

County of Santa Clara

Office of the Sheriff

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MEMORANDUM

TO: Ken Binder, Acting Sheriff

FROM: Captain Michelle Asban
Lieutenant Joseph Nguyen

DATE: November 3, 2022

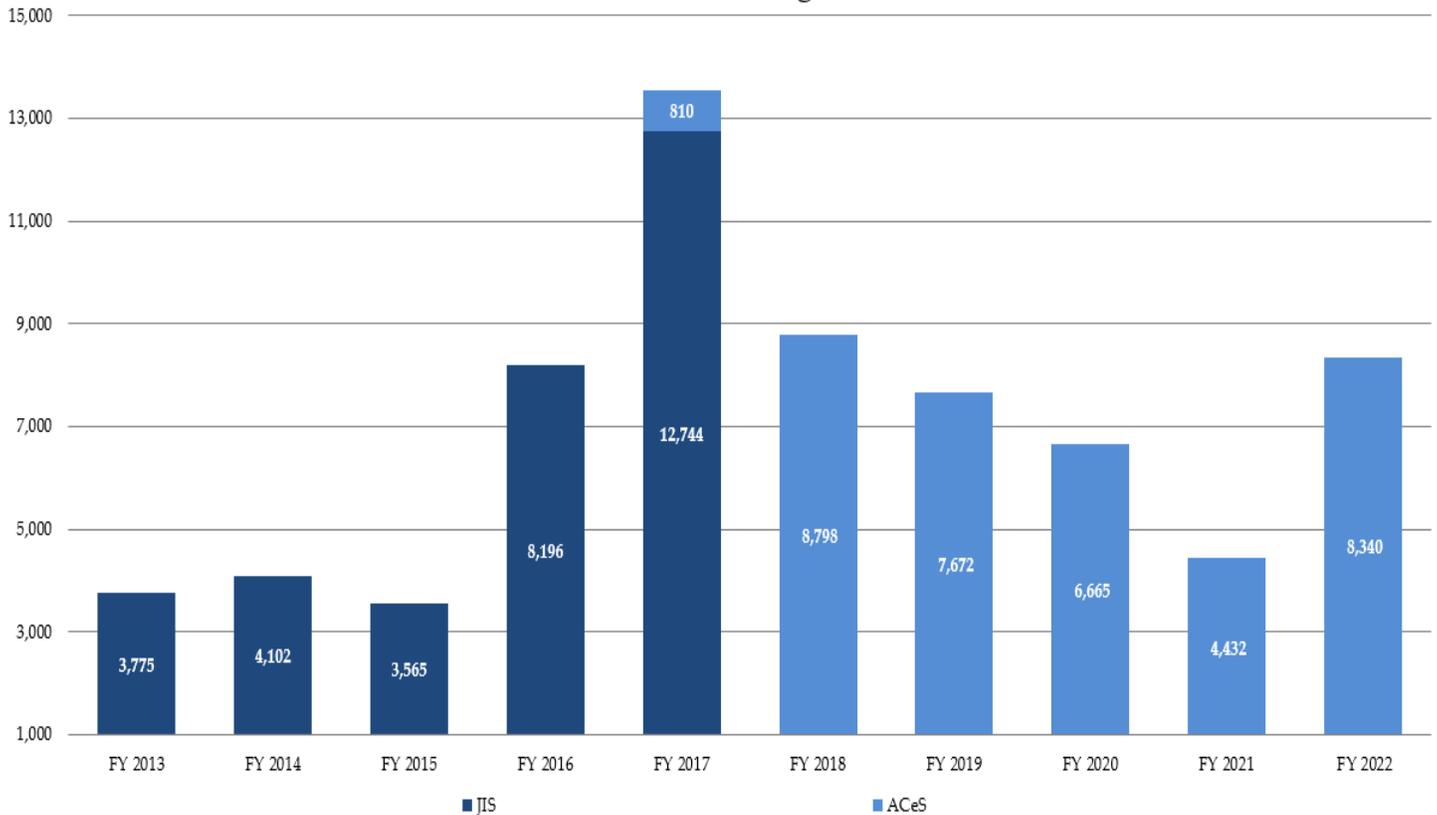
SUBJECT: Grievance and Appeals Unit Bi-Annual Statistics and Audit Report
January 1, 2021 through June 30, 2021

