



2007-2008 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT

ELMWOOD CORRECTIONAL COMPLEX: A CONTINUING THREAT TO COMMUNITY SAFETY

Introduction

Prompted by a Report issued by last year's Grand Jury titled, "Four Elmwood Inmates Escape in Five Weeks" and by a tour of the Elmwood Correctional Complex (Elmwood) in August 2007, the 2007-2008 Santa Clara County Civil Grand Jury looked into whether measures had been taken to address concerns regarding security at the facility.

The Santa Clara County Executive's response to the previous Grand Jury's report stated that "in the last two years \$2.2 million has been allocated for Department of Correction (DOC) projects with another \$320,000 recommended in FY 2008" and suggests that Santa Clara County (County) professional staff are evaluating needs and making decisions based on available resources. Additionally, the response stated, "Many of the security issues referred to in the Grand Jury report have been addressed including...reconstructing interior fencing and rebuilding the central control room." The 2007-2008 Grand Jury has determined, however, that the security problems at Elmwood are not being addressed in a timely fashion.

Elmwood is an aging facility requiring repair and maintenance that is provided by employees of the Santa Clara County Facilities and Fleet Department (FAF) as part of their countywide maintenance responsibility.

Based on observations made during the tour, three inspections of Elmwood, and from information gathered during interviews, this year's Grand Jury determined that DOC requests for security enhancements at the facility have not been implemented, thus placing the community's safety at risk. The Grand Jury chose to limit its focus to four security issues it believes should be addressed promptly: 1) FAF access and autonomy at Elmwood; 2) the status of the facility security; 3) DOC staffing and procedures; and 4) the threat to community safety.

Discussion

Two of the main responsibilities of the DOC are to provide for the health and welfare of inmates in custody, as well as to provide for the safety of the surrounding community by ensuring that inmates do not escape from custody. During the investigation of the Elmwood facility, the Grand Jury: 1) interviewed numerous employees at various levels of the DOC and FAF; 2) reviewed DOC policies and procedures; 3) reviewed Elmwood's East Gate Post entry logs; 4) evaluated the status of the perimeter security; 5) reviewed employee reports of tools found on the grounds of the facility, and 6) reviewed *Escape from Custody Confidential Report PC 4532*.

FAF Access and Autonomy

The Grand Jury found that a large number of FAF employees had unlimited access to Elmwood's East Gate on a daily basis. The East Gate is the only entry and exit point for vehicular traffic to the facility. The procedure at this location is that drivers sign in or out, gates are opened to allow vehicles ingress or egress, and then inspection of the vehicles takes place. This process is conducted without the benefit of a sally port that would allow for a continuous secure perimeter at all times. At times, only one correctional officer staffs the East Gate. Within fifty feet of this gate, dozens of inmates often congregate near their work site in the facility's kitchen. This poses an opportunity for an inmate to slip out undetected.

Drivers transitioning the East Gate must record the following information into the East Gate log: 1) agency or company; 2) vehicle or license number; 3) driver name; 4) entrance/exit reason; 5) time in; and 6) time out. Upon inspection, the Grand Jury noted that some log entries appeared to be incomplete. Subsequently, the Grand Jury requested and reviewed the East Gate Post log for the month of December 2007, which included several non-work holidays. In reviewing the December East Gate Post log, the Grand Jury found that many of the entries were incomplete or illegible and that during December at least 80 FAF employees had access to the Elmwood facility – many of them on an almost daily basis. This review indicated that FAF staff transitioned through the East Gate (either ingress or egress) over 1400 times during the month and accounted for one-third of the East Gate transitions. Transitions through the East Gate are very staff intensive for Elmwood personnel, as each vehicle needs to be inspected.

