



(ENDORSED)
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San José Police Department
EDGARDO GARCIA, CHIEF OF POLICE

Clerk of the Court
Superior Court of CA County of Santa Clara
BY Janice Jones DEPUTY

August 10, 2018

Honorable Patricia Lucas
Santa Clara County Superior Court
191 North First Street
San José, CA 95113

Re: San José Police Department Response to the Santa Clara County Civil Grand Jury's Final Report Entitled *Report on Detention Facilities in the Era of Reform 2017-2018*

Honorable Patricia Lucas:

The purpose of this correspondence is to respond to the Santa Clara County Civil Grand Jury's Final Report entitled *Report on Detention Facilities in the Era of Reform 2017-2018*. The following are the San José Police Department's responses to the findings and recommendations of the Grand Jury's report:

Finding 5A

The San José Police Department, at the time of this report, was taking positive steps to eliminate the needless expense by updating outdated procedures for staffing its Pre-Processing Center with a sergeant on paid overtime.

Agree.

Recommendation 5A

Per page 28 of the report, "No recommendation because the issue is being addressed."

Finding 5B

The San José Police Department puts itself at needless risk of a lawsuit from a detainee or a citizen's complaint by not following BSCC procedures or restraining prisoners at its Pre-Processing Center.

Agree.

HONORABLE PATRICIA LUCAS

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Recommendation 5B

The San José Police Department by the end of 2018 should evaluate its Pre-Processing Center Standard Operating Procedures Manual to address the use of restraints (handcuffs) in the interview rooms.

Agree. The Final Report by the Grand Jury stated SJPD had "continuing issues of non-compliance in that arrestees are handcuffed to tables in holding/interview cells that do not have a toilet, basin, and drinking fountain..." In July 2018, SJPD revised its policy addressing these issues. PPC consists of twelve holding cells and two pre-booking enclosure rooms. Nine of the twelve cells are considered "dry cells" and do not contain a toilet, wash basin, or a drinking fountain. These nine cells are used to interview arrestees and for evidence collection. Once an interview or evidence collection is completed, the revised policy requires that officers place arrestees in holding cells 4, 5, or 6, which are all classified as "temporary holding cells" and meet Title 24, Section 470A.2.2, Temporary Holding Cell or Room requirements. These cells each have a toilet, wash basin, and drinking fountain. If an arrestee is detained and has his/her hands handcuffed in an interview room cell, the door to the room shall be left open. The Department's policy also prohibits arrestees from being handcuffed to tables in interview cells.

Sincerely,



Edgardo Garcia
Chief of Police

EG:RF:GT