



2012-2013 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT

DOES ELMWOOD CORRECTIONAL COMPLEX EXERCISE RESPONSIBLE INMATE RELEASE PROCEDURES?

Summary

The Santa Clara County Civil Grand Jury (Grand Jury) received a complaint which alleged that the release procedures at Elmwood Correctional Complex (Elmwood) for inmates who are released from custody lack due diligence.

The Grand Jury addressed two allegations raised by the complaint:

- 1) "...inmates were simply released to the street after months of custody with no preparation of any kind."
- 2) "...some female inmates were effectively stranded when released from Elmwood without transportation or money for bus fare. These inmates then must either walk long distances to their next housing or beg rides from strangers."

The Grand Jury found no evidence to support either allegation and found that Elmwood personnel follow procedures which show due diligence and are helpful to the inmates upon their release from the facility.

Background

"Elmwood Correctional Complex in Milpitas provides care, housing, and retention of approximately 2,600 medium-and minimum-security male inmates. The facility employs 265 correctional officers and 25 administrative support personnel and hosts a large number of volunteers and programs staff. The entire Elmwood complex has an operating budget of about \$32 million a year."¹

"The Elmwood Complex Women's Facility, established in 1964, is located in the northeast portion of the Complex. The facility houses approximately 500 female inmates separately from the men's facility. The Women's Facility is staffed by 81 correctional officers, four sergeants, and seven Custody Support Assistants, and is a base of operations for a number of volunteers and programs staff. The annual operating budget is about \$7 million."²

¹ <http://www.sccgov.org/sites/doc/Administration/Pages/Elmwood-Men's-Facility.aspx>

² <http://www.sccgov.org/sites/doc/Administration/Pages/Elmwood-Complex-Women's-Facility.aspx>

Methodology

The Grand Jury toured Elmwood Correctional Facility and interviewed officers and personnel. As an additional part of its investigation, the Grand Jury reviewed Elmwood's inmate release procedures and reviewed sections of the "Inmate Rule Book," provided to all inmates at Elmwood to inform them regarding conduct and procedures within the facility. The Grand Jury also met with the Elmwood Complex Commander and his personnel, to discuss allegations contained in the complaint and to investigate the process associated with inmate release.

The Grand Jury interviewed individuals who were waiting at Elmwood to pick up inmates upon their release, as well as inmates who were being released. The Grand Jury interviewed taxi drivers and friends and family of inmates who were there to provide transportation.

This investigation was in addition to the Grand Jury tours of the facility on September 5 and September 26, 2012. On those dates the Grand Jury questioned the officers and staff on matters of operation and the general care of inmates. The complaint prompted the Grand Jury to revisit the facility, review its release procedures, and interview its officers.

Discussion

Preparation for Release

The first allegation of the complaint is that inmates were released without preparation. The Grand Jury discovered that inmates are provided training regarding release procedures through counseling and written instructions. Additionally, they are provided with information on outside resources that may be able to assist them post release. When their release date arrives they are ready, properly dressed, and, in most cases, have made arrangements for transportation. Elmwood supports release preparation by providing clothing (if needed), phone access, and clear, complete instructions during their incarceration. The Grand Jury found that copies of the procedures are readily available.

A majority of inmates are released because their time has been served. They are free to leave, pending processing, at 12:01 A.M. of their release date, provided they have prearranged transportation. The Elmwood staff releases inmates at 12:01 A.M. only if the inmate has arranged to be picked up by a responsible party, usually family members or friends, who have checked in and identified themselves to the releasing officer by 10:30 P.M. If the inmate's ride has not checked in by that time, the inmate is released at 6:00 A.M. It should be noted that inmates who make bail, or receive a release order from the court, must be released immediately to a receiving party, regardless of the time of day.

At the time of release all of the inmate's possessions are returned to them. This includes any money or other possessions and their own clothing. If they do not have clothes that fit they are provided appropriate clothing.

Transportation

The second allegation of the complaint was that female inmates were released and stranded without transportation. The Grand Jury's review of release procedures and the interviews of Elmwood staff determined that the allegation is unfounded. Inmates, male or female, are not released at night unless their transportation is prearranged. Inmates who are being released to a care program, such as a halfway house, are given a county fare voucher and picked up by taxi cab drivers who have specific instructions for delivery to designated destinations. If someone is not present to pick inmates up, they may (at their own expense) take bus or taxi transportation, which is close by. These procedures apply to all inmates, regardless of gender.

It is also worth noting that once Elmwood officers release an individual from their custody, they no longer have authority over that person. Some assertions in the complaint suggested Elmwood should establish procedures inmates would be required to follow upon their release, but it is important to recognize that the Facility has no authority to impose or enforce any such requirements.

Public transportation is available nearby. Taxis frequent the facility for pickups, or can be called, and bus service is within 0.2 miles. There are light rail stations 0.8 and 1.1 miles away.

Conclusions

The Grand Jury has determined that Elmwood Correctional Complex has reasonable written release procedures which appear to be followed by the staff. Inmates are provided information on arranging transportation from the correctional facility. The Grand Jury interviewed former inmates, family and friends of inmates, Elmwood staff and support people, but no one provided any facts to support the complaint.

Findings and Recommendations

Finding 1

The Grand Jury found that the Elmwood Correctional Complex does have, and follows, reasonable release procedures for its inmates.

Recommendation 1

No recommendation.

Finding 2

The Grand Jury found that the inmates are prepared prior to their release and are informed about arranging transportation from the facility.

Recommendation 2

No recommendation.

This report was **PASSED** and **ADOPTED** with a concurrence of at least 12 grand jurors on this 8th day of May, 2013.

Steven P. McPherson
Foreperson

Lyn H. Johnson
Foreperson pro tem

Chester F. Hayes
Foreperson pro tem

Francis A. Stephens
Secretary