

County of Santa Clara

Office of the Sheriff

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MEMORANDUM

Laurie Smith
Sheriff

TO: Sheriff Laurie Smith

FROM: Captain Michelle Asban
Lieutenant Joseph Nguyen

DATE: March 16, 2022

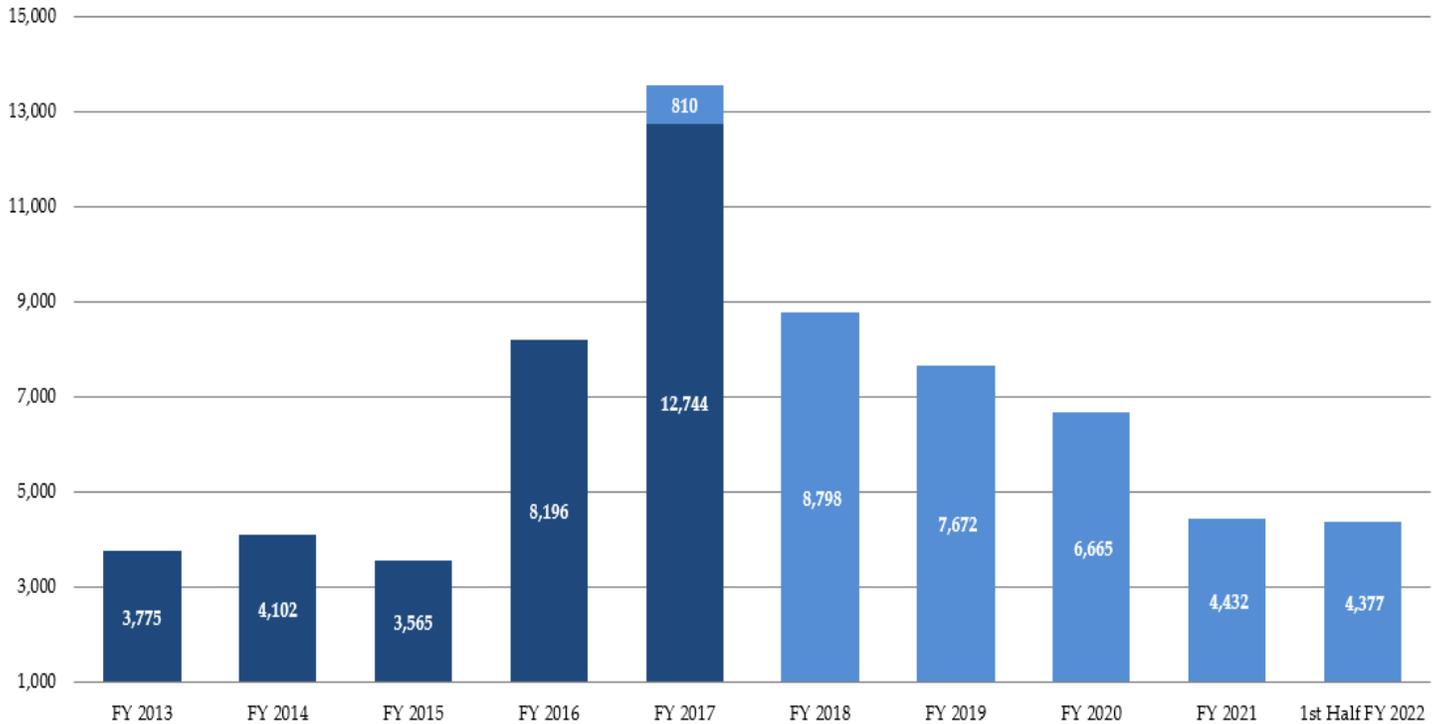
SUBJECT: Grievance and Appeals Unit Bi-Annual Statistics and Audit Report
July 1, 2021 through January 31, 2021

On March 16, 2016, Sheriff Laurie Smith, with input from the Blue Ribbon Commission presented her 54-page Jail Reform Plan. Sheriff Smith's plan included analysis and feedback from the community, inmates, custody staff, families of inmates, and experts in custodial operations. Of the 13 categories listed, improving and strengthening the Grievance Process was included in her Jail Reform Plan to the Board of Supervisors. Many proposals were detailed in Sheriff Smith's plan and within six months, 112 lockboxes were installed in every housing, a simple multi-lingual grievance form was created, a Grievance Unit was established, and a training module was developed to educate custody staff on how to process grievances electronically through the ACeS Grievance Tracking System. All recommendations were met and implemented including the acquisition of inmate tablet devices capable of allowing inmates to electronically file grievances and request forms.

