

County of Santa Clara

Office of the Sheriff

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Laurie Smith
Sheriff

January 25, 2018

To: Honorable Members of the Board of Supervisors
Jeffrey V. Smith, County Executive

From: Laurie Smith, Sheriff

Subject: Report Relating to Inmate Grievance Processing, and
Preliminary Analysis of Inmate Grievance Data

BACKGROUND

At its December 5, 2017 meeting, the Board of Supervisors requested that the Sheriff's Office provide an off agenda report relating to the inmate grievance process.

INMATE GRIEVANCE PROCESSING

Prior to June, 2017, the Sheriff's Office Custody Bureau (SO CB) relied on a paper-form based, entirely manual process for collection, forwarding, and responding to inmate grievances. The manual grievance management processes did not provide the ability to track grievances or to ensure their consistent or timely resolution.

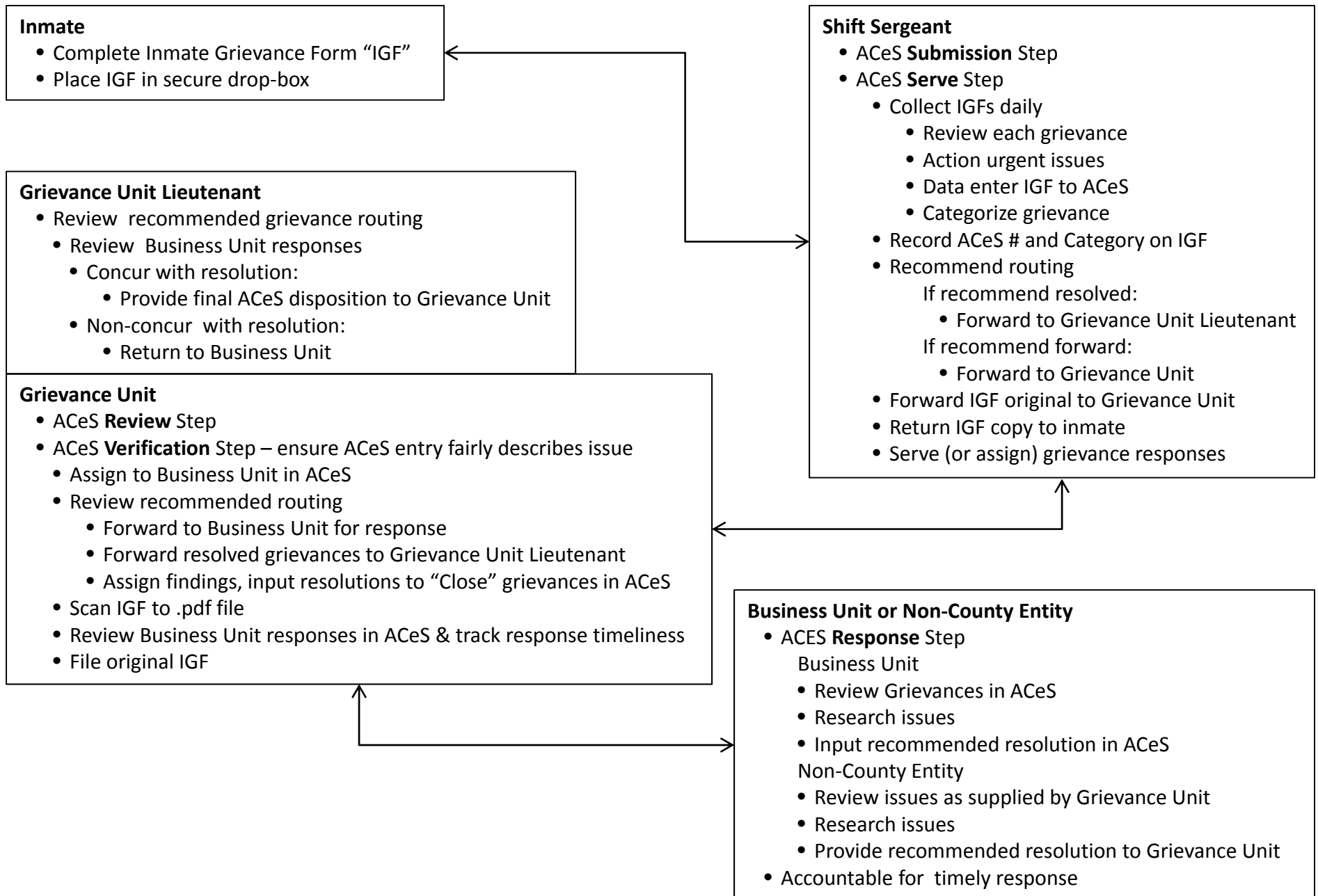
"ADA Compliance and Grievance Tracking System - ACeS"

