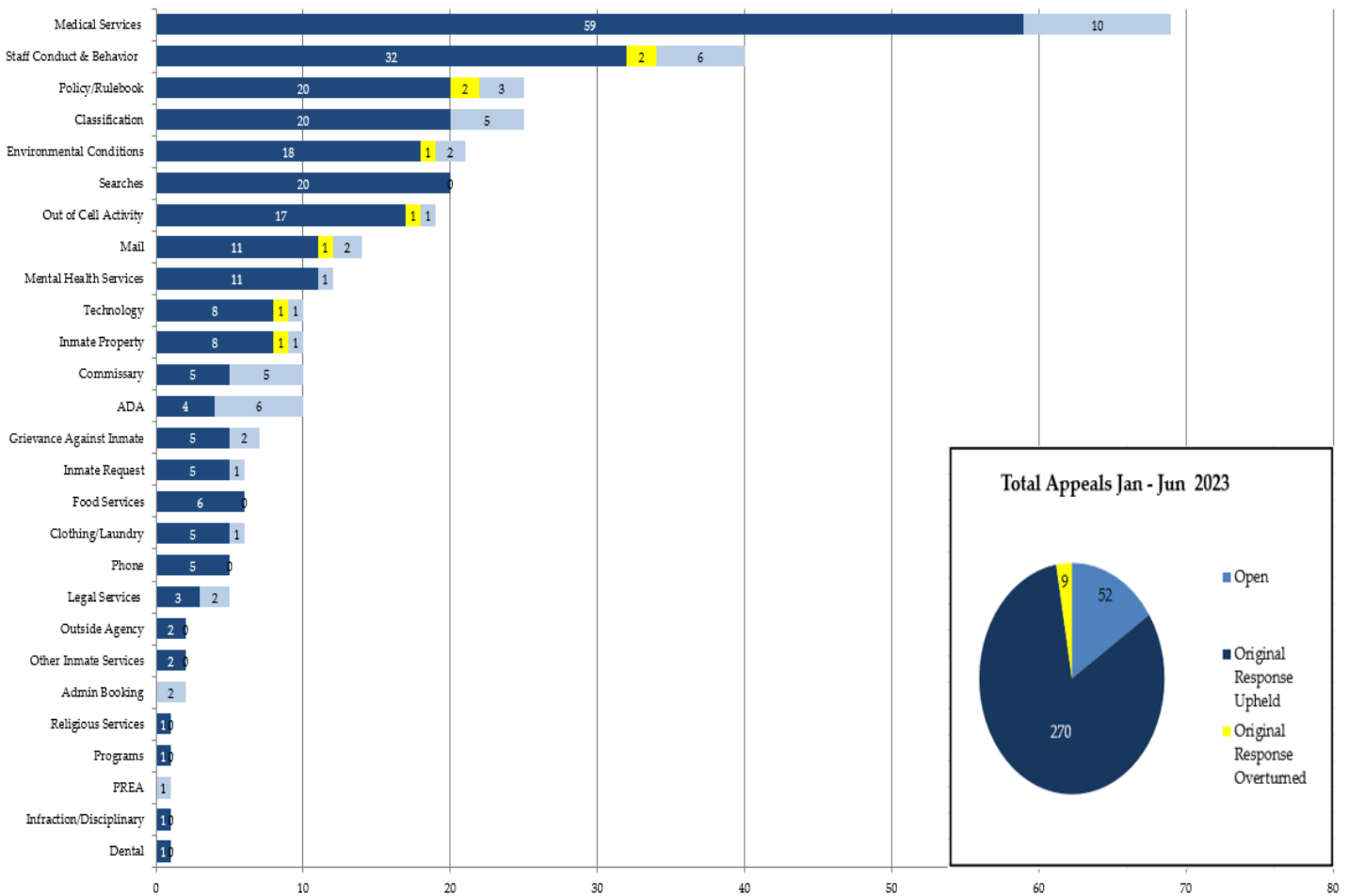


Grievance Response Timeliness (Please refer to "Figure 5" above)

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, 96% of all submitted grievances were answered and returned to the incarcerated person within 30 days of their submission date.

Figure 6

Grievance Appeal Dispositions
Original Response Upheld vs Original Response Overturned
by Category - 331 Appeals
January 1, 2023 through June 30, 2023



Grievance Appeals (Please refer to “Figure 6” above)

The Grievance Appeal process allows an incarcerated individual the opportunity to contest the original disposition of a grievance. Incarcerated persons 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 3,985 submitted grievances for the second half of FY23, 331 or 8.3% of all dispositions were challenged by the grievant.

Conclusion

The Grievance Unit continues to expand our collaborative efforts in 2023 by working with different community organizations and consulting groups to strengthen our goals and objectives. As mentioned in the previous report, the Community Correction and Law Enforcement Monitoring Committee (CCLEM) published a 35-page Jail Grievance Report last year, providing both commendations and recommendations for the Sheriff's Office inmate grievance process.

The Grievance Unit has partnered with the Moss Group (TMG) on the following recommendations from the report:

- Recommendation #6: The Grievance Unit, in collaboration with Custody Health, will investigate and report the cause(s) of detained women consistently submitting grievances at a rate 2.5 to 3.3 times greater than detained men.
- Recommendation #7: Based on the results from Recommendation #6, the Grievance Unit, in collaboration with Custody Health, will establish a mitigation plan to address the underlying causes of the disparity in grievance rates between male and female detainees.
- Recommendation #11: Commit to conducting a grievance satisfaction survey at least annually. The Grievance Unit, in collaboration with The Moss Group, initiated an intensive study of women's grievances, and a Satisfaction Survey is included in the work plan for Santa Clara County.
- Recommendation #12: Work with an independent third party to administer a satisfaction survey.

The Moss Group is a women-owned business and a criminal justice and public safety consulting firm the Sheriff's Office has contracted with to assess the safety and gender-responsive practices at the Elmwood Women's Facility. A contract was successfully executed with TMG at the beginning of the year, outlining a Two-year Work Plan to review and analyze grievance data, documentation, and system functionality, and provide recommendations for enhancing or modifying the system for efficiency and to better meet the needs of the population at CCW. Over the last several months, the Grievance Unit and TMG have collaboratively worked towards achieving the Work Plan's objectives, and we anticipate sharing meaningful results in future reports.

CC: David Sepulveda, Assistant Sheriff
Dalia Rodriguez, Assistant Sheriff
Micheale Doty, Assistant Sheriff
Rita Roland, Captain, Elmwood Division
Antonio Fernandes, Captain, Main Jail Division

Christopher Grumbos, Captain, Support Services Division
Thomas Duran, Captain, Administrative Services Division
All Support Unit Managers
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