The Sheriff's Jail Reform Plan that was submitted to the Board of Supervisor's Public and Safety Committee on March 16, 2016 was a collective effort to ensure the safety and well-being of custody staff, inmates and visitors within the County Custody facilities. At the time, the inmate population shifted and the Sheriff's Office was tasked with safely managing more inmates in need of mental health services and those incarcerated for more serious crimes, with lengthier sentences. Included in the breadth of recommendations in the Jail Reform Plan were significant proposals in the areas of independent oversight, accountability, and training. In addition, implementing a transparent inmate grievance process was one of the 13 recommendations in Sheriff Smith's Jail Reform Plan. 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, main system of record. 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 the deployment of tablets, submission of grievances by inmates have been streamlined requiring less effort; however, the implementation caused an influx of grievance submissions tripling the workload in the understaffed Sheriff's Office Grievance Unit. Furthermore, it created workflow deficiencies since there is no point-to-point connection between the two systems. Therefore, data transfer from the tablets' database into ACeS required human intervention. The following statistical analysis is based on data from January 1, 2022 to June 30, 2022.

Figure 1

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

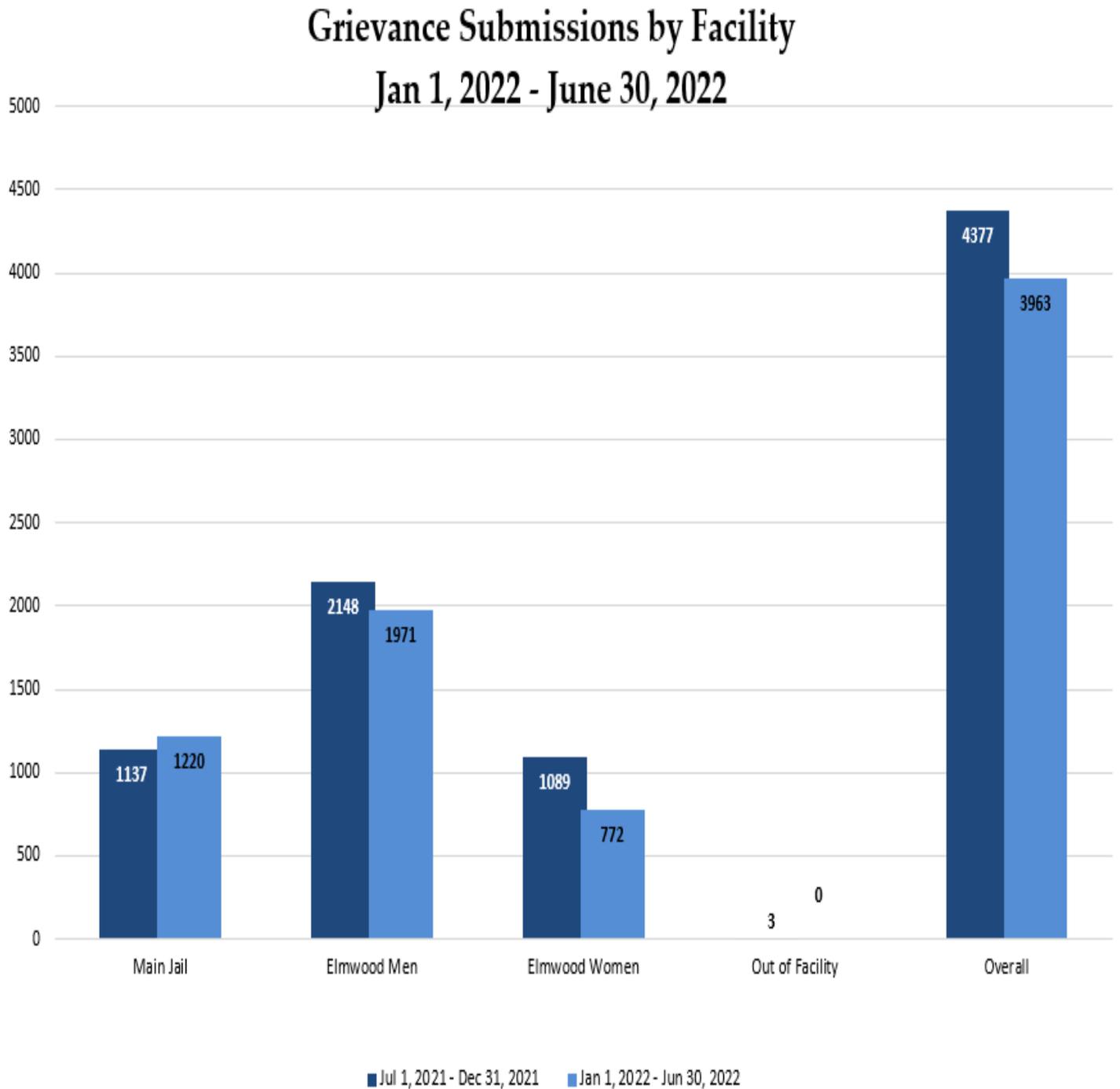


Historical Grievance Volume Compared to Current

The chart above, *Figure 1*, depicts the total number of grievance submissions for Fiscal Year 2013 through Fiscal Year 2022. Since the implementation of ACeS on June 5, 2017, grievances have been semi-electronically processed and tracked. ACeS improved and strengthened our grievance system dramatically. Prior to ACeS, all grievances (pre June 5, 2017, indicated in dark blue) were manually tracked in JIS (Jail Information System), a homegrown antiquated system

At the beginning of October 2021, the Sheriff's Office deployed inmate tablets systemwide. With the option for inmates to electronically submit grievances via their tablet devices, the Grievance Unit has witnessed an increase in grievance submissions compared to pre-tablet statistics. The new technology created an efficient means for inmates to file grievances conversely it played a factor in the 88.2% increase in grievances from Fiscal Year 2021 to Fiscal Year 2022. This upsurge drastically impacted the unit's case load.