On June 5, 2017, the SO CB began using the "ADA Compliance and Grievance Tracking System" (ACeS) as a step toward automating the grievance process. ACeS digitally captures grievance information and supports electronic forwarding of grievances to the business unit within the Sheriff's Office or other County Department which is responsible for the operational category of the grievance, for resolution. Further, because grievance data is digitized, it is now possible to track grievances through the resolution process with vastly improved visibility to response timeliness in each process step, and to summarize categorical grievance data into management reports, which can be used to identify opportunities for potential improvement.

The ACeS System was implemented in concert with SO CB's revised grievance policy #14.05. The revised policy and ACeS are designed to work together to create a more effective and efficient inmate grievance process which also enables accountability for grievance resolution.

This report is an explanation of the inmate grievance process, as it exists today, revised around use of ACeS and the application of policy #14.05.

ACeS Inmate Grievance Process Flow



Inmate Grievance Data Collection, Categories, and Business Unit Assignment

The ACeS screen shot below displays the information collected on the Grievance form and entered to ACeS. This screen shot also displays response information.

The screenshot shows a web browser window displaying the ACeS (ADA Compliance & Grievance System) interface. The page title is "ADA COMPLIANCE & GRIEVANCE SYSTEM FOR SANTA CLARA COUNTY". The user is logged in as "SCCGOV\Fletcher.Dobbs". The main navigation bar includes "ADA & GRIEVANCE REPORTS", "GRIEVANCE SUMMARY", "GRIEVANCE ACTIONS", and "GRIEVANCE APPEALS". The "GRIEVANCE SUMMARY" tab is selected.

Offender Details:
Offender Name: [REDACTED] PFN: [REDACTED] CEN: [REDACTED] Location: ELMWOOD WOMEN W3/W4 Unit: W4C POD 3
DPP: [REDACTED]

Grievance Details:
Grievance #: G0009384 Emergency: No Grievance Date: 12/15/2017 07:08 Submitted By: Inmate
Type: Commissary Incident Shift: B Language: English
Incident Location- Complex: Elmwood Complex Facility: Elmwood Women's Facility Unit: W4C3
Subcategory(s): No Subcategories.
Complaint: Inmate is grieving that she did not receive her commissary on 12/7. They were told that they would not receive an order until 12/12/2017. She feels that it is unfair that her account is charged for goods they don't receive.
Decision: Forward for Resolution
Closure/Forward Comments: Forward to Aramark for resolution.
Team: Team B Badge Number: [REDACTED] Entered By: [REDACTED] Entered Date: 12/15/2017

Grievance Verify Details:
Verify Decision: Forward for Resolution
Forwarded To: Division: Commissary Services
Closure/Forward Comments: Please assess the inmate's complaint and provide a response. Thank you.
Verified By: [REDACTED] Verified Date: 12/18/2017

Grievance Response Review Details:
Response
Inquiry Needed: No
Decision: Recommend for Closure
Comments: The inmate received commissary deliveries on 12/4/17 and 12/11/17. Copies of the delivery receipts signed by the inmate have been forwarded to the Grievance Unit.
Responded By: [REDACTED] Date Responded: 12/19/2017

SO CB Sergeants who collect, review, and data enter grievances to the ACeS system on a daily basis, assign each grievance into one of 32 different jail operations categories. Within each category, the Sergeant enters a sub-category description which adds additional descriptive information about the grievance. The 32 grievance categories are shown below.

