

County of Santa Clara

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Lynn Regadanz
Interim Clerk of the Board

August 27, 2012

The Honorable Richard J. Loftus, Jr.
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

RE: Grand Jury Report: Custody or Rehabilitation? The County's Approach to
Women Inmates at Elmwood

Dear Judge Loftus:

At the August 21, 2012 meeting of the County of Santa Clara Board of Supervisors (Item No. 19), the Board adopted the response from the County Administration to the Final Grand Jury Report and recommendations relating to Custody or Rehabilitation? The County's Approach to Women Inmates at Elmwood.

As directed by the Board of Supervisors and on behalf of the Board President, our office is forwarding to you the enclosed certified 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 299-5001 or by email at lynn.regadanz@cob.sccgov.org.

Very truly yours,

LYNN REGADANZ
Interim Clerk, Board of Supervisors
County of Santa Clara

Enclosures

FILED

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DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY D. ALDYCKI

SANTA CLARA COUNTY
2011-2012 CIVIL GRAND JURY REPORT
OFFICE OF THE SHERIFF / DEPARTMENT OF CORRECTION RESPONSE

Finding 1:

A majority of female inmates lack information about and assistance with planning for successful re-entry to the community. Most released individuals are not given written instructions to aid in the immediate terms of release.

Recommendation 1A:

The County should prepare, maintain and distribute the written list of re-entry keys to success to be given to inmates a few weeks before their release date. Such information would include transportation information and relevant agencies with explanations of their roles, contact number and addresses, where and when to find a bus, a free ticket, a free phone call, a volunteer to talk to if needed.

Office of the Sheriff/Department of Correction Response to 1A:

The Department agrees with this recommendation, while recognizing the difficulty with not always knowing when an inmate will be released from custody. Since over 70% of the current population is un-sentenced, there is no stated release date for a majority of our current inmates. The difficulty with distributing relevant information to this specific population arises when the Department is notified of an inmate's pending release within hours of the actual release, (bail, OR, conviction with time-served, found not guilty at trial, charges dropped, etc.). As for the sentenced portion of our current population, an internal review of our practices revealed the Department currently provides many of these services and information* prior to release. The Department does acknowledge the need to update the incoming orientation video and the post-release pamphlets and housing unit bulletins with current resource information, and ensure that this information is made available to every incoming and outgoing inmate. The Department also recognizes the need to coordinate the posting of post-release services information in appropriate areas.

*In 2009, the Office of Women's Policy, in collaboration with the Commission on Status of Women and the Department of Correction developed a resource guide (see attached) for women. This resource guide was available at the release counter, however, there was a lapse in printing these guides which led to their not being available for a period of time. The printing issues have been resolved and the Department will ensure that the guide is available to all women being release from custody.

The foregoing instrument is a correct copy of the original

ATTEST: Lynn Regadanz,
Interim Clerk of the Board

By: D. Christopher
Deputy Clerk

Date: AUG 21 2012

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Recommendation 1B:

The County should ensure the information developed in Recommendation 1A is delivered into the hands of inmates a few weeks prior to release (where possible) including an acknowledgment, signed by the released inmate and retain in their file, that the information is received.

Response to 1B:

The Department agrees that prior to release, inmates will be provided with community resource information. As stated above, there are specific reasons why it will be impossible to provide this information “a few weeks prior to release” to our entire population, but it is available to all inmates at some point prior to their release. In addition to this information, the Department is currently providing post-release counseling services to inmates enrolled in custodial rehabilitative programs or who have access to a Rehabilitation Officer (RO). The Department endeavors to provide these services to as many inmates as possible, but the constraints associated with providing rehabilitative counseling services to un-sentenced short-stay-inmates limits our ability to reach the entire population.

The Department does not see the need to force an inmate being released to acknowledge, in writing, that they have received these services, or the need to retain that acknowledgment in their custodial file. Because most of the inmates we release were in custody for only a few days or even a few hours, past experience tells us the overwhelming majority will reject our offer to provide them with this specific information. The Department does not feel that establishing a process, which may ultimately lead to a conflict as the inmate is being released, would be beneficial to the overall goal.