Figure 2



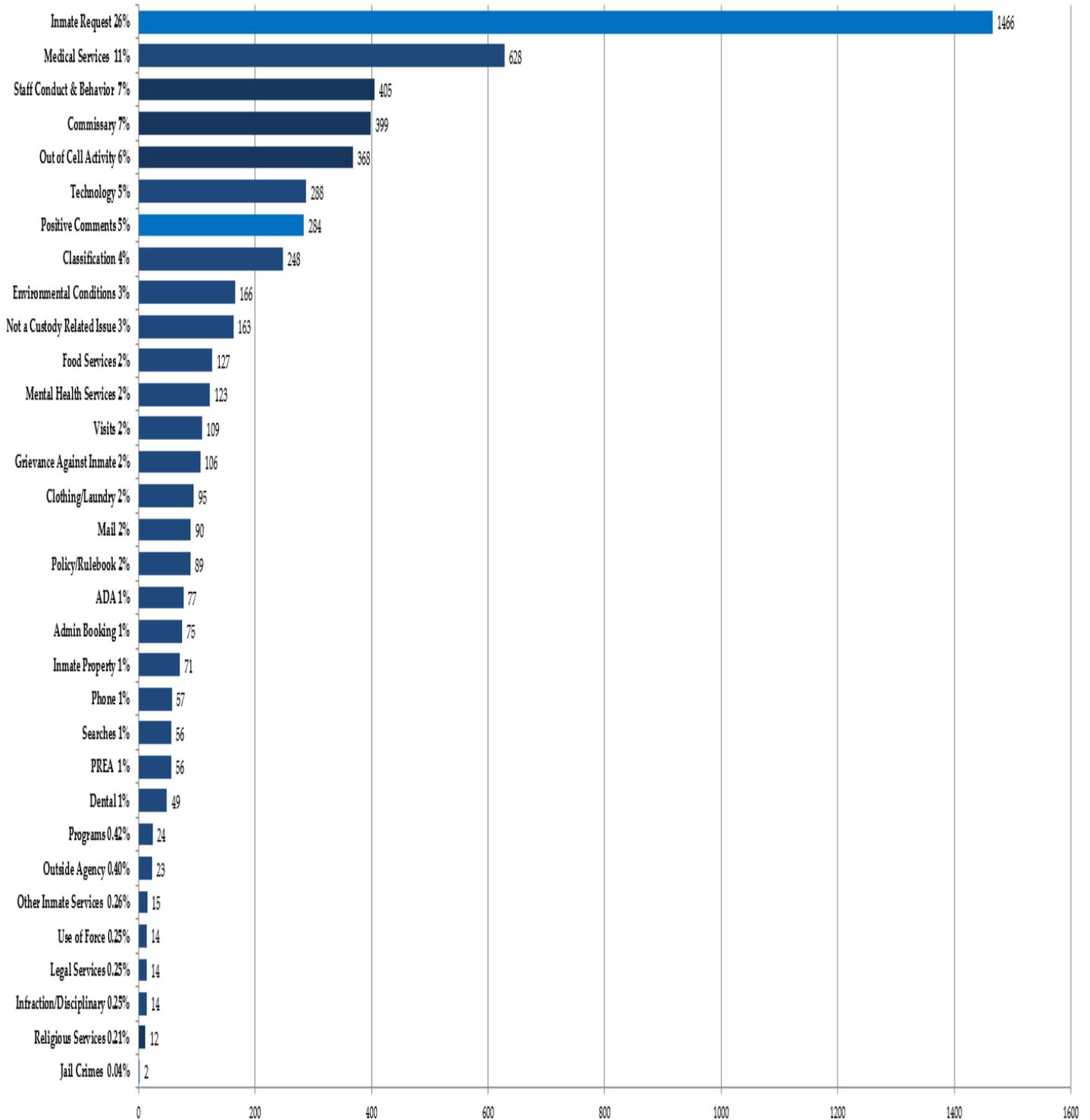
Inmate Grievance Volume by Facility

The chart above, *Figure 2*, illustrates all grievances processed for the second half of FY22 (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 second half of FY22 experienced a 9.5% overall reduction in inmate grievance submissions when compared to the previous six months. The individual divisional statistics are