With inmate tablets being 100% deployed between all three facilities by the end of the 3rd Quarter of Calendar Year 2021, inmates transitioned from using a paper-based process to submitting all their needs such as inmate requests, grievances, and commissary orders by using electronic means via tablets. While being able to streamline these processes during the last six months, the Sheriff's Office Grievance Unit had to adjust to the influx of electronic grievance submissions in addition to the paper grievances. Grievance Unit Management Analysts were also tasked with transferring all electronic grievance submissions via tablet to the main grievance tracking system of record, ACeS. The following statistical analysis is based on data from July 1, 2021, to December 31, 2021.

Figure 1

**Annual Inmate Submission Totals
Ten Year Statistics
Fiscal Year 2013 through Calendar Year 2022**

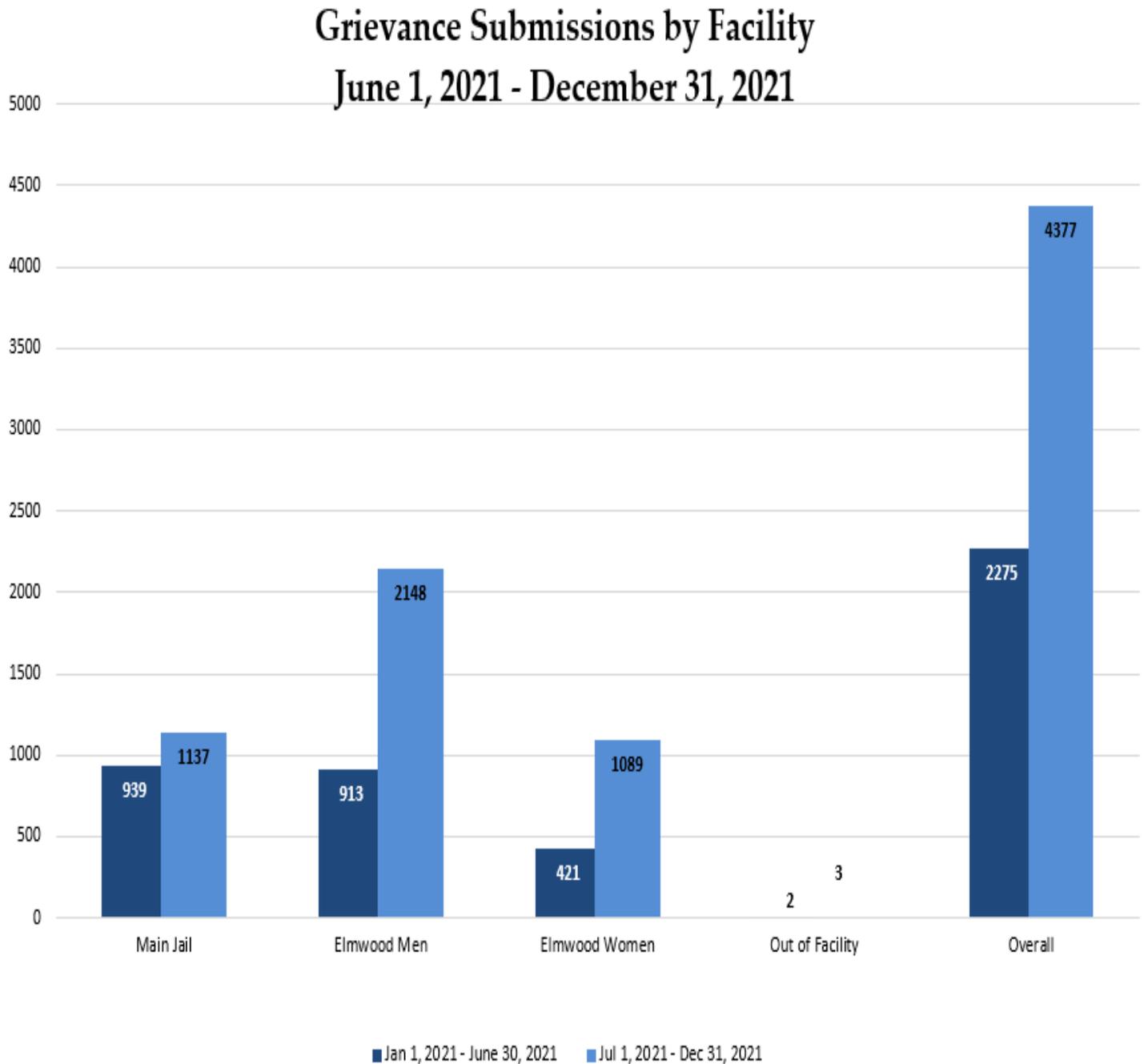


Historical Grievance Volume Compared to Current

The chart above, *Figure 1*, depicts the total grievance submissions for the Fiscal Year 2013 through Calendar Year 2022. Since the ACeS Grievance Tracking System was initiated on June 5, 2017, the grievances have been semi-electronically processed and tracked. ACeS has dramatically improved and strengthened how the Sheriff's Office manages inmate grievances. Before the implementation of ACeS, all grievances (pre-June 5, 2017, indicated in dark blue) were manually tracked in the homegrown antiquated legacy system, JIS (known as Jail Information System).

On May 28, 2021, the Sheriff's Office introduced inmate tablets to the inmate population within a few selected housing units at the Main Jail as a pilot program. Since then, there have been phased deployments of tablets to the Elmwood Men's and Women's facilities, and the remaining inmates at the Main Jail. At the beginning of October, the Sheriff's Office fully deployed tablets to every inmate in custody. Now with the option to electronically submit grievances via their tablet devices, the Grievance Unit has witnessed an increase in grievance submissions by inmates compared to pre-tablet statistics.

