

Addressing the Custody and Health Needs of the County's Custodial Population

Introduction

Over the course of the past nine months, a great deal of focus has been placed on Santa Clara County's Correctional system. This summary provides some context and a full accounting of the actions taken by the County to address issues that have been under discussion since the 2011 AB 109 Public Safety Realignment was imposed on counties.

Institutions sometimes fail to muster the will to protect inmates, who are considered by some to be an unpopular subgroup of the population. The County desires to distinguish itself by treating inmates humanely and with dignity. From a medical, mental health, and custodial perspective, Administration has an in-depth understanding of the factors leading up to the present crisis, an appreciation of the positions of each stakeholder, an understanding of the budgetary and financial factors, and the ability to guide the effort to implement these important reforms.

Making an appreciable impact on the custody and health systems within the jails will take months, and a full remedy to this crisis may take years. This journey will require steady progress and dedicated oversight, ongoing attention and accountability, and the incremental and phased addition of resources to protect the constitutional rights of inmates. Some remedies require quick decisive action, and other solutions will need time for careful consideration and evaluation beyond the FY 16-17 budget process.

Background: The Impact of Long Term Deficits, AB 109 Public Safety Realignment, and Constitutional Rights of Inmates

It is important to start with the recognition that the Department of Correction, along with every other department within Santa Clara County, faced a continuing set of resource challenges during the 10 years between FY 02-03 and FY 11-12, and reduced services considerably during this period. Beginning in FY 12-13, the Administration has focused on rebuilding service delivery systems and correcting problems throughout the County that arose during this particularly difficult time. In the case of the Correctional

system, the 2011 AB 109 Public Safety Realignment created an interesting dichotomy of providing additional resources that allowed the County to accelerate building back staffing levels within the correctional system, but also presented the challenge of introducing a more challenging population of inmates that required additional and varied services. Through AB 109, the County was able to restore 78 positions and \$13 million in appropriations to stabilize the Department of Correction. As the County gained more experience with AB 109, it became clear that additional changes would be needed to address gaps in service as the jail population was shifting and other changes were impacting the system.

Inmates are the only population in the nation that have a constitutional right to timely and competent healthcare under the 8th and 14th Amendments to the United States Constitution. Since AB 109, the Santa Clara County jails have slowly been transformed from a transitory jail facility to a hybrid jail/prison that houses older, sicker, and more violent inmates whose sentences are no longer limited to a maximum of one year. As a result, the jails must evolve into a custody operation that embraces its evolving Constitutional obligations as a hybrid jail/prison to provide timely access to competent healthcare to a longer term inmate population with significantly greater healthcare needs.

Following the tragic death of Michael Tyree in August 2015, it became clear that additional action was necessary to address the custody, medical, and mental health needs of the County's custodial population. This summary outlines many simultaneous actions that the Administration and Board have taken to address the issues being identified in the jail system.

Major Actions Taken: Custody Operations, Custody Health Services, and Jail Facility Improvements

Custody Operations

The County recognizes that there is a significant resource need to address the issues in the jails. For example, Administration moved quickly to hire

consultants and experts to help the County identify and understand the extent of the problems and service gaps. The experts provide an external view of reforms necessary for the County Jail to operate the hybrid jail/prison that grew out of the AB 109 implementation. It is important to have independent oversight of the implementation of reforms that will bring the jails into full compliance with all existing requirements, and to ensure the changes recommended will take place in an expedited manner.

One of the experts approved by the Board was an independent consultant to evaluate the current inmate classification system. Based on recommendations from this expert, the County is in the process of redesigning its classification system and using the expert's guidance to develop a new validated and objective classification system. There is another expert reviewing all of the DOC's use of force events and policies, and recommendations are forthcoming.

Besides using experts to evaluate custody operations, there is also a need for additional resources targeted at implementing the recommendations. As part of the FY 15-16 Adopted Budget, the Board approved 41 positions and approximately \$4 million in funding for jail issues: an Assistant Sheriff over custody operations, a Deputy and a Sergeant for Americans with Disabilities Act (ADA) and compliance issues, two Lieutenants for daily operational oversight of the jail facilities, overtime funding to open housing units and increase housing options for inmates, a position for a vocational embroidery program, two deputies to increase visiting opportunities for families at Main Jail South, seven deputies for increased staffing in the mental health unit, and deputies to support the newly hardened housing unit at Main Jail North when it comes on line.

In Fall 2015, the Board approved the Public Safety Action Plan, which called for increasing access for volunteer clergy and inmate advocates in the jail facilities, expanding and modernizing the custody surveillance camera system, appointing a Blue Ribbon Commission on Improving Custody Operations, establishing an anonymous hotline for staff, inmates, and members of the public, requesting assistance from the National Institute of Corrections, and a referral on behavioral health concerns in jail and behavioral health bed availability in the community.