Each operational category in the list below is assigned to a business unit in the Sheriff's Office or in some cases, a different County Department. Once a grievance is data entered to ACeS and assigned to a category from the list, the grievance is electronically forwarded to the responsible SO business unit or County Department for resolution.

Grievance Category	Primary Contact	Secondary Contact
1 ADA	Lt. R. Roland	Designated Sergeant
2 Admin Booking	Law Enforcement Records Supervisors, Sandra Pacheco, Maria Chilton, Lori Isovich	
3 Classification	Lieutenant Thomas Duran	Designated Sergeant
4 Clothing/Laundry	Inmate Services Custody Support Assistant Supervisor; Elmwood: Laura Villanueva / Main Jail: Vacant	
5 Commissary	Inmate Welfare Fund Manager	Fletcher Dobbs
6 Dental	Custody Health Services Dentist, Dr. Letts	
7 Environmental Conditions	FAF MAC Room	Facility Assistant Division Commander
8 Food Services	Food Services Director; William Miller, Cathe Hamada-Chan, Ana Regidor	
9 Grievance Against Inmate	Team Sergeant, Lieutenant	Division Assistant Division Commander
10 Infraction/Disciplinary	Div. ADC and/or Admin Sgt.	
11 Inmate Property	Inmate Services Custody Support Assistant Supervisor; Elmwood: Laura Villanueva / Main Jail: Vacant	
12 Legal Services	MJ Sabina Delara and/or Alexandra Gardner / ELM, Sonia Rivera and/or Emma Varacio	Public Defender's Office, Alternate Defender's Office, District Attorney's Office
13 Mail	Inmate Services CSA Supervisor Elm-Laura Villanueva / MJ-Vacant	
14 Medical Services	Custody Health Services Director, Matt Gerrior; Main Jail: Marian Anderson; Elmwood: Danilo Javier	
15 Mental Health Services	Custody Health Services Director Matt Gerrior; Chris Englestad, Rolanda Jackson, Dr. Ho	
16 Other Inmate Services	Catholic Charities, other Community Based Organizations	
17 Out of Cell Activity	Division Captain	Assistant Division Commander
18 Outside Agency	Grievance Unit to facilitate	
19 Phone	Fletcher Dobbs	
20 Policy/Rule Book	OSIU Sergeant A. Signorino or Sergeant C. Nagaye	
21 Prison Rape and Elimination Act (PREA)	OSIU Sergeant A. Signorino or Sergeant C. Nagaye	
22 Program Services	Lieutenant Rocha-Sanchez, Sergeant A. Duran and Sergeant R. Hernandez	
23 Religious Services	Chaplain Robinson	
24 Searches	Team Sergeant, Lieutenant	Assistant Division Commander

Grievance Category	Primary Contact	Secondary Contact
25 Staff Conduct & Behavior	Division Captain	Assistant Division Commander
26 Technology	Team Sergeant, Lietenant	Assistant Division Commander
27 Use of Force	Div. Captain, Assistant Division Commander	Internal Affairs, Criminal Investigations Unit
28 Visits	Team Sergeant, Lietenant	Assistant Division Commander
29 Not a Custody Related Issue	Grievance Unit to facilitate	
30 Jail Crimes	Criminal Investigations Unit	
31 Positive Comments	Division Captain, Assistant Division Commander, Team Lieutenant or Sergeant	
32 Inmate Requests	Affected Business Unit	

Grievance Processing Time Targets

The inmate grievance submission and resolution tracking process is divided into steps for which a process time target has been defined. Each of the steps in this process and the associated process time targets are listed below.

<u>ACeS Step</u>	<u>Description</u>	<u>Process Time Target</u>
Submission to ACeS	Initial review and entry to ACeS	Within 24 hours of creation
Verification;	2 nd review, assignment to Business Unit	Within 5 days of submission
Response	Operational business unit response	Within 20 days of submission
Review	Review of business unit response	Within 25 days of submission
Serve	Business Unit response served to inmate	Within 30 days of submission
Inmate Appeals	Business Unit response to appeal	Within 30 days of appeal date

The ACeS “Pending Grievances Dashboard” displays the number of “open” grievances which remain in each process step, color coded according to the defined time targets shown above. The ACeS screen shot below shows the color codes.

