

# 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:** March 23, 2023

**SUBJECT:** Grievance and Appeals Unit Bi-Annual Statistics and Audit Report  
July 1, 2022 through December 31, 2022

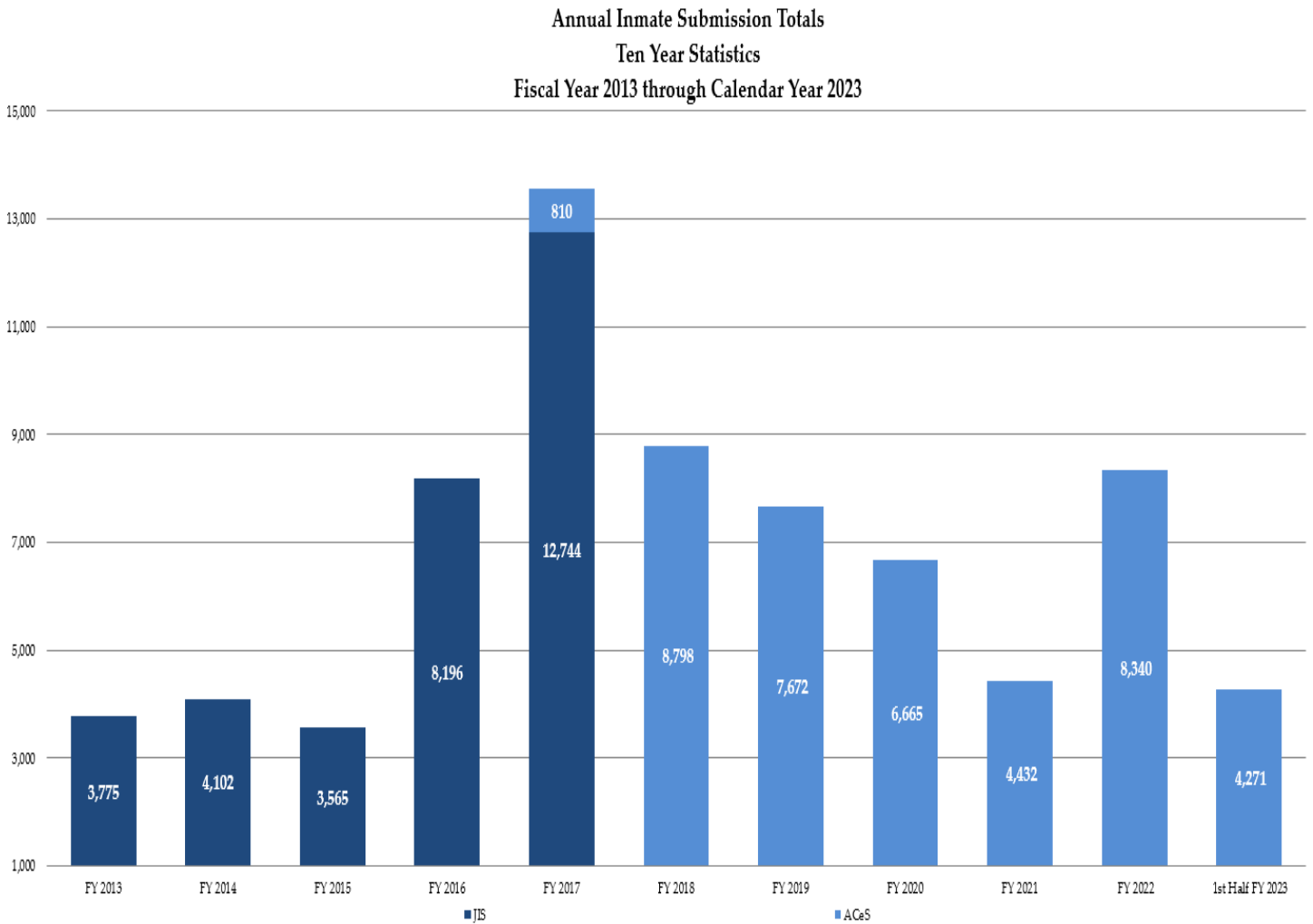
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Seven years ago, the Sheriff's Office worked diligently and collaboratively with the community, inmates, custody staff, and the families of inmates to identify and address issues within the jails. This included working with experts in custodial operations to review our policies, practices, and procedures from top to bottom. As a result of this analysis and feedback, coupled with the Blue Ribbon Commission recommendations on Improving Custody Operations, Sheriff Laurie Smith presented her Jail Reform Plan on March 16, 2016.

