

Jail Conditions:

Inmate, Staff & Family Perspectives

Report to Santa Clara County

Blue Ribbon Commission

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WHAT WE WILL COVER

- Interview Methodology
- Analytical Considerations
- Report of Critical Issues
- Discussion

METHODOLOGY: OVERVIEW

- 944 Inmate Interviews—Main & Elmwood (every unit)
 - 27% (approx. 1 in 4) of total inmates (avg. jail pop. 3500)
 - Group announcements and individual interviews
- 33 Jail Staff Interviews (approx. 4%)
- 8 Family Interviews

- All interviews were
 - ✓ Voluntary
 - ✓ Confidential
 - ✓ Anonymous

- Interviews in English and Spanish (Cantonese available, but not requested)

METHODOLOGY: PURPOSE

- Be the voice of those not able or willing to address the Commission directly
- Accurately report to Commission what we were told
- NOT to validate whether comments made to our team were true or false
- NOT to investigate particular incidents or individuals

METHODOLOGY: INTERVIEW NOTES

- Attorneys took notes of each interview
- Summary of each interviewee's comments entered in master document
- Notes taken during interviews destroyed (confidentiality & anonymity)
- Exhibits to Report
 - Summary of Inmate Comments—Exhibit A
 - Summary of Jail Staff Comments—Exhibit B
 - Summary of Family Comments—Exhibit C
- Summary of Inmate Comments spreadsheet with coding by issue available by request, blueribbon@mosconelaw.com

ANALYTICAL CONSIDERATIONS: CRITICAL ISSUES HIGHLIGHTED

- 10 issues are focus of report
 - ✓ frequently mentioned
 - ✓ consistently presented as critical by interviewees
- Other issues identified in the Summary of Interview Comments are also important
 - Example—food (frequent, but not critical)
 - Example—sexual misconduct (critical, but infrequent)

ANALYTICAL CONSIDERATIONS: SELF-SELECTION & PERCEPTIONS

Self-Selection Bias?

- Self-selected sample
- 27% of inmates
- Smaller % of staff and families
- Not possible to know if interviewees' perspectives match those of non-interviewees

Perception v. Reality

- Even incorrect impressions are important drivers of behavior
- Perceptions of reality can be just as important as the actual reality

ANALYTICAL CONSIDERATIONS: FEAR OF PARTICIPATION

- Interviewees given BRC attorneys' business card
- Approx. 20 reports of retaliation or interference
- Only 1 inmate gave permission to break anonymity, report retaliation to Sheriff's Office
- Examples of Reported Retaliation and Interference—inmates & staff

ANALYTICAL CONSIDERATIONS: INMATES' UNDERSTANDING OF PUNISHMENT

- Many inmates commented that jail is not supposed to be pleasant
 - “I understand the COs need to be stern with us sometimes to keep the discipline. This is jail, after all. But...”
- Recognition that some issues not a big deal, while others were critical

ISSUE 1: LACK OF CONFIDENCE IN GRIEVANCE CHANNELS

- Consensus=grievance system is broken (all 3 groups of interviewees)
- 690/944 inmates commented on this, 73% of inmates interviewed (20% total jail population)
- Complaints include:
 - ✓ problems obtaining a grievance form
 - ✓ officers not accepting forms
 - ✓ inmates not getting a receipt, response, or meaningful answer
 - ✓ retaliation

ISSUE 1: LACK OF CONFIDENCE IN GRIEVANCE CHANNELS

2 complaints were exceedingly common—

- Submitting a grievance form to an officer is a major impediment.
- COs allegedly throw away grievances.

ISSUE 1: LACK OF CONFIDENCE IN GRIEVANCE CHANNELS

Officers:

- Acknowledged that having inmates give grievance forms to COs “puts inmates in a very difficult position.”

Family comments:

- After a while, most inmates give up filing a grievance, because they don't think they go anywhere.

ISSUE 2: GAPS BETWEEN POLICY AND PRACTICE

- Issue is about collective attitudes, informal practices, norms that impact how official jail policies are actually implemented
- 689/944 (73%) inmates addressed these issues
- Heard very often:
 “It depends on the officer, like pretty much everything in here.”