In support of this Plan as well as American with Disabilities Act (ADA) initiatives, shortly afterward, the Board approved two funding components. For ADA, the Board approved \$2.9 million for seven positions and related services: four positions for compliance and systematic assessment of needs, overtime funding to train all custody staff, ADA equipment needs, attorney fees, an ADA contract expert, and tracking software. For the Public Safety Action Plan, there was an increase in chaplaincy contract services, two management oversight positions for the Classification Unit, one position for the janitorial vocational program, and funding for academies to address vacancies.

In terms of training, DOC added Crisis Intervention Team (CIT) training to the academy curriculum for correctional cadets, and has been providing ADA and CIT Training to staff in the facilities.

In February 2016, the Board approved FY 15-16 mid-year budget adjustments which included the addition of a Sergeant for Internal Affairs, a surveillance system design for Main Jail North and Elmwood, and establishing a reserve for jail capital projects.

To support the work of the Blue Ribbon Commission on Improving Custody Operations, \$400,000 was allocated for legal services, and \$30,000 was allocated for a consultant to provide a review of policies, procedures, and practices related to the inmate grievance and complaint procedures and related topics. Funding was also provided to the Clerk of the Board's Office to support the Blue Ribbon Commission through overtime, interpretation services, webcasting, technical support, and office supplies. Many other County departments dedicated significant resources to supporting the Blue Ribbon Commission on Improving Custody Operations, but costs associated with those services were absorbed within the departments' budgets.

For Custody Operations, the Recommended Budget includes funding of additional staff for Internal Affairs to address complaints and grievances, additional staff to monitor policy and compliance issues, positions to support inmate health and programming, a unit that will track and respond to inmate grievances, and a \$2.5 million reserve for jail reform and oversight.

With regard to facilities and technology, the Recommended Budget includes staff for ongoing oversight of body worn cameras, \$715,000 to purchase Body Worn Cameras for the jails, and additional information technology staff to support critical and time sensitive information technology projects. Other components of the budget include funding for implicit bias training and crisis intervention team training, and food service equipment replacement. Funding was also recommended so that the Inmate Welfare Fund will not need to reduce positions or services for inmates.

Finally, as the construction schedule for the new jail quickly approaches, there is a need for the jail transition team to begin now to participate in the planning and implementation of this major project. Also, a new Sheriff's Correctional Captain will be added to manage the implementation of the many changes in the jails and to help support work for the New Jail facility.

Custody Health Services

Like custody operations, there was a realization long before the tragic death of Michael Tyree that timely and competent medical and mental health care for inmates needed to increase. As part of the FY 14-15 Adopted Budget, the Board approved 14.5 positions to augment mental health, medical, and psychiatry staffing. Also that year, the Board approved funding for 2.8 Psychiatric Nurse Practitioner positions to increase timely access to medical care for mentally ill inmates. Contracts were also approved for additional psychiatric physician services.

During the summer of 2015, experts identified significant gaps in access to care in the custody health care delivery system. One of the most critical gaps was the staffing levels for mental health. The expert recommended hiring additional psychiatrists, psychologists, and other clinical staff as soon as possible. But Custody Health Services faced, and still faces today, considerable challenges recruiting and retaining qualified clinical professionals because of a dire shortage statewide.

Administration recognized the need for a comprehensive gap analysis of the custody health delivery system which includes medical, mental health, dental, and suicide prevention. A piecemeal approach would not work for fixing identified issues in health care, so Administration brought in nationally

recognized experts to perform a comprehensive gap analysis and policy review in their respective areas of expertise.

These experts also provided a comprehensive review of mobility and non-mobility issues in the jail related to Americans with Disabilities Act (ADA) compliance, revision of ADA policies and procedures, and provision of ADA training for all staff who have contact with inmates.

To support this effort, the Board approved \$2.5 million in funding for HealthLink electronic medical records for Custody Health Services to ensure consistent patient care and integrate with other HealthLink modules in the County. Psychiatric physician contract services were added, along with 9.8 positions to support increased acute mental health beds for inmates.

In the fall 2015, the Board agreed to increase contract psychiatric physician services for the jails again, so that services could be provided until vacancies among the psychiatrists could be filled. The Board also provided a differential of 25% of the base wage for Psychiatrist positions who are assigned in the jail facilities.

As preliminary verbal reports from the experts were received, the Board acted quickly to approve a pilot plan to implement twelve Behavioral Health teams in the jails, in order to expand Mental Health and Substance Use Treatment Services.

Realizing that more treatment beds would be needed, the DOC terminated contracts with local counties that were provided beds at DOC for acute mental health services. In addition to treatment beds in the psychiatric housing unit, Custody Health Services increased psychiatric evaluations, consultations and treatment for inmates in the booking area of the jail, so that inmates could be seen as soon as possible.

The Recommended Budget continues to build on the momentum of the last few years, and provides resources to help address the service gaps in the custody health delivery system. It includes approximately \$2 million to implement the next phase of HealthLink along with two related positions, a dental assistant for jail dental services, an additional psychiatric social worker for night shift mental health

staffing at Elmwood, and funding not yet needed for six Behavioral Health teams is being redirected to cover the cost of contract psychiatric services.