Figure 2



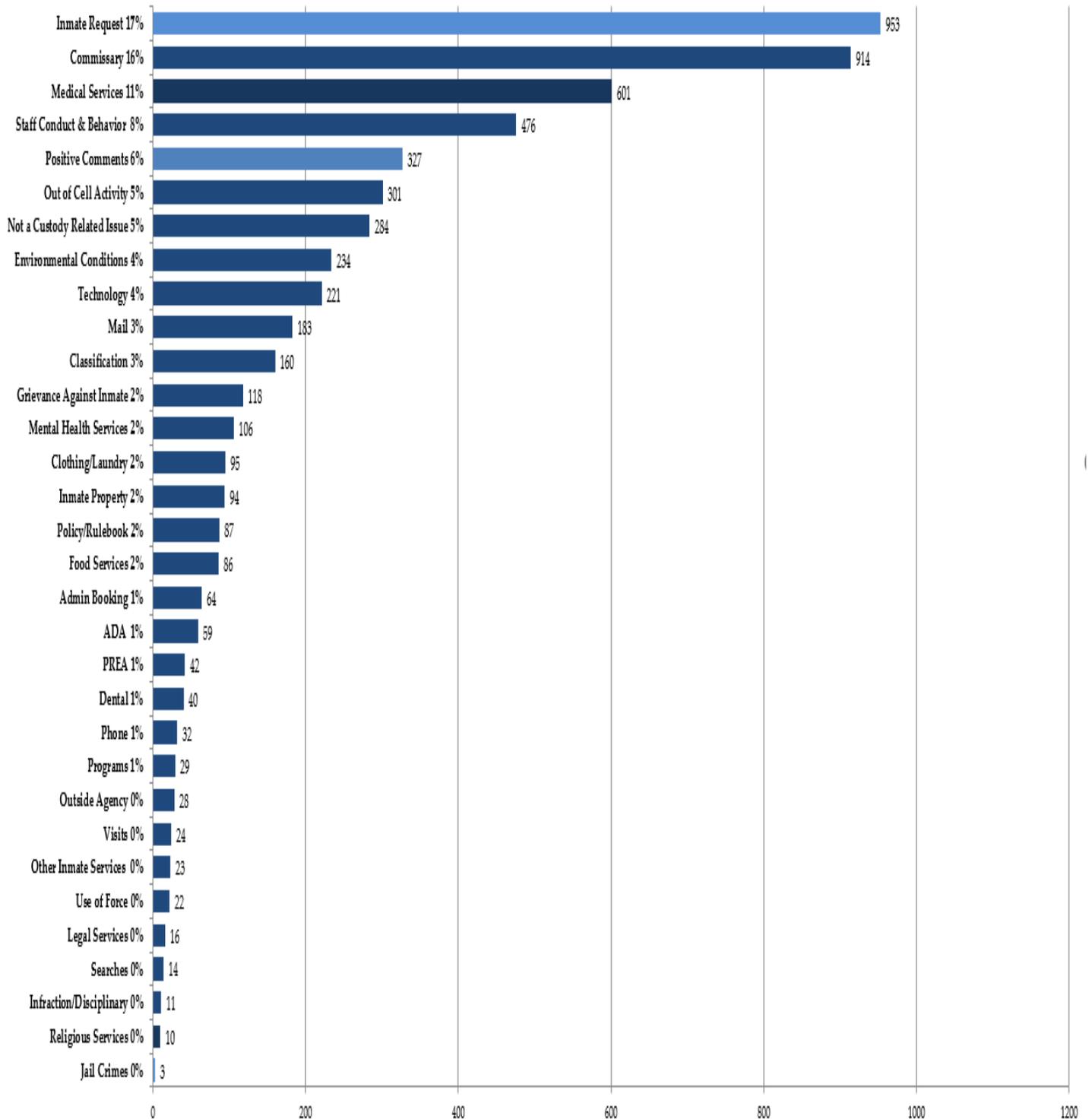
Inmate Grievance Volume by Facility

The chart above, *Figure 2*, illustrates all grievances processed for the second half of FY21 (indicated in dark blue) compared to the previous 6 months or the first half of FY22 (indicated in light blue) and by jail facility.

The first half of FY22 experienced a 92% overall increase in inmate grievance submissions compared to the previous six months. The individual divisional statistics are as follows: Main Jail increased by 21%, the Elmwood Men's Facility increased by 135%, and the Elmwood Women's Facility increased by 159%.

Figure 3

Grievance Totals By Category
July 1, 2021 through December 31 2021
4377 Grievances + 953 Inmate Requests + 327 Positive Comments

