

# County of Santa Clara

## Office of the Sheriff

55 West Younger Avenue  
San Jose, California 95110-1721  
(408) 808-4900



## MEMORANDUM

Robert Jonsen  
Sheriff

**TO:** Robert Jonsen, Sheriff

**FROM:** Captain Michelle Asban  
Lieutenant Jose Cruz Quintero

**DATE:** March 4, 2024

**SUBJECT:** Grievance and Appeals Unit Bi-Annual Statistics and Audit Report  
July 1, 2023, through December 31, 2023

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Since its establishment in 2016, the Grievance Unit has consistently maintained its core objective. The unit is dedicated to ensuring a transparent inmate grievance process, offering those in custody a secure, safe, and easy to understand means to document and communicate complaints related to the conduct or lack of action by custody staff, facilities, and operations. Notably, on June 5, 2017, the unit introduced a robust grievance tracking system. This system enables the Grievance Unit to efficiently track, monitor, and review responses from various Business Units within the Sheriff's Office.

Inmate tablets were successfully deployed to all inmates in October of 2021. The Office of the Sheriff seized the opportunity to introduce an automated option for submitting grievances electronically. With this system, incarcerated individuals can directly submit their grievance forms to the Grievance Unit using the tablet. As a result, the number of paper grievances received by the unit has decreased significantly. However, the positive change has come with an unintended consequence: an increased workload for the Grievance Unit.

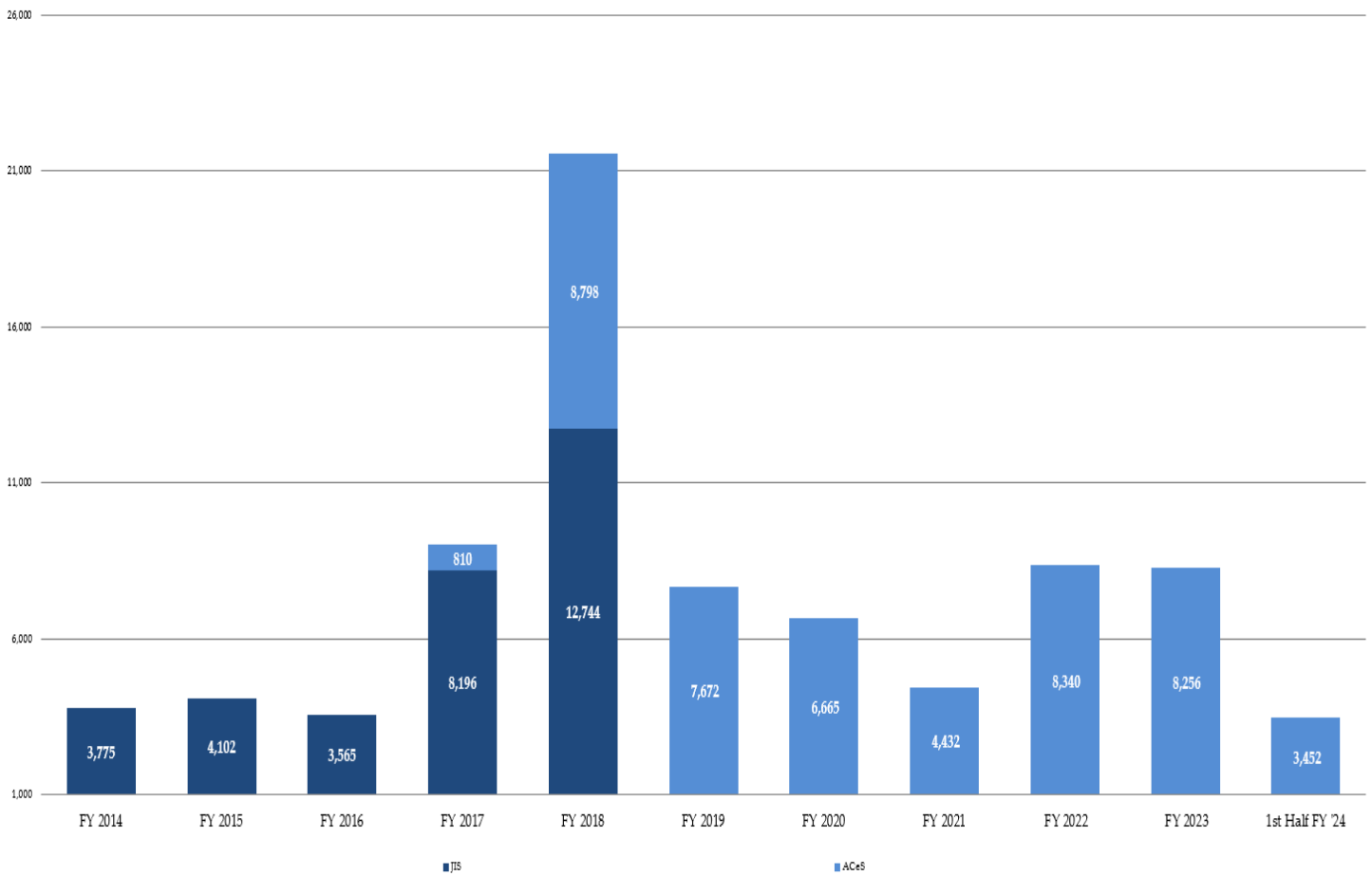
Unfortunately, the two independent systems (electronic submissions and manual data entry) do not seamlessly interface with each other. Consequently, manual data entries are necessary to document the receipt of grievances, assign them to the appropriate Business Units, and monitor progress toward resolving these grievances. Despite this challenge, the commitment to transparency and efficient grievance handling remains steadfast.