Jail Facility Improvements

The County has been working on jail facility improvements for many years. Most recently, various physical plant issues have been addressed, and many significant and remedial fixes have been made. Other changes will require significant design assessments and construction adjustments and changes which will require more review and appropriate scheduling so as to minimize the impact of disruptions in the housing units.

In the fall of 2013, a report was provided to the Board's Public Safety and Justice Committee that outlined growing concerns related to jail facility needs. The report contained an overview and impact of AB 109 inmates on the jail facilities, medical and mental health concerns, critical short term capital projects, and recommendations for next steps. It was consistent with previous jail needs assessments that the County had commissioned in previous years that indicated resources would be needed to address facility issues throughout the system. The County took steps to create long term solutions by requesting funding to conduct a jail facility needs assessment, while the Facilities and Fleet Department continued to focus on other critical short term projects.

Completion of the 2014 jail facility needs assessment allowed the County to pursue State jail construction funding that was intended to dramatically improve services to inmates suffering from mental illness. In February 2015, the Board approved \$950,000 for pre-design work necessary for the new jail, and repairs to Main Jail North mental health unit 8C. In August 2015, the Board approved an application for SB 863 Jail Construction Financing, which was approved by the California Department of Corrections and Rehabilitation three months later. The state allocation of \$80 million will help fund the replacement of Main Jail South and its deteriorating housing areas. This facility will be replaced with housing conducive to group and individual treatment to prepare inmates for re-entry, along with an increased number of mental health treatment beds. The facility is set to open in 2020.

In addition to funding for a new jail, the Board approved capital funding in the FY 15-16 budget in the amount of \$22.8 million for jail improvements.

- Main Jail North hardening to create more appropriate classification options for the most serious inmates.
- Sundeck for the Elmwood M-1 housing unit that will make more infirmary beds available in the near future.
- A new exhaust system for the Elmwood kitchen.
- Hardening of administrative booking to increase staff safety.
- Creation of a medical examination room in W4C to support onsite medical care for high security female inmates.

As new information became available in FY 15-16, more capital funding was targeted for the following high priority areas:

- An additional \$1.4 million for the Elmwood M1 Medical Housing Unit project to augment the \$3 million that was allocated as part of the FY 15-16 Capital Budget.
- \$250,000 was allocated from a reserve for the design phase of the Main Jail North Booking Area Reconfiguration recommended by the experts, which will ensure sufficient privacy for the inmates during the Behavioral Health interview and screening process.
- \$5.3 million will be used to support ADA Assessments and Repairs for Main Jail North and Elmwood, along with repairs for the roof of the Elmwood M3 housing unit.

This fiscal year, the Facilities and Fleet Department is also in the process of working with the Office of the Sheriff/Department of Correction to install additional surveillance camera units at Main Jail North and to repair the perimeter camera system at Elmwood.

The Recommended Budget adds a new Unclassified Deputy Director position within the Facilities and Fleet Department to provide oversight of major capital projects that includes \$28 million for the design of the new jail, \$5.3 million for fire alarm panel replacement and the of cell door controls replacement, and Elmwood perimeter design. For FY 16-17, additional funding is being set aside, with a \$5 million reserve for jail facility

capital improvements and \$10 million reserve for Main Jail North Facility Surveillance Improvements as part of the FY 16-17 Capital Plan. As part of our backlog budget for FY 16-17, \$1.3 million is budgeted for various backlog projects in the jails to address various preventative maintenance needs in our aging facilities.

Next Steps

As described above, one focus of the FY 16-17 budget is to provide resources to implement the improvements recommended by the experts and advocates. The Administration is in the process of reviewing all recommendations in parallel to review by the Board through the Finance and Government Operations Committee. Among the recommendations is a \$2.5 million reserve for jail reform and oversight, recognizing that the budget requests were submitted prior to the completion of the Blue Ribbon Commission on Improving Custody Operations, and additional augmentations will likely be required in FY 16-17.

This lengthy and complicated reform process requires an incremental approach, recognizing that these efforts may also involve non-budgetary process and operational changes in order to improve service delivery. For example, critical reforms that do not have a budget impact are the staff hiring, ongoing training, supervision, and the inmate grievance and complaint process.

Administration will continue to clearly and frequently communicate all of the actions that are taking place simultaneously to address the medical, mental health, and custody issues that exist within the correctional system. The next few years will be dedicated to the successful implementation of these reforms, and a new Deputy County Executive position has been added to provide leadership, coordinate multi-disciplinary teams, and assure the resources allocate to implement the aforementioned reforms are completed in a timely and cost-effective manner. In many forums, we have also been reporting on the effects of pre-existing programs and cross-boundary efforts in the County that are already working to improve the status of inmates in our jails. We will continue to do so during the budget cycle and into the future.