During the investigation, the Grand Jury also learned that there is minimal evidence of FAF supervision over FAF staff at Elmwood. Through review of the December log, the Grand Jury was able to determine that FAF supervisors were on the premises fewer than ten times during the month. The Grand Jury learned from staff interviews that until recent budget cuts took place, DOC Correctional Support Assistants (CSA) were assigned to all FAF work details to ensure that there were no interactions with inmates and that no tools or other items fell into the hands of inmates; however, due to staffing cuts this is no longer the case. DOC administration indicated to the Grand Jury that, due to the lack of supervision of FAF and other non-County work details, it is possible for contraband to be introduced into the facility. Additionally, the Grand Jury reviewed DOC documents titled, *Employee's Report*, which described tools (including hammers, crowbars, and hacksaws) that were found inside the facility after being left behind by work details. The Grand Jury reviewed a draft DOC policy titled, *Control of Tools and Equipment*, prepared in April 2003 that would have addressed a number of these issues; however, the proposed draft policy was not implemented.

The Grand Jury observed an FAF workshop on site that has been an ongoing concern for Elmwood staff. This workshop contains multiple workstations and a stock of parts for various trades. During the investigation, the Grand Jury received inconsistent information about FAF staffing levels assigned to Elmwood. One FAF administrator initially stated that there was "no standing staff" at Elmwood, as work is completed on a "project-by-project basis," but later offered that one employee was assigned permanently to Elmwood. Another FAF administrator stated that "a plumber and an

electrician are on routine assignment” at Elmwood. Yet another interviewee offered, “No one is stationed there now, but this has been the subject of an ongoing dispute.”

Interviews with DOC staff indicated that on any given day there are up to 15 FAF staff members at Elmwood. The concerns with this situation revolve around DOC control, FAF supervision, and the question of whether or not there is an actual need for some of these employees to be at Elmwood. Although the Grand Jury observed inmates spending time inside the workshop, DOC staff cannot access this area on a routine basis. In interviews with administrators from both FAF and DOC, the Grand Jury came to understand that neither department believed that it was necessary to have this workshop contained within the Elmwood facility; however, neither department has taken the initiative to make a change to this situation.

Facility Security

The Grand Jury’s assessment of the security of Elmwood’s perimeter focused on fencing and the Control Room. As the County has sold off much of the original Elmwood land, fence perimeters have continually been drawn in, resulting in a hodgepodge of fence lines. One of the interior fence lines had been constructed within two feet of a barrack, thus allowing inmates the opportunity to circumvent this security measure by climbing onto the roof of the adjoining barrack. Additionally, as a result of the investigation into an inmate escape in November 2007, a significant perimeter security issue was discovered.

An additional challenge to Elmwood’s security is that the facility’s perimeter security technology is outdated and does not allow for video monitoring of the total perimeter. The present facility lacks a modern and effective perimeter alarm and monitoring system. The perimeter alarm system was designed and installed over 16 years ago, and the monitoring system was installed over 18 years ago. Video monitoring of the perimeter from the Control Room is nonexistent.

The Grand Jury observed the operations in the Control Room at Elmwood and noted inadequacies with regard to space, technology, and staffing. During the Grand Jury’s visit to the Control Room, an observation was made that there was a delayed response to a perimeter alarm.

The Grand Jury determined that the lengthy capital improvement approval process hampers improvements to the facility’s security. The County Executive’s response to the 2006-2007 Grand Jury Final Report indicated that the issue of the “...rebuilding [of] the central control room” had been addressed; however, the Grand Jury learned that the Control Room has not been rebuilt and that this problem is far from having been addressed. The DOC’s initial request for this renovation dates back to 2001. Currently, the project is scheduled for completion in March 2009. Similarly, the East Gate sally port was requested in 2001, and FAF is projecting a possible completion sometime after 2010 if funds are approved. In both instances, nearly a decade has elapsed between the initial request and possible project completion.

DOC Staffing and Procedures

The Grand Jury reviewed staffing levels in comparison to inmate populations from 2000-2007. There have been several fluctuations of both populations during this time; however, statistics demonstrate that staff numbers are decreasing while the inmate population is increasing. The Grand Jury learned that these cuts in staff have impacted negatively on the facility's security. Previously, CSAs were routinely assigned to keep inmates away from FAF and other external work details when they were on site. Due to staffing cuts, however, some work details currently are without supervision.