as follows: Main Jail increased by 7.3%, the Elmwood Men's Facility decreased by 8.2%, and the Elmwood Women's Facility increased by 29.1%.

Figure 3

Grievance Totals By Category
January 1, 2021 through July 30 2021
3963 Grievances + 1,466 Inmate Requests + 284 Positive Comments



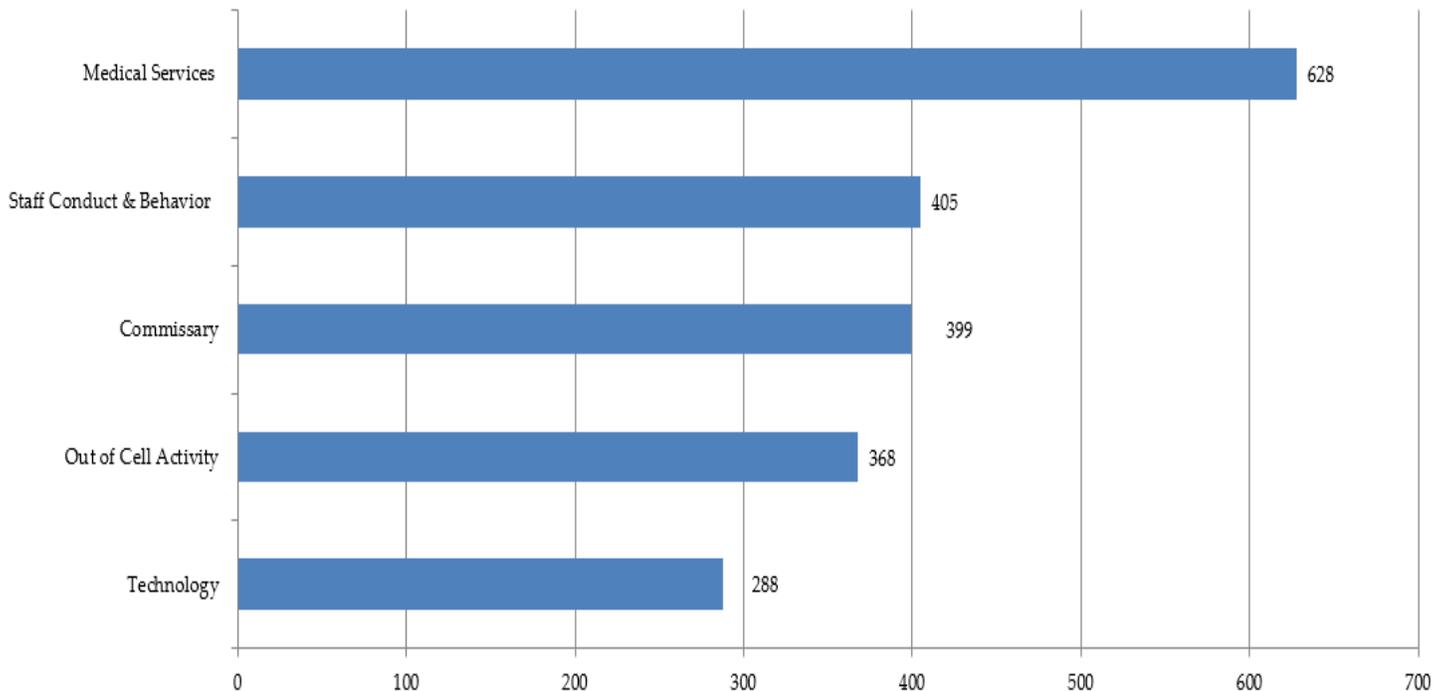
Inmate Grievance Volume By Category *(Please refer to "Figure 3" on the previous page)*