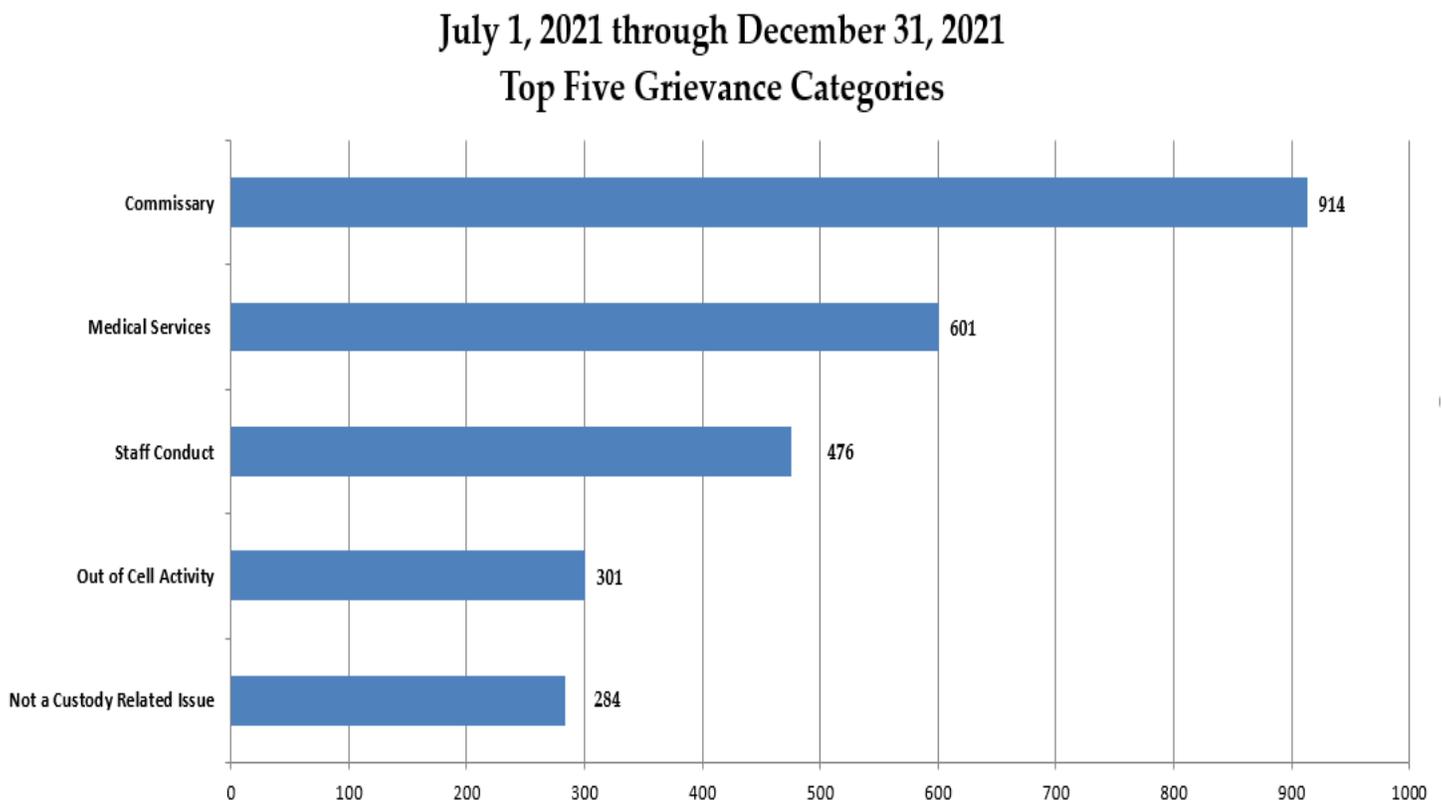


Inmate Grievance Volume By Category *(Please refer to "Figure 3" on the previous page)*

Inmates can 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 the first half of FY22, the Grievance Unit received 4,377 inmate grievances. Additionally, inmates submitted 953 "Inmate Requests" and 327 "Positive Comments" to the Grievance Unit. Even though requests and positive feedback by inmates are not grievances, they are still tracked and processed upon receipt. The Grievance Unit also communicates the positive comments back to the jail facilities. Appropriately, these two categories are not counted in the overall grievance statistics for their Grievance Reports. However, it should be noted that these two categories account for an additional 1,280 grievance submissions, which equates to 29% of the work processed by the Grievance Unit.

The Top Five Grievance Categories (excluding the two non-grievance categories mentioned above) total 2,576 grievances, which is 59% of the total grievances submitted for the first half of FY22. These top five grievance categories are:

Figure 4



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

"Commissary" (#1) and "Medical Services" (#2) remained the Top 2 Categories for the first half of FY2022. These two categories accounted for 35% of all grievance submissions during the last 6 months.