Even with the successful deployment of inmate tablets, the Grievance Unit remains committed to its core objective: providing incarcerated persons with a confidential and secure avenue to file grievances. However, challenges persist due to workflow deficiencies between the two separate systems. Despite this, the unit diligently manages manual data entries for both systems, ensuring that every inmate grievance is meticulously processed, tracked, and addressed.

From July 1, 2023, to December 31, 2023, the figure below illustrates the statistical analysis based on the data received.

**Figure 1**

**Annual Inmate Submission Totals  
Eleven Year Statistics  
Fiscal Year 2013 through 1st Half Fiscal Year 2024**

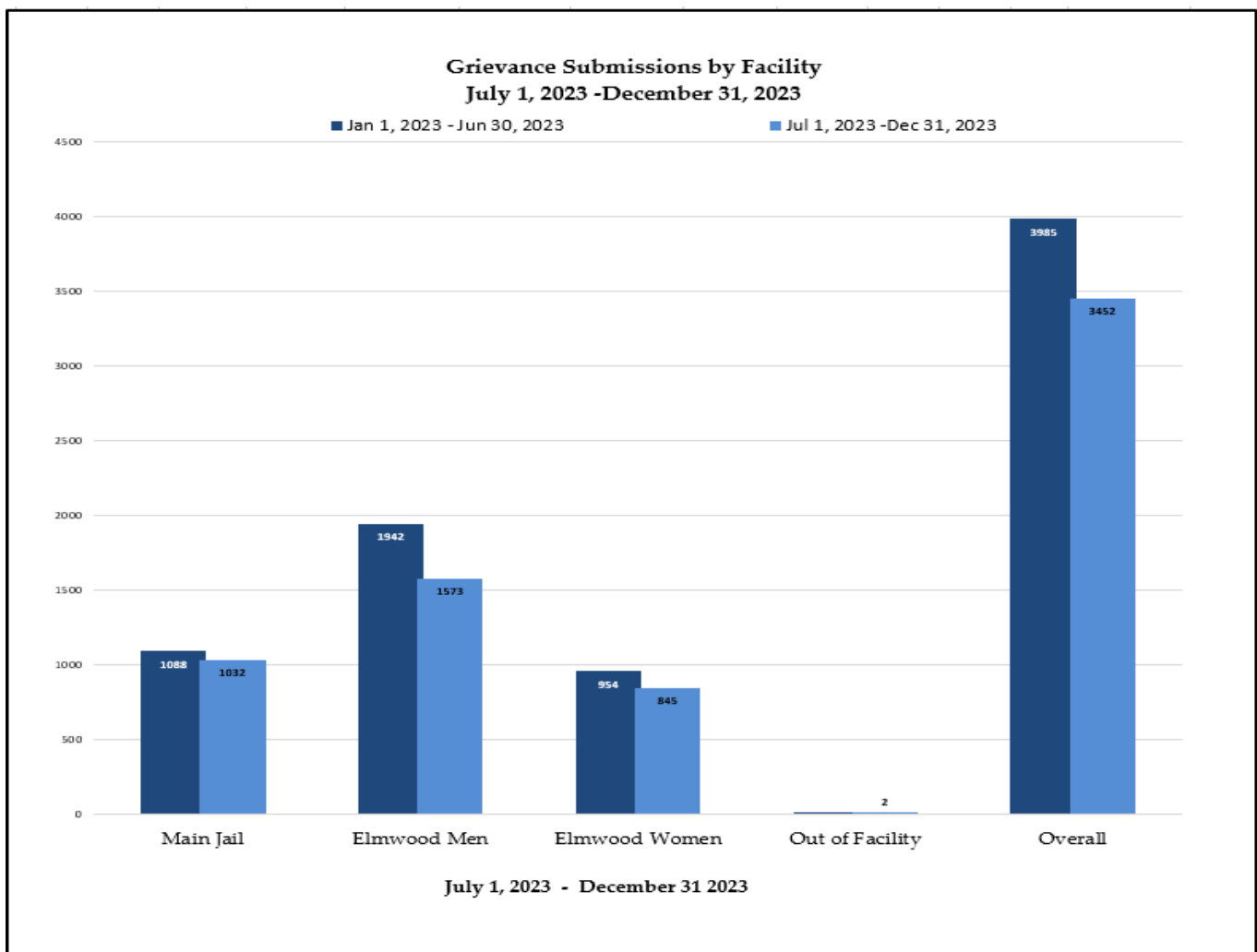


## Historical Grievance Volume Compared to Current

Figure 1, in the chart above illustrates the total grievance submissions from Fiscal Year 2013 through the first half of FY24. Since the initiation of the ACeS Grievance Tracking System on June 5, 2017, grievances have been semi-electronically processed and tracked. ACeS has significantly improved and strengthened our grievance system. Prior to ACeS, all grievances (pre-June 5, 2017, indicated in dark blue) were manually tracked in the antiquated legacy system known as JIS.

In early October 2021, the Sheriff's Office successfully deployed tablets to every incarcerated person in our custody. With the option to electronically submit grievances via their tablet devices, the Grievance Unit has observed an increase in grievance submissions from the incarcerated population compared to pre-tablet statistics, as represented above for FY 2022 and FY 2023.