- GREEN: Within the defined resolution period for that process step.
- YELLOW: Within 5 days of the defined resolution period, except “Verify” which is 3 days.
- RED: Open beyond the defined period for that step.

ACeS
 ADA COMPLIANCE & GRIEVANCE SYSTEM FOR SANTA CLARA COUNTY

Welcome SCCGOV\Fletcher.Dobbs! [Refresh]
 Get Help

Find Offender By: PFN MRN Other Example: AAA123

PENDING GRIEVANCES DASHBOARD

Summary: 25 (Green), 2 (Yellow), 7 (Red) Total Grievances

Filters: Grievance Category: Medical Services, Complex: All

Process Step Breakdown:

Step	Green	Yellow	Red	Total
Verification	0	0	0	0
Response	21	2	4	27
Review	1	0	0	1
Serve	1	0	2	3
Appeal	2	0	1	3

Grievances Table:

Grievance #	Name	PFN	Emerg.	Step	Complex	Facility	Unit	Category	Timely
G0002170	[REDACTED]	[REDACTED]	<input type="checkbox"/>	Appeal	Main Jail Complex	Main Jail North Facility	7C	Medical Services	Red
G0007091	[REDACTED]	[REDACTED]	<input type="checkbox"/>	Response	Main Jail Complex	Main Jail North Facility	7C	Medical Services	Red
G0007464	[REDACTED]	[REDACTED]	<input type="checkbox"/>	Response	Elmwood Complex	Elmwood Women's Facility	W2D	Medical Services	Red
G0007712	[REDACTED]	[REDACTED]	<input type="checkbox"/>	Serve	Elmwood Complex	Elmwood Women's Facility	W2D	Medical Services	Red
G0008056	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/>	Serve	Elmwood Complex	Elmwood Women's Facility	W2E	Medical Services	Red
G0008232	[REDACTED]	[REDACTED]	<input type="checkbox"/>	Response	Elmwood Complex	Elmwood Women's Facility	W2E	Medical Services	Red
G0008827	[REDACTED]	[REDACTED]	<input type="checkbox"/>	Response	Elmwood Complex	Elmwood Women's Facility	W2E	Medical Services	Red
G0009024	[REDACTED]	[REDACTED]	<input type="checkbox"/>	Response	Main Jail Complex	Main Jail North Facility	8B	Medical Services	Yellow
G0009073	[REDACTED]	[REDACTED]	<input type="checkbox"/>	Response	Elmwood Complex	Elmwood Men's Facility	Minimum Compound	Medical Services	Yellow
G0009172	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/>	Appeal	Elmwood Complex	Elmwood Women's Facility	W4C1	Medical Services	Green
G0009294	[REDACTED]	[REDACTED]	<input type="checkbox"/>	Response	Elmwood Complex	Elmwood Women's Facility	W2C	Medical Services	Green
G0009315	[REDACTED]	[REDACTED]	<input type="checkbox"/>	Appeal	Elmwood Complex	Elmwood Men's Facility	M5C	Medical Services	Green
G0009375	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/>	Response	Elmwood Complex	Elmwood Men's Facility	M2A	Medical Services	Green

Grievance Process Steps

Grievance Submission

Paper, two-part Inmate Grievance Forms (IGFs) are available to all inmates in all housing units of the jail. IGFs are provided in large font in compliance with Federal ADA requirements, and in three languages. Once a paper IGF has been completed by an inmate, the inmate places the IGF into a secure lock-box, which are located in each inmate housing unit throughout the jails. IGF lock-boxes may only be opened by SO CB supervisors and administrators. IGFs are retrieved by an on-duty Sergeant a minimum of once per shift. The Sergeants complete an initial review of each IGF in order to determine whether or not any require immediate attention or expedited handling. Examples of emergent/urgent grievances include those pertaining to essential medication or assistive medical devices, complaints of harassment or abuse, among others.

If the supervisor is able to address the grievance at the time it is retrieved from the lock-box, his/her response will also be entered into ACeS along with a recommendation for closure of the grievance. If the supervisor is unable to address the grievance, he/she enters a referral recommendation into ACeS. The supervisor selects a grievance category and sub-category, and records the category number on the paper IGF. ACeS generates a tracking number which the supervisor also records on the IGF. The supervisor returns one copy of the IGF to the inmate. The original IGF is placed in the Facility Administration Grievance Lockbox. Only Facility Administration and Grievance Unit Staff have access to the Administration Lockboxes.