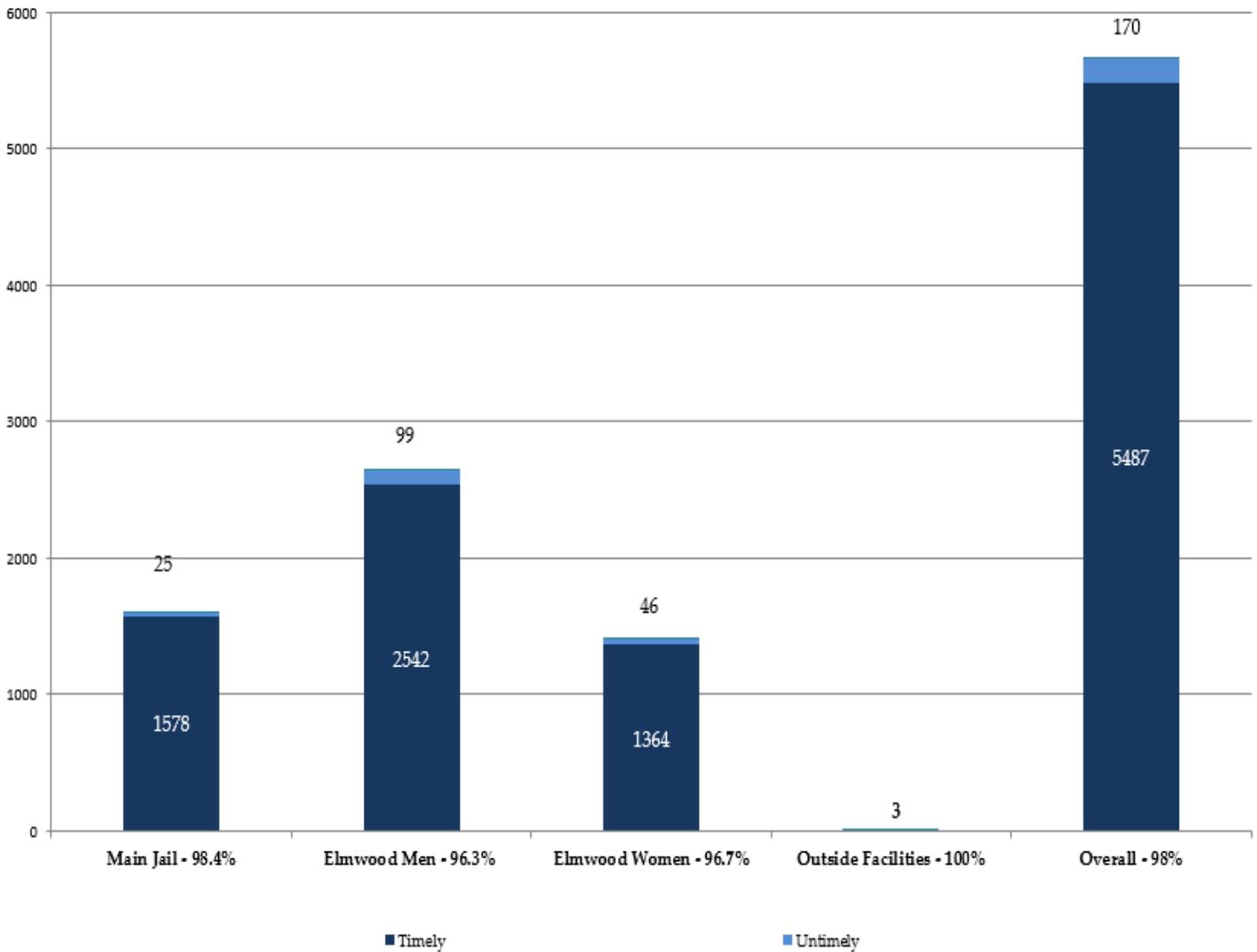
The "Commissary" category replaced "the Medical Services" category during this review period as the #1 Most Frequently Grieved Category for the first half of FY 2022. The commissary vendor continues to express that the nationwide supply chain issue has disrupted their warehouse operations. Approximately 50% or half of all grievances in this category were complaints about missing purchased items since popular products were not fulfilled by the warehouse due to item unavailability. In order to help alleviate complaints, the vendor has implemented a new procedure that will notify inmates when items are out of stock and also include the specific dollar amount an inmate will be credited. Moreover, the vendor posted a systemwide message on the tablets advising all inmates of the supply chain shortage.