**Figure 2**



## Inmate Grievance Volume by Facility

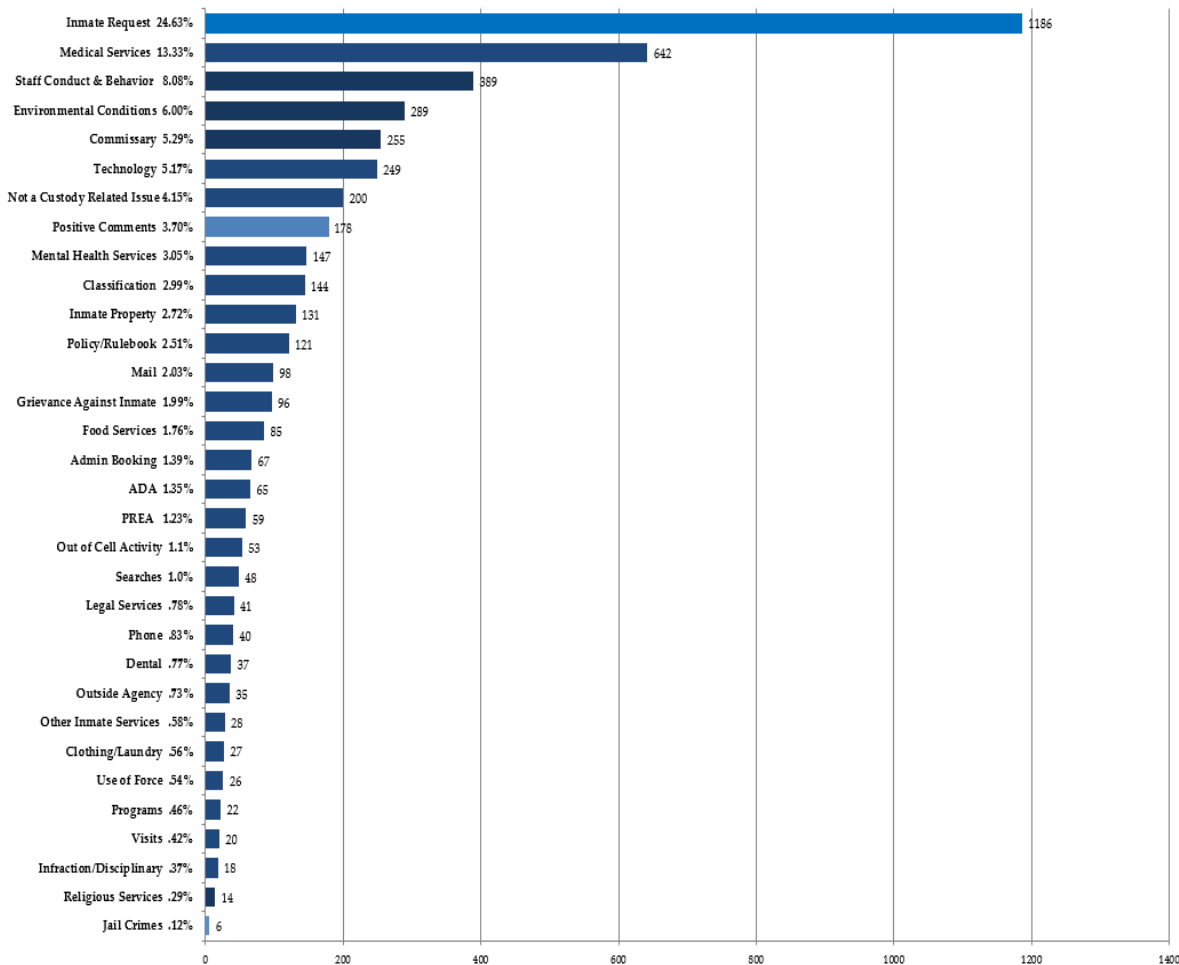
Figure 2, in the chart above illustrates all grievances processed during the first half of FY24 (indicated in light blue) compared to the previous six months or second half of FY23 (indicated in dark blue), categorized by jail facility.

During the the first half of FY24, there was an overall decrease of 13% in grievance submissions when compared to the previous six months. Here are the individual divisional statistics:

- Main Jail experienced a 5.1% decrease in submissions.
- Elmwood Women’s Facility saw an 11.4% decrease in submissions.
- Elmwood Men’s Facility witnessed a significant 19.0% increase in submissions.

## Figure 3

Grievance Totals By Category  
July 1, 2023 through December 31 2023  
3452 Grievances + 1186 Inmate Requests + 178 Positive Comments



