

2001-2002 SANTA CLARA COUNTY CIVIL GRAND JURY

INQUIRY INTO JAIL BREAK AND RIOT INCIDENTS AT DEPARTMENT OF CORRECTION FACILITIES

INTRODUCTION

The Santa Clara County Civil Grand Jury (Grand Jury) inquired into two incidents that occurred at the Santa Clara County Department of Correction (DOC) facilities during 2001. At the Elmwood Correctional Center for Men (Elmwood) two prisoners escaped. At the Santa Clara County Main Jail (main jail) an inmate fight occurred that escalated into a riot. Members of the correctional officers' (guards) union made claims that management at Elmwood had been informed of the conditions that allowed the escapes to happen at Elmwood, as well as the situation that fostered the main jail riot.

The Grand Jury toured Elmwood and main jail facilities and observed the sites of the jail break and riot. Jurors also examined DOC policies and procedures. Additionally, jurors reviewed the incident reports for the events and the actions that were taken and that could be taken to avoid similar incidents in the future. Lastly, the Grand Jury interviewed the department of correction chief, the assistant chief, the captains in charge of the Elmwood center and the main jail, and two senior officials of the correctional officers' union.

This inquiry was conducted between September 2001 and March 2002. The authority for the Grand Jury to conduct its inquiry is found in the Penal Code Section 925.

BACKGROUND

Elmwood Correctional Center for Men

On July 8, 2001, a breakout occurred at Elmwood. Two inmate trustees awaiting sentencing escaped from the medium security facility. Both escapees have been recaptured and are now incarcerated and facing new criminal charges.

The Grand Jury visited the Elmwood facility in September 2001 and reviewed the policies and procedures in place at the time of the escape. The jurors also examined the escape location and reviewed the inmate visitor's procedures.

Two items enabled the Elmwood escape: an inherent design defect in the building's original construction, and inmate visiting procedures. The building construction defect that allowed the escape to occur had been corrected at the time of the Grand Jury visit in September 2001. Additionally, the escape was made possible with the aid of two visitors who provided civilian clothing to the inmates so they could walk out disguised as visitors. Subsequent to the escape, the visitor procedures at Elmwood were modified to require tracking of all visitors with photo identification and in and out logging.

An allegation was made in the San Jose Mercury News by a DOC guard and union official that management at Elmwood was informed of the building

security defect prior to the escape. The Grand Jury could find no evidence that this took place.

The DOC plans no further actions in response to this escape, the first in 14 years from either the medium or high security facilities at Elmwood.

Santa Clara County Main Jail

On October 24, 2001, a serious inmate fight and riot erupted on the fourth floor of the main jail. The disturbance happened when two members of hostile competing gangs were erroneously allowed into the same common area adjacent to the cells. Under existing main jail procedures gang members are to be kept separated from members of other gangs at all times. A fight broke out between two prisoners from competing gangs and several other prisoners were injured in a riot in support of one of the fighters. No injuries were serious or life threatening.

A guard stated in his incident report that he did not know how the two-prisoner fight occurred in the common area in front of the individual cells. He did say there were known problems with proper operation of the cell door locks that close off the cells from the prisoner common area. According to DOC management, fixing the locks would require complete replacement of all cell door locks in the jail. That was not seen as a cost-effective solution for a minor problem.

As the guards stopped the fight in the cell common area and the two combatants were being escorted out of the area, other inmates in the sundeck recreational area began a demonstration of support for one of the fighters. This demonstration escalated into a riot when

the guards attempted to gain access to the sun deck area. The inmates blocked the access door from opening with their body weight and strength. Tear gas was eventually inserted into the area to end the riot. The Grand Jury was informed that the DOC is examining its options to mitigate the access door problem.

The Grand Jury visited the main jail in December 2001 and viewed the site of the riot. The policies and procedures in place at the time were reviewed. Written policies and procedures on prisoner treatment and rights were later provided to the Grand Jury for review. These policies and procedures are common to Elmwood and the main jail. The Grand Jury found all documents to be adequate and appropriate.

OBSERVATIONS

Of the issues considered during this inquiry, the Grand Jury found the most serious charge was the allegation that DOC management ignores warnings by the guards about security breaches. In pursuing this allegation, a guards' spokesman stated he could provide hard evidence of these allegations.

The guards and their representatives provided little relevant evidence of any kind. No evidence was submitted on the Elmwood incident and only passages from the after-the-fact incident reports were submitted to substantiate the main jail accusation. The documents submitted showed no evidence the DOC management had prior information on the security breaches before these two incidents. The DOC management denied they had been told of any security problems and denied there was any communications gap between the correctional officers and management.

CONCLUSIONS

The Grand Jury found no evidence the operations or management procedures of the DOC were at fault in the jails incidents occurring in July and October 2001. Two visitor conspirators and a construction design flaw at Elmwood enabled the July escape. The construction defect has been corrected and visitor procedures have been modified to prevent a similar incident. At the main jail, a problem with the guards' doorway access from the cell common area to the prisoners' sundeck recreational area contributed to a delay in the guards gaining access to control the situation. This delay escalated the seriousness of the riot incident. Defeated or inoperable cell door locking mechanisms may have contributed to the mixing of the prisoners and the fight in the common area in front of the cells. This event probably would not have gotten out of control had the guards been able to gain quick access to the sun deck recreational area.

Allegations that DOC management had been advised and was aware of any building construction flaws or other correctable security issues are unsubstantiated.

PASSED and ADOPTED by the Santa Clara County Civil Grand Jury this 2nd day of May 2002.

Bruce E. Capron
Foreperson

Norman N. Abrahams, DDS
Foreperson Pro Tem

Joyce S. Byrne
Secretary