"Medical Services" was the #2 Most Frequently Grieved Category for the first half of FY 2022. Since the start of the pandemic, the Sheriff's Office faced the biggest COVID-19 outbreak last year with 159 C19+ cases on November 16, 2021. Once identified by Custody Health, inmates were transferred to Restrictive Movement Units (RMUs) to contain the spread of the virus. Designated RMUs were located at all three facilities. A large portion of grievances derived from these housing units contributed to the spike of grievance submissions during this review period. Custody Health and the Classification Unit worked in parallel when both business units enacted quarantine protocols at the beginning of the COVID outbreak in November. The facilities followed all county-mandated guidelines and procedures and although inconvenient to the inmate population, they were successful in slowing down the infection rate. At the height of the outbreak during Quarter 4 of 2021, there were 159 C19+ cases and that number was reduced to 1 C19+ case on December 25, 2021.

The Grievance Unit receives "Positive Comments" from inmates using the same submission system as grievances. During this six-month review period, there were 327 positive comments about staff submitted by inmates. "Staff Conduct" grievances accounted for 8% of all grievances during this review period, while "Positive Comments" accounted for 6%. For every "Staff Conduct" grievance, there were 1.4 "Positive Comments" written about the staff by inmates.

Figure 5

Grievance Response Timeliness
Response Provided <30 Days from Date of Grievance
July 01, 2021 through December 31, 2021