The Grand Jury determined that there were areas in which DOC management should improve their procedures and hold their staff more accountable. Examples of this were found in the incomplete documentation of traffic passing in and out of the East Gate and the fact that no supervisor reviews or compares the perimeter alarm tapes with the entries on the Control Room daily logs.

Threat to Community Safety

The Elmwood facility is located on 62 acres of what was once a 119-acre parcel of farmland. Over time, County land surrounding the facility has been sold. Consequently, Elmwood is now located in the midst of a densely populated residential area. Aerial photographs at the end of this report reflect the growth in density surrounding the Elmwood facility. Located nearby are the Great Mall, an auto dealership, new housing developments, and a senior center. While the surrounding environment has changed significantly during the last decade, vital improvements to the facility's security have not taken place to ensure the safety of the community.

An investigation of the inmate escape in November 2007 revealed that the inmate entered the housing tract to the south of Elmwood where he left his jail clothing. The investigative report indicated that the escapee possibly met an accomplice at this location and then left the area. There is a great potential for an escapee to enter a residence in an effort to seek transportation, clothing, or other items to assist in an escape.

The community surrounding Elmwood shares grave concern over the facility's security. The Grand Jury interviewed a representative from the Milpitas Police Department and came to understand that there is a very high level of concern about the potential threat to the community's safety should a potentially violent offender escape and come into contact with residents of the community. An additional concern to the community is the release location of the inmates. After processing, inmates exit through the West Gate and have three options: 1) leave by family assistance; 2) access the nearby public transit; or 3) walk the streets. It was reported to the Grand Jury that local officials receive calls with regard to recently released inmates who are reported to be loitering or otherwise acting suspiciously.

Conclusion

The County's mission statement is as follows: "The mission of the County of Santa Clara is to build and maintain a healthy and safe community for our residents." A core service of the County is to provide a correctional institution that, in turn, involves maintaining a safe and secure facility for inmates, staff, and the general public. Without a significant effort on the part of the County to resolve the ongoing issues discussed in this report, the Grand Jury believes that there is significant basis for concern on the part of the citizens of this county and especially the residents of the City of Milpitas. Previous Grand Juries have reported on the issue of Elmwood security, yet recommendations have not been implemented. The issues that are internal to DOC seem to be addressed in a responsible and timely manner when pointed out; however, the issues requiring capital improvement linger on for years, and once funded, take far too long to complete. The County Executive's statement that a DOC-requested security enhancement project "has been addressed" when, in fact, it has not even been funded should raise questions regarding the priority of these requests and the effectiveness of the capital improvement process. Projects that do not get funded can get lost for years in the funding process. Consequently, this Grand Jury concludes that the County administration is not giving these issues the appropriate priority and thus is failing to meet a significant element of the County's mission.

Findings and Recommendations

The findings were reviewed with the subject agencies.

Finding 1

The Grand Jury finds that the County has not implemented appropriate security measures despite numerous requests from the DOC and recommendations from past Grand Juries.

Recommendation 1

The County needs to elevate the importance of funding the DOC-requested security measures and complete implementation within the next 18 months.

Finding 2

As a result of the November 2007 inmate escape, a significant issue regarding perimeter security was revealed.

Recommendation 2

DOC management should work with FAF management immediately to implement a solution to this problem.

Finding 3

The presence of the FAF workshop at Elmwood represents an entire function over which Elmwood's administrators have little to no control and detracts from the facility's security. Additionally, supervision of FAF staff appears to be inadequate.

Recommendation 3

FAF management should ensure that their employees assigned to Elmwood are supervised appropriately. FAF should consider eliminating or reducing the scope of the Elmwood workshop, and Elmwood DOC staff should have control of this structure.

Finding 4

The substantial activity created by the entrance and exit of FAF personnel is very staff intensive for Elmwood personnel as FAF vans need to be inspected at each transition. The current number of FAF vehicles, staff, and tools entering and leaving the facility represent a threat to the security of the institution.

Recommendation 4

DOC management should review FAF's access to the Elmwood facility and implement a procedure that will result in a more stringent requirement for access.

