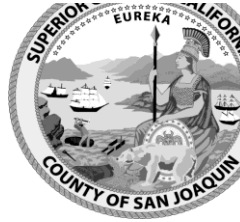


San Joaquin County Grand Jury



SAN JOAQUIN COUNTY

JAIL GRIEVANCES Denied or Not Denied

2013 - 2014 Case No. 0913

Summary

The Grand Jury received a complaint from an inmate incarcerated in the San Joaquin County Jail alleging that he was denied the opportunity to file a grievance which violated his rights under the State of California Code of Regulations Title 15. During the inmate's confinement since 2010, the San Joaquin County Jail processed 31 complaints from the inmate. The Grand Jury reviewed the San Joaquin County Sheriff's Office (SO) grievance policy which is mandated by Title 15. The Grand Jury found the SO has met the requirement of the California Code of Regulations Title 15, Section 1073 guidelines.

Glossary

Administrative Segregation	A classification defining high risk inmates who are a danger to themselves or others housed separately from the general population
CCR	California Code of Regulations
Citizen Complaint	A complaint filed with the Sheriff's Office by person(s) not in custody
Grievance	An inmate complaint filed with a jail staff member related to the conditions of confinement

IA	Sheriff's Department Internal Affairs Unit
Section 1073(a) C.C.R.	California Code of Regulations Title 15 that mandates all Type II Jail Facilities have a grievance policy
Section 1073(b) C.C.R.	California Code of Regulations Title 15 that addresses grievance system abuse
Section 26605 G.C.	California Government Code defining the types of jail facilities
SO	San Joaquin County Sheriff's Office
Type II Facility	A local adult detention facility used for the detention of unsentenced and sentenced inmates
Title 15	State of California Minimum Jail Standards for local detention facilities for adults

Background

The San Joaquin County Jail, as mandated by Section 26605 G.C., operates as a Type II facility to detain, for varying periods of time, adults who are awaiting arraignment, trial and disposition, or are serving sentences. The San Joaquin County Jail serves as a county intake center for adults and provides detention of pretrial inmates and incarceration of sentenced inmates. Juveniles are not housed in this jail. A primary function of the San Joaquin County Jail is to provide facilities for secure confinement. It is a jail managed under the concept of direct supervision. Persons housed, will be confined under the least restrictive conditions based on past and current behavior. Those who by their actions show they will adhere to facility rules follow the directions of the staff and not cause problems will be provided free access to make collect phone calls, visitation, and recreation, religious and educational services. On the other hand, the facility is constructed to restrict some or all privileges for those who display disruptive behavior or considered to be a danger to themselves or others.

In 1992, the Sheriff's Operations Center and Jail became centralized with all services at one site. An expansion, completed in 2004, added 132 jail beds increasing the capacity to a total of 1,411 beds. Persons housed in the jail will be confined under the least restrictive conditions. The California Code of Regulations Title 15 (revised September 19, 2012) states that an administrator of a Type II Jail shall develop written policies and procedures for grievances. An inmate may appeal and have grievances resolved relating to any conditions of confinement, including but not limited to: medical care, classification actions, program participation, telephone, mail, visiting procedures, food, clothing and bedding.

Reason for Investigation

The Grand Jury received a complaint from an inmate housed in the jail. The inmate alleged he was denied the right to file a grievance. The inmate obtained a citizen's complaint form designed for persons who are not in custody to file his complaint. The inmate's relative also filed a complaint on the inmate's behalf by writing a letter directly to the San Joaquin County Sheriff. The Grand Jury reviewed the Sheriff's response to the complaint from the inmate's relative.

Inmates housed at the San Joaquin County Jail have full access to grievance forms. The forms are available in the common areas of the jail. If an inmate has restricted access or is housed in administrative segregation, the inmate can obtain a grievance form when allowed to leave the cell. An inmate may also obtain the form from the officer working in the housing area. When inmates complain of violations by officers those complaints are transferred to the Sheriff's Department Internal Affairs Unit (IA) for investigation. When inmates use improper forms to file grievances, they are returned to the inmate with instructions on correctly filing the grievance.

The scope of the investigation was to determine whether or not the San Joaquin County Jail has grievance policies and procedures as mandated by Title 15, Section 1073 C.C.R. The scope of the investigation was also to find out how the policy is administered and whether or not inmates are denied the right to file grievances.

Method of Investigation

The Grand Jury visited the jail, interviewed personnel and reviewed records.