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 addition to the 3,963 grievances submitted for the second half of FY22, there were 1,466 "Inmate Requests" and 284 "Positive Comments" submitted by inmates the Grievance Unit processed. While not considered to be grievances, the unit formally track and process Inmate Requests received and communicate the Positive Comments 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 two categories account for an additional 1,750 in grievance submissions. This equates to 44.2% of work processed by the Grievance Unit.

The Top Five Grievance Categories (excluding the two non-grievance categories mentioned above) total 2,088 grievances, which is 52.7% of the total grievances submitted for the second half of FY22. The top five grievance categories are:

Figure 4

January 1, 2022 through June 30, 2022 Top Five Grievance Categories



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

"Medical Services" (#1) and "Staff Conduct and Behavior" (#2) are the Top 2 Categories for the second half of FY2022. They accounted for 26.1% of all grievance submissions during the last 6 months.

"Medical Services" was the #1 Most Frequently Grieved Category for the second half of FY 2022 and witnessed a 4.5% increase in grievance submissions from the previous quarter. For further information, 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 November 10, 2022.

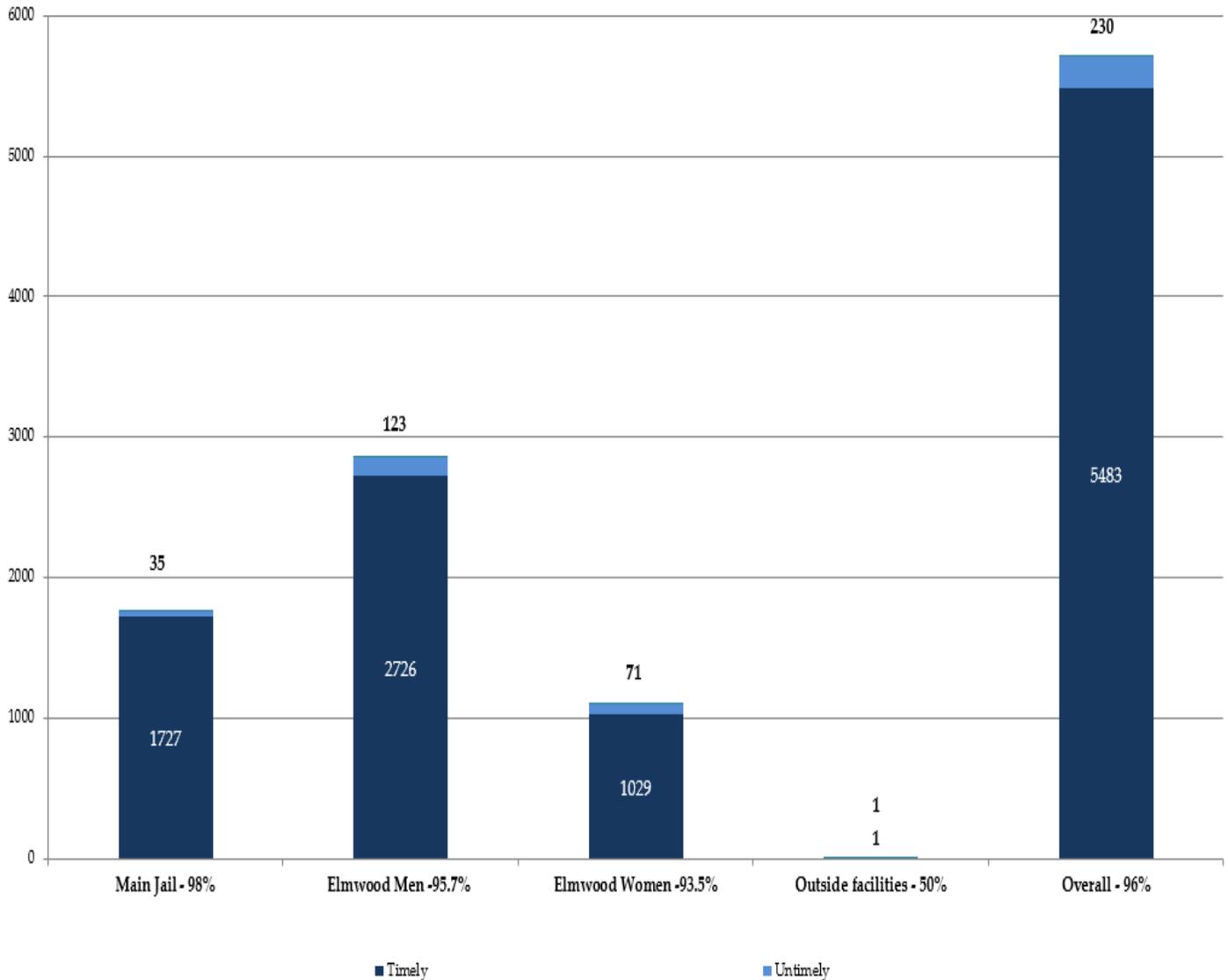
The "Staff Conduct" category was the #2 Most Frequently Grieved Category for the second half of FY 2022. It is important to note that complaints regarding Staff Conduct can be generated about any classification of employee or volunteer assigned to the jail system, not just badge personnel. Out of the 405 grievances in this category, 42 grievances, or the equivalent of 10.4% were complaints made against civilian staff assigned to work in the facilities. Civilian staff can include, but are not limited to nurses, mental health technicians, instructors, and chaplains.