Finding 2:

Some in-custody programs are proven to be effective and improve outcomes for released inmates. In the past the DOC has provided programs for all risk levels of women inmates. Today, program space is limited to a fraction of the women’s population.

Recommendation 2A:

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Consistent with its “treatment versus re-incarceration” approach, and its commitment to effective programs, the County should re-evaluate the DOC budget to determine the value of reallocating or increasing funding to provide more programs to a larger population of women at Elmwood.

Response to 2A:

The Department of Correction – Programs Unit strives to offer programs and services to as many women inmates as possible. At this time all women inmates receive some form of effective programming. Although additional funds would obviously increase our ability to offer programs to all of our inmates, the types of programs we offer to women are constricted by a number of factors which include, length of stay, type of offense charged, violence potential, classification/segregation needs, and space requirements. The Department continues to do whatever we can to ensure the programming needs of all of our inmates are met.

Recommendation 2B:

Based on the success of the recent Summit program hosted by the Chaplaincy, the County should consider including more summits on a regular basis.

Response to 2B:

Although the recent Summit hosted by the Chaplaincy was a well-attended summit, it may be too soon to measure the actual outcomes. The Department is currently tracking the participants and will be evaluating the effectiveness of this type of programming over the next 12 months. If the measured outcomes are significant, the department will certainly work with the Chaplaincy to host future summits.

Finding 3:

Most female inmates lack information about available in-custody programs.

Recommendation 3:

The County should improve communication about programs to the incarcerated women by posting the same, standard description of

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all in-custody programs available in all housing units, along with which units are eligible to participate.

Response to 3:

The Department agrees with this suggestion and is working to ensure that the resource information is posted in all of the housing units. The Department is always cautious about allowing inmates access to housing units that are outside of their classification, or accessing inmates in other housing units that may be incompatible, but will work towards providing information about programming options as suggested. One suggestion to resolve some of these issues was to develop additional classroom space where these inmates could come together outside their housing units. Once a source of funding has been identified, the Department will work on providing the necessary security staff to open one of the closed areas of the Elmwood campus.

Finding 4:

Inmates are classified according to their behavior and past history and are assigned to housing units accordingly. No further consideration of the availability of programs that could rehabilitate is done during initial classification.

Recommendation 4A:

The County should broaden the classification assessment to determine whether an inmate will avail themselves of education programs and then house them accordingly. If inmates choose non-participation, they should be moved into a housing unit where no programs are offered, freeing up space in the units that offer programs for the inmates who want them.

Response to 4A:

This process is already in place, and will become more institutionalized as the new CAIS evaluation System is put into place later this year. Inmates are screened for programming at intake and throughout their incarceration period by both the Classification Officers and Rehabilitation Officers. The Department has already designated housing units that provide specialized classes and services, and absent security concerns, inmates who meet a certain classification criteria are housed together in these units. The Department also recently acquired the CAIS (Correctional Assessment and Intervention System) tool through NCCD (National Council on Crime and Delinquency). This tool will enhance the Department's ability to assess the inmates for Risk levels and to place inmates in appropriate housing units where they can access appropriate programming.

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Recommendation 4B:

The County should also post information about requesting re-evaluation of one's classification to clarify how it affects participation in programs.

Response to 4B:

The County has a protocol set up for re-evaluating the classification of each inmate at different stages of their incarceration period. This protocol includes a 30 day file review and/or an oral interview with a classification officer for inmates in level 3 and 4 housing. However, due to security reasons, the Department is unable to post the specific criteria used to classify inmates, or assess their security risk to staff or other inmates. The Department does agree that the posting of a generalized statement that inmates may request a review of their classification would be beneficial.

Finding 5:

Catholic Charities is contracted to provide emergency bus tokens. However, some women are released without any transportation assistance, such as a ride or a bus pass. They are also released with the clothing they were wearing when booked. The clothing may no longer fit or may be inappropriate given the weather on the day of their release.

Recommendation 5A:

The County should ensure Catholic Charities supplies the bus tokens when requested.

Response to 5A:

In years past Catholic Charities provided bus tokens upon request, but this specific service was discontinued due to budgetary constraints. The Department is willing to distribute bus tokens to inmates being released if we could identify an ongoing funding source for the purchase of these tokens.