## Inmate Grievance Volume by Category (Please refer to “Figure 3” on the previous page)

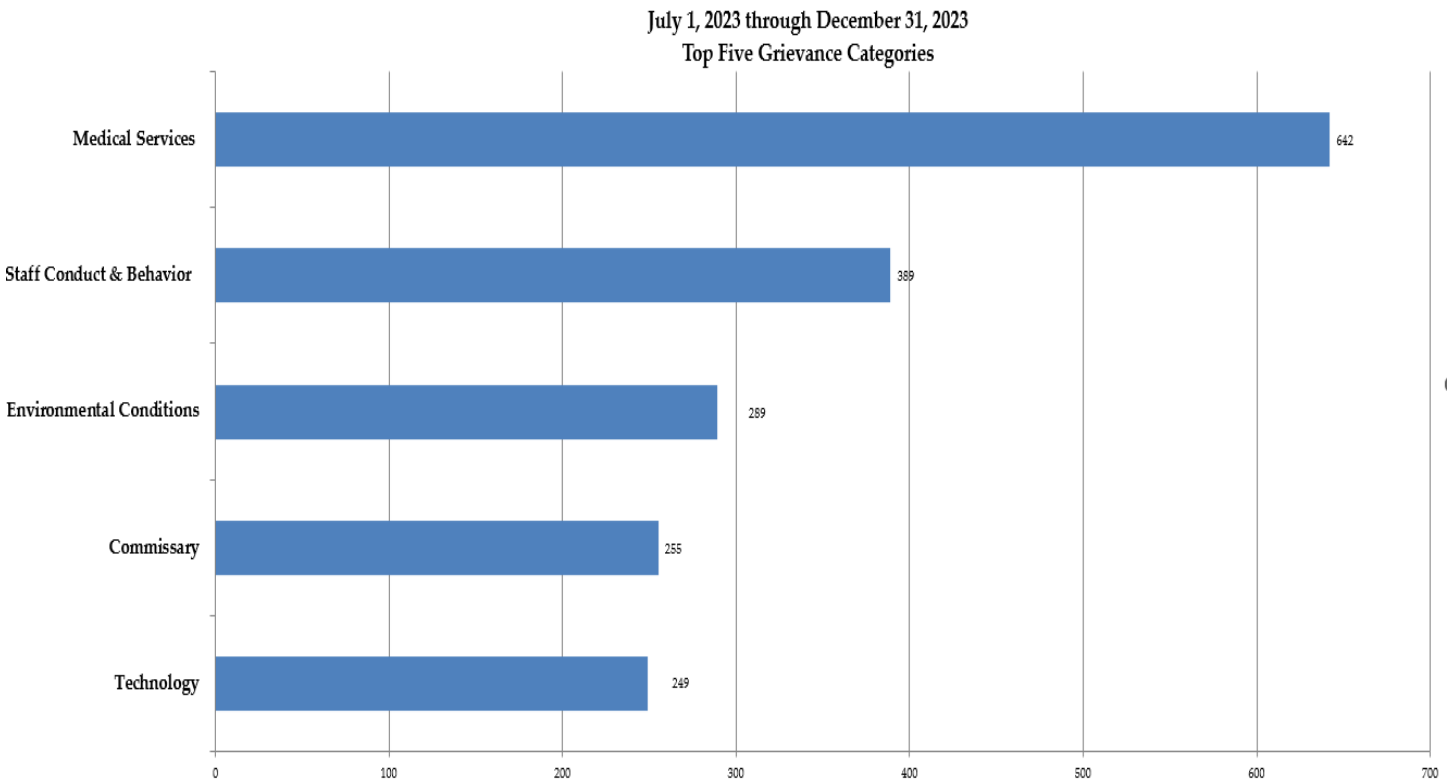
The incarcerated population has the right to address any aspect of their confinement through the grievance process. This includes policies, decisions, actions, conditions, or errors that directly impact their health, safety, well-being, participation, or access to programs—all of which fall under the purview of the Sheriff’s Office.

During the first half of FY24, the Grievance Unit received 3,452 grievances from the incarcerated population. Additionally, there were 1,186 “Inmate Requests” and 178 “Positive Comments” submitted by the incarcerated population. While these Inmate Requests and Positive Comments are not classified as formal grievances, the Grievance Unit diligently tracks and processes them. Furthermore, the unit ensures that Positive Comments are relayed back to the jail facilities.

It's important to note that these two categories—Inmate Requests and Positive Comments—are not included in the overall grievance statistics for our Grievance Reports. However, they constitute an additional 1,364 submissions, accounting for 28.3% of the total workload handled by the Grievance Unit.

The Top Five Grievance Categories (excluding the two non-grievance categories mentioned above) account for a total 2,030 grievances, representing 48% of all grievances submitted during the first half of FY23. These top five grievance categories are listed in *Figure 4* (below).

**Figure 4**



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

"Medical Services" (ranked #1) and "Staff Conduct" (ranked #2) are the Top 2 Categories for the 1<sup>st</sup> Half of FY24. Together, these two categories accounted for 30.0% of all grievance submissions during the last six months.

Custody Health Services regularly reports on "Medical Services" grievances to the Public Safety and Justice Committee on a quarterly basis. In response to a request from Supervisor Ellenberg, the Sheriff's Office and Custody Health Services will jointly report on "Medical Services" grievances to the committee in their upcoming quarterly report scheduled for March 20, 2024.

The "Staff Conduct" Category was the second Most Frequently Grieved Category during the first Half of FY24. An audit analyzing trends associated with this category over the last six months revealed a noticeable spike in submissions during the months of August and November. Combined, these two months accounted for 40.6% of the entire grievance count for the review period.

In August, the Grievance Unit reviewed all grievances related to "Staff Conduct." The audit revealed that a particular incarcerated individual was accountable for nearly half of the total grievance count for that month. These grievances encompass complaints involving badge, professional, and civilian staff. Notably, the individual in question resides in the Special Management Unit and has filed an astonishing 500+ grievance complaints since being in custody.