Of the recommendations, improving and strengthening the Inmate Grievance Process was a top priority as one of the 13 categories detailed in Sheriff Smith's plan. Once the Grievance Unit was created, secured lockboxes were installed in every housing unit which allowed all inmates the ability to submit their grievances confidentially and without fear of retaliation. In addition, a robust grievance tracking system was implemented on June 5, 2017, to allow the Grievance Unit the ability to track, monitor, and review meaningful responses from the many Business Units within the Sheriff's Office.

Inmate tablets were successfully deployed to all inmates in October 2021 and since then, the anonymity and ease of submitting grievances through the inmate tablets has decreased the number of paper grievances received by the Grievance Unit, but has inversely increased the Grievance Unit's workload. The two independent systems are not able to interface with each other, therefore manual data entries are required to document receipt of grievances, assign grievances to appropriate Business Units, and monitor progress on resolution of grievances. The following statistical analysis is based on data from July 1, 2022 to December 31, 2022.

**Figure 1**



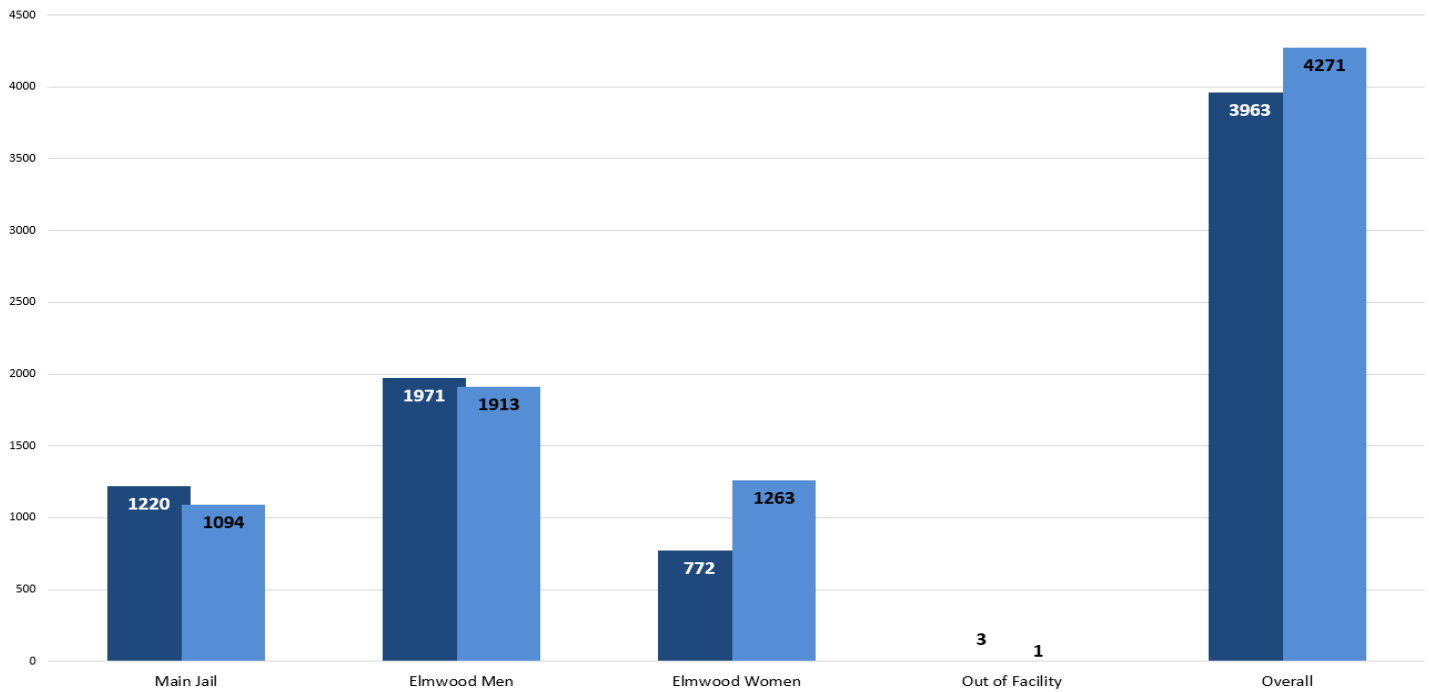
**Historical Grievance Volume Compared to Current**

The chart above, *Figure 1*, depicts the total grievance submissions for 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 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.

