

## **SANTA RITA JAIL: INTAKE, RELEASE AND GRIEVANCE PROCEDURES**

### **INTRODUCTION**

On December 11, 2018, the Alameda County Grand Jury visited Santa Rita Jail located at 5325 Broder Boulevard, Dublin, CA. The Alameda County Sheriff's Office operates the jail as a short- and long-term secure detention facility for adults. Santa Rita Jail can hold 3,489 inmates; on the day of inspection, 2,115 inmates were being held. In 2018, on an average day, 89% of inmates were male and 11% were female. The jail's projected budget for FY 2019 is \$128.7 million, funded by \$8.8 million in revenue and the remainder from Alameda County. Authorized staffing at the jail is 502, with 63% sworn officers. Santa Rita is one of the largest jails in the United States, and is the only California jail accredited by the American Correctional Association.

In 2018, the press reported some troubling incidents regarding Santa Rita inmates:

- An released inmate died at the nearby Dublin/Pleasanton BART station within a few hours of her late-night exit from Santa Rita in July 2018; and
- A pregnant inmate gave birth alone in an isolation cell in July 2017.

Given these situations, instead of conducting a traditional facility-wide inspection, the Grand Jury chose to review and document the current inmate intake, release and grievance procedures at Santa Rita Jail.

The Grand Jury met with the jail's senior management and medical teams, then inspected the intake and release areas. Jail staff provided the statistical information in this report; the Grand Jury was not able to verify the data independently.

### **Staffing and Training**

The Intake, Transfer and Release (ITR) department operates 24 hours a day, 7 days a week. On average, 35 sworn employees (mostly deputy sheriffs) and 25 non-sworn employees staff the ITR. About 34% of the sworn and 20% of non-sworn ITR positions on an average day are filled through mandatory overtime. This reflects Santa Rita's reliance throughout the jail on overtime to cover absences due to leaves, staff on loan, and vacant positions. As of December 2018, only 78% of all sworn officer positions were filled and on-site, compared to 90% of non-sworn staff positions.

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New ITR employees are matched with a training officer to learn about booking and jail policies and procedures, which are outlined in the ITR Manual. Some positions, such as records

specialists, receive on-the-job training for specialty services. The ITR Manual is reviewed and updated annually and is available to staff online.

Sworn officers must meet the Peace Officers Standards and Training minimum requirements for continuing professional training. This consists of 24 hours of Standards and Training for Corrections over a 2-year cycle. Deputies must also undergo training in areas such as racial profiling, domestic violence prevention and others.

Nursing staff is available 24/7 at the jail, with three registered nurses available in the ITR department at all times. Physicians are on site from 8 am to 5 pm every day except Sunday and are on-call at all other times.

### **Intake Procedures**

Police transport arrestees to Santa Rita Jail and take them to the jail's ITR department. On average the department books about 60 to 100 persons per day. About 35% of arrestees are then admitted as inmates and taken to a housing area. The remaining 65% of arrestees are cited and released without being admitted to the jail. Examples of the latter are arrests for misdemeanors without violence and arrests involving driving under the influence, although the latter are not released until they are sober. Persons who would normally be cited and released in the field but whose identity cannot be verified are also taken to the jail for citation.

The booking lobby appeared clean and well-maintained. An inmate work crew is assigned nearly 24 hours per day to clean the booking area, with holding cells cleaned at least once every 2 hours. A total of 60 employees staff the booking area and work 12-hour shifts. Interpreter services for non-English speakers are provided by staff certified in specific languages or by the AT&T Language Line.

The typical intake or booking procedure consists of:

- The arresting officer hands over paperwork at the counter.
- The intake staff asks a series of questions regarding health to screen for obvious medical, psychiatric, and alcohol/drug impairment. Medical or mental health staff speak to the arrestee if there are any concerns.
- The arrestee is patted down for contraband.
- The arrestee is photographed against a wall in the lobby and given an armband with his or her name and photograph.
- The arrestee turns over all belongings or cash, which are inventoried and documented with a signed Automated Justice Information System form for return upon release. An inmate may authorize release of possessions to someone on the outside of the jail.
- Jail staff then classify the arrestee according to risks and threats, such as gang membership, to assist in safe placement within jail housing.

- A deputy sheriff takes the arrestee through a security scanner and another contraband search is performed in a secure area. Arrestees are then fingerprinted. Next, the arrestee changes into jail garments in a private room, and their clothing is bagged, documented and secured for return upon release, unless retained as evidence.
- Medical staff then individually screen the arrestee. See “Medical Assessments” below for more details. Impaired arrestees are placed in one of four sobering cells to recover.
- While in the booking area, arrestees are allowed to make a total of three telephone calls to their own or a court-appointed attorney, a public defender, a bail bondsman, a relative, or other person. Two additional calls may be placed by custodial parents to arrange child care.