Despite the frequent submission of grievances, the Sheriff's Office remains dedicated to maintaining effective communication with this incarcerated individual. They have established a range of resources to support their well-being, including medical and mental health services. Additionally, translators are available to facilitate clear and effective communication. The Office of Mediation and Ombuds provides a platform for resolution, while the Jail Observer Program enhances transparency and accountability.

All grievances related to "Staff Conduct" undergo thorough investigation, regardless of their frequency. Subsequently, they are forwarded to the Investigative Units (Internal Affairs and Jail Crimes Units) for further review, appropriate action, and follow-up with the incarcerated person.

In November, the Grievance Unit conducted an analysis of submissions and discovered that a group of incarcerated individuals at the Elmwood Women's Facility had collectively filed a grievance against a deputy.

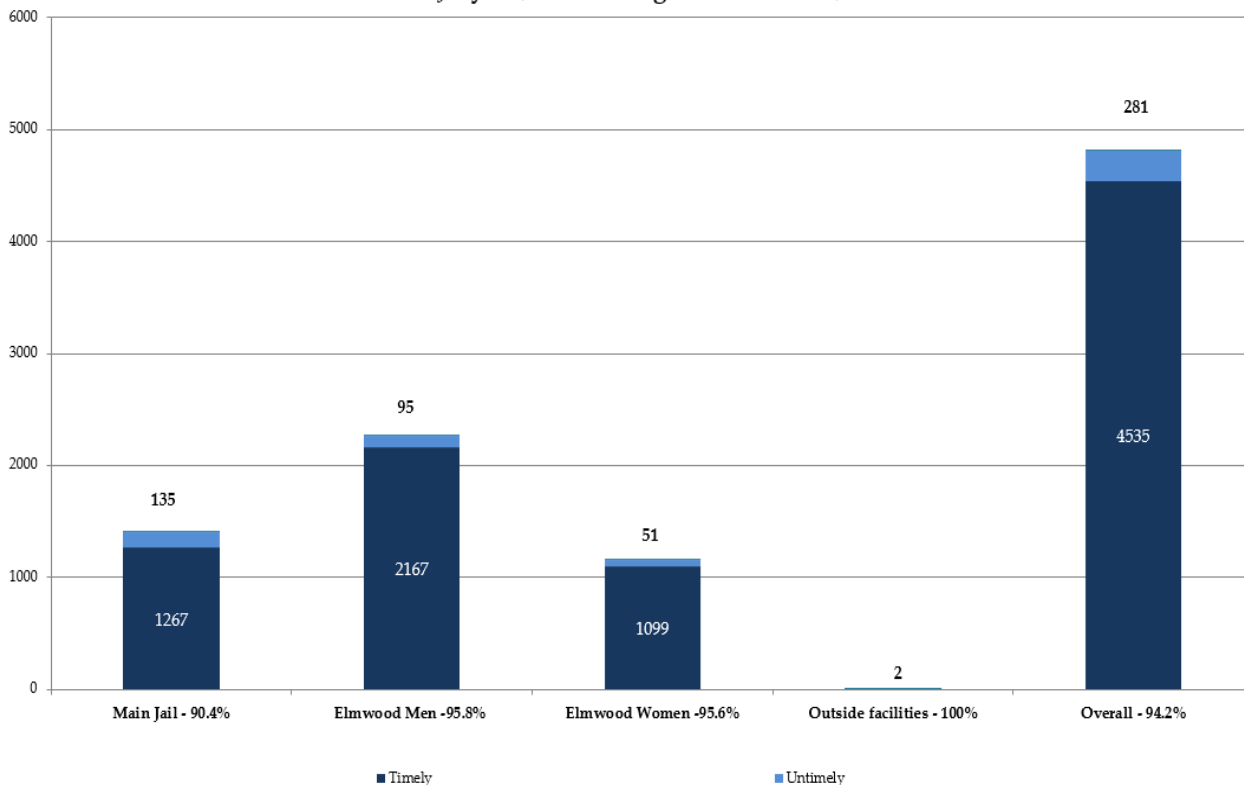
The majority of grievances in this category alleged that the deputy had made disrespectful remarks to incarcerated persons. However, a comprehensive review of Body Worn Cameras (BWC), overhead camera footage, and interviews, revealed that these allegations were baseless and unfounded.