At the beginning of October 2021, the Sheriff’s Office fully deployed tablets for every inmate 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.

**Figure 2**

**Grievance Submissions by Facility  
July 1, 2022 - December 31, 2022**



**Inmate Grievance Volume by Facility**

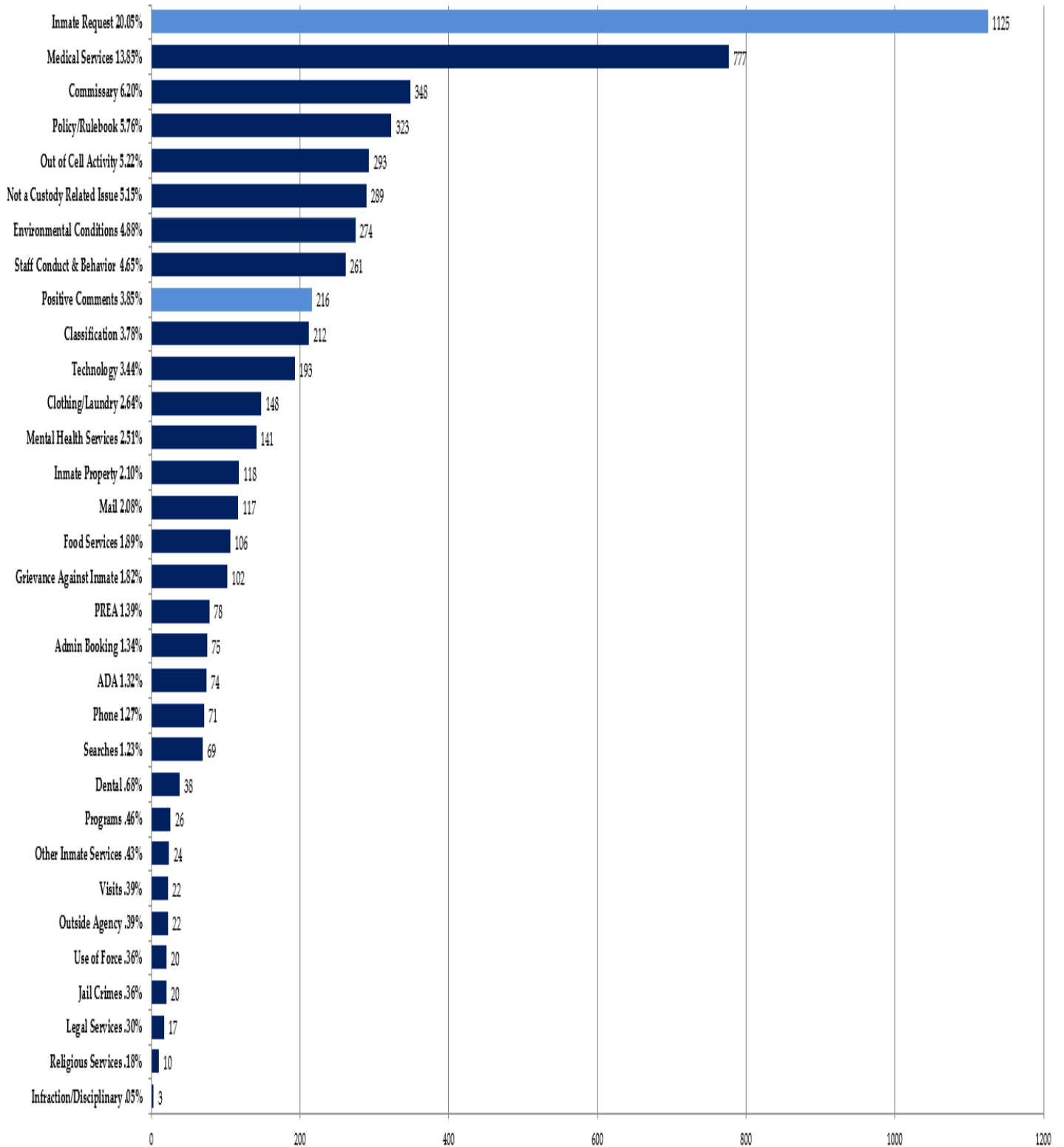
The chart above, *Figure 2*, illustrates all grievances processed for the 1st half of FY23 (indicated in dark blue) compared to the previous six months or second half of FY22 (indicated in light blue) and by jail facility.