ISSUE 2: GAPS BETWEEN POLICY AND PRACTICE

Unresponsive jail staff—inmate interviews

- Rulebook advises inmates they have right to be informed of jail rules, procedures, schedules.
- Inmates often described lack of a “public service mindset” amongst COs
- Often attributed to officers spending significant time on their cellphones

ISSUE 2: GAPS BETWEEN POLICY AND PRACTICE

Unresponsive jail staff—staff interviews

Officers explained on-the-job apathy in their ranks due to low morale:

- Low morale makes COs not care and not want to be proactive.
- Culture is to not take responsibility; “kiss up, kick down”—kiss up to those above you and kick the problems down to others rather than deal with them directly.
- There is no incentive for good behavior. Why not reward COs who solve problems?

ISSUE 2: GAPS BETWEEN POLICY AND PRACTICE

Use of force—inmate interviews

- Individual reports by inmates of specific use of excessive force
- General perceptions
 - Use of force is often disproportionate to the need
 - Deputies use excessive force with mentally ill and older people
 - The deputies who do this are a particular group of "bad apples"
 - Reports are most pronounced at Main Jail North and South

Families make similar reports

ISSUE 2: GAPS BETWEEN POLICY AND PRACTICE

Demeaning language—inmate interviews

Rulebook states that inmates have right to expect to be treated respectfully by jail personnel.

But, inmates very consistently reported that a significant percentage of officers use dehumanizing and belittling language with them.

ISSUE 2: GAPS BETWEEN POLICY AND PRACTICE

Officer discretion—inmate interviews

Rulebook states inmates have the right to be treated impartially and fairly by jail staff.

But, inmates and families reported that officers' discretion often results in favoritism, arbitrariness, little adherence to policy.

ISSUE 2: GAPS BETWEEN POLICY AND PRACTICE

Officer discretion—officer interviews

- Officers explained that many officers make their own rules for how to run the jail during their shift.
- They reported that, when officers make their own rules, it leads to unsafe environments for officers and inmates.
- When one guard follows the rules, and the others don't (for fear of a grievance or being reprimanded for harshness), it makes things really hard on the officers who do implement the rules.

ISSUE 3: DELAYS AND DEFICIENCIES IN MEDICAL CARE

- 509/944 (54%) inmates comments on access/quality of medical care
- 260/944 (28%) inmates commented on access/quality of mental health care
- Often said “my biggest concern is medical”

ISSUE 3: DELAYS AND DEFICIENCIES IN MEDICAL CARE

Most frequent complaints

- Difficulty in getting medical attention, appointments, prescriptions
- Quality of care is poor
- Emergencies are not recognized or treated as such

ISSUE 3: DELAYS AND DEFICIENCIES IN MEDICAL CARE

Most frequent complaints, con't.

- Careless mistakes—mixing up inmates' medications, running out of medicine
- Worse at Elmwood Women's
- Forced, cold-turkey withdrawal from psychiatric medications
- Dental care too limited, optometry completely unavailable

ISSUE 4: POOR HYGIENE AND SANITATION CONDITIONS

- 803/944 inmates (85% of interviewees, 23% of the total pop.) identified hygiene and sanitation issues as a concern
- Often, the first topic mentioned, passionately expressed
- Keeping clean has major impact on their dignity, state of mind, and physical health
- Reports of rashes, ringworm, scabies, and staph infections

ISSUE 4: POOR HYGIENE AND SANITATION CONDITIONS

Scarcity and condition of clothing reportedly impedes personal hygiene and puts inmates at risk for disproportionate discipline:

- Inmates only get one set of clothes, and only get to exchange them two times per week – must live, eat, workout, and sleep all in one set of clothing.
- Consequence: Inmates hoard clothes or wash their own clothes and then get infractions.
- Clothing is torn, wrong size, in poor condition, old, dirty, blood stained.

ISSUE 4: POOR HYGIENE AND SANITATION CONDITIONS

Inmates consistently reported officers won't give them sufficient cleaning products:

- Jail provides small amount of Comet, solution, and scrubber supposed to last a week, but insufficient; if ask for more, told to wait.
- They do not have enough cleaning supplies so it ends up making many people sick.
- The showers are filthy. The black mold is visible. They do not receive enough cleaning supplies to clean the entire bathroom and dorm.

