

MEMORANDUM OF UNDERSTANDING FOR THE CSW WOMEN'S JAIL MONITORING PROGRAM BY AND AMONG THE SANTA CLARA COUNTY DEPARTMENT OF CORRECTION, THE SANTA CLARA COUNTY OFFICE OF WOMEN'S POLICY, AND THE SANTA CLARA COUNTY COMMISSION ON THE STATUS OF WOMEN

This Memorandum of Understanding (MOU) is by and among the Santa Clara County Department of Correction (DOC), the Santa Clara County Office of Women's Policy (OWP), and the Santa Clara County Commission on the Status of Women (CSW).

I. Purpose. The purposes of this MOU are:

- A. To establish guidelines and parameters for the DOC's, OWP's, and CSW's participation in the monitoring of female inmates in Santa Clara County.
- B. To provide OWP and CSW access to DOC's jail facility to enable OWP and CSW to evaluate the conditions of female confinement and to make recommendations concerning female inmates to the DOC staff.

II. Term; Withdrawal from MOU.

- A. This MOU is effective from the date of its execution for three years.
- B. Any party may withdraw from this MOU at any time for any reason. Such withdrawal shall be effective upon written notice to the other parties.

III. Monitoring

- A. The CSW Women's Jail Monitoring Program will be recognized as the official County monitoring effort for justice involved women in Santa Clara County. Other County entities interested in similar efforts will be referred to OWP to apply to the program.
- B. The CSW shall provide individuals (Monitors) to evaluate conditions of female confinement in Santa Clara County.
- C. Within three weeks of any request by the CSW or OWP, the DOC shall provide information and other documents readily available that it maintains regarding its female inmates, including but not limited to demographic information of the female inmate population, grievances filed by female inmates, programs available to female inmates, citations for infractions by female inmates, and forms used for the processing of inmates. Any personally-identifying information shall be redacted from such documents before their release to the CSW.
- D. Before conducting any monitoring activities in the County's jail facilities, each Monitor shall complete the Jail Monitor and Gender Responsive Training provided by OWP and a safety training provided by DOC.
- E. Monitors may visit the Women's facility at any time agreed to by the DOC, except when doing so might jeopardize the security of the facility. The DOC has sole discretion to determine when a visit by a Monitor would jeopardize the security of the facility.

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- F. Monitors shall, on an annual basis, participate in monthly observation tours and conduct three to five (3 – 5) focus groups of female inmates. Monitors may also observe any specialty programming provided to female inmates.
- G. Monitors shall be escorted by DOC staff but may speak confidentially with both staff and inmates during observation tours. Monitors shall conduct focus group discussions with female inmates in a confidential manner so as not to be overheard by DOC staff. If DOC staff are uncooperative, Monitors may contact the Watch Commander for assistance. Monitors may request separate rooms when available to facilitate focus groups.
- H. During their inspections at the Women's facility Monitors may take written notes, but no audio or video recording devices are permitted in any of the facilities.
- I. If a Monitor learns of a situation that requires immediate attention, the Monitor shall first contact the on-duty Sergeant or Lieutenant overseeing the Women's Facility, and then the OWP. If a Monitor learns of a situation that causes concern but does not require immediate attention, the Monitor will inform in writing the Director of OWP or her/his designee, who will then notify the on-duty Sergeant or Lieutenant overseeing the Women's Facility. Any unresolved issues may be further escalated by OWP or CSW as they deem appropriate.
- J. Monitors are subject to the DOC's policy of "no exchange" if they are taken hostage. Monitors understand and agree to assume all risk of participation, including any loss, injury, death or damage that arises from or is in any way connected with this Agreement.
- K. The DOC reserves the right to restrict or discontinue any Monitor's access to any jail facility based on security reasons, inappropriate conduct, or non-compliance with the provisions of this Agreement. OWP will be notified in writing prior to a monitoring session of any clearance issues for monitors. OWP will provide clearance data to DOC at least one week prior to monitoring sessions.

IV. Reporting

- A. Monitors shall document their findings. The CSW will present these findings in an annual report and presentation to the Public Safety and Justice Committee (PSJC) that can include a recommendations to address improvements and changes to policy and protocol based on gender-responsive, trauma-informed assessments. Prior to finalizing its report, the CSW shall provide the OWP and DOC an opportunity to review and provide input on the report. The report shall not contain any information deemed confidential, as described in Section V below.
- B. To the extent that the OWP and DOC disagree with information in the CSW's report or wish to officially comment on such information, the OWP and DOC may provide a separate response to the report.

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V. Confidentiality

- A. Monitors shall not disclose to any third parties any confidential information learned as a result of activities performed under this MOU. Confidential information includes information which can be used to individually identify an inmate and information which the DOC identifies as confidential for security reasons.

- B. Monitors shall comply with all applicable federal, state, and local laws, rules, regulations, and policies concerning the confidentiality of any information learned during an observation. The DOC shall advise the OWP and CSW of any applicable local rules, regulations or policies concerning the confidentiality of information that might be learned during an observation. Individually-identifying information learned during an observation—including but not limited to information such as an inmate's criminal history, case status, and medical information—shall not be disclosed by the OWP, CSW or the Monitors.

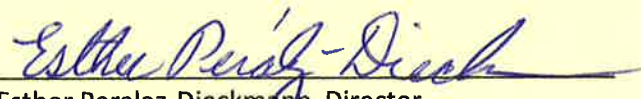
VI. Miscellaneous

- A. The parties agree to comply with all applicable federal, state and local laws, regulations, rules, policies and procedures.



Guadalupe Rodriguez, Chair
Commission on the Status of Women

08/23/2016
Date



Esther Peralez-Dieckmann, Director
Office of Women's Policy

8-23-2016
Date



Carl Neusel, Chief
Department of Correction

8-24-2016
Date