The first half of FY23 experienced an 8% overall increase in inmate grievance submissions when compared to the previous six months. The individual divisional statistics are as follows: Main Jail decreased by 10.3%, the Elmwood Men’s Facility decreased by 2.9%, and the Elmwood Women’s Facility increased by 63.6%.

During FY22, the Office of the Sheriff contracted with The Moss Group to perform a Gender Needs Assessment of the Elmwood Women’s Facility. The results indicated a need to delve more deeply into grievances at the women’s facility. The Grievance Unit, in collaboration with The Moss Group, will be undertaking an intensive study of women’s grievances. The study will be an in-depth evaluation that will examine; women’s grievances and determine why women grieve at a much higher rate than men, the quality of grievance responses, and identify potential solutions to these issues. Additionally, the study will help the Grievance Unit develop a process for using the data on top reasons for grievances to proactively solve ongoing and emerging challenges. The Moss Group’s proposal outlining the parameters and timeline of the study is expected to be presented to the Sheriff’s Office in the 1<sup>st</sup> Quarter of 2023.

**Figure 3**

Grievance Totals By Category  
July 1, 2022 through December 31 2022  
4271 Grievances + 1,125 Inmate Requests + 216 Positive Comments

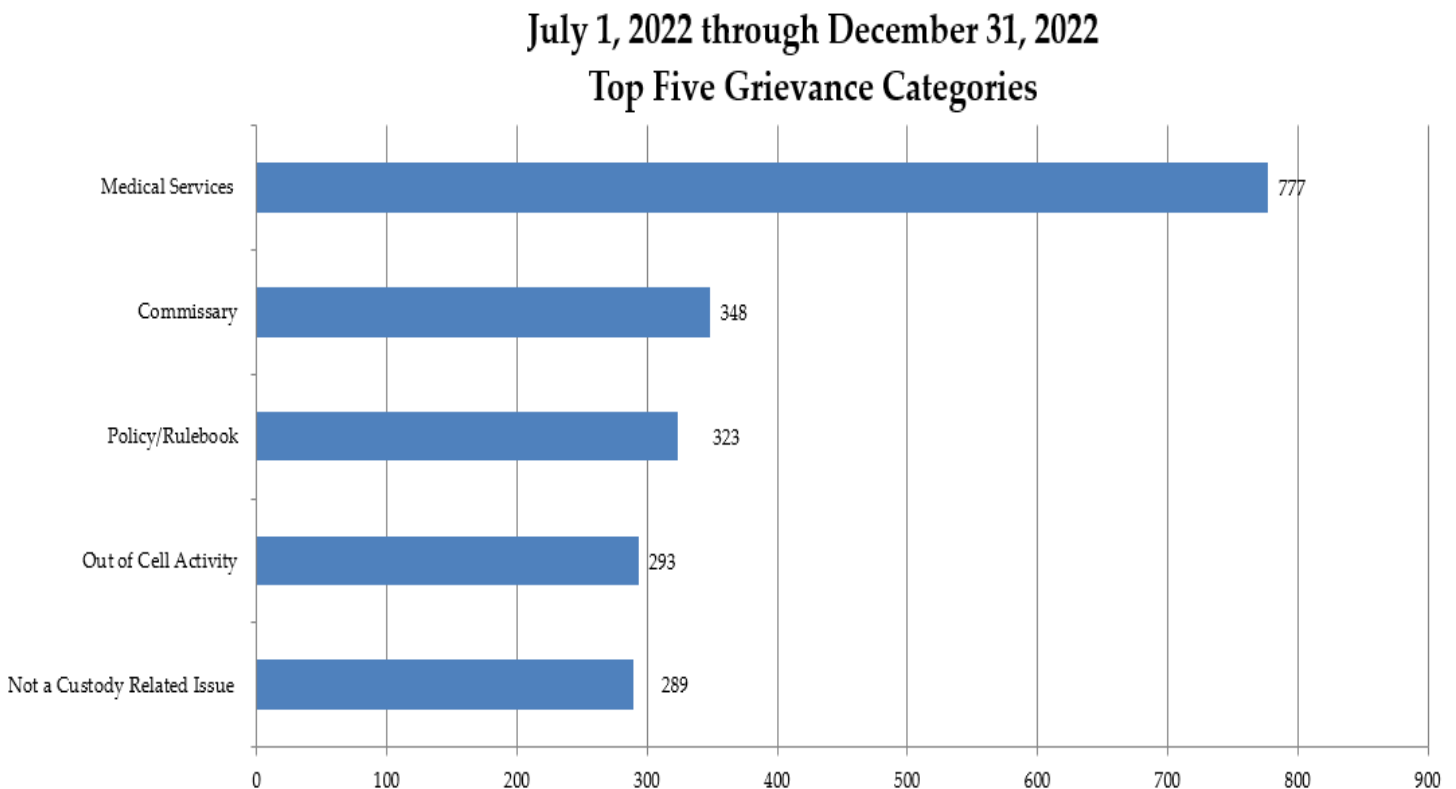


**Inmate Grievance Volume By Category** (Please refer to “Figure 3” on the previous page)

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 4,271 grievances submitted for the first half of FY23, there were 1,125 “Inmate Requests” and 216 “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 1,341 grievance submissions, which equates to 31.4% of all the work that the Grievance Unit processes.

The Top Five Grievance Categories (excluding the two non-grievance categories mentioned above) total 2,030 grievances, which is 48% of the total grievances submitted for the first 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 first half of FY23. These two categories accounted for 26.3% 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. The next quarterly report is scheduled for January 12, 2023. At the request of Supervisor Ellenberg, the Sheriff's Office and Custody Health Services will jointly report on "Medical Services" grievances starting with the 1st Quarter of 2023 at the May 2023 Public Safety and Justice Committee Meeting.

The "Commissary" Category was the #2 Most Frequently Grieved Category for the first half of FY23, but reduced its submission rate by 62% or 566 fewer grievances when compared to the same time period a year ago. Many process changes have been implemented by the Sheriff's Office throughout this past year that attributed to the decrease of grievances for the "Commissary" category.