Once the IGF is entered into ACeS, grievance processing is entirely electronic until a paper copy of the final resolution is served to the inmate. Once entered to ACeS, grievances cannot be deleted.

Verification Step

Paper original IGFs are retrieved from each facility's Administration daily, Monday through Friday, by Grievance Unit Staff. Grievance Unit Analysts then verify that the ACeS data correctly depicts the inmate's written submission. Grievance Unit analysts make correcting entries in ACeS if needed. If the IGF includes a supervisor response, and recommendation for closure, the Grievance Unit analyst reviews this information for appropriateness and assigns a corresponding finding, such as "Resolved", "Administratively Closed", "Unfounded", "Not Actionable", or "Released Prior to Resolution". The status of the grievance is then updated to the "Serve" queue in ACeS for service to the inmate. If the response is inadequate, the analyst will work with the inmate's housing unit or facility, the assigned business unit, or the other County Department to reach a suitable response. Grievance Unit analysts also attach a PDF copy of the original grievance to the ACeS record. Original paper copies of IGFs are retained in files in the Grievance Unit office.

Response Step

Once a grievance has been assigned to a business unit in ACeS, it appears in that business unit's ACeS "work queue". Grievances remain in the work queue until a response has been entered into ACeS. The work queue for each business unit is accessible in ACeS to assigned staff in each business unit. Business unit managers also have access to provide grievance responses in ACeS.

Each business unit may access a "Pending Grievances Dashboard" which provides a summary level view of grievances, color coded as to timeliness of response as described above.

Review Step

Once the business unit submits a response, ACeS assigns the grievance to the Grievance Unit's "Review" work queue. The Grievance Unit lieutenant is responsible for reviewing responses for appropriateness. The review may be assigned to other Grievance Unit staff unless it pertains to staff conduct, use-of-force, or other matters at the discretion of the lieutenant. Once the review is complete and the response is appropriate, the grievance is assigned a "finding", and sent to the ACeS "Serve" work queue, to be served to the inmate.

Serve Step

Once a grievance response has been entered into ACeS, grievances are forwarded to the ACeS "Serve" work queue of the facility where the inmate is housed. The facility is responsible for printing and delivering the final grievance response to the inmate. The Serve work queue can only be cleared as completed when a paper copy of the grievance has been physically served to the inmate. Supervisors serving grievances must indicate whether the inmate requires an ADA accommodation to receive/understand the response.

Grievance Appeals

An inmate may appeal a final grievance response. The appeal process is printed on the Final Grievance Response Form. Inmates may only submit one appeal per grievance. Appeals are required to be submitted within thirty calendar days of the inmate's receipt of the printed response. Appeal Forms are available in each inmate housing unit in three languages and in ADA compliant font.

Grievance Appeal Forms are submitted by the inmate using the housing unit secure grievance lockbox. Appeals are collected, reviewed, and forwarded following the process steps described above for new grievances. A copy of the completed appeal form is left with the inmate and the original is forwarded. Appeals are made visible in ACeS to the responsible business units and other County Departments in much the same way as grievances.

If an appeal results in the reversal of the original response to a grievance, narrative is provided with the appeal decision which explains the rationale for the reversal.

Reversal decisions are sent to the Grievance Unit via ACeS. The Grievance Unit forwards the decision to the business unit that provided the original response. Once the business unit provides a written resolution to the Grievance Unit, the Grievance Unit lieutenant reviews the amended response for appropriateness. Once appeal responses are deemed appropriate, they are set to "closed" status in ACeS and the final appeal response is sent to the ACeS "Serve" work queue of the facility where the inmate is housed. The service process is performed in the same manner as the final grievance response service step.