ISSUE 4: POOR HYGIENE AND SANITATION CONDITIONS

Inmates were very concerned about policies & practices that make it very difficult to keep themselves clean and healthy:

- Indigent kits need deodorant, shampoo, conditioner—makes unsanitary conditions for all.
- Inmates use sinks to bathe because shower time is inadequate.
- Women only get 2 menstrual pads per shift; it's not enough.
- They receive only 2 little pieces of soap per week.

ISSUE 5: INSUFFICIENT AND INCONSISTENT OUT-OF-CELL TIME

- 481/944 (51%) inmates commented
- Especially acute for—high security, mental health, protective custody units
- Variations by physical configuration of housing unit and inmate classification

ISSUE 5: INSUFFICIENT AND INCONSISTENT OUT-OF-CELL TIME

Inmate Comments

- The problem is that, without time out of cell, you can't call family, shower, get hot water, exercise, etc.
- Some officers give enough out of cell time, but not others.
- More experienced officers often allow inmates out of the cells. But, many officers lack the skills and keep inmates in their cells for long periods.

ISSUE 5: INSUFFICIENT AND INCONSISTENT OUT-OF-CELL TIME

Officers also note problems with the amount and unpredictability of out-of-cell time

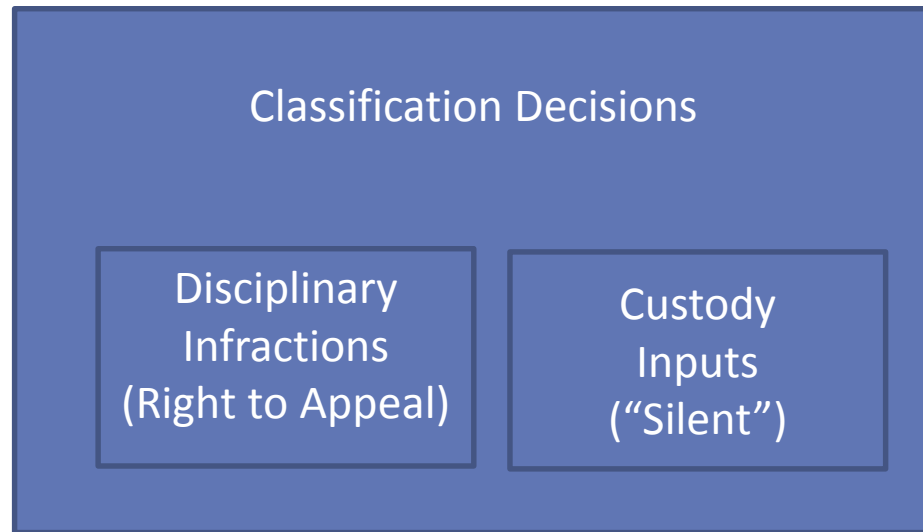
- Inmates need regular time out of their cells; inadequate staffing has led to COs not being able to give inmates regular time out. This frustrates inmates and they take their frustration out on COs.
- If inmates, especially mental health inmates, can't count on getting out they get upset; "it's a recipe for disaster."

ISSUE 5: INSUFFICIENT AND INCONSISTENT OUT-OF-CELL TIME

Family members were concerned about the deficiency of formal programming

- The jail isn't providing any programs. For reentry, one day the inmates are going to get released, and what skills are they going to have?
- The conditions of no programs exacerbate mental health problems, stress.
- Her son has no access to constructive activity. Family sends him books, but that's all.

ISSUE 6: LACK OF TRANSPARENCY IN CLASSIFICATION AND INMATE DISCIPLINE



ISSUE 6: LACK OF TRANSPARENCY IN CLASSIFICATION AND INMATE DISCIPLINE

Inmates report need for more transparency in classification and discipline

- Inmate got upclassified suddenly with no explanation. How can she correct herself if she doesn't know what she's doing wrong?
- Inmates get CI's ("custody inputs") the inmate can't see and can't explain their side of story, but the CI's get used to make classification changes.
- There is no opportunity at the County level to challenge housing classifications.
- An infraction hearing is "kangaroo court."