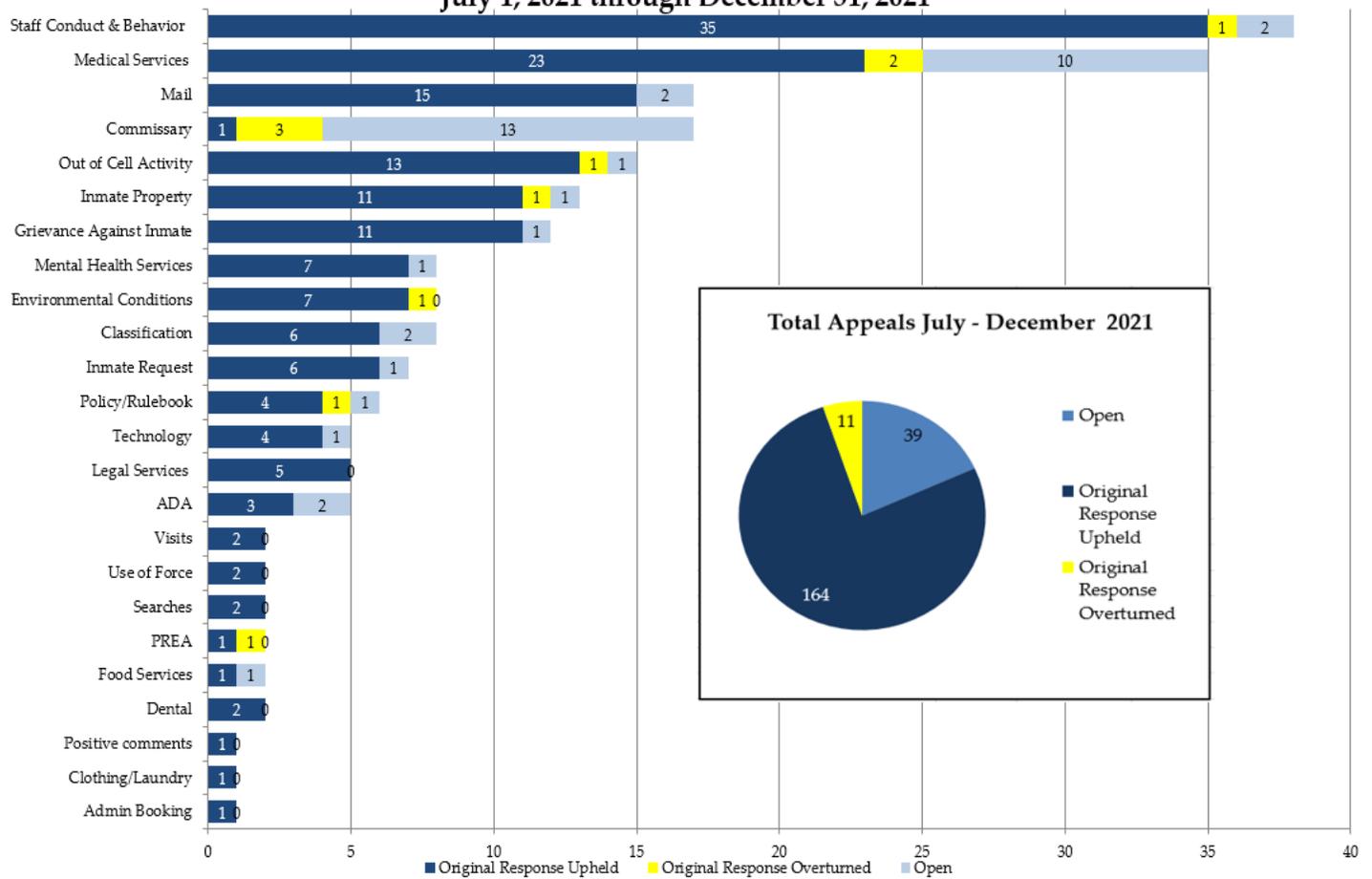


Grievance Response Timeliness (Please refer to "Figure 5" above)

Figure 5 highlights all grievances tracked through ACeS, including "Inmate Requests" and "Positive Comments." Although these two categories are not considered true grievances, the Grievance Unit collects, processes, and tracks any submissions by inmates. Once entered into ACeS, the Grievance Unit has a goal to respond to all grievances meaningfully within 30 days. Some grievances may necessitate further investigative measures in order to provide a resolution. 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 - 214 Appeals
July 1, 2021 through December 31, 2021**



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

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 is 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 4,377 submitted grievances for the first half of FY22, 214 or 4.9% of all dispositions were challenged by the grievant and .3% or 11 were overturned and provided a new resolution.

Conclusion

At the end of October 2021, the Sheriff's Office successfully deployed tablets to all three of its facilities. Besides being able to electronically submit Inmate Request Forms and Grievances, inmates can also order commissary through a web-based application, have access to educational content along with entertainment such as music, movies, and games. With the automation of the Inmate Grievance Process during the first half of FY 2022, the Sheriff's Office was finally able to achieve the last objective in Sheriff Smith's Jail Reform Plan.