PRELIMINARY ANALYSIS OF GRIVANCE DATA

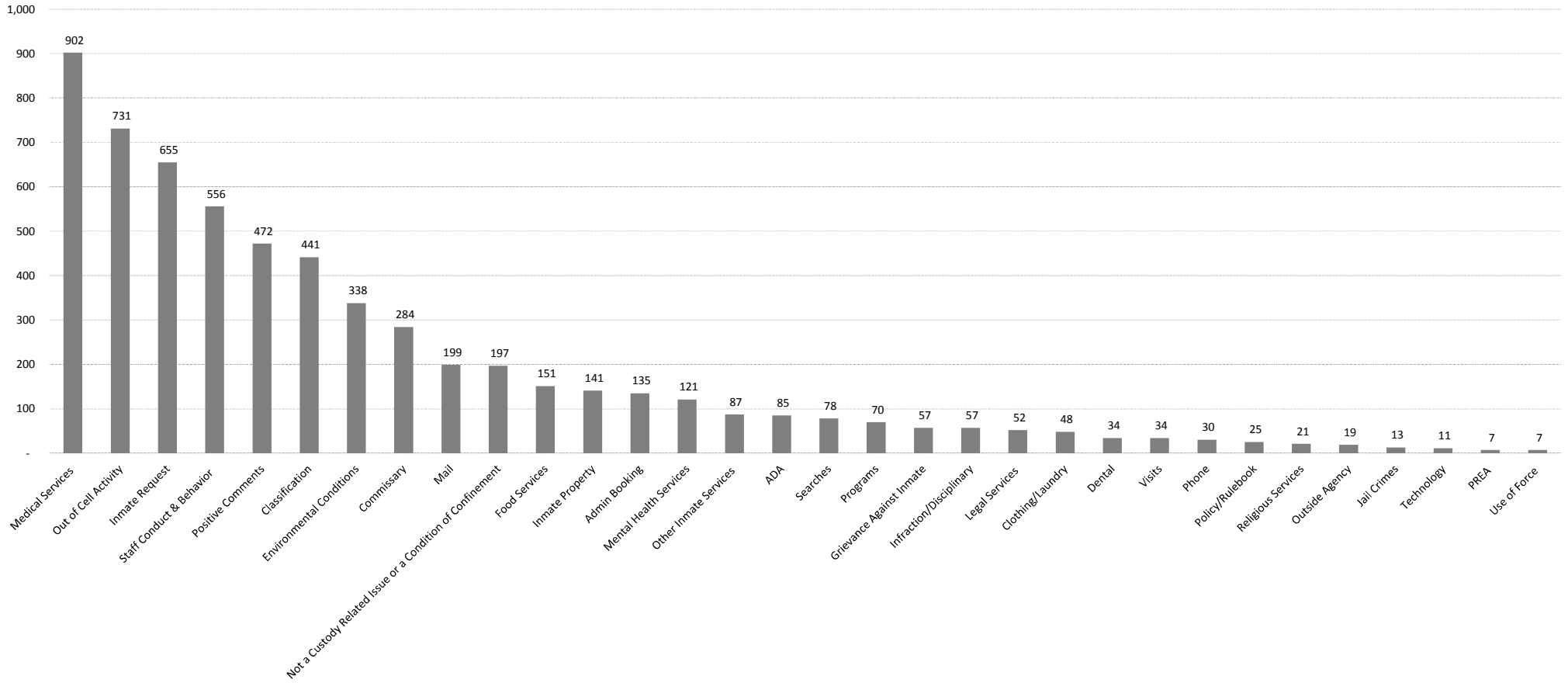
The ACeS system has now been in use for 5 months and a significant number of inmate grievances and associated data have been collected and entered to the ACeS system. ACeS provides the ability to produce management reports as well as to export grievance data for analysis using external analysis tools such as Microsoft Excel. An export of the entire ACeS grievance database and analysis using Excel yielded the following summary data for the period June 5, 2017 through December 8, 2012

Santa Clara County Office of the Sheriff - Custody Bureau
ACeS Inmate Grievance Data Summary

Period Start: 6/5/2017
Period End: 12/8/2017
Days: 186
Total Grievances Logged: 6,058
Overall Number of Grievances Generated per Day 32.6