Recommendation 5B:

The County should contract a CBO to provide appropriate clothing to released inmate when they need clothing.

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Response to 5B:

The issue of clothing has been addressed in recent years, but obtaining clothing from community based organizations has been sporadic over the last few years and the Department recently discontinued the practice after discovering contaminated clothing in one of the supply chains. The Department now ensures that every inmate being released has presentable clothing to wear. We either launder the clothing they wore into the facility, make arrangements to have someone bring in clothing to wear upon release, or provide them with clothing that is available through a secondary source.

Finding 6:

The gap in time between release from DOC custody to Probation supervision is a period as long as 72 hours, a sufficiently long time for a newly released individual to be directed toward new criminal behavior.

Recommendation 6:

The County should staff Probation officers at Elmwood to meet with and provide guidance to women on the day they are released.

Response to 6:

There are currently Probation Officers assigned to the Elmwood Complex. The Elmwood Facility Administration already provides office space on site for Probation Staff.

Finding 7:

The one-stop Re-entry Resource Center (RRC) is intended to support all individuals being released (not just those released under AB109); however, this is not clear to potentially participating agencies or released individuals.

Recommendation 7A:

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The County should communicate to all participating CCP agencies or departments and to CBO's that the RRC is available to all newly released inmates, not just those being released under AB109.

Response to 7A:

The Department agrees with this recommendation. All inmates participating in custodial programs who are suitable for transition to out-of-custody programs are transferred to the Reentry Resource Center (RRC). The first phase of the RRC opened in February 2012, the building and the programming concepts are still developing.

Recommendation 7B:

The County, through implementation of Recommendation 8 below, should include the information about the RRC. E.g., its address and hours of operation, to all inmates at the time of their release from jail. Receipt of this information should be acknowledged and signed for by the released inmates at the time of receipt.

Response to 7B:

The Department agrees with this recommendation. Once the RRC is equipped to accept and meet the needs of the inmates, the Department will provide all inmates with this information. The Department does not see the need to force an inmate being released to acknowledge, in writing, that they have received information about these continuing services, or the need to retain that acknowledgment in their custodial file. Because most of the inmates we release were in custody for only a few days or even a few hours, past experience tells us the overwhelming majority will reject our offer to provide them with this specific information. The Department does not feel that establishing a process, which may ultimately lead to a conflict as the inmate is being released, would be beneficial to the overall goal.

Finding 8:

Much of the responsibility for post-release rehabilitation lies with CBO's and faith-based institutions. These organizations want to help, have resources to help, and can perform roles the criminal justice agencies do not.

Recommendation 8:

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The County should appoint a coordinator to provide oversight and leadership to coordinate County, CBO and volunteer civic groups ready to assist with in-custody and out-of-custody support.

Response to 8:

The Department agrees with this recommendation. The County has funded and is currently seeking a coordinator for the Reentry Network.

Finding 9:

Mentor or sponsor-based treatment groups, such as AA and NA models, are effective because the released individual (addict) has a person upon whom they can rely on for long-term, daily support. A similar network for released inmates does not exist.

Recommendation 9:

The County should consider designing and funding a similar CBO group for the long-term, daily support of previous offenders, e.g., "Offenders Anonymous."

Response to 9:

The Department facilitates approximately 50 meetings each week for – AA, NA, Al Anon, Chaplains of different religious denominations. In addition to that the Department also holds approximately 30 classes each week. These meetings and classes are held for inmates of all levels and in all facilities. These meetings and classes are facilitated by Communities Based Organizations (CBOs). The Department is also working with a peer mentoring group at the RRC. It is anticipated that this group will potentially expand to include in-custody inmates in the future.

As mentioned in response 8, once the newly created Reentry network expands services, other opportunities will be provided to this population.

Finding 10:

The inmate request form does a poor job of communicating what type of information or services are available and may be requested.

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Recommendation 10:

The County should revise the inmate request form, or supplement it with the information distributed in Recommendation 1A to communicate to inmates, the broad range of information that may be obtained using the form, e.g., all the services available to inmates from Catholic Charities.

Response to 10:

The Department agrees with this recommendation. The Department will review the existing form and expand it to include the additional information/services that may be requested.