ISSUE 7: DIFFERENTIAL TREATMENT IN JAIL COMPARED TO PRISON

- Affects subset of inmates, but impacts them in virtually every domain
- Perceived impacts:
 - ✓ Serving more days behind bars than in state prison
 - ✓ No pay or “good time” for days worked in jail
 - ✓ No educational/vocational opportunities beyond GED for reentry
 - ✓ No access to outside review of grievances, such as prisoners have
 - ✓ No access to the Title 15 Rulebook, only the county rulebook

ISSUE 7: DIFFERENTIAL TREATMENT IN JAIL COMPARED TO PRISON

Inmate Comments:

- “I would rather be in prison”
- Time served– “third” time vs. “half time”
- Few skills/education other than GED
- Jail’s treatment is unlawful

ISSUE 8: UNDERSTAFFING

Almost every jail staff member interviewed reported concerns:

- In past the jails were “fully staffed;” made jails safer for COs and inmates.
- Staffing shortages are unsafe for officers and unfair to inmates. Inmates need a routine, but inadequate staffing means their routine constantly gets disrupted.
- Staffing has been way too thin since the jails came back under the Sheriff’s office.
- Staffing has been better since the BRC was created, but it will go back to inadequate levels after the BRC goes away.

ISSUE 8: UNDERSTAFFING

Inmates reported cancellation of appointments and activities due to short-staffing:

- Her medical appointment was rescheduled six times because jail was short staffed.
- Staffing shortages also cause inmates to spend much more time on lockdown due to lack of COs – not even allowed out to shower.
- Visitations are too short, a half hour, and only two a week. Officers give us an excuse that they are short staffed.

ISSUE 9: INAPPROPRIATE ACCOUNTABILITY FOR STAFF MISCONDUCT

- Agreement among inmates and staff that officer discipline/accountability systems do not work
- Differing perceptions about WHY
- 512/944 (54%) of Inmates commented on issue
- Jail Staff frequently commented
- Families commented

ISSUE 9: INAPPROPRIATE ACCOUNTABILITY FOR STAFF MISCONDUCT

Jail Staff Comments (all from multiple interviewees):

- Leadership does not hold COs accountable for “bad” behavior. “The Sheriff can’t stand negative attention so bad behavior goes uninvestigated.”
- They have reported misconduct by other staff and nothing has happened.
- Supervisors are promoted based on who they know, not on how they do their jobs or how much experience they have.

ISSUE 9: INAPPROPRIATE ACCOUNTABILITY FOR STAFF MISCONDUCT

Jail Staff Comments—Synthesis

- On one hand—lieutenants and captains are not held accountable from the top, and the lack of accountability trickles down. Culture = “fear,” “intimidation,” or “retaliating against you if you rock the boat”
- On the other hand—jail staff’s perception that leadership does not support officers, rushes to hold officers accountable before culpability established
- “Sweep it under the rug” + “throw officers under the bus” = exceedingly low morale

ISSUE 9: INAPPROPRIATE ACCOUNTABILITY FOR STAFF MISCONDUCT

Inmate and Family Comments:

- Officers are never held accountable. Internal Affairs and formal complaints to Sheriff doesn't do anything, either. The only way to get your voice heard is to have a relative advocate on the outside try to help.
- No accountability for COs—nothing ever changes; she has no hope things will improve.

ISSUE 10: INMATES ARE UNAWARE OF INMATE WELFARE FUND

- 163/944 (17%) addressed IWF, but often only “Inmate has not heard of IWF”
- Inmates reported a general lack of understanding and benefit regarding the IWF
- A few who knew of it believe it is misused and inmates do not benefit

ISSUE 10: INMATES ARE UNAWARE OF INMATE WELFARE FUND

- Some inmates knew the IWF pays for indigent hygiene kits from Commissary
- Some inmates knew of IWF as the fund that pays for incentive sodas given as a reward for work or cell checks
- 293 inmates spoke of issue that impacts IWF directly, phone call rates

DISCUSSION