Category	Grievance Count	% Of Total	Cumulative %	Grievances Generated per Day
Medical Services	902	14.9%	14.9%	4.85
Out of Cell Activity	731	12.1%	27.0%	3.93
Inmate Request	655	10.8%	37.8%	3.52
Staff Conduct & Behavior	556	9.2%	46.9%	2.99
Positive Comments	472	7.8%	54.7%	2.54
Classification	441	7.3%	62.0%	2.37
Environmental Conditions	338	5.6%	67.6%	1.82
Commissary	284	4.7%	72.3%	1.53
Mail	199	3.3%	75.6%	1.07
Not a Custody Related Issue or a Condition of Confinement	197	3.3%	78.8%	1.06
Food Services	151	2.5%	81.3%	0.81
Inmate Property	141	2.3%	83.6%	0.76
Admin Booking	135	2.2%	85.9%	0.73
Mental Health Services	121	2.0%	87.9%	0.65
Other Inmate Services	87	1.4%	89.3%	0.47
ADA	85	1.4%	90.7%	0.46
Searches	78	1.3%	92.0%	0.42
Programs	70	1.2%	93.1%	0.38
Grievance Against Inmate	57	0.9%	94.1%	0.31
Infraction/Disciplinary	57	0.9%	95.0%	0.31
Legal Services	52	0.9%	95.9%	0.28
Clothing/Laundry	48	0.8%	96.7%	0.26
Dental	34	0.6%	97.2%	0.18
Visits	34	0.6%	97.8%	0.18
Phone	30	0.5%	98.3%	0.16
Policy/Rulebook	25	0.4%	98.7%	0.13
Religious Services	21	0.3%	99.1%	0.11
Outside Agency	19	0.3%	99.4%	0.10
Jail Crimes	13	0.2%	99.6%	0.07
Technology	11	0.2%	99.8%	0.06
PREA	7	0.1%	99.9%	0.04
Use of Force	7	0.1%	100.0%	0.04

Santa Clara County Office of the Sheriff - Custody Bureau
 ACES Inmate Grievance Data Summary
 6,058 Total Grievances Submitted
 by Grievance Category
 6-5-2017 through 12-08-2017



GRIEVANCE AND “WHITE CARD” PROCESSING IN CUSTODY HEALTH SERVICES

In the ACeS data analyzed for this report, Custody Health Services (CHS) is the category into which inmate grievances were most frequently submitted. It is possible that a process inconsistency could cause the number of “grievances” in this category to be artificially high. Inmates sometimes use the grievance process to make requests for medical, dental, vision, or other health related attention and or appointments. The appropriate process for such requests is the “white card” process. White card process data is not captured in this report. Additional data collection and more detailed analysis of ACeS grievance data should inform this issue.

Regardless of whether or not the grievance process is the appropriate process for an issue or request described on an IGF, grievances arriving at CHS are addressed as follows. Process time targets for CHS Grievances are the same as for all others.

- CHS grievances are forwarded to the manager within CHS responsible for the area of the jail the inmate/patient is currently housed in.
- If, in the judgement of the CHS manager a welfare check or in person assessment is required, this is completed and the issue noted in the grievance is addressed directly with the individual at that time.
- If, in the judgement of the CHS manager an immediate in person welfare check or assessment is not required, the grievance is addressed by staff according to its assessment and the availability of assigned resources.
- Once the grievance is addressed by CHS staff, the response portion of the grievance is completed and data entered to the ACeS system.
- If the inmate wants to appeal the CHS response they may do so. Appealed grievances are forwarded to the next level CHS manager, up to and including the Director of CHS/CBHS.

White cards are logged within CHS and are not noted in the grievance system unless they are discussed as a free text response to a separate grievance in the system. Separation of the grievance and White Card systems should be eliminated with the implementation of the jail management system (JMS).

Copy list:

Miguel Marquez, Chief Operating Officer
James R. Williams, County Counsel
Megan Doyle, Clerk of the Board of Supervisors
Carl Neusel, Undersheriff and Interim Chief of Correction
Troy Believeau, Assistant Sheriff, Custody Bureau
John Gibbs, District 1
Scott Strickland, District 2
Lara McCabe, District 3
Jim Weston, District 4
Tyler Haskell, District 5
Jason Escareno, OBA