Materials Reviewed

- California Code of Regulations Title 15, Section 1073 Inmate Grievance Procedures
- Government Code Section 26605
- San Joaquin County Sheriff's Policies and Procedures Section 6.5.0 Inmate Grievances
- Inmate Orientation and Rule Book San Joaquin County Sheriff's Department Custody Facilities
- Inmate Grievance Form
- Citizen Complaint Form

- Randomly selected grievances filed by inmates

Interviews Conducted

- Jail management personnel
- Sheriff's Department Internal Affairs personnel

Sites Visited

- San Joaquin County Jail

Discussions, Findings, and Recommendations

1.0 Grievance

An inmate filed a complaint with the Grand Jury alleging that he was denied the right to file a grievance. The California Code of Regulations Title 15 Section 1073(a) Inmate Grievance Procedures, states,

“(a) Each administrator of a Type II, III, or IV facility and Type I facilities which hold inmate workers shall develop written policies and procedures whereby any inmate may appeal and have grievances resolved relating to any conditions of confinement, included but not limited to: medical care; classification actions; disciplinary actions; program participation; telephone, mail, and visiting procedures; and food, clothing, and bedding. Such policies and procedures shall include: a grievance form or instructions for registering a grievance; resolution of the grievance at the lowest appropriate staff level; appeal to the next level of review; written reasons for denial of grievance at each level of review which acts on the grievance; provision for response within a reasonable time limit; and provision for resolving questions of jurisdiction within the facility.”

The San Joaquin County Jail Inmate Orientation and Rule Book Section II. E. Grievances indicate that while in the San Joaquin County Custody Facility an inmate has the right to file a grievance relating to medical care, classification actions, procedures, food, clothing and bedding. The inmate is directed to first speak to the housing unit officer for a possible solution to the problem. If this doesn't solve the problem, then the inmate may file a formal grievance. It also indicates that the instructions for the entire grievance process are found on the “Inmate Grievance Form”. It notes that inmates may not grieve decisions handed down by the courts or disciplinary actions.

It is the SO's policy that all inmates be provided with a system of redress as a means of expression and resolution for conditions related to confinement. All levels of resolving complaints have time limits for completion and reasons for referring to the next level of command. Grievances received are resolved at the lowest level in the chain of command. If the complaint cannot be resolved at the lowest level, the next levels for resolution are

the Duty Sergeant, then the Facility Commander and ultimately the Custody Captain. The Duty Sergeant reviews the inmate's records to verify if the inmate is repeating the same grievance. If so, the grievance is routed back to the inmate informing him that one grievance form is all that is required and all extras will not be accepted. When inmates make allegations against an officer's conduct or any issues concerning use of force, jail administrators forward those complaints to IA for investigation.

The Grand Jury reviewed options available to inmates for obtaining grievance forms. Inmates in administrative segregated housing can obtain grievance forms from officers working the housing areas, inmate workers or when the inmate is allowed to leave the cell. Grievance forms are available in the common areas for inmates in minimum security housing and can also be obtained from officers. In this instance, the inmate did not use the proper form to file his grievance. He used a citizen's complaint form, which is intended for use by persons who are not in custody. The procedure for a complaint submitted on a citizen complaint form automatically goes to the Internal Affairs Unit for processing. Grievances received from inmates on citizen's complaint forms are routed back to the inmate, who is then provided with the proper form for processing within the jail.

The inmate has been in custody since December 2010. He has filed 31 complaints against San Joaquin County Jail staff about phone calls, pencils not sharpened to his satisfaction, food tampering, opened mail and the possibility of someone taking the bolts off the cell door. All complaints had been responded to in accordance with the San Joaquin County Jail grievance policies and procedures. The inmate did use the established procedures for most of the grievances filed. All filed grievances have been resolved or found not to be valid Title 15 grievances by the SO. The Grand Jury did not find evidence that inmates are denied the right to file grievances.

Finding:

- F 1:** The San Joaquin County Sheriff's Office is in compliance with the California Code of Regulations Title 15, Section 1073.
- F 2:** The inmate was made aware of the Grievance Policies and Procedures. All 31 grievances were resolved or found by the SO not to be valid Title 15 grievances.

Conclusion

This investigation afforded the Grand Jury the opportunity to look at a specific application of policies and procedures by the San Joaquin County Sheriff's Office. Grievances are part of the checks and balances for the well-being of the inmates housed in the Jail. Sometimes the grievance system is abused. The California Code of Regulations Title 15, Section 1073(b) allows the SO to establish written policies and procedures to control the submission of repetitive grievances. Those safeguards against abuse of the grievance system are written in the San Joaquin County Jail's policy. The policies and procedures maintain that the grievance procedure is necessary for maintaining security, safety and order in the San Joaquin County Jail. This is a part of

interpersonal communications and provides a positive means of communication between inmates, staff and management. It allows inmates to vent frustrations in a diplomatic manner rather than through some other means, which could jeopardize or threaten the security and safety of the officers, inmates and the jail. The San Joaquin County Jail did not restrict the inmate's opportunity to file grievances.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911. 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 60 days of receipt of the report.

The San Joaquin County Sheriff shall respond to each findings in this report.

Mail or hand deliver a hard copy of the response to:

Honorable Lesley D. Holland, Presiding Judge
San Joaquin County Superior Court
P.O. Box 201022
Stockton, CA 95201

Also, please email a copy of the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury at grandjury@sjcourts.org