During the initial deployment of tablets in 2017, the month of June recorded one single grievance in the "Technology" category. The Grievance Unit has categorized all inmate tablet-related complaints under the "Technology" category. These complaints are forwarded to Sheriff's Administration for their review and action. At the end of Fiscal Year 2022, there were 221 total grievances for the "Technology" category. The majority of these grievances were complaints about the content of the application(s) and the network reception at the facilities.

Each quarter, the vendor updates the tablet content with new movies, media, and educational courses across the platform for all inmates systemwide. All content is edited to a correctional-friendly environment and consistent with availability at other correctional facilities across the nation. Regarding the network reception, our vendor's Information Technology (IT) Team conducted field studies to test the signal strength for the inmate tablets. The IT Team proposed installing more access points to boost signals, but the proposal is subjected to budgetary funding and approval. The Grievance Unit will continue to monitor the "Technology" grievances as they arise and will inform the Sheriff's Administration, as necessary, to measure the effectiveness of the tablet deployments.

CC: Kenneth Binder, Undersheriff
David Sepulveda, Assistant Sheriff
Dalia Rodriguez, Assistant Sheriff
Michael Doty, Assistant Sheriff
Mark Padget, Captain, Elmwood Division
Thomas Duran, Captain, Support Services Division
Christopher Grumbos, Captain, Personnel Unit
Antonio Fernandes, Captain, Main Jail Division
Frank Zacharisen, Captain, Administrative Services Division
All Support Unit Managers
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