Staff provide each admitted inmate with a copy of the “Inmate Rules and Information” handbook in English or Spanish. This document includes a description of Santa Rita’s grievance procedures. Admitted inmates are provided with clothing, linens, and a kit containing a toothbrush, toothpaste, comb, shaving cream, shampoo and body wash.

The entire intake process usually takes between 6 and 8 hours, depending on the inmate’s condition, cooperation, health needs, etc. Arrestees are provided bag lunch meals during the intake process as needed. Medication is administered during intake if an existing prescription can be verified.

## **Medical Assessments**

Staff pre-screen all arrestees for physical and mental health, including whether the arrestee uses prescription or other drugs and whether he or she is experiencing suicidal feelings. This initial medical assessment takes approximately 20 to 30 minutes if there are no medical or mental health issues. A more extensive history and physical screening is provided within two weeks for inmates who are accepted into custody. In 2016, Alameda County signed a \$135 million three year contract with California Forensic Medical Group to provide medical services at Santa Rita Jail and at Glenn E. Dyer Detention Facility in Oakland.

### Physical Health

Staff ask arrestees about chronic conditions, intoxication, recent trauma or accidents, pregnancy, high blood pressure and high blood sugar levels. Staff verify prescriptions reported by inmates with local pharmacies before administering medication. Health records for inmates who have previously been in the facility within the last three years are available electronically.

Persons who are suspected of having tuberculosis or who refuse a tuberculosis test are placed in a respiratory isolation room with negative airflow to prevent possible infection contagion of the

jail population and staff. Inmates who arrive with lice are medically isolated for the duration of treatment.

### Behavioral Health

The behavioral health unit is staffed from 7 am to 11 pm, with specialists on-call during the night. Every morning, staff is given a printout of the previous day's bookings. Behavioral health staff

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consult with about 50% of the jail population. Sometimes this is the first time an inmate receives mental health services. Behavioral health inmates are housed throughout the facility but separate housing exists for inmates with severe mental health issues.

### Drug Use

Medical staff screen newly admitted inmates for drug use and for risk of withdrawal from drugs. The jail provides a nationally accredited drug treatment program, including methadone maintenance.

### Pregnancy

According to staff, inmates who identify themselves as pregnant are prioritized for booking; no pregnancy test is required. Pregnant inmates are provided with prenatal vitamins and with a special diet containing about 600 additional calories per day. They are also offered a denim jacket and sleeping accommodations in a lower bunk and bottom tier. Many pregnancies among inmates are considered high-risk. Women may choose to wear an orange armband to clearly identify them as pregnant. All new pregnant inmates are scheduled to see an obstetrical provider

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within 24 to 72 hours. The provider determines the frequency of appointments thereafter. Certain tests, like ultrasounds, are referred to outside providers. Pregnant inmates who are opioid users are initially housed in the outpatient housing unit for monitoring and clearance prior to their discharge to the general

population. High risk pregnant inmates requiring frequent blood sugar or blood pressure monitoring are also housed in the outpatient housing unit.

Deputies are required to defer to medical providers regarding pregnant inmates and are never supposed to downgrade medical decisions. The deputies are trained to alert medical staff when inmates complain of potential pregnancy-related complications such as cramping. Jail staff maintained that they were unable to comment on the circumstances of the inmate who gave birth in an isolation cell in 2017 due to pending litigation.

The OB/GYN clinic at Santa Rita Jail was one of the first built at a jail when Santa Rita was constructed in 1989. The current medical contract with California Forensic Medical Group calls for specialty services for pregnant inmates. For example, doula (birth coach) services are offered through a memorandum of agreement with Highland Hospital in Oakland.

### Suicide Prevention

The jail medical intake assessment includes mental health and suicide risk, with further classification as active (likely to attempt suicide) or passive risk (hopeless/helpless). Suicidal inmates may be provided with medication or behavioral treatments, or both. Suicide prevention services are provided by the Alameda County Behavioral Health Department.

Suicidal inmates are subject to enhanced observation every 15 minutes, documented in a log book. High risk items and clothing are temporarily removed from their possession. A deputy can initiate placement of an acutely suicidal inmate in a padded safety cell and a safety garment for no more than 72 hours. If an arrestee or inmate is determined to be a danger to self or others, authorized staff may transfer the person to the John George Pavilion psychiatric facility for up to 72 hours for assessment, evaluation, and crisis intervention.

### Medical Records

Medical screening forms, checklists and guidelines are saved on the inmate's electronic medical record. Sometimes assessments are written on paper then scanned into the patient's record within 48 hours. The electronic record system was introduced approximately three years ago; paper records of inmates who were in the jail prior to that time are returned from storage and scanned.