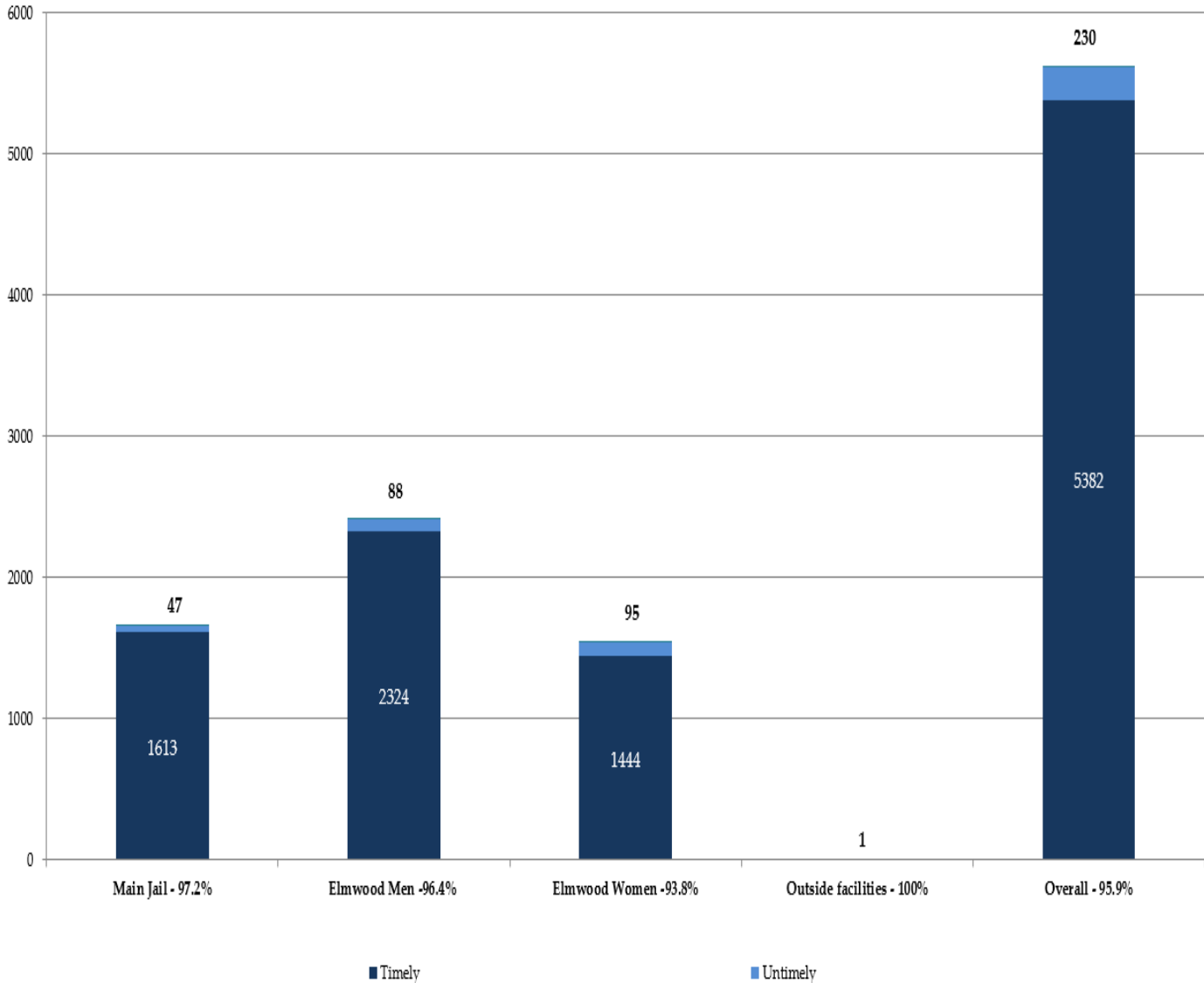
At the beginning of the pandemic, the commissary program was temporarily suspended and once it was resumed, our deputies were tasked with absorbing our vendor's roles and responsibilities with the commissary distribution process. \*Note: Before the sudden pause, the commissary distribution schedule was spread over 3 days (Tuesday-Thursday), essentially covering one facility per distribution night. Once the commissary program resumed a few weeks later, our vendor was only able to deliver twice a week (Thursday-Friday) which resulted in less out-of-cell time for inmates since deputies had to distribute commissary to other parts of the facility. Once the Sheriff's Office uncovered the problem, we worked with the vendor to default back to the original commissary schedule that was in place prior to the pandemic. This allowed the department to shift their efforts on providing inmate services and programming such as out of the cell activity.

During the pandemic, there was a \$50 spending limit per inmate per week for commissary purchases and only two options on the iCare website for family and friends to purchase for the inmates. Since then, the Sheriff's Office has increased the spending limit to a \$75 spending limit per inmate per week for commissary purchases and added four additional (six total) iCare package options for family and friends to purchase for the inmates.

With our vendor's digital signature capturing devices on schedule to be implemented in the 1st Quarter of 2023, the Sheriff's Office goal is to further reduce the amount of "Commissary" grievances in the near future.

