

County of Santa Clara

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Megan Doyle
Clerk of the Board

August 14, 2018

The Honorable Patricia M. Lucas
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

(ENDORSED)
FILED
AUG 14 2018
Clerk of the Court
Superior Court of CA County of Santa Clara
BY ~~Janice Jones~~ DEPUTY

RE: Grand Jury Report: Report on Detention Facilities In the Era of Reform

Dear Judge Lucas:

At the August 14, 2018 meeting of the County of Santa Clara Board of Supervisors (Item No. 77), the Board adopted the response from County Administration to the Final Grand Jury Report entitled Report on Detention Facilities In the Era of Reform.

As directed by the Board of Supervisors and on behalf of the Board President, our office is forwarding to you the enclosed copy of the response to the Final Grand Jury Report. This response constitutes the response of the Board of Supervisors, consistent with provisions of California Penal Section 933(c).

If there are any questions concerning this issue, please contact our office at (408) 299-5001 or by email at boardoperations@cob.sccgov.org.

Sincerely,

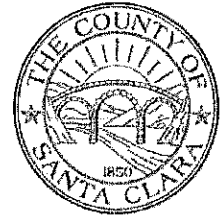
Jessica Schmidt
Deputy Clerk, Board of Supervisors
County of Santa Clara

Enclosures

County of Santa Clara


Office of the County Executive

County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-5105



August 3, 2018

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

From: Miguel Márquez, Chief Operating Officer 

Subject: Response to the Civil Grand Jury of Santa Clara County Report: "Report on Detention Facilities in the Era of Reform"

This memorandum is a response to the Civil Grand Jury of Santa Clara County report dated May 21, 2018 entitled "Report on Detention Facilities in the Era of Reform"

Finding 1

The Grand Jury found no advantage to having separate DOC in the operation of the jails.

Recommendation 1A

The Santa Clara County Board of Supervisors should transfer sole and exclusive authority over the County jails to the Santa Clara County Sheriff by June 30, 2019.

Partially disagree at the current time with Finding 1 and Recommendation 1A, since this issue is still being examined and considered by the Board of Supervisors.

Over the last several years, the Board has directed examinations of the organizational framework and related legal issues pertaining to the County jails, which are complex and multi-faceted. The Board intends to address these issues during the last half of calendar year 2018.

In connection with ongoing jail reform efforts, the Board has considered whether to maintain the existing management structure for the County jails, in which the Department of Correction operates the jails in conjunction and cooperation with the Sheriff, or to adopt an alternative structure.

Adopted: 08/14/2018

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In September 2016, the Board adopted an ordinance to codify the existing structure for jail operations on a temporary basis while the Board continued to explore issues of jail management and oversight.

Since the Spring of 2016, the Board's Finance and Government Operations Committee (FGOC) and the Board have held many special meetings to consider 80 Summarized Recommendations on jail reforms from 15 different entities, such as the Blue Ribbon Commission on Improving Custody Operations and the Human Relations Commission. Some of these entities made recommendations about the operation of the jails, so the Board has been considering those as part of their regular ongoing review on the progress of implementing the 80 Summarized Recommendations.

On February 7, 2017, the Board considered legally permissible options for the organizational structure of the County jails, and it reviewed four options for structuring the jails. One of the options was transferring all jail operations to the Sheriff. Under the current structure, the Sheriff has personnel responsibility for correctional deputies (deputy sheriffs who perform exclusively correctional functions and have peace officer authority to carry firearms in the performance of their correctional duties), correctional officers (non-peace officers with limited authority to carry firearms under the Sheriff's direction), and many other administrative staff, while the Chief of Correction has personnel responsibility only for the Food Services, Inmate Laundry, Warehouse, and Administrative Booking units.

During the February 7, 2017 Board meeting, the Board directed County Administration to obtain organizational consulting services from an outside entity to evaluate from a policy perspective the legally permissible options identified by County Counsel and to provide recommendations. Following a competitive procurement process, in December 2017, the Board approved an agreement with CGL for organizational consulting services.

Pursuant to this agreement, CGL conducted a detailed examination of the current organizational structure, validated an organizational chart reflecting all aspects of existing jail operations, evaluated legally permissible options for the organizational structure of the jail, and assessed the benefits and drawbacks of each organizational option. On March 20, 2018, the CGL report entitled *Santa Clara County Jail Organizational*

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Structure Review was received by the Board. Upon consideration of CGL's report, the Board directed that the sunset date of the existing ordinance code provision governing the jail organizational structure be extended to December 2018 to allow the Board additional time to consider and adopt an organizational structure.