### **Procedures**

As part of its inspection the Grand Jury inquired as to release procedures for a variety of situations including: release on bail, release at completion of sentence, release on parole, release of women, and release by court order after court appearance that day. Following are key elements of release procedures. The release procedures for each of type of release are generally the same:

- Prior to release, staff completes a warrant check to ensure that there are no outstanding warrants or other issues on the individual prior to release.
- The ITR sergeant reviews and approves the inmate's file, which is then passed to the staff conducting the physical release of the inmate.
- The inmate is escorted to the ITR area, if not already there, and provided with his or her personal clothing to change into. Clothing will be supplied if necessary.

- The person's identity is confirmed by the release deputy through both thumbprint verification and responses to several qualifying questions asked by the releasing staff member.
- The individual is then released from custody and proceeds out of the ITR area.
- Personal property and money are then returned to and signed for by the inmate in conjunction with the AJIS form signed upon intake. If property is missing or damaged, an inmate can file a property claim.
- Indigent inmates are provided with a bus pass or BART ticket and given directions to local transit if a friend or relative is not available to pick them up.
- The person then exits through the public lobby.

If the individual is being transferred to another facility or jurisdiction, proper legal documentation requesting custody must be completed. The same procedures are conducted as with a release, after which the individual is transferred to the custody of the requesting agency.

At the time of release, medications ordered by medical staff are provided to the inmate by medical staff or a prescription is provided for use at their own pharmacy.

There is no formal policy for notifying relatives, legal counsel, parole officers, or others, that an individual is scheduled for release. However, release dates are public information and can be obtained via the inmate locator website. Victim Information and Notification Everyday (VINE) is a method that allows the public to sign up for notifications upon an inmate's release. While the VINE system could be used by other agencies such as Immigration and Customs Enforcement (ICE), the Alameda County Sheriff's Office does not provide information directly to ICE.

Based on recent incidents, including the drug overdose death of one person who was released in the early morning hours, the Grand Jury inquired about policies related to time of release. In general, there is no predetermined time frame for those being released. Those who have completed their sentence and have a scheduled release date are generally released after 8:00 a.m. on said release date. However, they have the right to be released as soon as possible on their release date, which could be soon after midnight.

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All inmates to be released as a result of bail, case dismissal, or similar issues may leave upon completion of the release process and approval by the ITR sergeant, regardless of time of day. The process generally takes four to six hours to complete depending on the daily workload and volume in ITR. Inmates who are released too late to make transit connections are allowed to stay in the lobby overnight if they do not have a ride. At the East Dublin/Pleasanton BART station, which is two miles away, the last BART train leaves at 12:44 a.m., and the earliest at 4:58 a.m. (6:00 a.m. on Saturdays and 7:55 a.m. on Sundays).

The Alameda County Probation Department is currently developing a “Ride to Reentry” program to provide on-demand transportation home for inmates 24 hours/day and 7 days a week from Bay Area jails and to/from probation appointments. A request for proposals for those services was released, and should be awarded by mid-2019. In addition, the county’s behavioral health department is planning to place an RV/trailer on or next to jail property to provide immediate behavioral health services and referrals for recently released inmates.

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## **Grievance Procedures**

Grievance procedures were discussed with jail command staff prior to and during the December 11, 2018 Grand Jury visit. During 2018, a total of 2,445 grievances were filed. In the course of the same year, 127 grievances were affirmed, 1,532 denied, 669 withdrawn/resolved, and 519 are still in process. Note that some of these grievances were filed in a prior year. The Grand Jury also examined the specific nature and types of grievances and their outcomes for the month of November 2018.

In recent years inmates have filed approximately 250 grievances each month, resulting in about 3,000 grievances that are active at some time during each year. Grievances cover a variety of topics but are limited to conditions of confinement or to any incident of sexual assault or harassment, or the threat thereof. Conditions of confinement include medical care, food, mail, staff conduct, classification, and commissary, Americans with Disabilities Act issues, and similar areas of complaint, including Title 15 issues. Title 15 is the section of the California Code of Regulations that addresses crime prevention and corrections and includes minimum standards for local detention facilities such as Santa Rita Jail.

Different grievance procedures apply to incidents of sexual assault or harassment, or the threat thereof, and could lead to criminal charges. The Prison Rape Elimination Act of 2003 led to 2012 standards that govern how allegations of sexual misconduct must be handled. Signage throughout the facility encourages inmates to immediately notify any staff member if there is sexual harassment or assault.