Finding 5

FAF employees have left tools inside the facility to which inmates have had access, thus posing a potential threat.

Recommendation 5

DOC should implement the draft policy titled, *Control of Tools and Equipment*, dated April 30, 2003.

Finding 6

A review of DOC paperwork logs revealed that, in several instances, the entries lacked accuracy and that supervisory follow-up was not taking place in accordance with department policy.

Recommendation 6

DOC should implement a supervisory and management level review of all critical documentation to ensure that all procedures and records are being followed and documented in line with departmental policy.

References

- (Confidential) County of Santa Clara, Department of Correction. (Draft Policy). *Control of Tools and Equipment*, April 30, 2003.
- (Confidential) County of Santa Clara, Department of Correction. *Elmwood Complex: East Gate Vehicle Control Log*, December 2007.
- (Confidential) County of Santa Clara Department of Correction. *Elmwood Staffing and Inmate Population Statistics: Fiscal Year 2000 through February 28, 2008*.
- (Confidential) County of Santa Clara, Department of Correction. *Employee's Report*, April 18, 2007.
- (Confidential) County of Santa Clara, Department of Correction. *Employee's Report*, December 31, 2007.
- (Confidential) County of Santa Clara, Department of Correction. *Escape from Custody Report PC 4532*. Elmwood Correctional Facility. November 24, 2007.
- (Confidential) County of Santa Clara, Department of Correction. *East Gate Vehicle Control Log*, December 2007.
- County of Santa Clara, Facilities and Fleet Department. *Elmwood Correctional Facility Project Information*, March 20, 2008.
- County of Santa Clara, Facilities and Fleet Department. *Attachment B; Facilities and Fleet Department Vehicles*, February 27, 2008.
- County of Santa Clara, Office of the County Executive. *Response to Grand Jury Report – "Four Elmwood Inmate [sic] Escapes [sic] in Five Weeks,"* May 30, 2007.
- (Confidential) County of Santa Clara, Department of Correction. Memorandum. *East Gate*, October 12, 2006.
- Santa Clara County 2006-2007 Civil Grand Jury Final Report. *Four Elmwood Inmates Escape in Five Weeks*, January 2007.

Visitations and Interviews

August 8, 2007	Grand Jury tour of Elmwood Correctional Complex
January 7, 2008	Administrator, Santa Clara County Department of Correction
February 1, 2008	Grand Jury unannounced inspection of Elmwood Correctional Complex
February 20, 2008	Administrator, Santa Clara County Department of Facilities and Fleet
February 25, 2008	Administrator, Milpitas Police Department
February 27, 2008	Administrator, Santa Clara County Department of Correction
February 27, 2008	Grand Jury unannounced inspection of Elmwood Correctional Complex
February 27, 2008	Administrator, Santa Clara County Department of Correction
February 27, 2008	Administrator, Santa Clara County Department of Correction
February 27, 2008	Correctional Officer, Santa Clara County Department of Correction
March 3, 2008	Manager, Santa Clara County Department of Facilities and Fleet
March 3, 2008	Manager, Santa Clara County Department of Correction
March 3, 2008	Administrator, Santa Clara County Department of Correction
March 7, 2008	Manager, Santa Clara County Department of Facilities and Fleet
March 7, 2008	Manager, Santa Clara County Department of Correction
March 14, 2008	Inspection of Elmwood Correctional Facility

PASSED and **ADOPTED** by the Santa Clara County Civil Grand Jury on this 15th day of May, 2008.

Raymond A. Blockie, Jr.
Foreperson

Tim Cuneo
Foreperson pro tem

Kathryn C. Philp
Secretary

County Department of Correction Elmwood Complex



This aerial photograph of the Elmwood Correctional Complex circa 1997 looks southwest and shows the East Gate running off of Abel Street on the left side of the photo. The West Gate and visitor parking lot appear in the upper right of the photo.

County Department of Correction Elmwood Complex



This aerial photograph of the Elmwood Correctional Complex taken in 2008 looks southwest and shows the East Gate running off of Abel Street on the left side of the photo. The West Gate and visitor parking lot appear in the upper right of the photo.