The Sheriff's Office performed an audit of the "Staff Conduct and Behavior" category for this review period. The audit revealed a 15% decrease for the "Staff Conduct & Behavior" category compared to the previous six months. Monthly audits are performed for the "Staff Conduct and Behavior" category by the Grievance Unit to determine the root cause of each complaint. The report analyzes and provides insight for each division to help set goals and reduce grievance submissions for this category.

Furthermore, the audit showed a total of 30 inmates systemwide combined for half or 50% of all grievances in this category during the last six months. The Grievance Unit has a partnership with the County's Office of Mediation and Ombuds Services to provide select inmates that frequently grieve with an alternative mean to address their concerns. The collaboration with the Office of Mediation and Ombuds Services is designed to provide the grievant with an opportunity to practice resolution skills and to understand all their options in handling situations or events that may have upset them. The Grievance Unit will evaluate the list of grievors and will refer the inmates' information accordingly. Once the connection has been established, the Office of Mediation and Ombuds Services' mediator would listen to their concerns, help surface unmet needs and interests, and coach them on potential next step options.

Figure 5

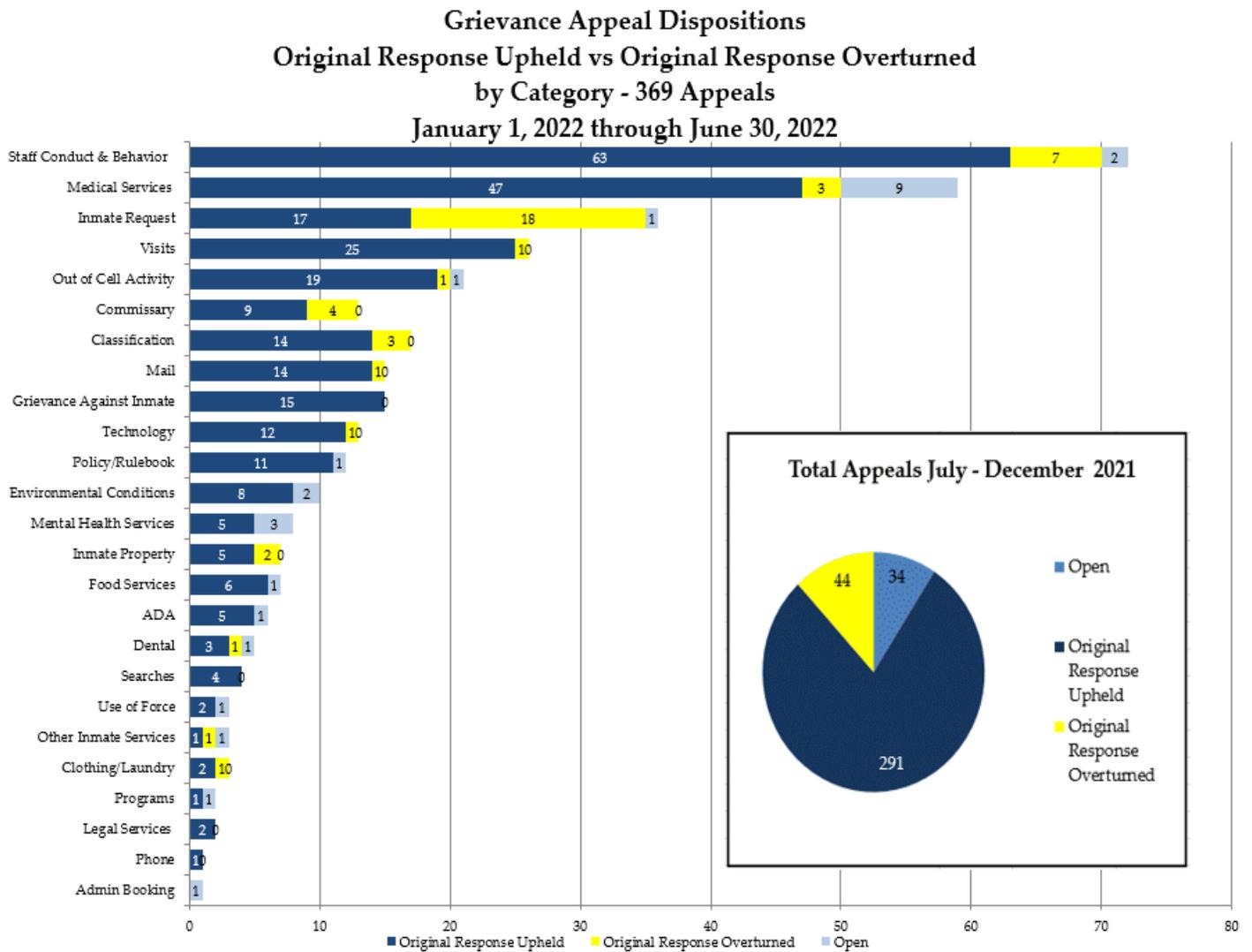
Grievance Response Timeliness
Response Provided <30 Days from Date of Grievance
Jan 01, 2022 through Jun 30, 2022



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 these 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 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 insufficient 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 3,963 submitted grievances for the second half of FY22, 369 or 9.3% of all dispositions were challenged by the grievant and 12% or 44 were overturned and provided a new resolution.

Conclusion

Inmate tablets were fully deployed systemwide by the 3rd Quarter of Calendar Year 2021. With a year's worth of tablet implementation statistics, the Sheriff's Office is able to analyze its impact, effectiveness, and shortcomings.