The Board currently intends to take this issue up during the last half of calendar year 2018.

Recommendation 1B

Santa Clara County Board of Supervisors should clarify the roles in jail management for the Department of Correction, the Chief of Correction, the proposed correctional administrator position, the Undersheriff, the Office of Correction and Law Enforcement Monitoring, and the Community Correction and Law Enforcement Monitoring Committee. This should be done by December 31, 2018.

Over the past several years, the Board has been defining and shaping the administrative roles connected to jail operations, as described below.

Chief of Correction

County Ordinance No. NS-300.901, Section A20-38.1 of Chapter III of Division A20 relating to the Operation of County Jails states that the Chief of Correction shall operate the County jails in conjunction and cooperation with the Sheriff in accordance with the organizational structure adopted in the Fiscal Year 2010-2011 Budget. What this means is that currently the Chief of Correction has direct responsibility for operations and non-badge staff within the following units: Food Services, Inmate Laundry, Warehouse, and Administrative Booking. The Sheriff is responsible for all other jail functions and staff, including correctional deputies, correctional officers, and custody support assistants, as well as certain fiscal, information technology, clerical support and other staff.

Proposed Correctional Administrator Position

There is no approved role for this proposed position. The position was presented as a proposal in a report from the consultant CGL and entitled *Santa Clara County Jail Organizational Structure Review*. The report was received by the Board on March 20, 2018. As with any report from a consultant, the Board can choose to act on a proposal in a report during the Board meeting, or at a future Board meeting, or the Board can

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choose to take no action. At the time of this writing, there has been no further action taken by the Board on this proposed position.

Undersheriff

Under administrative direction of the elected Sheriff, the Undersheriff assists in planning, organizing, directing and coordinating the staff, functions and activities of the Sheriff's Office. The position is responsible for directing the day-to-day activities of the Sheriff's Office, and assists in the establishment, coordination and implementation of policies and procedures, ensures compliance with Federal, State and local laws, and acts in the absence of the Sheriff. In recent years, the Board has appointed the Undersheriff to serve as the Chief of Correction, but this is not required by state or local law.

Office of Correction and Law Enforcement Monitoring (Office)

This Office will provide independent monitoring of jail and law enforcement operations of the Sheriff's Office and the Department of Correction, as well as the operations of other agencies and departments relating to law enforcement and jail operations (including, but not limited to, Custody Health Services, the District Attorney's Office, and the Office of the Public Defender). The Office will also have authority to conduct research, review internal audits and investigations, make policy recommendations, and issue reports. This Office will not have authority to impose discipline, to require or implement changes in policy, or to otherwise manage or direct the operations of any department or entity subject to its monitoring. The establishment of the Office will not change any reporting structures, and the Office will have no authority to interfere with the independent investigative and prosecutorial functions of the Sheriff or the District Attorney.

Community Correction and Law Enforcement Monitoring Committee

The Board established a Community Correction and Law Enforcement Monitoring Committee to serve as an advisory body to the Office. The Committee will consist of nine County residents nominated by each Supervisor (five members total) and the Director of the Office (four members), all of whom would be appointed by the Board for three-year terms. The Committee's responsibilities include: reviewing and reporting on policy recommendations; obtaining community input and feedback and conveying it to the Board, Sheriff, Chief of Correction, and other relevant entities; functioning as a bridge between the community and the Sheriff's Office and Department of Correction;

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and making recommendations with the input of the Sheriff, Chief of Correction, County Executive, County Counsel, and Director of the Office. The Sheriff, Chief of Correction, County Executive, County Counsel, and Director will be entitled to attend and participate in Committee meetings, but will have no vote and will not be members of the Committee.

Finding 2A

The Grand Jury found morale among correctional deputies is low due to chronic understaffing, mandatory overtime shifts, and a new grievance system that deputies believe is open to abuse.

Recommendation 2

The Santa Clara County Sheriff, the Santa Clara County Board of Supervisors and the Santa Clara County Correctional Peace Officers Association should devise and publish a formal plan to improve jail morale by June 30, 2019. The formal plan should improve communications between staff and management, consider flexibility in work shifts and examine the perceived diminished control over inmates.

Partially agree, to the extent possible in the role of the Board of Supervisors. The Sheriff is an independently elected official and plans to provide a separate response.

The Board's responsibility is to receive updates and reports from the Sheriff's Office that are provided to the Board's Public Safety and Justice Committee. The Board can review the status of any plan from the Sheriff's Office to improve jail morale at these Committee meetings.