Notably, the deputy named in the grievance complaint was never present in the same housing area as the complainants during the time of the alleged incident. Regardless of the outcome, staff members were reminded to always maintain professionalism during all interactions with our incarcerated population.

\*Note: While compiling the statistics for this review period (July 01, 2023 – December 31, 2023), it came to light that an additional (10) “Staff Conduct” grievances had been added to this bi-annual report. An audit revealed that these (10) grievances were initially entered into ACeS during the preceding review period (June 2023) but remained in the “Verification Step” until the beginning of the subsequent month, thus contributing to the statistics for this review period. The division conducted thorough investigations into these (10) grievance complaints. As previously mentioned, “Staff Conduct” grievances also undergo scrutiny by our investigative units (Internal Affairs or Jail Crimes Unit), providing an additional layer of oversight and ensuring a proper check and balance system for all complainants.

**Figure 5**

**Grievance Response Timeliness**  
**Response Provided <30 Days from Date of Grievance**  
**July 01, 2023 through December 31, 2023**

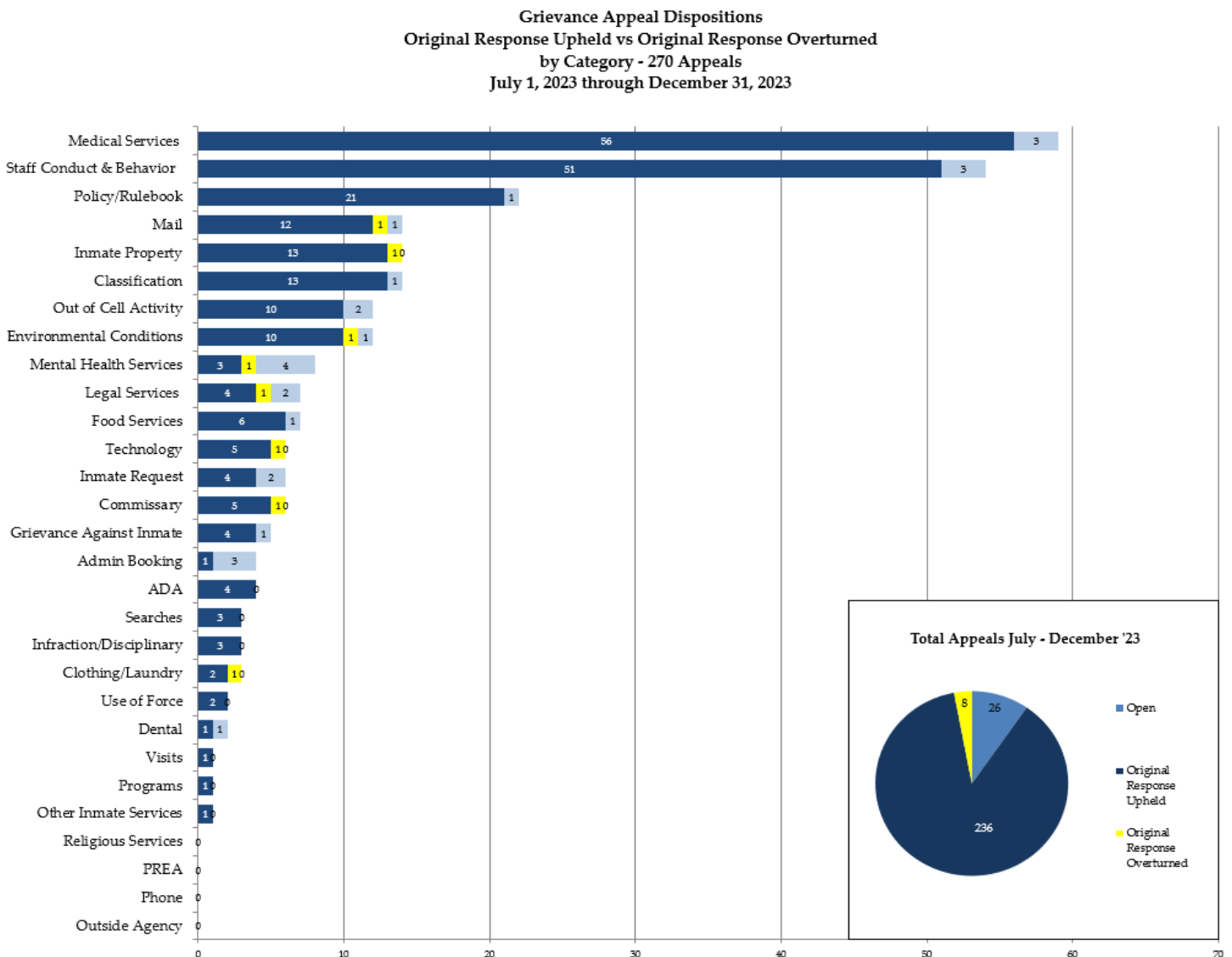


## Grievance Response Timeliness *(Please refer to "Figure 5" above)*

Figure 5 highlights all grievances tracked through ACeS, including "Inmate Requests" and "Positive Comments." While these two categories are not considered true grievances, the Grievance Unit diligently collects, processes, and tracks all submissions from inmates. Once entered in ACeS, the Grievance Unit aims to meaningfully respond to all grievances within 30 days. Some grievances may require further investigative measures to provide a resolution for the inmate. Achieving the 100% timeliness objective might not always be feasible due to the complexity of certain cases.

During this review period, 94.2% of all submitted grievances were answered and returned to the inmate within 30 days of their submission date.

**Figure 6**





## **Grievance Appeals** *(Please refer to "Figure 6" above)*

The Grievance Appeal process allows an incarcerated person the opportunity to contest the original disposition of a grievance. Each incarcerated person is 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 evaluates both the appeal information and the original grievance response to ensure a meaningful resolution was achieved. If management determines that the resolution was ineffective or insufficient, 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.

During the first half of FY24, out of 3,452 submitted grievances, 270 (approximately 7.8% of all dispositions) were challenged by grievant, and eight (approximately 3.0%) were overturned, resulting in a new resolution.