### Written Grievance Procedures

A written grievance procedure for inmates at Santa Rita Jail and Glenn E. Dyer Detention Facility is included as section 16.03 in the Sheriff’s Detention and Corrections Policy and Procedures Manual. The policy was last reviewed and updated in November 2018. The complete policy is not provided to inmates, but the grievance filing procedure is explained in the Inmate Rules and Information handbook. Inmates will usually submit general complaints through the

grievance process, but sometimes submit message requests or ask to speak with a sergeant or watch commander in person. In addition to grievances, inmates may submit other types of complaints, just like any citizen could, per Section 148.6 of the California Penal Code.

As noted above, somewhat different procedures apply to standard grievances (pertaining to conditions of confinement) and to emergency grievances (sexual assault or harassment).

Generally, if the allegation is against a deputy and is non-criminal, it will be investigated by a sergeant and forwarded to internal affairs unless the investigator determines that it is unfounded. If the allegation is against an inmate and is non-criminal, it will be immediately investigated by a deputy. If the allegation is criminal in nature, it will be investigated as a crime and documented in a sheriff's office report.

### Filing a Grievance

To file a grievance, an inmate requests an inmate grievance form ML-51 from any deputy. After the inmate fills out the form describing the grievance, he or she can turn it in to any deputy. Deputies try to resolve the grievance informally prior to entering it into the system. Examples of grievances that are quickly addressed include an inmate sleeping through a meal or missing their medication. If the deputy cannot resolve the issue immediately with the inmate, the deputy assigns a tracking number, provides the inmate with a copy and turns in the form to the grievance unit.

Once the grievance unit receives the grievance, it is entered into the Wide Area Information, Transfer and Essential Reporting system, which records the inmate's name, personal file number, grievance number, duty station, deputy, date received, and type of grievance.

### Investigation of Grievances

The grievance is then assigned to an investigating grievance deputy. The investigation includes obtaining statements from involved parties such as deputies, food service employees and medical staff, and reviewing written records and logs as related to the grievance. Grievance unit deputies are required to acknowledge receipt of the grievance within three days and provide a written response within 21 working days, but that time may be extended upon written notification to the inmate. If a deputy is named in a grievance, that person will not be assigned to investigate the grievance.

### Grievance Outcome

Once a decision is reached, the inmate will receive a copy of the final disposition and any relevant paperwork. An inmate may appeal the finding of the grievance unit. A watch commander who

was not involved in the original review acts as the appeals officer. Each grievance is reviewed by the contracts and litigation lieutenant. For emergency grievances (sexual assault or harassment) or criminal matters, the process may be different depending on the circumstances.

Disciplinary action may be taken against an offending deputy. If the grievance is found to be justified (i.e., affirmed) corrective action for deputies consists of positive discipline, such as verbal counseling, training or a record of discussion. However, if the matter is referred to the sheriff's internal affairs department or to a criminal investigation and is found to be true, staff could suffer discipline up to and including termination. Termination of a deputy happens occasionally.

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If the grievance is against another inmate, the offending inmate could receive a disciplinary report, be reclassified, or have a criminal complaint submitted against them. Mediators will often look at grievances.

Procedures are in place to prevent reprisals by offending deputies and inmates. If the affirmed grievance involves sexual harassment, retaliation is prohibited according to the sheriff's policies and the Prison Rape Elimination Act. Affirmed standard grievances would not necessarily trigger the relocation or monitoring of offending deputies or inmates, but it could be part of the response.

Some inmates file numerous frivolous grievances. In those cases, following an internal investigation, an inmate can be placed on grievance restriction.

Deputies' increased usage of body-worn cameras during interactions with inmates can help in grievance investigations at the jail. A major construction project is underway that will install additional security cameras throughout the facility.

On a related issue, the Grand Jury received a complaint alleging assault by one or more deputies at Santa Rita Jail. The complainant stated that body camera footage documented the assault. Command staff confirmed the existence of the body camera footage as described in an incident report. The use of force was reviewed by a supervisor, found to be justified and reasonable, and was forwarded up the chain of command per the sheriff's office practice. Three related grievances were filed by the complainant. The first was denied based on all available information. The two subsequent grievances were referred to the original denied grievance, as they contained the same complaint. The Grand Jury reviewed the body camera footage and did not identify any wrongdoing by the deputy in question or any other deputy. The Grand Jury determined that the deputy was trying to keep the inmate from swallowing what appeared to be a drug package, which could have made the inmate seriously ill or caused death.

## **CONCLUSION**

Overall, the Grand Jury found the established intake, release and grievance procedures at Santa Rita Jail to be thorough, with an emphasis on the safety of inmates and staff. No significant issues were identified, and policies and procedures appeared to be properly followed.

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**FINDINGS** *None*

**RECOMMENDATIONS** *None*

**RESPONSES REQUIRED** *None*