**Figure 5**

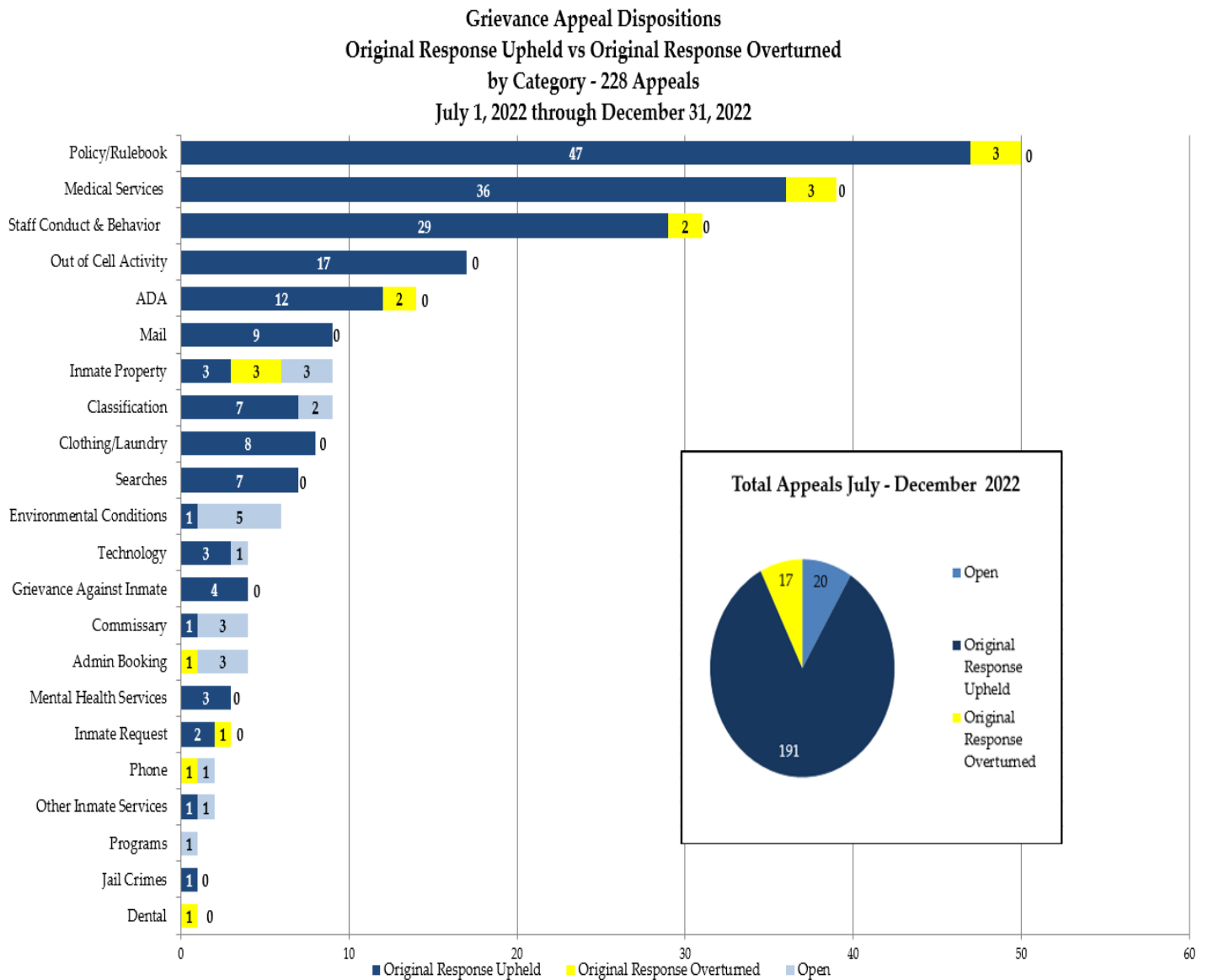
Grievance Response Timeliness  
Response Provided <30 Days from Date of Grievance  
July 01, 2022 through December 31, 2022



**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, 95.9% of all submitted grievances were answered and returned back 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 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 4,217 submitted grievances for the first half of FY23, 228 or 5.4% of all dispositions were challenged by grievants and 7.5% or 17 were overturned and provided a new resolution.



## Conclusion

Since the creation of the Grievance Unit in 2016, the goal of the Grievance Unit remains the same. The Grievance Unit strives to provide a transparent inmate grievance process that provides 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.

Even with the addition of inmate tablets, the Grievance Unit continues to meet our objective by offering inmates a means to confidentially and securely file electronic grievances. Although there are workflow deficiencies between the two disparate systems, the Grievance Unit maintains the manual data entries for both and reconciles all inmate grievance records to ensure each one is processed, tracked, and responded to appropriately.

At the beginning of the year, the Jail Reforms Division met with the Community Correction and Law Enforcement Monitoring Committee (CCLEM) to share our Grievance Unit's business process, data analysis, and continued goals of the unit. CCLEM's 35-page Jail Grievance Inquiry Report was published in October 2022 and provided both commendations and recommendations for the Sheriff's Office inmate grievance process. The Sheriff's Office duly notes the commendations provided by CCLEM's report and will continue to maintain our publicly-available trend reports on the Sheriff's Jail Reform Webpage and strive to meet our County Measures of Success objectives of responding back to inmate grievances within 30 days or less.

Regarding the recommendations from CCLEM, the Grievance Unit agreed to the majority of the proposals and has already begun including some suggestions in our reporting methodology and discussions with the Moss Group for administering an inmate satisfaction survey in the future.

CC: David Sepulveda, Assistant Sheriff  
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Mike 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  
File