## **Conclusion**

In accordance with the previous bi-annual report, the Santa Clara County Sheriff's Office collaborated with The Moss Group (TMG) in March 2021. Their joint effort aimed to evaluate the Elmwood's Women's Facility (CCW) and enhance the grievance process for the incarcerated population. The report meticulously analyzed CCW's grievance data and functionality, revealing a significant disparity when compared to the male population. TMG commended the Sheriff's Office for proactively addressing this issue and acknowledged the unwavering dedication of CCW's Grievance Unit staff. As part of their recommendations, TMG proposed aligning the Grievance Unit's mission with its operational practices and integrating efficient tracking systems. These measures are intended to streamline workload management and foster trust among both the incarcerated population and staff members.

In addition to the valuable insights provided by TMG in their report, they recommend the following actions to further improve the grievance process at Elmwood’s Women’s Facility (CCW):

1. Resolutions Unit Rebranding: To foster a positive perception and enhance transparency, consider renaming the existing Grievance Unit as the Resolutions Unit. This shift in nomenclature emphasizes a proactive approach to resolving issues and encourages confidence among both the incarcerated population and staff.
2. Collaboration with Partnered Business Units: Strengthen collaboration with other units within the Sheriff’s Office. By working closely with these business units, the Resolutions Division can proactively address grievances, streamline processes, and ensure a more effective system.

For a comprehensive list of TMG’s recommendations, please refer to the full report starting on Page 21 of the Public Safety and Justice Committee’s Agenda Packet for January 16, 2024. The report titled “The Moss Group – Technical Assistance Report: CCW Grievances” provides detailed insights and actionable steps to enhance the grievance system.

The comprehensive report on CCW's grievance system underscores both its strengths and areas for improvement. It emphasizes critical factors such as trust, efficiency, and collaboration in ensuring equitable treatment and support for justice-involved women. As the Sheriff’s Office integrates TMG’s recommendations into our policies and procedure, we commit to providing timely updates in future reports.

CC: David Sepulveda, Assistant Sheriff  
Dalia Rodriguez, Assistant Sheriff  
Ricardo Urena, Assistant Sheriff  
Rita Roland, Captain, Elmwood Division  
Thomas Duran, Captain, Professional Standards & Compliance Division  
Christopher Grumbos, Captain, Personnel Unit  
Antonio Fernandes, Captain, Main Jail Division  
Rocha Sanchez, Captain, Administrative Services Division  
All Support Unit Managers  
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