The anonymity and ease of submitting grievances electronically through the inmate tablets have decreased the number of paper grievances received by the Grievance Unit. With only the Grievance Unit Management Analysts being able to view and take action on grievances submitted through the tablets, this streamlined avenue is still ensuring a confidential and secure method to file a grievance. Despite there being two standalone systems for receiving and tracking grievances, the Grievance Unit's manual data transfer into ACeS continues to allow for the document receipt of grievances, assign grievances to appropriate Business Units, and monitor progress on the resolution of grievances. Until a true Jail Management System (JMS) is procured and implemented, the additional work created by the implementation of the tablet will continue to exist and absorbed by a task saturated Grievance Unit. In addition to the JMS Project, the Jail Reforms Division is also focusing their attention and efforts in other modernization projects.

On the legislative file submitted to the Board of Supervisors on April 19, 2022, Technology Services and Solutions (TSS) and the Sheriff's Office received proposals for a new Jail Management System.

Upon completion of the evaluation process, contract negotiations with the preferred vendor will commence with Board of Supervisors review anticipated at the end of Calendar Year 2022. In addition, the Sheriff's Office request to acquire an inmate movement tracking system using RFID (Radio Frequency Identification) technology was approved by the Board of Supervisors on September 13, 2022. Preliminary work on this project has already begun with an official project launch anticipated at the end of the first quarter in 2023.

We are nearing the two-year mark since tablets were introduced in the jails. The Sheriff's Office is actively working with Procurement, TSS, and ViaPath (tablet vendor) to enhance program content for inmates as the initial tablet contract is set to expire in January. Discussions focused on video visitation, personal health data, disciplinary notifications, and allowing paid content such as periodicals, movies, and games available for purchase.

CC: David Sepulveda, Assistant Sheriff
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